

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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SENATE BILL 12  
Second Edition Engrossed 2/18/19  
House Committee Substitute Favorable 3/6/19

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

(Local)

Sponsors:

Referred to:

February 4, 2019

A BILL TO BE ENTITLED

AN ACT RELATING TO THE MANNER IN WHICH VACANCIES ARE FILLED IN THE  
OFFICE OF SHERIFF IN ALEXANDER COUNTY AND THE OFFICES OF SHERIFF,  
REGISTER OF DEEDS, AND BOARD OF COMMISSIONERS IN BURKE COUNTY.

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

**"§ 161-5. Vacancy in office.**

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

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



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.