

### 43.77 What constitutes a ballot vacancy.

A vacancy on the general election ballot exists when any political party lacks a candidate for an office to be filled at the general election because:

1. Either no person filed under [section 43.11](#) as a candidate for the party's nomination for that office in the primary election, or all persons who filed under [section 43.11](#) as candidates for the party's nomination for that office in the primary election subsequently withdrew as candidates, were found to lack the requisite qualifications for the office, or died before the date of the primary election, and no candidate received a sufficient number of write-in votes to be nominated.

2. The primary election was inconclusive as to that office because no candidate for the party's nomination for that office received the number of votes required by [section 43.52](#), [43.53](#), or [43.65](#), whichever is applicable.

3. The person nominated in the primary election as the party's candidate for that office subsequently withdrew as permitted by [section 43.76](#), was found to lack the requisite qualifications for the office, or died, at a time not later than the eighty-first day before the date of the general election in the case of an office for which nomination papers must be filed with the state commissioner and not later than the seventy-fourth day before the date of the general election in the case of an office for which nomination papers must be filed with the county commissioner.

4. A vacancy has occurred in the office of senator in the Congress of the United States, secretary of state, auditor of state, treasurer of state, secretary of agriculture, or attorney general, under the circumstances described in [section 69.13](#), less than eighty-nine days before the primary election and not less than eighty-nine days before the general election.

5. A vacancy has occurred in the office of county supervisor or in any of the offices listed in [section 39.17](#), the term of office has more than seventy days remaining after the date of the next general election, and one of the following circumstances applies:

a. The vacancy occurred during the period beginning seventy-three days before the primary election and ending on the date of the primary election and no special election was called to fill the vacancy.

b. The vacancy occurred after the date of the primary election and more than seventy-three days before the general election.

[S13, §1087-a24 – 1087-a27; C24, 27, 31, 35, 39, §611, 624, 628, 633, 636, 637; C46, 50, 54, 58, 62, 66, 71, 73, §43.84, 43.97, 43.101, 43.106, 43.109, 43.110; C75, §43.84, 43.97, 43.101, 43.109, 43.110; C77, 79, 81, §43.77]

[89 Acts, ch 136, §21; 94 Acts, ch 1180, §7, 8; 2009 Acts, ch 57, §8; 2017 Acts, ch 110, §68; 2020 Acts, ch 1062, §16; 2020 Acts, ch 1063, §22](#)

Subsection 1 amended

Subsection 5, unnumbered paragraph 1 amended