

Rural Municipality of Rosser

By-law No. 3-22

Being a By-law to regulate the 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 Rural Municipality of Rosser enacts as follows:

TITLE

1. This by-law may be known as the “Use of Municipal Resources in an Election By-Law”.

DEFINITIONS

In this by-law,

“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 a municipal general election or by-election, and ending after polls close on the date of the municipal general election or by-election.

“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 of the municipality in the course of their employment or volunteer service, including any full-time, part-time, casual or contract employees.
- 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.

“Municipality” means the Rural Municipality of Rosser.

“Volunteer” means any volunteer fire fighter or any volunteers appointed by Council to committees or boards according to the municipal organizational By-law, whether or not the volunteer receives reasonable compensation or expense money from the municipality for their voluntary service.

RESTRICTIONS ON CANDIDATES’ USE OF MUNICIPAL RESOURCES

2. 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.

RESTRICTIONS ON MUNICIPAL ACTIVITIES

3. 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.

EXCEPTIONS

4. 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.

INSPECTION AND ENFORCEMENT

5. 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.
6. Any person who contravenes, neglects, omits, or fails to obey or observe any provision of this By-law is guilty of an offense and is liable to a fine of \$500.00 per incident.
7. Fines may be imposed and collected by the municipality under the provisions of the General Enforcement By-law 4-20 and any amendments enacted by Council.

DONE AND PASSED, in Manitoba this 22nd day of March, A.D. 2022.



Frances Smee
Reeve



Larry Wandowich
Chief Administrative Officer

GIVEN First Reading this 8th day of March, A.D. 2022

GIVEN Second Reading this 22nd day of March, A.D. 2022

GIVEN Third Reading this 22nd day of March, A.D. 2022