

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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HOUSE BILL 683

Short Title: Gaston Sheriff Vacancy.

(Local)

Sponsors: Representative Rayfield (By Request).

Referred to: Local Government I.

March 26, 2003

A BILL TO BE ENTITLED

1 AN ACT TO CHANGE THE METHOD OF FILLING A SHERIFF VACANCY IN
2 GASTON COUNTY BY REMOVING THE REQUIREMENT THAT THE
3 COUNTY COMMISSIONERS APPOINT THE NOMINEE OF THE POLITICAL
4 PARTY OF THE VACATING SHERIFF.
5

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

25 This section shall apply only in the following counties: Alamance, Alexander,
26 Alleghany, Avery, Beaufort, Brunswick, Buncombe, Burke, Cabarrus, Caldwell,
27 Carteret, Cherokee, Clay, Cleveland, Davidson, Davie, Edgecombe, Forsyth, ~~Gaston~~,
28 Graham, Guilford, Haywood, Henderson, Hyde, Jackson, Lincoln, Madison, McDowell,

- 1 Mecklenburg, Moore, New Hanover, Onslow, Pender, Polk, Randolph, Rockingham,
- 2 Rutherford, Sampson, Stanly, Stokes, Transylvania, Wake, and Yancey."
- 3 **SECTION 2.** This act is effective when it becomes law.