

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S

D

SENATE BILL 12
Second Edition Engrossed 2/18/19
PROPOSED HOUSE COMMITTEE SUBSTITUTE S12-PCS35077-LU-1

Short Title: Fill Certain Vacancies/Alexander & Burke Co.

(Local)

Sponsors:

Referred to:

February 4, 2019

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO THE MANNER IN WHICH VACANCIES ARE FILLED IN THE
3 OFFICE OF SHERIFF IN ALEXANDER COUNTY AND THE OFFICES OF SHERIFF,
4 REGISTER OF DEEDS, AND BOARD OF COMMISSIONERS IN BURKE COUNTY.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 162-5.1 reads as rewritten:

7 "§ 162-5.1. Vacancy filled in certain counties; duties performed by coroner or chief deputy.

8 If any vacancy occurs in the office of sheriff, the coroner of the county shall execute all
9 process directed to the sheriff until the board shall elect a sheriff to supply the vacancy for the
10 residue of the term, who shall possess the same qualifications, enter into the same bond, and be
11 subject to removal, as the sheriff regularly elected. If the sheriff were elected as a nominee of a
12 political party, the board of commissioners shall consult the county executive committee of that
13 political party before filling the vacancy, and shall elect the person recommended by the county
14 executive committee of that party, if the party makes a recommendation within 30 days of the
15 occurrence of the vacancy. If the board should fail to fill such vacancy, the coroner shall continue
16 to discharge the duties of sheriff until it shall be filled.

17 In those counties where the office of coroner has been abolished, the chief deputy sheriff, or
18 if there is no chief deputy, then the senior deputy in years of service, shall perform all the duties
19 of the sheriff until the county commissioners appoint some person to fill the unexpired term. In
20 all counties the regular deputy sheriffs shall, during the interim of the vacancy, continue to
21 perform their duties with full authority.

22 This section shall apply only in the following counties: Alamance, ~~Alexander~~, Alleghany,
23 Avery, Beaufort, Brunswick, Buncombe, ~~Burke~~, Cabarrus, Caldwell, Carteret, Cherokee, Clay,
24 Cleveland, Davidson, Davie, Edgecombe, Forsyth, Gaston, Graham, Guilford, Haywood,
25 Henderson, Hyde, Jackson, Lee, Lincoln, Madison, McDowell, Mecklenburg, Moore, New
26 Hanover, Onslow, Pender, Polk, Randolph, Richmond, Rockingham, Rutherford, Sampson,
27 Stokes, Surry, Transylvania, Wake, Washington, Wayne, and Yancey."

28 SECTION 2.(a) G.S. 161-5, as amended by Section 1 of Chapter 376 of the 1991
29 Session Laws, reads as rewritten:

30 "§ 161-5. Vacancy in office.

31 (a) Repealed by Session Laws 1991, c. 60, s. 1.

32 (a1) ~~When~~ Except as otherwise provided in subsection (a2) of this section, when a vacancy
33 occurs from any cause in the office of register of deeds, the board of county commissioners shall
34 fill such vacancy by the appointment of a successor for the unexpired term, who shall qualify and
35 give bond as required by law. If the register of deeds was elected as the nominee of a political



* S 1 2 - P C S 3 5 0 7 7 - L U - 1 *

1 party, the board of county commissioners shall consult the county executive committee of that
2 political party before filling the vacancy and shall appoint the person recommended by that
3 committee, if the party makes a recommendation within 30 days of the occurrence of the vacancy.

4 (a2) When a vacancy occurs from any cause in the office of register of deeds, the board of
5 commissioners shall fill the vacancy by the appointment of a successor for the unexpired term,
6 who shall qualify and give bond as required by law. Counties subject to this subsection are:
7 Burke, Camden, Chowan, Pasquotank, and Perquimans.

8"

9 **SECTION 2.(b)** G.S. 153A-27.1(h) reads as rewritten:

10 "(h) This section shall apply only in the following counties: Alamance, Alexander,
11 Alleghany, Avery, Beaufort, Brunswick, Buncombe, ~~Burke~~, Caldwell, Carteret, Cherokee, Clay,
12 Cleveland, Cumberland, Dare, Davidson, Davie, Forsyth, Graham, Guilford, Harnett, Haywood,
13 Henderson, Hyde, Jackson, Lee, Lincoln, Macon, Madison, McDowell, Mecklenburg, Moore,
14 Pender, Polk, Randolph, Rockingham, Rutherford, Sampson, Stanly, Stokes, Transylvania, and
15 Yancey."

16 **SECTION 2.(c)** This section applies to Burke County only.

17 **SECTION 3.** This act is effective when it becomes law.