



LIZ MURRILL
ATTORNEY GENERAL

STATE OF LOUISIANA
DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
P.O. BOX 94005
BATON ROUGE, LA
70804-9005

March 6, 2024
OPINION 24-0009

Ms. Eliza Eugene
131 East 12th Street
Reserve, LA 70084

78 Dual Officeholding

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

La. R.S. 40:384, *et seq.*

The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a member of the Board of Commissioners of the St. John the Baptist Housing Authority from serving as a member of the St. John the Baptist Parish Democratic Party Executive Committee

Dear Ms. Eugene:

Our office received your request for an opinion regarding whether a member of the Board of Commissioners of the St. John the Baptist Housing Authority may serve as a member of the St. John the Baptist Parish Democratic Party Executive Committee.

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 St. John the Baptist Housing Authority was established by the Parish of St. John the Baptist as a political subdivision of the state.¹ The St. John the Baptist Housing Authority is governed by a five member Board of Commissioners who are appointed by the governing authority of St. John the Baptist Parish.² A member of the Board of Commissioners of the St. John the Baptist Housing Authority holds a "part time" "appointive office" for purposes of the Dual Officeholding and Dual Employment Law.³

According to the information provided to this office, you are interested in serving as a member of the St. John the Baptist Parish Democratic Party Executive Committee. A member of a parish executive committee of a recognized political party must meet the

¹ La. R.S. 40:384(16); La. R.S. 40:391 and La. R.S. 40:392.

² La. R.S. 40:531(A)(2).

³ "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 of election by an 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).

qualifications established by the rules and regulations of the state central committee of that recognized political party.⁴ In each parish, except New Orleans and Jefferson parishes, a parish executive committee is composed of five members-at-large and as many members as there are members of the parish governing authority.⁵ The members of a parish executive committee of a recognized political party are elected every four years at the same time as the presidential preference primary election.⁶

Although the members of a parish executive committee of a recognized political party are elected, the definition of "elective office" for the purposes of the Dual Officeholding and Dual Employment Law specifically excludes a political party office. La. R.S. 42:62(1) provides:

"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 the vote of the citizens of this state or of a political subdivision.

In similar factual situations, our office has consistently opined that the provisions of the Dual Officeholding and Dual Employment Law are not applicable to a political party office.⁷ Because a member of a parish executive committee of a recognized political party holds a political party office, the provisions of the Dual Officeholding and Dual Employment Law are not applicable.

Based on the applicable provisions of law, our prior opinions, and the information you provided, 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 Board of Commissioners of the St. John the Baptist Housing Authority from serving as a member of the St. John the Baptist Parish Democratic Party Executive Committee.

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.

⁴ La. R.S. 18:444(A).

⁵ La. R.S. 18:444(G).

⁶ La. R.S. 18:444(B).

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

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,

LIZ MURRILL
ATTORNEY GENERAL

BY: Madeline S. Carbonette
Madeline S. Carbonette
Assistant Attorney General

LM: MSC