



CIVIC NEBRASKA

2020 ELECTION PROTECTION REPORT

NOV. 3, 2020 GENERAL ELECTION

Published Dec. 22, 2020

John Cartier, J.D. | Director of Voting Rights | Civic Nebraska 530 S. 13th St. Suite 100, Lincoln NE 685080 | Lincoln, NE 68508 P: 954-319-9832 | O: 402-904-5191

CONTENTS

I. Executive Summary

II. Election Observation Methodology

III. Election Day Figures

IV. Election Day Issues

1. Polling Places
2. Voter Confusion
3. Poll Worker Confusion
4. Voter Suppression
5. Voting Irregularities

V. Conclusion

I. Executive Summary

Despite challenges brought by COVID-19 and a tense political environment, Nebraska's 2020 general election proceeded remarkably well. There were 966,920 Nebraskans who turned out in record numbers by utilizing early voting and absentee ballots. For the first time in Nebraska election history, both during the primary and general elections, a greater number of voters cast ballots with absentee ballots rather than in-person voting. In comparison, more than 488,000 Nebraskans voted early or by mail; in 2016, there were only about 233,000.¹ This greatly reduced the stress on polling places, which would have undoubtedly struggled with such a high turnout election amid a pandemic had more voters gone to the polls.

This shift toward absentee and early voting did reveal several areas of concern that can be addressed, both through pro-voter legislation and administrative changes by county and state election officials. Doing this will help future elections by accommodating even more voters and allowing for better administration of elections in general.

Aside from administrative issues, there were multiple reports of individuals who exhibited hostile behavior towards voters and election officials, but none of which raised to the level of what some election commentators feared could happen. On Election Day, millions of voters nationwide, including some in Nebraska, received suspicious robocalls and texts urging them to “stay safe and stay home.” The FBI opened an investigation into this matter; however, the origin of these communications is unclear.

Some voters in Nebraska had also received a postcard in the mail that was an unofficial election communication that listed an incorrect polling place for them. Whether this was intentional or another act by malicious actors also remains unclear. Another concerning report included three instances in which voters had received a pre-filled ballot.

This election also was historic in terms of deployed election observers by Civic Nebraska. Voters and poll workers alike received assistance from 166 trained election observers, who participated in remote and in-person monitoring of an estimated 388 polling precincts spanning 9 counties. These volunteers also collected invaluable data through written observation that will be used to inform future best practices.

1

<https://sos.nebraska.gov/sites/sos.nebraska.gov/files/doc/elections/2020/2020-General-Canvass-Book.pdf>

Although some expressed concern about the security of the 2020 general elections, according to the Cybersecurity and Infrastructure Security Agency, who is tasked with safeguarding the nation's election infrastructure acting under the Department of Homeland Security, “[t]he **November 3rd election was the most secure in American history.**”²

Based on the findings of this report, Civic Nebraska's recommendations for Election Officials, Policy Makers, and Voters are as follows:

1. Recommendations for Election Officials

- Examine the present voter registration procedure through all available avenues, especially through the Department of Motor Vehicles. The number of reports indicating registration anomalies in this area warrants further investigation.
- Implement improved ballot-tracking of absentee ballots.
- 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.

2. Recommendations for Policymakers

- Pass legislation that allows counties to decide for themselves whether they wish to conduct their elections through the all-vote-by-mail standard. The current law only allows counties under 10,000 population to make the change.
- Pass legislation that implements automatic voter registration through the DMV.
- Pass legislation that authorizes Election Day voter registration.
- Pass legislation that allows voters to request their absentee ballots online.
- Pass pre-paid postage for absentee ballots.
- Pass legislation allowing for the dropping off of ballots at drop boxes on Election Day, even if that location is a polling location.

3. Recommendations for 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.

2

<https://www.cisa.gov/news/2020/11/12/joint-statement-elections-infrastructure-government-coordinating-council-election>

- 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 Election Protection Hotline during regular business hours, every day our offices are open. 402-890-5291.

II. Election Observation Methodology

Civic Nebraska has run statewide nonpartisan election observation programs since 2012. 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. The training 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 local county election officials.

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, wait times, and more. In total, Civic Nebraska trained and deployed 166 observers to about 388 precincts.

A legal team consisting of three attorneys supported voters and volunteers with legal questions from the Election Day headquarters who further coordinated with attorneys from The ACLU of Nebraska. Alongside the legal team were three field directors. Each was assigned to assist Lancaster, Douglas, and Greater Nebraska poll observers, respectively.

III. Election Day Figures

Registered voters: **1,266,730** (+55,629 registrations from 2016 general election)

Total voters: **966,920** (+106,347 votes from 2016 general election)

Voter turnout: **76%**

Total precincts: **1,389**

Provisional ballots: **13,093** ballots cast (Of those ballots 9,998 were accepted and 3,095 were rejected. **23.64%** average county rejection rate)

Early voting rejection rate: **1.13%** (559,003 mailed, 542,207 returned, 535,585 accepted, and 6,127 rejected)

Total Voting by Method

Method	Total	Percentage
<i>Early voting</i>	488,685	50.50%
<i>Polling place</i>	417,349	43.20%
<i>All-mail precinct</i>	47,941	5%
<i>Provisional</i>	9,998	1%
<i>Military & overseas</i>	2,704	0.28%
<i>New/Former resident</i>	213	0.02%
<i>Total Voting</i>	966,920	100%

Voter Turnout by County

County	Votes Cast	Registered Voters	Voter Turnout
Blaine	321	362	88.67%
Boone	3,255	3,680	88.45%
Arthur	289	328	88.11%
Garden	1,213	1,383	87.71%
Cedar	5,058	5,774	87.60%
McPherson	307	352	87.22%
Loup	457	527	86.72%
Merrick	4,339	5,030	86.26%
Thomas	430	501	85.83%
Cass	16,242	18,995	85.51%
Cherry	3,310	3,872	85.49%
Knox	4,772	5,620	84.91%
Clay	3,608	4,271	84.48%
Boyd	1,168	1,390	84.03%
Keya Paha	531	632	84.02%
Sherman	1,723	2,078	82.92%
Sioux	733	884	82.92%
Washington	12,580	15,195	82.79%
Wheeler	506	613	82.54%
Hamilton	5,614	6,809	82.45%
Dixon	3,135	3,804	82.41%
Webster	1,891	2,297	82.32%
Perkins	1,559	1,894	82.31%
Rock	852	1,037	82.16%
Phelps	5,066	6,169	82.12%
Garfield	1,080	1,316	82.07%
Saunders	12,936	15,767	82.04%
Morrill	2,584	3,151	82.01%
Grant	407	498	81.73%

Stanton	3,184	3,899	81.66%
Logan	452	557	81.15%
Greeley	1,279	1,578	81.05%
Dundy	1,015	1,254	80.94%
Butler	4,566	5,656	80.73%
Thayer	3,028	3,754	80.66%
Pierce	4,046	5,019	80.61%
Chase	2,010	2,500	80.40%
Seward	9,285	11,564	80.29%
Kearney	3,643	4,546	80.14%
Brown	1,698	2,123	79.98%
Polk	2,926	3,660	79.95%
Sarpy	97,001	122,060	79.47%
Johnson	2,257	2,846	79.30%
Fillmore	3,194	4,028	79.29%
Hooker	447	564	79.26%
Nemaha	3,472	4,386	79.16%
Antelope	3,615	4,568	79.14%
Valley	2,367	2,994	79.06%
Wayne	4,263	5,413	78.75%
Holt	5,624	7,149	78.67%
Platte	16,263	20,718	78.50%
Harlan	1,954	2,492	78.41%
Lancaster	158,801	202,820	78.30%
Gosper	1,133	1,460	77.60%
Gage	11,263	14,521	77.56%
Hayes	537	695	77.27%
Hitchcock	1,482	1,920	77.19%
Franklin	1,749	2,268	77.12%
Jefferson	3,780	4,902	77.11%

Frontier	1,454	1,887	77.05%
Otoe	8,435	10,965	76.93%
Banner	414	539	76.81%
Dawes	4,235	5,515	76.79%
Buffalo	23,943	31,204	76.73%
Cuming	4,508	5,886	76.59%
Pawnee	1,445	1,888	76.54%
Howard	3,540	4,638	76.33%
Dodge	17,149	22,490	76.25%
Burt	3,780	4,967	76.10%
Red Willow	5,517	7,261	75.98%
Nance	1,860	2,452	75.86%
Custer	6,073	8,038	75.55%
Cheyenne	4,831	6,417	75.28%
Adams	14,916	19,843	75.17%
Richardson	4,181	5,571	75.05%
Deuel	1,046	1,395	74.98%
Furnas	2,629	3,517	74.75%
Douglas	278,518	373,532	74.56%
Saline	5,879	8,034	73.18%
Nuckolls	2,335	3,225	72.40%
Sheridan	2,707	3,740	72.38%
Keith	4,418	6,107	72.34%
Madison	15,973	22,096	72.29%
York	7,244	10,081	71.86%
Lincoln	17,371	24,270	71.57%
Colfax	3,795	5,314	71.42%
Hall	24,816	35,100	70.70%
Box Butte	5,304	7,780	68.17%
Kimball	1,893	2,786	67.95%

Dawson	9,335	13,805	67.62%
Scotts Bluff	15,686	24,473	64.10%
Dakota	6,934	11,323	61.24%
Thurston	2,456	4,448	55.22%

Provisional ballot rejection rate by county

County	Total	Accepted	Rejected	Percentage
Adams	208	143	65	31.25%
Antelope	24	22	2	8.33%
Arthur	0	0	0	
Banner	0	0	0	
Blaine	0	0	0	
Boone	0	0	0	
Box Butte	97	94	3	3.09%
Boyd	5	3	2	40.00%
Brown	9	3	6	66.67%
Buffalo	306	240	66	21.57%
Burt	31	22	9	29.03%
Butler	26	17	9	34.62%
Cass	148	62	86	58.11%
Cedar	0	0	0	
Chase	25	25	0	0
Cherry	22	12	10	45.45%
Cheyenne	54	36	18	33.33%
Clay	9	9	0	0.00%
Colfax	2	2	0	0.00%
Cuming	46	32	14	30.43%
Custer	46	26	20	43.48%
Dakota	135	112	23	17.04%
Dawes	25	19	6	24.00%
Dawson	68	45	23	33.82%

Deuel	1	0	1	100.00%
Dixon	7	7	0	0.00%
Dodge	193	121	72	37.31%
Douglas	4,662	3,825	837	17.95%
Dundy	0	0	0	
Fillmore	34	30	4	11.76%
Franklin	6	3	3	50.00%
Frontier	35	26	9	25.71%
Furnas	30	12	18	60.00%
Gage	72	62	10	13.89%
Garden	0	0	0	
Garfield	12	8	4	33.33%
Gosper	0	0	0	
Grant	0	0	0	
Greeley	3	2	1	33.33%
Hall	403	324	79	19.60%
Hamilton	35	11	24	68.57%
Harlan	0	0	0	
Hayes	2	2	0	0
Hitchcock	9	5	4	44.44%
Holt	55	54	1	1.82%
Hooker	0	0	0	
Howard	3	3	0	0
Jefferson	33	30	3	9.09%
Johnson	5	2	3	60.00%
Kearney	19	13	6	31.58%
Keith	32	23	9	28.13%
Keya Paha	0	0	0	
Kimball	15	14	1	6.67%
Knox	5	4	1	20.00%

Lancaster	3,132	2,464	668	21.33%
Lincoln	250	229	21	8.40%
Logan	2	0	2	100.00%
Loup	0	0	0	
Madison	135	103	32	23.70%
McPherson	1	1	0	0
Merrick	17	13	4	23.53%
Morrill	2	0	2	100.00%
Nance	6	6	0	0.00%
Nemaha	44	35	9	20.45%
Nuckolls	14	6	8	57.14%
Otoe	79	48	31	39.24%
Pawnee	8	2	6	75.00%
Perkins	17	5	12	70.59%
Phelps	37	30	7	18.92%
Pierce	23	19	4	17.39%
Platte	202	99	103	50.99%
Polk	10	7	3	30.00%
Red Willow	38	32	6	15.79%
Richardson	28	19	9	32.14%
Rock	3	3	0	0.00%
Saline	87	24	63	72.41%
Sarpy	1,153	736	417	36.17%
Saunders	159	89	70	44.03%
Scotts Bluff	265	202	63	23.77%
Seward	139	81	58	41.73%
Sheridan	27	14	13	48.15%
Sherman	19	18	1	5.26%
Sioux	2	2	0	0.00%
Stanton	3	3	0	0.00%

Thayer	36	29	7	19.44%
Thomas	0	0	0	
Thurston	13	10	3	23.08%
Valley	11	11	0	0.00%
Washington	72	61	11	15.28%
Wayne	33	31	2	6.06%
Webster	10	10	0	0.00%
Wheeler	3	0	3	100.00%
York	56	51	5	8.93%
Total	13,093	9,998	3,095	23.64%

IV. Election Day Issues

This section details the major issues reported by voters and poll observers. They are categorized as either: **1) Polling Places; 2) Voter Confusion; 3) Poll Worker Confusion; 4) Voter Suppression; or, 5) Voting Irregularities.**

1. Polling Places

By far, the most commonly observed issue was voters going to the wrong polling place. This problem was exacerbated at locations with multiple precincts in close proximity. One observer noted that at precincts 1, 3, and 4 in Bellevue it was “too numerous to count” how many people went to the wrong location. At least one location was reported to have opened several minutes late after polls were scheduled to open at 8 a.m.

In the beginning of the day many polling places had wait times in excess of 30 minutes. The longest reported wait time by an observer was 50 minutes at Wakonda Elementary School in Omaha. Following the rush of early-morning voters, most locations had wait times under 5 minutes for a majority of the day until around 5 p.m. when voters started to get off work. It is noteworthy to mention that in-person voting was at record lows this election; if voters had instead opted to go to their polling place on Election Day there could have very well been over an hour-long wait time in many places around the state.

Around the state, there were reports of language barriers being an issue for voters. Some locations had election observers and poll workers who were bilingual and were able to provide assistance; however, this was not the case for the entire state. This further demonstrates a need

for election officials to post, in a visible location at all polling locations, basic instructions in multiple languages.

Other issues reported were:

- Construction near the polling place made it difficult for voters to enter;
- Some polling places were reported to not have signs outside letting voters know about curbside voting;
- Inadequate handicap parking;
- Police presence at several polling locations;
- Many locations lacking powered doors and ramps for ADA accessibility;
- At least one polling place (Wakonda Elementary) reported to have opened at 8:06 a.m.;
- Campaign yard signs inside electioneering zones; and,
- Numerous reports of voters with Trump campaign flags on cars parking within electioneering zones or attempting to wear campaign apparel inside polling places.

2. Voter Confusion

A high use of provisional ballots is indicative of voter confusion regarding how to properly cast a regular ballot. During this election there was a large number of voters who requested their absentee ballot, but for whatever reason they never received it through the mail, lost it, or decided they would rather cast an in-person provisional ballot at their polling place. During the 2016 general election 12,411 provisional ballots were accepted. This election, 9,998 provisional ballots were accepted, marking a 19% decrease. Below is a table listing the reasons why provisional ballots were rejected. The overall 23.64% rejection rate of provisional ballots requires the attention of election officials to find ways to lower the usage of provisional ballots, as anytime a voter who has to use this method to cast a ballot runs a high chance of not being counted.

Incomplete provisional certification	No voter registration in this county	Late Registration	Incomplete or unsigned registration	Voted in wrong precinct or jurisdiction	Name removed from register by law	Already voted or attempted to vote	Not eligible to register to vote	Other -Contact the election office
130	1,770	302	120	597	37	60	21	58

There were a lot of voters who called asking whether they could register to vote or cast a provisional ballot after moving from out of state to Nebraska before the election or to a different county. These voters were unable to utilize a provisional ballot and there was unfortunately no remedy so they could cast ballots, though they were otherwise eligible voters. This shows a need

for same-day voter registration to accommodate those who fall outside of the statutorily prescribed voter registration deadlines.

In Lincoln, voters were able to drop off their completed absentee ballots to secure drop boxes located inside libraries. Due to a statutory limitation, voters are unable to do this on Election Day itself. This resulted in many voters going to libraries thinking they could drop off their ballots, only to be turned away. The observer assigned to the polling place inside Gere Library noted that at least 30 voters came there thinking they were able to turn in their ballot. This issue was reported in every county where drop boxes had been located inside libraries.

3. Poll Worker Confusion

Observers at multiple locations witnessed poll workers unsure about the provisional ballot process. In one instance, a poll worker asked an observer on how to properly mark a box on the provisional ballot paperwork. The observer declined and referred them to their supervisor, but they were in fact the supervisor. They did not consult their poll worker manual and instead “winged it.”

Poll workers were reported to have told voters their incorrect polling place based on a variety of issues. In one instance, a poll worker had trouble understanding a voter and directed them to the wrong precinct located in the same building. Once that voter went through the line the other poll workers told them to return to the first line, causing the voter to become frustrated. On some occasions poll workers consulted Nebraska’s online voter check to determine a voter’s polling location; however, sometimes this too resulted in confusion when the voter had moved residences and did not update their voter registration information.

Other poll worker issues reported:

- Asking for a voter’s ID when otherwise not required in order to vote; and,
- Unclear about whether election observers are allowed.

4. Voter Suppression

There were a few instances reported that amounted to what is generally considered voter suppression. The occurrences mentioned already are a reminder that in any given election a population of voters will encounter malicious actors who are trying to suppress their vote. The robocalls and text messages that went out to millions of Americans, and thousands of Nebraskans was a troubling occurrence that still has not been traced back to an individual or group.

One voter reported to an election observer that they updated their voter registration to include a new party affiliation and address through the DMV. However, the system only updated the party affiliation. Additionally, the voter reported having received what the Election Commission told them on the phone “had to be” a fraudulent polling site card that looked to be “official.” This card had the wrong polling site for the voter and the Election Commissioner confirmed to them that there was “no way” they were sent a card with the false location.

5. Voting Irregularities

On three separate occasions it was reported that a voter had received a ballot that already had been pre-filled with some of the races. This happened twice on Election Day at the same polling place in Saunders County. The other report was from a voter in Douglas County who had received their absentee ballot in the mail and they said when they opened up the sealed envelope the choice for president was already filled in. As of the date of this report, there has yet to be an explanation for how this happened after conferring with election officials from both Douglas and Saunders county; one potential issue was that the security footage for Douglas County where the mail-in ballots were being stuffed into envelopes only went back two weeks and it was purported that the only timeframe in which the voter’s ballot could have been tampered with was outside that time.

V. Conclusion

Even with the unique challenges presented to voters and election officials alike, this election cycle ended up being a record-breaking success. A huge reason why is because for the first time in Nebraska election history, more voters opted to use early voting methods rather than traditional in-person voting. Also, more counties than ever before had all-mail precincts. In total, there were 19 counties that automatically mailed ballots to their registered voters.

Also for the first time in recent election history, there was not a single report of a machine failure. This is attributed to the upgrade in election machines that replaced Nebraska’s aging elections infrastructure and was put in place for the first time during the primary.

As in past elections, Civic Nebraska’s election observers noted numerous occasions where poll workers acted with professionalism and care, so that each and every voter was able to cast a ballot that counts. The errors were minimal on the side of the election staff, which was encouraging because there were many replacement poll workers in place of those who were unable to serve due to COVID-19. This is a testament to local county election officials, who helped train and manage the 4,000 poll workers throughout the state.

By far the biggest issue with Nebraska’s election system are voters who show up to the wrong polling place and who fail to properly register in time to qualify for a given election. All of these

factors result in increased costs and more work for election officials, especially through the provisional ballot process. 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 everyone's registration is up to date, it is doubtful this would drastically cut down on the number of 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 counties that performed the best were by and large all-vote-by mail counties, further supporting that more counties should make the switch to continue to improve voter turnout.