# STATE OF NEW YORK

4072

2017-2018 Regular Sessions

# IN ASSEMBLY

February 1, 2017

Introduced by M. of A. FAHY -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to enacting the "tax returns uniformly made public act"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title. This act shall be known and may be cited as the "tax returns uniformly made public act".

§ 2. The election law is amended by adding a new section 6-170 to read as follows:

§ 6-170. Disclosure of tax returns by candidates for president and vice president. 1. Not later than fifty days before a general election, a candidate for the office of president or vice president, other than a write-in candidate who files a certificate of candidacy with the state board of elections pursuant to section 6-153 of this article, shall:

(a) file with the state board of elections a copy of the federal income tax return, as that term is defined in section 6103(b)(1) of the internal revenue code of 1986, of such candidate for at least the five most recent taxable years for which such a return has been filed with the internal revenue service; and

(b) provide written consent to the commissioners of the state board of elections, in such form as shall be prescribed by the state board of elections, for the public disclosure of such returns pursuant to subdivision two of this section.

2. Income tax returns filed with the state board of elections by a candidate for the office of president or vice president pursuant to subdivision one of this section shall be made publicly available on the website of the state board of elections no later than seven days after such income tax returns have been filed, subject to such redaction as may be warranted pursuant to subdivision three of this section.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD05844-01-7

**3. Prior to making any income tax return filed pursuant to subdivision one of this section public, the state board of elections shall redact such information as the board, in consultation with the commissioner of taxation and finance or his or her delegate, deems appropriate.**

**4. Notwithstanding any other section of law to the contrary, if a candidate for the office of president or vice president has not timely filed with the state board of elections the income tax returns and written consent required by subdivision one of this section, the name of such candidate shall not be printed upon the official ballot for the general election.**

§ 3. Section 12-106 of the election law is amended to read as follows:

§ 12-106. Electoral college; vote of the electors. Immediately after the organization of the electoral college, the electors shall then and there vote by ballot for president and vice president, but no elector shall vote for more than one person who is a resident of this state **or for any person subject to the requirements of section 6-170 of this chapter who failed to comply with such requirements**. They shall name in separate ballots the persons voted for as president and vice president. They shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one with the votes for president and one with the votes for vice president. There shall be annexed to each of the certificates one of the lists of electors which shall have been furnished to them by the state board of elections. They shall seal up the certificates so made and certify upon each that the lists of all the votes of this state given for president and vice president are contained therein.

§ 4. This act shall take effect immediately.