★ VIRGINIA ★
DEPARTMENT of ELECTIONS
1100 Bank Street, 1st Floor
Richmond, VA 23219-3642

12/12/14

November 3, 2015
General and Special Elections

Candidacy Requirements

for

Local Offices

VOICE: 804-864-8901
VOICE TOLL-FREE: 800-552-9745
TTY TOLL-FREE 800-260-3466
FAX: 804-371-0194

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General Disclaimer

The information contained in this candidacy requirements bulletin is provided with the aim of providing an overview of Virginia electoral requirements. This document, and its contents, however, is not meant as legal advice or as a binding statement of official policy. Such laws are subject to change in content and interpretation. Candidates are responsible for verifying the status of current law and compliance with same.

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COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ELECTIONS (ELECT)

1100 Bank Street, 1st Floor
Richmond, Virginia 23219-3642

2015 ELECTION CALENDAR

This bulletin applies to local offices elected in November.

ELECTION TYPE	ELECTION DATE	[4]DEADLINES (PERIODS) FOR FILING			LAST DAY TO REGISTER TO VOTE	DEADLINE TO APPLY FOR ABSENTEE BALLOT
		[2]CANDIDATE DECLARATIONS/ PETITIONS	[2]OTHER CANDIDATE FORMS	[3]PARTY CHAIRS CERTIFY CANDIDATES		
[1]Primary	June 9th § 24.2-515	March 9th @ noon to March 26th @ 5:00 p.m. § 24.2-522	March 26th @ 5:00 p.m. § 24.2-503	March 31st @ 5:00 p.m. § 24.2-527	May 18th § 24.2-416	By Mail: June 2nd In Person: June 6th §§ 24.2-701B (1) & 24.2-701B (2)
PARTY NOMINATIONS, OTHER THAN BY PRIMARY ELECTION, MAY BE MADE NO EARLIER THAN APRIL 23 AND MUST BE COMPLETED BY 7:00 P.M., JUNE 9. § 24.2-510						
[2]General	November 3rd § 24.2-101	**NON-PARTY CANDIDATES** June 9th @ 7:00 p.m. §24.2-507	**ALL CANDIDATES** June 9th @ 7:00 p.m. § 24.2-503	June 15th @ 5:00 p.m. § 24.2-511B	[5]October 13th § 24.2-416	By Mail: October 27th In Person: October 31st §§ 24.2-701B (1) & 24.2-701B (2)

[1]Notification of adoption of primary must be filed with the Department of Elections by the party chair for the election district no sooner than **February 4, 2015** nor later than **February 24, 2015.** (§ 24.2-516)

Virginia law requires candidates for school board to achieve ballot access through the independent/non-party process [§ 22.1-57.3(E)]. Political parties **MAY NOT** nominate candidates for elected school board by any political party nominating method (i.e. primary, convention, caucus, mass meeting, etc.) However, a political party retains the right to endorse school board candidates.

Unless prohibited by the City or Town Charter, partisan elections are permitted for city and town council offices. Usually, non-partisan elections are held for town elections.

[2]See the following pages for specifics as to forms required and where they are to be filed. The bulletin and forms are available on our website free of charge: http://elections.virginia.gov/

[3]Forms used by political party chairmen for the purpose of certifying the party's nominee to both ELECT and the local electoral board will be emailed to political party chairs.

[4]Candidates for special elections held on November 3, 2015 to fill vacancies in local offices which occurred on or after August 6, 2014 and prior to November 4, 2014 candidates must file all required forms **no later than 7:00 p.m. on June 9, 2015.** For such vacancies occurring on or after November 4, 2014 and prior to August 5, 2015 the **deadline for all candidates** to file all required forms and for political parties to **nominate and certify** nominees is **5:00 p.m., August 14, 2015** (§§ 24.2-226, 24.2-507 and 24.2-510).

Non-primary political party nominees for special elections with a filing deadline of June 9th, must be **certified** to ELECT and the local electoral board by no later than **5:00 p.m., June 15, 2015** [§ 24.2-511C].

[5]Monday, October 12th is a legal holiday (Columbus Day). Therefore, the last day to register to vote is the next business day (Tuesday, October 13, 2015).

ON ANY ELECTION DAY - WHETHER GENERAL, PRIMARY, OR SPECIAL - THE POLLS ARE REQUIRED TO OPEN AT 6:00 A.M. AND CLOSE AT 7:00 P.M. (§ 24.2-603)

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INTRODUCTION

This bulletin and all required forms are available on our web site:

http://elections.virginia.gov/index.php/candidatepac-info/becoming-a-candidate/

Should you have questions relating to your candidacy, please do not hesitate to call our toll-free line (800)-552-9745. You also can reach ELECT staff at 804-864-8901 or via email at info@elections.virginia.gov or cfda@elections.virginia.gov.

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I. LOCAL OFFICES

Listed below are the offices to which this bulletin applies:

Constitutional Offices – includes Clerk of Court, Commonwealth's Attorney, Sheriff, Commissioner of Revenue and Treasurer. These officers serve all residents in the county/city they are elected to represent. In some instances, the officer is shared by a county and one or more cities. When such is the case, the officer represents the residents in all jurisdictions involved in the election.

Example: The Commonwealth's Attorney in the County of Prince William also represents the Cities of Manassas and Manassas Park. This is a county office that is shared by the two cities. Candidates for this office will appear on the ballot in all three jurisdictions.

Board of Supervisors/County Board or **City Council** or **Town Council** - These county, city or town governing bodies may be elected either at large or by district. At large members are elected by all the voters in the county, city or town. District members are elected by voters who reside in the district in which the candidate is running. The application of election districts might vary in cities and towns. Please refer to your city's or town's charter for more details (http://law.lis.virginia.gov/charters).

Mayor - Elected at large if the city or town charter specifies that this officer is elected by the voters.

County School Board, City School Board or **Town School Board** - These offices only will appear on the ballot if the voters of the county, city or town approved a referendum changing the method by which school board members are chosen, from appointment by the governing body or school board selection commission to election by the voters.

Virginia law requires that these members be elected in the same manner and for the same term as the board of supervisors, city council or town council. The School Board elections are elected in the same manner as the Board of Supervisor elections (i.e. elected either at large or by district).

A School Board candidate is required by law to access the ballot as a **non-partisan candidate** [§ 22.1-57.3(E)]. This means that no candidate for school board may be nominated by a political party. The endorsement of a school board candidate by a political party is not prohibited by Section 22.1-57.3(E).

Soil and Water Conservation Directors - Three directors are elected in a district that is comprised of only one county or city. Two Directors are elected from each county or city in a multiple locality district.

This election is required by law to be **non-partisan** (§ 10.1-523). This means that no candidate for Soil and Water may be nominated by a political party. The endorsement of a non-party candidate by a political party is permitted.

II. ELECTION DISTRICT

As used herein, election district means the area the candidate will represent if elected. See each local office listed on the previous page for details.

III. ADVERTISING AND CAMPAIGN MATERIALS

Virginia's Campaign Finance Disclosure Act of 2006 imposes certain requirements relating to advertising and identification of campaign ads and materials, including sample ballots.

The specific requirements related to political advertisement disclosure are available in Chapter 14 of ELECT's Summary of Laws and Policies Candidate Campaign Committees document. The Summary may be downloaded from ELECT's website: http://elections.virginia.gov/index.php/candidatepac-info/regulation-and-policies/. If you have questions relating to campaign finance, please call our toll-free number or send an email to cfda@elections.virginia.gov.

The following is provided for an additional understanding of the subject matter.

Sample Ballots - Any **sample** of a paper or voting equipment **ballot** must contain the words **SAMPLE BALLOT**, the appropriate statement required by the Campaign Finance Disclosure Act and, in addition, must:

(1) contain the words **SAMPLE BALLOT** in not less than 24 point type; and
(2) be printed on paper of a color **other than white** or **yellow (canary)**.

Posting - Contact your county administrator, city or town manager to determine whether local ordinances prohibit or restrict the posting of campaign materials.

No locality shall have the authority to prohibit the display of political campaign signs on **private property** if the signs are in compliance with zoning and right of way restrictions applicable to temporary nonpolitical signs and if the signs have been posted with the permission of the owner of the property. [§ 15.2-109 of the *Code of Virginia*] Please note that some homeowner associations may prohibit the placement of political signs in yards.

Violations - If you believe that either any local ordinance or any election law has been violated and you have facts concerning the violation, you should report them in writing to the commonwealth's attorney for the city or county in which the violation happened.

Violations of state-owned right of way restrictions should be reported to your regional Virginia Department of Transportation office.

IV. QUALIFICATIONS TO BE A CANDIDATE

A candidate must be:

1. Qualified to vote for and hold the office sought;
2. A resident of the Commonwealth for one year immediately preceding the election;
3. A resident, by the time of filing, of the county, city or town in which s/he offers for election; and
4. If seeking a district seat, a resident of the election district to be represented.

V. DOCUMENTS REQUIRED TO BE FILED

A candidate must file certain documents in order to qualify to appear on the ballot. Each form is described below and on the following pages. An explanation of who is required to file each item also is provided. Each document can be downloaded from our website:

http://elections.virginia.gov/index.php/candidatepac-info/candidate-forms/

Statement of Organization Candidate CFDA-947.1 Revised May 28, 2014

Most local office candidates must comply with the provisions of Virginia's Campaign Finance Disclosure Act of 2006 (CFDA). For a list of the offices not covered by the Act, please refer to Chapter 1, Section 1.4 – **Elections Not Covered** in ELECT's Summary of Laws and Policies Candidate Campaign Committees document. The Summary is available on ELECT's CFDA "Laws and Policies" webpage and is a helpful resource in understanding Virginia's CFDA: http://elections.virginia.gov/index.php/candidatepac-info/regulation-and-policies/.

The first requirement of the Act for most candidates will be the completion of the statement of organization, candidate form CFDA-947.1 Rev 5/28/14. The statement is prepared and distributed by the Department of Elections. It is available in printed form in the "Campaign Finance Disclosure Forms" section of ELECT's website: http://elections.virginia.gov/index.php/candidatepac-info/campaign-finance-disclosure-forms/.

The statement is also available within ELECT's electronic filing software known as COMET. For more information about the COMET system, please visit ELECT's "Campaign Finance Filing" webpage: http://elections.virginia.gov/index.php/candidatepac-info/campaign-finance-filing/. ELECT highly recommends reviewing the "COMET User Manual" before establishing a COMET "profile/account".

The statement of organization is discussed in length in Chapter 2 of the Summary. Below and on the next page are several important facts from Chapter 2:

- A candidate must provide his/her voter registration number and county or city of residence on the statement of organization.
- A candidate may serve as his/her own treasurer.

V. DOCUMENTS REQUIRED TO BE FILED (continued)

Statement of Organization Candidate CFDA-947.1 Revised May, 28, 2014 (continued)

- A candidate campaign committee treasurer must provide his/her voter registration number and county or city of residence on the statement of organization.
- A candidate must file the statement of organization within 10 days of completing any one of the commencement factors identified in Section 2.1, Chapter 2, of ELECT's Summary of Laws and Policies Candidate Campaign Committees document. The commencement factors are found on page 10 of the Summary.
- A candidate must file an amended statement of organization within 10 days of any change to a candidate's campaign committee information.
- A paper CFDA filer must file a signed copy of the initial statement of organization and any subsequent amended statements of organization with the electoral board, care of the general registrar's office, in the candidate's county or city of residence.
- An electronic CFDA filer must file a signed copy of the initial statement of organization and any subsequent amended statements of organization only with the Department of Elections.

Virginia's Campaign Finance Disclosure Act is a very dense subject. If the Summary is unable to answer an individual's question, ELECT staff is available. Please call the Department on its toll free number or send an email to cfda@elections.virginia.gov.

Certificate of Candidate Qualification – Local Offices SBE-501(4) Rev 7/12

This document is prepared and distributed by the Department of Elections. **All** candidates are required to file this form. In accordance with SBE Policy 2010-003, the certificate of candidate qualification may not be filed with the general registrar until after January 1, 2015. The original signed document must be received by the general registrar. The general registrar cannot accept a faxed or emailed copy of a candidate's certificate of candidate qualification (§ 24.2-501).

Declaration of Candidacy SBE-505/520 Rev 11/09

This document is prepared and distributed by the Department of Elections. It must be filed by primary election candidates and independent (non-party) candidates. If petitions are required to be filed, the declaration must be filed **at the same time** as the petitions.

Candidates for political party nomination by a method **other than a primary** file this declaration and the petitions described below only if so required by the rules of the political party. Contact your county/city chair to determine if they are required. Historically, candidates in town elections file as Independents.

V. DOCUMENTS REQUIRED TO BE FILED (continued)

Petition of Qualified Voters SBE-506/521 Rev 1.2013

This document is prepared and distributed by the Department of Elections. Petitions containing at least the number of signatures required for the office sought must be filed **together with** the *Declaration of Candidacy*. Petitions, if required, **cannot** be circulated until **after** January 1, 2015 (§§ 24.2-506 and 24.2-521).

Petition Circulator

A candidate's petition may be circulated by any person who is a legal resident of the United States of America. Circulators may not be minors or felons whose voting rights have not been restored.

Special Note: The U.S. Supreme Court denied certification of Virginia's appeal in the 2012 Libertarian Party of Virginia v. Judd et al. case. The decision leaves in place the U. S. 4th Circuit Court's directive that prohibits the State Board of Elections from enforcing the in-state residency requirement to circulate a candidate's petition contained within §§ 24.2-506, 24.2-521 and 24.2-543.

The person circulating the petition must affirm before a notary or other person authorized to administer oaths, that s/he **personally witnessed** the affixing of each signature. Falsely taking this affidavit is a felony under Virginia law. The circulator **NEVER** can leave the petition unattended, e.g., left on the counter at a grocery store, restaurant, etc.

Number of Signatures Required

Petitions must contain the signatures of at least 125 qualified voters of the district. See **EXCEPTIONS** below.

EXCEPTIONS

Board of Supervisors, City Council or School Board
If a board of supervisor, city council or school board election district/ward or borough has 1,000 or fewer registered voters as of January 1, 2015, petitions must contain the signatures of at least **50** qualified voters of the district.

Soil and Water Conservation Director
For Soil and Water Conservation Director, at least **25** qualified signatures from the county or city from which the candidate is seeking election.

V. DOCUMENTS REQUIRED TO BE FILED (continued)

Petition of Qualified Voters SBE-506/521 Rev 1.2013 (continued)

EXCEPTIONS (continued)

Town Offices
If a town has **more than 1,500 registered voters as of January 1, 2015**, the following signature requirements apply:

- for **at large** seats, signatures of at least **125** qualified voters of the town;
- for **town district** seats, signatures of at least **25** qualified voters of the town district.

If a town has **1,500 or fewer registered voters as of January 1, 2015,** NO petition is required.

Call your general registrar to confirm which signature requirement applies to you. The Department of Elections (ELECT) recommends that a candidate get at least 1 ½ times the number of signatures required to assure that enough signers are qualified voters. (For example: ELECT recommends candidates for board of supervisors with a 125 signature requirement gather at least 200 signatures.)

The State Board's Regulation on Material Omissions on Candidate Petitions and Petition Signature Qualifications

The State Board of Elections' Material Omission Regulation identifies what does and does not constitute a material omission on a candidate's petition and petition signatures for the purpose of allowing or disallowing both. The entire regulation is provided below and on the following pages for your convenience.

1VAC20-50-20. Material Omissions from Candidate Petitions and Petition Signature Qualifications.

A. Pursuant to the requirements of § 24.2-506, 24.2-521, and 24.2-543 of the Code of Virginia, a petition or a petition signature should not be rendered invalid if it contains an error or omission not material to its proper processing.

B. The following omissions are always material and any petition containing such omissions should be rendered invalid if:

1. The petition submitted is not the double-sided document, or a double-sided copy thereof, provided by the State Board of Elections;

2. The petition does not have the name, or some variation of the name, and address of the candidate on the front of the form;

V. DOCUMENTS REQUIRED TO BE FILED (continued)

Petition of Qualified Voters SBE-506/521 Rev 1.2013 (continued)

1VAC20-50-20. Material Omissions from Candidate Petitions and Petition Signature Qualifications. (continued)

3. The petition fails to identify the office sought on the front of the form;

4. The petition fails to identify the applicable election district in which the candidate is running for office;

5. The circulator has not signed the petition affidavit and provided his current address;

6. The circulator is a minor or a felon whose voting rights have not been restored;

7. The circulator has not signed the petition he circulated in the presence of a notary;

8. The circulator has not had a notary sign the affidavit for each petition submitted;

9. A person other than the circulator signed the petition affidavit;

10. The notary has not affixed a photographically reproducible seal;

11. The notary has not included his registration number and commission expiration date; or

12. Any combination of the scenarios of this subsection exists.

C. The following omissions related to individual petition signatures are always material and any petition signature containing such omission shall be rendered invalid if:

1. The signer is not qualified to cast a ballot for the office for which the petition was circulated;

2. The signer is also the circulator of the petition;

3. The signer provided an accompanying date that is subsequent to the date upon which the notary signed the petition;

4. The signer did not sign the petition; or

5. The signer provided an address that does not match the petition signer's address in the Virginia voter registration system, unless the signer provided an address that is within the same precinct where a voter is currently registered in the Virginia voter registration system, and the signer can be reasonably identified as the same registered voter.

V. DOCUMENTS REQUIRED TO BE FILED (continued)

Petition of Qualified Voters SBE-506/521 Rev 1.2013 (continued)

1VAC20-50-20. Material Omissions from Candidate Petitions and Petition Signature Qualifications. (continued)

D**.** The following omissions shall be treated as nonmaterial provided the general registrar can independently and reasonably verify the validity of the petition or signature:

1. An older version of the petition is used (provided that the information presented complies with current laws, regulations, and guidelines);
2. The "election information" including (i) county, city, or town in which the election will be held; (ii) election type; and (iii) date of election are omitted;
3. The name of the candidate and office sought are omitted from the back of the petition;
4. The circulator has not provided the last four digits of his social security number in the affidavit;
5. The signer omits his first name, provided he provides a combination of his first or middle initials or a middle name and last name and address that matches a qualified voter within the Virginia voter registration system;
6. The signer provided a derivative of his legal name as his first or middle name (e.g., “Bob” instead of “Robert”);
7. The signer signs his name on the “Print” line and prints his name on the “Sign” line;

   or
8. The signer fails to provide the date but a period of time that qualifies can affirmatively be established with previous and subsequent dates provided by other signers upon the petition page.

E**.** A signature upon a petition shall be included in the count toward meeting the petition signature requirements only if:

1. The petition signer is a qualified voter who is maintained on the Virginia voter registration system either (i) with active status or (ii) with inactive status and qualified to vote for the office for which the petition was circulated;
2. The signer provides his name; and
3. The signer provides an address that matches the petition signer’s address in the Virginia voter registration system, or the signer provided an address that is within the same precinct where a voter is currently registered in the Virginia voter registration system and the signer can be reasonably identified as the same registered voter.

Statutory Authority
§§ 24.2-103 and 24.2-506 of the Code of Virginia
Derived from Volume 27, Issue 16, eff. March 28, 2011; amended, Virginia Register Volume 29, Issue 01, eff. August 29, 2012; Volume 29, Issue 24, eff. July 12, 2013.

V. DOCUMENTS REQUIRED TO BE FILED (continued)

Petition of Qualified Voters SBE-506/521 Rev 1.2013 (continued)

Frequently Asked Questions Regarding Petitions

The following are frequently asked questions received regarding the petition process:

1. Do I have to print the petition double-sided or may I staple two separate pages together and circulate?

   Answer: **A petition page is a double-sided document with both a front and back**. If your printer is unable to print a double sided document, you must copy the two separate printed pages (i.e. front and back page) so that you end up with a double-sided single page. The front and back of the petition **cannot** be stapled together and circulated as one petition page.

2. What happens if I need additional time to gather the required number of signatures?

   Answer: **Neither the general registrars nor ELECT have authority to accept additional petitions after the applicable candidate filing deadline**.

3. Who is responsible for ensuring my petition signers and circulators are eligible to sign and/or circulate my petition?

   Answer: **The candidate.** As a courtesy, general registrars have the option of verifying the number of qualified voters that have signed a candidate's petitions prior to the filing deadline for the purpose of alerting the candidate of deficiencies. However, it is the candidate's ultimate responsibility to ensure that he or she gathers the requisite number of signatures of qualified voters, utilize eligible circulators, and otherwise follow the procedures laid out in the law. Candidates for election or political party nomination to further his/her candidacy may purchase from the Department of Elections a list of registered voters for his/her election district. Purchasing the list may aide in petition signature proficiency.

4. Is it required for the petitions to be notarized?

   Answer: **Yes**. Sections 24.2-506 and 24.2-521 require that each petition circulator's affidavit be notarized. Circulators should verify that the notary provides their photographically reproducible notary seal/stamp, notary registration number, date notary commission expires and notary signature to each petition page.

5. Must I provide my driver's license number and state of issuance when completing the petition affidavit?

   Answer: **No.** The information is not required and does not invalidate the petition if left blank.

V. DOCUMENTS REQUIRED TO BE FILED (continued)

Petition of Qualified Voters SBE-506/521 Rev 1.2013 (continued)

Frequently Asked Questions Regarding Petitions (continued)

6. I see two versions of the petition of qualified voters form available on ELECT's website, which one should I use?

   Answer: **Either the letter size (8 ½" x 11") or legal size (8 ½" x 14") petition may be used**. The legal size version contains more signature lines than the letter size version. The letter size version fits more neatly on a clip board. Personal preference will prevail.

Statement of Economic Interests Rev 07/01/2014

This document is prepared by the Secretary of the Commonwealth and should be available from the clerk of the governing body, the clerk of the school board or the clerk of the city or town council. If the clerk is unable to provide a copy, the form can be obtained from the Secretary of the Commonwealth's website:

https://commonwealth.virginia.gov/formslist/

If questions arise about how to complete the statement, please contact the Secretary of the Commonwealth's Conflict of Interest Director, at (804) 692-0102.

It is required to be filed by all candidates for city council, school board and town council in **cities and towns having a population in excess of 3,500.** In accordance with SBE Policy 2010-003, the statement of economic interests may not be filed with the general registrar until after January 1, 2015.

Exception - Incumbent officers who are seeking re-election need not re-file this form as candidates if they met the semi-annual filing requirement in December 2014 (§ 24.2-502).

VI. PRIMARY FILING FEE

As the name suggests, this fee is required to be filed **ONLY** by primary election candidates. The amount required to be paid is 2% of the minimum annual salary for the office sought in effect in the year in which the candidate files. Contact the treasurer or the director of finance in your county or city for details.

NOTE: Candidates who are nominated by a political party by a method **other than** a primary election may be required to pay a filing fee. This fee is determined by the rules of the political party. Contact your county or city chair for details.

VII. FILING DEADLINES AND WHERE TO FILE

For a Primary Candidate

Items 1, 2 and 3 **must be received** by the appropriate *Political Party Chair* by the filing deadline. Postmarks are acceptable **only** for *Items 4 and 5* and **only** if they are mailed by registered or certified mail and a receipt showing date of mailing can be produced if demanded by the office with which the forms are filed.

NOTE: Candidates for **constitutional offices** shared by a county and one or more cities must file the declaration of candidacy, petitions and receipt indicating payment of filing fee with the political party chair of the county. Candidates for non-shared constitutional offices or county or city governing body must file those documents with the political party chair of their county or city of residence.

PRIMARY FILING FEE	WHERE TO FILE	FILING DEADLINE
Filing Fee equal to 2% of the minimum annual salary for the office sought in effect on January 1, 2015. Contact the finance officer of the county or city for the office's salary amount.	Treasurer or Director of Finance of the county or city where the candidate resides.	The fee must be paid to receive a receipt. The receipt is due by 5 p.m. 3/26/2015.

REQUIRED FORMS	WHERE TO FILE	FILING DEADLINE
*1. Declaration of Candidacy *2. Petitions of Qualified Voters *3. Receipt for Payment of Primary Filing Fee	Chair of the Political Party Committee of the county or city, as appropriate.	No earlier than Noon on 3/9/2015 and no later than 5:00 p.m. on 3/26/2015.
*4. Certificate of Candidate Qualification *5. Statement of Economic Interests	General Registrar of the candidate's county** or city of residence.	5:00 p.m. 3/26/2015.
*6. Statement of Organization for a Candidate***	Refer to Chapter 2 within ELECT's Summary of Laws and Policies Candidate Campaign Committees document for more specific detail on where and when to file the statement of organization.	

Any person who fails to file all the required forms by the above deadline MAY NOT have his name printed on the Primary Election ballot.

* Refer to Pages 3 through 10 herein for details.

** Candidates for town offices in a town that is located in two counties must file forms with the general registrar of the county in which the greater portion of the town lies (the county responsible for holding the election).

*** The failure to file the statement of organization for a candidate is not cause for disqualification. However, you are subject to penalties required by the Campaign Finance Disclosure Act of 2006.

VIII. FILING DEADLINE AND WHERE TO FILE

For a Party Candidate
Nominated by a Method other than a Primary

For either a General Election
or
Special Election that is filling a vacancy that occurred after August 6, 2014 and prior to November 4, 2014

Postmarks are acceptable **only** if these documents are mailed by registered or certified mail and a receipt showing date of mailing can be produced if demanded by the office with which the forms are filed.

REQUIRED FORMS	WHERE TO FILE	FILING DEADLINE
*1. Certificate of Candidate Qualification *2. Statement of Economic Interests	General Registrar of the candidate's county** or city of residence.	7:00 p.m. 6/9/2015.
*3. Statement of Organization for a Candidate***	Refer to Chapter 2 within ELECT's Summary of Laws and Policies Candidate Campaign Committees document for more specific detail on where and when to file the statement of organization.	

NOTE: Historically, candidates in town elections file as Independents. Partisan elections are permitted unless prohibited by the town charter.

Any person who fails to file all the required forms by the above deadline MAY NOT have his name printed on the General or Special Election ballot.

* Refer to Pages 3 through 10 herein for details.
** Candidates for town offices in a town that is located in two counties must file forms with the general registrar of the county in which the greater portion of the town lies (the county responsible for holding the election).
*** The failure to file the statement of organization for a candidate is not cause for disqualification. However, you are subject to penalties required by the Campaign Finance Disclosure Act of 2006.

IX. FILING DEADLINE AND WHERE TO FILE

For a Party Candidate
Nominated by a Method other than a Primary

For a Special Election to fill a vacancy that occurred on or after November 4, 2014 and before August 5, 2015

Postmarks are acceptable **only** if these documents are mailed by registered or certified mail and a receipt showing date of mailing can be produced if demanded by the office with which the forms are filed.

REQUIRED FORMS	WHERE TO FILE	FILING DEADLINE
*1. Certificate of Candidate Qualification *2. Statement of Economic Interests	General Registrar of the candidate's county** or city of residence.	5:00 p.m. 8/14/2015.
*3. Statement of Organization for a Candidate***	Refer to Chapter 2 within ELECT's Summary of Laws and Policies Candidate Campaign Committees document for more specific detail on where and when to file the statement of organization.	

NOTE: Historically, candidates in town elections file as Independents. Partisan elections are permitted unless prohibited by the town charter.

Any person who fails to file all the required forms by the above deadline MAY NOT have his name printed on the Special Election ballot.

* Refer to Pages 3 through 10 herein for details.
** Candidates for town offices in a town that is located in two counties must file forms with the general registrar of the county in which the greater portion of the town lies (the county responsible for holding the election).
*** The failure to file the statement of organization for a candidate is not cause for disqualification. However, you are subject to penalties required by the Campaign Finance Disclosure Act of 2006.

X. FILING DEADLINE AND WHERE TO FILE

For an Independent (Non-Party) Candidate

For either a General Election
or
Special Election that is filling a vacancy that occurred after August 6, 2014 and prior to November 4, 2014

Items 1 and 2 listed below **must be received** by the *General Registrar* by the filing deadline. Postmarks are acceptable **only** for *Items 3 and 4* and **only** if they are mailed by registered or certified mail and a receipt showing date of mailing can be produced if demanded by the office with which the forms are filed.

REQUIRED FORMS	WHERE TO FILE	FILING DEADLINE
*1. Declaration of Candidacy *2. Petitions of Qualified Voters 3. Statement of Economic Interests *4. Certificate of Candidate Qualification	General Registrar of the candidate's county** or city of residence.	7:00 p.m. 6/9/2015.
*5. Statement of Organization for a Candidate***	Refer to Chapter 2 within ELECT's Summary of Laws and Policies Candidate Campaign Committees document for more specific detail on where and when to file the statement of organization.	

Any person who fails to file all the required forms by the above deadline MAY NOT have his name printed on the General or Special Election ballot.

* Refer to Pages 3 through 10 herein for details.
** Candidates for town offices in a town that is located in two counties must file forms with the General Registrar of the County in which the greater portion of the town lies (the county responsible for holding the election).
*** The failure to file the statement of organization for a candidate is not cause for disqualification. However, you are subject to penalties required by the Campaign Finance Disclosure Act of 2006.

XI. FILING DEADLINE AND WHERE TO FILE

For An Independent (Non-Party) Candidate

For a Special Election to fill a vacancy that occurred on or after November 4, 2014 and before August 5, 2015

Items 1 and 2 listed below **must be received** by the *General Registrar* by the filing deadline. Postmarks are acceptable **only** for *Items 3 and 4* and **only** if they are mailed by registered or certified mail and a receipt showing date of mailing can be produced if demanded by the office with which the forms are filed.

REQUIRED FORMS	WHERE TO FILE	FILING DEADLINE
*1. Declaration of Candidacy *2. Petitions of Qualified Voters *3. Statement of Economic Interests *4. Certificate of Candidate Qualification	General Registrar of the candidate's county** or city of residence.	5:00 p.m. 8/14/2015.
*5. Statement of Organization for a Candidate***	Refer to Chapter 2 within ELECT's Summary of Laws and Policies Candidate Campaign Committees document for more specific detail on where and when to file the statement of organization.	

Any person who fails to file all the required forms by the above deadline MAY NOT have his name printed on the Special Election ballot.

* Refer to Pages 3 through 10 herein for details.

** Candidates for town offices in a town that is located in two counties must file forms with the General Registrar of the County in which the greater portion of the town lies (the county responsible for holding the election).

*** The failure to file the Statement of Organization for a Candidate is not cause for disqualification. However, you are subject to penalties required by the Campaign Finance Disclosure Act of 2006.

XII. REQUIREMENTS FOR INDEPENDENT CANDIDATE TO REFLECT THIRD PARTY NOMINATION

Virginia Code Section 24.2-613 permits an Independent to be identified as a nominee of a non-recognized political party (i.e. a party other than the Democratic Party or the Republican Party). In order to do so, the state chairman of the group must provide certain documents to the Department of Elections either **by no later than 5:00 PM on Monday, June 15, 2015** for the June 9, 2015 filing deadline or **by no later than 5:00 PM on Friday, August 14, 2015 for the August 14, 2015 filing deadline**.

These documents are:

1. An affidavit signed by the state chairman of the group, under oath, stating that the group:

    a. Has been in existence for at least six months prior to the filing deadline (e.g. existed on or before December 9, 2014 for 6/9/15 deadline or on or before February 14, 2015 for the 8/14/15 deadline);

    b. Has a state central committee composed of registered voters from each of Virginia's 11 congressional districts;

    c. Has a party plan and bylaws; and

    d. Has a duly designated chairman and secretary.

2. A list of the names and resident addresses of the officers and members of the state central committee;

3. A copy of the party plan and bylaws; and

4. A letter signed by the state chairman of the group, certifying that the individual is the nominee of the party and, if his/her filing is adequate and s/he is determined to be qualified, is eligible to be identified as such on the November 3, 2015 ballot for the office for which s/he filed as an Independent candidate.

5. A letter signed by the nominee accepting the party's nomination.

NOTE:

Candidates for local office do not appear on the ballot with political party identification. However, nominees of political parties appear in the ballot order determined by the State Board of Elections. A third party candidate would appear on the ballot after the Democratic and Republican candidates, if present, and before the independent candidates. The Department of Elections recommends that the third party candidate provide this information to the state chairman of the political party to assure that the deadline for providing this information is met.

XIII. NOTICE OF DEFICIENCIES IN DECLARATION OR PETITIONS

An independent [non-party] candidate may request notification of any problems with his/her filing that can be corrected **before** the filing deadline. This request **must be in writing** as required by § 24.2-505 of the *Code of Virginia*.

This letter must be addressed to the secretary of the electoral board of the candidate's county or city of residence. It must accompany the declaration of candidacy and, if required, the petitions filed with the general registrar.

The written request **does not guarantee** timely response. Certain factors, may affect the electoral board's ability to comply with the request, that is, the number of filings, etc. It is suggested that documents be filed **at least ten [10] working days before the filing deadline** if this notice is requested.

XIV. APPEAL TO DEFICIENCY IN PETITION SIGNATURES

Virginia Code Section 24.2-506 grants a nonparty candidate the right to appeal a local electoral board's determination of deficiencies with his/her petition signatures [§ 24.2-506(C)]. The State Board's regulation articulating the appeal process is provided below and on the next page.

1VAC20-50-30. Appeals of petition signature insufficiency

A. Pursuant to the requirements of §§ 24.2-506 and 24.2-543 of the Code of Virginia, a candidate for office, other than a party nominee, may appeal a determination that the candidate has failed to provide the required number of valid petition signatures necessary to qualify to appear on the ballot.

B. Any communication or notice required in this section shall be made in writing and delivered by mail or, unless otherwise prohibited by the Code of Virginia, electronically by electronic mail or facsimile. Notice of appeal from candidates must bear a photographically reproducible notary seal and be received by the deadlines established within this section.

C. A candidate for a county, city, or town office shall file his appeal with the local electoral board. A candidate for any other office shall file his appeal with the State Board of Elections.

D. A candidate for an office other than President of the United States must file his appeal within five (5) calendar days of the issuance of the notice of disqualification.

E. A candidate for President must file his appeal within seven (7) calendar days of the issuance of the notice of disqualification.

XIV. APPEAL TO DEFICIENCY IN PETITION SIGNATURES (continued)

1VAC20-50-30. Appeals of petition signature insufficiency (continued)

F. The proper body to which the appeal notice was given shall establish the time and place where the appeal will be heard and convey this information immediately to the candidate. Electronic mail will be the preferred method of notifying the candidate if such address has been provided by the candidate, otherwise, notice shall be sent by first-class mail.

G. The candidate bears the burden of proof in establishing that a sufficient number of signatures from qualified voters were timely provided.

1. The candidate must submit a list containing the rejected signatures to be reviewed and the specific reason for each signature's reconsideration at least two (2) business days prior to the date on which the appeal will be heard. If the candidate submits no list, or submits a list that contains an insufficient number of names and reconsideration reasons to make up the number of signatures by which the candidate was deemed deficient, no appeal shall be held and the initial determination that the candidate did not qualify for the ballot will be final.

2. The candidate may submit documents clarifying the status of persons whose signatures were rejected for lacking proper registration status or residence.

3. The candidate may submit documents establishing the age of majority for any signer who was listed as ineligible due to status of being a legal minor.

4. The candidate may submit affidavits from persons whose signatures were rejected due to illegibility that attest to their identity. If possible, the affidavits should state the person's name, residence address, and a reasonable description of the location where approached by the circulator to sign the petition.

5. The candidate may not submit documents establishing that a petition signer became registered or updated their voter registration status to the address provided upon the petition after the established candidate filing deadline for the office sought.

H. Individual signatures reconsidered during the appeal will only count towards the candidate's requisite number if a majority of board members agree that sufficient evidence exists for their inclusion.

I. All determinations of the board before which the appeal is being heard shall be considered final and not subject to further appeal.

XIV. APPEAL TO DEFICIENCY IN PETITION SIGNATURES (continued)

1VAC20-50-30. Appeals of petition signature insufficiency (continued)

Statutory Authority
§ 24.2-103 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 29, Issue 23, eff. July 1, 2013; amended, Virginia Register Volume 30, Issue 9, eff. December 30, 2013.

XV. POST-ELECTION CFDA REPORT AND PAYMENT OF OUTSTANDING CIVIL PENALTIES

The candidates who must comply with the provisions of the Campaign Finance Disclosure Act file *pre-election* and *post-election* reports of campaign contributions and expenditures. These reports are filed **only** with the electoral board of the candidate's county or city of residence **unless** the candidate opts to file reports electronically. Electronic filings are made only to the Department of Elections. For more information, visit our website:

http://elections.virginia.gov/index.php/candidatepac-info/campaign-finance-filing/

A person elected cannot assume office until s/he files his/her post-election report and has paid any outstanding civil penalties (§ 24.2-948.2). A post-election report must be filed with the local electoral board or, if the winner is an electronic filer, only with the Department of Elections with sufficient time to allow for, if necessary, assessment of a penalty by the local electoral board/ELECT and subsequent payment of the penalty before commencement of service in the county, city or town. The post-election report must include activity through Election Day.

No certificate of election can be issued to any successful candidate who fails to file the required CFDA reports or who fails to pay any outstanding CFDA civil penalties.

Exceptions -A candidate for local office who files an exemption form certifying that s/he has not and will not solicit or accept any contribution from any other person during the course of his/her campaign and has not and will not contribute or expend more than $1,000 during the course of his/her campaign, is required to file reports of large pre-election contributions and a final report. A form for this purpose is prepared and distributed by the Department of Elections.

Reminder: Candidates for town council offices **in a town with a population of less than 25,000**, are exempt from the provisions of the Campaign Finance Disclosure Act unless the town council has adopted an ordinance requiring town candidates to comply with the provisions of the Act. Check with the town clerk to determine if such an ordinance has been adopted.

XVI. ORDER OF NAMES ON BALLOTS

In a **primary election**, candidates appear on the ballot in the order in which they filed with the political party chairman (§ 24.2-529). If two or more candidates file at the same time, the order in which they appear will be determined by a drawing conducted by the electoral board of the county or city.

In a **general and special election**, the candidates of political parties appear first on the ballot in the order determined by a drawing conducted by the State Board of Elections. Candidates representing any other recognized political party (see Item XII of page 16 herein), if any, appear next on the ballot in the order determined by a second drawing conducted by the State Board of Elections. Non-partisan or independent candidates appear next in alphabetical order by last name.

In multi-seat districts, if more than one candidate is nominated by the same party or more than one independent candidate qualified, such candidates appear alphabetically within the grouping.

XVII. THE SUCCESSFUL CANDIDATE

Any successful candidate for a constitutional office or for any other office in **counties, cities and towns having a population in excess of 3,500** must file, as a condition to assuming office, with the **clerk of the board of supervisors, clerk of the school board** or **clerk of the city or town council**, as appropriate, a **second** statement of economic interests as required by §§ 2.2-3115 and 2.2-3116 of the *Code of Virginia* **prior to taking office**, and semi-annually thereafter by June 15th and December 15th of each year. Forms are prescribed by the Secretary of the Commonwealth and should be available from the appropriate clerk. If the clerk is unable to provide a copy, the form can be obtained from the Secretary of the Commonwealth's website:

https://commonwealth.virginia.gov/formslist/

The successful candidate in a *general election* is required by law to qualify and take the oath of office on or before the term of office begins or, for a county, city or town governing body or school board, no later than the initial meeting of the county, city or town governing body or school board (§ 24.2-200).

The successful candidate in a *special election* is required by law to qualify and take the oath of office within thirty days of the election (§ 24.2-201).

Failure to qualify in a timely manner creates a vacancy in the office.

XVIII. FREQUENTLY ASKED QUESTIONS

Listed below are the most commonly asked questions. If you need further details, please call us on our toll-free number or send us an email to info@elections.virginia.gov.

A. Who may circulate a candidate's petitions?

Answer: **A candidate's petitions may be circulated by any person who is a legal resident of the United States of America**. **Circulators may not be minors or felons whose voting rights have not been restored**.

Special Note: The U.S. Supreme Court denied certification of Virginia's appeal in the 2012 Libertarian Party of Virginia v. Judd et al. case. The decision leaves in place the U. S. 4th Circuit Court's directive that prohibits the State Board of Elections from enforcing the in-state residency requirement to circulate a candidate petition contained within §§ 24.2-506 and 24.2-521.

The circulator must affirm before a notary or other person authorized to administer oaths, that he **personally witnessed** the affixing of each signature. Falsely taking this affidavit is a felony under Virginia law. The circulator can **NEVER** leave the petition unattended, e. g., left on the counter at a grocery store, restaurant, etc.

B. I am circulating a petition for a candidate. May I also sign as a qualified voter the petition that I am circulating?

I am a notary circulating petitions for a candidate. May I notarize the petition pages I circulate?

Answer: **No to both**. The person circulating the petition must swear, under oath, that s/he **personally witnessed** the affixing of each signature on the petition and no person can witness his/her own signature.

C. I am a candidate and a notary. May I notarize the petition pages circulated by other persons?

Answer: **No**. § 47.1-30 of the *Code of Virginia* prohibits a notary from performing a notarial act on any document in which the notary or his/her spouse is a party, **or** in which either of them has a direct beneficial interest.

Any Notary who violates these provisions is considered guilty of official misconduct, may be removed from office and may be subject to other penalties.

XVIII. FREQUENTLY ASKED QUESTIONS (continued)

D. I work for the federal government. Can I be a candidate?

Answer: **Pursuant to the federal law commonly known as the Hatch Act, you may be a candidate in a non-partisan election or, if you live in the Counties of Arlington, Fairfax, Loudoun, Prince William, Spotsylvania or Stafford or the Cities of Alexandria, Fairfax, Falls Church, Manassas, Manassas Park or Portsmouth, you may be an independent candidate for local office in a partisan election**. An election is considered partisan if any of the candidates for the office you would seek are nominated by a political party.

To determine whether you might also be affected by the rules and regulations of the agency for which you work, **contact your personnel officer**.

It should also be noted that most employees of the legislative branch of the federal government are not covered by the Hatch Act but may be affected by other rules and regulations.

E. I work for the state or a local government. Can I be a candidate?

Answer: **Some state and local government employees are prohibited from being candidates**. You may be so prohibited if your agency receives federal funds. **Contact the personnel officer where you work**. If necessary, present the facts of your case in writing, including the office you wish to seek, to the Hatch Act Unit, **U.S. Office of the Special Counsel**, 1730 M Street NW, Suite 218, Washington, D. C. 20036-4505. The Unit can also be reached by phone at 800-854-2824, 202-254-3650 or by email through hatchact@osc.gov. The Unit will determine if you are affected by the Hatch Act. Their web address is https://osc.gov.

Most state and local government employees are not prohibited by law from being a candidate. However, you may be affected by the rules and regulations of the agency or ordinances of the government for which you work. **Contact your personnel officer**.

F. I do business with my local government. Am I prohibited from holding office on its governing body due to a conflict of interest?

Answer: **Contact an attorney to determine whether or not the provisions of the State and Local Government Conflict of Interests Act** [§§ 2.2-3100 through 2.2-3131 of the *Code of Virginia*] **might affect your ability to hold the office you intend to seek**.

G. I am an employee of the school board. Can I be a candidate for school board?

Answer: **Yes, provided no local rules prohibit the candidacy but, if elected, you must resign the employee position held**. An employee of the school board **may not serve** on that school board.

H. Can a political party endorse a candidate for elected school board?

Answer: **Yes.** Endorsements ***do not constitute*** nomination by the political party.

XVIII. FREQUENTLY ASKED QUESTIONS (continued)

I. What activities are permitted at the polls on Election Day?

Answer: **Please refer to the Do's and Don'ts with Guidelines for Campaigners and Authorized Representatives published by the Department of Elections**. We suggest that you provide this information to any person who will either serve as your representative inside the polls or work for you outside the polls on Election Day.

http://townhall.virginia.gov/L/ViewGDoc.cfm?gdid=5329

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