

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 138

Short Title: Lincoln Sheriff Vacancy.

(Local)

Sponsors: Representative Gamble.

Referred to: Local & Regional Government II.

February 21, 1991

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT IN FILLING A VACANCY IN THE OFFICE OF SHERIFF OF LINCOLN COUNTY, THE COUNTY BOARD OF COMMISSIONERS MUST APPOINT THE NOMINEE OF THE PARTY EXECUTIVE COMMITTEE OF THE VACATING SHERIFF.

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.

1 This section shall apply only in the following Counties: Alamance, Alleghany,
2 Avery, Beaufort, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Carteret,
3 Cherokee, Clay, Cleveland, Davidson, Davie, Forsyth, Gaston, Graham, Guilford,
4 Haywood, Henderson, Hyde, Jackson, Lincoln, Madison, McDowell, Mecklenburg,
5 Moore, New Hanover, Onslow, Polk, Randolph, Rockingham, Rutherford, Stanly,
6 Stokes, Transylvania, Wake, and Yancey."

7 Sec. 2. This act is effective upon ratification.