

# 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 have been 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 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 member of the general assembly shall be nominated or commissioned, nor shall any practicing attorney be obligated, to act 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;
  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 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 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 §38-8-107, and as defined in title 38, chapter 8, within 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;

- 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(b)(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:
  - (1) Be a graduate of an accredited school of engineering, with at least 2 years' experience in highway construction or maintenance or be licensed to practice engineering in Tennessee; or
  - (2) Have at least 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. (TCA 54-7-104)
- EXCEPTIONS:
  - (1) Carroll, Hancock, Jackson, Macon, Williamson, and Wilson: certification not required
  - (2) Bedford, Clay, Dekalb, Dyer, Hawkins, Perry and Wayne Counties: only a high school education or general equivalency diploma (GED) is required (no experience required);
  - (3) Stewart County: at least four (4) years' experience is required (no education required). (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) 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)