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SENATE BILL NO. 940
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Privileges and Elections
on January 28, 2025)
(Patron Prior to Substitute—Senator Surovell)

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.*

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 (i) 90 days before the date of a general election, (ii) 65 days before the date of a primary election, (iii) 70 days before the date of a special election held on the same date as the general election, or (iv) for any special election held at a time other than a general election (a) at least 55 days before the date of the special election or (b) within 10 days of any writ of election or order calling a special election to be held less than 60 days after the issuance of the writ or order.

B. 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 the date on which ballots for that election are made available for absentee voting. Any notice of appeal shall be filed within seven days of the circuit court's final order, and all appeals shall be given precedence on the docket.

C. 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.

D. 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.

SENATE SUBSTITUTE

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