



# STE. ANNE MUNICIPALITY

## BY-LAW #02-2022

BEING A BY-LAW providing for the use of municipal resources during an election in the Rural Municipality of Ste. Anne.

WHEREAS Section 93.18.1(1) of *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;

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

AND WHEREAS the 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 Ste. Anne, in meeting duly assembled and under the authority of *The Municipal Act*, enacts as follows:

### 1. TITLE

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

### 2. DEFINITIONS

In this by-law,

**"Candidate"** means an individual who has been registered under section 93.3 of *The Municipal Act*.

**"Election Day"** means the day fixed for voting in an election other than a day fixed for advance voting.

**"Municipal Resources"** means:

- a. any resource owned or controlled by the Municipality, including but not limited to:
  - i. property, funds, facilities, infrastructure and equipment,
  - ii. websites, social media accounts and other communication tools or media,
  - iii. municipal identifiers such as, but not limited to, Ward, Councillor, Reeve, RM, Chair, LUD, Fire Chief, Volunteer Fire Fighter, etc. including when used in personal email or social media accounts, among others;



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- 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, such as Local Urban Districts or Fire Departments;
- e. any information collected or controlled by the Municipality that is not available to the general public.

**“Municipality”** means the *Rural Municipality of Ste. Anne*

**“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.

### 3. RESTRICTIONS ON CANDIDATES' USE OF MUNICIPAL RESOURCES

During the restricted period, a registered candidate, or a person acting on their behalf, 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.

### 4. USE OF MUNICIPAL RESOURCES IN MUNICIPAL COMMUNICATIONS DURING RESTRICTED PERIOD

During the restricted period,

- a. where the action may reasonably be seen to provide an electoral advantage,



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- 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
  - 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.

## 5. EXCEPTIONS

Restrictions in sections 3 and 4 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. The use of a voters list prepared under *The Municipal Councils and School Boards Elections Act*.
- d. 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;
- e. 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;
- f. 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;
- g. To any method of providing public access to council meetings;
- h. To any Candidate declared elected by acclamation during the Restricted Period, after such declaration is made.

## 6. INSPECTION AND ENFORCEMENT

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.

- a. 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 prosecuted in accordance with the Municipality's Code of Conduct By-Law.
- b. Any person who contravenes or disobeys any clause in this by-law, will receive a verbal warning and is required to mitigate the results of the contravention by removing any offending statement, image, etc, if applicable. The municipality will publish a public notice identifying candidates who continually breach the by-law.



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DONE AND PASSED by the Council of the RM of Ste. Anne, in Council duly assembled in the RM of Ste. Anne, in Manitoba, this **27<sup>th</sup>** day of **April, 2022**.

  
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Paul Saindon  
Reeve

  
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Valorie Unrau  
Interim Chief Administrative Officer

Read a first time this **23<sup>rd</sup>** day of **March, 2022**.  
Read a second time this **27<sup>th</sup>** day of **April, 2022**.  
Read a third time this **27<sup>th</sup>** day of **April, 2022**.