

MAD NEWS

Everyone has the right to vote ... well, almost everyone

"Every citizen of Canada has the right to vote in an election of members of the house of commons or of a legislative assembly and to be qualified for membership therein."
— The Canadian Charter of Rights and Freedoms, Section 3

On May 2, 1985, about five months after Ontario amended its election act, inmates of psychiatric institutions were allowed to vote in their first provincial election. In Ontario's ten provincial psychiatric institutions, 2,425 inmates — 56 percent of the population — registered to vote, and almost all voted (see "Gaining the Vote," *Phoenix Rising*, Vol. 5 No. 2/3). The turnout was similar to that of the general population — 61.5 percent.

The numbers of inmates who registered and voted varied remarkably from institution to institution.

- At Penetanguishene's Regional Hospital, only 45 of a population of 193 voted; in the Oak Ridge Division of Penetang, 107 of 158 inmates registered, 72 of whom voted.
- At Lakehead, 74 of 175 registered, but only 30 voted.
- At Kingston, 340 of 426 registered, and 136 voted.
- At Hamilton, only 66 voted, of 286 registered.
- At Toronto, 536 registered, but only 175 voted.
- At London, almost all 376 inmates registered; only 82 voted.

- At Brockville, 140 of 386 registered, and 97 voted.
- At St. Thomas, 122 of 404 registered, and 107 voted.
- At Whitby, 140 of 343 registered, and 97 voted.
- North Bay had the highest registration rate — all 278 inmates, of whom 184 voted.

According to Susan Atkinson, executive assistant of the Psychiatric Patient Advocates' Office, some polling clerks were unable to provide certain information to inmates — especially about how to vote by proxy or how to transfer the voting place from the hospital to the community. Furthermore, although an inmate who is registered to vote is supposed to be able to vouch for a new inmate by attesting to her or his identity, inmates admitted after the enumeration deadline could not be vouched for. (The Patient Advocates' Office is recommending to the government that it abolish the vouching method and replace it with a simple declaration under oath; the oath system is used in city elections.) Finally, no provincial candidates came to the institutions to talk about election issues or to answer questions.

The right to vote is one of the most fundamental rights in a democratic society. The Charter does not disqualify any class or group of citizens from the right to vote or to run in an election. Yet the Canada Election Act and many provincial

election acts deny the right to vote to psychiatric inmates and to prisoners.

Ontario and the Northwest Territories have amended their election acts so that psychiatric inmates have the right to vote. Saskatchewan inmates cannot vote if they are incarcerated under a Lieutenant Governor's Warrant. Newfoundland inmates do not have the right to vote if they are involuntarily committed. And in British Columbia, inmates are not allowed to vote if they are under remand or under a court order.

At present, Quebec is the only province that allows prisoners to vote in provincial elections. In British Columbia, prisoners on probation can vote and can run for election. In Ontario, there may soon be a Charter case, launched by a prisoner, challenging the province's election act. And after two years of government stalling, amendments to the Canada Election Act may be passed in 1988 that would give all psychiatric inmates and people with "mental handicaps" (but not prisoners) the right to vote in federal elections.

It's time that all psychiatric inmates, and all prisoners, be given the right to vote. The fact that people are incarcerated in a psychiatric institution or prison is a poor excuse for denying them this right. We urge our readers in provinces that disqualify psychiatric inmates and or/prisoners from voting to write letters of protest to their MPPs and MPs, and to Justice Minister Ray Hnatyshyn, MP, The House of Commons, Ottawa, Ontario, K1A 0A6.

Don Weitz