



Department of Justice and Public Safety
Adult Custody Services

Policy: **Voting Rights E9**
Effective: March 2001
Revised: December 2022

MISSION STATEMENT

Adult Custody Services is committed to providing professional practices that respect human rights and ensure safety for all. To be successful we will deliver fair practices, incorporate transparent policies and procedures, ensure independent quality assurance processes, and provide program access that allows for educational, cultural, traditional, and faith-based services as well as mental wellness and community re-entry assistance.

PURPOSE

To outline procedural standards for client voting privileges.

LEGISLATIVE AUTHORITY

[Canada Elections Act, Schedule II "Special Voting Rules"](#)
[New Brunswick Elections Act s. 43\(2\) \(e\)](#)
[Elections Act R.S.N.B. 1973 c. E-3 s. 14\(4\)](#)

SCOPE

This policy applies to all employees of the Adult Custody Services division of the Department of Justice and Public Safety.

POLICY GUIDELINES

Clients in Provincial Institutions are bound by the Canada *Elections Act*, and the New Brunswick *Elections Act*.

PROCEDURE

Eligibility

Special Voting Rules, Schedule II of the Canada *Elections Act* allows persons incarcerated for less than two years to vote in federal elections, federal by-elections, and federal referendums.

Criteria

To vote you must:

- be Canadian citizen.
- be 18 years or older on polling day; and
- at a by-election, provide documentation showing that their home address is in the riding of the by-election.

Disqualified from voting

Persons undergoing sanction in a provincial Adult Custody institution for the commission of any offence are disqualified from voting in municipal and provincial elections.



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Remanded Persons

Persons lawfully confined to a provincial Adult Custody institution but not undergoing sanction, for the commission of any offence, shall be permitted to vote in municipal, provincial, and federal elections.

Voting procedures

Client voting will be carried out under the authority and provisions of the *Elections Act* (New Brunswick) and the *Canada Elections Act*, as applicable.

Client voting in any given election shall be in accordance with procedures agreed upon by the Chief Electoral Office of New Brunswick, or Canada, and the Chief Superintendent of Operations, with respect to any election.

Chief Superintendent of Operations responsibility

The Chief Superintendent of Operations shall be responsible for advising the Superintendents of applicable client voting procedures in advance of any election.

Superintendent responsibilities

The Superintendent shall ensure that:

- a) All eligible client voters are advised, in advance, of the date, time, place and method of voting.
- b) Eligible client voters are provided access to information concerning election issues and candidates.
- c) Eligible clients are enumerated.
- d) Facilities and staff are provided to ensure that client voting is carried out in accordance with procedures set pursuant to policy.

No campaigning

No political campaigning is permitted in the institution, except as noted below.

Access to candidates

Political candidates may be permitted access to eligible client voters, subject to normal visiting and correspondence policy and provided it is operationally feasible.

RELATED POLICY

E10 Client Guide
E11 Client Visits
E12 Correspondence
Adult Institutional Policy Manual N.B