

**43.79 Death of candidate after time for withdrawal.**

The death of a candidate nominated as provided by law for any office to be filled at a general election, during the period beginning on the eighty-first day before the general election, in the case of any candidate whose nomination papers were filed with the state commissioner, or beginning on the seventy-fourth day before the general election, in the case of any candidate whose nomination papers were filed with the commissioner, and ending at the time the polls close on the day of the general election shall not operate to remove the deceased candidate's name from the general election ballot. If the deceased candidate was seeking the office of senator or representative in the Congress of the United States, governor, attorney general, senator or representative in the general assembly or county supervisor, [section 49.58](#) shall control. If the deceased candidate was seeking any other office, and as a result of the candidate's death a vacancy is subsequently found to exist, the vacancy shall be filled as provided by [chapter 69](#).

[S13, §1087-a24a; C24, 27, 31, 35, 39, §607; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.79]

[89 Acts, ch 136, §23; 97 Acts, ch 170, §4; 2017 Acts, ch 110, §70; 2021 Acts, ch 147, §13, 54](#)