



SENATE BILL 258:
Party Exec. Comm./Fill Vacancy/Washington
Cty

2015-2016 General Assembly

Committee:	Rules, Calendar, and Operations of the House	Date:	September 23, 2015
Introduced by:	Sen. Smith-Ingram	Prepared by:	R. Erika Churchill
Analysis of:	Second Edition		Staff Attorney

SUMMARY: *Senate Bill 258 would provide that vacancies in the office of sheriff in Washington County be filled by the person recommended by the executive committee of the political party of the vacating member.*

CURRENT LAW:

Sheriffs in all 100 North Carolina counties are elected in partisan elections. Vacancies are filled by one of two methods:

- **G.S. 162-5:** The county coroner is to execute all process directed to the sheriff until the board of county commissioners fills the vacancy by electing a sheriff to finish the term of office. If the office of coroner has been abolished, the chief deputy sheriff, or if there is no chief deputy, the senior deputy in years of service, is to perform all the duties of the sheriff until the county commissioners appoint an individual to fill the unexpired term. In all counties, the regular deputy sheriffs, during the interim of the vacancy, continue to perform their duties with full authority.
- **G.S. 162-5.1:** The process is the same, except that if the sheriff was elected as a nominee of a political party, the board of commissioners must consult with the county executive committee of that political party before filling the vacancy, and must elect the person recommended by that executive committee, if the recommendation is made within 30 days of the vacancy occurring. This statute applies in the following counties: Alamance, Alexander, Alleghany, Avery, Beaufort, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Carteret, Cherokee, Clay, Cleveland, Davidson, Davie, Edgecombe, Forsyth, Gaston, Graham, Guilford, Haywood, Henderson, Hyde, Jackson, Lee, Lincoln, Madison, McDowell, Mecklenburg, Moore, New Hanover, Onslow, Pender, Polk, Randolph, Richmond, Rockingham, Rutherford, Sampson, Stokes, Surry, Transylvania, Wake, Wayne, and Yancey.

Currently, in Washington County, if the office of sheriff is vacated, G.S. 162-5 controls, and the board of county commissioners may fill the vacancy without consultation of the executive committee of the political party of the vacating sheriff.

BILL ANALYSIS: Senate Bill 258 would place Washington County under G.S. 162-5.1, and require the board of county commissioners to consult with the executive committee of the political party of the sheriff vacating the office, if that sheriff was a nominee of a political party. If that executive committee makes a recommendation within 30 days of the occurrence of the vacancy, the board of county commissioners would be required to appoint the person recommended.

EFFECTIVE DATE: This act is effective when it becomes law.

Kristen Harris substantially contributed to this summary.

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