

1 article VI thereof be amended to read as follows:

2 **ARTICLE VI. THE LEGISLATURE.**

3 **§13. Eligibility to seat in Legislature.**

4 ~~No person holding any other lucrative office or employment~~
5 ~~under this state, the United States, or any foreign government; no~~
6 ~~member of Congress; and no person who is sheriff, constable, or~~
7 ~~clerk of any court of record, shall be eligible to a seat in the~~
8 ~~Legislature.~~

9 In addition to any qualifications, prohibitions or
10 restrictions set forth elsewhere in this Constitution, the
11 Legislature shall, as sole judge of the qualifications of its
12 members, determine the eligibility of a person to a seat in the
13 Legislature in accordance with the provisions of this section.

14 *Subsection A--Ineligibility*

15 No person is eligible to a seat in the Legislature who:

16 (1) Exercises the powers of either the Executive or the
17 Judicial Department of this state by virtue of his or her election
18 or appointment to a lucrative office under this State: *Provided,*
19 That a person who is a faculty member of an institution of higher
20 education of this state is not because of that fact only,
21 considered to be a member of a class of persons exercising the
22 powers of the Executive Department of this state;

23 (2) Exercises the powers of the federal government by virtue
24 of his or her election or appointment to a lucrative office under

1 the government of the United States: *Provided*, That a person
2 holding a commission in the Military Reserves of the United States
3 or the National Guard of this state is not, because of that fact
4 only, considered to hold an appointment to a lucrative office under
5 the government of the United States;

6 (3) Holds any lucrative office or employment under any foreign
7 government; or

8 (4) Is an officer of a county government or other political
9 subdivision of this state whose office is created by this
10 Constitution.

11 *Subsection B--Exception to restriction*

12 *against holding lucrative office*

13 A person who holds a position of mere public employment
14 subject to the supervision and policy direction of a public
15 officer, and who does not exercise a portion of sovereign power, is
16 not considered to hold an appointment to a lucrative office.

17 *Resolved further*, That in accordance with the provisions of
18 article eleven, chapter three of the Code of West Virginia, 1931,
19 as amended, the proposed amendment is hereby numbered "Amendment
20 No. 1" and designated as the "Fair and Equal Citizenship Amendment"
21 and the purpose of the proposed amendment is summarized as follows:
22 "To redefine prohibitions against election to the Legislature and
23 to clarify that a person who holds a position of mere public
24 employment and who does not exercise a portion of sovereign power

1 is eligible for a seat in the Legislature."

NOTE: The purpose of this joint resolution is to clarify who is eligible for a seat in the Legislature.

Strike-throughs indicate language that would be stricken from the present Constitution, and underscoring indicates new language that would be added.