

Frequently Asked Questions for Local Clerks

	Question	Answer
Getting and Sending Out Forms	<ul style="list-style-type: none"> Where do I get the appropriate form to send to an officer or employee? 	<ul style="list-style-type: none"> If you are sending out the form for the regular annual filing due February 1, you should use the forms the Council sends to you via email in December before the filing period starts. These forms may not always be the same as the ones available on the Council's website. This is because sometimes the forms change with an effective date of January 1. That means we can't put the new forms on the website until that day, but they should be used for the annual filing, so we send them directly to you in December. If you are sending out the form for an officer or employee who has started their position outside of the regular annual filing period, you can always find the current forms on the Filing Resources page of Council's website. The Council's website is: ethics.dls.virginia.gov
	<ul style="list-style-type: none"> When does the Council send out the forms for the regular annual filing? 	<ul style="list-style-type: none"> The Council sends an email to all clerks for whom we have contact information in mid-December. This email will have all the current fillable pdf forms and important instructions for the filing period.
	<ul style="list-style-type: none"> When do I send the forms out? 	<ul style="list-style-type: none"> If you are sending out the form for the regular annual filing due February 1, you must send it no later than January 12 (20 days prior to the deadline). It is imperative that you DO NOT accept any forms prior to January 1. This is because if a filer turns in their form to you before January 1, their form is not considered properly filed, and they have not satisfied their annual filing requirement. If you are sending out the form for an officer or employee who has started their position outside of the regular annual filing period, you should have that individual complete the form prior to or by the end of their first day in that position. If you have questions about the filing requirements of a new officer or employee, please call the Council at 804.698.1810 or send an email to ethics@dls.virginia.gov.

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	<ul style="list-style-type: none"> • How do I send the forms out to my local officers and employees? 	<ul style="list-style-type: none"> • The method in which you send out the forms is up to you. However, DO NOT simply forward the email you receive from the Council to all your filers. That email is specific for local clerks and will likely confuse filers. It also has all three local forms attached, and no filer should be completing all three forms. • The Council recommends you email the appropriate form to each filer, as we provide the forms in fillable pdf format. This is also the quickest way to get the forms to the filers. • You may print out and send copies of the forms via mail if you wish, but this means filers will have to complete the form by hand.
<p>Who Gets Which Form?</p>	<ul style="list-style-type: none"> • Every filer gets all three forms, right? 	<ul style="list-style-type: none"> • NO! No filer should ever be completing all three forms for any reason. There are no exceptions. • The only time a filer completes multiple forms is if they are required to file both a Statement of Economic Interests and a Disclosure of Real Estate Holdings or both a Financial Disclosure Statement and a Disclosure of Real Estate Holdings. • No filer should ever be completing both the Statement of Economic Interests and the Financial Disclosure Form for any reason. There are no exceptions.
	<ul style="list-style-type: none"> • Who do I send the forms to? 	<ul style="list-style-type: none"> • The filing requirements for local officers and employees are established in Va. Code 2.2-3115 (A), (B), and (G). • The Council has also supplied the filing requirements for local officers and employees in list format on the Filing Resources page of the Council’s website. • The Council’s website is: ethics.dls.virginia.gov • If you’ve reviewed the Code and the Council’s website and have additional questions, please call the Council at 804.698.1810 or send an email to ethics@dls.virginia.gov.
	<ul style="list-style-type: none"> • My filer said they completed an online form and don’t need to complete the form I sent them. What should I do? 	<ul style="list-style-type: none"> • It’s entirely possible that this is accurate. Please contact the Council to confirm this information. • Call the Council at 804.698.1810 or send an email to ethics@dls.virginia.gov.
	<ul style="list-style-type: none"> • Do I send forms to people who served in a position that required a filing for part of last year, but aren’t in that position now? 	<ul style="list-style-type: none"> • No. If an individual is no longer serving in a position that requires the filing of a disclosure form as of the filing deadline (February 1), they are not required to complete a form and you should not send a form to them.

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<p>Communicating with the Council</p>	<ul style="list-style-type: none"> I never got an email with the forms attached in December. 	<ul style="list-style-type: none"> Did you check your spam or junk folder? Does your locality have a firewall preventing you from receiving mass emails? We send one email out to all local clerks at once, but it's not spam we promise! Do we have your current contact information? The Council has no way of knowing if the contact information for the clerk in your locality has changed unless you contact us and let us know.
	<ul style="list-style-type: none"> My email has changed/the clerk of our locality has changed. How do I make sure the Council has my correct contact information? 	<ul style="list-style-type: none"> If your email address has changed or if the clerk in your locality has changed, please send an email to ethics@dls.virginia.gov.
	<ul style="list-style-type: none"> How many points of contact should my office have with the Council? 	<ul style="list-style-type: none"> We recommend each clerk's office have two points of contact with the Council. This typically ensures that each office receives all communications from the Council.
<p>Public Records</p>	<ul style="list-style-type: none"> Are the disclosure forms filed with my office public record? How long do I keep the records? 	<ul style="list-style-type: none"> Yes, all filings are public record and subject to FOIA requests. You are required to keep the forms for five years.
	<ul style="list-style-type: none"> Do I redact anything from a form before releasing it to the public? 	<ul style="list-style-type: none"> Yes, you should redact signatures and personal telephone numbers. You should also redact residential street addresses but only on Statements of Economic Interests and Financial Disclosure Forms. You should NOT redact any addresses on the Disclosure of Real Estate Holdings. These the only things the State and Local Government Conflict of Interests Act gives local clerks the authority to redact from disclosure forms. If you have further questions about redactions, please contact the FOIA Council.
<p>Late Filings</p>	<ul style="list-style-type: none"> All late filers will get a fine, right? 	<ul style="list-style-type: none"> No, the \$250 late filing penalty only applies to those required to file the Statement of Economic Interests.
	<ul style="list-style-type: none"> What do I do if I have an SOEI filers who turns in their form late or not at all? 	<ul style="list-style-type: none"> Per Va. Code 2.2-3124 (B), all local clerks are required to send a list of individuals required to file the SOEI who did not do so by the statutory deadline to the local Commonwealth's Attorney. The Commonwealth's Attorney is then required to assess and collect the \$250 late filing penalty.

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	<ul style="list-style-type: none">• What if one of my officers was only one day late or has a really good reason for turning in their form late? Can I leave them off the list I submit to the Commonwealth's Attorney?	<ul style="list-style-type: none">• No. Local clerks are not given any discretion in compiling the list of late SOEI filers. If the filer did not submit their form by the end of the day on the filing deadline, they are late.• If an SOEI filer would like to request a deadline extension from the Council, they may do so by submitting the form available on the Filing Resources page of the Council's website at ethics.dls.virginia.gov.• Deadline extensions may be given by the Council only. Local clerks do not have the authority to grant deadline extensions.• If a local SOEI filer is granted or denied a deadline extension from the Council, the Council will communicate such information to the appropriate local clerk.
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