

279.7 Vacancies filled by special election — qualification — tenure.

1. If a vacancy or vacancies occur among the elective officers or members of a school board and the remaining members of the board have not filled the vacancy within thirty days after the vacancy occurs or if a valid petition is submitted to the secretary of the board pursuant to [section 279.6, subsection 1](#), or when the board is reduced below a quorum, the secretary of the board, or if there is no secretary, the area education agency administrator, shall call a special election in the district, subdistrict, or subdistricts, as the case may be, to fill the vacancy or vacancies. The county commissioner of elections shall publish the notices required by law for special elections, and the election shall be held not sooner than thirty days nor later than forty days after the thirtieth day following the day the vacancy occurs. If the secretary fails for more than three days to call an election, the administrator shall call it.

2. An appointment by the board to fill any vacancy in an elective office on or after the day notice has been given for a special election to fill such vacancy as provided in [this section](#) shall be null and void.

3. In the case of a special election as provided in [this section](#) to fill a vacancy occurring among the elective officers or members of a school board before the expiration of a full term, the person so elected shall qualify within ten days from the final canvass of the election by the county board in the manner required by [section 277.28](#) and shall hold office for the residue of the unexpired term and until a successor is elected, or appointed, and qualified.

4. Nomination petitions shall be filed in the manner provided in [section 277.4](#), except that the petitions shall be filed not less than twenty-five days before the date set for the election.

[C51, §1120; R60, §2037, 2038, 2079; C73, §1730, 1738; C97, §2758, 2771, 2772; S13, §2758, 2771, 2772; C24, §4223; C27, 31, 35, §4223-b1; C39, §**4223.3**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §279.7]

[87 Acts, ch 48, §1](#); [89 Acts, ch 136, §65](#); [93 Acts, ch 67, §1](#); [2010 Acts, ch 1033, §40](#); [2015 Acts, ch 140, §57 – 59](#); [2016 Acts, ch 1121, §10](#); [2019 Acts, ch 148, §57](#)

Referred to in [§275.25](#), [275.41](#), [277.30](#), [279.6](#)

Subsection 3 amended