
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



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, any personal
10 identification numbers of any kind, the names of
11 minor dependents, and the candidate's home
12 address from the income tax return; and

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

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



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~~] shall
19 remain valid for the purposes of this section.

20 For the purposes of this subsection, "income tax return"
21 shall have the same meaning as "individual income tax return" in



1 section 6011(e)(3)(C) of the Internal Revenue Code of 1986, as
2 amended."

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

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



1 candidate may redact any social security numbers, the names of
2 minor dependents, and the candidate's home address from the
3 income tax return.

4 For the purposes of this section, "income tax return" shall
5 have the same meaning as "individual income tax return" in
6 section 6011(e)(3)(C) of the Internal Revenue Code of 1986, as
7 amended."

8 SECTION 4. If any provision of this Act, or the
9 application thereof to any person or circumstance, is held
10 invalid, the invalidity does not affect other provisions or
11 applications of the Act that can be given effect without the
12 invalid provision or application, and to this end the provisions
13 of this Act are severable.

14 SECTION 5. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

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

17



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. (SD1)

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