

**25-4308. Same; certification of application; grounds for refusal of certification; commencement of proceedings concerning recall elections, time limits on.** (a) The secretary of state shall review the application and shall either certify such application or notify the recall committee of the grounds of refusal. The secretary of state shall deny certification if the secretary of state determines that:

- (1) The facts do not support the grounds for recall as stated in the application;
  - (2) the application is not substantially in the required form;
  - (3) the application was filed during the first 120 days of the term of office of the official sought to be recalled or within less than 200 days of the termination of the term of office of the state officer sought to be recalled;
  - (4) the person named in the application is not a state officer;
  - (5) there is an insufficient number of required signatures of any kind;
  - (6) the state officer sought to be recalled has been or is being subjected to another recall election during such officer's current term of office; or
  - (7) the application does not conform to any other requirement of this act.
- (b) All mandamus proceedings to compel a recall election and all injunction proceedings to restrain a recall election shall be commenced within 30 days after the secretary of state's decision.

**History:** L. 1976, ch. 178, § 6; L. 1978, ch. 147, § 1; L. 2003, ch. 127, § 4; L. 2007, ch. 125, § 4; July 1.