



# HOUSE BILL 55: Alexander County/Sheriff Vacancies.

2019-2020 General Assembly

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<b>Committee:</b>	House Rules, Calendar, and Operations of the House	<b>Date:</b>	April 29, 2019
<b>Introduced by:</b>	Rep. Elmore	<b>Prepared by:</b>	Jeremy Ray*
<b>Analysis of:</b>	First Edition		Staff Attorney

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**OVERVIEW:** *House Bill 55 would provide that vacancies in the office of sheriff in Alexander County be filled by the Alexander County Board of County Commissioners (BOC) without consultation with the executive committee of the political party of the vacating sheriff.*

*The provisions in House Bill 55 were included in Senate Bill 12, which became law on March 19, 2019.*

**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 Alexander County, if the office of sheriff is vacated, G.S. 162-5.1 controls, and the BOC must consult the county executive committee of the political party of the vacating sheriff 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 the occurrence of the vacancy.

**BILL ANALYSIS:** House Bill 55 would place Alexander County under G.S. 162-5, and enable the BOC to elect a sheriff to fill the vacancy for the remainder of the term without consulting the county executive committee of the political party of the vacating sheriff.

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**EFFECTIVE DATE:** The act would become effective when it becomes law.

*\*Staff Attorneys Billy Godwin, Shawn Middlebrooks, and Nicholas Giddings substantially contributed to this summary.*

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