

109TH CONGRESS
2D SESSION

H. R. 5777

To amend the Help America Vote Act of 2002 to prohibit a State receiving payments under such Act from using the payments for public communications which promote or oppose a candidate for public office or political party.

IN THE HOUSE OF REPRESENTATIVES

JULY 12, 2006

Mr. PEARCE introduced the following bill; which was referred to the
Committee on House Administration

A BILL

To amend the Help America Vote Act of 2002 to prohibit a State receiving payments under such Act from using the payments for public communications which promote or oppose a candidate for public office or political party.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fair Voter Education
5 Act of 2006”.

1 **SEC. 2. PROHIBITING USE OF ELECTION ADMINISTRATION**
2 **FUNDS FOR PUBLIC COMMUNICATIONS PRO-**
3 **MOTING OR OPPOSING CANDIDATES OR PO-**
4 **LITICAL PARTIES.**

5 (a) PROHIBITING USE OF FUNDS.—

6 (1) INITIAL PAYMENTS TO IMPROVE ADMINIS-
7 TRATION OF ELECTIONS.—Section 101(b)(2) of the
8 Help America Vote Act of 2002 (42 U.S.C.
9 15301(a)(2)) is amended—

10 (A) by striking “or” at the end of subpara-
11 graph (A);

12 (B) by striking the period at the end of
13 subparagraph (B) and inserting “; or”; and

14 (C) by adding at the end the following new
15 subparagraph:

16 “(C) to disseminate any communication to
17 educate voters concerning voting procedures,
18 voting rights, or voting technology which di-
19 rectly or indirectly promotes or opposes a can-
20 didate for public office or a political party, in-
21 cluding a communication with images, symbols,
22 or other content which emphasizes a particular
23 candidate or party (such as pointing to a spe-
24 cific name or party on a ballot), except that a
25 communication shall not be considered to pro-
26 mote a candidate or party under this subpara-

1 graph solely because it includes the name of an
2 election official who is also a candidate for pub-
3 lic office.”.

4 (2) REQUIREMENTS PAYMENTS FOR VOTING IN-
5 FORMATION.—Section 251(f) of such Act (42 U.S.C.
6 15401(f)) is amended—

7 (A) by striking “or” at the end of para-
8 graph (1);

9 (B) by striking the period at the end of
10 paragraph (2) and inserting “; or”; and

11 (C) by adding at the end the following new
12 paragraph:

13 “(3) to disseminate any voting information de-
14 scribed in section 302(b)(2) (without regard to the
15 date on which the information is disseminated)
16 which directly or indirectly promotes or opposes a
17 candidate for public office or a political party, in-
18 cluding information with images, symbols, or other
19 content which emphasizes a particular candidate or
20 party (such as pointing to a specific name or party
21 on a ballot), except that a piece of voting informa-
22 tion shall not be considered to promote a candidate
23 or party under this paragraph solely because it in-
24 cludes the name of an election official who is also a
25 candidate for public office.”.

1 **SEC. 3. EFFECTIVE DATE.**

2 The amendments made by this Act shall apply with
3 respect to communications and information disseminated
4 on or after the date of the enactment of this Act.

