



July 17, 2026

Jacqueline Morgan
Chief Election Officer
City of Chilliwack
8550 Young Road
Chilliwack, BC V2P 8A4

SENT VIA EMAIL

RE: Ensuring Eligible Electors in Custody Can Vote in the 2026 General Local Elections

Dear Chief Election Officer,

This is a joint letter from the Union of BC Indian Chiefs,¹ BC Civil Liberties Association² and Prisoners' Legal Services.³

Brief Summary of Request

We ask that your 2026 general local election plan include a practical process so eligible electors in custody at Xàws Schó:lha Correctional Centre ("XSCC"), formerly Ford Mountain Correctional Centre, can meaningfully vote. We understand that XSCC is located in Fraser Valley Regional District Electoral Area E, also known as the Chilliwack

¹ The UBCIC is a First Nations political advocacy organization founded in 1969 with a mandate of advancing and protecting First Nations title and rights. The UBCIC strengthens First Nations' assertions of their title, rights, treaty rights and right of self determination as peoples, working collectively among First Nations in B.C. as a cohesive advocacy body. <https://www.ubcic.bc.ca/>

² BC Civil Liberties Association works to promote, defend, sustain, and extend civil liberties and human rights in British Columbia and Canada, including through law reform, public legal education, and systemic advocacy. <https://bcccla.org/>

³ Prisoners' Legal Services provides legal assistance to people incarcerated in federal and provincial prisons in British Columbia and advocates on prison justice issues affecting the rights, dignity, and legal protections of people in custody. <https://prisonjustice.org/about/services-offered/>



River Valley, and therefore falls outside the municipal boundaries of the City of Chilliwack. Nevertheless, given the City's close proximity to the facility and its considerable resources for conducting local elections, we urge the City to work collaboratively with the appropriate election authorities to ensure provisions for this upcoming election are made.

This should include an in-person special voting opportunity where possible, mail ballot access with registration support where needed, early coordination with BC Corrections and Warden Ben Atkinson, clear information for electors and staff, and prompt advice to the city of Chilliwack's Mayor and Council if additional bylaw authority, resources, or operational support are required. This is not a request for special treatment. It is a request for fair, impartial, accessible election administration for eligible electors who face state-created barriers to ordinary voting.

Why This Issue Needs Attention Now

The 2026 general local elections will be held on October 17, 2026 and are administered by each local government. Current publicly available plans do not appear to provide a voting opportunity for eligible electors in custody at XSCC.

Local elections shape housing, public safety, education, policing, accessibility, and community services. State-created physical and institutional barriers should not prevent any eligible elector from voting. Yet participation remains low, and in FVRD's electoral areas and its member municipalities, fewer than one in four eligible voters cast a ballot in the last general local election.⁴ State-created physical and institutional barriers should not prevent any eligible elector from voting.

⁴ Calculated by the authors from CivicInfo BC's 2022 local election voter turnout data. The municipality of Chilliwack totaled 17,338 ballots cast out of 69,997 estimated eligible voters (23.13%). CivicInfo BC, "2022 Voter Turnout Municipalities" <https://www.civicinfo.bc.ca/electionreports/voter-turnout.php?year=2022>; CivicInfo BC, "2022 Voter Turnout — Regional Districts and Islands Trust" https://www.civicinfo.bc.ca/electionreports/voter-turnout_rd.php?year=2022.



As Chief Election Officer, you have statutory responsibilities and operational discretion to administer an impartial, accessible election, including through voting location selection, special voting opportunities authorized by bylaw, mail ballot procedures, voter registration support, election notices, election officials, coordination with facility administrators, and ballot-secrecy procedures.⁵

Eligible Electors in Custody Remain Local Electors

People in correctional custody are not automatically disqualified from voting in local elections. People in pre-trial custody, also known as people on remand, and people serving sentences that do not disqualify them under section 64 of the Local Government Act remain entitled to vote if they otherwise meet the statutory requirements for resident or non-resident property electors.⁶ The Act also recognizes that temporary absence does not end a person's residence.⁷ These electors remain community members while local decisions continue to affect them, their families, and the communities to which they will return.

Voting Access Benefits Democracy, Reintegration, and Public Safety

Facilitating voting for eligible electors in custody strengthens democratic legitimacy, reinforces respect for the rule of law, and treats people in custody as continuing community members with civic responsibilities.

The Supreme Court of Canada's decision in *Sauve v. Canada (Chief Electoral Officer)* concerned federal voting rights under section 3 of the Charter, not local statutory voting

⁵ Local Government Act, RSBC 2015, c 1, ss 99, 104-110, 111, 137, 164,

https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/r15001_03.

⁶ Local Government Act, RSBC 2015, c 1, ss 64-66. Section 64(2)(b) disqualifies a person who is in custody and has not completed the sentence for an indictable offence, unless the person is released on probation or parole and is not in custody. People in pre-trial custody and people serving sentences that are not captured by this disqualification may vote if they otherwise meet the statutory qualifications.

⁷ Local Government Act, RSBC 2015, c 1, ss 64-67.



rights, and the Court has since confirmed that section 3 does not itself extend to municipal councils. However, *Sauve* remains relevant to voting rights the Legislature has chosen to provide. The Court recognized that disenfranchisement contradicts the message that everyone is equally worthy under the law and is more likely to erode respect for the rule of law and rehabilitation than to advance them.⁸ Election administration should not make a statutory voting right theoretical.

Facilitating voting for those in custody is practical. Elections Canada has special ballot procedures for incarcerated electors, including institutional liaison officers who help eligible electors register and vote. A recent Senate report describes notices, registration and special ballot applications, liaison officers, election officers, and mobile polling where needed.⁹ Elections BC also recognizes special voting as a flexible tool for voters who face barriers to ordinary voting opportunities.¹⁰ Canadian election officials already solve comparable problems in secure and institutional environments.

Opportunity to Advance Racial Equity and Human Rights

Failing to provide voting access for eligible electors in custody at XSCC would also reinforce systemic racism in local public policy and be anti-democratic. BC's Office of the Human Rights Commissioner defines systemic racism as policies, practices, or behaviours that maintain racial power imbalances or reinforce racial disadvantage.¹¹ Here, the pattern is clear: Indigenous and Black people are significantly overrepresented in correctional custody, while local elections determine representation

⁸ *Sauve v Canada (Chief Electoral Officer)*, 2002 SCC 68, [2002] 3 SCR 519 at paras 38-41, 58-60; *Toronto (City) v Ontario (Attorney General)*, 2021 SCC 34 at paras 80-81.

⁹ Elections Canada, "Voting by Incarcerated Electors" (updated July 29, 2024), <https://www.elections.ca/content.aspx?dir=bkg&document=ec90545&lang=e§ion=vot>; Senator Bernadette Clement, *Ballots Behind Bars: Voting in Federal Elections from Canada's Prisons* (June 20, 2025), pp 7-9, https://sencanada.ca/media/snofsb5f/en-report-ballots-behind-bars_2025-06-20.pdf.

¹⁰ Elections BC, "Special voting," <https://elections.bc.ca/docs/8030076-PRS-Special-voting.pdf>.

¹¹ BC Office of the Human Rights Commissioner, "Glossary term: Systemic racism," <https://bchumanrights.ca/glossary/systemic-racism/>.



in institutions that shape policing, education, housing, local services, and community safety.

BC Corrections reports that Indigenous people are nearly 6% of BC's adult population but 36% of individuals in custody. Recent Statistics Canada data shows that, in BC, Indigenous adults were incarcerated at 9.4 times the rate of non-Indigenous adults, and Black adults were incarcerated at 2.1 times the rate of white adults.¹²

Canada's Black Justice Strategy reinforces that this is not only a corrections issue, but a democratic and public-institution issue. Its Roadmap links policing, courts, corrections, reintegration, and social determinants of justice, and recognizes the need for local government and municipal collaboration in areas such as policing and supports for people leaving custody.¹³

BC's Human Rights Commissioner has identified patterns of discrimination in policing and overrepresentation of Indigenous, Black, and other racialized groups in several BC police jurisdictions.¹⁴ Human rights complaints and settlements have also treated inaccessible voting as discrimination, including barriers to casting a secret and independent ballot.¹⁵ The same principle should guide voting for those in custody:

¹² Province of British Columbia, "BC Corrections and Indigenous justice" (last updated November 19, 2024), <https://www2.gov.bc.ca/gov/content/justice/criminal-justice/corrections/reducing-reoffending/indigenous>; Statistics Canada, "Overrepresentation of Indigenous and Black adults in provincial and federal custody," *The Daily* (January 14, 2026), <https://www150.statcan.gc.ca/n1/daily-quotidien/260114/dq260114b-eng.htm>.

¹³ Department of Justice Canada, Canada's Black Justice Strategy (last modified May 22, 2026), <https://www.justice.gc.ca/eng/cj-jp/cbjs-scjn/index.html>; Akwasi Owusu-Bempah and Zilla Jones, A Roadmap for Transformative Change: Canada's Black Justice Strategy (Department of Justice Canada, June 2024), Executive Summary, "Five Priority Areas," and "Guiding principles," <https://www.justice.gc.ca/eng/cj-jp/cbjs-scjn/transformative-transformateur/index.html>.

¹⁴ BC Office of the Human Rights Commissioner, "Inquiry into police use of force," <https://bchumanrights.ca/inquiries-and-cases/inquiries/inquiry/use-of-force/>.

¹⁵ Ontario Human Rights Commission, "Access of persons with disabilities to secret vote reaffirmed in human rights settlement" (June 12, 2002), <https://www.ohrc.on.ca/en/news-center/access-persons->



eligible electors should be able to participate with dignity, secrecy, and meaningful access.

Your Election Administration Role and Available Tools

We recognize and respect the independence and impartiality of the Chief Election Officer. We are asking you to use neutral administrative tools so a class of eligible electors is not excluded in practice because of institutional barriers.

The Local Government Act provides practical tools, including general voting day voting places, advance voting, special voting opportunities for electors who may otherwise be unable to vote, mail ballot voting with related registration procedures, and election notices.¹⁶ For Chilliwack, Election Procedures Bylaw No. 5548, 2026 authorizes the Chief Election Officer to determine whether additional advance voting opportunities and special voting opportunities are to be conducted, and to establish the dates, locations, and voting hours for those opportunities. It also authorizes mail ballot voting and registration for mail ballot voting in accordance with section 110 of the Local Government Act.¹⁷

A special voting opportunity at XSCC would be the most effective option to ensure accessibility. If mail ballot voting is used, it should include proactive registration assistance, clear deadlines, secure ballot-return procedures, and accessible information well before voting day.

disabilities-secret-vote-reaffirmed-human-rights-settlement; Canadian Human Rights Tribunal, *Hughes v Elections Canada*, 2010 CHRT 4.

¹⁶ Local Government Act, RSBC 2015, c 1, ss 99, 104-110.

¹⁷ City of Chilliwack, *Election Procedures Bylaw No. 5548, 2026*, ss 18-23, 26-28, https://www.chilliwack.com/main/attachments/Files/363/BL5548_1.pdf



Ensuring No Eligible Elector Falls Through Jurisdictional Gaps

We recognize that your office cannot issue ballots for elections administered by other municipalities or regional districts. However, eligible electors in custody at XSCC may have voting rights in Chilliwack, FVRD Electoral Areas A-H, surrounding cities that are part of Fraser Valley Regional District (i.e. Hope, Kent, Abbotsford, Mission, Harrison Hot Springs) or even jurisdictions beyond FVRD, depending on their ordinary residence or non-resident property elector status.

However, because the correctional centre is located within the Chilliwack region, we ask the City to ensure meaningful access for eligible Chilliwack electors in custody and to coordinate with BC Corrections and other local election administrators so eligible electors whose voting rights are elsewhere receive timely information, registration support, and practical access to the correct local voting process.

Information, Collaboration, and Requested Actions

For people in custody, voting barriers are both practical and informational. They cannot simply attend a voting place, search the internet, or arrange transportation. The Senate's prison voting report found significant barriers to basic election information and found that institutional liaison roles can make a meaningful difference.¹⁸

Calls to Action

We respectfully ask that you:

1. Establish an in-person special voting opportunity at XSCC, or publicly explain what lawful alternative will provide equivalent meaningful access.

¹⁸ Senator Bernadette Clement, *Ballots Behind Bars: Voting in Federal Elections from Canada's Prisons* (June 20, 2025), pp 17-20, https://sencanada.ca/media/snofsb5f/en-report-ballots-behind-bars_2025-06-20.pdf.



2. Ensure proactive mail ballot access with registration support if mail ballot voting will be used.
3. Coordinate early with BC Corrections, Warden Ben Atkinson and, where appropriate, other local election administrators whose electors may be held at the correctional centre on operational, security, staffing, ballot secrecy, voter assistance, and election official access issues.
4. Publish plain-language information explaining eligibility, residence and registration rules, mail and in-person voting options, ballot secrecy, voter assistance, and where questions can be directed.
5. Advise City Council promptly if additional bylaw authority, resources, staffing, or operational direction is required.

Summary and Request for Response

Eligible electors in custody remain members of local communities. Because local governments shape systems affecting families, reintegration, rights, and racial equity, failing to plan for correctional centre voting access would not operate neutrally.

We ask you to treat this access as a necessary measure of fair, impartial, accessible, and human rights-centred election administration, and to use the powers and discretion available to your office so all legally qualified electors can vote in the October 17, 2026 general local election.

Please provide us with a written response that outlines the steps your office will take.



PLS

PRISONERS' LEGAL SERVICES

Sincerely,

On behalf of the UNION OF BC INDIAN CHIEFS

Grand Chief Stewart Phillip
President

Chief Councillor Linda Innes
Vice-President

Chief Marilyn Slett
Secretary-Treasurer

On behalf of

BC CIVIL LIBERTIES ASSOCIATION

Meghan McDermott
Policy Director

On behalf of

PRISONERS' LEGAL SERVICES

Nicole Kief
Executive Director

CC: City of Chilliwack Mayor and Council
Ben Atkinson, Warden, Xàws Schó:lha Correctional Centre (XSCC)
Doug Forsdick, Provincial Director, BC Corrections
Lisa Romanuik, Director of the Investigation and Standards Office, BC
Corrections