



Commonwealth of Kentucky
Office of the Attorney General

Daniel Cameron
Attorney General

Capitol Building, Suite 118
700 Capital Avenue
Frankfort, Kentucky 40601
(502) 696-5300
Fax: (502) 564-2894

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***Attorney General Advisory on
Proposed Constitutional Amendment #2***

On November 8, 2022, Kentuckians will vote on two proposed amendments to the Kentucky Constitution. This Advisory addresses the scope and effect of Constitutional Amendment #2.

On the ballot, Kentuckians will be asked:

*Are you in favor of amending the Constitution of Kentucky by creating a new Section of the Constitution to be numbered Section 26A to state as follows: **To protect human life, nothing in this Constitution shall be construed to secure or protect a right to abortion or require the funding of abortion?***

Kentuckians may vote YES or NO. If a majority of voters vote YES, the amendment is adopted. If adopted, Constitutional Amendment #2 makes clear there is no constitutional right to abortion or taxpayer funding for abortions, and that the General Assembly may decide, based on public input, when abortion is legal.

A YES vote on Amendment #2 does not:

- **Ban abortion in Kentucky.** Adding the language of Amendment #2 to the Kentucky Constitution simply means that decisions on regulating abortion will be made by the elected representatives of the General Assembly—not courts.
- **Limit the General Assembly's ability to create exceptions or modify abortion laws.** Adding the language of Amendment #2 to the Kentucky Constitution means the General Assembly retains the authority to modify the scope of existing abortion law, including to expand, the legality of abortion.

A YES vote for Amendment #2:

- **Adds the above italicized text to the Kentucky Constitution.** No provision already in the Kentucky Constitution will be eliminated or altered; the amendment only adds language to clarify how our Constitution is interpreted by current and future courts.
- **Preserves the existing balance of power between the legislative and judicial branches of Kentucky government.** The Kentucky Constitution intentionally divides power among the three branches of government, granting the power to write the laws to the General Assembly. Amendment #2 preserves this balance of power by providing certainty for judges about the ability of the General Assembly to enact abortion laws.