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## PUBLIC NOTICE

**Municipal election** – August 25, 2024

**SUBJECT: Municipal employees and electoral staff; Partisan activity/opinion**

**PUBLIC NOTICE** is hereby given to municipal employees and election personnel:

**THAT** the following provisions of the *Act respecting elections and municipal referendums* apply and prohibit partisan activities for all municipal employees and to all members of the electoral staff on the days scheduled for the exercise of their duties.

The applicable provisions are:

Art. 86            An election staff member may not engage in an activity of a partisan nature the days scheduled for the exercise of his duties.

The official or employee who is a member of the electoral staff is subject to Division II of Chapter VII regarding activities of a partisan nature (Ref.: art. 283 et seq. L.E.R.M.).

Art. 283            On the premises of a polling station, no one may use a sign allowing identification their political affiliation or showing their support or opposition to a party, a team or a candidate, or the ideas defended or opposed by the latter, nor engage in some other form of partisan advertising.

*Partisan advertising prohibited* - The returning officer can stop or remove any prohibited partisan advertising at the expense, as the case may be, of the party or the team or the candidate it favors and who refuses or neglects to do so after having been advised.

*Locations of a polling station* - The premises of a polling station are deemed to be the building where it is located and any neighboring place where the sign or partisan advertising can be perceived by the electors.

Art. 284            To preserve public confidence in the municipal electoral process and to ensure respect for the principles of loyalty and political neutrality, an official or employee of a municipality or of a mandatory body of a municipality referred to in paragraph 1° or 2° of section 307 may engage in an activity of a partisan nature relating to an election to a position of member of the council of the municipality only when this activity is not likely to harm undermined his ability to exercise his functions with loyalty and impartiality.

Despite the first paragraph, the following cannot engage in any activity of a partisan nature:

- 1° the director general and his deputy;
- 2° the secretary-treasurer and his assistant;
- 3° the treasurer and his deputy;
- 4° the clerk and his deputy;
- 5° the auditor general;
- 6° the inspector general of the City of Montreal;
- 7° the official or employee having the highest authority within a mandatory body of a municipality referred to in paragraph 1° or 2° of section 307.

Art. 285            Attending a meeting does not constitute an activity of a partisan nature political, to pay a contribution to a party or to an independent candidate authorized, to be a member of a party or to affix a signature of support to a declaration of candidacy or request for authorization.

*Exception* - The first paragraph does not apply to the clerk or the secretary treasurer of the municipality or to his deputy, nor, while he is a member of its electoral staff, to any other official or employee thereof, nor to the treasurer, within the meaning of section 364, of a municipality subject to sections II to IX of chapter XIII.

- Art. 307 For the purposes of sections 304 to 306, “municipal body” means the council, any committee or any commission:
- 1° an organization that the law declares to be a mandatary or agent of a municipality;
  - 2° an organization whose board is composed mainly of members of the council of a municipality, whose budget is adopted by it or whose financing is provided for more than half by the latter;
- Art. 594 Commits an offense:
- 1° the member of the electoral staff who engages in an activity of a partisan nature on a day scheduled for the exercise of his functions;
  - 2° the person who exercises a function under Chapter IV of Title II (Ref.: Municipal referendums - art.532 & following) and who engages in an activity of a partisan nature on a day scheduled for the exercise of his functions;
  - 3° the official or employee who engages in an activity of a partisan nature prohibited by article 284.
- Art. 636 Anyone who uses intimidation, threats or sanctions commits an offense to cause an official or employee to commit the offense provided for in article 594 or to punish him for his refusal to commit it.
- Art. 637 Any person who, by his act or omission, helps another to commit an offense is guilty of this offense as if he had committed it himself, if he knew or should have known that his act or omission would have as probable consequence of aiding in the commission of the offence.
- Any person who incites or causes another to commit an offense is guilty of this offense as if she had committed it herself as well as any other offense that the other commits as a result of encouragement, advice or orders, if she knew or should have known that these would have as probable consequence of the commission of these offenses.
- It does not constitute a defense that no means or embodiment was proposed for the commission of the offense or that the latter was committed in a manner different from that proposed.
- Art. 640 The person who commits an offense provided for in article 594, paragraph 1° of article 596 or article 598 is punishable by a fine of \$1,000 to \$10,000 in the case of a natural person or a fine of \$3,000 to \$25,000 in the case of a legal entity.
- Art. 644 The person who commits the offense provided for in article 636 is liable to a fine of \$50 to \$5,000.

Given in Bury, this July 12, 2024.

Louise Brière  
Returning officer