



July 17, 2026

Tracey Batten
Chief Election Officer
Regional District of Okanagan-Similkameen (RDOS)
101 Martin Street
Penticton, BC V2A 5J9

SENT VIA EMAIL

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

Dear RDOS Chief Election Officer Batten,

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 Okanagan Correctional Centre can meaningfully vote. This should include confirming the applicable local-election jurisdiction for the site (if applicable), an in-person special voting opportunity where possible, mail ballot access with registration support where needed, early coordination with BC Corrections, 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/>



Debby Rempel, and Osoyoos Indian Band where appropriate, clear information for electors and staff, and prompt advice to the RDOS Board 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 Okanagan Correctional Centre has an Oliver mailing address, and Infrastructure BC describes the project site as located seven kilometres north of Oliver in the Senkulmen Business Park owned by the Osoyoos Indian Band.⁵

Because the site is on Osoyoos Indian Band land and near Oliver, we ask your office to confirm the applicable local-election jurisdiction for the site (if there is one) and to ensure eligible electors in custody do not fall through jurisdictional gaps.

Local elections shape housing, public safety, education, policing, accessibility, and community services. Yet participation remains low, and in RDOS's electoral areas and its member municipalities, fewer than one in three eligible voters cast a ballot in the last general local election.⁶ No eligible elector should lose their voice because the state has placed physical and institutional barriers between them and the ballot.

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

⁵ Province of British Columbia, "Correctional centres" (last updated March 5, 2026), listing Okanagan Correctional Centre at 200 Enterprise Way, Oliver, <https://www2.gov.bc.ca/gov/content/justice/criminal-justice/corrections/correctional-centres>; Infrastructure BC, "Okanagan Correctional Centre Project," describing the project site as located seven kilometres north of Oliver in Senkulmen Business Park owned by Osoyoos Indian Band, <https://www.infrastructurebc.com/project/okanagan-correctional-centre-project/>.

⁶ Calculated by the authors from CivicInfo BC's 2022 local election voter turnout data by dividing total ballots cast by total estimated eligible voters for the Regional District of Okanagan-Similkameen's member municipalities and electoral areas. The calculation includes the City of Penticton, District of Summerland, Town of Princeton, Village of Keremeos, Town of Oliver, Town of Osoyoos, and Regional



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.⁷

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 remain entitled to vote if they otherwise meet the statutory requirements for resident or non-resident property electors.⁸ The Act also recognizes that temporary absence does not end a person's residence.⁹ 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.

District of Okanagan-Similkameen Electoral Areas A–I. Municipal totals were 18,205 ballots cast out of 52,970 estimated eligible voters; electoral-area totals were 2,881 ballots cast out of 19,994 estimated eligible voters. Combined, this equals 21,086 ballots cast out of 72,964 estimated eligible voters, or 28.90%. 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; CivicInfo BC, "Okanagan-Similkameen (Regional District)," <https://www.civicinfo.bc.ca/regionaldistricts?id=170>,

⁷ 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.

⁸ 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.

⁹ Local Government Act, RSBC 2015, c 1, ss 64-67.



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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.¹⁰ Election administration should not make a statutory voting right theoretical.

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.¹¹ 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.¹² Elections BC also recognizes special voting as a flexible tool for voters who face barriers to ordinary voting opportunities.¹³

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

¹⁰ *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.

¹¹ Elections Canada, "Voting by Incarcerated Electors" (updated July 29, 2024), <https://www.elections.ca/content.aspx?dir=bkg&document=ec90545&lang=e§ion=vot>.

¹² 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.

¹³ Elections BC, "Special voting," <https://elections.bc.ca/docs/8030076-PRS-Special-voting.pdf>.



imbalances or reinforce racial disadvantage.¹⁴ 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.¹⁵ 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.¹⁶

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, social determinants of justice, and supports for people leaving custody.¹⁷

Human rights complaints and settlements have also treated inaccessible voting as discrimination, including barriers to voting in municipal elections.¹⁸ The same principle should guide access to voting for people in custody at Okanagan Correctional Centre:

¹⁴ BC Office of the Human Rights Commissioner, "Glossary term: Systemic racism," <https://bchumanrights.ca/glossary/systemic-racism/>.

¹⁵ 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>.

¹⁶ 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>.

¹⁷ 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>.

¹⁸ 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.



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.¹⁹ RDOS Election and Assent Voting Procedure Bylaw No. 3143, 2026 authorizes the Chief Election Officer to designate voting places and voting hours for additional general voting opportunities, establish additional advance voting opportunities, and administer mail ballot voting and mail ballot registration procedures.²⁰

A special voting opportunity at Okanagan Correctional Centre would be the most effective option to ensure accessibility if authorized and operationally feasible. 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 and regional districts.

However, eligible electors in custody at Okanagan Correctional Centre may have voting rights in multiple jurisdictions depending on their ordinary residence or non-resident property elector status.

¹⁹ Local Government Act, RSBC 2015, c 1, ss 99, 104-110.

²⁰ Regional District of Okanagan-Similkameen, Election and Assent Voting Procedure Bylaw No. 3143, 2026, ss 3-7, <https://www.rdos.bc.ca/assets/Uploads/BL3143.pdf>.



We therefore ask your office to confirm the applicable local-election jurisdiction for the site, provide meaningful voting access for eligible RDOS electors in custody, and coordinate respectfully with BC Corrections, the Warden, Osoyoos Indian Band, 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.

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 election liaison roles can make a meaningful difference.²¹

Calls to Action

We respectfully ask that you:

1. Confirm the applicable local-election jurisdiction for Okanagan Correctional Centre and establish an in-person special voting opportunity at the 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, Warden Debby Rempel, Osoyoos Indian Band 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 the RDOS Board promptly if additional bylaw authority, resources, staffing, or operational direction is required.

²¹ 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.



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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.

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: Regional District of Okanagan-Similkameen Board of Directors
Chief Clarence Louie, Osoyoos Indian Band
Debby Rempel, Warden, Okanagan Correctional Centre
Doug Forsdick, Provincial Director, BC Corrections
Lisa Romanuik, Director of the Investigation and Standards Office, BC
Corrections