
The Reporter

The John Howard Society of Alberta

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INMATE VOTING RIGHTS

Inmate voting rights remain a highly contentious issue. Provisions relating to inmate voting rights in the Alberta and Canada Elections Acts have been subject to recent court challenges. At the federal level, the government has launched an appeal of a 1996 Federal Court ruling which declared unconstitutional a section of the Canada Elections Act denying inmates the right to vote. At the provincial level, the section of the Alberta Elections Act that bars inmates from voting in provincial elections was challenged in court. In April, 1998, the Alberta Court of Appeal ruled that a total ban on inmate voting was unconstitutional. However, Justice Cote provided Alberta legislators with guidance as to potential changes to Alberta's law that might be seen by the Court to be a reasonable limitation of this right. In response to this recent decision, and Justice Cote's suggestions, the Alberta government has passed amendments to the Elections Act which will only allow inmates sentenced to 10 days or less, in jail for not paying fines and those convicted but awaiting sentencing to vote in Alberta elections. All other

inmates in provincial or federal jails will not be allowed to cast ballots.

Opponents of inmate voting argue that inmates should be denied their democratic right to vote as a matter of principle. The Government of Canada, the Premier of Alberta and the leader of the Reform Party, to name a few, have openly expressed opposition to inmate voting rights. Denying inmates their democratic right to vote, however, further discriminates and punishes certain offenders. Granting inmates their right to vote can contribute to their rehabilitation and reintegration into society.

Ideally, the goal of incarceration is to rehabilitate individuals so that they may one day rejoin society to become productive, law abiding citizens. The removal of an inmate's right to vote appears to be at odds with the goal of rehabilitation. Offenders should be encouraged to accept more responsibility for their future roles in the community. Voting promotes a sense of belonging and establishes a link between the

offender and the community. Giving inmates the right to vote also demonstrates that as a society, we recognize that incarcerated individuals maintain responsibility during incarceration and after their release. Furthermore, voting privileges allow inmates to view themselves as participating members of

Provincial Election

Provincial Inmates

Only those serving under 10 days, serving fine default and those convicted but not sentenced.*

Federal Inmates

Denied vote because serving over 10 days.*

Federal Election

Provincial Inmates

Granted vote by Canada Elections Act (1993).

Federal Inmates

Federal Court (1996) granted right to vote - government challenging to Supreme of Canada.

**Changes to Alberta Elections Act passed but not yet enacted.*

society and not outcasts from it. After all, people are not sentenced to lack of citizenship.

Another common argument for denying inmates the right to vote is that inmates are politically naive and incapable of making an informed decision. However, modern media has enabled interested inmates to become politically well-informed. We should be looking at this as an opportunity to educate our incarcerated citizens in an effort to encourage and facilitate political awareness and involvement.

Denying inmates, particularly provincial inmates, the right to vote also unfairly distinguishes between those offenders who are currently incarcerated and those who are not. The median sentence length, in 1996-97, of a typical provincial inmate was 60 days. Observing that most provincial sentences are very short, inmates will return to the community very quickly where they will be expected to exercise all the rights and responsibilities of citizenship. Furthermore, only those offenders in custody on election day are barred from participation in elections, while those in the community on probation, parole and bail are not. Denying inmates the right to vote creates arbitrary distinctions based on the chance timing of a citizen's brief custodial sentence.

Another argument opponents of inmate voting rights often point out is the high cost and administrative inconvenience of institutional polls. However, polling methods such as mail-in ballot, voting by proxy and voting within the institution are relatively simple, inexpensive and easily conducted. Therefore, denying inmates the right to vote for administrative or financial reasons is unjustified.

Finally, banning selected citizens from voting has broader implications beyond whether inmates should be allowed to vote. This debate should force us to question how comfortable we are as citizens declaring who is worthy of or deserves a basic right such as voting. If we are willing to tolerate this "worthiness" discussion, who might be the next group of people we attempt to restrict?

The right to vote is vital to any democratic society. Although each Canadian citizen's right to vote is guaranteed in the Charter of Rights and Freedoms, three Canadian provinces (New Brunswick, Nova Scotia and the Yukon Territory) have elected to completely ban inmate voting. Furthermore, British Columbia and the Northwest Territories have limited voting bans, which prohibit only inmates serving sentences of two years or more from voting.

The history and rhetoric of government interference with inmate voting demonstrate clearly the political agenda involved in this issue. The federal government granted provincial inmates the right to vote in federal elections, while continually seeking to deny federal inmates the same right. Their logic for this was that denial of voting for federal inmates was justifiable because the two year sentence requirement ensures that only those who have committed the most serious crimes are denied the vote. The Alberta government, on the other hand, has drawn the line at 10 days. The fact that these lines can be drawn at such disparate places for apparently the same reason speaks clearly to a political agenda, rather than a correctional or rehabilitative one.

Banning selected citizens from voting has broader implications beyond whether inmates should be allowed to vote. This debate should force us to question how comfortable we are as citizens declaring who is worthy of or deserves a basic right such as voting.

There is an appeal with respect to inmate voting before the Supreme Court of Canada. This future ruling will say whether the federal government is justified in denying the right to vote to federal inmates, who should, given that they are the most serious offenders, be the easiest to deny voting privileges. If the federal government is unsuccessful in denying the most serious offender the right to vote, then Alberta's new law would likely also lose the Charter challenges it will inevitably face. Alberta should have waited for the Supreme Court ruling before amending its legislation.

The sad fact is, though, that the province has amended its legislation now, thereby denying democratic rights to most inmates. It will take years for court challenges to the new legislation to make their way through the courts, years in which elections can take place that would not be tainted by inmates voting. Governments are on safe political ground, as there are very few who will defend the democratic rights of serving offenders.

The John Howard Society of Alberta believes that there is no justification for denying incarcerated individuals their democratic right to vote. Denying inmates the right to vote violates the Charter and serves no correctional or rehabilitative function. Further, the John Howard Society of Alberta believes that incarcerated individuals should be allowed to exercise their democratic right to vote to increase their sense of responsible citizenship, to state symbolically that offenders are part of society and to reduce the inequity caused by the chance timing of an offender's sentence. <

References available upon request

THE LETHBRIDGE RELEASE ASSISTANCE PROGRAM

The Lethbridge Release Assistance Program (RAP) is a cooperative program between the Lethbridge John Howard Society, the Lethbridge Correctional Centre and Family and Social Services.

Before the existence of the RAP, due to budget and personnel constraints, individuals released from the local Correctional Centre would have to wait up to two weeks before receiving assistance in obtaining shelter, picture identification and money from welfare services. As a result, many were back in jail before any assistance was provided.

The RAP allows the Lethbridge John Howard Society to provide information, application forms and conduct basic orientation to social assistance to offenders at the Lethbridge Correctional Centre. For example, the Society is permitted to take Polaroid pictures of those

inmates without identification and assist inmates in applying for a letter of incarceration from the Centre records department which will also serve as another piece of identification. Lastly, Family and Social Services are contacted twenty-four hours prior to release of the inmate. The offenders are provided with shelter and are sent to the welfare office where they are processed promptly and a cheque is provided the very same day.

Although other life skills must still be taught, the RAP stabilises released individuals in the community and provides them with the basic necessities required to become productive, law abiding members of the community. <

References available upon request

SEASON'S GREETINGS

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NEW YEAR**

The John Howard Society of Alberta "Reporter" is distributed free of charge to a wide audience of citizens, educators, agencies and justice system staff. Our goal is to provide information and commentary on timely criminal justice issues. We welcome and encourage your feedback on the "Reporter."

The John Howard Society of Alberta is an agency composed of citizens in Alberta who are interested in criminal justice reform and preventing crime in our communities. We recognize that crime and its control is as much the responsibility of the community as it is of government.

We gratefully accept donations to help offset the costs of our efforts in criminal justice reform and crime prevention. Donations are income tax deductible. To provide feedback, obtain information or make a donation, please contact us at:

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