



# Proposed Constitutional Amendments

To be voted on at the  
November 3, 2026 Election

## QUESTION 1 BALLOT QUESTION

Should the Constitution of Virginia be amended to (i) protect the freedom to make personal decisions about prenatal care, childbirth, postpartum care, birth control, abortion, miscarriage management, and fertility care; (ii) protect doctors, nurses, and patients from being punished for these decisions; and (iii) allow for restrictions on access to abortion during the third trimester of pregnancy except when the patient's health is at risk or the pregnancy cannot survive?

### EXPLANATION FOR VOTERS - QUESTION 1 Present Law

Currently, the Virginia Constitution does not explicitly provide to its citizens a right to reproductive freedom nor does it explicitly protect or prohibit certain kinds of health care procedures or decisions.

#### Proposed Amendment

The proposed amendment would add to the Virginia Constitution's Bill of Rights the fundamental right to make and carry out decisions about a person's own reproductive care with only certain, specific exceptions. The proposed amendment specifically allows the state government to pass laws to regulate abortion care in the third trimester of pregnancy, but requires any such law to allow for abortion care when it is medically needed to protect the life and health of the pregnant person or because the fetus is not viable.

### FULL TEXT OF AMENDMENT

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

#### ARTICLE I BILL OF RIGHTS

Section 11-A. Fundamental right to reproductive freedom.

That every individual has the fundamental right to reproductive freedom, including the ability to make and carry out decisions relating to one's own prenatal care, childbirth, postpartum care, contraception, abortion care, miscarriage management, and fertility care.

An individual's right to reproductive freedom shall not be, directly or indirectly, denied, burdened, or infringed upon unless justified by a compelling state interest achieved by the least restrictive means.

Notwithstanding the above, the Commonwealth may regulate the provision of abortion care in the third trimester, provided that in no circumstance shall the Commonwealth prohibit an abortion (i) that in the professional judgment of a physician is medically indicated to protect the life or physical or mental health of the pregnant individual or (ii) when in the professional judgment of a physician the fetus is not viable.

The Commonwealth shall not discriminate in the protection or enforcement of this fundamental right. The Commonwealth shall not penalize, prosecute, or otherwise take adverse action against an individual based on such individual's own exercise of this fundamental right or such individual's own actual, potential, perceived, or alleged pregnancy outcomes, including miscarriage, stillbirth, or abortion.

The Commonwealth shall not penalize, prosecute, or otherwise take adverse action against any individual for aiding or assisting another individual in exercising such other individual's right to reproductive freedom with such other individual's voluntary consent.

For the purposes of this section, a state interest is compelling only if it is for the limited purpose of maintaining or improving the health of an individual seeking care, consistent with accepted clinical standards of care and evidence-based medicine and does not infringe on that individual's autonomous decision making. This section shall be self-executing. Any provision of this section held invalid shall be severable from the remaining portions of the section.

## QUESTION 2 BALLOT QUESTION

Should the Constitution of Virginia be amended to (i) remove the ban on same-sex marriage; (ii) affirm that two adults may marry regardless of sex, gender, or race; and (iii) require all legally valid marriages to be treated equally under the law?

### EXPLANATION FOR VOTERS - QUESTION 2 Present Law

Marriages, civil unions, and other legal relationships with the same rights, benefits, and effects of marriage between persons of the same sex or gender are prohibited under Virginia's Constitution. This prohibition is no longer enforceable as a result of the United States Supreme Court decision in *Obergefell v. Hodges* in 2015, but the prohibition on marriages between persons of the same sex or gender remains in the state's Constitution. If the Supreme Court were to overturn its previous decision, that prohibition would be enforceable again.

#### Proposed Amendment

The proposed amendment removes the prohibition on marriages between persons of the same sex or gender from the Virginia Constitution's Bill of Rights. It is replaced with the fundamental right to marry, requiring the state to recognize and treat equally under the law any lawful marriage between two adult persons, regardless of the sex, gender, or race of either person. The proposed amendment prohibits the state from denying a marriage license to two adult persons because of their sex, gender, or race.

### FULL TEXT OF AMENDMENT

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

#### ARTICLE I BILL OF RIGHTS

Section 15-A. Marriage.

~~That only a union between one man and one woman may be a marriage valid in or recognized by this Commonwealth and its political subdivisions marriage is one of the vital personal rights essential to the orderly pursuit of happiness.~~

This Commonwealth and its political subdivisions shall not create or recognize a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage deny the issuance of a marriage license to two adult persons seeking a lawful marriage on the basis of the sex, gender, or race of such persons. Nor shall this Commonwealth or its political subdivisions create or recognize another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage This Commonwealth and its political subdivisions shall recognize any lawful marriage between two adult persons and treat such marriages equally under the law, regardless of the sex, gender, or race of such persons.

## QUESTION 3 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?

### 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.

### 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.