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**Wadesboro Police Sgt. Gerald Cannon Designated as Anson County's Sheriff for 2022 - 2026 Term**

**Cannon to be sworn in as Sheriff on December 5, 2022. Scott Howell to serve as Sheriff until then.**



WPD Sgt. Gerald Cannon

Sergeant Gerald Cannon, a 21 year veteran of the Wadesboro Police Department, has been submitted as the replacement candidate for Anson County Sheriff in the upcoming November 8 General Election by the Anson County Democratic Party. Based on NC state statutes and the particular circumstances in Anson County, Cannon has been declared Sheriff for the next four year term, to commence on December 5, 2022.

To fill the current Sheriff vacancy left by the unfortunate death of Sheriff Landric Reid, the Anson County Board of Commissioners appointed Scott Howell from the Anson County Sheriff's Office to the position of Sheriff during their meeting held on Tuesday, October 4. Howell will serve as Sheriff until what would have been the end of Sheriff Reid's current term, December 5, 2022.

**How the appointment processes work:** The late Sheriff Reid is on the November 8 ballot. He was running unopposed for re-election. The current term for Sheriff Reid runs through December 5, 2022. In this situation of Sheriff Reid's death there is a process defined by North Carolina General Statutes that specifies explicitly what steps must be taken to install a sheriff to serve the remainder of the current term.

There are separate steps, also defined by state statutes, for filling vacancies among party nominees, occurring after nomination and before election.

The processes are presented below.

**Procedure for appointing a sheriff to serve remainder of current term:**

For all North Carolina counties, the procedure for appointing a new sheriff to serve the remainder of the outgoing sheriff's term is governed by either N.C. Gen. Statute § 162-5 or § 162-5.1. Anson County is governed by Statute § 162.5.

If there is a vacancy in the Office of Sheriff in a county governed by N.C. Gen. Statute § 162-5, the statute states that:

- 1) The coroner of the county shall execute all process directed to the sheriff until the first meeting of the county commissioners next succeeding such vacancy.
- 2) The board of county commissioners will then elect a new sheriff to fill the vacancy for the remainder of the sheriff's term, and if the board fails to elect a new sheriff, the coroner will continue to discharge the duties of sheriff until the vacancy is filled.
- 3) In the counties where the office of coroner has been abolished, the chief deputy sheriff shall perform the duties of the sheriff until a person is appointed by the county commissioners. (Note: Anson County does not have a county coroner.)
- 4) If there is no chief deputy sheriff, then the senior deputy in years of service shall perform the duties of sheriff until a person is appointed by the county commissioners.
- 5) During the interim period, the regular deputy sheriffs will continue to perform their duties with full authority. Only when a new sheriff is appointed will they need to be re-sworn to their oath of office.

**Procedure for nominating a replacement for the 2022 General Election Ballot:**

Because Sheriff Reid was running as a Democrat, the Anson County Democratic Party Executive Committee, along with invited attendees, met in a closed door meeting on Saturday, October 8 at the Hampton B. Allen Library to nominate a replacement candidate for the November 2022 General Election. They were required to follow the procedures specified by NC State Statute § 163-114 and the Office of Administrative Hearings (OAH) 08 ncac 06b .0104 (Late Changes in Ballots).

The ballots for the November 8 Election have been printed, and Absentee Voting is already in progress. New ballots will not be printed. Due to these circumstances, any votes cast for Sheriff Reid will be counted for the replacement/nominee who is named, in this case Sgt. Cannon. Because Sheriff Reid was on the official ballot unopposed, and there is no line on the ballot for write-in candidates, Cannon will become sheriff.

**§ 163-114 states:** Filling vacancies among party nominees occurring after nomination and before election.

(a) If any person nominated as a candidate of a political party for one of the offices listed below (either in a primary or convention or by virtue of having no opposition in a primary) dies, resigns, or for any reason becomes ineligible or disqualified before the date of the ensuing general election, the vacancy shall be filled by appointment according to the following instructions:

- For any elective county office: County executive committee of political party in which vacancy occurs...only those members of the county executive committee who reside within the district shall vote.

The party executive making a nomination in accordance with the provisions of this section shall certify the name of its nominee to the chairman of the board of elections, state or county, that has jurisdiction over the ballot item under G.S. 163-182.4. If at the time a nomination is made under this section the general election ballots have already been printed, the provisions of G.S. 163-165.3(c) shall apply. It states: ...If an official ballot is not reprinted, a vote for a candidate who has been replaced in accordance with G.S. 163-114 will count for the replacement candidate.

**08 ncac 06b .0104 (Late Changes in Ballots) states:** After the official ballots for a general or special election have been printed and the absentee voting period has begun, the death, resignation, or disqualification of a candidate whose name appears on the official ballots shall not require that the ballots be reprinted...If the ballots are not reprinted, a vote cast for the candidate whose name is printed on the ballot shall be counted as a vote for the replacement nominee.

**Write-In Information:** It appears that, according to NC General Statute 163-123, the Sheriff election for November 8, 2022 for Anson County does not allow for any write-in candidates. There is a process that write-in candidates must perform to qualify and obtain a write-in line on the ballot, and that was not done for this election by any candidate. Here is information from that statute that is pertinent in this situation:

- § 163-123. Declaration of intent and petitions for write-in candidates in partisan elections.

(a) Procedure for Qualifying as a Write-In Candidate. - Any qualified voter who seeks to have write-in votes for him counted in a general election shall file a declaration of intent in accordance with subsection (b) of this section and petition(s) in accordance with subsection (c) of this section.

(b) Declaration of Intent. - The applicant for write-in candidacy shall file his declaration of intent at the same time and with the same board of elections as his petition, as set out in subsection (c) of this section.

(c) Petitions for Write-in Candidacy. - An applicant for write-in candidacy shall: - Subdivision (3) If the office is a county office...file written petitions with the county board of elections supporting his candidacy for a specified office. A petition presented to a county board of elections shall contain only names of voters registered in that county. These petitions must be filed on or before noon on the 90th day before the general election and must be signed by 100 qualified voters who are eligible to vote for the office, unless fewer than 5,000 persons are eligible to vote for the office as shown by the most recent records of the appropriate board of elections. If fewer than 5,000 persons are eligible to vote for the office, an applicant's petition must be signed by not less than one percent (1%) of those registered voters. Before being filed with the county board of elections, each petition shall be presented to the county board of elections for examination. The chairman of the county board of elections shall examine the names on the petition and the procedure for certification shall be the same as specified in subdivision (1).

(e) Defeated Primary Candidate. - No person whose name appeared on the ballot in a primary election preliminary to the general election shall be eligible to have votes counted for him as a write-in candidate for the same office in that year.

(f) Counting and Recording of Votes. - If a qualified voter has complied with the provisions of subsections (a), (b), and (c) and is not excluded by subsection (e), the board of elections with which petition has been filed shall count votes for him according to the procedures set out in G.S. 163-182.1, and the appropriate board of elections shall record those votes on the official abstract. **Write-in votes for names other than those of qualified write-in candidates shall not be counted for any purpose and shall not be recorded on the abstract.**

\* Note: In reproducing the above statutes, some details that do not directly pertain to the Anson County Sheriff situation were left out in order to limit the length of this article. Where this was done within paragraphs, it is designated by three dots (...). The statutes can be found at [www.ncleg.gov/Laws/GeneralStatutes](http://www.ncleg.gov/Laws/GeneralStatutes).

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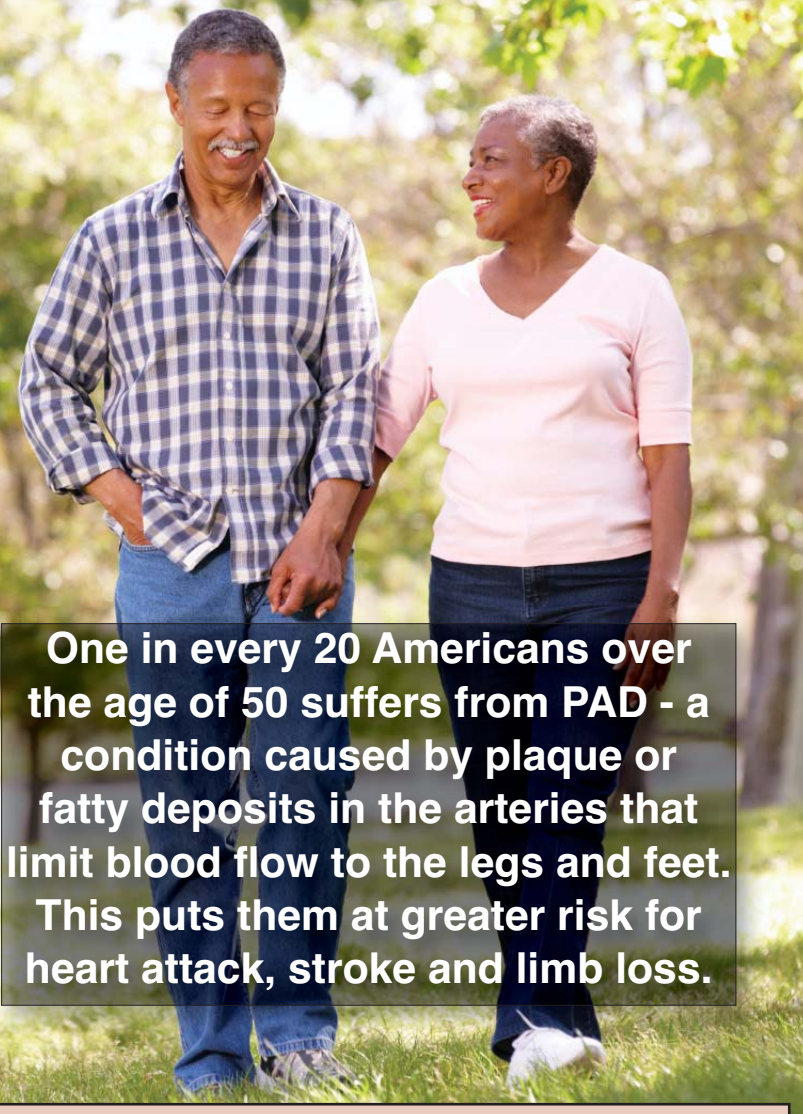
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- Monday, October 17, from 8 to 11 a.m.
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