



Jeff Landry
Attorney General

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

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OPINION 23-0057

Mr. Evan Cagnolatti
58995 Island Drive
Plaquemine, LA 70764

78 Dual Officeholding

La. R.S. 42:61, *et seq*
La. R.S. 17:51, *et seq*

La. Const. art. VIII, § 9

The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a full time employee of the Iberville Parish School Board from serving as a member of the Iberville Parish Police Jury.

Dear Mr. Cagnolatti:

Our office received your request for an opinion regarding whether a full time employee of the Iberville Parish School Board may serve as a member of the Iberville Parish Police Jury.

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.

The Iberville Parish School Board was created by the legislature pursuant to La. Const. art. VIII, § 9, and is governed by the provisions of La. R.S. 17:51, *et seq.* A full time employee of the Iberville Parish School Board holds a position of "full time" "employment" for purposes of the Dual Officeholding and Dual Employment Law.¹

Iberville Parish operates under a home rule charter that provides for a president-council form of government.² The legislative power of the Iberville Parish is vested in the Council consisting of thirteen members who are elected from single-member districts.³ A member of the Iberville Parish Council holds an "elective office" for the purposes of the Dual Officeholding and Dual Employment Law.⁴

¹ "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).

² Art. 1, Sec. 1-01 and 1-02, Charter/Code of Ordinances for Iberville Parish.

³ Art. 11, Sec. 2-01, Charter/Code of Ordinances for Iberville Parish.

⁴ "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

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
Madeline S. Carbonette
Assistant Attorney General

JL: MSC

The Iberville Parish School Board and the Iberville Parish Council are considered separate political subdivisions for the purposes of the Dual Officeholding and Dual Employment Law.⁵

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

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.

La. R.S. 42:63(D) does not prohibit holding an elective office and full time employment in separate political subdivisions.

Based on the applicable provisions of law and the information you have provided, it is the opinion of this office that the provisions of the Dual Officeholding and Dual Employment Law do not prohibit a full time employee of the Iberville Parish School Board from serving as a member of the Iberville Parish Police Jury.

Please note that our expressed opinion relative to state law is limited to an examination of the Dual Officeholding and Dual Employment provisions. Further, it 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.

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).

⁵ "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 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).