



JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

State of Louisiana
DEPARTMENT OF JUSTICE
P.O. BOX 94005
BATON ROUGE
70804-9005

JUN 12 2014
OPINION 14-0066

Mr. Marshall E. Pierre, Sr.
1829 Montbatten Drive
Marrero, Louisiana 70072

Dear Mr. Pierre:

78 DUAL OFFICEHOLDING
107 SHERIFFS - Constables & Marshals
La. R.S. 42:61, *et seq.*

The provisions of the Dual Officeholding and Dual Employment Law prohibit a Louisiana State Parks full-time employee from simultaneously serving as an elected constable.

You have requested an opinion of the Attorney General as to whether you can continue to serve as a full-time law enforcement officer with the Louisiana State Parks, if elected constable of the second district in Marrero, Louisiana.

The provisions of the Dual Officeholding and Dual Employment Law, found at La. R.S. 42:61 *et seq.*, govern questions concerning the ability to hold two or more public offices and/or positions simultaneously. Classifying the correct nature of the position held and the position sought is essential for the purposes of applying the dual officeholding provisions.

According to your letter, the position you hold with the Louisiana State Parks is classified, state, full-time¹ employment.² Further, the position you seek as a constable would be as a local elected position.³ The second district constable position would be within a political subdivision of the State of Louisiana.⁴

The most applicable aspect of the Dual-Officeholding and Dual Employment Law is La. R.S. 42:63(D), which provides in pertinent part:

¹ The dual officeholding law defines "full-time" as the period of time which a person normally works or is expected to work in an appointive office or employment and which is at least seven hours per day of work and at least thirty-five hours per week of work. La. R.S. 42:62(4).

² The dual officeholding law defines "employment" as any job compensated on a salary or per diem basis, other than an elective or appointive office, in which a person is an employee of the state government or of a political subdivision. La. R.S. 42:62(3).

³ The dual officeholding law defines "elective office" as any position which is established or authorized by the constitution or laws of this state or by the charter or ordinances of any political subdivision thereof, which is not a political party office, and which is filled by vote of the citizens of this state or of a political subdivision thereof. La. R.S. 42:62(1).

⁴ The dual officeholding law defines "political subdivision" as a parish, municipality, and any other unit of local government, including a school board and a special district, authorized by law to perform governmental functions. In addition for the purposes of this Part, mayor's courts, justice of the peace courts, district attorneys, sheriffs, clerks of court, coroners, tax assessors, registrars of voters, and all other elected parochial officials shall be separate political subdivisions. La. R.S. 42:62(9).

D. No person holding an elective office in a political subdivision of this state shall at the same time hold another elective office or full-time appointive office in the government of this state or in the government of a political subdivision thereof. No such person shall hold at the same time employment in the government of this state, or in the same political subdivision in which he holds an elective office.

(Emphasis Added).

Based on this provision of the dual officeholding law and the information you have provided, holding both of these positions simultaneously is prohibited by the dual officeholding law.

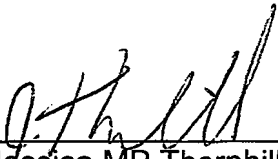
Please note that our expressed opinion relative to state law is limited to an examination of the dual officeholding provisions. It does not address possible conflicts based on your classified position with the state. Questions related to State Civil Service rules and regulations should be directed to Ms. Adrienne Bordelon, General Counsel, Louisiana Department of State Civil Service, P.O. Box 94111, Baton Rouge, LA 70804-9111, phone 225-342-8272.

Further, this opinion does not address the potential applicability of the provisions of the Louisiana Code of Governmental Ethics, La. R.S. 42:1111, *et seq.* Advisory rulings addressing questions under the Ethics Code are within the jurisdiction of the Louisiana State Board of Ethics. The Board may be contacted at the following address: P.O. Box 4368, Baton Rouge, LA 70821, phone: 225-219-5600.

We hope that this opinion has adequately addressed the legal issues you have raised. If our office can be of any further assistance, please do not hesitate to contact us.

With best regards,

JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

BY: 

Jessica MP Thornhill
Assistant Attorney General

JDC: JMPT