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STATE OF LOUISIANA
DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
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June 5, 2024
OPINION 24-0039

Mr. W. Grant Black III
155 W. Pinewood Drive
Slidell, LA 70458

78 Dual Officeholding

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

The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a full-time employee of St. Tammany Parish from serving as a member of the Slidell City Council.

Dear Mr. Black:

Our office received your request for an opinion regarding whether a full-time employee of St. Tammany Parish may serve as a member of the Slidell City Council.

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.

St. Tammany Parish operates under a home rule charter under the authority of La. Const. art. VI, § 5.¹ The charter provides for a president-council form of government.² According to the information provided to this office, you are the full-time Director of Technology for St. Tammany Parish. The position of Director of Technology for St. Tammany Parish is classified as “full time” “employment” for the purposes of the Dual Officeholding and Dual Employment Law.³

The City of Slidell also operates under a home rule charter under the authority of La. Const. art. VI, § 5.⁴ The charter provides for a mayor-council form of government.⁵ A

¹ Article I, Sec. 1-01, St. Tammany Parish Home Rule Charter.

² Article I, Sec. 1-02, St. Tammany Parish Home Rule Charter.

³ “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).

⁴ Article I, Sec. 1-02, City of Slidell Home Rule Charter.

⁵ Article I, Sec. 1-03, City of Slidell Home Rule Charter.

member of the Slidell City Council holds an "elective office" for the purposes of the Dual Officeholding and Dual Employment Law.⁶

St. Tammany Parish and the City of Slidell are considered separate political subdivisions for the purposes of the Dual Officeholding and Dual Employment Laws.⁷

The most applicable 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. 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) does not prohibit holding an elected office in one political subdivision and employment in separate political subdivision.

Based on the applicable provisions of law 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 full-time employee of St. Tammany Parish from serving as a member of the Slidell City Council.

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

⁶ "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).

⁷ "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).

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,

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BY: Madeline S. Carbonette
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LM: MSC