

ELECTION PROVISIONS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions relating to a write-in candidate.

Highlighted Provisions:

This bill:

▶ prohibits a candidate who has filed a declaration of candidacy from, in the same year, filing a declaration of candidacy as a write-in candidate; and

▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-9-601, as last amended by Laws of Utah 2019, Chapters 142, 255 and 279

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **20A-9-601** is amended to read:

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



28 agent for a candidate for president or vice president of the United States, with the appropriate
29 filing officer before 5 p.m. no later than 65 days before the regular general election or a
30 municipal general election in which the individual intends to be a write-in candidate.

31 (b) (i) The provisions of this Subsection (1)(b) do not apply to an individual who files a
32 declaration of candidacy for president of the United States.

33 (ii) Subject to Subsection (2)(d), an individual may designate an agent to file a
34 declaration of candidacy with the appropriate filing officer if:

- 35 (A) the individual is located outside of the state during the entire filing period;
- 36 (B) the designated agent appears in person before the filing officer; and
- 37 (C) the individual communicates with the filing officer using an electronic device that
38 allows the individual and filing officer to see and hear each other.

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

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

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

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

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

57 "State of Utah, County of ____
 58 I, _____, declare my intention of becoming a candidate for the office of the

59 president of the United States. I do solemnly swear that: I will meet the qualifications to hold
 60 the office, both legally and constitutionally, if selected; I reside at _____ in the City
 61 or Town of _____, State _____, Zip Code _____, Phone No. _____; I will not knowingly violate
 62 any law governing campaigns and elections. The mailing address that I designate for receiving
 63 official election notices is _____. I designate _____ as
 64 my vice presidential candidate.

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

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

68 (c) A declaration of candidacy for a write-in candidate for vice president of the United
 69 States shall be in substantially the same form as a declaration of candidacy described in
 70 Subsection 20A-9-202(7).

71 (d) An agent described in Subsection (1)(a) or (b) may not sign the form described in
 72 Subsection (2)(a) or (b).

73 (3) (a) The filing officer shall:

74 (i) read to the candidate the constitutional and statutory requirements for the office;

75 (ii) ask the candidate whether the candidate meets the requirements; and

76 (iii) if the declaration of candidacy is for a legislative office, inform the individual that
 77 Utah Constitution, Article VI, Section 6, prohibits a person who holds a public office of profit
 78 or trust, under authority of the United States or Utah, from being a member of the Legislature.

79 (b) If the candidate cannot meet the requirements of office, the filing officer may not
 80 accept the write-in candidate's declaration of candidacy.

81 (4) (a) Except as provided in Subsection (4)(b), a write-in candidate is subject to
 82 Subsection 20A-9-201(8).

83 (b) A write-in candidate for president of the United States is subject to Subsection
 84 20A-9-201(8)(d) or 20A-9-803(1)(d), as applicable.

85 (5) ~~[By]~~ On or before November 1 of each regular general election year, the lieutenant
 86 governor shall certify to each county clerk the names of all write-in candidates who ~~[filed their]~~
 87 file a declaration of candidacy with the lieutenant governor.

88 (6) A candidate who has filed a declaration of candidacy may not, in the same year, file
 89 a declaration of candidacy as a write-in candidate.

90 Section 2. **Effective date.**

91 This bill takes effect on May 1, 2024.