

STATE OF NEW YORK

32

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sens. HOYLMAN, ADDABBO, BAILEY, BENJAMIN, BRESLIN, BROOKS, CARLUCCI, COMRIE, GIANARIS, KAMINSKY, KENNEDY, KRUEGER, MONTGOMERY, PARKER, PERSAUD, RIVERA, SANDERS, SERRANO, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to requiring the disclosure of tax returns by candidates for president and vice president

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

1 Section 1. The election law is amended by adding a new section 6-170
2 to read as follows:

3 § 6-170. Disclosure of tax returns by candidates for president and
4 vice president. 1. Not later than fifty days before a general election,
5 a candidate for the office of president or vice president, other than a
6 write-in candidate who files a certificate of candidacy with the state
7 board of elections pursuant to section 6-153 of this article, shall:

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

13 (b) provide written consent to the commissioners of the state board of
14 elections, in such form as shall be prescribed by the state board of
15 elections, for the public disclosure of such returns pursuant to subdi-
16 vision two of this section.

17 2. Income tax returns filed with the state board of elections by a
18 candidate for the office of president or vice president pursuant to
19 subdivision one of this section shall be made publicly available on the
20 website of the state board of elections no later than seven days after

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

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1 such income tax returns have been filed, subject to such redaction as
2 may be warranted pursuant to subdivision three of this section.

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

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

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

14 § 12-106. Electoral college; vote of the electors. Immediately after
15 the organization of the electoral college, the electors shall then and
16 there vote by ballot for president and vice president, but no elector
17 shall vote for more than one person who is a resident of this state or
18 for any person subject to the requirements of section 6-170 of this
19 chapter who failed to comply with such requirements. They shall name in
20 separate ballots the persons voted for as president and vice president.
21 They shall make and sign six certificates of all the votes given by
22 them, each of which certificates shall contain two distinct lists, one
23 with the votes for president and one with the votes for vice president.
24 There shall be annexed to each of the certificates one of the lists of
25 electors which shall have been furnished to them by the state board of
26 elections. They shall seal up the certificates so made and certify upon
27 each that the lists of all the votes of this state given for president
28 and vice president are contained therein.

29 § 3. This act shall take effect immediately.