



Election Protection Report

General Election

Nov. 8, 2022

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I. Executive Summary

Amid a tense and sometimes hostile political environment in Nebraska, the 2022 midterm elections were conducted securely. Out of 1,242,940 registered voters in Nebraska, 682,716 voters, or 54.93%, participated in the Nov. 8 election.

Of these, 264,478 Nebraskans participated by utilizing early voting and absentee ballots. In comparison to the 2018 election, which included about 208,945 early voters, this reflects an increase of 55,533 more Nebraskans voting early in 2022,¹ a 26.58% increase.

The increasing use of absentee and early voting illustrates that these voting methods make it possible for many voters to comfortably and conveniently cast their ballots, especially voters who otherwise might not participate in elections. Policymakers should continue to embrace and expand this convenience that is clearly popular among Nebraska voters.

On Election Day, there were multiple reports of voters receiving either incorrect ballots or incomplete ballots (lacking a race or the second page of issues). Once notified, election officials acted immediately to correct these errors and recognized the severity of this issue. Additionally, some voters in Nebraska received postcards in the mail with confusing election-related information. These mailers were reminiscent of the postcards many received ahead of the 2020 election which resembled voter registration cards and did not clearly identify who sent them. Whether these are intentional acts of disinformation or not, they undoubtedly can contribute to increased apathy and/or distrust in our elections.

While there was concern about the security of our elections, an analysis from the Brennan Center for Justice noted that, “Our election systems faced extraordinary pressure and held up well. The elections were free, fair, and emphatically calm. Elections like this teach lessons and shape narratives.”²

In each election, Civic Nebraska deploys election observers to ensure that problems are identified, reported, and addressed on Election Day. Voters received assistance from 43 trained election observers at an estimated 140 polling locations spanning seven counties. Volunteer observers collect data through written observations and report urgent issues immediately.

¹ Evnen, R. (2022). *Official Report of the Nebraska Board of State Canvassers*.

<https://sos.nebraska.gov/sites/sos.nebraska.gov/files/doc/elections/2022/2022%20General%20Canvass%20Book.pdf>

² Brennan Center for Justice. (Nov 2022). *Democracy Wins the 2022 Midterms*. <https://www.brennancenter.org/our-work/analysis-opinion/democracy-wins-2022-midterms>

Through this program, volunteers monitor the polling places to ensure voting rights are being upheld and voting processes are running smoothly.

Based on the findings of this report, Civic Nebraska's recommendations for election officials, policymakers, and voters are as follows:

1. Recommendations for election officials

- Examine the current absentee voting request process to identify opportunities for efficiencies, improved processing, and fulfillment of absentee ballot request forms.
- Improve ballot tracking software and notifications to voters upon receipt of ballots.
- Implement permanent early voting lists and provide clear communication about the process to vote from home.
- Provide practical and straightforward information about the security of our election systems.
- Assess the voter information lookup site for improvements to usability and educational/promotional material for voters to reference this site more easily.
- Provide additional language assistance and materials at polling locations. Election officials should consider working with organizations to provide onsite translators.
- Investigate the accessibility of all polling locations, especially as it relates to ramps, powered doors, elevators, handicapped parking, and privacy of the AutoMARK voting machines.

2. Recommendations for policymakers

- Pass legislation to allow counties of any size the option to conduct their elections through the all-vote-by-mail standard.
- Pass legislation that restores the right to vote to people previously convicted of a felony.
- Collaborate intentionally to ensure that a new voter ID requirement includes considerations for voters who cannot provide "current" ID on a given Election Day. Maintain the highest standard for all voters to freely cast their ballots and prioritize limiting the restrictions that will result from any new ID requirement.

- Pass legislation that allows voters to request their absentee ballots online.
- Pass legislation to require maintenance of ballot tracking software and ballot receipt notifications to voters.
- Pass legislation to provide pre-paid postage for absentee ballot returns.
- Pass legislation that implements automatic voter registration through the DMV.
- Pass legislation that authorizes Election Day voter registration.

3. Recommendations for voters

- Check your voter registration information before the deadline. Ensure that you are registered to vote at your current address and that your name and all of your information is correct. Check to make sure that your polling place hasn't changed since the last election you participated in.
- When you go vote, know your rights and what's expected of the voting process to ensure all rules are followed.
- If you want to avoid going to vote in person on Election Day, request an absentee ballot to vote from home. If you miss the deadline to request an absentee ballot, consider voting early at your county election office.
- If you ever run into an issue on Election Day, Civic Nebraska operates an Election Protection Hotline at 402-890-5291.

II. Election Observation Methodology

Civic Nebraska has run statewide nonpartisan election observation programs since 2012. Nationally, the Lawyer's Committee for Civil Rights is the leading organization that provides training, materials, election hotlines, and support to organizations operating observer programs in their states. Civic Nebraska partners with the Lawyer's Committee, Common Cause of Nebraska, Disability Rights Nebraska, and the Arc of Nebraska to deliver election protection training and materials to volunteers.

Civic Nebraska collected observations and information through the combination of volunteers at polling places and voters who reported issues directly to Civic Nebraska's Election Protection Hotline. Volunteers are trained, assigned polling locations, and equipped with identifying badges, per state statute. Volunteers were assigned to polling locations near their own location. Many volunteers have observed elections with Civic Nebraska in the past and several volunteers were new to the program. All volunteers are trained to ensure the latest rules and best practices are discussed and followed. The 1.5 hour training includes directions for nonpartisan observation, interacting with poll workers and voters, basics of election laws, assessing the accessibility of a polling place, and reporting issues and observations to the team.

Observers complete a survey provided by Disability Rights Nebraska to collect information on polling place accessibility, such as a ramp, powered doors, handicapped parking, and the privacy of the voting machine. Observers also complete general observation reports to collect various details like the number of provisional ballots given, number of times voters go to the wrong polling location, wait times, and more.

A legal team and senior directors supported voters and volunteers with questions from the Election Day headquarters. Additionally, there are three field organizers assigned to assist poll observers in Douglas County, Lancaster County, and Greater Nebraska, respectively.

III. Election Day Figures

Registered voters: 1,242,930 (+23,611 registrations from 2018 general election)

Total voters: 682,716 (-29,936 votes from 2018 general election)

Voter turnout: 54.93%

Total precincts: 1,323

Provisional ballots: 6,025

Early voting rejection rate: 0.40% (292,204 mailed, 265,574 returned, 264,501 accepted, 1,073 rejected)

Total Voting by Method

Method	Total	Percentage
<i>Early voting</i>	225,416	33.02%
<i>Polling place</i>	412,213	60.38%
<i>All-mail precinct</i>	38,525	5.65%
<i>Provisional</i>	6,025	0.88%
<i>Military & overseas</i>	537	0.07%
<i>Total voting</i>	682,716	100%

Voter Turnout by County

County	Votes Cast	Registered Voters	Voter Turnout
Adams	10,536	19,402	54.30%
Antelope	2,541	4,462	56.95%
Arthur	257	337	76.26%
Banner	382	547	69.84%
Blaine	211	353	59.77%
Boone	2,682	3,640	73.68%
Box Butte	3,408	7,315	46.59%
Boyd	948	1,336	70.96%
Brown	1,253	2,066	60.65%

Buffalo	16,298	30,855	52.82%
Burt	2,873	4,924	58.35%
Butler	3,590	5,637	63.69%
Cass	11,564	19,089	60.58%
Cedar	4,023	5,748	69.99%
Chase	1,549	2,417	64.09%
Cherry	2,731	3,759	72.65%
Cheyenne	3,431	6,330	54.20%
Clay	2,851	4,148	68.73%
Colfax	2,487	5,255	47.33%
Cuming	3,285	5,821	56.43%
Custer	4,524	7,774	58.19%
Dakota	3,695	10,855	34.04%
Dawes	3,283	5,220	62.89%
Dawson	5,780	13,612	42.46%
Deuel	752	1,382	54.41%
Dixon	2,386	3,728	64.00%
Dodge	11,711	22,192	52.77%
Douglas	193,653	359,135	53.92%
Dundy	786	1,210	64.96%
Fillmore	2,474	4,009	61.71%
Franklin	1,217	2,151	56.58%
Frontier	1,101	1,858	59.26%
Furnas	1,917	3,455	55.48%
Gage	8,211	14,373	57.13%
Garden	933	1,339	69.68%
Garfield	801	1,314	60.96%
Gosper	859	1,437	59.78%
Grant	286	466	61.37%
Greeley	1,089	1,579	68.97%
Hall	15,562	34,028	45.73%
Hamilton	4,217	6,795	62.06%
Harlan	1,460	2,464	59.25%

Hayes	397	667	59.52%
Hitchcock	1,087	1,895	57.36%
Holt	4,121	7,100	58.04%
Hooker	376	538	69.89%
Howard	2,509	4,610	54.43%
Jefferson	2,762	4,817	57.34%
Johnson	1,676	2,818	59.47%
Kearney	2,602	4,549	57.20%
Keith	2,963	5,889	50.31%
Keya Paha	433	641	67.55%
Kimball	1,361	2,656	51.24%
Knox	3,909	5,512	70.92%
Lancaster	115,977	201,392	57.59%
Lincoln	12,372	23,744	52.11%
Logan	342	559	61.18%
Loup	345	529	65.22%
McPherson	11,973	22,050	54.30%
Madison	224	345	64.93%
Merrick	345	5,134	66.95%
Morrill	2,025	2,993	67.66%
Nance	1,335	2,397	55.69%
Nemaha	2,401	4,408	54.47%
Nuckolls	1,615	3,145	51.35%
Otoe	5,877	10,846	54.19%
Pawnee	1,114	1,823	61.11%
Perkins	1,134	1,883	60.22%
Phelps	3,759	6,185	60.78%
Pierce	2,946	4,975	59.22%
Platte	11,310	20,608	54.88%
Polk	2,092	3,596	58.18%
Red Willow	4,088	7,108	57.51%
Richardson	3,048	5,392	56.53%
Rock	617	1,048	58.87%

Saline	3,855	7,898	48.81%
Sarpy	65,276	122,994	53.07%
Saunders	9,776	16,128	60.62%
Scotts Bluff	10,055	23,841	42.18%
Seward	6,868	11,470	59.88%
Sheridan	1,946	3,625	53.68%
Sherman	1,289	2,073	62.18%
Sioux	553	895	61.79%
Stanton	2,539	3,796	66.89%
Thayer	2,252	3,613	62.33%
Thomas	323	502	64.34%
Thurston	1,349	4,251	31.73%
Valley	1,868	3,006	62.14%
Washington	8,975	15,139	59.28%
Wayne	3,131	5,234	59.82%
Webster	1,349	2,300	58.65%
Wheeler	367	592	61.99%
York	5,121	9,914	51.65%
Total	682,716	1,242,940	54.93%

Provisional Ballot Rejection Rate by County

County	Total	Accepted	Rejected	Rejection Rate
Adams	63	40	23	36.51%
Antelope	6	5	1	16.67%
Arthur	0	0	0	0.00%
Banner	0	0	0	0.00%
Blaine	0	0	0	0.00%
Boone	0	0	0	0.00%
Box Butte	41	39	2	4.88%
Boyd	3	2	1	33.33%
Brown	8	5	3	37.50%

Buffalo	146	116	30	20.55%
Burt	26	16	10	38.46%
Butler	16	11	5	31.25%
Cass	112	74	38	33.93%
Cedar	0	0	0	0.00%
Chase	11	6	5	45.45%
Cherry	11	8	3	27.27%
Cheyenne	34	34	0	0.00%
Clay	7	6	1	14.29%
Colfax	5	3	2	40.00%
Cuming	17	14	3	17.65%
Custer	34	30	4	11.76%
Dakota	35	25	10	28.57%
Dawes	8	7	1	12.50%
Dawson	20	14	6	30.00%
Deuel	2	2	0	0.00%
Dixon	0	0	0	0.00%
Dodge	84	65	19	22.62%
Douglas	2,810	2,419	391	13.91%
Dundy	0	0	0	0.00%
Fillmore	14	10	4	28.57%
Franklin	2	0	2	100.00%
Frontier	4	2	2	50.00%
Furnas	20	10	10	50.00%
Gage	55	45	10	18.18%
Garden	1	0	1	100.00%
Garfield	3	3	0	0.00%
Gosper	3	2	1	33.33%
Grant	0	0	0	0.00%

Greeley	0	0	0	0.00%
Hall	181	134	47	25.97%
Hamilton	23	11	12	52.17%
Harlan	0	0	0	0.00%
Hayes	1	0	1	100.00%
Hitchcock	13	3	10	76.92%
Holt	49	39	10	20.41%
Hooker	2	1	1	50.00%
Howard	11	0	11	100.00%
Jefferson	9	9	0	0.00%
Johnson	3	3	0	0.00%
Kearney	14	10	4	28.57%
Keith	21	16	5	23.81%
Keya Paha	1	1	0	0.00%
Kimball	11	11	0	0.00%
Knox	1	0	1	100.00%
Lancaster	2,020	1,773	247	12.23%
Lincoln	72	50	22	30.56%
Logan	0	0	0	0.00%
Loup	1	0	1	100.00%
McPherson	78	65	13	16.67%
Madison	0	0	0	0.00%
Merrick	13	13	0	0.00%
Morrill	2	0	2	100.00%
Nance	6	6	0	0.00%
Nemaha	19	17	2	10.53%
Nuckolls	1	0	1	100.00%
Otoe	19	14	5	26.32%
Pawnee	15	15	0	0.00%

Perkins	2	1	1	50.00%
Phelps	15	14	1	6.67%
Pierce	4	3	1	25.00%
Platte	76	55	21	27.63%
Polk	15	9	6	40.00%
Red Willow	31	31	0	0.00%
Richardson	19	18	1	5.26%
Rock	3	3	0	0.00%
Saline	28	3	25	89.29%
Sarpy	609	489	120	19.70%
Saunders	62	24	38	61.29%
Scotts Bluff	88	65	23	26.14%
Seward	52	38	14	26.92%
Sheridan	12	7	5	41.67%
Sherman	10	6	4	40.00%
Sioux	0	0	0	0.00%
Stanton	0	0	0	0.00%
Thayer	9	3	6	66.67%
Thomas	0	0	0	0.00%
Thurston	4	3	1	25.00%
Valley	9	7	2	22.22%
Washington	23	15	8	34.78%
Wayne	16	16	0	0.00%
Webster	3	0	3	100.00%
Wheeler	3	0	3	100.00%
York	18	13	5	27.78%
Total	7,298	6,027	1,271	17.42%

IV. Election Day Concerns

This section details the major problems reported by poll observers and voters. 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

The most commonly observed problem on Election Day involved voters arriving at the wrong polling place and having to be redirected to their correct, assigned polling place based on their current residential address. Many voters in this situation had recently moved and had not updated their voter registration to reflect their new residential addresses. Once voters travel to the correct polling place, they vote via provisional ballot and provide their updated information. We must note that automatic voter registration and/or Election Day voter registration would resolve this issue for most voters.

Shortly after the opening of polling places at 8:00 a.m., several locations had lines form and wait times of about 15-30 minutes. Following the rush of early morning voters, most locations maintained short wait times throughout the day. However, two polling locations in Omaha experienced a very long wait time due to the 2 p.m. ballot count and transfer. Two sites reported a wait time in excess of 45 minutes.

Several observers reported language barriers for voters. Some polling locations had observers or poll workers who were bilingual and able to provide assistance, but this was not the case in all instances. This further illustrates the need for election officials to post instructions in multiple languages at all polling locations.

One volunteer observed another election observer from a different group approaching the check in table, questioning the poll workers, and attempting to touch the books and items on the check in table. After a brief conversation, the other observer eventually stopped questioning the poll worker, but remained near the check in table. As prescribed in Neb. Rev. Stat. & 32-1525, all election observers are required to stand at least eight feet away from the check in table. This unlawful action by the election observer was reported to election officials immediately. The Secretary of State's Election Division office will be updating the requirements and guidance documents related to election observers to ensure that all statutes are upheld.

Additional problems reported:

- Inadequate handicapped parking;
- Campaign yard signs in electioneering zones;
- Construction near the polling place making it difficult for voters to enter;
- Inadequate signage to direct voters to the polling place entrances;
- Locked entrances to polling locations;
- Many polling locations lack powered doors and ramps for ADA accessibility.

2) Voter Confusion

Many voters called our hotline with questions about registering to vote, having moved recently, and confusion about having assigned polling locations. Voters who only had an outdated address were able to vote via provisional ballots. Voters who were not registered to vote prior to the deadlines or were not able to travel to the necessary polling location were not able to cast ballots, although they were otherwise eligible voters. This illustrates the need for same-day, Election Day voter registration to enable Nebraskans to exercise their right to vote.

A high use of provisional ballots indicates voter confusion as they were unable to cast a regular ballot per the usual voting process. Similarly to the 2020 election, some voters requested an absentee ballot, but either never received it, lost it, or decided they'd rather vote in person. In this election, there were a total of 7,298 provisional ballots cast. Of these, 6,027 ballots were accepted and 1,271, or 17.42%, were rejected. These 1,271 voters were not able to vote due to reasons related to lacking current voter registration, confusion about assigned polling places, and misunderstanding their voting rights. Each of these phenomena would be addressed by implementing policies that many other states have such as automatic voter registration, same day Election Day voter registration, and restoration of voting rights upon completion of sentences for felonies. The table below lists the reasons for the rejection of provisional ballots.

No voter registration in county	721
Voted in wrong precinct/jurisdiction	251
Late registration	120
Incomplete provisional certification	56

Incomplete/unsigned registration	36
Already voted/attempted to vote	33
Name removed from register by law	30
Not eligible to register to vote	2
Other/contact election office	22
Total rejected provisional ballots	1,271

3) Poll Worker Confusion

One voter at an Omaha polling location witnessed poll workers providing voters only one ballot page while there were two pages in total, meaning that a number of voters only got half of their ballot to vote. This voter was the 26th in line at about 8:30 a.m., meaning 25 voters prior had received only one page of their ballot. The voter reported that they questioned the poll workers about this and only after they'd persisted did the poll worker look and find the other ballots. Once election officials were informed, they worked to contact the 25 voters and urge them to return to the polling place to complete their remaining ballot before the close of polls.

An Omaha polling location with multiple precincts at one site experienced confusion with placing a greeter in a foyer area of the entrance to the building. Instead of checking in at the respective table for their precinct, voters were stopped in the foyer area. Initially, this greeter only had one of the precinct books and reportedly turned two voters away from the polling location. After gaining clarity from the Douglas County Election Commissioner, we learned that a supervising poll worker was now in the greeter position and had the books of voter names for all precincts at the location. Additionally, they were clear that no voters should be turned away outright and that poll workers would recommend looking up one's correct polling location before having to leave the incorrect site.

There were several reports of poll workers discussing the voter ID initiative on the ballot with voters. Observers reported that a voter would provide their ID and make a comment that ID should be required for everyone, that they hoped the ballot initiative would pass in this election, and the poll worker would audibly agree. This is unacceptable and election officials were notified immediately.

These instances of poll worker confusion must be investigated by election officials to ensure that all training and supervision of poll workers is thorough and consistent. Each of these problems may have been prevented with more communication between election officials and poll workers.

4) Voter Suppression

Several reports could generally be considered voter suppression. In any given election, voters are likely to encounter malicious actors trying to suppress their vote.

Three voters reported that they submitted an early voting application, or absentee ballot request, ahead of the deadline but never received their mailed ballot. Two of these voters noted that they had contacted their county election office for assistance with the absentee ballot request, but that they still never received an absentee ballot.

Election officials are recommended to take several steps to address this problem. First, officials should examine the current absentee voting request process to identify opportunities for efficiencies, improved processing, and fulfillment of absentee ballot request forms. Next, officials should implement permanent early voting lists, provide clear communication about the process to vote from home, and improve ballot tracking software and notifications to voters upon receipt of ballots.

Policymakers are recommended to pass legislation that allows voters to request their absentee ballots online, to require maintenance of ballot tracking software, and to require ballot receipt notifications to voters.

5) Voting Irregularities

For the purposes of this report, we define voting irregularities as administrative errors, oversights, and isolated incidents that can be prevented with improvements to our elections. The distribution of incorrect or incomplete ballots is a very serious irregularity and election officials should continue to investigate this issue. Under no circumstances should a voter receive the wrong ballot or half of a ballot.

Voters in Douglas and Sarpy counties were primarily affected by this occurrence. At least twenty-five Omaha voters were only provided half of their ballot. Election officials made an effort to contact the twenty-five voters, but noted that not all voters would have contact

information on file. Since this problem shouldn't have occurred in the first place, the limited ability to resolve such irregularities impacts these voters' right to their ballot in full. At least two Bellevue voters received the incorrect ballot for their precinct. These occurrences were related to recent redistricting and poll workers reportedly dismissed the voters' initial inquiry about having the wrong ballot. Only once the voters insisted that they knew exactly what should be on their ballot, based on their districts, did the poll workers investigate and replace the incorrect ballots. All of these irregularities were reported to election officials and Civic Nebraska will prioritize these precincts during election protection observation of future elections.

V. Conclusion

Despite challenges presented to both election officials and voters, this election was safe, secure, and certified. Overall, there weren't any reports of voter intimidation or police presence at polling locations, as have happened previously. Additionally, there was not a single report of a voting machine breaking or being unusable. Election observers noted that most poll workers were helpful and knowledgeable. At one polling location, poll workers had snacks and refreshments which they offered to observers.

The most common issue for Nebraska voters is related to outdated voter registration and going to the wrong polling place. This results in more provisional voting, which leads to increased costs and work for election officials. There is a clear need to provide more education about voter registration year round. One technique may be to work with agencies that help people moving to new housing and to prompt new residents to update their voter registration alongside other services' address updates. Additionally, updated guides/informational material in multiple languages provided by election officials could greatly improve election accessibility in Nebraska.



*Creating a more modern and robust
democracy for all Nebraskans.*

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