



County Technical Assistance Service

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Election to Office

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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Election to Office

Reference Number: CTAS-659

Under *Tennessee Code Annotated*, Section 2-5-101(f)(5), a candidate for county office is prohibited from running for any other countywide office on the same ballot. This statute provides:

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) [Governor], or (2) [Member of the General Assembly] or in Article VI of the Constitution of Tennessee [Offices pertaining to the judicial department of the state] or more than one (1) constitutional county office described in Article VII, § 1 of the Constitution of Tennessee [county legislative body, county executive, sheriff, trustee, register, County Clerk, assessor of property] or any other countywide office, voted on by voters during any primary or general election.

When it is not prohibited by statute, a candidate may also run for an office other than a countywide office at the same election, even though the person may not be able to serve in both capacities if elected. Article 2, Section 26 of the Tennessee Constitution provides:

No Judge of any Court of law or equity, Secretary of State, Attorney General, Register, Clerk of any court of Record, or person holding any office under the authority of the United States, shall have a seat in the General Assembly; nor shall any person in this State hold more than one lucrative office at the same time; provided, that no appointment in the Militia, or the office of Justice of the peace, shall be considered a lucrative office, or operative as a disqualification to a seat in either House of the General Assembly.

The Attorney General has issued several opinions over the years interpreting Article 2, Section 26. For example, the Attorney General has opined that Article 2, Section 26 does not prohibit a person from seeking the office of state senator and assessor at the same time, but that person could not hold both offices if elected to both of them. Attorney General Opinion U90-61 dated March 29, 1990; see also Attorney General Opinion 90-11 dated February 6, 1990, which opines that the prohibition against holding two lucrative offices is only applicable to state offices.

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