



SENATE BILL 12: Fill Certain Vacancies/Alexander & Burke Co.

2019-2020 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	March 11, 2019
Introduced by:	Sen. Wells	Prepared by:	Samantha Yarborough* Staff Attorney
Analysis of:	Third Edition		

OVERVIEW: SB 12 would authorize Alexander and Burke Counties to fill a vacancy in the office of sheriff without consulting the executive committee of the vacating sheriff's political party. SB 12 would also authorize Burke County to do the following:

- Fill a vacancy in the office of register of deeds without consulting the executive committee of the vacating register of deeds' political party.
- Fill vacancies on its Board of County Commissioners (BOC) without being bound by the recommendation of the executive committee of the vacating member's political party.

CURRENT LAW: Sheriffs in all 100 North Carolina counties are elected in partisan elections. Vacancies are either filled under G.S. 162-5 or G.S. 162-5.1. The methods are generally the same, except that G.S. 162-5.1 requires the BOC to consult with the county executive committee of the vacating sheriff's political party and elect the person recommended by the committee as long as the recommendation is made within 30 days of the vacancy. Currently, in Alexander and Burke Counties, G.S. 162-5.1 controls.

Vacancies in the office of register of deeds are filled by the BOC, generally after consulting the county executive committee of the vacating register of deeds' political party. If the executive committee recommends a replacement within 30 days of the vacancy, the BOC must appoint the person recommended. This applies to all counties, except Camden, Chowan, Pasquotank, and Perquimans.

Vacancies on a BOC are filled under either G.S. 153A-27 or G.S. 153A-27.1. Both methods require the appointee to be of the same political party as the vacating member, if the member was elected as a political party nominee. The main difference between the two processes is that for those counties subject to G.S. 153A-27.1, the appointing authority¹ is bound by the recommendation of the county executive committee of the relevant political party if that recommendation is made within 30 days of the vacancy, whereas the appointing authority is not bound by the recommendation under G.S. 153A-27. Currently, in Burke County, G.S. 153A-27.1 controls.

BILL ANALYSIS: Senate Bill 12 would do the following:

- Remove Alexander and Burke Counties from the requirements of G.S. 162-5.1 and place them under G.S. 162-5. This would authorize their respective BOC to fill a vacancy in the office of sheriff for the remainder of the term without consulting the county executive committee of the vacating sheriff's political party.

¹ The appointing authority is the remaining members of the BOC, unless a quorum cannot be reached. If there is no quorum, the chair of the BOC may appoint enough members until a quorum is reached. If the office of the chair is vacant, the clerk of superior court fills the vacancies upon a request of members of the BOC or a petition of the registered voters in the county.

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- Add Burke County to the list of counties authorized to fill a vacancy in the office of register of deeds without consulting the executive committee of the vacating register of deeds' political party.
- Remove Burke County from the requirements of G.S. 153A-27.1 and place it under G.S. 153A-27. This would authorize Burke County to fill vacancies on its BOC without being bound by the recommendation of the executive committee of the vacating member's political party.

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

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