

HOUSE BILL NO. 560

INTRODUCED BY S. MORIGEAU

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING DISCLOSURE OF TAX RETURNS FOR CERTAIN CANDIDATES; PROVIDING FOR PUBLIC DISCLOSURE OF THE TAX RETURNS; PROHIBITING A CANDIDATE WHO FAILS TO PROVIDE THE RETURNS FROM HAVING THE CANDIDATE'S NAME LISTED ON A PRIMARY OR GENERAL ELECTION BALLOT; REQUIRING THE COMMISSIONER OF POLITICAL PRACTICES TO ADOPT RULES TO DETERMINE WHAT INFORMATION ON A RETURN MUST BE REDACTED BEFORE PUBLIC DISCLOSURE; AND AMENDING SECTIONS 13-25-101 AND 13-37-126, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Disclosure of tax returns of certain candidates -- penalty. (1) (a) By the close of candidate filing under 13-10-201(7) for a primary election, a candidate for the presidential preference primary or for an office listed in subsection (1)(c) shall submit to the commissioner of political practices a certified and complete copy of the candidate's federal income tax returns, as that term is defined in section 6103(b)(1) of the Internal Revenue Code, 26 U.S.C. 6103(b)(1), for the 3 most recent years and a signed consent form for the public disclosure of the returns.

(b) No later than 85 days before a general election, a candidate for the office of president or vice president whose electors have been certified by the secretary of state pursuant to 13-25-101 or a candidate for an office listed in subsection (1)(c) shall submit to the commissioner of political practices a certified and complete copy of the candidate's federal income tax returns, as that term is defined in section 6103(b)(1) of the Internal Revenue Code, 26 U.S.C. 6103(b)(1), for the 5 most recent years and a signed consent form for the public disclosure of the returns.

(c) The offices subject to the requirements in subsections (1)(a) and (1)(b) are a congressional office, governor or lieutenant governor, attorney general, secretary of state, superintendent of public instruction, state auditor, and public service commissioner.

(2) The commissioner of political practices shall prescribe the consent form and may adopt rules as necessary to implement the disclosure provisions of this section, including what information must be redacted from a candidate's returns before the returns are made available to the public. The commissioner shall make the

1 returns available on the commissioner's website.

2 (3) The name of a candidate who declines to submit the tax returns and consent form required by
3 subsection (1)(a) may not appear on the primary election ballot. The name of a candidate who declines to submit
4 the tax returns and consent form required by subsection (1)(b) may not appear on the general election ballot.

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6 **Section 2.** Section 13-25-101, MCA, is amended to read:

7 **"13-25-101. Nomination of electors -- ballot.** (1) In the manner and number provided by law, each
8 political party qualified under 13-10-601 shall nominate presidential electors for this state and file with the
9 secretary of state certificates of nomination in a form and by the date prescribed by the secretary of state.

10 (2) In the event of the death of a candidate for president or vice president after a certificate of nomination
11 has been filed, a new candidate for president or vice president, or both, may be nominated for the affected
12 political party and a new certificate of nomination may be filed with the secretary of state by the date prescribed
13 by the secretary of state.

14 (3) A candidate for election to the office of president or vice president may withdraw from the election
15 by sending a statement of withdrawal to the secretary of state. The statement of withdrawal:

16 (a) must contain all information necessary to identify the candidate and the office sought; and

17 (b) unless filed electronically, must be acknowledged by an officer empowered to acknowledge
18 signatures or by the officer of the office at which the filing is made.

19 (4) A candidate may not withdraw later than the deadline prescribed by the secretary of state for
20 nomination of presidential electors.

21 (5) The secretary of state shall certify to the election administrator the names of the candidates for
22 president and vice president of the several political parties, which must be placed on the ballot by one of the
23 methods provided in 13-12-204 unless otherwise prohibited by the provisions of [section 1].

24 (6) If the name of a new candidate for president or vice president, or both, is certified to the secretary
25 of state in less than 76 days pursuant to subsection (1), the secretary of state shall immediately certify the new
26 name or names to the election administrators and the new name or names must be placed on the ballot by one
27 of the methods provided in 13-12-204.

28 (7) The names of candidates for electors of president and vice president may not appear on the ballot."
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30 **Section 3.** Section 13-37-126, MCA, is amended to read:

1 **"13-37-126. Names not to appear on ballot.** (1) The name of a candidate may not appear on the official
2 ballot for an election if the candidate or a treasurer for a candidate fails to file any statement or report as required
3 by 2-2-106 or this chapter, including the tax returns and consent forms required by [section 1].

4 (2) A vacancy on an official ballot under this section may be filled in the manner provided by law, but not
5 by the same candidate.

6 (3) (a) In carrying out the mandate of this section, the commissioner shall, by a written statement, notify
7 the secretary of state and the election administrator conducting an election when a candidate or a candidate's
8 treasurer has not complied with 2-2-106 or the provisions of this chapter and that the candidate's name may not
9 appear on the official ballot.

10 (b) The commissioner shall provide the notification:

11 (i) 2 calendar days before the certification deadline provided in 13-10-208 for statewide primary elections
12 and 20-20-401 for school district elections; and

13 (ii) 7 days before the certification deadline provided in 13-12-201 for general elections."
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15 NEW SECTION. Section 4. Severability. If a part of [this act] is invalid, all valid parts that are severable
16 from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part
17 remains in effect in all valid applications that are severable from the invalid applications.
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19 NEW SECTION. Section 5. Codification instruction. [Section 1] is intended to be codified as an
20 integral part of Title 13, chapter 37, part 4, and the provisions of Title 13, chapter 37, part 4, apply to [section 1].
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