

**TOWN OF NEEPAWA
BY-LAW NO. 3212-22**

BEING A BY-LAW OF THE TOWN OF NEEPAWA TO ESTABLISH RULES AND PROCEDURES FOR THE USE OF MUNICIPAL RESOURCES IN ANY ELECTION

WHEREAS *The Municipal Act* provides as follows:

93.18.1(1) 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 of a by-election.

THEREFORE, BE IT RESOLVED THAT the Town of Neepawa hereby enacts as follows:

TITLE

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

DEFINITIONS

2. Unless the context otherwise requires:

“Candidate” – means an individual who has been registered under Section 93.3 of *The Municipal Act*.

“Employee” – means any person employed by the Town of Neepawa, and includes the Chief Administrative Officer, designated officers, full-time, part time, casual and contract employees, and includes volunteers, whether or not the volunteer receives compensation.

“Restricted Period” – means the period between forty-two (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 Town, including but not limited to:
 - i. property, facilities, infrastructure and equipment,
 - ii. websites, social media accounts and other communication tools or media;
- b. employees;
- c. events or functions organized by the Town;
- d. the municipal logo, seal, or other identifying marks associated with the Town;
- e. any information collected or controlled by the Town that is not available to the general public.

“Town” – means the municipal corporation of the Town of Neepawa.

RESTRICTIONS ON CANDIDATES’ USE OF MUNICIPAL RESOURCES

3. 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 the use of the Municipal Resource by other members of the public.

RESTRICTIONS ON MUNICIPAL ACTIVITIES

4. Subject to Section 5, during the Restricted Period, the Town and any person acting on its behalf is restricted from using:
 - a. Municipal Resources in communicating information about the Town’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 the Town’s communications.

EXCEPTIONS

5. Restrictions in Sections 3 and 4 do not apply to:
 - a. any use of Municipal Resources that may be necessary in respect of an emergency or dangers to property or health;
 - b. any event where all Candidates are invited and provided equivalent opportunities with respect to any election-related material;
 - c. any use of Municipal Resources by the Town to educate and inform the public about the election process, as long as no Candidate is promoted, supported, or opposed;
 - d. the preparation of any document, notice of communication that is required by legislation, and any subsequent distribution that is normally made by the Town, such as posting council meeting minutes online;
 - e. the preparation of any documents or communications of a strictly administrative nature required for the usual functioning of the Town, such as members of council signing payments;
 - f. any method of providing public access to council meetings;
 - g. any Candidate declared elected by acclamation during the Restricted Period, after such declaration is made.


COMPLIANCE, INSPECTION AND ENFORCEMENT

6. Any person appointed or designated to enforce the Town'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.
7. Where a designated officer has reasonable grounds to believe that a contravention of this by-law exists and the Candidate:
 - a. is a Member of Council, they shall proceed with an investigation under the terms and authority of the Council Code of Conduct By-Law; or
 - b. is not a Member of Council, any action or remedy required to facilitate compliance with this by-law may be governed under the applicable provisions of Enforcement By-Law 3165-16, or the then current enforcement by-law in force and effect.

COMING INTO FORCE

8. This by-law shall come into force upon its passing.

DONE AND PASSED in council as a By-Law of the Town of Neepawa, in the Province of Manitoba duly assembled this 15th day of March, 2022.


 for: Brian Hedley BRIAN HEDLEY, DEPUTY MAYOR.


 Colleen Synchystyn, CAO

Read a first time this 1st day of March, 2022
 Read a second time this 15th day of March, 2022
 Read a third time this 15th day of March, 2022