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ATTORNEY GENERAL

STATE OF LOUISIANA
DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
P.O. Box 94005
BATON ROUGE, LA
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July 9, 2024
OPINION 24-0051

Ms. Anna Frank
402 North Latour St.
Ville Platte, LA 70586

78 Dual Officeholding

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

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

The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a full-time employee of Evangeline Parish from serving as a member of Board of Alderman of the City of Ville Platte and as the part-time Executive Director of the Ville Platte Housing Authority. The provisions of the Dual Officeholding and Dual Employment Law prohibit a full-time employee of Evangeline Parish from serving as the full-time Executive Director of the Ville Platte Housing Authority.

Dear Ms. Frank:

Our office received your request for an opinion regarding whether a full-time employee of the Evangeline Parish may serve as a member of the Board of Aldermen of the City of Ville Platte and as the Executive Director of the Ville Platte Housing Authority.

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.

Evangeline Parish operates under a police jury form of government. According to the information provided to this office, you hold full-time employment with Evangeline Parish as the Executive Director of the Evangeline Parish Police Jury Section 8, which is classified as “full time” “employment” for the purposes of the Dual Officeholding and Dual Employment Law.¹

The City of Ville Platte is governed by the Lawrason Act, La. R.S. 33:321, *et seq.* The City of Ville Platte has adopted a mayor-board of aldermen form of government.² You indicated that you currently serve as a member of the Board of Alderman of the City of

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 La. R.S. 33:321.

Ville Platte, which is classified an “elective office” for the purposes of the Dual Officeholding and Dual Employment Law.³

As stated in your request, you are interested applying for the position of Executive Director the Ville Platte Housing Authority while continuing to serve as the Executive Director of the Evangeline Parish Police Jury Section 8 and as a member of the Board of Alderman for the City of Ville Platte.

The Ville Platte Housing Authority was established by the City of Ville Platte as a political subdivision.⁴ The Authority is governed by a Board of Commissioners who are appointed by the Mayor of Ville Platte.⁵ The members of the Board have the authority to select a secretary who shall be the Executive Director of the Authority.⁶ Because the position is specifically established by the laws of the state and filled by the Board, the position of Executive Director is classified as an “appointive office” for purposes of the Dual Officeholding and Dual Employment Law.⁷ Depending on the number of hours worked, the position is classified as either “full time” or “part time” for the purposes of the Dual Officeholding and Dual Employment Law.⁸

Evangeline Parish, the City of Ville Platte, and the Ville Platte Housing Authority are separate political subdivisions for purposes of the Dual Officeholding and Dual Employment Law.⁹

The most relevant provisions of the Dual Officeholding and Dual Employment Law are La. R.S. 42:63(D) and La. R.S. 42:63(E) which provide, in pertinent part:

D. 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

³ “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).

⁴ La. R.S. 40:384(16), La. R.S. 40:391 and La. R.S. 40:392.

⁵ La. R.S. 40:531(A).

⁶ La. R.S. 40:539(C)(1).

⁷ “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).

⁸ “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).

⁹ “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).

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.

E. 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.

La. R.S. 42:63(D) does not prohibit you from serving as the Executive Director of the Evangeline Parish Police Jury Section 8, as a member of the Board of Alderman of the City of Ville Platte, and as the part-time Executive Director of the Ville Platte Housing Authority. However, both La. R.S. 42:63(D) and La. R.S. 42:63(E) prohibit you from serving as the full-time Executive Director of the Authority. If you elect to serve as the full-time Executive Director of the Authority, you should resign as a full-time employee of the Evangeline Parish Police Jury Section 8 or change your employment to part-time employment prior to accepting the appointment as Executive Director to avoid violating the provisions of the Dual Officeholding and Employment Law.¹⁰

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,

LIZ MURRILL
ATTORNEY GENERAL

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

LM:MSC

¹⁰ Our office has previously opined that the provisions of the Dual Officeholding and Employment Law did not prohibit you from holding employment with Evangeline Parish and serving as a member of the Board of Aldermen of the City of Ville Platte. La. Atty. Gen. Op. No. 14-0167.