

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 138  
Second Edition Engrossed 2/28/91

Short Title: Lincoln Sheriff Vacancy.

(Local)

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Sponsors: Representative Gamble.

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Referred to: Local & Regional Government II.

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February 21, 1991

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT IN FILLING A VACANCY IN THE OFFICE OF  
2 SHERIFF OF EDGECOMBE AND LINCOLN COUNTIES, THE COUNTY  
3 BOARD OF COMMISSIONERS MUST APPOINT THE NOMINEE OF THE  
4 PARTY EXECUTIVE COMMITTEE OF THE VACATING SHERIFF.  
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6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 162-5.1 reads as rewritten:

8 **"§ 162-5.1. Vacancy filled in certain counties; duties performed by coroner or**  
9 **chief deputy.**

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

20 In those counties where the office of coroner has been abolished, the chief deputy  
21 sheriff, or if there is no chief deputy, then the senior deputy in years of service, shall  
22 perform all the duties of the sheriff until the county commissioners appoint some person

1 to fill the unexpired term. In all counties the regular deputy sheriffs shall, during the  
2 interim of the vacancy, continue to perform their duties with full authority.

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

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