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DEPARTMENT OF JUSTICE  
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February 27, 2025  
OPINION 24-0145

Mr. Kevin Lewis  
2800 Perdido Street  
New Orleans, LA 70119

78 Dual Officeholding

La. R.S. 42:61 *et seq.*  
La. Const. art. 5, § 27

La. R.S. 13:2583  
La. R.S. 33:1537

The provisions of the Dual Officeholding and Dual Employment Law do not prohibit the Constable of the Justice of the Peace Court for Tangipahoa Parish, Ward 8 from serving as a part time Deputy Sheriff for Orleans Parish.

Dear Mr. Lewis:

### Question

Can the Constable of the Justice of the Peace Court for Tangipahoa Parish, Ward 8 may serve as a part time Deputy Sheriff for Orleans Parish?

### Conclusion

The provisions of the Dual Officeholding and Dual Employment Law do not prohibit the Constable of the Justice of the Peace Court for Tangipahoa Parish, Ward 8 from serving as a part time Deputy Sheriff for Orleans Parish.

### Analysis

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.

The applicable provision of law, La. R.S. 42:63(D), prohibits a person who holds an elective office in a political subdivision from simultaneously holding any other employment in the same political subdivision or from simultaneously holding any other elective office or full-time appointive office in a different political subdivision. Classifying the correct nature of the positions is essential for the purposes of applying the Dual Office Holding and Dual Employment Law.

Tangipahoa Parish and Orleans Parish are different political subdivisions.<sup>1</sup> The Constable holds an “elective office” for the purposes of the Dual Officeholding and Dual Employment Law.<sup>2</sup> A Deputy Sheriff working part time as a training instructor holds a “part time” “appointive office” for the purposes of the Dual Officeholding and Dual Employment Law.<sup>3</sup>

No provisions of applicable law prohibit a person holding an “elective office” from holding a “part-time” “appointive” office in a different political subdivision. Therefore, the provisions of the Dual Officeholding and Dual Employment Law do not prohibit the Constable of the Justice of the Peace Court for Tangipahoa Parish, Ward 8 from serving as a part time Deputy Sheriff for Orleans Parish.

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  
Assistant Attorney General

LM: MSC

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<sup>1</sup> “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).

<sup>2</sup> “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).

<sup>3</sup> “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 or 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).