



July 17, 2026

Chief Election Officer
City of Nanaimo
455 Wallace Street
Nanaimo, BC V9R 5J6

SENT VIA EMAIL: elections@nanaimo.ca

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 the Nanaimo Correctional Centre can meaningfully vote. This should include in-person special voting opportunity where possible, mail ballot access with registration support where needed, early coordination with BC Corrections and

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/>



Warden Andrew Burton, clear information for electors and staff, and prompt advice to 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.⁴ Nanaimo is one of many BC municipalities with a provincial correctional centre, yet current publicly available plans do not appear to provide a voting opportunity for eligible electors in custody at the Nanaimo Correctional Centre

Local elections shape housing, public safety, education, policing, accessibility, and community services. Yet participation remains low, and in Nanaimo, fewer than one in four eligible voters cast a ballot in the last general local election.⁵ No eligible elector should lose their voice because the state has placed physical and institutional barriers between them and the ballot.

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.⁶

⁴ Elections BC, “2026 General Local Elections,” <https://elections.bc.ca/local-elections/2026-general-local-elections/>.

⁵ CivicInfo BC, “2022 Voter Turnout - Municipalities,” <https://www.civicinfo.bc.ca/electionreports/voter-turnout.php?year=2022>.

⁶ *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.



Eligible Electors in Custody Remain Local Electors

People in correctional custody are not automatically disqualified from voting in BC local elections. People in pre-trial custody, also known as people on remand, and people serving sentences that do not disqualify them remain entitled to vote if they otherwise meet the statutory requirements for resident or non-resident property electors.⁷ The Act also recognizes that temporary absence does not end a person's residence.⁸ These electors remain members of local communities while local government 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 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.⁹ Election administration should not make a statutory voting right theoretical.

⁷ *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.

⁸ *Local Government Act*, RSBC 2015, c 1, ss 64-67.

⁹ *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.



Facilitating voting for those in custody is practical. Elections Canada has established special ballot procedures for incarcerated electors, including institutional liaison officers who help eligible electors register and vote.¹⁰ A recent Senate report describes institutional voting processes that include notices, registration and special ballot applications, liaison officers, election officers, and mobile polling where needed.¹¹ Elections BC also recognizes special voting as a flexible tool for voters who face barriers to ordinary voting opportunities.¹² Local governments need not copy these procedures exactly; the point is that Canadian election officials already solve comparable problems to administer voting in secure and institutional environments.

Opportunity to Advance Racial Equity and Human Rights

Failing to provide voting access for eligible electors in custody would also reinforce systemic racism in local democracy. 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.¹³ Here, the pattern is clear: Indigenous and Black people are significantly overrepresented in correctional custody, while local elections determine representation 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.¹⁴ Recent Statistics Canada data shows that, in BC,

¹⁰ Elections Canada, "Voting by Incarcerated Electors" (updated July 29, 2024), <https://www.elections.ca/content.aspx?dir=bkg&document=ec90545&lang=e§ion=vot>.

¹¹ 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.

¹² Elections BC, "Special voting," <https://elections.bc.ca/docs/8030076-PRS-Special-voting.pdf>.

¹³ BC Office of the Human Rights Commissioner, "Glossary term: Systemic racism," <https://bchumanrights.ca/glossary/systemic-racism/>.

¹⁴ 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>;



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.¹⁵

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 municipal collaboration in areas such as policing, social determinants of justice, and supports for people leaving custody.¹⁶

Human rights complaints and settlements have also treated inaccessible voting as discrimination, including barriers to voting in municipal elections.¹⁷ The same principle should guide access to voting for people in custody at the Nanaimo Correctional Centre: 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.

¹⁵ 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>.

¹⁶ Department of Justice Canada, *Canada's Black Justice Strategy* (last modified May 22, 2026), <https://www.justice.gc.ca/eng/cj-jp/cbjs-scn/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-scn/transformative-transformateur/index.html>.

¹⁷ 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-disabilities-secret-vote-reaffirmed-human-rights-settlement>; Canadian Human Rights Tribunal, *Hughes v Elections Canada*, 2010 CHRT 4.



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.¹⁸ For Nanaimo, the City's Election Procedure Bylaw No. 7129 authorizes the Chief Election Officer to establish the date, time, and place of special voting opportunities as appropriate, and authorizes mail ballot voting and registration by mail.¹⁹

A special voting opportunity at the Nanaimo Correctional Centre 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.

Ensuring No Eligible Elector Falls Through Jurisdictional Gaps

We recognize that your office cannot issue ballots for elections administered by other municipalities, regional districts, or school trustee election administrators. However, eligible electors in custody at Nanaimo Correctional Centre may have voting rights in multiple jurisdictions depending on their ordinary residence or non-resident property elector status.

We therefore ask your office to provide meaningful voting access for eligible Nanaimo electors in custody and, as the election office for the host jurisdiction, to coordinate with BC Corrections and other local election administrators so eligible electors whose voting rights are elsewhere receive clear information, registration support, and practical access to the appropriate mail ballot or special voting process.

¹⁸ *Local Government Act*, RSBC 2015, c 1, ss 99, 104-110.

¹⁹ City of Nanaimo, *Bylaw No. 7129, 2025, (Consolidated)*, ss 5.1-5.4, 10, online(pdf): <https://www.nanaimo.ca/ByLaws/ViewBylaw/7129.pdf> [Election Procedure Bylaw].



Information, Collaboration, and Requested Actions

For people in custody, voting barriers are both practical and informational. They cannot simply attend City Hall, visit an advance 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 election liaison roles can make a meaningful difference.²⁰

Calls to Action

We respectfully ask that you:

1. **Establish an in-person special voting opportunity** at the Nanaimo Correctional Centre, or publicly explain what lawful alternative will provide equivalent meaningful access.
2. **Ensure proactive mail ballot access with registration support** if mail ballot voting will be used.
3. **Coordinate early with BC Corrections and Warden Andrew Burton** and, where appropriate, other local election administrators whose electors may be held at the correctional centres 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 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.

²⁰ 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.



PLS

PRISONERS' LEGAL SERVICES

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.

We ask that you provide us with a written response that outlines the steps your office will take.

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: Mayor and Council, City of Nanaimo

Andrew Burton, Warden, Nanaimo Correctional Centre

Doug Forsdick, Provincial Director, BC Corrections

Lisa Romanuik, Director of the Investigation and Standards Office, BC
Corrections