



July 17, 2026

Mayor and Council
City of Nanaimo
455 Wallace Street
Nanaimo, BC V9R 5JC

SENT VIA EMAIL

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

Dear Mayor Leonard Krog and Councilors,

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 the City of Nanaimo use its election bylaw, appointment, resourcing, and oversight powers to ensure that eligible electors in custody at the Nanaimo Correctional Centre can meaningfully vote in the October 17, 2026 general local election. 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

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://bccla.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/>



Andrew Burton clear information for electors and staff, and any needed bylaw amendments or resources. This is not a request for special treatment. It is a request for fair, accessible, human rights-centred election planning 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, roughly one in four eligible voters cast a ballot in the last general local election.⁵ State-created physical and institutional barriers should not prevent any eligible elector from voting.

As Mayor and Council, you have distinct statutory powers that shape the local election framework, including appointing the Chief Election Officer and Deputy Chief Election Officer, adopting election bylaws, authorizing special and additional voting opportunities, permitting mail ballot voting and related registration procedures, and providing election resources.⁶ Those powers should be used to maximize accessibility while respecting the Chief Election Officer's independent and impartial role.

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 56-58, 106-110, 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 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.⁷ The Act also recognizes that temporary absence does not end a person's residence.⁸ 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 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

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.



respect for the rule of law and rehabilitation than to advance them.⁹ Local election rules, resourcing and planning 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.¹⁰ Elections BC also recognizes special voting as a flexible tool for voters who face barriers to ordinary voting opportunities.¹¹ 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 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.¹² 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. Recent Statistics Canada data shows that, in BC,

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.

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>; 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.

¹¹ Elections BC, "Special voting," <https://elections.bc.ca/docs/8030076-PRS-Special-voting.pdf>.

¹² BC Office of the Human Rights Commissioner, "Glossary term: Systemic racism," <https://bchumanrights.ca/glossary/systemic-racism/>.



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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.¹³

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 and supports for people leaving custody.¹⁴

BC's Human Rights Commissioner has identified patterns of discrimination in policing in BC and overrepresentation of Indigenous, Black, and other racialized groups in several BC police jurisdictions.¹⁵ Human rights complaints and settlements have also treated inaccessible voting as discrimination, including barriers to casting a secret and independent ballot.¹⁶ The same principle should guide custody voting: eligible electors should be able to participate with dignity, secrecy, and meaningful access.

Council's Election Role and Available Tools

We recognize that the Chief Election Officer must administer the election faithfully and impartially. We are asking Council to use its lawful governance tools - bylaws,

¹³ 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>.

¹⁴ 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>.

¹⁵ BC Office of the Human Rights Commissioner, "Inquiry into police use of force," <https://bchumanrights.ca/inquiries-and-cases/inquiries/inquiry/use-of-force/>.

¹⁶ 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.



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appointment, resourcing, and public accountability - so the independent election administration has a clear framework and sufficient support to include eligible electors in custody.

The *Local Government Act* allows a local government, by bylaw, to establish or authorize additional general voting opportunities, additional advance voting opportunities, special voting opportunities for electors who may otherwise be unable to vote, and mail ballot voting with related registration procedures.¹⁷ A special voting opportunity may also be held outside municipal boundaries.¹⁸ These tools can make voting possible for eligible electors in custody.

For Nanaimo, the City's Election Procedure Bylaw No. 7129 already authorizes the Chief Election Officer to establish the date, time, and place of additional voting opportunities as appropriate, and authorizes mail ballot voting and registration by mail.¹⁹ We urge Council to ensure broader consideration is given to all eligible electors and to provide additional voting opportunities to those detained at the Nanaimo Correctional Centre.

Mail in ballot voting may also be necessary at the Nanaimo Corrections Centre but should not be treated as a complete substitute for in-person access. If used, it must include proactive registration assistance, clear deadlines, secure ballot-return procedures, and accessible information before voting day.

Ensuring No Eligible Elector Falls Through Jurisdictional Gaps

We recognize that eligible electors in custody at Nanaimo Correctional Centre may have voting rights in Nanaimo, Lantzville, Parksville, Qualicum Beach, Ladysmith, the Regional District of Nanaimo, the Cowichan Valley Regional District, or other

¹⁷ *Local Government Act*, RSBC 2015, c 1, ss 106-110.

¹⁸ *Local Government Act*, RSBC 2015, c 1, s 109(5).

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].



jurisdictions, depending on their ordinary residence or non-resident property elector status. Nanaimo cannot issue ballots for elections it does not administer. However, because the correctional centre is located within Nanaimo, we ask the City to ensure meaningful access for eligible Nanaimo 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 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 liaison roles can make a meaningful difference.²⁰

Calls to Action

We respectfully ask that Mayor and Council:

1. **Confirm or adopt the bylaw authority needed** to provide an in-person special voting opportunity at the Nanaimo Correctional Centre for eligible electors in custody.
2. **Ensure the Chief Election Officer and Deputy Chief Election Officer have the resources and support needed** for accessible, impartial election administration, including staffing, training, printed information, ballot secrecy procedures, and coordination with Warden Andrew Burton, BC Corrections, and, where appropriate, other local election administrators whose electors may be held at the correctional centres.

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.



3. **Request a public staff or Chief Election Officer report** before key election deadlines explaining how eligible electors in custody will vote and whether any additional bylaw amendments, budget, staffing, or operational support are needed.
4. **Ensure mail ballot access with registration support** is available where needed, while treating it as a supplement to, not a replacement for, in-person access unless an equivalent lawful alternative is publicly explained.

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 Mayor and Council to treat this access as a necessary measure of fair, accessible, human rights-centred election planning and to use Council's bylaw, appointment, resourcing, and accountability powers 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 steps Council has or will take to ensure eligible electors in custody at the Nanaimo Correctional Centre can vote.



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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: Chief Election Officer, Nanaimo

Andrew Burton, Warden, Nanaimo Correctional Centre,

Doug Forsdick, Provincial Director, BC Corrections

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