



Honest Elections Act: Section-by-Section Summary

Title I – Foreign Agents Registration Reform

Section 101. Clarification of Coverage of Activities Directed Within the United States by Agents Outside of the United States

- Amends the Foreign Agents Registration Act of 1938 (“FARA”) to expand its territorial jurisdiction to include foreign actors that engage in political activities outside the United States but direct those activities, and disseminate propaganda, through telecommunications or computer equipment, the Internet, broadcast, cable, satellite, print, etc.

Section 102. Application of Press Exemption to Other Forms of Media

- The term ‘agent of a foreign principal’ does not include any bona fide U.S. media outlet, so long as the outlet at least 80% of its ownership, and officers and directors if applicable, are U.S. citizens.
- The term “media outlet” means: (1) any newspaper, magazine, or periodical; (2) any broadcast, satellite, or cable television or radio station; or (3) any Internet-based website, application, or platform.

Section 103. Treatment of Activities to Influence Public Opinion on Elections as Political Activity

- Amends FARA to expand the definition of ‘political activities’ covered under the Act to include references to public opinion about public officials, candidates, or elections of the United States.
- This provision does not alter the Federal Election Campaign Act’s strict prohibition against foreign expenditures and contributions to influence elections; this provision compliments that provision and supports its enforcement.

Section 104. Effective date

- The effective date of this title is the day of enactment.

Title II – Disclaimer Requirements for Online Political Advertisements

Section 202. Clarifying Disclaimer Requirements for Online Political Advertisements

- Amends the Federal Election Campaign Act of 1971 (“FECA”) to authorize the use of alternative mechanisms to comply with the requirement to provide the following information:
 - (1) If paid for and authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication has been paid for by such authorized political committee, or
 - (2) If paid for by other persons but authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication is paid for by such other persons and authorized by such authorized political committee;
 - (3) If not authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state the name and permanent street address, telephone number, or World Wide Web address of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee.

- The alternative mechanism authorized may be any method where this information is one step away from the communication itself. Such a mechanism may take any form, including hover-over, mouse-over, voice-over, rollover, pop-up screen, scrolling text, rotating panels, or click-through or hyperlink to a landing page.
- If an alternative mechanism is used, an indicator must appear on the face of the ad indicating that the disclaimer is being presented using an alternative mechanism.
- A disclaimer is not required of any covered internet communication that cannot provide a clear and conspicuous statement of the information required under this section either on the face of the communication or through the use of an alternative mechanism described above.
- The effective date of this section is the expiration of a 30-day period which begins on the date of enactment.

Title III – Reducing Illicit Foreign Money in Elections

Section 301. Report on Illicit Foreign Money in Federal Elections

- Amends FECA to require the FEC to submit a report to Congress within 180 days after the end of each election cycle containing:
 - (1) An analysis of the presence of illicit foreign money in such cycle and
 - (2) Recommendations to address the presence of illicit foreign money in elections.

Section 302. Prohibition on Contributions and Donations by Foreign Nationals in Connection with Ballot Initiatives and Referenda

- Amends FECA to expand the prohibition on spending by foreign nationals in elections to include state and local ballot initiatives and referendums.

Title IV – Prohibiting Payment of Election Assistance Funds to States Allowing Ballot Harvesting

Section 401. Prohibition on Payments to States to Allow Collection and Transmission of Ballots by Certain Third Parties

- Amends the Help America Vote Act of 2002 (“HAVA”) to prohibit grant payments to states that allow the collection and transmission of ballots by certain third parties.
- Exceptions to this rule include:
 - (1) An election official while engaged in official duties authorized by law;
 - (2) An employee of the U.S. Postal Service while engaged in official duties as authorized by law;
 - (3) Any other individual who is allowed by law to collect and transmit U.S. mail, while engaged in duties as authorized by law;
 - (4) A family member, household member, or caregiver of the person to whom the ballot was mailed.

Title V – Prohibiting Payment of Election Assistance Funds to States Allowing Voting by Non-Citizens

Section 501. Prohibition on Payments to States Allowing Voting by Non-Citizens

- Amends HAVA to prohibit grant payments to states that allow individuals that are not citizens of the U.S. to vote in an election for public office.