

# CURRENT & FORMERLY INCARCERATED NEBRASKANS' VOTING RIGHTS

FALL 2024  
GENERAL 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 measures addressing key issues. Simply put, voting is the cornerstone of our democracy.

**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 at least 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, you can vote once you finish your sentence. Please review the enclosed for answers to questions related to this topic.
- 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.

## 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 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 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 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.aclunebraaska.org/voter-links>

**Deadline:** Friday, October 18, 2024 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.aclunebraaska.org/voter-links>

**Deadline:** Must be postmarked by Friday, October 18, 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, October 25, 2024 at 6 P.M. local time. 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 Friday, October 18, 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.aclunebraaska.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 (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;
- 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 25, 2024 by close of business.

**Deadline to return ballot:** Ballot must be received by the county election office by November 5, 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 (see FAQ below) 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 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 November 12, 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 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).

#### 4. 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. 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).

#### 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).

*Note: It is the practice for the Nebraska Board of Pardons to wait 10 years after a felony sentence has been completed to grant a pardon.*

### 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 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.

#### 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 5, 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 November 5, 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.

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

If you are currently experiencing homelessness, 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

#### 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 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.

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## 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-links>

## 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 acceptable form of photo ID at the office of your county election commissioner on or before November 12, 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.

## 14. 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

## 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 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.

## 16. 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.

## 17. What if I am released before Election Day November 5, 2024?

If you are released from jail after October 25, 2024 but before Election Day, November 5, 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 October 25, 2024 but before Election Day 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.

## 18. 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.

## 19. 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.

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### ADDITIONAL RESOURCES:

#### Civic Nebraska

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

#### 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)

# ANSWERS FOR SYSTEM-IMPACTED NEBRASKANS ON FELONY CONVICTIONS & VOTING RIGHTS

Earlier this year, a bipartisan majority of Nebraska state senators voted to remove the two-year waiting period so that people with felony convictions can vote as soon as they finish all terms of their felony sentences, including probation and parole. LB 20 was passed into law, but on July 17, 2024, the Secretary of State announced that he would not comply with the law based on an Attorney General's opinion, issued that same day, asserting only the Board of Pardons has the power to restore voting rights. The ACLU of Nebraska filed a case in the Nebraska Supreme Court to ensure ballot access for those who have completed all the terms of their felony sentences consistent with LB 20. In its October 16, 2024 opinion, the Court held that the Secretary of State must follow the law, including LB 20, ensuring Nebraskans with prior felony convictions can register to vote and vote as soon as they complete all terms of their sentence(s). Here's what you need to know to exercise your voting rights with a past felony conviction.

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## FREQUENTLY ASKED QUESTIONS:

### 1. What do I do if I am currently registered to vote and have a prior felony conviction and all terms of my sentence (prison time, parole, probation, etc.) have been completed?

If you were convicted of a felony and completed your sentence, including any probation or parole term, and have previously registered to vote, it's still a good idea to look up your voter registration to confirm that you are still registered. The Nebraska Voter Information Lookup, [www.votercheck.necvr.ne.gov](http://www.votercheck.necvr.ne.gov), allows you to verify whether or not you are registered by typing in your first and last name and the county where you are registered. If you are registered, no further action is needed for you to vote. If the search shows that you are not registered, even though you had previously registered and are still otherwise eligible to vote, complete your voter registration again and notify the ACLU at [gethelp@aclunebraska.org](mailto:gethelp@aclunebraska.org) that you were unable to confirm your prior voter registration.

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## IMPORTANT TERMS & DEFINITIONS:

**Acceptable form of photo ID:** An ID that meets the requirements for the purposes of voting. The ID must display the voter's name and photo and include those 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 tribe or band recognized by the U.S. government; or
- Patient records with photos from a nursing home, assisted-living facility, or hospital.

Acceptable forms of photo IDs can be used for the purpose of voting even if they are expired.

**Bail:** Temporary release of an individual accused of committing a crime while awaiting trial. The release is typically done on the condition that a sum of money be deposited with the court as a guarantee of their appearance in court.

**Convicted/Conviction:** A final judgment by the court imposing a sentence after a person has been found to be legally responsible for a crime through a verdict of guilty, a plea of guilty, or a plea of no contest.

**Disenfranchise:** To deprive a person of the right to vote.

### **Early Voting Ballot/Vote-By-Mail/ Absentee**

**Ballot:** A ballot mailed to a voter before Election Day and then completed by the voter and returned to the Election Commissioner/Office by mail or drop box. This is a common form of voting for incarcerated people.

**Expungement/Expunge:** When an individual's felony arrest is removed or erased from law enforcement and court records, often because the arrest or conviction was due to a law enforcement agency's error. This is not an option in Nebraska but may apply to out-of-state convictions.

## 2. If I am done with all the terms of my sentence resulting from my felony conviction, can I register to vote?

If you have completed a felony sentence, including all parole or probation terms, and are not registered to vote, you can register to vote.

## 3. What if I have been convicted of a misdemeanor?

If you otherwise meet all the eligibility requirements listed in this packet, you can register to vote.

## 4. 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 at this time. If you are currently on probation as a result of a misdemeanor conviction, and otherwise meet all the eligibility requirements above, you can register to vote.

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

You cannot register to vote at this time.

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

Yes. If you have a felony conviction arising out of the State of Nebraska and you receive a pardon and you otherwise meet all the eligibility requirements above, you can register to vote.

## 7. What if my felony conviction is from another state?

You can register to vote if you have completed your sentence, including any parole or probation, and you meet all other eligibility requirements.

## 8. What if I have been convicted of a felony and I'm not sure if I have completed all the terms of my sentence including parole or probation?

If you are unsure if you have completed all terms of your felony sentence you can contact your probation/parole officer to check, contact the clerk of the court where you received your sentence, or consult with an attorney to verify. Put another way, if you are off paper, you have completed all terms of your sentence and if you are otherwise eligible to vote, you can register to vote and vote.

**Felony:** A crime that may be punished by one year or more of incarceration. In Nebraska, certain felonies that are considered less serious, such as property offenses or other 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 prison.

**Misdemeanor:** A crime not punishable by more than one year in jail. Misdemeanor convictions (e.g., disturbing the peace, criminal mischief), regardless of the sentence, do not affect the right to vote. Individuals otherwise eligible (see TO BE ELIGIBLE) to vote who have been convicted of a misdemeanor do not have to wait until the completion of their sentence to vote.

**Pardon:** A proclamation issued by the Board of Pardons restoring civil rights lost due to a felony conviction, including the right to vote.

**Parole:** A period of supervision in the community by a parole officer after release from state prison. Individuals are not eligible to vote while they are on parole.

**Pre-trial Electronic Monitoring:** An electronic system which may include a phone line and ankle bracelet used by the court to monitor the individual accused of a crime while out on bail. Even if an individual is subject to electronic monitoring, they have the right to vote as long as they have not been convicted of a felony.

**Prison:** "State prison" refers to a system of detention facilities, operated by the Nebraska Department of Correctional Services (NDCS), that incarcerate people who have been convicted of certain felonies. "Federal prison" refers to a system of detention facilities, operated by the Federal Bureau of Prisons, that incarcerate people convicted of a felony under federal law. Nebraskans lose their voting rights while they are in either state or federal prison up until after they complete their sentence including any parole, mandatory supervision, or probation term.

**Reasonable Impediment Certification:** If a voter cannot obtain or present an acceptable form of photo ID for the purposes of voting due to religious objection of being photographed, disability or illness, or lack of birth certificate or other documents to obtain an ID, the voter can complete a "reasonable impediment certification" form to present with their ballot instead of an ID.

**Sealed:** Court records of cases that do not result in a criminal conviction are sealed, which means they are removed from the public record, cannot be disclosed to the public by court officials, and are only available to law enforcement. Criminal charges that did not result in a conviction do not prevent voting regardless of whether the criminal record has been sealed or not.

**Set-Aside:** A set-aside is an order removing the civil disabilities and disqualifications resulting from a conviction. However, a set-aside does not remove the conviction from a criminal record nor automatically restores the right to vote lost as a result of the conviction.