



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**
Division of Health Benefits

ROY COOPER • Governor
KODY H. KINSLEY • Secretary
DAVE RICHARD • Deputy Secretary, NC Medicaid

July 27, 2022

Subject: Felon Eligibility Requirement Changes

Attention: County Directors
County Civil Rights-Title VI-LEP/ADA/NVRA Coordinators
All Program Representatives
Food and Nutrition Services (FNS) Administrators and Managers
Energy Programs Managers and Supervisors
Program Integrity (PI) Managers and Supervisors
Medicaid/NCHC Caseworkers and Supervisors
Work First Supervisors
Child Care Subsidy (Daycare)
Adoption Assistance
Special Assistance Program Supervisors

Dear County Directors of Social Services,

North Carolina State Board of Elections (NCSBE) has provided the following information regarding voter eligibility for North Carolinians with felony convictions.

Starting July 27, 2022, an individual serving a felony sentence who is not in jail or prison may register to vote and vote. An individual must also have resided in North Carolina for at least 30 days prior to the election, be a U.S. citizen, and be at least 18 years old by the next general election.

Previously, under a North Carolina [statute](#), a person serving a felony sentence could not register to vote or vote, whether they were in or out of prison, until they completed that sentence. This meant that felons serving probation, post-release supervision, or parole were not able to register or vote, until they completed their term of supervision.

Earlier this year, however, a North Carolina superior court determined that denying voting rights to people serving their felony sentences outside of jail or prison violates the state constitution. This decision has been appealed; however, while it is on appeal, the North Carolina Court of Appeals has ordered that the decision should go into effect as of July 27, 2022.

This means that, for the time being, any person serving a felony sentence outside of prison or jail is eligible to register to vote and vote. Those in jail or prison for a felony conviction are not allowed to register or vote. If a person is in jail awaiting trial for a felony but has not yet been

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convicted, they retain their voting rights. In North Carolina, a person never loses their voting rights for a misdemeanor conviction.

What will Change?

Effective July 27, 2022, all felons who are **not** incarcerated will be eligible to register and vote.

How will this Impact the county DSS offices?

Counties will continue to use the current N.C. Voter Registration Application, until new forms become available. Voter registration materials are currently being updated and a new NVRA agency application link will be accessible on the NCSBE website <https://www.ncsbe.gov/> . Any new orders for paper forms as of July 27, 2022, that come from NVRA agencies will include the new language on felon eligibility.

All relevant links to NCSBE in NC FAST and other websites within the Department of Health and Human Services will not change, however updated voter registration information will be added by NCSBE.

What will Not Change?

Program eligibility requirements for all applicable programs will **NOT** change.

Food and Nutrition Services (FNS) applicants/beneficiaries who are considered controlled substance felons will continue to remain permanently disqualified from receiving FNS benefits unless they meet an exception listed in policy section FNS 270.02, Exceptions to Permanent Disqualification.

Work First Family Assistance (WFFA) applicants/beneficiaries with criminal violations must continue to meet requirements in WFFA policy section 104A, Individual Criminal Violations.

Medicaid eligibility requirements have not changed.

Any questions or concerns can be directed to Carlotta Dixon, County DSS NVRA/Civil Rights Administrator at Carlotta.Dixon@dhhs.nc.gov .

In partnership,

DocuSigned by:

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Susan G, Osborne
Assistant Secretary for County Operations