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**Scheduling of Local
Elections and Restrictions
on Municipal Action**

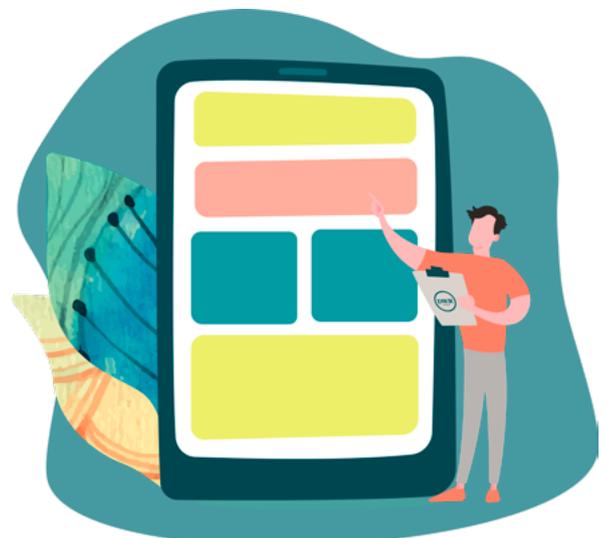
Under the law, the publication of the decree setting the date of the elections marks the beginning of a period during which public entities are subject to heightened duties of neutrality and impartiality. This entails, in particular, the prohibition on disseminating acts, works, programs or services through institutional channels (such as social media, websites, invoices, billboards, among others).

This means, therefore, that institutional publicity is only permitted in cases of serious and urgent public need (e.g., alerts, service interruptions, legal obligations), since during this period it is essential to safeguard the integrity of the electoral process and ensure equal opportunities among candidates.

Thus, the publication of **Decree No. 8/2025 of 14 July**, which sets the date of the general elections for local authority bodies for **12 October 2025**, constitutes a legal milestone that triggers a series of significant effects for local authorities, both from an administrative standpoint and from a communicational, institutional, and political perspective. Although local authority bodies retain the full extent of their powers until the elections take place and the newly elected officials are subsequently installed, the setting of the election date marks the beginning of a phase **requiring greater institutional neutrality, transparency, and restraint in public action.**

■ Exercise of Municipal Bodies Powers

It is important to emphasize, first of all, that **merely setting the election date does not in itself entail any suspension of powers or loss of authority by municipal bodies.** Local authorities remain fully in office and may continue to deliberate, carry out acts of ordinary and extraordinary management, approve regulations, enter into contracts, launch public tenders, and exercise all other powers legally vested in them.



However, as the election date approaches, and especially after the electoral act, the outgoing bodies enter into a caretaker administration regime, under Article 9 of Law No. 169/99 of 18 September (**as currently in force**). This entails a restriction to the performance of acts strictly necessary for the sound administration and functioning of services, without compromising the scope of action of the newly elected officeholders.

■ **Restrictions on Institutional Advertising and Public Communication**

The most immediate and sensitive implication, however, arises from the application of the **legal regime on institutional advertising and public communication during the electoral period**.

In the **60 days preceding the start of the electoral campaign** – that is, from 29 July 2025 until the end of the electoral process – the following prohibitions apply:

- i. Institutional advertising promoted by any local authority bodies, except in cases of urgent and unavoidable public necessity, duly justified;
- ii. Dissemination of works, projects, or actions that may be perceived as institutional or personal promotion of local elected officials;
- iii. Use of institutional means and channels (websites, social media, newsletters, billboards, municipal magazines, local press with public funding, etc.) for the purpose of political valorization or indirect propaganda;
- iv. Organization of commemorative, inaugural, or promotional events, if associated with public works or projects completed during this period.

These restrictions are intended to ensure, as already mentioned, the neutrality of public institutions and **to prevent any form of influence over the electorate or undue advantage being given to candidates by holders of public office**.

The **CNE – National Electoral Commission**, in its various and successive Information Notes, has been clear and consistent in its stance on this matter: the proximity of the electoral period requires increased restraint on the part of local authorities, with a recommendation to avoid any action that, even if formally legal, may be interpreted as an attempt to politically capitalize on municipal activity.

The prohibition of institutional advertising is enshrined in Article 10 of Law No. 72-A/2015, in the form of a ban on political propaganda through commercial advertising channels, which are deemed to include any medium (internet, social media, Facebook, municipal magazines, flyers, among others).

The National Electoral Commission (CNE) states¹:



“This prohibition, combined with the special duties of neutrality and impartiality, is intended to prevent public entities from using the means at their disposal in favor of a particular candidacy to the detriment of others. Such conduct would introduce a factor of imbalance between them, seriously undermining the principle – inherent in all electoral laws – of equal opportunities for candidates, as enshrined in Article 113(3)(b) of the Constitution of the Portuguese Republic.”

However, the Commission considers that “municipal publications (the official communication body of a municipality or parish) should be exempted, provided that they respect the regular frequency of their periodicity, have objective content, and remain within the limits of a factual and impartial account. It is strictly prohibited for them to assume a function of direct or indirect promotion of the activity of the body, or of any candidate or candidacy, whether through text or images used, particularly through their systematic and repeated dissemination”.

As the National Electoral Commission (CNE) has stated, these provisions imply, in particular, the prohibition of using expressions such as ‘promise fulfilled,’ ‘we do it better,’ or any others intended to praise the body, its officeholder, or their activity, as this could jeopardize equality and impartiality in the election for the respective **local authority**.

As the CNE has stated, in line with the express provision of Article 41(1) of the LEOAL, “Since re-election to local authority bodies is possible, it is common for incumbent officeholders to also be candidates, which requires them to establish a strict separation between the exercise of their office and their status as candidates, and prohibits the use of their positions to obtain illegitimate advantages”².

¹ CNE Information Note, 18 February 2021.

² *ibidem*.



“In this regard, Constitutional Court Judgment No. 586/2017 is illustrative, as it determined that these rules pursue the objective of ensuring equality among the various contenders subject to the electoral act. Such equality must also be reflected in a clear separation between the assets of public entities and the resources used by the candidates in the elections. In other words, ensuring equality requires that public officeholders, particularly those seeking re-election, may not, by virtue of the exercise of their functions, divert the institution’s resources and structures to serve the interests of the ongoing campaign.”³.

Hence, the CNE teaches that, “In general, all acts of communication aimed, directly or indirectly, at promoting to an indeterminate plurality of recipients initiatives, activities, or the image of a public entity, body, or service are prohibited, particularly those containing slogans, laudatory messages, or commendations of the issuer’s actions, or even those which, though not containing praise or commendations, are not of gravity or urgency.”⁴.

As it concludes, ‘Ultimately, the law seeks to prevent, during the electoral period, the promotion by public entities of a dynamic and favorable attitude regarding the way in which they have carried out or are carrying out their powers and responsibilities from coexisting in the public and communicational space with the propaganda messages of electoral candidacies, which could thereby objectively favor or disadvantage them’ (cf. Constitutional Court Judgment No. 545/2017). The same decision continues: ‘For this reason, the legislator considered that, for the principle of equal opportunity and equal treatment of the various candidacies (Article 113(3)(b) of the Constitution) to function, the prerogatives of institutional dissemination by public entities, bodies, or services should give way during the electoral period, except in cases of urgent public necessity.’

■ Some Exceptions

However, the law provides for certain exceptions, namely in the aforementioned Article 10 of Law No. 72-A/2015, which excludes from the prohibition of political propaganda through commercial advertising the advertisements,

³ CNE Information Note, 30 January 2024; in the same sense, CNE Information Note, 27 May 2025.

⁴ Ibidem.

duly identified as such, published in periodicals, provided they are limited to using the name, symbol, and acronym of the party, coalition, or group of citizens and the information relating to the holding of a specific event, as well as advertising in broadcasting stations and likewise on social networks and other means of expression through the internet.

In this regard, the CNE itself expressly states that it is 'acceptable for public entities to disseminate certain types of communications to the general public, informing them about goods or services made available by the entity, when such communication is essential for citizens' use of those services or is indispensable for the fulfillment of the entity's duties,'⁵ as well as to maintain 'ongoing publications, such as websites, social media pages, or institutional publications.'⁶

■ Rules on the Electoral Campaign and the Use of Public Resources

The official electoral campaign period will run from **28 September to 10 October 2025**. During this period, only legally admitted candidacies (parties, coalitions, and groups of citizen voters) may carry out political propaganda activities, using the means and forms permitted by law.

In this context, municipalities must ensure that:

- i. No public resources (human, financial, logistical, or technical) are placed at the disposal of any candidacy;
- ii. Public spaces are made available in an equitable and transparent manner, in coordination with parish councils and the local electoral administration;
- iii. Municipal services, including communication and image offices, suspend or adjust their activity in order to guarantee institutional neutrality;
- iv. Holders of political office with executive functions avoid public or institutional interventions that coincide with campaign events, even if organized by third parties, so as not to create perceptions of the instrumentalization of public resources."

⁵ Ibidem.

⁶ CNE Information Note, 27 May 2025.

■ Responsibilities and Risks

Failure to comply with these rules may lead to:

- i. Intervention by the National Electoral Commission (CNE), with the possible issuance of binding opinions requiring the cessation of behaviors deemed unlawful;
- ii. The imposition of very significant fines (a minimum of €15,000 and a maximum of €75,000) on political and technical officials who authorized or carried out illegal acts;
- iii. The invalidation of electoral acts, if it is proven that there was unequal treatment of candidacies;
- iv. Reputational damage and loss of citizens' trust in the impartiality of local institutions.

For this reason, it is recommended that all municipal services — with particular focus on the offices of the presidency, communication, culture, public works, social action, and events — **carry out a preventive review of the actions and plans scheduled for the months of August, September, and October**, assessing their legal framework and compatibility with the regime of institutional neutrality.



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