

# SENATE, No. 3048

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED FEBRUARY 27, 2017

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**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

**Assemblyman Chiaravalloti, Assemblywomen Muoio, McKnight, Tucker  
and Lampitt**

**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.

(Sponsorship Updated As Of: 3/17/2017)

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)

14

15 3. This act shall take effect immediately.

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#### 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.