MEMORANDUM

TO: Members of the Georgia State Senate

FROM: Cathy Cox

DATE: March 29, 2005

RE: HB 244

Today you will consider HB 244. Much has been said and written about this particular piece of legislation, and I will not attempt to address the sweeping changes that are proposed by this comprehensive elections bill. Rather, I ask you consider one important point today.

Over the past 9 years, I proposed — and you passed — a number of measures to enhance the integrity of elections — including the current voter ID law, improved authority to remove the names of deceased voters from the rolls, higher penalties that can be imposed by the State Elections Board, and numerous provisions to tighten voter registration requirements. We continue to pursue efforts to fight fraud in any area of the voting process.

For that reason, we are tremendously concerned about the staggering opportunities for voter fraud that will be created by HB 244. By allowing any person, at any time within 45 days before an election, to vote an absentee ballot by mail — with no ID requirement and no requirement to state one of the current conditions for voting absentee (O.C.G.A. § 21-2-380) — such as being out of town on election day, having a disability, being over 75 years old, etc.), you would be opening a gaping opportunity for fraud. At virtually every meeting of the State Elections Board during the past 10 years, we have dealt with cases involving fraud or election law violations in handling or voting absentee ballots. HB 244 removes all restrictions on voting by mail, and thus makes it quite simple for someone inclined to commit fraud to do so.
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This completely contradicts the reasons stated for another measure contained in HB 244 – the photo ID requirement. If the authors are indeed concerned about voter fraud, they would not likely authorize the easiest – and most prevalent form – of election law violations: unregulated voting by mail. In the past 9 years, neither my staff nor I can recall a single case or complaint of a voter impersonating another voter at the polls – the issue sought to be corrected by mandatory photo identification. And had this been occurring, some voter surely would have complained upon finding that someone else had voted under their name. It hasn’t happened.

I urge you to fully consider all the changes proposed by HB 244. This bill started out as the “housekeeping” legislation proposed by my office, but other bills – HB 597 and SB 84 – have now been merged into it. The bill attempts to solve a problem that does not exist while expanding the opportunity for fraud in the area that has long been the most vulnerable to this type of abuse – the mailed absentee ballot.

Thank you for your consideration and I hope you will let me know if you have any questions.