



SULLIVAN COUNTY ELECTION COMMISSION

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COMMISSIONER OF HIGHWAYS CANDIDATE CERTIFICATION INFORMATION

In accordance with T.C.A. § 54-7-104 all candidates for Commissioner of Highways in Sullivan County must become certified by the Tennessee Highway Officials Certification Board in order for their name to be placed on the ballot.

Each candidate is required to file a sworn (notarized) affidavit and such other information as the board may require no later than fourteen (14) days (**4:30 P.M. CENTRAL TIME, FEBRUARY 4, 2010**) prior to the qualifying deadline (**NOON, FEBRUARY 18, 2010**) with the Tennessee Highway Officials Certification Board.

The State Coordinator of Elections Office will confirm receipt of all candidates timely filed affidavits and if a candidate has met the requirements and been granted certification by the Highway Certification Board. You may file your petition with the election office prior to being certified by the Highway Certification Board.

Failure to file the affidavit by 4:30 P.M. CENTRAL TIME, FEBRUARY 4, 2010 will result in your name not being placed on the ballot. It is highly recommended that you file this information well in advance of the deadline and if mailing the information that you do so by certified mail in order to confirm delivery.

The Sullivan County Election Commission has no involvement in the certification process other than to inform candidates that they must obtain the certification. You cannot file the affidavit with the Sullivan County Election Office. Questions regarding the certification process may be directed to the State Coordinator of Elections Office at (615)741-7956.

The address to mail the affidavit to is:

Tennessee Highway Officials Certification Board
c/o - Division of Elections
312 Rosa L. Parks Ave
Nashville, TN 37243

The rules and procedures of the Tennessee Highway Officials Certification Board are attached.

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WILL RESULT IN YOUR NAME NOT BEING PLACED ON THE BALLOT

**OUTLINE FOR RULES RELATIVE TO CERTIFICATION
OF CANDIDATES FOR CHIEF ADMINISTRATIVE OFFICER
OF THE COUNTY HIGHWAY DEPARTMENT**

I. Definitions

- A. **"Highway"** is defined as a main public road connecting towns and cities as opposed to the more generic term "road."
- B. **"Highway Construction"** is defined as the construction of roads, streets, highways, and/or bridges according to federal, state or local specifications or the construction and acceptance of such by a local government as meeting the appropriate construction standards. Highway construction **includes** the construction of subdivision roads or any other roads that have met the standards of a governmental body or that have been accepted by a governmental body and the construction of public airport runways according to standards and specifications of the federal, state, or local government. Highway construction **does not include** the construction of subdivision roads that do not meet the standards of a governmental body or that have not been accepted by a governmental body; the construction of parking lots, driveways or access roads; the construction of roads for agricultural or timber harvesting operations; the repair or re-construction of portions that are less than half the width of roads, streets, or highways in conjunction with installing water or other utility lines; the inspection of highway construction (unless the inspector is also the party responsible for the supervision of the construction project); or the construction of private airport runways.
- C. **"Highway Maintenance"** is defined as the repair and general upkeep of roads, streets or highways of the federal, state, or local government and includes resurfacing, road shoulder maintenance, and repair and upkeep of guardrails and bridges sufficient to give the person experience in all aspects of highway maintenance. Highway maintenance **does not** include the maintenance of subdivision roads that have not met the standards of a governmental body; the placement or replacement of road signs, or the clearing of plant growth or debris from the road or shoulder; minor repairs to highways, streets, or roads necessitated by utility service or maintenance work that are less than half the width of the road; or the inspection of highway maintenance (unless the inspector is also the party responsible for supervision of the maintenance).
- D. **"Supervisory Capacity"** means having direct oversight or management of other persons involved in actual highway construction or maintenance activities so that the supervisor directs the methods, equipment, and standards of the work performed and is responsible for the timely completion and quality of the work. Supervisory capacity further means that the person has the authority to determine whether the work was performed according to the applicable specifications. Supervisory capacity **does not** include service in a policy-making position that has only indirect responsibility or oversight of road construction, such as a mayor, county executive, member of a local legislative body, road committee member, or member of a highway commission or similar body.
- E. **Licensed to Practice Engineering in Tennessee** means the person has been issued a license to practice engineering by the State Board of Architects and Engineers or is otherwise authorized by that board to practice engineering in the State of Tennessee by virtue of being licensed in another state.
- F. **Graduate of an Accredited School of Engineering** means an engineering school that has been accredited by the Accreditation Board for Engineering and Technology (ABET) as of the date the degree was issued.

- G. **Combination of Education and Experience Equivalent to either of the following** means that in the judgment of the board, the candidate has such a combination of education and experience to be equivalent in qualification to a person having attained one of the four standards outlined below:
1. Graduate of an accredited school of engineering with at least two years' experience in highway construction or maintenance; or
 2. Licensed to practice engineering in Tennessee; or
 3. At least four years' experience in a supervisory capacity in highway construction or maintenance.
 4. Combination of education and experience – Read in the context of the statute, this must be defined as a combination of engineering education and supervisory experience in highway construction or maintenance.

II. **How to Apply for Certification**

- A. The person wishing to be certified to seek election to the office of chief executive of the county highway department shall provide sworn statements that outline his experience and/or education. All statements must be sworn to and signed before a notary or other person authorized by law to administer an oath.
- B. A sworn statement by the applicant will be sufficient as long as the statement includes the necessary information and does not include contradictory provisions or provisions contradictory to prior statements. When it is determined that there are contradictions, the applicant will be required to provide supporting statements from others in support of his application. The supporting statements must be from individuals with first-hand knowledge of the applicant's experience in this area.
- C. Statements concerning experience should describe the applicant's experience to clearly show that he has the required number of years' experience. The format of this would vary depending on the type of experience. A representative example of the different possibilities follows with the type of information necessary to satisfy the requirement.
1. Full-time employment with the state Department of Transportation or county highway department. - A detailed description of the applicant's responsibilities, the number of personnel supervised and their responsibilities, and the period of time in that position.
 2. Full-time employment with a company that exclusively builds roads. - Information as described in C.1., above along with a representative example of the type of roads constructed. For instance, specific projects should be identified (e.g., resurfacing of 10-mile stretch of I-285, construction of I-40 between Lebanon and Cookeville, etc.) with a statement that the listed projects are representative of the work performed over a specified period of time.
 3. Full-time employment with a paving company or other business that does not exclusively build roads. - Information as described in C.1., above along with a listing of specific projects involving highway construction or maintenance and the time periods that the applicant worked on those projects. Credit will be given only for time that can be attributed to highway construction or maintenance.

III. **Challenge Process**

- A. The Board will accept affidavits from persons who dispute the qualifications of a candidate. Such affidavits must be based upon first-hand knowledge and sworn to and signed before a notary public or other person authorized by law to administer oaths.
- B. The Board shall hold public hearings and accept testimony and other evidence to determine the qualifications of a candidate when the Board determines that there is a legitimate dispute as to the qualifications of the candidate.

54-7-104. Tennessee highway officials certification board. —

(a) (1) Subject to the provisions of subdivision (a)(7), there is hereby created and established the Tennessee highway officials certification board, hereinafter referred to as the "board," which shall be composed of five (5) members as follows:

(A) One (1) member appointed by the secretary of state;

(B) One (1) member appointed by the director of the Tennessee chapter of the American Public Works Association;

(C) One (1) member appointed by the governor from a list of nominees submitted by the representative professional engineering society of the state;

(D) One (1) member appointed by the comptroller of the treasury; and

(E) One (1) member appointed by the executive director of the Tennessee county services association.

(2) The board has and shall exercise the power to review the qualifications of all candidates for both elected and appointed positions as chief administrative officer of the county or metropolitan government departments which build and maintain the roads of the county. Candidates for this office in counties where the position is filled by popular election shall file affidavits and such other evidence as the board shall require with the board not later than fourteen (14) days prior to the qualifying deadline for candidates in the election. After review of the qualifications and the standards required for that county, the board shall certify to the coordinator of elections, who shall forward such certification to the appropriate county election commission, that a candidate's qualifications are acceptable prior to the candidate's name being placed on the ballot. A certificate of qualification from the board must be filed with the candidate's qualifying petition prior to the qualifying deadline. Candidates for this office in the counties where the position is appointed shall also file evidence satisfactorily demonstrating that they meet the qualifications to hold the office with the board prior to appointment to the office.

(3) Members of the board shall serve for a term of two (2) years. The

appointee representing the secretary of state shall serve as the chair of the board. Upon the death, resignation, or removal of any appointive member, a replacement shall be appointed by the party representing the same area of interest as the member whose position has been vacated to fill the unexpired term of such member. The terms of the members of the board shall begin on July 1, 1997.

(4) No chief administrative officer of a county or metropolitan highway department shall be appointed to the board if that person may become subject to reelection or reappointment as a chief administrative officer during that person's term of service on the board.

(5) The board shall only meet as is necessary to fulfill its duties. All materials or correspondence submitted to the board shall be received through the office of the coordinator of elections, who shall forward the materials or correspondence to the board. The board shall keep complete and accurate records of the proceedings of all its meetings, a copy of which shall be kept on file in the office of the coordinator of elections and open to public inspection.

(6) Subject to the approval of the secretary of state, the board may promulgate rules to be followed by persons wishing to submit themselves for certification as qualified to seek the office of the chief administrative officer of the county or metropolitan highway department. The board shall submit any such promulgated rules pertaining to such qualifications for the office of chief administrative officer to the administrator of elections of each affected county election commission who shall publish such rules in a local newspaper with general circulation in the county at least sixty (60) days before the qualifying deadline for either the primary or general election, or appointment by the legislative body of the county.

(7) Subsection (a) and subdivision (b)(1)(A) do not apply in counties having populations, according to the 1990 federal census, or any subsequent federal census, of

[Click to view table.](#)

or in counties having a metropolitan form of government and a population in excess of one hundred thousand (100,000), according to the 1990 federal census or any subsequent federal census.

(b) (1) (A) Except as provided in subdivisions (b)(1)(B) and (b)(1)(C), in

each county of the state, in order to qualify for the office of the chief administrative officer of the county or metropolitan government departments which build and maintain the roads of the county, a person shall be a graduate of an accredited school of engineering, with at least two (2) years' experience in highway construction or maintenance or be licensed to practice engineering in Tennessee; or shall 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 either of the above, as evidenced by affidavits filed with the Tennessee highway officials certification board. In no event shall the chief administrative officer have less than a high school education or a general equivalency diploma (GED).

(B) (i) The provisions of this subsection (b) do not apply to any chief administrative officer incumbent in office on April 5, 1974, or to any candidate for any such office qualifying for or being elected to any such office in 1974.

(ii) The provisions of this subsection (b) do not apply to chief administrative officers incumbent in office on February 6, 1976, in counties having a population of not less than fifty-six thousand two hundred (56,200) nor more than fifty-six thousand three hundred (56,300) according to the 1970 federal census or any subsequent federal census; furthermore, such incumbent officers may succeed themselves in office.

(iii) The provisions of this subsection (b) do not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

[Click to view table.](#)

(C) (i) The following provisions apply in counties having populations of:

[Click to view table.](#)

or in counties having a metropolitan form of government and a population in excess of one hundred thousand (100,000), according to the 1990 federal census or any subsequent federal census.

(ii) In each county of the state, in order to qualify for the office of the chief administrative officer of the county or metropolitan government

departments which build and maintain the roads of the county, a person shall be a graduate of an accredited school of engineering, with at least two (2) years' experience in highway construction or maintenance or be licensed to practice engineering in Tennessee; or shall 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 either of the above, as evidenced by affidavits filed with the appointing authority or with the state coordinator of elections, when the chief administrator is an elected official. In no event shall the chief administrative officer have less than a high school education or a general equivalency diploma (GED). In the case of elected officials, candidates shall file affidavits and such other evidence as the state coordinator of elections may require with the state coordinator of elections not later than fourteen (14) days prior to the qualifying deadline for candidates in the election. The state coordinator of elections shall certify to the county election commission that a candidate's qualifications are acceptable prior to the candidate's name being placed on the ballot, and such certificate of qualification must be filed with a candidate's qualifying petition prior to the qualifying deadline. Subject to approval by the secretary of state, the state coordinator of elections 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.

(2) In counties having the following populations according to the 1970 federal census or any subsequent federal census:

[Click to view table.](#)

the sole educational and/or experience qualification for the office of the chief administrative officer of the county or metropolitan government departments which build and maintain the roads of a county shall be a high school education or general equivalency diploma (GED).

(3) The provisions of this subsection (b) do not apply in any county having a population of not less than eight thousand six hundred fifty (8,650) nor more than eight thousand seven hundred fifty (8,750) according to the 1980 federal census or any subsequent federal census. In such county the qualifications for such chief administrative officer shall be at least four (4) years' experience in a supervisory capacity in highway construction or maintenance.

(4) The provisions of this subsection (b) do not apply to any county having

a population of not less than fifteen thousand six hundred seventy-five (15,675) nor more than fifteen thousand seven hundred seventy-five (15,775) according to the 1980 federal census or any subsequent federal census.

(5) In any county having a population of not less than forty-four thousand five hundred (44,500) and not more than forty-five thousand (45,000) according to the 1990 federal census or any subsequent federal census, the sole educational and/or experience qualification for the office of chief administrative officer of the county or metropolitan government departments which build and maintain the roads of the county shall be a high school education or general equivalency diploma (GED).

(6) In any county having a population of not less than twenty-six thousand one hundred (26,100) nor more than twenty-six thousand four hundred (26,400) according to the 1990 federal census or any subsequent federal census, if only one (1) candidate meeting the minimum qualifications in subdivision (a)(1) for chief administrative officer has filed to qualify for election to such office prior to the qualifying deadline or the only qualified candidate legally withdraws, then the county election commission shall extend the qualifying deadline for ten (10) days. During such ten-day period, a candidate, who meets the minimum requirements of a high school education or a general equivalency diploma (GED), may qualify for election to the office of chief administrative officer of the county department which builds and maintains the roads of such county.

(7) In any county having a population of not less than thirty-seven thousand one hundred (37,100) nor more than thirty-seven thousand four hundred (37,400) according to the 2000 federal census or any subsequent federal census, the sole educational and experience qualification for the office of the chief administrative officer of the county department which builds and maintains roads of the county shall be a high school education or general equivalency diploma (GED).

(c) Incumbent chief administrative officers on April 5, 1974, shall be able to succeed themselves in office without limitation as to the number of terms.

(d) Any provision in this section requiring a chief administrative officer to have a high school diploma or general equivalency diploma (GED) shall only be deemed to be satisfied if the candidate for office can demonstrate that the candidate has obtained a high school diploma or its equivalent in educational

training as recognized by the Tennessee state board of education.

[Acts 1974, ch. 738, § 3; 1976, ch. 583, § 1; 1976, ch. 728, § 1; 1977, ch. 193, § 2; impl. am. Acts 1978, ch. 934, §§ 7, 36; Acts 1979, ch. 127, § 1; T.C.A., § 54-1004; Acts 1982, ch. 550, § 1; 1982, ch. 636, § 1; 1982, ch. 687, §§ 1, 2; 1983, ch. 39, § 1; 1983, ch. 113, § 1; 1983, ch. 360, § 1; 1986, ch. 695, § 1; 1987, ch. 61, § 1; 1987, ch. 340, § 1; 1989, ch. 77, §§ 1, 2; 1990, ch. 811, § 1; 1990, ch. 1015, §§ 1, 2; 1991, ch. 416, § 1; 1991, ch. 494, § 1; 1992, ch. 705, § 1; 1992, ch. 741, § 1; 1995, ch. 138, §§ 1, 2; 1997, ch. 205, §§ 1-7; 1998, ch. 653, § 1; 1999, ch. 67, § 1; 2001, ch. 193, §§ 1-3.]