

STATE OF TENNESSEE

OFFICE OF THE
ATTORNEY GENERAL
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March 24, 2010

Opinion No. 10-37

City or County Mayor Running For State Legislature

QUESTION

Whether a city or county mayor can run for the office of member of the general assembly notwithstanding a provision in the city or county charter otherwise prohibiting such action?

OPINION

Yes.

ANALYSIS

You have asked whether a city or county mayor can run for the office of member of the general assembly notwithstanding a provision in the city or county charter prohibiting employees from running for any state or local political office. Tenn. Code Ann. § 7-51-1501 provides:

Notwithstanding the provisions of any county, municipal, metropolitan, or other local governmental charter to the contrary, and notwithstanding the provisions of any resolution or ordinance adopted by any such county, municipality or other local governmental unit to the contrary, every employee of every such local governmental unit shall enjoy the same rights of other citizens of Tennessee to be a candidate for any state or local political office, the right to participate in political activities by supporting or opposing political parties, political candidates, and petitions to governmental entities; provided, further, the city, county, municipal, metropolitan or other local government is not required to pay the employee's salary for work not performed for the governmental entity; and provided, further, 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.

This Office has previously opined that this statute effectively overrules every local governmental charter provision or ordinance that purports to limit the listed political activities of its employees. *See* Op. Tenn. Att’y Gen. 96-106 (August 20, 1996). These activities include the right to run for or be a candidate for any state or local political office. However, unless authorized by law or local ordinance, an employee of a municipal or metropolitan government is not qualified to run for elected office in the local government body of the local government unit in which the employee is employed. Tenn. Code Ann. § 7-51-1501. The question here presented involves a city or county mayor running for a state governmental office; therefore, the statutory prohibition in § 7-51-1501 does not apply in this instance. Accordingly, a city or county mayor would be permitted to run for office of the member of the general assembly.

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Requested by:

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