

November election went smoothly despite glitches

By John Gale

While our 2004 statewide elections were conducted smoothly and effectively across Nebraska, they were not entirely problem-free.

There has been a lot of publicity about certain problems, especially regarding the Nov. 2 general election. Complaints were heard about long lines to vote, precincts that ran out of ballots, voting tabulation problems, errors in sending out absentee ballots and heavy use of provisional ballots.

News-media reports on these problems may have given the public the impression that the election system in Nebraska is badly in need of repair. From my perspective as chief election officer of Nebraska, such an impression would be clearly exaggerated.

No election is ever perfect. Considering the record turnout, I believe the election system in the state overall performed well. With almost 800,000 ballots cast in 93 counties, 12,000 poll workers and voting taking place in 1,600 precincts during a 12-hour span, we should be proud of how well things went. Nebraska of 2004 was no Florida of 2000 – far from it.

Nonetheless, I have been dissatisfied as a result of the problems that arose from the Nov. 2 election, and the lack of appropriate responses in some instances. I addressed the problems as serious issues and requested full reports from the county election officials involved. From these reports and our own investigations, we are preparing a study of the issues and making recommendations.

The problems of the Nov. 2 election that received so much media attention overshadowed some very good news that came out of the election – the success of provisional balloting, the heavy use of early/absentee voting, and the record levels of voter registration and total voter turnout.

Voter registration for the election was a record high 1,160,193, an increase of 6.9 percent from 2000. The voter turnout of 792,827 was a record high and was 12.1 percent higher than four years earlier. The election saw a turnout of 68.3 percent of registered voters, up from the 65.2 percent figure of 2000.

There is no doubt that some problems that cropped up with the Nov. 2 election need remedial attention at the county level. Here is a summary of the major problems:

--There were long lines to vote in some precincts in Douglas, Lancaster and Sarpy counties where there has been rapid housing growth. Douglas County and, to a lesser extent, Lancaster County ran out of ballots in some precincts, causing delays as more ballots had to be printed.

High-growth areas pose problems for election officials. Under state law, election precincts cannot be split between the primary and general elections. During that time, new subdivisions can spring up, adding hundreds of new voters to a precinct.

One possible solution is to seek a change in state law that would allow the splitting of precincts between the primary and general elections.

Election officials need to plan better to accommodate the large number of voters in high-growth precincts. This includes having mobile poll workers for emergency assignments and providing more voting booths and large quantities of ballots at those precincts, especially to handle heavy evening voting.

--There were problems in tabulating ballots in Sarpy and Lancaster counties.

In Sarpy County, the initial count revealed there were more votes cast for some races than there were registered voters. This problem was the result of human error – action by a technician erroneously led to absentee ballots being added to totals twice.

All ballots in Sarpy County were reprocessed on Nov. 5 to produce an accurate count. The final result showed that the initial count was inflated by 4,015 votes.

In Lancaster County, the vote count was suspended at 1:30 a.m. Nov. 3 because tabulation equipment repeatedly malfunctioned. The equipment was later fixed, and the count was completed about noon Nov. 3.

The Lancaster County equipment problems were frustrating but produced only a minimal delay. Nebraska has been using optical scanners to count paper ballots for many years, and the track record of the equipment has been excellent.

--As a result of inexperienced election personnel, Cass County had problems in sending out absentee ballots.

Cass County mailed out hundreds of absentee ballots that did not have the required signature of the county clerk. After the error was discovered, replacement ballots were sent. Not all the affected citizens were able to return the substitute ballots on time. Of 857 substitute ballots, 569 ballots were returned by the deadline and 288 ballots came in after the deadline and were not counted.

When my office realized the need for experienced help in Cass County to avoid other possible problems, we provided staff to help conduct the election. Possible corrective action might include re-creating the position of election commissioner, providing training for staff or conducting a performance audit of the county clerk's election system.

-- There was heavy use in Douglas County of provisional ballots, which are designed for people whose voting status is in question. Of the 17,003 provisional ballots cast in Nebraska, 8,200 were in Douglas County.

One reason for the heavy use of provisional ballots in Douglas County was the result of how the county dealt with mail inquiries to registered voters that came back undelivered. In such cases, the election commissioner's office assumed that the person had moved. The names of these people were then flagged in precinct books, and they were required to cast provisional ballots when they showed up to vote.

This was unnecessary under the law, although the purpose was well intended. Because their names were in the precinct books, the affected people should have been allowed to cast regular ballots. The Douglas County election commissioner has agreed to end this practice in the future.

While these problems got plenty of news-media attention, they should not overshadow the fact that the Nov. 2 election overall was a resounding success with a record turnout, no reports of fraud and a very low tabulation error rate. Only four races resulted in a recount.

The election reaffirmed my belief that the Nebraska election system is a sound one that will serve the state's citizens well for many, many years.

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