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**HOUSE BILL NO. 363**  
Offered January 10, 2024  
Prefiled January 6, 2024

A *BILL to amend and reenact §§ 8.01-636, 24.2-503, and 24.2-525 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 2 of Title 24.2 a section numbered 24.2-201.1 and by adding a section numbered 24.2-501.1, relating to disqualification from office under Section 3 of the Fourteenth Amendment to the United States Constitution; affidavit of eligibility for candidates for elective office; removal from office for current officeholders; penalty.*

Patron—Reid

Referred to Committee on Privileges and Elections

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 8.01-636, 24.2-503, and 24.2-525 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 2 of Title 24.2 a section numbered 24.2-201.1 and by adding a section numbered 24.2-501.1 as follows:**

**§ 8.01-636. In what cases writ issued.**

A writ of quo warranto may be issued and prosecuted in the name of the Commonwealth in any of the following cases:

1. Against a domestic corporation, other than a municipal corporation, for the misuse or nonuse of its corporate privileges and franchises, or for the exercise of a privilege or franchise not conferred upon it by law, or when a charter of incorporation has been obtained by it for a fraudulent purpose, or for a purpose not authorized by law;

2. Against a person for the misuse or nonuse of any privilege conferred upon him by law;

2a. Against a person engaged in the practice of any profession without being duly authorized or licensed to do so;

3. Against any person or persons acting as a corporation, other than a municipal corporation, without authority of law; and

4. Against any person who intrudes into ~~or~~, usurps, or unlawfully holds or exercises any public office. But no writ shall be issued or prosecuted against any person now in office for any cause which would have been available in support of a proceeding to contest his election.

Provided that nothing herein shall be construed to give jurisdiction to any court to judge the election, qualifications, or returns of the members of either house of the General Assembly.

**§ 24.2-201.1. Disqualification from holding office.**

Any person who is found to have engaged in insurrection or rebellion against the United States or to have given aid or comfort to the enemies thereof, shall be disqualified from holding any office of the Commonwealth or of its governmental units in accordance with Section 3 of the Fourteenth Amendment to the Constitution of the United States, unless the United States Congress has removed such disability by a vote of two-thirds of each house.

An officer, other than a member of the General Assembly, who is disqualified pursuant this section may be removed from office by a writ of quo warranto issued against him pursuant to § 8.01-636.

A member of the General Assembly who is disqualified pursuant to this section may be disciplined or expelled from office by the house in which he sits pursuant to Article IV, Section 7 of the Constitution of Virginia.

**§ 24.2-501.1. Affidavit of eligibility as requirement of candidacy.**

It shall be a requirement of candidacy for any office of the Commonwealth, or of its governmental units, that a person file an affidavit on a form prescribed by the State Board attesting that he has not engaged in any insurrection or rebellion against the United States, or given aid or comfort to enemies of thereof, and is therefore eligible to hold elective office under Section 3 of the Fourteenth Amendment to the Constitution of the United States. Such affidavit shall be made under penalty of perjury, which shall be punishable as a Class 5 felony, subject to a term of imprisonment of not less than five years and a fine of \$25,000.

The name of any person who does not submit a signed and notarized affidavit of eligibility shall not be printed on the ballot for the nomination or office sought.

**§ 24.2-503. Deadlines for filing required statements; extensions.**

The written ~~statements~~ statement of qualification required pursuant to § 24.2-501, the affidavit of eligibility required pursuant to § 24.2-501.1, and the written statement of economic interests required pursuant to § 24.2-502 shall be filed by (i) primary candidates not later than the filing deadline for the primary, (ii) all other candidates for city and town offices to be filled at a May general election by 7:00 p.m.

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59 on the first Tuesday in March, (iii) candidates in special elections by the time of qualifying as a candidate,  
60 and (iv) all other candidates by 7:00 p.m. on the third Tuesday in June.

61 A statement shall be deemed to be timely filed if it is mailed postage prepaid to the appropriate office by  
62 registered or certified mail and if the official receipt therefor, which shall be exhibited on demand, shows  
63 mailing within the prescribed time limits.

64 The State Board may grant an extension of any deadline for filing either or both written statements *or the*  
65 *affidavit of eligibility* and shall notify all candidates who have not filed their statements *or affidavit* of the  
66 extension. Any extension shall be granted for a fixed period of time of ten days from the date of the mailing  
67 of the notice of the extension.

68 **§ 24.2-525. Persons entitled to have name printed on ballot.**

69 A. Only a person meeting all the qualifications and fulfilling all the requirements of a candidate, and who  
70 has complied with the rules and regulations of his party, shall have his name printed on the ballot provided  
71 for the primary election. A person who does not file either or both written statements *or the affidavit of*  
72 *eligibility* required by § 24.2-503 by the relevant deadline, or the end of the extension period if an extension  
73 has been granted pursuant to that section, shall not have his name printed on the ballot provided for the  
74 primary election.

75 B. No person shall have his name printed on the ballot for more than one office at any one primary  
76 election. However, a candidate for federal or statewide office, or a candidate for an office being filled in a  
77 special election, may have his name printed on the ballot for two offices at a primary election.

78 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**  
79 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**  
80 **appropriation cannot be determined for periods of imprisonment in state adult correctional facilities;**  
81 **therefore, Chapter 1 of the Acts of Assembly of 2023, Special Session I, requires the Virginia Criminal**  
82 **Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the**  
83 **Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of commitment**  
84 **to the custody of the Department of Juvenile Justice.**