

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

**H.B. 143**  
**Feb 24, 2021**  
**HOUSE PRINCIPAL CLERK**

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HOUSE BILL DRH40107-BV-1

Short Title: Swain County Sheriff Vacancies. (Local)

Sponsors: Representative Clampitt.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT RELATING TO VACANCIES IN THE OFFICE OF SHERIFF OF SWAIN  
3 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 deputy.**

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

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

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

27 **SECTION 2.** This act is effective when it becomes law and applies to vacancies  
28 occurring on or after that date.

