



HOUSE BILL 143: Swain County Sheriff Vacancies.

2021-2022 General Assembly

Committee: Senate Rules and Operations of the Senate	Date: August 26, 2021
Introduced by: Rep. Clampitt	Prepared by: Hillary Woodard
Analysis of: Second Edition	Staff Attorney

OVERVIEW: *House Bill 143 would require the Swain County Board of Commissioners (Board) to fill vacancies in the office of sheriff in Swain County with the person recommended by the county executive committee of the vacated sheriff's political party.*

CURRENT LAW: Sheriffs in all 100 North Carolina counties are elected in partisan elections. In order to be eligible to hold office, candidates for the office of sheriff must satisfy certain requirements. A candidate must not have any felony convictions or an expungement of a felony conviction.

Vacancies are filled by one of two methods:

- G.S. 162-5: The county coroner continues executing 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, performs all the duties of the sheriff until the county commissioners appoint an individual to fill the unexpired term. In all counties, during the interim of the vacancy, deputy sheriffs continue to perform their duties with full authority.
- G.S. 162-5.1: The process set forth in G.S. 162-5 applies, 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. The board of commissioners also must elect the person recommended by that executive committee, if the recommendation is made within 30 days of the vacancy occurring.

Currently, 44 counties are subject to G.S. 162-5.1.

BILL ANALYSIS: House Bill 143 would require that G.S. 162-5.1 apply when filling a vacancy in the office of sheriff in Swain County. In the event of a vacancy of a Swain County sheriff who was elected as a nominee of a political party, the Board would be required to elect the person recommended by the county executive committee of the political party of the vacated sheriff if the party makes a recommendation within 30 days of the occurrence of the vacancy.

EFFECTIVE DATE: The act would be effective when it becomes law and apply to vacancies occurring on or after that date.

**Jonathan Zator contributed substantially to this summary.*

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