

## 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 169]

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

21 *B. In any district-based election where the district contains multiple circuit court jurisdictions, a legal*  
 22 *action described by subsection A or B shall be filed in the jurisdiction that makes up the largest portion of the*  
 23 *district by registered voters. Any legal action relating to a candidate's eligibility shall be given precedence on*  
 24 *the docket and shall be decided by the circuit court (i) no later than 10 days before the date on which ballots*  
 25 *for that election are made available for absentee voting or (ii) for any action filed pursuant to subsection B,*  
 26 *within 30 days of filing. Any notice of appeal shall be filed within seven days of the circuit court's final order,*  
 27 *and all appeals shall be given precedence on the docket.*

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

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

ENROLLED

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