



ELECTIONS BC

A non-partisan Office of the Legislature

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE CHIEF ELECTORAL OFFICER

Order Number: EA-ORD014-2020

Office of the Chief Electoral Officer, Victoria

Circumstances in which Order is Made

In response to the COVID-19 pandemic, a provincial health emergency and a general state of emergency have been declared in British Columbia. On September 21, 2020, the Lieutenant Governor in Council issued an order under s. 24(1) of the *Election Act*, R.S.B.C. 1996, c. 106 (the Act) for a general election to be held with general voting day to be October 24, 2020. The general election is not a scheduled event, and is being held pursuant to s. 23(1) of the *Constitution Act*, R.S.B.C. 1996, c. 66 and s. 27(1)(b) of the Act.

With an unscheduled provincial election occurring during the COVID-19 pandemic, an emergency situation and extraordinary circumstances exist within the meaning of s. 280 of the Act. Further, I find that the requirements for certain incarcerated applicants to provide specific documents confirming their identity and residence when registering as voters in conjunction with voting under s. 41(3) of the Act have been adversely affected by the COVID-19 pandemic and the unscheduled nature of the upcoming general election.

Individuals incarcerated in federal correctional facilities take part in the voting process through the use of alternative absentee voting packages under s. 106 of the Act. In the case of an unscheduled general election, Elections BC is unable to facilitate the registration process for individuals incarcerated in federal correctional facilities prior to the close of general registration. This is due to the short time-period available before the close of general registration, and is further hampered by safety measures and reduced staffing levels in correctional facilities implemented for the COVID-19 pandemic.

As a result of the registration limitations, individuals incarcerated in federal correctional facilities may be required to register or update their registration in conjunction with voting. This requires the provision of documents under s. 41(3) of the Act, which are used to confirm an applicant's identity and residence. Individuals incarcerated in federal correctional facilities may not have access to the required documents during their incarceration and therefore may be unable to register as a voter and ultimately, from voting all together.

Correctional Service Canada advises that staff at federal correctional facilities are willing and able to administer the declaration process authorized by this Order. This process will allow confirmation of a federally incarcerated applicant's name and residence for the purposes of registration under s. 41 of the Act.

Individuals incarcerated in provincial correctional facilities have access to the document or documents required by s. 41(3) for the purposes of registration. As a result, it is not necessary for this Order to apply to provincially incarcerated voters.

I therefore find that it may not be possible for federally incarcerated voters to meet the documentation requirements when registering to vote in conjunction with voting. Without this corrective Order, these voters may face significant barriers to taking part in the electoral process.

In my opinion, these circumstances make the following Order necessary.

Application of Order

This Order applies to the requirements for the provision of identification documents under s. 41(3) of the Act for a federally incarcerated individual registering as a voter in conjunction with voting.

This Order is issued under the authority of s. 280 of the *Election Act*.

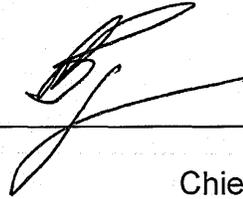
Exception provided by Order

Despite the requirements of s. 41(3) of the Act, if an applicant,

- a. is an individual incarcerated at a federal correctional facility,
- b. is registering as a voter in conjunction with voting, and
- c. does not have access to the documents listed under s. 41(3)(a)-(c),

that applicant may provide a document completed and attested to by a federal correctional facility administrator as to the identity and residence of the applicant in a form specified by the Chief Electoral Officer instead of the documents listed in s. 41(3)(a)-(c). This document will satisfy the requirement of s. 41(2)(b) and may be the sole document provided by the applicant for the purposes of proving the applicant's identity and residence.

The applicant must still provide the application form required under s. 41(2)(a). The determination of the applicant's residence is to be in accordance with s. 32(4) of the Act.



Anton Boegman
Chief Electoral Officer

September 26, 2020