
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 a robust democracy
2 requires public servants to be transparent toward those whom
3 they are elected to serve. While in office, those in executive
4 branch positions make a great many decisions that directly
5 impact the economy. To promote a robust democracy, ensure
6 transparency, avoid conflicts of interest, and prevent unethical
7 decision making within an executive branch administration,
8 leaders should provide full financial disclosure. Without full
9 public disclosure of a candidate's past income, business
10 relations, and indebtedness, both monetary and otherwise, a
11 citizen cannot cast an informed vote or be assured that
12 decisions made by the executive will be in the interests of the
13 people, rather than for the candidate's own financial gain.

14 The Office of President of the United States carries the
15 highest responsibilities, and its occupants must be held to the
16 highest standard of transparency and accountability. The
17 legislature notes that, to ensure transparency, a presidential



1 candidate once demanded that the State of Hawaii produce a birth
2 certificate to verify the eligibility for office of a former
3 President. Accordingly, the State will now require candidates
4 for certain executive branch positions to produce their tax
5 returns.

6 The purpose of this Act is to promote electoral
7 transparency and accountability by requiring that candidates for
8 President or Vice President of the United States, governor or
9 lieutenant governor of the State, and mayor of a county in the
10 State disclose their federal income tax returns from the five
11 most recent taxable years.

12 SECTION 2. Chapter 11, Hawaii Revised Statutes, is amended
13 by adding a new section to part I to be appropriately designated
14 and to read as follows:

15 **"§11- Tax returns disclosure; United States President**
16 **and Vice President; governor and lieutenant governor; mayor.**

17 **(a) No later than fifty days before a general election, each**
18 **candidate for the office of President or Vice President of the**
19 **United States, governor or lieutenant governor, or mayor of a**
20 **county, shall:**



- 1 (1) Submit to the office of elections a copy of the
2 federal income tax return of the candidate for the
3 five most recent taxable years that a return has been
4 filed with the Internal Revenue Service; and
- 5 (2) Provide written consent to the office of elections for
6 the public disclosure of the federal income tax
7 returns.
- 8 (b) Federal income tax returns submitted to the office of
9 elections shall be made publicly available on the website of the
10 office of elections no later than seven days after submission.
- 11 (c) Prior to placing any federal income tax return on the
12 website of the office of elections, the chief election officer
13 shall redact information that the director of taxation deems
14 appropriate.
- 15 (d) Notwithstanding any law to the contrary, if a
16 candidate for the office of President or Vice President,
17 governor or lieutenant governor, or mayor fails to comply with
18 subsection (a), the name of the candidate shall not be printed
19 upon the official ballot for the general election.



1 (e) For the purposes of this section, "federal income tax
2 return" shall have the same meaning as "return" in section
3 6103(b)(1) of the Internal Revenue Code of 1986, as amended."

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

6 **"§14-28 Convening and voting for [~~president~~] President and**
7 **[~~vice-president~~] Vice President; party vote. (a) The**
8 electors, when convened, if both candidates are alive, shall
9 vote by ballot for that person for [~~president~~] President and
10 that person for [~~vice-president~~] Vice President of the United
11 States, who are, respectively, the candidates of the political
12 party or group [~~which~~] that they represent, one of whom, at
13 least, is not an inhabitant of this State.

14 (b) Notwithstanding any law to the contrary, the electors,
15 when convened, shall not vote for any person for President or
16 Vice President unless that person, at least fifty days prior to
17 the general election, has:

18 (1) Complied with section 11- (1)(a); or
19 (2) Posted on the internet at no charge for public viewing
20 the candidate's federal income tax returns for the



1 five most recent taxable years for which returns have
2 been filed prior to the general election."

3 SECTION 4. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

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

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

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INTRODUCED BY:

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Quartagno

JAN 18 2019



H.B. NO. 712

Report Title:

Elections; President; Vice President; Governor; Lieutenant Governor; Mayor; Financial Disclosure; Tax Returns

Description:

Requires certain executive branch candidates to disclose their federal income tax returns in order for their names to appear on an election ballot. Prohibits electors for the offices of President and Vice President of the United States to vote for candidates who have not disclosed their federal income tax returns.

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