

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 60
HOUSE BILL 206

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~~ was 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.~~

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

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

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

~~At the general election for the year 1936 and quadrennially thereafter there shall be elected in each county of this State by the qualified voters thereof a register of deeds, who shall serve for a term of four years from the first Monday in December after his~~

~~election and until his successor is elected and qualified: Provided, however, that this section shall not apply to Alexander, Ashe, Beaufort, Cherokee, Clay, Dare, Davidson, Halifax, Haywood, Hyde, Jackson, Johnston, Lincoln, Macon, Mitchell, Moore, Orange, Rowan, Swain, Vance and Yadkin Counties. A register of deeds shall be elected in each county of the State by the qualified voters of the county. The register of deeds shall serve for a term of four years beginning on the first Monday in December after the election and until a successor register of deeds is elected and qualified."~~

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

Sec. 4. Chapter 14 of the 1991 Session Laws is repealed.

Sec. 5. Section 1 of this act is effective upon ratification and applies to all vacancies occurring after that date. The remainder of this act is effective upon ratification.

In the General Assembly read three times and ratified this the 29th day of April, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives