

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H.B. 462
Apr 1, 2015
HOUSE PRINCIPAL CLERK

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HOUSE DRH20161-LU-28A (01/07)

Short Title: Special Elect./Sheriff Vacancy/Washington Cty. (Local)

Sponsors: Representative Tine.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING THE WASHINGTON COUNTY BOARD OF COMMISSIONERS
3 TO CALL A SPECIAL ELECTION TO FILL A VACANCY IN THE OFFICE OF
4 SHERIFF WHEN A VACANCY OCCURS AFTER THE PERSON HAS BEEN
5 ELECTED BUT BEFORE THE PERSON QUALIFIES FOR OFFICE.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 162-5 reads as rewritten:

8 "**§ 162-5. Vacancy filled; duties performed by coroner or chief deputy-deputy; special**
9 **election to fill vacancy under certain circumstances.**

10 (a) If any vacancy occurs in the office of sheriff, the coroner of the county shall execute
11 all process directed to the sheriff until the first meeting of the county commissioners next
12 succeeding such vacancy, when the board shall elect a sheriff to supply the vacancy for the
13 residue of the term, who shall possess the same qualifications, enter into the same bond, and be
14 subject to removal, as the sheriff regularly elected. If the board should fail to fill such vacancy,
15 the coroner shall continue to discharge the duties of sheriff until it shall be filled.

16 (b) Notwithstanding G.S. 128-7.1, if a vacancy occurs in the office of sheriff after the
17 person has been elected to office but before the person qualifies for office, then the office shall
18 be declared vacant and the board shall fill the vacancy by appointment until a special election
19 may be held to elect a sheriff for a four-year term who shall possess the same qualifications,
20 enter into the same bond, and be subject to removal as the sheriff regularly elected. The board
21 is authorized to call a special election to fill the vacancy in the office of sheriff and the special
22 election shall be held in accordance with the procedures established under G.S. 163-287.
23 However, notwithstanding G.S. 163-287(c), a vacancy occurring in the office of sheriff
24 pursuant to this subsection shall be held only at the same time as any other State, county, or
25 municipal general election or at the same time as the primary election in any even-numbered
26 year. This section shall apply to Washington County only.

27 (c) In those counties where the office of coroner has been abolished, the chief deputy
28 sheriff, or if there is no chief deputy, then the senior deputy in years of service, shall perform
29 all the duties of the sheriff until the county commissioners appoint some person to fill the
30 unexpired term. In all counties the regular deputy sheriffs shall, during the interim of the
31 vacancy, continue to perform their duties with full authority."

32 **SECTION 2.** This act is effective when it becomes law.

