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Hawaii News

2 state bills would compel candidates to air tax data

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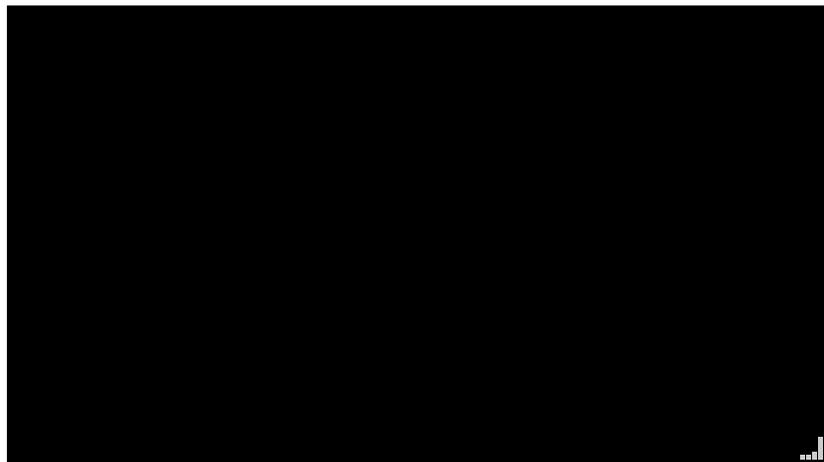
March 6, 2017

Democrats who are unhappy with President Donald Trump's refusal to publicly release his personal tax returns are advancing bills to force future candidates to release their returns if they hope to win Hawaii's four electoral votes.

The Senate Judiciary and Labor Committee on Tuesday approved Senate Bill 150, which would legally prohibit Hawaii's Electoral College electors from voting for any presidential or vice presidential candidates who fail to make their returns public.

House lawmakers gave preliminary approval Thursday to a nearly identical bill in a floor vote that prompted a warning from Republican Rep. Gene Ward about antagonizing the Trump administration.

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"I would suggest ... that we try to be a little more user-friendly with our administration, because we're going to have the next four years if not eight years of the administration," said Ward (R, Kalama Valley-Queen's Gate-Hawaii Kai). "This is not going to go over very well in Washington, D.C."

Trump last year became the first Democratic or Republican nominee for president in more than 40 years to refuse to release his tax returns.

During the 2016 campaign, Trump said he was willing to release his returns but was unable to do so because he was being audited by the Internal Revenue Service. After Trump won the election, his senior adviser, Kellyanne Conway, told the ABC television news program "This Week" that the president had no plan to release his returns.

Critics have argued Trump could encounter conflicts of interest as president because of his far-flung business holdings, and contend he should release his returns to help the public determine whether conflicts exist. Democrats in the U.S. House and Senate are continuing to press the issue.

In Hawaii, Senate Judiciary Chairman Gil Keith-Agaran said SB 150 was introduced in part in response to Trump, "but really I think the public has gotten used to the idea that candidates for these high offices do disclose" their tax returns.

"I think that's the idea, that the tax returns or any kind of financial information probably is something that the public would be interested in knowing about their candidates," he said.

Lawmakers originally wanted to require presidential candidates to disclose their tax returns before they are allowed on Hawaii ballots, but Deputy Attorney General Deirdre Marie-Iha warned that approach might be unconstitutional.

Federal courts have ruled that the qualifications for federal offices are set by the U.S. Constitution, and states may not add their own additional requirements.

SB 150 and House Bill 1581 attempt to skirt that issue, and would dictate that the electors who are responsible for casting Hawaii's electoral votes are barred from voting for any presidential or vice presidential candidates who have not made their tax returns public. The state has the authority to impose requirements on the electors.

Keith-Agaran declined to guess whether the latest draft of the bill would survive a federal court challenge, but said, "I'm sure that the Attorney General's Office, which suggested this is one way to address this, will defend any law that we pass vigorously," he said.

The original bill was supported by the League of Women Voters of Hawaii, Common Cause Hawaii and Americans for Democratic Action Hawaii. The measure was opposed by the Libertarian Party of Hawaii, which argued the voters can decide for themselves whether candidates are fit to hold office.

SB 150 now goes to the full Senate for further consideration. House lawmakers have given preliminary approval to HB 1581, which contains provisions similar to the Senate bill. Ward was the only lawmaker to vote against the House bill.

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