



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

2015-2016 General Assembly

Committee:	Senate State and Local Government	Date:	March 30, 2015
Introduced by:	Sen. Smith-Ingram	Prepared by:	Kristen Harris
Analysis of:	PCS to First Edition		Staff Attorney
	S258-CSTU-4		

SUMMARY: *The Proposed Committee Substitute for Senate Bill 258 would provide that vacancies in the office of sheriff in Washington County would be required to 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.

Under N.C.G.S. 162-5.1, when a vacancy occurs in the office of sheriff, until the vacancy is filled the county coroner executes the duties of the office. To fill the vacancy, the board of commissioners elects a sheriff for the remainder of the term. If the vacating sheriff was an elected nominee of a political party, the board of commissioners must elect the person recommended by the county executive committee of the political party of the vacating sheriff, if the party makes a recommendation within 30 days of the vacancy.

N.C.G.S. 162-5.1 applies to 46 counties including: 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, N.C.G.S. 162-5 controls. Under N.C.G.S. 162-5, the county coroner assumes the duties of the sheriff, and at the first meeting of the board of commissioners following the vacancy, the board elects a sheriff for the remainder of the term. If the board fails to fill the vacancy, the coroner continues to execute the duties of sheriff until the vacancy is filled.

BILL ANALYSIS: Senate Bill 258 would apply N.C.G.S. 162.-5.1 to Washington County.

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

