

Issue Brief: Accountability of Elected Officials in Tennessee



Purpose:

The County Executive's office has received inquiries regarding the accountability and disciplinary authority over elected county officials in cases of alleged personal misconduct. This report is intended to explain legal limits on county authority and does not imply approval of any particular behavior. It clarifies that elected officials answer only to the voters and are not subject to the authority of the County Commission or County Executive.

Key Points:

1. Sole Accountability to the Electorate:

- Elected county officials in Tennessee are directly accountable to the voters who elect them.
- They are not subordinate to the County Commission, County Executive, or any other local governing body.
- Their authority derives from the electorate, and they cannot be removed or disciplined by local bodies absent specific legal grounds.

2. Legal Grounds for Removal or Discipline:

- Tennessee law permits removal or discipline of elected officials only under specific legal conditions, such as:
 - Conviction of a felony or other disqualifying criminal offense.
 - Statutorily defined violations applicable to the office.
- No Tennessee statute addresses alleged personal or romantic relationships of elected officials with subordinates.

3. Ethics Policies (Advisory Only):

- County ethics policies provide guidance and may allow for formal acknowledgment of unprofessional conduct.
- These mechanisms are advisory and do not affect an official's legal authority or tenure.

4. Professional Expectations:

- Elected officials are expected to uphold high professional and ethical standards in all conduct.
- Even when legal enforcement is limited, the public and the electorate maintain oversight through voting and civic engagement.

Conclusion:

Elected county officials are accountable solely to the electorate. Neither the County Commission nor the County Executive has statutory authority to discipline or remove an elected official based on alleged personal misconduct. Ethics policies may provide formal acknowledgment of unprofessional conduct but carry no legal enforcement power. All elected officials are expected to maintain high professional and ethical standards in the performance of their duties.

Recommendation:

Commissioners may use this information when responding to constituent questions or concerns regarding the conduct of elected officials. This report provides a clear, factual explanation of the legal framework and the limits of local authority.

v/r,

G. S. Stowe
County Executive