

April 23, 2003
OPINION 03-0152

Ms. Elaine Lamb
Registrar of Voters
222 St. Louis Street
Baton Rouge, LA 70802

9 CIVIL SERVICE
15-A CONSTITUTIONAL LAW
R.S. 18:62; Article X, §9 of the Louisiana Constitution of 1974
Neither the registrar of voter nor his employees may join the League of Women Voters as such membership constitutes political activity prohibited by state law.

Dear Ms. Lamb:

You have asked this office to determine whether an employee of the Registrar of Voters Office of East Baton Rouge Parish may also be members of the Baton Rouge League of Voters. For the following reasons, our response is “no”.

Registrars of voters and their employees are considered state employees. City of New Orleans vs. State, 426 So.2d 1318 (La. 1983). All employees of the registrar of voters are by law prohibited from engaging in political activity. This prohibition is applicable to employees of the registrar in the unclassified state service and in the classified state service. The pertinent statute, R.S. 18:62, provides:

§62. Political activities prohibited

A. No registrar of voters, deputy registrar, or other employee of a registrar who is in the unclassified state service shall participate or engage in: Political activity, including his own or any other candidacy for election to public office; membership on any national, state, or local committee of a political party or faction; asking or soliciting contributions for any political party, faction, or candidate; taking active part in the management of the affairs of a political party, faction, or candidate, or any political campaign, except to exercise his right as a citizen to express his opinion privately and to cast his vote as he desires. As used in this Section, the term “political activity” shall have the meaning ascribed to it in Article I, Section 9(C) of the Constitution of Louisiana.

B. All deputy registrars and other employees of a registrar who are in the classified state service shall be subject to the constitution and laws, and the regulations adopted pursuant thereto, affecting political activities by persons in the classified state service.

While R.S. 18:62(A) addresses unclassified employees, R.S. 18:62(B) adopts constitutional authority with reference to political activity and classified state employees. Article X, §9 of the Louisiana Constitution of 1974, specifically prohibits state civil service employees from engaging in political activities:

§9. Prohibitions against political activities

Section 9. (A) Party Membership; Elections. No member of a civil service commission and no officer or employee in the classified service shall participate or engage in political activity; be a candidate for nomination or election to public office except to seek election as the classified state employee serving on the State Civil Service Commission; or be a member of any national, state, or local committee of a political party or faction; make or solicit contributions for any political party, faction, or candidate; or take active part in the management of the affairs of a political party, faction, candidate, or any political campaign, except to exercise his right as a citizen to express his opinion privately, to serve as a commissioner or official watcher at the polls, and to cast his vote as he desires.

(B) Contributions. No person shall solicit contributions for political purposes from any classified employee or official or use or attempt to use his position in the state or city service to punish or coerce the political action of a classified employee.

(C) Political Activity Defined. As used in this Part, "political activity" means an effort to support or oppose the election of a candidate for political office or to support a particular political party in an election. The support of issues involving bonded indebtedness, tax referenda, or constitutional amendments shall not be prohibited.

The League of Women Voters is a quasi-political group that espouses positions on political issues. See Attorney General Opinion 02-0297. This office has previously determined that if "a member of the classified civil service belongs to an organization that endorses or contributes to a political candidate, said member would, in effect, be taking part in the political campaign for public office." See Attorney General Opinion 83-585. While the author of that opinion made his statement in reference to R.S. 33:2504 governing fire and police civil service employees, we nonetheless find it applicable herein. Thus, membership by the registrar of voters and his employees in the League of Women Voters constitutes political activity prohibited by state and constitutional authority.

Very truly yours,

RICHARD P. IEYOUB
ATTORNEY GENERAL

BY:

KERRY L. KILPATRICK
ASSISTANT ATTORNEY GENERAL

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Date Received:
Date Released: April 23, 2003

KERRY L. KILPATRICK
ASSISTANT ATTORNEY GENERAL