

## PRESERVE THE OFFICE OF SHERIFF BY CONTINUING THE ELECTION OF OUR NATION'S SHERIFFS

### The Right to Vote is the Essence of America's Democracy:

It is the long-standing popular democratic practice of our American Republic to "elect all local, state and federal executive offices." A political issue arises periodically in various local jurisdictions around the United States as to whether or not the present status of the Office of Sheriff should be changed from "**elected**" to "**appointed**." The elected Office of Sheriff is "**directly**" accountable and responsible to eligible voters and an "**elected**" Office of Sheriff is **not** directly controlled by local county board/commissioners, supervisors, mayor, etc.

### Present Elected Status of Office of Sheriff:

Across our country, popular election is the uniform means of selection of the Office of Sheriff in 46 states. Sheriffs are elected to four (4) year terms in 41 states, two-year terms in 3 states, a three (3) year term in one state and a six-year term in one state. The election to the Office of Sheriff is on a partisan ballot in 40 states and is elected on a non-partisan basis in 6 states. Throughout the nation, the Office of Sheriff is the "**Chief Law Enforcement Office**."

### Limited Power of Appointment to the Office of Sheriff:

There are no Sheriffs only in Alaska and Connecticut. In Rhode Island, the governor appoints the Sheriff. In two Colorado counties and in Dade County, Florida, Sheriffs are appointed by the county executive. In New York, the Sheriff of New York City is appointed by the Mayor of New York City; and in New York State's Westchester and Nassau Counties, these County Sheriffs are appointed by the Governor.

Currently, some local jurisdictions are exploring switching to a system of "appointed" Sheriffs; however, at least two major local jurisdictions that had an "appointed" Sheriff have returned to an "electoral" Office of Sheriff. In Multnomah County Oregon, the Sheriff was appointed from January 1,

1967 to late 1978, during which time the local county's board appointed six (6) different Sheriffs. Due to the dissatisfaction with the "appointment" system, the voters returned to the election of the Office of Sheriff. The position of Sheriff in King County, Washington (i.e. the Seattle area) was elected until 1968. At that time, the Home Rule Charter of King County was amended and the Sheriff became an appointed "Departmental" position, serving at the pleasure of the elected local county executive. After several years under this appointment system, the voters restored their Sheriff to an elected office. The local voters of King County felt their "Chief Law Enforcement Officer" should be elected to perform safety and law enforcement services.

#### Filling a Vacancy in the Office of Sheriff on an Interim Basis:

In over 99% of 3,088 local jurisdictions throughout the nation, the Sheriffs are elected, although in some local jurisdictions Sheriffs are appointed to fill out unexpired terms if there is a death or resignation of the incumbent, etc. In 20 states, a vacancy in the Office of Sheriff is filled by an interim appointment by the county board of commissioners. The Office of Governor fills a vacancy by interim appointment in 9 states; and a variety of other means are used in the remaining states to fill a vacancy in the Office of Sheriff, including special election, appointment of the chief deputy and appointment by the political party of the former Sheriff, etc. Several states use a combination of appointment and special elections, depending on when the vacancy occurs during an "election" cycle (i.e. how many months/year remain until the next regularly scheduled election to the Office of Sheriff).

#### Ongoing Election of the Office of Sheriff in the 21st Century:

There are at least four (4) primary reasons to support the ongoing election of the Office of Sheriff:

1. The Office of Sheriff provides a "**check and balance**" as an "elected" law enforcement officer who is "**directly responsible**" to the citizens and the Office of Sheriff protects the populace from undue political influence by members of the county board/supervisors, etc. on local law enforcement and public safety issues. Nevertheless, there are a number of checks and balances imposed on the

absolute discretion of the Office of Sheriff. The local voters can remove a Sheriff from office through the electoral process or by special referendum. Moreover, the county board/supervisors, etc. (which are subject in some states to appellate review), control the overall budget and salary(ies) of the Office of Sheriff; and in extreme cases various state statutes authorize the direct removal of a Sheriff for misfeasance or nonfeasance of duty while in office.

2. Under our republican form of government, **"voters"** have the right to choose who is to **"serve"** as their Sheriff, their local **"chief law enforcement officer."** Despite the efforts of appointment proponents, local voters have nearly universally decided to maintain the Office of Sheriff as an **"elective"** office.

3. The ongoing "election" of the Office of Sheriff in cities, counties, parishes, etc. is consistent with our nation's democratic history, traditions and historical practices. In local jurisdictions in which a Sheriff is "appointed," there can be a decrease in the quality and continuity in the law enforcement services and administration of a Sheriff's Department. When the Sheriff is subject to the political/economic whims and caprices of a county board/commissioners, etc. as an "appointed" head of a "Department" (not an "elected" Office), local law enforcement often becomes "politicized" to the public's detriment.

4. The American **"electoral"** experience has lead to an ongoing stability and continuity in the Office of Sheriff. To a large extent, Sheriffs at the county level and city police departments at the municipal level provide, operate and administer our nation's local law enforcement programs and activities. Finally, there is no objective empirical data that proves that "police departments" headed by an appointed law enforcement official are any more professional, creative, innovative, or cost-effective than an "elected" Office of Sheriff.

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