

APPROVED BY JOINT P&E COMMITTEE 6/22/2026

Explanation for Proposed Constitutional Amendment
to Be Voted On at the November 3, 2026, Election

PROPOSED CONSTITUTIONAL AMENDMENT

ARTICLE II. Franchise and Officers.

Section 1. Qualifications of voters.

**EXPLANATION FOR VOTERS
QUESTION 3**

Present Law

Virginia's Constitution currently provides that a person who is convicted of any felony loses the right to vote for the rest of their life unless the Governor of Virginia takes administrative action to restore that specific person's right to vote. This is the only means of getting back the right to vote after a felony conviction.

The current constitutional provision also imposes a broad restriction, while using outdated terminology, on voting by persons found to be incapacitated. A person who is determined by a court to be incapacitated, regardless of the kind of incapacity, loses the right to vote, and only a court can restore the person's right to vote later.

Proposed Amendment

The proposed amendment enshrines in the Constitution the fundamental right of all qualified persons in the Commonwealth to vote. Two exceptions to this right are for persons who are serving a sentence of incarceration for a felony conviction and persons who are determined by a court to not understand the act of voting. Such right cannot otherwise be restricted by laws.

Under the proposed amendment, a person who is convicted of a felony loses the right to vote during their period of incarceration. Once released from incarceration, the person gets back the right to vote without needing to apply for restoration by the Governor.

The proposed amendment also requires a specific finding by a court that a person does not understand the act of voting in order for that person's right to vote to be taken away.

With the right to vote, a person also has the right to be a juror, the right to be elected to an office, and the right to be a notary public.

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BALLOT QUESTION

Should the Constitution of Virginia be amended (i) to provide for the fundamental right to vote in the Commonwealth, (ii) to revise the qualifications of voters so that a person convicted of a felony is not entitled to vote during his period of incarceration but is automatically invested with the right to vote upon release from incarceration, and (iii) to update the existing prohibition on voting by persons found to be mentally incompetent to instead apply to persons who have been found to lack the capacity to understand the act of voting?

FULL TEXT OF AMENDMENT

[Proposed new language is underlined. Deleted old language is ~~stricken~~.]

ARTICLE II.

FRANCHISE AND OFFICERS.

Section 1. Qualifications of voters.

(a) In elections by the people, the qualifications of voters shall be as follows: Each voter shall be a citizen of the United States, shall be eighteen years of age, shall fulfill the residence requirements set forth in this section subsection (b), and shall be registered to vote pursuant to this article. Every person who meets these qualifications shall have the fundamental right to vote in the Commonwealth, and such right shall not be abridged by law, except that:

(1) No person who has been convicted of a felony shall be ~~qualified~~ entitled to vote unless his civil rights have been restored by the Governor or other appropriate authority during any period of incarceration for such felony conviction, but every such person, upon release from incarceration for that felony conviction and without further action required of him, shall be invested with all political rights, including the right to vote; and

As prescribed by law, no (2) No person who has been adjudicated to be mentally incompetent by a court of competent jurisdiction to lack the capacity to understand the act of voting shall be ~~qualified~~ entitled to vote during such period of incapacity until his ~~competency~~ capacity has been reestablished as prescribed by law.

(b) The residence requirements shall be that each voter shall be a resident of the Commonwealth and of the precinct where he votes. Residence, for all purposes of qualification to vote, requires both domicile and a place of abode. The General Assembly may provide for persons who are

employed overseas, and their spouses and dependents residing with them, and who are qualified to vote except for relinquishing their place of abode in the Commonwealth while overseas, to vote in the Commonwealth subject to conditions and time limits defined by law. The General Assembly may provide for persons who are qualified to vote except for having moved their residence from one precinct to another within the Commonwealth to continue to vote in a former precinct subject to conditions and time limits defined by law. The General Assembly may also provide, in elections for President and Vice President of the United States, alternatives to registration for new residents of the Commonwealth.

(c) Any person who will be qualified with respect to age to vote at the next general election shall be permitted to register in advance and also to vote in any intervening primary or special election.