

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015**

**S**

**1**

**SENATE BILL 258**

Short Title: Party Exec. Comm./Fill Vacancy/Washington Cty. (Local)

---

Sponsors: Senator Smith-Ingram (Primary Sponsor).

---

Referred to: Rules and Operations of the Senate.

---

March 12, 2015

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE THAT IN FILLING VACANCIES ON THE WASHINGTON  
2 COUNTY BOARD OF COMMISSIONERS AND IN THE OFFICE OF SHERIFF OF  
3 WASHINGTON COUNTY, THE PERSON RECOMMENDED BY THE PARTY  
4 EXECUTIVE COMMITTEE OF THE VACATING MEMBER BE APPOINTED.  
5

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 153A-27.1(h) reads as rewritten:

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

14 **SECTION 2.** G.S. 162-5.1 reads as rewritten:

15 **"§ 162-5.1. Vacancy filled in certain counties; duties performed by coroner or chief  
16 deputy.**

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

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

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



1

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