



## **Start Here: Basics on the Special Elections Nominating Process**

### **A note on using this folder:**

This folder is designed to make the process of nominating a Democratic Candidate for office in a special election a little easier for nominating committees. It has templates for some basic documents you will need to organize your special election nominating process. We recommend you start your planning by reading this document and the caucus organization form, which should give you an idea of what to expect, what decisions you will need to make, and what supplies you will need.

A special thanks to the Henrico County Democratic Committee for providing DPVA with their resources and templates.

### **1. Who decides the method of nomination?**

The nominating process for **Congressional races** is run by the Congressional District committee for that Congressional District.

For **General Assembly races**, local Democratic committees must create Legislative Nominating Committees to conduct the business of nominating candidates. These committees are responsible for all aspects of the nominating process within their respective district. For Senate and House Districts located within a single jurisdiction, the nominating committee is the local committee. For House and Senate Districts that cross jurisdictional boundaries, the nominating committee is composed of the Local Chairs (or their appointed representatives) of the represented jurisdictions. A Local Chair can only serve on the nominating committee of the House and Senate District in which the Local Chair resides. The Local Chair must appoint a representative to the Nominating Committee for Districts that are within their jurisdiction but in which he or she does not reside

**Local & constitutional races** cover one single jurisdiction. Therefore, the nominating committee is the local Committee.

### **2. What are the responsibilities of the nominating committee?**

- Decide on a date, location and process for the caucus (unassembled or assembled)
- Notify DPVA, SBE, and local registrar



- Create a Call to Caucus—establishing filing requirements, deadlines and fees for the candidates
- Write caucus rules
- Make arrangements for location(s)
- Provide required public notice for both candidates and caucus participants
- Collect forms and fees from candidates
- Create caucus participation forms and ballots for the caucus
- Determine method of tracking voters (it may be easiest to have the caucus in one location per a locality to make this process easier)
- Collect all supplies needed
- Conduct the caucus
- Determine the winner
- Certification of candidates:
  - to the State Board of Elections for General Assembly and Congressional candidates
  - to the local Registrar for local candidates

### **3. What are the options for the nominating process in a special election?**

All nominations can be done by primary, convention, or caucus (either assembled or unassembled). Since primaries can only be held on already scheduled primary days, this will typically not be an option for Special Elections. The time frame to hold a nominating contest is often short, so conventions are often not possible. The most common option chosen for nomination is an assembled or unassembled caucus.

### **4. What is the difference between an assembled and unassembled caucus?**

<b>Assembled Caucus</b>	<b>Unassembled Caucus</b>
<ul style="list-style-type: none"><li>• An Assembled Caucus is highly structured—typically, there are speeches from the chair and candidates.</li><li>• There is a definite starting time.</li><li>• Everyone meets in the same room at the same time.</li><li>• Doors are locked and no one is admitted after the caucus begins.</li><li>• Those who leave during the caucus may not be allowed to return.</li></ul>	<ul style="list-style-type: none"><li>• Also known as “Firehouse Primary”</li><li>• An Unassembled Caucus is much looser in its operation.</li><li>• Voting takes place over a period of time and people are allowed to come in, vote and leave – similar to a polling place on Election Day.</li><li>• Typically, there are no speeches and no other business is conducted.</li><li>• This type of caucus usually runs for a few hours.</li></ul>



## **5. What style of voting should I use?**

The default style of voting used in the caucus documents is plurality voting, but the nominating committee can select whatever voting style it would like to use. Some basics on popular voting styles:

- **Plurality:** Candidate with the largest percentage of votes cast wins. This is the most straight forward of voting styles and prevents a runoff, as the candidate with the most votes in the first round is selected. It can mean that a candidate who is opposed by the majority, but whose opposition votes are split by two or more alternative candidates, is elected.
- **Majority:** Candidate who receives at least 50% + 1 of the votes cast wins. This can result in a runoff election, if there are multiple candidates and no candidate receives 50% + 1 in the first round of voting. This is harder to use in an unassembled caucus with multiple candidates and may result in needing to hold a second caucus in that situation.
- **Ranked Choice:** Voters can rank as many candidates as they want in order of choice. This can act as an “instant runoff” of sorts. It does this by counting votes in rounds. First, each candidate is allotted all of the first choice votes that they received. If no candidate received a majority of the first choice votes, the candidate with the lowest number of first choice votes is eliminated and then the voters who selected the defeated candidate as their first choice will have their votes added to the totals for the candidates who received their second choice votes. This process continues until a candidate receives a majority of the votes.

## **6. What if we want to change the candidate filing requirements?**

The DPVA Party Plan sets specific requirements for candidates and those requirements are reflected in the sample Candidate Filing Form. Any additions to the candidate filing requirements need to be cleared with the Chair of the DPVA prior to implementation.

Filing fees are at the discretion of the nominating committee, but should at least be set to cover the costs of hosting the nominating event. Nominating committees may choose to set nominal filing fees to encourage participation or set higher filing fees to limit candidates running to those that can fundraise. Nominating committees can also choose to incorporate into their rules that any funds collected in excess of the

## **7. What if we want to change the requirements for caucus participation?**

The DPVA Party Plan sets specific requirements for caucus participation and those requirements are reflected in the sample Caucus Participant Form. Any additions to the



caucus participation requirements need to be cleared with the Chair of the DPVA prior to implementation.

## **8. How do we select caucus locations?**

All caucus locations need to be ADA accessible. Beyond that requirement, selecting a caucus location is at the discretion of the nominating committee, but here are a few questions you should keep in mind:

- Will it be easy to control the entry to the building and the ability to direct traffic within the space?
- Does the location have wifi? If you want to use VAN to check participants in, you'll need wifi access. If you have multiple locations in a locality, you'll definitely want to use VAN and have wifi.
- If you're having an assembled caucus, will the location(s) be large enough for all your expected participants?
- Do you have a sufficient number of locations for participants in the district to easily go vote? Or, if you have one location, is it centrally located?
- Will you be able to rent the location for hours that make sense for the caucus timing?
- Is the location affordable? Is there one that you can get cheaper or for free?

## **9. What notice requirements apply?**

Typically, notice of a caucus must be published at least 7 days ahead of time using communication typically used by the committee, and which provide the widest possible dissemination within the jurisdiction. Committees are required to post this notification on either their own committee web site, congressional district web site, or the DPVA web site and provide a press release to all relevant newspapers of general circulation. Committees are also encouraged, but not required, to use other opportunities to disseminate this information to all interested parties, as they are able, including a variety of social media, e-mail databases and distribution to relevant television and radio outlets.

However, 9.6 of the DPVA Party Plan allows for a waiver of the notice requirements. The application must be in writing and shall state the type of notice that will be given and the reasons that notice complying with the Party Plan cannot be given. If the chair of the State Central Committee finds that compliance with the Party Plan notice requirement is impractical, then the chair may issue a waiver excusing noncompliance with the notice provisions of these sections, and requiring such notices as are practical under the circumstances.