

KNOW YOUR RIGHTS VOTING RIGHTS & CRIMINAL CHARGES

“I know what it’s like to be in your situation — not exactly, but probably close. I had a difficult childhood, made mistakes, and spent years in and out of the system. As a result, I only got my right to vote back last year. They don’t make it easy to understand your rights. Being in jail at election time makes things even more confusing. This guide is meant to help. **Most of all, I want you to know that your voice matters and that even if you are detained in a Nebraska jail, you may be eligible to vote.** Our vote is our say on our elected leadership and ballot measures that directly impact our lives. I hope you’ll use this information to learn if you’re eligible to vote and to vote if you are.”

- Jason Witmer, ACLU of Nebraska Policy Strategist

TO BE ELIGIBLE TO VOTE IN NEBRASKA:

- ☐ You must be a U.S. Citizen.
- ☐ You must live in Nebraska. This includes self-supporting students who consider the location of their school as their home and military service members living on a military post who do not intend to return to their former places of residence.
- ☐ You must be at least 18 years old by November 3, 2026.
- ☐ You cannot be currently subject to a court order of mental incompetency. An adult under a guardianship order can still vote unless there is a court order stating otherwise.
- ☐ You must present an acceptable form of photo ID, which must have your name and photo. The photo ID can be expired and still be used for the purposes of voting. You may complete a Reasonable Impediment Certification if you have a reasonable impediment to presenting a valid photo ID. This form will guide you through the voter ID requirement.
- ☐ If you have been **convicted** of a **felony** under Nebraska’s laws, another state’s laws, or federal laws, you can vote once you finish all terms of your sentence. A conviction means a final judgment by a court imposing a sentence after a verdict of guilty, a plea of guilty, or a plea of no contest. A felony is a crime that may be punished by a year or more of incarceration. In Nebraska, certain felonies that are considered less serious, most often non-violent offenses, may result in probation sentences or incarceration in county jail, while felonies that are considered more serious may result in incarceration in a state or federal prison. **Misdemeanor convictions, regardless of sentence, do not affect the right to vote.**
- ☐ If you have been convicted of treason under Nebraska law or federal law, you cannot vote unless your right to vote has been restored by the pardon process.

FIND YOUR LOCAL ELECTION COMMISSIONER’S OFFICE:

A **list of election offices** can be found on the enclosed registration form and here: <https://www.aclunebraska.org/voter>

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Nebraska

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RISE

DISCLAIMER: This resource is general voter education. These materials and the general information contained within do not constitute legal advice or establish an attorney-client relationship. This resource is not an offer to represent you as your attorneys. Please contact your local election official, your attorney, or the ACLU of Nebraska for more information.

HOW TO VOTE:

STEP 1: CHECK IF YOU MEET THE ELIGIBILITY REQUIREMENTS LISTED ON THE FRONT PAGE.

If you are eligible, continue to STEP 2. If you are not sure if you have completed all terms of your sentence, you may contact your parole/probation officer, the clerk of the court where you received your sentence, or consult with an attorney to verify.

STEP 2: CHECK YOUR VOTER REGISTRATION OR UPDATE IT.

You will only need to re-register if you changed your name, address, political party affiliation, or if your rights were recently restored after completing a felony sentence, including any parole or probation term.

STEP 3: REGISTER TO VOTE.

Depending on your circumstances, you can register to vote online, by postal mail, or in person.

Register to Vote Online: Fill out the form provided here:

<https://www.aclunbraska.org/voter>

Deadline: Friday, October 16, 2026 before 11:59:59 P.M. CDT

Note: To register online, you will need your Nebraska driver's license or state-issued identification card.

Register to Vote by Mail: Fill out the form provided here by using the accompanying instructions: <https://www.aclunbraska.org/voter>

Deadline: Must be postmarked to Friday, October 16, 2026

Note: If you are registering via postal mail and are registering to vote for the first time in Nebraska, you must submit either a copy of a current and valid photo ID with your current address or a copy of a utility bill, bank statement, government check, paycheck, or other government document dated within 60 days showing the same name and address as provided on your voter registration. Note that mail is not guaranteed to be postmarked on the same day that it is mailed. The U.S. Postal Service recommends mailing your voter registration before the postmark deadline or visiting a post office to ask to have a same-day postmark applied free of charge.

Register to Vote In Person at Election Commissioner's Office:

Register in person by visiting your local county election office.

Deadline: Friday, October 23, 2026 at 6 P.M. local time. You do not need to bring anything with you to register to vote in person.

Note: You can register at any Department of Motor Vehicle (DMV) office when applying for or renewing your driver's license or offices that offer state public assistance (like the Department of Health and Human Services – DHHS) at the time of application, review or change of address in connection with public programs through Friday, October 16, 2026. You do not need to bring anything additional with you to these offices for the purpose of registering to vote. Once you are registered, you will receive an acknowledgment of registration via mail within about 10–14 days. That notice will let you know whether the application was accepted, rejected, or if there were any problems in processing your registration. Once you are registered, you can request an Early Voting Ballot by following STEP 4.

STEP 4: REQUEST AN EARLY VOTING BALLOT APPLICATION.

You must reapply for an early mail-in ballot before each election. You can request your ballot be mailed to you in jail by filling out the enclosed Early Voting Ballot Application and faxing, e-mailing, or mailing it to your county election office. If you are requesting the ballot be mailed to you in a jail / detention center, make sure to write your inmate or booking number, if known, on the form. You will need to include your Nebraska driver's license or state ID number or a photocopy of an acceptable form of photo ID (see FAQ) or a completed Reasonable Impediment Certification (see FAQ).

Instead of completing the form, you may write to your Election Commissioner requesting an Early Voting Ballot with:

- your name and residence address;
- your booking/inmate number, if applicable/known;
- your voting precinct, if known;
- your phone number;
- your Nebraska driver's license or state ID number or a photocopy of an acceptable form of photo ID (see FAQ below), OR your completed Reasonable Impediment Certification (see FAQ below); and
- your signature.

Last day for the election office to receive your request for an early voting ballot: Friday, October 23, 2026 by close of business.

Deadline to return ballot: Ballot must be received by the county election office by Tuesday, November 3, 2026 at 8 P.M. CST (7 P.M. MT)

Check the status of your early voting ballot here:

www.votercheck.necvr.ne.gov/voterview

Note: If you live in a by-mail precinct where elections are only conducted by mail, you do not need to request an early ballot.

STEP 5: CAST YOUR BALLOT.

If you request an Early Voting Ballot, you do not need to present ID again when returning the ballot; however, if you are voting in a by-mail precinct, you will need to provide your Nebraska driver's license or state ID number OR a photocopy of an acceptable form of photo ID (see FAQ) OR a completed Reasonable Impediment Certification (see FAQ) in the ballot return envelope.

If you are voting in person on Election Day, you must present an acceptable form of photo ID. You must present the original ID. If you do not have your ID, you can go home to get it and return to the polls prior to the close to cast your ballot OR you can request a provisional ballot. If you cast a provisional ballot, it will only be counted if you present an acceptable form of photo ID in person at your county election office by close of business on Tuesday, November 10, 2026.

If you cannot obtain an acceptable form of ID for the purposes of voting because you have a religious objection to being photographed, have a disability or illness, or lack a birth certificate or other required documents to get an ID, you can complete a "Reasonable Impediment Certification" instead of presenting ID.

FREQUENTLY ASKED QUESTIONS:

VOTING WITH A FELONY CONVICTION

1. What if I have been convicted of a misdemeanor?

If you otherwise meet all the TO BE ELIGIBLE requirements listed at the start of this guide, then you can vote (see STEP 1).

2. What if I was charged with a felony?

Only felony **convictions** affect your right to vote. You can vote if...

- you have been arrested but not convicted;
- you have been released on bail or bond and your case is still pending;
- you are under pre-trial release electronic monitoring; or
- you are in jail but your case is still pending.

3. Can I register to vote if I was arrested for or charged with a felony but the charges were dismissed or reduced to a misdemeanor?

Yes. If your charge was dismissed or reduced to a misdemeanor, you still have the right to vote if you are otherwise eligible (see TO BE ELIGIBLE).

4. Can I register to vote and vote if I am currently on probation or parole?

If you are currently on probation as a result of a felony conviction, you cannot register to vote. If you are currently on probation as a result of a misdemeanor conviction, and otherwise meet all the TO BE ELIGIBLE requirements, you can vote (see STEP 1). Parole is a period of supervision in the community after release from prison. You are not eligible to vote while on parole.

5. Can I register to vote and vote if I received a pardon for my felony conviction?

Yes. If you have received a pardon for your felony conviction, and you are otherwise eligible (see TO BE ELIGIBLE), you can register to vote (see STEP 1).

VOTING FROM JAIL

6. What if I am detained in a Nebraska jail? Do I need to re-register?

If you are currently in a jail, detention center, or another institution and you intend to return home to the address listed on your voter registration, you do NOT need to re-register to update your address. Temporarily leaving your residence due to detention or incarceration does NOT change your residence for voting purposes. It's common for voters to be incarcerated outside of their home county. If you have changed addresses since you last registered to vote and need to update your registration, it's best to double check (see STEP 2). However, if you know you will be in custody during the general election, use the jail address with your booking or inmate number as the mailing address to receive the Early Voting Ballot. To request an Early Voting Ballot, follow STEP 4.

7. If I'm currently detained in jail, what address do I use for the Early Voting Ballot Application?

If you know you will be in custody on November 3, 2026, use the jail address with your booking or inmate number, if known / available, as the mailing address to receive the Early Voting Ballot following STEP 4. If you know you will be released before November 3, 2026, you can use your home address or an address where you can reliably receive mail as your mailing address. If you are no longer living at the same address where you were registered, re-register by following STEPS 2 and 3 and put your permanent address or an address where you can reliably receive mail as your mailing address. You can request an Early Voting Ballot by following STEP 4.

8. What address do I put on my voter registration or Early Voting Ballot if I am currently experiencing homelessness?

If you are experiencing homelessness, your residence is the county in which you live. You may use the homeless shelter in which you reside / intend to reside or the Election Commissioner's office in the county where you live / intend to live after release as your mailing address. A list of these addresses is available on the enclosed registration form and at <https://www.aclunenebraska.org/voter>. For the mailing of your ballot, you may choose to have your ballot sent to any location where you receive mail — like a P.O. Box, a friend's residence, your work, or a shelter if you register at the election office address. Otherwise follow STEP 4 and STEP 5 for requesting an Early Voting Ballot and casting your ballot.

ID REQUIREMENTS FOR REGISTERING AND VOTING

9. Do I need photo identification to register to vote?

Only if you are registering for the first time in the state of Nebraska by mail. See STEP 3 for specific documentation requirements and remember you can have someone mail one of these documents to you if you do not have access to them while detained in jail.

10. Do I need identification to vote?

You will need to present an acceptable form of photo identification to vote in person or to request an Early Voting Ballot. If you vote early by mail to vote in a by-mail county, you need to write your driver's license or state ID number or enclose a photocopy of an acceptable form of photo ID with your request on the early ballot application or ballot return envelope.

11. What IDs can I use to vote?

ID must have the voter's name and photo. IDs can be expired. Acceptable forms of photo ID are issued by:

- The federal government, including a U.S. passport, or military ID;
- The State of Nebraska, such as a driver's license or state ID;
- A postsecondary institution in the State of Nebraska;
- A political subdivision in Nebraska, such as a county-issued ID, including **jail IDs, such as a jail wristband**, if it shows the voter's name and photo;
- Native American tribe or band recognized by the U.S.; or
- A hospital, an assisted-living facility, a nursing home. The facility record must include a name and photo.

continued...

12. What if I don't have an acceptable form of photo ID?

If you are at least 18 years of age, registered to vote and do not have a valid driver's license, you can receive a free state ID by applying at your local DMV. If you were born in Nebraska and do not have a copy of your birth certificate, you can receive a free state birth certificate for the purposes of obtaining a state ID to vote from the Department of Health and Human Services Office of Vital Records. Find information at <https://www.aclunebraska.org/voter>.

13. What if I don't have an acceptable form of photo ID on Election Day?

You will still be allowed to vote using a provisional ballot. For your provisional ballot to be counted, you must present an accepted form of photo ID at the office of your county election commissioner before close of business on November 10, 2026.

If you are currently detained or in custody and cannot obtain an accepted ID to vote and the jail where you are detained does not use jail IDs with your name and photo, you may complete a "Reasonable Impediment Certification" form that identifies your impediment and exempts you from the ID requirement.

14. What is a Reasonable Impediment Certification?

A Reasonable Impediment Certification form can be completed instead of presenting an accepted form of photo ID. "Reasonable impediments" are:

- Inability to obtain an acceptable form of ID due to:
 - Disability or illness; or
 - Lack of birth certificate or other required documents; or
- Religious objection to being photographed

15. What if I need help marking or reading my ballot?

You have the right to request accommodations to facilitate your right to vote and can choose someone to help you vote, including a jail staff member. Think of this person as a helper. This helper cannot be your employer, a representative of your employer, or officer of your union. They must respect your privacy and not look at your ballot unless you ask them to do so.

You are also allowed to assign an **agent**, a person you choose, to apply for your ballot. Each election cycle, RISE helps facilitate agent requests at county jails. Reach out to your unit manager or jail administrator for more information on how to vote while in jail.

Finally, if you have a legal guardian, your guardian can also help you. If you are casting an Early Voting Ballot and received assistance filling out your ballot, the envelope must be sealed and signed (or mark made) by you and any helper.

16. What if I am released before the election?

If you are released from jail after October 23, 2026 but before the general election on November 3, 2026 and you were not registered to vote, you will not be able to vote because the last voter registration deadline has passed. If you are released from jail after October 23, 2026 but before the election and you are registered to vote at an address in the same county, you can update your address and vote on the same day at the polling place for your new address (find the polling place for your new address using ne.gov/go/votercheck and use the Polling Place Search tool). Follow STEP 5: Cast your Ballot.

17. Do I need to pay for postage?

Yes, voter registration forms, early voting ballot application forms, and ballots require postage. If you are detained, you can typically purchase stamps at the canteen in the jail. If you are indigent (unable to pay), a certain amount of postage must be provided to you. If you are not detained, you can drop off the forms at your local county election office instead of paying for postage. These are listed in the enclosed registration form at <https://www.aclunebraska.org/voter>. Volunteer agents, through RISE, may also be available to help return your ballot.

18. What if my voter registration was wrongfully denied?

Elections officials can make mistakes. If you believe your voter registration is wrongfully denied, or you improperly receive a notice your right to vote is suspended, contact either your local Election Commissioner or the Secretary of State to raise your concerns. Remember: the only requirements to vote are listed under TO BE ELIGIBLE at the front of this brochure. An election office or Election Commissioner cannot impose any other requirements. If none of these agencies address your issue, contact the ACLU of Nebraska by e-mail: gethelp@aclunebraska.org or you may call our intake partner Legal Aid of Nebraska at 1-877-250-2016, Monday or Wednesday mornings 8:30 to 11:30 A.M. or Tuesday or Thursday afternoons from 1 to 3 P.M.

¿Necesita ayuda? En Nebraska, los condados de Colfax, Dakota y Dawson deben proporcionar materiales de votación en inglés y español. Sin embargo, sin importar en qué condado se encuentre, usted puede llevar a un intérprete a su lugar de votación o al sitio donde esté votando. Si está llenando una boleta de votación anticipada y recibió ayuda para completarla, el sobre debe estar sellado y firmado (o con una marca) por usted y por la persona que le asistió.

ADDITIONAL RESOURCES:

Civic Nebraska

206 S. 13th St, Ste 800, Lincoln, NE 68508
Phone: 402.904.5191
Website: www.civiclebraska.org

Election Protection Helpline
402.890.5291

Nebraska Secretary of State Elections Division

P.O. Box 94608, Lincoln, NE 68509-4608
Phone: 402.471.2555
E-mail: sos.elect@nebraska.gov
Website: sos.nebraska.gov

League of Women Voters of Nebraska

Phone: 402.344.3701
Website: www.vote411.org/nebraska

RISE

Phone: 402.999.8063
E-mail: policy@seeusrise.org