

**69.20 Temporary vacancy due to military service.**

1. A temporary vacancy in an elective office of a political subdivision, community college, or hospital board of trustees of this state occurs on the date when the person filling that office is placed on national guard duty or federal active duty, as those terms are defined in [section 29A.1](#), and when such a person will not be able to attend to the duties of that person's elective position for a period greater than sixty consecutive days. The temporary vacancy terminates on the date when such person is released from such service, or the term of office expires.

2. A temporary vacancy on an elective board, council, or other multimember body of a political subdivision may be filled by appointment by a majority of the remaining members of the body. A temporary vacancy in any other elective office in a political subdivision, community college, or hospital board of trustees may be filled by the governing body of that political subdivision, community college, or hospital board of trustees.

3. Upon the termination of a temporary vacancy due to a person's release from national guard duty or federal active duty, the person who held the elective office just prior to the temporary vacancy shall immediately be deemed to have been reinstated to that position and the person who filled the temporary vacancy shall immediately be deemed to have been removed from that office.

4. A person filling a temporary vacancy or a person reinstated to office as described in [this section](#) shall qualify for that office as provided in [chapter 63](#).

5. Upon the resignation or death of the person replaced under [this section](#), a permanent vacancy occurs and shall be filled as otherwise provided by law.

[2004 Acts, ch 1076, §1, 2](#); [2006 Acts, ch 1010, §42, 169, 177](#); [2012 Acts, ch 1072, §30](#)