

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0024.01 Bob Lackner x4350

HOUSE BILL 18-1318

HOUSE SPONSORSHIP

Hooton and Hansen,

SENATE SPONSORSHIP

(None),

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A REQUIREMENT THAT CANDIDATES FOR CERTAIN
102 FEDERAL EXECUTIVE OFFICES FILE INCOME TAX RETURNS WITH
103 THE SECRETARY OF STATE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires candidates for president and vice president of the United States to file with the secretary of state the candidates' federal income tax return forms for the last 5 completed tax years. Neither the name of any candidate who fails to comply with the filing requirement nor the name of that candidate's running mate shall be printed on the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

official ballot.

The secretary of state is required to publish the tax returns on his or her official website within 7 days of the returns being filed.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 1-4-303.5 as
3 follows:

4 **1-4-303.5. Disclosure of tax returns by candidates for**
5 **president and vice president - definition.** (1) (a) NO LATER THAN
6 NINETY DAYS BEFORE A PRESIDENTIAL ELECTION, A CANDIDATE FOR THE
7 OFFICE OF PRESIDENT OR VICE PRESIDENT SHALL:

8 (I) FILE WITH THE SECRETARY OF STATE A COPY OF THE
9 CANDIDATE'S FEDERAL INCOME TAX RETURN FOR AT LEAST THE FIVE MOST
10 RECENT TAXABLE YEARS FOR WHICH THE CANDIDATE HAS FILED SUCH A
11 RETURN WITH THE INTERNAL REVENUE SERVICE; AND

12 (II) PROVIDE WRITTEN CONSENT TO THE SECRETARY OF STATE, IN
13 SUCH FORM AS PRESCRIBED BY THE SECRETARY OF STATE, FOR THE PUBLIC
14 DISCLOSURE OF THE RETURNS PURSUANT TO SUBSECTION (2) OF THIS
15 SECTION.

16 (b) AS USED IN THIS SECTION, "INCOME TAX RETURN" MEANS ANY
17 RETURN AS DEFINED IN SECTION 6103 (b)(1) OF THE FEDERAL "INTERNAL
18 REVENUE CODE OF 1986", AS AMENDED.

19 (2) THE SECRETARY OF STATE SHALL MAKE ANY INCOME TAX
20 RETURN FILED BY A CANDIDATE FOR THE OFFICE OF PRESIDENT OR VICE
21 PRESIDENT PURSUANT TO SUBSECTION (1) OF THIS SECTION PUBLICLY
22 AVAILABLE ON THE SECRETARY OF STATE'S OFFICIAL WEBSITE NO LATER
23 THAN SEVEN DAYS AFTER THE INCOME TAX RETURN IS FILED. THE
24 SECRETARY OF STATE SHALL KEEP THE INCOME TAX RETURNS POSTED ON

1 THE SECRETARY'S OFFICIAL WEBSITE UNTIL THE END OF THE CALENDAR
2 YEAR IN WHICH THE PRESIDENTIAL ELECTION FOR WHICH THOSE RETURNS
3 HAVE BEEN FILED IS HELD.

4 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF A
5 CANDIDATE FOR THE OFFICE OF PRESIDENT OR VICE PRESIDENT HAS NOT
6 TIMELY FILED WITH THE SECRETARY OF STATE THE INCOME TAX RETURNS
7 AND WRITTEN CONSENT REQUIRED BY SUBSECTION (1) OF THIS SECTION,
8 NEITHER THE NAME OF THAT CANDIDATE NOR THE NAME OF HIS OR HER
9 RUNNING MATE SHALL BE PRINTED ON THE OFFICIAL BALLOT USED IN THE
10 PRESIDENTIAL ELECTION.

11 **SECTION 2.** In Colorado Revised Statutes, 1-4-304, **add** (6) as
12 follows:

13 **1-4-304. Presidential electors.** (6) A PRESIDENTIAL ELECTOR
14 SHALL NOT VOTE FOR ANY PRESIDENTIAL CANDIDATE OR
15 VICE-PRESIDENTIAL CANDIDATE WHO FAILS TO COMPLY WITH SECTION
16 1-4-303.5.

17 **SECTION 3. Act subject to petition - effective date -**
18 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
19 the expiration of the ninety-day period after final adjournment of the
20 general assembly (August 8, 2018, if adjournment sine die is on May 9,
21 2018); except that, if a referendum petition is filed pursuant to section 1
22 (3) of article V of the state constitution against this act or an item, section,
23 or part of this act within such period, then the act, item, section, or part
24 will not take effect unless approved by the people at the general election
25 to be held in November 2018 and, in such case, will take effect on the
26 date of the official declaration of the vote thereon by the governor.

1 (2) This act applies to presidential elections conducted on or after
2 the applicable effective date of this act.