

JAN 17 2019

A BILL FOR AN ACT

RELATING TO ELECTIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that public trust is
2 strengthened when candidates for United States President and
3 Vice President publicly release their income tax returns. A
4 candidate's income tax returns provide voters with essential
5 information regarding a candidate's potential conflicts of
6 interest, business dealings, financial status, and charitable
7 donations, and allows voters the opportunity to fully evaluate
8 fitness for the offices of President and Vice President of the
9 United States. Until the most recent election cycle,
10 presidential and vice presidential candidates of the major
11 parties had been routinely releasing their returns as part of a
12 decades-old tradition.

13 The purpose of this Act is to ensure that candidates placed
14 on the Hawaii ballot for the United States President and Vice
15 President publicly release their income tax returns.

16 SECTION 2. Section 11-113, Hawaii Revised Statutes, is
17 amended by amending subsection (c) to read as follows:



1 "(c) All candidates for president and vice president of
2 the United States shall be qualified for inclusion on the
3 general election ballot under either of the following
4 procedures:

5 (1) In the case of candidates of political parties that
6 have been qualified to place candidates on the primary
7 and general election ballots, the appropriate official
8 of those parties shall file a sworn application with
9 the chief election officer not later than 4:30 p.m. on
10 the sixtieth day prior to the general election, which
11 shall include:

12 (A) The name and address of each of the two
13 candidates;

14 (B) A statement that each candidate is legally
15 qualified to serve under the provisions of the
16 United States Constitution; [~~and~~]

17 (C) A statement that a copy of each candidate's
18 income tax return has been posted at least sixty
19 days prior to the date of the general election
20 and will continue to be posted through the date
21 of the general election on the Internet for free



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1 access by the public, including the internet
2 address where the income tax returns can be
3 publicly accessed; provided that the income tax
4 return of each candidate shall be for the most
5 recent taxable year for which an income tax
6 return has been filed with the Internal Revenue
7 Service as of the date of the application;
8 provided further that the candidate may redact
9 any social security numbers, the names of minor
10 dependents, and the candidate's home address from
11 the income tax return; and

12 [~~(C)~~] (D) A statement that the candidates are the duly
13 chosen candidates of both the state and the
14 national party, giving the time, place, and
15 manner of the selection; and

16 (2) In the case of candidates of parties or groups not
17 qualified to place candidates on the primary or
18 general election ballots, the person desiring to place
19 the names on the general election ballot shall file
20 with the chief election officer not later than

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1 4:30 p.m. on the ninetieth day prior to the general
2 election:

3 (A) A sworn application that shall include the
4 information required under paragraph (1) (A), (B),
5 [~~and~~] (C), and (D), where applicable; and

6 (B) A petition that shall be upon the form prescribed
7 and provided by the chief election officer
8 containing the signatures of currently registered
9 voters which constitute not less than one per
10 cent of the votes cast in the State at the last
11 presidential election. The petition shall
12 contain the names of the candidates, a statement
13 that the persons signing intend to support those
14 candidates, the address of each signatory, the
15 date of the signer's signature, and other
16 information as determined by the chief election
17 officer.

18 Prior to being issued the petition form, the person
19 desiring to place the names on the general election
20 ballot shall submit a notarized statement from each
21 prospective candidate of that prospective candidate's



1 intent to be a candidate for president or vice
2 president of the United States on the general election
3 ballot of the State of Hawaii. The statements by a
4 prospective candidate for vice president may be
5 withdrawn by that prospective candidate and an
6 alternative candidate for vice president may be
7 substituted any time prior to the notification of
8 qualification or disqualification provided in
9 subsection (d). Any substitutions shall be
10 accompanied by a notice of substitution satisfying
11 subparagraph (A), a statement of intent as required by
12 this paragraph, and a letter by the candidate for
13 president endorsing the substitute candidate for vice
14 president. Upon receipt of a notice of substitution
15 and all other required documents, the substitute shall
16 replace the original candidate for vice president on
17 the general election ballot. The petitions issued in
18 the names of the original candidates will remain valid
19 for the purposes of this section."

20 SECTION 3. Section 14-28, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "§14-28 Convening and voting for president and vice
2 president; party vote. The electors, when convened, if both
3 candidates are alive, shall vote by ballot for that person for
4 president and that person for vice president of the United
5 States, who are, respectively, the candidates of the political
6 party or group which they represent, one of whom, at least, is
7 not an inhabitant of this State. Notwithstanding any other law
8 to the contrary, the electors, when convened, shall not vote for
9 any person for president of the United States or any person for
10 vice president of the United States unless both persons have
11 publicly released and posted their respective income tax returns
12 on the Internet for free access by the public at least sixty
13 days prior to and continuing through the date of the general
14 election; provided that the income tax return of each candidate
15 shall be for the most recent taxable year for which an income
16 tax return has been filed with the Internal Revenue Service as
17 of the date of the application; provided further that the
18 candidate may redact any social security numbers, the names of
19 minor dependents, and the candidate's home address from the
20 income tax return."



1 SECTION 4. If any provision of this Act, or the
2 application thereof to any person or circumstance, is held
3 invalid, the invalidity does not affect other provisions or
4 applications of the Act that can be given effect without the
5 invalid provision or application, and to this end the provisions
6 of this Act are severable.

7 SECTION 5. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:

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Report Title:

Presidential Ballots; General Election; Income Tax Return

Description:

Requires candidates for president and vice president of the United States to post their most recent income tax return on the Internet at least sixty days prior to and continuing through the date of the general election for free access by the public in order to be included on the state ballot, subject to certain conditions. Prohibits electors from voting for a candidate for president or vice president of the United States unless the candidates have posted their most recent income tax return on the Internet at least sixty days prior to and continuing through the date of the general election for free access by the public, subject to certain conditions.

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