



# EXECUTIVE BRANCH

OFFICE OF THE ATTORNEY GENERAL

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## Jan Soto

**To:** Shayla Macias  
**CC:** Student Government Advisor Brodie Taylor, Student Government Advisor Shane Juntunen, Supervisor of Elections Matan Dilal, Assistant Supervisor of Elections Caitlin Moore  
**From:** Attorney General Jan Soto  
**Date:** 02/25/2022  
**Subject:** **Write-in Candidates - Adherence to Election Statutes**

Hi Shayla,

Thank you for your opinion request. Your request poses two questions. To answer each question succinctly, I divided each of them into a section. Each section restates the question at hand, cites the relevant statutes, and provides a clear and concise conclusion at the end of said section.

Before moving on to the first section, here are the questions in the order they will be discussed:

- 1) Must write-in candidates adhere to the rules and regulations of Title VI outlined for traditional candidates - specifically, rules regarding marketing and campaigning?
- 2) If so, when are write-in candidates approved for active campaigning?

### **Question #1**

The question here asks whether write-in candidates must adhere to the rules and regulations of Title VI outlined for traditional candidates - specifically, rules regarding marketing and campaigning. Here, the term “traditional candidates” refers to those candidates who are not write-in candidates.

Multiple relevant statutes stand out. First, the Definitions section of Title VI (found in Chapter 600) defines a candidate as “an individual seeking election to any Student Government position.” Here, statutes do not distinguish between traditional candidates and write-in candidates. Further, the Election Code of Ethics (Chapter 604.1 of Title VI) bars candidates and tickets from performing several tasks without concern that the



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candidate in question might run as a write-in. For all intents and purposes, there are only a handful of differences between traditional candidates and write-in candidates.

In fact, Title VI only distinguishes traditional candidates from write-in candidates in a regular election cycle in two ways. First, Title VI omits the names of write-in candidates from ballots. Chapter 604.7 (A) explicitly states that “[w]rite-in candidates’ names will not be placed on ballots.” Second, the process to confirm the candidate’s eligibility differs between traditional and write-in candidates. While traditional candidates must collect a number of signatures to run, write-in candidates only need to file a write-in declaration form. These are the only two discernable distinctions between traditional candidates and write-in candidates in a regular.

Write-in candidates must then adhere to the rules and regulations of Title VI outlined for traditional candidates. Any requirements for candidates also encompass write-in candidates.

This also applies to rules regarding marketing and campaigning. Two statutes govern marketing and campaigning: Chapter 604.1 and Chapter 604.2. Both statutes limit how all candidates campaign – through marketing or other means. All candidates must follow these rules and regulations regardless of how they became candidates.

## **Question #2**

The question here proceeds from the answer to the previous question: since write-in candidates must adhere to the rules for in Title VI, when are write-in candidates approved for active campaigning?

Chapter 604.7 – the Write-in Candidates section of Title VI – provides some clarity. Subsection B(3) of that same state requires that “[a]ny individual who wishes to be a write-in candidate must file a write-in Declaration Form with the Senate Graduate Assistant by 5:00 PM on the final day of primary voting.” This declaration form may be filed any time before then. Chapter 603.3 (F) clarifies that “[a]ctive campaigning shall begin immediately following the tickets’ Declaration of Candidacy.”

Thus, once your write-in Declaration Form has been processed and approved, active campaigning begins.

I hope that these answers clarify some of the ambiguity found within Title VI. If you ever have any further questions, I would be more than happy to address them.



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Best wishes,

**Jan Soto**  
Attorney General