

Write-In Candidate FAQs for 2020 Fall Elections

What is a write-in candidate? How is a write-in candidate different from a regular candidate?

A write-in candidate is a person who has not circulated candidate petitions; consequently, the write-in candidate's name does not appear on the ballot. This is different than a regular candidate who circulates nomination petitions and obtains signatures from qualified electors (voters) that are submitted to the clerk for review by a specific deadline. A regular candidate may also be subject to challenge and have their **petitions reviewed by the court. A regular candidate who has submitted nomination petitions and survived the challenge process will have his or her name printed on the ballot.**

What paperwork is required to file as a write-in candidate?

A.R.S. § 16-312 requires that any person wishing to become a write-in candidate must file:

1. A nomination paper;
2. A financial disclosure statement at the time of filing the nomination paper; and
3. An attestation under penalty of perjury that the write-in candidate is not liable for an aggregation of \$1,000 or more in fines, penalties, late fees or administrative or civil judgments, including any interest or costs, in any combination, that have not been fully satisfied at the time of the attempted filing of the nomination paper and the liability arose from failure to comply with or enforcement of the state campaign finance laws. There is an exception if the liability for the fines, penalties, late fees or judgments is being appealed. *This attestation is included on the nomination paper.*

The clerk may not accept the nomination paper of a write-in candidate if the candidate does not file the financial disclosure statement or meet the campaign finance requirement.

Where do I obtain the write-in candidate forms?

The clerk is the filing officer of the city or town for the office you are seeking and can provide the required forms. Contact the city or town hall to determine how the forms can be accessed.

When is the deadline to submit write-in candidate paperwork?

All required documentation must be filed with the city or town clerk by 5:00 p.m., 40 days prior to the election. For the August 4, 2020 election, the deadline is June 25, 2020. If an election is held on the November 3, 2020 election, the deadline is September 24, 2020. State law allows cities and towns to hold one election if the majority of votes cast in the primary election does not result in a runoff pursuant to A.R.S. § 9-821.01; therefore, a second (general/runoff) election may not be held and the clerk will not know if a runoff is scheduled until the canvass of the primary election (up to 20 days after the primary election).

What are the qualifications to run as a write-in candidate?

A write-in candidate must meet the same qualifications as a regular candidate. See A.R.S §§ 16-101, 16-121, 16-311, 16-312. A candidate for local office must:

1. Be a citizen of the United States.

2. Be eighteen years of age before the date of the election.
3. Be a resident of the state twenty-nine days next preceding the election.
4. Reside in the city or town for one year preceding the election pursuant to A.R.S. § 9-232. Residency requirements for candidates in charter cities vary from one to three years.
5. Be able to write his or her name or make a mark, unless prevented from so doing by physical disability.
6. Not have been convicted of treason or a felony, unless restored to civil rights.
7. Not have been adjudicated an incapacitated person as defined in A.R.S. § 14-5101.
8. Be able to speak, write and read the English language pursuant to A.R.S. § 38-201.
9. Not be a candidate for more than one public office if the elections for those offices are held on the same day and if the person would be prohibited from serving in the offices simultaneously as prescribed in A.R.S. § 38-296.01.

What disqualifies a person to run as a write-in candidate?

A person is not eligible to be a write-in candidate at a **PRIMARY** election if the person:

1. Filed a nomination petition for the current primary election for the office sought and failed to provide a sufficient number of valid petition signatures.
2. Withdrew from the primary election after a challenge was filed.
3. Was removed from or otherwise determined by court order to be ineligible for the primary election ballot.

A person is not eligible to be a write-in candidate at a **GENERAL** election if the person:

1. Ran in the immediately preceding primary election for that office and failed to be nominated.
2. Filed a nomination petition without enough valid signatures to be placed on the ballot for that year's primary election.

How are votes counted for a write-in candidate?

If the person meets the qualifications to be a write in candidate and has submitted the required paperwork, a voter may write the candidate's name on the ballot and the vote will be counted.

Are there any additional qualifiers for a write-in candidate to proceed to a runoff or win an election?

Yes. A write-in candidate must receive the number of votes equivalent to at least the same number of required signatures for nominating petitions for the same office to proceed to a runoff after a primary election or receive a certificate of election after an election. This requirement that write-ins receive a minimum number of votes was codified in 2019 legislation to ensure that any write-in candidate must demonstrate the same minimum threshold of support from the voters in the city or town as a candidate who circulate petitions.

How is the minimum number of votes determined?

The number of signatures required on a nomination petition is contingent upon the office the candidate is seeking. For city and town elections the percentage is based upon the vote cast at the last preceding election computed according to a statutory formula as prescribed in A.R.S. § 16-322.

The clerk calculates the signature threshold early in the election cycle for candidates who circulated petitions and has this information available and it may be posted on the city or town website. Please contact the clerk if you are interested in obtaining this information.

If I am a write-in candidate and my name is not on the ballot, how will a voter know that I am running for office?

The city or town clerk must notify the election boards of those persons properly filed as write-in candidates. The election board inspector must post this notice of official write-in candidates in a conspicuous location within the polling place. In addition, the city or town must post on its website the names of write-in candidates and include in early ballot instructions where a voter can locate the information on its website. A listing of write-in candidates is not sent with the early ballot.

What happens if a voter writes in a name for a person who did not submit any nomination paperwork?

Write-in votes are only counted for those persons who are eligible to run as write-in candidates and have filed the nomination paper **and** financial disclosure statement. Write-in votes will not be counted for a person who has not filed these documents.