



November 16, 2024

Elections-Sheriff

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained 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 CTAS website material.

Sincerely,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

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Reference Number: CTAS-1216

The sheriff is elected to a four-year term in the August general election in the same year in which the governor is elected. Elections for the office of sheriff are held on the first Thursday in August at the regular August election when the election immediately precedes the commencement of a full term. Tenn. Const., art. VII, § 1; T.C.A. § 2-3-202.

Certification by the POST Commission

Any person seeking the office of sheriff must file with the POST Commission, at least 14 days prior to the qualifying deadline, the following:

1. An affidavit sworn to and signed by the candidate affirming that the candidate meets the requirements of T.C.A. § 8-8-102; and
2. A confirmation of psychological evaluation form certified by the psychologist/psychiatrist providing psychological evaluation as provided for in T.C.A. § 8-8-102(a)(8) for the purposes of sheriff candidacy qualification. The form shall be made available by the POST Commission upon request by any candidate for the office of sheriff.

T.C.A. § 8-8-102(b)(1)(A) and (B).

If the affidavit and psychological evaluation form are not filed with the commission by the 14 day prior to the qualifying deadline, the candidate's name may not be placed on the ballot. The commission has the authority to verify the validity of the affidavit and psychological evaluation form. T.C.A. § 8-8-102(b)(2).

The POST commission must verify peace officer standards and training certification of any person seeking the office of sheriff to the extent subdivision (a)(9) requires such person to have such certification. If the person does not have such certification on the date the person files the affidavit seeking to qualify as a candidate for the office of sheriff, the POST commission shall certify whether the person has the three (3) years of full-time experience as a POST commission certified law enforcement officer and whether the certification is current. If the candidate does not have a current certification, or if the person has the law enforcement experience as a state or federal law enforcement officer pursuant to subdivision (a)(9), then such candidate shall certify with the county election commission by the withdrawal deadline their exemption pursuant to such subdivision. T.C.A. § 8-8-102(b)(3)(A).

The original notarized verification form from the commission must be filed by the commission with the county election commission by the withdrawal deadline. T.C.A. § 8-8-102(b)(3)(B).

If the POST commission or the candidate, as appropriate, has not certified to the county election commission by the withdrawal deadline a person seeking to qualify as a candidate for the office of sheriff as meeting the qualifications as provided for in T.C.A. § 8-8-102, such person's name shall not appear on the ballot. T.C.A. § 8-8-102(b)(3)(C).

Challenge of Qualifications

A person may challenge whether a candidate has the required qualifications for sheriff, as identified in T.C.A. § 8-8-102 (a); provided, that the challenge is filed in writing with the POST commission no later than twelve o'clock (12:00) noon prevailing time on the third day after the qualifying deadline, as determined under T.C.A. § 2-5-101(a).

T.C.A. § 8-8-102 (d).

If a candidate's qualifications are challenged pursuant to subsection (d), the POST commission shall:

1. Notify the candidate of the challenge;
2. Review and verify the candidate's required qualifications, identified in subsection (a);
3. Review and verify the candidate's affidavit and psychological evaluation form, in accordance with subsection (b); and
4. If the POST commission determines the candidate does not possess the required qualifications for sheriff:
 - A. Disqualify the candidate;
 - B. Notify the candidate and county election commission of its determination no later than twelve o'clock (12:00) noon prevailing time on the seventh day after the qualifying deadline, as determined under T.C.A. § 2-5-101(a); and
 - C. Request that the county election commission: (i) Not print the candidate's name on

any ballot; and (ii) Remove the candidate's name from any printed ballot.

T.C.A. § 8-8-102 (e).

It is an offense for a person to intentionally file a fraudulent challenge. A violation is a Class A misdemeanor punishable by fine only. T.C.A. § 8-8-102 (f).

See Nominations and Qualifying Deadlines, Campaign Financial Disclosure Act of 1980, the Campaign Contribution Limits, and Conflict of Interest Disclosure Statements.

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