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DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
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BATON ROUGE, LA
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July 25, 2025
OPINION 25-0057

Ms. Ariella Carter
4001 Carter Street, Rm. 1
Vidalia, LA 71373

78 – DUAL OFFICEHOLDING

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

The provisions of the Dual Officeholding and Dual Employment Law do not prohibit the President of the Vidalia Girls Softball League from simultaneously serving as the Recreation Director for the Concordia Parish Recreation District No. 3.

Dear Ms. Carter:

Our office received your request for an opinion regarding whether the President of the Vidalia Girls Softball League may serve as the Concordia Parish Recreation Director.

Question: Can the President of the Vidalia Girls Softball League serve as the Concordia Parish Recreation Director?

Conclusion: Yes. The provisions of the Dual Officeholding and Dual Employment Law do not prohibit the President of the Vidalia Girls Softball League from simultaneously serving as the Recreation Director for the Concordia Parish Recreation District No. 3.

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.

According to the information provided to this office, the current President of the Vidalia Girls Softball League is also serving as the interim Recreation Director for the Concordia Parish Recreation District No. 3 and seeks to hold that position on a permanent basis. The Concordia Parish Police Jury created Recreation District No. 3 and appoints the members of its governing board.¹ The board, in turn, is responsible for hiring the Recreation Director to manage the district's day-to-day operations. The position requires forty hours of work per week over five workdays. Because it is a full-time role created by ordinance and filled by appointment of a public body, it qualifies as a full-time appointive office under La. R.S. 42:62(2) and (4).²

¹ Sec. 18-36 and 18-37, Concordia Parish Police Jury Code of Ordinances. See also La. R.S. 33:4564, which states that members of the board shall be appointed by the police jury of the parish or parishes involved.

² "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

In contrast, the President of the Vidalia Girls Softball League is not considered an "appointive office". According to the Louisiana Secretary of State, the League is a private nonprofit corporation. The president is neither elected by the public nor appointed by a public official, and the role is uncompensated. It is therefore not "employment" within the meaning of La. R.S. 42:62(3).³

Our office has consistently opined that the Dual Officeholding Law does not apply to private entities or their officers or employees.⁴ Because the President of the Vidalia Girls Softball League holds a private, uncompensated position, and the Recreation Director role is a public, appointive office, no conflict arises under the Dual Officeholding and Dual Employment Law.

Based on the applicable provisions of law, our prior opinions, and the information you have provided, it is the opinion of this office that the provisions of the Dual Officeholding and Dual Employment Law do not prohibit the President of the Vidalia Girls Softball League from simultaneously serving as the Recreation Director for the Concordia Parish Recreation District No. 3. The law's provisions are not applicable to positions in private corporations, such as the President of the Vidalia Girls Softball League.

Please note that our expressed opinion relative to state law is limited to an examination of the Dual Officeholding and Dual Employment provisions. It does not address the potential applicability of the State of Louisiana civil service laws, rules and regulations. 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.

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).

³ "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 thereof. La. R.S. 42:62(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 of this state or of a political subdivision thereof. La. R.S. 42:62(2).

⁴ La. Atty. Gen. Op. Nos. 23-0114, 17-0106, 15-0118, 13-0208, 13-0022, and 11-0174.

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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