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SENATE BILL NO. 940

Offered January 8, 2025

Prefiled January 6, 2025

A *BILL to amend the Code of Virginia by adding in Chapter 5 of Title 24.2 an article numbered 8, consisting of a section numbered 24.2-546, relating to elections; candidates for office; challenges to candidate qualifications.*

Patron—Surovell

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 5 of Title 24.2 an article numbered 8, consisting of a section numbered 24.2-546, as follows:

Article 8.

Challenges to Candidate Qualifications.

§ 24.2-546. Challenges to candidate qualifications.

A. Any legal action relating to a person's eligibility to have his name printed on the ballot for any election on the basis that such person failed to meet all qualifications or to fulfill all requirements for candidacy shall be filed in a circuit court and served on all parties at least 60 days before the date of the election. In any district-based election where the district contains multiple circuit court jurisdictions, the legal action shall be filed in the jurisdiction that makes up the largest portion of the district by registered voters. Any legal action relating to a candidate's eligibility shall be given precedence on the docket and shall be decided by the circuit court no later than 30 days from service upon all parties. Any notice of appeal shall be filed within five days, and all appeals shall be given precedence on the docket.

B. The qualifications of a candidate who was nominated at a primary election shall not be subject to a challenge on the basis of facts that were present prior to the primary election and could have been raised in a challenge to such candidate's eligibility for the primary ballot.

C. Nothing in this section shall be construed to limit challenges to an elected official's qualification to serve based upon Article IV, Section 4 of the Constitution of Virginia or § 24.2-500.

INTRODUCED

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