

# CURRENT & FORMERLY INCARCERATED NEBRASKANS' VOTING RIGHTS

SPRING 2024  
PRIMARY ELECTION

KNOW YOUR RIGHTS

Nebraska's laws around voting rights and voting rights restoration can be confusing. Being detained in jail at election time makes exercising your right to vote even more confusing. This guide is meant to help. **Even if you are detained in a Nebraska jail, you MAY be eligible to vote.** Your vote matters because you get to vote for candidates who make decisions about your life and ballot initiatives addressing key issues. Simply put, voting is the cornerstone of our democracy. Nebraska primary elections will be held on May 14, 2024. This guide is meant to help you determine if you are eligible to vote and how you may exercise your right to vote whether you are currently or formerly incarcerated.

**DISCLAIMER:** This resource is general voter education. These materials do not entitle you to legal advice from the ACLU and is not an offer by the ACLU to represent you as your attorneys. Please contact local election officials, your attorney, or the ACLU for more information.

## 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 regard 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 18 years old on or before November 5, 2024.
- If you have been **convicted** of a felony under Nebraska's laws, another state's laws, or federal government laws, at least two years must have passed since the completion of your sentence, including any parole or probation term.\*
- 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.
- 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 new voter ID requirement.

\*This year, Nebraska state senators passed LB 20, which removes the two-year waiting period for those with felony convictions who have completed their sentence including any probation or parole term. This change in the law takes effect on July 18, 2024. **This guide explains the current law while the two-year waiting period is still in effect and applies to voter eligibility for the primary elections on May 14, 2024.** Learn more about the change at [getmyvoteback.org](https://getmyvoteback.org).

## FIND YOUR LOCAL ELECTION COMMISSIONER'S OFFICE:

A **list of Election Commissioners** and their contact information can be found here: <https://www.aclunebraska.org/voter-links>

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## HOW TO VOTE:

### STEP 1: Check if you meet the above requirements to be eligible to vote.

If you are eligible, continue to STEP 2. If you are not sure your voting rights have been restored after serving a sentence, contact the Clerk of the District Court where the sentence was imposed.

### STEP 2: Check your voter registration or update your voter registration.

You will only need to re-register if you have changed your name, address, political party affiliation, or if your rights were recently restored two years after completing a felony sentence, including any parole or probation term. If you believe it has been two years since completing a felony sentence, it is recommended that you contact the Clerk of the District Court where the sentence was imposed: <https://supremecourt.nebraska.gov/directories/district-court-contacts>

### 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.aclunenebraska.org/voter-links>

**Deadline:** Monday, April 29, 2024 before midnight

*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.aclunenebraska.org/voter-links>

**Deadline:** Must be postmarked by Monday, April 29, 2024

*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.*

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

Register in person by visiting your local county election office.

**Deadline:** Friday, May 3, 2024 at 6 P.M. You do not need to bring anything with you to register to vote in person.

*Note: You may also 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 (e.g. the Department of Health and Human Services – DHHS) at the time of application, review or change of address in connection with public programs through Monday, April 29, 2024. You do not need to bring anything additional with you to these offices for the purpose of registering to vote. Once you are registered, the Elections/Election Commissioner's office will send an acknowledgment of registration to you via mail typically within 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 Early Voting Ballot Application and faxing, e-mailing, or mailing it to your county Election Office or Commissioner using the form provided here: <https://www.aclunenebraska.org/voter-links>

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 below) or a completed reasonable impediment certification form (see FAQ below).

If you are requesting the ballot be mailed to you in jail, make sure to write your inmate or booking number, if known, on the form OR 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,
- the mailing address you want the ballot sent to, and
- your signature.

**Last day for the election office to receive your request for an early voting ballot:** Friday, May 3, 2024 by close of business.

**Deadline to return ballot:** Ballot must be received by County Election Office by May 14, 2024 8 P.M. CST (7 MT)

**Check the status of your early voting ballot here:**

[www.votercheck.necvr.ne.gov/voterview](http://www.votercheck.necvr.ne.gov/voterview)

### STEP 5: Cast your ballot.

If you request an Early Voting Ballot, you do not need to present ID when returning the ballot. 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 below) OR a completed reasonable impediment certification form (see FAQ below) in the ballot return envelope.

If you are voting in person on Primary 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 may go home to retrieve your ID and return to the polls prior to the close to cast your ballot OR you may request a provisional ballot. You will be able to cast your ballot, but 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 May 21, 2024.

If you cannot obtain an acceptable form of ID for the purposes of voting because you have a religious objection to being photographed, or 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 to vote.

## 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 above, then you can vote (see STEP 1)!

#### 2. What if I was charged with a felony?

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.

Follow the “How to Vote” instructions.

#### 3. Can I register to vote and vote if the felony conviction was set-aside?

You can vote if you are otherwise eligible (see TO BE ELIGIBLE) and it has been two years since you have completed your sentence including any parole or probation term regardless of whether the conviction is set-aside.

#### 4. 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, only felony **convictions** affect your right to vote. 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) and do not have to wait two years.

#### 5. Can I register to vote and vote if I am currently on probation?

If you are currently on probation as a result of a felony conviction, you cannot register to vote or vote until two years after you have been released from probation. 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)!

#### 6. Can I register and vote if I am on parole?

You cannot register to vote or vote until two years after you have completed your prison and parole sentence resulting from a felony conviction.

#### 7. 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)!

*Note: It is the usual practice for the Board of Pardons to wait 10 years after a felony sentence has been completed to grant a pardon. You only need to wait 2 years to register to vote after completing your felony sentence including any parole or probation term.*

#### 8. What if the felony conviction is from another state?

You can vote if you are otherwise eligible (see TO BE ELIGIBLE) and it has been two years since you have completed your sentence including any parole or probation term. Neb. Rev. Stat. 29-113.

### VOTING FROM JAIL

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

If you are currently in a county jail or another institution and you intend to return home to the address listed on your 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 on election day, 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.

#### 10. 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 May 14, 2024, 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 are transferred to a different jail, you should contact the election office to update your address. Most sheriffs' offices do not forward or redirect mail to other jails. If you know you will be released before May 14, 2024, 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.

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

If you are currently unhoused, your residence is the county in which you live. You may use the homeless shelter in which you reside or the Election Commissioner's Office in the county where you live as your mailing address. 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 Ballot and casting your ballot.

### ID REQUIREMENTS FOR REGISTERING AND VOTING

#### 12. 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.

#### 13. 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 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.

#### 14. What IDs can I use to vote?

Acceptable forms of photo ID must have the voter's name and photo and 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 Nebraska;
- Local governments 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 tribes; or
- A nursing home, assisted-living facility, or hospital.

Expired IDs that meet these requirements can be used for the purposes of voting.

#### 15. 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-links>

#### 16. 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 acceptable form of photo ID at the office of your county election commissioner on or before May 21, 2024.

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 form called a "reasonable impediment certification" that identifies your impediment and exempts you from the ID requirement.

#### 17. What is a reasonable impediment certification?

A reasonable impediment certification is a form that can be completed instead of presenting an acceptable 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

#### 18. 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 pick someone to help you vote, including a jail staff member. This helper cannot be your employer, an agent

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 can also assign an agent (a person you choose) to apply for your ballot. 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.

#### 19. What if I do not understand the language in which the ballot is written?

You may use an interpreter at the polling place or the location where you are voting. Colfax, Dakota, and Dawson counties must provide bilingual ballot materials in English and Spanish. 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 the interpreter.

#### 20. What if I am released before Primary Election Day May 14, 2024?

If you are released from jail after May 3, 2024 but before Primary Election Day May 14, 2024 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 May 3, 2024 but before the May 14, 2024 primary 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](https://ne.gov/go/votercheck) and use the Polling Place Search tool). Follow STEP 5: Cast your Ballot.

#### 21. 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 Election Commissioner's Office instead of paying for postage.

#### 22. What if my voter registration was wrongfully denied?

Elections officials may make mistakes regarding the voting rights of people with felony convictions. 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. 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](mailto: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.

### ADDITIONAL RESOURCES:

#### Civic Nebraska

530 S. 13th St, Ste 100, Lincoln, NE 68508  
Phone: 402.904.5191  
Website: [www.civicnebraska.org/contact/](http://www.civicnebraska.org/contact/)

#### Nebraska Secretary of State Elections Division

P.O. Box 94608, Lincoln, NE 68509-4608  
Phone: 402.471.2555  
E-mail: [sos.elect@nebraska.gov](mailto:sos.elect@nebraska.gov)  
Website: [sos.nebraska.gov](http://sos.nebraska.gov)

#### League of Women Voters of Nebraska

Phone: 402.344.3701  
Website: [www.vote411.org/nebraska](http://www.vote411.org/nebraska)

#### Nebraska Civic Engagement Table

P.O. Box 83358, Lincoln, NE 68501  
Website: [www.nebraskatable.org](http://www.nebraskatable.org)