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**SENATE BILL NO. 169**

SENATE BILL NO. 109  
Offered January 14, 2026

Prefiled January 8, 2026

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—Pekarsky

Referred to Committee on Privileges and Elections

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

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.*

### *Article 3: Challenges to Candidate Qualifications.*

## § 24.2-546. Challenges to candidate qualifications.

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

*B. In any district-based election where the district contains multiple circuit court jurisdictions, a legal action described by subsection A or B 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 (i) no later than 10 days before the date on which ballots for that election are made available for absentee voting or (ii) for any action filed pursuant to subsection B, within 30 days of filing. 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 outside of an election cycle.**