

Qualifications for Office

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 prescribed 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 in the state.
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 armed forces of the United States.
5. Members of congress and persons holding any office or 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.

County Offices

County Executive

Basic qualifications of TCA 8-18-101 and

A qualified voter of the county

25 years of age

A resident of the county for 1 year prior to filing a nominating petition

Must continue to reside in the county during the term of office

Cannot hold any other public office for profit

County Commissioner

Basic qualifications of TCA 8-18-101

Shall reside within district represented

Be a qualified voter of the district represented

Sheriff

Basic qualifications of TCA 8-18-101

Cannot be a member of the general assembly

Cannot be a practicing attorney

A person shall:

1. Be a citizen of the United States;
2. Be at least 25 years of age prior to qualifying
3. Be a qualified voter of the county;
4. Have obtained a high school diploma or GED

5. Have not 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 or a crime of domestic violence

6. Have been fingerprinted, under the direction of the Tn. Bureau of Investigation, and the TBI has made a search of local, state and federal files for any criminal record

7. Have not been released, separated or discharged from any branch of the armed forces with a dishonorable or bad conduct discharge or as a consequence of conviction or 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 latest edition of the Diagnostic and Statistical Manual of Mental Disorders
9. Possess a current and valid POST certification issued within 12 months of the qualifying deadline for the office.

In the event that certification for peace officer is inactive or no longer valid, proof of the intent to run for 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)

Court Clerks

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

Assessor of Property

Basic qualifications of TCA 8-18-101
Shall reside in the county (TCA 8-48-101)
Cannot be a member of the county legislative body (TCA 67-1-503)

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 Highway Chief Administrative Officer

Basic qualifications of TCA 8-18-101
Shall reside in 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)

School Board Member

Basic qualifications of TCA 8-18-101
Shall reside within district represented (TCA 49-2-201)
Be a qualified voter of the district represented (TCA 49-2-201)
Shall have obtained a high school diploma or GED
No member of the County Commission or any other public official or employee of the Board of Education shall be eligible

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 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)