

Part 6
Write-in Candidates

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

(1)

(a) Each person wishing 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 not later than 60 days before the regular general election or a municipal general election in which the person intends to be a write-in candidate.

(b)

(i) The form of the declaration of candidacy 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; 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 removal of my name from the ballot. 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)."

(ii) The form of the declaration of candidacy 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.

Subscribed and sworn before me this _____(month\day\year).

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

(iii) 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(8).

(iv) An agent designated to file a declaration of candidacy under Subsection (2) may not sign the form described in Subsection (1)(b)(i) or (ii).

(c)

(i) The filing officer shall:

- (A) read to the candidate the constitutional and statutory requirements for the office; and
- (B) ask the candidate whether or not the candidate meets the requirements.

- (ii) If the candidate cannot meet the requirements of office, the filing officer may not accept the write-in candidate's declaration of candidacy.
- (2) Notwithstanding the requirement in Subsection (1) to file a declaration of candidacy in person, a person may designate an agent to file the declaration of candidacy in person with the filing officer if:
 - (a) the person is located outside the state during the filing period because:
 - (i) of employment with the state or the United States; or
 - (ii) the person is a member of:
 - (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who is on active duty;
 - (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or
 - (C) the National Guard on activated status; and
 - (b) the person communicates with the filing officer using an electronic device that allows the person and filing officer to see and hear each other.
- (3) 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 63, 2017 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