



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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Activities and projects are divided into odd and even years to facilitate different election cycles, and into first and second semester applications to fit the curriculum.

## Odd Years:

- Students will identify city council members or county commissioners who represent them. If council members or commissioners are elected by district, a map should be provided for students to label. NOTE: County Commission elections are often held in an even year.
- Students will: 1) identify the requirements for holding these positions, 2) identify the job responsibilities and 3) identify the length of terms. See [Idaho State Constitution, Article XVIII](#)
- Students will identify the dates for filing for election, and the dates for the primary and the general election. These elections are usually held in odd years.
- Students, in groups of two or three, will be assigned a candidate to interview or research. See [Candidate Evaluation Forms](#) for assistance in this activity. Each group must provide a telephone number for volunteers who might wish to work for the candidate.
- Students will “present” their candidate before the class. Listeners will be expected to note personal attributes as well as issues the candidate supports.
- Points can be given for any student who, after hearing the presentation, volunteers to help in a candidate’s campaign.
- The teacher will provide information for students who wish to register to vote. See [Idaho State Constitution, Article VI](#).
- The teacher will provide information on polling places for students.
- Enrichment activity: Teacher will conduct a mock election. Check [Internet Resources](#) and the Civic Participation section of the CD for reference sites.

Other standards applied:                    502.01 a. Politics and Government  
                                                          506.01 c. Electoral Process  
                                                          506.01 d. Citizenship



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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## Even Years:

Every other even year, the State of Idaho will elect its officers:

- Students will identify the dates for filing for election and the dates for the primary and the general election. .
- The teacher will help students identify each of the offices that will hold an election, the qualifications for the office, and the job responsibilities of the position. See [Article IV, Idaho State Constitution](#).
- Students, in groups of two or three, will be assigned a candidate to interview or research. See [Candidate Evaluation Forms](#) for assistance in this activity. Each group must provide a telephone number for volunteers who might wish to work for the candidate.
- Students will “present” their candidate before the class. Listeners will be expected to note personal attributes as well as issues the candidate supports.
- Points can be given for any student who, after hearing the presentation, volunteers to help in a candidate’s campaign.
- The teacher will provide information for students who wish to register to vote. See [Idaho State Constitution, Article VI](#).
- The teacher will provide information on polling places for students.
- Enrichment activity: The teacher will conduct a mock election. Check [Internet Resources](#) for reference sites.

Other standards applied:

502.01 a. Politics and Government

**504.01 e. Political Parties (Power Standard)**

506.01 c. Electoral Process

506.01 d. Citizenship



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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## First Semester:

- The teacher will provide the students with the time and place for city council or county commissioner meetings. See [Internet Resources](#).
- Throughout the semester, each student should attend one meeting. Time should be allotted the next school day following the meeting for students to summarize and evaluate the meeting. Please see the [Assessment Portfolio, Project 13](#).
- Students should provide notes, summary and evaluation of the meeting attended in writing.
- Throughout the semester, students will identify two issues or community concerns facing the council or the commission. The teacher has an opportunity to assist students who might have an opinion on these issues or others, and encourage letter writing or emailing. Students may wish to share responses to these letters or emails with other class members. Please see the [Assessment Portfolio, Project 20](#)
- Enrichment activity: See [Project Citizen](#).

Other standards applied:

506.01 a. **Personal Responsibility (Power Standard)**  
506.01 d. Citizenship



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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## Second Semester:

- Students will identify the State Senator and two State Representatives who represent them. A legislative map should be provided for students to label; each student will then identify the three people who are elected from that district. A legislative map of Ada County is provided in this document.
- Students will: 1) identify the requirements for holding these elected positions, 2) identify the job responsibilities and 3) identify the length of terms. See [Idaho State Constitution, Article III](#).
- The teacher will conduct a [Mock Legislature](#) for students during the course of the Idaho Legislative session. Actual bills from the session will be used, and the teacher will attempt to replicate, as much as possible, the structure and procedures of the Idaho Legislature.
- See [Mock Legislature Meeting Guide](#) for complete instructions on the process which can be modified to fit the needs of the teacher and/or class.
- Check [Internet Resources](#) for reference sites.

Other standards applied: **504.01 b. Functions of Government (Power Standard)**



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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Internet Resources by designated subsection:

**Odd years:**

- <http://www.statelocalgov.net>
- [www.state.id.us](http://www.state.id.us)
- [www.idcounties.org](http://www.idcounties.org)
- [www.idahocities.org/](http://www.idahocities.org/)
- [Idaho Blue Book](#): pp214-231, Idaho Counties and Officials; City information
- [Idaho State Constitution](#): Article VI Suffrage and Elections and Article XVIII, County Organizations

**Even years:**

- [http://dir.yahoo.com/Regional/U\\_S\\_States/Idaho/Government/Elected](http://dir.yahoo.com/Regional/U_S_States/Idaho/Government/Elected)
- <http://www.accessIdaho.org/>
- [Idaho Blue Book](#): Ch. 3-Executive Branch, pp45-54; p.240 Political Party Officials; p.234-Voter Qualifications and Registration
- [Idaho State Constitution](#): Article IV- Executive Department; Article VI - Suffrage and Elections.

**First Semester:**

Use the sites recommended for Odd and Even Years; Use of the [Idaho Blue Book](#) is also recommended.

**Second Semester:**

- [Idaho Blue Book](#): pp. 129-158, Idaho Legislature.
- <http://www2.state.id.us/legislat/>
- <http://www.jimslaughter.com>
- [Idaho State Constitution](#): Article III - Legislative Branch.





# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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Application #1 for use in Civic Participation, Odd and Even Years.

## CANDIDATE PRESENTATIONS:

NAME OF CANDIDATE: \_\_\_\_\_

OFFICE BEING SOUGHT : \_\_\_\_\_

1. List and explain two background facts that are important to you in evaluating this candidate.
2. List and describe at least two positions that this candidate has taken on issues that concern you.
3. Note any issues that are not mentioned or that the candidate does not answer to your satisfaction.
4. List any campaign slogan/ key phrases used on yard signs, advertisements and literature for this candidate.
5. Would you vote for this candidate? Explain, using specific reasons.



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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Application #2 for use in Civic Participation, Odd and Even Years.

## Candidate Presentations—Assignment Instructions

Each candidate will be presented to the class by groups of two or three. Each presentation should be about seven minutes in length. Creativity will be rewarded! Some ideas for your presentations are:

- Talk shows
- Skits
- Game Shows
- Interviews

Don't be limited by these ideas. The format is up to your group. Make this project enjoyable for your group and the class.

## Criteria for Grading:

### **Background:**

Up to \_\_\_?\_\_\_ points will be given for your ability to describe the background of the candidate.

The following should be included:

- Biographical information which includes age, occupation, education, family and other pertinent facts.
- Description of experiences the candidate has had which you feel are relevant.
- Personality traits which you can explain or show to make the candidate more real to the audience.

### **Issues:**

Up to \_\_\_?\_\_\_ points will be given for your analysis of your candidate's position on important issues. You must include a minimum of at least four issues. Some possible topics are:

- Environment
- Education
- Agriculture
- Crime
- Health Care
- Budget

Do not limit yourselves to these issues. You may include any issue about which your candidate feels strongly.

## **Creativity/Delivery**



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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Up to   ?   points will be given for your ability to present your candidate to the audience in a fashion which is clever and interesting.



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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## Conducting a Mock Legislature

In preparation for this activity, the teacher should go on-line to the [Idaho Legislature website](#) and select from actual bills printed for the legislative term.

The following committees can be created for each of the House of Representatives and Senates: (Each committee should have at least seven bills.)

1. State Affairs
2. Judiciary and Rules
3. Education
4. Miscellaneous (this is a committee which will receive bills of interest that don't fit the other three committees.)

Divide classes so that an even number are the House of Representatives and the Senate. (Working with at least one other teacher is the easiest method for implementing the mock legislature.)

Process:

- Students caucus on a party basis and choose a candidate for Governor and Lt. Governor.
- If combining with another teacher, a primary election can be held for each party.
- A general election should be held to elect a Governor and Lt. Governor of the class. The class electing the Lt. Governor (President of the Senate) then becomes the Senate.
- After the general election, the governor should be given a copy of all bills in order to prepare a "State of the Classroom" address. Once the legislature has convened, the Governor can deliver the address before a joint session at the discretion of the President ProTempore and the Speaker.
- Students should caucus in the House and Senate on the basis of political party, and choose leadership. The majority party in the House will choose the Speaker, Majority Leader, and Assistant Majority Leader; the minority party will choose the Minority Leader and Assistant Minority Leader. The majority party in the Senate will choose the Pro Tempore, Majority Leader and Assistant Majority Leader; the minority party will choose the Assistant Minority and Minority leaders.
- Committees will be formed and the majority party will have the most members, as well as choose a committee chair. (Use of age, instead of seniority, is a means of selecting the chair.)
- The President of the Senate and House Speaker should be provided a guide for conducting a daily meeting. (See Complete Printable Application



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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for Students.) After all bills have been given their first reading on the first day of the session, a recess to committee can be called. Leadership can determine the order of business from this point on. Once all bills have been taken care of in committee, sponsors selected, and bills sent to the second reading, committee members should have an opportunity to write their own bills.

- This activity requires at least six school days to operate in order to give students a sense of ownership. After each legislature has adjourned, the governor is expected to make a report to the legislature regarding each bill that reached the Governor's desk.



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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Guides for President of the Senate and Speaker of the House.

## **President of the Senate**

To begin the session:

Bang the gavel 3 times and say: "The Senate will come to order"

### **1st order of business - Roll call**

"The secretary will take the roll."

"The secretary will announce the order of business."

### **5th order - Presentation of petitions, resolutions, & memorials**

"The secretary will read the petitions, resolutions and memorials by number and title only."

### **6th order - Reports of standing committees**

The Committee Chair says, "The \_\_\_\_\_ committee reports out \_\_\_\_\_ bill # \_\_\_\_\_ with a \_\_\_\_\_ recommendation."

### **10th order - Motions on petitions, resolutions, memorials**

#### **(Reading)**

The secretary begins to read the petition, resolution or memorial.

The sponsor rises and says, "Mr. President."

President asks, "For what reason does the Senator rise?"

The sponsor says, "Mr. President, I ask unanimous consent that further reading of the memorial (resolution) be dispensed with and placed before the Senate."

The President says, "There being no objection, the Senator has the floor."



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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## **(Debate)**

The sponsor says, "Mr. President, I move the adoption of Senate Memorial (resolution) number \_\_\_\_\_."

The President Pro Tem or Majority Leader or Assistant ML seconds it.

"The Senator has the floor to open debate." (debate proceeds)

"Is there further debate?"

"Hearing none, the Senator from \_\_\_\_\_ may close debate." (sponsor closes debate)

## **(Voting)**

"Debate being closed, shall Joint Memorial \_\_\_\_\_ (or Concurrent resolution) pass the Senate."

"All those in favor signify by saying AYE."

"Those opposed, NAY."

"The Chair rules the \_\_\_\_\_ have it."

"Senate Joint Memorial (or Concurrent Resolution) \_\_\_\_\_ having PASSED the Senate, will be transmitted to the House."

OR: "Senate JM( CR) \_\_\_\_\_ having FAILED the Senate, will be filed with the Secretary of the Senate."

## **11th order - Introduction, 1st reading and reference of BILLS**

### **(Reading)**

"The secretary will read the bills on 1st reading."

The PPT or Majority Leader: "Mr. President, I ask unanimous consent that all bills on 1st reading be read by number, author and title only and the journal show they have been read at length."

"There being no objection, the clerk will read the bills."

Once all have been read, the President announces to which committee they are referred.

"Senate Bill \_\_\_\_\_ to \_\_\_\_\_ committees, Senate Bill \_\_\_\_\_ to \_\_\_\_\_ Committee, etc."



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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## 12th order - 2nd reading

### (Reading)

"The secretary will read the bills on the 2nd reading."

PPT or ML will rise to say, "I ask unanimous consent that all bills on the 2nd reading be read by number and author only and the Journal show they have been read at length."

"There being no objection, the secretary will read the bills."

## 13th order - 3rd reading, debate and vote on BILLS

### (Reading)

The secretary begins to read the bill in its entirety. "Senate Bill \_\_\_\_\_ . . . . ."

The Senator sponsoring the bill rises and says, "Mr. President."

The President asks, "For what purpose does the Senator rise?"

The Senator responds, "Mr. President, I ask unanimous consent that further reading of SB \_\_\_\_\_ be dispensed with and that the Journal show it has been read through at length, section by section, and placed before the Senate for final consideration."

The President says, "There being no objection, the Senator has the floor to open debate."

### (Debate)

Once finished any other Senator may rise to debate, first saying, "Mr. President." The President asks, "For what purpose does the Senator rise?"

The Senator says, "To debate the Bill."

The President responds, "The Senator has the floor."

When the debate is finished the President asks, "Is there further debate?"



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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"Hearing none, Senator \_\_\_\_\_ (the sponsor) may close debate." (the sponsor closes debate)

## **(Questions during debate)**

A Senator rises and says, "Mr. President."

The President responds, "For what purpose does the Senator rise?"

The Senator says, "Mr. President, will the Senator yield for a question?"

The Senator who has the floor says, "I will." OR "No."

OR "When I am through with my debate, I will yield."

The President responds, "The Senator yields." OR "The Senator does not yield." OR "The Senator will yield at the end of debate. The Senator may continue with debate."

## **(Voting)**

The President says, "Debate being closed, the question is, shall Senate bill \_\_\_ pass the Senate?"

The secretary will call the role." (The secretary calls the role.)

The President says, "\_\_\_ (#) Ayes \_\_\_ (#) Nays. The bill having passed the Senate, it will be transmitted to the House." OR "The bill having failed to pass, it will be filed with the Secretary of the Senate."

## **15th order - Miscellaneous business**

For an announcement, an introduction, a personal expression, a joke or anything unusual a Senator may rise and say, "Mr. President, may I rise for a point of personal privilege."

The president says, "The Senator has the floor."

## **(Adjournment)**

The PPT or ML rises to say, "Mr. President, I move we adjourn."  
The ML or assistant ML seconds the motion.



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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The President says, "The Senate stands adjourned until March \_\_\_ at \_\_\_ o'clock."  
Pound the gavel once.

## **Speaker of the House**

To begin the session: Bang the gavel 3 times and say "The House will come to order"

### **1st order of business - Roll call**

"The clerk will take the roll."

"The clerk will announce the order of business."

### **5th order - Reports of standing committees**

The Committee Chair says, "The \_\_\_\_\_ committee reports out \_\_\_\_\_ bill  
# \_\_\_\_\_ with a \_\_\_\_\_ recommendation."

7th order - Motions on petitions, resolutions, memorials

### **(Reading)**

The Speaker says, "The clerk will read the petitions, resolutions and memorials by  
number and title only."

The Clerk begins to read the petition, resolution, or memorial.

The sponsor rises and says, "Mr. Speaker."

The Speaker asks, "For what reason does the Representative rise?"

The sponsor says, "Mr. Speaker, I ask unanimous consent that further reading of the  
memorial (resolution) be dispensed with and it be placed before the House."

The Speaker says, "There being no objection, the Representative has the floor."



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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## **(Debate)**

The sponsor says, "Mr. Speaker, I move the adoption of House Memorial (resolution) number \_\_\_\_\_."

The Majority or Minority Leader or assistant seconds it.

"The Representative has the floor to open debate." (debate proceeds)

"Is there further debate?"

"Hearing none, the Representative from \_\_\_\_\_ may close debate." (sponsor closes debate)

## **(Voting)**

"Debate being closed, shall Joint Memorial \_\_\_\_\_ (or Concurrent Resolution) pass the House?"

"All those in favor signify by saying AYE. Those opposed, NAY. The Chair rules the AYE's have it (or the NAY's)."

"House Joint Memorial (or Concurrent Resolution) \_\_\_\_\_ having PASSED the House, will be transmitted to the Senate." OR "House JM(CR) \_\_\_\_\_ having FAILED the House, will be filed with the Clerk of the House."

## **8th order - Introduction, 1st reading and reference of BILLS and JOINT RESOLUTIONS**

### **(Reading)**

"The Clerk will read the bills on 1st reading."

The Majority Leader: "Mr. Speaker, I ask unanimous consent that all bills on 1st reading be read by number, author and title only and the journal show they have been read at length."

"There being no objection, the clerk will read the bills."



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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Once all have been read, the Speaker announces to which committee they are referred.  
"House Bill \_\_\_\_\_ to \_\_\_\_\_ committees, House Bill \_\_\_\_\_ to \_\_\_\_\_  
committee, etc."

## **10th order - 2nd reading of BILLS and JOINT RESOLUTIONS**

### **(Reading)**

"The clerk will read the bills (resolutions) on the 2nd reading."

ML will rise to say, "I ask unanimous consent that all bills on the 2nd reading be read by number and author only and the Journal show they have been read at length."

"There being no objection, the Clerk will read the bills."

## **11th order - 3rd reading, debate and vote on BILLS and JOINT RESOLUTIONS**

### **(Reading)**

The Clerk begins to read the bill in its entirety. "House Bill \_\_\_\_\_ . . . . ."

The Representative sponsoring the bill rises and says, "Mr. Speaker."

The Speaker asks, "For what purpose does the Representative rise?"

The Representative responds, "Mr. Speaker, I ask unanimous consent that further reading of HB \_\_\_\_\_ be dispensed with and that the Journal show it has been read through at length, section by section, and placed before the House for final consideration."

The Speaker says, "There being no objection, the Representative has the floor to open debate."

### **(Debate)**

Once finished any other Representative may rise to debate, first saying, "Mr. Speaker."

The Speaker asks, "For what purpose does the Representative rise?"

The Representative says, "To debate the Bill."



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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The Speaker responds, "The Representative has the floor."

When the debate is finished the Speaker asks, "Is there further debate?"

"Hearing none, Representative \_\_\_\_\_ (the sponsor) may close debate." (the sponsor closes debate)

### **(Questions during debate)**

A Representative rises and says, "Mr. Speaker."

The Speaker responds, "For what purpose does the Representative rise?"

The Representative says, "Mr. Speaker, will the Representative yield for a question?"

The Representative who has the floor says, "I will." OR "No." OR "When I am through with my debate, I will yield."

The Speaker responds, "The Representative yields." OR "The Representative does not yield." OR "The Representative will yield at the end of debate."

The Representative may continue with debate."

### **(Voting)**

The Speaker says, "Debate being closed, the question is, shall House Bill \_\_\_ pass the House?"

The Clerk will call the role." (The clerk calls the role.)

The Speaker says, "\_\_\_ (#) Ayes \_\_\_ (#) Nays. The bill having passed the House, it will be transmitted to the Senate. "OR "The bill having failed to pass, it will be filed with the Clerk of the House."



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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## **15th order – Announcements**

For an announcement, an introduction, a personal expression, a joke or anything unusual a Representative may rise and say, "Mr. Speaker, may I rise for a point of personal privilege."

The Speaker says, "The Representative has the floor."

## **16th order - Adjournment**

The ML rises to say, "Mr. Speaker, I move we adjourn."

The assistant majority leader seconds the motion.

The Speaker says, "The House stands adjourned until March \_\_\_ at \_\_\_ o'clock." Pound the gavel once.



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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## **HOUSE BILL NO. 562**

Bill Text  
LEGISLATURE OF THE STATE OF IDAHO  
Fifty-seventh Legislature Second Regular Session - 2004

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 562

BY STATE AFFAIRS COMMITTEE

AN ACT RELATING TO CONDUCT OF ELECTIONS; AMENDING SECTION 34-303, IDAHO CODE, TO AUTHORIZE APPOINTMENT OF STUDENTS TO ELECTION BOARDS UNDER CONDITIONS SPECIFIED.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 34-303, Idaho Code, be, and the same is hereby amended to read as follows:

34-303. APPOINTMENT OF ELECTION JUDGES BY COUNTY CLERK. The county clerk shall appoint two (2) or more election judges, one (1) of whom shall be designated chief judge, and the number of clerks deemed necessary by him for each polling place. In the event a single polling place is designated for two (2) or more precincts, an individual may serve simultaneously on the election board for two (2) or more precincts thus served by a single polling place. The precinct committeemen shall recommend persons for the position in their respective precincts to the county clerk in writing at least ten (10) days prior to the date on which any appointment shall be made and the county clerk shall appoint the judges from such lists if the persons recommended are qualified.

The chief election judge shall be responsible for the conduct of the proceedings in the polling place. Compensation for all election personnel shall be determined by the board of county commissioners, and not less than the minimum wage as prescribed by the laws of the state of Idaho.

Each election board shall contain personnel representing all existing political parties if a list of applicants has been provided to the county clerk by the precinct committeemen of the precincts at least sixty (60) days prior to the primary election.



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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**In order to provide for a greater awareness of the election process, the rights and responsibilities of voters and the importance of participating in the electoral process, as well as to provide additional members of precinct boards, a county clerk may appoint not more than two (2) students per precinct to serve under the direct supervision of election board members designated by the county clerk. A student may be appointed, notwithstanding lack of eligibility to vote, if the student possesses the following qualifications:**

**(1) Is at least seventeen (17) years of age at the time of the election for which he or she is serving as a member of an election board.**

**(2) Is a citizen of the United States.**

## Statement of Purpose / Fiscal Impact

### STATEMENT OF PURPOSE

RS 13588

This legislation will help increase the awareness of the election process with high school seniors by involving up to two (2) seventeen (17) year olds as poll workers. It will also increase the pool of potential election workers.

### FISCAL IMPACT

This legislation will have no impact on the state general fund and minimal impact to the counties.



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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## 1965 Voting Rights Act

AN ACT To enforce the fifteenth amendment to the Constitution of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Voting Rights Act of 1965."

SEC. 2. No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color.

SEC. 3. (a) Whenever the Attorney General institutes a proceeding under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court shall authorize the appointment of Federal examiners by the United States Civil Service Commission in accordance with section 6 to serve for such period of time and for such political subdivisions as the court shall determine is appropriate to enforce the guarantees of the fifteenth amendment (1) as part of any interlocutory order if the court determines that the appointment of such examiners is necessary to enforce such guarantees or (2) as part of any final judgment if the court finds that violations of the fifteenth amendment justifying equitable relief have occurred in such State or subdivision: Provided, That the court need not authorize the appointment of examiners if any incidents of denial or abridgement of the right to vote on account of race or color (1) have been few in number and have been promptly and effectively corrected by State or



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

(b) If in a proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court finds that a test or device has been used for the purpose or with the effect of denying or abridging the right of any citizen of the United States to vote on account of race or color, it shall suspend the use of tests and devices in such State or political subdivisions as the court shall determine is appropriate and for such period as it deems necessary.

(c) If in any proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court finds that violations of the fifteenth amendment justifying equitable relief have occurred within the territory of such State or political subdivision, the court, in addition to such relief as it may grant, shall retain jurisdiction for such period as it may deem appropriate and during such period no voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect at the time the proceeding was commenced shall be enforced unless and until the court finds that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color: Provided, That such qualification, prerequisite, standard, practice, or procedure may be enforced if the qualification, prerequisite, standard, practice, or



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission, except that neither the court's finding nor the Attorney General's failure to object shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure.

SEC. 4. (a) To assure that the right of citizens of the United States to vote is not denied or abridged on account of race or color, no citizen shall be denied the right to vote in any Federal, State, or local election because of his failure to comply with any test or device in any State with respect to which the determinations have been made under subsection (b) or in any political subdivision with respect to which such determinations have been made as a separate unit, unless the United States District Court for the District of Columbia in an action for a declaratory judgment brought by such State or subdivision against the United States has determined that no such test or device has been used during the five years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color: Provided, That no such declaratory judgment shall issue with respect to any plaintiff for a period of five years after the entry of a final judgment of any court of the United States, other than the denial of a declaratory judgment under this section, whether entered prior to or after the enactment of this Act, determining that denials or abridgments of the right to vote on account of race or color through the use of such tests or devices have occurred anywhere in the territory



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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of such plaintiff. An action pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court. The court shall retain jurisdiction of any action pursuant to this subsection for five years after judgment and shall reopen the action upon motion of the Attorney General alleging that a test or device has been used for the purpose or with the effect of denying or abridging the right to vote on account of race or color.

If the Attorney General determines that he has no reason to believe that any such test or device has been used during the five years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color, he shall consent to the entry of such judgment

(b) The provisions of subsection (a) shall apply in any State or in any political subdivision of a state which (1) the Attorney General determines maintained on November 1, 1964, any test or device, and with respect to which (2) the Director of the Census determines that less than 50 percentum of the persons of voting age residing therein were registered on November 1, 1964, or that less than 50 percentum of such persons voted in the presidential election of November 1964.

A determination or certification of the Attorney General or of the Director of the Census under this section or under section 6 or section 13 shall not be reviewable in any court and shall be effective upon publication in the Federal Register.



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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(c) The phrase "test or device" shall mean any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class.

(d) For purposes of this section no State or political subdivision shall be determined to have engaged in the use of tests or devices for the purpose or with the effect of denying or abridging the right to vote on account of race or color if (1) incidents of such use have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

(e)

(1) Congress hereby declares that to secure the rights under the fourteenth amendment of persons educated in American-flag schools in which the predominant classroom language was other than English, it is necessary to prohibit the States from conditioning the right to vote of such persons on ability to read, write, understand, or interpret any matter in the English language.

(2) No person who demonstrates that he has successfully completed the sixth primary grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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classroom language was other than English, shall be denied the right to vote in any Federal, State, or local election because of his inability to read, write, understand, or interpret any matter in the English language, except that, in States in which State law provides that a different level of education is presumptive of literacy, he shall demonstrate that he has successfully completed an equivalent level of education in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English.

SEC. 5. Whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1964, such State or subdivision may institute an action in the United States District Court for the District of Columbia for a declaratory judgment that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color, and unless and until the court enters such judgment no person shall be denied the right to vote for failure to comply with such qualification, prerequisite, standard, practice, or procedure: Provided, That such qualification, prerequisite, standard, practice, or procedure may be enforced without such proceeding if the qualification, prerequisite, standard, practice, or procedure has



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission, except that neither the Attorney General's failure to object nor a declaratory judgment entered under this section shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure. Any action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court.

SEC. 6. Whenever (a) a court has authorized the appointment of examiners pursuant to the provisions of section 3(a), or (b) unless a declaratory judgment has been rendered under section 4(a), the Attorney General certifies with respect to any political subdivision named in, or included within the scope of, determinations made under section 4(b) that (1) he has received complaints in writing from twenty or more residents of such political subdivision alleging that they have been denied the right to vote under color of law on account of race or color, and that he believes such complaints to be meritorious, or (2) that, in his judgment (considering, among other factors, whether the ratio of nonwhite persons to white persons registered to vote within such subdivision appears to him to be reasonably attributable to violations of the fifteenth amendment or whether substantial evidence exists that bona fide efforts are being made within such subdivision to comply with the fifteenth amendment), the appointment of examiners is otherwise necessary to



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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enforce the guarantees of the fifteenth amendment, the Civil Service Commission shall appoint as many examiners for such subdivision as it may deem appropriate to prepare and maintain lists of persons eligible to vote in Federal, State, and local elections. Such examiners, hearing officers provided for in section 9(a), and other persons deemed necessary by the Commission to carry out the provisions and purposes of this Act shall be appointed, compensated, and separated without regard to the provisions of any statute administered by the Civil Service Commission, and service under this Act shall not be considered employment for the purposes of any statute administered by the Civil Service Commission, except the provisions of section 9 of the Act of August 2, 1939, as amended (5 U.S.C. 118i), prohibiting partisan political activity: Provided, That the Commission is authorized, after consulting the head of the appropriate department or agency, to designate suitable persons in the official service of the United States, with their consent, to serve in these positions. Examiners and hearing officers shall have the power to administer oaths.

SEC. 7. (a) The examiners for each political subdivision shall, at such places as the Civil Service Commission shall by regulation designate, examine applicants concerning their qualifications for voting. An application to an examiner shall be in such form as the Commission may require and shall contain allegations that the applicant is not otherwise registered to vote.



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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(b) Any person whom the examiner finds, in accordance with instructions received under section 9(b), to have the qualifications prescribed by State law not inconsistent with the Constitution and laws of the United States shall promptly be placed on a list of eligible voters. A challenge to such listing may be made in accordance with section 9(a) and shall not be the basis for a prosecution under section 12 of this Act. The examiner shall certify and transmit such list, and any supplements as appropriate, at least once a month, to the offices of the appropriate election officials, with copies to the Attorney General and the attorney general of the State, and any such lists and supplements thereto transmitted during the month shall be available for public inspection on the last business day of the month and, in any event, not later than the forty-fifth day prior to any election. The appropriate State or local election official shall place such names on the official voting list. Any person whose name appears on the examiner's list shall be entitled and allowed to vote in the election district of his residence unless and until the appropriate election officials shall have been notified that such person has been removed from such list in accordance with subsection (d): Provided, That no person shall be entitled to vote in any election by virtue of this Act unless his name shall have been certified and transmitted on such a list to the offices of the appropriate election officials at least forty-five days prior to such election.

(c) The examiner shall issue to each person whose name appears on such a list a certificate evidencing his eligibility to vote.



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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(d) A person whose name appears on such a list shall be removed therefrom by an examiner if (1) such person has been successfully challenged in accordance with the procedure prescribed in section 9, or (2) he has been determined by an examiner to have lost his eligibility to vote under State law not inconsistent with the Constitution and the laws of the United States.

Sec. 8. Whenever an examiner is serving under this Act in any political subdivision, the Civil Service Commission may assign, at the request of the Attorney General, one or more persons, who may be officers of the United States, (1) to enter and attend at any place for holding an election in such subdivision for the purpose of observing whether persons who are entitled to vote are being permitted to vote, and (2) to enter and attend at any place for tabulating the votes cast at any election held in such subdivision for the purpose of observing whether votes cast by persons entitled to vote are being properly tabulated. Such persons so assigned shall report to an examiner appointed for such political subdivision, to the Attorney General, and if the appointment of examiners has been authorized pursuant to section 3(a), to the court. SEC. 9.

(a) Any challenge to a listing on an eligibility list prepared by an examiner shall be heard and determined by a hearing officer appointed by and responsible to the Civil Service Commission and under such rules as the Commission shall by regulation prescribe. Such challenge shall be entertained only if filed at such office within the State as the Civil Service Commission shall by regulation designate, and within ten days after the listing of



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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the challenged person is made available for public inspection, and if supported by (1) the affidavits of at least two persons having personal knowledge of the facts constituting grounds for the challenge, and (2) a certification that a copy of the challenge and affidavits have been served by mail or in person upon the person challenged at his place of residence set out in the application. Such challenge shall be determined within fifteen days after it has been filed. A petition for review of the decision of the hearing officer may be filed in the United States court of appeals for the circuit in which the person challenged resides within fifteen days after service of such decision by mail on the person petitioning for review but no decision of a hearing officer shall be reversed unless clearly erroneous. Any person listed shall be entitled and allowed to vote pending final determination by the hearing officer and by the court.

(b) The times, places, procedures, and form for application and listing pursuant to this Act and removals from the eligibility lists shall be prescribed by regulations promulgated by the Civil Service Commission and the Commission shall, after consultation with the Attorney General, instruct examiners concerning applicable State law not inconsistent with the Constitution and laws of the United States with respect to (1) the qualifications required for listing, and (2) loss of eligibility to vote.

(c) Upon the request of the applicant or the challenger or on its own motion the Civil Service Commission shall have the power to require by subpoena the attendance and testimony of witnesses and the production of documentary evidence relating to any



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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matter pending before it under the authority of this section. In case of contumacy or refusal to obey a subpoena, any district court of the United States or the United States court of any territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a hearing officer, there to produce pertinent, relevant, and nonprivileged documentary evidence if so ordered, or there to give testimony touching the matter under investigation, and any failure to obey such order of the court may be punished by said court as a contempt thereof.

SEC. 10. (a) The Congress finds that the requirement of the payment of a poll tax as a precondition to voting (i) precludes persons of limited means from voting or imposes unreasonable financial hardship upon such persons as a precondition to their exercise of the franchise, (ii) does not bear a reasonable relationship to any legitimate State interest in the conduct of elections, and (iii) in some areas has the purpose or effect of denying persons the right to vote because of race or color. Upon the basis of these findings, Congress declares that the constitutional right of citizens to vote is denied or abridged in some areas by the requirement of the payment of a poll tax as a precondition to voting.



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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(b) In the exercise of the powers of Congress under section 5 of the fourteenth amendment and section 2 of the fifteenth amendment, the Attorney General is authorized and directed to institute forthwith in the name of the United States such actions, including actions against States or political subdivisions, for declaratory judgment or injunctive relief against the enforcement of any requirement of the payment of a poll tax as a precondition to voting, or substitute therefor enacted after November 1, 1964, as will be necessary to implement the declaration of subsection (a) and the purposes of this section.

(c) The district courts of the United States shall have jurisdiction of such actions which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

(d) During the pendency of such actions, and thereafter if the courts, notwithstanding this action by the Congress, should declare the requirement of the payment of a poll tax to be constitutional, no citizen of the United States who is a resident of a State or political subdivision with respect to which determinations have been made under subsection 4(b) and a declaratory judgment has not been entered under subsection 4(a), during the first year he becomes otherwise entitled to vote by reason of registration by State or local officials or listing by an examiner, shall be denied the right to vote for failure to pay a



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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poll tax if he tenders payment of such tax for the current year to an examiner or to the appropriate State or local official at least forty-five days prior to election, whether or not such tender would be timely or adequate under State law. An examiner shall have authority to accept such payment from any person authorized by this Act to make an application for listing, and shall issue a receipt for such payment. The examiner shall transmit promptly any such poll tax payment to the office of the State or local official authorized to receive such payment under State law, together with the name and address of the applicant.

SEC. 11. (a) No person acting under color of law shall fail or refuse to permit any person to vote who is entitled to vote under any provision of this Act or is otherwise qualified to vote, or willfully fail or refuse to tabulate, count, and report such person's vote.

(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting or attempting to vote, or intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for urging or aiding any person to vote or attempt to vote, or intimidate, threaten, or coerce any person for exercising any powers or duties under section 3(a), 6, 8, 9, 10, or 12(e).

(c) Whoever knowingly or willfully gives false information as to his name, address, or period of residence in the voting district for the purpose of establishing his eligibility to register or vote, or conspires with another individual for the purpose of encouraging his



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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false registration to vote or illegal voting, or pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years, or both: Provided, however, That this provision shall be applicable only to general, special, or primary elections held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, or Delegates or Commissioners from the territories or possessions, or Resident Commissioner of the Commonwealth of Puerto Rico.

(d) Whoever, in any matter within the jurisdiction of an examiner or hearing officer knowingly and willfully falsifies or conceals a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

SEC. 12. (a) Whoever shall deprive or attempt to deprive any person of any right secured by section 2, 3, 4, 5, 7, or 10 or shall violate section 11(a) or (b), shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

(b) Whoever, within a year following an election in a political subdivision in which an examiner has been appointed (1) destroys, defaces, mutilates, or otherwise alters the



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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marking of a paper ballot which has been cast in such election, or (2) alters any official record of voting in such election tabulated from a voting machine or otherwise, shall be fined not more than \$5,000, or imprisoned not more than five years, or both

(c) Whoever conspires to violate the provisions of subsection (a) or (b) of this section, or interferes with any right secured by section 2, 3 4, 5, 7, 10, or 11(a) or (b) shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

(d) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 2, 3, 4, 5, 7, 10, 11, or subsection (b) of this section, the Attorney General may institute for the United States, or in the name of the United States, an action for preventive relief, including an application for a temporary or permanent injunction, restraining order, or other order, and including an order directed to the State and State or local election officials to require them (1) to permit persons listed under this Act to vote and (2) to count such votes.

(e) Whenever in any political subdivision in which there are examiners appointed pursuant to this Act any persons allege to such an examiner within forty-eight hours after the closing of the polls that notwithstanding (1) their listing under this Act or registration by an appropriate election official and (2) their eligibility to vote, they have not been permitted to vote in such election, the examiner shall forthwith notify the Attorney General if such allegations in his opinion appear to be well founded. Upon receipt of such notification, the Attorney General may forthwith file with the district court an application



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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for an order providing for the marking, casting, and counting of the ballots of such persons and requiring the inclusion of their votes in the total vote before the results of such election shall be deemed final and any force or effect given thereto. The district court shall hear and determine such matters immediately after the filing of such application. The remedy provided in this subsection shall not preclude any remedy available under State or Federal law.

(f) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether a person asserting rights under the provisions of this Act shall have exhausted any administrative or other remedies that may be provided by law

SEC. 13. Listing procedures shall be terminated in any political subdivision of any State (a) with respect to examiners appointed pursuant to clause (b) of section 6 whenever the Attorney General notifies the Civil Service Commission, or whenever the District Court for the District of Columbia determines in an action for declaratory judgment brought by any political subdivision with respect to which the Director of the Census has determined that more than 50 percentum of the nonwhite persons of voting age residing therein are registered to vote, (1) that all persons listed by an examiner for such subdivision have been placed on the appropriate voting registration roll, and (2) that there is no longer reasonable cause to believe that persons will be deprived of or denied the right to vote on account of race or color in such subdivision, and (b), with respect to examiners appointed



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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pursuant to section 3(a), upon order of the authorizing court. A political subdivision may petition the Attorney General for the termination of listing procedures under clause (a) of this section, and may petition the Attorney General to request the Director of the Census to take such survey or census as may be appropriate for the making of the determination provided for in this section. The District Court for the District of Columbia shall have jurisdiction to require such survey or census to be made by the Director of the Census and it shall require him to do so if it deems the Attorney General's refusal to request such survey or census to be arbitrary or unreasonable. SEC. 14.

(a) All cases of criminal contempt arising under the provisions of this Act shall be governed by section 151 of the Civil Rights Act of 1957 (42 U.S.C.1995).

(b) No court other than the District Court for the District of Columbia or a court of appeals in any proceeding under section 9 shall have jurisdiction to issue any declaratory judgment pursuant to section 4 or section 5 or any restraining order or temporary or permanent injunction against the execution or enforcement of any provision of this Act or any action of any Federal officer or employee pursuant hereto.

(c)

(1) The terms "vote" or "voting" shall include all action necessary to make a vote effective in any primary, special, or general election, including, but not limited to, registration, listing pursuant to this Act, or other action required by law prerequisite to voting, casting a ballot, and having such ballot counted properly and included in the



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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appropriate totals of votes cast with respect to candidates for public or party office and propositions for which votes are received in an election.

(2) The term "political subdivision" shall mean any county or parish, except that, where registration for voting is not conducted under the supervision of a county or parish, the term shall include any other subdivision of a State which conducts registration for voting.

(d) In any action for a declaratory judgment brought pursuant to section 4 or section 5 of this Act, subpoenas for witnesses who are required to attend the District Court for the District of Columbia may be served in any judicial district of the United States: Provided, That no writ of subpoena shall issue for witnesses without the District of Columbia at a greater distance than one hundred miles from the place of holding court without the permission of the District Court for the District of Columbia being first had upon proper application and cause shown.

SEC. 15. Section 2004 of the Revised Statutes (42 U.S.C.1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), and amended by section 601 of the Civil Rights Act of 1960 (74 Stat. 90), and as further amended by section 101 of the Civil Rights Act of 1964 (78 Stat. 241), is further amended as follows:

- (a) Delete the word "Federal" wherever it appears in subsections (a) and (c);
- (b) Repeal subsection (f) and designate the present subsections (g) and (h) as (f) and (g), respectively.



# Idaho Standards and Applications for 12<sup>th</sup> Grade Civics and Government

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SEC. 16. The Attorney General and the Secretary of Defense, jointly, shall make a full and complete study to determine whether, under the laws or practices of any State or States, there are preconditions to voting, which might tend to result in discrimination against citizens serving in the Armed Forces of the United States seeking to vote. Such officials shall, jointly, make a report to the Congress not later than June 30, 1966, containing the results of such study, together with a list of any States in which such preconditions exist, and shall include in such report such recommendations for legislation as they deem advisable to prevent discrimination in voting against citizens serving in the Armed Forces of the United States.

SEC. 17. Nothing in this Act shall be construed to deny, impair, or otherwise adversely affect the right to vote of any person registered to vote under the law of any State or political subdivision.

SEC. 18. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act

SEC 19. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

Approved August 6, 1965.