

50.49 Recounts for public measures.

1. A recount for any public measure shall be ordered by the board of canvassers if a petition requesting a recount is filed with the state commissioner for a public measure voted on by the electors of the entire state, or the county commissioner for all other public measures, not later than three days after the completion of the canvass of votes for the election at which the question appeared on the ballot and the abstracts prepared pursuant to [section 50.24](#) indicate that the difference between the affirmative and negative votes cast on the public measure is less than fifteen hundredths of one percent for a public measure voted on by the electors of the entire state, or less than either one percent or fifty votes, whichever is lesser, for all other public measures. The petition shall be signed by the greater of not less than ten eligible electors or a number of eligible electors equaling one percent of the total number of votes cast upon the public measure. Each petitioner must be a person who was entitled to vote on the public measure in question or would have been so entitled if registered to vote.

2. The recount shall be conducted by a board which shall consist of:

a. A designee named in the petition requesting the recount.

b. A designee named by the commissioner at or before the time the board is required to convene.

c. A person chosen jointly by the members designated under paragraphs "a" and "b".

3. The commissioner shall convene the persons designated under [subsection 2](#), paragraphs "a" and "b", not later than 9:00 a.m. on the seventh day following the canvass of the election in question. If those two members cannot agree on the third member by 8:00 a.m. on the ninth day following the canvass, they shall immediately notify the chief judge of the judicial district in which the canvass is occurring, who shall appoint the third member not later than 5:00 p.m. on the eleventh day following the canvass.

4. The procedure for the recount shall follow the provisions of [section 50.48](#), [subsections 3 through 6](#), as far as possible.

[95 Acts, ch 189, §14; 2002 Acts, ch 1134, §48, 115; 2008 Acts, ch 1032, §154; 2008 Acts, ch 1115, §103; 2025 Acts, ch 122, §12, 13](#)

Referred to in [§50.12](#)

Subsection 1 amended

Subsection 4 stricken and former subsection 5 renumbered as 4