



HOUSE BILL 55: Cleveland County/Sheriff Vacancies.

2019-2020 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	August 21, 2019
Introduced by:	Rep. Elmore	Prepared by:	Jessica Sammons
Analysis of:	Second Edition		Staff Attorney

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

[As introduced, this bill was identical to S12, as introduced by Sen. Wells, which is currently in an unknown committee.]

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.

Currently, Cleveland County is one of 45 counties that are subject to G.S. 162-5.1.

The office of the coroner in Cleveland County was abolished in 2017. (S.L. 2017-14.)

BILL ANALYSIS: House Bill 55 would remove Cleveland County from the requirements of G.S. 162-5.1 and place it under G.S. 162-5, enabling 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.

EFFECTIVE DATE: The act is effective when it becomes law, and applies to vacancies occurring on or after that date.

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

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This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.