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DEPARTMENT OF JUSTICE
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OPINION 25-0081

78 – DUAL OFFICEHOLDING

Mr. Zachery Faircloth
400 S. Capitol St., #107
Many, LA 71449

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

A specific provision of the Louisiana Election Code, La. R.S. 18:63, expressly forbids the registrar of voters for Sabine Parish from accepting appointment to the Sabine Parish Communications District.

Dear Mr. Faircloth:

Our office received your request for an opinion regarding whether the Sabine Parish Registrar of Voters can serve on the board of commissioners for the Sabine Parish Communications District.

Question: Can the Sabine Parish Registrar of Voters serve on the board of commissioners for the Sabine Parish Communications District?

Conclusion: No. A specific provision of the Louisiana Election Code, La. R.S. 18:63, expressly forbids the registrar of voters from holding the position of commissioner of the Sabine Parish Communications District.

The provisions of the Dual Officeholding and Dual Employment Law, found at La. R.S. 42:61, *et seq.*, generally 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 La. R.S. 18:51, each parish in the state is required to have a registrar of voters, who shall be appointed by the governing authority of the parish. In your request, you assert that the Sabine Parish Registrar of Voters normally works forty hours per week in five work days. Therefore, the Sabine Parish Registrar of Voters is considered to hold a "full time" "appointive office" for the purposes of the Dual Officeholding Law.^{1, 2}

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).

² "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).

Louisiana Revised Statute 33:1361 gives all municipalities or parish governing authorities the right to adopt a code embracing all of the laws which they have enacted. Accordingly, Sabine Parish Police Jury constructed the Sabine Parish Police Jury Code.³ Pursuant to the authority vested by La. R.S. 33:9101, *et seq.*, the police jury created a communications district for Sabine Parish.⁴ The governing authority of the communications district consists of a board of commissioners composed of seven members, who are appointed. As detailed in your request, a board member normally works about one hour per week. Therefore, the Sabine Parish Registrar of Voters is considered to hold a "part time" "appointive office" for the purposes of the Dual Officeholding Law.⁵

The Dual Officeholding and Dual Employment Law is La. R.S. 42:63(E), provides:

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(E) would not ordinarily prohibit a full-time appointed official of a political subdivision from serving simultaneously as a part time appointed official in the same political subdivision.⁶ However, a specific provision of the Louisiana Elections Code, La. R.S. 18:63, prohibits registrars of voters from simultaneously holding appointive public office in the following terms:

A registrar, deputy registrar, or employee of a registrar shall not be eligible to hold any elective or appointive public office or position with the United States or the state or any of its agencies or political subdivisions, except as otherwise specifically provided by law.

A prior opinion issued by this office dealt with a substantially similar question and concluded that a register of voters is prohibited from simultaneously holding a second office while serving as registrar.⁷ In response to an opinion request, this office concluded that, in light of the statute, a registrar would be compelled to resign his position as registrar before accepting an appointment to the State Mineral Board.

Based on the applicable provisions of law and the information you have provided, it is the opinion of this office that the provisions of La. R.S. 18:63 expressly prohibit the Sabine

³ Sec. 1-1, Sabine Parish Police Jury Code.

⁴ Sec. 44-118, Sabine Parish Police Jury Code.

⁵ "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).

⁶ See La. Att. Gen. Op. No. 12-0031.

⁷ See La. Att. Gen. Op. No. 01-0008.

Parish Registrar of Voters from being appointed to the board of commissioners for the Sabine Parish Communications District.

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.

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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ATTORNEY GENERAL

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