

November 3rd Constitutional Amendments

Amendment – Right to Reproductive Freedom

If passed, the amendment would add Section 11-A to Article I of the [Constitution of Virginia](#):⁽¹⁾

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.

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?"

Amendment – Repeal Same-Sex Marriage Ban

Ballot wording

On Election Day, the following will be displayed for voters for the referendum:^[23]

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?

Constitutional changes

If agreed to by voters, Section 15-A of Article I of the [Constitution of Virginia](#) will be amended as follows:^[24]

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.

Amendment – Virginia Voting Rights Restoration

If agreed to by voters, Section 1 of Article II of the [Constitution of Virginia](#) will be amended as follows:^[6]

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.