



CIVIC NEBRASKA

Election Protection Program Report

2018 General Election

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I. Executive Summary

Overall, the 2018 general election proceeded well on a day in which Nebraskans turned out in record numbers. This high turnout, however, brought to attention several vulnerabilities in Nebraska's election systems that will need to be addressed in anticipation of even greater voter participation in 2020.

Most of the issues encountered on Election Day had the common denominator of human error. A substantial number of reports indicated that poll worker training was insufficient to handle the high volume of voters at their locations with the precision and accuracy required for elections. Furthermore, as predicted by the Secretary of State's 2017 Task Force Elections Report, there was an unexpected shutdown of an essential ballot counting machine which resulted in a delay of tabulation of the results in one county. Observers also recorded dozens of instances where voters either went to the wrong polling location or failed to re-register after moving. This, among other factors, contributed to the 10,740 provisional ballots cast in place of regular ballots.

If elections are to be as accurate and accessible as possible, both the public and elected officials need to fix the most problematic and common issues with sensible reforms that are proven to make a positive impact. As Nebraska looks to replace an aging elections system that is at the end of its lifespan, there is now an opportunity to critically examine the existing system to see where improvements can be made in modernization, cost savings and security. This report was compiled with the goal in mind that the Nebraska' next generation of voting systems will be among the best in the country.

Our recommendations for election officials include:

- **Examining all available procedures for Nebraskans to register to vote, particularly at the Department of Motor Vehicles.** This will help reduce incidents of registration anomalies.
- **Standardize training for poll workers.** This will cut down on human errors.
- **Identify and assist precincts that need extra language assistance.** Add materials inside polling places to point voters to language resources and partner with organizations to help.
- **Increase training at precincts where 'poll greeters' are necessary.** Ideally, greeters should have a way to confirm voters' registration status online and avoid the spread of misinformation.
- **Explore and institute multiple methods to alert voters if their polling locations have changed.** Sending a notification in the mail is not sufficient to let voters know that their location has changed.

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- **Maximize polling places for efficiency in high-volume precincts.** This will cut down on wait times and reduce drastic differences in both wait times and volume during the same “rush hour” periods.

Our recommendations for policymakers include:

- **Pass legislation that allows more counties to decide whether to conduct all-vote-by-mail elections.** Currently, only counties under 10,000 population are eligible.
- **Pass legislation to improve voter registration through the DMV.** Make the process an “opt-out” instead of an “opt-in” system.
- **Approve Gov. Ricketts’ 2019-21 budget, which includes \$12,169,660 for new election equipment.** The state’s current equipment was first purchased in 2005.

Our recommendations for voters include:

- **Triple-check registration information before the deadline to change registration.**¹ Encourage friends and family to update registration and make sure polling places haven’t changed since the last time they voted.²
- **Avoid lines on Election Day.** Request an absentee ballot from your county’s election commissioner and vote at home.
- **Work with your employer to make time to vote. Voters working during Election Day are advised that employers are required to allow time off to vote.** This only applies for voters who do not have two consecutive hours between 8 a.m. and 8 p.m. CST during which they are not required to be at work.³

The following sections shall examine:

- (II) Civic Nebraska’s observation methodology
- (III) 2018 General Election Figures and Estimates
- (IV) Issues reported by voters and observers
- (V) Areas where Nebraska’s election systems performed well; and,
- (VI) Recommendations for election officials, policymakers, and voters.

¹ The 3rd Friday preceding any election is the last day voter registrations can be completed at or returned to State Agencies or Departments for the person to be registered to vote in an upcoming election. §32-310

² Voters can check their registration at anytime and track the status of their absentee ballot.

<https://www.votercheck.necvr.ne.gov/VoterView/RegistrantSearch.do>

³ See §32-922 (“If the registered voter applies for such leave of absence prior to or on election day, the registered voter shall not be liable for any penalty and no deduction shall be made from his or her salary or wages on account of such absence. The employer may specify the hours during which the employee may be absent.”)

II. Election observation methodology

Civic Nebraska has run statewide nonpartisan election observation programs since 2012.⁴ Nationally, nonprofit organizations began election observation programs following the 2000 presidential election. The Lawyers' Committee for Civil Rights has been the leading national organization that provides training, informative materials and an election-day hotline to other organizations who operate observer programs within their respective states. Civic Nebraska partnered with the Lawyer's Committee, The Arc of Nebraska, and Common Cause of Nebraska to provide training and information to volunteers.

During this election, Civic Nebraska collected information through a combination of volunteers who directly observed polling locations and voters who reported issues to Civic Nebraska's Election Day hotline. Volunteers were recruited, trained and assigned polling locations. Volunteers consisted of individuals who had observed elections for Civic Nebraska in the past and new individuals who heard about the program through a variety of channels. Trainings lasted for about an hour and trained observers on how to properly interact with poll workers, the basics of election law, and ways to assist voters when possible and appropriate as a nonpartisan observer.

Most of the observers were assigned to a precinct located near where they lived. Others traveled outside their city to other polling places, sometimes in different counties or ZIP codes. Observers acted in a passive role and reported back to Civic Nebraska their observations. Observers also helped voters when possible by checking their registration status and the location of their polling location. Civic Nebraska shared information detailing observers' polling place assignments with the Secretary of State's Office and election officials in Douglas, Lancaster, Sarpy, and Buffalo counties.

Observers filled out a survey provided by Disability Rights Nebraska that collected information on poll place accessibility, noting items such as whether there was a ramp or powered door at the entrance. They also filled out a general observation report that collected the number of provisional ballots given, how many times voters went to the wrong polling location, and wait times. In total, Civic Nebraska trained and deployed 120 observers to over 235 polling stations. Additional intake forms recorded specific issues that were encountered and reported by voters to election observers.

A legal team, comprising of two attorneys, supported voters and volunteers with legal questions from the Election Day headquarters. Alongside the legal team were two field directors. One assigned to assist Omaha poll observers and another for Lincoln and Greater Nebraska. The last member of the observation program was the state director. This position was responsible for coordinating the volunteers, communicating with the media and election officials, and drafting the final report.

⁴ Otherwise known as Civic Nebraska's Election Protection Program.

III. 2018 General Election

Figures and Estimates⁵

Registered voters: 1,219,319 (+19,845 registrations from 2018 primary election)

Total votes: 706,652

Average voter turnout: 57.95%

Total precincts: 1,389

Provisional ballots: 10740 ballots cast.

Of those 8,434 ballots were accepted and 2,306 were rejected.

73% accepted

27% rejected

Voter method

Method	Voters	Percentage
Polling place	490,043	69%
All mail precinct	21,400	3%
Provisional	8,446	1%
Early voting	186,763	26%
Military & overseas	7,704	0.001%

Lowest 5 counties in voter turnout

County	registered	votes	turnout
Thurston	4,581	1,875	40.93%
Dakota	10,899	4,633	42.51%
Scotts Bluff	24,382	10,866	44.57%
Dawson	13,549	6,381	47.10%
Box Butte	7,704	3,680	47.77%

⁵ Figures courtesy of the Secretary of State's office. These numbers are accessible from the official report of the board of state canvassers. Retrieved from <http://www.sos.ne.gov/elec/2018/pdf/forms/2018-general-election-official-results.pdf>.

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Top 5 counties in voter turnout

County	registered	votes	turnout
McPherson	343	267	77.84%
Garden	1,350	1,031	76.37%
Blaine	397	295	74.31%
Morrill	3,063	2,166	70.71%
Arthur	335	236	70.45%

Past elections

Total Number of Registered Voters (Voter Registration became mandatory on March 22, 1967)

November 3, 1970	471,055	707,558
November 5, 1974	466,956	787,850
November 7, 1978	511,010	832,628
November 2, 1982	559,422	832,121
November 4, 1986	576,271	849,762
November 6, 1990	604,195	890,579
November 8, 1994	593,654	919,321
November 3, 1998	581,775	1,056,351
November 5, 2002	490,914	1,083,544
November 7, 2006	610,499	1,138,422
November 2, 2010	497,248	1,142,057
November 4, 2014	552,115	1,158,840
November 8, 2016*	860,573	1,211,101
November 6, 2018	706,652	1,219,319

**Presidential election year included for comparison.*

2022 Estimates

VOTES CAST

Over a 48-year period (treat every off-year election as 1 data value gives us 12)

Over 48 years - Compound Annual Growth Rate: 0.85%

Using value 12 - Compound Annual Growth Rate: 3.44%

REGISTERED VOTERS

Over 48 year - Compound Annual Growth Rate: 1.14%

Using value 12 - Compound Annual Growth Rate: 4.64%

ESTIMATES FOR 2022 ELECTION

Votes cast

Over 48 years - 730,986 (+24,334.24), ~3.4% total growth

Using value 12 - 730,961 (+24,308.83), ~3.4%

Registered voters

Over 48 year - 1,275,878 (+56,559), ~4.64%

Using value 12 - 1,275,895 (+56,576), ~4.64%

IV. Election Day Issues

This section is separated by the major issues reported from both 1) Douglas and 2) Lancaster counties. The proceeding sections are then organized by reports of issues involving 3) election equipment, 4) polling places, 5) poll workers, 6) and voter registration anomalies.

1. Douglas

Douglas County was where a majority of the issues were reported. This is due to three primary reasons: For one, Civic Nebraska deployed a record number of poll observers to cover more locations than ever before; two, there was an unusually high voter turnout that placed enormous stress on the elections systems; and three, inconsistent poll worker training and practices that impacted voters to their detriment.

These primary factors came together and usually manifested as longer wait times, incorrect information being told to voters, and in some instances, voters not being able to cast a ballot. In some cases, observers were able to assist voters who had been told wrong information by poll workers, such as looking online to see where their correct polling place was located, or whether they were registered to vote in the first place. In other situations, voters were unable to cast their

ballot. Sometimes this happened after voters gave up voting out of frustration after going to multiple wrong polling locations.

- **Perhaps the most concerning issue reported on Election Day in Douglas County was the existence of “poll greeters” at high volume polling locations.⁶**

Poll greeters were supposed to ensure that voters in line for the check-in table were at the right place. This process, while well-intentioned, certainly produced confusion in a number of cases. Observers and calls to Civic Nebraska’s hotline reported that some poll greeters were blocking entrances to polling places and asking voters to display a photo ID - *in violation of Nebraska’s Constitution* - to check residence addresses and names. Others were turned away even though they were correctly registered for that polling place.

It is not hard to imagine the various ways poll greeters could have made these mistakes. A driver’s license address does not always match a voter’s registration address. If greeters were checking a driver’s license address for their “correct” polling location, there would be a great number of people told incorrectly where their polling place was located according to their voter registration records. This clearly happened numerous times on Election Day. Second, poll workers could have misspelled a voter’s name or incorrectly inputted a voter’s birthday to get a different voter’s registration records or no records at all.

Again, deploying poll greeters to reduce wait times was a good intention and election officials probably did not anticipate all the ways a poll greeter could interfere with voters. With that being said there is no excuse for any poll worker who knowingly, or unknowingly, violates state law by asking voters to present a photo ID before they are allowed into their polling station and then erroneously sends them to the wrong location. Douglas County Election Commission will need to reevaluate training and procedure for poll greeters before Civic Nebraska is willing to endorse this practice on any scale.

- **Another common issue reported at multiple polling locations was voters receiving only one page of the complete two-page ballot, or receiving a duplicate of one page but not the other.**

This resulted in the temporary shutdown of one polling location while election officials addressed the issue. According to reports, a combination of an influx of voters and new poll workers taking over the shift of more seasoned poll workers who had left for lunch exacerbated the problem.

Even with these issues, it is worth mentioning that at every step of the way Douglas County Election Commission was quick to respond to problems and performed exceptionally well at communicating with nonprofit partners and the public. The problem was not with Douglas County’s election officials, but instead the election system as a whole that is not well-designed for high voter turnout.

⁶ Despite being told otherwise by election officials, Civic Nebraska could not find any evidence that deploying poll greeters as a means of controlling lines was a common practice in prior Douglas elections.

2. Lancaster

The second largest number of observers were deployed to Lancaster County. Here, there were far fewer problems reported. One reason might have been the absence of poll greeters checking voters' registration before they got into the door. There were still issues reported, however, such as the complete absence of instructions posted in another language besides English; the city of Lincoln only having one vote-by-mail drop box; and, several instances of questionable election administration practices that relate to electioneering and encouraging partisan behavior inside the polling place.

- **An example of this was a voter, wearing a campaign hat, entering their polling location and casting a ballot.**

When poll workers tried to get the man to take off the hat before he voted he refused to do so and reportedly began cursing at the poll workers. Eventually the man calmed down to the point where he was allowed to vote but apparently, he was permitted to still wear his hat. The issue here is that wearing partisan clothing inside a polling place is forbidden under Nebraska's election laws. Another report was of a woman who was asked to cover their shirt before voting which displayed a message along the lines of "Support Women's Rights." She was not allowed to vote until she complied, which she did.

There were scattered reports of voters being asked by poll workers whether they wanted a red or blue "I Voted" sticker. These stickers were offered by poll workers who asked voters whether they had a party preference. In one case, a poll worker asked a voter how many of her family members would be voting and how they would vote.

- **One of the more concerning recurring reports from Lancaster, that will be mentioned again later because of multiple reports out of various counties, was the absence of any voting instructions posted in different languages besides English.**

While Lancaster is not federally compelled to provide these instructions, Civic Nebraska and others have been told repeatedly from election officials that these materials exist and have been distributed to all the counties so they can be displayed at every precinct. We could not find any evidence that these posters were displayed in Lancaster or anywhere else in the state. According to U.S. English Foundation and 2000 census data, about 48 different languages are spoken in Lancaster County.⁷ As a whole, 6.56% of Nebraska's population speaks Spanish.⁸ There needs to be a renewed effort to provide communities with language assistance materials and oversight to ensure progress.

⁷ https://journalstar.com/news/local/lincoln-is-land-of-many-tongues/article_8f68e513-303c-5089-b8e8-47629ad10068.html

⁸ <https://datausa.io/profile/geo/nebraska/#demographics>

- **There are other miscellaneous issues worth mentioning. One was a report of poll workers failing to read the ballot to a nonliterate voter, and at least one location where voters were asked to display a photo ID while in line.**

Like Douglas, Lancaster County Election Commission was a valuable partner during this process and quickly responded to issues. The main problems that will need to be addressed from Civic Nebraska's perspective will be: Standardizing electioneering practices across all precincts; removing partisan colored-stickers; adequately displaying language assistance materials in precincts where it is known there are voters who speak in different languages; and, putting more drop boxes in the city of Lincoln to help aid the increasing percentage of voters who want to vote-by-mail.

3. Election equipment

This section covers equipment problems reported to Civic Nebraska. Nebraska's election machines have performed remarkably since their original purchase in 2005 with federal money. This purchase for Nebraska was a part of a large, comprehensive election equipment reform across all states that was allocated with the passage of the Help America Vote Act of 2002. While the current election equipment has served Nebraska well, these machines will need to be replaced soon or we run the risk of equipment failures during future elections.⁹

- **A preview of such failure happened in Saunders County on Election Day. Here, after the polls closed, the central county tabulator had an unexpected shutdown during the night.¹⁰**

A representative from the elections technology vendor, Election Systems & Software, was called out to fix the problem. The machine was brought back online sometime around 3 a.m. and the tabulation from Saunders was completed. There is nothing to indicate that this machine shutdown had affected anything else other than a delay in reporting results. Civic Nebraska believes that this problem will become more frequent and widespread with each successive election. Nebraska should not wait to replace these machines after an election where more machines break down, especially if every time a technician is required to come out to a physical location. This might work for a few machines, but a more widespread failure could result in serious disruptions on Election Day.

- **Another machine problem was reported in Saline County. Civic Nebraska's observer discovered that the central county tabulator had doubled the number of votes reported in one precinct, and for the races where there was an odd number of votes it added an additional vote to the doubled figure.**

⁹ <http://www.sos.ne.gov/elec/pdf/2017-task-force-report.pdf>

¹⁰ A machine used to compile all the county's precinct results.

On Election Day, Civic Nebraska's election observer noticed an irregularity between the number of votes cast in one particular precinct, with the number of votes reported from the county's central tabulator for that precinct. The votes cast were doubled and odd numbers had an additional vote added to the total figure. This observer immediately told the election official from Saline County about this error resulting in Saline wiping their reported numbers to make sure that machine irregularity wasn't indicative of a larger problem. The problem was addressed early thanks to the watchfulness of Civic Nebraska's observer. An issue like this should have come up during the canvassing process.¹¹ But, it was a positive indication for the Election Protection Program as a whole for an observer to catch this error early on.

After investigating with the Secretary of State's office, it remains unclear how this precisely happened. One possible way this would have happened is if an election worker who transferred the results from the precinct machine to the county tabulator had accidentally inputted the results twice, thereby resulting in the doubled votes. Hopefully this was the problem instead of a hidden defect in either the election equipment or software. If it was this begs the question if all transfers of data could be so easily tampered with. Civic Nebraska would recommend election officials reexamining this process and the potential ways where data could be meddled with, whether intentionally, or unintentionally, and implement reasonable safeguards as determined necessary.

4. Polling places

Polling places are the No. 1 method Nebraskans use to cast their ballots. For this election 69 percent of Nebraskans used polling places. With this method comes a sense of pride and tradition with one's community, and fosters a place where people can come together to celebrate democracy together on Election Day. Alongside this sense of tradition comes a host of logistical challenges and other issues that contribute greatly to many of the problems reported to Civic Nebraska.

This section will focus on major issues such as: Polling place changes affecting voters; language problems found across the state, and reported wait times.

- **In one documented case, an 88-year-old woman was unable to cast her ballot because of a polling place change. This occurrence demonstrated the vulnerability of relying so heavily on physical locations to run elections.**

There were 30 polling place changes for the 2018 elections in Douglas County. This happened for a variety of reasons such as ensuring that all polling places complied with the Americans with Disabilities Act and to reflect changes in population shifts since the last election. This happened in other counties such as in Sarpy where one in four of their polling places changed for the primary election.¹²

¹¹ The canvassing process is where the Secretary of State and election officials goes through individual precincts to make sure the numbers match coming from the central tabulator.

¹² https://www.omaha.com/news/politics/in-sarpy-county-voters-will-change-polling-places-this-may/article_5e786af5-f7e5-5480-923b-861a1934c8c9.html

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When a polling place changes, election officials mail a letter to all affected voters. This letter is the primary and only method where election officials communicate with voters that their polling place has changed. Unfortunately - as one could imagine - not everyone sees this notification in the mail and will often times go to an old polling location only to be turned away.

This happened with one 88-year-old voter in Omaha. On Election Day she went to her polling place and did not appear on the voter registration rolls. It was obvious to the observer she was struggling during this process as she had a walker. At first, she was offered a provisional ballot but election workers told her that she needed to go to her correct polling place, which happened after she waited about 30 minutes in line.

This had been her polling place of many years and she had no idea that it moved. She may have received the election commissioner's notification in the mail or she might not have, either way she didn't see it. A chair had been offered to her as the line moved, but in the end, she left for home after being told she needed to go to the right polling place to vote. At this point the observer notes that she was too tired to try waiting in line again at another location. She was visibly upset about this ordeal and commented to the observer, "they don't want my vote?"

- **There were also reports of voters going to the wrong polling place instead of the correct one located at Living Faith Free Methodist Church in Lincoln.**

The inspector here said that the polling place changes affected voters for this location and that voters were supposed to get an updated voter registration card but didn't. The observer noted that many voters came from the location at Bethany Church, and by 9 a.m. there were at least four voters who had come from the wrong location.

- **Polling places around the state seemed to be devoid of language-assistance materials, according to election observers.**

Although federal law only requires language assistance materials to be displayed in counties where five percent or more the population speaks a certain language, election officials have repeatedly said that they make earnest attempts to display this information at all polling places, especially ones where there known to be a large minority population.

Unfortunately, the reality reported by observers was that did not happen. For example, Ward 1 Crete had no Spanish instructions displayed or available. Observers asked numerous inspectors across Nebraska if they had Spanish instructions and they said no. It was reported that Heartland Workers Center provided translators at several polling locations around hispanic neighborhoods in south Omaha which had greatly helped.

One observer suggested that all polling locations should display a single sheet that has multiple language statements directing voters to call a phone number if they needed help with translations. Civic Nebraska trained observers to direct voters who needed language assistance to call numbers that had volunteers waiting to help on Election Day. These volunteers could speak to voters in Spanish, Arabic, and various Asian languages. For future elections: Civic Nebraska suggests that all counties look into what polling places need language assistance materials

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displayed and what they should look like to best accommodate voters, and then ensure there is accountability by polling places to actually display said materials.

- **Wait times as a whole were not that bad in Nebraska, but at some polling places in urban centers during high voter turnout times the reported long wait times exceeded 30 minutes.**

Wait times at high traffic polling places lasting anywhere from ten to fifteen minutes is considered good by election standards. High volume voting times are usually in the morning before people go to work, and then a second larger wave of voters begins after people get off work around 4:30 p.m. Polling places then progressively get busier until 6:30 p.m. Then traffic will dissipate at most locations until polls close at 8 p.m.

During the low volume voting periods most observers reported wait times at their location lasting 0 to 5 minutes. Midpoint during Election Day, all polling places will temporarily close to do a process called ballot counting. This caused the wait time in one polling place to be 12 minutes instead of the usual 0-2 minutes reported for most of the day.

Wait times seemed to get out of control during the second high volume voting time at multiple locations throughout the state. These times are recorded below.

Location (place/city)	Time (p.m.)	Wait time (minutes)
Roper Elementary, Lincoln	5:10	20
	5:55	15
St. Peter Paul, Omaha	6:12-6:40	28
St Paul's United Methodist Church, Papillion	5:50	30
Clair United Methodist, Omaha	5:00-7:30	10-20
Lancaster Manor Rehabilitation Center, Lincoln	5:30-6:15	15
Prairie Wind School, Omaha	6:30	26
	6:50	20
	7:14	12
Morning Star Baptist Church, Omaha	5:40	20

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	5:55	25
	6:10	32

Contrast the wait times reported at these polling places with that of Regency Lake and Tennis Club in Omaha. Here, there was a 0-minute wait time reported from 5 p.m. to 7:30 p.m. There are several other examples of polling places where there were almost no wait times during the rush hours. More work needs to be done on the part of election officials in anticipating high volume precincts. Civic Nebraska acknowledges that polling places in Nebraska do conduct wait time audits as part of a partnership with MIT's Voting Technology Project. The goal of this partnership is to use computer analysis to better determine where resources should be allocated to best serve voters. This is a great idea. Civic Nebraska would only suggest to make this information available to the public.

- **The physical location and setup of select polling places contributing to voter confusion and inconvenience.**

In Omaha one polling place had a major road connected to it that was closed which made it difficult to reach. For the polling place located at Wakonda Elementary in Omaha during pick up time for children the parking lot was full and the observer reported that it was "very chaotic around entrances to the polls with lots of children and parents." Another polling place located at St. Paul Lutheran in Omaha had voters complaining about parking and construction. The lighting was also reported to be very poor inside as every other ceiling light was turned on. The observer further reported that there was limited seating available.

At some polling places where there were multiple precincts in one room observers reported "poor signage" contributing to voter confusion. This was highlighted by multiple reports of voters standing in line for the wrong precinct.

Observers were instructed to do a rough sketch of their assigned polling place. This sketch detailed things such as where the lines were, location of the check in table, location of AutoMark machines, etc. Most of the layouts were satisfactory, but some polling places were set up in such a way where people were forced to walk close by voting booths to check in, or the line was near where people were voting with ballots stations facing the crowd.

When some of these locations were busy, it was clear that the set up was not maximized for efficiency and privacy. This was shown by people who were filling out ballots at tables near lines of people waiting to check in. Sometimes the individuals in line were having loud conversations near voters. This was another widely reported problem that inspectors and poll workers ran into. At times of high volume people could either wait for one of the voting booths or could go where they could fit if they didn't want privacy.

5. Poll workers

Without a doubt, poll workers are the most vital part of successful elections in Nebraska. It is no small feat to coordinate and properly train the necessary 8,000 poll workers who operate across

hundreds of polling places scattered throughout Nebraska. All mail voting precincts and early voting increased their proportional share of the total votes this general election, but even with that increase the 490,043 voters who went to a polling place on Election Day demonstrate the continued need for properly trained poll workers. As a testament to Nebraska's election officials and volunteer citizens, poll workers performed remarkably well during this election even with the crowds breaking participation records.

- **Recognizing this great feat of organizing is important before examining the reported issues related to poll workers. Since we rely so much on poll workers, the issues that come up are understandable when factoring into the equation typical human error. The reality of training 8,000 people to completely understand all of the finer points of election law is that it is probably impossible to do so with 100% accuracy. This measure of accuracy, however, is absolutely required for elections.**

Already mentioned under Douglas County's section was a report of poll workers handing out incorrect ballots to voters resulting in a temporary shutdown of one polling place. This type of poll worker error is very concerning, because in some precincts there could be a substantial amount of people who did not get to vote on all the issues. This calls into question the legitimacy of our elections if every voter isn't - at the very least - guaranteed to receive their full ballot.

Observers also reported poll workers who were talking loudly on their cell phones near voters. One report detailed a poll worker who took a social call and was described as being "very loud and distracting." Later at this same location poll workers were talking loudly about "people who had died during sex." This was flagged by the observer as inappropriate behavior because they were in an elementary school hallway.

Another issue discussed above were reports of poll workers giving voters the wrong address for their polling place. Sometimes this happened twice to the same voter. Usually at this point many voters will give up voting all together if they get redirected twice to the wrong location.

The observer assigned to the polling place at Bethany Lutheran Church in Elkhorn from noon to 2 p.m. overheard poll workers saying that one of the ballot pages were not available, and thus not handed out to voters. This matter was apparently resolved quickly, but again begs the question of how many voters had received incomplete ballots.

Lastly, there were reports of poll workers openly discussing their personal beliefs regarding election law. For example, one poll worker was recorded saying that Nebraska "should have voter ID laws to help spell names." At several other locations observers encountered both poll workers and inspectors who did not know they couldn't ask to look at voters' IDs to help spell names. This is important because poll workers should all be well-versed in the basics of Nebraska election law. Election officials should look to the current training curriculum to see where there might be additional opportunities to improve.

- **Most comments left by observers were very positive towards poll workers but there was one troubling encounter between an observer and poll workers. Below is a report from**

the observer detailing her experience. The names and location have been taken out so it does not identify anyone.

I arrived at the polling place a little after 5 p.m. after staying a few minutes later at my previous location. When I arrived and introduced myself to the Precinct Inspector (“X”), the first thing she said to me was “you’re late.” When I asked her where I should sit, she told me I could stand outside in the hall. When I told her I would like to be in a location where I could see inside the polling site, she told me I could see well enough from where she told me to stand.

After a few minutes of standing in the hall, a voter approached and was told by the greeter at the door that she was not on the list for that site. She was given a card with a phone number to call to find out where she should go, but as she turned to leave, I offered to look up her voting site online, and she was appreciative. About 20 minutes later, another voter arrived and was told she was not at the right site because her name was not on the rolls. She was also given a card and told to call to find out where she was supposed to go. Again, as she turned to leave I offered to look up her site on my phone, and she was appreciative.

Just after she left, X called out to me from inside the room and told me I was not allowed to speak to the voters. I told her that was not accurate, that I was allowed to offer to help them to locate their polling place using the county website. A few minutes later she called me into the room and showed me a page from the poll worker manual related to the media, electioneering, and exit polls, and again, told me I couldn’t speak to the voters. I pointed out that I was not doing any of these things, was more than 8 feet from the voting booths, and that what I was doing was trying to help people exercise their right to vote.

She called her supervisor (“Y”), who called me out into another area of the church, showed me the same page related to the media, campaigning, and exit polls; and would not listen when I tried to explain my role, and the fact that I was providing nonpartisan information to the voters that was related to finding the correct polling site and also advising them on their right to request a provisional ballot – information that was not being provided by the poll workers.

Y told me I would need to leave or she would call the police. I told her I would leave, and finished a text notifying my field organizer of the situation. Y returned with someone from the County Elections Commission on the phone, who listened to my explanation, told me I was correct in that I was allowed to provide the assistance I was offering, apologized to me, and asked to speak to Y. After speaking to X (who told her they didn’t need ‘bad press’), Y apologized, and the Inspector, X, was apparently also told to apologize to me, which she did, begrudgingly, and then told me I had to leave.

In sum, there were two issues here. First, voters who were not on the rolls were turned away from the polling place, given a card with a phone number for the Elections Commission, and told to call it to find out their precinct and ballot number. If they were at the right place (but were not on the rolls because they had moved), they had to return

and request a provisional ballot. If they were at the wrong place, they had to go to the right place. After 5 p.m., most of the voters I saw were on their way home from work, and when they were given the card with a number to call, it seemed unlikely that many would make that call and then travel to a different site to vote. In truth, for most of these people, they were being turned away from voting. These issues would have been solved easily by providing the polling place with a tablet or laptop so that a poll worker or greeter could go on to the Douglas County Elections website and assist voters in finding their correct polling site.

Second, the Inspectors did not really understand the role of the Election Observer, or know what information/assistance could be provided to voters. At my first polling place, the poll workers and voters all appreciated my offer to look up the polling sites online for voters who came to the wrong location. The Inspector was pleasant and thanked me for volunteering. At the second site, the Inspector was belligerent from the moment I stepped in to the site, and not informed regarding the role of the Election Observer. I believe she felt like I was there to observe *her*, and it was very clear she did not want me there. She saw me as a disruption to her polling place, rather than as someone there with the same goal that she had - to aid voters in understanding and exercising their right to vote.

This encounter was emotionally troubling for Civic Nebraska's observer. More work needs to be done between Civic Nebraska and election officials so that these misunderstandings no longer happen.

6. Registration anomalies

This final section covers all issues related to registration anomalies, encompassing reports where voters complained that something happened with their voter registration file. Most of these complaints were from people who thought they had registered to vote with their driver's license application; but for whatever reason, the registration never showed up in the voter rolls. Other voters said that they were completely off the voter rolls despite having participated in the last presidential election.

For most of these reports Civic Nebraska collected names and other identifying information, then forwarded it to the Nebraska Secretary of State's Office for further investigation. Nothing conclusive came up as to what might have caused these issues aside from voter's own human error. There is nothing to suggest there is a bug in the voter registration system. From what the Secretary of State's office reported the voters had either signed something that changed their voter registration information, or were never in the system at all.

- **Persistent complaints of voter registration anomalies.**

At 7:50 p.m. one of the voters was not found on the registration list. He told the observer that he had registered to a new address online, received an email confirming the change of address, and then received the notification to his correct voting precinct and polling place. Somehow, he was still listed at his old address according to the poll worker's records. This voter was told that the "online change didn't work and that he wasn't the only one to whom it had happened."

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Another voter at this location had thought that changing their driver's license address would automatically update their voter registration file. This is not the current procedure. Voters who update or renew their driver's license do have the option to have their information updated to their voter registration record, but this only happens if the voter marks on their application that they want this to happen.¹³

A different voter from this polling place also complained about not being listed on the voter rolls and said that they had voted at this location before and did not recently have a change in address. Poll workers ended up calling the county election offices to figure out why this person was showing their old address at the election office. Nothing conclusive was discovered.

At the polling place located at Agnes Robinson Waterloo Public Library in Waterloo, a voter said that they were told they weren't registered, though they had voted in the last election. The voter went on to say that they filled out voter registration cards at the DMV when moving to their new address. A second voter at this location also said they had updated their DMV license but that their voter registration wasn't updated even though they checked the box to do so.

In Saline County, another man who didn't appear on the voter rolls said that he had voted in 2008. In 2008 he said he also didn't appear on the voter rolls according to poll workers. He said that he remembered doing the same steps this year as in 2008. He filled out another registration application showing his current address and voted provisionally. He said that he has not moved since 2008. One more report from the polling place located at Utica Senior Center in Utica detailed a voter saying they had registered in August at the Nebraska State Fair, but their name never appeared on the voter list. This story seemed to be a fairly common occurrence across the state.

Civic Nebraska would recommend that election officials audit all the different voter registration methods to see if there are any latent deficiencies in the system that may account for some of these reports. Many of these anomalies are probably caused by voters forgetting or incorrectly remembering their voter registration history. But this reason alone may not account for all of these reports so it would be worth taking time to investigate whether there is any problem with the DMV's current voter registration procedure.

- **There were 10,740 provisional ballots cast during the 2018 general election. Out of these, 8,434 ballots were accepted and 2,306 were rejected giving a 21% statewide rejection rate. By the end of the day multiple polling places reported that they were running out of provisional ballots and were forced to have voters wait as they got more delivered.**

¹³ This is otherwise known as an "opt-in" system of voter registration through the Department of Motor Vehicles.

Most voters are given a provisional ballot when their registration information is in disarray.¹⁴ These ballots carry with them additional costs in both time and money to process. Compared with a regular ballot, the costs can be 10 times more expensive. When a state issues a lot of provisional ballots, this is indicative that the voter registration rolls are not up to date.

As a comparison, Colorado issued about 450 provisional ballots, statewide, during its 2018 general election. It is worth mentioning that Colorado also processed over three times as many votes as Nebraska.¹⁵ Colorado is able to do this because they have an election system that is centered on a vote-by-mail standard. This type of election system is much better at keeping updated voter registration addresses for a variety of reasons. They also have an opt-out system through their DMV instead of Nebraska's "opt-in" system. Reforms such as these have helped Colorado save hundreds of thousands of dollars by almost completely eliminating their need to issue provisional ballots.

V. Reasons to celebrate

There are many reasons to celebrate Nebraska's election system. Most of the problems seen in other states during the 2018 general elections would be unthinkable here. It is clear that the unique nature of the nonpartisan Nebraska Legislature can be seen in the way Nebraska administers elections. Furthermore, the present generation of election machines has performed extremely well since their purchase in 2005.

Another positive development is the continued expansion of the all vote-by-mail ("VBM") election standard. For the first time in Nebraska's history an entire county conducted their elections using a VBM standard during the 2018 primary election. After the success seen in Garden County, three additional counties had their vote-by-mail election plans approved by the Secretary of State. Another four counties have had their plans approved to conduct their elections via the mail in 2020. This means there is now a total of eight counties in Nebraska who will be conducting their elections using a vote-by-mail standard.¹⁶

Voter participation numbers also made major gains this election cycle. Compared to 2014's general election, Nebraska added 60,479 voters to the rolls and had 154,537 more ballots cast. The voter participation rate in 2014 was 48%, whereas this election the participation rate was 58%.

Lastly, many observers recorded instances of positive poll worker interaction. One report from an observer said that at their polling place a group of about 10 middle school students from a special education classroom came in to practice and learn about voting. Even though the workers were not informed ahead of time, they quickly made accommodations that didn't interfere with voters. There were plenty of other reports from observers who said that poll workers and

¹⁴Provisional ballots are also known as "the ballot of last resort." These are typically used for voters who did not update their voter registration after moving to a new precinct within the same county.

¹⁵ Colorado total ballots cast during the 2018 general election was 2,583,580. Nebraska processed 706,652 votes.

¹⁶ These counties are Garden, Cedar, Knox, Dixon, Dawes, Merrick, and Morrill.

inspectors were very kind and treated everyone with respect. Another observer noted that poll workers were given good instructions to people who weren't showing up as registered and were very helpful to individuals who had disabilities.

VI. Conclusion and recommendations

It is clear from observation reports that during any given election in Nebraska there is a large segment of voters who don't get to vote because they either didn't know the rules behind moving and re-registering or they were affected by other factors such as polling place changes or poll worker errors. All of these things result in increased costs and more work for election officials. It would be sensible to look towards a future voting system that eliminates many of the potential avenues for errors to take place. This is important because Nebraskans should not have to pay more money into the election system to get less back in return.

Aside from Nebraska switching to an election system that mirrors another vote-by-mail state such as Utah or Colorado, it would be prudent for Nebraska to examine other available options for streamlining and cleaning up voter registration rolls. Many problems stem from voters moving and not updating their registration. Even if Nebraska spent money to educate the public around every election time about making sure their registration is up to date, it is doubtful that this would drastically cut down on the provisional ballots issued. While election officials should absolutely be engaged in this type of public education, evidence from other states demonstrates that changes to election administration is the most effective way to reduce errors, clean up voter rolls, and increase turnout.

The following recommendations shall be separated into categories for 1) election officials, 2) policymakers, and 3) voters.

1. Election officials

- Examine the present voter registration procedure through all available avenues especially from the DMV. The amount of reports indicating registration anomalies in this area warrants further investigation.
- Standardize training procedures to cut down on human errors. This is important to stop poll workers from handing out incorrect ballots to voters or spreading misinformation.
- Determine what precincts need extra language assistance and make an earnest attempt to display helpful materials inside polling places that could at least point voters in a direction to receive help in their language. Election officials can also further coordinate with nonprofits who can provide onsite translators.
- If counties want to use poll greeters there needs to be a lot more work done on training these individuals. The only sensible way to use this position is to ensure they all have some way to check a voter's registration online otherwise they will keep giving voters their wrong polling place.

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- If polling locations are changed, understand that this will impact at least one person in a negative way no matter what. Sending a notification in the mail is not sufficient to let voters know that their location has changed. There should be an extra way to alert these voters, perhaps through partnering with civic engagement nonprofits. Reports also indicated voters might not have been sent anything at all. That needs to be fixed.
- At high volume polling places a better job needs to be done with allocating resources to cut down on wait times. Evidence of two polling locations in the same city having such drastic differences in both wait times and volume during the same rush hour time indicates polling places are not maximized for efficiency.

2. Policymakers

- Pass legislation that allows counties to decide for themselves whether they want to conduct their elections through the vote-by-mail standard. The current law only allows counties under 10,000 population to make the change.
- Pass legislation that improves voter registration through the DMV. Civic Nebraska recommends making the process an “opt-out” instead of an “opt-in” system of registration.
- Approve Gov. Ricketts’ Executive Budget for the 2019-21 Biennium that includes a request of \$12,169,660 to purchase election equipment that will replace the state’s aging ballot counting equipment first purchased in 2005.

3. Voters

- Double check, then triple check your voter registration information before the deadline passes to make a change. Encourage your friends and families to update their registration and to make sure that their polling place hasn’t changed since the last election they participated in.
- If you want to avoid the lines on Election Day, request your absentee ballot from your respective election commissioner and vote at home.
- If you did not request an absentee ballot and are working during Election Day, remember that your employer is required to give you time off to go vote. This only applies for voters who do not have two consecutive hours in the period between the time of the opening and closing of the polls during which they are not required to be present at work for an employer.
- Remember, if you ever run into an issue on Election Day (or any day) Civic Nebraska operates a voter protection hotline during regular business hours, every day our offices are open. 402-904-5191.

John Cartier, J.D. | Director of Voting Rights | Civic Nebraska

1111 Lincoln Mall, Suite 350 | Lincoln, NE 68508

P: 954-319-9832 | O: 402-904-5191