

Members of the committee, thank you for allowing my testimony to be read into the record.

My name is John Sampson. I am the newly elected Vice Chairman of the Adams County Republican Party. I would have been here today to testify in person but for the fact that my oldest daughter has an athletic awards event this afternoon at Strasburg High School, and as important as this bill is, my daughters are more important.

I am in total support of Representative Windholz's bill regarding Election Watcher integrity. During the 2014 Election in Adams County, there were several issues surrounding what an Election Watcher could and could not do.


The limitations placed on watchers were wholly subjective and at the whim of the then Adams County Clerk and Recorder. Her interpretation of the rules as they currently stand prevented watchers from fully viewing the election process and as such, had a chilling effect on election integrity.

Therefore, a clearly delineated line of authority, listing what an election watch is obligated to do, what they can do, and what they cannot do, needs to be established in order to remove any subjectivity from the equation as to what a watcher may or may not do. This bill accomplishes this and is a necessary step to ensure election and voter integrity.

Another issue that is of concern is what constitutes an "eligible elector" or "eligible voter". Again, the ambiguity the current statute has makes that determination subjective and not objective or uniform.

One of the incidents that occurred was at a long term care facility in Adams County in which an accredited member of the media attempted to witness the election and voting process being conducted at that nursing home. She was forced to leave under the threat of arrest. The excuse given was that it was "private property" and that witnessing these events would somehow be a violation of "Hippra". It was that reporter's belief that there was a concern by the facility staff that it would become evident that some of their patients were suffering from diminished capacity, calling into question their ability to make, knowing, deliberate, and intelligent decisions on who to vote for and what issues to vote for or against.

What WAS observed by other election watchers, was "volunteers" and facility staff assisting individual patients in their voting. These were individual patients who had difficulty comprehending what was going on and what was being asked of them, with some being wholly unaware of their surroundings. There were some instances in which it was painfully apparent to the watchers that a few of the patients of the nursing home were not coherent nor were aware of what was transpiring calling into question their competency and capacity to make rational decisions.



Some of the voting patients had guardians appointed for them to make decisions, and these guardians were not present at the time voting was being conducted.

This entire subject of mental competence is a difficult one to discuss without sounding as if we are lacking compassion or empathy for those who are afflicted. Rest assured that any issues I raise surrounding this issue is with total empathy and compassion for those who do suffer from some form of diminished capacity.

However, the question must be asked and answered objectively and with intellectual honesty if we take the issue of voter and election integrity seriously. "Does a person's right to vote trump their capacity to be able to make a knowing, deliberate, and intelligent decision as to who they are voting for or what issues they are voting for or against? Or do we consider their ability to make a rational decision based upon their current medical and/or mental condition?"

If a person is so afflicted with diminished capacity that they lack the capacity to make a rational, knowing, deliberate and intelligent decision and must rely on someone else to make that decision FOR them, then who is really voting here? Certainly not the patient. And that opens the door to potential voter fraud where the "volunteer" is the person actually casting the ballot albeit in the patient's name. It would make it possible for an unethical volunteer to cast numerous votes for the candidates and issues of their choice, in the names of numerous afflicted patients, by merely "suggesting" for whom the patient should vote and for what issues to vote for or against.

Allow me to illustrate the point with what some might consider being a controversial hypothetical. Assume for this discussion, the individual who has been accused of the Aurora Century 16 Theater shootings, is found "not guilty by reason of insanity" and is confined to a psychiatric facility rather than prison. In the eyes of the law, he would not be "convicted" of a crime and therefore would not lose his right to vote, and theoretically WOULD BE eligible to vote. However, he would have been found to be legally insane.

Under current standards, if I understand them correctly, this individual would be sent a mail in ballot and would be eligible to cast his vote even though there has been a legal finding of insanity. If I am incorrect in my understanding of the current laws surrounding voter eligibility and that this hypothetical situation is incorrect and such a person who is found to be legally insane could NOT vote, then someone needs to be able to explain to me how one person who is found to be legally insane is not eligible to vote and another person who has had a guardian appointed for them due to their diminished capacity IS eligible to vote.

Lastly, there were instances in which a resident in a long-term care facility was "encouraged" to vote by a "volunteer". By that I mean, when asked if they wished to vote, the patient said "NO" and the "volunteer" tried to convince that patient that they should vote even though it was evident that they did not wish to do so.

I am not suggesting that all patients in long-term care facilities should not be allowed to vote. I AM, however, suggesting that there needs to be some common sense injected into this process. If a person lacks the capacity to make decisions for themselves and has a guardian appointed to make decisions for them, then how in the world can such a patient be expected to cast a meaningful ballot if they have no idea who it is they are voting for, or what issue they are voting on.

In order to ensure election and voter integrity as much as possible, such integrity being a decidedly non-partisan issue, I urge the committee to vote this bill out of committee and put it before the House for an up or down vote.

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