

Top News

Hawaii tackles legal concern over candidate tax return bills

Associated Press

Posted March 17, 2017

March 17, 2017

Updated March 17, 2017 8:30pm



ASSOCIATED PRESS

Lawmakers in the Hawaii House voted on hundreds of bills on March 7. The House and Senate both passed separate bills to require presidential candidates to release copies of federal tax returns. But some experts are concerned the bills might face legal challenges.

Dozens of bills were introduced around the country to require presidential candidates to reveal their tax returns to get on the states' ballots. But some experts are concerned

the bills might face legal challenges, and states such as Hawaii are responding and changing their bills.

WHAT WAS THE CONCERN EXPRESSED BY THE HAWAII ATTORNEY GENERAL?

Hawaii Attorney General Doug Chin questioned whether the bills would survive a constitutional challenge. He cited previous cases concluding that states cannot set additional qualifications for congressional office. Chin said the bills should focus on the state's electors, suggesting states have more leeway there because the U.S. Constitution gives states power to determine how electors are chosen.

HOW DID THE HAWAII LEGISLATURE RESPOND TO THE AG'S CONCERNS?

Following the caution raised by the state attorney general, Hawaii lawmakers altered their bills to put the focus on members of the Electoral College rather than on the presidential candidates. In addition to requiring candidates to disclose tax returns to get on the ballot, Hawaii lawmakers added language to their bills saying electors can't vote for candidates that refuse to release their tax returns. They also inserted a clause saying if either part of the bill — the requirement that candidates release returns, or the part barring electors from voting for those who don't — is struck down in court, the other part still stands. Other states have made similar changes.

WHAT DO REPUBLICANS SAY ABOUT THE LEGISLATION?

Fritz Rohlfing, chairman of the Republican Party of Hawaii, called the proposals "over the top" and said it was hypocritical for lawmakers to support the legislation without saying it should apply across the board for all candidates.

Republican Rep. Gene Ward warned about possible repercussions, such as losing federal funding. "We have to respect our president," Ward said. "We have to work with our president."

WERE REPUBLICANS ALONE IN VOTING AGAINST HAWAII'S BILL?

No, nearly a dozen Democrats voted against the Hawaii House bill. Democratic Rep. Della Au Bellati said the state should be strategic in how it interacts with the administration and "should pick our battles wisely." But Democratic Rep. Matt Lopresti, who supported the bill, said, "I'm just dismayed that suddenly the tenor of the conversation is, 'Let's give in to fear.'"

IN HAWAII'S BILL, WHAT HAPPENS IF ELECTORS DON'T FOLLOW THE PROPOSED RULE?

If the bills eventually are signed into law by Hawaii's Democratic governor, it's unclear how they will be enforced. The bills do not create a penalty for electors who vote for candidates who fail to reveal their tax returns. After last year's election, one Hawaii

elector broke ranks and cast a vote for Bernie Sanders, yet has not been punished for doing so.

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