

**MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
SPECIAL PRESENTATION
THURSDAY, JULY 18, 2023, AT 9:00 A.M.
COUNTY CITY BUILDING, 555 S. 10TH STREET
ROOM 112 – CITY COUNTY CHAMBERS**

Commissioners Present: Christa Yoakum, Chair; Sean Flowerday, Vice Chair; Roma Amundson, Matt Schulte and Rick Vest

Others Present: David Derbin, Chief Administrative Officer; John Ward, Deputy County Attorney; Matt Hansen, County Clerk; and Courtney Lyons, Deputy County Clerk

Advance public notice of the Board of Commissioners meeting was posted on the County-City Building bulletin board and the Lancaster County Nebraska website, emailed to the media and published in the Lincoln Journal Star print and digital editions on July 14, 2023.

The Chair noted the location of the Open Meetings Act and opened the meeting at 9:01 a.m.

AGENDA ITEM

1. SPECIAL PRESENTATION – Wayne Bena, Deputy Secretary of State for Elections, and Todd Wiltgen, Lancaster County Election Commissioner

Wiltgen introduced himself and thanked the Board for inviting them to present. Bena introduced himself and described his background. Bena summarized the 2016 and 2020 elections and described security concerns. He said misinformation is the main threat of election integrity rather than hacking voting machines.

Bena stated that since 2008, the State has conducted a manual audit and hand count of a portion of all precincts. The Secretary of State expanded the audit from two to three percent of precincts to ten percent of precincts Statewide with at least once audited precinct in each County. Findings from these audits showed minimal discrepancies.

Bena described other security processes, including testing of the machines prior to elections, conducting mock elections with elections staff and testing data capacity prior to elections. Bena described the process of moving data from the electronic voting machines and noted the machines do not have internet capabilities. Elections results are unofficial until the Canvassing Board finalizes them. Schulte asked for clarification on the number of precincts audited in Lancaster County. Bena stated ten percent of precincts statewide were audited with three in Lancaster County.

Bena addressed the allegation that there were more votes cast in the 2020 election than people who had a voter history. Bena clarified those making that allegation are using an old voter file. Bena described reasons the voter file and the voter registration list changes. Bena said he changed the process so that Counties upload voter history data before Counties can begin processing voter registration data. Since making this change, discrepancies were minimal.

Bena said he is willing to discuss these issues with those who ask.

Bena stated those making allegations fail to provide information on where the data they are using comes from. Schulte voiced concern over the use of the analogy Bena used. Vest restated the reason for the use of the analogy. Bena restated that those making allegations are not providing enough information for him to verify whether the allegations are true.

Bena summarized results from an investigation into Sarpy County elections, which found no evidence of voter fraud. Vest summarized findings as written in a local publication.

Amundson asked Bena to address allegations that ballots were mailed to those who did not request them. Bena stated it is not possible for a voter to receive multiple ballots and that it is actually ballot requests, not actual ballots, that are being mailed to voters. He said only one ballot is counted for each voter. Wiltgen stated the County mails out early voting applications. He described an encounter with a voter where the voter had forgotten he had applied for a mailed ballot. Wiltgen noted that the County stores all applications for 22 months.

Schulte asked Bena and Wiltgen to describe the audit of the 2023 City of Lincoln elections. Bena said city elections are controlled by each city's charter and not the Secretary of State. Schulte asked if local election commissioners can conduct additional audits, and Bena answered counties are not required to conduct audits. Bena said he would have to look into whether counties can conduct additional audits but noted that counties struggle to meet existing deadlines with the current auditing process. Schulte asked if Lancaster County could audit ten percent of precincts, and Bena said there were more precincts audited in 2022 than any previous election. Bena said data from all audits have confirmed the accuracy of voting machines. Schulte asked what the plans are for audits going forward, and Bena answered they plan to continue auditing ten percent of all precincts. Schulte stated ten percent of precincts in Lancaster County should be audited, and Bena said he would notify the Secretary of State of Schulte's request.

Flowerday commended the staff of the Secretary of State's Office and the County Election Commissioner.

Vest stated the Board values election integrity and said the day's presentation eased concerns. Vest said he was concerned about the effects of social media. Vest restated the process to transfer election results and Bena clarified that the flash drive is military encrypted, and the computer used does not have internet capabilities. Vest said he supports having a process to vote by mail. Bena noted Nebraska was the only state to not move its 2020 primary and that he appreciated access to personal protective equipment for poll workers.

Amundson stated board members volunteered to serve as poll workers in the 2020 election. Vest recounted his experience voting with a provisional ballot and said he sees no evidence of fraud.

Yoakum asked Bena to explain how the Voter Check program works and Bena explained how a vote is tracked using that program. Wiltgen said he emails those interested a daily report of ballot information.

Yoakum asked what the County's role is in maintaining election integrity besides paying for the Election Commissioner's budget. Wiltgen said the Board does not have a role besides approving the budget.

Schulte asked if Wiltgen planned to audit future city elections. Wiltgen said he is focusing on the 2024 election, but that he plans to submit a plan to the Secretary of State for the 2025 city election for a post-election audit. Schulte noted there can always be new threats to election integrity.

Schulte asked if the County could generate a cast vote record. Bena explained that the State does not generate or use a cast vote record or report. Therefore, it is not a public record under public records law. Wiltgen said the sign-in register, the early voting report and the election results are the only records his office can provide under state law.

Schulte asked who owns the election machines, and Bena answered the State. Wiltgen said the County owns one machine, but the State maintains it. Schulte asked if counties could choose to hand count ballots. Bena said counties can submit plans to the Secretary of State for him to approve or disapprove.

Yoakum thanked Bena and Wiltgen for attending. Wiltgen and Bena said they were available to answer questions at any time. The Board and Bena thanked poll workers.

2. ADJOURNMENT

Vest moved and Amundson seconded to adjourn at 9:54 a.m. Vest, Amundson, Schulte, Flowerday and Yoakum voted yes. Motion carried 5-0.



Matt Hansen
Lancaster County Clerk

