

April 17, 2025

Mr. Joshua Cooney
Headingley Correctional Centre
c/o Manitoba Department of Justice
Legal Services Branch
730-405 Broadway
Winnipeg, Manitoba R3C 3L6
ATTENTION: Mr. Jim Koch

BY EMAIL

Elections Manitoba
120 - 200 Vaughan Street
Winnipeg, Manitoba, R3C 1T5
ATTENTION: Ms. Shipra Verma

BY EMAIL

**Re: Voting at the Headingley Correctional Centre
Manitoba general election, October 2023**

After the 2023 general election, Elections Manitoba advised me that a number of inmates at the Headingley Correctional Centre (“HCC”) had been unable to vote. I began an investigation which has now been completed, and I am writing to advise you of the results.

The investigation

As part of the investigation, the investigator interviewed staff at the HCC. I should say at the outset that I am satisfied that the staff bears no responsibility for the problems that developed. There was an initial concern that the staff might have refused to stay late to allow voting to be completed. That turned out to be unfounded. As I describe below, the problem appears to have resulted from miscommunications between people working at and for Elections Manitoba.

For each general election, Elections Manitoba has to hire temporary workers to work at the polls and returning offices. For the 2023 general election, Elections Manitoba hired over 5,400 field workers, including voting officers who worked at the polls and staff (including returning

officers) who worked out of returning offices. Some of these people had worked in previous elections, many had not. All of them, regardless of previous experience, received training.

On the day of the 2023 general election, Elections Manitoba established 1177 polling places throughout Manitoba, each of which was staffed by one or more two person teams. Prisoners incarcerated in Manitoba institutions have been eligible to vote since 1985, and prisoners incarcerated in Manitoba in federal institutions have been eligible to vote since 2002. In order to facilitate prisoners voting, Elections Manitoba sets up polling places at seven provincial correctional facilities, two federal facilities and various holding cells maintained by police if there are individuals in custody.

Completing the vote in the time allotted poses unique challenges for the election workers at these facilities. There are, first of all, protocols for entering and leaving the prisons that have to be observed. Once voting starts, prisoners are brought to vote by the guards in groups, and there is necessarily some delay between the departure of one group and the arrival of the next. The prisoners are from different electoral districts across Manitoba and so ballots for each person have to be printed individually. Many prisoners are not registered to vote when they arrive at the poll and the registration process, which involves searching the voting lists across Manitoba, completing a form and swearing an oath, takes additional time. Anticipating these issues, Elections Manitoba has, in the past, sent four or five teams, each with two voting officers, to HCC.

In the 2023 election, the voting officers had access to an electronic list of registered voters for every electoral district in the province. This reduced the number of voting officers required at many polling places. A single electronic list could be searched much more quickly than a manual search of records from individual districts. In addition, the electronic system permitted the voting officers to print “on demand” ballots which, once completed, could be deposited into a ballot box via a vote counting machine. This replaced the former method of a “write-in ballot” for use at institutional voting stations, which involved multiple steps and the use of an extra secrecy envelope, which was a time-consuming process.

Elections Manitoba determined that two teams would be sufficient for the HCC. Unfortunately, there was a miscommunication between Elections Manitoba and the returning officer for the Roblin electoral district, the district that included Headingley. It is not clear precisely how the miscommunication arose. However, the returning officer understood that Elections Manitoba wanted only a single team, not two. As a result, only one team was sent, which resulted in that team having twice as much work as they could reasonably be expected to handle.

A number of other events on election day played a role in further slowing down the vote at the HCC. The voting officers had just arrived at HCC when they realized they had to return to the returning office to collect an item that they had not brought with them. On their return, they

found themselves driving through a significant storm that occurred that morning. Once they were back at HCC, they had some initial difficulty in getting their equipment running. Because of the storm, outdoor exercise was restricted, and this might have resulted in a higher than normal turnout of prisoners wishing to vote. All of these events played some role in slowing the voting.

Voting ends throughout the province at 8 pm, but the Elections Act permits the polls to stay open until anyone already in line has voted. In the case of prisons, because the prisoners are not able to come when they wish and wait in line, Elections Manitoba considers any group that has not yet been brought down to vote to be in line, and poll workers are to stay past 8 pm until everyone who wants to vote has had an opportunity to do so.

In this case, however, the voting officers say they were told that they were to return to the returning office no later than 9 pm and they therefore did not stay to allow the vote to continue. They do not remember who told them that and no one we have spoken with remembers telling them that.

When the poll was shut down, only about one-half of the eligible voters had been given an opportunity to vote, so even if the poll workers had stayed, they would have required at least one and possibly two more teams to finish the voting in a reasonable time. Elections Manitoba says that, had head office understood how far behind the voting at the HCC was, they could have sent spare teams to help out, but once again, there seems to have been a communication breakdown. Elections Manitoba was advised sometime during the afternoon that the voting was likely not going to be completed in time, but they did not appreciate how far behind the voting actually was. As a result, their only advice to the returning officer was that the poll workers should stay until voting was complete.

Conclusion

Although there were a number of factors that slowed down the vote, voting could have been completed if either two teams had been sent to the HCC instead of one, or Elections Manitoba head office staff had realized in the afternoon that additional help was needed. That these lapses occurred was the result of a communication breakdown between Elections Manitoba personnel, whether employees at the head office or temporary hires working in the field. Our investigation has been unable to pinpoint precisely where these breakdowns occurred, but whatever the precise causes, it is clear that any mistakes made were entirely accidental and that everyone involved was working hard throughout the day to ensure that voting went smoothly.

I have reviewed the statement of votes for the 2023 election, and I am satisfied that, had the remaining votes been counted, it would not have affected the outcome in any electoral district.

Voters at HCC who had a residence in a particular electoral district, and who planned to return there when they were released, would vote for the candidates in that district. Everyone else would vote in the electoral district of Roblin, which is where HCC is located. Approximately one-half of the people who did vote at HCC voted in Roblin, with the rest scattered amongst a handful of other electoral districts in the province. There were likely less than 200 people left to vote when the poll at HCC closed. If half of them voted in Roblin that would be 100 more votes cast, but the winning candidate in Roblin won by over 1000 votes. As for the other electoral districts in the province, the number of extra votes would likely have been less than 10 in any district and no district had a plurality anywhere near that small.

Voting is the right of every eligible citizen in Manitoba. Legislation that denies individuals the right to vote has been held to run counter to the constitutional commitment to the inherent worth and dignity of every individual. In this case, however, the fact that a group of people was unable to vote was completely accidental and precisely contrary to the intentions of everyone involved. It is regrettable and unfortunate, but there is nothing that can be done at this stage to rectify the situation.

Elections Manitoba has met with all of the people that were involved and reviewed the systems they had in place to see if any improvements can be made to prevent a similar situation from happening in the future. Elections Manitoba has provided me with a list of changes they intend to make that I have attached to this letter. I have reviewed it and, in my view, the proposed changes are reasonable and should be effective. I have no further suggestions to make.

I do not believe any election law has been breached in this matter. In any event, I am satisfied that in the circumstances no charges, even if possible, would be appropriate. I am therefore closing my file.

Yours truly,



Bill Bowles
Commissioner of Elections for Manitoba

March 13, 2025

Mr. Bill Bowles
The Commissioner of Elections
Province of Manitoba
5 - 165 Kennedy Street
Winnipeg MB R3C 1S6

Sent via email: bill@bowles.ca

Dear Mr. Bowles:

Re: Election day voting at Headingley Correctional Centre on October 3, 2023

Elections Manitoba came to learn after election day that not all inmates residing at Headingley Correctional Centre had the opportunity to vote in the 43rd provincial general election, held on October 3, 2023, before that polling station closed for the day. We strongly believe in our mandate, which is to deliver free, fair and accessible elections to the people of Manitoba. We deeply regret that not every Headingley inmate had the opportunity to cast their ballot.

The experience at Headingley is not consistent with our practice of keeping polls open so that all voters already in a polling place can cast their ballot. Voting officers receive training to do so, and this training will be reinforced to ensure it is understood and the practice is followed. Voting in a correctional institution can be a slow process; our internal investigations confirm an additional team of voting officials should have been deployed in order to avoid delays. A second team of voting officials will be deployed at Headingley in the next election, if conditions there remain substantially unchanged.

We will also take steps to ensure that polls will remain open until all inmates who are eligible to vote and who wish to vote, will be able to do so. This would have occurred in the October 2023 election, but for a lapse in communication between voting officers at Headingley, the Returning Office and the Elections Manitoba head office. We are taking steps to prevent such lapses in the future. Regular updates from voting officers at correctional centres will be scheduled for future elections.

We are committed to preventing instances like this from happening again. To ensure this, Elections Manitoba will:

- Work with correctional centres to develop and document a detailed joint plan that ensures the centre and Elections Manitoba are fully informed of voting plans and facility requirements. The plan will provide for adequate deployment of technical and human resources to facilities, such as a second team of voting officials as mentioned above.
- Explore options for voter registration in correctional centres to determine if on-site registration or revision should be completed prior to voting to reduce the time needed at the poll.

- Ensure the implementation of our policy to recruit from within correctional centres, giving facility staff priority opportunity to work as election officials.
- Reinforce training for voting officers to ensure practice of keeping polls open until all voters in a polling place can vote is understood and followed.
- Schedule regular updates from voting officers working at correctional centres.

We believe these commitments will reduce barriers to voting within correctional centres and ensure a more efficient and complete voting experience for inmates.

Elections Manitoba is committed to fostering the democratic rights of all Manitoba voters. I await the outcome of your investigation into this matter.

Sincerely,



Shipra Verma, FCPA, FCA
Chief Electoral Officer