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19-209. [Order for special recall election](#)

A. If the officer against whom a petition is filed does not resign within five days, excluding Saturdays, Sundays and other legal holidays, after the filing as determined pursuant to section 19-208.03, the order calling a special recall election shall be issued within fifteen days and shall be ordered to be held on the next following consolidated election date pursuant to section 16-204 that is ninety days or more after the order calling the election.

B. A recall election shall be called:

1. If for a state office, including a member of the legislature, by the governor.
2. If for a county officer, or judge or other officer of the superior court in a county, by the board of supervisors of that county.
3. If for a city or town officer, by the legislative body of the city or town.
4. If for a member of a school district governing board, by the county school superintendent of the county in which the school district is located.

C. If a recall petition is against an officer who is directed by this section to call the election it shall be called:

1. If for a state office, by the secretary of state.
2. If for a county office, by the clerk of the superior court.
3. If for a city or town office, by the city or town clerk.