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Opinion No. 08-72

Teacher Eligibility for Election to City Council

QUESTION

Given the provisions of the Charter of the City of Clinton and the provisions of Tenn. Code Ann. § 7-51-1501, is a school teacher of the city school system eligible to be a candidate for the city legislative body?

OPINION

No. Tenn. Code Ann. § 7-51-1501 disqualifies municipal employees from eligibility to serve on the municipality's legislative body unless otherwise authorized by law or local ordinance. The charter and ordinances of the City of Clinton do not authorize such eligibility.

ANALYSIS

Section 7-51-1501 of the Tennessee Code provides as follows:

[U]nless 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 governmental unit in which the employee is employed.

Tenn. Code Ann. § 7-51-1501.

According to the City of Clinton's charter, the city council is the city's legislative body and has the power to establish and administer the city's public school system. *See* City of Clinton Charter (1990). Thus, a city school teacher is disqualified from election to Clinton's city council unless some other law or local ordinance authorizes a teacher to run for such an office. Neither the City of Clinton's charter nor any municipal ordinance of the City of Clinton authorizes a city school teacher to run for the city council.

Tenn. Code Ann. § 12-4-101 does not conflict with Tenn. Code Ann. § 7-51-1501. Section 12-4-101 concerns the personal interests of public officials and provides specific

standards of conduct for municipal officials who are also municipal employees. Tenn. Code Ann. § 7-51-1501's prohibition is a general disqualification for candidacy. That statute permits a city employee to serve on a city legislative body if such candidacy is "otherwise authorized by law or local ordinance." A city's legislative body may pass an ordinance permitting a city employee to serve on the city's legislative body. Thus, Tenn. Code Ann. §§ 7-51-1501 and 12-4-101 do not conflict.

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