

By-Mail Early Voting Checks and Balances in Nebraska

American elections serve as a model for the world, thanks to our rigorous system of checks and balances and our neighbors serving as election workers faithfully carrying out those duties.

Working in teams made up of people from both parties, poll workers and election officials count, canvass, and audit votes — whether they are cast in-person, by mail, or by service members overseas. These election workers verify voters' identities. They inspect ballots. They resolve errors. They confirm that every legal ballot is counted as voters intended them.

When these checks and balances are complete, then the final phase of our election process happens: certification. This is the straightforward step in the process when election officials declare the winners.

This memo outlines the numerous safeguards in Nebraska that assure only eligible by-mail early votes are counted, from rigorous voter verification at the application stage to election officials meticulously reviewing ballots when they are returned. For greater detail about the post-election process and a detailed timeline, please visit the rest of our series on checks and balances in Nebraska elections.

Finally, this is nonpartisan educational research intended for 501(c)(3)-compliant purposes only. It is *not* to be used for any partisan, political, or electioneering activities by any organization.

All Nebraska Voters Are Eligible for By-Mail Early Voting

Any eligible Nebraska voter can choose to vote early, either by mail¹ or in person at the office of their election commissioner or county clerk.²

Voters can apply for their early voting ballot to be mailed to them at any time from 120 days prior to the election through the second Friday before Election Day.³ The application must include the voter's name, registration address, a forwarding address for their ballot package (if necessary), and at least one of: 1) their Nebraska driver's license or state identification card number; 2) a photocopy of a valid form of photo ID; or 3) a state form certifying that the voter has a reasonable impediment to obtaining a photo ID.⁴

Eligible voters who are not registered may request a voter registration form at the same time they request an early voting ballot, but will need to submit a completed registration form prior to the registration deadline by the third Friday before Election Day.⁵

¹ Neb. Rev. Stat. § 32-941

² Neb. Rev. Stat. § 32-942

³ Neb. Rev. Stat. § 32-941

⁴ *Id.*

⁵ Neb. Rev. Stat. §§ 32-321; -945

All Voters Are Verified Before Election Officials Send Their Ballot

The election commissioner or county clerk reviews each by-mail early voting application to ensure that the information provided on the application matches the information in the voter's registration record. A clerk may not issue a ballot to a voter unless the identification number provided by the applicant matches that information in the voter's registration record.⁶

If missing or non-matching information could lead to the application being rejected, the election official reaches out directly to the voter by mail, telephone, or email to advise them of the issue and give them an opportunity to provide the correct information to verify their identity and eligibility.⁷ Upon receipt of a by-mail early voting application, the election commissioner or county clerk makes a notation of the applicant's name, address, precinct, alternative mailing address (if any), and the date when the application was received.⁸

If the commissioner or clerk approves the ballot application, then they mail the voter a ballot package at their registered address (unless the voter provided an acceptable forwarding address).⁹ Nebraska law also allows a voter to appoint an agent to pick up their ballot from the election office on their behalf.¹⁰ Additionally, the election commissioner or county clerk may train a bipartisan team of registered voters to administer early voting ballots directly to residents of nursing homes or hospitals who have requested ballots.¹¹

Bipartisan Teams of Professionals and Volunteers Verify Returned Ballots

Whether returning their ballot by mail or in person, Nebraska law requires voters to return ballots by the close of polls on Election Day.¹² Counties may also offer secure ballot drop boxes so long as they meet statutory security requirements.¹³ Voters must fill out all of the information on the identification envelope and sign the voter's oath under penalty of election falsification prior to returning the ballot.¹⁴

Counties appoint an early voting counting board to review and verify returned by-mail early voting ballots. The counting board must be composed of a balanced number of appointees affiliated with the two major parties, and may include unaffiliated voters.¹⁵ The board will accept a ballot for counting if:

- The name on the identification envelope matches that of the registered voter;
- The residence address on the identification envelope is the same address where the voter is registered; and

⁶ Neb. Rev. Stat. § 32-941

⁷ *Id.*

⁸ Neb. Rev. Stat. § 32-948

⁹ Neb. Rev. Stat. § 32-947

¹⁰ Neb. Rev. Stat. § 32-943

¹¹ Neb. Rev. Stat. § 32-944

¹² Neb. Rev. Stat. § 32-950

¹³ Neb. Rev. Stat. § 32-950.01

¹⁴ Neb. Rev. Stat. § 32-949

¹⁵ Neb. Rev. Stat. § 32-1027

- The voter has signed the identification envelope.¹⁶

Prior to counting, the board also verifies whether voters who requested a ballot before they were registered have completed an approved registration application. If an identification envelope is rejected, the board cannot open the envelope to retrieve the ballot inside. Instead, the board writes “rejected” on the envelope and the reason for the rejection.¹⁷ The board must store accepted and rejected ballots in separate sealed containers.

Voters Can Confirm Ballot Status Through Online Ballot Tracking

Though not required by statute, Nebraska election officials offer an [online information lookup tool](#) that allows registered voters to track the status of their by-mail early ballot, including when it is issued by the election commissioner or county clerk, when it is received back from the voter, and whether or not it has been accepted for counting. This feature provides voters and election officials additional confidence in the security of the by-mail early voting process.

Additional Steps Ensure Ballots Are Counted as Voters Intended

There are a number of additional checks and balances that apply to by-mail and in-person ballots in Nebraska. These include:

- Election officials test tabulation equipment three times before the election to make sure it is working correctly.
- Other than voters with disabilities who need accessible voting equipment, all Nebraska voters complete hand-marked paper ballots that they insert directly into tabulation equipment at some polling locations or bipartisan teams of election workers tabulate at central counting locations.
- The bipartisan county canvassing board conducts the county canvass at a meeting open to the public.

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¹⁶ *Id.*

¹⁷ *Id.*