

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 Tennessee Code Annotated, Section 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 Tennessee Code Annotated, Section 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 (4 YEAR TERM)

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

GOVERNOR (4 YEAR TERM)

- 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 the State seven (7) years next before his election. (TN Constitution Article 3, Section 3)

UNITED STATES SENATOR (6 YEAR TERM)

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

UNITED STATES REPRESENTATIVE (2 YEAR TERM)

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

TENNESSEE STATE SENATOR (4 YEAR TERM)

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

TENNESSEE STATE REPRESENTATIVE (2 YEAR TERM)

- Basic qualifications of TCA 8-18-101; and
- Shall be a citizen of the United States, of the age of twenty-one (21) years, and shall have been a citizen of this State for three (3) years, and a resident in the county he represents one (1) year 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)

STATE EXECUTIVE COMMITTEE (4 YEAR TERM)

- 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)

TENNESSEE SUPREME COURT JUDGE (8 YEAR TERM)

- Basic qualifications of TCA 8-18-101; and
- Shall be thirty-five (35) years of age, a resident of the state for five (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 (8 YEAR TERM)

- Basic qualifications of TCA 8-18-101; and
- Shall be thirty (30) years of age, a resident of the state for five (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 (8 YEAR TERM)

- Basic qualifications of TCA 8-18-101; and
- Shall be thirty (30) years of age, and a citizen and resident of the state for five (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)

CIRCUIT COURT JUDGE (8 YEAR TERM)

- Basic qualifications of TCA 8-18-101; and
- Shall be thirty (30) years of age and shall before his election, have been a resident of the state for five (5) years and of the circuit or district one (1) year. (TN Constitution Article 6, Section 4)
- Shall be learned in the law, which must be evidenced by the judge being authorized to practice law in the courts of Tennessee. (TCA 17-1-101, 17-1-102, 17-1-103, 17-1-106)

CHANCELLOR (8 YEAR TERM)

- Basic qualifications of TCA 8-18-101; and
- Shall be thirty (30) years of age and shall before his election, have been a resident of the State for five (5) years and of the circuit or district one (1) year. (TN Constitution Article 6, Section 4)
- Shall be learned in the law, which must be evidenced by the judge being authorized to practice law in the courts of Tennessee. (TCA 17-1-101, 17-1-102, 17-1-103, 17-1-106)

DISTRICT ATTORNEY GENERAL (8 YEAR TERM)

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

DISTRICT PUBLIC DEFENDER (8 YEAR TERM)

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

COUNTY MAYOR (4 YEAR TERM)

- Basic qualifications of TCA 8-18-101; and
 - (a) Shall be:
 - (1) A qualified voter of the county.
 - (2) At least 25 years of age; and
 - (3) A resident of the county for one (1) full year prior to the date of filing a nominating petition for election to such office.
 - (b) 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 (4 YEAR TERM)

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

ASSESSOR OF PROPERTY (4 YEAR TERM)

- 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)

TRUSTEE (4 YEAR TERM)

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

GENERAL SESSIONS/JUVENILE COURT JUDGE (8 YEAR TERM)

- Basic qualifications of TCA 8-18-101; and
- Shall be thirty (30) years of age and shall before his election, have been a resident of the state for five (5) years and of the circuit or district one (1) year. (TN Constitution Article 6, Section 4)
- Shall be licensed to practice law in this State. (TCA 16-15-5005)

SHERIFF (4 YEAR TERM)

- 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: TCA 8-8-102
 - (1) Be a citizen of the United States;
 - (2) Be at least twenty-five (25) years of age prior to the date of qualifying for election;
 - (3) Be a qualified voter of the county;
 - (4) Have obtained a high school diploma or its equivalent in educational training as recognized by the Tennessee State Board of Education;
 - (5) Not have been convicted of or pleaded guilty to or entered a plea of nolo contendere to 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; so long as the violation involves an offense that consists of moral turpitude or a misdemeanor crime of domestic violence;
 - (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 Tennessee Bureau of Investigation. 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 qualified professional in the psychiatric or psychological fields to be free of all apparent mental disorder as described in the Diagnostic and Statistical Manual of Mental Disorders, Third Edition (DSM III) or its successor, of the American Psychiatric Association; and
 - (9) Possess a current and valid peace officer certification as issued by the Tennessee POST Commission as provided in Section 38-8-107, as defined in Title 38 (Chapter 8), within twelve (12) months prior to the close of qualification for the election for the office of sheriff. (This requirement does not apply in any county having a metropolitan form of government where the sheriff does not have law enforcement powers)

In the event that certification for peace officer is inactive or no longer valid, proof of the intent to run for the office of sheriff shall be presented to the POST Commission for approval to take the POST certification examination.

SHERIFF CONTINUED

- Any person seeking the office of sheriff shall file with the POST Commission, at least fourteen (14) days prior to the qualifying deadline, the following
 - (1) An affidavit sworn to and signed by the candidate affirming that the candidate meets the requirements of this section; and
 - (2) A confirmation of psychological evaluation form certified by the psychologist/psychiatrist providing psychological evaluation as provided for in §8-8-102(b) (8) for the purposes of sheriff candidacy qualification. The form shall be developed by the POST Commission and shall include the examining psychologist's/psychiatrist's license number and state of licensure. The form shall clearly state in bold face type directly above the signature line that a person who, with intent to deceive, makes any false statement on such application commits the offense of perjury pursuant to § 39-16-702. The form shall be made available by the POST Commission upon request by any candidate for the office of sheriff.
 - (3) If such affidavit and form are not filed with the POST Commission by the fourteenth (14th) day prior to the qualifying deadline for the office of sheriff, such candidate's name shall not be placed on the ballot. The POST Commission shall have the authority to verify the validity of such affidavit and form.
 - (4) The POST Commission shall verify POST certification of any person seeking the office of sheriff who meets these requirements. The original notarized verification form from the POST Commission shall be filed by the POST Commission with the county election commission by the withdrawal deadline. If the POST Commission has not certified to the county election commission by the withdrawal deadline a person seeking to qualify as a candidate for the office of sheriff as meeting the qualifications as provided for in this section, such person's name shall not appear on the ballot. In the event that a person seeks election to the office of sheriff by the county legislative body to fill a vacancy in office, such verification must be filed with the county clerk prior to the election.

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| Post Commission 3025 Lebanon Rd Nashville TN 37214-2217 General Information 615-741-4461 | TBI 615-741-0430 | TN Sheriff's Assoc. 615-885-7511 |
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CIRCUIT COURT CLERK (4 YEAR TERM)

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

COUNTY CLERK (4 YEAR TERM)

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

REGISTER OF DEEDS (4 YEAR TERM)

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

COUNTY HIGHWAY SUPERVISOR (4 YEAR TERM)

- Basic qualifications of TCA 8-18-101; and
- Shall reside within the county. (TCA 8-48-101)
- Shall file affidavits and other evidence with the Tennessee Highway Officials Certification Board not later than fourteen (14) days prior to the qualifying deadline. After review of the qualifications and standards required, the board shall certify to the Coordinator of Elections, who shall forward such certification to the County Election Commission, that a candidate's qualifications are acceptable prior to the candidate's name being placed on the ballot. A certificate of qualification from the board must be filed with the candidate's qualifying petition prior to the qualifying deadline. All materials or correspondence submitted to the board shall be received through the Office of the Coordinator of Elections, who shall forward the materials or correspondence to the board. (TCA 54-7-104(a))
 - Coordinator of Elections
 - 9th Floor, William R Snodgrass Tower
 - 312 Eighth Ave North
 - Nashville TN 37243
 - 615-741-7956
- *Education and Experience Qualifications*
 - (1) Be a graduate of an accredited school of engineering, with at least two (2) years experience in highway construction or maintenance or be licensed to practice engineering in Tennessee; or
 - (2) Have at least four (4) years experience in a supervisory capacity in highway construction or maintenance; or
 - (3) Have a combination of education and experience equivalent to either of the above.
 - (4) In no event shall have less than a high school education or general equivalency diploma (GED) (TCA 54-7-104).

SCHOOL BOARD (4 YEAR TERM)

- Basic qualifications of TCA 8-18-101; and
- Shall reside within and be a qualified voter of the district represented. (TCA 49-2-201(b)(2))
- 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 (49-2-202(2))
- Before qualifying shall file with the county election commission proof of graduation from high school or received a GED evidenced by a diploma or other documentation satisfactory to the commission. (TCA 49-2-202)

MAYOR AND CITY COUNCIL (4 YEAR TERM)

- Basic qualifications of TCA 8-18-101; and
- Shall be residents of the City of Clarksville who have resided in said city for twelve (12) months next preceding their election, and who shall have complied with the registration laws of the state and are qualified to vote in the election in which they are candidates. (Clarksville City Charter Article 2, Section 3)

CITY JUDGE (4 YEAR TERM)

- Basic qualifications of TCA 8-18-101; and
- Shall be at least thirty (30) years of age and a person learned in the law by practice and profession, and shall have been for two (2) years before his election a bona fide resident and voter in the County of Montgomery and a bona fide resident of the City of Clarksville at the time of his election. (Clarksville City Charter Article 4, Section 4.2)

08/09 Vickie Koelman, Administrator of Elections
Montgomery County Election Commission