

BY-LAW NO. 7330

BEING A BY-LAW OF The City of Brandon to prescribe certain matters concerning the use of municipal resources before a general election or by-election.

WHEREAS Section 93.18.1 of *The Municipal Act*, RSM 1996, c.M225 provides that a council must pass a by-law establishing rules and procedures for the use of municipal resources during the forty-two (42) day period before a general election or a by-election;

NOW THEREFORE the Council of The City of Brandon in regular session assembled, enacts as follows:

TITLE

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

DEFINITIONS

2. In this by-law,

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

"Election Communication" means a communication that is a campaign expense incurred by a registered candidate under City of Brandon By-law No. 6974, as amended.

"Municipality" means the City of Brandon.

"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.

"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.

RESTRICTIONS ON USE OF TITLE IN ELECTION COMMUNICATIONS

3. A registered candidate who is a member of Council must not use their incumbent position as their title in an election communication.

RESTRICTIONS ON CANDIDATES' USE OF MUNICIPAL RESOURCES

4. Subject to Section 6, 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

5. Subject to Section 6, 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

6. Restrictions in Sections 4 and 5 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 purpose;
 - c. 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. 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. 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. 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.

INSPECTION AND ENFORCEMENT

- 7. ***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.***
- 8. ***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, images, etc. if applicable.***
- 1. 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. Any offences under this By-Law shall be enforced in accordance with the Rural Municipality of Gimli Council Members Code of Conduct By-Law.

ENACTMENT

- 9. **This by-law shall come into full force and effect on the date following its final passage.**

DONE AND PASSED by the Council of the City of Brandon in regular session assembled this day of A.D. 2022.

MAYOR

CITY CLERK

Read a first time this	day of	A.D. 2022
Read a second time this	day of	A.D. 2022
Read a third time this	day of	A.D. 2022