

**TITLE 1. ADMINISTRATION**  
**STATE BOARD OF ELECTIONS**

**Final Regulation**

REGISTRAR'S NOTICE: The State Board of Elections is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 B 8 of the Code of Virginia, which exempts agency action relating to the conduct of elections or eligibility to vote.

Title of Regulation: **1VAC20-50. Candidate Qualification (amending 1VAC20-50-20).**

Statutory Authority: §§ 24.2-103 and 24.2-506 of the Code of Virginia.

Effective Date: January 1, 2019.

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Summary:

*The amendment clarifies that if the petition signer does not provide the year when dating the petition signature, the signature may still be valid. The other proposed amendments were not adopted by the board.*

**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 shall 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;
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 candidate's residence address provided on the petition does not match the candidate's voter registration record at the time of the petition's circulation;~~ 6.] The circulator has not signed the petition affidavit and provided his current address;
- [ 6. ~~7.~~ ] The circulator is a minor or a felon whose voting rights have not been restored;
- [ 7. ~~8.~~ ] The circulator has not signed the petition he circulated in the presence of a notary;
- [ 8. ~~9.~~ ] The circulator has not had a notary sign the affidavit for each petition submitted;
- [ 9. ~~10.~~ ] A person other than the circulator signed the petition affidavit;
- [ 10. ~~11.~~ ] The notary has not affixed a photographically reproducible seal;
- [ 11. ~~12.~~ ] The notary has not included his registration number and commission expiration date; or

[ 12. ~~13.~~ ] 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.

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 prints 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; or
9. The signer fails to provide the year when signing the petition.

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.