



COMMONWEALTH OF VIRGINIA
HOUSE OF DELEGATES
RICHMOND

SUZETTE DENSLAW
CLERK OF THE HOUSE OF DELEGATES AND
KEEPER OF THE ROLLS OF THE COMMONWEALTH

STATE CAPITOL
POST OFFICE BOX 406
RICHMOND, VIRGINIA 23218

TO: Clerks of the Circuit Courts
FROM: *Suzette Denslow*
Suzette Denslow, Clerk of the House of Delegates
DATE: July 28, 2021
RE: Proposed amendments to the Constitution of Virginia for posting

As you may be aware, § 30-13 of the Code of Virginia directs the Clerk of the House of Delegates to have published all proposed amendments to the Constitution of Virginia. In fulfillment of that statutory requirement, please find below links to two proposed amendments to the Constitution of Virginia that were agreed to by the Virginia General Assembly during the 2021 Special Session I. Please note that these were first-reference resolutions and will not appear on the ballot unless passed by the General Assembly again next year.

HJR 555/SJR 272: Proposing an amendment to Section 1 of Article II of the Constitution of Virginia, relating to qualifications of voters and the right to vote; persons not entitled to vote. (First reference)

HJR 582/SJR 270: Proposing an amendment to Section 15-A of Article I of the Constitution of Virginia, relating to marriage; repeal of same-sex marriage prohibition; affirmative right to marry. (First reference)

Section 30-13 also requires the clerk of the circuit court of each city and county to post one copy of each amendment at the front door of the courthouse and make a second copy available for inspection by any citizen. Additionally, § 1-211.1 provides that a clerk can satisfy the requirement for posting an official document at the court door by posting the document on the public government website of the locality served by the court or the website of the circuit court clerk.

Thank you, in advance, for your cooperation with this important matter. If you have questions or need additional information, please feel free to contact Cheryl Wilson, Deputy Clerk of Committee Operations, at (804) 698-1508 or by email to cwilson@house.virginia.gov.

VIRGINIA ACTS OF ASSEMBLY -- 2021 SPECIAL SESSION I

CHAPTER 516

HOUSE JOINT RESOLUTION NO. 555

Proposing an amendment to Section 1 of Article II of the Constitution of Virginia, relating to qualifications of voters and the right to vote; persons not entitled to vote.

Agreed to by the House of Delegates, February 27, 2021

Agreed to by the Senate, February 27, 2021

RESOLVED by the House of Delegates, the Senate concurring, a majority of the members elected to each house agreeing, That the following amendment to the Constitution of Virginia be, and the same hereby is, proposed and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates for its concurrence in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend Section 1 of Article II of the Constitution of Virginia as follows:

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.

VIRGINIA ACTS OF ASSEMBLY -- 2021 SPECIAL SESSION I

CHAPTER 519

SENATE JOINT RESOLUTION NO. 272

Proposing an amendment to Section 1 of Article II of the Constitution of Virginia, relating to qualifications of voters and the right to vote; persons not entitled to vote.

Agreed to by the Senate, February 27, 2021

Agreed to by the House of Delegates, February 27, 2021

RESOLVED by the Senate, the House of Delegates concurring, a majority of the members elected to each house agreeing, That the following amendment to the Constitution of Virginia be, and the same hereby is, proposed and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates for its concurrence in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend Section 1 of Article II of the Constitution of Virginia as follows:

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.

VIRGINIA ACTS OF ASSEMBLY -- 2021 SPECIAL SESSION I

CHAPTER 517

HOUSE JOINT RESOLUTION NO. 582

Proposing an amendment to Section 15-A of Article I of the Constitution of Virginia, relating to marriage; repeal of same-sex marriage prohibition; affirmative right to marry.

Agreed to by the House of Delegates, February 4, 2021

Agreed to by the Senate, February 19, 2021

RESOLVED by the House of Delegates, the Senate concurring, a majority of the members elected to each house agreeing, That the following amendment to the Constitution of Virginia be, and the same hereby is, proposed and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates for its concurrence in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend Section 15-A of Article I of the Constitution of Virginia as follows:

ARTICLE I

BILL OF RIGHTS

Section 15-A. ~~Marriage~~ *Fundamental right to marry.*

~~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~~ *the right to marry is a fundamental right, inherent in the liberty of persons, and 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. 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 and agents shall issue marriage licenses, recognize marriages, and treat all marriages equally under the law regardless of the sex or gender of the parties to the marriage.~~

Religious organizations and clergy acting in their religious capacity shall have the right to refuse to perform any marriage.

VIRGINIA ACTS OF ASSEMBLY -- 2021 SPECIAL SESSION I

CHAPTER 518

SENATE JOINT RESOLUTION NO. 270

Proposing an amendment to Section 15-A of Article I of the Constitution of Virginia, relating to marriage; repeal of same-sex marriage prohibition; affirmative right to marry.

Agreed to by the Senate, February 5, 2021

Agreed to by the House of Delegates, February 15, 2021

RESOLVED by the Senate, the House of Delegates concurring, a majority of the members elected to each house agreeing, That the following amendment to the Constitution of Virginia be, and the same hereby is, proposed and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates for its concurrence in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend Section 15-A of Article I of the Constitution of Virginia as follows:

ARTICLE I

BILL OF RIGHTS

Section 15-A. ~~Marriage~~ *Fundamental right to marry.*

~~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~~ *the right to marry is a fundamental right, inherent in the liberty of persons, and 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. 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 and agents shall issue marriage licenses, recognize marriages, and treat all marriages equally under the law regardless of the sex or gender of the parties to the marriage.~~

Religious organizations and clergy acting in their religious capacity shall have the right to refuse to perform any marriage.