



# Ben Toews

**Senate** District SD-004  
**Republican**

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This legislator voted constitutionally on **100%** of the votes shown below.

★ Pro-liberty      ✗ Anti-liberty      ? Did not Vote      **Vote**

**1. S1296 Protecting Cryptocurrency** (failed 17 to 18 on 4/2/2024). **Yes**  
Would protect cryptocurrency by preventing state and local government from imposing undue or discriminatory regulations against blockchain and other forms of distributed ledger technology.

**2. H421 Identification by Biological Sex** (passed 26 to 8 on 4/2/2024). Provides a legal definition for "gender" that is consistent with a person's "biological sex." **Yes**

**3. H633 Expanding Medicaid for Postpartum Services** (passed 24 to 10 on 3/19/2024). Expands Medicaid to offer up to 12 months of postpartum coverage. **No**

**4. S1252 Defend the Guard Act** (passed 27 to 8 on 3/4/2024). Establishes the "Defend the Guard Act," which prohibits the Idaho National Guard from being mobilized for active duty combat unless Congress has passed an official declaration of war or taken another official constitutional action. **Yes**

**5. S1234 'Morning-After' Pill Requirement** (passed 19 to 16 on 2/8/2024). Requires health benefit plans to cover a six-month supply of prescription contraceptives. **No**

**6. S1216 Revoking Driver's Licenses of Illegal Aliens** (passed 26 to 9 on 2/1/2024). Provides that the Department of Transportation "shall revoke or cancel" the driver's license of a person who "is not lawfully present in the United States." **Yes**



IDAHO LEGISLATIVE

# SCORECARD

BASED ON THE U.S. CONSTITUTION

**Sen. Ben Toews**

**Lifetime Score: 83%**

**ID Scorecard 2024**

**2024 Regular Session Score**

The Legislative Scorecard is a nationwide educational program of The John Birch Society. Its purpose is to create an informed electorate on how state legislators are voting. The Scorecard is nonpartisan; it does not promote any candidate or political party. Bills are selected for their constitutional implications and cost to the taxpayers.

**Please share this Scorecard in your district to inform people about your legislator's record on key votes.**

U.S. Constitution, Amendment I --- 11 C.F.R. §114(4)(c)(4) --- 616 F.2d 45 (2d Cir. 1980)

The following scorecard lists several key votes in the Idaho Legislature in 2024 and ranks state representatives and senators based on their fidelity to (U.S.) constitutional and limited-government principles.



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# Bill Descriptions for the Votes that Affect You

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## 1. Protecting Cryptocurrency

S1296 would protect cryptocurrency by preventing undue or discriminatory regulations against blockchain and other forms of distributed ledger technology.

This bill would protect against efforts to ban free-market-based cryptocurrencies, which depend on a decentralized financial transaction network. As such, it acts as an important barrier to an exclusively government-controlled Central Bank Digital Currency. A CBDC would be an unconstitutional and intolerable expansion of tyranny under the Federal Reserve—presenting a significant danger to Americans' civil liberties by decimating personal privacy and allowing for a full-fledged surveillance state.

## 2. Identification by Biological Sex

H421 provides a legal definition for “gender” that is consistent with a person’s “biological sex.”

The LGBTQ+ movement is absurdly attempting to erase basic matters of scientific fact through the conflation of biological sex and fictional “gender identity” constructs (e.g., “transgender” or “nonbinary”). As affirmed in the Declaration of Independence, our “unalienable Rights” cannot be defined apart from the self-evident truth—found in the “Laws of Nature and of Nature’s God”—that humanity is comprised of unique, but complementary, individual persons born distinctly male or female and created equally in the image of “their Creator.” The logic from radical social theorists is quite simple: No “Creator,” no rights. Each State therefore has a compelling interest and duty to protect against gross efforts to redefine human rights and reinterpret the Constitution based on false premises, such as “sexual fluidity.”

## 3. Expanding Medicaid for Postpartum Services

H633 expands Medicaid to offer up to 12 months of postpartum coverage.

Neither health care nor social welfare is the legitimate object of government. Medicaid discriminatorily and unjustly provides “eligible” low-income persons, who have little or no tax liability, at the expense of other hard-working citizens. It is financed in large part by immoral and anti-constitutional forms of taxation (e.g., personal income taxes) that take from people the wages they have rightfully earned. Idaho should reject the expansion of Medicaid, as this unsustainable program is not even authorized under Article I, Section 8, of the U.S. Constitution.

## 4. Defend the Guard Act

S1252 establishes the “Defend the Guard Act,” which prohibits the Idaho National Guard from being mobilized for active duty combat unless Congress has passed an official declaration of war or taken another official constitutional action.

Article I, Section 8, of the U.S. Constitution expressly asserts that “Congress,” not the President, “shall have power...to provide for the common defence.” Only Congress, as explained and limited by succeeding Clauses 11, 12, and 15, is granted the specified powers to “declare war,” “raise and support Armies,” and “provide for calling forth the Militia.”

## 5. 'Morning-After' Pill Requirement

S1234 requires health benefit plans to cover a six-month supply of prescription contraceptives.

Hormonal birth control drugs and devices, particularly high-dose ‘morning-after’ pills, can and do prevent uterine implantation of developing preborn children, causing them to function not only as “contraceptives,” but also as abortifacients, thereby resulting in ‘silent abortions.’ Given that the care of human life—not its destruction—is the greatest responsibility of government, Idaho ought to forbid abortion and other grotesque methods of population control entirely, upholding the sanctity of life for every person. The right to life is the most fundamental, God-given, and unalienable right asserted in the Declaration of Independence and guaranteed by the Fifth and 14th Amendments to the U.S. Constitution.

## 6. Revoking Driver's Licenses of Illegal Aliens

S1216 provides that the Department of Transportation “shall revoke or cancel” the driver’s license of a person who “is not lawfully present in the United States.”

Persons unlawfully present in the United States ought not to be permitted sanctuary or residency in Idaho, let alone be considered eligible for a state-issued form of identification or license. Rather than pursue blatantly unconstitutional and anti-American policies that undermine the rule of law and erode the value of citizenship, each of the several States should use its powers reserved under the 10th Amendment to end the illegal-migrant invasion and provide for the public safety.