

10/29/13

May 6, 2014 Elections

Candidacy Requirements

For

City and Town Offices



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.



2014 MAY ELECTION CALENDAR

City and Town Council Offices and, IF ELECTED, School Board, Town Recorder and Town Treasurer

ELECTION TYPE	ELECTION DATE	⁴ DEADLINES (PERIODS) FOR FILING			LAST DAY TO REGISTER TO VOTE	DEADLINE TO APPLY FOR ABSENTEE BALLOT
		² CANDIDATE DECLARATION/ PETITIONS	² OTHER CANDIDATE FORMS	³ PARTY CHAIRS CERTIFY CANDIDATES		
¹ Primary	March 4 § 24.2-515	December 2, 2013 noon to December 19, 2013 5:00 pm §§ 24.2-522 & 1-210	December 19, 2013 5:00 p.m. §§ 24.2-503 & 1-210	⁵ December 24, 2013 12:00 p.m. § 24.2-527	February 10 § 24.2-416	By Mail: February 25 In Person: March 1 §§ 24.2-701B(1) & 24.2-701B(2)
² PARTY NOMINATIONS, OTHER THAN BY PRIMARY ELECTION, MAY BE MADE NO EARLIER THAN JANUARY 16 AND MUST BE COMPLETED BY 7:00 P.M., MARCH 4. (§ 24.2-510)						
¹ General	May 6 § 24.2-101	NON-PARTY CANDIDATES March 4 7:00 p.m. § 24.2-507	ALL CANDIDATES March 4 7:00 p.m. § 24.2-503	March 10 5:00 p.m. § 24.2-511B	April 14 § 24.2-416	By Mail: April 29 In Person: May 3 §§ 24.2-701B(1) & 24.2-701B(2)

¹Notification of adoption of primary must be filed with the State Board of Elections by the appropriate party chair for the election district no sooner than **October 30, 2013** nor later than **November 19, 2013**. (§ 24.2-516)

²See the following pages for the office sought for specifics as to forms required and where they are filed. The bulletins and forms are available on our website: <http://www.sbe.virginia.gov>.

³Forms for certifying political party nominees will be emailed to party chairs by the State Board of Elections.

⁴For candidates for special elections to fill vacancies, **the deadline for all candidates** to file all required forms and for political parties to **nominate and certify** nominees is **7:00 p.m. on Tuesday, March 4, 2014**. [§ 24.2-510(2)]

⁵State offices will close at 12:00 p.m. on Tuesday, December 24, 2013.

To contact the State Board of Elections call: VOICE: In the Richmond area, 864-8901 - From all other areas: 804-864-8901 - Toll-free: 800-552-9745 - TTY: Toll-free 800-260-3466

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)



INTRODUCTION

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

<http://www.sbe.virginia.gov/BecomeACandidate.html>

Should you have questions relating to your candidacy, please do not hesitate to call our toll-free line (800)-552-9745. Within the Call Menu, press 2 for Campaign Finance and Ballot Access assistance. You also can reach us at 804-864-8901 or via email at info@sbe.virginia.gov.





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I. OFFICES

Listed below are the offices to which this bulletin applies:

Mayor - If the city or town charter specifies that this officer is elected by the voters, this office will appear on the city or town ballot.

Council Members - The number elected is specified in the city or town charter. This governing body may be elected either at large and/or by district. At large council members represent the entire city or town. All registered voters within the city or town may vote for the at large candidate(s). A district member received votes only from registered voters within the city or town district.

School Board - This office will appear on the ballot only if the voters of the city have 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 direct election by the voters. Virginia law requires that these members be elected in the same manner and for the same term as the city council. The above category explains the manner in which they may be elected.

This election is required by law to be **non-partisan** [§ 22.1-57.3(E)]. Therefore, no candidate for school board may be nominated by a political party. The endorsement of a non-party candidate by a political party is permitted.

Town Recorder or Town Treasurer - These offices are elected by the voters only if it is specified in the town charter. If elected, all town voters vote for these offices.

II. ELECTION DISTRICT

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

III. ADVERTISING AND CAMPAIGN MATERIALS

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

Refer to Chapter 14 the *Candidate Campaign Committee Summary* published by the State Board of Elections for specific requirements. If you have questions relating to campaign finance, please call our toll-free number.

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)**.

III. ADVERTISING AND CAMPAIGN MATERIALS (continued)

Posting - Contact your 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 city or town in which 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. An explanation of who is required to file each item also is provided. Each document can be downloaded from our website:

<http://www.sbe.virginia.gov/BecomeACandidate.html>

Statement of Organization for a CANDIDATE

This document is prepared and distributed by the State Board of Elections. It must be filed by all candidates for city offices. It must be filed by candidates for town office only in those towns whose governing body adopted an ordinance requiring candidates to comply with the provisions of the Campaign Finance Disclosure Act (e.g. Herndon and Purcellville). Any individual serving as campaign treasurer must be a qualified voter of the Commonwealth of Virginia. A candidate may serve as his own treasurer.

Virginia law requires the candidate to provide his/her full name, home mailing address, email address and daytime phone number. The Treasurer, if applicable, must also provide his/her name, home mailing address, email address and daytime phone number.

V. DOCUMENTS REQUIRED TO BE FILED (continued)

Statement of Organization for a CANDIDATE (continued)

A candidate must file a Statement of Organization and register as a candidate for campaign finance purposes within 10 days of meeting any of the requirements listed below.

1. Acceptance of a contribution;
2. Expenditure of any funds;
3. The payment of a filing fee for any party nomination method;
4. The filing of a candidate statement of qualification pursuant to § 24.2-501; or
5. The appointment of a campaign treasurer, designation of a campaign committee, or designation of a campaign depository.

Certificate of Candidate Qualification

This document is prepared and distributed by the State Board 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, 2014. However, candidates competing in the March 2014 primary must file the form by December 19, 2013 (see Item VII on page 10 for the primary filing deadline).

Declaration of Candidacy

This document is prepared and distributed by the State Board 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 city chair to determine if they are required. Historically, candidates in town elections file as Independents.

Petition of Qualified Voters

This document is prepared and distributed by the State Board of Elections. If required, petitions containing at least the number of signatures required for the office sought must be filed **together with** the *Declaration of Candidacy*. Petitions must be filed by all primary candidates and primary petitions may be circulated in 2013. The March 2014 primary filing deadline is between December 2nd and December 19, 2013 (see Item VII on page 10 for the primary filing deadline). Independent (nonparty) candidates **cannot** circulate petitions until **after** January 1, 2014 (§ 24.2-506).

V. DOCUMENTS REQUIRED TO BE FILED (continued)

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. Court of Appeals upheld the 2012 4th Circuit Court's ruling in the Libertarian Party of Virginia v. Judd et al. case. The ruling leaves in place the 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 Attorney General's office is appealing the ruling to the U.S. Supreme Court.

The person circulating the petition 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 **NEVER** can leave the petition unattended, e.g., left on the counter at a grocery store, restaurant, etc.

Number of Signatures Required

Petitions for **Mayor, City Council** and **City School Board** must contain the signatures of at least **125** qualified voters of the district (at large, specific district, ward or borough). See **EXCEPTIONS** below.

EXCEPTIONS:

City Election Districts

If a city election district has 1,000 or **fewer** registered voters as of January 1, 2014, petitions must contain the signatures of at least **50** qualified voters of the district.

Town Offices

If a town has **more than 1,500 registered voters as of January 1, 2014**, 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** seat.

If a town has **1,500 or fewer registered voters as of January 1, 2014**, **NO** petition is required.

Call your general registrar to find out which signature requirement applies to you. Primary candidates must ask for the number of registered voters as of **1/1/13** since the March 2014 primary filing deadline is in December **2013**.

If petitions are required, the State Board recommends that a candidate get at least 1½ times the number of signatures required to assure that enough signers are qualified voters. (For example: SBE recommends candidates for city council with a 125 signature requirement gather at least 200 signatures.)

V. DOCUMENTS REQUIRED TO BE FILED (continued)

Petition of Qualified Voters (continued)

Regulation on Material Omissions on Candidate Petitions

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.

Special Note: The U.S. Court of Appeal's ruling permitting out of state petition circulators makes the in state residency reference in B6 unenforceable.

1VAC20-50-20. Material omissions from candidate petitions.

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 shall be rendered invalid if:

1. The petition submitted is not the double-sided, 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;
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 legal resident of the Commonwealth]~~, 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.

V. DOCUMENTS REQUIRED TO BE FILED (continued)

Petition of Qualified Voters (continued)

Regulation on Material Omissions on Candidate Petitions (continued)

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.

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.

V. DOCUMENTS REQUIRED TO BE FILED (continued)

Petition of Qualified Voters (continued)

Regulation on Material Omissions on Candidate Petitions (continued)

- 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.

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. You need to print out the petition double-sided. 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 SBE 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 State Board of Elections a list of registered voters for his/her election district. Purchasing the list may aid in petition signature proficiency.

V. DOCUMENTS REQUIRED TO BE FILED (continued)

Petition of Qualified Voters (continued)

Frequently Asked Questions Regarding Petitions (continued)

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.

6. I see two versions of the Petition of Qualified Voters form available on SBE'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

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. It is also available in the candidate forms section of the State Board's website

(<http://www.sbe.virginia.gov/CandidateForms.html>).

If questions arise about how to complete the Statement, please contact the Secretary of the Commonwealth's Conflict of Interest Director, at (804) 786-2441.

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, 2014. However, candidates competing in the March 2014 primary must file the form by December 19, 2013 (see Item VII on page 10 for the primary filing deadline).

Exception - Individuals who are officers or employees need not re-file this form as candidates if they met the requirement for filing in January 2014.

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 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 city chair for details.

VII. FILING DEADLINES AND WHERE TO FILE

For A Primary Candidate

Items 1, 2 and 3 must be received by your *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.

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, 2013. Contact the finance officer of the city.	Treasurer or Director of Finance of the city where the candidate resides	The fee must be paid to receive a receipt. The receipt is due by 5 p.m. 12/19/13

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	No earlier than Noon on 12/2/2013 and no later than 5:00 p.m. on 12/19/2013
*4. Certificate of Candidate Qualification *5. Statement of Economic Interests	General Registrar of the city where the candidate resides	5:00 p.m. 12/19/2013
*6. Statement of Organization for a Candidate**	Refer to Chapter 2 in the <i>Candidate Campaign Committee Summary</i> published by the State Board of Elections	

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 2 through 8 herein for details.

** 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.

VIII. FILING DEADLINE AND WHERE TO FILE

**For A Party Candidate
Nominated By Method Other Than A Primary**

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	General Registrar of the city or county ** where the candidate resides	7:00 p.m. 3/4/2014
*2. Statement of Economic Interests		
*3. Statement of Organization for a Candidate***	Refer to Chapter 2 in the <i>Candidate Campaign Committee Summary</i> published by the State Board of Elections	

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 2 through 8 herein for details.
 ** If the town is located in two counties, forms are filed 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.

IX. FILING DEADLINE AND WHERE TO FILE

For An Independent (Non-Party) Candidate

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	General Registrar of the	7:00 p.m.
*2. Petitions of Qualified Voters	city or county ** where the	3/4/2014
*3. Certificate of Candidate Qualification	candidate resides	
*4. Statement of Economic Interests		
*5. Statement of Organization for a Candidate***	Refer to Chapter 2 in the <i>Candidate Campaign Committee Summary</i> published by the State Board of Elections	

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 2 through 8 herein for details.

** If the town is located in two counties, forms are filed 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.

X. REQUIREMENTS FOR INDEPENDENT CANDIDATE TO REFLECT THIRD PARTY NOMINATION

Section 24.2-613 of the Code of Virginia permits a qualified nonparty candidate to reflect his/her status as a nominee of a non-recognized political party (e.g. Libertarian Party or Green Party). In order to do so, the state chair of the group must provide certain documents to the State Board of Elections **no later than 5:00 PM on Friday, March 10, 2014.**

These documents are:

1. An affidavit signed by the state chair of the group, under oath, stating that the group:
 - a) Has been in existence for at least six months prior to the filing deadline (existed on or before September 4, 2013);
 - 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 chair 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 in the May 6, 2014 election for the office for which he filed as a nonparty candidate.
5. A letter signed by the nominee accepting the party's nomination.

NOTE:

The State Board of Elections recommends that the third party candidate provide this information to the state chair of the political party to assure that the deadline for providing this information is met. Party identification never appears on the ballot for local offices. The reflection on the ballot will come in the position of the third party candidate. The candidates of the two political parties will appear first and second on the ballot. If present, a third party candidate will appear third. All nonparty candidates will follow the third party candidate in alphabetical order by last name.

XI. NOTICE OF DEFICIENCIES IN DECLARATION OR PETITIONS

An independent (non-party) candidate may request notification of any problems with his 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 city or county of residence. It must accompany the declaration of candidacy and petitions filed with the general registrar.

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

XII. APPEAL TO DEFICIENCY IN PETITION SIGNATURES

The General Assembly passed legislation granting 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.

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.

XII. APPEAL TO DEFICIENCY IN PETITION SIGNATURES

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.

XIII. OTHER REQUIRED REPORTS

All candidates for city offices and any town whose governing body adopted an ordinance requiring candidates to comply with the provisions of the Campaign Finance Disclosure Act must 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 city or county of residence **unless** the candidate opts to file reports electronically. Electronic filings are made only to the State Board of Elections. For more information, visit our website:

<http://www.sbe.virginia.gov/CampaignFinanceDisclosure.html>

No certificate of election can be issued to any successful candidate who fails to file the required reports.

Exception - A candidate for local office who files an exemption form certifying that he has not and will not solicit or accept any contribution from any other person during the course of his campaign and has not and will not contribute or expend more than \$1,000 during the course of his 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 State Board of Elections.

XIV. ORDER OF NAMES ON BALLOTS

In **Primary Elections**

Candidates appear on the ballot in the order in which they file. This is why no candidate may file earlier than Noon on December 2, 2013 or later than 5:00 p.m. on December 19, 2013. 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 city. Historically, primary elections are not held in towns.

In **General Elections**

The candidates of political parties appear first on the ballot in the order determined by a drawing conducted by the State Board of Elections. If present, third party candidates will follow the major party candidates. Independent (non-party) candidates appear in alphabetical order following the candidates of political parties.

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 their party groups.

XV. THE SUCCESSFUL CANDIDATE

Any successful city candidate must file, as a condition to assuming office, with the **clerk of the city council or school board 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**. Any successful town candidate in a town with a population in excess of 3,500 must file, as a condition to assuming office, with the clerk of the town council 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**. Those incumbent officials required to file the statement must file a new statement by January 15th each year in office. 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 our website in our candidate forms section.

<http://www.sbe.virginia.gov/CandidateForms.html>

The successful candidate in a *general election* is required by law to qualify and take the oath of office no later than the day of the initial meeting of the new council or school board; in a *special election*, within thirty days of the election. Failure to so qualify creates a vacancy in the office.

XVI. FREQUENTLY ASKED QUESTIONS

Listed below are the most commonly asked questions. If you need further details, please call us on our toll-free number.

A. Who may circulate a candidate's petitions?

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. Court of Appeals upheld the 2012 4th Circuit Court's ruling in the Libertarian Party of Virginia v. Judd et al. case. The ruling leaves in place the 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 Attorney General's office is appealing the ruling to the U. S. Supreme Court.

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, i.e., left on the counter at a grocery store, restaurant, etc.

XVIII. FREQUENTLY ASKED QUESTIONS (continued)

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?

NO TO BOTH. The person circulating the petition must swear, under oath, that he **personally witnessed** the affixing of each signature on the petition and no person can witness his own signature.

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

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 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.

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

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 Cities of Alexandria, Fairfax, Falls Church, Manassas, Manassas Park or Portsmouth or in the Counties of Arlington, Fairfax, Loudoun, Prince William, Spotsylvania or Stafford, 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.

XVIII. FREQUENTLY ASKED QUESTIONS (continued)

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

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 or call them at 800-854-2824 or 202-254-3650. That office will determine if you are affected by the Hatch Act. Their web address is <http://www.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?

Contact an attorney to determine whether or not the provisions of the State and Local Government Conflict of Interests Act [§§ 2.2-3100 through 2.2-3127 of the *Code of Virginia*] may 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?

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?

YES. Endorsements **do not constitute** nomination by the political party.

I. What activities are permitted at the polls on election day?

Please refer to the Do's and Don'ts with Guidelines for Campaigners and Authorized Representatives published by the State Board 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/GetFile.cfm?File=C:\TownHall\docroot\GuidanceDocs\132\GDoc_SBE_5329_v1.pdf

May_All.DOC