

**STATE OF TENNESSEE**  
OFFICE OF THE  
**ATTORNEY GENERAL**  
PO BOX 20207  
NASHVILLE, TENNESSEE 37202

April 3, 2008

Opinion No. 08-83

Prohibition in Tenn. Code Ann. § 2-12-201

---

**QUESTION**

Whether the prohibition contained in Tenn. Code Ann. § 2-12-201(a)(1) applies to the grandchildren of county election commission members?

**OPINION**

No.

**ANALYSIS**

Tenn. Code Ann. § 2-12-201(a)(1) states as follows:

(a) Except as provided in subsection (b), the commission shall appoint an administrator of elections who shall be the chief administrative officer of the commission and who shall be responsible for the daily operations of the office and the execution of all elections. These duties include, but are not limited to, the following:

(1) Employment of all office personnel; registrars at large may not employ, except in the event of an emergency, members of the county election commission, or spouse, parents, siblings or children of commission members as clerical assistants, absentee voting deputies, poll officials or as members of the absentee counting board, however, upon adoption of a resolution by two-thirds (2/3) vote of the county legislative body of any county having a population of not less than fifteen thousand nine hundred (15,900) nor more than sixteen thousand two hundred (16,200) according to the 1990 census or any subsequent federal census, such relatives may be employed to work on election day and during the early voting period in such county if the county election commission unanimously approves their

employment, and members of the county election commission may be employed to work during the early voting period in such county to supervise the activities of those persons employed to work during such period; nor may they hire after July 1, 1999, their spouse, parents, siblings or children as full-time or part-time clerical assistants, deputies, or as members of the absentee counting board.<sup>1</sup>

By its plain language, the prohibition on employment contained in Tenn. Code Ann. § 2-12-201(a)(1) only applies to the spouses, parents, siblings and children of county election commissioners, as well as the commissioners themselves. Accordingly, employment of the grandchildren of commission members by a county administrator of elections is not prohibited by Tenn. Code Ann. § 2-12-201(a)(1).

ROBERT E. COOPER, JR.  
Attorney General and Reporter

BARRY TURNER  
Deputy Attorney General

JANET M. KLEINFELTER  
Senior Counsel

Requested by:

The Honorable William A. Baird  
State Representative  
202 War Memorial Building  
Nashville, TN 37243-0136

---

<sup>1</sup>Tenn. Code Ann. § 2-12-201(b)(2) similarly prohibits the employment of county election commissioners, their spouses, parents, siblings and children as administrators or clerical assistants in counties having a population of not less than 825,000 nor more than 830,000.