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State of Louisiana
DEPARTMENT OF JUSTICE
CIVIL DIVISION
P.O. BOX 94005
BATON ROUGE
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May 25, 2023
OPINION 23-0033

Mr. Ralph Johnson
P.O. Box 52104
Shreveport, LA 71135

78 Dual Officeholding

La. R.S. 42:61, *et seq.*
La. R.S. 18:444

La. R.S. 18:423, *et seq.*

The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a member of the Caddo Parish Board of Election Supervisors from serving as the City of Shreveport Director of Council Affairs.

Dear Mr. Johnson:

Our office received your request for an opinion regarding whether a member of the Caddo Parish Board of Election Supervisors may serve as the City of Shreveport Director of Council Affairs.

Pursuant to La. Const. art. X, § 22, the legislature has enacted laws regulating dual employment and defining, regulating, and prohibiting dual office holding in state and local government. The provisions of the Dual Officeholding and 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 positions held is essential for the purposes of applying the Dual Officeholding and Dual Employment Law.

The Caddo Parish Board of Election Supervisors was created pursuant to La. R.S. 18:423.¹ The Caddo Parish Board of Election Supervisors is comprised of the registrar of voters, the clerk of court, the chairman of the parish executive committee of each recognized political party or his designee and one member appointed by the governor.²

You serve on the Caddo Parish Board of Election Supervisors by virtue of your position as the chairman of the Caddo Parish Executive Committee for the Democratic Party.³ Our office has opined that a member of a parish board of election supervisors holds a “public office” as defined by La. R.S. 42:1 and holds a “part time” “appointive office” for the purposes of the Dual Officeholding and Dual Employment Law.⁴

¹ There is created a board of election supervisors for each parish. La. R.S. 18:423(A).

² La. R.S. 18:423(C)(1).

³ *Id.*

⁴ La. Atty. Gen. Op. Nos. 20-0023, 10-0223, 01-333 and 00-417. “Part time” means the period of time which a person normally works or is expected to work in an appointive office or employment which is less than the number of hours of work defined in this Section as full time. La. R.S. 42:62(5). “Appointive office” means any office in any branch of government or other position on an agency board, or commission, or any executive office of any agency, board, commission or department which is specifically established or specifically authorized by the constitution or laws of this state or by the charter or ordinances of any political subdivision thereof and which is filled by appointment or election by an elected or appointed

You indicate in your request that you are interested in seeking employment as the City of Shreveport Director of Council Affairs. The position of Director of Council Affairs is classified as “full time” “employment” for the purposes of the Dual Officeholding and Dual Employment Law ⁵

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

No person holding a full-time appointive office or full-time employment in the government of this state or of a political subdivision thereof shall at the same time hold another full-time appointive office or full-time employment in the government of the state of Louisiana, in the government of a political subdivision thereof, or in a combination of these.

The prohibition of La. R.S. 42:63(E) would not be applicable because a member of the parish board of election supervisors holds a part time appointive office.⁶

It should be noted that our office has consistently opined that the provisions of the Dual Officeholding and Dual Employment Law are not applicable to a political party office because it is not an “elective office” as defined by La. R.S. 42:62(1).⁷ The provisions of the Dual Officeholding and Dual Employment Law are not applicable to the office of chairman of the Caddo Parish Executive Committee for the Democratic Party because it is a political party office.

Additionally, we direct your attention to La. R.S. 42:66(A)(7) which provides an exemption to the Dual Officeholding and Dual Employment Law and provides as follows:

A. Nothing in this Part shall be construed to prohibit any of the following classes of officials or employees from serving in other offices or employments:

...

(7) any official who holds another office by virtue of the office to which he is elected or appointed.

public official or by a governmental body composed of such officials of this state or of a political subdivision thereof. La. R.S. 42:62(2).

⁵ “Full time” means 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). “Employment” means 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).

⁶ Based on the facts provided, it does not appear that offices are “incompatible offices” under La. R.S. 64(A)(6).

⁷ La. Atty. Gen. Op. Nos. 20-0021, 20-0007, 07-0314, 06-0195, 03-0426, 00-243, 91-12 and 76-1901.

The exemption of La. R.S. 42:66(A)(7) is applicable to member of the Caddo Parish Board of Election Supervisors who holds his office because he is the Chairman of the Caddo Parish Executive Committee for the Democratic Party.

Based on the applicable provisions of law, the information you have provided, and our prior opinions, it is the opinion of this office that the provisions of the Dual Officeholding and Dual Employment Law do not prohibit a member of the Caddo Parish Board of Election Supervisors from serving as the City of Shreveport Director of Council Affairs.

Please note that our expressed opinion relative to state law is limited to an examination of the Dual Officeholding and Dual Employment Law. Further, it does not address the potential applicability of the provisions of the Louisiana Code of Governmental Ethics, La. R.S. 42:1101, *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 adequately addresses 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,

JEFF LANDRY
ATTORNEY GENERAL

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JL: MSC