

THE RURAL MUNICIPALITY OF GRAHAMDALE
By-law No. 1057-2022
Use of Municipal Resources in an Election

WHEREAS

- A. Section 93.18.1(1) of the Municipal Act requires that Council of the Municipality 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 (“election by-law”);
- B. Section 93.18.1(2) of the Act requires the election by-law to include restrictions on the use of
 - (a) municipal resources by a registered candidate;
 - (b) municipal resources in communicating information about its programs or services, if the communication may reasonably be seen as providing an electoral advantage to a registered candidate; and
 - (c) the name, voice or image of a member of council in municipal communications; and
- C. Council of the Municipality wishes to meet its responsibilities under the Act by establishing the rules and procedures for the use of municipal resources during the 42-day period before an election.

NOW THEREFORE the Council of the Rural Municipality of Grahamdale enacts as follows:

1. Definitions.

“election day” means the day fixed for voting in an election other than a day fixed for advance voting.

“municipal resources” includes events, funds, facilities, equipment, supplies, information technology, services, staff, property, and other resources of the Municipality.

“registered candidate” means an individual who has been registered under section 93.3 of the Municipal Act.

“restricted period” means the period beginning 42 days before election day and ending when the polls close on election day.

Use of municipal resources by a registered candidate

2. During the restricted period, a registered candidate must not

- a. where the action may reasonably be seen to provide an electoral advantage,
 - i. use municipal resources that are technology-related such as computers, phones, voice systems, printers, scanners, or services such as texts, emails or the internet;
 - ii. use the Municipality’s equipment, property, or facilities unless rented in accordance with the Municipality’s rental procedures and requirements;
 - iii. use any photographs, videos, electronic images or graphics owned by the Municipality;
- iv. where the registered candidate is a member of Council,

- i. use any distribution or contact lists developed using municipal resources,
 - ii. use municipal resources to communicate about the Municipality's programs or services;
- b. campaign or distribute election campaign literature at an event hosted by the Municipality;
- c. use the Municipality's logo, crest, coat of arms, slogan, etc. in any election-related materials or websites, except in the case of a link to the Municipality's website to obtain information about the election; or
- d. where the registered candidate is a member of Council, use municipal resources or member of council budgets to sponsor any election-related advertisements, pamphlets, or newsletters.

Use of municipal resources in municipal communications during restricted period

3. During the restricted period,
 - a. where the action may reasonably be seen to provide an electoral advantage,
 - i. municipal resources must not be used to communicate information about the Municipality's programs or services;
 - ii. the name, voice or image of a registered candidate who is a member of Council must not be used in a municipal communication or in advertising paid for by the Municipality;
 - iii. material or links to websites, Twitter, Facebook, or other social media accounts must not be included on a website funded by the Municipality; and
 - iv. the Municipality's voice mail system must not be used to record and distribute messages; and
 - b. a blog account or other account, or a link to one, of a registered candidate who is a member of Council must not be included on a website funded by the Municipality.

Exceptions to prohibitions on the use of municipal resources during the restricted period

4. The prohibitions set out in section 2 do not apply to
 - a. an election-related event to which every registered candidate is invited, or
 - b. the use of a voters list prepared under the Municipal Councils and School Boards Elections Act.
5. For greater certainty, nothing in section 3 prohibits
 - a. the use of municipal resources by the Municipality for the purpose of educating or informing the public about the election process, provided no registered candidate is promoted, supported or opposed,
 - b. any document, notice or communication required by legislation, and any subsequent distribution normally made by the Municipality, such as the posting of council meeting minutes online,

- c. the preparation of any document, notice or communication of an administrative nature required for the usual functioning of the Municipality,
- d. providing information about public health or safety.

Offence and enforcement

- 6. A person who contravenes this By-law is guilty of an offence and is liable for payment of an administrative penalty of \$1,000.00.
- 7. A person appointed or designated by the Municipality to enforce the by-laws of the Municipality is authorized to enforce this By-law.

DONE AND PASSED in Council assembled in the Council Chambers of the Rural Municipality of Grahamdale, at Moosehorn, in Manitoba, on this 28th day of April, 2022.

THE RURAL MUNICIPALITY OF GRAHAMDALE

Per: 
Craig Howse, Reeve

Per: 
Shelly Schwitek, Chief Administrative Officer

Read a first time this 22nd day of April, 2022.
Read a second time this 22nd day of April, 2022.
Read a third time this 28th day of April, 2022.