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Felon Voting Rights FAQ

What are my voting rights if I have a felony conviction in Nebraska?

- If you are convicted of a state or federal felony, you temporarily lose your right to vote.
- Your voting rights are restored two full years after completing your sentence, including any parole term. Your sentence may include incarceration without parole, incarceration with parole, probation or any combination of sentences.

How are my voting rights restored?

- Voting rights are restored two years after the completion of your incarceration plus any period of parole or probation. You should receive a notice from the Department of Corrections, parole administrator or judge that you have completed your sentence.
- At that time, you will need to submit a new voter registration application to the county election office where you intend to reside in order to vote.

What are my voting rights if I have been charged with a felony but have not been convicted?

You can register to vote and 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.

What are my rights to vote if my felony conviction was set-aside?

- A set-aside is an order removing the civil disabilities and disqualifications resulting from a conviction. However, a set-aside does not restore the right to vote as a result of a felony conviction. Your voting rights will be restored two full years after completing your sentence, including any parole term.

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 it has been two full years since being discharged or released from probation. If you are discharged or released from probation unsatisfactorily, this does not impact the restoration of your voting rights.
- If you are currently on probation as a result of a misdemeanor conviction, you can register to vote and vote. Your voting rights are not impacted by a misdemeanor conviction.

Can I register to vote and vote if I am on parole?

- No. You cannot register to vote or vote until it has been two full years since the completion of your sentence, including any parole term.

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

- Yes. If you have received a pardon for your felony conviction and you are otherwise eligible, you can register to vote.
- Please note, it is the usual practice for the Board of Pardons to wait 10 years after a felony sentence has been completed before considering granting a pardon. You only need to wait two years to register to vote after the completion of your sentence.

What happens to my voter registration record if I am convicted of a felony?

- A notation in your voter registration record will be made indicating that you are not eligible to vote.
- You will then receive a notice from your county election official that you have been removed from the voter list and are not eligible to vote.
- If the notation was made in error, you should notify your county election official right away.

I received a letter denying my voter registration due to felony conviction, but I believe this is incorrect. Can I dispute this?

- **If you were convicted of a felony but it has been two or more years since your release:** you can send a copy of your release paperwork to your county election official. If you do not have a copy of your release paperwork, you can reach out to the court in which you were convicted for release documentation. You can also reach out to the Secretary of State's Office at 402-471-2555 or sos.elect@nebraska.gov and we will attempt to identify your date of release.
- **If you had a felony charge that was later amended to a misdemeanor conviction:** you can send a copy of your misdemeanor conviction to your county election official. If you do not have a copy of your misdemeanor conviction, you can reach out to court in which you were convicted for a copy of your misdemeanor conviction. You can also reach out to the Secretary of State's Office at 402-471-2555 or sos.elect@nebraska.gov and we will attempt to verify the misdemeanor conviction.
- **If you have never received a felony conviction:** please contact your county election official or the Secretary of State's Office at 402-471-2555 or sos.elect@nebraska.gov and we will identify what caused your removal and correct any errors as appropriate.

**I went to vote at my polling place and my name wasn't on the list.
Can I still vote?**

- Yes, you can vote provisionally if it has been two full years since the completion of your felony sentence, including parole. Your county election office will review your voter registration record to determine whether your removal due to felony was made in error. If it was made in error, your provisional vote will count.

You may not vote if you were convicted of a felony and it has not been two years since your sentence was completed, including any parole term.

What if I was convicted of a felony in another state or in federal court?

- Voting eligibility is based on Nebraska state law; it does not matter in what state you were convicted of a felony or whether you were convicted in municipal, state or federal court. If you are convicted of a felony, your voting rights will not be restored until it has been two years from the completion of your sentence.

Are there any felony convictions which bar me from automatically regaining my voting rights after the two-year period?

- Yes. If you have been convicted of treason under Nebraska law or the laws of the United States, you must apply for a restoration of your civil rights before you can register to vote or vote.

What if a felon attempts to register to vote in Nebraska before the two-year period has passed?

- When you sign the voter registration application you attest to the fact that you are not a felon or, if convicted of a felony, that it has been two years since completing your sentence, including any parole term.
- Knowingly submitting false information on the application is a Class IV felony in Nebraska, punishable up to two years imprisonment and twelve months post-release supervision, a fine of up to \$10,000, or both.
- There are very serious risks and criminal penalties if you vote when you are not eligible. If you have any questions at all, please contact your county election office, the Secretary of State's office, an attorney or a local voting rights group to learn more.

Do I have the right to vote if I am on bond and the criminal case is pending?

- You can still register and vote if you have not yet been convicted. That's true even if you are currently incarcerated and awaiting trial.
- If you are currently incarcerated pending disposition, you are presumed innocent until convicted. If you have not previously registered to vote, you will need to complete and submit a voter registration application.
- If you are incarcerated and need to vote by early voting (absentee) ballot, complete and return the necessary request form. Include your previous permanent address on the form (the address where you lived prior to incarceration).

What if I have been convicted of a misdemeanor?

- Your voting rights are not affected. You are eligible to register and vote in all state and federal elections. That includes if you are currently serving a sentence for a misdemeanor in jail.
- If you wish to register and vote while in jail, you will need to complete and submit a voter registration application, and also complete a form to receive an early voting (absentee) ballot.

What are my voting rights if I received a deferred judgment for a felony charge?

- You are not disqualified from registering to vote or voting. Since there is no conviction, there is no removal of voting rights nor any two-year waiting period. If you were registered to vote at the time, you will remain registered. If you attempt to register to vote, you will be allowed to register.
- If you received a deferred judgment for a felony charge and do not complete the terms of probation, you may be sent back to court and the judge will consider entering judgment convicting you of a felony. You do not lose your right to vote unless and until you are convicted of a felony.

How can I confirm that my voting rights are restored?

- Contact the Clerk of the District Court where the sentence was imposed, the Department of Corrections or the supervising parole officer to confirm if it has been two years since the completion of your sentence, enabling you to register and vote.
- You can also reach out to the Secretary of State's Office at 402-471-2555 or sos.elect@nebraska.gov and we will attempt to identify your date of release.
- It is best not to submit a registration form until you have confirmed your status.

How do I register to vote?

Qualifications - You must meet the following basic qualifications to register to vote.

Age

- To register to vote you must be 18 years old. If you are 17 years old and will be 18 by the first Tuesday following the first Monday in November of this year, you can register.

Citizenship

- You must be a United States citizen in order to register to vote.

Felony Conviction

- If you have been convicted of a felony, either in Nebraska or another state or in federal court, you cannot register to vote until two years after the completion of your sentence including any probation or parole term.

Mentally Incompetent (Non compos mentis)

- If you have been found by a court to be mentally incompetent, you cannot register to vote.

Residence

- To register, you must be a resident of Nebraska and of the county where you are registering. If you move to another county, you must re-register.

Methods to Register to Vote

Online Registration

- If you have a Nebraska driver's license or identification card issued by the Department of Motor Vehicles, you may be able to use the state online voter registration NEReg2Vote. The registration uses the signature from your driver's license or identification card and is automatically sent to your county election official for processing.

Paper Forms

- Paper registration forms are available at a variety of locations including the Secretary of State's office and local/county election offices. They may also be available at libraries, banks or other locations. Contact your county election official for these locations within your county.

Website Forms

- Copies of the voter registration application are available on this website in both a blank form (print and then fill out) and a fillable form (fill out and then print). The paper form must be printed, signed and either mailed or delivered to your county election office.

Department of Motor Vehicles

- When you apply for a driver's license or identification card or renew or update your information at Nebraska Department of Motor Vehicles offices, you will be offered the opportunity to register to vote.

Public Assistance Agencies

- When you apply for or have other transactions with Nebraska public assistance agencies, you will be offered the opportunity to register to vote.