

Virginia Constitutional Amendment 1 of 3

Right to Reproductive Freedom

November 3, 2026 General Election Ballot

WHAT THIS AMENDMENT IS ABOUT

This amendment would add a new section to the Virginia Constitution guaranteeing a fundamental right to reproductive freedom — including decisions about prenatal care, childbirth, contraception, and abortion — while specifically allowing the state to regulate abortion in the third trimester within limits.

CURRENT LAW

- Virginia does not have a constitutional guarantee of reproductive rights. Abortion is currently legal up to the end of the second trimester, set by state law — not the constitution — and can be changed by the legislature at any time.
- The U.S. Supreme Court's 2022 Dobbs decision removed federal constitutional protection for abortion, leaving each state to set its own rules.

PROPOSED LAW

- Adds Section 11-A to Article I, establishing a fundamental right to reproductive freedom: prenatal care, childbirth, postpartum care, contraception, abortion care, miscarriage management, and fertility care.
- The state may only limit this right when it has a compelling interest, using the least restrictive means possible.
- The state may still regulate abortion care in the third trimester — but any such law must allow it when medically needed to protect the pregnant person's life or health, or when the fetus is not viable.
- Also protects doctors, nurses, and patients from being punished for these decisions.

WHAT THE BALLOT QUESTION ASKS

"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?"

HOW YOUR VOTE COUNTS

✓ YES Vote Means...

- The Constitution is amended to add a fundamental right to reproductive freedom, covering contraception, fertility care, and miscarriage management alongside abortion.
- Doctors, nurses, and patients are protected from punishment for these decisions.
- Future restrictions face a high legal bar — except that the state may still regulate abortion in the third trimester, with life/health/viability exceptions preserved.
- Can only be changed by another statewide vote.

✗ NO Vote Means...

- No change is made to the Virginia Constitution.
- Current state laws on abortion and reproductive health care remain in place, including the existing second-trimester cutoff.
- The General Assembly retains full authority to expand or restrict reproductive health laws through the normal legislative process, without a constitutional standard to meet.

*This guide is non-partisan and presents facts only. It does not advocate for or against this amendment.
Virginia General Election — November 3, 2026*