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STATE OF LOUISIANA  
DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL  
P.O. BOX 94005  
BATON ROUGE, LA  
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April 15, 2025  
OPINION 25-0015

Ms. Jessica Albarado  
19358 Austin Street  
Springfield, LA 70462

78 Dual Officeholding

La. R.S. 42:61, *et seq.*  
La. R.S. 13:2582

La. R.S. 33:321, *et seq.*

The provisions of the Dual Officeholding and Dual Employment Law prohibit the Justice of the Peace for Livingston Parish, Ward 10 from serving as the full-time Town Clerk for the Town of Killian.

Dear Ms. Albarado:

Our office received your request for an opinion regarding whether the Justice of the Peace for Livingston Parish, Ward 10 may serve as the full-time Town Clerk for the Town of Killian.

**Question: Can the Justice of the Peace for Livingston Parish, Ward 10 serve as the full-time Town Clerk for the Town of Killian?**

**Conclusion: The provisions of the Dual Officeholding and Dual Employment Law prohibit the Justice of the Peace for Livingston Parish, Ward 10 from serving as the full-time Town Clerk for the Town of Killian.**

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 Justice of the Peace for Livingston Parish, Ward 10 is elected by the qualified voters within the territorial limits of the justice of the peace court pursuant to the provisions of La. R.S. 13:2582(B). The Justice of the Peace holds an "elective office" for the purposes of the Dual Officeholding and Dual Employment Law.<sup>1</sup>

The Town of Killian is governed by the Lawrason Act, La. R.S. 33:321, *et seq.* The Town has adopted a mayor-board of aldermen form of government.<sup>2</sup> The Town Clerk is appointed by the mayor, subject to the approval of the board of aldermen.<sup>3</sup> According to the information provided to this office, the position of Town Clerk is full time, which is

<sup>1</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>2</sup> La. R.S. 33:321.

<sup>3</sup> La. R.S. 33:386(A).

classified as a "full time" "appointive office" for the purposes of the Dual Officeholding and Dual Employment Law.<sup>4</sup>

The Justice of Peace Court for Livingston Parish and the Town of Killian are considered separate political subdivisions for the purposes of the Dual Officeholding and Dual Employment Law.<sup>5</sup>

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) prohibits holding an elective office in a political subdivision and a full-time appointive office in a separate political subdivision.

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 prohibit the Justice of the Peace for Livingston Parish, Ward 10 from serving as the full-time Town Clerk for the Town of Killian.

Please note that our expressed opinion is limited to an examination of the state law 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. 42:1101, *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. Also be advised that Justices of the Peace are governed by the Code of Judicial Conduct which is within the jurisdiction of the Judiciary Commission. The

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<sup>4</sup> "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). "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)

<sup>5</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).

Commission may be contacted at the following address: 400 Royal Street, Suite 1213,  
New Orleans, LA 70130, phone: (504) 310-2597.

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: *Chimène St-Amant*  
Chimène St. Amant  
Assistant Attorney General

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