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Memo re: procedure related to the vacancy of the auditor

The board of supervisors is tasked with deciding how to fill the vacancy of the office of auditor pursuant to Iowa Code Section 69.14A. The first decision to be made is whether the vacancy of the office of auditor is to be filled by appointment or by special election. It is my understanding that the position will most likely be filled by appointment.

The following Code Sections apply to appointments:

69.14A(2)(a)(1) The appointment shall be for the period until the next general election, and shall be made within forty days after the vacancy occurs. If the board of supervisors chooses to proceed under this paragraph, the board shall publish notice in the manner prescribed by section 331.305 (not less than four nor more than twenty days before the date of the meeting when the appointment will be made) stating that the board intends to fill the vacancy by appointment but that the electors of the county have the right to file a petition requiring that the vacancy be filled by special election. The board may make an appointment to fill the vacancy after the notice is published or after the vacancy occurs, whichever is later. A person appointed to an office under this subsection, except for a county attorney, shall have actually resided in the county which the appointee represents sixty days prior to appointment.

(2) However, if within fourteen days after the appointment is made, a petition is circulated and filed with the county auditor requesting a special election to fill the vacancy, the appointment is temporary and a special election shall be called as provided in paragraph "b". The petition shall meet the requirements of section 331.306. A signature shall not be considered valid if the signature is dated prior to the date on which the appointment was made.

Let me know if you have any questions.

Rob Cusack