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HOUSE BILL NO. 1419

Offered January 22, 2026

A BILL to amend the Code of Virginia by adding in Title 24.2 a chapter numbered 6.1, consisting of sections numbered 24.2-684.1 through 24.2-684.17, relating to statewide referendum ballot questions; fairness and transparency requirements; Ballot question fairness Commission; readability standards; language accessibility; public comment; judicial review.

Patrons—Williams, Austin, Ballard, Cherry, Cornett, Davis, Fowler, Garrett, Hamilton, Hodges, Kent, Kilgore, Leftwich, McLaughlin, Oates, Pence, Phillips, Runion, Scott, P.A., Tata, Wachsmann, Walker, Webert, Whittle, Wilt, Wright, Wyatt and Zehr

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 24.2 a chapter numbered 6.1, consisting of sections numbered 24.2-684.1 through 24.2-684.17, as follows:

CHAPTER #6.1.**VIRGINIA BALLOT QUESTION FAIRNESS AND TRANSPARENCY ACT.****Article 1.****General Provisions.****§ 24.2-684.1. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Ballot question" means the question presented to voters on the ballot for a statewide referendum.

"Ballot summary" means the explanatory statement accompanying the ballot question that describes the purpose, effect, and consequences of the statewide referendum.

"Commission" means the Ballot question fairness Commission established pursuant to § 24.2-684.4.

"Department" means the Department of Elections.

"Fair ballot language" means the complete set of materials prepared pursuant to this chapter, including the ballot question, ballot summary, yes/no effect statements, and any required disclosures.

"Fiscal impact statement" means the analysis prepared by the Department of Planning and Budget pursuant to § 24.2-684.10.

"Flesch-Kincaid Grade Level" means the readability formula that calculates the approximate grade level required to understand a given text, using the formula as it existed on January 1, 2026.

"Second passage" means the date on which both chambers of the General Assembly have agreed to identical joint resolutions proposing a constitutional amendment in the second required session pursuant to Article XII, Section 1, of the Constitution of Virginia. Such date shall be the date of the final vote by either chamber on the last joint resolution to be agreed to by both chambers. For any other statewide referendum, "second passage" means the date on which both chambers have passed legislation requiring the referendum, which date shall be the date of the final vote by the second chamber to act.

"Statewide referendum" means any proposed constitutional amendment submitted to the qualified voters of the Commonwealth pursuant to Article XII of the Constitution of Virginia, or any other question required by law to be submitted to the qualified voters of the Commonwealth as a whole, but does not include any referendum, question, or measure submitted only to the voters of a locality or political subdivision of the Commonwealth.

"Voter information materials" means any pamphlets, flyers, guides, or other printed or electronic materials prepared or distributed by the Commonwealth, the Department, or the Commission to inform voters about a statewide referendum.

"Yes/no effect statements" means the plain language statements describing the specific consequences of voting "yes" or "no" on the statewide referendum, as required by § 24.2-684.8.

§ 24.2-684.2. Applicability.

A. This chapter shall apply to all statewide referendums submitted to the qualified voters of the Commonwealth, whether at a general election or a special election.

B. The requirements of this chapter shall apply equally to proposed constitutional amendments referred by the General Assembly and to any other statewide referendum required by law to be submitted to the voters of the Commonwealth. No statewide referendum shall be exempt from the requirements of this chapter based on the method by which it was proposed or the type of election at which it is submitted.

C. This chapter does not apply to any referendum, question, or measure submitted only to the voters of a locality or political subdivision of the Commonwealth. Nothing in this chapter shall preclude the General Assembly from enacting separate legislation to establish similar fairness and transparency requirements for

57 local referendums.

58 **§ 24.2-684.3. Legislative findings; purpose; construction.**

59 A. The General Assembly finds that:

60 1. Statewide referendums, including proposed constitutional amendments, are among the most
61 consequential decisions voters make, directly shaping the fundamental law of the Commonwealth;

62 2. Research consistently demonstrates that ballot measure language is often written at reading levels that
63 exceed the literacy skills of a substantial portion of the electorate, undermining informed democratic
64 participation;

65 3. The Virginia Literacy Act (Chapter 319 of the Acts of Assembly of 2022) reflects the Commonwealth's
66 commitment to ensuring that all Virginians develop strong reading skills, and this commitment should extend
67 to ensuring that the language of democracy itself is accessible to all literate voters;

68 4. Fair, impartial, and readable ballot language serves the interests of all Virginians regardless of
69 political affiliation, ensuring that voters understand what they are voting for or against;

70 5. Virginia is home to a significant and growing Spanish-speaking population, and providing voter
71 information materials in Spanish advances the Commonwealth's interest in an informed electorate; and

72 6. A balanced commission composed of both proponents and opponents of a measure, together with a
73 neutral chair, is best positioned to draft language that is fair to all perspectives.

74 B. The purpose of this chapter is to ensure that voters are provided with fair, accurate, impartial, and
75 understandable information about statewide referendums so that they may cast informed votes. This chapter
76 shall be liberally construed to effectuate this purpose.

77 C. Nothing in this chapter shall be construed to limit or modify the procedures for proposing or ratifying
78 constitutional amendments set forth in Article XII of the Constitution of Virginia.

79 **Article 2.**

80 **Ballot question fairness Commission.**

81 **§ 24.2-684.4. Ballot question fairness Commission; membership; appointment timeline.**

82 A. There is hereby established the Ballot question fairness Commission as an independent commission in
83 the legislative branch of state government. The Commission shall be responsible for preparing fair ballot
84 language for statewide referendums in accordance with this chapter.

85 B. The Commission shall consist of nine members appointed as follows:

86 1. Four members who are known proponents of the statewide referendum, appointed as provided in
87 subsection C;

88 2. Four members who are known opponents of the statewide referendum, appointed as provided in
89 subsection C; and

90 3. One member who is neutral with respect to the statewide referendum, selected as provided in
91 subsection D.

92 C. Within three days after the second passage of a statewide referendum:

93 1. The Speaker of the House of Delegates shall appoint two proponent members and two opponent
94 members from among persons who reside within the Commonwealth and are known to support or oppose the
95 statewide referendum, respectively; and

96 2. The President pro tempore of the Senate shall appoint two proponent members and two opponent
97 members from among persons who reside within the Commonwealth and are known to support or oppose the
98 statewide referendum, respectively.

99 D. Within three days after all eight members have been appointed pursuant to subsection C, the eight
100 appointed members shall meet and select, by a vote of at least six members, one neutral member from among
101 members of the public who have no known position on the statewide referendum. The neutral member shall
102 serve as chair of the Commission. If the eight appointed members fail to select a neutral member within the
103 three-day period, the Chief Justice of the Supreme Court of Virginia shall appoint the neutral member within
104 three days thereafter.

105 E. The appointment process established in subsections C and D shall be completed within nine days after
106 the second passage of the statewide referendum.

107 F. Members of the Commission shall serve until the fair ballot language for the statewide referendum has
108 been certified to the State Board of Elections and any judicial review pursuant to Article 5 of this chapter has
109 been completed, or until the election has occurred, whichever is later.

110 G. A separate Commission shall be established for each statewide referendum.

111 H. For purposes of this chapter, the day of the second passage shall be counted as day zero in calculating
112 all deadlines established herein.

113 **§ 24.2-684.5. Commission procedures; meetings; compensation.**

114 A. A quorum of the Commission shall consist of six members, which must include at least two proponent
115 members, two opponent members, and the neutral member.

116 B. Except as otherwise provided in this chapter, the Commission shall act by a vote of at least six
117 members, which must include at least two proponent members and two opponent members.

118 C. All meetings of the Commission shall be open to the public and shall be subject to the Virginia

Freedom of Information Act (§ 2.2-3700 et seq.).

D. All records and documents of the Commission, or any individual or group performing delegated functions of or advising the Commission, related to the Commission's work, including internal communications and communications from outside parties, shall be considered public information.

E. Members of the Commission shall receive compensation for their services in the amount provided in § 2.2-2813 for each day spent in the discharge of their official duties and shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2823 and 2.2-2825.

F. The Division of Legislative Services shall provide staff support and technical assistance to the Commission.

Article 3.

Fair Ballot Language Requirements.

§ 24.2-684.6. General requirements for fair ballot language.

A. The Commission shall prepare fair ballot language for each statewide referendum that complies with the requirements of this article.

B. All fair ballot language shall:

1. Be printed in clear and unambiguous language;
2. Give a true and impartial statement of the purpose and effect of the statewide referendum;
3. Neither be an argument, nor be likely to create prejudice, for or against the statewide referendum;
4. Be impartial, simple, and understandable;
5. Fairly inform the voter of the chief purpose of the statewide referendum; and
6. Not mislead the public as to the effect of the statewide referendum.

§ 24.2-684.7. Readability requirements.

A. All fair ballot language, including the ballot question, ballot summary, and yes/no effect statements, shall not exceed an eighth-grade reading level as measured by the Flesch-Kincaid Grade Level formula.

B. In establishing the eighth-grade readability standard, the General Assembly recognizes the Commonwealth's ongoing commitment to literacy, as reflected in the Virginia Literacy Act (Chapter 319 of the Acts of Assembly of 2022), and intends that ballot language be accessible to all literate Virginians who have received a basic public education.

C. The Commission shall avoid the use of legal and technical terms wherever possible. Where legal or technical terms cannot be avoided because they are necessary to accurately describe the statewide referendum, the Commission shall:

1. Define each such term in plain language within the fair ballot language; and
2. Include a glossary of defined terms in any voter information materials prepared pursuant to this chapter.

D. The Commission shall certify that the fair ballot language complies with the readability requirements of this section. Such certification shall include the calculated Flesch-Kincaid Grade Level score and a list of any technical terms that could not be avoided, together with their plain language definitions.

E. Failure to comply with the readability requirements of this section shall be grounds for judicial challenge pursuant to Article 5 of this chapter.

§ 24.2-684.8. Yes/no effect statements; mandatory consequence disclosure.

A. In addition to the ballot question and ballot summary, the Commission shall prepare yes/no effect statements that clearly explain in plain language the specific consequences of voting "yes" or "no" on the statewide referendum.

B. The yes/no effect statements shall be in substantially the following form:

"A YES vote means: [specific description of what will happen if the referendum is approved]."

"A NO vote means: [specific description of what will happen if the referendum is not approved, including description of the status quo that will be maintained]."

C. The yes/no effect statements shall:

1. Describe what will happen if the referendum passes, not merely what the referendum "would" or "could" do;
2. Describe what will happen if the referendum fails, including a description of existing law or the status quo that will remain in effect;
3. If the statewide referendum would repeal, modify, or supersede existing provisions of the Constitution of Virginia or existing statutory law, clearly disclose such repeal, modification, or supersession;
4. If the statewide referendum would change the current legal status of any right, protection, prohibition, or requirement, clearly identify such change; and
5. Be written separately from and in addition to the ballot question itself.

D. The yes/no effect statements shall be printed on the ballot immediately following the ballot question, and shall also be posted at each polling place and made available on the Department's website.

§ 24.2-684.9. Word limits.

A. The ballot question shall not exceed 100 words.

B. The ballot summary shall not exceed 500 words.

C. The yes/no effect statements shall each not exceed 100 words.

§ 24.2-684.10. Additional requirements for tax-related referendums; fiscal impact statement.

A. For any statewide referendum that would increase or decrease taxes or that would affect state or local government revenues or expenditures, the Department of Planning and Budget shall prepare a fiscal impact statement.

B. The fiscal impact statement shall include:

1. For any statewide referendum that would increase taxes, the maximum dollar amount of the estimated increase in state and local government revenues for the first full fiscal year the tax increase would be in effect;

2. For any statewide referendum that would decrease taxes, the estimated decrease in state and local government revenues for the first full fiscal year the tax decrease would be in effect;

3. A description of the public services that would be funded by any increased revenue or that would be affected by any decreased revenue;

4. For any statewide referendum that would affect income taxes, an estimate of the impact on taxpayers across different income categories, including a table showing the estimated change in tax liability for taxpayers in each income category; and

5. Any other information relevant to understanding the fiscal impact of the statewide referendum.

C. The fiscal impact statement shall not be printed on the ballot but shall be:

1. Included in the voter information materials prepared and distributed pursuant to § 24.2-684.15;

2. Posted on the Department's website; and

3. Made available at each polling place.

D. The fiscal impact statement shall be prepared by the Department of Planning and Budget, which is a nonpartisan fiscal office for purposes of this chapter.

§ 24.2-684.11. Language accessibility; Spanish translation.

A. The Commission shall prepare, or cause to be prepared, a Spanish-language translation of all voter information materials, including the ballot summary, yes/no effect statements, fiscal impact statement, and any explanatory pamphlets or guides.

B. The Spanish-language translation shall be:

1. Included in all voter information materials distributed by the Commonwealth, the Department, or the Commission, either as a bilingual document or as a separate Spanish-language version;

2. Posted on the Department's website and the Commission's website; and

3. Made available at each polling place.

C. The requirement for Spanish-language translation in this section applies to voter information materials and does not require the ballot question or yes/no effect statements printed on the ballot itself to be printed in any language other than English.

D. Nothing in this section shall preclude the Department or the Commission from providing voter information materials in additional languages as resources permit.

Article 4.

Timeline, Public Comment, and Publication.

§ 24.2-684.12. Election date; minimum interval from second passage.

A. No election for a statewide referendum shall be held less than ninety days following the second passage.

B. The date of the election at which a statewide referendum is to be submitted to voters may be established by the General Assembly or as otherwise provided by law at any time, including during the period in which the Commission is preparing fair ballot language pursuant to this chapter, provided that such election date complies with subsection A and allows sufficient time to comply with the requirements of this chapter and § 24.2-612.

§ 24.2-684.13. Timeline for preparation of fair ballot language.

A. The Commission shall prepare and certify fair ballot language in accordance with the following timeline:

1. Not later than five days after the Commission is fully constituted pursuant to § 24.2-684.4, the Commission shall prepare and publish proposed fair ballot language on its website and on the Division of Legislative Services website for public review and comment;

2. The public comment period shall remain open for five days following publication of the proposed fair ballot language;

3. Not later than five days after the close of the public comment period, the Commission shall certify the final fair ballot language to the State Board of Elections; and

4. The State Board of Elections shall make the certified fair ballot language available on its website within one business day of certification and shall transmit the fair ballot language to general registrars and electoral boards for inclusion on the ballot.

B. In no event shall the Commission certify the final fair ballot language later than fifty-five days before the election at which the statewide referendum is to be submitted to the voters.

C. The timeline established in this section is designed to ensure that fair ballot language is certified with sufficient time to permit judicial review pursuant to Article 5 of this chapter, to allow for printing and distribution of ballots, and to meet the deadline for making printed ballots available for absentee voting established in § 24.2-612.

§ 24.2-684.14. Public comment period; procedure.

A. During the public comment period established in § 24.2-684.13, any person may submit written comments on the proposed fair ballot language to the Commission.

B. The Division of Legislative Services shall:

1. Establish and maintain an electronic portal through which members of the public may submit comments on the proposed fair ballot language;

2. Accept comments submitted by electronic mail, mail, or hand delivery;

3. Compile all comments received and transmit them to the Commission daily during the public comment period; and

4. Make all comments received available to the public on its website in a timely manner.

C. The Commission shall consider all comments received during the public comment period before certifying the final fair ballot language. The Commission is not required to respond individually to comments received, but shall include in its certification to the State Board of Elections a summary of the substantive issues raised during the public comment period and how such issues were addressed in the final fair ballot language.

D. The Commission may, but is not required to, hold a public hearing during the public comment period. Any such hearing shall be subject to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

§ 24.2-684.15. Fair ballot language to be posted; voter information materials.

A. The fair ballot language, including the ballot question, ballot summary, yes/no effect statements, and any fiscal impact statement, shall be:

1. Posted at each polling place in a conspicuous location adjacent to or near the sample ballot;

2. Made available on the Department's website and the Commission's website in both English and Spanish; and

3. Included in any official voter information materials distributed by the Commonwealth relating to the statewide referendum.

B. The Department shall prepare and distribute voter information materials explaining the statewide referendum in a manner designed to promote informed voter participation. Such materials shall comply with the readability and language accessibility requirements of this chapter.

Article 5.

Judicial Review.

§ 24.2-684.16. Judicial review of fair ballot language.

A. Any elector may petition the Supreme Court of Virginia for review of the fair ballot language certified by the Commission, stating the reasons the fair ballot language is insufficient, unclear, misleading, or otherwise fails to comply with the requirements of this chapter.

B. A petition for review shall be filed not later than three days after the Commission certifies the fair ballot language to the State Board of Elections.

C. If a petition is timely filed and served, the Supreme Court shall review the fair ballot language and shall determine whether the language:

1. Fairly informs the voter of the chief purpose of the statewide referendum;

2. Does not mislead the public as to the effect of the statewide referendum;

3. Complies with the readability requirements of § 24.2-684.7;

4. Complies with the mandatory disclosure requirements of § 24.2-684.8; and

5. Otherwise complies with the requirements of this chapter.

D. The Supreme Court shall issue its decision and certify the final fair ballot language to the State Board of Elections not later than three days after the deadline for filing a petition for review established in subsection B. If no petition is filed within the time prescribed in subsection B, the fair ballot language certified by the Commission shall be deemed final, and no further judicial review shall be available under this chapter.

E. In no event shall the Supreme Court certify the final fair ballot language later than fifty-five days before the election at which the statewide referendum is to be submitted to the voters.

F. If the Supreme Court determines that the fair ballot language does not substantially comply with the requirements of this chapter, the Court shall have full authority to remedy the deficiency, including the authority to:

1. Amend the fair ballot language to correct specific deficiencies while retaining the remainder of the language;

2. Substitute entirely new fair ballot language drafted by the Court or under its direction; or

3. Enter such other orders as the Court deems necessary to ensure that fair ballot language complying with this chapter is certified in sufficient time to meet the deadline established in subsection E.

305 G. Any fair ballot language adopted, amended, or substituted by the Supreme Court pursuant to
306 subsection F shall be the fair ballot language for all purposes under this chapter. Such language shall be
307 certified by the Court directly to the State Board of Elections and shall not be subject to further modification
308 by the Commission or further judicial review.

309 H. Failure to file a petition within the time prescribed in subsection B precludes judicial review of fair
310 ballot language under this chapter.

311 I. In any proceeding under this section, the Supreme Court shall give due consideration to the need for
312 expeditious resolution to permit printing and distribution of ballots and compliance with the absentee ballot
313 deadline established in § 24.2-612.

314 **§ 24.2-684.17. Severability.**

315 If any provision of this chapter or its application to any person or circumstance is held invalid by a court
316 of competent jurisdiction, the invalidity shall not affect other provisions or applications of this chapter that
317 can be given effect without the invalid provision or application, and to this end the provisions of this chapter
318 are declared severable.

319 **2. That an emergency exists and this act is in force from its passage.**