

Question 1 hides abused children, ends late-term limits, and strips parents out.

What passage does:

- It creates a constitutional zone of secrecy that protects predators and leaves the child unknown to the Commonwealth.
- It eliminates abortion limits whenever the abortion doctor says the limits should not apply.
- It makes parental notice and consent for a child's abortion unconstitutional.

How the text does it

They could have written the tested sentence: a woman has a fundamental right to an abortion on which the Commonwealth may not place an undue burden. That is the United States Supreme Court in the *Roe* and *Casey* decisions. They wrote this instead:

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

"[T]he 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..."

"[A] state interest is compelling only if it is for the limited purpose of maintaining or improving the health of an individual seeking care... and does not infringe on that individual's autonomous decision making."

The zone of secrecy. The right belongs to "every individual." There is no age limit. Child protection is not a compelling interest. The Commonwealth may not take "adverse action" against anyone who assists with the patient's "voluntary consent." When an eleven-year-old is pregnant and no one has called the police, the person who brought her is often someone with authority over her. She is not taken to the doctor who knows her. She is taken to a clinic that will see her once. If the file is asked, the answer is "boyfriend." Virginia already hides patients' names on abortion reports and does not treat pregnancy alone as a mandatory report. If that physician does not report, the Commonwealth never learns the child's name. The reporting statute stays on the books. The concealment becomes constitutional.

Late-term limits fall. The second quoted sentence says the state may regulate third-trimester abortion—and then takes the power away. If the physician finds a "mental health" indication, the Commonwealth "shall" not prohibit the procedure. "Mental health" has no definition. No second doctor. No court. No parent. That is not a limit. It is doublespeak: you may regulate abortion so long as you cannot stop the abortion the doctor decides to perform.

Parents are written out. Virginia now requires parental consent for a minor's abortion, with a judicial bypass. Under this text that requirement burdens the child's "autonomous decision making." The amendment lists no state interest that would save it. A parent who is not the abuser loses the legal right to know.

They refused the tested language

Protecting contraception, IVF, and a woman's right to choose did not require any of this. The sponsors could have used *Casey*. They did not. They chose clauses no Virginia court has interpreted.



Read Before You Vote: Don't Radicalize the Virginia Constitution. Vote No.

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