

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

H

1

HOUSE BILL 206

Short Title: Reg. of Deeds Vacancies, Terms.

(Public)

Sponsors: Representatives Redwine; and Bowman.

Referred to: Judiciary II.

March 5, 1991

A BILL TO BE ENTITLED

AN ACT TO SPECIFY AND MAKE UNIFORM THROUGHOUT THE STATE THE MANNER OF FILLING VACANCIES IN THE OFFICE OF REGISTER OF DEEDS, AND TO CLARIFY THAT THE REGISTER OF DEEDS TERM IS FOUR YEARS IN ALL COUNTIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 161-5 reads as rewritten:

"§ 161-5. Vacancy in office.

(a) ~~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.~~

(a1) 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 were elected as the nominee of a political party, the board of county commissioners shall consult the county executive committee of that political party before filling the vacancy and shall appoint the person recommended by that committee, if the party makes a recommendation within 30 days of the occurrence of the vacancy. ~~Counties subject to this subsection are not subject to subsection (a). This subsection shall apply only in the following counties: Alamance, Alleghany, Ashe, Avery, Beaufort, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Carteret, Cherokee, Clay, Cleveland, Davidson, Davie, Forsyth, Gaston, Graham, Guilford, Haywood, Henderson, Hyde, Jackson, Madison, McDowell, Mecklenburg, Moore, New Hanover, Polk, Randolph, Rockingham, Rutherford, Stanly, Stokes, Surry, Transylvania, Wake, Watauga, and Yancey.~~

1 (b) In the interim between ~~such a~~ vacancy in the office of register of deeds and  
2 the appointment and qualification of a successor register of deeds, under the provisions  
3 of subsection (a), any incumbent assistant or deputy register of deeds appointed under  
4 G.S. 161-6 prior to the vacancy shall continue to hold office as assistant or deputy  
5 registers of deeds until discharged or otherwise lawfully relieved of office by the lawful  
6 successor to the office of register of deeds."

7 Sec. 2. G.S. 161-2 reads as rewritten:

8 "**§ 161-2. Four-year term for registers of deeds; counties excepted. deeds.**

9 ~~At the general election for the year 1936 and quadrennially thereafter there shall be~~  
10 ~~elected in each county of this State by the qualified voters thereof a register of deeds,~~  
11 ~~who shall serve for a term of four years from the first Monday in December after his~~  
12 ~~election and until his successor is elected and qualified: Provided, however, that this~~  
13 ~~section shall not apply to Alexander, Ashe, Beaufort, Cherokee, Clay, Dare, Davidson,~~  
14 ~~Halifax, Haywood, Hyde, Jackson, Johnston, Lincoln, Macon, Mitchell, Moore, Orange,~~  
15 ~~Rowan, Swain, Vance and Yadkin Counties. A register of deeds shall be elected in each~~  
16 county of the State by the qualified voters of the county. The register of deeds shall  
17 serve for a term of four years beginning on the first Monday in December after the  
18 election and until a successor register of deeds is elected and qualified."

19 Sec. 3. This act does not change the terms of registers of deeds presently in  
20 office, or the time for election of registers of deeds as previously established by general  
21 and local law.

22 Sec. 4. Section 1 of this act is effective upon ratification and applies to all  
23 vacancies occurring after that date. The remainder of this act is effective upon  
24 ratification.