



SENATE BILL 711: ROD Removal/Gov. Security Breach Notice Costs.

2025-2026 General Assembly

Committee:	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	Date:	April 16, 2025
Introduced by:	Sens. Daniel, B. Newton, Britt	Prepared by:	Bill Patterson
Analysis of:	PCS to First Edition S711-CSTG-14		Committee Co-Counsel

OVERVIEW: *The Proposed Committee Substitute for Senate Bill 711 would:*

- *Establish a procedure by which a superior court judge could remove a register of deeds for specified causes, upon petition brought by the district attorney, county attorney, or five electors in the county in which the register of deeds holds office. This procedure would be substantially the same as that provided under current law for removal of sheriffs and police officers.*
- *Require a third-party vendor or contractor to reimburse a State government entity for the cost of required notification of affected parties when there is a security breach resulting from acts or omissions of the third-party vendor or contractor.*

The PCS replaces Section 1 of the bill in its entirety, deletes Section 2 of the bill, and renumbers the subsequent sections of the bill accordingly.

CURRENT LAW AND ANALYSIS OF PCS:

Part 1: Establishing a Removal Process for Registers of Deeds

The office of register of deeds is an elected county office created by Chapter 161 of the General Statutes. Registers of deeds can be removed for failure to perform any of the duties imposed or authorized by law.¹ In addition, a register of deeds forfeits the office upon conviction for knowingly and willfully doing any of the following:

- Withdrawing funds from the State treasury for any purpose not authorized by an act of appropriation.
- Approving any fraudulent, erroneous, or otherwise invalid claim or bill to be paid from an appropriation.
- Making a written statement, giving a certificate, issuing a report, or uttering a document required by this Chapter, any portion of which is false.
- Failing or refusing to perform a duty imposed by the State Budget Act.²

State law does not currently prescribe a procedure for removing a register of deeds from office.

Section 1 of the PCS for Senate Bill 711 would authorize the removal of the register of deeds by a superior court judge resident in or holding the courts in the district encompassing the county in which that register of deeds serves. The proceeding would commence upon the filing of a petition by five electors of the

¹ G.S. 161-27(a).

² G.S. 143C-10-1(c).

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county in which the register of deeds holds office, upon approval by the county attorney or the district attorney, or by either of those officers on their own motion, for any of the following reasons:

- Willful or habitual neglect or refusal to perform the duties of the office.
- Willful misconduct or maladministration in office.
- Corruption.
- Extortion.
- Conviction of a felony.
- Intoxication or upon conviction of being intoxicated.

The petition would be filed in the office of the clerk of superior court for the county in which the accused register of deeds holds office and would be prosecuted by the county attorney or district attorney. The accused would be permitted to file a verified answer to the petition at any time before the time fixed for the hearing by the superior court.

The superior court judge could suspend the accused from office if the judge deems that sufficient cause appears from the petition and any supporting affidavits.

The trial of the action would be scheduled for the next session after the filing of the petition if filed in time for the action to be heard and would take precedence over all other cases on the court calendar.

If the action terminates favorably to the accused, the county would be taxed with the reasonable and necessary expense, including attorney's fee, incurred by the accused in defending against the charges. In an action brought by five citizens, if the court finds that there was no reasonable cause for the filing of the complaint, the court could tax the costs against the complainants.

If the accused is removed from office, the board of county commissioners would fill the vacancy in accordance with G.S. 161-5.

The procedure established by amended Section 1 of the bill would be substantially identical to the procedure currently provided for removal of sheriffs and police officers under Article 2 (Removal of Unfit Officers) of Chapter 128 (Offices and Public Officers) of the General Statutes.

Section 2 would make a technical correction to a statutory cross-reference in Chapter 161.

Part 2: Security Breach Notifications and Associated Costs

Under current law, when there is a security breach involving confidential identifying information under the control of a State agency or one of its political subdivisions, the agency or political subdivision is required to notify affected parties.

Section 3 would provide that if a State government entity is required to notify affected parties of a security breach resulting from acts or omissions of a third-party vendor or contractor, the vendor or contractor must pay or reimburse the government entity for the full cost of making the required notifications.

EFFECTIVE DATE: This act would be effective when it becomes law and Section 3 would apply to acts and omissions occurring on or after that date.