



November 05, 2024

Qualifications-Highways

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,

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Reference Number: CTAS-232

The Qualifications for holding the office of county highway superintendent, or chief administrative officer by whatever title, are determined by the general law and are covered under the General Information tab of the County Offices topic. Under the CUHL, at T.C.A. § 54-7-104, the chief administrative officer must have:

1. A high school education or general equivalency diploma (GED) [Note: This is only satisfied by having an actual diploma from a high school or an equivalent degree recognized by the Tennessee State Board of Education.], and
2. At least one of the following:
 - (a) Be a graduate of an accredited school of engineering, with at least two (2) years of experience in highway construction or maintenance;
 - (b) Be licensed to practice engineering in Tennessee; or
 - (c) Have had at least four (4) years' experience in a supervisory capacity in highway construction or maintenance; or a combination of education and experience equivalent to (a) or (b), as evidenced by affidavits filed with the board.

The CUHL does not apply to Shelby, Davidson, Knox and Hamilton counties. T.C.A. § 54-7-102. The qualifications of department heads in these counties are determined by private act or according to the metropolitan charter, in the case of Davidson County.

The CUHL provides that incumbents in office on December 31, 2012, who have met the qualifications for the office of chief administrative officer applicable to them in effect at the time of their last election shall be able to succeed themselves in office without meeting the qualifications set forth in this section for as long as such incumbents continuously hold office. If such incumbent leaves office for any reason and then subsequently is elected or appointed to the office of chief administrative officer, such incumbent shall then be subject to the qualifications set forth in this section.

Under prior law, if the chief highway administrator was an elected official, the highway committee of the county legislative body certified to the county election commission that each candidate's qualifications were acceptable prior to the candidate's name being placed on the ballot. This law changed in 1989, so that the state coordinator of elections, not the county highway committee of the county legislative body, examined the candidates' qualifications and certified them to the county election commission. The law changed yet again in 1997 with the creation of the Tennessee Highway Officials Certification Board. This board consists of one member appointed by the Secretary of State, one member appointed by the director of the Tennessee chapter of the American Public Works Association, one member appointed by the Governor from a list of nominees submitted by the professional engineering society of Tennessee, one member appointed by the Comptroller and one member appointed by the director of the Tennessee County Services Association. This body reviews the qualifications of all candidates for the position of chief administrative officer of the county highway or public works department. This includes appointed as well as elected positions.

Candidates for a popularly elected office of chief administrative officer still file affidavits and such other evidence of their qualifications with the state coordinator of elections at least fourteen (14) days prior to the qualifying deadline for candidates in the election. The coordinator of elections forwards the materials to the board which rules on the qualifications and certifies that a candidate is qualified to be placed on the ballot. A certificate of qualification must be filed with a candidate's qualifying petition prior to the qualifying deadline. Subject to the approval of the Secretary of State, the Tennessee Highway Officials Certification Board may promulgate rules to be followed by persons wishing to submit themselves for certification as qualified to seek the office of chief administrative officer of the county highway department. The current board has established some rules and guidelines for submitting qualifications to the board. Persons appointed to the office of highway superintendent are required to file proof of their qualifications with the board prior to their appointment. T.C.A. § 54-7-104.

Challenges to qualifications must be filed in writing with the certification board by noon on the third day after the qualifying deadline in counties filling the position by popular election. The local appointing authority determines the deadline for challenges where the position is filled by appointment. T.C.A. § 54-7-104.

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