

February 12, 2003

John Johnson
City of Jefferson City
P.O. Box 530
Jefferson City, Tennessee 37760

Dear John,

You have asked if a sitting councilperson can run for the office of Mayor without resigning their current council seat. The answer is yes, they can.

Article !V, Section 3 of the Jefferson City Charter states: *The mayor and councilmen shall be qualified voters of the city and shall hold no other public office except as notary public....*”. On its face this provision may seem to preclude running for office if you are a sitting councilperson. But the apparent “disqualification from office” (holding another office) can be removed after the election and before the person takes the oath of office. It is the oath which establishes the taking of office. So a sitting councilperson who runs for and wins election to the office of Mayor must resign their council seat before they take the oath of office for Mayor. If they don’t, then they are not eligible for the office.

The council would then need to fill the councilperson vacancy in office. This process is described in Article IV, Section 7 of the Jefferson City Charter.

I hope this answers your question. If I can be of any further help please feel free to call.

Sincerely,

Patrick Hardy
Municipal Management Consultant