

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 199
SENATE BILL 14

AN ACT TO PROVIDE THAT WHEN A VACANCY OCCURS IN THE OFFICE OF SHERIFF OF BUNCOMBE COUNTY, AND CABARRUS, IREDELL AND YADKIN COUNTIES, THE APPOINTING AUTHORITY SHALL APPOINT THE PERSON RECOMMENDED BY THE COUNTY EXECUTIVE COMMITTEE OF THE PARTY FROM WHICH THE OFFICER WAS NOMINATED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 162-5 is rewritten to read:

"§ 162-5. Vacancy filled; duties performed by coroner or chief deputy.—If any vacancy occurs in the office of sheriff, the coroner of the county shall execute all process directed to the sheriff until the clerk of court shall elect a sheriff to supply the vacancy for the residue of the term, who shall possess the same qualifications, enter into the same bonds, and be subject to removal, as the sheriff regularly elected. If the clerk should fail to fill such vacancy, the coroner shall continue to discharge the duties of sheriff until it shall be filled. If the sheriff was elected as a nominee of a political party, the clerk of superior court shall consult the county executive committee of that political party before filling the vacancy, and shall elect the person recommended by the county executive committee of that party, if the party makes a recommendation within 30 days of occurrence of the vacancy.

In those counties where the office of coroner has been abolished, the chief deputy sheriff, or if there is no chief deputy, then the senior deputy in years of service, shall perform all the duties of the sheriff until the clerk of superior court appoints some person to fill the unexpired term. In all counties the regular deputy sheriffs shall, during the interim of the vacancy, continue to perform their duties with full authority."

Sec. 2. G.S. 162-3 is amended by deleting the word "board" the second time it appears and inserting in lieu thereof the words "clerk of superior court".

Sec. 3. This act applies to Buncombe County and Cabarrus, Iredell and Yadkin Counties, only.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 13th day of April, 1981.