

Part 6 Write-in Candidates

20A-9-601 Qualifying as a write-in candidate.

- (1)
- (a) Except as provided in Subsection (1)(b), an individual who wishes to become a valid write-in candidate shall file a declaration of candidacy in person, or through a designated agent for a candidate for president or vice president of the United States, with the appropriate filing officer before 5 p.m. no later than 65 days before the regular general election or a municipal general election in which the individual intends to be a write-in candidate.
 - (b)
 - (i) The provisions of this Subsection (1)(b) do not apply to an individual who files a declaration of candidacy for president of the United States.
 - (ii) Subject to Subsection (2)(d), an individual may designate an agent to file a declaration of candidacy with the appropriate filing officer if:
 - (A) the individual is located outside of the state during the entire filing period;
 - (B) the designated agent appears in person before the filing officer; and
 - (C) the individual communicates with the filing officer using an electronic device that allows the individual and filing officer to see and hear each other.

- (2)
- (a) The form of the declaration of candidacy for a write-in candidate for all offices, except president or vice president of the United States, is substantially as follows:

"State of Utah, County of _____

I, _____, declare my intention of becoming a candidate for the office of _____ for the _____ district (if applicable). I do solemnly swear that: I will meet the qualifications to hold the office, both legally and constitutionally, if selected; I reside at _____ in the City or Town of _____, Utah, Zip Code _____, Phone No. _____; I will not knowingly violate any law governing campaigns and elections; if filing via a designated agent, I will be out of the state of Utah during the entire candidate filing period; I will file all campaign financial disclosure reports as required by law; and I understand that failure to do so will result in my disqualification as a candidate for this office and rejection of any votes cast for me. The mailing address that I designate for receiving official election notices is _____.

Subscribed and sworn before me this _____(month\day\year).
Notary Public (or other officer qualified to administer oath)."

- (b) The form of the declaration of candidacy for a write-in candidate for president of the United States is substantially as follows:

"State of Utah, County of _____

I, _____, declare my intention of becoming a candidate for the office of the president of the United States. I do solemnly swear that: I will meet the qualifications to hold the office, both legally and constitutionally, if selected; I reside at _____ in the City or Town of _____, State _____, Zip Code _____, Phone No. _____; I will not knowingly violate any law governing campaigns and elections. The mailing address that I designate for receiving official election notices is _____ . I designate _____ as my vice presidential candidate.
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Subscribed and sworn before me this _____(month\day\year).

Notary Public (or other officer qualified to administer oath.)"

- (c) A declaration of candidacy for a write-in candidate for vice president of the United States shall be in substantially the same form as a declaration of candidacy described in Subsection 20A-9-202(7).
 - (d) An agent described in Subsection (1)(a) or (b) may not sign the form described in Subsection (2)(a) or (b).
- (3)
- (a) The filing officer shall:
 - (i) read to the candidate the constitutional and statutory requirements for the office;
 - (ii) ask the candidate whether the candidate meets the requirements; and
 - (iii) if the declaration of candidacy is for a legislative office, inform the individual that Utah Constitution, Article VI, Section 6, prohibits a person who holds a public office of profit or trust, under authority of the United States or Utah, from being a member of the Legislature.
 - (b) If the candidate cannot meet the requirements of office, the filing officer may not accept the write-in candidate's declaration of candidacy.
- (4)
- (a) Except as provided in Subsection (4)(b), a write-in candidate is subject to Subsection 20A-9-201(8).
 - (b) A write-in candidate for president of the United States is subject to Subsection 20A-9-201(8) (d) or 20A-9-803(1)(d), as applicable.
- (5) By November 1 of each regular general election year, the lieutenant governor shall certify to each county clerk the names of all write-in candidates who filed their declaration of candidacy with the lieutenant governor.

Amended by Chapter 142, 2019 General Session

Amended by Chapter 255, 2019 General Session

Amended by Chapter 279, 2019 General Session

20A-9-602 Write-in candidacy and voting prohibited in certain circumstances.

In elections for county attorney or district attorney that meet the requirements of Subsections 20A-6-302(2) and (3), a person may not file a declaration of candidacy as a write-in candidate under this part and the county clerk may not count any write-in votes received for the office of county or district attorney.

Amended by Chapter 317, 2013 General Session