

MUNICIPALITY OF CLANWILLIAM-ERICKSON
By-Law No. 78-22

USE OF MUNICIPAL RESOURCES IN AN ELECTION

WHEREAS The Municipal Act provides that a council must pass a by-law establishing rules and procedures for the use of municipal resources during the 42-day period before a general election or a by-election.

NOW THEREFORE the Council of the Municipality of Clanwilliam-Erickson enacts as follows:

PART 1 – DEFINITIONS

1.0 In this by-law,

- a) “Candidate” means an individual who has been registered under section 93.3 of The Municipal Act.
- b) “Restricted Period” means the period beginning 42 days before a municipal general election or by-election, and ending after polls close on the date of the municipal general election or by-election.
- c) “Municipal Resources” means:
 - a. any resource owned or controlled by the Municipality, including but not limited to:
 - i. property, facilities, infrastructure and equipment,
 - ii. websites, social media accounts and other communication tools or media,
 - b. employees or volunteers in the course of their employment or volunteer service, including any full-time, part-time, casual or contract employees, and volunteers, whether or not the volunteer receives reasonable compensation or expense money from the municipality for their voluntary service,
 - c. events or functions organized by the Municipality,
 - d. the municipal logo, seal, or other identifying marks associated with the Municipality,
 - e. any information collected or controlled by the Municipality that is not available to the general public.
- d) “Municipality” means the Municipality of Clanwilliam-Erickson.

PART 2 – RESTRICTIONS ON CANDIDATES’ USE OF MUNICIPAL RESOURCES

- 1.0 Subject to section 4, during the Restricted Period, a Candidate or a person acting on their behalf may only use a Municipal Resource for an election-related purpose if:
- a) The Municipal Resource is normally made available to the general public without the general public needing to seek permission or authorization for its use; and
 - b) The Candidate’s use of the Municipal Resource does not unreasonably interfere with use of the Municipal Resource by other members of the public.

PART 3 – RESTRICTIONS ON MUNICIPAL ACTIVITIES

- 1.0 Subject to section 4, during the Restricted Period, the Municipality and any person acting on its behalf is restricted from using:

- a) Municipal Resources in communicating information about the Municipality's programs or services, if the communication may reasonably be seen as providing an electoral advantage to a Candidate; and
- b) The name, voice or image of a member of council in municipal communications.

PART 4 – EXCEPTIONS

1.0 Restrictions in sections 2 and 3 do not apply:

- a) To any use of Municipal Resources that may be necessary in respect of an emergency or dangers to property or health;
- b) To any event where all Candidates are invited and provided equivalent opportunities with respect to any election-related purpose;
- c) To any use of Municipal Resources by the Municipality to educate and inform the public about the election process, as long as no Candidate is promoted, supported or opposed;
- d) To the preparation of any document, notice or communication that is required by legislation, and any subsequent distribution that is normally made by the Municipality, such as posting council meeting minutes online;
- e) To the preparation of any documents or communications of a strictly administrative nature required for the usual functioning of the Municipality, such as members of council signing payments;
- f) To any method of providing public access to council meetings;
- g) To any Candidate declared elected by acclamation during the Restricted Period, after such declaration is made.

PART 5 – INSPECTION AND ENFORCEMENT

1.0 Any person appointed or designated to enforce the Municipality's by-laws may determine compliance with and enforce this by-law, and in the course of this activity may request access to records and make any inspection they deem necessary.

2.0 It is an offence to contravene any provision of this By-law. Any person who contravenes or disobeys, or refuses or neglects to obey or comply with this by-law shall be guilty of an offence and penalized or sanctioned in accordance with the Council Code of Conduct By-law

PART 6 – COMING INTO FORCE

1.0 This by-law comes into force on April 29th, 2022.

DONE AND PASSED, in Manitoba this 29th day of April 2022.

Victor Baraniuk
Reeve

Iain Edye
Chief Administrative Officer

Read a first time this 28th day of April, 2022.

Read a second time this 28th day of April, 2022.

Read a third time this 29th day of April, 2022.