



July 6, 2011

Mayor and Council
c/o Jane Sullivan, City Clerk
City of Surrey
14245- 56 Ave
Surrey, B.C. V3X 3A2

VIA FAX: (604) 591-8731

Dear Mayor and Council:

RE: Prisoners' right to vote

I am writing to you on behalf of the British Columbia Civil Liberties Association concerning the upcoming province-wide municipal elections. In particular, we are writing to jurisdictions with large pre-trial or provincial jails in their municipal or regional boundaries to ensure that prisoners who qualify to vote have the right to vote, and that cities and regions are fulfilling their legal obligation to facilitate, where possible, that right to vote.

Sections 49(2)(a) and (b) of the *Local Government Act* make clear that prisoners on remand (awaiting trial but not yet convicted) or convicted of a summary offence do not fall within the categories of persons disqualified from voting under the *Act*, and retain the right to vote in a municipal election.

Democracy and the right to vote are inextricably related. In *Sauvé v Canada (Chief Electoral Officer)*, [2002] 3 SCR 519, the Chief Justice of the Supreme Court of Canada Beverly McLachlin affirmed the right of prisoners to vote in provincial and federal elections, and the duty of government to facilitate that right, by holding that the right to vote is fundamental to our democracy and the rule of law. She held further that denying prisoners the vote either directly through prohibition or indirectly through failing to establish polling stations denied the core humanity and citizenship of, as well as a route to social reintegration for, prisoners.¹ The judgment also noted that a disproportionate number of prisoners are aboriginal, and that therefore failing to provide prisoners with their rights to vote was discriminatory.

The reasons for prisoners who have not been convicted of any crime and who are on remand, or those who are serving short sentences of six months or fewer to retain their rights to vote are obvious. Under the *Local*

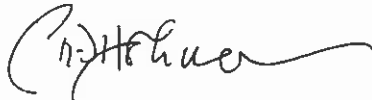
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Government Act, municipalities have the power to establish by-laws and regulations which have a direct impact on prisoners' lives or the lives of their family members. When they are released, following a not-guilty verdict or the completion of their sentences, those who are currently in jail will be citizens living with the consequences of decisions made by city and regional councils.

We note that those prisoners qualified to vote have either not been convicted of any offence or are serving a maximum (summary) sentence of six months or less. In short, that they are in jail for a brief period during an election should not prohibit them from participating in an election that will affect them for the following three years.

We expect that the City of Surrey will fulfill its legal obligation to enfranchise resident prisoners by setting up polling stations at the Surrey Pretrial Services Centre. Should the City ignore this obligation, the BCCLA will investigate all necessary routes to protect the democratic rights of all British Columbians.

Yours truly,

A handwritten signature in black ink, appearing to read 'R. Holmes', with a long, sweeping flourish extending to the right.

Robert Holmes, Q.C.
President



July 6, 2011

Mayor and Council
c/o Ceri Marlo, Manager of Legislative Services and Emergency Program
District of Maple Ridge
11995 Haney Place
Maple Ridge, B.C. V2X 6A9

VIA FAX: (604) 467-7329

Dear Ms. Marlo:

RE: Prisoners' right to vote

I am writing to you on behalf of the British Columbia Civil Liberties Association concerning the upcoming province-wide municipal elections. In particular, we are writing to jurisdictions with large pre-trial or provincial jails in their municipal or regional boundaries to ensure that prisoners who qualify to vote have the right to vote, and that cities and regions are fulfilling their legal obligation to facilitate, where possible, that right to vote.

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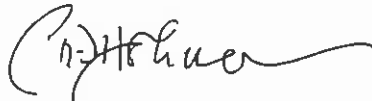
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We note that those prisoners qualified to vote have either not been convicted of any offence or are serving a maximum (summary) sentence of six months or less. In short, that they are in jail for a brief period during an election should not prohibit them from participating in an election that will affect them for the following three years.

We expect that the District of Maple Ridge will fulfill its legal obligation to enfranchise resident prisoners by setting up polling stations at the Fraser Regional Correctional Centre and Alouette Correctional Centre for Women. Should the District ignore this obligation, the BCCLA will investigate all necessary routes to protect the democratic rights of all British Columbians.

Yours truly,

A handwritten signature in black ink, appearing to read 'R. Holmes', with a long, sweeping horizontal flourish extending to the right.

Robert Holmes, Q.C.

President



July 6, 2011

Mayor and Council
c/o Joan Harrison, Manager of Legislative Services
City of Nanaimo
455 Wallace St
Nanaimo, B.C. V9R 5J6

VIA FAX: (250) 755-4435

Dear Ms. Harrison:

RE: Prisoners' right to vote

I am writing to you on behalf of the British Columbia Civil Liberties Association concerning the upcoming province-wide municipal elections. In particular, we are writing to jurisdictions with large pre-trial or provincial jails in their municipal or regional boundaries to ensure that prisoners who qualify to vote have the right to vote, and that cities and regions are fulfilling their legal obligation to facilitate, where possible, that right to vote.

Sections 49(2)(a) and (b) of the *Local Government Act* make clear that prisoners on remand (awaiting trial but not yet convicted) or convicted of a summary offence do not fall within the categories of persons disqualified from voting under the *Act*, and retain the right to vote in a municipal election.

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We note that those prisoners qualified to vote have either not been convicted of any offence or are serving a maximum (summary) sentence of six months or less. In short, that they are in jail for a brief period during an election should not prohibit them from participating in an election that will affect them for the following three years.

We expect that the City of Nanaimo will fulfill its legal obligation to enfranchise resident prisoners by setting up polling stations at the Nanaimo Correctional Centre. Should the City ignore this obligation, the BCCLA will investigate all necessary routes to protect the democratic rights of all British Columbians.

Yours truly,

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Robert Holmes, Q.C.
President



July 6, 2011

Mayor and Council
c/o Susan Rauh, CMC, Corporate Officer
City of Port Coquitlam
2580 Shaughnessy St
Port Coquitlam, B.C. V3C 2A8

VIA FAX: (604) 927-5402

Dear Mayor and Council:

RE: Prisoners' right to vote

I am writing to you on behalf of the British Columbia Civil Liberties Association concerning the upcoming province-wide municipal elections. In particular, we are writing to jurisdictions with large pre-trial or provincial jails in their municipal or regional boundaries to ensure that prisoners who qualify to vote have the right to vote, and that cities and regions are fulfilling their legal obligation to facilitate, where possible, that right to vote.

Sections 49(2)(a) and (b) of the *Local Government Act* make clear that prisoners on remand (awaiting trial but not yet convicted) or convicted of a summary offence do not fall within the categories of persons disqualified from voting under the *Act*, and retain the right to vote in a municipal election.

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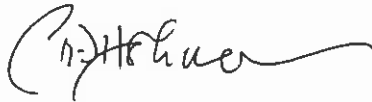
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We note that those prisoners qualified to vote have either not been convicted of any offence or are serving a maximum (summary) sentence of six months or less. In short, that they are in jail for a brief period during an election should not prohibit them from participating in an election that will affect them for the following three years.

We expect that the City of Port Coquitlam will fulfill its legal obligation to enfranchise resident prisoners by setting up polling stations at the North Fraser Pretrial Centre. Should the City ignore this obligation, the BCCLA will investigate all necessary routes to protect the democratic rights of all British Columbians.

Yours truly,

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Robert Holmes, Q.C.
President



July 6, 2011

Mayor and Council
c/o Legislative Services Division
City of Kamloops
7 Victoria Street West
Kamloops, B.C. V2C 1A2

VIA FAX: (250) 828-3578

Dear Mayor and Council:

RE: Prisoners' right to vote

I am writing to you on behalf of the British Columbia Civil Liberties Association concerning the upcoming province-wide municipal elections. In particular, we are writing to jurisdictions with large pre-trial or provincial jails in their municipal or regional boundaries to ensure that prisoners who qualify to vote have the right to vote, and that cities and regions are fulfilling their legal obligation to facilitate, where possible, that right to vote.

Sections 49(2)(a) and (b) of the *Local Government Act* make clear that prisoners on remand (awaiting trial but not yet convicted) or convicted of a summary offence do not fall within the categories of persons disqualified from voting under the *Act*, and retain the right to vote in a municipal election.

Democracy and the right to vote are inextricably related. In *Sauvé v Canada (Chief Electoral Officer)*, [2002] 3 SCR 519, the Chief Justice of the Supreme Court of Canada Beverly McLachlin affirmed the right of prisoners to vote in provincial and federal elections, and the duty of government to facilitate that right, by holding that the right to vote is fundamental to our democracy and the rule of law. She held further that denying prisoners the vote either directly through prohibition or indirectly through failing to establish polling stations denied the core humanity and citizenship of, as well as a route to social reintegration for, prisoners.¹ The judgment also noted that a disproportionate number of prisoners are aboriginal, and that therefore failing to provide prisoners with their rights to vote was discriminatory.

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We note that those prisoners qualified to vote have either not been convicted of any offence or are serving a maximum (summary) sentence of six months or less. In short, that they are in jail for a brief period during an election should not prohibit them from participating in an election that will affect them for the following three years.

We expect that the City of Kamloops will fulfill its legal obligation to enfranchise resident prisoners by setting up polling stations at the Kamloops Regional Correctional Centre. Should the City ignore this obligation, the BCCLA will investigate all necessary routes to protect the democratic rights of all British Columbians.

Yours truly,

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Robert Holmes, Q.C.
President



July 6, 2011

Mayor and Council
c/o Rob Carnegie, Director of Corporate Services
City of Chilliwack
Corporate Services Department
8550 Young Road
Chilliwack, B.C. V2P 8A4

VIA FAX: (250) 793-2715

Dear Mayor and Council:

RE: Prisoners' right to vote

I am writing to you on behalf of the British Columbia Civil Liberties Association concerning the upcoming province-wide municipal elections. In particular, we are writing to jurisdictions with large pre-trial or provincial jails in their municipal or regional boundaries to ensure that prisoners who qualify to vote have the right to vote, and that cities and regions are fulfilling their legal obligation to facilitate, where possible, that right to vote.

Sections 49(2)(a) and (b) of the *Local Government Act* make clear that prisoners on remand (awaiting trial but not yet convicted) or convicted of a summary offence do not fall within the categories of persons disqualified from voting under the *Act*, and retain the right to vote in a municipal election.

The principle of democracy and the right to vote are inextricably related. In *Sauvé v Canada (Chief Electoral Officer)*, [2002] 3 SCR 519, Chief Justice of the Supreme Court of Canada Beverly McLachlin affirmed the right of prisoners to vote in provincial and federal elections, and the duty of government to facilitate that right, by holding that the right to vote is fundamental to our democracy and the rule of law, and that denying prisoners the vote either directly through prohibition or indirectly through failing to establish polling stations denied the core humanity and citizenship of, as well as a route to social reintegration for, prisoners.¹ The judgment also noted that a disproportionate number of prisoners are aboriginal, and that therefore failing to provide prisoners with their rights to vote was discriminatory.

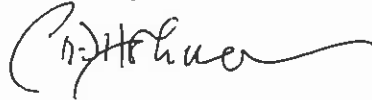
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We expect that the City of Chilliwack will fulfill its legal obligation to enfranchise resident prisoners by setting up polling stations at the Ford Mountain Correctional Centre. Should the City ignore this obligation, the BCCLA will investigate all necessary routes to protect the democratic rights of all British Columbians.

Yours truly,

A handwritten signature in black ink, appearing to read "R. Holmes", with a long, sweeping flourish extending to the right.

Robert Holmes, Q.C.
President



July 5, 2011

Mayor and Council
c/o Walter Babicz, Manager of Legislative Services
City of Prince George
1100 Patricia Blvd
Prince George, B.C. V2L 3V9

VIA FAX: (250) 561-0183

Dear Mayor and Council:

RE: Prisoners' right to vote

I am writing to you on behalf of the British Columbia Civil Liberties Association concerning the upcoming province-wide municipal elections. In particular, we are writing to jurisdictions with large pre-trial or provincial jails in their municipal or regional boundaries to ensure that prisoners who qualify to vote have the right to vote, and that cities and regions are fulfilling their legal obligation to facilitate, where possible, that right to vote.

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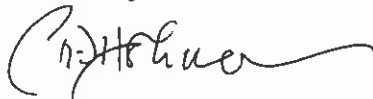
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We expect that the City of Prince George will fulfill its legal obligation to enfranchise resident prisoners by setting up polling stations at the Prince George Regional Correctional Centre. Should the City ignore this obligation, the BCCLA will investigate all necessary routes to protect the democratic rights of all British Columbians.

Yours truly,

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Robert Holmes, Q.C.
President



July 6, 2011

Mayor and Council
c/o Carrie MacPhee, Director of Legislative Services
District of Saanich
770 Vernon Ave
V8X 2W7

VIA FAX: (250) 475-5440

Dear Mayor and Council:

RE: Prisoners' right to vote

I am writing to you on behalf of the British Columbia Civil Liberties Association concerning the upcoming province-wide municipal elections. In particular, we are writing to jurisdictions with large pre-trial or provincial jails in their municipal or regional boundaries to ensure that prisoners who qualify to vote have the right to vote, and that cities and regions are fulfilling their legal obligation to facilitate, where possible, that right to vote.

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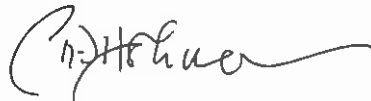
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We expect that the District of Saanich will fulfill its legal obligation to enfranchise resident prisoners by setting up polling stations at the Vancouver Island Regional Correctional Centre. Should the District ignore this obligation, the BCCLA will investigate all necessary routes to protect the democratic rights of all British Columbians.

Yours truly,

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Robert Holmes, Q.C.
President