HOUSE REPUBLICAN STAFF ANALYSIS

Bill:	House File 928 (HF 596)	House Committee:	**PASSED** March 5 (15-6)
Committee:	State Government	House Floor:	**PASSED** March 25 (66-31)
Floor Manager:	Representative Harris	Senate Floor:	**PASSED** April 14 (31-14)
Date:	May 22, 2025	Governor:	
Staff:	Jason Covey (1-3626)		

Election Recounts

- Recounts for state-wide, federal races, and state-wide public measures are only allowed if the apparent margin of victory is .15% or less. Request are required to be submitted by 5:00pm the Wednesday following the canvass. Requests are submitted to the SOS who will notify each county auditor where a ballot was casted for the office. These recounts will be conducted by tabulation machines.
- Recounts for General Assembly, local races, and local public measures are only allowed if the apparent margin of victory is the fewer between 1% and 50 votes. Requests for General Assembly recounts are submitted to SOS and all others to the county auditor. In extraordinary circumstances the SOS (General Assembly) or the County Auditor may direct the use of a hand recount, in these cases all precincts must use the same recount method.
- Recount boards will consist of the county auditor, the auditor's staff, and if necessary, persons employed to count the ballots for the election with equal party representation.
- The Secretary of State is authorized to halt and take possession of ballots and election equipment if it's believed a county auditor is not conducting a recount in accordance with law.
- The Secretary of State is authorized to issue a civil penalty to a County Auditor who is believed to be conducting a recount not in accordance with law.
- Contest Courts shall consist of 5 district judges (county offices shall be 1 district judge) appointed by the Chief Justice of the Supreme Court by January 30 each odd-numbered year. Decisions of the contest courts may be appealed to the Supreme Court. The Clerk of the Supreme Court shall serve as clerk of a contest court.
- Candidates may have up to 5 observers per county.
- Candidates may agree to end a recount before the conclusion and return the votes to that of the canvass.
- Canvass of votes will be Tuesday following the election.

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Section by Section Analysis

Section 1 – Canvass by county board (Iowa Code 43.49(1))
Canvass of votes will be Tuesday following the election.

Section 2 – Primary election recount provisions (Iowa Code 43.56(2))
Stikes exemption for recount provisions in primaries.

Section 3 – Results of election (Iowa Code 46.24(1))
Canvass of votes will be Tuesday following the election.

Section 4 – Special precinct board reconvened (Iowa Code 50.21(1))
Canvass of votes will be Tuesday following the election.

Section 5 – Canvass by board of supervisors (Iowa Code 50.24(1,4))
Canvass of votes will be Tuesday following the election.

Section 6 – Canvass by board of supervisors (Iowa Code 50.24(5)(a))
Canvass of votes will be Tuesday following the election.

Section 7 – General recount provisions (Iowa Code 50.48(1)(a)(1))
Moves request deadline for a recount to the second Wednesday following the election and limits request to within 1% of the apparent winner.

Section 8 – General recount provisions (Iowa Code 50.48(1)(c)
NEW PARAGRAPH – The Secretary of State shall order a recount following receiving a written request for a recount no later than 5:00pm the second Wednesday following the election. The Secretary shall send a copy of the request to each county auditor where a ballot was cast. A recount shall be ordered within 7 days of the SOS receiving the request.

Section 9 – General recount provisions (Iowa Code 50.48(2))
Strikes the bond requirement for recounts.

Section 10 – General recount provisions (Iowa Code 50.48(3,4))
Recounts boards shall be the county auditor, the auditor's staff, and any person employed to tally ballot during the election. The persons shall be convened by 9:00 a.m. the seventh day following receipt of the recount request.

The candidate requesting the recount and the apparent winner shall be allowed up to 5 individuals to observe the recount to be submitted to the county auditor before the recount commences.

Recounts are conducted by tabulation machines. In extraordinary cases the SOS (for general assembly races) or the county auditor (for all local races) may direct a recount to be done by hand. All precincts that cast a ballot for that office shall be counted the same way.

2/3rds of the members of the recount board shall sign the report of the recount findings. The recount shall be completed no later than 18 days following receipt of the recount request.

Section 11 – General recount provisions (Iowa Code 50.48(9)(a))
NEW SUBSECTION – County auditors are required to comply with all guidance issued by the Secretary of State on the conduct of the recount. SOS may halt a recount and take custody of all ballots and equipment used in the recount and appoint staff to conduct the recount if SOS believes that a recount is not being conducted in accordance with law.

Allows the SOS to impose a civil penalty on county auditors if it's believed a recount is purposely being conducted in violation of the law.

If both parties agree a recount may be halted before the recount board has issued its final report, the results go back to that of the canvass.

Section 12 – Recounts for public measures (Iowa Code 50.49(1))
Recount requests for public measures shall be submitted to the Secretary of State for statewide measures and county auditors for local public measures.

Section 13 – Recounts for public measures (Iowa Code 50.49(4))
Strikes bond requirement for recount.

Section 14 – Administrative Audits (Iowa Code 50.50)
Renames administrative recounts to "administrative audit".

Section 15 – Contest court for contest of public measure – appeal (Iowa Code 57.7)
The court for trial of a contested election on a public measure shall consist of 5 district court judges appointed by the Chief Justice of the Supreme Court by January 30. The decision of the contest court may be appealed to the Supreme Court.

Section 16 – Judgment (Iowa Code 58.7)
The decision of the contest committee can be appealed to the Supreme Court.

Section 17 – Court of contest (Iowa Code 60.1)
The court for trial of a contested election of Presidential electors, US Senators, and U.S. Representatives shall consist of 5 district court judges appointed by the Chief Justice of the Supreme Court by January 30. The longest serving judge shall serve as the presiding judge of the court.

Section 18 – Clerk (Iowa Code 60.2)
The Clerk of the Supreme Court shall be the clerk of the court of contests.

Section 19 – Judgement – appeal (Iowa Code 60.6)
The judgement of the court of contest can be appealed to the Supreme Court.

Section 20 – Contest Court (Iowa Code 61.1)
The court for the trial of contested state offices, excluding the Governor and Lt. Governor, shall consist of 5 district court judges selected by the Chief Justice of the Supreme Court.

Section 21 – (Iowa Code 61.2)
The Clerk of the Supreme Court shall be the clerk of the court of contests.

Section 22 – Selection of court (Iowa Code 61.4)
The appointment of the contest court shall be made by January 30.

Section 23 – Judgement filed – execution (Iowa Code 61.12)
The judgment of the contest court may be appealed to the Supreme Court.

Section 24 – Contest court established (Iowa Code 62.1A)
The court for the trial of contested county elections shall consist of 5 district court judges selected by the Chief Justice of the Supreme Court by January 30 each odd -numbered year.

Section 25 – Appeal (Iowa Code 62.20)
Allows the appeal of the contest court to be appealed to the Supreme Court.

Section 26 – Judgement (Iowa Code 62.21)
Allows the Supreme Court to render judgment upon the bond for the amount of damages against the appellant.

Section 27 – Judgement (Iowa Code 62.21(5)
Canvass of votes shall take place on the Tuesday following the election.