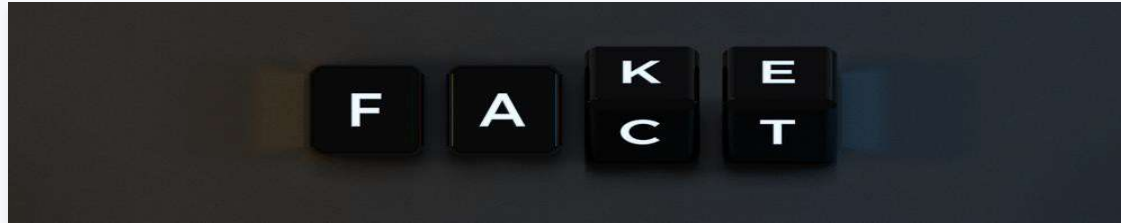


FAKE vs. FACT

**Setting the Record Straight
about Nebraska's Elections**

**Nebraska Secretary of State's Office
March 14, 2022**





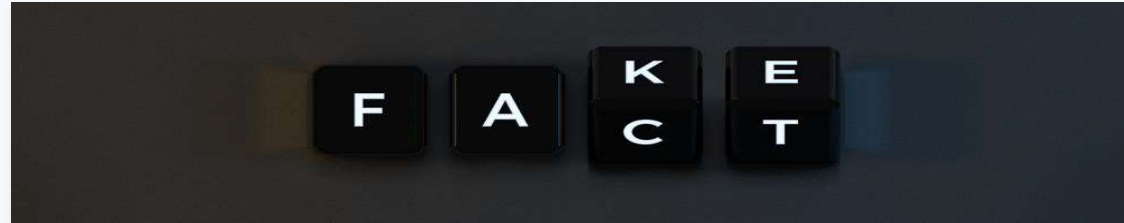
✗ MYTH:

Secretary of State Evnen doesn't care about election security.

✓ FACT:

This claim is false:

- Secretary Evnen supports Voter ID
- Legislation was drafted at Secretary Evnen's request to prohibit private funding of election operations ("Zuckerbucks") and increase drop box security (LB843) and prohibit ballot harvesting (LB 362)
- Secretary Evnen supports legislation to limit the early voting period (LB 785)
- Secretary Evnen has investigated all of the claims and concerns about the voting process that have brought to the Secretary's office



✗ **MYTH:**

“According to the Secretary of State, in Hamilton County, 73 percent of all 30-year-olds who were registered to vote, voted. The weird part is that **in each county in Nebraska, 73 percent of all 30-year-olds who were registered also voted. Yes, each county was identical.** It did not stop there. For 40-year-olds it’s 84 percent, but the same 84 percent for 40-year-olds in each of our 93 counties...**For every age from 18 to 100, each had their own unique percentage of registered voters that showed up to vote and they were identical in every county.**” – Lorenzo Ortega III

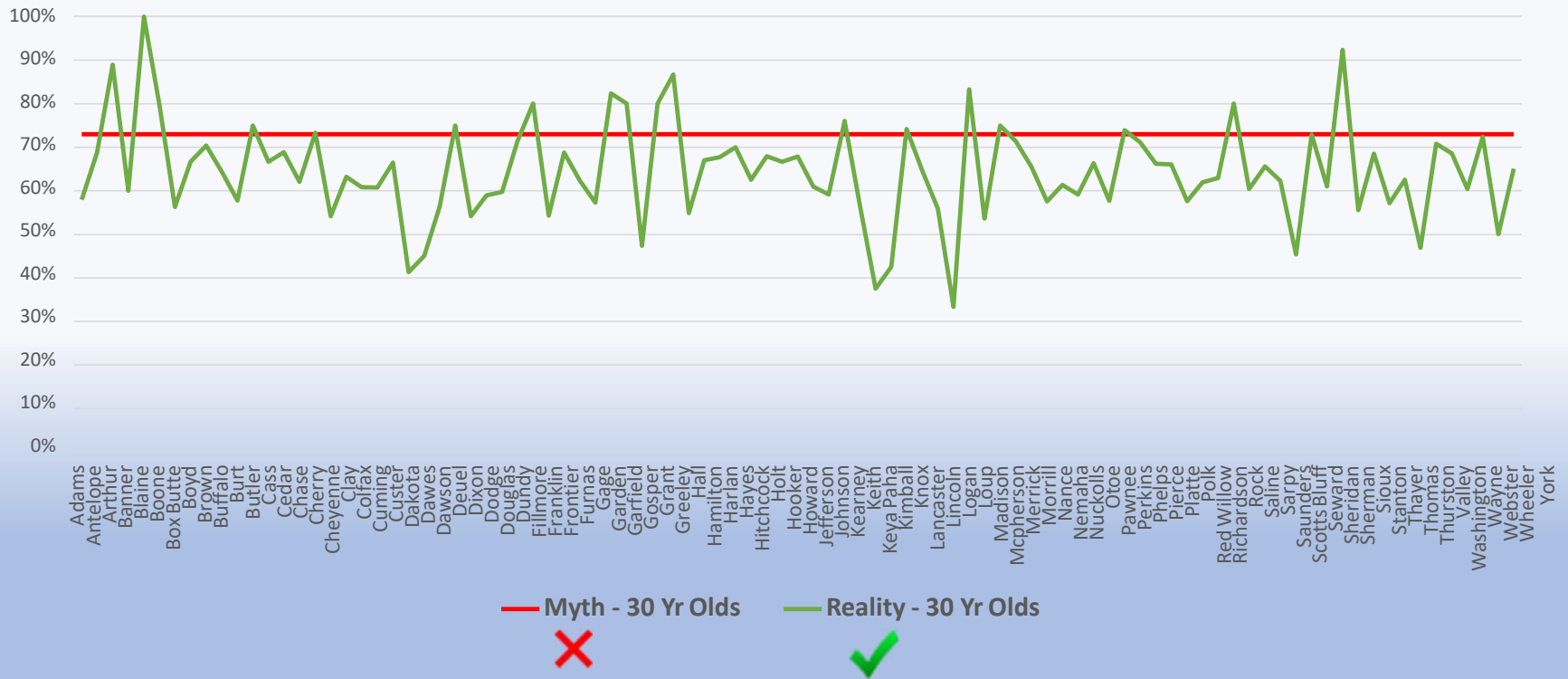
✓ **FACT:**

This claim is false. For every age, the percentage of voters who turn out to vote is different in every county.

In Hamilton County, 67% of 30-year-olds voted and 78% of 40-year-olds voted.

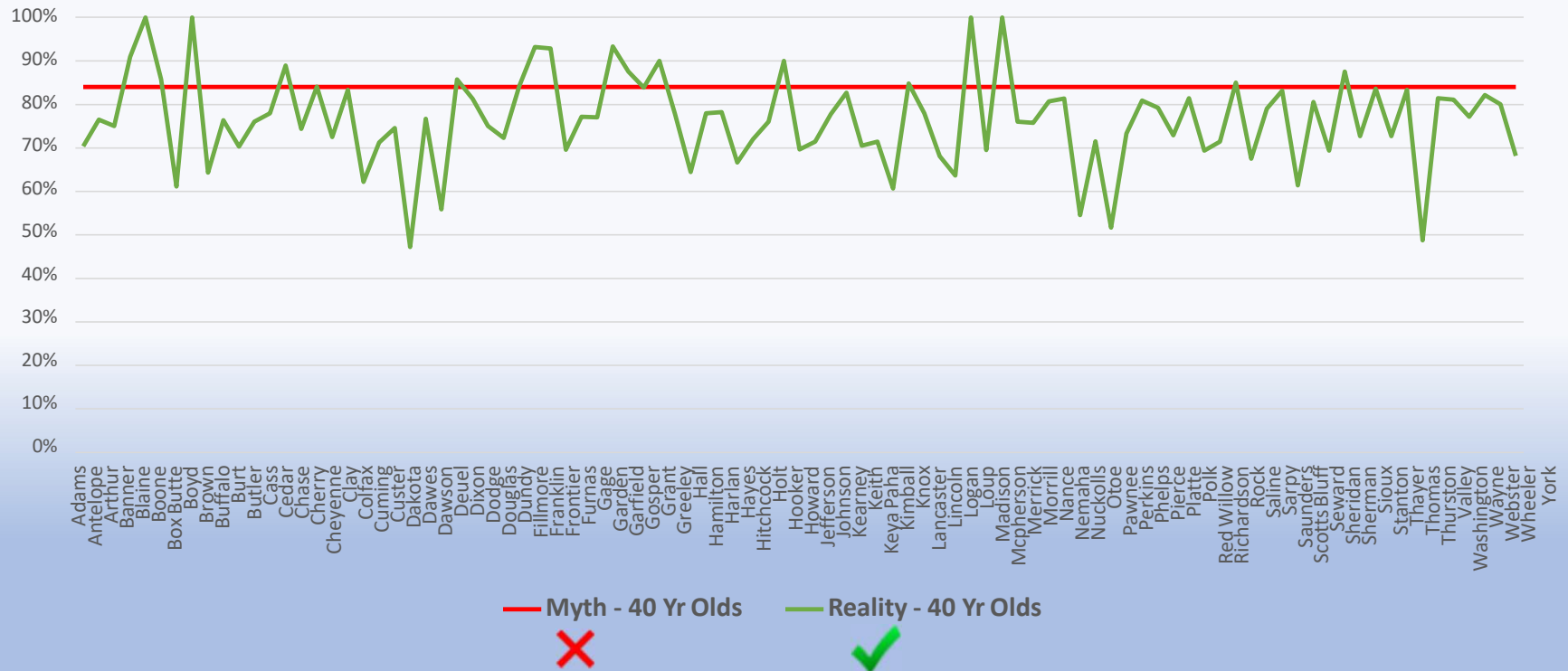
✗ “...in each county in Nebraska, 73 percent of all 30-year-olds who were registered also voted. ...”

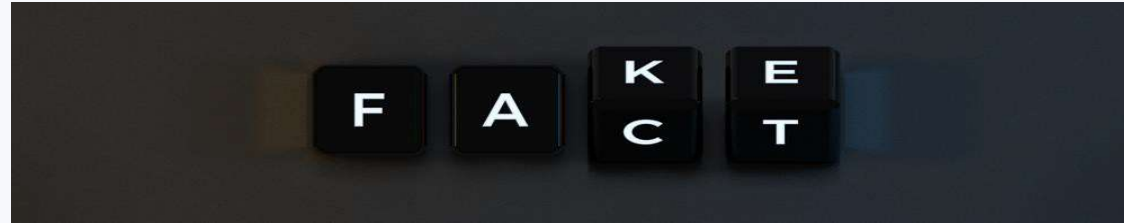
Nebraska 2020 General Turnout % (Voted / Registered) for 30 Year Olds by County



✗ "... For 40-year-olds it's 84 percent, but the same 84 percent for 40-year-olds in each of our 93 counties..."

Nebraska 2020 General Turnout % (Voted / Registered) for 40 Year Olds by County





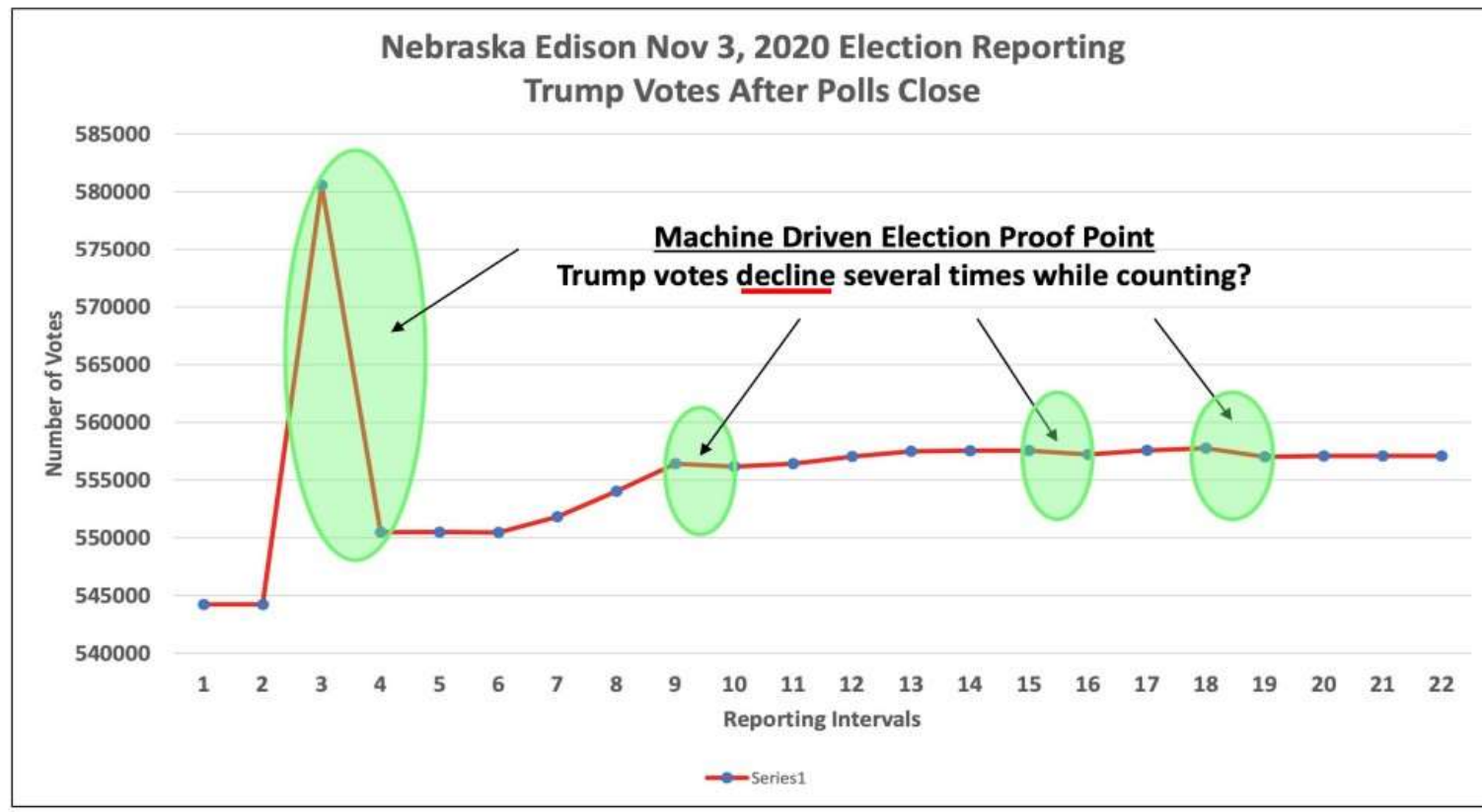
✗ **MYTH:**

The State reported a reduction in the vote count for President Trump.

✓ **FACT:**

The state never reported a reduction in the vote count for President Trump. **An error was made by Edison Research**, a third-party vendor to the New York Times, which misreported public data from the Secretary of State's website.

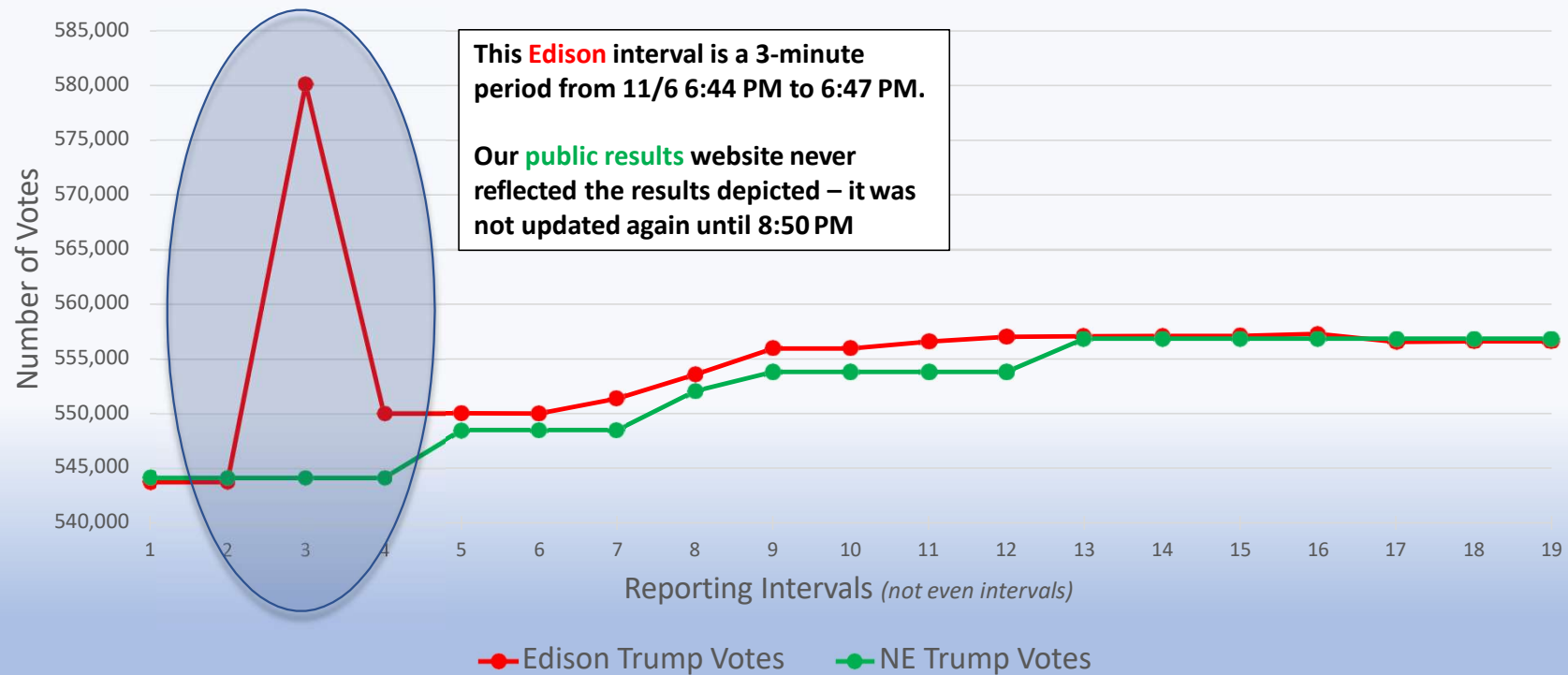
✗ **MYTH** – PowerPoint slide from Nebraska Voter Accuracy Project



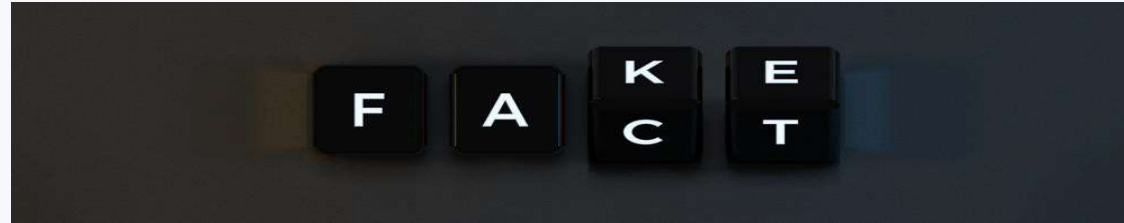
Source: <https://www.nevoterap.com/docs/NebVAPPresentation17Dec21v15.pdf>

✓ **FACT**

Edison Research vs Nebraska Election Website 2020 General - Trump Votes



Source - Red line: <https://static01.nyt.com/elections-assets/2020/data/api/2020-11-03/race-page/nebraska/president.json>
Green line: Nebraska Election Night Results Website reports

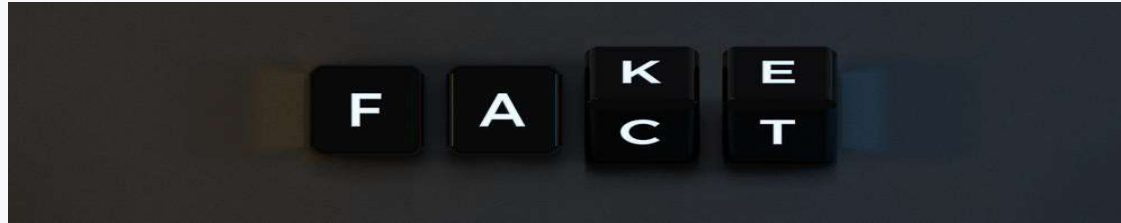


✗ **MYTH:**

Hundreds of affidavits have been collected in Nebraska proving voter fraud.

✓ **FACT:**

The Secretary of State's Office has received **no affidavits** from any organization. To the extent they can be tracked, the bits and pieces we have seen are not correct.



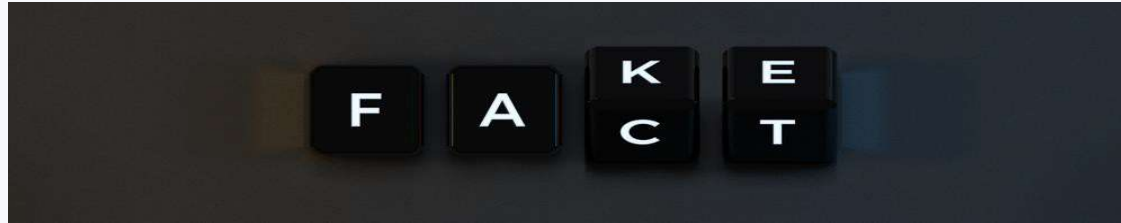
✗ **MYTH:**

“Our Nebraska votes are stored by ES&S using software from a company called Crowdstrike.” – *anonymous letter*

✓ **FACT:**

The Nebraska Secretary of State’s Office **does not** use Crowdstrike. ES&S **does not** use Crowdstrike, nor was it installed on any of the voting tabulators or hardened computers that Nebraska purchased from ES&S.

Lancaster County has an agreement with Crowdstrike for endpoint detection and response (EDR) software for their internet-facing computers.



✗ MYTH:

Nebraska election officials do not have election ballot images, which violates state and federal law.

✓ FACT:

There is no such requirement. Nebraska election officials do not create or keep **ballot images**. We keep **ballots**, securely, for 22 months, as required by law.



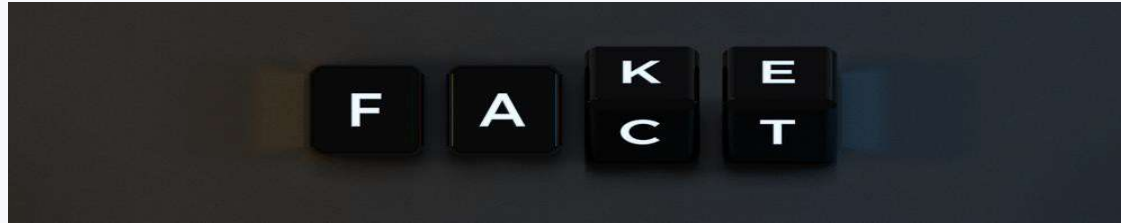
✗ MYTH:

In Nebraska there were more registered voters than vote eligible voters.
10 counties have more registered voters than census population.

✓ FACT:

There are only 5 counties in Nebraska that have slightly more registered voters than census data (cumulatively, 21 voters).

These counties are some of the smallest counties in the entire nation. In total they represent 2,147 active registered voters out of the more than 1.239 million registered voters in Nebraska. These counties conduct proper list maintenance on their voter registrations lists. The minor overages can be accounted for by voters who cannot be removed from the rolls for 2 federal elections or college students who are registered at home but were counted in the census at their college location.



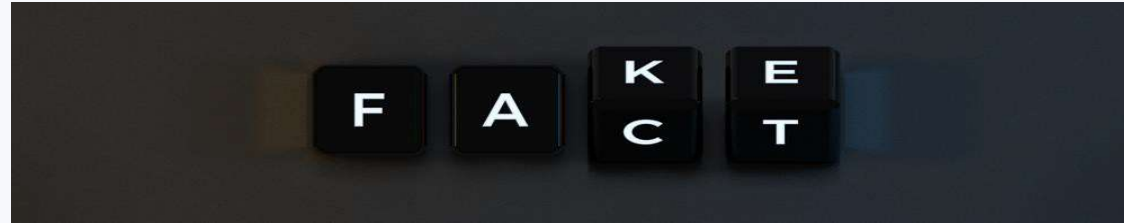
✗ **MYTH:**

Voter registration rolls were artificially inflated with more than 56,000 fake registrations since 2016, and 26,000 of those fake registrations were removed after the election to clean up evidence after the fact.

✓ **FACT:**

Many people wait until the last minute to update their voter registration or to register to vote. We continually monitor voter registration numbers, and they ramp up every single election near deadlines, especially presidential elections. This is not indicative of fraud, but rather, it's the nature of elections.

26,039 registrations were removed after the 2020 general election per federal law because **the registrants did not vote** and had failed to respond to inquiries as to their addresses, and subsequently did not update their voter registration, sign a petition, or vote in two federal general elections.



✗ MYTH:

Nebraska doesn't test its voting equipment.

✓ FACT:

Every Nebraska counting machine undergoes 3 separate, independent tests with different ballots. The State conducts 2 mock elections before Election Day to verify the accuracy of the ballot totals on our website. Finally, 2-3% of the precincts in Nebraska are hand counted after each election to ensure marked ballots match the official results.



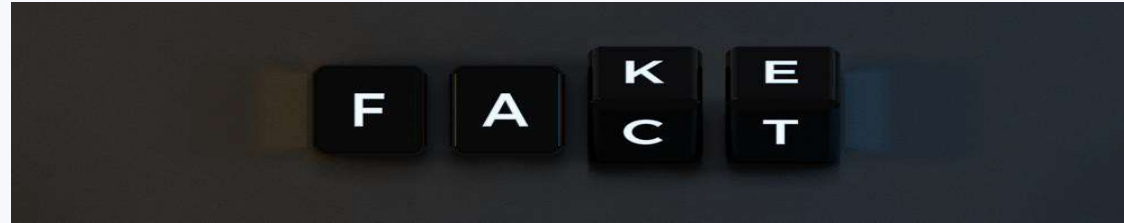
✗ MYTH:

Eliminating all vote tabulation equipment and going back to hand counting will remove the potential for fraud in our election and will provide more accurate results.

✓ FACT:

Hand counting of ballots is statistically less accurate than a machine count and will add weeks or months to the counting process.

Hand counting encourages malicious actors to bribe, coerce, or infiltrate groups of poll workers tasked with hand counting the ballots.



✗ MYTH:

We don't know who the voters were for 4,001 votes that were counted.

✓ FACT:

This claim is false. It is not an apples-to-apples comparison. The claim is based on a comparison of voter registrations on Election Day with voter registrations as of January 1, 2021.

Counties do regular list maintenance and there are many changes that occur daily. For example, we have received 4,238 death records from NE DHHS that have a date of death within 2 months after the election.

We know who these voters are, and they could be found through a thorough examination of the poll books, early voter rolls, and provisional ballots – such an examination is not warranted.



✗ MYTH:

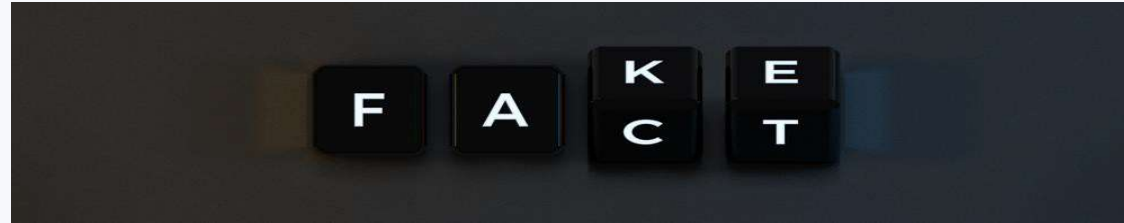
The ES&S contract prevents Nebraska from independently validating the hardware and software provided by ES&S and has a stipulation not to say anything negative about ES&S even if problems are found.

✓ FACT:

The contract with ES&S requires penetration and vulnerability scans through an independent tester (the Department of Homeland Security or other agreed upon third party expert), and the reports can be reviewed by employees of the State with a need to know.

We can negatively discuss ES&S or their equipment all we want. However, we cannot make those scans public; such disclosure could be used by bad actors to disrupt our election systems and processes.

Among all critical infrastructure industries, it is a common practice, and a best practice, not to disclose results of penetration and vulnerability scans.

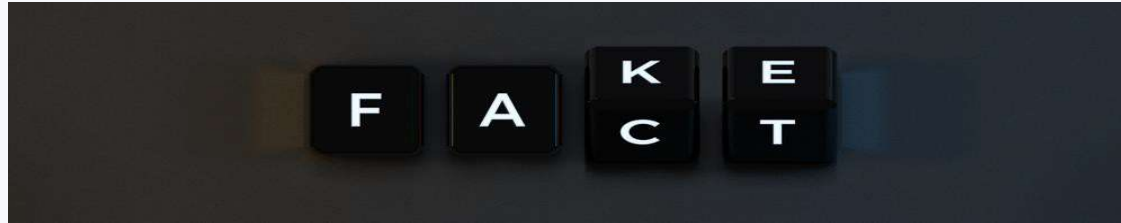


✗ **MYTH:**

The Secretary of State has the authority to order a “**full forensic audit**” of the 2020 election; the Secretary of State has the authority to order **hand counting of ballots**.

✓ **FACT:**

The Secretary of State has no such authority. The legislature would have to enact a law providing for a “full forensic audit” and would have to **appropriate funding** for it. The amount of funding is unknown but is likely to cost millions of dollars and take one to two years to complete. Abandoning the ballot counting machines purchased by the state in 2019 and counting the ballots by hand also would require legislative action.



Those demanding a full forensic audit have defined it as this:



What Can We Do? – A Full Forensic Audit

An Audit is a review of the Voting Process

It is not just a recount of ballots that may be fraudulent

A Full Forensic Audit consists of a Review of:

- ✓ *Physical Voting Artifacts such as paper ballots, envelopes, machine hardware/ writers.*
- ✓ *Non-physical Voting Artifacts such as scanned images, envelope images, machine software, network traffic and data and voting, counting and reporting processes.*
- ✓ *Physical Voter Verification through canvassing.*
- ✓ *Non-physical Voter Verification through review of the registration database and signature records.*



This would be a hand recount of the 966,000 ballots cast in the 2020 general election, an audit of all hardware, all software, and all procedures related to voter registration, balloting, counting, and reporting results.

The Secretary of State's office is fully informed of the concerns and claims that have been raised and has carefully investigated them. We have found no justification for conducting a "full forensic audit" or for a hand count of ballots. All the same, if the legislature directed either or both to be done and appropriated the funds required, the Secretary of State's office would fully cooperate.

IMPORTANT NOTE: By law, ballots are required to be held securely for 22 months following an election. For the 2020 general election, that period expires this year on September 3rd.

