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DEPARTMENT OF JUSTICE
CIVIL DIVISION
P.O. BOX 94005
BATON ROUGE
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June 20, 2023
OPINION 23-0055

Ms. Shanika Olinde
Pointe Coupee Parish
Registrar of Voters
1919 Hospital Road, Ste.1
New Roads, LA 70760

78 Dual Officeholding
92-A-1 Registrar of Voters

La. R.S. 42:61, *et seq.*
La. Const. art. XI, § 5
La. R.S. 13:2582

La. R.S. 18:51, *et seq.*
La. R.S. 18:63

A Justice of the Peace for Pointe Coupee Parish is prohibited from serving as a part time employee of the Registrar of Voters for Pointe Coupee Parish pursuant to the provisions of La. R.S. 18:63.

Dear Ms. Olinde:

Our office received your request for an opinion regarding whether a Justice of the Peace for Pointe Coupee Parish may serve as a part time employee of the Registrar of Voters for Pointe Coupee Parish.

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 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 positions held is essential for the purposes of applying the Dual Officeholding and Dual Employment Law.

A Justice of the Peace for Pointe Coupee Parish is elected by the qualified voters within the territorial limits of the justice of the peace court pursuant to the provisions of La. R.S. 13:2582(B). A Justice of the Peace for Pointe Coupee Parish holds an “elective office” for the purposes of the Dual Officeholding and Dual Employment Law.¹

The office of the Registrar of Voters for Pointe Coupee Parish is established by La. Const. art. XI, § 5 and governed by the provisions of La. R.S. 18:51, *et seq.* The Registrar of Voters is authorized to appoint deputies, confidential assistants, and other office employees. A part time employee of the Registrar of Voters for Pointe Coupee

¹ “Elective office” means 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 for this state or of a political subdivision thereof. La. R.S. 42:62(1).

Parish holds “part time” “employment” for the purposes of the Dual Officeholding and Dual Employment Law.²

The Justice of the Peace Court for Pointe Coupee Parish and the Registrar of Voters for Pointe Coupee Parish are considered separate political subdivisions for the purposes of the Dual Officeholding Laws.³

The most applicable general provision of the Dual Officeholding and Dual Employment Law is La. R.S. 42:63(D), which provides:

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. In addition, no sheriff, assessor, or clerk of court shall hold any office or employment under a parish governing authority, nor shall any member of any parish governing authority or school board hold any office or employment with any sheriff, assessor or clerk of court.

La. R.S. 42:63(D) generally does not prohibit a person holding an elective office in a political subdivision from holding part time employment in a separate political subdivision.

However, we direct your attention to La. R.S. 18:63 which prohibits registrars, deputy registrars and employees of the registrar from holding any elective or appointive public office and states:

A registrar, deputy registrars, and employees of the registrar shall not be eligible to hold any elective or appointive public office or position with the United States or the state or any of its agencies or political subdivisions, except as provided by law.

² “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). “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).

³ “Political subdivision” means 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 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).

A Justice of the Peace for Pointe Coupee Parish holds an elective office and is prohibited from holding part time employment with the Registrar of Voters of Pointe Coupee Parish pursuant to the provisions of La. R.S. 18:63.

Based on the applicable provisions of law and the information you provided, it is the opinion of this office that a Justice of the Peace for Pointe Coupee Parish is prohibited from serving as a part time employee of the Registrar of Voters for Pointe Coupee Parish pursuant to the provisions of La. R.S. 18:63.

Please note that our expressed opinion is limited to an examination of the state law relating to Dual Officeholding. 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

BY: 
Madeline S. Carbonette
Assistant Attorney General

JL: MSC