

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

5 [S 940]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**  
8 **1. That the Code of Virginia is amended by adding in Chapter 5 of Title 24.2 an article numbered 8,**  
9 **consisting of a section numbered 24.2-546, as follows:**

10 *Article 8.*11 *Challenges to Candidate Qualifications.*12 **§ 24.2-546. Challenges to candidate qualifications.**

13 *A. Any legal action relating to a person's eligibility to have his name printed on the ballot for any election*  
14 *on the basis that such person failed to meet all qualifications or to fulfill all requirements for candidacy shall*  
15 *be filed in a circuit court and served on all parties at least (i) 90 days before the date of a general election,*  
16 *(ii) 65 days before the date of a primary election, (iii) 70 days before the date of a special election held on the*  
17 *same date as the general election, or (iv) for any special election held at a time other than a general election*  
18 *(a) at least 55 days before the date of the special election or (b) within 10 days of any writ of election or*  
19 *order calling a special election to be held less than 60 days after the issuance of the writ or order.*

20 *B. In any district-based election where the district contains multiple circuit court jurisdictions, the legal*  
21 *action shall be filed in the jurisdiction that makes up the largest portion of the district by registered voters.*  
22 *Any legal action relating to a candidate's eligibility shall be given precedence on the docket and shall be*  
23 *decided by the circuit court no later than 10 days before the date on which ballots for that election are made*  
24 *available for absentee voting. Any notice of appeal shall be filed within seven days of the circuit court's final*  
25 *order, and all appeals shall be given precedence on the docket.*

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

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

ENROLLED

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