To accomplish the ends under this clause, Congress may adopt the statutes of the states and enforce them by its own sanctions.[387] It may punish a state election officer for violating his duty under a state law governing congressional elections.[388] It may, in short, use its power under this clause, combined with the Necessary and Proper Clause, to regulate the times, places, and manner of electing Members of Congress so as to fully safeguard the integrity of the process. It may not, however, under this clause, provide different qualifications for electors than those provided by the states.[389]

State authority to regulate the "times, places, and manner" of holding congressional elections has also been tested, and has been described by the Court as "embrac[ing] authority to provide a complete code for congressional elections . . . ; in short, to enact the numerous requirements as to procedure and safeguards which experience shows are necessary in order to enforce the fundamental right involved."[390] The Court has upheld a variety of state laws designed to ensure that elections—including federal elections—are fair and honest and orderly.[391] But the Court distinguished state laws that go beyond "protection of the integrity and regularity of the election process," and instead operate to disadvantage a particular class of candidates.[392] Term limits, viewed as serving the dual purposes of "disadvantaging a particular class of candidates and evading the dictates of the Qualifications Clause," crossed this line,[393] as did ballot labels identifying candidates who disregarded voters' instructions on term limits or declined to pledge support for them.[394] "[T]he Framers understood the Elections Clause as a grant of authority to issue procedural regulations, and not as a source of power to dic-

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[387] *Ex parte* Siebold, 100 U.S. 371 (1880); *Ex parte* Clarke, 100 U.S. 399 (1880); United States v. Gale, 109 U.S. 65 (1883); *In re* Coy, 127 U.S. 731 (1888).

[388] *Ex parte* Siebold, 100 U.S. 371 (1880).

[389] In Oregon v. Mitchell, 400 U.S. 112 (1970), however, Justice Black grounded his vote to uphold the age reduction in federal elections and the presidential voting residency provision sections of the Voting Rights Act Amendments of 1970 on this clause. Id. at 119–35. Four Justices specifically rejected this construction, id. at 209–12, 288–92, and the other four implicitly rejected it by relying on totally different sections of the Constitution in coming to the same conclusions as did Justice Black.

[390] Smiley v. Holm, 285 U.S. 355, 366 (1932).

[391] *See*, *e.g.*, Storer v. Brown, 415 U.S. 724 (1974) (restrictions on independent candidacies requiring early commitment prior to party primaries); Roudebush v. Hartke, 405 U.S. 15, 25 (1972) (recount for senatorial election); and Munro v. Socialist Workers Party, 479 U.S. 189 (1986) (requirement that minor party candidate demonstrate substantial support—1% of votes cast in the primary election—before being placed on ballot for general election).

[392] U.S. Term Limits, Inc. v. Thornton, 514 U.S. 779, 835 (1995).

[393] U.S. Term Limits, Inc. v. Thornton, 514 U.S. 779 (1995).

[394] Cook v. Gralike, 531 U.S. 510 (2001).