

Virginia Constitutional Amendment 3 of 3

Automatic Voting Rights Restoration

November 3, 2026 General Election Ballot

WHAT THIS AMENDMENT IS ABOUT

This amendment makes three changes: it adds an explicit “fundamental right to vote” clause, makes felony voting-rights restoration automatic upon release from prison, and narrows the separate rule disqualifying voters found to lack capacity to understand voting.

CURRENT LAW	PROPOSED LAW
- A felony conviction permanently strips a person of the right to vote. The only way to regain it is to apply individually to the Governor's office — a discretionary process that varies significantly by administration, with no guarantee of restoration. - Virginia is one of only three states (with Iowa and Kentucky) whose constitutions permanently disenfranchise everyone convicted of a felony absent individual governor action. - Separately, the Constitution disqualifies anyone “adjudicated to be mentally incompetent” from voting, regardless of the kind of incapacity, until a court restores competency.	- Establishes a constitutional “fundamental right to vote” for every qualifying citizen, which cannot otherwise be restricted by law. - Voting rights are restored automatically upon release from prison alone — no application to the Governor, and no requirement to also finish parole or probation or pay outstanding fines first. - The Governor no longer has discretion over individual felony rights restoration. - Narrows the incompetency disqualification: a court must specifically find the person lacks the capacity to understand the act of voting — not just “incompetent” in general.

WHAT THE BALLOT QUESTION ASKS

“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?”

HOW YOUR VOTE COUNTS

✓ YES Vote Means...	✗ NO Vote Means...
- The Constitution is amended to give every qualifying, non-incarcerated citizen a fundamental right to vote. - Felony voting rights are restored automatically upon release from prison — no petition, no waiting on parole, probation, or fines. - Only a specific court finding of incapacity to understand voting — not a general incompetency finding — can take away someone's vote on capacity grounds. - These protections are constitutionally guaranteed and can only be changed by another statewide vote.	- No change is made to the Virginia Constitution. - People with felony convictions continue to lose their right to vote permanently unless the Governor individually restores it — subject to whichever administration's policies are in effect. - The broader, outdated “mentally incompetent” standard remains in place for capacity-based disqualification. - Virginia remains one of a small number of states that do not automatically restore voting rights.

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