

VIRGINIA ACTS OF ASSEMBLY -- 2019 SESSION

CHAPTER 691

An Act to amend and reenact § 24.2-806 of the Code of Virginia, relating to contests of certain elections; location of proceeding to contest.

[S 1781]

Approved March 21, 2019

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-806 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-806. Contest of other primaries and elections.

In a primary for the United States House of Representatives, the Virginia Senate, the House of Delegates, or any county, city, town, or district office, or an election to any county, city, town, or district office, the proceeding to contest shall be in the circuit court of the county or city ~~in which that~~ the challenged candidate ~~resides listed as his residency on his certificate of candidate qualification~~. The proceeding shall be before a special court composed of the chief judge of such circuit court and two circuit court judges of circuits remote from the county or city ~~in which that~~ such candidate ~~resides listed as his residency on his certificate of candidate qualification~~, appointed by the Chief Justice of the Supreme Court of Virginia, or, in the event of his inability to act, then by the next senior justice, who shall at the time of appointment set the date for trial.

If the chief judge of the circuit court of the city or county ~~in which that~~ the candidate ~~resides listed as his residency on his certificate of candidate qualification~~ is absent, unable to sit in the proceeding, or recuses himself, the clerk of the court shall at once certify that fact to the Chief Justice. Then the Chief Justice or the associate justice acting in his stead shall appoint a third judge, who shall be, if possible, a judge of the same or an adjoining circuit.