

Seeking Local/State Elected Office

For those persons interested in seeking local or state elected office, please refer to the following considerations:

- A person must meet the **Qualifications for elected office**. (T.C.A. § 8-18-101)
- A person must meet the **qualifications for holding municipal elected office** (if applicable).
- A person must be issued and file a **nominating petition** (including certified duplicates when required) with the appropriate election commission office, the State Election Commission, or the state Coordinator of Elections containing the required number of signatures of registered voters eligible to vote to fill the elected office. It must be filed no later than 12:00 noon on the last date to qualify as a candidate for the election as required by law.
- A person must complete and submit all other appropriate forms, affidavits or other documentation for a particular elected office as required by law. (Example: For the office of School Board, proof of graduation from high school or receipt of GED must be filed.)
- A person must file the **Statement of Disclosure of Interests** form with the Tennessee Ethics Commission no later than thirty (30) days after the last day to qualify as a candidate. (T.C.A. § 3-6-205)
- A person must complete and file periodic **Campaign Financial Disclosure Reports** as required under the Campaign Financial Disclosure Act. (T.C.A. § 2-10-101 et seq.)
- A person must meet all **Residency Requirements** in the district, ward or jurisdiction in order to qualify as a candidate.

QUALIFICATIONS FOR ELECTED OFFICES IN TENNESSEE

General Provisions Governing Qualifications for Office:

The general qualifications of persons permitted to hold public office are set out in TCA § 8-18-101. This section provides that all persons of the age of eighteen (18) years who are citizens of the United States and of this state, and have been inhabitants of the state, county, district, or circuit for the period required by the constitution and laws of the state, are qualified to hold office under the authority of this state except:

- (1) Those who have been convicted of offering or giving a bribe, or of larceny, or any other offense declared infamous by law, unless restored to citizenship in the mode pointed out by law;
- (2) Those against whom there is a judgment unpaid for any moneys received by them, in any official capacity, due to the United States, to this state, or any county thereof;
- (3) Those who are defaulters to the treasury at the time of the election, and the election of any such person shall be void;
- (4) Soldiers, seamen, marines, or airmen in the regular army or navy or air force of the United States; and
- (5) Members of congress, and persons holding any office of profit or trust under any foreign power, other state of the union, or under the United States.

General Provisions Governing the Causes of Vacancies:

The causes of vacancies are set out in TCA § 8-48-101. This section provides that any office in this state is vacated by the following:

- (1) Death of the incumbent;
- (2) Resignation, when permitted by law;
- (3) Ceasing to be a resident of the state, or of the district, circuit, or county for which he was elected or appointed;
- (4) Decision of a competent tribunal declaring the election or appointment void or the office vacant;
- (5) Act of the general assembly abridging the term of office, where it is not fixed by the constitution;
- (6) Sentence of the incumbent, by any competent tribunal in this or any other state, to the penitentiary, subject to restoration if the judgment is reversed, but not if the incumbent is pardoned; or
- (7) Adjudication of the incumbent's insanity.

UNITED STATES PRESIDENT

- 35 years of age; natural-born citizen; and a resident within the United States for 14 years. (US Constitution Article 2, Section 1[5])

UNITED STATES SENATOR

- 30 years of age; Citizen of United States for 9 years; and a Tennessee resident. (US Constitution Article 1, Section 3)

UNITED STATES REPRESENTATIVE

- 25 years of age; Citizen of United States for 7 years; and a Tennessee resident. (US Constitution Article 1, Section 2)

GOVERNOR

- Basic qualifications of TCA 8-18-101 and
- Shall be at least thirty (30) years of age, shall be a citizen of the United States, and shall have been a citizen of this State 7 years before the election. (TN Constitution Article 3, Section 3)

STATE EXECUTIVE COMMITTEE

- Basic qualifications of TCA 8-18-101; and
- In each party's primary, its voters in each senatorial district shall elect one (1) man and one (1) woman as members of the state executive committee. (TCA 2-13-103)
- Shall be bona fide members of the political party whose election they seek. (TCA 2-13-104)

STATE SENATOR

- Basic qualifications of TCA 8-18-101; and
- Shall be a citizen of the United States, at least 30 years of age, and shall have resided 3 years in this State and 1 year in the county or district represented immediately preceding the election. (TN Constitution Article 2, Sect. 10)
- Each district shall be represented by a qualified voter of that district. (TN Constitution Article 2, Section 6a)

STATE REPRESENTATIVE

- Basic qualifications of TCA 8-18-101; and
- Shall be a citizen of the United States, at least 21 years of age, and shall have resided 3 years in this State and 1 year in the county represented immediately preceding the election. (TN Constitution Article 2, Section 9)
- Each district shall be represented by a qualified voter of that district. (TN Constitution Article 2, Section 5a)

TENNESSEE SUPREME COURT JUDGE

- Basic qualifications of TCA 8-18-101; and
- Shall be at least 35 years of age and a resident of the state for 5 years. (TN Constitution Article 6, Section 3, TCA 17-1-101, TCA 17-1-103)
- Shall be learned in the law, evidenced by being authorized to practice law in the courts of Tennessee. (TCA 17-1-106)

TENNESSEE COURT OF APPEALS JUDGE

- Basic qualifications of TCA 8-18-101; and
- Shall be at least 30 years of age and a resident of the state for 5 years. (TN Constitution Article 6, Section 4)
- Shall be learned in the law, evidenced by being authorized to practice law in the courts of Tennessee. (TCA 17-1-106)
- Shall reside in the grand division of the state from which they seek election. (TCA 16-4-102)

TENNESSEE COURT OF CRIMINAL APPEALS JUDGE

- Basic qualifications of TCA 8-18-101; and
- Shall be a citizen of the United States, at least 30 years of age and a resident of the state for 5 years. (TN Constitution Article 6, Section 4, TCA 16-5-102)
- Shall be learned in the law, evidenced by being authorized to practice law in the courts of Tennessee. (TCA 17-1-106)
- Shall reside in the grand division of the state from which they seek election. (TCA 16-5-102)

CHANCELLOR

- Basic qualifications of TCA 8-18-101; and
- Shall be at least 30 years of age and a resident of the state for 5 years and of the circuit or district 1 year. (TN Constitution Article 6, Section 4)
- Shall be learned in the law, evidenced by being authorized to practice law in the courts of Tennessee. (TCA 17-1-101, 17-1-102, 17-1-103, 17-1-106)

CIRCUIT COURT JUDGE/CRIMINAL COURT JUDGE

- Basic qualifications of TCA 8-18-101; and
- Shall be at least 30 years of age and a resident of the state for 5 years and of the circuit or district 1 year. (TN Constitution Article 6, Section 4)
- Shall be learned in the law, evidenced by being authorized to practice law in the courts of Tennessee. (TCA 17-1-101, 17-1-102, 17-1-103, 17-1-106)

GENERAL SESSIONS/JUVENILE COURT JUDGE

- Basic qualifications of TCA 8-18-101; and
- Shall be at least 30 years of age and a resident of the state for 5 years and of the circuit or district 1 year. (TN Constitution Article 6, Section 4)
- Shall be licensed to practice law in this state. (TCA 16-15-5005)

DISTRICT ATTORNEY GENERAL

- Basic qualifications of TCA 8-18-101; and
- Shall be a duly licensed attorney admitted to the practice of law in this state and a resident of the state for 5 years and of the circuit or district 1 year. (TN Constitution Article 6, Section 5)

DISTRICT PUBLIC DEFENDER

- Basic qualifications of TCA 8-18-101; and
- Shall be a duly licensed attorney admitted to the practice of law in this state and a resident of the state for 5 years and of the judicial district for 1 year. (TCA 8-14-202)

COUNTY MAYOR/ COUNTY EXECUTIVE

- Basic qualifications of TCA 8-18-101; and
- Shall be:
 - (1) A qualified voter of the county;
 - (2) At least 25 years of age; and
 - (3) A resident of the county for at least 1 year prior to the date of filing a nominating petition for election to such office.
- Shall continue to reside in the county during the term of office and shall not, during the term of office, hold any other public office for profit. (TCA 5-6-104)

COUNTY COMMISSION

- Basic qualifications of TCA 8-18-101; and
- Shall reside within and be a qualified voter of the district represented. (TCA 5-5-102)

SHERIFF

- Basic qualifications of TCA 8-18-101; and
- No person shall engage in the practice of law or serve as a member of the general assembly while serving as sheriff. (TCA 8-8-101)
- A person shall:
 1. Be a citizen of the United States;
 2. Be at least 25 years of age prior to the date of qualifying for election;
 3. Be a qualified voter of the county and a resident of the county for one (1) full year prior to the date of the qualifying deadline;
 4. Have obtained a high school diploma or its equivalent in educational training as recognized by the Tennessee state board of education;

SHERIFF QUALIFICATIONS (CONT.)

5. Not have been convicted of or pleaded guilty to or entered a plea of nolo contendere to any misdemeanor crime of domestic violence or any felony charge or any violation of any federal or state laws or city ordinances relating to force, violence, theft, dishonesty, gambling, liquor or controlled substances;
6. Be fingerprinted and have the Tennessee Bureau of Investigation make a search of local, state, and federal fingerprint files for any criminal record. Fingerprints are to be taken under the direction of the T.B.I. It shall be the responsibility of the T.B.I. to forward all criminal history results to the Peace Officer Standards and Training (POST) commission for evaluation of qualifications;
7. Not have been released, separated, or discharged from the Armed Forces of the United States with a Dishonorable or Bad Conduct discharge, or as a consequence of conviction at court martial for either state or federal offenses;
8. Have been certified by a Tennessee licensed health care provider qualified in the psychiatric or psychological fields as being free any disorder, as set forth in the current edition of the Diagnostic and Statistical Manual of Mental Disorders, Third Edition (DSM III) or its successor, of the American Psychiatric Association; at the time of the examination, that would, in the professional judgment of the examiner, impair the subject's ability to perform any essential function of the job; and
9. Have at least three (3) years of full-time experience as a peace officer standards and training commission certified law enforcement officer in the previous ten (10) years or at least three (3) years of full-time experience as a state or federal certified law enforcement officer with training equivalent to that required by the peace officer standards and training commission in the previous ten (10) years. (This requirement does not apply in any county having a metropolitan form of government where the sheriff does not have law enforcement powers.)
10. Shall file with the POST Commission,
 - (A) An affidavit sworn to and signed by the candidate affirming that the candidate meets the requirements of this section; and
 - (B) A confirmation of psychological evaluation form certified by the psychologist/psychiatrist providing psychological evaluation as provided for in §8-8-102(a) (8) for the purposes of sheriff candidacy qualification.

TRUSTEE

- Basic qualifications of TCA 8-18-101
- Shall reside within the county. (TCA 8-48-101)

REGISTER OF DEEDS

- Basic qualifications of TCA 8-18-101
- Shall reside within the county. (TCA 8-48-101)

CIRCUIT COURT CLERK

- Basic qualifications of TCA 8-18-101; and
- Shall reside in the county wherein the court is held. (TCA 18-1-102)

COUNTY CLERK

- Basic qualifications of TCA 8-18-101
- Shall reside within the county. (TCA 8-48-101)

ASSESSOR OF PROPERTY

- Basic qualifications of TCA 8-18-101; and
- Shall reside within the county. (TCA 8-48-101)
- No member of the county legislative body shall be eligible to hold the office of assessor. (TCA 67-1-503)

COUNTY HIGHWAY CHIEF ADMINISTRATIVE OFFICER

- Basic qualifications of TCA 8-18-101; and
- Shall reside within the county. (TCA 8-48-101)
- Shall file affidavits and such other evidence as the Tennessee Highway Officials Certification Board shall require with the board not later than fourteen (14) days prior to the qualifying deadline for candidates in a popular election or, where the position is appointed, prior to appointment to the office. (TCA 54-7-104)
- A person shall have at least a high school diploma or GED and meet one of the following criteria:
 - (1) Be licensed to practice engineering in Tennessee; or
 - (2) Be a graduate of an accredited school of engineering, with at least 2 years' experience in highway construction or maintenance; or
 - (3) Have a combination of education and experience equivalent to either of the above; or
 - (4) Have at least 4 years' experience in a supervisory capacity in highway construction or maintenance. (TCA 54-7-104)

SCHOOL BOARD

- Basic qualifications of TCA 8-18-101; and
- Shall reside within and be a qualified voter of the district represented. (TCA 49-2-201)
- Shall file with the county election commission proof of graduation from high school or receipt of a GED, evidenced by a diploma or other documentation satisfactory to the commission. (TCA 49-2-202)
- No member of the county legislative body nor any other county official shall be eligible for election as a member of the county board of education. (TCA 49-2-202)

CONSTABLE

- Basic qualifications of TCA 8-18-101;
- A person shall:
 - (1) Be at least 21 years of age;
 - (2) Be a qualified voter of the district;

- (3) Possess at least a high school diploma or general educational development certificate (GED). Persons holding the office on or before June 30, 2011, and those reelected after July 1, 2011 without an interruption of service in the office shall only be able to read and write;
 - (4) Not have been convicted in any federal or state court of a felony; and
 - (5) Not have been separated or discharged from the armed forces of the United States with other than an honorable discharge;
- Shall file with the county election commission, in conjunction with the nominating petition, an affidavit sworn to and signed by the candidate affirming that the candidate meets the requirements of this section. (TCA 8-10-102)

EXCEPTIONS:

1. Fentress County: None of the above requirements apply, including the requirement to file an affidavit. The person must only be 18 years of age.
2. Scott County: A person who has served in the office of constable for ten (10) years or more does not have to meet the requirements listed in number (5) above.

Qualifications for Municipal Elected Office

City of Brentwood

Board of Commissioners-Seven Members

Four Year Terms (Alternating)

Elected in Odd Years-First Tuesday in May

Qualifications for Elected Office:

*Candidates must meet the General Qualifications under T.C.A. § 8-18-101

*Candidates must be a resident of the municipality.

City of Fairview

Mayor and Board of Commissioners-Four Members

Four Year Terms (Alternating)

Elected in Even Years-First Tuesday after the first Monday in November

Qualifications for Elected Office:

*Candidates must meet the General Qualifications under T.C.A. § 8-18-101

*Candidates must be a resident of the municipality.

City of Franklin

Mayor, Four Alderman at Large, and Four Ward Alderman

Four Year Terms-(Alternating)

Elected in Odd Years-Fourth Tuesday in October

Qualifications for Elected Office:

*Candidates must meet the General Qualifications under T.C.A. § 8-18-101

*Candidates must be a resident of the State of Tennessee for one (1) year.

*Candidates must be a resident of the city six (6) months prior to the date of the election.

*Candidates for Mayor must be at least twenty five (25) years of age.

*Candidates for Ward Alderman must be a resident of the ward sixty (60) days preceding the date of the election.

Qualifications for Municipal Elected Office (continued)

Town of Nolensville

Mayor and Four Alderman at Large

Four Year Terms (Alternating)

Elected in Even Years-First Tuesday after the first Monday in November

Qualifications for Elected Office:

*Candidates must meet the General Qualifications under T.C.A. §8-18-101

*Candidates must be a resident of the municipality for one (1) year preceding the date of the election.

Town of Thompson's Station

Mayor and Four Alderman at Large

Four Year Terms (Alternating)

Elected in Even Years-First Tuesday after the first Monday in November

Qualifications for Elected Office:

*Candidates must meet the General Qualifications under T.C.A. § 8-18-101.

*Candidates must be a resident of the municipality for one (1) year preceding the date of the election.

Town of Spring Hill (Maury County Election Commission)

Mayor and Four Ward Alderman

Four Year Terms (Alternating)

Elected in Odd Years-Second Thursday in April

Qualifications for Elected Office:

*Candidates must meet the General Qualifications under T.C.A. § 8-18-101

*Candidates must be a resident of the municipality for one (1) year preceding the date of the election.

*Candidates for Alderman must be a resident of the ward for one (1) year preceding the date of the election.

Williamson County Election Commission
1320 West Main Street – Suite 140
Franklin, Tennessee 37064
(615) 790-5711
Fax (615) 790-5617



Robert D. Brown, Chairman
Dana M. Smyth, Secretary
Paula C. McCord, Member
Thomas E. Murdic, Member
Phyllis Streiff, Member
Ann Beard, Administrator of Elections

Tennessee State Senate (23rd Senatorial District)

Tennessee Republican and Democratic Executive Committeeman/Committeewoman (23rd Senatorial District)

This district includes all of Williamson County and the office(s) are elected in even years when the office of Governor appears on the ballot.

Tennessee House of Representatives (District 61)

This district includes most of Brentwood, Grassland, most of Cool Springs, parts of Franklin and the areas around Hillsboro Road and the Sneed Road areas.

Tennessee House of Representatives (District 63)

This district includes much of east Brentwood, Nolensville, Triune, College Grove, Bethesda, Peytonsville, part of Franklin and portions of the Spring Hill/Thompson's Station areas.

Tennessee House of Representatives (District 65)

This district includes all of Fairview, much of Franklin, Leipers Fork, Burwood, a portion of Spring Hill, and all of rural southwest Williamson County.

21st Judicial District (Circuit Court Judges, District Attorney General and Public Defender)

This district includes Hickman, Lewis, Perry, & Williamson Counties.

Hickman County Election Commission
114 North Central Avenue, Suite 201
Centerville, TN 37033

Lewis County Election Commission
Courthouse (Room 103)
110 North Park Avenue
Hohenwald, TN 38462

Perry County Election Commission
124 East Main Street
PO Box 77
Linden, TN 37096

The Federal Hatch Act

The information contained in this document is taken from:

<http://www.osc.gov/documents/hatchact/state/Hatch%20Act%20Modernization%20Act%20Guidance%20for%20State%20and%20Local%20Employees.pdf> .

Before relying upon the information contained herein, the U.S. Office of Special Counsel, the enforcer of the Federal Hatch Act, should be contacted for verification of and any updates to the Hatch Act or the Hatch Act Modernization Act. The U.S. Office of Special Counsel may be reached by calling (800) 854-2824, or writing to hatchact@osc.gov.

On December 19, 2012, Congress passed the Hatch Act Modernization Act of 2012. The Act allows most state and local government employees to run for partisan political office. Prior to this change, state and local government employees were prohibited from running for partisan office if they worked in connection with programs financed in whole or in part by federal loans or grants. With the change, the federal Hatch Act no longer prohibits state and local government employees from running for partisan office unless the employee's salary is paid for completely by federal loans or grants.

This change will allow hundreds of thousands of state and local government employees to participate more actively in the democratic process in their communities.

Before entering a race as a candidate, employees should keep in mind the following:

- ***Make sure your salary is not completely funded by federal loans or grants.*** A very small number of state and local employees may continue to be prohibited from running for office by the federal Hatch Act. Before running for office, take steps to determine that your salary is not entirely -- 100% -- funded by federal loans or grants. Your state or local finance office should be able to clarify whether your salary is completely funded by federal loans or grants.
- ***Make sure state or local law does not prohibit you from running.*** Employees should also make sure that they are not prohibited from running for office by state or local law. Nearly every state, many localities, and the District of Columbia have ethics rules that govern the political activity of their employees. This includes, in some cases, the ability of employees to run for state or local office. While the rules under the federal Hatch Act have been relaxed with regard to partisan candidacies, states and localities are free to implement more rigid requirements at their discretion. OSC does not keep a comprehensive list of state and local political activity laws, and OSC does not enforce laws passed at the state or local level. Your state or local ethics office should be able to clarify whether any provision of state or local law prohibits you from running for office.
- ***The Hatch Act restricts state or local employees from engaging in political misconduct.*** The Hatch Act Modernization Act did not change the federal Hatch Act's prohibitions on coercive conduct or misuse of official authority for partisan purposes. A state or local employee is still covered by these prohibitions if the employee works in connection with a program financed in whole or in part by federal loans or grants, even if the connection is relatively minor. A covered employee who runs for office would violate the Hatch Act if the employee:
 - uses federal or any other public funds to support his own candidacy;
 - uses his state or local office to support his candidacy, including by using official email, stationery, office supplies, or other equipment or resources; or
 - asks subordinates to volunteer for his campaign or contribute to the campaign.

A Guide to Qualifying for Two Different Offices on the Same Ballot

I. Two Federal Offices

- A. You can run for two federal offices at the same time.
- B. Federal Hatch Act - The Federal Hatch Act provisions govern political activity by federal employees.
 - 1. The Federal Hatch Act does not disqualify an individual from seeking and holding a public office; however, violation of it could place an employee who is subject to it in jeopardy of losing his or her job.
 - 2. According to the Federal Hatch Act, federal employees may be candidates for public office in partisan elections as long as the federal employees' salary is not entirely – 100% - funded by federal loans or grants. (2012 change)
 - 3. Make sure state or local laws do not prohibit the person from running.

II. Two State Offices

- A. You cannot run for two state offices at the same time.
- B. TCA 2-5-101(f)(5) states, in pertinent part:

No candidate, whether independent or represented by a political party, may be permitted to submit and have accepted by any election commission, more than one (1) qualifying petition, or otherwise qualify and be nominated, or have such candidate's name anywhere appear on any ballot for any election or primary, wherein such candidate is attempting to be qualified for and nominated or elected to more than one (1) state office as described in either § 2-13-202(1), (2) or (3) or in article VI of the Constitution of Tennessee....
- C. State Employee - State Office
 - 1. A state employee may not simultaneously hold another state office.
 - 2. A state employee may hold any elected office other than a state office.
 - a) **Example: A state employee may hold the office of county commissioner. However, city charters should be reviewed for any prohibitory language regarding their elected officials holding public offices or offices of public trust.**

3. State employees may be governed by the Federal Hatch Act if the individual's salary is entirely – 100% - funded by federal loans or grants. In this scenario, the state employee must review the requirements of the Federal Hatch Act regarding the prohibition against being a candidate in a partisan election.

III. County Offices

A. County Office - County Office

1. You cannot run for two constitutional county offices or two countywide offices or district based offices that have countywide jurisdiction.

B. TCA 2-5-101(f)(5) states, in pertinent part:

No candidate, whether independent or represented by a political party, may be permitted to submit and have accepted by any election commission, more than one (1) qualifying petition, or otherwise qualify and be nominated, or have such candidate's name anywhere appear on any ballot for any election or primary, wherein such candidate is attempting to be qualified for and nominated or elected to ... more than one (1) constitutional county office described in article VII, § 1 of the Constitution of Tennessee or any other county-wide office, voted on by voters during any primary or general election. See Attorney General Opinion No. 02-012 (January 18, 2002).

C. County Employee - County Legislative Body

1. TCA 5-5-102(c)(2) states:

No person elected or appointed to fill the office of county mayor, sheriff, trustee, register, county clerk, assessor of property, or any other county--wide office filled by vote of the people or the county legislative body, shall also be nominated for or elected to membership in the county legislative body.

2. A county employee can run for county commissioner (county legislative body). TCA 5-5-102(c)(1). Both offices can be held at the same time. TCA 5-5-102(c)(4)(A).

D. County Office – Federal/State Office

1. You can run for a county office and a federal or state office at the same time. (OAG 92-66, 1992).

- a) **EXCEPTION: TCA 5-6-104(b) states that a county executive may not hold any other public office for profit, i.e., a public office which receives a salary.**

E. County Office - School Board

1. No member of the county legislative body or any other county official shall be eligible for election as a member of the county board of education. TCA 49-2-202(a)(2).

F. Teacher - School Board

1. TCA 49-2-203(a)(1)(D) states that:

No member of any local board of education shall be eligible for election as a teacher, or any other position under the board carrying with it any salary or compensation;

2. However, an employee of the school system may run for the office of school board without resigning the teacher's position.

IV. Municipal Offices

A. City Office - County Office

1. You can run for a city office and a county office at the same time. (OAG 83-337, July 11, 1983)
2. EXCEPTIONS: TCA 5-6-104(b) states that a county mayor may not hold any other public office for profit, i.e., a public office that receives a salary.
3. A county employee cannot hold an office if a municipal charter prevents it.

a) Example: County school board member wants to run for mayor. He or she may run for mayor while holding their school board seat and can hold both offices at the same time unless the city charter prevents it. See also Title 5.

B. City Office - City Office

1. You can hold two or more city offices at the same time if the city charter doesn't prevent it. (OAG 80-53, January 31, 1980).

C. City Employee - City Office

1. A city employee may not run for city office unless the charter or ordinance expressly allows it.
2. TCA 7-51-1501 "...that unless otherwise authorized by law or local ordinance an employee of a municipal government or of a metropolitan government shall not be qualified to run for elected office in the local governing body of such local government unit in which the employee is employed."