

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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HOUSE DRH80076-LB-250 (03/11)

Short Title: Stanly County Sheriff Vacancy.

(Local)

Sponsors: Representative Burr.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CHANGE THE MANNER OF FILLING VACANCIES IN THE OFFICE OF
3 SHERIFF OF STANLY COUNTY.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 162-5.1 reads as rewritten:

6 **"§ 162-5.1. Vacancy filled in certain counties; duties performed by coroner or chief**
7 **deputy.**

8 If any vacancy occurs in the office of sheriff, the coroner of the county shall execute all
9 process directed to the sheriff until the board shall elect a sheriff to supply the vacancy for the
10 residue of the term, who shall possess the same qualifications, enter into the same bond, and be
11 subject to removal, as the sheriff regularly elected. If the sheriff were elected as a nominee of a
12 political party, the board of commissioners shall consult the county executive committee of that
13 political party before filling the vacancy, and shall elect the person recommended by the county
14 executive committee of that party, if the party makes a recommendation within 30 days of the
15 occurrence of the vacancy. If the board should fail to fill such vacancy, the coroner shall
16 continue to discharge the duties of sheriff until it shall be filled.

17 In those counties where the office of coroner has been abolished, the chief deputy sheriff, or
18 if there is no chief deputy, then the senior deputy in years of service, shall perform all the duties
19 of the sheriff until the county commissioners appoint some person to fill the unexpired term. In
20 all counties the regular deputy sheriffs shall, during the interim of the vacancy, continue to
21 perform their duties with full authority.

22 This section shall apply only in the following counties: Alamance, Alexander, Alleghany,
23 Avery, Beaufort, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Carteret, Cherokee, Clay,
24 Cleveland, Davidson, Davie, Edgecombe, Forsyth, Gaston, Graham, Guilford, Haywood,
25 Henderson, Hyde, Jackson, Lee, Lincoln, Madison, McDowell, Mecklenburg, Moore, New
26 Hanover, Onslow, Pender, Polk, Randolph, Richmond, Rockingham, Rutherford, Sampson,
27 ~~Stanly~~, Stokes, Surry, Transylvania, Wake, and Yancey."

28 **SECTION 2.** Vacancies in the office of Sheriff of Stanly County shall be filled in
29 accordance with G.S. 162-5.

30 **SECTION 3.** This act is effective when it becomes law.

