

**FAKE** vs. **FACT** 

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**SETTING THE RECORD STRAIGHT ABOUT NEBRASKA'S ELECTIONS**

NEBRASKA SECRETARY OF STATE'S OFFICE

JANUARY 2024

# FAKE vs. FACT

SETTING THE RECORD STRAIGHT ABOUT NEBRASKA'S ELECTIONS

This presentation is in response to election fraud claims that persist following the 2020 General Election.

Groups and individuals outside of Nebraska continue to create and share election fraud misinformation. The claims are spread further in Nebraska by election "accuracy" groups.

# FAKE vs. FACT

SETTING THE RECORD STRAIGHT ABOUT NEBRASKA'S ELECTIONS

The Secretary of State's office investigates each election-related concern that the office receives.

To this day, the Secretary of State's office has not found any information surrounding Nebraska's handling of the 2020 General Election to be indicative of voter fraud.

The Secretary of State's office reminds voters to **verify** election-related information and use **trusted sources**, such as the Secretary of State's office or local county election offices.

The following slides debunk common election-related misinformation.



**FAKE**

"Secretary Evnen doesn't care about election security."

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**FACT**

Secretary Evnen has investigated all claims and concerns about the voting process that have been brought to the Secretary's office.

Secretary Evnen strongly supports voter ID. Also, legislation was passed in 2022 at Secretary Evnen's request to prohibit private funding of election operations and increase drop box security.

## **FAKE**

"According to the Secretary of State, in Hamilton County, 73% of all 30-year-olds who were registered to vote, voted. The weird part is that in each county in Nebraska, 73% 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%, but the same 84% 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

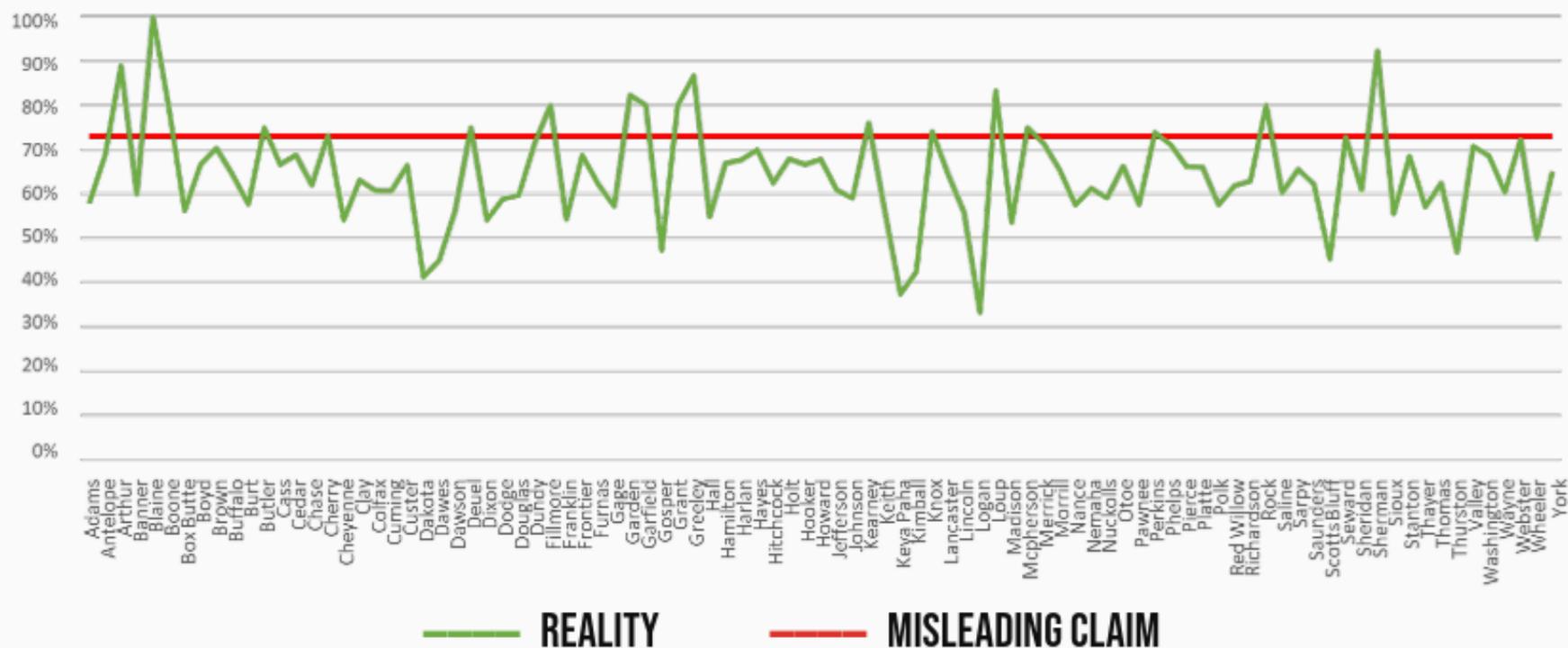
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## **FACT**

The percentage of people who vote is different in every county and for every age group. For the 2020 General Election in Hamilton County, 67% of 30-year-olds and 78% of 40-year-olds voted.

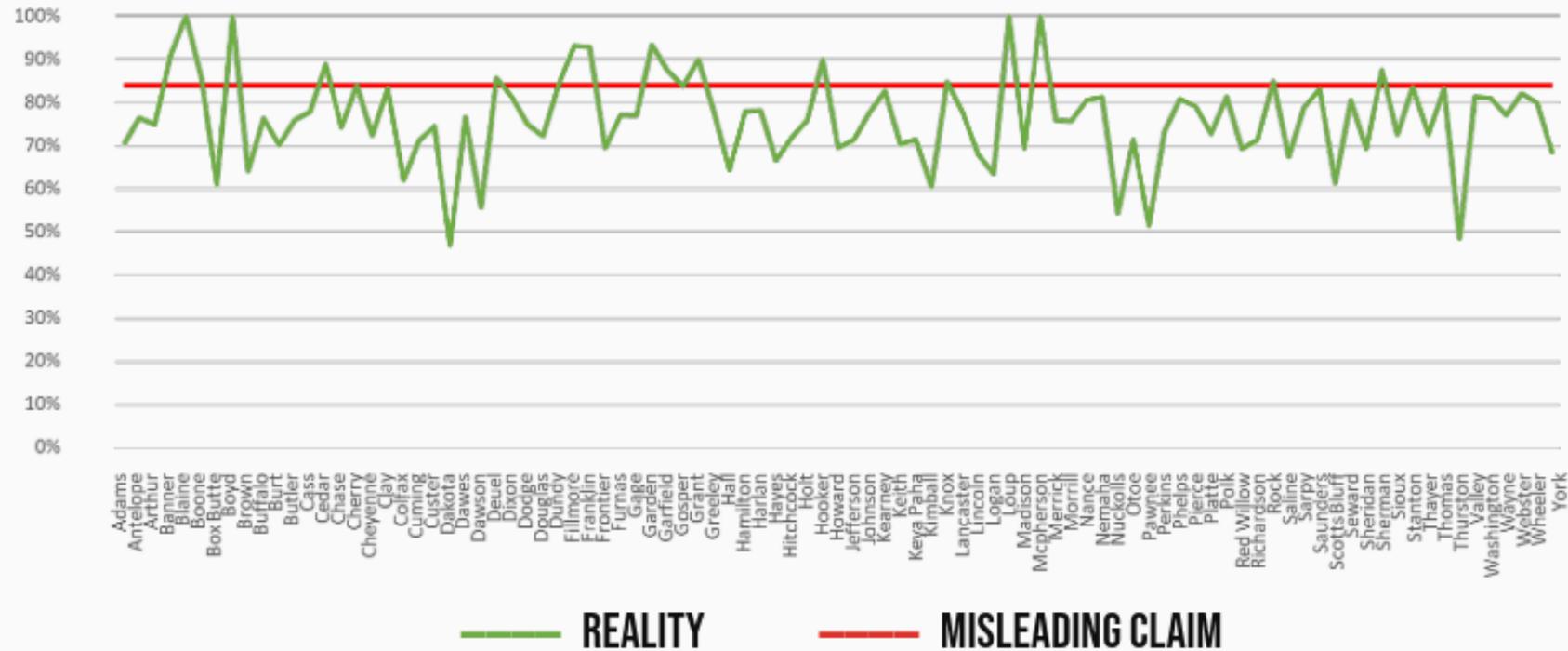
(Continued) Below is a chart showing the claim's **fabricated data** on **30-year-old voters** vs. the **Nebraska Secretary of State's data**.

## NEBRASKA 2020 GENERAL TURNOUT % (VOTED/REGISTERED) FOR 30-YEAR-OLDS BY COUNTY



(Continued) Below is a chart showing the claim's **fabricated data** on **40-year-old voters** vs. the **Nebraska Secretary of State's data**.

## NEBRASKA 2020 GENERAL TURNOUT % (VOTED/REGISTERED) FOR 40-YEAR-OLDS BY COUNTY





**FAKE**

"The State reported a reduction in the vote count for President Trump in 2020."

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**FACT**

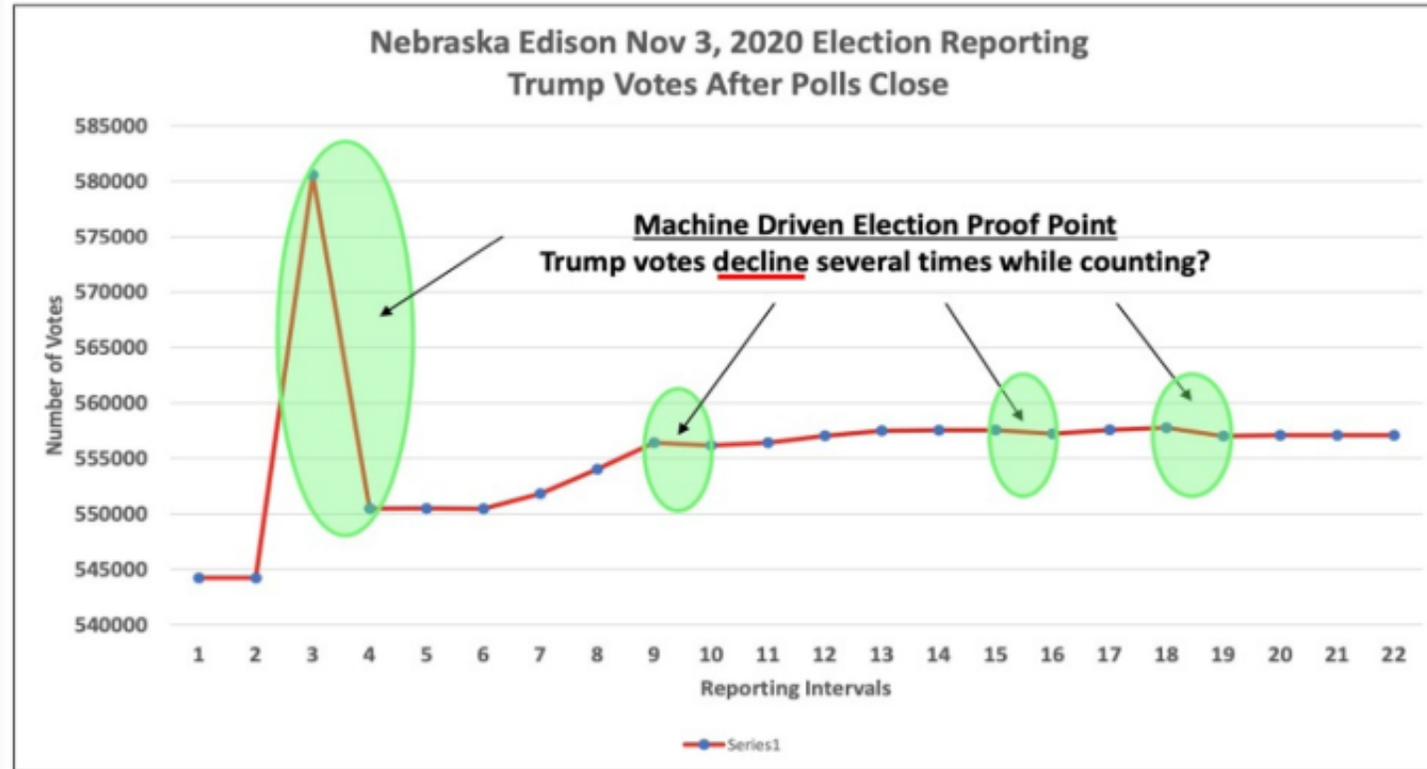
The State of Nebraska never reported a reduction in the vote count for President Trump during the 2020 General Election.

This claim stems from an error made by Edison Research, a third-party vendor to the New York Times. Edison Research misreported public data from the Secretary of State's website. Results for President Trump that were reported by the Nebraska Secretary of State's office **never decreased** after they were counted and reported.



## FAKE

Below is a presentation slide from the Nebraska Voter Accuracy Project. The graph and its information are misinformation.



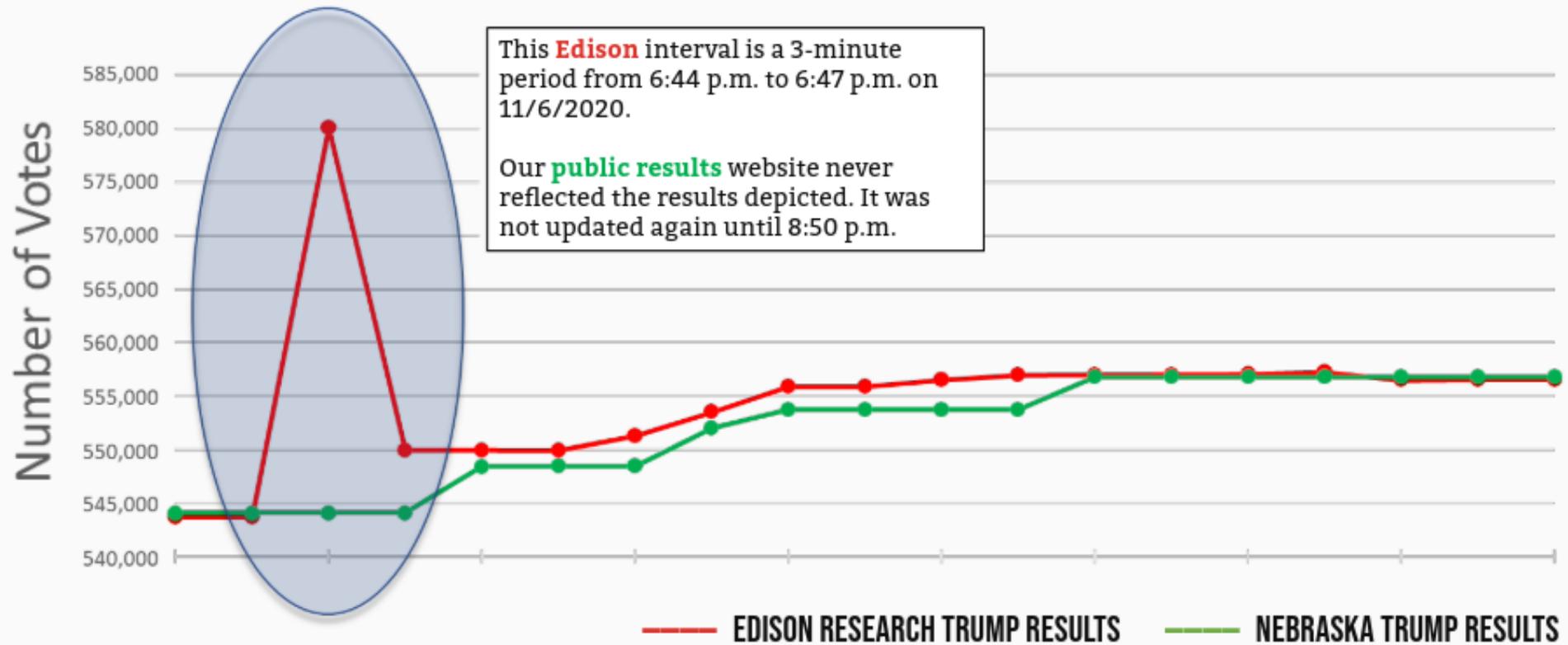
Voter Accuracy Project claim: <https://www.nevoterap.com/docs/NebVAPPresentation17Dec21v15.pdf>

Edison reporting error: <https://static01.nyt.com/elections-assets/2020/data/api/2020-11-03/race-page/nebraska/president.json>



## FACT

Below is a chart comparing data reported by Edison Research to Nebraska's reporting of Donald Trump votes in the 2020 General Election.





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

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The Secretary of State's office has not received any affidavits from any private organization. To the extent that they can be tracked, the bits and pieces the Secretary of State's office has seen are not correct.

The Sarpy County Attorney's office hired an outside investigator who spent six months investigating 52 affidavits and complaints of fraud in the 2020 general and 2022 primary elections. The independent report concluded the interviews and evidence "could not substantiate the claims of fraud put forth with the information available." The investigation cost \$88,000.

*Nebraska Examiner (July 3, 2023) – No evidence of voter fraud in Sarpy, outside investigation finds*  
<https://nebraskaexaminer.com/2023/07/03/no-evidence-of-voter-fraud-in-sarpy-outside-investigation-finds/>



**FAKE**

"Our Nebraska votes are stored by ES&S using software from a company called Crowdstrike."

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**FACT**

The 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 on their internet-facing computers.



"Nebraska election officials do not have election ballot images or cast vote records, which violates state and federal law."

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There is no such requirement to photograph and keep images of ballots. Nebraska election officials do not create or keep ballot images. We securely keep paper ballots, which are cast vote records, for 22 months as required by law.



**FAKE**

There were more registered voters than eligible voters in the 2020 General Election. Ten counties have more registered voters than census population.

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**FACT**

There are five 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 nation. The minor overages can be accounted for by voters who cannot be removed from the rolls for two federal elections or college students who were **registered to vote** at home but were **counted** in the census at their college location.

## **FAKE**

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 2020 election to clean up evidence after the fact.

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## **FACT**

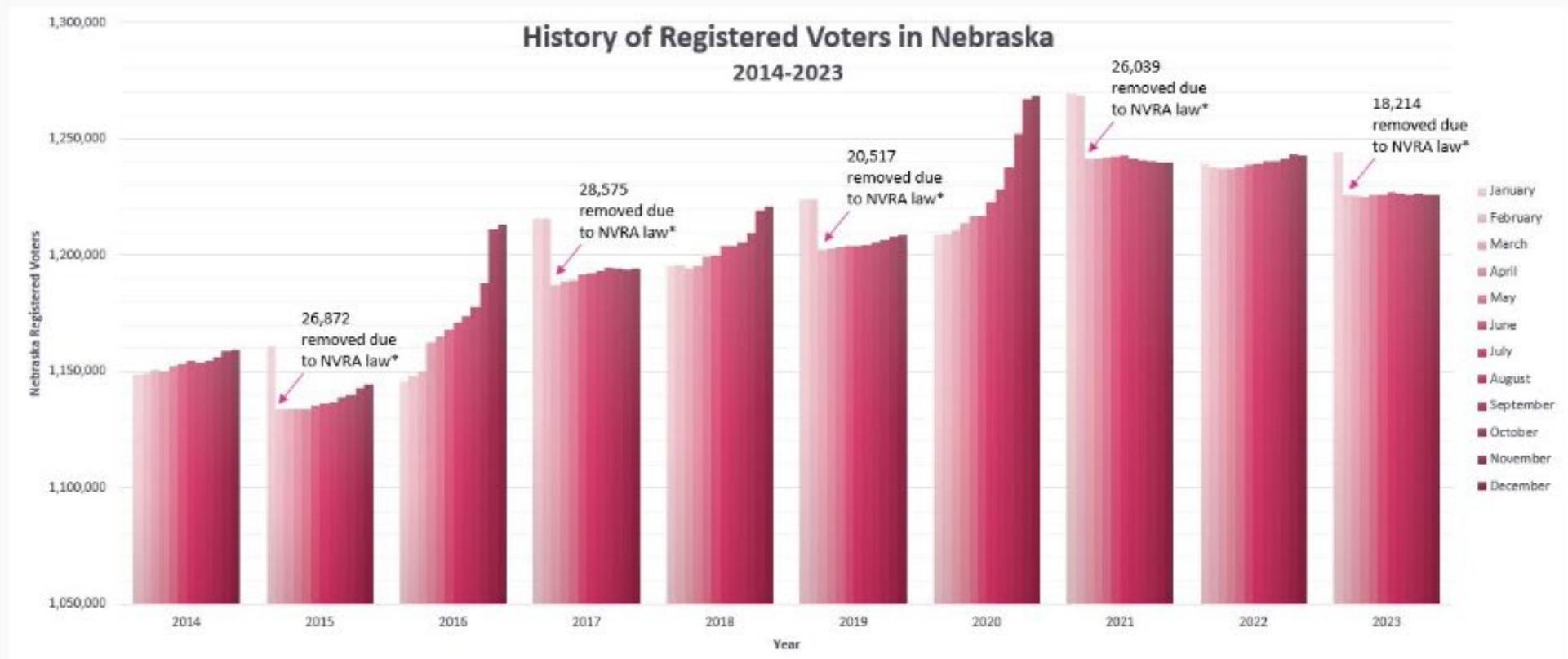
It's very common to see an increase in registered voters ahead of elections, especially in presidential election years.

26,039 registrations were removed after the 2020 General Election per the National Voter Registration Act. In accordance with the law, registrants are removed if they change addresses and fail to respond to inquiries, and subsequently, do not update their voter registration, sign a petition or vote in two consecutive federal election cycles

Another 18,214 registrations were removed after the 2022 General Election in the same manner, which is required by state and federal law.



After **every** general and midterm election, county election officials update voter registration lists in accordance with the National Voter Registration Act. Below is a chart showing voter registration statistics in Nebraska, according to data recorded by the Nebraska Secretary of State's office.





**FAKE**

"Nebraska doesn't test its voting equipment."

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**FACT**

Ahead of each election, every Nebraska counting machine undergoes three separate, independent tests with different ballots. The State conducts two mock elections before Election Day to verify the accuracy of the ballot totals. A random manual audit is conducted where three contests — one federal, one state, one local — are hand-counted in random precincts to ensure marked ballots match the official results.

Following the 2022 General Election, the audit was increased to 10% of precincts, including at least one precinct per county. Election officials hand-counted 48,000 ballots. They recorded 11 discrepancies between the machine count and the hand count — a discrepancy rate of 0.023%. Five ballots were marked too lightly. Six ballots were misfiled.



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

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Several studies show hand counts are statistically less accurate than machine counts. Hand-counting could add weeks or months to the counting process.

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

Ansolabehere, Stephen, et al. "Learning from recounts." *Election Law Journal: Rules, Politics, and Policy*, vol. 17, no. 2, 2018, pp. 100–116.  
<https://www.liebertpub.com/doi/10.1089/elj.2017.0440>

Goggin, Stephen N., et al. "Post-election auditing: Effects of procedure and ballot type on manual counting accuracy, efficiency, and auditor satisfaction and confidence." *Election Law Journal: Rules, Politics, and Policy*, vol. 11, no. 1, 2012, pp. 36–51.  
<https://www.liebertpub.com/doi/pdf/10.1089/elj.2010.0098>

Alvarez, R. Michael, et al. *Confirming Elections: Creating Confidence and Integrity through Election Auditing*. Palgrave Macmillan, 2012.  
<https://andrewreeves.org/papers/recounts.pdf>



**FAKE**

There were 4,001 more votes cast in the 2020 general election than there are people who had voter history. We don't know who these voters are.

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**FACT**

This is false. This claim is based on a comparison of voter registrations as of November 2020 with voter registrations as of January 1, 2021.

Voter lists are updated every day to reflect the changing voter population. For example, the Nebraska Department of Health and Human Services reported 4,238 death records with the date of death within 2 months after the 2020 General Election. There are other reasons voters are removed from voter lists, such as change of address.

We know who these voters are. They can be identified through an examination of the poll books, early voter rolls and provisional ballots.

## **FAKE**

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.

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## **FACT**

The Secretary of State's office has no such agreement with ES&S regarding negative speech or negative publicity.

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. The reports can be reviewed by employees of the State with a need to know.

We cannot make those scans public. Such disclosure could be used by bad actors to disrupt our election systems and processes.



**FAKE**

"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."

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**FACT**

The Secretary of State's office has no such authority to order a "full forensic audit." The Nebraska 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.

Additionally, legislative action would be needed to abandon the ballot-counting machines purchased by the State in 2019 and to change to counting ballots by hand.

## FAKE

"In the State of Nebraska... Donald Trump got 80,000 votes stolen from him. In the county of Lancaster, Donald Trump is said to have lost by 12,000. He actually won by 2,000. In Douglas County, he had 23,000 votes stolen. Here in Cass County, he had 1,200 votes stolen."  
- Mike Lindell

## FACT

The false claims above originate from Mike Lindell's website where he stated that his data was supported by "irrefutable" evidence. The allegations appear to be created by misconstruing public data.

Lindell offered an award of \$5 million to anyone who could prove the data he released was not valid data from the November 2020 election. A court ordered Lindell to pay the \$5 million reward to a software engineer who proved the data was invalid.

*Associated Press (April 21, 2023) – MyPillow founder ordered to pay \$5M in election data dispute*  
<https://apnews.com/article/mypillow-ceo-lindell-elections-voting-machines-e183a7df16837f79841efc91b51d25f6>

## ✘ FAKE

(Continued) According to Lindell, Arthur County's results were hacked on **November 6, 2020**. He claims Trump lost 11 votes, and Biden gained 11 votes after the alleged hack.

## ✔ FACT

Arthur County was not hacked, according to findings by the Nebraska Secretary of State's office. Additionally, Arthur County counted and certified its election results on **November 5, 2020** — the day before Lindell claimed there was a hack.

The results are as follows:

Donald Trump: 260

Biden: 21

Precinct Name	Donald J. Trump and Michael R. Pence REP	Joseph R. Biden and Kamala D. Harris DEM
Countywide	260	21
Arthur	0	0
New/Former Resident	0	0
<b>Total</b>	<b>260</b>	<b>21</b>

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The Nebraska Secretary of State's office and county election officials across the state care deeply about running accurate and secure elections. State and county officials conduct security testing and training throughout the year, every year.

You can help keep our elections running smoothly by ensuring your voter registration is current. **Voters have a responsibility** of updating their voter registration information if they have recently changed their address, name or party affiliation.

Thank you for taking the time to learn more about Nebraska's secure elections.

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