

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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**SENATE BILL 102
State Government, Local Government, and Veterans' Affairs Committee
Substitute Adopted 4/23/03**

Short Title: Surry Sheriff Vacancy

(Local)

Sponsors:

Referred to:

February 20, 2003

A BILL TO BE ENTITLED

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2 AN ACT TO PROVIDE THAT WHEN A VACANCY OCCURS IN THE OFFICE OF
3 SHERIFF OF SURRY COUNTY, THE BOARD OF COMMISSIONERS SHALL
4 CONSULT WITH THE COUNTY EXECUTIVE COMMITTEE OF THE PARTY
5 WITH WHICH THE SHERIFF WAS ELECTED AS A NOMINEE, AND IF THE
6 EXECUTIVE COMMITTEE MAKES A NOMINATION WITHIN 30 DAYS, THE
7 BOARD OF COMMISSIONERS MUST APPOINT THAT PERSON.

8 The General Assembly of North Carolina enacts:

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

10 **"§ 162-5.1. Vacancy filled in certain counties; duties performed by coroner or**
11 **chief deputy.**

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

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

27 This section shall apply only in the following counties: Alamance, Alexander,
28 Alleghany, Avery, Beaufort, Brunswick, Buncombe, Burke, Cabarrus, Caldwell,

1 Carteret, Cherokee, Clay, Cleveland, Davidson, Davie, Edgecombe, Forsyth, Gaston,
2 Graham, Guilford, Haywood, Henderson, Hyde, Jackson, Lincoln, Madison, McDowell,
3 Mecklenburg, Moore, New Hanover, Onslow, Pender, Polk, Randolph, Rockingham,
4 Rutherford, Sampson, Stanly, Stokes, Surry, Transylvania, Wake, and Yancey."

5 **SECTION 2.** This act is effective when it becomes law.