

Sec. 4—Elections

Cl. 1—Times, Places, and Manner

and corporations from making contributions in federal elections.³⁷⁵ The Corrupt Practices Act, first enacted in 1910 and replaced by another law in 1925, extended federal regulation of campaign contributions and expenditures in federal elections,³⁷⁶ and other acts have similarly provided other regulations.³⁷⁷ Because of the close relationship between political spending and political speech, these laws have come under First Amendment scrutiny by the Court.³⁷⁸

As noted above, although § 2, cl. 1, of this Article vests in the states the responsibility, now limited, to establish voter qualifications for congressional elections, the Court has held that the right to vote for Members of Congress is derived from the Federal Constitution,³⁷⁹ and that Congress therefore may legislate under this section of the Article to protect the integrity of this right. Thus, the right to cast a ballot and to have it counted honestly³⁸⁰ and the right to be free from personal violence and intimidation may be secured.³⁸¹ The integrity of the process may also be safeguarded against a failure to count ballots lawfully cast³⁸² or against the dilution of their value by the stuffing of the ballot box with fraudulent ballots.³⁸³ Under this power, Congress may protect the right of suffrage against both official and private abridgment,³⁸⁴ so that the right to vote in a primary election, an integral part of the procedure of choice, is subject to congressional protection.³⁸⁵ But the bribery of voters, although within reach of congressional power under other clauses of the Constitution, is not an interference with the rights guaranteed by this section to other qualified voters.³⁸⁶

³⁷⁵ Act of January 26, 1907, 34 Stat. 864, repealed by Pub. L. 94-283, Title II, § 201(a), 90 Stat. 496 (1976). Current law on the subject is codified at 2 U.S.C. § 441b.

³⁷⁶ Act of February 28, 1925, 43 Stat. 1070, 2 U.S.C. §§ 241-256. Comprehensive regulation is now provided by the Federal Election Campaign Act of 1971, 86 Stat. 3, and the Federal Election Campaign Act Amendments of 1974, 88 Stat. 1263, as amended, 90 Stat. 475, found in titles 2, 5, 18, and 26 of the U.S. Code. See *Buckley v. Valeo*, 424 U.S. 1 (1976).

³⁷⁷ *E.g.*, the Hatch Act, relating principally to federal employees and state and local governmental employees engaged in programs at least partially financed with federal funds, 5 U.S.C. §§ 7324-7327.

³⁷⁸ See First Amendment, Government as Regulator of the Electoral Process: Elections and Referendums, *supra*.

³⁷⁹ *United States v. Classic*, 313 U.S. 299, 314-15 (1941), and cases cited.

³⁸⁰ *United States v. Mosley*, 238 U.S. 383 (1915); *United States v. Saylor*, 322 U.S. 385, 387 (1944).

³⁸¹ *Ex parte Yarbrough*, 110 U.S. 651 (1884).

³⁸² *United States v. Mosley*, 238 U.S. 383 (1915).

³⁸³ *United States v. Saylor*, 322 U.S. 385 (1944).

³⁸⁴ 313 U.S. at 315; *Buckley v. Valeo*, 424 U.S. 1, 13 n.16 (1976).

³⁸⁵ *United States v. Classic*, 313 U.S. 299, 315-321 (1941). The authority of *Newberry v. United States*, 256 U.S. 232 (1921), to the contrary has been vitiated. *Cf. United States v. Wurzbach*, 280 U.S. 396 (1930).

³⁸⁶ *United States v. Bathgate*, 246 U.S. 220 (1918); *United States v. Gradwell*, 243 U.S. 476 (1917).