

1944

Declassified E.O. 12356 Section 3.3/NND No. 785021

ACC

10000/141/124

TESTO UNICO
NO DATE

10000/141/124

TESTO UNICO 1915, (ENGLISH TRANSLATION)
NO DATE

TITLE II

Administrative Elections

CHAPTER I

The electorate and eligibility

Art. 12

Law of 19 June, 1913, No. 2 (art. 12)

To be elected it is necessary to be a citizen of the state and to be enjoying the civil rights of the Kingdom.

The exercising of the rights contemplated in this article, are granted to citizens of the state as well as to the citizens of other Italian provinces even though they have not been naturalized.

Electoral rights may be acquired by non-Italians as per regulations in the law of 13 June, 1912, No. 555.

Art. 13

Law of 19 June 1913, No. 640, art. 2 (art. 13)
and " " 26 " " No. 881 (single text)

Eligible voters are those whose names are inscribed in the political electoral list and those who may be inscribed by virtue of art. 2, 3, 4 and 24 third from the last paragraph, of the single text of the political electoral law of 26 June 1913, No. 821.

These voters may exercise their rights only in their resident communities if listed in the register of permanent population. When they have for at least six months moved to another community and have been inscribed in the register of the permanent population of same they must at their request, or for lack of same, be stricken from the voting lists and from the register of the permanent population of the community where they were residing and be inscribed in those of the new community. Request for new inscription must be presented in accordance with regulations prescribed in par. 31.

To the request must be attached a certificate of the Mayor of the community of previous residence, which affirms that proponent be not included or has been cancelled from the list of the community. When the cancellation or inscription have been carried out, the Mayor of the community, in which must be effected the corresponding inscription or cancellation of lists.

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Law of 19 June 1913, No. 640, art. 2 (art. 13)
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These voters may exercise their rights only in their resident communities if listed in the register of permanent population.

When they have for at least six months moved to another community and have been inscribed in the register of the permanent population of same they must at their request, or for lack of same, be stricken from the voting lists and from the register of the permanent population of the community where they were residing and be inscribed in those of the new community.

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Art. 14

Single text, art. 14 and law 19 June 1913, no. 640, art. 2

(art. 14 and 15)

Voters are those

Those are voters who have completed their 21st year of life, or complete it not later than 31 May of the year in which revision of lists takes place, those who pay yearly to the community a direct contribution of produce of any kind, or a sum not lower than five lire for communal taxes of family or hearth on the rent value, cattle, carriages, servants, on business and resale or for other communal taxes required for listing. The following are also voters:

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1. those who sublet or lease in any way real estate taxed in any way at not less than lire 15.
2. those who pay for their house or for workshop, warehouses or stores, or also merely for their living quarters, an annual rent of not less:
 - in co munities which have less than 1000 inhabitants, lire 20
 - in those from 1.000 to 2.500 inhabitants, lire 50
 - in those from 2.500 to 10.000 inhabitants, lire 100
 - in those from 10.000 to 50.000 inhabitants, lire 150
 - in those from 50.000 to 150.000 inhabitants lire 200.

The direct produsse tax, as per first paragraph of this article, is not reco-
gnized for electoral rights if the property was not owned prior to the first
operation of the annual revision of electoral lists. This provision is not
applicable to the owner by means of succession or anticipation of heredity,
The contribution originating from communal taxes must be justified with
proof of effective payment of taxes for the preceding year.
The contracts, as per numbers 1 and 2, must, to all intents indicated in
this article, have sure date which results from acts or contracts, prior
to at least six months to the time fixed by art. 37 for revision of vting
lists.

Art. 15

Single text, art, 16 and law 19 June 1913, no. 640, art. 2 (art
16)

The tax paid on public issues or those subject to State revenue, is not
admissable for the census, if not owned for at least five years by who^m may
demand registration in the lists.

Art. 16

Single text, art. 17 and law 19 June 1913, no. 640, art. 2 (art.
17)

The father is responsible for contributions paid for property of the sons,
of whom he is administrator by provisions of law.
The husband for payments of the wife, excepting the married couples who
are personally separated by means of court order or by authorization of
the Court s.

Art. 17

Law 19 June 1913, No. 640, art. 2 (art. 18)
The contribution paid as per 1st paragraph of art. 14 by a widow or by a
wife legally separated may be recognized as electoral census in favor of
one^{of} her descendants or in-laws designated by her up to the second genera-
tion of parentage or relationship.
Likewise, the person whose census for the electorate has been perscribed,
can give power of attorney for it to one of his descendants or relatives
down to the sixth degreee of relationship or affinity, in case he is not
able or does not want to exercise his electoral right.

The person who receives such powers of attorney must meet the other
requirements to be an elector.

Designations and grants of power of attorney can be done by plain
notarized statement and can be revoked in the same way before the annual
revision of electoral lists is started.

Art. 18

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Art. 17

Law 19 June 1913, No. 640, art. 2 (art. 18)
The contribution paid as per 1st paragraph of art. 14 by a widow or by a wife legally separated may be recognized as electoral census in favor of one of her descendants or in-law designated by her up to the second generation of parentage or relationship.

Likewise, the person whose census for the electorate has been prescribed, can give power of attorney for it to one of his descendants or relatives down to the sixth degree of relationship or affinity, in case he is not able or does not want to exercise his electoral right.

The person who receives such powers of attorney must meet the other requirements to be an elector.

Designations and grants of power of attorney can be done by plain notarized statement and can be revoked in the same way before the annual revision of electoral lists is restarted.

Art. 18

Law of the 19 of June 1913 n. 640, art. 2 (art. 19)
The direct tax paid "pro indiviso" gives the electoral right if it derives from the capacity of heir. If it derives from another capacity a contribution quota not lower than 5 lira for every census subject is required for the electoral right.

Art. 19

Law of the 19.th of June 1913 n. 640, art. 2 (art. 20)
The direct tax paid for property under usufructus, Perpetual lease or lease for more than 30 years, is regarded as census for both parties in the above mentioned contracts.

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Art. 20

Law of the 19 of June 1913 n. 640, art. (art. 20 bis)
Landlords whom the law temporarily exempts from land tax, can make appli-

cation to have a determination of the tax that they would have to pay in case they did not enjoy said exemption. This determination is at their expense. They enjoy the electoral right on account of such tax even before they lose the above mentioned exemption.

Art. 21

Law of the 19.th of June 1913 n. 640, art. 2 (art. 20 ter)
To all electoral effects the taxes paid by owners of undivided property or by a commercial society are computed on the basis of half for each associate.

The same criterion is applied in order to determine the share of associates in the cases mentioned by the regulation issued by art. 14 in numbers 1 and 2 of the second paragraph.

If one of the sharers asks for a higher quota than the others, he must explain the ground on which his right is based by producing the titles that prove it.

Proof. The existence of commercial society must be regarded as sufficiently proved by a court certificate indicating the names of the members.

Art. 22

Law of the 19.th of June 1913 n. 640, art. 2 (art. 20 quater)
Leases paid for property owned by unequal responsibility society or corporations and taxes on property belonging to such societies are computed into the census of their managers or directors up to the figure of their participation to the capital. Such participation must be proved in the manner specified above.

Art. 23

Law of the 19.th of June 1913 n. 640, art. 2 (art. 21)
Non commissioned officers and privates of the Royal Army Navy cannot exercise the electoral right as long as they are in the armed forces.

This ruling applies also to persons serving in other military organizations of the state, the province and the municipality.

In making the electoral list, a list of electors who are in the conditions specified in this article, shall be made along the same regulations and guarantees required for the making of the electoral list itself.

Art. 24

Law of the 19.th of June 1913, n. 640, art. 2 (art. 22)
Women cannot be enrolled in the administrative electoral lists and are not eligible to offices mentioned in the present law.

Art. 25

Law of the 19.th of June 1913, n. 640, art. 2 (art. 22 bis)
and Law of the 19.th of June 1913 n. 632, art. 11

Apart from the rulings of the articles 104, 104, 105, and 115, the following persons cannot be elect or be elected:

- 1) those who are under interdiction or inability on account of mental incapacity
- 2) business men who have suffered bankruptcy so long as the bankruptcy status lasts, but not longer than 5 yrs from the date on which the sentence that has declared their bankruptcy has been issued, or from the date on which they have been ruled bankrupt according to art. 39 of the law of the 24 of May 1903 n. 197
- 3) those who are in poorhouses and those who normally depend on public welfare institutions or charity institutions
- 4) those who are under police warning according to law and those who are under special vigilance
- 5) those who have been sentenced for idleness, vagrancy and sentenced

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- 4) those who are under police warning according to law and those who are under special vigilance
- 5) those who have been sentenced for idleness, vagrancy and sentenced mendicants
- 6) those who have been sentenced to a life term, to perpetual interdiction from public offices and those who have been sentenced to more than 5 years in prison or detention house.
- 7) those who have been sentenced to other penalties that restrict personal liberty, including those under arrest for not more than 5 days
- 8) those who have been sentenced to temporary interdiction from public offices during the time in which they are expiating their sentence
- 9) Those who have been sentenced for crimes against personal liberty mentioned in articles 145, 146, 147 of the criminal code for embezzlement, collusion and corruption, calumny, false witnessing, societas ad delinquendum mentioned by art. 243 of the criminal code, prevarication, counterfeiting and forgery, forgery, forgery of seals, state prints and their originals, falsehood under oath, fraud in auctions, for crimes against public

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against public safety, excluding those caused by mere guilt and those specified by art. 310 of the criminal code, rape, corruption of minors, offense against public decency, lenocinium, homicide, personal injuries followed by death and that mentioned by par. 1 and 2 of art. 372 of the criminal code, excluding the first and last paragraphs of said article, theft, excepting the case where the sentence comes under the heading of art. 405 of the criminal code or abuse of "civiles usus" robbery, extortion and blackmail, swindling, other frauds, unlawful appropriation and damage mentioned by art. 424 of the criminal code, for both fines in cases where the state attorney starts the prosecution, taking of stolen goods and fraudulent bankruptcy.

10) those who have been sentenced for crimes that, according to the criminal law no longer in force, corresponds to the crimes mentioned in the preceding article 11) those who, according to art. 11 of the law of the 19.th of June 1913 n. 62 have been sentenced twice for drunkenness. Such incapacity shall last 5 years from the day on which the term has ended or the last final sentence has been dropped. In case of the same crime being committed twice within the term mentioned above five more years shall have to pass from the extinction of the second sentence.

Those who have been rehabilitated according to law shall not come under the jurisdiction of the present ruling.

Art. 26

Long text, art. 23 and law of the 19.th of June 1913 n. 640 art. 2 (art. 23)

All literate voters enrolled in the electoral list are eligible to appointment as municipality councillors.

The municipal Giunta in giving public notice of the outcome of the elections, according to art. 86, shall invite those, who do not appear to be literate according to the voters roster or remarks in the electoral list, to give evidence of literacy in any of the manners allowed by the law on the enrollment in the list. Such evidence shall be deposited with the municipality secretarial office within 10 days from that on which notice has been given. When the number of literate voters is lower than twice the number of councillors allotted to the municipality, illiterates also can be elected.

The following persons cannot be elected:
Church ministers or Religious ministers with temporal jurisdiction or spiritual duties, those who normally perform same duties, and members of chapters and religious colleges.

Government officials whose duty is to vigilate on municipality administration, and municipality employees

those who are employed in local charity institutions

those who receive pay or salary from the municipality or institutions administered or subsidized by them and municipality teachers

those who handle money of the municipality before they have given full account of it

those who have a suit pending with the municipality

those who directly or indirectly have interests in services, exactions of rights, subsidies or public leases in the interest of the municipality, or in business organizations that are in any way subsidized by the municipality

administrators of the municipality or welfare entities under its vigilance who are responsible from both administrative and civil viewpoint

those who have a debt to the municipality that can immediately be paid in cash, have been officially declared insolvent

Art. 27

Law June 19, 1913 n. 640 (art. 24)

The following persons cannot serve at the same time on the same communal Council: family members, father in law and son-in-law, the adopting and adopted

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those who directly or indirectly have interests in services, exactions of rights, subsidies or public leases in the interest of the municipality, or in business organizations that are in any way subsidized by the municipality

administrators of the municipality or welfare entities under its vigilance who are responsible from both administrative and civil viewpoint

those who have a debt to the municipality that can immediately be paid in cash, have been officially declared insolvent

Art. 27

Law June 19, 1913 n. 640 (art. 24)

The following persons cannot serve at the same time on the same communal Council: family members, father in law and son-in-law, the adopting and adopted.

Art. 28

Single text art. 25 and law June, 1913 n. 640 (art. 25)

Eligible as provincial councillors are all registered voters, who are in the conditions established in the first paragraph of art. 26 of the present law or will be able to produce to the provincial deputacion the evidence mentioned in the second paragraph of this article, depositing it with the secretary of the Office of the provincial administration within ten days from the notification established by art. 37.

The following persons are excepted:

those who do not reside in this province, do not own any real estate, or don't

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pay any movable property tax;

clergyman and ministers of the church as mentioned in art. 26; public officials, in charge of the supervision of the Province and their office employees, those in charge of the management of provincial money or have suits pending with the province; those who receive wages from the Province or from communities under takings subsidized by it, teachers, employees and book keepers of the municipalities and welfare institutions existing in the Province; those who directly or indirectly are on duty, or are taking any part in collecting claims, or those in charge of supplies and leases in the interest of the Province or have interests in societies or business, and are assisted in any by the Province; the administrators of the Province and Charity institutions under its supervision who are responsible from both administrative and civil viewpoints; those who have a collectable debt to the Province or have been officially declared insolvent.

Officials of the Court of Appeals and Pretura in the territory under their jurisdiction.

Extract of the "Official Bulletin" of the kingdom of Italy "year 1915 n. 59.

II TITLE

Administrative elections

CHAPTER II

Electoral lists and precincts

Art. 29

Single text, art. 26 and law 19 June 1913, n. 640 art. 26
The electoral lists shall be made in two copies, in alphabetical order, and contain first and second name, paternity, place and date of birth, the title by which the electors have been inscribed and their residence if they have in the municipality.

With the same rules and guarantees established to make the lists, another voting list will be made and attached to them for electors who are in the conditions mentioned by art. 23.

Art. 30

The electoral lists are permanent and they shall be modified by means of the annual revision only to be performed according to the following rules.

Art. 31

Law 19 June 1913 n. 640 art. 2 (art. 28)
and law 26 June 1913 n. 821 (single text)

Those who are known to possess the qualifications necessary to be officially inscribed in the electoral and political lists of the municipality shall be officially enrolled in the electoral administrative lists.

Those who have been registered at least six months in the income tax lists shall be likewise officially enrolled.

Such enrollments shall be made according to the lists established by art.

26 of the single text 26 June 1913 n. 821 completed with the information required at art. 21 of the same text.

In the copy of list n. 2 the municipal collector's office will put its signature near the names of those who are in the conditions mentioned at the 20th paragraph of this article.

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Such enrollments shall be made according to the lists established by art.

26 of the single text 26 June 1913 n. 821 completed with the information required at art. 24 of the same text.

In the copy of list n. 2 the municipal collector's office will put its signature near the names of those who are in the conditions mentioned in the 20th paragraph of this article.

Those who make their request within December 15th and give evidence to possess the qualifications required shall also be enrolled in the electoral administrative lists, with this aim the mayor shall invite them with a poster to be published every year on the 1st of December.

Art. 32

Single text art. 29 and law 19 June 1913, n. 649 art. 2 (art. 29 and 300)
 Those who make request to be enrolled in the Municipality's electoral list shall accompany it with following data and documents:

- 1st paternity, place and date of birth;
- 2 if necessary a declaration proving that he is a resident of the Municipality;
- 3 his residence; if he does not live in the Municipality he must point out which electoral precinct he wishes to be enrolled in;
- 4 qualifications by which, according to the present law, he requests to be

enrolled and all other documents necessary to prove that the applicant possesses all qualifications to be a voter. All documents, titles, enrolments/certificates in the lists of income tax that should be requested for this purpose, are exempt from any taxation or fee whatsoever.

Noncitizens shall give evidence of having met the requirements specified in the last paragraph of art. 12.

The applicant who is not born in the municipality, ^{on whose #} in the lists of which ~~the~~ requests to be enrolled shall attach a copy of his birth certificate.

Art. 33

Law 19 June 1913 No. 610 art. 2 (art. 36)

The request shall be signed by the applicant. If he is unable to sign or prevented by some physical cause for doing so, he can make his request verbally in the presence of two witnesses, called to ascertain in his identity, before the municipality secretary, or another employee delegated by the mayor, or before a Notary public. A certificate of it shall be released to the applicant. To the effects of art. 26 and 28 of the present law, the evidence of literacy shall consist on a school certificate, or in producing the request of enrollment on the electoral administrative lists, the father's name, age, residence and social condition written and signed by the applicant in the presence of a notary public and three witnesses. The notary public shall state in the authentication that he saw him writing in his presence and in the presence of the witnesses and that the or the witnesses know the applicant.

With the request should be enclosed the documents to prove that the applicant meets the requirements to become an elector and shall be attached to the request.

Request and documents should be filed at the Municipality secretary's office, and the secretary shall release a receipt for the document produced.

Art. 34

Law 19 June 1913 No. 640 art. 2 (art. 310) an law 26 June 1913 No 821 - (single text)

The municipal electoral Committee established by art. 25 of the political electoral law 26 June 1913 number 821's single text shall proceed also to the annual revision of the electoral administrative lists. The following persons cannot serve at the same time in the same municipal electoral or provincial Committee; ascendants and descendants, brothers, father-in-law son-in-law the adopting and adopted. It shall not be allowed to the same person to take part in the municipal electoral Committee at same time as in the provincial. The rules established in art. 26, 27, 30, 31, 33, and 47 of the above mentioned single text, shall be complied with also in the revision of the administrative electoral lists.

Art. 35

Law 19 June 1913, n. 640 art. 2 (art. 34)

After the term mentioned in art. 31 expires the communal Committee shall meet to examine the requests and make at once five separate lists for the revision of the final lists.

Art. 36

Single Text art. 35, Law 19 June 1913, n. 640 art. 2 (art. 35) and Law 26 June 1913 n. 821 (Single Text)

On the first list those persons shall be enrolled who have the right to be voters in the municipality either for having been enrolled "ex officio"

before a Notary public, or another employee delegated by the mayor, or To the effects of art. 26 and 28 of the present law, the evidence of literacy shall consist on a school certificate, or in producing the request of enrollment on the electoral administrative lists, the father's name, age, residence and social condition written and signed by the applicant in the presence of a notary public and three witnesses. The notary public shall state in the authentication that he saw him writing in his presence and in the presence of the witnesses and that the or the witnesses know the applicant.

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Art. 36

Single Text art. 35, Law 19 June 1913, n. 640 art. 2 (art. 35) and Law 26 June 1913 n. 821 (Single Text)

On the first list those persons shall be enrolled who have the right to be voters in the municipality either for having been enrolled "ex officio" according to art. 31 or for having filed a request complete with the documents required in art. 31 and 32. For the latter the commission shall request the President of the Tribunal to release the certificate mentioned in the second paragraph of art. 21 of the Single Text 26 June 1913 n. 821.

The commission shall not propose the enrollment of any person without documents proving that same person meets all the requirements necessary for the inclusion on the electoral list of the municipality.

Near each name a note shall be made to point out the qualifications and documents on the basis of which the inscription is proposed or whether the request was made by the appellant or by his office.

Near the names of the newly inscribed voters who are included ^{under} in conditions mentioned in art. 23 the same note shall be made.

On the second list the Commission proposes the cancelling of the dead, of those who have lost the qualifications required to become a voter and of those who

have lost the requirements needed to be voters and finally of those who have been stricken for at least six months from the register of permanent population of the municipality.

Each name on the second list must show a notation, which will indicate the reasons and the documentation, for which cancellation is proposed, and if by demand, complaint or by the office.

On the third list are shown the names of persons whose request for registration is not accepted, with indication of the reasons for denial. On the fourth list are shown the names of voters, who have emigrated permanently to foreign countries. As emigrated permanently are considered those, who going abroad for the purpose of working have obtained the re-
lative passport for abroad with tax exemption, and those who are simply known to have emigrated abroad, for work purposes for at least two years.

On the fifth list are shown the names of those who are under conditions as per par. 23.

Art. 37

Text art. 37 and law 19 June 1913, no. 640 art. 2 (art. 37)

Not later than 31 January the Commission invites, by notification to be put up in public places, whoever has complaints to make against lists, to be presented by February 15.

During this term a copy of the five lists prescribed by art. 36, signed by the Commission, must be affixed on the Police bulletin board, in visible form; and another copy, also signed by the Commission, with titles and documents relative to each name, together with roster of the preceding year, must remain in the communal office, with the right of each citizen to look up same.

On 1 February the Mayor notifies the prefect of the Province of the posting of the notices.

Art. 38

single text art. 39

Publication prescribed by art. 37 takes the place of notification for those for whom the Commission has ordered registration on the vote list.

Art. 39

Single text, art. 40 and law June 19, 1913, n. 640 art. 2 (art. 40)
The commission which has proposed the cancellation of a voter, or denied the requested cancellation or registration, must notify in writing of this decision to the voter, for whom they have ordered cancellation, or to the one requesting cancellation or inscription, stating the motives, not later than three days after the rosters have been published.

These notifications, similar to those per pars. 40, 44, 49, are ordered carried out by the Mayor, without expense, through municipal agents, who must be given a receipt on the proper register. If receipt is not obtained, the municipal agents certify to the notification which has been carried out, which is accepted until the contrary has been proved.

Art. 40

Single text, art. 41, and law 21 December 1902, no. 528 (art. 19)

Each citizen, under terms indicated in art. 37, may complain to the electoral commission of the Province against any inscription, cancellation, denial of inscription or commission of cancellation on the rosters proposed by the municipal commission.

The complaints may also be presented, at the same time, to the municipal commission, which through the municipal secretary, will issue receipt, and will trans-

On the fifth list are shown the names of those who are under conditions as per par. 23.

Art. 37

Text art. 37 and law 19 June 1913, no. 640 art. 2 (art. 37)
Not later than 31 January the Commission invites, by notification to be put up in public places, whoever ^{has} complaints to make against lists, to be presented by February 15.

During this term a copy of the five lists prescribed by art. 36, signed by the Commission, must be affixed on the Police bulletin board, in visible form; and another copy, also signed by the Commission, with titles and documents relative to each name, together with roster of the preceding year, must remain in the communal office, with the right of each citizen to look up same.

On 1 February the Mayor notifies the prefect of the Province of the posting of the notices.

Art. 38

single text art. 39

Publication prescribed by art. 37 takes the place of notification for those for whom the Commission has ordered registration on the vote list.

Art. 39

Single text, art. 40 and law June 19, 1913, n. 640 art. 2 (art. 40)

The commission which has proposed the cancellation of a voter, or denied the requested cancellation or registration, must notify in writing of this decision to the voter, for whom they have ordered cancellation, or to the one requesting cancellation or inscription, stating the motives, not later than three days after the rosters have been published.

These notifications, similar to those per pars. 40, 44, 49, are ordered carried out by the Mayor, without expense, through municipal agents, who must be given a receipt on the proper register. If receipt is not obtained, the municipal agents certify to the notification which has been carried out, which is accepted until the contrary has been proved.

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The complaints may also be presented, at the same time, to the municipal commission, which through the municipal secretary, will issue receipt, and will transmit them to the provincial electoral commission.

If the complaint, with which a registration is contested, is presented, to the municipal commission, this latter, within three days following presentation, must notify the interested party, excepting when the complainant states to desire to carry out directly the notification through police juridical officer or usher of the conciliation office. In the notifications must be indicated the person who complains and the motive for the complaint.

the person, of whom inscription is contested, may, within three days after registration has been effected, present a counter claim with whatever documents may be deemed useful, to the same municipal commission, which will issue a receipt.

If the complaint, which contests an inscription, is presented to the electoral commission of the Province, the complainant must demonstrate to have made notification to the party concerned, through a police judicial official or usher of the conciliation office, under prevailing provisions.

Art. 41

Law of the 19.th of June 1913 n. 640, art. 2 (art. 42)
and law of the 26.th of June 1913 n. 821 (single text)

The provincial electoral commission established by art. 37 of the single text of the 26.th of June 1913 n. 821, shall also proceed to all the operations required by the present law, with the same rules established by art. 37 and 47 of said single text.

The representative of the king's attorney shall attend the meeting of the commission with the same power as those specified by art. 37 of the single text.

Art. 42

Single text art. 43 and law of the 19.th of June 1913 n. 640, art. 2 (art. 43)

When the term mentioned at art. 37 expires, and not later than the 1st. of March, the president of the electoral commission of the municipality shall have the following transmitted to the president of electoral commission of the province:

- 1) minutes of his operations and decisions
- 2) the final and complete list of the preceding year
- 3) the 5 lists mentioned at art. 36, with all documents concerning the new enrollments and cancellations or applications turned down, even if there has been complaints
- 4) complaints and all documents connected with them

The other copy of the list and rolls shall be kept in the municipality office.

The president of the provincial commission, within 3 days from that on which the list, the rolls and the documents have been transmitted to him, shall send a receipt of it to the municipality office.

A note shall be made of the lists, rosters and documents received, in a special register, signed in each sheet by the president of the provincial commission.

Art. 43

Single Text art. 44, Law of the 19th of June, 1913 n. 640, Art. 2 (art. 44) and Law of the 26th of June 1913 n. 821 (single text)

The Provincial commission shall:

- 1) examine all operations performed by the municipality commission and decide on complaints filed against it
- 2) decide on new enrollment or cancellation applications that may have reached it directly
- 3) cancel citizens unlawfully enrolled from the lists approved by the municipality lists, and keep on the rolls those have been unlawfully cancelled, even if there has been no application or complaint.

The provincial commission makes its decision exclusively on the basis of acts and documents produced by the 1st. of March by the parties and the municipality commission; but it shall have also the authority to enroll on its own initiative persons whom new documents show as meeting the necessary requirements and having obtained the certificate mentioned at the second paragraph of art. 21 of the single text of the 26.th of June n. 821.

The provincial commission shall meet within 10 days from that on which they received the required acts and documents.

Within the minutes of all operations of the provincial

the representative of the king's attorney shall attend the meeting of the commission with the same power as those specified by art. 37 of the single text.

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A note shall be made of the lists, rosters and documents received, in a special register, signed in each sheet by the president of the provincial commission.

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The provincial commission makes its decision exclusively on the basis of acts and documents produced by the 1st. of March by the parties and the municipality commission; but it shall have also the authority to enroll on its own initiative persons whom new documents show as meeting the necessary requirements and having obtained the certificate mentioned at the second paragraph of art. 21 of the single text of the 26.th of June n. 821.

The provincial commission shall meet within 10 days from that on which they received the required acts and documents.

The secretary shall write the minutes of all operations of the provincial commission; said minutes shall be signed by the secretary and the members who take part in the operations.

Deliberations shall be motivated and, if they disagree, the vote of each commissioner and reasons brought out by him shall be indicated.

Art. 44

Single text art. 45 and law of the 19.th of June 1913 n. 640 art. 2 (art. 45)

By the 30th. of April, the provincial commission shall have given its final approval of the lists which, within the same term, shall be returned to the municipality together with the documents, including those on the basis of which the commission has deliberated on enrollments or cancellations on its own initiative. The municipality secretary, within 5 days, shall send a receipt of it to

the president of the provincial commission.

The decisions of the commission shall be notified to those interested within the 20th of May by care of the mayor and in the manner specified at art. 39.

The lists finally approved shall be deposited with the municipality secretary not later than the 10th. of May and remain there until the 30th of the same month. The mayor shall notify the public when said papers have been deposited. All citizens shall have the right to examine the lists.

By the 20th. of May, the municipality commission, in conformity ^{add} with the finally approved lists, shall correct the permanent list, and to it the names included in the list of the newly enrolled voters and strike off the names of those included in the list of newly canceled voters.

By the 25th. of May, a minute of the corrections shall be made, signed by the commission and mailed by the mayor to the king's attorney at the tribunal of the capital of the province.

The permanent and corrected list of the municipality shall be posted in the municipality office until the 31st of May, and all citizens shall have the right to examine it.

Art. 45

Single Text art. 46 and law of the 19th. of June 1913 n. 640 art. 2 (art. 46)

No new variations ~~if~~ the permanent lists shall be made until the revision of the following year has been made, excepting those caused by death of voters proved by an authenticated document; by interdiction from voting rights resulting from a sentence passed "in judicio"; and by sentences mentioned at art. 49. Said variations shall be made by the municipality electoral commission which shall ^{to} the permanent list a copy of the decisions mentioned above, and transmit the minutes to the king's attorney at the tribunal of the capital of the province and the president of the provincial electoral commission.

The municipality electoral commission shall also make on the list mentioned at art. 29 the necessary variations both in order to ~~cancel~~ the names of the persons who no longer are in the situation specified at art. 23 and to enroll other persons who in the meantime have met the requirements specified at the same article.

Minutes of these variations also shall be transmitted to the king's attorney and to the president of the provincial electoral commissions.

For the operations mentioned at the present article, the mayor shall summon the electoral commission of the municipality at least every three months.

The provincial commission shall make all variations resulting ~~from~~ the above mentioned minutes in the lists of the precincts mentioned at art. 53.

Art. 46

Single Text art. 47 Law of the 19th of June 1913 n. 640 art. 2 (art. 47) and law of the 26. th of June 1913 n, 821 (single text) art. 44

Any citizen who wants to appeal against a decision or deliberations of the provincial commission or file a complaint for denied justice, or false or erroneous correction of the permanent list of the municipality, drawn as required by art. 44, must bring action before the Court of Appeal and produce the proper evidence.

The action must be brought by plain recourse for which the president of the court of appeals shall fix an audience in which the case will be discussed according to the procedure of urgency.

If the appeal against the deliberation or decision of the provincial commission is filed by the same citizen who had filed a complaint against the proposals of the municipality commission, or who had directly brought an enrollment

the permanent and corrected list of the municipality shall be posted in the municipality office until the 31st of May, and all citizens shall have the right to examine it.

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If the appeal against the deliberation or decision of the provincial commission is filed by the same citizen who had filed a complaint against the proposals of the municipality commission, or who had directly brought an enrollment application to the provincial commission, or who had been canceled from same commission the appeal, under the penalty of being declared null and void shall be made, within 10 days from the notification mentioned at the second paragraph of art. 44 and together with the decree, to the voter or voters whose enrollment is the subject of the appeal, or to the president of the provincial commission, if the appeal has been filed against the exclusion of one or more voters from the list.

If, instead, the appeal is filed by another citizen, it must be made under the penalty of being declared null and void, within 15 days from the last day of publication of the corrected permanent list.

Pending the case before the court of appeals, the right to vote is all be kept both by the voters who had been enrolled on the lists of the previous year and been canceled from them, and those who had been enrolled on the final lists of the pending year following decision of the provincial commission

complying with the suggestions of the municipality commission.

Art. 47

Single Text art. 48

The appeal before the court of appeals against the decree of the provincial electoral commission that cancels the new voters proposed by the municipality commission has no suspending effects.

Art. 48

Single text art. 49

The appeal together with the appropriate documents, under the penalty of being declared null and void, shall be deposited with the cancellor's office of the court of appeals within 5 days from that on which it was notified. The case shall be decided upon without attorney or lawyer being required to assist, on

the basis of the report made at a public audience by a councillor of the court of appeals, after hearing the parties and their defense, if they have presented themselves, and the king's attorney in his oral conclusions.

If the appeal for enrollment of against cancellation of other persons is declared destitute of any foundation, the court of appeals, at the same meeting at which they turn down the appeal, shall inflict the penalty from 50 to 100 Lira on the person who has filed the appeal.

Art. 49

Single text art. 50

The king's attorney shall immediately notify the president of the municipality commission the sentences of the court of appeals in order to give effect to their decision and ensure the proper notification at the expenses of the persons interested.

The sentence issued by the court of appeals can be appealed against by the losing party, who can file appeal with the Supreme Court, where no attorney's assistance is required.

All terms of this procedure shall be reduced by half.

The president, on plain appeal, shall urgently fix an audience for the discussion of the case.

Art. 50

Law of the 19.th of June 1913 n. 640 art. 2 (art. 51)

The municipality commission for the revision of the lists, within 5 days from the notification of the sentence, shall make the correction prescribed in it on the final list, and attach a copy of said sentence.

The rectification shall be made according to the rules established at art. 44.

Art. 51

Single Text art. 53 and 54 and Law of the 19.th of June 1913 n. 640 art. 2.

All acts and documents concerning the annual revision of the electoral list shall always be subject to exhibition to anybody at the secretary's office of the municipality or the provincial electoral commission respectively wherever they are located.

A copy of the permanent electoral list, as corrected, and made by the municipality secretary and duly authenticated by the electoral commissions of the municipality and the province, shall be kept in the files of the prefettura.

The final lists shall be gathered in one register and kept in the files of the municipality.

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A copy of the permanent electoral list, as corrected, and made by the municipality secretary and duly authenticated by the electoral commissions of the municipality and the province, shall be kept in the files of the prefettura. The final lists shall be gathered in one register and kept in the files of the municipality.

Any one shall have the right to copy, print or put on sale rosters, final lists of the municipality and lists of the voters of the precincts.

Municipalities shall be authorized to gather in one register the political electoral lists and the administrative electoral lists.

In the single register, together with the indications required by law there shall be a notation of the political or administrative capacity or both, for each enrolled voter.

The permanent list shall contain also the mentioned of the year and the general file number of the dossier concerning the enrollment of each voter, as well as the address of each voter as required at art. 53, fourth paragraph.

Art. 52

Single Text, art. 58 and Law of the 19. th of June 1913 n. 640 art. 2 (art. 58)

3666

Voters shall have one meeting only.

If the voters are more than 800, the municipality shall be divided into precincts.

Each precinct shall have not more than 800 and not less than 100 enrolled voters, and directly concurs in the election of all councillors, excepting the case specified at the last paragraph of art. 57.

When the exercise of the voting rights is made difficult by the fact that the voter lives too far and transportation is too poor, precincts with less than 100 enrolled voters but not less than 50 can be formed.

Art. 53

Law of the 19.th of June 1913 n. 640 art. 2 (art. 59)

The municipality electoral commission before the 31.st of January of every year, shall ~~proceed~~ divide the municipality into precincts as required by art. 52; they shall fix the territorial limits of each precinct as well as the meeting place for each of them, and make the list of voters of each precinct.

On such list, the lists of the hamlets that have a separate representation according to art. 57, shall be kept separate.

Said list shall have two columns, in order to contain, as required by art. 75 and 76, the identification signatures of the voters, ~~and~~ the countersignatures for the ascertainment of voters.

The voter shall be assigned to the precinct where, according to the indications of the list, he has his address.

Voters who do not reside in the municipality or failed to make the declaration required by art. 32, shall be assigned to the lists of each precinct according to alphabetical order.

The emigres mentioned by art. 36 also shall be included on the lists each in his own precinct in alphabetical order and enrolled on sheets following those on which the other voters are enrolled.

The voter who changes his residence from one section to another another precinct shall be entitled to a transfer to the voters' lists of the same precinct. The voter must present his signed application to the mayor not later than the 15.th of December.

Voters who are unable to write their own signature can make their application orally in the manner specified at art. 33. The municipal commission makes the changes on the lists of the two precincts, attaching the request to the list of the precinct, where the voter registers. No change may be made without request.

Not later than 31 January the municipal Commission, with notice to be posted in public places, invites all those who have complaints to make against division of the community into precincts, limitation of precincts, formation of the voter list for each precinct, transfer of same from one precinct to another, determination of the meeting places of each precinct, to present themselves by the 15.th. of February to the provincial electoral commission. During that time, the text of the deliberations, as per 1.st paragraph, and copy of the lists with related documents, must remain in the municipal secretariat and every citizen has the right to inspect such documents.

On the 1.st of February the Mayor notifies the provincial prefect of the posting of notices.

Complaints may also be presented during the same period to the municipal commission, which through the municipal secretary issues receipt.

The President of the municipal commission not later than March 1.st must forward to the president of the provincial commission the text of minutes, as per 1st. paragraph, and copy of the lists with related documents and complaints which may have been received.

By April 30th. the provincial electoral commission decides, without recourse to appeal, on the complaints, and approves the voting list of each precinct.

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On such list, the lists of the hamlets that have a separate representation according to art. 57, shall be kept separate.

Said list shall have two columns, in order to contain, as required by art. 75 and 76, the identification signatures of the voters, the countersignatures for the ascertainment of voters.

The voter shall be assigned to the precinct where, according to the indications of the list, he has his address.

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By April 30th. the provincial electoral commission decides, without recourse to appeal, on the complaints, approves the voting list of each precinct, after consideration of deliberations and decision taken by same by virtue of par. 43, and authenticates same. The president must approve each sheet.

Art. 54

Law June 19, 1913 n. 640 par. 2 (art. 59 bis)

In the same building up to four precincts may meet, but access from the street to the hall must be for only two precincts and not more than two precincts. They have access from the same street.

When due to grave events the necessity arises to change the meeting places of the voters, the municipal commission must propose same, within five days from the date of publication of the meeting manifesto of the voters, to the provincial commission, which, after investigation which it may find necessary, orders without

appeal urgently and not later than the third days before the day fixed for the elections.

Wherever such a change may be approved, the president of the provincial electoral commission must immediately notify the mayor, who must inform the public with proclamations to be posted in the morning hours of the ^{day} before the election.

Art. 55

Single text art. 52

All acts regarding exercise of the right to vote, either relative to administrative procedure, or judiciary, are on free paper and exempt from both the registration tax and the deposit prescribed by art. 524 of the civilian code of procedures and registration expenses.

The agents of the direct tax, as regards matters as per art. 40 and 46, are under obligation to hand each citizen requesting same, the list extract of each contributor and the negative certificates of those who are not inscribed on these lists against payment of five cents for each individual to whom the extract and certificates refer.

ADMINISTRATIVE ELECTIONS

HEAD III

ART. 56

Single text art. 56 and law 19 June 1913, n. 640 art. 2 (art. 56)

Elections take place in the months of June and July.

However in places where temporary emigration during the summer season is considerable or of constant character, the provincial administrative Giunta, may on the request of either a communal Council or the majority of voters of a community after hearing the municipal councils of the electoral division, permit the same meeting of committees be delayed even after the above mentioned period and until the end of December.

The deliberations of the Provincial Administrative Giunta will be made public in the communities concerned; a gainst same appeal may be made also to the 5th. precinct of the State Council

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The deliberations of the Provincial Administrative Giunta will be made public
in the communities concerned; a gainst same appeal may be made also to the
5th. precinct of the State Council

Art. 57
Single text art. 57

The voters of a community take equal part in the election of each councillor. However, the Provincial Administrative Giunta, in the communities divided into divisions, on demand of the Municipal Council or the majority of the voters of a division, after hearing the Council proper, may redistribute the number of councillors among the various divisions on a population basis, fixing the limitation of each. The decision of the provincial administrative Giunta will be made public. In this case election of the councillors of the divisions will be effected respectively by the voters of same by separate balloting.

Art. 58
Single text, art. 46, par. I, and law 19 June 1913, No. 640
art. 2 (art. 46)

Election for partial or total renewal of the Council, at whatever period of year it take place, is made solely by the voters registered in the permanent list corrected in conformity with art. 44 and the first two paragraphs of art. 45.

Art. 59
Law 19 June 1913, No. 640 art. 2 (art. 59 bis)

The voters vote in the ^{precinct} section where they are registered.

Art. 60
Single text, art. 60 and law 19 June 1913, No. 640
art. 1 and 2 (art. 1 and 60)

The Prefect, in accordance with the first President of the Court of Appeals fixes the day of election in each community, and notifies the municipal Giunta which in turn notifies the voters indicating the date and places of the meetings by means of advertisements 15 days prior to the occasion.

The Prefect also communicates this decree to the president of the provincial electoral Commission, which, on the day following this participation, submits the lists referred to in art. 53, to the Electoral Commission of the Community.

Art. 58
Single text, art. 46, par. I, and law 19 June 1913, No. 640
art. 2 (art. 46)

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Art. 61

Single text art.55 and law of 19 June 1913 No.640 art.2 (art.55)

At least five days prior to the date set for the election, the mayor will have the certificate of inscription delivered to each voter.

The white paper certificate will indicate the precinct to which the voter belongs, the location of the meeting, and the day and hour of the voting.

Delivery of these certificates to resident voters of a community is acknowledged by a receipt by the voter or by a member of his family or someone in his service. When the person accepting a certificate cannot or will not make out a receipt for same, the carrier may substitute his own declaration in its stead.

Voters residing outside a Community have their certificates forwarded by the municipal office by the mayor of their Community, whenever this is known.

Three days prior to the election and until Election Day itself, voters who have not received their certificates, may obtain same personally and through registering in record books for that purpose.

When a certificate becomes lost or void, the voter has the right to appear in person the day before election or on Election Day itself, and by declaring same in a register for such purpose, obtain another certificate on green paper marked as a duplicate, from the mayor.

Following this article, the community office will remain open daily the five days prior to and on election Day itself, at least from the hours 0900 to 1700.

Art. 62

Single text, art.63 and law of 19 June 1913, No.640 art. 1 and 2.
(art.1 and 63)

In each precinct there is constituted an electoral office composed of a president and vice president, designated by the first president of the Appellate Court from among the magistrates of the district of the Court itself, but non-voters of the Community, or from among other judges and auditors attached to the Court, or from among the officials of public administration attached to the Court and the Tribunals; the balance of the members are four vote checkers and one secretary.

In communities that are the seat of Appellate and Tribunal Courts, the electoral administrators may be selected from among the registered magistrates-voters. of those same communities.

In cases of necessity recognized as such by the first president of the Court, the vice Police-Magistrate or Conciliatore may be designated for the office of president or vice president.

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the certificate of inscription delivered to each voter.

The white paper certificate will indicate the precinct to which the voter belongs, the location of the meeting, and the day and hour of the voting.

Delivery of these certificates to resident voters of a community is acknowledged by a receipt by the voter or by a member of his family or someone in his service.

When the person accepting a certificate cannot or will not make out a receipt for same, the carrier may substitute his own declaration in its stead.

Voters residing outside a Community have their certificates forwarded by the municipal office by the mayor of their Community, whenever this is known.

Three days prior to the election and until Election Day itself, voters who have not received their certificates, may obtain same personally and through registering in record books for that purpose.

When a certificate becomes lost or void, the voter has the right to appear in person the day before election or on Election Day itself, and by declaring same in a register for such purpose, obtain another certificate on green paper marked as a duplicate, from the mayor.

Following this article, the community office will remain open daily the five days prior to and on election Day itself, at least from the hours 0900 to 1700.

Art. 62
Single text, art. 63 and law of 19 June 1913, No. 640 art. 1 and 2.
(art. 1 and 63)

In each precinct there is constituted an electoral office composed of a president and vice president, designated by the first president of the Appellate Court from among the magistrates of the district of the Court itself, but non-voters of the Community, or from among other judges and auditors attached to the Court, or from among the officials of public administration attached to the Court and the Tribunals; the balance of the members are four vote checkers and one secretary.

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In cases of necessity recognized as such by the first president of the Court, the vice Police-Magistrate or Conciliatore may be designated for the office of president or vice president.

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In case of insufficiency or of impediment of same, whatever happens not to permit the normal substitution, the Mayor or one of the councillors by order of seniority assumes the presidency.

To the president and to the vice-president of the electoral office must be paid travelling rights of the judges of the courts of 1st. category, excepting for the superior magistrates to whom the payment is the right of the councillors of the court of appeal of 2nd. category.

Art. 63

Law June 19, 1913 No. 640 art. 2 (art. 640)

In the period between the eighth and fourth day prior to the election, in the public assembly announced two days before by means of the bulletin board at the pretura of the municipality, the municipal electoral commission increased by two municipal councillors elected by the largest number of votes and those elected by the smallest number of votes, and who are not members of the communal Giunta for the same Commission, shall proceed to the appointment of the ballot-checkers from among municipal voters, who are included in the list of jurymen or meet one of the requirements mentioned in art. 3 and 4 of the single text of the electoral political law.

If the municipal council is disbanded, four out-going councillors who were under the above stated conditions, shall be aggregated to the Commission.

Every Commissioner shall write one name only on the ballot and those shall be regarded as elected who receive the largest number of votes.

In case of parity of ballots the oldest member shall be regarded as elected. When the second meeting is regularly called, it shall be valid regardless of the number of those present.

The mayor notifies the above mentioned nominees in the shortest possible time and, at the most, not later than the second day prior to the election, the designation by means of a judiciary official or a municipal messenger.

The municipality shall pay an indemnity of 5 lira to each ballot-checker. Prior to the commission's assuming office, the precinct secretary shall be chosen by the president of the precinct from among residents of the precinct, from among residents of the municipality who fall into the following categories:

- 1) chancellors vice-chancellors, assistant chancellors, secretaries and vice-secretaries of law court offices
- 2) notaries public
- 3) municipality secretaries or vice-secretaries
- 4) literate voters of the municipality.

The present enumeration does not imply any precedence order to the effects of their appointment.

The secretary shall receive the pay of 10 lira by the municipality in which the precinct is located.

The minutes shall be drawn by the secretary in 2 copies and shall make mention of all the operations required in the present law. To all legal effects, the minutes shall have the character of an official document.

Art. 64

Law of the 19. th of June 1913 n. 640 art. 2 (art. 64-ter.)

The office of president, vice-president, vote-checker and secretary is compulsory for the persons who have been designated for them.

The vice-president helps the president in the performance of his functions and takes his place in case of absence or other impediment.

He can also perform the function of vote-checker by authorization of the president.

Regardless of the graver penalties specified by art. 112 for the case hereby mentioned, those who after having been appointed president, vicepresident, vote

sed by two municipal councillors elected by the largest number of votes and those elected by the smallest number of votes, and who are not members of the communal Giunta for the same Commission, shall proceed to the appointment of the ballot-checkers from among municipal voters, who are included in the list of jurymen or meet one of the requirements mentioned in art. 3 and 4 of the single text of the electoral political law.

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The vice-president helps the president in the performance of his functions and takes his place in case of absence or other impediment.

He can also perform the function of vote-checker by authorization of the president.

Regardless of the graver penalties specified by art. 112 for the case hereby mentioned, those who after having been appointed president, vice-president, vote-checker or secretary, refuse to take up their duties with no justified reason, or fail to be present at the moment when they are to start their duties, are liable to a fine of from 100 to 1000 Lira. The president, vote-checkers or secretary who quit their duty before electoral operations are over, and without justifiable reason, are liable to the same penalty.

The king's attorney, on report by the president of the electoral circle, or any voter, or also on his own initiative, shall at once open criminal proceedings for the crimes mentioned in this article.

Art. 65

Law of the 19.th of June 1913 n. 640 art. 2 (art. 66)

At least three members of the Office, among whom shall be the president or the vice-president, shall always attend the electoral operations.

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Art. 66

Law of the 19.th of June 1913 n. 640 art. 2 (art. 60 bis)
The electoral commission of the municipality shall see that, in the afternoon of the day preceding the election, or on the very day of the election, before 8 a.m. the president of each electoral office be handed the following:

- 1) a seal of the municipality
- 2) the list of the voters of the precinct, authenticated by the provincial commission as required by art. 53, and two copies of such list authenticated on each sheet by two members of the municipality commission, of which one will be posted as required by art. 70
- 3) the written statements of appointment of the vote-checker mentioned by art. 63
- 4) the ballot or the ballots needed for the voting.

Art. 67

Single text art. 74, 61, 62 and law of the 19.th of June 1913 n. 640 art. 2 (art. 68 and 62)

The table at which the president, the vote-checker and the secretary sit, shall be placed so as to enable the voters to turn around it during the counting of the votes.

A copy of the list of voters of the precinct and the list of those persons mentioned in art. 23, shall be posted in the vote room during the electoral operations and the voters shall be allowed to consult it.
The list of councillors to be replaced and those who are to stay in office shall also be posted.

Articles 26, 28, and 65 and the articles of the number 67 to 70, 72, 83 from 76 to 89, 91, 97, 98 and from 100 to 115 of the present law, shall be posted on the door of the poll room in well legible characters.

Art. 68

Single text art. 67

Electoral meetings shall be devoted to the election of councillors exclusively and any other discussion or deliberation shall be forbidden.

Art. 69

Law of the 19.th of June 1913 n. 640 art. 2 (art. 67)
Admission to the poll room shall be granted to those voters only who each time produce the certificate of enrollment in their appropriate precinct as required by art. 61

They shall not enter the poll room with weapons.

Art. 70

Law of the 19.th of June 1913 n. 640 art. 2

Those who are not enrolled on the list of voters of their precinct shall have no right to vote.

The right to vote shall be granted ^{to those} who present themselves with a sentence of the Court of Appeal where it is stated that they are voters of the municipality, and those who produce evidence that they are in the position contemplated by the last paragraph of art. 46, or produce evidence that the cause for the suspension mentioned by art. 23 is ceased.

Evidence showing that suspension ~~cause~~ has ceased shall consist of producing the army discharge certificate, or the declaration of unlimited furlough, provided they have issued 3 months prior to the decree fixing the voting day, or the certificate of promotion to the rank of commissioned officer.

Art. 71

Law of the 19.th of June 1913 n. 640 art. 2 (art. 64 bis)

The president, vice-president and secretary, if they are voters of the municipality,

art. 2 (art. 68 and 62)
The table at which the president, the vote-checker and the secretary sit, shall be placed so as to enable the voters to turn around it during the counting of the votes.

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Evidence showing that suspension cause has ceased shall consist of producing the army discharge certificate, or the declaration of unlimited furlough, provided they have issued 3 months prior to the decree fixing the voting day, or the certificate of promotion to the rank of commissioned officer.

Art. 71

Law of the 19th of June 1913 n. 640 art. 2 (art. 64 bis)

The president, vice-president and secretary, if they are voters of the municipality, and the vote-checker, shall vote in the precinct where they hold office even if they do not belong to it.

Art. 72

Law of the 19th of June 1913 n. 640 art. 2 (art. 69)

The right to vote is personal: no voter can have himself represented or send his vote in written form.

The voter who finds himself physically incapable to cast his vote on account of apparent physical impediment regularly proved to the electoral office, shall be allowed by the president to have it cast by a voter who enjoys his trust. In the written statement of the voting proceeding the secretary shall specify the reason why the voter was authorized to have himself assisted in the voting, the name of the medical doctor who eventually certified the impediment and the name of the voter entrusted with power of attorney.

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Art. 73

Law of the 19th of June 1913 n. 640 art. 2 (art. 70)

At 8 a.m., on the day of the voting, the president forms the office staff and invites the vice-president to be a member of it, as well as the vote-checker and the secretary.

If all or some vote-checkers are not present or have not been designated the president calls all the oldest and the youngest alternatively to replace them among literate voters who are present.

The president of the office declares the voting open and has each voter called in order of enrollment on the list called by one of the vote-checker or the secretary.

One of the office members who is personally acquainted with the voter certifies his identity by putting his signature near the name of the voter in the appropriate column of the list that has been authentically ^{sc}certified by the provincial electoral commission.

If no one of the members can ascertain, under his personal responsibility, the identity of the voter the latter can present another voter of the municipality known to the office, to certify his identity. The president shall give the voter the proper warning to the effect that, if he makes a false statement, he would undergo the penalty established by art. 112.

Any voter who already has been admitted to the polls shall be considered as known to the office.

The voter who certifies his identity shall put his signature in the special column of the list mentioned above.

In case of disagreement on the ascertainment of the voters' identity the decision falls on the president according to art. 31.

The voter who presents himself with an identification book or ballot released by a public government office, and bearing his photo shall be admitted to the polls. In this case the number of the book or ballot and the office that released them shall be indicated in the above mentioned identification column near the name of the voter.

The voters included in the list mentioned in the second paragraph from the last of art. 36, shall be admitted to the polls if they enable the electoral officials to ascertain their identity.

In the written proceeding of the voting a special note shall be made, any voter listed on the list of those who have emigrated and he is admitted to the polls, as well as the name of the person who certifies to his identity or the number of his identification book or ballot, indicated in the preceding paragraph and the following article, and the office that has released them.

Art. 74

Law of the 19th of June 1913 n. 640 art. 2 (art. 70 bis)

To the effects of the second paragraph from the last of the preceding article any voter who cannot produce an identification book or ballot released by a government office, can obtain a special ballot by making application to this effect to the Pretore of the Mandamento in which the electoral precinct is located and in which he is supposed to cast his vote.

The Pretore shall release the ballot on payment of the cost price and after ascertaining the personal identity of the voter.

The ballot shall conform to form allegato F of the single text of the political electoral law: it shall have its own progressive number and contain on one side the picture of the voter dry-sealed by the Pretura and signed by the Pretore; on the other side it shall have the identification certificate, first and second name, paternity, age and birth place of the voter, mention of the electoral list of the municipality where the voter is enrolled, the signature of the Pretore, and the chancellor and the Pretura seal.

The voter who has been stricken off the electoral list shall return the ballot to the Pretore who will void it.

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If no one of the members can ascertain, under his personal responsibility, the identity of the voter, the latter can present another voter of the municipality known to the office, to certify his identity. The president shall give the voter the proper warning to the effect that, if he makes a false statement, he would undergo the penalty established by art. 112.

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The voter who has been stricken off the electoral list shall return the ballot to the Pretore who will void it.

Any alteration or unlawful use of the ballot shall be punished according to art. 112.

Art. 75

Law of the 19.th of June 1913 n. 640 art. 2 (art. 70 ter.)

In every Pretura there shall be a list containing, according to the order number of the ballots released, first and second name, paternity, age, birth-place of the voter, and the electoral list in which he is enrolled.

A copy of the picture, signed by the pretore shall be pasted on the list at the side of the above mentioned indications. Each sheet of the list shall be signed by the pretore, and his chancellor.

Art. 76

Single text art. 71, law of the 19.th of June 1913 n. 640 art. 2 (art. 71) 3
and law of the 8nd. of June 1914 (n. 456)

The voter whose personal identity has been ascertained shall go to the table as required by Allegato E of the political electoral law, only with the purpose of folding the vote ballot, already written or printed or partly written or printed according to the present article, and shall then present it, folded four times, to the president.

Those voters who artificioisly and speciously take too much time in folding the vote ballot or fail to answer to the invitation to present it, shall be taken care of by the president according to art. 75, second paragraph from the last, of the political electoral law of the 26.th of June 1913 n. 824 (single text).^{box}

The president shall drop the vote ballot into a transparent glass poll placed on the table of the office so as to be plainly visible to everybody. While the vote ballots are being dropped into the box, one of the vote checkers shall take proper note of each of them by writing his own name at the side of that of each voter in the appropriate column of the list authentic~~ly~~^{ly}ated by the provincial electoral commission.

All voters shall have the right to cast one vote for each councillor to be elected, if less than 5 are to be elected.

In the number of councillors is 5 or more, each voter shall have the right to vote for a number of names corresponding to four fifths of the councillors to be elected.

If this number of four fifths contains a fraction, the voter shall have the right to vote for the full number that immediately follows.

The voter shall have the right to add to names of the candidates, the paternity, trade, honorific or family title and academic rank. Any other indication shall be forbidden.

The ballots shall be valid even if they do not contain as many names of candidates as the number of councillors for whom the voter has the right to cast his vote.

The ballot can be written or printed, or partially written and printed.

The ballot shall be of white paper and bear no sign enabling one to recognize it.

Art. 77

Law of the 19 .th of June 1913. n. 640 (art. 72) and law of the 2nd of June 1914 (n. 456)

The roll call shall be over not later than 1 p.m. In case it is not the president shall suspend it and proceed to the voting, regardless of the order of the enrollment list.

The voters who show up after the roll is over, shall vote in the manner required by the preceding articles.

The voting shall remain open until 7 p.m. If, by 7 p.m. however there still are voters who did not cast their vote, the voting shall continue until all of them have cast their vote, but under no circumstances, later than 8 p.m.

Art. 78

Single text art. 73 and law of the 19.th of June 1913 n. 640 art. 2 (art. 73).

After the operations mentioned in the preceding articles are over, the hours specified by them have passed and the table has been cleared of papers and objects not necessary for the counting of votes, the president shall:

- 1) declare the voting ended
 - 2) check the number of voters as results from the list authentic~~ly~~^{ly}ated by the provincial electoral commission.
- Such list, under penalty of being declared null and void, before the ballots are opened and counted, shall be signed by the member of the office, folded, closed and sealed. Any present voter has the right to put his own signature on the envelope. The envelope shall be immediately handed or transmitted to the pretore

of each voter in the appropriate column of the list authenticated by the provincial electoral commission.

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- Such list, under penalty of being declared null and void, before the ballots are opened and counted, shall be signed by the member of the office, folded, closed and sealed. Any present voter has the right to put his own signature on the envelope. The envelope shall be immediately handed or transmitted to the pretore of the Mandamento and all the above shall be mentioned in the written statement of the voting proceedings.

Said list shall be also countersigned by at least 3 members of the office on each sheet

- 3) proceed to the opening and counting of the ballots. One of the vote checkers shall successfully take each ballot, open it and hand it to the president; he shall then read it loudly and pass it to the vote checker who has been elected with the lowest number of votes.

The other vote checker and the secretary shall take note of it and one of them shall at the same time make public the number of votes that each candidate is receiving during the opening of the ballots.

If any question arises about a ballot, this shall immediately be legalized as required by art. 81

- 4) counts the number of ballots and if they correspond to the number of voters,

All these operations shall be performed in the order specified above. Due note shall be made in the written proceeding of the voting of the accomplishment and outcome of each of said operations.

Art. 79

Single text art. 75

When the number of councillors to be elected does not exceed 20 and the voters who voted in the precinct do not exceed 200, the opening and counting of ballots shall be made immediately and brought to an end without interruption.

When, because of the number of councillors to be elected or the number of voters, the office is unable to immediately bring the opening and counting of ballots to an end, the president shall seal the ballot box and, along with the other members of the office, put his signature on the slip of paper that closes the box. Operations cannot be suspended more than once and suspensions shall not last longer than 12 hours.

The president shall notify the public the hour in which the poll(box) will be reopened and operations resumed.

Operations shall be null and void in the case that the poll(box) is not sealed, the president fails to put his signature on the slip of paper that closes the box, the hour in which operations will be resumed is not indicated or operations are resumed at a different hour than notified before.

Art. 80

The following ballots shall be null and void:

- 1) those in which the voter made himself known or has put other indications, in addition to those mentioned in art. 76
- 2) those that bear or contain signs that can be regarded as aimed at making the voter known.

Names that do not bear sufficient indications as to the persons for whom the vote has been cast and the last names exceed the number of councillors to be elected, shall be regarded as not written. In both cases, the ballot shall be valid in the rest.

Art. 81

Single text art. 79 and law of the 19,th of June 1913 n. 640 art. 2 (art. 79)

After hearing the opinion of the vote checker, the president shall provisionally decide on any difficulty or incident arising from the operations of the precinct and the nullity of the votes.

To the written note of the electoral proceedings, to be made in two originals, mentions shall be attached of all complaints, protests and motivated decisions made by the office.

Three members at least of the office shall countersign and attach to the written note of the electoral proceedings the voided ~~votes~~ ballots those unfilled and those containing names not regarded as written, papers concerning complaints and written protests.

All other ballots shall be numbered and closed in a sealed envelope, to be attached to the written note of the electoral proceedings and signed by the president and the secretary.

Art. 82

Law of the 19,th of June 1913 n. 640 ar. 2 (art. 80)

Under penalty of being declared null and void, the voting shall be published by the president and certified by him in the written note of electoral proceeding. The president shall also make the proclamation of the councillors of the municipality if the municipality has one precinct only.

In this case the written note of the electoral proceeding shall be signed at once by all members of the office. But the signature of the president and the secretary is sufficient for the validity of it.

The president shall notify the public the hour in which the poll(box) will be reopened and operations resumed.

Operations shall be null and void in the case that the poll(box) is not sealed, the president fails to put his signature on the slip of paper that closes the box, the hour in which operations will be resumed is not indicated or operations are resumed at a different hour than notified before.

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In this case the written note of the electoral proceeding shall be signed at once by all members of the office. But the signature of the president and the secretary is sufficient for the validity of it. After the signature of the voting minutes, the meeting shall be immediately called off.

One copy of the minutes shall be deposited with the secretary's office of the municipality and all voters shall have the right to examine it.

The pretore shall invite the vote checker. If they deem it advisable, and within 3 days, to attend the opening of the envelope containing the list mentioned by art. 78, and the writing, on the part of the chancellor, of a copy authenticated and countersigned by him on each sheet.

The vote checkers who attend this meeting shall have the possibility, if they wish so, of putting their own signature on each sheet.

This copy shall be immediately transmitted to the mayor, who shall have it deposited for 15 days with the secretary's office; all voters of the municipality shall have the right to examine it.

Art. 83

Law of the 19.th of June 1931 n. 640 art. 2 (art. 76)

The president of the precinct shall have police powers at the meeting and, to this effect, he shall have at his disposal, police and security agents in order to ~~expell~~ ^{and arrest} those who disturb the regular procedure of the voting or commit a crime connected with it.

Armed agents shall not be allowed to enter the ballot room without the request from the president.

However, in case of tumults or disorders on in order to give effect to an arrest warrant, officers of the judiciary police shall be allowed to enter the ballot room and have themselves assisted by public force even without the request from the president.

Judicial officers shall be admitted to the poll room in order to notify the president of protests or complaints concerning the operations of the precinct.

The president shall have the faculty, and, if requested by 3 vote checkers, the duty, to take provisions to have the police enter and remain in the poll room even before the electoral operations begin.

Civil authorities and military commanders shall comply with the requests of the president when it is advisable also to previously ensure the free access of the voters to the building where the electoral precinct is located and to prevent gatherings in the nearby streets.

If the fear has been justified that otherwise regular procedures of voting operations might be interfered with, the President, after consultation with the vote checkers, may by order, with explanation, provide, that the voters, who have cast their votes leave the room and do not reenter until at least after the end of voting hours.

Art. 84

Law June 19, 1931, n. 640 art. 2 (art. 81)

The President of the Office of the first precinct, where the Commune has more precincts, ~~gatheres~~ ^{gatheres} within 24 hours a meeting with the presidents of the other precincts, and together with them, or the Vice President substituting for them, takes over the votes of each precinct without being able to change the result, decides on any incident relative to the operation entrusted to them, subject to complaints for which provision is made under terms of 2 rti. 81, and makes known the communal councillors.

The secretary of the first precinct is secretary of the president's conclave. For the validity of the above mentioned operations the presence of the majority of those qualified to attend is sufficient.

Art. 85

Single text art. 83

Those are considered elected who have a larger number of votes, and if there is an equal amount of votes, the older among the nominees obtains preference.

Art. 86

Single text art. 82

The report of the elections is forwarded respectively to the Prefect or Sub Prefect within three days from date.

The Giunta, during the same three days, makes public the result of the vote and notifies the persons elected.

Art. 87

Single text art. 84

The president shall have the faculty, and, if requested by 3 vote checkers, the duty, to take provisions to have the police enter and remain in the poll room even before the electoral operations begin.

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The Giunta, during the same three days, makes public the result of the vote and notifies the persons elected.

Art. 87

Single text art. 84

When the precinct of one who has a majority of votes is nil, the one is substituted who, has, after the elected, the largest number of votes, providing the number of votes reported is not lower than one eighth of votes cast.

Art. 88

Single text art. 85

When in some precincts no election was held or the elections was cancelled, if the vote of the electors of such precincts does not influence the election of any of the nominees, it is not necessary to hold or repeat the election. In the opposite case, the election will follow within one month on a day fixed by the Prefect, in agreement with the first President of the Court of Appeals.

Art. 89-116 *material not copied or translated*

TITLE II

CHAPTER III

Art. 79

In the Communes having a population exceeding 100,000 inhabitants the opinion of the "Consulta Municipale" must be heard on the following objects:

- 1). The estimated budgets.
- 2). Expenses binding the budget for more than five years.
- 3). Acceptation of legacies and donations.
- 4). Foundation of societies.
- 5). Application of taxes and relative regulations.
- 6). Purchase of industrial shares and of real estates.
- 7). Active and passive litigations and transactions for a value exceeding the sum of L. 50,000.
- 8). Investments of money exceeding in the year the sum of Lire 100,000, when are not invested for loans with mortgage, or for deposits in banks authorized by the law, and for purchase of titles issued or guaranteed by the State.
- 9). Alienations of real estates, of titles of the National debt, of simple titles of credit or industrial shares, when the value of the contract exceeds the sum of L. 100,000 or establishments of bondages or of emphyteusis, when the value of the ground exceeds the above mentioned sum.
- 10). Location and management of real estates for more than 12 years.
- 11). Loans of every kind.

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- 9). Alienations of real estates, of titles of the National debt, of simple titles of credit or industrial shares, when the value of the contract exceeds the sum of L. 100.000 or establishments of bondages or of emphyteusis, when the value of the ground exceeds the above mentioned sum.
- 10). Location and management of real estates for more than 12 years.
- 11). Loans of every kind.
- 12). Immediate assumption of the Public Services.
- 13). Regulator plans of the buildings of a town and of agrarian management.
- 14). Changes in the classification of the roads and projects for the opening and the rebuilding of the same.
- 15). Regulations for the Use of the municipal goods, for the hygiene, for sanitation, for local police and regulation concerning

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the institutions belonging to the Commune.

16). Arrangement of the offices , services and regulations concerning the economic treatment and the juridical state of the employees, excepting the special in force law.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

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CHAPTER II

THE MUNICIPAL COUNCIL

Art. 123
T.U. art. 118

The Municipal Council is formed by:

80 members in the Communes having a population superior to

250.000 inhabitants.

60 members in the Communes having a population exceeding 60.000 inhabitants.

40 members in the Communes in which the population overcomes 30.000 inhabitants.

30 members in which overcome 10.000 inhabitants.

20 members in the Communes of which population overcomes 3000 inhabitants.

15 members in all others.

All the eligibles when their number is beneath of that above mentioned.

Art. 124
T.U. art. 119

The Municipal Council must met twice in a year in ordinary session. The first time in March, April or May. The second time in September, October or November.

It can met extraordinary by order of the Mayor, notwithstanding the dispositions of the art. 139, or by deliberation of the Giunta Municipale or by ask of one third of the councillors.

The meeting of the Council must be called within 10 days from the deliberation or from the presentation of the ask, excepted the cases of urgency.

It is in faculty of the Prefect to order, by office, meetings

60 members in the Communes having a population exceeding 60,000 inhabitants.

40 members in the Communes in which the population overcomes 30,000 inhabitants.

30 members in which overcome 10,000 inhabitants.

20 members in the Communes of which population overcomes 3,000 inhabitants.

15 members in all others.

All the eligibles when their number is beneath of that above mentioned.

art. 124
T.U. art. 119

The Municipal Council must met twice in a year in ordinary session. The first time in March, April or May. The second time in September, October or November.

It can met extraordinary by order of the Mayor, notwithstanding the dispositions of the art. 139, or by deliberation of the Giunta Municipale or by ask of one third of the councillors.

The meeting of the Council must be called within 10 days from the deliberation or from the presentation of the ask, excepted the cases of urgency.

It is in faculty of the Prefect to order, by office, meetings of the Municipal Council to deliberate on determinate objects to indicate in the relative Decree.

art. 125
T.U. art. 120

The meeting of the Councillors must be called by the Mayor with written notices, to give at home. The consignment must result by declaration of the Municipal usher.

The notice for the ordinary session with the enumeration of the objects to be treated, must be given to the Councillors at least five days, and for the other session, at least three days, before that established for the first meeting.

However in the urgency cases, it is sufficient that the notice with the relative list is given 24 hours before; but in this case, every time that the majority ask it, every deliberation can be defer to the next day. The same is established for the list of the objects to be treated in addition to others already inscribed, in the order-of-the-day of a certainly meeting.

Art. 121
T.U. art. 121

The Prefect and the sub-Prefect are able to be present in the Councils, also by other public official of the administrative order, but have not deliberative power.

Art. 127
T.U. art. 122

The Municipal Council cannot deliberate if is not present the half of the number of the Councillors assigned to the Commune; but at the second convocation that will take place in other day, the deliberations are valid, provided is present at least four members.

In the case that are introduced proposals, that were not included in the order of first convocation; these cannot be put in deliberation if not 24 hours after having given notice of it to all the Councillors.

Art. 128
T.U. art. 123

All the deliberations are always published by copy in the official bulletin in the first holiday or in the first day of

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Art. 128
T.U. art. 123

All the deliberations are always published by copy in the list at the town-hall in the first holiday or in the first day of market, after their date.

Every contributors of the Commune may have a copy of the deliberations by payment of relative rights established by the list of prices annexed to the regulation for the execution of the present law.

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Art. 129

T.U. art. 124 and Art. 1 law 19-6-1913 No 640.

The Municipal Council in the session of Spring examines the accounts of the administration of the last year after the report of the revisors, and deliberates on its approvation.

In the session of autumn :

Deliberates the active and the passive budgets of the Comune and the budgets of the institutions that belong to it, for the next year.

Nominates the revisors of the accounts for the current year choosing them amongst the Councillors extraneous to the Giunta Provinciale.

Nominates the Commissaries for the revision of the electoral list by the art. 34.

Art. 130.

T. U. Art. 125.

The Sindaco, as well as the other members of the Giunta whose accounts are (? report is ?) being discussed, are entitled to take part in the discussion, although their term of office has expired, but must retire when the vote is taken. None of them while holding office can preside over the Council during this discussion. The Council chooses a temporary president.
(trans. by CGM.)

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3). The purchase, the acceptance and the refusal of legacies and donations excepted the authorization of the Prefect conformally to the law 21 June 1896 No 218.

4). The alienations, cessios of credits, the contracts with

name and the budgets of the institutions that belong to it, for the next year.

Nominates the revisors of the accounts for the current year choosing them amongst the Councillors extraneous to the Giunta Provinciale.

Nominates the Commissaries for the revision of the electoral list by the art. 34.

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(trans. by CGR.)

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3). The purchase, the acceptance and the refusal of legacies and donations excepted the authorization of the Prefect conformally to the law 21 June 1896 N° 215.

4). The alienations, cessios of credits, the contracts with mortgages, vendages and constitutions of lad-income, the transaction on rights of ownership and of condage.

5). The action to promote and to sustain in judgment, the creation of loans, the nature of the interest-bearing investments, the affranchisements of passive incomes and rents.

6). The regulations on the way to use the Municipals and the institutions concerning the Comune and the regulations of local hygiene and police attributed by the law to

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Art. 130.

T. U. Art. 125.

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(trans. by CCRW.)

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Nominates the Commissaries for the revision of the electoral list by the art. 34.

Art. 131

T.U. art. 126

In both the sessions, the Municipal Council, conformally to the laws and regulations , deliberates on :

1). The offices, the stipends , the indemnities and the wages.
2). The nomination , the suspension and the dismissal of the employed, of the teachers, of the school-mistress, the functionaries of the public health, of the Chapelans and of the gatherers of taxes and of the treasurers where are instituted, excepting the dispositions of the in force especially laws.

3). The purchase, the acceptance and the refusal of legacies and donations excepted the authorization of the Prefect conformally to the law 21 June 1896 n° 213.

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Nominates the revisors of the accounts for the current year choosing them amongst the Councillors extraneous to the Giunta Provinciale.

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Art. 131
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3). The purchase, the acceptance and the refusal of legacies and donations excepted the authorization of the Prefect conformally to the law 21 June 1896 No 218.

4). The alienations, cessios of credits, the contracts with mortgages, vendages and constitutions of lad-income, the transaction on rights of ownership and of benefice.

5). The action to promote and to sustain in judgment, the creation of loans, the nature of the interest-bearing investments, the affranchissements of passive incomes and rents.

6). The regulations on the way to use the Municipals ~~136~~ and the institutions concerning the Commune and the regulations of local hygiene and police attributed by the law to

the Communes.

7). The destination of the Municipal goods and establishment.

8). The building and removal cemeteries.

9). The concourse of the Commune to the execution of public works and to the obligatory by law expenses.

10). The new and extraordinary expenses and the turning off the capitals from a category to another of the budget.

11). The duties and the taxes to establish or to modify for the interest of the Commune; and the regulation for the exploitation of these.

12). The organization and the changes of fairs and markets, excepting the reclama and oppositions, also in the substance, to the Giunta Provinciale Amministrativa assembled in court of sessions according to the art. 1 n° 11 of the law 17 Aug. 1907 No 639.

And generally deliberates on all the objects concerning the Municipal Administration that are not attributed to the Giunta or to the Mayor.

Art. 132
T.U. art. 127

are submitted to the Municipal Council all the institutions made in favour of the generality of the inhabitants of the Commune; or of its fractions to which are not applicable the rules of the Charitable institutions or else the interests of the parishioners when they sustain some expenses by law.

The same charitable institutions are submitted to the overlooking of the Municipal Council that is always able to inquire about the proceedings and the accounts.

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The same charitable institutions are submitted to the overlooking of the Municipal Council that is always able to inquire about the proceedings and the accounts.

Against the deliberations of the Municipal Councils concerning the objects mentioned in the two above commas, is allowed the reclaim, also for the substance, to the Giunta Provinciale amministrativa assembled in court of contentious by the art. 1 n° 11 of the law 17 Aug. 1907 n° 639. (T.U.).

When the interestees concerning the ownerships or the patrimonial activities of the fractions or the interestees of the pari-

shioners are contrasting to the interests of the Commune or of the other fractions of the same, the Prefect assembles the elected of the fractions to which the ownerships or activities belong, or assembles the parishioners for the nomination of three Commissaries who provide to the administration of the object which is contrasting with the facilities concerning to the Municipal Council.

Against the decisions of the Prefect is open the reclaim to the V Session of the Council of State by the art. 28 No 9 of the law 17 Aug. 1907 No 636 (T.U.).

Is heard the vote of the Municipal Council on the changes concerning the circumscriptions of the parish-churches of the Commune, when sustains some expenses for the same.

Art. 133
T.U. art. 128

Are submitted to the examination of the Council the budgets and the accounts of the administrations of the parish-churches and of other administrations when they receive subsidies by the Commune.

On the questions that may arise after this examination is allowed the reclaim, also for the substance, to the Giunta Provinciale amministrativa assembled in court of contentious by the art.

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1 N° 1 of the law 17 Aug. 1907 N° 636 (T.U.).

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Art. 136.

T. U. Art. 132.

Brothers cannot be members of the Quinta Municipal at the same time.

(trans. by OGIW).

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TITOLO III

COMMUNAL ADMINISTRATION

CAPO III

THE GIUNTA MUNICIPALE

Art. 134 (T.U. art. 130)

The Consiglio Comunale elects from its own members by an absolute majority, the Assessori (Aldermen) who form the Giunta Municipale. If, after two successive ballots, none of the candidates have an absolute majority, the Consiglio proceeds to take a vote on the candidates who have received the greatest number of votes in the second ballot.

The Giunta Municipale is renewed in toto every four years.

The Assessori who relinquish office at the end of the four years period are always re-eligible. ✓

Art. 135 (T.U. art. 131)

The Giunta Municipale, in addition to the Sindaco, consists of the following:

10 Assessori and 2 alternates in Communes having a population greater than 250.000.

8 Assessori and 4 alternates in Communes having a population greater than 60.000.

4 Assessori in those with a population greater than 30.000.

✓ 2 Assessori in all other Communes.

In the latter two cases the alternates are two in number. ✓

Art. 137 (T.U. art. 132)

The Giunta Municipale represents the Consiglio Comunale in the interval between the latter's sessions, and takes part in the solemn (formal) occasions. It watches over the proper functioning of Municipal Services and upholds the decisions of the Consiglio. ✓

Art. 138 (T.U. 134)

The Giunta Municipale takes decisions on an absolute majority of votes.

Its decisions are invalid if less than half the members are present, and if these are less than 3 in number. ✓

Art. 139 (T.U. art. 135)

The following are functions of the Giunta :

1. To fix the date for the regular session and special convocations of the Consiglio.

candidates who have received the greatest number of votes in the second ballot.

The Giunta Municipale is renewed in toto every four years.

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Its decisions are invalid if less than half the members are present, and if these are less than 3 in number. ✓

Art. 139 (T.U. art. 135)

The following are functions of the Giunta :

1. To fix the date for the regular session and special convocations of the Consiglio.
2. To nominate and dismiss, on the proposal of the Sindaco the servitors of the Comune.
3. To make decision on the use of the sum of money set aside for unforeseen expenditures, and on the transfer from one article to another within the same category.
4. To award and manage those contracts which are prescribed by law, or decided on principle by the Consiglio.
5. To prepare the tax rolls and Communal charges, both general and special.
6. To prepare the budget. ✓
7. To propose regulations to be placed before the Consiglio for decision. 3668
8. To participate in the working of the Draft as prescribed by ✓

lgw.

9. To fix the prices of the public conveyances, boats and other public carriers in regular service within the Commune.

10. To determine the prices on labor of public servants, porters and the like, when there exists no (previous) agreement.

11. To keep up the value of its own shareholdings.

(para II is very ambiguous - this may be an erroneous translation.)

Art. 140 (T.U. art. 136)

The Giunta takes the responsibility for making decisions which would be made by the Consiglio, in matters of such urgency that it would be impossible to convene the latter, and which has appeared since the last meeting of the Consiglio.

Such decisions must be communicated to the Prefect immediately and reported to the Consiglio for ratification at the next session thereof. The disposition of the art. 128 is applicable to this.

Art. 141 (T.U. art. 137)

The Giunta must render account of its administration each year to the Consiglio, of the manner in which it has carried on the function detailed to it, or which have been on under its direction, or for which it is responsible for.

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1 Feb 10 -

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Feb 10 -

TITLE III

THE MUNICIPAL ADMINISTRATION

CHAPTER I

THE COMMUNE

Art. 117
Testo Unico art. 112

Every Commune has one Council, one Giunta and one Mayor.
It must have besides, one Secretary and a Municipal Office.

Several Communes of the same district are able to use of the office of a single Secretary; several bordering Communes are able to have, with Prefect's approvation, a single office, a single archives and to provide all together to other services and public obligatory expenses.

Art. 118
Testo Unico art. 113

The King's Government is able to order the melting of many Communes, whatever may be their population; when the Municipal Council has asked it and when concordly has established the conditions.

The Council's deliberations are proclaimed.

The electors and the owners have the faculty to make oppositions, which are sent to the Prefect. He sent the ask to the King's Government with the relative documents, declaring his opinion.

It is in faculty of the Communes that wish unite themselves, to hold separated the patrimonial incomes and the passiveness which belong to each of them. It is also in their faculty to hold separated the obligatory expenses for the maintenance of the internal roads and of the public squares and the other indicated in the M.11-

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The Council's deliberations are proclaimed.

The electors and the owners have the faculty to make oppositions, which are sent to the Prefect. He sent the ask to the King's Government with the relative documents, declaring his opinion.

It is in faculty of the Communes that which unite themselves, to hold separated the patrimonial incomes and the passiveness which belong to each of them. It is also in their faculty to hold separated the obligatory expenses for the maintenance of the internal roads and of the public squares and the other indicated in the N. 11-12 and 13 of the art. 198 and in the first comma of the art. 139.

Art. 119

Testo Unico art. 114

The bordering Communes which have a population beneath of 1500 inhabitants, which fall short of sufficient incomes to sustain the municipal expenses, which are in a topographic position to render convenient the melting can be united when the Municipal Council has recognised that there are all the above conditions.

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In that case the municipal Council must give their deliberations, and the self-interested persons are heard in the way prescribed in the second paragraph of the precedent article, and it is possible to proceed to the divisions of patrimony of which above, according to the especially circumstances.

To the walled Communes it is possible to enlarge the district or the territory in such indicated way.

Art. 120
T.H. Art. 115

The hamlets or fractions of Communes can ask, by the majority of their electores and obtain, after the favourable vote of the Provincial Council, a Royal Decree that constitutes them in a distinct Commune, provided they have a population beneath of 4000 inhabitants, they have sufficient incomes to sustain the municipal expenses, and for local circumstances. They are naturally separated from the Commune to which they belong, after heard the vote of the same.

The same faculty is given to the chief place of a Commune that is in the above conditions, and when its functions are by local circumstances separated from it and they have to be constituted in a separated Commune.

By Royal Decree a hamlet or fraction can be separated from a Commune, and ~~it~~ be united to another that is bordering, when the ask is made by the majority of the electors resident in the hamlet or fraction and there is the favourable vote ~~of the~~, as of the Commune to which it wish to unite itself, as Provincial Council's, that will heard the opinion of the municipal Council, to which the hamlet or fraction belong.

art. 120
T. J. art. 115

The hamlets or fractions of Communes can ask, by the majority of their electores and obtain, after the favourable vote of the Provincial Council, a Royal Decree that constitutes them in a distinct Commune, provided they have a population beneath of 4000 inhabitants, they have sufficient incomes to sustain the municipal expenses, and for local circumstances, they are naturally separated from the Commune to which they belong, after heard the vote of the same.

The same faculty is given to the chief -place of a Commune that is in the above condition, and when its functions are by local circumstances separated from it and they have to be constituted in a separated Commune.

By Royal Decree a hamlet or fraction can be separated from a Commune, and ~~it~~ be united to another that is bordering, when the ask is made by the majority of the electors resident in the hamlet or fraction and there is the favourable vote ~~of the~~, as of the Commune to which it wish to unite itself, as Provincial Council's, that will heard the opinion of the Municipal Council, to which the hamlet or fraction belong.

art. 121
T. J. art. 116

Notwithstanding the unity of the Communes, the especially dispositions above mentioned concerning to the separation of the patri monies and of the expenses can be enforced to the hamlets that have more than 500 inhabitants, when they are able to provide to their particular interestes and the local conditions ~~and~~ ~~are~~ ~~that~~ ~~is~~ ~~given~~ ~~by~~ ~~royal~~ ~~decree~~ ~~after~~ ~~an~~ ~~ask~~ ~~of~~ ~~the~~ ~~majority~~ ~~of~~ ~~the~~

contributors of the hamlet. This ask is notified to the Municipal Council, that has the privilege to do its oppositions and remarks.

The Prefect transmit to the King's Government the ask of the fractions, jointly to the oppositions and remarks of the Municipal Council.

Art. 122
T.U. art. 117

The Communes, the hamlets, or Communes' fractions that are aggregated to a Commune belonging to another district, will belong to this last district.

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The Communes, the Hamlets, or Communes' fractions that are
asregated to a Commune belonging to another district, will belong
to this East District.

TITLE III
COMMUNITY ADMINISTRATION

Chapt. IV
The Mayor

art. 142

Single text, art. 138.

The mayor is the head of the community administration and officer of the Government.

art. 143

Single text, art. 139

No one may be mayor of more than one Community at the same time.

art. 144

Single text art. 148

The duties of mayors are determined by regulations to be executed by the laws herein stated.

art. 145

Single text art. 140

The mayor is elected by the community Council in the proper chambers by secret ballot.

He will officiate for a term of four years and is always eligible for reelection, providing he retains his title as Counsellor.

art. 146

Single text art. 144

Besides the cases of ineligibility established by articles 25 and 26, the following may not be nominated mayor :

whoever does not ~~present~~ submit an account of previous tenure of office or is found debtor following examination of said accounts ;
the minister of a cult ;

whoever can not exercise his political rights ;

those who have ancestors or descendants, or relatives or ~~relatives~~ marriage relations up to the second degree, in the municipality administration in the capacity of ~~or~~ municipality secretary, tax collector, municipality treasurer, leaser of works or ~~services~~ for the municipality, or guarantor in any manner;

those who have been sentenced for any crime connected with their capacity of ~~as~~ public officials, or their having taken unlawful advantage of their office, or to a penalty restricting their personal liberty for not more than 6 months; and those who have been sentenced for any other crime to a prison term ~~for~~ not less than one year or detention ~~for~~ not less than 3 years, unless they enjoy rehabilitation rights according to the law.

art. 147

Single text art. 141

The following rules shall be followed in ~~the~~ election of the mayor:

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art. 144
Single text art. 148

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art. 145
Single text art. 140

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Besides the cases of ineligibility established by articles 25 and 26, the following may not be nominated mayor :

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the minister of a cult :

whoever can not exercise his political rights ;

those who have ancestors or descendants, or relatives or ~~relatives~~ marriage relations up to the second degree, in the municipality administration in the capacity of ~~or~~ municipality secretary, tax collector, municipality treasurer, leaser of works or services for the municipality, or guarantor in any manner ;

those who have been sentenced for any crime connected with their capacity of ~~as~~ public officials, or their having taken unlawful advantage of their office, ~~to~~ a penalty restricting their personal liberty for not more than 6 months ; and those who have been sentenced for any other crime to a prison term ~~for~~ not less than one year or detention ~~for~~ not less than 3 years, unless they enjoy rehabilitation rights according to the law.

art. 147
Single text art. 141

The following rules shall be followed in ~~the~~ election of the mayor :

If no ~~extraordinary~~ meeting of the Council has ~~not~~ been summoned for the election, the election shall be put on the order of the day not later than the first meeting of the first session that has taken place after the office of mayor had become vacant.

The election ~~xxxxxxxxxxx~~ shall not be valid if it was not made with the intervention of two thirds of the municipality councillors and by an absolute majority.

If, after two votings, no candidate has ~~obtained~~ ^{received} the absolute majority, the voting is limited to the two candidates who, in the second voting, had ~~obtained~~ ^{received} the largest number of votes, and the candidate who ~~obtains~~ ^{receives} the absolute majority, is shall be appointed mayor ^{received}.

If no candidate has ~~obtained~~ ^{received} the absolute majority, ~~xxxx~~ as required above, the election is put off to another meeting to be held within 8 days during which a new voting must take place.

If, after two ~~consecutive~~ ^{meetings}, the councillors ~~do~~ not present themselves in the

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number specified in the present article, the final voting shall take place no later than the number of votes may be.
The session in which the election of the mayor takes place shall be presided over by the senior councillor.

A copy of the procedural paper concerning the election of the mayor, shall be transmitted by the municipal Giunta to the prefect and the vice-prefect respectively within 10 days from the date on which it was written.

If the person who has been elected mayor is in one of the situations specified by art. 146, the prefect, by motivated decree, shall rule such election null and void.

The municipality Council or the electee shall have the right to appeal against the prefect's decree within 15 days from the notification of the decree to His Majesty's Government. The latter ~~shall~~ ^{may} by Royal Decree, ~~the~~ and after hearing the opinion of the Council of the State, shall take the appropriate provisions.

Art. 148

Single Text art. 147 and law of the 19. th of June 1913 n. 640 art. 2 (art. 109 bis)

The criminal sanctions mentioned in art. 106, 107, 108, 109, 110, 111, 112, 113, 114, and 115 can be applied to the election of the mayor.

Art. 149

Single Text art. 142, l. 27 Febr. 1913 n. 129 and law of the 19. th of June 1913, n. 640, art. 2 (art. 22 bis)

Mayors can be ~~removed from~~ ^{relieve} relieved from their duties by motivated decision of the municipality council.

The Council ~~may~~ be called to ~~deliberate on~~ ^{to relieve} the relieving the mayor from his duties ~~in case~~ ^{that} there is a written and motivated proposal of the prefect or at least a third of the municipality councillors. The vote of at least two thirds of the municipality councillors is required to make such a deliberation valid. Then, after two deliberations at the distance of 8 days ~~from each other~~, such a majority is not reached, and ~~at~~ a third meeting, to be held after 8 more days, the absolute majority of the municipality councillors is reached, the government shall have the right to relieve the mayor from his duties by royal decree.

In ~~the~~ ^{trial} case that the mayor must undergo a ~~criminal~~ ^{trial} procedure for some of the crimes specified by art. 25, par. 9 and 10, and art. 146, or for any other crime calling for a sentence that restricts personal liberty for more than one year, the mayor ~~is~~ shall be regarded as relieved from his duties from the date on which he has been put on trial, or the date on which the decree calling him to trial has been issued until the end of the trial. The mayor ~~against~~ ^{against} whom a warrant for arrest has been issued or whose arrest is lawful is immediately relieved ~~of~~ ^{of} his duties.

The mayor is "de jure" relieved from his duties when he is sentenced for one of the crimes mentioned specified by art. 25 and 146, or for any other crime punishable by a sentence that restricts personal liberty for more than one month.

The mayor can be ~~temporarily~~ ^{temporarily} relieved from his duties temporarily by the prefect and permanently by the king on the grounds of ~~the need~~ ^{the need} for public order or when, after having been invited to meet the duties ~~mentioned~~ ^{mentioned} that the law ~~prohibits~~ ^{prohibits} him to, he ~~is~~ continues to violate them.

The mayor who has been relieved from his duties by royal decree, shall not be reelected during the following 3 years. The length of his period of ineligibility shall be specified by the decree that ~~may~~ ^{may} relieve him from his duties.

The same causes that disqualify ~~from~~ ^{from} the office of councillor, or the later incurrance ~~in~~ ^{on} one of the ~~causes~~ ^{causes} grounds for ineligibility specified by art. 146, disqualifies for the office of mayor also. The disqualifying decision shall be made by the municipality Council, on proposal of the prefect ~~and~~ ^{by} initiation of a third of the councillors within one month. ~~Failure~~ ^{Failure} Failing such

The original sanctions mentioned in art. 106, 107, 108, 109, 110, 111, 112, 113, 114, and 115 can be applied to the election of the mayor.

Art. 149

Single text art. 142, R.D. 27 Febr. 1913 n. 129 and law of the 19. th of June 1913, n. 640 art. 2

(art. 109 bis)

Mayors can be ~~removed from office~~ relieved from their duties by motivated decision of the municipality council.

The council cannot be called to deliberate on the relieving the mayor from his duties ~~in the case of~~ ^{to relieve} ~~that~~ ^{on the grounds of} ~~there is a written and motivated proposal of the prefect or at least a third of the municipality councillors.~~ ^{the need for public order or when, after having been invited to meet the duties in which that the law incurrence in one of the grounds for ineligibility specified by art. 146, disqualifies for the office of mayor also. The disqualifying decision shall be made by the municipality Council, on proposal of the prefect and/or initiative of a third of the councillors within one month. Failing such initiatives, the government shall take the appropriate provisions by royal decree.} ~~make such a deliberation valid. Then, after two deliberations at the distance of 6 days ~~from each other~~, such a majority is not reached, and at a third meeting, to be held after 6 more days, the absolute majority of the municipality councillors is reached, the government shall have the right to relieve the mayor from his duties by royal decree.~~

In the case that the mayor must undergo a ~~criminal~~ ^{trial} procedure for some of the crimes specified by art. 25, par. 9 and 10, and art. 146, or for any other crime calling for a sentence that restricts personal liberty for more than one year, the mayor is shall be regarded as relieved from his duties from the date on which he has been put on trial, or the date on which the decree calling him to trial has been issued until the end of the trial. The mayor ~~agrees~~ ^{is} whom a warrant for arrest has been issued or whose arrest is lawful is immediately relieved ~~from~~ ^{of} his duties.

The mayor is "de jure" relieved ~~from~~ ^{of} his duties when he is sentenced for one of the crimes ~~mentioned~~ ^{specified} by art. 25 and 146, or for any other crime punishable by a sentence that restricts personal liberty for more than one month.

The mayor can be ~~temporarily~~ relieved from his duties temporarily by the prefect and permanently by the king on the grounds of ~~the need for public order or when, after having been invited to meet the duties in which that the law incurrence in one of the grounds for ineligibility specified by art. 146, disqualifies for the office of mayor also. The disqualifying decision shall be made by the municipality Council, on proposal of the prefect and/or initiative of a third of the councillors within one month. Failing such initiatives, the government shall take the appropriate provisions by royal decree.~~

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The decree ~~that~~ relieving the mayor from his duties shall be published in the Official Bulletin of the Kingdom and a list of such mayors shall be notified to the Senate and the Chamber of Deputies every three months.

Art. 150

"Article" ext art. 146

Before taking up his duties, the mayor shall, in the presence of the prefect, take oath to be loyal to the king, to faithfully observe the constitution and the laws of the state and to perform his duties for the exclusive purpose of the inseparable welfare of the king and the country.

The mayor who refuses to take the oath as prescribed by the present art. 146 and without restrictions or ~~his~~ ^{his} reservations, or fails to take the oath within one month from being notified of his appointment, is regarded as relieved of his office, unless he can prove a legitimate cause of impediment.

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In his capacity of chief of the municipality administration, the mayor shall:

- 1) ~~shall~~ mail the notifications of summon of the Council and preside over it
- 2) ~~summons~~ and preside over the municipality Giunta; distribute the affairs on which the Giunta is to deliberate, among ~~the~~ its members, vigilates over the work on the cases entrusted to each assessor~~ed~~ and ~~signs~~ undersigns their actions also through ~~another~~ assessor~~s~~ with such powers of attorney granted by him.

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- 3) proposes the subjects to be treated in the meetings of the Council or the Giunta
- 4) puts into effect all decisions of the Council, that concern either the budget or other matters, and those of the Giunta, and signs the acts concerning interests of the ~~municipality~~ municipality
- 5) stipulates contracts agreed upon by the municipality Council and the Giunta
- 6) enforces regulations
- 7) attends to the census operations according to law
- 8) releases public certificates, certificates of family status, poverty certificates; performs all acts of the same kind that come under the jurisdiction of the provincial administration and are not of exclusive jurisdiction of the Giunta
- 9) has power of attorney for the municipality, both in the capacity of plaintiff and defendant ("pars agens, pars conventa" in Roman Law), and performs judicial acts aimed at preserving the municipality's property
- 10) supervises all offices and institutions of the municipality
- 11) has the authority to suspend all officials and employees of the municipality make a report to the Giunta and the Council at their next meetings, according to ~~the~~ which body made the appointments
- 12) attends auctions that take place in the interest of the municipality
- 13)

Art. 152

Single Text art 150

As in his capacity of government official he is in ^hcharge, under supervision of the superior authorities, of the following:

- 1) publication of government laws, orders and public notices
 - 2) to keep the records of vital statistics according to law
 - 3) takes care of all acts that come under his jurisdiction or is entrusted with by laws or regulations in the interest of public safety or public health
 - 4) vigilates on everything concerning the public order
 - 5) sees that the population files are regularly kept
 - 6) notifies the superior authorities of any event concerning the public order
 - 7) and in general performs all acts he is entrusted with by law
- The municipality councillors who replace the mayor are regarded as government officials

Art 153

The mayor has also the duty to take all ^oproper and urgent ~~starex~~ actions of public safety in the matters mentioned ⁱⁿ ~~at~~ par. 9 of art. 217, as well as those pertaining to public health, and to ensure that the appropriate orders be carried out at the expense of the individuals in question, regardless of the criminal action that may be pending against them.

The bill for these expenses is made effective by the prefect after hearing the person in question and is transmitted to the Government auditor who collects them in the manner and with the fiscal privileges specified by law.

The right of appeal is granted against these actions taken by the mayor and the prefect. The appeal can pertain to the substance of the matter and is brought before the provincial administrative Giunta meeting as law court, according ~~to~~ to art. 1, par. 4 of the law of the 17 of Aug. 1907 n. 539 (single text).

Art. 154

Law of the 19. th of June 1913 n. 640, art 2 (art. 153)

In municipalities divided into boroughs or hamlets the mayor ~~is authorized~~ ~~to~~ ~~that~~ he deems it advisable because ~~of~~ ~~the~~ ~~main~~ ~~inhabited~~ ~~place~~ ~~is~~ ~~too~~ ~~far~~ ~~or~~ ~~communications~~ ~~too~~ ~~difficult~~, is authorized to grant powers of attorney for his capacity as government official to one of his councillors, and, in the case that he has none, to a voter residing in such places, provided the latter is eligible to appointment as councillor according to art. 26 of the present law.

Art. 155

Single Text art 151

make a report to the Giunta and the Council at their next meetings, according to ~~the~~ which body made the appointments
12) attend actions that take place in the interest of the municipality
13)

Art. 152

Single Text art 150

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 - 4) vigilates on everything concerning the public order
 - 5) sees that the population files are regularly kept
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 - 7) and in general performs all acts he is entrusted with by law
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The bill for these expenses is made effective by the prefect after hearing the ~~person~~ in question and is transmitted to the Government auditor who collects them in the manner and with the fiscal privileges specified by law.

The right of appeal is granted against these actions taken by the mayor and the prefect. The appeal can pertain to the substance of the matter and is brought before the provincial administrative Giunta meeting as law court, according ~~art~~ to art. 1, par. 4 of the law of the 17 of Aug. 1907 n. 639 (single text).

Art. 154

Law of the 19. th of June 1913 n. 640, art 2 (art. 153)

In municipalities divided into boroughs or hamlets the mayor ~~is authorized~~

~~to appoint and dismiss the councillors and the members of the Giunta, in case that he deems it advisable because of the ~~inhabited~~ main inhabited place is too far or communications too difficult, is authorized to grant powers of attorney for his capacity as government official to one of his councillors, and, in the case that he has none, to a voter residing in such places, provided the latter is eligible to appointment as councillor according to art. 26 of the present law.~~

Art. 155

Single Text art. 154

Municipalities with a population of more than 6000, even if it is not divided into boroughs ~~and~~ or hamlets, can vote to be divided into districts, in which case the mayor has the right to grant powers of attorney for his capacity as government official according to art. 152, 153 and 154 and ~~and~~ to ~~execute~~ work in cooperation with advisors chosen among eligible citizens. This right can be exercised with the prefect's approval only.

Art. 156

Single Text, art. 155

In boroughs or hamlets that, according to art. 118 and 121, have a separate budget, there is the office of a representative of the mayor, appointed by him and approved by the prefect.

He is chosen among the councillors or, in case there is none, among eligible citizens of the boroughs or hamlets. He ~~exercises~~ ^{exercises} the functions of government official, according to art. 152, 153 and 154. He enforces the decisions of the Coun-

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 cil and the Giunta. ~~At~~ the Spring session, he makes a report on the ~~conditions~~ situation and the needs of the boroughs or hamlets. This report is transmitted to the prefect as required by art. 212, 213 and 214.

Art. 157

Single Text art. 156

In case of absence or other impediment of the mayor or the councillor with powers of attorney for him, the senior councillor represents him.

Art. 158

Single Text art. 157

Art. 6 can be applied to the mayor

Art. 159

Single Text art. 143

If the mayor, or his representative, does not carry out his duties of government official, or does not carry them out in a regular manner, ~~xxx~~ the prefect can, by decree and for a period not longer than 3 months, appoint a commissioner with the authority to ~~carry out~~ the perform the duties of government official.

The expenses required for sending and appointing a commissioner to ~~carry~~ perform such duties are borne by the municipality that has the right to ask reimbursement from the mayor. The judicial authorities decide on this matter according to the appropriate jurisdiction.

Art. 160

Single Text art. 152

Appeal before the provincial administrative Giunta is allowed ~~against~~ ^{against} the refusal on the part of the mayor to release certificates and documents in ~~xxx~~ the cases mentioned by ~~law~~ the law, and against mistakes made in said certificates and documents.

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The expenses required for sending and appointing a commissioner to perform such duties are borne by the municipality that has the right to ask reimbursement from the mayor. The judicial authorities decide on this matter according to the appropriate jurisdiction.

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Single Text art. 152

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TESTO UNICO R.D.Law N°148

TITOLO I

DIVISION OF THE TERRITORY OF THE KINGDOM AND GOVERNMENTAL
AND ADMINISTRATIVE AUTHORITY

Art. 1

(T.U.art.1 and R.D.19/5/1912 n°554)

The Kingdom is divided into Pro vincie, Circondari, Manda-
menti and Comuni.

(Note Circondari and Mandamenti are now obsolete divisions)

Art. 2

(T.U.art.2 Law of 6 July 1911 n°697 art.1)

In every Provincia there is a Prefetto (Prefect), a Vice-
Prefect a Consiglio di Prefettura and a Giunta Provinciale Am-
ministrativa. ✓

Art. 3

(T.U.art. 3)

The Prefect represents the executive power in the whole
province.

He exercises the powers conferred upon him by law and watches
over the maintenance of the rights of the Administrative Autho-
rity, and settles when necessary, the division of functions
between the Administrative and Juridical Authority, under the law
31 March 1877 N°3771 (Serie 2°)

He provides for the proclamation and execution of laws,

He supervises the Public safety services, is able to direct
the disposition of the Police Forces, and may call upon the Army.

He reports to the Minister of the Interior, is responsible
to him, and carries out his orders.

DIVISION OF THE TERRITORY OF THE KINGDOM AND GOVERNMENTAL
AND ADMINISTRATIVE AUTHORITY

Art. 1

(T.U.art.1 and R.D.19/5/1912 n°554)

The Kingdom is divided into Pro vincie, Circondari, Mandamenti and Comuni.
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Art. 3

(T.U.art. 3)

The Prefect represents the executive power in the whole province.

He exercises the powers conferred upon him by law and watches over the maintenance of the rights of the Administrative Authority, and settles when necessary, the division of functions between the Administrative and Juridical Authority, under the law 31 March 1877 N°3771 (Serie 2°)

He provides for the proclamation and execution of laws,

He supervises the Public safety services, is able to direct

the disposition of the Police Forces, and may call upon the Army. He reports to the Minister of the Interior, is responsible to him, and carries out his orders.

Art. 4

(T.U.art.4)

If the Prefect is absent, or is unable to fulfill his functions, the vice-prefect acts in his place.

In the event of continued absence, or inability a regency (Reggenza) may be provided by Royal Decree. ✓

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Art. 5

(T.U.art.5 and law of 6 July 1911 n.697 art.1)

The Consiglio di Prefettura has powers granted to it by Law.

It is called upon to voice its opinion in all cases laid down by laws and regulations, and at the request of the Prefect.

The members of the Consiglio carry out the administrative functions entrusted to them by the Prefect.

By Royal Decree, the function of Councilors (Consiglieri) may be entrusted to the joint body of Consiglieri.

Art. 6

(T.U.art.6 and law of 6 July 1911 n°697 art.1)

The Consiglio di Prefettura consists of not more than three consiglieri. It is presided by the Prefect, or his Deputy.

While the financial balance is under discussion, an official of the Ragioneria (accounting department) will be present.

(T.U.art.7 ⁺ R.D.19 May 1912 n.554)

In each circondario there is a Sotto prefetto, who, under the direction of the Prefect, carries out the functions entrusted to him under the law, carries out the orders of the Prefect and makes provisions in urgent cases, reporting immediately to the Prefect.

⁺ Obsolete, since mandamenti are obsolete

Art. 8

(T.U.art.8 R.D.19 May 1912 n.554)

The Prefect, the Sub-prefect, and their deputies cannot be held accountable for the exercise of their duties except by higher Administrative Authority, and cannot be submitted to proceedings for any actions arising from their exercise, without authorization of the king, subject to the opinion of the council of State, save in the exceptions covered by art.113.

Art. 9

(T.U.art.9 R.D.19 May 1912 n.554)

To each Prefettura and sotto-prefettura is assigned a secretariat.

The respective organizations thereof will be determined by Royal Decree.

Art. 6

(T.U.art.6 and law of 6 July 1911 n°697 art.1)

The Consiglio di Prefettura consists of not more than three consiglieri. It is presided by the Prefect, or his Deputy.

While the final balance is under discussion, an official of the Ragioneria (accounting department) will be present.

(T.U.art.7 R.D.19 May 1912 n.554)

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The Prefect, the Sub-prefect, and their deputies cannot be held accountable for the exercise of their duties except by higher Administrative Authority, and cannot be submitted to proceedings for any actions arising from their exercise, without authorization of the king, subject to the opinion of the council of State, save in the exceptions covered by art.113.

Art. 9

(T.U.art.9 R.D.19 May 1912 n.554)

To each Prefettura and so to the Prefettura is assigned a secretariat.

The respective organizations thereof will be determined by Royal Decree.

Art. 10

(T.U. art. 10)

The Giunta Provinciale Amministrativa is constituted by the Prefect, who presides, two Consiglieri di Prefettura, nominated by the Prefect at the beginning of each year, by four effettivi (Citizen members) and two substitute therefor, nominated by the Provincial Council, holding office for four years. One half of

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the effettivi are nominated every two years.

The outgoing commissari (effettivi members) continue in office until they are relieved by their substitutes. They are not eligible for re-election for the subsequent two years term. During the first two years term, the outgoing members will be chosen by ballot.

The Prefect also selects a Substitute Consigliere di Prefettura.

The substitutes take part in the meetings of the Giunta only in the absence of the regular effettivi Members.

The composition of the Giunta; and the exercise of its jurisdiction when it is in session as a court (contenziosa) are regulated by the law of 17 Aug. 1907 n°693.

An attendance medal will be given to the elective Commissari for each session, as prescribed by Royal Decree.

The expenses for the attendance medals for the elective Commissari are charged to the province. All other expenses are charged to the State.

Art. 11

(T.U.art.11 and law of 19 June 1913 n.640 art.2)

The following are ineligible for elective membership of the Giunta Provinciale Amministrativa:

- a: Members of Parliament (Deputati) in the Province from which they were elected.
- b: Provincial members (Deputati) of their own province.
- c: Sindaci and assessori of the Communes of the Provinces.
- d: Civil and military employees of the State on active service.
- e: Stipendiati and Salariati (employees who are on contract and daily pay bases respectively), and bookkeepers of the provinces and Communes.

f: These persons who are barred from the jury list under provisions of art.5,6,7 and 8 of the law of 8 June 1874 n.1937.

Not more than half the elective members of the G.P.A. may belong simultaneously to the Consiglio Provinciale.

Those persons mentioned in categories a,b,c,d,e, above will be considered to have forfeited their membership as effettivi in the Giunta Provinciale Amministrativa, who upon election, have not resigned within 8 days of the offices which render them ineligible.

The election and or nomination of any of the effettivi members of the Giunta Provinciale Amministrativa, to any of the offices mentioned in b,c,d,e, above, will be considered wholly null and void, if they have not resigned, within 8 days of said

The substitutes take part in the meetings of the Giunta only in the absence of the regular effective Members.

The composition of the Giunta; and the exercise of its jurisdiction when it is in session as a court (contenziosa) are regulated by the law of 17 Aug. 1907 n°693.

An attendance medal will be given to the elective Commissioners for each session, as prescribed by Royal Decree.

The expenses for the attendance medals for the elective Commissioners are charged to the province. All other expenses are charged to the State.

Art. 11

(T.U. art. 11 and law of 19 June 1913 n. 640 art. 2)

The following are ineligible for elective membership of the Giunta Provinciale Amministrativa:

- a: Members of Parliament (Deputati) in the Province from which they were elected.
- b: Provincial members (Deputati) of their own province.
- c: Sindaci and assessors of the Communes of the Provinces.
- d: Civil and military employees of the State on active service.
- e: Stipendiati and Salarati (employees who are on contract and daily pay bases respectively), and bookkeepers of the provinces and Communes.
- f: These persons who are barred from the jury list under provisions of art. 5, 6, 7 and 8 of the law of 8 June 1874 n. 1937.

Not more than half the elective members of the G.P.A. may belong simultaneously to the Consiglio Provinciale.

Those persons mentioned in categories a, b, c, d, e, above will be considered to have forfeited their membership as effective in the Giunta Provinciale Amministrativa, who upon election, have not resigned within 8 days of the offices which render them ineligible.

The election and nomination of any of the effective members of the Giunta Provinciale Amministrativa, to any of the offices mentioned in b, c, d, e, above, will be considered wholly null and void, if they have not resigned, within 8 days of said election and nomination, the office of Commissario elettivo.

The elective members of the G.P.A. are not eligible for membership of Parliament (Deputati) for the Province in which they held office for less than six months after the resignation of their office.

Consiglieri Provinciali who are members of the G.P.A. will not take part in debates or deliberations which concern the communes of the Mandamento within which they were elected.

TITOLO III

COMMUNAL ADMINISTRATION

CAPO V

THE SECRETARY, EMPLOYEES AND SALARIED WORKERS OF THE COMMUNE

Art. 161

(T.U. art 158)

No one can be nominated as Communal Secretary, if he has not obtained a license following an examination passed under rules to be established.

The same license is necessary for nomination to the post of vice-Secretario, if this be the case.

Art. 162

(T.U. art. 159)

To be admitted for examination for a license ~~it~~^{to} be a Segretario Comunale must prove:

1. That they have attained their majority.
2. That they are Italian Citizens.
3. That they have not been convicted under provision of art. 25, unless ~~such~~ conviction has been followed by rehabilitation or amnesty.
4. That they have always conducted themselves in a moral and civil manner.
5. That they have obtained the licenza (graduation certificate) of the Liceo, or from an " Istituto Tecnico " or a diploma from a " Scuola Normale Superiore ".
6. That they have paid taxes to the amount of 40 Lire.

Art. 163

(T.U. art. 160)

A nomination of a Secretary must be decided by an absolute majority vote of the Consiglio Comunale.

Failure to observe this will render the nomination null and void. The nomination will become of a permanent nature after a trial period of 4 years within the same Comune, or association (consorzio) of Communes.

The nomination of a Secretary to an association of Communes must be upon the decision by an absolute majority vote in the associate assembly elected by the respective Consiglii, (of the associated Communes), from their own members, in the proportion of one representative for every five Consiglieri of each Comune. Failure to observe this will render the nomination null and void.

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The same license is necessary for nomination to the post of Vice-Secretary, if this be the case.

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The nomination of a Secretary to an association of Communes must be upon the decision by an absolute majority vote in the associate assembly elected by the respective Consigli, (of the associated Communes), from their own members, in the proportion of one representative for every five Consigliere of each Comune. Failure to observe this will render the nomination null and void.

art. 164

(T.U. art. 167)

A minimum stipend of 960 lire per annum is fixed for Secretaries of Communes or Associations of Communes of more than 1000 inhabitants.

The Secretary cannot be dismissed before the term for which he was nominated, without a reasoned decision of the Consiglio, with a two thirds majority of votes.

Against such a decision an appeal to the Giunta Provinciale is allowed. Furthermore, an appeal, on merit, may be made from the latter's decision, to the V Section of the Consiglio di Stato.

During the four years trial period, the decision to dismiss (the Secretary) must be taken according to the procedure prescribed ^{the} 363

preceding paragraph at least six months before the termination of the 4 year trial period. ~~at~~

A reason must be shown with the decision.

After the 4 year trial period, a Comune or association of communes cannot dismiss its own secretary unless the reasons for dismissal have been communicated, in writing, by the Sindaco, to the Secretary himself. The Secretary will be requested to submit, also in writing, within 8 days, his defense.

The reasoned decision (relating to the above) must be made by the Consiglio, or by the representatives of the associated assembly, with minimum of two-thirds majority of the Consiglieri or component members of the assembly (assembled consorziale).

Art. 166
(T.U. art. 162)

Against a decision to dismiss (as in Para 4 of the preceding article), an appeal is allowed to the Giunta Provinciale Amministrativa (as a judicial matter) and further, against the decision of the G.P.A. to the V Section of the Consiglio di Stato, which will express an opinion also " in merito ".

The nomination of a new Secretary (in any but a provisional capacity), shall not be made until a definitive judicial decision has been reached, or the time limit therefor has expired.

Art. 167
(T.U. art. 164)

A Communal Secretary who has been dismissed during the four years trial period, and has then been reinstated in office, with or without interruption, by the same Comune, or association of Communes, will add the new and old terms of service in computing the four years trial period.

Art. 168 (T.U. art. 163)

The Prefect, with the concurrent opinion of the Giunta Provinciale Amministrativa, may suspend from office, the Communal Secretary for reasons of serious and proven breach of service, morals or discipline, ~~if~~ the Giunta Comunale, having been duly requested to do so within 20 days, has not complied, in accordance with Art. 291.

The action of the Prefect is decisive. In the event of a judicial appeal, the V Section of the Consiglio di Stato, will make a decision on the merits if the case ("in merito").

Art. 169 is omitted since it deals with financial duties and powers of the Secretary, and is of no interest to Interior Sub-Commission.

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Art. 169 is omitted since it deals with financial duties and powers of the Secretary, and is of no interest to Interior Sub-Commission.

Art. 170
(T. U. art 166)

A special municipal regulation, approved by the Giunta Provinciale Amministrativa, makes provision for Communal employees.

Specifically determined is:

- a) The number, the quality, the stipend of each employee and the salary of each attendant, in a special table of organization.
- b) The functions and duties each employee and hired worker (salariato), and the relative time table of work.
- c) The disposition regarding the bonding of each employee, dismissals, holidays, sick-leave and resignations.

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d) Disciplinary, punitive measures in accordance with the present law, and the law of 17 Aug. 1907, No 639 (T.U.)

Any modification of these regulations must have the approval of the Giunta Provinciale Administrative.

Art. 171
(T.U. art 165)

The conditions made in the nominations cannot be altered to the disadvantage of the Secretary or Employee.

Arts. 172 to 176 deals with methods of payment and is of no interest to Interior Sub-Commission.

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Interest to Interior Sub-Commission.

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ARTICOLO III

COMMUNAL ADMINISTRATION

CAPITOLO VII

SUPERVISION AND GOVERNMENTAL PARTICIPATION AND
FUNCTIONS OF THE C.P.A.

Art. 211
(T.U. art. 205)

A copy of the minutes of the decisions of the Consiglio Comunale and of the Giunta Municipale, with the exception of matters already in hand, will be sent to the Prefect and Sotto-prefetto respectively, within 8 days, by the Sindaco.

The Prefetto or Sotto-prefetto will immediately acknowledge receipt thereof to the Communal Administration.

Art. 212
(T.U. art. 206)

The Prefect or Sotto-prefetto will examine and decide if the decision ;

1. Has been reached at a legal meeting, and that all the provisions of the laws have been observed.
2. Contains in itself any violation of the law.

Art. 213
(T.U. art. 207)

If the Prefect or Sotto-prefetto suspends, for just cause, by a decree, within 15 days, the carrying out of the decision, the decree will be brought immediately to the attention to the Sindaco, and the Sotto-prefetto if he be concerned.

Art. 214
(T.U. art. 208)

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The decision becomes executory if it is returned with the approval of the Prefetto or Sotto-prefetto, or if the suspension thereof is not forthcoming within 15 days. This term (of 15 days) is of a month duration in matter relative to the budget or monthly balance.

However, in the case of an urgent decision, with a two-third

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The decision becomes executory if it is returned with the approval of the Prefetto or Sotto-prefetto, or if the suspension thereof is not forthcoming within 15 days. This term (of 15 days) is of a month duration in matter relative to the budget or monthly balance.

However, in the case of an urgent decision, with a two-third majority vote, and where an evident danger or emergency is foreseen the decision will become operative immediately.

The Prefect, with the opinion of the Consiglio di Prefettura, will issue, with his reasons therefor, the annulment of any decision considered illegal under the provisions of art. 212.

Such an annulment cannot be issued if after 30 days from the receipt thereof, as in art. 211.

Art. 215
(T.U. art. 209)

The Consiglio Comunale, can, within 15 days of the receipt of the Decree of annulment, ~~can~~ appeal to the Royal Government, which will, in a Royal Decree, express its opinion in accordance with that of the Consiglio Di Stato.

Art. 216
(T.U. art. 210)

The Prefect may, in the exercise of the functions described above, order such inquiries as he may see fit, at the expense of the Comune.

The Prefect or Sottoprefetto may inspect to services of the communal official, for regularity of operation.

In cases of dereliction of duties entrusted to them (communal officials), the Prefetto may, at their expensed, send a commissioner to the spot to expedite all delinquent matters.

Art. 217
(T.U. art. 211)

All decisions of the Communes which touch on the matters described below, must be approved by the Giunta Provinciale Amministrativa.

1. Transfer of real estates, ~~state~~ bonds, commercial and industrial holdings, transfer of municipal funds and floating of loans.

2. The acquisition industrial shares and the use of moneys when these are not used for the purchase of property or mortgages, or for deposits in savings and loan banks, or the purchase of State issues, or treasury bonds.

3. Leases or managements of over 12 years.

4. All expenses which are binding on the Communal budget for over 5 years.

5. Changes in classification of roads, and projects for construction or reconstruction thereof, subject to the approval of the Provincial Civil Engineer, under the provisions of the law and subject to the appeal "in merito" to the fifth section of the Consiglio di Stato, as by art. 23, n° 14 and 16, law of 17 august 1907 n° 638 (T.U.).

6. Establishment of tolls.

7. Regulation relative to the use and administration of Communal property, and institutions which it manages in cases of opposition of the shareholders thereof.

8. The regulation of Communal custom fees and imposts

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7. Regulation relative to the use and administration of Communal property, and institutions which it manages in cases of opposition of the shareholders thereof.

8. The regulation of Communal custom fees and imposts **3643**

9. The regulation of the well being, and local police, as detailed, by law to the commune.

10. The examination and approval of the regulation of the urban police, is delegated to the Prefect, upon approval of the G.P.A.

The Prefect will transmit, to the appropriate Ministry, copies of the regulations approved by the G.P.A., relatives to items 6 and 9.

The Ministry, subject to the opinion of the Consiglio di Stato may veto in part or in whole, such matter as are contrary to the existing laws and general regulations.

Art. 216
(T.U. art. 213)

No Consiglio Comunale may institute legal proceedings relative to real property, nor ~~so~~ comply with requests relative thereto, without first obtaining the authorisation of the G.P.A. in whose jurisdiction the Comune is placed.

Art. 219
(T.U. art. 214)

It is the duty of the G.P.A., having heard the views of the Consiglio Comunale, to authorise the necessary appropriation for obligatory expenses.

Art. 220
(T.U. art. 214)

In the event that the Giunta Municipale fails to carry out orders, or the approved decisions, or if it, or the Consiglio Municipale, do not carry out the duties assigned to them by law, the Giunta Provinciale Amministrativa will ~~take~~ appropriate action.

Art. 221
(T.U. art. 216)

In the event that the Giunta Provinciale Amministrativa vetoes or withholds approval ~~45~~, prescribed above, it informs the Consiglio Comunale of its reasons therefor, and from the latter's replies, it will make a decision on the course to be followed.

It (the G.P.A.) may also order such investigations as it sees fit, on the expenses of the Comune.

Art. 222
(T.U. art. 216)

The Consiglio Comunale and the Prefect may appeal decisions of the G.P.A., to the Royal Government who, following consultation of the Consiglio di Stato, will not by Royal Decree.

In the event of the authorisation required for a session of the Consiglio as a Court, being withheld, an appeal " in merito " is allowed to the V Section of the Consiglio di Stato, as provided in art. 23, n° 7, Law of 17 August 1907, n° 638.

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In the event that the Giunta Municipale fails to carry out orders, or the approved decisions, or if it, or the Consiglio Municipale, do not carry out the duties assigned to them by law, the Giunta Provinciale Amministrativa will ~~take~~ appropriate action.

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art. 223
(P.U. art. 217)

Cantunes finding themselves in the condition described in art. 3, Law of 17 May 1903, will be placed under the jurisdiction of a Royal Commission for a period of five years from the date of the definitive approval of the budget, as prescribed by this Law, and by the art. 6, Law of 19 July 1906 n° 364.

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TITULO IV - PROVINCIAL ADMINISTRATION

CAPO I

THE PROVINCE

Art. 229
(T. U. Art 222)

The province is a corporation ("corpo morale"), has power to own property and has its own administration which manages and represents its interests.

Art. 230
(T. U. Art 223)

The administrations of each province consists of a Provincial Council and of a Provincial Deputation.

Art. 231
(T. U. Art 226)

The following are under the provincial administration;

1. The patrimonial property of the province and of its districts ("circondaria")
2. The institutions and the public establishments conducted for the benefit of the province and of its districts.
3. The funds and subsidies left at the disposal of the province by special legislation.
4. The income derived from church property when according to law it is appropriated to meet certain expenditure.

TITOLO IV

PROVINCIAL ADMINISTRATION

CAPO II

CONSIGLIO PROVINCIALE

Art. 232

(T.U. art. 225. Law of 19 June 1913 N. 640 art. 2)

The Consiglio Provinciale is composed of :
 60 members in Provinces with a population over 600.000.
 50 members in Provinces with a population over 400.000.
 40 members in Provinces with a population over 200.000.
 30 members in all other provinces. ✓

Art. 233

(T.U. art. 226)

The Consiglio Provinciale meets in the Provincial Capital. ✓

Art. 234

(T.U. art 227)

All sessions of the Consiglio Provinciale are opened and closed in the name of the King, by the Prefect, or his deputy.

The Prefect may be present at the meetings in the quality of a Commissary of the Government, and makes such remarks as he thinks fit, but he has not vote in a decision.

He has the power to suspend the session for 15 days, reporting the fact immediately to the Minister. ✓

Art. 235

(T.U. art. 228)

The Consiglio Provinciale meets in its full capacity each year, on the second Monday in August, in ordinary session.

It may also be convened specially, upon the request of the Prefect, or by initiative of the Deputazione Provinciale, or upon demand of one third of the Consiglieri. ✓

A special session will be announced in the "Gazzetta Ufficiale" or in the "Foglio degli annunci legali" (legal announcement bulletin) of the Province. 3646

The convocation will be made by the President of the Consiglio Provinciale by means of a written announcement delivered at the domicile of the members. ✓

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A special session will be announced in the "Gazzetta Ufficiale" or in the "Foglio degli annunci legali" (legal announcement bulletin) of the Province. 3646

The convocation will be made by the President of the Consiglio Provinciale by means of a written announcement delivered at the domicile (of the members), at least five days before the day fixed for the meeting.

This written announcement will contain the agenda for the first meeting. The latter will always be communicated to the Prefect. ✓

Art. 236
(T.U. art. 229)

The duration of a regular session will be one month, but it may be prorogued or lengthened by a decision of the consiglio. ✓

Art. 237
(R.U. art. 229)

In the event of a special convocation, or of a prorogation of a regular session, the announcement thereof must specify the matters to be discussed. ✓

Art. 238
(R.U. art. 231)

At the first meeting the Consiglio Provinciale is presided by the Senior Consigliere (by age). The Senior member acts in the capacity of secretary.

During the same session, the Consiglio nominates, from among its own members, by an absolute majority in the first ballot, and by a plurality in the second ballot, a President, a Vice-President, a Secretary and a Vice-Secretary. These remain in office for one year. Also elected from the members Revisers of the accounts of the Legittazione Provinciale (see para 9 of art. 241 below). ✓

Art. 239
(R.U. art. 232)

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The Consiglio Provinciale during a first meeting cannot make decisions unless a quorum of at least half the members is present; however, at a second meeting, which must take place on another day, decisions are valid if a one third quorum is present.

Art 240
(R.U. art. 233)

The Presidents of Consigli Provinciali may report directly to the Minister of the Interior, together with their observations, the acts of the Consiglio, if, in their opinion, these should especially be brought to the attention of the Government.

Art. 241

(R.U. art; 234. law of 26/6/1913 N.221 art. 37)

In compliance to the laws and regulations, the Consiglio Provinciale is charged with making decisions on the following :

1. The creation of public provincial establishment.
2. The contracts for acquisitions, the acceptance of gifts or legacies , subject to the authorization of the Prefect, as prescribed by the law of 21 June 1896 No 218.
3. All matters relative to the administration of the "Patrimonio" (funds belonging to) the Province.

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4. Secondary Education, whether classical or technical, where no

During the same session, the Consiglio nominates, from among its own members, by an absolute majority in the first ballot, and by a plurality in the second ballot, a President, a vice-President, a Secretary and a vice-Secretary. These remain in office for one year. Also elected from the members Revisers of the accounts of the Delegazione Provinciale (see para 9 of art. 24I below). ✓

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Art. 24I
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1. The creation of public provincial establishment.
2. The contracts for acquisitions, the acceptance of gifts or legacies , subject to the authorization of the Prefect, as prescribed by the law of 21 June 1896 N° 218.
3. All matters relative to the administration of the "intrinseco" (funds belonging to) the Province.
4. secondary Education, whether classical or technical, where no special organisation therefor exist, or in cases covered by special Government instructions or laws.
5. Public institutes, or establishments, directed for the benefit of the Province or by a division thereof, which do not have their own or syndacated administration.
6. The maintenance of the poor insane of the Province, and other expenses incurred under the provisions of the law of 14 February 1904 n° 36.
7. Provincial roads, and works relative to rivers and streams, for which ~~by~~, by law, the Province has responsibility.
8. Subsidies in favour of Communes and Associations for public works.

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9. The preparation of the budget, the diversion ^{of} earmarked funds from one category to another, the inspection of the treasurer's running account, and of the Administrative account of the Deputazione; and the use of available funds.

10. Legal proceedings to be instituted or carried out.

11. The determining of toll charges on bridges and provincial roads.

12. The cooperation by the Province in projects and expenses, which are obligatory under the terms of the law.

13. The making of loans ^{institutions}

14. The regulation of ^{institutions} belonging to the Province, and of the administrative interests thereof.

15. The supervision of institutions and establishments which benefit the Province, or a division thereof, even when they have their own special administration.

16. The appointment, suspension and dismissal of employees of provincial offices and establishments, subject to the general rules laid down by law, and regulations specific to each case.

17. The conservation of monuments and archives of the Province.

18. The fixing of the dates of the period where-in hunting may take place subject to the stipulation of laws relative thereto.

19. The maintenance of buildings which are the property of the Province, and of the Administrative archives of the Province.

20. To the nomination of:

The elective members of the Giunta Provinciale Amministrativa, in accordance with art. 10;

The component members of the Provincial Electoral Commission, in accordance with art. 37, testo unico of 26 June 1913, No. 321.

The elective members of the provincial Commission for public relief and welfare (in accordance with the law of 18 July 1904 No. 340), and in all other Commissions, the appointment to which, in whole or in part, are the responsibility, under special legislation, of the Consiglio Provinciale;

The sanctions outlined in art. 226 are applicable to the regulations mentioned in this article.

art. 242

(L.U. art. 236 and R.D. 19 May 1912 No. 554)

Under the terms of the laws, the Consiglio Provinciale makes decisions:

1. On proposed changes in the boundaries of the Province, Circondari, Mandamenti and Communes, and on the designation of Capoluoghi (chief-city in each division).

2. On modifications to be introduced in the classification of national Roads running through the Province.

3. On the direction of new community roads.

4. On the establishment of Consorzi (Associations), and in

15. The supervision of the Province, even when they have their own special administration.

16. The appointment, suspension and dismissal of employees of provincial offices and establishments, subject to the general rules laid down by law, and regulations specific to each case.

17. The conservation of monuments and archives of the Province.

18. The fixing of the dates of the period when in hunting may take place subject to the stipulation of laws relative thereto.

19. The maintenance of buildings which are the property of the Province, and of the administrative archives of the Province.

20. To the nomination of:

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The elective members of the provincial Commission for public relief and welfare (in accordance with the law of 18 July 1904 n° 340), and in all other commissions, the appointment to which, in whole or in part, are the responsibility, under special legislation, of the Consiglio Provinciale;

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2. On modifications to be introduced in the classification of national roads running through the Province.

3. On the direction of new community roads.

4. On the establishment of Consorzi (associations), and in general on such matter on which its vote is required by law, or requested by the Prefect.

Art 243

(L.U. art. 236)

The Consiglio Provinciale exercises jurisdiction, such as the laws may prescribe, over charitable, welfare, and religious institutions, and all other public services.

3644

Art. 244
(P.U. art. 237)

The Consiglio may delegate to one or more of its members, the supervision over the regular functioning of public institutions, founded or maintained at the expense of the Province or its mandamenti.

Art. 245
(P.U. art. 238)

The Consiglio may also assign to one or more of its members, the duty of conducting such inquiries as its functions may require.

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TITOLO IV

PROVINCIAL ADMINISTRATION

CAPO III

DEPUTAZIONE PROVINCIALE

Art. 246
(T.U. art. 239)

The Consiglio Comunale elects, from its own body, by an absolute majority a Deputazione which is renewed in-toto every four years. It elects from its own body, by an absolute majority the President of the Deputazione Provinciale, who remains in office during the four years period.

Whoever goes out of office, is always eligible for reelection. The provisions of art. 134 are applicable to the elections to the Deputazione.

The Presidente of the Deputazione Provinciale takes an oath as prescribed in art. 151

Art. 247
(T.U. art. 240)

The members of the Deputazione Provinciale are :

10 (ten) in number in provinces with a population of over 500.000.

8 (eight) in number in provinces of over 300.000.

+ 6 (six) in all other provinces.

Moreover, there will be 4 supplementary members elected for provinces of over 600.000 population, and two for all other provinces. These supplementary members will take the place of absentee members or of those who are unable to fulfill their functions for legitimate reasons.

Art. 248
6 T.U. art. 244)

The following are ineligible for membership of the D.P.A.:

1. Brothers (stipulated in art. 27).

(NOTE. The art. 27 forbids brother, father, sons, brothers and sons in law, adopted father and son, from sitting in the same body).

2. Paid (stipendiati) employees of the State.

(U.U. art. 239)

The Consiglio Comunale elects, from its own body, by an absolute majority a Deputazione which is renewed in toto every four years. It elects from its own body, by an absolute majority the President of the Deputazione Provinciale, who remains in office during the four years period.

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(U.U. art. 244)

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(NOTE. The art. 27 forbids brother, father, sons, brothers and sons in law, adopted father and son, from sitting in the same body).

2. Paid (stipendiati) employees of the State.

Art. 249

(U.U. art. 247)

Membership of the Deputazione is forfeited in cases where the provisions of art. 248 and 288, para 1, 3 and 4 are invoked.

Art. 250

(U.U. art 248)

The Deputazione :

1. Represents the Consiglio when the latter is not in session.
2. Provides for the carrying out of decisions of the Consiglio

glio Provinciale, with the power of being represented by one or more of its components.

3. Prepares the books for balancing.
4. Suspends the employees of the Provincial Offices and Institutions, reporting thereon to the Consiglio.
5. Appoint, suspends and dismisses the "salaristi" on the provincial payroll.
6. Makes contracts, determining the conditions thereof, in accordance with the decisions of the Consiglio.
7. Makes decisions on the use of the sums of money set aside for unforseen expenditures, and on the change from one article to another, within the same category.

8. Enacts items relative to the preservation of provincial rights.

9. In urgent cases it acts and gives an opinion to the Consiglio bringing the matter up to the next session, in accordance with art. 251 below.

10. Completes the preparatory studies of matters to be placed before the Consiglio Provinciale, for decision.

11. Accounts for its administration, reporting thereon each year to the Consiglio Provinciale.

12. It must collect all statistics and facts relative to the Administration of the province in to a general report both to the Consiglio Provinciale and to the Government, in a form prescribed by general regulations.

13. It must express its opinion to the Prefect at such times as he request it.

Art. 251
(T.U. art. 243)

The Deputazione Provinciale undertakes the responsibility for the decisions which would otherwise fall to the Consiglio Provinciale, in cases of such urgency that the convening of the latter body is not possible. Such cases must have arisen out of a new case, and since the last session of the Consiglio.

A report of such decisions must be made, immediately, to the prefect. The matter will, further, be referred to the Consiglio at the next session, for notification.

The provisions of the art. 128 are applicable to such cases.

Art. 252
(T.U. art. 241)

Decisions of the Deputazione are valid only if a majority of members have taken part in it.

A proposal will be considered as adopted if an absolute majority of votes have approved it.

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8. Enacts items relative to the preservation of provincial rights.
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(T.U. art. 243)

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A report of such decisions must be made, immediately, to the prefect. The matter will, further, be referred to the Consiglio at the next session, for notification.

The provisions of the art. 126 are applicable to such cases. ✓

Art. 252
(T.U. art. 241)

Decisions of the Deputazione are valid only if a majority of members have taken part in it.

A proposal will be considered as adopted if an absolute majority of votes have approved it. ✓

Art. 253
(T.U. art. 246)

If a Consigliere Comunale or a member of the Administration of a Charitable, or welfare, or religious institution, existing within the Province, is simultaneously a member of the Deputazione Provinciale, he may neither vote nor take part in sessions at which a re discussed matters concerning the administration of the institution. ✓

tutions to which he belongs.

The same provision is applicable to all those have, or have had an interest in matters brought up for debate in the Deputazione Provinciale.

Art. 254
(T.U. art. 248)

The Deputazione makes its own internal regulations for the carrying out of its functions.

Art. 255
(T.U. art. 249)

The President of the Deputazione Provinciale :

- 1). Represents the Province in judicial matters.
 - 2). Takes action in cases of breaches of provincial regulations in compliance with art. 227 - 228.
 - 3). Signs all acts relative to Provincial Administration.
 - 4). Supervises the Provincial Offices and employees.
 - 5). Attends in person, or by deputy chosen from among members of the Deputazione Provinciale, all auctions.
 - 6). Signs all documents giving, or deputising, authority, which are given to other members of the Deputazione, the chief-Secretary or the accountant.
- NOTE. This last para 6 is hard to understand, since it is not clear what a "mandato di concorso" really is. (Possibly it is a form of power of attorney).

Art. 256
(T.U. art 250)

In case of absence or inability (of the President) the Senior member of the Deputazione will act in his place.

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TESTO UNICO of law 1915 N°148

TITOLO V

DISPOSITIONS COMMON BOTH COMMUNAL AND PROVINCIAL ADMINISTRATION

Art. 323 (T.U. 316)

Communal and Provincial Consigli may be dissolved for grave reasons of public order, or in the event that they have been called upon to observe the obligations legally imposed upon them, they persist in the violation thereof. A new election must take place within a three month period.

For administrative reasons, or for reasons of public order, this term may be lengthened ~~to~~ 6 months.

The above mentioned dissolution and prolongation will be ordered by Royal Decree, which must be preceded by a report containing the motives for such action.

Such Decrees will be published in the Official Gazette of the Kingdom, and a list thereof shall be communicated every three months to the senate and Chamber of Deputies.

Art. 324

(T.U. art. 317 Law of 6 July 1911 N°697 art. 1)

In the event of the dissolution of the Consiglio comunale the administration will be entrusted to a Commissario Straordinario (Special Commissioner).

In the event of the dissolution of the Consiglio Provinciale, the administration is entrusted to a Commissione Straordinaria (Special Commission), presided by the Vice-Prefetto and consisting of four members chosen from among persons eligible to the position of Consigliere Provinciale, provided they have not been members of the dissolved Consiglio.

Both the Commissario Straordinario and the four members of the Commission are nominated by Royal Decree.

The Commissario Straordinario carries on the functions which by law are conferred upon the Sindaco and to the Giunta.

The Commissione Straordinaria, carries on the functions which, by law are conferred upon the Deputazione Provinciale.

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The Commissario Straordinario carries on the functions which by law are conferred upon the Sindaco and to the Giunta.

The Commissione Straordinaria, carries on the functions which, by law are conferred upon the Deputazione Provinciale.

When the Commissario Straordinario and the Commissione Provinciale assume, in an emergency, the powers of the Consiglio, their decisions cannot bind the accounts of the commune or the Province for more than a year, they are subject to the approval of the Giunta Provinciale Amministrativa, and a report will be made on them to the respective Consigli while these are in session, so that the latter may act upon them.

Art.325 (T.U.art.318)

The Commissione Straordinaria and the Commissario Straordinario, elected by virtue of art.324, will provide for the nomination, from among those eligible for the office of Consiglieri, of substitutes for those who have relinquished their special functions on the dissolutions of the Consiglio, in the case where these special functions require the nomination of a Consigliere.

Persons thus nominated will remain in office until they are substituted by their respective Consiglieri.

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FROM THE 'OFFICIAL GAZETTE' of the ITALIAN KINGDOM, 1915.
No 59.

~~TITOLO I~~

Testo UNICO. R.D. Law # No. 148

TITOLO I

DIVISION of the TERRITORY of the KINGDOM AND GOVERNMENTAL
AND ADMINISTRATIVE AUTHORITY

ART. 1 (T.U. art. 1 and R.D. 19/5/1912 No. 554)

The Kingdom is divided into Province, Circondari*, Mandorlanti*
and Comuni.

(Note: * Circondari and mandorlanti are now obsolete divisions)

ART. 2 (T.U. art. 2, LAW 16 July 1911 No. 697 art. 1.)

In every Provincia there is a Prefetto (Prefect), a Vice-Prefect
a Consiglio di Prefettura and a Giunta Provinciale Amministrativa.

ART. 3 (T.U. art. 3.)

The Prefect represents the executive power in the whole
province.

He exercises the powers conferred upon him by law

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and ~~that~~ watches over the maintenance of the rights
 of the Administrative Authority, and settles, ^{when} ~~it is~~ necessary,
 the division of functions between the Administrative
 and Juridical Authority, under law of 31 March, 1877, No 3771
 (Serie 2)

He provides for the proclamation and execution of laws
 He supervises the functioning of all Public
 Administrative matters. In urgent cases he makes
 provision, as he ~~also~~ sees fit, which may be indispensable
 to the various services.

He presides ~~at~~ the Giunta Provinciale Amministrativa
 He supervises the public safety services, is
 able to direct the dispositions of the Police Forces, and
 may call upon the Army.

He reports to the Minister of the Interior, is responsible
 to him, and carries out his orders.

Art. 4 (T.U. Art. 4)

If the Prefect is absent, or is unable to ^{fulfill} ~~carry out~~
 his functions, the Vice-Prefect acts in his place.

In the case of continued absence, inability to
 fulfill his functions, or leave a temporary ³⁶³⁵ vacancy
 (Reggenza) may be provided by Royal Decree

3

Art. 5 (TU. art. 5 and Law of 6 July 1911, No 697, art. 1.)

The Consiglio di prefettura has powers granted to it by law. It is called upon to voice its opinion in all cases laid down by laws, regulations, and ~~upon request~~ at the request of the Prefect.

The members of the Consiglio ~~discharge~~ carry out the ~~functions~~ administrative functions entrusted to them by the Prefect.

By royal Decree, the functions of Councillors (Consiglieri) may be entrusted to the joint body of Consiglieri.

Art. 6 (TU. Art. 6 and Law of 6 July 1911, No 697, art. 1.)

The Consiglio di Prefettura consists of not more than three consiglieri. It is presided by the Prefect, or his Deputy.

While the final balance is under discussion, an official of the Ragioneria (accounting department) will be present.

Art. 7* (TU. art. 7, R.D. 19 May 1912, No 554)

In each circondario there is a Sotto prefetto, who, under the direction of the Prefect, ~~discharge~~ carries out the functions entrusted to him under the law, ~~carries out~~ ³⁶³⁴ out the orders of the Prefect and makes provisions in urgent cases, reporting immediately to the Prefect.

* Obsolete, since mandamenti are obsolete

4

Art 9. (T.U. art 9. RD. 19 May 1912, No 554)

~~Fifth art 9~~

To each Prefettura and Sotto-prefettura is assigned a secretariat.

The respective organisations thereof will be determined by Royal Decree.

Art. 10 (T.U. art 10)

The Giunta Provinciale Amministrativa is constituted by the Prefect, who presides, two Consiglieri di Prefettura nominated by the Prefect at the beginning of each year, ~~and~~ by four Effettivi (Citizen members) and two substitutes therefor, nominated by the Provincial Council, holding this office for four years. One half of the Effettivi are nominated every two years.

The outgoing ~~effettivi members~~ (former Commissari (Effettivi members)) continue in office until they are replaced by their substitutes. They are not eligible for re-election for the subsequent two year term. During the first two year term, the outgoing members will be chosen by ballot.

The Prefect also selects a Substitute Consigliere di Prefettura.

5.

The Substitutes take part in the meetings of the Giunta only in the absence of the regular effettivi members.

The composition of the ~~Giunta~~ Giunta, and the exercise of its jurisdiction, when it is in session as a Court (cortina) are regulated by the law of 17 August, 1907, No 693.

An attendance medal will be given to the elective Commissari for each session, as prescribed by Royal Decree.

The expenses for the attendance medals for the elective Commissari are charged to the Province. All other expenses are charged to the State.

Art. 11 (Law of 11 June 1913, No 640, art 2)

The following are ineligible for elective membership of the Giunta Provinciale Amministrativa.

a) Members of Parliament (Deputati) in the province from which they were elected.

b) Provincial Members (Deputati) of their own province.

c) Sindaci and Assessori of the Communes of the province.

d) Civil and military ~~person~~ employees of the State on active service.

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6.

e) Stipendiati and Solariati (Employees who are on contract and daily pay bases respectively) and the Ragionieri (accountants) bookkeepers of the provinces and ^{municipalities} ~~comunes~~.

f) Those persons who are barred from the lists of jurymen under provisions of article 5, 6, 7, and 8 of the law of 3 June, 1874, No. 1937.

Not more than half the elective members of the G.P.A. may belong simultaneously to the Consiglio provinciale.

Those persons mentioned in ^{categories} ~~the latter~~ a, b, c, d, ^e above will be considered to have forfeited their membership as effective in the G.P.A., who, upon election, have not resigned ^{within 8 days} of the offices which render them ineligible, ~~within 8 days of the~~

The election and/or nomination of any of the effective members of the G.P.A. to any of the offices mentioned in a, b, c, d, e, above, will be considered wholly null and void, if they have not resigned, within 8 days, of said election and/or nomination, the office of Commissario elettivo.

The elective members of the G.P.A. are ^{not} ~~eligible~~ ³⁶³⁷ for membership of Parliament (Deputati) for the province in which they held office, ~~less~~ for less

7

More 6 months after the resignation of their office.

~~Former~~ Congressmen Provinces who are members of the G.P.R. will not take part in debates or deliberations which concern the Communes of the Mandamentos within which they have been elected.

Typed

Ley de Unico d. Local 1915 No. 142

Título ~~Y~~ ~~III~~ ~~(III)~~

DISPOSICIONES COMUNES A BOTH COMUNAL AND PROVINCIAL ADMINISTRACION

Art. 323 (T.U. 316)

Communal and Provincial Councils may be dissolved for grave reasons of public order, or if ^{upon being} called upon to observe the obligations imposed upon them under the laws they persist in its violation thereof. A new election must take place within a three month period.

For administrative reasons, or for ~~public~~ reasons of public order, this term may be lengthened to 6 months.

The above mentioned dissolution ~~or~~ and prolongation are ordered by Royal Decree, which must be preceded by a report containing the ~~reasons~~ motives for such an action.

The Royal Decrees will be published in the Official Gazette of the Kingdom, and a list thereof shall be communicated every three months to the Senate and Chamber of Deputies.

Art. 324 (T.U. art 37. Law of 6 July 1911, No 697, art 1)

In the event of the dissolution of the Consiglio Comunale the Administration will be entrusted to a Commissario Straordinario (Special Commissioner).

In the event of the dissolution of the Consiglio Provinciale the Administration is entrusted to a ~~Spec~~ Commissione Straordinaria (Special Commission), presided by the Vice-Prefetto, and consisting of four members chosen from among persons eligible to membership of the position of Consiglieri Provinciali, provided they have not been members of the dissolved Consiglio.

Both the Commissario Straordinario and the four members of the Commission are nominated by Royal Decree.

The Commissario Straordinario carries on the functions which ^{under} the law ~~attributed~~ are conferred upon the Sindaco and the Giunta.

The Commissione Straordinaria (~~consists of the~~ ~~members of the Commission~~) carries on the functions of which, under the law, are conferred upon the Delegazione Provinciale.

When the Commissario Straordinario and the Commissione Provinciale assume in an emergency the powers of the Consiglio, their decisions cannot bind

3

accounts
The ~~balance~~ of the Commune or the Province for more than a year, they are subject to the approval of the Giunta Provinciale Amministrativa, and a report is made on them to the respective Consigli ~~for action~~ ~~upon them~~. While there are in session, so that they latter may act upon them.

Art. 325 (T.U. art 312)

The Commisario Straordinario and the Commissario Straordinario, elected by virtue of Art 324, will provide for the nomination, from among those eligible for the office of Consigliere, of substitutes for those who have relinquished their special functions on the dissolution of the Consiglio, in the cases where these special functions require the nomination of a Consigliere. Persons thus nominated will remain in office until they are substituted by their respective Consigli.

Typed

TITOLO III

COMMUNAL ADMINISTRATION

CAPO IV

THE GIUNTA MUNICIPALE

ART. 134 (T.U. art. 130)

The Consiglio Comunale elects from its own members by an absolute majority the Assessori (Assessors) who form the Giunta Municipale. If, after two successive ballots none of the candidates have an absolute majority, the Consiglio proceeds to take a vote on the candidates who have received the greatest number of votes in the second ballot.

The Giunta Municipale is renewed in toto every four years.

The Assessori who relinquish office ~~every~~ at the end of the four year periods are always re-eligible.

ART. 135 (T.U. art. 131)

The Giunta Municipale, in addition to the Sindaco consists of the following:

10 Assessori and 2 ~~Supplement~~ Alternates in
Communes having a population greater than 20,000 ³⁶²⁶
8 Assessori and 4 Alternates in Communes

2.

having a population greater than 60,000

4 American in those with a population greater than 30,000

2 American in all other communities.

In the latter two cases the alternates are 2 in number.

Art. 136 (T.U. art 132)

Brothers may not be members of the Junta Municipal at the same time.

Art. 137 (T.U. art 133)

The Junta Municipal represents the Consilio Comunal in the interval between the latter's sessions, and takes part in solemn (formal) occasions. It watches over the proper functioning of municipal services and upholds the decisions of the Consilio.

Art. 138 (T.U. art 134)

The Junta Municipal makes decisions on an absolute majority of votes.

Its decisions are invalid if less than half the members are present, and if there are less than 3 in number.

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Art. 139. (in art 135)

The following are functions of the Junta;

1. To fix the date for the regular sessions and special convocations of the Council
2. To nominate and dismiss, on the proposal of the President the members of the Council
3. To make decisions on the use of the funds of money set aside for municipal expenditures, and on the transfer from one article to another within the laws regulating
4. To award and manage those contracts which are provided by law or decided on principle by the Council
5. To prepare the tax rolls and communal charges, both general and special
6. To prepare the budget
7. To propose regulations to be placed before the Council for decision
8. To participate in the workings of the Draft as prescribed by law
9. To fix the prices of public conveyances, boats and other public carriers in regular service within the commune.

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10. To determine the prices on labor of public servants, parties and the like, when there exists no (previous) agreement
11. To keep up the value of its own shareholdings (para 11 is very ambiguous. It may be an erroneous translation)

Art. 140, (T.U. art 136)

The Junta takes the responsibility for making decisions which would be made by the Consiglio in a matter of such urgency that it would be impossible to convene the latter, and which has appeared since the last meeting of the Consiglio

Such decisions must be communicated to the prefect immediately, and reported to the Consiglio for ratification at the next session thereof. The disposition of Art 128 is applicable to this

Art. 141 (T.U. 137)

The Junta must render account of its administration each year to the Consiglio, of the manner in which it has carried on the functions detailed to it, 362g which have been or under its direction, or for which it is responsible for

Typed

TITOLO III.COMMUNAL ADMINISTRATIONCAPO IV

The secretary, employees and salaried workers of the Commune

ART 161 (T.U. art 158)

No one can be nominated as Communal Secretary, if he has not obtained a license following an examination passed under rules to be established.

The same license is necessary for nomination to the post of Vice-Secretary, if this be the case

ART 162 (T.U. art 159)

To be admitted for examination for a license to be a Segretario-Comunale must prove;

1. That they have attained their majority
2. That they are Italian citizens
3. That they have not been convicted under provisions of Art 26, unless the conviction has not been followed by rehabilitation or amnesty
4. That they have always conducted themselves in a moral and civil manner
5. That they have obtained the "licenza" (graduation certificate) of the Liceo, or from an "Istituto Tecnico" or

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A diploma from a "Scuola Normale Superiore"

6. That they have paid taxes to the amount of 40 lire.

Art 163 (T.U. art 166)

The nomination of a Secretary must be decided by an absolute majority vote of the Consiglio Comunale. Failure to observe this will render the nomination null and void. The nomination will become a permanent nature after a trial period of 4 years within the same commune or associations (consorzio) of communes.

The nomination of a Secretary to an association of communes must be upon the decision by an absolute majority vote in the Associate Assembly elected by the respective Councils (of the associated communes) from their own members in the proportion of one representative for every five Councilors of each commune. Failure to observe this will render the nomination null and void.

Art 164 (T.U. art 167)

A minimum Stipend of 960 Lire per annum ³⁶² fixed for Secretaries of Communes or Associations of Communes of more than 1000 inhabitants.

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Art 165. (T.U. 161)

The secretary cannot be dismissed before the end of the term for which he was nominated, without a reasoned decision of the Consiglio with a two-thirds majority of votes. Against such a decision an appeal to the Giunta Provinciale is allowed. Furthermore, an appeal on merit, may be made from the Mayor's decision, to the E.F. Section of the Consiglio di Stato.

During the four year trial period, the decision to dismiss (the secretary) must be taken according to the procedure prescribed in the preceding paragraph at least six months before the termination of the 4 year trial period. A reason must be shown with the decision.

After the 4 year trial period, a Commune or association of Communes cannot dismiss its own secretary unless the reason for dismissal have been communicated, in writing, by the Sindaco, to the secretary himself. The secretary will be requested to submit, also in writing, within 8 days, in defense

the reasoned decision (relative to the above) must be made by the Consiglio, or by 1/620 representatives of the associative assembly, with

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Minimum of two-thirds majority of the Council or competent members of the assembly (assemblea consorziale)

ART. 166 (T.U. 162)

Against a decision to dismiss Can in Para 4 of the preceding article, an appeal is allowed to the Giunta Provinciale Amministrativa (as a judicial matter) and further, against the decision of the R.P.A. to the 5th section of the Consiglio di Stato, which will express an opinion also "in merito".

The nomination of a new Secretary in any but a provisional capacity, shall not be made until a definite judicial decision has been reached, or the time limit therefor has expired.

ART. 167 (T.U. 164)

A Communal Secretary who has been dismissed during the four year trial period, and has been reinstated in office, with or without interruption by the same Commune or Association of Communes will add the new and old terms of service ³⁶³⁹ computing the 4 year trial period.

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ART. 168 (T.U. art 163)

The prefect, with the concurrent opinion of the Giunta Provinciale Amministrativa, may suspend from office the Communal Secretary for reasons of serious and proven breaches of service, morals or discipline, unless the Giunta Comunale, having been duly requested to do so within 20 days, has not complied, in accordance with art. 241.

The action of the Prefect is decisive. In the event of a judicial appeal, the 5th Section of the Consiglio di Stato will make a decision on the merits of the case ("in merito").

Art 169 is omitted since it deals with financial duties and powers of the Secretary, and is of no interest to Interior Sub-commission.

ART. 170 (T.U. art 164)

A special municipal regulation, approved by the Giunta Provinciale Amministrativa makes provision for communal employees. Specifically determined is:

a) The number, the quality, the stipend of each employee and the salary of each attendant, in a special table of organisation.

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- b) The functions and duties each employee and hired worker (salaried), and the relative time table (if work)
- c) The dispositions regarding the bonding of each employee, dismissals, holidays, sick leave and resignations
- d) Disciplinary punitive measures in accordance with the present law, and the law of 17 Aug. 1907, No 639 (I.U.)

Any modification of these regulations must have the approval of the Public Personnel Administration

ART 171 (I.U. at 165)

The conditions made in the nominations cannot be altered to the disadvantage of the Secretary or Employee.

Arts 172 to 176 deal with methods of payment and is of no interest to Interior Subcommission

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Titolo II

Cap. I Comunal Administration

Art. I

Supervision and Governmental participation and function of the G.P.A.

Art. 211 (Tit. art. 205)

A copy of the minutes of the meetings decisions of the Council Communal, and of the Giunta Municipali, with the exception of matters already in hand, will be sent to the Prefect and Sotto-prefetti respectively, within 3 days, by the Sindaco.

The Prefect or Sotto-Prefetti will immediately acknowledge receipt thereof to the Communal Administration.

Art. 212 (Tit. art. 206)

The Prefect, or Sotto-prefetti will examine and decide if the decision; ~~is~~

1. Has been reached in a legal meeting, and in accordance that all the provisions of the laws have been observed.

2. ~~It~~ contains in itself any violation of the law

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Art 213 (T.U. art 207)

1/ The Prefect or Sotto-prefetto ~~respects~~ for just cause, by a decree, within 15 days, The carrying out of the decision, ~~The Prefect or Sotto-prefetto~~ ~~will be~~ The decree will be brought immediately to the attention of the Sindaco, and the Sotto-prefetto, if he is concerned.

Art 214 (T.U. art 208)

The decision becomes executory if it is returned with the approval of the Prefect or Sotto-prefetto, or if the suspension thereof is not forthcoming within 15 days. This term (of 15 days) is of a monthly duration in relation to ^{the} budget or monthly balance.

However, in the case of an urgent decision, with a two-third majority vote, and where an evident danger or emergency ~~area~~ is foreseen, the decision will become operative immediately.

The Prefect, with the opinion of the Consiglio di Prefettura, will issue, with his reasons therefor, the annullment of any decision considered illegal 3615
under the provisions of art 212.

Such an annullment cannot be issued if after 30 days from the receipt thereof, as in art 211

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Art 215 (T.U. art 209)

~~An amendment~~

The ~~Commune~~ ~~Commune~~, ~~can~~, within 15 days of the receipt of the Decree of Amendment, can appeal to the Royal Government, which will, in a Royal Decree, express its opinion in accordance with that of the Consiglio di Stato.

Art 216 (T.U. art 210)

The Prefect, ~~to~~ may, in the exercise of the functions described above, order ^{Such} ~~an~~ ~~inquiry~~ ~~inquiries~~ as he may see fit, at the expense of the Commune.

The Prefect or Sotto-prefetto may inspect the service of the communal officials, for regularity of operation.

In ~~any~~ cases of dereliction of duties entrusted to them (communal officials), the Prefect may, at their expense, send a Commissioner to the spot to expedite ~~such~~ ~~one~~ all delinquent matters.

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Art 217 (T.U. art 211)

All decisions of the Communes which touch on the matters described below, must be approved by the Quarta Provinciale Amministrazione

1. Transfer of real estate, State ~~land~~ lands, commercial and industrial holdings. Transfer of municipal funds, and floating of loans
2. The acquisition industrial shares and the issue of money when they are not used for the purchase of property or mortgages, or for deposits in Savings and loan banks, or the purchase of State ~~bonds~~ ~~treasury~~ bonds, or Treasury bonds
3. ~~Real~~ Lease or management of over 12 years
4. All expenses which are binding on the Communal budget for over 5 years
5. Change in classification of roads, and projects for construction or reconstruction thereof, subject to the approval of the Provincial ^{Civil} Engineer, under the provision of her law, and ~~also~~ subject to the approval, "in merito" to the fifth section of the Consiglio di Stato, as set by Art 23, no 14 and 16, law of 17 August 1907, No 632 (T.U.)

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6. Establishment of Taxes
7. Regulations relative to the use and administration of communal property, and institutions which it manages in case of opposition of the shareholders thereof.
8. The regulation of Communal custom fees and imposts.
9. The regulation of the well being and ^{local} police of the commune, as ~~provided~~ detailed, by law to the commune.
10. The examination and approval of the regulation of the urban police, is delegated to the Prefect, upon approval of the G.P.A.

The Prefect will transmit, to the appropriate Ministry, copies of the regulations approved by the G.P.A., relative to items 8 and 9.

The Ministry, subject to the opinion of the Congress of States may veto in part, or in whole, such matter as are contrary to the existing laws and General regulations.

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Art 213 (T.U. art 213)

The Consiglio Comunale may institute legal proceedings relative to real property, nor to comply with requests relative thereto, without first obtaining the authorization of the G.P.A. in whose jurisdiction the commune is situated placed.

Art 219 (T.U. art 214)

It is the duty of the G.P.A., having heard the views of the Consiglio Comunale, to authorize the necessary appropriations for obligatory expenses.

Art 220 (T.U. art 215)

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Typed

TITULO IV PROVINCIAL ADMINISTRATION

CAPITULO II Consejo Provincial

Art 232 (T.U. at 225, Law 19 June 1913, No 640, art 2.)

The Consejo Provincial is composed of:

60 members in provinces with a population over 600,000

50 members in provinces with a population over 400,000

40 members in provinces with a population over 200,000

30 members in all other provinces

Art 233 (T.U. at 226)

The Consejo provincial meets in the provincial Capital.

Art 234 (T.U. at 227)

All sessions of the Consejo Provincial are opened and closed in the name of the King, by the Prefect, or his deputy.

The Prefect may be present at the meetings in the quality of a Commissioner of the Government, and make

such remarks as he thinks fit but he has not vote in a decision.

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He has the power to suspend the session for 15 days
reporting the fact immediately to the Minister.

Art 235 (Tull. art 228)

The Consiglio Provinciale meets in its full capacity
each year, on the second Monday in August, in
ordinary session.

It may also be convened specially, upon the
request of the Prefect, or by initiative of the Deputazioni
provinciale, or upon demand of one third of the
Consiglieri.

A special session will be announced in the "Gazzetta
Ufficiale" or in the "Foglio degli Annunzi Legali"
(legal announcement bulletin) of the Province.

The convocations will be made by the President of
the Consiglio provinciale by means of a written
announcement delivered at the domicile (of the members)
at least five days before the day fixed for the
meeting.

This written announcement will contain the agenda
for the first meeting. The latter will always be
communicated to the Prefect.

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Art. 236 (T.U. art 229)

The duration of a regular session will be one month, but it may be prorogued or lengthened by a decision of the Consiglio.

Art 237 (T.U. art 230)

In the event of a special convocation, or of a prorogation of a regular session, the announcement thereof must specify the matters to be discussed.

Art 238 (T.U. 231)

At the first meeting the Consiglio provveduto is presided by the senior consigliere (by age). The junior member acts in the capacity of secretary.

During this same session, the Consiglio provveduto, from among its own members by an absolute majority in the first ballot, and by a plurality in the second ballot, a President, a Vice-President, a secretary and a Vice-secretary. These remain in office for one year.

Also elected from the members Provvisori of the 3603 accounts of the Dipartimento Provinciale (see Para 9 of art 241 below)

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Art 239 (T.U. art 232)

The Consistie Provinciale, during a first meeting, cannot make decisions unless a quorum of at least half the members is present; however, at a second meeting, which must take place on another day, decisions are valid if a one-third quorum is present.

Art 240 (T.U. 233)

The President of Consistie Provinciale may report directly to the Minister of the Interior, together with his observations, the acts of the Consistie, if, in their opinion, these should especially be brought to the attention of the Government.

Art 241 (T.U. art 234. Law of 26/6/1913 no 821 & 1917)

In compliance to the laws and regulations, the Consistie Provinciale is charged with making decisions on the following:

1. The creation of public provincial establishments
2. The contracts for acquisitions, ^{the} acceptance of gifts or legacies, subject to the authorization of the Prefect as provided by the law of 21 June, 1896, no 213

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3. All matters relative to the Administration of the Patrimonio (Funds belonging to) the Province.
4. Secondary Education, whether classical or technical where no special organization therefore exist, or in cases not covered by special Government instructions or laws.
5. Public institutes or establishments directed for the benefit of the Province, or by a division thereof, which do not have their own or syndicated Administration.
6. The maintenance of the poor insured of the Province, and other expenses incurred under the provisions of the law of 14 February 1904, no 36.
7. Provincial roads, and works relative to rivers and streams, for which are, by law, the Province has responsibility.
8. Subsidies in favor of Communes and associations for public works.
9. The preparation of the budget, the ~~disposition~~ diversion of earmarked funds & from one category to another, the inspection of the treasurers running account, and the administrative account of the Deputazione, and the use of available funds.
10. Legal proceedings to be instituted or carried out.
11. The determining of toll charges on bridges and provincial roads.

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12. The cooperation by the Province in projects and expenses, which are obligatory under the terms of the law.
13. The making of loans.
14. The regulation of institutions belonging to the province, and of the administrative interests thereof.
15. The supervision of institutions and establishments which benefit the province, or a division thereof, even when they have their own special administration.
16. ~~The~~ The appointment, suspension and dismissal of employees of provincial offices and establishments, subject to the general rules laid down by law, and regulations specific to each case.
17. The conservation of Monuments and Archives of the province.
18. The fixing of the dates of the period wherein hunting may take place, subject to the stipulation of the laws relative thereto.
19. The maintenance of buildings which are the property of the Province, and of the administrative 3605 archives of the province.
20. To the nomination of:
The elective members of the Junta Provincial.

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Administrative, in accordance with art. 10;

the component members of the provincial Electoral Commission, in accordance with art 37, Testo Unico of 26 June, 1913, No 821;

The elective members of the provincial Commission for Public Relief and Welfare, (in accordance with the law of 18 July 1904, no. 390), and of all other Commissions, the appointments to which, in whole or in part, are the responsibility, under special legislation, of the Consiglio ~~Pro~~ Provinciale;

the sanctions outlined in art 226 are applicable to the regulations mentioned in this article.

Art. 242 (Full art 235. PD. 19 May 1912, n. 554)

Under the terms of the laws, the Consiglio Provinciale makes decisions; ~~and~~

has proposed changes in the boundaries of the province, circondari, mandamenti and communes, and in the designation of Capoluoghi (chief city in each division).

2. On Modifications to be introduced in the 1604 classification of National roads running through the Province.

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3. on the direction of new Community roads
 4. on the establishment of Consorzi (associations).
 and in general on ^{such} matters on which its vote
 is required by law, or requested by the Prefect

Art 243 (T.U. art 236)

The Consiglio Provinciale exercises jurisdiction, such
 as the laws may prescribe, over charitable, welfare,
 and religious institutions, and all other public
 services.

Art 244 (T.U. 237)

The Consiglio may delegate to one or more
 of its members, the supervision over the regular
 functioning of public institutions, founded or
 maintained at the expense of the Province or its
 mandamenti.

Art 245 (T.U. 238)

The Consiglio may also assign ^{to} one or more
 of its members, the duty of conducting such
 inquiries as its functions may require.

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Testa Unica of Law of 1915.

TITOLO II

PROVINCIAL ADMINISTRATION

CAPITOLO III

Deputazione Provinciale

Art. 246 (T.U. No. 239)

The Consiglio Comunale elects, from its own body, by an absolute majority a Deputazione which is renewed in toto every four years.

It elects from its own body, by an absolute majority the President of the Deputazione Provinciale, who remains in office during the four year period.

~~There~~ Whosoever goes out of office is always eligible for reelection.

The provisions of Art. 134 are applicable to the elections to the Deputazione.

The President of the Deputazione Provinciale takes an oath as prescribed in Art. 150.

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Art. 247 (T.V. 240)

The members of the Deputazione Provinciale are;
10 (ten) in number in provinces with a population
of over 600,000; 8 (eight) in number for provinces
of over 300,000; and 6 (six) in all other provinces.

Moreover, there will be 4 supplementary members
elected for provinces of over 600,000 population, and
two for all other provinces. These supplementary
members will take the place of absent members,
or of those who are ~~not~~ unable to fulfill their
functions for legitimate reasons.

Art. 248 (T.V. 244)

The following are ineligible for membership of
the D.P.;

1. Brothers, parents, and relatives in the
degrees stipulated in Art. 27

[NOTE: Art. 27 forbids brother, father-in-law, brother and sons-in-law
adopted father and son from sitting in the same body]

2. paid (stipendiati) employees of the State

Art. 249 (T.V. art 247)

Membership of the Deputazione is forfeited ^{in cases where} ~~if~~ ³⁶⁰¹ the provisions
of Art. 248 and 285, paras 1, 3 and 4 are invoked.

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Art. 250. (T.U. art 248)

The Deputazione;

1. Represents the Consiglio when the latter is not in session.
2. Provides for the carrying out of decisions of the Consiglio provinciale, with the power of being represented by one or more of its components.
3. Prepares the books for balancing.
4. Suspends the employees of the provincial offices and institutions, reporting thereunto the Consiglio.
5. Appoints, suspends and dismisses the "salaristi" on the provincial payroll.
6. Makes contracts, determining the conditions thereof in accordance with the decisions of the Consiglio.
7. Makes decision on the use of sums of money set aside for ~~unforeseen~~ unforeseen expenditures, and on the change from one article of another within the same category.
8. Expresses views relative to the conservation of Provincial rights.
9. In urgent cases it acts and gives an opinion to the Consiglio, bringing the matter up to the ³⁶⁰⁰ next session, in accordance with art 251 below.

4.

10. Complete the preparatory studies of ~~affairs~~ matters to be placed before the Consejo Provincial, for deliberation.
11. ~~Reports and Accounts~~ for its administration report there each year to the Consejo Provincial.
12. It must collect all statistics, ~~and~~ ^{and} ~~and~~ facts relative to the Administration of the Province, in its general report both to the Consejo Provincial and to the Government, ~~also~~ in a form prescribed by general regulations.
13. It must ~~also~~ express its opinion to the Prefect at such times as he requests it.

ART. 251 (TU art 243)

The Diputación Provincial undertakes the responsibility for the decisions which would otherwise fall to the Consejo Provincial, in cases of such urgency that the convening of the latter body is not possible. Such cases must have arisen from a new cause, and since the last session of the Consejo.

A report of such decisions must be made immediately to the Prefect. The matter will, further, be referred to the Consejo at the next session for ratification.

The dispositions of Art 128 are applicable to such cases.

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Art. 252 (T.U. art 241)

Deliberations of the Deputazione are valid ~~if~~ only if a majority of members have taken part in it. A proposal will be considered as adopted if a ^{absolute} ~~plain~~ majority of votes have approved it.

Art. 253 (T.U. art 246)

If a Conigliere Comunale, or a member of the administration of Charity or Welfare or religious institutions existing within the province, is simultaneously a member of the Deputazione Provinciale, he may neither vote nor take part in sessions ~~into~~ in which are discussed matters concerning the administration of the institution to which he belongs.

The same provision is applicable to all those have, or have had an interest in matters brought up for deliberation in the Deputazione Provinciale.

Art. 254. (T.U. art 248)

The Deputazione makes its own internal regulations for the carrying out of its functions

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Art. 255 (T.U. art 249)

The president of the Deputazione Provinciale;

1. Represents the province in judicial matters
2. Takes action in ~~the~~ case of breaches of provincial regulations, in compliance with Arts. 227-228
3. Signs all acts relative to provincial Administration
4. Supervisor ^{Provincial} of ~~the~~ ^{the} offices and employees
5. Attends in person, or by deputy chosen from among members of the Deputazione, all auctions
6. Signs all documents giving or deputising authority which are given to other members of the Deputazione, the Chief Secretary and the accountant.

NOTE. This last para 6. is hard to understand, since it is not clear what a "mandato di concorso" really is. (Possibly it is a form of Power of attorney?)

Art 256 (T.U. art 250)

In case of the absence or inability (of the president) the senior member of the Deputazione will act in his place.

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