

**43.56 Primary election recount provisions.**

1. Recounts of votes for primary elections shall be conducted following the procedure outlined in [section 50.48](#). However, if a recount is requested for an office for which no candidate has received the required thirty-five percent to be nominated, the recount board shall consist of the following persons:

a. One person chosen by the candidate requesting the recount, who shall be named in the request.

b. One person chosen by the candidate who received the highest number of votes for the nomination being recounted. However, if the candidate who requested the recount received more votes than anyone else for the nomination, the candidate who received the second highest number of votes shall designate this person to serve on the recount board.

c. A third person mutually agreeable to the board members designated by the candidates.

2. A bond is not necessary for a primary election recount under these circumstances if the difference between the number of votes needed to be nominated and the number of votes received by the candidate requesting the recount is less than fifty votes or one percent of the total number of votes cast for the nomination in question, whichever is greater. If a bond is required, the bond shall be in the amount specified in [section 50.48, subsection 2](#).

[89 Acts, ch 136, §17; 2008 Acts, ch 1032, §201](#)