

SCOPE AND OBJECT RULINGS:

Senate Bill 5078

March 12, 2019

In responding to the Point of Order raised by Senator Liias as to whether Amendments 359, 343, and 344 are outside the scope of Senate Bill 5078, the President finds and rules as follows:

Senate Bill 5078 requires presidential and vice presidential candidates to release copies of their federal income tax returns for the last five years before they may appear on the ballot. The scope of the bill is extremely narrow in two respects. First, the class of covered entities is extremely small, being limited to the president and, in a general election, the president's running mate. Second, the scope of the bill is extremely narrow with regard to the information required to be disclosed.

Amendment 359 proposed by Senator Sheldon seeks to require presidential and vice presidential candidates to publicly disclose their high school and postsecondary grade point averages and graduating class rank before their names may appear on a presidential primary or general election ballot. The subject matter of what is required to be disclosed in the underlying bill is limited to tax returns for purposes of financial transparency. Because the scope of the bill is extremely narrow in this regard, adding these additional categories of information would impermissibly broaden scope of the underlying bill. As such, the President finds the amendment outside the scope of the underlying bill.

Amendment 343 proposed by Senator Ericksen seeks to require the speaker and minority leader of the State House of Representatives and the majority and minority leaders of the State Senate to publicly release their federal tax returns for the previous five years within thirty days of assuming their titles. This amendment relates to the underlying bill's narrowness with respect to entities covered by the bill. The underlying bill only applies to candidates for president and, in the general election, the president's running mate. Because there is this "class of one," there is a higher threshold when considering the addition of new individuals, and the amendment is out of scope in this regard. The President notes that his conclusion might be different if the underlying bill dealt with many different types of elected officials, versus just one.

The amendment also exceeds the scope because of the unique nature of presidential elections themselves. Under State law presidential elections are treated very differently from other types of elections. Presidential elections are not subject to the "top two" primary system, as are other partisan offices. There is a special primary for presidential candidates, unlike other offices. Presidential elections rely on the use of electors, unlike other offices. A bill addressing presidential elections, specifically, is narrow in its scope for this reason as well. The elected officials addressed in Amendment 343 are not even elected on the ballot, but are instead chosen by their fellow legislators. For these reasons, the President finds the amendment outside the scope of the underlying bill.

Amendment 344 proposed by Senator Ericksen seeks to require candidates for the United States Senate and the United States House of Representatives to publicly release a copy of their federal income tax returns for the previous five years before appearing on the ballot. Much like Amendment 343, this seeks to expand the "class of one" to add other federal elected officials. Again, the President finds that presidential elections are so unique under our laws from any other type of election, there is no reason to believe that adding members of Congress to the narrow class addressed in Senate Bill 5078 would fit within the scope of the underlying bill. The President declares the amendment outside the scope of the underlying bill, and thus out of order.