

SB 5078

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Bill Digest:

Requires candidates for president and vice president, within a certain amount of time before the presidential preference primary and/or the general presidential election, to: (1) Publicly release a copy of their federal income tax returns; or (2) File their federal income tax returns with the secretary of state; and (3) Provide written consent to the secretary of state for the public disclosure of the returns.

Talking Points:

1. Summarization
 - a. SB 5078 requires candidates for President and Vice President to release their past 5 years of tax returns in order to appear on the primary & general ballot.
2. Arguments for SB 5078
 - a. Information is needed for voters to estimate a candidate's risk for corruption and violation of the foreign emoluments clause.
 - i. The Emoluments Clause of the U.S. Constitution requires that the President not be beholden to foreign powers.
 1. Essentially disqualifies anyone deemed 'risky'
 - ii. Impossible to assess the risk of corruption via tax returns, see: (HRC)
 - b. It is essential that voters be able to see any foreign or domestic conflicts of interest.
 - i. Conflicts of interest arise everywhere and do not equal being corrupt and under foreign influence, though Democrats love to spin and would create narratives like this to win elections.
3. Arguments against SB 5078
 - a. Term limits were struck down because states can't add conditions on candidates for federal office. This might open the state up to liability due to data spills.
 - b. Potential unintended consequences. Courts have ruled against states adding qualifications to candidates for other federal offices. This could delay ballot printing and distribution.
 - c. Target: President Donald J Trump
 - i. SB 5078 would apply to the March 2020 presidential primary and general election
 - ii. The Senate report detailing the 'PRO' argument begins with:
 1. "The 2016 election upended a norm in our political culture for 40 years of presidential candidates releasing their returns"
 - d. Violates voter's rights
 - i. Voters should have the right to vote for whomever they please, tax returns or no tax returns. History shows that write-in candidates have an extreme disadvantage so this is not a good argument to dispel a voter's right to vote for whoever they want.