

SENATE, No. 2041

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

SYNOPSIS

Requires candidates for President and Vice-President of United States to disclose federal income tax returns to appear on ballot; prohibits Electoral College electors from voting for candidates who fail to file income tax returns.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the disclosure of federal income tax returns by
2 candidates for President and Vice-President of the United States
3 and amending P.L.1944, c.16 and R.S.19:36-1.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. Section 1 of P.L.1944, c.16 (C.19:14-8.1) is amended to read
9 as follows:

10 1. a. When Presidential Electors are to be elected, their names
11 shall not be printed upon the ballot, either paper or voting machine,
12 but in lieu thereof, the names of the candidates of their respective
13 parties or political bodies for President and Vice-President of the
14 United States shall be printed together in pairs under the title
15 "Presidential Electors for." All ballots marked for the candidates
16 for President and Vice-President of a party or political body, shall
17 be counted as votes for each candidate for Presidential Elector of
18 such party or political body.

19 b. (1) The names of candidates for President or Vice-President
20 of the United States shall not be printed upon the ballot unless, not
21 later than 50 days before the general election, each candidate files
22 with the Division of Elections in the Department of State a copy of
23 the candidate's federal income tax returns, as that term is defined in
24 section 6103(b)(1) of the Internal Revenue Code (26 U.S.C.
25 s.6103), for at least the five most recent taxable years for which the
26 candidate has filed such a return with the Internal Revenue Service.

27 (2) Each candidate for President or Vice-President of the United
28 States shall provide written consent to the division, in such form as
29 the division shall prescribe, for the public disclosure of the income
30 tax returns. The division shall post income tax returns filed with
31 the division pursuant to this subsection on the Internet website of
32 the division no later than seven days after the candidate has filed
33 the income tax returns with the division.

34 (3) Prior to making public any income tax return filed pursuant
35 to this subsection, the division, in consultation with the Attorney
36 General, shall redact any information that the division deems
37 necessary.

38 (cf: P.L.1944, c.16, s.1)
39

40 2. R.S.19:36-1 is amended to read as follows:

41 19:36-1. a. The electors of president and vice president shall
42 convene at the State House at Trenton, or in another State building
43 within the State House Complex at Trenton, or the War Memorial at
44 Trenton, on the day appointed by congress for that purpose, at the
45 hour of three o'clock in the afternoon of that day, and constitute an

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 electoral college. In any year in which, on July 20, the "Agreement
2 Among the States to Elect the President by National Popular Vote"
3 is in effect in states cumulatively possessing a majority of the
4 electoral votes, and the State of New Jersey remains a member of
5 that agreement, the electors for president and vice president shall be
6 those electors certified as the elector slate in accordance with
7 section 1 of P.L.2007, c.334 (C.19:36-4).

8 b. An elector shall not vote for a candidate for President or
9 Vice-President of the United States, unless the candidate had filed,
10 or caused to be filed, the candidate's federal income tax returns in
11 accordance with the provisions of subsection b. of section 1 of
12 P.L.1944, c.16 (C.19:14-8.1).
13 (cf: P.L.2008, c.103, s.1)

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15 3. This act shall take effect immediately.
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18 STATEMENT

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20 This bill requires candidates for President and Vice-President of
21 the United States to submit their federal income tax returns to the
22 Division of Elections in the Department of State for at least the five
23 most recent taxable years for which the candidate has filed such a
24 return with the Internal Revenue Service. Under the bill, each
25 candidate would also submit written consent to the division for the
26 public disclosure of the income tax returns. The bill requires a
27 candidate for President or Vice-President of the United States to file
28 the income tax returns and written consent for disclosure with the
29 division no later than 50 days before the general election. The
30 division would then post the income tax returns on its Internet
31 website no later than seven days after the candidate has filed the
32 income tax returns with the division. The bill requires the division,
33 in consultation with the Attorney General, to redact any information
34 contained in the income tax returns that the division deems
35 necessary before the division posts the income tax returns on its
36 website. Additionally, the bill provides that an elector cannot vote
37 for a candidate for President or Vice-President unless the candidate
38 submits federal income tax returns to the division in accordance
39 with the provisions of the bill.