Commonwealth of Virginia
STATE BOARD OF ELECTIONS
804-786-6551 **OR** Toll-free within Virginia 800-552-9745

200 N. 9th Street, Room 101
Richmond, Virginia 23219-3497
TTY Toll-free within Virginia 800-260-3466
6/10/94

REFERENDUM PROVISIONS
In General

No referendum may be placed on the ballot unless it is specifically authorized by law. Some provisions authorize local governing bodies to request court orders to place issues on the ballot; others permit voters to petition for the election. Some authorize elections to be held for a county or a city; some for a town; and some for the local election district from which a member of the local governing body is elected.

Such provisions of Virginia law, where they exist, set forth the specific question that must appear on the ballot. This question must appear on the petition that will be circulated.

Once it is determined that the question and voter petitions for it are authorized by law, you must follow the procedures in this bulletin and use the petition form attached to it. It also is suggested that you consult with an attorney to assure compliance with all legal requirements.

A. Prior To Circulating Petitions

1. Prepare the petition form. Use the form attached and insert the question to be placed on the ballot. The question must be listed **exactly** as shown in the law authorizing the referendum. In some cases, you are required to insert specific information.

2. Before circulating any petition pages, one individual who is a registered and qualified voter of the county, city, town or local election district in which the referendum will be held must file with the clerk of circuit court of the county or city:

   a. a statement which lists the petitioner's:

      1) name;
      2) residence address;
      3) mailing address, if different from residence address; and
      4) if any, the name of the organization represented by the petitioner in circulating the petition.

   b. a copy of the petition which states the question as set forth in the law authorizing it.

   The individual who signs this statement should be the person who will be responsible for the petition drive and the filing of the petitions that have been circulated.

3. The clerk of circuit court must certify, **within ten days of the filing of the above documents**, that he has received and accepted the petition copy and statement.

B. Circulating Petitions

1. Begin circulating **only after** receiving the clerk's certification.

OVER

2. Each person who circulates a petition page must:

   a. be a qualified voter of the jurisdiction in which the referendum will be held;
   b. see each person sign that petition page; and
   c. complete and sign, before a notary, the affidavit on each petition page he/she circulates.

3. Each petition must:

   a. contain the signatures of qualified voters of the applicable county, city, town or local election district equal to or more than the number required by the law authorizing the referendum; and

   b. contain the date signed and **full printed name and residence address** of each voter.

   For the number of signatures required, call the State Board of Elections; it is recommended that you obtain at least half again the number required to assure that a sufficient number are qualified.

C. Filing Petitions

1. Petitions must be filed with the court no later than nine months following the clerk's certification **OR** early enough to allow the general registrar to verify the petitions and allow the court to enter its order calling the election at least 60 days before the election date, whichever is earlier.

   For some petitions, the law provides a specific deadline; this deadline must always be met.

2. A suggested format for the court order which should be presented with your petitions to the court for its signature is attached.

D. Other Requirements

1. The law authorizing a referendum may specify the time at which it must be held.

2. A referendum must be held on a Tuesday and cannot be held (i) on the same day as a primary election; (ii) in the 60 days preceding a primary or general election; (iii) in the 24 days following a primary election; or (iv) in the 35 days following a general election. Voting equipment must remain sealed during these last two periods in the event of a recount or contest.

3. If the referendum is required to be held at the same time as a regularly scheduled November election or, for cities or towns, at the same time as a regularly scheduled May election, the court order is **not** required to be submitted by the chief legal officer of the county or city to the United States Justice Department pursuant to the Federal Voting Rights Act.

   If the date of the election is discretionary, submission **must be made** to the United States Justice Department pursuant to the Federal Voting Rights Act.

4. The law authorizing a referendum may limit how often the question may appear on the ballot.

5. Other requirements or limitations may be specified in the law authorizing the referendum.

CERTIFICATE OF RECEIPT AND ACCEPTANCE
LOCAL REFERENDUM

TO: _____

_____

_____

I, _____, Clerk of the Circuit Court of _____, certify that:

_____, filed with me as required by § *24.2-684.1* of the Code of Virginia, a copy of a petition for a referendum on the following subject:

_____, the issue for which the petition will be circulated. A statement also was filed setting forth the filer's name and residence address. The statement:

☐ did not indicate that the filer is representing an organization; or

☐ indicated that the filer is representing the following organization:

_____; and

☐ did; or
☐ did not
} set forth a mailing address different from the filer's residence address.

I further certify that I accept these documents and petitions now may be circulated. Petitions must be circulated, completed and filed with the Court within nine months of the date of this certification. The filing deadline for any specific election also must be met if the referendum is to be held at that election.

_____, Clerk

Date: _____

The Clerk of Circuit Court must return to the filer of the petition the original of this document and to the State Board of Elections one copy each of this document, the Statement of Petitioner and the Petition.

STATEMENT OF PETITIONER
FOR
LOCAL REFERENDUM

TO: Clerk of Circuit Court

County/City of _____

Submitted herewith is a copy of a petition to be circulated for a referendum as authorized by law on the question which appears thereon.

As required by § 24.2-684.1 of the *Code of Virginia*, I certify that I am registered and qualified to vote in the jurisdiction and, if applicable, district in which the election will be held. The following information is provided as required:

_____
TYPE OR PRINT YOUR FULL LEGAL NAME

_____
ENTER YOUR RESIDENCE ADDRESS

_____
CITY/TOWN ZIP

_____
ENTER YOUR MAILING ADDRESS IF DIFFERENT FROM RESIDENCE ADDRESS

_____
CITY/TOWN ZIP

_____
ENTER A DAYTIME TELEPHONE NUMBER, INCLUDING AREA CODE

_____
ENTER NAME OF ORGANIZATION YOU REPRESENT, IF ONE

Please certify, within ten days of my filing these documents, that you have received and accepted the petition copy and this statement.

I understand that the petitions must be circulated, completed and filed with you within 9 months of the date of your certificate of receipt and acceptance **or** by the deadline required for the election, whichever first occurs. I further understand that a court order must be entered at least 60 days before the election.

_____
SIGNATURE OF PETITIONER

_____
ENTER DATE

TO SAVE TAXPAYER DOLLARS THIS DOCUMENT IS PRINTED FRONT AND BACK. PREPARE ORIGINAL TYPED COPY, ENTER APPROPRIATE INFORMATION AS INDICATED, AND SUBMIT TO THE COURT AS TWO SEPARATE PAGES.

VIRGINIA: IN THE CIRCUIT COURT OF _____

ORDER

It appearing to the Court that a Petition has been filed requesting the Court to order a referendum to be held pursuant to (cite *legal authority* for this specific election) in (enter *county, city, town* or *local election district name*) on the question of (insert authorized ballot *issue*);

AND it having been certified to the Court by the General Registrar of the *county* (or *city*, as applicable) that such petition has been signed by registered voters equal to or greater than (insert percentage and its basis as required by the law authorizing the referendum[1]);

It is, therefore, ADJUDGED, ORDERED and DECREED that at the special election to be held on (enter *election date*), a Tuesday that is (i) at least sixty days following the entry of this order, (ii) not within the sixty days preceding a general or primary election and (iii) not a primary election day, the election officials of the *county* (or *city*) shall open the polls and take the sense of the qualified voters of (enter name of the *county, city, town* or *local election district* in which the election is to be held) on the following question to be printed on the ballot:

Enter question as stated in the law authorizing the referendum.

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[1]For example:
10% of the number registered in the county on the preceding January 1 **OR**
15% of the number of voters voting in the last presidential election.

The Clerk of the Court shall cause notice of the referendum to be published once a week for the three (3) consecutive weeks prior to the election in (enter *name of newspaper*), a newspaper having general circulation in (enter *county* or *city name*), and a copy of the notice shall be posted during the same time on the door of the (enter *county* or *city name*) Courthouse.

The Clerk of this Court shall send a copy of this Order to the State Board of Elections and to the Secretary of the Electoral Board of (enter *county* or *city name*).

The election shall be held and the results shall be certified as provided in § 24.2-684 of the *Code of Virginia*.

ENTERED this _____ day of _____, 200___.

_____
JUDGE

I ask for this:

sign here _____
printed name of signator
(counsel for petitioner or, if none, petitioner)

TO SAVE TAXPAYER DOLLARS THIS DOCUMENT IS PRINTED FRONT AND BACK. PREPARE ORIGINAL TYPED COPY, ENTER APPROPRIATE INFORMATION AS INDICATED, AND SUBMIT TO THE COURT AS TWO SEPARATE PAGES.

VIRGINIA: IN THE CIRCUIT COURT OF _____

ORDER

It appearing to the Court that a Petition has been filed requesting the Court to order a referendum to be held pursuant to (cite *legal authority* for this specific election) in (enter *county, city, town* or *local election district name*) on the question of (insert authorized ballot *issue*);

AND it having been certified to the Court by the General Registrar of the *county* (or *city*, as applicable) that such petition has been signed by registered voters equal to or greater than (insert *percentage and its basis as required by the law authorizing the referendum*[1]);

It is, therefore, ADJUDGED, ORDERED and DECREED that at the general election to be held on (enter *election date*), a Tuesday that is at least sixty days following the entry of this order, the election officials of the *county* (or *city*) shall open the polls and take the sense of the qualified voters of (enter name of the *county, city, town* or *local election district* in which the election is to be held) on the following question to be printed on the ballot:

Enter question as stated in the law authorizing the referendum.

The Clerk of the Court shall cause notice of the referendum to be published once a week for the three (3) consecutive weeks prior to the election in (enter *name of newspaper*),

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[1] For example:
10% of the number registered in the county on the preceding January 1 **OR**
15% of the number of voters voting in the last presidential election.

a newspaper having general circulation in (enter *county or city name*), and a copy of the notice shall be posted during the same time on the door of the (enter *county or city name*) Courthouse.

The Clerk of this Court shall send a copy of this Order to the State Board of Elections and to the Secretary of the Electoral Board of (enter *county or city name*).

The election shall be held and the results shall be certified as provided in § 24.2-684 of the *Code of Virginia*.

ENTERED this _____ day of _____, 200___.

_____
JUDGE

I ask for this:

sign here _____
printed name of signator
(counsel for petitioner or, if none, petitioner)