

May 1, 2007  
OPINION 07-0115

Ms. Mary V. Bennett  
Justice of the Peace  
Ward 6, District 21  
P.O. Box 643  
Springfield, LA 70462

78 DUAL OFFICEHOLDING  
57 JUSTICE OF THE PEACE

R.S. 42:63(D), 42:62(9)

Dual officeholding laws do not prohibit justice of the peace from holding part-time employment as municipal police officer.

Dear Ms. Bennett:

You have asked this office to advise whether you may hold elective office as Justice of the Peace for Ward 6, District 21 of the Livingston Parish and part-time employment as police officer for the Town of Springfield.

R.S. 42:63(D) prohibits the simultaneous holding of positions where the employment is within the same political subdivision in which he holds elective office. R.S. 42:63(D) states:

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 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. In addition, no sheriff, assessor, or clerk of court shall hold any office or employment under a parish governing authority or school board, nor shall any member of any parish governing authority or school board hold any office or employment with any sheriff, assessor, or clerk of court. (Emphasis added).

A municipality and a justice of the peace court are separate political subdivisions as defined in R.S. 42:62(9):

(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 the peace courts, district attorneys, sheriffs, clerks of

court, coroners, tax assessors, registrar of voters, and all other elected parochial officials shall be separate political subdivisions.

Because the positions here are held within separate political subdivisions, the prohibitions of R.S. 42:63(D) are inapplicable. Thus, the dual officeholding laws do not prohibit you from holding both positions. In accord are Attorney General Opinions 96-217 and 90-518, copies attached.

However, we suggest you contact Dr. Hugh Collins, Judicial Administrator, 400 Royal Street, Suite 1190, New Orleans, LA 70130, phone 504-310-2550 to determine whether conflicts would exist under the Code of Judicial Conduct regarding the simultaneous holding of these positions.

Very truly yours,

CHARLES C. FOTI, JR.  
ATTORNEY GENERAL

BY:

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KERRY L. KILPATRICK  
ASSISTANT ATTORNEY GENERAL

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Date Received:

Date Released: May 1, 2007

KERRY L. KILPATRICK  
ASSISTANT ATTORNEY GENERAL