Commonwealth of Virginia
STATE BOARD OF ELECTIONS

200 N. 9th Street, Suite 101
Richmond, VA 23219

11/5/03

May 2004 Elections

Candidacy Requirements

For

Town Offices

(*Excluding the Towns of Blacksburg & Leesburg****)***

VOICE: 804-786-6551
VOICE TOLL-FREE: 800-552-9745

TTY TOLL-FREE 800-260-3455
FAX: 804-371-0194

2004 MAY ELECTION CALENDAR
Town Council Offices and, *IF ELECTED,* School Board
Town Recorder and Town Treasurer

ELECTION TYPE	ELECTION DATE	[3]DEADLINES (PERIODS) FOR FILING			LAST DAY TO REGISTER TO VOTE	DEADLINE TO APPLY FOR ABSENTEE BALLOT
		CANDIDATE DECLARATIONS/ PETITIONS	OTHER CANDIDATE FORMS	[2]PARTY CHAIRS CERTIFY CANDIDATES		
[1]General	May 4	March 2 7:00 p.m.	March 2 7:00 p.m.	March 8 5:00 p.m.	April 5 5:00 p.m.	By Mail: April 29 In Person: May 1

[1]See the following pages for specifics as to forms required and where to be filed. The bulletin and forms are available on our website: **WWW.SBE.STATE.VA.US** **OR** from the State Board of Elections. VOICE: In the Richmond area, telephone 786-6551. Toll-free: 800-552-9745 TTY Toll free 800-260-3466.

[2]Party nominations are permitted in towns whose charters do not prohibit partisan elections for council offices. Such nominations may be made no earlier than January 30 and must be completed by 7:00 p.m. on March 2.

[3]For 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 2, 2004.**

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.

9/30/03

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INTRODUCTION

This bulletin and all required forms are available on our website:

http://www.sbe.state.va.us/

Each document is explained in Item VI on Pages 4 and 5 herein.

Filing deadlines and the officer with whom the qualifying forms are filed also are addressed herein.

Your particular attention is called to Item III on Page 2. This section addresses Campaign material identification.

Should you have questions relating to your candidacy, please do not hesitate to call us. Our toll-free number is 800-552-9745. You also can reach us at 804-786-6551.

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I. TOWN OFFICES

Listed below are the offices to which this bulletin applies:

A. **Mayor**

Only if your Town Charter specifies that this officer is elected by the voters. If elected, all town voters vote for this office.

B. **Council Members**

The number elected is specified in your Town Charter. The charter provisions also determine whether members are elected At Large and/or by district. When members are elected At Large, all voters in the town vote the same ballot. If members are elected by district, only voters who reside in the district in which the candidate is running are eligible to vote for that candidate.

C. **School Board**

The Towns of Colonial Beach and West Point have separate school divisions. Only these two towns elect school board members. Virginia law requires that these members be elected in the same manner and for the same term as the Town Council. The above category explains the manner in which they may be elected.

This election is required by law to be **non-partisan**. This means that 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.

D. **Town Recorder or Town Treasurer**

Only if your Town Charter specifies that these officers are elected by the voters. 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 7 the *Summary of the Campaign Finance Disclosure Act* (CFDA) published by the State Board of Elections for specific requirements.

If you have questions on the Act, please call our toll-free line and ask for the Campaign Finance Division.

The following is provided for your additional information:

A. **Sample Ballots**

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

(a) contain the words **SAMPLE BALLOT** in not less than 24 point type; and

(b) if a **paper ballot**, be printed on paper of a color **other than white**.

B. **Posting**

Campaign materials may **NOT** be posted on any state-owned right of way [see Page 3 herein]. Contact your local government administrator to determine whether local ordinances prohibit or restrict the posting of campaign materials.

C. **Violations**

If you believe that either a local ordinance or any election law has been violated and you have facts concerning the violation, you should report those facts in writing to the Commonwealth's Attorney for the 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. VDOT INFORMATION

A "clean" campaign is a sign of the times .

Don't "trash" your print budget or throw away volunteer time.

HIGHWAY WORKERS ARE REQUIRED BY LAW TO REMOVE POSTERS AND FLYERS ON SIGNS, GUARDRAILS - OR ANYWHERE ELSE ON STATE-OWNED RIGHT OF WAY. CAMPAIGN PRINT MATERIALS ARE TOO EXPENSIVE TO WIND UP IN THE BACK OF A VDOT TRUCK. AND VOLUNTEER TIME IS TOO VALUABLE TO BE WASTED ON PUTTING UP MATERIALS THAT ARE DESTINED TO COME DOWN.

Don't make highway workers "play politics" on the job.

PICKING UP POLITICAL MATERIALS IS A COSTLY ACTIVITY FOR VDOT. BUT THE COST TO THE CANDIDATE COULD BE EVEN HIGHER. VOTERS DON'T LIKE TO SEE THEIR TAX DOLLARS SUPPORTING SUCH ACTIVITIES. THEY EXPECT TO SEE HIGHWAY WORKERS PATCHING POTHOLES, FILLING LOW SHOULDERS, OR MOWING GRASS.

Don't let campaign materials turn into litter.

MANY VOTERS VOLUNTEER THEIR TIME TO CLEAN UP ROADSIDES IN VDOT'S "ADOPT-A-HIGHWAY" PROGRAM. AFTER SPENDING SEVERAL BACK-BREAKING HOURS BENDING OVER TO PICK UP POLITICAL POSTERS, THEY WON'T FEEL TOO KINDLY TOWARDS THE NAMES AND FACES THAT THEY SEE OVER AND OVER AGAIN.

Don't get "stuck" by bumper stickers.

ONE LITTLE BUMPER STICKER CAN CAUSE A LOT OF EXPENSE. IF APPLIED TO A ROADSIDE SIGN, THE STICKY RESIDUE IS ALMOST IMPOSSIBLE TO REMOVE. THE SIGN MAY HAVE TO BE REPLACED ENTIRELY. THE LARGE GREEN HIGHWAY SIGNS, FOR EXAMPLE, CAN COST UP TO $800. EVEN A HUMBLE STOP SIGN COSTS MORE THAN $50. DON'T RISK ALIENATING VOTERS BY DESTROYING THE VERY SIGNS THAT THEIR TAX DOLLARS HAVE PAID FOR.

Don't risk your candidate's image.

IT IS ILLEGAL TO PLACE POLITICAL SIGNS ON STATE-OWNED RIGHT OF WAY. YOU WANT CITIZENS TO VIEW YOUR CANDIDATE AS A LAWMAKER - NOT A LAW-BREAKER.

Don't risk someone's life.

ONE MISPLACED SIGN AT AN INTERSECTION COULD BLOCK A MOTORIST'S VISION - AND COST SOMEONE HIS LIFE. THAT'S WHY VDOT TRAFFIC ENGINEERS REVIEW THE PLACEMENT AND POSITION OF EACH HIGHWAY SIGN TO ENSURE SAFETY - AND TO MINIMIZE "VISUAL CLUTTER". UNDERSTANDABLY, CAMPAIGN VOLUNTEERS ARE THINKING ABOUT VICTORY - NOT SAFETY. AND THAT COULD POSE A DEADLY PROBLEM.

DO put signs, posters, and other campaign materials anywhere you want on private property with the owner's permission, of course. And because political signs and posters located off the right of way aren't considered "outdoor advertising", you won't even need a permit.

VDOT - call your local Virginia Department of Transportation office for details.

V. QUALIFICATIONS TO BE A CANDIDATE

A candidate must be:

- Qualified to vote for and hold the office sought;
- A resident of the Commonwealth for one year immediately preceding the election;
- A resident, by the time of filing, of the town in which he offers for election; and
- If he is seeking a district seat, a resident of the election district to be represented.

VI. 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:

WWW.SBE.STATE.VA.US/ELECTION/CANDIDATES/FORMS

A. **Certificate of Candidate Qualification**

This document is prepared and distributed by the State Board of Elections. **All** candidates are required to file this form.

B. **Declaration of Candidacy**

This document is prepared and distributed by the State Board of Elections. It must be filed by **all** candidates. If petitions also are required, the Declaration must be filed **at the same time** as the petitions. See Item VI C2 on the next page for number of signatures required on petitions.

C. **Petition of Qualified Voters**

This document is prepared and distributed by the State Board 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, 2004. See Item VI C2 on the next page for number of signatures required on petitions.

1. **Petition Circulator**

Petitions can be circulated by either the candidate or another person who is either registered, or eligible to be registered, to vote in the district in which the candidate is seeking election. For At Large seats, by any eligible resident of the town in which the candidate is seeking election; for a specific district or ward by any eligible resident of the same district or ward as the candidate.

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

VI. DOCUMENTS REQUIRED TO BE FILED (continued)

C. 2. **Number of Signatures Required**

(a) **Towns with 1,500 or fewer registered voters as of January 1, 2004:**
No petition is required.

(b) **Towns with more than 1,500 registered voters as of January 1, 2004:**

- for **At Large** seats, petitions must contain the signatures of at least **125** qualified voters of the town;

- for **district** seats, petitions must contain the signatures of at least **25** qualified voters of the district.

Call your County General Registrar to find out which requirement applies to your town office.

The State Board recommends that a candidate get at least half again the number of signatures required to assure that enough signers are qualified voters.

D. **Statement of Economic Interests**

This document is prepared by the Secretary of the Commonwealth and should be available from the Town Clerk or Clerk of the town school board. It is required to be filed by **all** town council and town school board candidates **in towns having a population in excess of 3,500.**

Exception - Candidates for re-election to the **same office** need not re-file this form if they met the requirement for filing in January 2004 as officeholders.

NOTE: A person who is appointed to fill a vacancy until it is filled by election must file another Statement of Economic Interests if he becomes a candidate. Although he had to file this document as a condition to assuming the office, another filing is required because he was not elected to the position.

VII. FILING DEADLINE AND WHERE TO FILE

For A Convention/Mass Meeting Candidate

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 of residence**	7:00 p.m. 3/2/2004

NOTE: Partisan elections are permitted unless prohibited by the Town Charter.

See DO'S AND DON'TS FOR A GENERAL OR SPECIAL ELECTION

and

GUIDELINES FOR POLLWORKERS AND AUTHORIZED REPRESENTATIVES

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.

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 4 and 5 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).

VIII. 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 *2. Petitions of Qualified Voters *3. Statement of Economic Interests *4. Certificate of Candidate Qualification	General Registrar of the candidate's county of residence**	7:00 p.m. 3/2/2004

See DO'S AND DON'TS FOR A GENERAL OR SPECIAL ELECTION

and

GUIDELINES FOR POLLWORKERS AND AUTHORIZED REPRESENTATIVES

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.

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 4 and 5 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).

IX. 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 County of residence. It must accompany the declaration of candidacy and, if required, 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.

X. ORDER OF NAMES ON BALLOTS

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. 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.

XI. THE SUCCESSFUL CANDIDATE

Any successful candidate in a town with a population in excess of 3,500 must file, as a condition to assuming office, with the **Town Clerk** or the **Clerk of the Town 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**, and annually thereafter by January 15 of each year. Forms are prescribed by the Secretary of the Commonwealth and should be available from the appropriate Clerk.

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 town council or town school board; in a *special election*, within thirty days of the election. Failure to so qualify creates a vacancy in the office.

XII. FREQUENTLY ASKED QUESTIONS

1. Who may circulate a candidate's petitions?

   A candidate may circulate his own petitions but is not required to do so. A candidate's petitions may be circulated by any person who is, or who is eligible to be, a qualified voter of the election district. See Item VI C 1 for details.

   The circulator must affirm before a notary or other person authorized to administer oaths, that he **personally witnessed** the affixing of the signatures. 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.

2. 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 the signatures on the petition and no person can witness his own signature.

3. 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.

XII. FREQUENTLY ASKED QUESTIONS (continued)

4. 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 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.

5. 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 **Office of the Special Counsel**, 1730 M Street NW, Suite 300, Washington, D. C. 20036. That office will determine if you are affected by the Hatch Act.

   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**.

6. 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 as to whether the provisions of the State and Local Government Conflict of Interests Act [§§ 2.2-3100 through 2.2-3127 of the *Code of Virginia*] might affect your ability to hold the office you intend to seek.

7. I am an employee of the school board; can I be a candidate for school board? (Towns of Colonial Beach and West Point **only**.)

   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.

8. Can a political party endorse a candidate for elected town school board or any town council office?

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

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