2335

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

10000/141/740

ACC

2336

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

10000/141/740

ELECTIONS, ITALIAN GOV'T POLICY
FEB. 1945 - JUN. 1946
(1 OF 2)

2337

1121

SALVATORE IALIND & FIGLI

NAPLES

DATED FROM 12/43 TO 12/43

Declassified E.O. 12356 Section 3.3/NND No. 785037

2338

DATE FROM 12/43 TO 12/45

TOTAL DOCUMENTS 5

DOCUMENTS TO BE FILMED 5

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

2 3 3 9

8057

AC. 1451 B/LG.

ELECTIONS: ITALIAN GOVERNMENT.

POLICY

Declassified E.O. 12356 Section 3.3/NND No. 789123

2340

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

10000 141 740

THIS FOLDER
CONTAINS PAPERS
FROM FEB. 45
TO JUNE 46
CATALOGUE-

26

FILE

DATE	MINUTE SHEET NO.	PAGE
17 May	CAS (127) Att No. 83 is the latest information about delivery of electoral certificates &c. in Rome. As of 14 May, 180,649 certificates remained undelivered — a considerable reduction. They appear to be making not unsatisfactory progress. R. L. McTemple, Major Director, I & G S/C	~~85~~ 83
~~17 May~~	~~4652~~ ~~For information of V.P. - for~~ ~~R. L. McTemple, Major~~ ~~Dir. I & G. S/C~~	

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

MINUTE SHEET NO.

DATE		PAGE

Minute No.121.

To: Executive Commissioner.

121

1. Folio 81 sets out the present position with regard to the matter of the use of the American flag in the symbol of one of the political groups taking part in the forthcoming elections. Poland A is fully informed on the subject and has the matter in hand. You may wish the Chief Commissioner to see Folio 81.

2. You may also wish to see Folio 76 which deals with certain complaints which have been made regarding election procedure in Rome.

M Carr Brigadier

11th May, 1946

M. CARR, Brigadier. 11/5
VP. CA. Section.

123

60

161

2342

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

2348

FILE		
DATE	MINUTE SHEET NO.	PAGE

(119)

7 May 46

TO: Civil Affairs Section

1. I think you should see the note of interview at folios 76 - 76B. 76 - 76 B

2. It is fortunate that I mentioned these complaints to the Ministry, as the explanation they have given disproves completely these rumors of some dark political plot. The trouble is clearly due partly to natural difficulties and partly to slipshod work on the part of the Commune of Rome.

3. Please see also the extracts from today's newspapers filed with translations at folios 77A - 80. These show that the Ministry have taken still further steps to ease the situation by:- 77A - 80

(a) extending from 5 to 8 May the time for applying to be registered in a more convenient polling district;

(b) affording further opportunity for those claiming the right to vote to apply to be registered in additional electoral lists up to May 10.

(c) making it clear through the Press that electoral certificates can be obtained at any time right up to and including the day of election. 4650

4. It is no doubt purely coincidental that this further action by the Ministry follows immediately after my talk with the Head of the Electoral Service on 4 May.

NSTed. Hawkyn R. R. Temple, Major
9/5 mc

CCKW/rbe

R. R. TEMPLE, Major
Director, Local Govt S/C

Declassified E.O. 12356 Section 3.3/NND No. 745028

on the part of the Commune of Rome.

3. Please see also the extracts from today's newspapers filed with translations at folios 77A - 80. These show that the Ministry have taken still further steps to ease the situation by:- 77A - 80

(a) extending from 5 to 8 May the time for applying to be registered in a more convenient polling district;

(b) affording further opportunity for those claiming the right to vote to apply to be registered in additional electoral lists up to May 10.

(c) making it clear through the Press that electoral certificates can be obtained at any time right up to and including the day of election.

4. It is no doubt purely coincidental that this further action by the Ministry follows immediately after my talk with the Head of the Electoral Service on 4 May.

R. R. TEMPLE, Major
Director, Local Govt S/C

CGMW/rbe

NSTed Hawkyard R.R. Temple, Major
9/5 ME.

120

To: CAS

10 May

1. Folios 81 is for your information. I suggest that this note of interview as well as the one at folios 76-76 a/a might well be brought to attention of Exec. Comm & CC to keep them in the picture.

2. Fr. 3 of file 45/8/2 is the letter mentioned in paras. 3 and 4 of fo. 81.

Ralph R. Temple, Major
Director, Loc. Govt S/C

4650

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2345

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

FILE

DATE | MINUTE SHEET NO. | PAGE

113

19 Nov. CAS — Letters for CC's signature herewith.

R. H. Temple Maj.
Dir. LG & C

114

ECS.

116 + 117 for sign: & approval

EJB 20/11

CAS
19 NOV 1945
X 525.

115

Ex. Com.

P. 47. already seen by CC in draft + appvd. by Polads (min 111) submitted for CC's signature. 46-9

T-HH 20/11

116.

CA Sec. - for LG

23/11 Letters signed as requested & returned herewith for despatch. CC & EC file copies have been withdrawn.

LG 23/11

CAS
1940.12.6
x 525.

115

Ex. Com.

P. 47. already seen by CC in draft + appvd. by Polads (min 111) submitted for CC's signature. 46-9

T-Hill
20/11

116.

CA Sec. - fr. LS
23/11 Letters signed as requested & returned herewith for despatch. CC & EC file copies have been withdrawn.

23/11

30/Nov. BF to Sec(A)(R) on 5 Dec.

(7)

7 Feb CAS - attached for signature of V.P. It is self-explanatory. Ex. Comm. said to write to AFHQ.

R.H. Temple, Maj
Dir. Sec. Gen. S/C

(118)

L.G.P.C.
Letter signed. File returned.
8 Feb.

J.B. Keeler, Maj
Ch. Section

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

Ex Comm.

Reference Minute 106. I consider that action should still be taken with the Embassies as the basic requirements still stand. Also see 4 of Minute 102 of Part (B). In which case the Embassies will be supporting a proposal already made.

I agree however that it will be useful to have at 44A agreed amendment in view of the draft electoral law, once received - received.

A revised draft is enclosed at 45A.

9/XI/45

10/11

10/11

W. Dorman Brydon
U.P.C.D.S.

110.

1

Chief Commissioner.

Attached is submitted for your approval ~~signature~~ ~~information~~

14/11 Have F.C. & Colds agreed.

NOV 13 RECD
1230

Declassified E.O. 12356 Section 3.3/NND No. 985021

Second draft received - revised.
A revised draft is enclosed at 45A.

9/XI/45

[illegible] 10/11

[illegible] 10/11

M Pond Snyder
U.P.C.45

SC-8

110.

/

Chief Commissioner.

Attached is submitted for your approval
~~signature~~
~~information~~

14/11
Have E.C. & Lads agreed.
[illegible] C.E.M.

NOV 13 RECD
1230

111.

Poland (A) Circulated 11/11/45

Poland (B) Ref min 110

Do you agree the draft at 45A?

[illegible]
T-Hitz
14/11

112.

CAS (LG)

Would you be good enough to prepare 45A for C.C.'s signature.

T-Hitz
12/11

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

2348

2349

Ex Comm.

Letters for signature by Chief Commissioner ~~immediately~~.

106

V.P.C.A.S.

In view of the present state of affairs & our comments on the news laws I do not think a further action with Embassies is now necessary. Do you agree.

107

Local Govt. S/C.

We discussed this and agreed that there had been no change which might prevent the letter being despatched as affecting a basic principle. C.S.O. 3 It was agreed however that the Secretary for the letter required modification. Would you please redraft.

M Carr Bray
V.P.C.A.S.

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

you agree.

107

Local Govt. S/C.

We discussed this and agreed further had been no change which might prevent the letter being despatched as affecting a basic principle G.G. 3
It was agreed however that the Secretary [illegible] of the letter required modification. Somerdyn please redraft.

M Carr Bury
V.P.C.A.S.

2/x1

(108)

C A Section

8 Nov The letters to the Embassies prepared for signature of C.C. as at fos. 43 + 44 have been re-drafted in accordance with minute 107. The new drafts of letters submitted herewith to 45 for approval before final typing of separate letters. 43 44 45

Tel. x 620

R.H. Temple Major
Director, L.G. S/C

Declassified E.O. 12356 Section 3.3/NND No. 795021

If time is to be a revised armistice document or a provisional peace (as the Italian Govt. are requesting) I see no objection. I rather think we Byrnes said publicly that the U.S. delegation in London had proposal A connecting up of the Sat. in the peace treaty. We will also refer to the F.O. if this is the a.c.'s view.

..out to Poland B.

U.D.

Ex. Com.

Refer 100 both Poland say they are prepared to suggest in their respective ministries the desirability of including in any peace treaty or interim terms a phrase to ensure "the setting up of democratic legislative and administrative bodies and to ensure free elections to the extent shall be free secret and independent" if that is the desire of this Commission.

may they be so informed please.

for the C.C.

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

treaty. [illegible] a.c.'s views.
if this is the

Talked to Polands.

103.

Ex. Com.

Refer 100 both Polands say they are instructed to suggest
to their Polish ministers the desirability of including in any peace
treaty or interim terms - phrase to ensure "the setting up of
"democratic legislative and administrative systems and to ensure [illegible]
"that elections in the enemy shall be free and unfettered."
It is that is the desire of this Commission.
may they be so informed please.

my Minute 82 and find 4 of your nos 1 to 12 C.C.
at folio 35 ante.

CAS
27.OCT.1945

W Carr Brigadier
V.P.C.A.S.

104

Ex. Com. Item 103 - ? Ask Polands to proceed
as suggested?

23/10

103

Please draft letter to Embassies

23/10.

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

(97)

Ex. CS.

for Information

ERS 17.10

for 6 17/10

CA 2
19 OCT. 1945
X-620

(98)

MS/(16)x.

(94)

CAS

1. Please refer to Min. (80) para. 2.
2. I think it is desirable to return to the point mentioned therein, namely the insertion of a clause in the revised Armistice Terms or Peace Treaty requiring Italy to guarantee satisfactory methods for securing free, secret, independent elections.

R. R. Temple, Major
Dir. L.G. & C.
18 Oct. 45

X-495
-620

100

1645

Polad A } in succession
Polad B

Will you please let us have your views upon the practicability and desirability of including in any interim revision of the armistice terms a provision to ensure that democratic negotiations and administrative bodies shall be created with a view to holding elections which shall be free, secret and independent.

to support the foreign office

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

Ex. CS.

(97)

12 for [redacted] mmodation

ERS. 17.0

Hollington

19 OCT. 1945

X-6-0

(98)

MS (16) X.

(99)

CAS

1. Please refer to M/m. (80) para. 2.
2. I think it is desirable to return to the point mentioned therein, namely the insertion of a clause in the revised Armistice Terms or Peace Treaty requiring Italy to guarantee satisfactory methods for securing free, secret, independent elections.

X-495
-620

R. R. Temple, Major
Dir. L.G. & C.
18 Oct. 45

(100)

1645

Polad A } in succession
Polad B

Will you please let us have your views upon the practicability and desirability of including in any interim revision of the armistice terms a provision to ensure that democratic political and administrative bodies shall be created and that elections shall be free secret and independent.

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

2354

Italy to guarantee satisfactory ... securing free, secret, independent elections.

X-495
-620

R. R. Temple, Major
Dir. L.G. &c.
18 Oct. 45

100

4645

Polad A
Polad B
} in succession

Will you please let us have your views upon the practicability and desirability of including in any interim measure by the armistice terms a phrase to ensure that Italian democratic legislative and administrative bodies shall be created which shall be free, secret and independent.

Do you consider it desirable to make to the foreign office or State Department any indication that such a clause might well be included in the Peace Treaty?

M Can Buy
V.P.C.A.S

101

V.P. CA.S 18 OCT. 1945

Decision of desirability of such a step being taken would seem to come to Washington and Embassy will transmit your suggestion if you indicate no objection to such action

EXT 18

Declassified E.O. 12356 Section 3.3/NND No. 485021

SECRET SIERRA

- 93 -

TO: CSC CA Sec.

This matter was discussed with the Executive Commissioner and the two Polads after the Executive Commissioner's meeting on 9 Oct 45. It was agreed that copies of all Admiral Stone's letters on this subject should NOT be sent to Minister Brosio and it was suggested that I might send a D.O. letter to Brosio containing a summary of the letters which the Chief Commissioner had written to Bonomi and Parri.

Local Government Sub-Commission should look into this and see how far this is possible.

M.C.

M. CARR, Brig.,
VI CA Section.

9 Oct 45.

94.

LS.

For action as above

FW 740.0019 Control (Italy)/10-645

95

CAS - 1. Pursuant to your request herewith on folios 41, 41A, D a draft of proposed D.O. letter from Brig. Carr to Brosio for approval.

2. For your information, I have been informed by Dr. ROMITA, of the Ministry for the Constituente that he found the original correspondence (Stone - Bonomi & Parri) and was bringing it to the attention of the Commission that ministry studying the electoral laws.

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

For action CAS
Ed
500.1943
X-620

95

CAS -

1. Pursuant to your request herewith on folios 41, 41 A, D a draft of proposed D.O. letter from Brig. Call to Brosio for approval.

2. For your information, I have been informed by Dr. ROMITA, of the Ministry for the Constituente that he found the originals of correspondence (Stone - Bonomi & Patti) and was bringing it to the attention of the Commission in that ministry studying the electoral laws.

11 Oct. 45
X-620

L.R. Temple, Major
Director Lg S/C

96

CAS -

Herewith D.O. letter for V.P.'s signature. I slightly changed the first para.

L.R. Temple, Major

13 Oct. 45
X-620

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

2358

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

(cont.)

Brain & Nunn RO the two Cabinet ministers most concerned with electoral procedure.

J Wesley Jones
Pol. A d. (Am). Oct. 2/45

11.

I think that is a good idea. The British Embassy have never had any instructions on this question and in fact at one stage the F.O. rather suggested that A.C. were interfering unduly in pressing the matter on the Italian front. But I am sure that we are right to do so.

H. Hopkinson
Pol Adv. (B) Oct 5.

VI.

Please see 10 and 11. If you agree LG 5c will instruct the latter and simultaneously you might inform Dr Gasperi.

L6?
H Hilldring

CA 5.
4 Oct 1945
X-609.

2 3 5 9 1

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

MINUTE SHEET - U.K.

86

TO: Executive Commissioner.

You will remember that at the last Chief Commissioner's Meeting, I was directed by the CC to see Sig. BROSIO and to endeavour to find out from him whether the criticisms of the 1919 Electoral Law made by the US and UK Governments and by the Allied Commission were going to be given consideration at the first or any subsequent meeting of the Consulta.

It was Monday, 24 Sep 45 before I could get an interview with Sig. BROSIO and the result of our discussions is at Folio 40 on this file.

It will be observed that it is the intention to submit a law for local elections to the Consulta but not during its first convocation which starts today.

My own view is that the CC should continue to press this matter with the Prime Minister or that the Embassies should take further action with their Governments. I feel that the Government's intentions in the matter cannot be very earnest if Sig. BROSIO, who appeared to be one of the Ministers principally concerned and who appeared to be very interested in the points I raised, knew little or nothing of the criticisms of the 1919 law which commenced with a letter from the CC on 19/4/45 and since then many other letters on the subject have been written to the Prime Minister. I consider that at para 6. of 40 BROSIO was expressing a personal opinion

Presumably the CC will wish to see Folio 40, after which will you please circulate it to Polads.

H. Carr Brigadier
H. CARR, Brig.,
VP CA Section.

25 Sep 45.

CAB 25/9 A-HB 26/9.

87

Pass to Polads for their views. BB 26/9

4642

88

Polad(A)

Polad(B)

29

Minister or that the Rumanian should take further action with their Government. I feel that the Government's intention in the matter cannot be very earnest if Sir. MACKIE, who appeared to be one of the Ministers principally concerned and who appeared to be very interested in the points I raised, knew little or nothing of the criticisms of the 19lb law which commenced with a letter from the CC on 19/4/45 and since then many other letters on the subject have been written to the Prime Minister. I consider that at para 6. p. 40. Brosio was expressing a personal opinion

Presumably the CC will wish to see folio 40, after which will you please circulate it to Poleds.

M. Carr Bryarly
M. Capt. Brig.,
FR 3A Section.

25 Sep 45.

EAB 25/9 T-Hall 26/9.

87

Pass to Poleds for their views. DS 26/9

4648

88

Polad (A)
Polad (B)

39.

Please see Minute 86

I shall be grateful to learn views.

40

27 Sept 45

E R Burgher
CAPTAIN I.C.

I would suggest that Brig. Carr send copies of all Admn. Stonie letters (to Bonomi & Parri) on this subject to Brosio under cover of a personal letter referring to his conversation of Sept. 24. The U.S. Embassy might communicate with de Gasperi & ask him to make available copies of all of its communications (to him) on the subject to Ministers

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

147.

(82)

Executive Commissioner

I think you should see Minute ~~81~~ 80 and Note of recent interviews ~~with~~ at ~~pp.~~ 37

Do you consider that any action beyond that outlined in your Note to C.C. at ~~13~~ 5 is required at this stage?

17/9/45

MC
V.P.C.A.S.

~~84~~ (83)

V.P.'s meeting 18/9/45

~~85~~ (84)

Local Government S/C

At the C.C.'s Meeting on 19th September the C.C. directed that C.A. Sec. should send out defensibly from Russia whether the proposals of the Allies 1641 Commission go beyond amendment to the

Declassified E.O. 12356 Section 3.3/NND No. 795021

11/9/45 [illegible] V.P.'s Office

~~83~~

V.P.'s meeting No 715

~~87~~ 84

Local Government S/C

At the C.C.'s Meeting on 19th September the C.C. directed that C.A. Sec. should not definitely from Russia whether the proposals of the Allied Commission on Wards amendment to the electoral laws will be submitted to the Council for Consideration.

Please speak early

19/9.

BS

CAS

25 Sept. Note of V.P.'s utterances yesterday with BROSIO is at to. £40. Loose copy herewith for typewriting Transmission, if desired

~~40~~

A.B. Hoyte Jnr CA.

L.G.S.C.
L.G.O.

Declassified E.O. 12356 Section 3.3/NND No. 945021

2362

2363

MINUTE SHEET NO.

DATE	~~80~~ (80)	PAGE
14 Sept.	C A Section 1. Ref. fo. 238, we spoke this afternoon (Lt. Col White - Major Williams) - a/f NA is required.	238
	2. Please refer to fo. 235, para. 4 a particularly Ex. Commissioner's recommendation at the end of that para. It would seem deserving of consideration that, in connection with the Peace Treaty or any modification of the Armistice, a clause might be adopted requiring Italy to adopt satisfactory methods for securing free secret & independent elections — national as well as local.	235
	3. Please see also the extract from the note of a recent visit overseas (37) which points to a possible intention of the Italian Govt. to go ahead with the 1915 Code without regard to A C criticisms. The "Progetto" mentioned therein is summarised at fo. ~~20~~ 20C	37 20C

for Clifton Williams
Major
Director, L.G. S/C

~~81~~ (81)

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

modification of the [redacted] be adopted requiring Italy to adopt satisfactory methods for securing free secret + independent elections — national as well as local.

3. Please see also the extract from the note of a recent visit covering (37) which points to a possible intention of the Italian Govt. to go ahead with the 1915 Law without regard to A.C criticisms. The "Progetto" mentioned therein is summarised at fo. [redacted] 20C

37

20C

for Director, L.G. S/C

Mayo

(81)

VP.

Refer para 2. I agree that the peace treaty or the revised Armistice terms should contain provisions ensuring free secret and independent elections.

Para 3 — The 1915 Law is quite unsatisfactory - the ballot under it is open & certainly not secret. You draw the party ticket from the party representative at the door and put it in the ballot box! There are many other defects.

E.A.S.
14.SEP.45

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2365

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

MINUTE SHEET NO. 24

DATE	80	PAGE
4 SEP. 45.	N.R. The U.S.A. Liberia regarding an request by P.M.S. Parri & Bonnet discussed with Ex. Commissioner. Ex.C decided to recommend to the C.C. that the Am. & Brit. Embassies be approached with a view to enquiring if F.O. & State Dep. indicate to U.S. that unless elections are held there will be no possibility of signing a Peace Treaty. L. G. S C.	
	A. A. Clarke Esq. RCT 5 Sept. '45	5

2366

MINUTE SHEET NO. 3

DATE	74	PAGE
22 Aug 45	To : Local Government Sub-Commission At the Chief Commissioner's Conference this morning I pointed out what was the present position as regards getting the Italian Government to amend the existing electoral laws, i.e. stagnation. The CC fully agreed that we should do everything to get the Italian Government to make a move and he wishes another reminder sent to Professor Parri. Will you have a tactful letter prepared for me to submit to the CC for signature. s/ M. Carr, Brigadier VP CA Section	
	(75)	
24 Aug.	Duplicate Forwarding VP's memo 7220 Aug (copy at minute 74 above. Original at minute 14 in file AC/45/8/LG, Constituent Assembly Policy) relates to local as well as national elections. I have therefore prepared a draft letter on this file (at fo 28) as well as on the Constituent Assembly file. Clyde	28
	76	
25 Aug 45.	D. CA.S. At flag 30 is draft & P.7 drafted in accordance with your instructions at minute 74. Pse is for approval & signature of CC A.R. Wright Lt Col L.G.S.C.	38
	77	

Declassified E.O. 12356 Section 3.3/NND No. 795021

24 Aug.

minute 74 above. Original at minute 14 on file AC/45/8/LG, Constituent Assembly Policy) relates to local as well as national elections. I have therefore prepared a draft letter on this file (at fo 28) as well as on the Constituent Assembly file. 28

76

25 Aug. 45

To C.A.S.

At flag 30 is letter to P.M. drafted in accordance with your instructions at minute 74. 38

We submit for approval signature of C.C.

L.G.S.C.

77

To L.G.S/C

See V.P's comments. Please re-submit.

CAS

Lt Col Shawcross
26 Aug 45

78

CAS

Letter resubmitted. Lt Col Shawcross, Maj.

27 Aug

79

Ex Comm.

In 66th Meeting approved.

Signature

CAS 28/8

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2368

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

69

CA Sec

Ref M 67 letter signed & returned for despatch. Please insert file ref. Distn required is that in minute 68.

Office of EC
9/7/45

E. Shorden Lieut

14/July (70) S/Sgt – Calendar fo. 22 & for 23 July. Copies noted for 22.

(71)

CA Section

23 July Herewith at fo. 25, draft letter of reminder from CC to PM, for approval & onward transmission, please. Original letter from CC to PM is at fo. 22. 25 22

R. L. Chipps
Colonel
Director, M.G. S/C.

(72)

Ex. Commissioner

23 July Draft at Folio 25 is submitted for approval
Original letter is at Folio 22

5667

W L Benham Lieut.
CAS. 24.7.45

24/7.

(73)

CA Sec.

(71)

CA Section

23 July Herewith at fo. 25, draft letter of reminder from CC to PM, for approval & onward transmission, please. Original letter from CC to PM is at fo. 22. 25

22.

R. R. Phipps Lt. Colonel Director, H.Q. S/C.

(72)

Ex Commissioners

23 July Draft at Folio 25 is submitted for approval

Original letter is at Folio 22

5613

L Bonham Carter Lt Col CAS.

24/7.

(73)

CA Sec.

Letter signed as requested & returned herewith for despatch 26.

Copies have been withdrawn for CC & EC files.

Lt Col Phipps R.A.

Despatched 24/7 CAS.

(74)

27/July. 1/Sept. – Cabinet fo. 26 from 10 Aug. QW – Noted after 26.

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

65.

CA Sec (Lg)

Ref M60 CC. approves draft.
You will see that draft has been typed in final form for signature but not its enclosures.
Will you please complete & submit for signature.

Office of EC
4 July 45

E J Norden Esq

61

CA Sec. for CC

Copies of correspondence duly made. You will observe that the letters from the Stal. govt. have been transcribed both in English and the original Italian. Only the Italian versions I suggest, need go to the Prime Minister, along with, of course, the CC's letter of 19 April.

6 July 45.

R K Temple, Major
D/Dir. L & S/C

Ex Commissioner

-7

Fr signature of CC please.

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

copies of correspondence duly made. You will observe that the letters from the Stal. govt. have been transcribed both in English and the original Italian. Only the Italian versions, I suggest, need go to the P.M. Prime Ministers along with, of course, the CC's letter of 19 April.

6 July 45.

R K Temple, Major
D/Dir. L g S/c

-7

Ex. Commissioner

For signature of CC please.

Please obtain distribution, then the letters will be made up with appropriate copies - i.e. Italian to the Government, etc.

68

6 July The distribution I suggest should be.

Am Ambassador
Br "
U.S. Poland
Bl. Rep Mission
CA Section.

R. D Buchanan Lt Col
CAS

5/7/7.

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2372

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

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

~~AMERICAN EMBASSY~~

63

HQ Allied Commission
Office of Political Advisor (A)

Draft letter appears satisfactory
I should like to have a copy when
it goes out

4655

Allen Dulles
for Acd (A)

64

July 2

A/Sec Cons

C.C. told me he would like to
consider this letter tomorrow morning.
Consider this letter tomorrow morning.
Mr. Hopkins's suggestion at 62 has been discussed
with CC and it thought to be undesirable since
it would involve bringing in AC Advising Council.

EtalbAllen
4/7/45

MINUTE SHEET NO. 1

DATE		PAGE
27 June	**Director** (58) 1. Please see at fo. 20 Notes of CC's conference of 23 June. 2. As then directed, a fresh draft of a letter from CC to Prime Minister is at fo. 21. 3. The previous correspondence between CC & PM & papers directly relevant to it have been put on this new file. 4. Copies of the Notes of Conference have been sent down for Ex. Commissioner's files & also to POLADS (U.S. & Br.). 5. I suggest CA Section be recommended to send this up then POLADS as CC will possibly desire to have their opinions before settling the draft. 6. I suggest also that attention be drawn to D/Director's letter at fo. 19, as bearing upon the question of a Press statement E.G. Jones Williams, Major	20 21 19.
28. JUNE.	59 To. CAS. The file 21 is submitted a draft for your approval & submission to the C.C. This has been drafted in accordance with instructions given by C.C. at the meeting held in his office. Saturday 23 June R.R. Cripps Lt.	654

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2374

MINUTE SHEET NO. 1

DATE		PAGE
27 June	**Director** (58) 1. Please see at fo. 20 Notes of CC's conference of 23 June. 2. As then directed, a fresh draft of a letter from CC to Prime Minister is at fo. 21. 3. The previous correspondence between CC & PM & papers directly relevant to it have been put on this new file. 4. Copies of the Notes of Conference have been sent down for Ex. Commissioner's files & also to POLADS (U.S. & Br.). 5. I suggest CA Section be recommended to send this up then POLADS as CC will possibly desire to have their opinions before settling the draft. 6. I suggest also that attention be drawn to D/Director's letter at fo. 19, as bearing upon the question of a Press statement C.G. Lawrence Sillitoe, Major	20 21 19.
28. JUNE.	To. CAS. 59 As this 21 is submitted a draft for your approval & instructions to the C.C. This has been drafted in accordance with instructions given by C.C. at the meeting held in his office. 4634 Saturday 23 JUNE R.R. Capps Capt.	
28 June	Ex. COMMISSIONER 60	

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6. I suggest also that attention be drawn to D/Director's letter at fo. 19, as bearing upon the question of a Press statement

C.G. Evan Gillman, Major 19.

28 JUNE

59

To. CAS.

All this 21 is submitted a draft for your approval + instruction to the C.C.

This has been drafted in accordance with instructions given by C.C. at the meeting held in his office. 4654

Saturday 23 JUNE

R.A. Cripps Cdr.

28 June

60

Ex Commissioner

Folio 21 for CC's approval please

A.B. Buchanan-Clarke CAS. L'(61)

61.

Political advisers (A) + (B).

Ref your minutes 52 + 53 please see new draft at 21. Your views would be appreciated.

Office of EC
28/6/45

E.H. Norden Maj

62

I think this draft is all right unless it were thought desirable to include some specific reference to the undertakings made at Moscow and Yalta in regard to the establishment of democratic forms

21. Norden

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MINUTE SHEET NO. ~~42~~ /8

DATE		PAGE
12 June	CAS (~~40~~) (54) 1. VP may be interested to see the letter of 9 June from Pol Adv (A). p.18 2. The scandal of allowing officers to vote but not NCOs + men has been urged by the S/C for months. 3. The point is specifically taken in the letter drafted for CC to send to Prime Minister + which is now under consideration some where "downstairs". 4. It is recommended that Mr Mc Bride's letter be brought to notice of CC before he settles the draft. If you agree we will get our file back + minute it up on that. ~~This is a temporary file only~~. R. R. Temple Major ~~D~~ Director Lg S/C	18 ~~78~~
	(~~44~~) (55) Ex. Commissioner . I bring the letter from the Political Adviser (A) to your notice in case the Chief Commissioner might wish to amend the draft now before him ~~in file #5/18/26~~ P. ~~78.~~ 18 The letter now being considered does cover the point raised (Officers voting but not EM/ORs) but weight might be added by expressing the views of the Department of State R D Bonham Carter Lt Col 14 June	~~78~~ 18 4633

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to notice of CC before he settles the draft. If you agree we will get our file back & minute it up in that. ~~This is a Confirm file only~~.

R. R. Temple Major
D/Director Lg S/C

~~111~~ 55

Ex. Commissioner

I bring the letter from the Political Adviser (A) to your notice in case the Chief Commissioner might wish to amend the draft now before him ~~in file H5/18/20~~ P. ~~78~~ 18

The letter now being considered does cover the point raised (Officers voting but not EM/ORs) but weight might be added by expressing the views of the Department of State

11 June

A D Benthall Secretary to the CinC's

CC 1620
JUN 12 RECD

~~111~~ 56

Chief Commissioner.

Draft letter by CAS on the electoral law is submitted. You will note that PA Adviser took 12 days to consider.

We must now carefully look and I suggest a meeting under your chairmanship of CAS, PA Adviser & Sec ~~111~~ 57

JUN 13 RECD
CC 1800

EC 3 agree, Saturday at 10.30

Encl cc

78 18

4633

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2 3 7 7 1

N°17

MINUTE SHEET NO. ~~39~~ 17

~~106~~ 51

TO: Political Advisers (A) and (B)

It would be appreciated if you would give your views on the draft at folio ~~45~~ and VP C.A. Section's minute ~~105~~, with particular reference to the last paragraph. 50

17

D. Clearly
J.C.A.

Office of Executive Commissioner,
4 June 45.

~~107~~ (52)

I think the draft is all right.

Jy. Hopkins.

Br. Pol. adviser
June 16.

~~108~~ (53)

I concur - the draft letter appears entirely satisfactory. May I have a copy when it goes out?

Bluebud

Pol Ad (A)
June 18

1632

Next minute on above paper is ~~111~~ 56.

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MINUTE SHEET NO. ~~30~~ 16

DATE		PAGE
	~~10~~ (50)	
	TO: Executive Commissioner.	
	Reference the Holding of Local Government Elections in Italy.	
	As early as 2 Feb 45, the Chief Commissioner enquired of the Prime Minister of the machinery which the Government proposed to use in the holding of local elections. (See Folio ~~1~~ 2) The Prime Minister replied, on the 27 February, that the Government proposed to use with regard to procedure, the consolidated text of the law of 1915 (See Folio ~~5A~~ 5A). This proposal was very carefully studied by the Local Government Sub-Commission who made an extensive staff study contained in Minute ~~12~~ 12 and Folio ~~7~~ 7. The most glaring defects in the proposed procedure under the text of 1915 are pointed out in Minute ~~17~~ 17 paras 5 - 9 and Folio ~~7~~ 7 paras 15 - 27. After consulting the A/President (See Minute ~~16~~ 16) and the Political Advisers (See Minute ~~24~~ 24) the Chief Commissioner, on 10 April 45, wrote a firm letter to the Prime Minister pointing out that the voting methods intended to be used by the Italian Government, based on the 1915 law, did not provide sufficient controls and guarantees to ensure the holding of an independent, free and secret vote (See Folio ~~9~~ 9)	5A 7 9
	After some reminders the Prime Minister has replied, on 20 May 45, (See Folio ~~16~~ 16) stating in effect that he proposes to stick to the law of 1915.	16
	This letter of the Prime Minister has been the subject of further consideration by the Local Government Sub-Commission (See Minute ~~16~~ 16). I entirely agree with that Minute and the Local Government Sub-Commission has prepared a proposed draft reply (at ~~2~~ 17) to the Prime Minister's letter.	17
	At the present moment the question of local elections is of the greatest possible delicacy as it is probable that there is as much dissension in Government circles over the method of holding these elections as on any other matter, and before the Chief Commissioner	16 51

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in Minute [illegible] and folio [illegible]. The [illegible]
procedure under the text of 1915 are pointed out in Minute [illegible] paras
5 - 9 and Folio [illegible] paras 16 - 27. After consulting the A/President
(See Minute [illegible]) and the Political Advisers (See Minute [illegible]) the Chief
Commissioner, on 18 Apl 45, wrote a firm letter to the Prime Minister
pointing out that the voting methods intended to be used by the
Italian Government, based on the 1915 law, did not provide sufficient
controls and guarantees to ensure the holding of an independent, free
and secret vote (See Folio [illegible]). 9

After some reminders the Prime Minister has replied, on 20 May 45, 16
(See Folio [illegible]) stating in effect that he proposes to stick to the law
of 1915.

This letter of the Prime Minister has been the subject of further
consideration by the Local Government Sub-Commission (See Minute [illegible]).
I entirely agree with that Minute and the Local Government Sub-Commission 17
has prepared a proposed draft reply (at [illegible]) to the Prime Minister's letter.

At the present moment the question of local elections is of the
greatest possible delicacy as it is probable that there is as much
dissension in Government circles over the method of holding these
elections as on any other matter, and before the Chief Commissioner
approves of the draft reply he will no doubt desire to consult the
Ambassadors. It is pointed out, however, that although this is a
matter on which we can only give advice, the Allies are vitally con-
cerned to see that elections are free, secret, and independent. On
this ground I think a further letter of advice is not only justified
but necessary.

Should the Chief Commissioner, contrary to my recommendation,
feel not disposed to sign Folio [illegible] I am of opinion that this Commission
should go publicly on record as having recommended changes in the
procedural law; if on the other hand the Chief Commissioner is disposed 17
to sign [illegible] the question of publicity could, in my opinion, be considered
at a later date.

G.R. Gregson, Brig.,
VE CA Section.

2 Jun 45.
Civil Affairs Section.

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MINUTE SHEET NO. 15

DATE	~~101~~ 47	PAGE
31 May.	Directive 1. Ref. minute ~~101~~ 46 + your instructions to me this morning – draft letter for signature of C C at fo. ~~75~~ 17	~~75~~ 17
	2. Ref. para 9 of minute ~~101~~ 46 as to a Press release, I omitted to mention to you this morning that this point was raised before in minute ~~96~~ 41.	
31. MAY.	To. V.P. CAS ~~103~~ 48 Please see folio ~~74~~ 16 and minute ~~101~~ 46 I agree with the recommendations at para 8 and ~~have~~ accordingly had drafted a reply to ~~74~~ 16 which is at ~~70~~ 17. This is submitted for your consideration and if approved for submission to C.C.	16 16+17
	I submit for your further consideration the recommendation at para 9 of minute ~~101~~ 46. I feel strongly that the steps taken by this commission so far should be made public. If not till the intention of giving due action by the Indian Government at least ~~to~~ show that A.C. is NOT party to any decision that might take place	7½530

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Recommendations at para 8 and ~~Lacey~~ Hear accordingly had
drafted a reply to ~~No~~ 16 which is at ~~16~~ 17. Ri is 16+17
submitted for your consideration and if approved for
submission to C.C.

I submit for your further consideration the recommendation
~~of~~ at para 9 of minute ~~16~~ 17. I feel strongly that the
steps taken by this Commission so far should be made
public. If not till the intention of forcing Imperial action
on the Italian Government at least ~~to~~ show that
H.C. is not party to any decision that might take place
4 th. on undemocratic lines and on the 19th has shown
how little we have so much to be ashamed. 74630

L.G.S.C. ~~19~~ (49) G.R. Clerke

1 June V.P. I can only recommend that this (~~17~~) goes through GABenson/mk 2/6 (A) 17

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DATE	(Minute No. ~~101~~ 40 - continued)	PAGE

5. As the Prime Minister gives his personal opinion only on these matters, it appears possible that they have not been discussed within the Council of Ministers. The Allied Commission are, of course, primarily concerned with the policy of the Government as a whole.

6. To these three specific criticisms, therefore, the Prime Minister personally has replied with a simple denial and has not taken up the hint in the last para of the Chief Commissioner's letter of 19 April that these matters might be discussed. Moreover, he has passed over the fact that these three specific criticisms were given as the principal ones only and are not exhaustive. A discussion may bring to light the need for other reforms on such questions as, e.g. the disfranchisement of ORs/EMs in the Italian armed forces, while officers are granted the local government vote.

7. Questions of this kind affecting freedom and secrecy of the ballot will arise whatever "system" is adopted, and are, therefore, independent of the dispute about proportional representation and the majority system. There is no reason why they should not be settled and settled quickly. As it is, it is already obvious that local government elections cannot be held until much later than the Government's forecast of the end of June. If a dispute on "system" has to go to the Consulta, this alone will delay the matter beyond that date. Much publicity has been given to the forthcoming local elections in recent months and any appreciable postponement is likely to have a very bad effect on public opinion—and on the Government that announces it.

8. A reply to the Prime Minister on the following lines would, therefore, seem to be indicated:

(a) the differences of opinion about the electoral "system" and the possibility of referring such differences to the Consulta have been noted: but questions as to freedom and secrecy of voting are quite capable of separate treatment and should be so handled:

(b) the three specific criticisms made in the Chief Commissioner's letter of 19 April are examples only and not exhaustive: and specific reference should be made to the preferential treatment accorded by the law of 1915 to officers in the Italian Forces:

(c) the provisions of the electoral law of 1915 to which the Prime Minister refers in his letter of 20 May are known to the Allied Commission and has been studied before the Chief Commissioner's letter of 19 April was written. The Allied Commission [illegible]

4628

2383

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(b) the three specific criticisms made in the Chief Commissioner's letter of 19 April are examples only and not exhaustive: and specific reference should be made to the preferential treatment accorded by the law of 1915 to officers in the Italian Forces:

(c) the provisions of the electoral law of 1915 to which the Prime Minister refers in his letter of 20 May are known to the Allied Commission and has been studied before the Chief Commissioner's letter of 19 April was written. The Allied Commission must, therefore, adhere to the views expressed in that letter and urge the Government to review their present proposals with the object of making better provision for the freedom and secrecy of the ballot.

9. It is recommended that the views expressed in the Chief Commissioner's letter of 19 April should be released to the Press immediately. It is urged that the Allied Commission cannot afford any longer to allow the public—in their own countries as well as in Italy—to go on under the impression that truly democratic elections are about to be held in Italy when (a) the Government's proposals for such elections are known to the Allied Commission, (b) they have been stated by the Commission to be undemocratic and (c) the Government have shown no sign of any intention to improve them. Unless the question is brought into the open, it is not believed that the Government will deal seriously with the criticisms that have been made of their electoral proposals.

C. G. R. Williams
Major

C. G. R. WILLIAMS, Major
Executive Officer
Local Government S/C

CGRW/pec

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MINUTE SHEET. NO. ~~15~~ 13

DATE		PAGE
20 May	CA Section Ref. minutes ~~40~~ - ~~41~~ — letter for CC's signature submitted at fo. ~~77~~ 15 Tel - 478190. Ex Commissioner	~~77~~ 15
20 May	For signature of CC please	
23. May	EA Sec. Letter signed as requested & returned herewith for despatch. Copies withdrawn for CC TEC files	
	Office of EC 23/5/45	
29 May 45	Director:	

~~(100)~~ (45)

~~(101)~~ (46)

1. The following comments are submitted upon the Prime Minister's letter at fo. ~~74~~ and upon the previous correspondence which has been flagged. 16

2. In the first place, the Prime Minister indicates in the first para of fo. ~~74~~ (and in other placed in his previous letters) that there is a sharp cleavage between the political parties as to the electoral "system" to be adopted. By "system" he means the fundamental principle on which representatives will be chosen (e.g. proportional representation, majority system, list system, single member constituency or other principles) as contrasted with the mere mechanics of the process to be gone through by the individual elector when casting his vote. The Prime Minister states that the cleavage is between those parties who desire proportional representation and those who wish to maintain the majority system—for a rough description of the latter [illegible] 28 72

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Office AEC
23/5/45

~~(101)~~ (46)

29 May 45

Director:

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2. In the first place, the Prime Minister indicates in the first para of fo. ~~74~~ (and in other placed in his previous letters) that there is a sharp cleavage between the political parties as to the electoral "system" to be adopted. By "system" he means the fundamental principle on which representatives will be chosen (e.g. proportional representation, majority system, list system, single member constituency or other principles) as contrasted with the mere mechanics of the process to be gone through by the individual elector when casting his vote. The Prime Minister states that the cleavage is between those parties who desire proportional representation and those who wish to maintain the majority system--for a rough description of the latter system, see paras 25 to 27 of fo. ~~58~~. He says that this dispute will have to be resolved with the help of the Consulta: and that until it is resolved, no law for the conduct of local elections can be made.

3. The Prime Minister does not indicate whether this dispute has been discussed within the Council of Ministers or what steps, if any, he or his Government are taking to resolve it, other than the expression of opinion that it will have to be referred to the Consulta. For the rest, it is, of course, true that no comprehensive law for the conduct of local elections could be issued until the Government have reached agreement among themselves on all parts of such a law. But a difference of opinion as to whether to adopt the system of proportional representation or the majority system does not necessarily prevent the Government from reaching a decision as to the policy they will adopt upon other aspects of the matter, such as the freedom and secrecy of the ballot.

4. Secondly, in his letter of 20 May, the Prime Minister deals with the three specific criticisms made in the Chief Commissioner's letter of 19 April at fo. ~~56~~. As to these, he gives his personal opinion only: and his personal opinion is that the law of 1915 which the Government propose to adopt is sufficient on these points.

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No. 12.

To CAS (X3) 38.

Folio p 12 for information of V.P. please

R.R. Temple, Major
D/Dir. L.G. S/C

2 May 45

~~45~~ 39

Executive Commissioner

Folio ~~10~~ 12 p. for information

3 May. 45

CA Sec.

Seen by Ex. Com. & C.C.
4.5.45. PR

~~45~~ 40

G.A. Bonhomme A.C. (A).

12

FRT

~~41~~ 41

(Folio p. ~~17~~ 14)

TO CAS.

1. Draft letter for C.C. to Prime Min. Bonomi submitted for approval pursuant to V.P.'s request that a reminder be sent. Paras 5 of folio p. ~~13~~ 13 refers to oral conversation with Berutti, chief of Cabinet of Ministry of Interior.

2. Probably the best way to get a quick response from the Italian Govt. is to issue A.C.'s letter of 19 April (folio p. ~~8~~ 9) as a press release especially since it has the backing of our governments.

18 May '45

R.R. Temple, Major
D/Dir L.G. S/C

~~42~~ 42

Ex Commissioner

Please see Minute ~~41~~ 41. submitted for approval of folio ~~14~~ 14

19 May

CA SEC

~~43~~ 43

G.A. Bonhomme Lieut Col

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~~27~~ 30 N° 11

Major. Letter for signature. T. 19/4

~~28~~ 37

CA Sec. (LG)

Ref. minute ~~&~~ 35 p. ~~58~~ 9 letter signed by C.C. and returned to you for despatch. Copies withdrawn for E.C. files.

E.J.MORDEN. Maj.

Office of C.C.
19 Apr. 45.

9

4028

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N° 10.

~~25~~ (34)

Memorandum to Civil Affairs Section, A.C.

The Embassy has now received word from the Department of State that it is in accord with the Allied Commission's views regarding the defects in the voting procedure under law no. 148 of February 4, 1915. The Department refers to Bonomi's letter to the Chief Commissioner in which he mentions the possibility of suitable changes and renovations in the law of 1915 and is of the opinion that it would seem desirable for the Italian Government to make such changes in the law as would:

1) Make adequate provision for formal nomination of candidates prior to the voting;

2) Make provision for official ballots to be furnished by the Government, local or national;

3) Provide for control of electioneering at the polling places.

In this connection, however, the Department feels that both the Allied Commission and the Italian Government should keep in mind the possible excessive burden which too elaborate an electoral procedure would place upon the smaller communes.

Walter C. Dowling
Political Adviser (A)

Rome, April 18, 1945

~~26~~ (35)

A. Executive Commissioner

See Memo re ~~25~~ 34 letter now submitted for signature of Chief Commissioner. The "machinery" revision is having the attention of Local Government S/C

18 April

A. E. Bonham Carter Lt Col

5655

~~80~~ 29 No 7.

C.A. Sec

Please see minute 79. 28

G. Shorden
Maj

Office of EC.
15 Apr 45

~~81~~ 30

A. Executive Commissioner.

As instructed by Minute ~~77~~ 28 this letter is resubmitted although up to this moment, Mr Dowling has not heard from Washington.

It is respectfully suggested that at this stage, there is no real political issue and that as there has been a statement in the Italian Press that elections will be held in Aug further this letter ought to go forward

7 Apr.

G. R. Hyde
Brig.

~~82~~ 31

Hold for few days more. Mr. Dowling is cabling State Dept again

17/4

Thos
C.L

~~83~~ 32

C.S.O & Ex: Con.

You will wish to inform U.P. C.A. Section of C.C's minute at ~~81~~. 31 Please put up again on 20th April.

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real Political issue and that as that has been on a statement
in Rs Malaya Press that elections will be held in Aug Secretary
Rs letter ought to go forward

J Apl

G. R. Hyde Brig.

82 (31)

Hold for few days more. Mr. Dowling is calling State Dept again

Thos
C.L

17/4

83. (32)

C.S.O & Ex: Com.

You will write & inform U.P. C.A. Section of C.C's minute at #.31 Please put up again on 20th April.

T. A. Brough Maj.
17.4

84. (33)

4624

V.P. CAS

To Note 83 32.

Sqn Ldr
CSO & Secretariat

15/4

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N°8.

~~477~~ 26

TO: Executive Commissioner.

1. Attention is drawn to minute No ~~76~~ 24 from the Political Adviser (A).

2. Mr. Dowling with whom the undersigned officer talked on the telephone today stated that:

(a) he had sent to the State Department in Washington an urgent cable embodying the suggestions and criticisms of the previous minutes about elections as well as a summary of the letter at folio ~~57~~ 8.

(b) that he expected to have an answer to his cable by the end of this week.

(c) that he believed that the wisest course of action would be to wait until the American State Department expressed its views. Action taken by AC without the consent of the State Department might cause difficulty.

3. The VP CA Section having been instructed by the Acting President to have a letter with the however suggestions of AC sent to the Italian Government, believes that any delay might be fatal.

4. The attached letter at folio ~~57~~ 8 is accordingly submitted for the signature of the Chief Commissioner.

12 April 1945

W.A.S. Dollard

WILLIAM A.S. DOLLARD
Major
C.A. Section

If the letter [illegible] a copy
[illegible] to the PCAC A-3.

S. 13/4.

~~30~~ 27

CC 1510
APR 13 1945

Chief Commissioner

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3. The VP CA Section, however, having been instructed by the Acting President to have a letter with the suggestions of AC sent to the Italian Government, believes that any delay might be fatal.

4. The attached letter at folio ~~57~~ 8 is accordingly submitted for the signature of the Chief Commissioner.

W A S Dollard

14 April 1945

WILLIAM A.S. DOLLARD
Major
C.A. Section

If the letter goes as a C.C.
it must go to P.D. Hd. A-3

[illegible] 12/4

~~26~~ 27

Chief Commissioner:

Attached letter is for signature. You will note that Mr. Dowling, at minute ~~22~~ 24 asked that the letter should be held up until State Department views could be ascertained. Such action might well result in a very considerable delay. The letter is in general terms and I suggest that it go forward at once. State Department's views, when received, could be represented separately.

7

13/4/45

N.E.F.

1623

~~27~~ (28)

S.O. to Ex. Com.

C.C. says that he prefers to hold this letter pending arrival of State Dept. views. I have spoken to Mr Dowling who is sending Ewen to Washington and expects answer by Monday or Tuesday.

Please re-submit on receipt of Mr Dowling's communication or on Tuesday 17th — whichever is sooner.

14/4

2363

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2394

DATE	(Minute 22 - continued)	PAGE
	Commissioner and then let the Italian Government suggest the means that might be employed to effectuate the result we seek. The proposed letter is at folio p. 298	8
	3. There is in existence an Italian law dealing with the election of Deputies to the Parliament, which provides for, among other things, (a) an official ballot and (b) prior nomination of candidates, as well as other good controls. Major Palmieri and I feel it is inadvisable, without a more detailed study of that law, to suggest in a letter its incorporation into the 1915 law for the holding of local elections. There might be some constitutional objection to this. Furthermore, I feel we should maintain our position of advisors and let the Italian Government assume and retain responsibility in this matter with regard to Italian Government territory. I intend to secure a copy of the procedural book dealing with the election of Deputies and study it closely. In the meanwhile, time being of the essence, I believe it is desirable to set forth the general position of the Allied Commission as indicated in the suggested draft, folio p. 298 which is submitted for your approval with any changes you may propose.	8
	R L Dempsle, major RALPH R. TEMPLE, Major Deputy Director Local Government Sub Commission	
	(23)	
6 April.	No 75 To Political Advisor It is proposed to submit a letter as folio 297 8 to the Chief Commissioner for signature. Have you any comments please? H L Bonham Carter Lt Col CSO Civil Affairs Section	
	1707 (24)	

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I intend to secure a copy of the procedural book dealing with the election of Deputies and study it closely. In the meanwhile, time being of the essence, I believe it is desirable to set forth the general position of the Allied Commission as indicated in the suggested draft, folio p. 7,8 which is submitted for your approval with any changes you may propose. 8

R L Templeton, major
RALPH R. TEMPLE, Major
Deputy Director
Local Government Sub Commission

(23)

6 April. No 75 To Political Advisor

It is proposed to submit a letter as folio 378 to Chief Commissioner for signature. Have you any comments please?

A D Bonham-Carter Lt Col
CSO Civil Affairs Section

(24)

CAS

The matter of local government in Italy is now under study by the Department of State, and I hope to be able to communicate its views thereon to AC in the very near future. I should prefer, therefore, that the draft letter to Bonomi be held up until the Department's views are received. The Department has been informed by telegraph of your criticism of the electoral system. 4622

(25)

W. Dowling
Political Adviser (A)

April 10.

I have no comment.

(A. S. HALFORD)
Asst. Political Adviser

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

MINUTE SHEET NO. ~~28~~ 6

DATE		PAGE
31 Mar.	Local Govt S/C ~~17~~ 19 Ref minute ~~14-18~~ 14-17 passed according to arrangements [illegible] CA Section	
1 April	Legal S/C ~~17~~ 20 1. Please refer to minute ~~14~~ 12-19 and folio p. ~~57~~ 7 particularly paras 16 27 thereof on voting methods 2. As the DP indicated at the last meeting, he desires Local Govt S/C to get together with Legal S/C on the question of the extent to which we can advise changes in the law of 1915 in view of the constitutional point mentioned in minute ~~14~~ 12 para. 7 3. Will you please inform me as to when it is convenient for us to confer after you have had an opportunity to read the pertinent papers on the file. ~~(13)~~ (21) Ralph L. Temple, Major D/Director Loc Govt S/C	7
2 April	Local Govt S/C A Constitutional objection could be raised - [illegible] with Italian Consul. However, the	

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23961

folio f. ~~5~~ [illegible]
on voting methods

2. As the V.P. indicated at the last meeting, he directed Local Joint S/C to get together with Legal S/C on the question of the extent to which we can advise changes in the law of 1915 in view of the constitutional point mentioned in minute ~~14~~ 12 para. 7

3. Will you please inform me as to when it is convenient for us to confer after you have had an opportunity to read the pertinent papers on this file.

~~(13)~~ (21) Ralph K. Temple, Major
D/Director Local Joint S/C

2 April

Local Joint S/C

A constitutional objection could be raised to any law which, apart from being in derogation of the law of 1915 and would preclude its expressed purposes. Viewed therefore, as a procedural matter than a substantive modification, it would be legal for the present Government to approve the necessary legislation.

I suggest a conference at your convenience.

F. J. Palmieri Major
Legal S/C

~~(7)~~ (22)

5 April

CA Section:

1. Pursuant to the request of the Vice President, I conferred with Legal S/C (Major Palmieri) on the constitutional point raised in my memorandum (Minute ~~6~~, 12 para 7). Major Palmieri agreed that the objections I raised dealt with procedural matters and not substantive modifications (see Minute ~~7~~, 21

2. However, we both agreed that it would be more tactical to set forth the general position of AC in the letter from the Chief

4621

23671
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N°5.

~~13~~ 14

Chief Commissioner:

This matter was discussed at length at Regional Commissioner's conference of 8 March. Voting under Italian 1915 statute is obviously a travesty and could not be effected in military government territory. Do you approve Italian Government being approached now and advised to amend the law of 1915 prior to holding local elections and prior to action by a Constituent Assembly? Upjohn proposes this - I agree.

24/3/45

F

N. E. F.

CC 773

MAR 24 RECD

~~14~~ 15.

FW President

If you concur, I propose To instruct Brig. Upjohn To proceed as he recommends.

Pike

CC

27
0

~~15~~ 16

Yes. a) As regards Italian Government territory we should advise them to amend the statute and prior to elections.

a) As regards Army territory. We should not be party to such a system

HM

MAR 26 RECD
CC FOS.

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H/ President

If you concur, I propose To instruct Brig. Upjohn To proceed as he recommends.

D Pearce
CC

27/3

~~15~~ 16

Yes. a) As regard Italian Somaliland territory we should advise them to amend the Constitutional Law prior to elections.

b) As regards Army recruitment, we should not be party to such a system

HM

(17) ~~16~~ 27/3

H/ Exec. Comm.
Pls proceed as per Mins. ~~14~~, ~~15~~, ~~16~~.

TWO 4620
CC

29/3

~~20~~ (18)

29/3 VP Exec. Please see minute ~~16~~ 17 above, and ~~17~~ 16.

MAR 2 8 RECD
CC FOS

23691
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24001

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DATE	(Minute 12 - continued)	PAGE

8. It was agreed at the Regional Commissioners' Conference on 9 March to defer any decision on the holding of local elections in Military Government Territory for several months. However, if and when it is decided to hold elections in AMG areas, our present system of implementing Italian Decrees for purposes of continuity in administration would put AC in the undesirable position of executing on its own responsibility the identical inadequate voting procedure that prevails in Italian Government territory. Consequently, if under the MacMillan "New Deal" memorandum our advice on matters affecting Italian Government territory is not to be tendered unless requested by the Italian Government (para 5 of Aide-Memoire), still under para 6 thereof the possibility of the application of a decree to AMG Territory gives us some basis for making representations to improve the law.

9. I certainly would advocate simplifying the system and providing adequate control to prevent corruption and ensure independence and secrecy in voting, but feel that some definite instruction should be given to this Sub Commission as to whether any request for this should be made to the Italian Government. However, even if no request for alteration in the existing voting method is to be made by AC, it would seem to me appropriate that the Allied Commission put itself on record as to its unfavorable opinion of the existing system and its hope for the simplification and democratization thereof.

Ralph R. Temple Major

RALPH R. TEMPLE, Major
for Director, Local Government S/C

~~65~~ 13

A/ExC.

I should like the C.C. to read minute ~~64~~ 12 particularly paras 5-9 and also ~~5-7~~ 7 particularly paras 16-27 on the method

22 hours

be made to the ... alteration in the existing voting ... seem to me appropriate that the Allied Commission put itself on record as to its unfavorable opinion of the existing system and its hope for the simplification and democratization thereof.

Ralph R. Temple Major

RALPH R. TEMPLE, Major
for Director, Local Government S/C

~~65~~ 13

A/ExC.

I should like the C.C. to read minute ~~64~~ 12 particularly paras 5-9 and also ~~5-7~~ 7 particularly paras 16-27 on the method of voting.

As will be seen the voting methods are appalling & in my opinion if they are to be introduced into Ath. G. Zeitung require substantial amendment. Apart from this however I think this is just the sort of case where our experts ought to give advice on improvements and amendments to the existing law eten ~~leaving~~ before the next elections; always bearing in mind the constitutional point (minute ~~64~~ 12 para 7). Before embarking on this how I desire the C.C's approval in principle to this approach to the Govt.

22 hours' 7

4619

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

2402

DATE	Minute ~~#~~ 12	PAGE
16 March	CA Section:	
	1. Pursuant to the authorization of the VP, I conferred with officials of the Ministry of the Interior in order to get a clarification and elaboration of the Prime Minister's reply to the Chief Commissioner (fo. p~~50~~ 5) on the proposed local government structure and on the manner of holding elections.	5
	2. I submit the note of the interview for your information and that of the Chief Commissioner, if you so see fit, as recorded by Major Williams at p.~~52~~ 7 ff. with the following comment:	7
	3. I have no comment to make regarding the proposed resurrection of the local governmental system provided for under the law of 1915 because, as explained by the Prime Minister in his letter and by his Chief of Cabinet in this interview, this system is to be temporary. Substantial changes will be considered by the Constituent Assembly. Studies as to the re-organization of the administrative system are now taking place. Just what the proposals will be, I do not know, but trust that there will be some stream-lining of the bureaucratic form of government provided for by the 1915 law.	
	4. As to the compilation of electoral lists, in accordance with the decision of the Acting President at the Regional Commissioner's Conference on 9 March that the necessary steps be taken to permit the immediate compilation of electoral lists in AMG Territory, a formal communication has been sent to the Italian Government (see fo. p. 53) on USA following a personal conversation.	
	5. With regard to the method of voting, much criticism can be offered. From the description of the system made to us (see paras 16 et seq. of fo. p.~~75~~ 7) the Italian Government is planning to use one of the most antiquated and cumbersome systems that I have ever seen or read about in years. It lends itself to corruption of the voters and the electoral officials, misuse of the ballot by the voters, and terrific political party pressure. There is good reason to doubt the possibility of an independent, free, and secret vote under the system.	7
	6. Some of the more glaring defects are:	

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3. I have no comments [illegible] of the local governmental system provided for under the [illegible] because, as explained by the Prime Minister in his letter and by his Chief of Cabinet in this interview, this system is to be temporary. Substartial changes will be considered by the Constituent Assembly. Studies as to the re-organization of the administrative system are now taking place. Just what the proposals will be, I do not know, but trust that there will be some stream-lining of the bureaucratic form of government provided for by the 1915 law.

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6. Some of the more glaring defects are:

(a) no prior nomination of candidates;

(b) no official ballot paper;

(c) no control over electioneering at the polling places.

As the system was described, party representatives may even stand in the door-way of the polling place and hand out election lists. It certainly seems that with political parties organized as they are today in Italy, together with the general antipathy on the part of the average person, that the absence of an official ballot provided for by the State makes possible all sorts of "deals" and corrupt practices.

7. It is clear that the Italian Government has no intention at the present time to alter in substance the 1915 Code, because they consider this to be a matter for the Constituent Assembly. I believe that Legal Sub Commission should be queried on this point, particularly as to whether such a thing as providing for official ballots is a substantive matter for a Constituent Assembly and not subject to handling at the present time. Since elections cannot possibly be held before July, there would seem to be adequate time to make changes.

7

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2403

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2404

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MINUTE SHEET NO. 2

DATE		PAGE
	statements in the President of the Council's letter A full report on this conference is being prepared and will be submitted in a day or two.	
	3. In the meantime it would appear desirable to acknowledge H.E. Bonomi's reply. Draft letter of acknolwedlgement herewith at fo. ~~5~~ 6 for approval please. R.R. TEMPLE. Major. for Director. L.G. S/C.	6
	~~61~~ 10 To Ex. Comm. At ~~5~~ 6 (folio) is submitted for approval and signature of CC an acknowledgement of PM's letter of 27th Feb. (folio ~~50~~ 5) The latter has been re-translated and a copy is loose in file for your files if required. R.R. CRIPPS. CAS. 5 Mar. 45.	6 5
	Issue M.S.L. 5/3. ~~62~~ 11	
	CA Sec. (L2) Ref. ~~61~~ 10 above, letter to the P.M. signed by the Ex. Comm. on behalf of the Chief Comm. is returned to you for dispatch. Thank you for copy of amended translation which is retained in this office. E. MORDEN. Capt. Office of Ex. Comm. 6 Mar. 45.	6 3

MINUTE SHEET NO.

DATE	~~3~~ 1	PAGE
1 Feb.	I.G. The C.C. Would like a letter drafted for him to sign to the P.M. asking what plans the Govt. have in mind for holding elections; what bodies will be formed and what will be their functions and so on. G.R.U. R.G.B.S.	
	~~3~~ 2	
2 Feb.	C.E.C. Please so draft as at ~~3~~ 1, with particular thought out detail of "so on". R.G.B.S.	1
	~~3~~ 3	
2 Feb.	Director: Herewith draft of letter for C.C. to P.M. R.R. TEMPLE. Major. C.E.C. IG S/C.	
	~~3~~ 4	
3 Feb.	V.P. I feel this draft is perhaps although an excellent one, too complicated at this stage - Will you, however, indicate your feelings? R.G.B.S.	
	~~3~~ 5	
5 Feb.	To. C.C.S. Draft at ~~3~~ 1 has been prepared for consideration and approval of C.C. Para. 12 of minutes of C.C. Meeting on 1 Feb. refer. G.R.URJOHN. Minutes ~~3~~ 1 refers. Ex. 5/2.	1 1
	~~3~~ 6	
6 Feb.	To. C.A. Sect. (L.G.) Ref. ~~3~~ 5 above. Letter to P.M. has been signed by Chief Commissioner and is returned for dispatch. E.MORDON. Capt. Office of C.S.	5

2405
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2	Feb.	Director: Herewith draft of letter for C.C. to P.M. R.R. TEMPLE. Major. C.E.O. LG S/C.	
		~~3~~ 4	
3	Feb.	V.P. I feel this draft is perhaps although an excellent one, too complicated at this stage - Will you, however, indicate your feelings? R.C.B.S.	
		~~4~~ 5	
5	Feb.	To. C.C.S. Draft at ~~32~~ 1 has been prepared for consideration and approval of C.C. Para. 12 of minutes of C.C. Meeting on 1 Feb. refer. G.R.UPJOHN. Minutes ~~34~~ 1 refers. Ex. 5/2.	1 1
		~~46~~ 6	
6	Feb.	To. C.A. Sect. (L.C.) Ref. ~~37~~ 5 above. Letter to P.M. has been signed by Chief Commissioner and is returned for dispatch. E.MORDON. Capt. Office of C.S.	5
		~~47~~ 7	
26	Feb.	To. C.S.O. to C.C. Following the interviews today CC and VP CAS ~~11~~ 2 has been re-drafted and is now submitted for signature of C.C. R.R.GRIPPS. CAS.	2
		~~58~~ 8	
27	Feb.	CA Sec. (IG) Ref. ~~57~~ 7 letter signed by C.C. and returned to you for dispatch. Office of S.C. E.MORDON. Capt.	
		~~60~~ 9	
Mar.	2	C.A.Section. 1. Reference the President of the Council's reply to C.C. as at fo. ~~16~~, a fresh translation thereof has been prepared and is at fo. ~~20~~ 5 as directed by VP: a loose copy is sent herewith for your use, if desired. 2. Officers of this S/V conferred at length with officials of the Ministry of the Interior this morning and clarified a number of the	5

2406
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458

94

Excerpt from the newspaper "Italia Nuova " of 21 June 1946

Il Ministero dell'Interno comunica:

Di fronte alle inesatte affermazioni di qualche giornale, si precisa che il numero dei cittadini scritti nelle liste elettorali di tutti i Comuni in cui si e' votato il 2 giugno 1946 e' di 28.021.375; in relazione a tale cifra e' avvenuto il rilascio dei certificati elettorali.

Il numero degli elettori che si sono presentati alle urne, secondo i dati accertati dalla Corte Suprema di Cassazione, ascende a 24 milioni 935.343 (voti validi 23 milioni 457,207; voti nulli 1 milione 478.136)

Il rapporto tra elettori presentatisi alle urne ed elettori iscrittix e', quindi, dell'89 per cento.

Il solo esame di tali cifre, e il raffronto di esse con quelle inerenti al primo ciclo di elezioni amministrative, sono sufficienti a dimostrare il regolare svolgimento della consultazione popolare qual'e' stato confermato del resto, dal giudizio definitivo espresso in ordine alle operazioni elettorali dal massimo organo della nostra Magistratura.

Di tale giudizio il Governo ha voluto attendere l'esito per un riguardo verso la Corte Suprema, prima di pubblicare i dati di cui il Ministero dell'Interno era gia' in possesso in seguito ad accertamenti direttamente compiuti attraverso i suoi organi, tanto piu' che la stessa Corte, nella proclamazione del 19 giugno si era riservato il compito di accertare il numero dei votanti e delle schede nulle.

(Translation)

The Ministry of the Interior communicates:

In view of the inexact affirmations made by some newspaper, it is stated that the number of citizens inscribed in the electoral lists of all the Communes where polling took place on 2 June 1946 is of 28.021.375; the issuance of electoral certificates took place on the basis of said figure.

The number of electors who were present at the polling, in accordance with the data verified by the Supreme Court of Cassation amounts to 24 millions

240771

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(Translation)

The Ministry of the Interior communicates:

In view of the inexact affirmations made by some newspaper, it is stated that the number of citizens inscribed in the electoral lists of all the Communes where polling took place on 2 June 1946 is of 28.021.575; the issuance of electoral certificates took place on the basis of said figure.

The number of electors who were present at the polling, in accordance with the data verified by the Supreme Court of Cassation amounts to 24 millions 935.343 (valid votes 23 millions 437.207; votes annulled 1 million 493.136).

The proportion between electors present to the polling and the registered electors is, therefore, of 89 per cent.

The only examination of said figures and the comparison between them and those relative to the first round of the administrative elections, are sufficient to demonstrate the regular carrying out of the popular consultation, as on the other hand it has been confirmed by the definitive judgment issued regarding the electoral operations by the greatest organ of our Magistrature.

Of said judgement the Government wanted to wait the result for an act of reverence towards the Supreme Court, before publishing the data of which the Minister of Interior was already in possession as a result of verifications carried out directly through its own organs, so much so that the same Courts in the proclamation of 19 June reserved the task of verifying the number of voters and of the void ballots.

2408

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2409

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93

From: Air Forces Sub-Commission, Intelligence Section.

Date: 14th June 1946.

18 JUN 1946

Enclosed herewith for your information is a copy of the translation of the Chief of Italian Air Staff's letter to the Italian Air Minister.

F. Smith F/O.

LG 5/C

4614

2410

93A

TRANSLATION:

STATO MAGGIORE DELL'AERONAUTICA. 10th May, 1946.

W.J.S. JUN 1946

Subject: Vote for the Institutional Referendum and the Costituente by Military personnel.

For the attention of: The Chief of Staff of the State Maggiore.
" " " Army
" " " Navy

1. I must notify you that the orders issued by the Ministry of the Interior, regarding the vote for the Referendum and the Costituente by Military personnel, will be not only unpracticable in the time allowed for the peripheric units to be informed and the date of the elections, but would give unsatisfactory and unacceptable results even if the time allowed had been far more generous, as will be readily understood by the following.

2. The Aeronautical Command of Sicily expects almost insignificant results in its letter dated 6th May, ref No.10746, but the appliance of the orders emanating from the Minister of the Interior, in article 21 of the Lieutenant General of the Realm 10th March 1946 No.74 (supplement G.U. No.60 of the 12th March 1946) which demands that the Unit Commands responsible for the right to vote of their military personnel, must request the relative election certificates during a period of ten days from the date of publication of the decree calling for election meetings to the Commune Syndicates, where servicemen are registered, and proceed immediately with the distribution.

Several Communes have not yet replied, while many others have replied negatively for various reasons (destruction of the Registering Offices) due to bombing; no substantial effort made to compile the lists; transfers to other Communes, long absence from the serviceman to residential Commune due to military service or Prisoners of war, etc.

3. A similar situation exists in all the other Commands and peripheric Units of the Air Force, the Commanders of which meeting in Rome on the 10th May 1946, for the usual montly report have explicitly confirmed in detail the results and worries reported by the Air Force Command in Sicily.

4. According to information received it must be definitely expected, if we persist with the above procedure, that 70% of the Air Force personnel will not be able to vote for the one and only reason that they are in the service and are, therefore, unable to comply in person with the official civilian rights.

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

General of the Realm 10th March 1946) which demands that the Unit Commands responsible for [illegible]
March 1946) which demands that the Unit Commands responsible for the
vote of their military personnel, must request the relative election certifi-
cates during a period of ten days from the date of publication of the decree
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May 1946, for the usual monthly report have explicitly confirmed in detail the
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persist with the above procedure, that 70% of the Air Force personnel will not
be able to vote for the one and only reason that they are in the service and
are, therefore, unable to comply in person with the official civilian rights.

5. Due to the fact that the provisions of the law known by each serviceman
demands the intervention of the Communes, there is no doubt that the serious
obstacles mentioned above would be blamed on the more or less intentional dis-
interest of their superiors, with disciplinary results which can be foreseen,
especially in the case of refusions outside speculations, with the scope of
causing disciplinary disorder in the Armed Forces at the most delicate moment
of their coherence and integrity.

Individual Commanders justly preoccupied of this situation do not intend
to assume the eventual consequences in the carrying out of their already di fi-
cult and delicate assignments.

6. But also in the case of no reactions, the grave moral repercussions which
would be determined amongst military personnel of all categories would always
remain.

It is certain that servicemen who observe the state laws and who must
enforce them when carrying out their duties in respect of public order, would
feel mortified in not being consulted in the decision which would define the
destiny of their country, at a moment in which all citizens, including women,
are asked to fulfill this important and responsible task.

Continued/2.....

Declassified E.O. 12356 Section 3.3/NND No. [illegible]

7. This must absolutely be prevented. If not understood by the servicemen it will be necessary to authorise the commanders of the peripherical units to clearly explain to them the true reasons for which they would be excluded from the right to vote, pointing out also the true and sole source of the responsibility.

8. There is a way of avoiding this displeasing and dangerous situation.

Circular No.800/980 of the Ministry of the Interior stated that pending a new legislative decree which is in preparation, members of the Armed Forces should be given the right to vote, through the use of special electoral voting papers marked 'For Military' distributed by the Communes at which Units were based. The Commanders were to be responsible for sending a nominal roll of all personnel serving in their units to the Communes.

It is not understood why a further telegraphic circular (No.7310 of 29/4/46) originating from the same Ministry, revoked these orders and arranged for the original plan to be put into force, although the difficulties and slowness of the postal service and the geographical disorders in most of the communal offices must not be forgotten.

9. This matter should be clarified in order to prevent the duplication of votes.

10. I am confident that you will omit no soon as possible precise orders so that what has been redisposed by the Ministry of the Interior in its circular 800/980 be carried out, or failing this a ministerial circular which removes all responsibility from the Commanders.

4612

2412

Declassified E.O. 12356 Section 3.3/NND No. 795621

10. I am confident that you will emit as soon as possible precise orders so that what has been redisposed by the Ministry of the Interior in its circular 300/980 be carried out, or failing this a ministerial circular which removes all responsibility from the Commanders.

4612

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

2414

Declassified E.O. 12355 Section 3.3/NND No. 785021

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COPY

HQ AIROM FROM STONE

JUNE 8 1800 46B

AFHQ

3587

SECRET

MY IMMEDIATELY PRECEDING TELEGRAM THREE FIVE EIGHT SIX PD
THOSE WHO DOUBT VALIDITY ARGUE THAT THE MAJORITY MUST REFLECT OVER FIFTY PER CENT OF THE NUMBER OF THOSE WHO VOTED AT POLLING BOOTHS REGARDLESS OF WHETHER THEIR VOTES WERE DEEMED TECHNICALLY INVALID OR NOT PD THEREFORE IF TWENTY SIX MILLION PAREN SAY PAREN PEOPLE RECORDED VOTES AND TWO MILLION VOTES WERE FOUND TO BE TECHNICALLY INVALID IT WOULD BE ARGUED THAT IN ORDER TO ACQUIRE MAJORITY EITHER REPUBLIC OR MONARCHY MUST OBTAIN OVER THIRTEEN MILLION VOTES

DISTRIBUTION

4631

ER EMBASSY
AM EMBASSY

OP PRIORITY

EX COMMISSIONERS

289

M. S. LUSH
Executive Commissioner.

4073

2415

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

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COPY

HQ ALCOM FROM STOTE JUNE 8 1720 46B

AFHQ

ALCOM LIAISON OFFICERS SICILY, BOLZANO, LEGHORN, BARI, LIGURIA, AMG UDINE, AMG VENEZIA GIULIA.

3586 SECRET

REFERENCE MY UNNUMBERED SIGNAL DATED FIFTH JUNE PD

KING HAS NOT YET LEFT BECAUSE THERE IS DOUBT AS TO DATE OF OFFICIAL PROCLAMATION OF REPUBLIC WHICH IS DEPENDENT ON DECISION OF COURT OF CASSATION DECLARING REFERENDUM VALID PD OWING TO PROXIMITY OF VOTES CAST FOR MONARCHY AND REPUBLIC THEIR DECISION WILL PROBABLY NOT BE MADE UNTIL JUNE TENTH PD

IN SOME ITALIAN CIRCLES THERE IS THOUGHT THERE TO BE POSSIBILITY OF DOUBT AS TO VALIDITY OF RESULT OF REFERENDUM PD COUNCIL OF MINISTERS MEETS THIS AFTERNOON TO DISCUSS MATTER PD I AM KEEPING IN CLOSE TOUCH AND WILL KEEP YOU INFORMED

DISTRIBUTION (BY MLS)

Aloom L.O. Piemonte
" " Lombardia
" " Venezia
" " Naples
" " Bologna
AM Embassy
BR Embassy

INTERNAL
C. Comm
AG Section
Local Govt
Mont

4610

OP Priority
EX Commissioner

289 M.S. LUSH
Executive Commissioner.

4078

Local Govt 210

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: C 46131
Date/Time of Origin: MAY.301816

Message Centre No: H/3480
Date Time Rec'd: MAY.310900B
Precedence: PRIORITY

FROM. AFHQ GHQ CMF FROM CIVIL AFFAIRS.
TO . TROOPERS LONDON INFO ALCOM ROME

W 31 MAY 1946

1847

UNCLASSIFIED.

1. Italian Prime Minister has recorded a speech to italian POW overseas on subject of coming elections which it is understood is to be broadcast on 1 or 2 June by B B C under arrangements made by italian Embassy, London.

2. Prime Minister has asked that all inmates of I POW Camps may be alerted as to date time and wavelength, which can be obtained from italian Embassy.

AC DIST

INFO ACTION LOCAL GOVT
INFO CHIEF COMMISSIONER
C A S
EX COMMR
FILE
FLOAT 2

4609

INFO

Declassified E.O. 12356 Section 3.3/NND No. 985021

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INFO ACTION LOCAL GOVT
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31 MAY 1946
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Declassified E.O. 12356 Section 3.3/NND No. 785021

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CAS

C 4617
MAY.301816 31 MAG 1946

H/3480
MAY.310900B

PRIORITY

AFHQ CHQ CMF FROM CIVIL AFFAIRS.
TROOPERS LONDON INFO ALOOM ROME

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AC DIST

INFO ACTION LOCAL GOVT
INFO CHIEF COMMISSIONER
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HEADQUARTERS 31 MAY 1946 MFF 4608

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

89

Ministry Of Interior
General Direction Civil Administration
Electoral Service
15600-II-0

15 May 1946.

Recd 20 May

To:- Allied Commission
Local Government Sub Commission
Rome

Subject:- Political Elections - Broadcastings for Radio and Press.

A copy of the communique' issued by this Ministry for the Press and Radio is herewith forwarded for your information, wherever appropriate for the custody of the electoral certificate are made to the electors.

A copy of the communiques on the same subject, transmitted to the Press by the Commune of Rome, is hereto attached.

For the Ministry

Signed Vicedomini

4607

os/ 20 May 1946

2420

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

897

COMUNIQUE' FOR THE RADIO AND PRESS

As the electoral certificate is a personal document ~~deed full~~ indispensable for the enforcement of the right ~~of~~ to vote, it is necessary that the citizens take the maximum care of it and keep it jealously, in order to avoid losses or deterioration which could make it unserviceable.

It is particularly recommended to avoid the removal of the slip which is detached by the President of the ~~electoral office~~ polling station when the elector ~~goes~~ presents himself to vote. If the slip is missing, the elector cannot ~~enforce~~ exercise his right.

The certificate must not be given to anybody for ~~no~~ any reason. For this purpose, it is necessary to distrust every request of control or regularization which is not made by the communal authority and within the forms prescribed by the Law.

If the certificate is lost or become unserviceable, the elector has the right to get a duplicate ~~, therefore he must go~~ (by presenting himself) to the Communal office which remains open from 0900 to 1900 hrs, every day, included that of the election.

It must ~~kept~~ be in mind that, except the soldiers, the elector is admitted to vote only in the Commune in which he is inscribed.

Comunique' to the Press issued on May 7

It is said that persons not yet identified go round the houses of the electors to detache from the electoral certificates delivered to them the slip which, at the moment of ~~the~~ admission ~~/~~ (le vote), must be detached by the President of the seat.

Note that the certificates of inscription in the electoral lists must be submitted ~~issued~~ complete to the President of the seat, and that any one who visits the electors to lay hands upon the certificates must be reported to the police.

PTO

2421

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COMMUNIQUE' TRANSMITTED TO THE PRESS ON MAY 13

Recalling again the attention of the citizens on the fact that they cannot take part to the voting if the electoral certificate is not complete in every part, the electors ~~accompanied~~ from which the slip, which must be detached by the President of the seat, has been taken away ~~carefully~~ immediately, are invited to go to the electoral Office which is located in Via Nazionale at the "Esposizione" Palace, in order to get a duplicate of their certificate.

2422

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

Massima

Roma 15 maggio '46

20 MAY 1946 B9B

Ministero dell'Interno
Direz. Gen. Amm.ne Civile
Servizio Elettorale

Risposta a foglio

Div. Sez.
Prot. N. 11/000-II-O Allegati 2

Al l'On. COMMISSIONE ALLEATA - Sottocommissione Governo Locale
R O M A

Div. Sez.

OGGETTO: Elezioni politiche - Comunicati per la radio e la stampa.-

45/8

Per opportuna conoscenza, s'invia copia del comunicato diramato da questo Ministero alla stampa ed alla radio, col quale si rivolgono agli elettori opportune raccomandazioni per la custodia del certificato elettorale.

Si unisce copia di comunicati trasmessi dal Comune di Roma sull'argomento alla stampa.

PEL MINISTRO

A/

2423

COMUNICATO PER LA RADIO E LA STAMPA

876

Poichè il certificato elettorale è un documento personale indispensabile per l'esercizio del diritto di voto, è necessario che i cittadini ne abbiano la massima cura e lo custodiscano gelosamente, al fine di evitare smarrimenti od anche deteriormenti che potrebbero renderlo inservibile.

Si raccomanda, in particolare modo, di evitare l'asportazione del talloncino che viene staccato dal presidente dell'ufficio elettorale al momento in cui l'elettore si presenta per votare. Mancando il talloncino, l'elettore non può esercitare il suo diritto.

Il certificato non dev'essere consegnato a chicchessia per nessuna ragione. Occorre, a tale riguardo, diffidare di qualunque richiesta per controlli o regolarizzazioni che non sia fatta dall'autorità comunale e nelle forme prescritte dalla legge.

Qualora il certificato sia smarrito o divenuto inservibile, l'elettore ha diritto di ottenerne un duplicato, presentandosi all'ufficio comunale che rimane aperto ininterrottamente, dalle ore 9 alle 19, tutti i giorni, compreso quello dell'elezione.

Si tenga presente che, eccezione fatta per i militari, l'elettore è ammesso a votare soltanto nel comune nelle 4605

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

Poichè il certificato elettorale è un documento personale indispensabile per l'esercizio del diritto di voto, è necessario che i cittadini ne abbiano la massima cura e lo custodiscano gelosamente, al fine di evitare smarrimenti od anche deterioramenti che potrebbero renderlo inservibile.

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Qualora il certificato sia smarrito o divenuto inservibile, l'elettore ha diritto di ottenerne un duplicato, presentandosi all'ufficio comunale che rimane aperto ininterrottamente, dalle ore 9 alle 19, tutti i giorni, compreso quello dell'elezione.

Si tenga presente che, eccezione fatta per i militari, l'elettore è ammesso a votare soltanto nel comune nelle 4605 liste è iscritto.

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

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

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Comunicato alla stampa inviato il 7 maggio :

" Corre voce che individui non ancora identificati si presentino all'ammissione degli elettori per distaccare dai certificati elettorali loro recapitati il tagliando che, all'atto dell'ammissione al voto dev'essere distaccato dal Presidente del seggio.

Sia ben noto che i certificati di iscrizione nelle liste elettorali debbono essere presentati integri al Presidente del seggio e che chiunque si presenti agli elettori per manomettere i certificati stessi dev'essere segnalato agli agenti della forza pubblica".

Comunicato inviato alla stampa il 13 maggio :

" Nuovamente richiamando l'attenzione dei cittadini sul fatto che non si può prendere parte alla votazione se il certificato elettorale non è completo in ogni sua parte, s'invitano gli elettori, ai quali fraudolentemente è stato asportato il tagliandino che dev'essere distaccato dal Presidente del seggio, a presentarsi all'Ufficio elettorale, che ha la sua sede al Palazzo dell'Esposizione in via Nazionale, per farsi rilasciare un duplicato integro del loro certificato."

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

Excerpt from the newspaper " Il Messaggero" of 17 May 1946

BE CARE.UL ABOUT YOUR ELECTORAL CERTIFICATE.

Since the electoral certificate is a personal document indispensable to exercise the right of polling, it is necessary that citizens take the tumost care of it and and safeguard it , in order to avoid its loss or deteriorations which might render it useless.

It is particularly recommended to avoid the taking off of the coupon which must be detached by the President of the electoral Office at the moment when the elector calls for voting. If the coupon is missing the elector cannot exercise his right. The certific te must not be delivered to anyone for any reason. It is necessary in this respect to mistrust any request as to contr ols and regularization which is not made by the communal Authority and in the forms prescribed by law. If the certificates gets lost or became unserviceable, the elector has the right to obtain a duplicate, by calling at the Communcal Office which remains open without any interruption from 9 hours to 19 hours, all days including that of the elections,

It should be born in mind that , with exception for the soldiers, the elector is admitted to vote only in the Commune where he is inscribed.

"IL MESSAGERO"

17 May 1946

Attenti al certificato elettorale !

4603

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

87

EXTRACT FROM "Risorgimento liberale" of 14 May 1946

WARNING TO THE ELECTORS

All those who have submitted request of registration in the additional electoral list and that up to 20th instant have not yet received their own certificate, may withdraw same beginning from that day at the proper office of the "Palazzo dell'Esposizione".

In the meantime we remind all that they will not be able to vote if the electoral certificate is not complete in all its parts. Electors who had the coupons of their certificates, which can only be detached by the President of the Electoral Seat, fraudulently taken away, will have to call at the Electoral Office in order to get ~~have an~~ integral duplicate of the certificate issued.

•

Avvertenze agli elettori

Tutti coloro che hanno presentato domanda di iscrizione nella lista elettorale aggiunta, e che fino al 20 corrente non abbiano ancora ricevuto a domicilio il proprio certificato potranno recarsi a ritirarlo, a partire dal detto giorno, presso l'apposito ufficio del Palazzo dell'Esposizione.

Ricordiamo, intanto, che non si può votare se il certificato elettorale non è completo in ogni sua parte. Gli elettori ai quali sia stato fraudolentemente asportato il tagliando che deve essere staccato dal Presidente del seggio, dovranno quindi presentarsi all'Ufficio elettorale per farsi rilasciare un duplicato intero del loro certificato.

4602

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AC/45/B/1G

SUBJECT: Note of Interview - Ministry of Interior

DATE : 20 May 1946 - 1700 hours

PRESENT: Dott. STRANO Paolo, Director of Electoral Service, Ministry of Interior
Major C.G.R. WILLIAMS, Executive Officer, Local Govt Sub Commission
Sig. Arrigo NICE, interpreter

1. I referred to the statement in "Il Tempo" of 18 May alleging that some 15,000 military personnel at Naples had not had their electoral certificates--see folio 85. At our last meeting Dott. Strano had mentioned that the Ministry were taking some steps about this. I asked him to explain to me what these steps were so as to put the S/C in a position to answer any queries that might arise.

2. Dott. Strano referred to the provision in Article 21 of the Political Elections Law (D.L.L. 10 March 1946, No. 74), which required military commanders to apply to the appropriate Sindaco for the electoral certificates of their troops. This had to be done by 2 April. The Ministry of War and military commanders generally had taken a great deal of care and trouble over this.

3. It had transpired, however, that in a large number of cases the Sindaco had replied saying that the soldier in question was not inscribed in the lists of his Commune. The reasons for this were several. Many soldiers, sailors, and airmen had been serving with the forces for a great many years--and had gotten out of touch with their Commune of permanent residence or birth. Some of them had had their houses destroyed or their families had changed residence for other reasons. Destroyed registers of population was another reason. In many cases the soldiers had no idea of the Commune in whose register of population their names might appear. As the electoral lists are based on the registers of population, the Commanding Officer in such cases could not know the Commune to which he ought to apply for the electoral certificate.

4. This difficulty first arose in Rome. It was discussed by the Council of Ministers and the proposals of the Ministry of Interior approved. These were as follows:-

a. Troops stationed in Rome who were not registered in their Communes of birth or permanent residence were given a further opportunity to be registered in the Commune where they were stationed.

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4. This difficulty first arose in Rome. It was discussed by the Council of Ministers and the proposals of the Ministry of Interior approved. These were as follows:-

a. Troops stationed in Rome who were not registered in their Communes of birth or permanent residence were given a further opportunity to be registered in the Commune where they were stationed.

4601

b. For this purpose the Commune of Rome was to keep open additional electoral lists until 18 May.

c. Military commanders were to submit to the Commune the names of troops to be registered.

d. Each name or list of names was to be accompanied by a certificate that:

(1) application had been made for the electoral certificate to the Commune of birth or permanent residence; and

(2) that Commune had replied that the soldier in question was not inscribed in their electoral lists.

e. The Ministry of War was to notify all military commanders to put these arrangements into operation at once.

5. These arrangements had worked quite well with the full cooperation of the Ministry of War. By the time the additional lists were closed on 18 May, some 12/13,000 troops had been inscribed.

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

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6. The same arrangements were to be applied in any other part of the country where the problem arose. In the case of Naples the Prefect had been instructed to proceed on these lines in agreement with the Electoral Commission and the military commanders. Incidentally Dott. Strano thought the figure of 15,000 troops for Naples was considerably exaggerated.

7. The Ministry were not sending out a circular about this because by making these arrangements they were stretching the law a bit. The Ministry of War, however, had notified commands throughout the country and it was up to Commanding Officers to take the matter up with the Prefect where they found any difficulty of this kind. Dott. Strano had no doubt at all they would do so. He reiterated that the military authorities had played all along the line.

8. Although no actual case had yet arisen concerning sailors or airmen, Dott. Strano said the Ministry of Interior had made similar arrangements with the Ministries of Marine and Aviation, who had given assurances of their full cooperation.

C.G.R. WILLIAMS
Major
Executive Officer
Local Government Sub Commission

CGRW/rbe

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C.G.R. WILLIAMS
Major
Executive Officer
Local Government Sub Commission

CGRW/rbc

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Excerpt from the newspaper "IL TEMPO" of 18 May 1946

15 mila militari a Napoli senza certificato elettorale

Napoli, 17 (Romei) Si sono recati oggi in Prefettura i rappresentanti dell'esercito, della marina e della aviazione a far presente che 15 mila militari sono privi di certificato elettorale, per poter esercitare il dovere di elettore e che il comune ha dichiarato che a termine di legge non puo' far nulla.

La Prefettura ha posto telegraficamente il questio al Ministro dell'Interno,

---

(Translation)

15 thousand soldiers at Naples without electoral certificate

Naples, 17 (Romei) The representatives of the Army, Navy and Air Force called today at the Prefecture to point out that 15 thousand soldiers are without electoral certificate with which to exercise their duty of electors and that the Commune has stated that within the law nothing can be done.

The Prefecture has now raised this issue by telegraph with the Minister of Interior.

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18/5/46

To : Director, Major Temple

Dott. Strano called up to inform as to the position of Naples with respect to the distribution of electoral certificates.

He said that the original figure of 155,000 undelivered certificates has been brought down at the present time to below 70.000, and it is expected that it will be further reduced. He pointed out that there are many cases of impossibility to deliver the certificates because the interested party for personal reasons does not want to be traced at any address. Apparently t here are some people who are afraid that after the electoral certificate will follow ~~the~~ a summon for the payment of taxes and so on. Some people make believe they are dead.

Dot . Strano thinks the above percentage is good. The offices for the delivery of certificates are open an functionning properly.

Nice

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

ROME

85

ACTIVITY OF THE ELECTORAL SERVICE OF THE COMMUNE
(Esposizione Palace)

15/V/1946

- ROME -

1 - Delivery of the certificates not delivered at the door (256.168 on 899.750)-
199 windows with 250 emploes- From 3 to 14 May 75.519 certificates have been withdrawn by the electors; 8.805 duplicates have been delivered in the same period.-

2 - Applications for changing of electoral sections - 56 employes at the windows and the secretariat)-45.126 applications have been submitted from 28 April to 8 May (last date permissible)

3 - Applications for new inscription following omission or transfer 40.649 applications have been submitted within the term of May 10-

4 - Revision of the non-delivered certificates in order to rectify the mistakes and bring up to date the addresses- Started on 13, the first day has given the following results: 22.040 revisioned certificates-; 7.107 rectified certificates-
Such rectified certificates will be delivered again at the door-

5 - Rectification of the mistakes on request of the electors - Also this service has given results: 5.153 certificates have been rectified from April 28 to May 8.

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ROME

ATTIVITA' DELL'UFFICIO ELETTORALE DEL COMUNE
(Palazzo dell'Esposizione)

- - -

1 - Consegna dei certificati non notificati a domicilio (256.168 su 899.760) - Sportelli 199 con 250 impiegati - Dal 3 al 14 maggio, sono stati ritirati dagli elettori 75.519 certificati; nello stesso periodo, sono stati consegnati 8.805 duplicati -

2 - Istanze per variazione di sezione elettorale - 56 impiegati distribuiti tra sportelli e segreteria -
Dal 28 aprile all'8 maggio (termine ultimo) sono state presentate 45.126 istanze -

3 - Istanze per nuove iscrizioni in seguito ad omissione od a trasferimento -
Entro il termine del 10 maggio, sono state presentate 40.649 istanze -

4 - Revisione dei certificati non consegnati, ai fini della rettifica di errori e dell'aggiornamento dell'indirizzo -
Iniziatasi il giorno 13, il primo giorno ha dato i seguenti risultati : certificati revisionati 22.040 ; certificati rettificati 7.107 -

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

75.519 certificati; nello stesso periodo, sono stati consegnati 8.805 duplicati -

2 - Istanze per variazione di sezione elettorale - 56 impiegati distribuiti tra sportelli e segreteria -
Dal 28 aprile all'8 maggio (termine ultimo) sono state presentate 45.I26 istanze -

3 - Istanze per nuove iscrizioni in seguito ad omissione od a trasferimento -
Entro il termine del 10 maggio, sono state presentate 40.649 istanze -

4 - Revisione dei certificati non consegnati, ai fini della rettifica di errori e dell'aggiornamento dell'indirizzo -
Iniziatasi il giorno 13, il primo giorno ha dato i seguenti risultati : certificati revisionati 22.040 ; certificati rettificati 7.I07 -
Tali certificati corretti saranno di nuovo notificati a domicilio -

5 - Rettifica degli errori su richiesta degli elettori -
Anche questo servizio dà buoni risultati : dal 28 aprile all'8 maggio sono stati rettificati 5.I53 certificati -

1556

This was handed to me by Dr STRANO, Director of the Electoral Service, M/Interior, at an interview on 16 May 1946

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

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82

AC/45/P/16. Vol: 334

SUBJECT : Italians not Participating in Elections. 14 May 1946

TO : CA Section.

1. The following information was requested by the Executive Commissioner yesterday.

2. ISTRIA
The latest figures available are those of the 1936 census. There seems no reason to suppose any great change of population since immigration under the Hitler-Mussolini agreements will have been at least partly counterbalanced by an influx of Italians from the South. The population is therefore put at 277,720. Many however might be excluded from voting because they opted for Germany.

3. VENEZIA GIULIA
(a) Again the latest figures available are those of the 1936 census - 977,257. Some allowance must be made for refugees who have gone to other parts of Italy, particularly from Zone B. To be on the safe side, present population may be put at 870,000
(b) According to the estimate made by Col. Griggs and me in our report on Venezia Giulia in September 1945, the population in Zone A (Italian & Slovene) was 490,000.

4. ITALIAN COLONIES
The Italian population of Libia, Eritrea and Somalia of 1940 is stated by the Ministry of Italian Africa (Statistical Dept.) as follows :

Libia	(census of 31 December 1940)	126,835
Eritrea	(estimate of 1 January 1940)	70,000
Somalia	(" " " " ")	19,000
		215,835

The Executive Commissioner estimates that about ⅓ the Libia population have returned to Italy. The present figure may therefore be estimated at 152,500 .

5. ELECTORATE
Figures for the administrative elections in the larger Italian cities show that the electorate may be taken at 70% of the population. In the summary given below, this percentage will be applied to the above mentioned population figures to give an estimate of the number of potential Italian voters resident in those areas.

FOREIGN OFFICE

Declassified E.O. 12356 Section 3.3/NND No. 785121

(b) According to the estimate made by Gen. Gruppi now at AFHQ Rome, Venezia Giulia in September 1945, the population in Zone A (Italian & Slovene) was 490,000.

4. ITALIAN COLONIES

The Italian population of Libia, Eritrea and Somalia of 1940 is stated by the Ministry of Italian Affairs (Statistical Dept.) as follows :

Libia	(census of 31 December 1940)	126,855
Eritrea	(estimate of 1 January 1940)	70,000
Somalia	(" " " " ")	19,000
		215,855

The Executive Commissioner estimates that about ⅓ the Libia population have returned to Italy. The present figure may therefore be estimted at 152,500 .

5. ELECTORATE

Figures for the administrative elections in the larger Italian cities show that the electorate may be taken at 70% of the population. In the summary given below, this percentage will be applied to the above sanctioned population figures to give an estimate of the number of potential Italian voters resident in those areas.

6. PRISONERS OF WAR

Both I&W Branch of this HQ and the Italian Ministry of War(POW Repatriation Dept.) estimate the number of POWs remaining to be repatriated at 232,000. It is estimted that another 57,000 will be repatriated in May. Practically all of these will be men of 21 and therefore potential voters.However many are guilty of fascist crimes and would be excluded from voting.

7. SUMMARY

Eritrea	277,730	population
Venezia Giulia(Zone A & B)..	670,000	"
Colonies	152,500	"
	1,300,220	
Electorate (at 70%)	910,154	
Prisoners of War	232,000	
	1,142,154	

4595

CGHM/ww

RALPH R. TEMPLE
Major
Director
Local Government Sub Commission

2438

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

81

AC/45/B/LG

SUBJECT: Note of Interview - Ministry of Interior

DATE : 9 May 1946

PRESENT: Dott. STRANO, Chief of Electoral Service, Ministry of Interior
Maj R.R. TEMPLE, Director, Local Government Sub Commission
Sig. Arrigo NICE, interpreter

1. Dr. Strano showed me the letter that the Ministry of Interior had received from the Ministry of Foreign Affairs asking that some action be taken in connection with the memorandum sent to the Ministry of Foreign Affairs by the American Embassy. The memorandum from the American Embassy called attention of the Ministry of Foreign Affairs to the use of the American flag in the symbol presented by the political group called Movimento Unionista Italiano. This group had presented lists in 8 Colleges as well as in National College. The memorandum asked that the symbol be corrected and the American flag be removed in order that the voters might not be misled in believing that the American Government was supporting the movement.

2. Dr. Strano stated that the Ministry was very much preoccupied because some 35,000,000 electoral ballots were in the process of being printed and quite a large quantity already had been distributed. To change the symbol of this particular political group would involve the republication of 35,000,000 ballots--an impossibility if the elections were to be held on June 2. In other words, preparation and distribution of new ballots would necessitate a postponement of the elections. I indicated to Dr. Strano that I did not believe that the Embassy would want to delay the elections on that account and that perhaps wide publicity to the statement of the American Embassy might have the desired effect of correcting any misimpression which the voters would have. However, I said that I would call the Embassy and ascertain the position.

3. I thereupon spoke by telephone to Mr. Wesley Jones, American Political Adviser to the Allied Commission and First Secretary of the Embassy, and explained the situation to him. He suggested that the Ministry of Interior write a formal reply to the Italian Ministry of Foreign Affairs pointing out the impossibility of reprinting election ballots at this stage without resulting in the postponement of elections and also indicating in the letter a willingness on the part of the Ministry of Interior to do anything that might be necessary to offset any impression which voters might get that the American Government was supporting the Movimento Unionista Italiano. Mr. Jones also said that I might point out to the officials of the Ministry of Interior that the United States Government does not intend to insist on a change in the symbol used by this offending political group if it would result in the postponement of the elections.

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4. Dr. Strano was extremely gratified at the assistance I had given him and at the attitude taken by the American Embassy. He said he would send a copy of the letter that would be prepared by the Ministry of Interior to the Ministry of Foreign Affairs to me for my information.

5. I then discussed with Dr. Strano the general situation with regard to the preparation of the election lists and the distribution of electoral certificates with particular emphasis on the situation in Rome and Naples. Dr. Strano pointed out that there were a few Communes in Naples province that were not yet ready for elections because their certificates had not been delivered. He said these were for the most part small Communes that were recently established and that only the formal publication of the act establishing the Communes was necessary in order to begin the distribution of the certificates. He did not anticipate any difficulty. So far as the Commune of Naples was concerned, he said he would inform me of the position after he had telephoned Naples. 1554

6. The situation in the Commune of Naples as given to me by telephone after I had left Dr. Strano's office is as follows:

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7. All sections lists have been approved. Additional lists have been opened for new registrations, as has been done in other Communes throughout Italy. Out of 547,133 electoral certificates prepared for the Commune of Naples, 392,000 had been delivered before the 2nd of May within the provisions of the law. On 2 May, therefore, there were some 155,133 certificates undelivered. It has been ascertained that many of these certificates had not been delivered due to negligence of messengers, some of whom have been punished. However, some 60,000 certificates have been claimed since personally and of these, 46,000 have already been delivered. It has been ascertained, too, that 12,000 certificates are duplications or of deceased people or prisoners. Some 80,000 certificates, therefore, remain undelivered. Dr. Strano stated that he believes the situation in Naples will be considerably improved within a very short time.

8. The situation in Rome as described by Dr. Strano is as follows: About 256,000 electoral certificates had not been delivered to the voters although an attempt had been made to do so. Of this number, 43,401 had been delivered to applicants between May 3 and May 6 inclusive. The Electoral Office at the Palazzo dell'Esposizione in Via Nazionale had received 45,126 requests for changes in electoral certificates. About 4,000 duplicate certificates had been issued, and 5,153 corrections of names had been made in electoral certificates. The distribution of undelivered electoral certificates will continue according to law up to and including the day of election. However, it is planned to check the tax records and food cards against undelivered certificates after May 15 and, after making corrections in the certificates, to effectuate delivery by messenger to the voters. It is hoped that by May 15 there will be a considerable diminution in the crowds, enabling this work to be done. There is reasonable basis to believe that practically all certificates will be in the hands of voters before the day of election. This applies not only to those who had been originally inscribed in the lists but also those who are being inscribed in the additional lists.

9. I discussed with Dr. Strano the possibility of opening additional sub offices for the distribution of electoral certificates, correction of names, etc. He stated that his office had examined the possibility rather thoroughly and were unable to find adequate places in Rome to handle crowds that would come to each sub office. It was therefore decided, because of the room and facilities at the Palazzo dell'Esposizione in Via Nazionale, to use that place alone. Sub offices, however, are handling the fractions in the outskirts of Rome.

10. I told Dr. Strano that I was interested in ascertaining the number of electoral certificates that had not been distributed as yet throughout Italy. He stated that he had already telegraphed the Inspectors General throughout Italy asking for this information and that as soon as it was received he would bring it to my attention.

P. R. Tompkins

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R. R. Temple Major

RALPH R. TEMPLE
Major
Director
Local Government Sub Commission

ERT/rbe

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From the newspaper "Unita'" May 7 1946

"L'UNITÀ"
7 May 1946

E' riaperta l'iscrizione alle liste elettorali

Il Ministero degli Interni comunica:

Essendo in corso presso il Comune di Roma la compilazione di una lista elettorale aggiunta, i cittadini che non siano compresi nelle liste elettorali e che ritengono di aver titolo ad esservi iscritti, potranno inoltrare entro il termine perentorio del 10 corrente mese, istanza alla commissione elettorale mandamentale di Roma (via Nazionale, Palazzo dell'Esposizione) che valuterà i motivi della richiesta ai fini della eventuale inclusione nella detta lista aggiunta.

Il termine per la presentazione delle domande intese ad ottenere il cambio della sezione elettorale qualora questa sia eccessivamente distante dall'abitazione dell'interessato è prorogato definitivamente all'8 corrente.

Invitiamo tutti i compagni e tutti i cittadini che non hanno ricevuto o si sono visti negare il certificato elettorale perchè non compresi nelle liste elettorali a inscriversi senza indugio prima del 10 maggio nella lista aggiunta.

Nella Sala delle Bandiere in Campidoglio, presente il Sindaco Doria, il Segretario Generale del Comune Crispo ha tenuto una conferenza alla stampa per riferire sul lavoro svolto dal Comune in materia elettorale e per rispondere alle varie critiche che sono state mosse al riguardo. Crispo ha innanzitutto illustrato l'enorme lavoro che è stato necessario per effettuare la compilazione delle liste nel Comune di Roma che ha 1.800.000 abitanti, ha circa un milione di cittadini elettori di cui molti provenienti da altre parti d'Italia. Questo infatti ha determinato un primo serio inconveniente per la ricerca dei certificati penali nei 160 casellari giudiziari del Regno, non tutti in efficienza per le cause belliche.

Circa il mancato recapito dei certificati elettorali — che ammonterebbero a 250.000 — il comm. Crispo ha detto che trattasi in massima parte di cambiamenti di domicilio o di residenza dell'elettore, certificati intestati a dispersi in guerra o deceduti non registrati al Comune, donne sposate delle quali molti portieri ignorano il nome da nubile, e anche a casi in cui alcuni messi comunali non hanno dimostrato molta diligenza.

E' stato chiesto al Governo di offrire la possibilità di cessione di locali per l'aumento di sezioni ed è stata anche proposta la costituzione di un seggio all'aperto mediante l'installazione di tendoni della Croce Rossa.

E' stato richiesto inoltre al Governo — che ha già dato il consenso — di poter aumentare di qualche centinaia il numero di mille degli elettori per ogni sezione.

THE INSCRIPTION TO THE ELECTORAL LISTS IS RE-OPENED

The Commune of Rome is compiling an added electoral list; to this end, the citizens who might not be comprised in the electoral lists and who believe to be in right for their inscription, can forward, by the peremptory term of May 10, a request to the Circumscriptional Electoral Commission - Building of the "Esposizione", Via Nazionale-Rome - . Said Commission will examine the reasons of the requests in order to possibly inclose them with the added electoral list.

The term for the presentation of the requests concerning the change of the electoral section, when the latter is too far from the home of the persons interested, is deferred to May 8.

We invite all the comrades and the citizens who did not receive or were denied the electoral certificate because not comprised in the electoral lists, to inscribe themselves, without further delay, to the added list before May 10.

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In the Hall of the Flags, at Capitole, the General Secretary of the Commune, Crispo, in the presence of Mayor Dora, held a press conference, to relate about the electoral work done by the Commune and to answer the different criticisms in regard born.

At first, Crispo has illustrated the big work necessary forthe compilation of the lists in the Commune of Rome which, among 1,600,000 inhabitants, has about one million of electors, many of them coming from many parts of Italy. This, in fact, caused the first serious incovenience for the research of the penal certificates and in the 168 "Casellari Giudiziari", not all of them in complete efficiency on account of the war.

In regard with the failure in delivering the electoral certificates -around 250,000- Commendator Crispo said that mostly it depended on changes of home or residence of the electors, certificates issued on persons missing in action or dead not registered in the Commune, married women whose sinname is not known by the door-keepers, and also cases in which communal envoyees did not demonstrate a prompt diligence.

The Government was asked to give the chance of assignment of premises to increase the number of the sections and the constitution of an open-air polling station with the installations of tents of the Red Cross, was also proposed.

The Govt. was asked, besides, to increase with some more hundreds the fixed number of 1,000 electors of every section, and gave already its approval.

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EXCERPT from the newspaper "Il Tempo" of 7 May 1946

Electoral News

The time limit for the presentation of requests aimed at obtaining the change of the place of polling has been extended to all day tomorrow, while the time limit for the requests of inscriptions in the additional lists (for all those that only in the last days find out that they were not included in the principal list) has been fixed to the 10th instant.

In the meantime, the Sindaco of Rome has called yesterday a meeting of press representatives to illustrate to them the work carried out by the Commune on the electoral issue and to try to demonstrate that the accusations of lack of organization made by numerous daily newspapers are without foundation.

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7 MAY '46

IL TEMPO

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Notizie elettorali

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7 MAY '46

IL TEMPO

ROMA

Notizie elettorali

Il termine utile per la presentazione delle domande dirette ad ottenere il cambiamento del posto di votazione è stato prorogato a tutto domani, mentre quello relativo alle domande di iscrizione alla lista aggiunta per tutti coloro che saranno in quel giorno di sotto accerti di non essere compresi nella lista principale è fissato al 10 corrente.

Fratelli, il Sindaco di Roma ha convocato ieri al Campidoglio i rappresentanti della stampa cittadina per informare il lavoro svolto dal Comune in materia elettorale e per cercare di chiarire l'illogicità di alcune norme di numerose questioni.

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EXTRACT FROM the newspaper "IL TEMPO" of 5 May 46

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Come potranno votare
le mondine, i militari e i malati

"IL TEMPO"
5 May 1946

Dichiarazioni del ministro Romita - La Principessa di Piemonte non aveva ricevuto il certificato elettorale - Lo aveva invece ricevuto Giovanna di Bulgaria - Nessun movimento di Prefetti

Col deposito delle liste concorrenti all'assegnazione dei resti nel collegio unico nazionale, i partiti e le altre forze politiche organizzate hanno esaurito una delle fasi del loro lavoro. Entro 8 maggio la Corte di Cassazione si pronuncerà sulla loro ammissione e pochi giorni dopo tutti gli elenchi dei candidati al collegio nazionale, quanto quelli dei candidati presentati nelle singole circoscrizioni, verranno resi noti ufficialmente: i primi nella Gazzetta Ufficiale e i secondi da manifesti che saranno affissi negli albi pretori comunali e in altri luoghi pubblici.

Dalle notizie che pervengono da vari centri risulta che anche l'attività propagandistica comincia a marciare con un ritmo più intenso. Per la giornata di oggi vengono, ad esempio, preannunziati a Roma e in altre città d'Italia numerosi comizi.

Quanto all'opera dei Comuni nella distribuzione dei certificati elettorali non può dirsi che essa sia scevra di ritardi e d'inconvenienti. Tra le persone che giovedì scorso, alla scadenza del termine fissato non avevano ricevuto, a Roma, il certificato elettorale figurava anche la Principessa di Piemonte. Tra i certificati rimessi al Quirinale c'erano un po' tutti, c'era quello del Luogotenente, assegnato ad una sezione poco distante dalla Reggia, c'era erroneamente anche quello della Principessa Giovanna, Regina di Bulgaria, non più residente in Italia; ma mancava il certificato della Principessa di Piemonte. Il Luogotenente non mancò di avvertire il Ministero dell'Interno dell'omissione facendo presente che sua moglie intendeva esercitare il diritto di voto e nella giornata di ieri il certificato mancante è stato regolarmente recapitato al Quirinale.

La mancata approvazione da parte dell'ultimo Consiglio dei Ministri del decreto concernente norme per l'esercizio del diritto di voto da parte di coloro che si trovano in comune diverso da quello d'iscrizione costituirà un ostacolo alla realizzazione di quella generale affluenza di elettori alle urne che il Governo si propone di favorire? Il Ministro dell'Interno su ciò lo escludeva nella maniera più categorica facendoci osservare che si conterà di raggiungere lo stesso risultato anche con la promulgazione di norme legislative, con circolari istruzioni che saranno prontamente impartite ai Prefetti ed ai Sindaci.

— *Per quanto si riferisce alle mondine* — ci ha dichiarato l'on. Romita — *saranno organizzati dei mezzi di trasporto perchè esse possano recarsi a votare nei loro comuni. Circa poi i militari è da tener presente che il progetto predisposto muove unicamente ad ovviare ad un inconveniente segnalato, dovuto al fatto che molti comuni trascurano di far recapitare a coloro che si trovano sotto le armi il certificato col quale essi potranno votare nel centro dove si trovano. Per superare questo intralcio, si era pensato di autorizzare i comuni, dove i militari si trovano, a rimettere loro un altro certificato. Senonchè il Consiglio dei Ministri ha ritenuto eccessiva tale soluzione e opportuno consentire che si ritorni alla vecchia disposizione nel senso che ogni elettore potrà determinare quale sia il comune presso il quale chiedere il certificato elettorale. Pertanto si limiterà a pregare i Sindaci a provvedere...*

With the deposit of the competitive lists to the utilization of the residues in the single national collegem the parties and the other organized forces have exhausted one of the phases of their work. Wit in 8 May the Court of Cassation will pronounce itself on their admission and a few days afterwards both the lists of candidates to the national college and those of the candidates presented for the single circumscriptions will be made known publicly m the former in the Gazzetta Ufficiale and the latter by the manifests which will be posted in the communal praetorian notice boards and in other public places,

From news reaching from various center s it appears that also the propaganda activity begins to be more intense. Various meetings are announced for today in various towns of Italy,

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A s regards the work of the Commune in distributing the electoral certificates, it cannot be said, it is without delays and inconveniences. Among the persons that up to Thursday last did not receive the electoral certificate, in Rome, was also the Princess of Piedmont. Among the certificates sent to the Quirinale , were almost allm, it was that of the Lieutenant, who had been a signed to a neighboring section; there was also that of Princess Giovanna Queen of Bulgaria, no longer residing in Italy, but th e certificate of the Princess of Piedmont was missing. The L ieutenant did not fail to advise the Ministry of the Interior of such omission adding that his wif e intended to vote and durin g yesterday the missing certificate was del vered. to the Quirinale.

The failure on the part of the last meeting of Council of Ministers to approve the decree containing the provisions for the exercise of the right to vote by those who find themselves in a C ommune other than that where they are inscribed, will it be an obstacle to a large partecipations of the electors to the polls which the G vernment proposes to favor?

(see over)

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The Minister of the Interior yesterday denied to us in the most categorical w ay such allegation, pointing out that an attempt will be made to obtain the same result, instead of by promulgation of legislative provisions, through directives wh ich will be promptly sent to the Prefects and to the Sindaci,

"As far as the women working in the rice-fields are concerned, declared Minister Romita - means of transportation will be organized so that they will be able to go ~~to~~ the pol ing stations in their communes. As regards soldiers, it must be born in mind that the proposed project aimed solely to avoid a known inconvenience, owing to the fact that many communes neglect the delivery to people under the arms of the certificates by means of which they could vote where they are. In order to overcome this handicap it was thought to authorize the communes, where the soldiers find themselves, to issue another certificate to them. However the thought-out remedy did not appear convenient to the Council of Ministers. It was deemed that this duplication in the issuance of certificates might have given rise to some irregularity. Therefore, I will pledge the Sindaci to provide, under their own personal responsibi ity, to forward to the soldiers residing far from the communes where they are inscribed the electoral certificates made out in their names. Once they will hold these certificates they will be able to vote in the communes where they serve in any section above the number of the inscribed electors or in special sections which will be set up in centers where there are normally sizable units of the Armed Forces or of militarily organized bodies."

"What about the inmates of hospitals or sanatoria? Also for these people, i f notified of t he existence of groups of electors of a certain size, I shall not fail to place at their disposal the necessary means of transportation."

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EXTRACT from the newspaper 'UNITA' of 5 May 1946

UFFICIO ELETTORALE

A via Nazionale 350 impiegati fronteggiano migliaia di elettori

Per ritirare il certificato elettorale c'è tempo fino al 2 giugno. Stasera scade il termine per la presentazione dei ricorsi per il cambiamento della sezione elettorale

Alcuni giornali hanno dato notizia che questa sera scadrebbe il termine per il ritiro dei certificati elettorali che non sono stati consegnati a domicilio.

Tale notizia è del tutto destituita di fondamento.

Gli elettori che non hanno ricevuto il certificato potranno ritirarlo tutti i giorni, compresi i festivi, dalle nove alle diciannove al palazzo della Esposizione in via Nazionale fino alla sera del 2 giugno. La procedura per ritirare il certificato è assai semplice. Nel grande atrio del palazzo sono disposti numerosi tavoli ai quali si riempie un modulo con le indicazioni del nome, cognome, paternità e abitazione dell'interessato. Agli sportelli indicatori poi, l'elettore viene a sapere il numero della sezione alla quale è iscritto per votare e lo sportello al quale deve recarsi per ritirare il certificato. A tale scopo egli dovrà esibire la carta d'identità o qualunque altra tessera o documento di identificazione rilasciato da pubbliche amministrazioni purchè munito di fotografia. Soltanto nella giornata di ieri 10.000 persone si sono recate a ritirare il loro certificato. Gli elettori abitanti nei centri rurali di Fiumicino, Maccarese, Porto, Isoletta, Pontegalera che non abbiano ricevuto il certificato elettorale potranno ritirarlo presso la Delegazione di Fiumicino. Gli elettori abitanti nei centri di Lido di Roma, Della Antica, Adilia, Decima potranno ritirare il certificato presso la Delegazione del Lido.

Fino alla sera del 2 giugno saranno 245.000 gli elettori che si recheranno in via Nazionale a ritirare il loro certificato. Tale infatti è il numero dei certificati che i messi comunali hanno dovuto riportare indietro perchè non sono riusciti a rintracciare l'interessato. Ciò è dovuto in parte agli errori dell'ufficio elettorale, in parte ai cambiamenti di alloggio e in parte al fatto che i portieri non conoscono i nomi dei subiti delle inquiline. Gli elettori infatti che non hanno ricevuto il certificato elettorale sono in gran parte donne.

Molti di coloro che nella giornata di ieri e di venerdì si sono recati al palazzo dell'Esposizione per ritirare il certificato elettorale hanno avuto l'amara sorpresa di constatare che non risultavano iscritti alle liste elettorali. Il termine per controllare la iscrizione e per domandare il trasferimento in altri comuni è scaduto, come è noto, il 30 aprile scorso. Le liste elettorali compilate in base ai registri di popolazione aggiornati fino al 31 dicembre 1944 sono rimaste esposte in Campidoglio dal 6 agosto 1945 al 30 aprile 1946. Tutti coloro che non risultavano iscritti e che non si sono preoccupati di iscriversi in tempo non potranno votare a meno che il Ministero degli Interni non conceda una proroga ai termini dell'iscrizione.

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...torni, che non sono stati consegnati a domicilio.

Tale notizia è del tutto destituita di fondamento.

Gli elettori che non hanno ricevuto il certificato potranno ritirarlo tutti i giorni, compresi i festivi, dalle nove alle diciannove al palazzo della Esposizione in via Nazionale fino alla sera del 2 giugno. La procedura per ritirare il certificato è assai semplice. Nel grande atrio del palazzo sono disposti numerosi tavoli ai quali si riempie un modulo con le indicazioni del nome, cognome, paternità e abitazione dell'interessato. Agli sportelli indicatori per l'elettore viene a sapere il numero della sezione alla quale è iscritto per votare e lo sportello al quale deve recarsi per ritirare il certificato. A tale scopo egli dovrà esibire la carta d'identità o qualunque altra tessera o documento di identificazione rilasciato da pubbliche amministrazioni purché munito di fotografia. Soltanto nella giornata di ieri 10.000 persone si sono recate a ritirare il loro certificato elettorale. Il certificato elettorale potranno ritirarlo presso la Delegazione di Fiumicino. Gli elettori abitanti nei centri di Lido di Roma, Ostia Antica, Acilia, Decima potranno ritirare il certificato presso la Delegazione del Lido.

Fino alla sera del 2 giugno saranno 345.000 gli elettori che si recheranno in via Nazionale a ritirare il loro certificato. Tale infatti è il numero dei certificati che i vigili comunali hanno dovuto riportare indietro perché non sono riusciti a rintracciare l'interessato. Ciò è dovuto in parte agli errori dell'ufficio elettorale, in parte ai cambiamenti di alloggio e in parte al fatto che i portieri non conoscono i nomi degli inquilini. Gli elettori infatti che non hanno ricevuto il certificato elettorale sono in gran parte donne.

Molti di coloro che nella giornata di ieri e di venerdì si sono recati al palazzo dell'Esposizione per ritirare il certificato elettorale hanno avuto l'amara sorpresa di constatare che non risultavano iscritti alle liste elettorali. Il termine per controllare la iscrizione e per domandare il trasferimento in altri comuni è scaduto, come è noto, il 30 aprile scorso. Le liste elettorali compilate in base ai registri di popolazione aggiornati fino al 31 dicembre 1944 sono rimaste esposte in Campidoglio dal 1° agosto 1945 al 30 aprile 1946. Tutti coloro che non risultavano iscritti e che non si sono preoccupati di iscriversi in tempo non potranno votare a meno che il Ministero degli Interni non conceda una proroga ai termini dell'iscrizione.

Questa sera scade il termine per la presentazione dei ricorsi per il cambiamento della sezione elettorale. Fino a ieri sera 5.000 ricorsi circa erano stati presentati.

Ci viene segnalato da molte persone che il comportamento degli impiegati agli sportelli dell'Ufficio Elettorale non sarebbe del tutto corretto. Correttori infatti un impiegato addetto allo sportello HL risponderebbe ai cittadini che si mostravano preoccupati di non aver ricevuto il certificato elettorale: «Che ne importa. Tanto anche se votate tutto rimane come prima».

Altri impiegati poi avrebbero risposto alle donne senza certificato che secondo loro sarebbe stato molto meglio se le donne non avessero potuto votare.

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ELECTORAL OFFICE

350
Via Nazionale employes are facing thousands electors.

The electoral certificates to be withdrawn till June 2. The term for the presentation of the claims regarding the change of the electoral section expires to-night.

Some newspapers said that the term regarding the withdrawal of the electoral certificates, which were not delivered at the door, should expire to-night. Such assertion is at all groundless. The electors who have not received the certificate will be allowed to withdraw it any day, holidays included, from 0900 to 1900 hrs at the "Esposizione" Palace-Via Nazionale untill June 2. The procedure regarding the withdrawal of the certificate is quite simple. Numerous tables are located in the building's great entrance hall. At these tables the interested person may fill up a form with his name, surname, father's name and address. Then, at the appropriate window, the elector is told about the number of the section in which is inscribed for voting and the window to which he must go to withdraw the certificate. For this purpose he should produce his identity card or any other card or identification document issued by public administrations on condition that it is provided with a photo. Only yesterday 10000 people went to withdraw their certificate, The electors living in the rural centres of Fiumicino, Maccarese, Polidoro, Pontegalera, who have not received the electoral certificate, may withdraw it at the Fiumicino Delagation. The electors living in the centres of Lido di Roma, Ostia Antica, Acilia, Decima may withdraw the certificate at the Lido Delegation. Till the evening of June 2 245000 will be the electors who will go to Via Nazionale to withdraw their certificate. Such, in fact, is the number of the certificates that the "messi comunali" could not deliver for having not been able to trace the interested people. This is due in part to the mistakes of the electoral office, in part to the changes of domicile and in part to the fact that the doormen do not know the maiden name of the women tenants. In fact, the electors who have not received the electoral certificate are in major part women.
Many persons of those who went to the "Esposizione" palace yesterday and Friday to withdraw the electoral certificates have had the surprise to notice that they were not inscribed in the electoral lists. The term for controlling the inscription

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Many persons of those who went to the "Esposizione" palace yesterday and Friday to withdraw the electoral certificates have had the surprise to notice that they were not inscribed in the electoral lists. The term for controlling the inscription and asking the transfer to other Communes ~~is~~ has expired, as it is known, April 30. The electoral lists compiled according to the population registers brought up to date till December 31 1944 remained affixed in the Capitol from August 6 1945 to April 30 1946. All those who did not resulted inscribed and those who did not give thought to inscribe theirselves in time might not vote unless the Ministry of Interior does grant a posponement to the terms of inscription. The term for presenting the claims about the changes of the electoral sections expires to-night. 5000 claims were presented till yesterday evening .

Many persons have pointed out that the behaviour of the employes at the windows of the Electoral Offices is not quite correct. 4588 Last yesterday, the employe at the "HL" window answered the citizens who were troubled for having not received the electoral certificate:-

"What do you care about it? Even if you vote everything remains the same."

Other employes answered the women without certificate that it would be better if the women could not vote.

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AC/45/B/LG

SUBJECT: Note of Interview - AC HQ

DATE : 4 May 1946 - 1245 hours

PRESENT: Major R. R. TEMPLE, Director, Local Government Sub Commission
Major C.G.R. WILLIAMS, Executive Officer, Local Govt Sub Commission
Dott. Paolo STRANO, Chief of Electoral Service, Ministry of Interior
Sig. Arrigo NICE, interpreter

1. The Director stated that in the last fortnight or so a number of complaints had been made to him about the preparation of the sectional lists for the elections in the city of Rome. The complaints were that electors had been located in sections a considerable distance from their homes or that members of the same family or persons living in the same house had been allotted to different sections, some far distant and some nearby. Those making the complaints had suggested that the reason for all this was a political one, a deliberate attempt to make voting more difficult for those who might be expected to vote for the Right.

2. Similar complaints had been made to other officers of AC and not only officially but on private or social occasions.

3. The Director said he had referred the persons in question to the Italian Government and to their remedies under Italian law. In particular he had drawn their attention to the Sindaco's manifesto which appeared all over the city about a week ago inviting those allotted to distant sections to apply for rectification by 5 May. As, however, the number of complaints of this character appear to be growing in volume, the Director thought he should inform the Ministry of that fact. While there appeared to be a considerable number of such cases, he (the Director) had no evidence that the allegation of political purpose had any foundation. He merely considered that the Ministry should be informed of the nature of the complaints that were being made to AC.

4. In the course of the interview Dott. Strano gave a full explanation of how it had come about that electors had been allotted to distant sections and of the steps taken by the Ministry in conjunction with the Prefecture and the Commune of Rome to put the matter right. His explanation is summarized in the following paragraphs.

5. The sectional electoral lists for the city were published about the beginning of February. It is a fact that they were badly prepared and many electors were allotted to sections far distant from their homes. The reason

2. Similar complaints had been made to other officers of [illegible] officially but on private or social occasions.

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4. In the course of the interview Dott. Strano gave a full explanation of how it had come about that electors had been allotted to distant sections and of the steps taken by the Ministry in conjunction with the Prefecture and the Commune of Rome to put the matter right. His explanation is summarized in the following paragraphs.

5. The sectional electoral lists for the city were published about the beginning of February. It is a fact that they were badly prepared and many electors were allotted to sections far distant from their homes. The reason for this is stated later. In accordance with the law, due notice was given of the deposit of the sectional lists, of the electors' right to inspect them, and of their right to appeal against the section in which they had been placed. There are about 960,000 registered electors in Rome: only 123 appeals were made.

6. The appeals so made were duly dealt with by the Electoral Commission and the sectional lists confirmed. In March the Commune proceeded to prepare and issue to each elector his electoral certificate as required by the law. These certificates state, among other things, the section to which the elector has been allotted and the address of the polling place for that section at which he or she will vote. It was only when the electors had received their certificates that they began to complain that they had been allotted to the wrong section.

7. On realizing the extent to which this had happened, the Ministry took the following steps:

a. They directed the Sindaco to give the public a further opportunity to appeal against their sections. This was done by the Sindaco's notice affixed all over the city about 26 April, notifying the public that they had until 5 May to do this.

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b. The Commune's electoral office was moved from the Campidoglio to the Palazzo dell'Esposizione in Via Nazionale, which was properly fitted up and furnished with 200 windows at the counters at which the public could make the necessary applications.

c. An additional 300 clerks were taken on.

d. The Electoral Commission was in continuous session at the Palazzo dell'Esposizione dealing with applications for rectification of the sectional lists as fast as they came in.

8. The reasons for the errors in the preparation of the sectional lists were as follows:-

a. The bad state of the registers of population for the city. The public are required by law to notify changes of address to the "Ufficio Anagrafe" of the Commune in order that the registers of population may be kept up to date. They habitually fail to do this. There have, of course, been special reasons in the last 3 years in Rome for such failures, e.g. the influx and outflow of refugees and persons going into hiding from the Fascists and the Germans.

The general electoral lists are based on the registers of population, and the sectional lists are based in turn on the general lists. Consequently, out-of-date addresses will be repeated in the sectional lists and people allotted to sections where they used to live once but do not live now.

b. The lack in many parts of the city of adequate accommodation for polling stations. It had been found that there were sparsely populated parts of the city with plenty of vacant premises which could be used, whereas other areas (often quite close to the first type) were thickly populated and had no vacant suitable premises. To get over this the Commune had, with the Ministry's agreement, divided the city into 80 largish zones, each of which would comprise several sections or polling districts. Within each zone there would thus be sufficient premises for the number of sections comprised in it; but the individual polling station would not necessarily be within the boundaries of the section it served. Use could thus be made of a number of suitable premises in a sparsely populated area to serve an adjoining thickly populated area.

This naturally involved people having to go some distance to their voting station but should not involve them in too long or inconvenient a journey.

c. The communal electoral office, however, had carried out this idea badly. In allotting the electors first to zones and then to voting districts or sections within the zones they had not followed any regular criterion. They had taken the names at random. Instead they should have grouped the electors according to the addresses given in the general lists and should have adopted a

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d. Another reason for the present difficulty was the failure of the public to exercise their rights last February and appeal against the sectional lists when they were published. The fact that only the trifling number of 123 appeals had been made entirely misled the Prefecture and the Ministry as to the size of the problem until a late hour.

9. The Ministry would have liked to have given longer than 5 May but they could not in view of the subsequent operations. After 5 May at least 10 days would have to be allowed to the Electoral Commission to clear up all remaining applications for rectification. The sectional lists would then have to be rewritten and new electoral certificates prepared (say another 10 days). This brings us to 25 May, 7 days before the election. In those 7 days the new certificates would have to be delivered personally (as required by the law) to the electors.

10. Dott. Strano added that he himself was a victim of the business. He lives near Piazza Bologna behind the University. His wife has been allotted to that section but he himself to a section near Piazza Mazzini, i.e. in the Prati quarter below Monte Mario, several kilometers away from his house.

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11. The Director referred to a newspaper report that some 300,000 electoral certificates remained undelivered, i.e. about 31%. Dott. Strano said no, the figure was 260,000. He reminded the Director that the law required these certificates to be delivered by hand by the communal messengers. Owing to the failure of the public to notify changes of address (as stated above), these 260,000 undelivered certificates were all cases where the communal messengers had not found the elector at the address given in the registers. He referred to the many cases during the communal elections up and down Italy where the same phenomenon had been observed and for the same reason.

12. Dott. Strano did not think the figure of 260,000 undelivered certificates was excessive at the present moment, 4 weeks before the election. The public could apply for their electoral certificates personally at any time up to and including election day. For this purpose the Palazzo dell'Esposizione would remain open continuously.

13. The Director thanked Dott. Strano for his visit and expressed his appreciation of the full explanation afforded to him which would give him ample material to refute the allegations that electors had been allotted to distant sections for political reasons.

C. G. R. WILLIAMS
Major
Executive Officer
Local Government Sub Commission

CGRW/roe

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C. G. R. WILLIAMS
Major
Executive Officer
Local Government Sub Commission

CGRW/rbc

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[illegible]

[illegible] OF SAVOY
Prince of Piedmont
Lieutenant General of the Realm

By virtue of the authority conferred upon Us

Having seen Legislative Lieutenancy decree, 28 Sept 44, n.267, Ministry of the Interior decree 24 Oct 44, and DLL 12 April 1945, n.201 on the formation of electoral lists;

Having seen DLL 1 Feb 45, n.23 on the extension of the right of voting to women;

Having seen DLL 25 June 44, n.151;

Having seen DLL 1 Feb 45, n.58;

Having seen DLL 31 July 44, n.435, concerning the setting up of the Ministry for the Constituency;

Having seen decree of the President of the Council of Ministers 2 Feb 45, combining the inflection of fascist offices bringing about the suspension from the electoral [illegible] right to vote foreseen by art. 5 of DLL 27 July 1944, n.159, amended by art. 2 of DLL, 4 Jan.1945, n.2.

Having seen the deliberation of the Council of Ministers;

On proposal of the Ministry for the Constituency, in agreement with Ministers of the Interior, for Grace and Justice;

[illegible]

Art. 1

Having held any of the fascist offices indicated in the decree of the President of the Council of Ministers of 2 Feb 1945, published on the Gazzetta Ufficiale of the 10 Feb 45 N. a, entails the suspension from active and passive electoral rights, without requiring the judgment of the Provincial Commission, referred to in art. 2 [illegible] 26 April 45 N.149 or art. 8 of DLL 27 July 44 n.159.

Art. 2

The cancellation from electoral lists for the reason mentioned in the above Art. 1 may take place at any time and whatever the status of preparation of the lists, but not later than ten days prior to the date fixed for elections.

Art. 3

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C

[illegible] OF SAVOY
Prince of Piedmont
Lieutenant General of the Realm

By virtue of the authority conferred upon Us
Having seen Legislative Lieutenancy decree, 28 Sept 44, n.267,
Ministry of the Interior decree 25 Oct 44, and DLL 12 April 1945, n.201
on the formation of electoral lists;
Having seen DLL 1 Feb 45, n.23 on the extension of the right of
voting to women;
Having seen DLL 25 June 44, n.151;
Having seen DL 1 Feb 45, n.58;
Having seen DLL 31 June 44, n.435, concerning the setting up of the
Ministry for the Constituency;
Having seen decree of the President of the Council of Ministers
2 Feb 45, containing the indication of fascist offices bringing about the
suspension from the electoral wet right to vote foreseen by art. 2 of DLL
27 July 1944, n.159, amended by art. 2 of DLL, 1 Dec.1945, n.2.
Having seen the deliberation of the Council of Ministers;
On proposal of the Minister for the Constituency, in agreement with
Ministers of the Interior, for Grace and Justice;

WE HAVE DECREED AND DECREE AS FOLLOWS:

Art. 1

Having held any of the fascist offices indicated in the decree of the President of the Council of Ministers of 2 Feb 1945, published on the Gazette's Officials of the 17 Feb 45 N. o, entails the suspension from active and passive electoral rights, without requiring the judgment of the Provincial Commission, referred to in art. 2 of DL 25 April 45 N.149 or art. 8 of DLL 27 July 44 n.159.

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Art. 3

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

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Having seen the deliberation of the Council of Ministers;

On proposal of the Minister for the Constituent, in agreement with Ministers of the Interior, for Grace and Justice;

We have ordained and ordain as follows:

Art. 1

Having held any of the fascist offices indicated in the decree of the President of the Council of Ministers of 2 Feb 1945, published on the Gazzetta Ufficiale of the 15 Feb 45 N. 2, entails the suspension from active and passive electoral rights, without prejudice the judgment of the Provincial Commission, referred to in art. 2 of DL 26 April 45 N.149 or art. 8 of DLL 27 July 44 n.159.

Art. 2

The cancellation from electoral lists for the reason mentioned in the above Art. 1 may take place at any time and whatever the status of preparation of the lists, but not later than ten days prior to the date fixed for elections.

Art. 3

The Sindaco proceeds to the cancellations upon advice of a Commission composed of three members chosen among the electors of the Comune, and among whom the local justice of the peace should possibly be included, with full qualifications to be elected communal councillors and appointed by the Prefect.

The Commission acts by authority of its office or upon denounciation.

The cancellation may not take place before the reasons be notified to the interested parties, who within ten days may produce evidence that he has not covered the offices alleged.

The charge is made by a messon to be notified to the interested party through a communal messenger.

The Sindaco gives immediate notice of the cancellations to the Prefect as well as to the competent Commissions on in order that variations in question should be made to the general and sectional lists deposited with it.

Art. 4

The procedure of cancellation from the electoral lists foreseen by articles 1,2, and 3 will be followed also in the case of variation or additions to the categories referred to in the decree of the President of the Council of Ministers of 2 Feb 45.

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Art. 5

The cancellation from the electoral lists cannot take place as regards those persons who, though having covered offices entailing the suspension from the right of vote, have been acquitted by judgment of the provincial Commission, referred to in art.2 of LLD 26 aprii 1945, n.149 or

Should the acquittal take place after the cancellation from the electoral list the interested party is entitled to be registered again within the term fixed by art. 2, submitting the judgment of the aforesaid Provincial Commission.

Immediate notice of the re-inscription will be given to the Prefect and to the competent electoral Commission for all effects and purposes referred to in the last paragraph of art.3.

Art. 6

The new inscriptions in the electoral lists as a result of the legislative provisions amending the present regulations on the active electoral ability will be effected in additional lists, to be compiled within 15 days from the date on which the provisions themselves are enforced, for whose publication and approval the terms foreseen by art, 9 and 15 of the decree of the Ministry of the Interior under date 26 october 1944 are reduced in half.

The same shortening of the terms is valid for the publication and approval of the additional electoral lists.

Investigations prescribed by art.4 of the aforesaid decree of the Ministry of the Interior and by the subsequent amendments of the same article must be done by telegraph.

Art. 7

The present decree becomes effective on the day subsequent to that of its publication in the Gazzetta Ufficiale of the Kingdom.

We order that the present decree, bearing the seal of the State, be inserted in the Official Collection of the laws and decrees of the Kingdom of Italy ordering to all whom it may concern to comply with it and have comply with as a law of the State.

Issued in Rome on 18 february 1946

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

The new inscriptions in the electoral lists as a result of the legislative provisions amending the present regulations on the active electoral ability will be effected in additional lists, to be compiled within 15 days from the date on which the provisions themselves are enforced, for whose publication and approval the terms foreseen by art. 9 and 15 of the decree of the Ministry of the Interior under date 24 october 1944 are reduced in half.

The same shortening of the terms is valid for the publication and approval of the additional sectional lists.

Investigations prescribed by art.4 of the aforesaid decree of the Ministry of the Interior and by the subsequent amendments of the same article must be done by telegraph.

Art. 7

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Issued in Rome on 18 february 1946

HUMBERT OF SAVOY

De Gasperi, Nenni, Togliatti

2465

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

Vista la deliberazione del Consiglio dei Ministri;

Sulla proposta del Ministro per la costituente, di concerto con i Ministri per l'interno, per la grazia e giustizia;

Abbiamo sanzionato e promulghiamo quanto segue:

Art. 1.

L'aver ricoperto alcuna delle cariche fasciste indicate nel decreto del Presidente del Consiglio dei Ministri 2 febbraio 1945, pubblicato nella *Gazzetta Ufficiale* del 15 febbraio 1945, n. 20, importa la sospensione del diritto elettorale attivo e passivo, senza che occorra la pronuncia della Commissione provinciale, di cui all'art. 2 del decreto legislativo Luogotenenziale 26 aprile 1945, n. 149, o all'art. 8 del decreto legislativo Luogotenenziale 27 luglio 1944, n. 159.

Art. 2.

La cancellazione dalle liste elettorali per il motivo indicato nel precedente art. 1 può aver luogo in ogni tempo e qualunque sia lo stato di preparazione delle liste medesime, ma non oltre dieci giorni prima della data fissata per le elezioni.

Art. 3.

Il Sindaco provvede alle cancellazioni su conforme avviso di una Commissione composta di tre membri [illegible]

Art. 7.

I corsi straordinari previsti dal presente decreto saranno di regola affidati agli stessi professori, di ruolo ed incaricati, dei corsi normali. Quando speciali circostanze, da apprezzarsi dai Consigli di facoltà, non rendano ciò possibile, i detti Consigli faranno luogo alla nomina di speciali incaricati per i corsi straordinari.

I detti corsi straordinari sono soggetti all'autorità del rettore o direttore, a meno che il Senato accademico non ritenga, per speciali circostanze, di proporre al Ministro per la pubblica istruzione che vi sia nominato [illegible]

alla reiscrizione, da effettuarsi entro il termine fissato dal precedente art. 2, esibendo la pronuncia della Commissione provinciale suindicata.

Delle reiscrizioni è data immediata notizia al Prefetto ed alla competente Commissione elettorale per gli effetti, di cui all'ultimo comma dell'art. 3.

Art. 6.

Le nuove iscrizioni nelle liste elettorali in conseguenza di disposizioni legislative che modifichino le vigenti norme sulla capacità elettorale attiva saranno effettuate in liste aggiunte, da compilarsi entro 15 giorni dalla data di entrata in vigore delle disposizioni medesime, e per la cui pubblicazione ed approvazione i termini previsti dagli articoli 9 e 15 del decreto del Ministero dell'interno in data 24 ottobre 1944 sono ridotti della metà.

La stessa abbreviazione di termini vale per la pubblicazione e approvazione delle liste di sezione aggiunte.

L'istruttoria prescritta dall'art. 4 del citato decreto del Ministro per l'interno e dalle successive modificazioni dello stesso articolo dev'essere compiuta telegraficamente.

Art. 7.

Il presente decreto entra in vigore il giorno successivo a quello della sua pubblicazione nella *Gazzetta Ufficiale* del Regno.

Ordiniamo che il presente decreto, munito del sigillo [illegible]llo Stato, sia inserto nella Raccolta ufficiale delle [illegible]gi e dei decreti del Regno d'Italia, mandando a [illegible]unque spetti di osservarlo e di farlo osservare come [illegible]ge dello Stato.

Dato a Roma, addì 18 febbraio 1946

UMBERTO DI SAVOIA

De Gasperi — Nenni — Romita — Togliatti

Il Guardasigilli: Togliatti

[illegible] 22 febbraio 1946

Declassified E.O. 12356 Section 3.3/NND No. 1995 621

Art. 2.

La cancellazione dalle liste elettorali per il motivo indicato nel precedente art. 1 può aver luogo in ogni tempo, e qualunque sia lo stato di preparazione delle liste medesime, ma non oltre dieci giorni prima della data fissata per le elezioni.

Art. 3.

Il Sindaco provvede alle cancellazioni su conforme avviso di una Commissione composta di tre membri scelti tra elettori dal Comune fra i quali possibilmente

Art. 7.

I corsi straordinari previsti dal presente decreto saranno di regola affidati agli stessi professori, di ruolo ed incaricati, dei corsi normali. Quando speciali circostanze, da apprezzarsi dai Consigli di facoltà, non rendano ciò possibile, i detti Consigli faranno luogo alla nomina di speciali incaricati per i corsi straordinari.

I detti corsi straordinari sono soggetti all'autorità del rettore o direttore, a meno che il Senato accademico non ritenga, per speciali circostanze, di proporre al Ministro per la pubblica istruzione che vi sia nominato come direttore un preside di facoltà o altro professore di ruolo dell'Università o Istituto superiore. Il direttore nominato in tal modo sostituisce nei corsi straordinari il rettore o direttore dell'Università o Istituto, e interviene in tale veste alle sedute del Senato accademico e del Consiglio di amministrazione, i quali organi rimangono, tuttavia, anche per la trattazione degli affari riguardanti i corsi straordinari, sotto la presidenza del rettore o direttore ordinario.

Art. 8.

Per ogni ora di lezione impartita nei corsi straordinari da professori di ruolo o incaricati è dovuta la retribuzione di L. 200.

Al direttore è dovuto per ogni semestre l'assegno di L. 5000.

Le dette retribuzioni ed assegni sono a carico dello Stato. Ogni altra spesa occorrente per il funzionamento dei corsi straordinari è a carico delle Università ed Istituti superiori.

della metà.

La stessa abbreviazione di termini vale per la pubblicazione e approvazione delle liste di sezione aggiunte.

L'istruttoria prescritta dall'art. 4 del citato decreto del Ministro per l'interno e dalle successive modificazioni dello stesso articolo dev'essere compiuta telegraficamente.

Art. 7.

Il presente decreto entra in vigore il giorno successivo a quello della sua pubblicazione nella *Gazzetta Ufficiale* del Regno.

Ordiniamo che il presente decreto, munito del sigillo lo Stato, sia inserto nella Raccolta ufficiale delle gi e dei decreti del Regno d'Italia, mandando a iunque spetti di osservarlo e di farlo osservare come ge dello Stato.

Dato a Roma, addì 18 febbraio 1946

UMBERTO DI SAVOIA

DE GASPERI — NENNI — ROMITA — TOGLIATTI

o, il Guardasigilli: TOGLIATTI
egistrato alla Corte dei conti, addì 23 febbraio 1946
tti del Governo, registro n. 8, foglio n. 138. — FRASCA

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PTO

Declassified E.O. 12356 Section 3.3/NND No. 946021

DECRETO LEGISLATIVO LUOGOTENENZIALE 18 febbraio 1946, n. 32.

Procedura per la cancellazione dalle liste elettorali di coloro che, per aver ricoperto cariche fasciste o per altri motivi d'indegnità, non abbiano diritto di voto e per le variazioni alle liste elettorali in dipendenza di modificazioni delle norme sull'elettorato.

UMBERTO DI SAVOIA
PRINCIPE DI PIEMONTE
LUOGOTENENTE GENERALE DEL REGNO

In virtù dell'autorità a Noi delegata;

Visti il decreto legislativo Luogotenenziale 28 settembre 1944, n. 247, il decreto del Ministro per l'interno 24 ottobre 1944, e il decreto legislativo Luogotenenziale 12 aprile 1945, n. 201, sulla formazione delle liste elettorali;

Visto il decreto legislativo Luogotenenziale 1° febbraio 1945, n. 23, per la estensione alle donne del diritto di voto;

Visto il decreto-legge Luogotenenziale 25 giugno 1944, n. 151;

Visto il decreto legislativo Luogotenenziale 1° febbraio 1945, n. 58;

Visto il decreto Luogotenenziale 31 luglio 1945, numero 435, circa l'istituzione del Ministero per la costituente;

Visto il decreto del Presidente del Consiglio dei Ministri 2 febbraio 1945, contenente l'indicazione delle cariche fasciste aventi per effetto la sospensione del diritto elettorale prevista dall'art. 8 del decreto legislativo Luogotenenziale 27 luglio 1944, n. 159, modificato dall'art. 2 del decreto legislativo Luogotenenziale 4 gennaio 1945, n. 2;

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DLL 10 March 1946 N.76 published in GU N.62 14 March 1946

HUMBERT OF SAVOY
Prince of Piedmont
Lieutenant General of the Kingdom

By virtue of the authority conferred upon Us
Having seen the DLL 7 January 1946, n.1
Having seen art.4, of DLL 25 June 44, n.151
Having seen DLL 1 february 1945, n.58
Having heard the opinion of the Consulta Nawionale;
Having seen the deliveration of the Council of Ministers
On proposal of the Minister for the Interior;

We have sanctionned and promulgate as follows:

Art. 1

Besides the cases foreseen by art.1) of DLL 7 January 1946, n.1 the following are not eligible to communal councillors;

1) those who have covered any of the fascist offices indicated in the decree of the Presidency of Council of Ministers 2 feb 45, published on GU 15 feb 45, n.20, or, any of the following corresponding offices assigned to woman;

2) the national councillors ;

3) the deputies who after the 3rd of January 1935 have voted for fundamentale laws meant to foster the fascist regime;

4) the Ministers and Undersecretaries of State of the Fascist Government in charge or nominated after 6 of Jan 25 ;xnxs

5) the members of the special Tribunal for the defense of the State and the members of the extraordinary Tribuhal of the so called Social Republic;

6) prefects and questori nominated for fascist merits; chiefs of provinces and questori nominated by the Government of the pseudo Social Republic;

7) the mosquettiers of the duce, officers of the voluntary militia for national safety (MVSN), in permanent and paid service , except those in charge of military, police, assistential services, and those belonging to the Lybian

the following are not eligible to communal councillors;

1) those who have covered any of the fascist offices indicated in the decree of the Presidency of Council of Ministers 2 feb 45, published on GU 15 feb 45, n.20, or, any of the following corresponding offices assigned to women;

2) the national councillors ;

3) the deputies who after the 3rd of January 1935 have voted for fundamentale laws ment to foster the fascist regime;

4) the Ministers and Undersecretaries of State of the Fascist Government in charge or nominated after 6 of Jan 25 ;xnx$

5) the members of the special Tribunal for the defense of the State and the members of the extraordinary Tribunal of the so called Social Republic;

6) prefects and questori nominated for fascist merits; chiefs of provinces and questori nominated by the Government of the pseudo Social Republic;

7) the mosquettieri of the duce, officers of the voluntary militia for national safety (MVSN), in permanent and paid service , except those in charge of religious, sanitary, assistential services, and those belonging to the Ivia legions , to the railwaymilitia, post and telegraph and University militia, to 'giovanni' Italiani del Littorio (GIL), to the P.I.C.A.T. and Da.coe, and to the forest road and portual militia;

8) officers who have been on active service in the armed forces of the pseudo social republic, officers of the Rr National Republican Guard and the member of the Black Brigades, of the autonomous legions and of the special units of the political police of the pseudo social republic.

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The following are however eligible: Those who although belonging to one of the above mentioned categories have been declared not liable to penalties under article 7 last para of DLL 27 July 44, n.159, or in regard to whom the commission referred to in art.2 of DLL 26 April 45, n.149, have pronounced judgment of acquittal.

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Art. 2

The sixth paragraph of art.38 of DL 7 Jan 46 is abrogated and replaced by the following:

The ballot papers are valid also when there have not been countermarked as many names of candidates as are the councillors for whom the elector has the right to vote; They are also valid when the sign of the vote is placed upon the countermark of lists or in the square beside the name; in such case the vote is to be considered as give to all the candidates of the list.

Art. 3

Art. 74 of the DL 7 Jan 46 n.1, is replaced by the following:
The public official , ~~x~~ anyone who is in charge of a public service, he who exercised a service of public utility, the minister of whatever ~~xxx~~ creed, whoever is entrusted with public authority or civil or military functions, abuses of their authority and during their exercise of same compels the electors to sign a declaration of presentation of candidates or forces the elector to vote in favor or against certain lists or certain candidatos or forces them to abstain , is punished by six months to three years prison and a fine 3000 to 200000 lire.

The present decree shall come into force on the day of ista publication on the Official Gazzette of the Kingdom.

We order that the present decree, bearing the seal of the State, shall be inserted in the official Collection of the Laws and Decrees of the Kingdom of Italy, and we order to all concern to observe it and have it observe as a law of the State.

Issued in Rome on 10 March 1946

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

Art. 74 of the DLL 7 Jan 46 n.1, is replaced by the following:

The public official , ~~xx~~ anyone who is in charge of a public service, he who exercised a service of public utility, the minister of whatever ~~xxx~~ creed, whoever is entrusted with public authority or civil or military functions, abuses of their authority and during their exercise of same compels the electors to sign a declaration of presentation of candidates or forces the elector to vote in favor or against certain lists or certain candidates or forces them to abstain , is punished by six months to three years prison and a fine 3000 to 200000 lire.

The present decree shall come into force on the day of its publication on the Official Gazzette of the Kingdom.

We order that the present decree, bearing the seal of the State, shall be inserted in the official Collection of the Laws and Decrees of the Kingdom of Italy, and we order to all concern to observe it and have it observe as a law of the State.

Issued in Rome on 10 March 1946

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UMBERTO DI SAVOIA
Prince of Piedmont
Lieutenant General of the Kingdom

[- D.L.L 16 March 1946, no. 98 — published in Official Gazette 23 March no. 69]

By virtue of the authority conferred to us;

Having seen the Lieutenancy decree-law 25 June 1944, n.151, relating to the Assembly for the new constitution of the State, to the oath of the Memebers of the Government and to the faculty of the Government to enact juridical provisions;

Having seen the DLL 1 February 1945,n.58, concerning the new regulations for the passing, promulgation and publications of Lieutenancy decrees and other provisions;

Deeming it necessary to complete and amend the a/m Lieutenancy decree-law 25 June 1944, n. 151;

Having heard the opinion of the National Consultative Assembly;

Having seen the decision of the Council of Ministers;

On proposal of the President of the Council of Ministers, First Prime Minister Secretary of State, and of the Minister for the Constituent Assembly in agreement with all the Ministers;

Have sanctioned and promulgate the following:

Art. 1

At the same time as the elections for the Constituent Assembly the population will be asked to decide, by means of a referendum; about the institutional organisation of the State (Monarchy or Republic).

Art. 2

If the majority of the voters will be in favour of the Republic, the Assembly, after its constitution, shall, as first act, elect the temporary Chief of the State, who will exercise his functions, until the Chief of the State will be nominated in accordance with the Constitution deliberated by the Assembly.

The majority of the 3/5 of the members of the Assembly is requested for the election of the temporary chief of the State. If at the third scruting such majority is not achieved the absolute majority (maggioranza assoluta) will be enough.

Once the temporary Chief of the State has been elected 455

tment Assembly [illegible]
Have sanctioned and promulgate the following:

Art. 1

At the same time as the elections for the Constituent Assembly the population will be asked to decide, by means of a referendum; about the institutional organisation of the State (Monarchy or Republic).

Art. 2

If the majority of the voters will be in favour of the Republic, the Assembly, after its constitution, shall, as first act, elect the temporary Chief of the State, who will exercise his functions, until the Chief of the State will be nominated in accordance with the Constitution deliberated by the Assembly.

The majority of the 3/5 of the members of the Assembly is requested for the election of the temporary chief of the State. If at the third scruting such majority is not achieved the absolute majority (maggioranza assoluta) will be enough.

Once the temporary Chief of the State has been elected, the Government in charge will present him its resignation and the temporary chief of the State shall give the necessary orders for the formation of the new Government.

In the case contemplated in the first para from the day of the proclamation of the results of the referendum and until the temporary Chief of the State is elected, the relative fuctions are performed by the President of the Council of Ministers in charge at the day of elections.

If the majority of electors voting should be in favour of the Monarchy, the present Lieutenancy Regime shall continue until the decisions of the Constituent Assembly about the new constitution and the Chief of the State come into force.

Art. 3

During the period of the Constituente and until the convocation of the Parliament in accordance with the new Constitution the

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legislative powers shall remain delegated, exception made for the constitutional subjects, to the Government, and except the electoral laws and the laws for the approval of the international treaties, which shall be decided upon by the Assembly.

The Government may submit to be examined by the Assembly any other matter for which the decision of the Assembly should be deemed necessary.

The Government is responsible to the Constituent Assembly.

If a Government proposal is rejected by the Assembly, the resignation of the Government shall not be a necessary consequence. The Government shall obligatorily resign only if a specific motion of distrust is voted, which voting should take place not any earlier than two days after it has been presented and agreed upon by the absolute majority of the Members of the Assembly.

Art. 4

The Constituent Assembly shall hold its first meeting in Rome in Montecitorio Palace, on the 22nd day after the date on which elections have been held.

The Assembly is dissolved by right the very day the Constitution comes into force and however not later than eight months after its first meeting. This limit can be extended for not more than four months.

Until its own internal regulations be decided upon the Assembly shall apply the internal regulations of the Camera dei Deputati dated 1 July 1900 and subsequent amendments until 1922.

Art. 5

Until the new constitution has come into force the powers of the chief of the State shall be subject to the same regulations as are in force inasmuch as they are applicable.

Art. 6

Legislative provisions outside the competence of the Constituent Assembly under first para of art.3, issued in the period indicated, shall be submitted to ratification by the new

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its first meeting. This [illegible]
four months.

Until its own internal regulations be decided upon the Assembly shall apply the internal regulations of the Camera dei Deputati dated 1 July 1900 and subsequent amendments until 1922.

Art. 5

Until the new constitution has come into force the powers of the chief of the State shall be subject to the same regulations as are in force inasmuch as they are applicable.

Art. 6

Legislative provisions outside the competence of the Constituent Assembly under first para of art.3, issued in the period there indicated, shall be submitted to ratification by the new Parliament within one year after it has started functioning. 4578

Art. 7

Within 30 days from the Lieutenancy decree announcing the elections for the Constituent Assembly all civil and military servants of the State shall engage themselves upon their honour, to respect and make respect, in the performance of their duties, the result of the institutional referendum and the relative decisions of the Constituent Assembly.

None of the engagements previously accepted by them, even if under oath, limits the freedom of opinion and vote of the military and civil servants of the State.

Art. 8

By decree of the President of the Council of Ministers, after having heard the Council of Ministers, the regulations will be issued for the referendum itself, for the proclamation of its

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result and complaints lodged against the operations of the referendum, with the faculty of varying and completing the provisions contained in DLL 10 March 1946, n.74 for the election of the Deputies of the Constituent Assembly and of ordering that the state-ballot, referred to in the a/m decree, be modified as it will be necessary.

For the answer to the referendum two different symbols shall be indicated.

Art. 9

The present decree shall come into force on the day of its pubblication on the Official Gazette of the Kingdom.

We order that the present decree, bearing the seal of the State shall be inserted on the official collection of the laws and decrees of the kingdom of Italy, and order to all concerned to observe it and have it observed as a law of the State.

Issued at Rome the 16 March 1946.

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Issued at Rome the 16 March 1946.

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

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UMBERTO DI SAVOIA
Principe di Piemonte
Luogotenente Generale del Regno

[-DLL 16 March 1946 no. 98 - published in G.U. 23 March no. 69]

In virtù dell'autorità a Noi delegata;

Visto il decreto-legge Luogotenenziale 25 giugno 1944, n.151, relativo all'Assemblea per la nuova costituzione dello Stato; al giuramento dei Membri del Governo ed alla facoltà del Governo di emanare norme giuridiche;

Visto il decreto legislativo Luogotenenziale 1°febbrario 1945,n.58, concernente nuove norme sull'emanazione, promulgazione e pubblicazione dei decreti Luogotenenziali e di altri provvedimenti;

Ritenuta la necessità di apportare integrazioni e modifiche al sopra citato decreto-legge Luogotenenziale 25 giugno 1944, n.151;

Udito il parere della Consulta Nazionale;

Sulla proposta del Presidente del Consiglio dei Ministri, Primo Ministro Segretario di Stato, e del Ministro per la Costituente di concerto con tutti i Ministri;

ABBIAMO SANZIONATO E PROMULGHIAMO QUANTO SEGUE:

Art. 1

Contemporaneamente alle elezioni per l'Assemblea Costituente il popolo sarà chiamato a decidere mediante referendum sulla forma istituzionale dello Stato (Repubblica o Monarchia).

Art. 2

Qualora la maggioranza degli elettori votanti si pronunci in favore della Repubblica, l'Assemblea, dopo la sua costituzione, come suo primo atto, eleggerà il Capo provvisorio dello Stato, che eserciterà le sue funzioni, fino a quando sarà nominato il Capo dello Stato a norma della costituzione deliberata dall'Assemblea.

Per l'elezione del Capo provvisorio dello Sato, è richiesta la maggioranza dei tre quinti dei membri dell'Assemblea. Se al terzo scrutinio non sarà raggiunta tale maggioranza, basterà la maggioranza assoluta.

Avvenuta l'elezione del Capo provvisorio dello Stato, il Governo

Sulla proposta del Presidente del Consiglio dei Ministri, Ministro Segretario di Stato, e del Ministro per la Costituente di concerto con tutti i Ministri;

ABBIAMO SANZIONATO E PROMULGHIAMO QUANTO SEGUE:

Art. 1

Contemporaneamente alle elezioni per l'Assemblea Costituente il popolo sarà chiamato a decidere mediante referendum sulla forma istituzionale dello Stato (Repubblica o Monarchia).

Art. 2

Qualora la maggioranza degli elettori votanti si pronunci in favore della Repubblica, l'Assemblea, dopo la sua costituzione, come suo primo atto, eleggerà il Capo provvisorio dello Stato, che eserciterà le sue funzioni, fino a quando sarà nominato il Capo dello Stato a norma della costituzione deliberata dall'Assemblea.

Per l'elezione del Capo provvisorio dello Sato, è richiesta la maggioranza dei tre quinti dei membri dell'Assemblea. Se al terzo scrutinio non sarà raggiunta tale maggioranza, basterà la maggioranza assoluta.

Avvenuta l'elezione del Capo provvisorio dello Stato, il Governo in carica gli presenterà le sue dimissioni e il Capo provvisorio dello Stato darà l'incarico per la formazione del nuovo Governo.

Nella ipostesi prevista dal primo comma, dal giorno della proclamazione dei risultati del referendum e fino alla elezione del Capo provvisorio dello Stato, le relative funzioni saranno esercitate dal Presidente del Consiglio dei Ministri in carica nel giorno delle elezioni.

Qualora la maggioranza degli elettori votanti si pronunci in favore della Monarchia, continuerà l'attuale regime Luogotenenziale fino all'entrata in vigore delle deliberazioni dell'Assemblea sulla nuova costituzione e sul Capo dello Stato.

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Art. 3

Durante il periodo della Costituente e fino alla convocazione del Parlamento a norma della nuova Costituzione il potere legislativo resta delegato, salva la materia costituzionale, al Governo ad eccezione delle leggi elettorali e delle leggi di approvazione dei trattati internazionali, le quali saranno deliberate dall'Assemblea.

Il Governo potrà sottoporre all'esame dell'Assemblea qualunque altro argomento per il quale ritenga opportuna la deliberazione di essa.

Il Governo è responsabile verso l'Assemblea Costituente.

Il rigetto di una proposta governativa da parte dell'Assemblea non porta come conseguenza le dimissioni del Governo. Queste sono obbligatorie soltanto in seguito alla votazione di una apposita mozione di sfiducia, intervenuta non prima di due giorni dalla sua presentazione e adottata a maggioranza assoluta dei Membri dell'Assemblea.

Art. 4

L'Assemblea Costituente terrà la sua prima riunione in Roma, nel Palazzo di Montecitorio, il 22° giorno successivo a quello in cui si saranno svolte le elezioni.

L'Assemblea è sciolta di diritto il giorno dell'entrata in vigore della nuova Costituzione e comunque non oltre l'ottavo mese della sua prima riunione. Essa può prorogare questo termine per non più di quattro mesi.

Finchè non avrà deliberato il proprio regolamento interno l'Assemblea Costituente applicherà il Regolamento interno della Camera dei Deputati in data 1° luglio 1900 e successive modificazioni fino al 1922.

Art. 5

Fino a quando non sia entrata in funzione la nuova Costituzione le attribuzioni del Capo dello Stato sono regolate dalle norme finora vigenti, in quanto applicabili.

Art. 6

I provvedimenti legislativi che non siano di competenza dell'Assemblea Costituente ai sensi del primo comma dell'art. 3, deliberati nel periodo ivi indicato, devono essere sottoposti a ratifica del nuovo

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Palazzo di Montecitorio, il 22° giorno successivo a quello in cui si saranno svolte le elezioni.

L'Assemblea è sciolta di diritto il giorno dell'entrata in vigore della nuova Costituzione e comunque non oltre l'ottavo mese della sua prima riunione. Essa può prorogare questo termine per non più di quattro mesi.

Finchè non avrà deliberato il proprio regolamento interno l'Assemblea Costituente applicherà il Regolamento interno della Camera dei Deputati in data 1° luglio 1900 e successive modificazioni fino al 1922.

Art. 5

Fino a quando non sia entrata in funzione la nuova Costituzione le attribuzioni del Capo dello Stato sono regolate dalle norme finora vigenti, in quanto applicabili.

Art. 6

I provvedimenti legislativi che non siano di competenza dell'Assemblea Costituente ai sensi del primo comma dell'art. 3, deliberati nel periodo ivi indicato, devono essere sottoposti a ratifica del nuovo Parlamento entro un anno dalla sua entrata in funzione.

Art. 7

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Entro il termine di trenta giorni dalla data del decreto Luogotenenziale che indice le elezioni della Assemblea Costituente i dipendenti civili e militari dello Stato devono impegnarsi, sul loro onore, a rispettare e far rispettare nell'adempimento dei doveri del loro stato il risultato del referendum istituzionale e le relative decisioni della Assemblea Costituente.

Nessuno degli impegni da essi precedentemente assunti, anche con giuramento, limita la libertà di opinione e di voto dei dipendenti civili e militari dello Stato.

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Art. 8

Con decreto del Presidente del Consiglio dei Ministri, sentito il Consiglio dei Ministri, saranno emanate le norme relative allo svolgimento del referendum, alla proclamazione dei risultati di esso e al giudizio definitivo sulle contestazioni, le proteste ed i reclami rel relativi alle operazioni del referendum, con facoltà di variare e integrare, a tali fini, le disposizioni del decreto legislativo Luogotenrnziale 10 marzo 1946, n. 74, per l'elezione dei deputati all'Assemblea Costituente e di disporre che alla scheda di Stato, prevista dal decreto anzidetto, siano apportate le modificazioni eventualmente necessarie.

Per la risposta al referendum dovranno essere indicati due distinti contrassegni.

Art. 9

Il presente decreto entra in vigore il giorno della sua pubblicazione nella Gazzetta Ufficiale del Regno.

Ordiniamo che il presente decreto, munito del sigillo dello Stato, sia inserto nella Raccolta ufficiale delle leggi e dei decreti del Regno d'Italia, mandando a chiunque spetti di osservarlo e di farlo osservare come legge dello Stato.

Dato a Roma, addì 1o marzo 1946

f.to Umberto di Savoia
c.ti De Gasperi - Nenni - Cianca -
Romita - Togliatti - Scoccimarro -
Corbino - Brosio - De Courten -
Cevolotto - Molè - Cattani - Gallo -
Lombardi - Scelba - Gronchi - Berbareschi - Bracci - Gasparotto -

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

Il presente decreto entra in vigore il giorno della sua pubblicazione nella Gazzetta Ufficiale del Regno.

Ordiniamo che il presente decreto, munito del sigillo dello Stato, sia inserto nella Raccolta ufficiale delle leggi e dei decreti del Regno d'Italia, mandando a chiunque spetti di osservarlo e di farlo osservare come legge dello Stato.

Dato a Roma, addì 1o marzo 1946

f.to Umberto di Savoia
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Romita - Togliatti - Scoccimarro -
Corbino - Brosio - De Courten -
Cevolotto - Molè - Cattani - Gallo -
Lombardi - Scelba - Gronchi - Berbareschi - Bracci - Gasparotto -

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HEADQUARTERS ALLIED COMMISSION
APO 394
LOCAL GOVERNMENT SUB COMMISSION

AC/L5/R/LG 21 January 1946

SUBJECT : Hungarian Election and Land Reform Laws

TO : Ministry of the Constituente,
Cabinet - Att. Prof. Giannini

1. In adherence with the request made by Professor Giannini on 1st of February last, I have succeeded in obtaining annexed copies of the recent laws of the Hungarian Government upon elections and the land reform.

2. No doubt the Italian Government will be causing these to be translated into Italian. If so, I should greatly appreciate it if the Ministry will be kind enough to let me have three copies of their translations as we have no facilities for translating from the Hungarian.

RALPH R TEMPLE
Major
Director
Local Government Sub Commission

CRT/ar

Incl: As above

Sgt Small

a copy needs to be made of this for the file

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file copy made 28 Mar 46

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HUMBERT OF SAVOY
Prince of Piedmont
Lieutenant General of the Realm

[DL 16 March 1946 no 99 – published in Official Gazette 23 March no 69]

By virtue of the authority vested in us;

Considering art.13 of DLL 10 March 1946, n.74, containing the provision for the election of the Deputies to the Constituent Assembly and art.1 of DLL 16 March 1946, n. containing integrations and modifications to DL 25 June 1944, n.151, relative to the Assembly for the new constitution of the State, to the oath of the members of the Government and to the faculty reserved to the Government to issue juridical provisions;

Having considered the necessity of calling the electoral meetings for the decision, through a referendum, on the institutional form of the State and for the election of the deputies to the Constituent Assembly;

Considering that at the moment it will be impossible to hold the elections in the Venezia Giulia owing to the present international situation and in the province of Bolzano, where the electoral lists could not be completed since the question of citizenship of the optants for Germany x) has not been settled yet;

x) who carried the option through

Having seen the deliberation of the Council of Ministers;

On proposal of the President of the Council of Ministers, Prime Minister Secretary of State, in agreement with the Ministers for the Interior and for the Constituente;

WE HAVE DECREED AND DECREE :

Art. 1

The electoral meetings will be held on 2 June 1946 to deliberate trhough a "referendum", on the institutional form of the State and to elect the deputies to the Constituent Assembly.

An exception is made for the electoral College of the Venezia Giulia and for the Province of Bolzano, for which the convocation of the electoral meetings will be arranged by subsequent provisions.

The electoral College Trento Bolzano remains , as far as the applications of the precedent paragraphs is concerned, limited to the single Province of Trento, which will elect five deputies.

Art.2

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and in the province of Bolzano, where the electoral lists could not be completed since the question of citizenship of the optants for Germany x) has not been settled yet;

x) who carried the option through

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On proposal of the President of the Council of Ministers, Prime Minister Secretary of State, in agreement with the Ministers for the Interior and for the Constituente;

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The electoral College Trento Bolzano remains , as far as the applications of the precedent paragraphs is concerned, limited to the single Province of Trento, which will elect five deputies.

Art.2

The present decree shall become effective on the day of its publication in the Gazzetta Ufficiale of the Kingdom.

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We order that the present decree, bearing the seal of the State, be inserted in the Official Collection of the laws and of the decrees of the Kingdom of Italy, directing all whom it may concern to comply with and have it comply with .

Issued in Rome on 16 March 1946

Trans.AN

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UMBERTO DI SAVOIA

Principe di Piemonte

Luogotenente Generale del Regno

[DL 16 March 1946 no 99 – published in G.U. 23 March no 69]

In virtù dell'autorità a Noi delegata;

Visti l'art. 13 del decreto legislativo Luogotenenziale 10 marzo 1946, n. 74, contenente norme per l'elezione dei Deputati all'Assemblea Costituente e l'art.1 del decreto legislativo Luogotenenziale 16 marzo 1946, n. recante integrazioni e modificazioni al decreto legge Luogotenenziale 25 giugno 1944, n. 151, relativo all'Assemblea per la nuova costituzione dello Stato, al giuramento dei Membri del Governo ed alla facoltà del Governo di emanare norme giuridiche;

Ritenuta la necessità di convocare i comizi elettorali per la decisione, mediante referendum, sulla forma istituzionale dello Stato e per la elezione dei deputati all'Assemblea Costituente;

Ritenuto che è per ora impossibile lo svolgimento delle elezioni nella Venezia Giulia a causa dell'attuale situazione internazionale e nella provincia di Bolzano, nella quale le liste elettorali non si sono potute ultimare non essendo tuttora regolate le questioni sulla cittadinanza degli optanti per la Germania che hanno perfezionato l'opzione;

Vista la deliberazione del Consiglio dei Ministri;

Sulla proposta del Presidente del Consiglio dei Ministri, Primo Ministro Segretario di Stato, di concerto con i Ministri per l'interno e per la costituente;

ABBIAMO DECRETATO E DECRETIAMO:

Art.1

I Comizi elettorali sono convocati per il giorno 2 giugno 1946 per deliberare, mediante "referendum", sulla forma istituzionale dello Stato e per eleggere i deputati all'Assemblea Costituente.

E' fatta eccezione per il Collegio elettorale della Venezia Giulia e per la Provincia di Bolzano, per i quali la convocazione dei comizi elettorali sarà disposta con successivi provvedimenti.

Il Collegio elettorale Trento Bolzano resta,ai fini dell'applicazione dei commi precedenti, limitato alla sola Provincia di Trento,

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Ritenuta la necessità di convocare i comizi elettorali per la decisione, mediante referendum, sulla forma istituzionale dello Stato e per la elezione dei deputati all'Assemblea Costituente;

Ritenuto che è per ora impossibile lo svolgimento delle elezioni nella Venezia Giulia a causa dell'attuale situazione internazionale e nella provincia di Bolzano, nella quale le liste elettorali non si sono potute ultimare non essendo tuttora regolate le questioni sulla cittadinanza degli optanti per la Germania che hanno perfezionato l'opzione;

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E' fatta eccezione per il Collegio elettorale della Venezia Giulia e per la Provincia di Bolzano, per i quali la convocazione dei comizi elettorali sarà disposta con successivi provvedimenti.

Il Collegio elettorale Trento Bolzano resta, ai fini dell'applicazione dei commi precedenti, limitato alla sola Provincia di Trento, che eleggerà cinque deputati.

Art.2

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Il presente decreto entra in vigore il giorno della sua pubblicazione nella Gazzetta Ufficiale del Regno.

Ordiniamo che il presente decreto, munito del sigillo dello Stato, sia inserto nella Raccolta Ufficiale delle leggi e dei decreti del Regno d'Italia, mandando a chiunque spetti di osservarlo e di farlo osservare.

Dato a Roma, addì 16 marzo 1946

f.to Umberto di Savoia
c.to De Gasperi
" Romita
" Nenni

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ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

19 March 1946

G-5: A.C.C. Hungary

21 MAR 1946

SUBJECT: Hungarian Legislation

TO : Headquarters, Allied Commission
APO 394

Reference your AC/45/E/1A dated 8 February 1946.

The inclosed copies of the Hungarian Official Gazette containing the texts of the Hungarian Electoral Law and Land Reform Law, and of the related decrees, received from the British Political Mission in Hungary. Please transmit them to the Italian Government.

BY COMMAND OF LIEUTENANT GENERAL CRAIN:

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K. L. HAMBLEN
Brigadier General, GSC
Assistant Chief of Staff, G-5

Incls:
Copies of Hungarian Official Gazette

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

AIRED FORCE HEADQUARTERS
G-5 Section
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19 March 1946

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BY COMMAND OF LIEUTENANT GENERAL [illegible]:

[illegible]
Brigadier General, GSC
Assistant Chief of Staff, G-5

Incls:
Copies of Hungarian Official Gazette

45/13 70

Note of Interview - Ministry of the Interior - Office of the Minister

Present : Minister ROMITA
Major TOMPKINS, Director of Local Govt. S/C
Sgr. Arrigo Nino, interpreting

Date : 23 February 1946

1. I told Minister ROMITA that the purpose of my visit was to get his general reaction to a plan of observation on the trend of the forthcoming elections which the Allied Commission was considering and to ascertain what assistance could be given us in the matter. I explained that, since for the last two years we had assisted in and followed every step in the building up of the electoral machinery, this most democratic instrument which will give a voice to the will of the Italian people, it was the Allied Commission's desire to see how it functionned and to be able to see by itself that the elections were held in a free and unfettered manner. On the other hand the Allied Commission was very sensitive and scrupulous on the point that its actions in carrying out such observations might not be in any way construed as a desire to intervene or interfere with the elections themselves. I pointed out, for instance, that if it would be decided that our officers should here or there visit for brief moments the actual voting places, it would be embarrassing for them to make such visits without being properly introduced by some official representative of the Italian Government or without previous arrangements having been made. I told the Minister I had approached Dott. STRANO on the subject and that the latter seeing the usefulness of a plan of observations and supervision of the elections in the interest of the Italian Government, said he intended to propose to the Minister that special Italian officials (Inspectors General) be retained and assigned to this task and eventually cooperate with the Allied officer

2. Minister ROMITA replied that he was going to talk tomorrow with the President of the Consulta, Count SFORZA, and the head of the Electoral Commission of the Consulta in order to find out whether it was necessary that a special provision should be introduced in the law authorizing Inspectors General to gain admission to an electoral seat during the time of poling or if a ministerial circular was sufficient for the purpose. He pointed out that under the present electoral law no one, not even himself, could enter an electoral hall without the consent of the President of the polling section. The Minister said he intended to visit some voting places during the next elections to see for himself that everything was proceeding well and was pretty sure that no objections would be raised concerning his visits. He believed that this also would be the case if some Allied officers wanted to do the same; however there may be some President of an Electoral Seat who might object and Minister ROMITA said he would not like that such an embarrassing situation could arise that an Allied officer would be refused admittance.

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rassing for [illegible] official representative of the Italian [illegible] having been made. I told the Minister I had approached Dott. [illegible] ject and that the latter seeing the usefulness of a plan of observations and supervision of the elections in the interest of the Italian Government, said he intended to propose to the Minister that special Italian officials (Inspectors General) be retained and assigned to this task and eventually cooperate with the Allied officer

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3. I asked Minister ROMITA not to take any official action in this matter yet as it was at present under consideration by the Allied Commission as a question of policy and it had not been decided yet whether it was desirable that Allied officers show themselves at polling stations. In the meantime I had come to get his general reaction to the plan itself.

4. The Minister stated he wholeheartedly approved of it and he thought that the Allied Commission should see for itself that the elections in Italy are going to be free and carried in an orderly manner throughout the country.

5. I then acquainted the Minister with some particulars of the plan which I had in mind to submit to my superiors once the question of policy had been decided. I said that the plan could be divided in two parts: a) observation to be carried out by Allied liaison officers situated in the various regions of Italy who are already charged with the task of observing and reporting anything unusual in the situation of the country; b) the task which would be assigned to the Sub Commission of which I was the Director. I pointed out to Minister ROMITA that we in our Sub Commission were the specialists who were very familiar with the electoral machinery and the Italian Law.

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6. With regard to our liaison officers, I suggested that the Ministry might give instructions to the Inspectors Generals already attached in the various provinces to get in touch with them and assist them in their task of general observation of the elections. The observations carried out by my Sub Commission would be more precise and detailed. It would however be desirable that each of my officers and myself would make our observations in different parts of the country moving around at each different date of elections in order to gain a general picture of the whole. I said it was important that we should make our independent survey as comprehensive as possible because our Sub Commission will certainly be called to answer many inquiries from many quarters, Embassies, newspapermen and other agencies official and private status. Interest abroad in the first democratic test of Italy was very keen and naturally they would come to us for information. It was natural also that having been god father to the child we would like to see how he was going to walk.

7. I then told Minister ROMITA that inasmuch as in the fulfilment of the above task I and my officers would have to travel around in different parts of the country and make contact with Italian authorities we never met befo re, we should appreciate learning if it was possible that Minister could place at our disposal three Italian officials of high rank to accompany us and facilitate necessary contacts and be helpful to us in all other pertinent matters. Minister ROMITA said he would ~~furnish~~ be pleased to furnish us with such persons and kindly offered to submit to us a few names of Italian official from which we would choose the persons we would like to cooperate with us for the above purpose.

R. R. Temple major

RALPH R. TEMPLE, Major
Director
Local Government Sub Commission

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Director
Local Government Sub Commission

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Note of Interview - A.C. Ho. Local Govt. S/C

Present : Prof. GIANNINI of the Minister for the Constituency
Dott. SPATARORA of the Legal Office Ministry Interior
Major TEMPLE, Director Local Govt. S/C
Sgr. Aurelio Nice, interpreting

DATE : 20 Feb 46

1. Prof. GIANNINI said he had come to talk on the question of the voting of prisoners of war, which had been raised at the Consulta by Consultore Cingolani. He said he knew we had discussed this matter with Dott. STRANO of the Electoral Service, Ministry of the Interior, some time way back in September and that he had read a report by Dott. STRANO on the subject and wanted to have confirmation from us of the technical difficulties connected with the execution of any such plan to have the prisoners of war vote abroad.

2. Thereupon I read to Prof. GIANNINI the paragraph of our note of Interview with Dott. VINCENTI (Strano's substitute) concerning the subject and replied that as much as I had been in favor last September that some provision should be made to allow prisoners to vote, I could only repeat what I said then that it was a matter for the Italian Government to decide upon and that the Allied Commission would have been willing to help them in arranging facilities for this purpose. However in my vew time was very limited and running short a present.

3. Dott. SPATAFORA said that in his opinion it would have been first of all necessary to find out whether under the existing international law prisoners could vote, whether their status of captivity could be reconciled with the franchise of voting. I replied that, save any contrary opinion that our Ambassadors could have on the subject, I believed that owing to the special status of co-belligerancy enjoyed by Italy an agreement could eventually be reached between the powers concerned whereby Italian prisoners of war would be allowed to vote. But there still remained the technical difficulties to be overcome. These difficulties from the point of view of the Italian Government could be summarized as follows: a) lack of diplomatic representation abroad; b) time necessary to carry out the required procedures; c) lack of the necessary material. I told Prof. GIANNINI to have Dott. Vincenti show him all the papers we furnished him in connection with the ele tions of American and British soldiers abroad, and get from them a clear idea of the difficulties that would have to be overcome in such Brief a time. I reiterated that as far as Allied Commission was concerned we were willing to help but it was a matter on which only the Italian G overnment would have to decide.

4. I asked then what was the attitude of the Italian Government on the other [illegible] put forward by Consultore Cingolani, i.e. the voting

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with Dott. VINCENTI (Strano's substitute) concerning the subject and replied that as much as I had been in favor last September that some provision should be made to allow prisoners to vote, I could only repeat what I said then that it was a matter for the Italian Government to decide upon and that the Allied Commission would have been willing to help them in arranging facilities for this purpose. However in my view time was very limited and running short a present.

3. Dott. BRATTAFORA said that in his opinion it would have been first of all necessary to find out whether under the existing international law prisoners could vote, whether their status of captivity could be reconciled with the franchise of voting. I replied that, save any contrary opinion that our Ambassadors could have on the subject, I believed that owing to the special status of co-belligerancy enjoyed by Italy an agreement could eventually be reached between the powers concerned whereby Italian prisoners of war would be allowed to vote. But there still remained the technical difficulties to be overcome. These difficulties from the point of view of the Italian Government could be summarized as follows: a) lack of diplomatic representation abroad; b) time necessary to carry out the required procedures; c) lack of the necessary material. I told Prof. GIANNINI to have Dott. Vincenti show him all the papers we furnished him in connection with the elections of American and British soldiers abroad, and get from them a clear idea of the difficulties that would have to be overcome in such brief a time. I reiterated that as far as Allied Commission was concerned we were willing to help but it was a matter on which only the Italian Government would have to decide.

4. I asked then what was the attitude of the Italian Government on the other part of the recommendation put forward by Consultore Cingolani, i.e. the voting of the Italian nationals abroad. Dott. GIANNINI said it was a very difficult question. He emphasized that they had not data available to ascertain how many Italian nationals were involved, who were still citizens, who had lost the Italian citizenship and who enjoyed double nationality. He pointed out that for instance there were only three Italian Consulates open at present in the United States, that most archives of former Consulates had been destroyed or were under sequestration. Dott. BRATTAFORA pointed out that probably there would have to be considered also the attitude of the Government of the countries where these Italians had made their homes. Anyhow, the whole matter of the voting of Italians abroad would in all probability be dropped by the Italian Government in view of the many difficulties and complications. To get a basis for a decision on this score, they had written to the "Direzione Generale degli Italiani all'Estero" of the local Foreign Office to furnish them with the necessary data.

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5. Coming back to the question of the voting of prisoners of war I told Prof. GIANNINI that, having attended the meeting of the Consulta when this matter had been discussed, I understood from what speaker Michele had replied to the proposal of Cingolani that since the great majority of prisoners of war abroad would be back home by the middle of May, the only thing that could be done was to make

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provision for a speedy procedure for their registration in additional electoral lists and so enable them to vote. Dott. GIANNINI confirmed this. I suggested to my interviewers to find out the approximate number of prisoners of war who it is anticipated won't be back in time to vote.

R. L. Temple
Major

RALPH R. TEMPLE
Major,
Director,
Local Government Sub Commission

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45/B 68

Memo to of Interview - Ministry of the Interior

Present : Dott. [illegible], Head of the Electoral Service
Major [illegible], Director of Local Govt.
Mr. Arrigo Vico, Interpreting

DATE : 18 Feb 46

1. I told Dott. [illegible] that the purpose of my visit was to get posted on the last developments in the preliminary operations to the fast approaching administrative elections and on the preparation of the political elections and to get his view on some proposal that I was going to put to him in the course of the present interview.

2. I asked Dott. [illegible] whether he thought that in view of the present speed by which the political electoral law project was being examined by the C[illegible] results, the anticipated date of 26 May for the holding of the elections could be maintained. Dott. [illegible] said that inasmuch as the much burning question of the compulsory voting was over, he believed the debate on the other controversial points should narrow down to another few days or to the end of this week at the latest. If so, there would be sufficient time for the final drafting of the law, its presentation to the Council of Ministers, its approval and publication. According to Dott. [illegible] the dead line for the publication of the decree and for the publication of the notice should be respectively 12 March and 16 March in order to hold the elections on 26 May. He explained that the notice cannot be published until the number of the decree, which must be inserted in it, is known. He repeated that if the project of law would get through the C[illegible] results by 23 February, thing would work out smoothly. A further delay beyond that date would probably be remedied by hard work on the part of all concerned, but such delay should not stretch over a week's time at the most be on that limit.

3. I asked Dott. [illegible] whether another alternative date for the holding of the political elections in the spring, besides that of 26 May, was contemplated in the event that the latter date had to be abandoned. Dott. [illegible] said that the date of 2 June had been mentioned as a possible substitute date, but that political factors would have to be considered and that beyond 2 June no elections could be held on account of the setting in of the harvesting season and vacationing period.

4. I inquired then of Dott. [illegible] whether in his opinion compulsory voting would have an effect on the work in connection with the elections. Dott. [illegible] said he believed it would have, and that as a matter of fact he was quite concerned about it. He pointed out that the electoral lists for North and Central Italy are compiled on the basis of the population records of November 1944

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points should narrow down to [illegible] for the final drafting of the latest. If so, there would be sufficient time for the final drafting of the law, its presentation to the Council of Ministers, its approval and publication. According to Dott. [illegible] the dead line for the publication of the decree and for the publication of the notice should be respectively 12 March and 16 March in order to hold the elections on 26 May. He explained that the notice cannot be published until the number of the decree, which must be inserted in it, is known. He repeated that if the project of law would get through the Consulta by 23 February, things would work out smoothly. A further delay beyond that date would probably be remedied by hard work on the part of all concerned, but such delay should not stretch over a week's time at the most beyond that limit.

3. I asked Dott. [illegible] whether another alternative date for the holding of the political elections in the spring, besides that of 6 May, was contemplated in the event that the latter date had to be abandoned. Dott. [illegible] said that the date of 2 June had been mentioned as a possible substitute date, but that political factors would have to be considered and that beyond 2 June no elections could be held on account of the setting in of the harvesting season and vacation-ing period.

4. I inquired then of Dott. [illegible] whether in his opinion compulsory voting would have an effect on the work in connection with the elections. Dott. [illegible] said he believed it would have, and that as a matter of fact he was quite concerned about it. He pointed out that the electoral lists for South and Central Italy are compiled on the basis of the population records of November 1944 and those for Northern Italy as of July 1945. In the meantime there has been quite some shifting of population, refugees going back to their homes, people in search of work, etc. Probably a great many of them didn't bother to go through the procedure of cancelling their names in the list of their former residence and will find that they are unable to vote in the new residence. These and other people will rush to get duplicate electoral certificates at the last moment for fear of incurring in some penalty if they did not vote. A great afflux of voters to the polls will certainly put a strain on the electoral service during the elections.

5. As to the presentation of the lists of candidates for the next administrative elections, Dott. [illegible] said that only a few of these lists had so far been notified to his office. Indications were that, as a general rule, the lists presented will be few, which will be a blessing from the theoretical point of view and is otherwise welcomed because it shows to a certain extent the political maturity of the Italian people. The tendency is of presenting joint lists by groups of parties of similar ideologies, especially in small towns and localities, while in the larger ones where the proportional representation system will be applied, each political party will for the most part present its own list. He read to me a report received from [illegible] where a joint list was presented by

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the socialist and communist and another one by the liberals and Democratic Labor parties. The policy of the Democratic Christian Party is to present a separate list, but to include in it a good many names of candidates well known locally and who are independent but sympathetic to said party. The same policy seems to have been adopted also by the liberals. Dott. STRANO reserved however any judgment on this point until later when a greater number of candidates' lists will be at hand.

6. Dott. STRANO gave the following dates representing the dead line for the presentation of candidates' lists in the forthcoming administrative elections:

8	February	for the	10th	March	election
15	"	"	17	"	"
22	"	"	24	"	"
1	March	"	31	"	"
8	"	"	7	April	"

7. Dott. STRANO then introduced to me an expert from the Central Institute of Statistics which had been attached to his office, who showed me the attached questionnaire. This questionnaire will have to be filled by each Commune within five days from the holding of the elections, and will serve for the preparation of the statistical information so important and so interesting in connection with these first elections. He said that in addition to this detailed information Communes will have to wire the most important data soon after the scrutiny of the votes.

8. With regard of the actual holding of the elections I told Dott. STRANO that naturally my Sub Commission desired to follow as closely as possible, through observers, the actual carrying out of the election, the functionning of the electoral machinery, and the behaviour of the electors at the polling stations. I pointed out that this was the first election in Italy after the long period of totalitarian regime and that both official and public opinion abroad were very keen in seeing how Italy will undergo this first democratic test. I added that before drawing up a plan to be submitted to my superiors, I wanted to get his views as to the technical possibilities and limitations and see how far this observation could be effected without incurring in any public reaction to the effect that Allied Commission wished to interfere or take sides in the elections. I said that in my country in many States there is a special officer whose duties is to supervise the trend of the election on election day and make observations and eventually be helpful with suggestions.

9. Dott. STRANO replied that he understood the usefulness of the point so much so that he had already in mind to propose to his superiors a plan for the carrying out of this observation in the interest of the Italian Government. He thought that some Inspectors General should be appointed to this task and they could work hand

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questionnaire. This questionnaire will have to be filled by each Commune within five days from the holding of the elections, and will serve for the preparation of the statistical information so important and so interesting in connection with these first elections. It is said that in addition to this detailed information Communes will have to wire the most important data soon after the scrutiny of the votes.

8. With regard to the actual holding of the elections I told Dott. STRANO that naturally my Sub Commission desired to follow as closely as possible, through observers, the actual carrying out of the election, the functioning of the electoral machinery, and the behaviour of the electors at the polling stations. I pointed out that this was the first election in Italy after the long period of totalitarian regime and that both official and public opinion abroad were very keen in seeing how Italy will undergo this first democratic test. I added that before drawing up a plan to be submitted to my superiors, I wanted to get his views as to the technical possibilities and limitations and see how far this observation could be effected without incurring in any objection to the effect that Allied Commission wished to interfere or take sides in the elections. I said that in my country in every Station there is a special officer whose duties is to supervise the trend of the election on election day and make observations and eventually be helpful with suggestions.

9. Dott. STRANO replied that he understood the usefulness of the point so much so that he had already in mind to propose to his superiors a plan for the carrying out of this observation in the interest of the Italian Government. He thought that some Inspectors General should be appointed to this task and they could work hand in hand with the Allied observers. Some of these inspectors are already in the North supervising the trend of the pre-election preparations. They could get in touch with our Liaison officers, others could be appointed for central and southern Italy to accompany some of my officers and myself.

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10. With reference to the administrative electoral law, DCG 7 January 1946, Dott. STRANO said it had been necessary to issue a new legislative decree amending art.13 of said law concerning the eligibility of candidates, and gave the text of said legislative decree and a report on it setting forth the reasons for its issuance.

11. Finally Dott. STRANO gave me a list containing the latest figures, as of 18 February of the compilation and approval of lists and of the number of communes ready for the administrative elections. He promised also to send us several copies of the detailed lists of these communes for use of our Liaison officers.

R. R. Temple major

RALPH R. TEMPLE
Major
Director,
Local Government Sub Commission

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

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ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: ACC Hungary

12 February 1946

SUBJECT: Hungarian Legislation.

TO : Allied Control Commission Hungary
(British Delegation).

1. The Italian Government are anxious to secure information as to:-

a. The Hungarian electoral laws upon which the recent national elections in Hungary were conducted and

b. the Hungarian land reform programme.

2. The Italian Government having no direct contact with the Hungarian Government has requested that this Headquarters might obtain this information for it. If the information can be made available it would be appreciated if it might be forwarded to this Headquarters as soon as possible.

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

F. G. A. PARSONS,
Brigadier,
Acting Assistant Chief of Staff, G-5.

Copy to:
HQ ALCOM, (Ref. your AC/45/B/LG dtd 8 Feb 46.) — 65

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Declassified E.O. 12356 Section 3.3/NND No. 765021

NOTE of visit on 29 January 1946 to the ELECTORAL OFFICE OF THE PREFECTURE OF ROME and to the ELECTORAL OFFICE OF THE COMMUNE OF ROME, (arranged by Dott. Strano, Head of Electoral Service, Ministry of Interior, at request of Major Temple)

Participants: Major Temple, Director of Local Government S/C,AC
Lt. Etheridge, Legal Branch, AMG Venezia Giulia
Dott. Cocovini, " " " "
Sgt. Arrigo Rice interpreting.

f. ELECTORAL OFFICE OF THE PREFECTURE OF ROME

This office located at N.8 Via San Marco (near Piazza Venezia) is headed by Dott. Giovenco. Major Temple asked Dott. Giovenco to explain what were the functions of his office and how it was organized. He pointed out that the purpose of our visit was to give us an opportunity to see his office in actual operation with a view of observing the practical execution of the electoral law and procedures.

Dott. GIOVENCO said that the main purpose of his office was to control and supervise all the electoral operations which are to be complied with by the Communes. The Communes send in a report on the trend of the operations every ten days. It was thus possible to see which Communes were lagging behind and so be in a position to assist them to overcome their difficulties.

Major TEMPLE asked how control and supervision were actually carried out by the office. Dott. GIOVENCO replied that in the first place there were the two Inspectors General of the Prefecture whose task was to supervise the electoral operations as a whole. He himself and the other officials of his staff dealt with any special cases. Asked if there had been any communal secretaries who had to be substituted on account of incompetency, Dott. GIOVENCO said that there had been just a few cases of such substitutions, mainly because of negligence on the part of said officials. In all cases, they had been replaced by other officials of the same rank and qualifications.

We then made a tour of the office itself. Dott. GIOVENCO conducted us first into the Accountant's room. This section of the office has the task of keeping a record of all expenses in connection with the electoral operations and services, and to see to it that they are kept within the allotment. Electoral expenses are born by the State and hence the necessity of Prefectural supervision. Bookkeeping records are held for each Commune. Each Commune has its own file, containing records of expenditure, invoices, contracts, orders, estimates and miscellaneous correspondence. There is a general ledger in which all the Com-

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Next room we entered was the Office of Statistics. One of the activities of this section is the preparation of statistical records of the results of the elections themselves. Graphs are being prepared which will show the percentages relative to the number of electors who actually voted, both male and female, void votes and so on. The importance of this work is enhanced by the fact that it is long since Italy had its last elections.

Dott. GIOVENCO then showed us into the Central Clearing Office. It deals with the incoming and outgoing mail which are registered in three special protocols. It contains the archives. Each Commune has its own file containing reports on the trend of the operations, instruction from the Prefecture, and general correspondence. A separate file is kept for each stage of the operation. The first stage is that of the compilation of the lists, up to their approval. The second starts with the proper electoral operations which begin with the fixing of the date of the elections. A map on the wall shows the trend of the

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operations for each Commune by means of entries of dates, in proper columns, of the completion of each operation. It is possible in this way to discover at a glance which are the Communes lagging behind and need to be assisted.

In this same room there are also special files (with red covers) also divided by Communes containing decisions of the Mandamental Commissions as to the exclusions of electors from the lists. These records contain the names of the electors to be stricken off the lists and the reasons therefor. Three copies of this document are made: one goes to the Commune which has to effect the necessary changes on the lists, one to the Judiciary authorities, and one to the Electoral Office of the Prefecture. When the Communes send in the exemplars of the definitive electoral lists, the Electoral Office of the Prefecture is thus able to check up as to whether the Communes have effected the changes ordered by the Mandamental Commissions.

Dott. GIOVENCO showed us records prepared by him in which entries are made concerning the completion of the various proper electoral operations from the fixing of the date of the elections up to the holding of the elections themselves. He pointed out that since the time for each operation is short and because of the existing difficulties this is the crucial period that needs close watching. Any loss of time may mean the annulment of the elections. These records are also kept by Communes.

Lastly we came to the Shipping Department, which takes care of the transmission to the various Communes of the electoral material. A regular bookkeeping system has been devised in order to register shipments and consignments of important forms and materials. Dott. GIOVENCO explained the control that will be kept on the delivery of the ElectoralCertificates and Duplicate Electoral Certificates, by means of detachable stubs to be used as receipts. Only a fixed number of these certificates equal to the number of the registered electors plus a small surplus will be delivered to each Commune which will have to return all unused certificates. Another record is kept for the outgoing parcels.

Dott. GIOVENCO stressed again the importance of his office in controlling and supervising all electoral operations. He said it was necessary to enforce strict disciplins on the Communes who were naturally inclined to take things easy. He pointed further more out that the scope of his office went beyond the tasks of mere control and supervision. It was at times necessary to intervene in executive way and take action in order to bring things ~~xxx~~ to normal. Dott. GIOVENCO was asked if in his opinion reports for the period of ten days by the Communes on the preliminary operations were adequate or should they be submitted at longer intervals. He replied he would make them even more frequent, if possible, in order to follow the work very closely.

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2. ELECTORAL OFFICE OF THE COMMUNE OF ROME.

This office is located in the Campidoglio. We were met by the director, Dott. MURARI. He first showed us into a room where all the first records for the compilation of the electoral lists are kept. They consist of cards containing an extract of the population register (Anagrafe). There are two types of cards: white ones for men, red ones for women. All these cards are arranged in alphabetical order and kept in wooden boxes, each containing about 2000 cards. Dott. MURARI then showed us the general lists and the sectional lists. He stressed the difficulties that had to be overcome due to lack of material and printing facilities. He also said that although the procedure of the work in his office is a simple one it entails an enormous work due to the great number of electors. He gave the instance of the sorting of the electors by their residence in the sectional lists - an operation that had to be multiplied by almost a milion. There are three copies of the sectional lists, all handwritten in bound books. We saw the people assigned to this task (about 200 of them) actually at work in a large hall.

Here we met Dott. CINO CRISPO, Secretary General of the Commune of Rome. He thanked the Director, Major Temple, for the honor of the visit and took the occasion to call his attention to a problem that still had to be solved, viz. the securing of premises for the polling places. There are about 900 such places to be

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provided for in Rome. Dott. CRISPO asked whther the Allied Commission could help them in this matter which was worrying them. Major Temple replied that to his knowledge the Allied Military Authorities had already sent out instruction to their officers to meet as far as possible the requirements of the Italian officials for premises to be used on the day of the elections for voting. The Secretary General of the Commune also asked whether Major Temple could interpose his good offices towards the setting aside of PALAZZO DELLE ESPOSIZIONI in Via Nazionale, which is now occupied by a British Sergeants' Club for the purpose of installing there temporary offices for the handling out of duplicate Electoral Certificates. Dott. MORI pointed out that about 300 thousand people are estimated to call at this office in the few days prior to the elections to get their certificates. This is due to the poor mail facilities, and that many women are registered by their maiden names instead of their husband's names and so on. To deal with the crowd of applicants, a big building with many windows for the distribution of the certificates would be most suitable. The Palazzo delle Esposizioni would be ideal for the purpose; it had been used for other similar purposes before. Major Temple suggested that the Secretary General write a letter containing this request with all particulars to him that he would bring it to the attention of the proper authorities. Dott. CRISPO said that the Sindaco Principe Doria Pamphili had already written but could not give details as to the adressee . He stated that he would send us a copy of that letter.

3. POLLING PLACE.

Finally we paid a visit to a polling place, to get an idea of the furnishings and of their arrangement. We saw the booths, the tables, partitions dividing the electoral hall, the urns etc. We saw how school benches and shelves could be utilized for this purpose. It was pointed out that some communal schools had been left bare of all furnishings by the Germans and everything will have to by provided by the Communes.

31 Jan 1946

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R. L. Temple major

RALPH R. TEMPLE
Major,
Director,
Local Government Sub Commission

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

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31 Jan 1946

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R. L. Temple major

RALPH R. TEMPLE
Major,
Director,
Local Government Sub Commission

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

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Tel : 478107

Ref : AC/45/B/LG

8 Feb 46

SUBJECT : Hungarian legislation

TO : AFHQ for G-5

1 The Italian Minister of the Costituente has asked for the assistance of AC in securing information as to :-

a) the Hungarian electoral laws upon which the recent national elections in Hungary were conducted and

b) the Hungarian land reform programme.

2 The Italian Government have of course no direct contact with the Hungarian Government. They are therefore, after trying without success all means of obtaining such information as are open to them (such as the Hungarian Academy here), asking for our assistance. It is requested that the Allied Control Commission in Budapest be asked if they can furnish the information desired by the Minister.

FOR THE CHIEF COMMISSIONER

Howard Kotchian Brig

M. CARR, Brig.
VP CA Section

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

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1 Feb. 1946

MEMO for Director

Prof. GIANNINI of the Ministry for the Constituente said over the telephone that they would be very much interested in securing from the Hungarian Government information as to their electoral laws and about the Hungarian land reform program. No direct communications exist at present between the Italian Govt. and the Hungarian Govt. Prof. Giannini tried to establish contact through the local Hungarian Academy, the Vatican and private persons, but hasn't been successful.

Prof. Giannini asks whether you could help them in getting that information.

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

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HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

AC/43/B/10. Tel : 470107

SUBJECT : Hungarian Legislation. 6 February 1946

TO : G-5 Section, APHQ.

1. The Italian Minister of the Costituente has asked for the assistance of AC in securing information as to :-
a) the Hungarian electoral laws upon which the recent national elections in Hungary were conducted and
b) the Hungarian land reform programme.

2. The Italian Government have of course no direct contact with the Hungarian Government. They are therefore, after trying without success all means of obtaining such information as are open to them (such as the Hungarian Academy here), asking for our assistance. It is requested that the Allied Control Commission in Budapest be asked if they can furnish the information desired by the Minister.

M. CARR
Brigadier
Vice-President
Civil Affairs Section

CCRB/hw

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

HEADQUARTERS ALLIED COMMISSION
APO 394
I.A. GOVERNMENT SUB COMMISSION

AD/45/3/10.

Tel: 476107

SUBJECT : Udine Province - Preparation of electoral lists. 4 February 1946

TO : P.C. Udine.

1. During our conversations here last week you asked if you could have a copy of the D.L.L. on Communal Elections. I have pleasure in enclosing a folder containing a print of the Official Gazette in which the Decree is printed and also an English translation of it.

2. I also enclose for your information an English translation of a further D.L.L.(and report thereon) permitting certificates of convictions disqualifying for voting to be obtained through the Police(instead of the Judicial Records Offices) in the cases of men, as has already been done in the cases of women. I also enclose English translations of circulars 2003/1630.L of 16 January and 1630.L of 26 January which the Ministry of the Interior has issued in connection with this Decree.

3. Copies of the original Italian D.L.L. and of the 2 circulars referred to in para 2 are also enclosed for transmission to the Prefect please.

RALPH R. [illegible]
Major
Director
Local Government Sub Commission

cc/24/bw

Copy to : AC/45/3/10.

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Rome, 28 January 1946

From the Ministry of the Interior
Dir. Gen. Amm. Civile
Electoral Service

File N. 15600/Q

To : Local Govt. S/C

SUBJECT : Electoral Lists - Ascertainment of penal precedents

1) For opportune information, we transmit herewith attached two exemplars of the legislative decree , approved by the Council of Ministers at the meeting of the 25th inst., providing for the substitution of the certificates of the Casellari with similar statements by the local P.S. authorities for citizens of both sexes, for whom penal records for the purpose of the active and passive electoral rights have not yet been completed.

2) Attached hereto are also two exemplars of the circulars issued on t he subject, kindly requesting you to see to it that copy of each circular and of the legislative decree be transmitted to the Prefect of Undine for execution.

Thankin you,

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

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2) Attached hereto are also two exemplars of the circulars issued on t he subject, kindly requesting you to see to it that copy of each circular and of the legislative decree be transmitted to the Prefect of Udine for execution.

Thanking you,

FOR THE MINISTRY

Vicedomini

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Trans. An

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Declassified E.O. 12356 Section 3.3/NND No. 745021

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67/B

REPORT ON D.L.L. PROJECT CONTAINING PROVISIONS TO FACILITATE THE REGISTRATION OF CITIZENS IN THE ELECTORAL LISTS.

Among the impediments hindering the preparation of the electoral lists, one of the most serious ones appeared to be the difficulty in getting, on the part of the Communes, the certificates of the casellari giudiziari on the possible penal precedents of the citizens, in order to decide about their registration in the lists themselves.

Since as regards the feminine lists DLL 7 sept. 1945 n.643, permitting the substitution of the certificates of the Casellari Giudiziari with similar information to be issued to the Communes by the Questure and RR.CC Headquarters, has already been issued, it has been thought opportune and urgent to extend the aforesaid system to the compilation of the masculine lists, so as to expedite the completion of the latter, especially for the purpose of not having to postpone the convocation of the meetings for the formation of the Constituent Assembly.

The attached project of D.L.L., in which the terms of 15 days foreseen in D.L.L. 7 sept. 1945 n.643, have been reduced to 10 days, intends to meet the above.

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

PROJECT OF DLL containing provisions to facilitate the registration of citizens in the electoral lists.

624

HUMBERT OF SAVOY
Prince of Piedmont
Lieutenant General of the Kingdom

By power conferred upon us;
Having seen the DLL 28 sept. 44, n.247, the Decree of the Ministry of the Interior 24 oct. 44 and DLL 12 april 1945, n.201 on the formation of the electoral lists ;
Having seen DLL 1 february 1945, n.23, for the extension to women of the right of voting ;
Having seen DL 31 July 1945, n. 435 ; concerning the setting up of the Ministry for the Constituency;
Having seen DLL 7 september 1945, n.643, containing rules and regulations for the ascertaining of penal precedents with regard to women to be registered in the electoral lists ;
Having heard the Council of Ministers ;
On proposal of the Minister of the Interior, in agreement with the Ministry of Grace and Justice ;

WE HAVE SANCTIONED AND WE PROMULGATE AS FOLLOWS :

Art. 1

For the purpose of inscription in the electoral lists of citizens, of both sexes, with regard to whom the operations prescribed in art. 4 of the Decree of the Ministry of the Interior, published in G.U. n.9,20 Jan. 45have not yet been completed, the certificates of the Cancellari giudiziari may be substituted by similar certificates to be issued by the questura or by the Reali Carabinieri Headquarters in conformity with the following provisions.

Art. 2

Within 10 days from the entry into force of the present decree, each Commune shall transmit a list with the generalities of those persons for whom the certificate of the Cancellario giudiziale could not be obtained :

a) to the questura of the place of residence, for citizens residing in Communes provincial capitals ;
b) to the Carabinieri Reali Headquarters having jurisdiction in that territory for the residents in the other Communes.

Art. 3

The questura and the Carabinieri Reali, upon opportune searches in the records existing at the respective offices, shall return to the Communes submitting said request, within ten days from its receipt, the aforesaid list, after having placed the notation "Nothing" at the side of each name for whom

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

WE HAVE SANCTIONED AND WE PROMULGATE AS FOLLOWS :

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a) to the Questura of the place of residence, for citizens residing in Communes provincial capitals ;
b) to the Carabinieri Reali Headquarters having jurisdiction in that territory for the residents in the other Communes.

Art. 3

The Questura and the Carabinieri Reali, upon opportune searches in the records existing at the respective offices, shall return to the Communes submitting said request, within ten days from its receipt, the aforesaid list, after having placed the notation "Nothing" at the side of each name for whom no previous conviction for crime or any other cause of ineligibility has appeared, and shall attach for the other names a certificate containing showing charges against them. 4553

Should the P.S. Authorities, having jurisdiction over the territory, not be in a position, on account of destruction of the records or other cause, to supply the requested information, or should this information not be sufficient in order to form a concrete judgementconcerning the possible exclusion from the lists, then the operations prescribed in art.4 of the decree of the Minister of the Interior 24 oct. 44 must be complied with. Such compliance must be effected by wire.

Art. 4

The present decree becomes effective the day subsequent to its publication in the Gazzetta ufficiale.
Be order etc.

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Declassified E.O. 12356 Section 3.3/NND No. 935021

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69/D

RELAZIONE SULLO SCHEMA DI D.L.L. CONTENENTE NORME PER AGEVOLARE L'ISCRIZIONE DEI CITTADINI NELLE LISTE ELETTORALI.

Fra gli ostacoli che intralciano la preparazione delle liste elettorali, uno dei più gravi è stato ravvisato nella difficoltà di acquisture, da parte dei Comuni, le attestazioni dei casellari giudiziari sugli eventuali precedenti penali dei cittadini, per decidere circa la loro iscrizione nelle liste medesime.

Poichè nei riguardi delle liste femminili è già stato emanato il D.L.L. 7 settembre 1945, n° 623, che consente di sostituire alle attestazioni dei casellari giudiziari analoghe informazioni da rilasciarsi ai Comuni dalle Questure o dai Comandi dei Reali carabinieri, si ravvisa opportuno ed urgente estendere l'accennato sistema alla formazione delle liste maschili, in modo da affrettare il completamento di queste ultime, sopratutto allo scopo di non procrastinare ancora la convocazione dei comizi per la formazione dell'Assemblea Costituente.

A quanto sopra intende provvedere l'unito schema di D.L. 4552

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

Fra gli ostacoli che intralciano la preparazione delle liste elettorali, uno dei più gravi è stato ravvisato nella difficoltà di acquisire, da parte dei Comuni, le attestazioni dei cancellieri giudiziari sugli eventuali precedenti penali dei cittadini, per decidere circa la loro iscrizione nelle liste medesime.

Poichè nei riguardi delle liste femminili è già stato emanato il D.L.L. 7 settembre 1945, n° 623, che consente di sostituire alle attestazioni dei cancellieri giudiziari anche le informazioni da rilasciarsi ai Comuni dalle Questure o dai Comandi dei Reali carabinieri, si ravvisa opportuno ed urgente estendere l'accennato sistema alla formazione delle liste maschili, in modo da affrettare il completamento di queste ultime, soprattutto allo scopo di non procrastinare ancora la convocazione dei comizi per la formazione dell'Assemblea Costituente.

A quanto sopra intende provvedere l'unito schema di D.L. 4552 nel quale i termini di 15 giorni, previsti nel D.L.L. 7 settembre 1945 n° 623, sono stati ristretti a dieci giorni.

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

SCHEMA DI D.L.L. CONTENENTE NORME PER AGEVOLARE L'ISCRIZIONE DEI CITTADINI NELLE LISTE ELETTORALI.-

6210

Umberto di Savoia

PRINCIPE DI PIEMONTE
LUOGOTENENTE GENERALE DEL REGNO

In virtù dell'autorità a Noi delegata;

Visto il decreto legislativo Luogotenenziale 25 settembre 1944, numero 247, il decreto del Presidente per l'Interno 21 ottobre 1944, il decreto legislativo Luogotenenziale 12 aprile 1945, n.201, sulla formazione delle liste elettorali;

Visto il decreto legislativo Luogotenenziale 1° febbraio 1945, n.23, per la estensione del diritto di voto;

Visto il decreto-legge Luogotenenziale 25 giugno 1944, n.151;

Visto il decreto legislativo Luogotenenziale 1° febbraio 1945 n.58;

Visto il decreto Luogotenenziale 31 luglio 1945, n.435, concernente l'istituzione del Ministero per la Costituente;

Visto il decreto legislativo Luogotenenziale 7 settembre 1945, n.643, contenente norme per l'accertamento dei precedenti penali nei riguardi delle donne da iscriversi nelle liste elettorali;

Udito il Consiglio dei Ministri;

Sulla proposta del Ministro per l'Interno, di concerto col Ministro per la grazia e giustizia;

ABBIAMO SANZIONATO E PROMULGHIAMO QUANTO SEGUE:

Art. 1

Ai fini della iscrizione nelle liste elettorali dei cittadini, d'ambo i sessi, per i quali non siano stati ancora gli atti prescritti dall'art.4 del decreto del Ministro per l'Interno, pubblicato nella Gazzetta Ufficiale n.9 del 20 gennaio 1945, possono tener luogo delle certificazioni dei casellari giudiziari analoghe attestazioni da rilasciarsi dalla Questura o dai Comandi dei Reali Carabinieri in conformità delle disposizioni seguenti.

4551

Art. 2

Declassified E.O. 12356 Section 3.3/NND No. 935821

formazione delle liste elettorali;

Visto il decreto legislativo Luogotenenziale 1° febbraio 1945, n.23, per la estensione del diritto di voto;

Visto il decreto-legge Luogotenenziale 25 giugno 1944,n.151;

Visto il decreto legislativo Luogotenenziale 1° febbraio 1945 n.58;

Visto il decreto Luogotenenziale 31 luglio 1945,n.435, concernente l'istituzione del Ministero per la Costituente;

Visto il decreto legislativo Luogotenenziale 7 settembre 1945, n.643, contenente norme per l'accertamento dei precedenti penali nei riguardi delle donne da iscriversi nelle liste elettorali;

Udito il Consiglio dei Ministri;

Sulla proposta del Ministro per l'Interno,di concerto col Ministro per la grazia e giustizia;

ABBIAMO SANZIONATO E PROMULGHIAMO QUANTO SEGUE :

Art. 1

Ai fini della iscrizione nelle liste elettorali dei cittadini, d'ambo i sessi,per i quali non siano stati ancora gli atti prescritti dall'art.1 del decreto del Ministro per l'Interno, pubblicato nella Gazzetta Ufficiale n.9 del 20 gennaio 1945, possono tener luogo delle certificazioni dei consueti giudiziari analoghi attestazioni da rilasciarsi dalla Questura o dai Comandi dei Reali Carabinieri in conformità delle disposizioni seguenti.

4931

Art. 2

Entro cinque giorni dall'entrata in vigore del presente decreto, ciascun Comune trasmetterà un elenco con la generalità di coloro pei quali non si sia potuto ottenere l'attestazione del casellario giudiziale :

a) alla Questura del luogo di residenza, pei cittadini residenti nei Comuni capoluoghi di provincia;

b) al Comando delle Stazioni dei Carabinieri Reali competenti territorialmente, pei residenti negli altri Comuni.

Art. 3

Le Questure e i Carabinieri Reali, eseguite le opportune ricerche negli schedari esistenti presso i rispettivi uffici,restituiranno

./.

Declassified E.O. 12356 Section 3.3/NND No. 936021

ai Comuni richiedenti entro dieci giorni dalla ricezione, l'elenco predetto, previa apposizione dell'annotazione "nulla" a fianco di ciascun nominativo per il quale non risulti alcuna precedente condanna per delitto o altra causa di ineleggibilità ed allegano, per gli altri nominativi, un'attestazione in cui siano riportate le risultanze a loro carico.

Qualora l'Autorità di P.S. competente per territorio non sia in grado di fornire, per distruzione degli atti di archivio od altre causa, le informazioni richieste oppure queste non siano sufficienti per un concreto giudizio ai fini dell'eventuale esclusione dalle liste, rimane fermo l'adempimento degli atti prescritti dall'art.4 del decreto del Ministro per l'Interno 24 ottobre 1944. Tale adempimento deve aver luogo a mezzo del telegrafo.

Art. 4

Il presente decreto entra in vigore il giorno successivo a quello della sua pubblicazione nella Gazzetta Ufficiale del Regno.

Ordiniamo che il presente decreto, munito del sigillo dello Stato, sia inserto nella Raccolta Ufficiale delle leggi e dei decreti del Regno d'Italia, mandando a chiunque spetti di osservarlo e di farlo osservare come legge dello Stato.

Dato a Roma, addì . . . . . .

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

61

MINISTRY OF THE INTERIOR
Direzione Gen. Amm. Civile
Electoral Service.

Rome, 16 January 1946

TELEGRAM

TO ; Prefects of the Kingdom

Copy: Commissione s of Sicily and Sardinia

2888/1650 L - Electoral Service stop - Project law is being elaborated entrusting police organs of Communes of residence the ascertainment of penal precedents regarding citizens of both sexes whose penal extracts have not yet been returned by the competent casellari giudiziari stop. It is therefore necessary that Sindaci compile right from now and transmit at once the list of said citizens to the local public Safety Authority stop. Indipendently from said provision the Casellari giudiciari will continue to meet indistinctly all the requestes received taking into account moreover the impossibility of certain organs of police to furnish informationformation due to the destruction of the archives records or other reason. Kindly communicate at once present circular to Sindaci for immediate execution as well as to Presidents Electoral Commissions and request Questura and Legion Head quarters or Royal Carabinieri Group to impart detailed instructions to dipendent organs in order that they should ascertain the possible causes impeding the exwercise of the right of vote and should communicate the results to Communes concerned

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

2008/15 L - 5 ottobre servizio stop - [illegible]

police organs of Communes of residence the ascertainment of penal precedents regarding citizens of both sexes whose penal extracts have not yet been returned by the competent casellari giudiziari stop. It is therefore necessary that Sindaci compile right from now and transmit at once the list of said citizens to the local public Safety Authority stop. Indipendently from said provision the Casellari giudiziari will continue to meet indistinctly all the requestes received taking into account moreover the impossibility of certain organs of police to furnish informationformation due to the destruction of the archives records or other reason. Kindly communicate at once present circular to Sindaci for immediate execution as well as to Presidents Electoral Commissions and request Questura and Legion Head quarters or Royal Carabinieri Group to impart detailed instructions to dipendent organs in order that they should ascertain the possible causes impeding the exwercise of the right of vote and should communicate the results to Communes concerned not over the end of the period of ten days foreseen by such provisionx. Stop 540

are waiting receipt of telegraphic aknowledgement stop.

For the Minister

(Vicedomini)

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

2 5 2 7 1

61/13

MINISTRY OF THE INTERIOR
Dir. Generale Amm.Civile
Electoral Service

Rome, 26 January 1946

T E L E G R A M

To: PREFECTS , Provinces administered by the Italian Government

Copies : High Commissioners Sicily and Sardinia

1690 L Electoral Service Stop. Council of Ministers has approved DL as anticipated by circular 16 instant number 2886-1630 1. stop. While stressing the necessity of a prompt execution directives already imparted , please be advised that/evidences at Questura or CC.RR Headquarters should be negative or differ from the certificates of Casellari giudiziari, the latter should be taken into consideration for any consequent decision stop. Procedure prescribed by circular 22 May number 12799-5110.R remains unchanged in the event that extracts returned by the casellari contain incongruous notations. Stop. Cancellation may be effected at any time though the lists have become defintive and communication thereof should be given at once to the electoral commission to which also the certificate of the Casellario must be transmitted. stop. Should information of the local Public Safety Authorities not repeat not be sufficient to decide on the exclusion form the lists, Communes and Casellari must settle by wire investigations foreseen by article four Ministerial decree 24 october 1944 and ~~after~~ 459

Declassified E.O. 12356 Section 3.3/NND No. 895021

1690 L Electoral Service Stop. Council of Ministers has approved DL as anticipated by circular 16 instant number 2886-1630 1. stop. While stressing the necessity of a prompt execution directives already imparted , please be advised that/evidences should at Questure or CC.RR Headquarters be negative or differ from the certificates of Casellari giudiziari, the latter should be taaken into consideration for any consequent decision stop. Procedure prescribed by circular 22 May number 12799-5110.P remains unchanged in the event that extracts returned by the casellari contain/n incongruous tations. Stop. Cancellation may be effected at any time though the lists have become defintive and communication thereof should be given at once to the electoral commission to which also the certificate of the Casellario must be transmitted. stop. Should information of the local Public Safety Authorities not repeat not be sufficient to decide on the exclusion form the lists, Communes and Casellari must settle by wire investigations foreseen by article four Ministerial decree 24 october 1944 and ~~ex~~ted some time ago stop. Instructions on this line will be imparted by the Ministry of Justice to the dependents of the judiciary organs stop. Kindly communicate by quickest means present circular sto Sindaci and Presidents electoral commissions and sub-commission carefully supervising execution stop. We are waiting receipt of acknowledgment.

FOR THE MINISTER
(Vicedomini)

Trans. N
2 /2/46

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

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MINISTRY OF INTERIOR
Direction General Civil Administration
Electoral Service

Rome, 28 January 1946

Prot. N. : 5050/F
5070/C/III

TO: Allied Commission
Local Government S/C

ROME

SUBJECT : Administrative Elections: Publication n.1 & n.2

We have the pleasure of transmitting to your Hon. Commission N.10 copies of "Publication N.1 " which contains D.L.L. 7 January 1946 n.1 on the reconstitution of Communal Administration on elective basis, a schedule of pre-electoral operations and a list of the duties of the different offices, prepared under direction of this office.

We also transmit 10 copies of the "publication No.2" which contains instructions prepared by this Ministry for the presentation of candidates for communal elections.

For the Minister

Vicedomini

Translation: J.C.
Typed :ie

4548

RACCOMANDATA A MANO

45/3 Roma, 20 gennaio 60A 46

Ministero dell'Interno
DIREZIONE GENER. AMMIN. CIVILE
Servizio Elettorale

Divisione Sez.
Prot. N. 5070/C/III Allegati

Alla LA COMMISSIONE ALLEATA
SOTTOCOMMISSIONE GOVERNO LOCALE
R O M A

Risposta al Foglio del
Div. Sez. N.

OGGETTO Elezioni amministrative: Pubblicazione n.1 e n.2

Si ha il pregio di trasmettere a codesta On.le Commissione n.10 copie della "pubblicazione n.1" contenente il D.L.L. 7 gennaio 1946 n.1 relativo alla ricostituzione delle Amministrazioni Comunali su base elettiva, corredata del calendario delle operazioni pre-elettorali e della tabella degli adempimenti di pertinenza dei vari uffici, redatti a cura di questo ufficio.

Si trasmettono, altresì, 10 copie della "pubblicazione n.2" concernente le istruzioni approntate da questo Ministero per la presentazione delle candidature per le elezioni comunali.

PEL MINISTRO

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

Ref. N. 5070/C. Allegato

5070/C/III

Risposta al Foglio del

Div. No. N.

OGGETTO Elezioni amministrative: Pubblicazione n.1 e n.2

Si ha il pregio di trasmettere a codesta On.le Commissione n.10 copie della "pubblicazione n.1" contenente il D.L.L. 7 gennaio 1946 n.1 relativo alla ricostituzione delle Amministrazioni Comunali su base elettiva, corredata del calendario delle operazioni pre-elettorali e della tabella degli adempimenti di pertinenza dei vari uffici, redatti a cura di questo ufficio.

Si trasmettono, altresì, 10 copie della "pubblicazione n.2" concernente le istruzioni approntate da questo Ministero per la presentazione della candidatura per le elezioni comunali.

PEL MINISTRO

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6013

REPORT ON DLL PROJECT CONTAINING PROVISIONS TO FACILITATE THE REGISTRATION OF CITIZENS IN THE ELECTORAL LISTS.

Among the impediments hindering the preparation of the elecotral lists, one of the most serious ones appeared to be the difficulty in getting, on the part of the Communes, the certificates of the casellari giudiziari on the possible penal precedents of the citizens, in order to decide about their registration in the lists themselves.

Since as regards the feminine lists DLL 7 sept 1945 n.643, permitting the substitution of the certificates of the Casellari Giudiziari with similar information to be issued to the Communes by the Questure and RR.CC Headquarters, have already been issued, it has been thought opportune and urgent to extend the aforesaid system to the compilation of the masculine lists, so as to expedite the completion of the latter, especially for the purpose of not having to postpone the convocation of the meetings for the cormation of the Constitutent Assembly.

The attached project of DLL, in which the terms of 15 days foreseen in DLL 7 sept.1945 n.643, have been reduced to 10 days, intends to meet the above.

Trasmesso A.N.
28/1/46

have already been issued, it has been thought opportune and urgent to extend the aforesaid system to the compilation of the masculine lists, so as to expedite the completion of the latter, especially for the purpose of not having to postpone the convocation of the meetings for the cormation of the Constitutent Assembly,

The attached project of DLL, in which the terms of 15 days foreseen in DLL 7 sept.1945 n.643, have been reduced to 10 days, intends to meet the above.

Tramo A.N.
28/1/46

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PROJECT OF D. containing provisions to facilitate the registration of citizens in the electoral lists.

HUMBERT OF SAVOY
Prince of Piedmont
Lieutenant General of the Kingdom

By power conferred upon us;

Having seen the DLL 28 sept 44, n.247, the Decree of the Ministry of the Interior 24 oct 44 and DL 12 april 1945, n.201 on the formation of the electoral lists;

Having seen DLL 1 february 1945, n.23, for the extension to women of the right of voting;

Having seen DLL 25 June 1944, n.151;

Having seen DLL 1 february 1945 n.58;

Having seen DL 31 July 1945, n.435; concerning the setting up of the Ministry for the Constituency;

Having seen DLL 7 september 1945, N.643, containing rules and regulations for the ascertaining of penal precedents with regard to women to be registred in the electoral lists;

Having heard the Council of Ministers;

On proposal of the Minister of the Interior, in agreement with the Ministry of Grace and Justice;

WE HAVE SANCTIONED AND WE PROMULGATE AS FOLLOWS:

Art. 1

For the purpose of inscription in the electoral lists of citizensx, of both sexes, with regard to whom the operations prescribed in art. 4 of the Decree of the Ministry for the Interior, published in G.U. n.9,20 Jan 45 have not yet been completed, the certificates of the Casellari giudiziari may be substituted by similar certificates to be issued by the Questura or by the Reali Carabinieri Headqurters in conformity with the following provisions.

Art. 2

Within ten days from the entry into force of the present decree, each Commune shall transmit a list with the generalities of those persons for whom the certificate of the Casellario giudiziale could not be obtained :

a) to the Questura of the place of residence, for citizens residing in Communes provincial capitals;

b) to the Carabinieri Reali Hedaquarters having jurisdiction in that

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

in the electoral lists;

Having heard the Council of Ministers;

On proposal of the Minister of the Interior, in agreement with the Ministry of Grace and Justice;

WE HAVE SANCTIONED AND WE PROMULGATE AS FOLLOWS:

Art. 1

For the purpose of inscription in the electoral lists of citizens, of both sexes, with regard to whom the operations prescribed in art. 4 of the Decree of the Ministry for the Interior, published in G.U. n.9,20 Jan 45 have not yet been completed, the certificates of the Casellari giudiziari may be substituted by similar certificates to be issued by the Questura or by the Reali Carabinieri Headquarters in conformity with the following provisions.

Art. 2

Within ten days from the entry into force of the present decree, each Commune shall transmit a list with the generalities of those persons for whom the certificate of the Casellario giudiziale could not be obtained :

a) to the Questura of the place of residence, for citizens residing in Communes provincial capitals;

b) to the Carabinieri Reali Headquarters having jurisdiction in that territory for the residents in the other Communes.

Art. 3

The Questura and the Carabinieri Reali, upon opportune searches in the records existing at the respective offices, shall return to the Communes submitting said request, within ten days from its receipt, the aforesaid 45.5 list, after having placed the notation "Nothing" at the side of each name for whom no previous conviction for crime or any other cause of inelegibility has appeared, and shall attached for the other names a certificate containing showing charges against them.

Should the P.S. Authorities, having jurisdiction over the territory, not be in a position, on account of destruction of the records or other cause, to supply the requested information, or should this information not be sufficient in order to from a concrete judgement concerning the possible exclusion from the lists, then the operations prescribed in art. 4 of the decree of the Minister of the Iterior 24 oct 44 must be complied with. Such compliance must be effected by wire.

Art. 4

The present decree becomes effective the day subequent to its publicat ion in the Gazzetta ufficiale.

We oreder etc.

Trans. A.M. 28/1/46

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

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RELAZIONE SULLO SCHEMA DI D.L.L. CONTENENTE NORME PER AGEVOLARE L'ISCRIZIONE DEI CITTADINI NELLE LISTE ELETTORALI.

Fra gli ostacoli che intralciano la preparazione delle liste elettorali, uno dei più gravi è stato ravvisato nella difficoltà di acquisire, da parte dei Comuni, le attestazioni dei cancellieri giudiziari sugli eventuali precedenti penali dei cittadini, per decidere circa la loro iscrizione nelle liste medesime.

Poichè nei riguardi delle liste femminili è già stato emanato il D.L.L. 7 settembre 1945, n° 623, che consente di sostituire alle attestazioni dei cancellieri giudiziari analoghe informazioni da rilasciarsi ai Comuni dalle Questure o dai Comandi dei Reali carabinieri, si ravvisa opportuno ed urgente estendere l'accennato sistema alla formazione delle liste maschili, in modo da affrettare il completamento di queste ultime, soprattutto allo scopo di non procrastinare ancora la convocazione dei comizi per la formazione dell'Assemblea Costituente.

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Fra gli ostacoli che intralciano la preparazione delle liste elettorali, uno dei più gravi è stato ravvisato nella difficoltà di acquisire, da parte dei Comuni, le attestazioni dei cancellieri giudiziari sugli eventuali precedenti penali dei cittadini, per decidere circa la loro iscrizione nelle liste medesime.

Poichè nei riguardi delle liste femminili è già stato emanato il D.L.L. 7 settembre 1945, n. 61, che consente di sostituire alle attestazioni dei cancellieri giudiziari analoghe informazioni da rilasciarsi ai Comuni dalle Questure o dai Comandi dei Reali carabinieri, si ravvisa opportuno ed urgente estendere l'accennato sistema alla formazione delle liste maschili, in modo da affrettare il completamento di queste ultime, soprattutto allo scopo di non procrastinare ancora la convocazione dei comizi per la formazione dell'Assemblea Costituente.

A quanto sopra intende provvedere l'unito schema di D.L.L., nel quale i termini di 15 giorni, previsti nel D.L.L. 7 settembre 1945 n. 61, sono stati ristretti a dieci giorni.

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Declassified E.O. 12356 Section 3.3/NND No. 785081

SCHEMA DI D.L.L. CONCERNENTE NORME PER AGEVOLARE L'ISCRIZIONE DEI CITTADINI NELLE LISTE ELETTORALI.-

6495

Umberto di Savoia

PRINCIPE DI PIEMONTE
LUOGOTENENTE GENERALE DEL REGNO

In virtù dell'autorità a Noi delegata;

Visto il decreto legislativo Luogotenenziale 25 settembre 1944, numero 247, il decreto del Ministro per l'Interno 21 ottobre 1944, il decreto legislativo Luogotenenziale 10 aprile 1945, n.201, sulla formazione delle liste elettorali;

Visto il decreto legislativo Luogotenenziale 1° febbraio 1945, n.23, per la estensione alle donne del diritto di voto;

Visto il decreto-legge Luogotenenziale 25 giugno 1944, n.151;

Visto il decreto legislativo Luogotenenziale 1° febbraio 1945 n.58;

Visto il decreto Luogotenenziale 31 luglio 1945, n.435, concernente l'istituzione del Ministero per la Costituente;

Visto il decreto legislativo Luogotenenziale 7 settembre 1945, n.643, contenente norme per l'accertamento dei precedenti penali nei riguardi delle donne da iscriversi nelle liste elettorali;

Udito il Consiglio dei Ministri;

Sulla proposta del Ministro per l'Interno, di concerto col Ministro per la grazia e giustizia;

ABBIAMO SANZIONATO E PROMULGHIAMO QUANTO SEGUE :

Art. 1

Ai fini della iscrizione nelle liste elettorali dei cittadini, d'ambo i sessi, per i quali non siano stati ancora gli atti prescritti dall'art.4 del decreto del Ministro per l'Interno, pubblicato nella Gazzetta Ufficiale n.9 del 20 gennaio 1945, possono tener luogo delle certificazioni dei cessati giudiziari analoghe attestazioni da rilasciarsi dalla Questura o dai Comandi dei Reali Carabinieri in conformità delle disposizioni seguenti.

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formazione delle liste elettorali;

Visto il decreto legislativo Luogotenenziale 1° febbraio 1945, n.23, per la estensione alle donne del diritto di voto;

Visto il decreto-legge Luogotenenziale 25 giugno 1944, n.151;

Visto il decreto legislativo Luogotenenziale 1° febbraio 1945 n.58;

Visto il decreto Luogotenenziale 31 luglio 1945, n.435, concernente l'istituzione del Ministero per la Costituente;

Visto il decreto legislativo Luogotenenziale 7 settembre 1945, n.643, contenente norme per l'accertamento dei precedenti penali nei riguardi delle donne da iscriversi nelle liste elettorali;

Udito il Consiglio dei Ministri;

Sulla proposta del Ministro per l'Interno, di concerto col Ministro per la grazia e giustizia;

ABBIAMO SANZIONATO E PROMULGHIAMO QUANTO SEGUE :

Art. 1

Ai fini della iscrizione nelle liste elettorali dei cittadini, d'ambo i sessi, per i quali non siano stati ancora gli atti prescritti dall'art.4 del decreto del Ministro per l'Interno, pubblicato nella Gazzetta Ufficiale n.9 del 20 gennaio 1945, possono tener luogo delle certificazioni dei casellari giudiziari analoghe attestazioni da rilasciarsi dalla Questura o dai Comandi dei Reali Carabinieri in conformità delle disposizioni seguenti.

Art. 2

Entro dieci giorni dall'entrata in vigore del presente decreto, ciascun Comune trasmetterà un elenco con i generalità di coloro pei quali non si sia potuto ottenere l'attestazione del casellario giudiziale :

a) alla Questura del luogo di residenza, pei cittadini residenti nei Comuni capoluoghi di provincia;

b) al Comando delle Stazioni dei Carabinieri Reali competente territorialmente, per i residenti negli altri Comuni. 4543

Art. 3

Le Questure e i Carabinieri Reali, eseguite le opportune ricerche negli atti esistenti presso i rispettivi uffici, restituiranno

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ai Comuni nichi degli, entro dieci giorni dalla ricezione, l'elenco predetto, previa apposizione dell'annotazione "Nulla" a fianco di ciascun nominativo per il quale non risulti alcuna precedente condanna per delitto o altra causa di ineleggibilità ed allegando, per gli altri nominativi, un'attestazione in cui siano riportate le risultanze a loro carico.

Qualora l'Autorità di P.S. competente per territorio non sia in grado di fornire, per distruzione degli atti di archivio od altra causa, le informazioni richieste oppure queste non siano sufficienti per un ponderato giudizio ai fini dell'eventuale esclusione dalla lista, rimane fermo l'adempimento degli atti prescritti dall'art.4 del decreto del Ministro per l'Interno 24 ottobre 1944. Tale adempimento deve aver luogo a mezzo del telegrafo.

Art. 4

Il presente decreto entra in vigore il giorno successivo a quello della sua pubblicazione nella Gazzetta Ufficiale del Regno.

Ordiniamo che il presente decreto, munito del sigillo dello Stato, sia inserto nella Raccolta Ufficiale delle leggi e dei decreti del Regno d'Italia, mandando a chiunque spetti di osservarlo e di farlo osservare come legge dello Stato.

Dato a Roma, addì . . . . . .

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

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Declassified E.O. 12356 Section 3.3/NND No. 789021

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45/12

AC/45/13/10.

SUBJECT : Note of Interview - Ministry of the Interior.

DATE : 4 January 1946 - 11,00 hrs.

PRESENT : Dott. [illegible], Chief of the Electoral Service, Ministry of the Interior
Major R.H.Temple, Director Local Government S/C.
Capt. W.I. Cunningham, Executive Officer Local Government S/C.
Sig. A. Rice, Interpreting.

1. The Director explained to Dott. Bruno that he had come to him not as a representative of the Italian Government but as a technical expert in electoral matters and that it was necessary that the matters discussed at this interview should be treated as confidential for reasons which would be apparent to Dr. Bruno during the course of the interview.

2. Dott. Bruno said he agreed and was always willing to help this Sub Commission in any way possible.

3. The Director then explained to Dott. Bruno the Local Government administrative position in Venezia Giulia in some detail. It had now been decided to proceed with the preparation of electoral lists in Venezia Giulia and the Local Government S/C. were anxious that the lists should be prepared according to the Italian Law and practice so far as possible in order that when a settlement was arrived at concerning Venezia Giulia the Italian Government might find it possible to utilise the lists. Dott. Bruno would appreciate the necessity of treating this as confidential because it was possible that the whole project for the preparation of electoral lists in Venezia Giulia would have to be abandoned if this conference became a political question.

4. Dott. Bruno said he appreciated this fully and would not mention the matter even to his own Minister. He would deal with it personally. He thanked us for the confidence which we had reposed in him.

5. Dott. Bruno was then given a copy of the draft General Order for the compilation of electoral lists in Venezia Giulia. He was told that the draft was in effect a Resume of the regulations contained in the following Italian laws :

a) D.L.L. 28 September 1944 n.247 - Compilation of Electoral Lists.
b) R.D. 24 October 1944
c) D.L.L. 1 February 1945 n.23 - Extension of suffrage to women.
d) D.L.L. 3 February 1945 n.55 - Expenses for the compilation of the Electoral lists to be charged to the State
e) D.L.L. 12 April 1945 n.206 - Division of the Communes into Electoral Sections and formation of Sectional Lists.
f) D.L.L. 22 April 1945 n.214 - ditto ditto

45-2

and that the wording had been changed where necessary to allow for the different nomenclature of the various administrative bodies set up in Venezia Giulia. He was also

in any way possible.

3. The Director then explained to Dott. Bruno the Local Government administrative position in Venezia Giulia in some detail. It had now been decided to proceed with the preparation of electoral lists in Venezia Giulia and the Local Government A.C. were anxious that the lists should be prepared according to the Italian law and practice so far as possible in order that when a settlement was arrived at concerning Venezia Giulia the Italian Government might find it possible to utilise the lists. Dott. Bruno would appreciate the necessity of treating this as confidential because it was possible that the whole project for the preparation of electoral lists in Venezia Giulia would have to be abandoned if this conference became a political question.

4. Dott. Bruno said he appreciated this fully and would not mention the matter even to his own Minister. He would deal with it personally. He thanked us for the confidence which we had reposed in him.

5. Dott. Bruno was then given a copy of the draft General Order for the compilation of electoral lists in Venezia Giulia. He was told that the draft was in effect a Consolidation of the regulations contained in the following Italian laws :

a) D.L.L. 28 September 1944 n.247 - Compilation of Electoral Lists.
b) D.L. 26 October 1944
c) D.L.L. 1 February 1945 n.23 - Extension of suffrage to women.
d) D.L.L. 3 February 1945 n.59 - Expenses for the compilation of the Electoral lists to be charged to the State
e) D.L.L. 12 April 1945 n.206 - Division of the Communes into Electoral Sections and formation of Sectional Lists.
f) D.L.L. 22 April 1945 n.214 - ditto ditto

45-2

and that the wording had been changed where necessary to allow for the different nomenclature of the various administrative bodies set up in Venezia Giulia. He was also given publications Nos. 1, 2 and 3 which are the instructions of the Ministry of the Interior for the formation of the electoral lists which had been cross-referenced to the draft Decree. He asked Dott. Bruno to study these documents and let us have his opinion and suggestions, if any, as soon as possible. Dott. Bruno said it would give him great pleasure to do this and promised to let us have his comments on Monday next 7 January.

6. The Director then referred to the administrative instructions which have been issued from time to time by the Ministry on the subject of preparation of electoral lists and suggested that certain of these instructions might be of use in Venezia Giulia.

7. Dott. Bruno promised to provide this Sub Commission with an Index of all the administrative instructions which have been issued to date indicating :- a) those which may be issued in Venezia Giulia as they stand ; b) those which might be issued in altered form with suggested alterations and c) those which are obsolete in the light of the new Order and should not be issued. For this purpose he wished to have an extra copy of the draft Order.

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8. The Director thanked Capt. Strano for his cooperation and promised that an extra copy of the draft Order would be sent to him immediately (This copy of the Order was delivered to Capt. Strano in person by Mr. G. Chevalier at 9 o' clock the same evening).

9. Capt. Strano then referred to the new decree on administrative elections which he said had now been passed by the Council of Ministers with a very few alterations and he gave us a copy of the decree with the alterations marked in it. He mentioned that the decree would probably be published in a special edition of the Official Gazette early next week.

10. The Director pointed out that this decree would have to be implemented by AMG in Udine and said that we would study the decree and see if it might be possible to implement it in Udine simultaneously with its publication in the Gazzetta Ufficiale.

11. Capt. Strano also supplied us with copies of the proposed nomination papers and ballot papers which had now been printed and also with 2 booklets which he thought we might like to study, one being the modifications proposed by the Ministry of the Interior for the adoption of the State ballot paper and the other the scheme for the reconstruction of communal and provincial administration on an elective basis. The Director thanked Capt. Strano for his cooperation.

W.J.Cunningham Capt

W.J.CUNNINGHAM
Captain
Executive Officer
Local Government Sub Commission

CJO/ww

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ALLIED COMMISSION FOR AUSTRIA
(British Element)

Tel. R.30560 Ext. 278. ACA/INTR/251/HQ

58
45/13
28 DEC 1945

Subject:- Election Laws.

To:- A.C. Italy.

52

Ref AC/45/P/IG of 4 Dec 45..

1. I forward -

(a) Copy of the Austrian Electoral Law.

(b) " " " Electoral system in Austria before 1934.

The latter paper outlines the Austrian system of Parliamentary election with comments.

2. A further report on the November election will be forwarded to you as soon as it is available.

G Mac Bain

Inspector-General.
A/Director.
Internal Affairs Division.

Vienna.
20 Dec 45.
JWQS/ABM.

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THE ELECTORAL SYSTEM IN AUSTRIA BEFORE 1934

The Upper House

The Upper House (Bundesrat) consisted of representatives elected by the Provincial Diets (Landtag), in accordance with the provisions of Art. 34 & 35 B. - VG 1923. These representatives had not necessarily to be members of a Provincial Diet though they had to be eligible as candidates for it. The election to the Bundesrat was carried through by a majority vote in the Diet, but the members so elected had as regards party allegiance to represent the same ratio of the party strength as prevailed in the Diet.

The Lower House, the Provincial Diets and Communal Councils

Elections to the Lower House (Nationalrat) were regulated according to an Act of 1923 the Bundesgesetz vom 11 Juli 1923. BGBL No. 367. This ordinance followed very closely the regulations laid down by the Law of 1920 which had made provisions for the elections to the first Lower House of the Austrian Republic.

It was customary in Austria to hold elections to the Lower House, to the Provincial Diets (Landtag) and to the Communal Councils (Gemeinderat) simultaneously. This simplified electoral procedure and saved expenses the whole of which was borne by the Federal State (Bund). When, however, the Provincial and Communal elections were held at a time other than that of a national election, the expenses had to be borne by the local authorities concerned. Representatives to the Lower House were elected for four years, those to the Provincial Diets for four, five or six years varying according to the Province, those to the Communal Councils for 3, 4, 5 or 6 years. All elections, national, provincial and communal were carried out by equal, direct, secret and personal vote.

In Austria the Lower House, the Provincial Diets and the Communal Councils were all elected on a system of proportional representation. The Austrian electoral machinery was composed of a combination of the systems propounded by Hare, Hondt and Hagenbach-Bischoff. No by-elections were held as all vacancies to seats occurring in any Assembly were filled from a reserve list of candidates who had failed to secure seats at the general elections, arranged according to their order on the party list.

Elections to the Lower House

(a) Allocation of Seats

The country was divided into twenty-five electoral districts (Wahlkreise) none of which cut across provincial boundaries. 165 Deputies were returned to the House. The number of seats to which each electoral district was entitled was also determined by proportional representation according to the Hare system. A quotient was arrived at by dividing the total population of the country by 165 and dividing the quotient into the population of each electoral district. The figure so obtained gave the number of seats to which the district was entitled. 1)

The remaining seats were allocated to those electoral districts which had the highest surplus figure. The results of this allocation of seats were published in the

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The remaining seats were allocated to those electoral districts which had the highest surplus figure. The results of this allocation of seats were published in the Official Gazette.

(b) The Voters

Until 1929 all Austrian nationals, male and female, who had completed their 20th year were eligible to vote unless subject to any specific legal disability e.g. those sentenced for crime. All nationals of 24 years or over were eligible as candidates. In 1929 these ages were changed to 21 and 29 years of age respectively. To secure the right to vote the name of the person concerned had to appear on the electoral register (Bürgerlisten) compiled by the Bürgermeisters. This register had to be publicly exhibited in provisional form, when objections to names appearing on the list or omitted could be made and appeals lodged with an arbitration board whose decisions were final. Later an adjusted register was compiled and became final.

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/(c)...

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1) Total population of Austria = 6,700,000

quotient = $\frac{6,700,000}{165}$ - 40,624

Electoral District "A" has population of 90,624
it is therefore entitled to $\frac{90,624}{40,624}$ deputies i.e. 2.

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(c) The Electoral Authorities

In accordance with the constitution of 1920, as amended by that of 1929, special authorities were set up to supervise elections. There were five types of electoral boards ranging from those of the Gemeinde to those of the Bund. Beginning from the lowest level these were:-

(1) Ortswahlbehorde (communal election board). This consisted of the Gemeinde Vorsteher as president, his deputy and 3 - 6 additional members

(2) Bezirkswahlbehorde, (district election board). The board was composed of the Bezirkshauptmann as President, his deputy and 6 - 12 members

(3) Kreiswahlbehorde, (Kreis election board). This consisted of a Bezirkshauptmann of the chief place in the area as president, his deputy 4 - 12 members

(4) Verbandswahlbehorde, (regional electoral board). A Landeshauptmann or his legal deputy acted as President and there were 6 - 12 members

(5) Hauptwahlbehorde, (central electoral board). This body had the Federal Chancellor or his deputy as president and 20 members, 5 of them had to be judges, either active or retired. It supervised all lower electoral boards.

The members of all electoral boards were selected on nominations put forward by the political parties and the proportion of party strength on these boards had to be the same as that which prevailed at the last election.

(d) Nominations

All nominations were submitted to the appropriate election board. They were without exception made up by the political parties each of which presented a list of party candidates for every constituency it wished to contest. No list might contain more than twice as many candidates as there were seats. The party lists were not compiled alphabetically but according to the order of preference of the party, so that the most important candidates from the Party point of view headed the list (Listenführer). Each list had to be signed by at least one hundred voters resident in the constituency. These signatures might be objected to.

(e) Voting

Voting was obligatory in the Provinces of Tirol and Vorarlberg but elsewhere was optional. Elections were carried through in one day and had to take place on a Sunday or an official day of rest. Every voter had to have been resident in the constituency on the day on which the election was promulgated, and had to record his vote personally, after proving his identity and after it had been ascertained that his or her name was on the register.

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The voter might not vote in favour of any specific individual, and might only vote for one or other of the political parties. He did this by recording his vote in favour of one or other of the closed party lists as it stood, i.e. he might not express his order of preference for the individuals on the list, but had to accept the order of preference laid down by the party.

The results of the first count of votes carried out by the electoral boards were ascertained according to proportional representation by the Hagenbach-Bischoff system.

/A quotient...

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A quotient was obtained by dividing the number of valid votes cast by the number of deputies to be elected, plus one. Each list was then taken and the number of votes cast for each list divided by the quotient, the resulting figures giving the number of seats to be allocated to each party. 1) Results were announced by the Kreiswahlbehörde.

A second count was necessitated in order to give adequate representation to the surplus votes (Reststimmen) which remained under the Hagenbach-Bischoff system. These surplus votes were remitted to four bigger electoral boards - the Wahlkreisverbände, and a second count was carried out by which the remaining seats were allocated according to the Hondt system. The surplus votes for each party from each of the four Wahlkreisverbände were added together and electoral quotients obtained. If, for example, there were five seats still to be allocated, the five largest quotients were divided among the parties which had secured them. 2)

After the second count all returns were remitted to the Hauptwahlbehörder and published in the Official Gazette. Political parties but not individuals might challenge the results obtained. No party which had failed to obtain a single seat in either of the two counts could contest the election results.

---

1) 15 deputies are to be elected from 4 lists for which 100,000 valid votes had been recorded.

1st list	2nd list	3rd list	4th list
28,000	37,000	19,000	16,000

Total 100,000

The electoral quotient (Wahlzahl) = $\frac{100,000}{16}$ = 6250

1st list has right to following seats: $\frac{28,000}{6250}$ = 4 surplus votes 3,000

2nd list " " " " " $\frac{37,000}{6250}$ = 5 " " 5,750

3rd list " " " " " $\frac{19,000}{6250}$ = 3 " " 250

4th list " " " " " $\frac{16,000}{6250}$ = 2 " " 3,500

Thus 14 out of 15 seats are allocated.

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Thus 14 out of 15 seats are allocated.

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2)

	Remaining seats	Surplus Party List Votes A	B	C	D	E
Wahlkreis 1	1	1303	23,252	33,011	23,870	-
" 2	2	25710	16,245	26,435	4,608	3420
" 3	-	34615	5,610	14,720	18,915	1615
" 4	2	8912	28,713	9,412	15,216	923
Total:	5	70540	73,800	83,578	62,609	5958

Quotients	Party C	B	A	D
	83,578 (1)	73,800 (2)	70,540 (3)	62,609 (4)
$\frac{1}{2}$	41,789 (5)	36,900	35,270	32,304
$\frac{1}{3}$	27,859	24,600	23,513	20,869

Thus: 2 seats to Party C, and one each to B, A and D.

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Provincial Diets (Landtag)

Members of these Diets were elected by equal, direct and secret voting on the system of proportional representation in the same way as candidates for the Nationalrat were elected. All persons over 21 years of age and not subject to any specific legal disability were entitled to vote. Any citizen over 29 years of age who was entitled to vote could be elected. The number of Diet members was determined on the basis of the number of persons in the province entitled to vote. 1)

Communal Councils (Gemeinderat)

The size of the councils varied according to the proportion of councillors to registered votes laid down by Provincial Law. The electoral procedure based on proportional representation was the same as that used in the Provincial and National elections.

---

1)

Landtag	No. of electoral districts	No. of members	No. of years for which elected
Burgenland	4	32	4
Carinthia	1	36	4
Styria	4	48	4

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1) Landtag	No. of electoral districts	No. of members	No. of years for which elected
Burgenland	4	32	4
Carinthia	1	36	4
Styria	4	48	4
Tirol	2	36	4536
Vorarlberg	3	26	5
Salzburg	1	26	5
U. Austria	5	48	6
L. Austria	8	56	5
Vienna	21	100	5

/THE ADVANTAGES...

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THE ADVANTAGES AND DISADVANTAGES OF THE AUSTRIA ELECTORAL SYSTEM

Most continental electoral systems differ fundamentally from that obtaining in Britain. In particular the system of proportional representation (which prevailed in Austria from 1919 - 1934) is often deeply rooted.

In Austria proportional representation was introduced for the first time in the regulations for the elections to the constituent Assembly in February 1919. In presenting his draft electoral scheme to the Council of State Renner admitted that the "closed list" system of proportional representation was not the ideal solution, and that he considered the "free list" system as being the purest form of such representation. In this instance however he recommended the closed list system as being simpler and more easily comprehensible to electors who had been used to voting for one name only under the old single-member constituency system of Imperial days. The system of proportional representation was perpetuated in the Constitutions of 1920 and 1929.

Proportional representation as an electoral system has a certain definite advantage over that of simple majority representation such as prevails in Britain, in that under proportional representation any party which has acquired only a minority vote in an election may not be returned to power. Under a majority system all votes in a constituency which are cast against the party which wins that particular seat are represented in Parliament only by the member against whom opposition votes have been cast. Under proportional representation all such votes are added to the appropriate party totals and receive representation ~~All such votes are added to the appropriate party totals and receive representation~~ according to their number. Moreover, the system as practised in Austria had been elaborated in such a way by the combination of the Hare, Hagenbach-Bischoff and Hondt systems that very few votes were lost throughout the country. Consequently the Government did represent the will of the people as a whole.

It has often been argued with some justice that proportional representation favours small parties unduly. On the other hand it may be claimed that it is more "democratic" to allow all parties however small a share in the government of the country. The Austrian system, however, did not favour small parties because

(1) every party list had to be signed by 100 voters resident in the constituency and

(2) no party which failed to secure at least one seat in the first count was eligible for a seat in the second count.

It was for these reasons that the Austrian Nazi Party was singularly unsuccessful in trying to obtain seats. But in Germany on the other hand under the provisions of the Weimar constitution every party was entitled to one seat for every 60,000 votes secured throughout the Reich. If, on the liberation of Austria, a multiplicity of small parties is likely to arise as has happened in other liberated countries, for example in Italy, the pre-1934 Austrian system would provide safeguards against a Parliament composed of representatives of many parties; but alternatively the

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party totals and receive representation ~~in the~~ according to their number. Moreover, the ~~party totals and receive representation~~ system as practised in Austria had been elaborated in such a way by the combination of the Hare, Hagenbach-Bischoff and Hondt systems that very few votes were lost throughout the country. Consequently the Government did represent the will of the people as a whole.

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The Austrian electoral system did in fact work well and was popular. In the later years of the Republic, there was widespread political consciousness and the floating vote was not noticeable (Party adherence was strong and the divergency in outlook between the two main parties was such that change of party allegiance was not common). The system of elections tended to preserve a fairly even balance between the two more important parties, the Social Democrats and the Christian Socials, but the equality of strength between these two parties was in many respects a great source of weakness in that the cleavage in fundamental principles held by them prevented any continuity in the programme of successive governments, and as the left wing of the Social Democrats and the right of the Christian Socials became increasingly powerful the gulf widened. An electoral system based on single majority representation would have resulted in the party in power being very much stronger than it was under the system of proportional representation, and the strength of the opposition would have been correspondingly weakened.

The great weakness of the electoral system in Austria was that owing to the system of party lists all power was centred in the political parties and in particular in the party caucus. The individual voter had no alternative but to record his vote in favour of some specific party. In addition, as the lists were closed he could not even state his order of preference for the candidates nominated by the parties. The list had to be voted for as it stood. Often only the 'Listenführer' was known to the voters. Nor was

/any...

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Nor was any individual able to stand as an independent candidate; he had first to form a political party. It has also been suggested that the electoral districts were too large and that smaller one-member constituencies would have been preferable.

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APPENDIX

Electoral systems prevailing in other countries

1. THE NETHERLANDS

The Netherlands parliament, or States General, consists of two chambers. The lower is called the Tweede Kamer, the upper the Eerste Kamer. Voting is obligatory.

The Lower House has 100 members elected directly for four years on a system of proportional representation based on the closed party list. The country is divided into 18 electoral districts. Theelector may vote only for the closed party list in the order of preference laid down by the party. The votes given for all lists are added together and divided by the number of deputies thus giving the quotient. The seats to be allocated to each party are determined by dividing the quotient into the number of votes gained by each party. Unallocated seats are distributed according to the system of largest remainder. All Netherlands subjects of 30 years of age or over are eligible as candidates.

The Upper Chamber consists of 50 members elected by members of the Provincial Councils for six years. For purposes of election to the Upper House the country is divided into four electoral districts each containing several provinces. Districts 1 and 2 are given 13 seats each, districts 3 and 4, 12 seats. Every 3 years 25 members drop out and new members are elected alternatively by districts 1 and 3, 2 and 4. A modified form of closed list system prevails. If the voter is satisfied with the order on the list he votes for it as it stands, but he may, if he so desires, change the order by giving a preferential vote to one candidate. Seats are distributed in the same way as for the Lower House.

2. NORWAY

In Norway, the Parliament, or Storting, consists of 150 members elected by proportional representation for four years. Two thirds of the members are elected by country districts and one third by the towns. After the election the 150 members elect from among their own number by simple majority vote an Upper House (Lagting) of 38 members and the remainder then form the Lower House (Odelsting). Candidates for election to the Lower House must be resident in the constituency for which they stand.

The party list system may be used in Norway, but its use is entirely optional. The lists are free not closed. Electors may either -

(a) Vote for the party list as it stands

(b) Alter the order of preference on the list

(c) Vote in favour of persons not on the list, or vote partly for the party list candidates and partly for persons of their own choice. The latter is known as a mixed list.

Seats are allocated according to the Hondt system

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3. DENMARK

In accordance with the Danish Constitution Parliament consists of two elected chambers the upper, or Landsting, and the lower, or Folksting.

For electoral purposes the country is divided into Aufstellungskreise and Amtskreise. Copenhagen has 18 Aufstellungskreise and 3 Amtskreise, the rest of the country has 99 Aufstellungskreise and 21 Amtskreise, and the Farces 1 of each. There is one representative to the lower house for each Aufstellungskreis. There are also 31 additional mandates. Each representative considers himself as a representative of the geographical Aufstellung on whose electoral list his name has appeared, in spite of the fact that the votes of the Amtskreise are pooled to elect him.

/Elections...

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Elections to the Upper House- Landsting - are in ect. The first count is carried out according to the Hondt system.

For elections to the Folksting the system of party lists may be adopted but this is optional. Independent candidates may stand if nominated by 25 voters. Parties already represented in Parliament may present lists and in addition a new party may be created by presenting a petition signed by 10,000 electors to the Minister of the Interior. In the case of party lists the voter may vote for the complete list or for any one candidate on the list. Results of the voting are sent to the Ministry of the Interior which apportions the seats between the various parties and the independent members according to the Hondt system.

4. BELGIUM

The proportional representation system also prevails in Belgium where there is a two chamber Parliament consisting of a Senate and a Cha-mber of Deputies.

The party list system is used but the voter has the choice of adopting the list as it stands or of varying the order of candidates on the list.

5. EIRE

The Irish Parliament (Oireachtas) consists of the President and two Houses, an upper or Senate (Seanad Eireann) and a lower called the Dail Eireann.

The Senate is composed of 60 members, of which 11 are nominated by the Prime Minister, 6 are elected by the Universities, and the remaining 43 from five panels of candidates established on a vocational basis representing "public services and interests".

The Dail is elected by universal suffrage. Constituencies are arranged according to counties and return a number of candidates which varies from 3 to 7 amounting to 44 in all.

Each elector has a single transferable vote:-

(a) capable of being given so as to indicate the voter's preference for the candidates in order and,

(b) capable of being transferred to the next choice where the vote is not required to give a prior choice the necessary quota of votes, or when, owing to the deficiency in the number of votes given for a prior choice, that choice is eliminated from the list of candidates.

Thus, if there are five candidates the voter could vote only for one, or for

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list as it stands or of varying the order of candidates on the list.

5. EIRE

The Irish Parliament (Oireachtes) consists of the President and two Houses, an upper or Senate (Seanad Eireann) and a lower called the Dail Eireann.

The Senate is composed of 60 members, of which 11 are nominated by the Prime Minister, 6 are elected by the Universities, and the remaining 43 from five panels of candidates established on a vocational basis representing "public services and interests".

The Dail is elected by universal suffrage. Constituencies are arranged according to counties and return a number of candidates which varies from 3 to 7 amounting to 44 in all.

Each elector has a single transferable vote:-

(a) capable of being given so as to indicate the voter's preference for the candidates in order and,

(b) capable of being transferred to the next choice where the vote is not required to give a prior choice the necessary quota of votes, or when, owing to the deficiency in the number of votes given for a prior choice, that choice is eliminated from the list of candidates.

Thus, if there are five candidates the voter could vote only for one, or for several up to five, naming them in order of preference. The ballot paper contains the name of the candidate without indicating his party.

6. FRANCE

The French Parliament consists of a Senate, or Upper House, and a Chamber of Deputies, or Lower House. The Senate is elected indirectly, the Chamber of Deputies directly.

The Senate is composed of 314 members, elected for 9 years, one third retiring every three years. Senators must be 40 years of age or over. The indirect election to the Senate is made by an electoral college composed of (1) delegates chosen by the Conseil Municipal of each commune in proportion to the population and (2) the Deputies, Councillors General and District Councillors of the Department.

The Chamber of Deputies is composed of 618 members, elected for four years by manhood suffrage (since the liberation of France the vote has been extended to women), and every citizen of 21 years or over, not actually in military service, who can prove a six month's residence in any commune, and is not subject to any

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legal disability, have the right to vote. Deputies must be French citizens and not under 25 years of age.

The method of electing Deputies has been varied several times since 1871. The scrutin de liste, under which each elector votes for as many Deputies as the Department has to elect, was introduced in 1871. In 1876 this method was replaced by the scrutin d'arrondissement, under which each department is divided into a number of arrondissements, each elector voting for one Deputy only. In 1885 there was a return to the scrutin de liste, in 1889 the uni-nominal vote was reintroduced.

In 1919 the scrutin de liste, with proportional representation, was once more introduced. The party list system was adopted. Sometimes the lists were closed, sometimes they were free. Independent candidates could stand if supported by at least 100 voters in the constituency. Candidates obtaining an absolute majority were elected, and the remaining seats were allocated according to the largest surplus votes.

In 1927 the old system of scrutin d'arrondissement was once more introduced.

7. SWEDEN

The Swedish Diet, or Parliament, consists of two Chambers.

The First Chamber is composed of 150 members elected according to proportional representation by members of the Provincial Councils or Landsting and by the councillors of the six towns not represented on the Landsting. Members are elected for eight years and the nineteen constituencies are divided into eight groups in one of which an election takes place every year. All members must be above 35 years of age and must have the right to vote in municipal affairs. Unlike elections to the Lower Chamber a candidate may stand for election in any constituency.

The Second Chamber consists of 230 members elected for four years by universal suffrage. Every man and woman of 23 years of age and over, who is not subject to any specific legal disability, is entitled to vote. The country is divided into 28 constituencies, in each of which one member is elected for every 230th part of the population. All men and women who are entitled to vote have the right to stand as candidates, but only in their own electoral area in the constituency in which they are resident. The proportional system of representation is used and the electoral machinery as for the First Chamber is regulated by a special law. Seats are allocated to Parties and to Independents according to the Hondt system. According to the Electoral Law of 1909 the elections are carried out on the party list system and the elector may choose his own order of preference. Every elector is at liberty to strike out any of the names of the ballot paper, substitute other names, vary the order in which the names are printed or prepare his own ballot paper. Independent candidates may also stand. Seats are allocated to independent candidates according to the number of votes cast for independents throughout the country. Seats are distributed according to the Hondt system.

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The First Chamber is composed of 150 members elected according to proportional representation by members of the Provincial Councils or Landsting and by the councillors of the six towns not represented on the landsting. Members are elected for eight years and the nineteen constituencies are divided into eight groups for in one of which an election takes place every year. All members must be above 35 years of age and must have the right to vote in municipal affairs. Unlike elections to the Lower Chamber a candidate may stand for election in any constituency.

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8. FINLAND

Proportional representation in Finland is based on a law of 1906. It is modelled on the Belgian List system and the Hondt rule applies.

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The Finnish Parliament consists of a single Chamber of 200 members elected directly. All citizens, male or female, who have reached their 24th year of age are entitled to vote. The country is divided into 16 electoral districts, representation being adjusted according to the population, a rearrangement being necessitated every ten years.

The voting system provides for the formation of party lists but these are completely free. Voters may indicate their order of preference for the candidates on the party list, or may add names of their own choice. Independent candidates may also stand. In any electoral district, any group of not less than 50 electors can put forward a list of not more than two candidates. Seats are allocated according to the number of votes cast for each candidate - whether he is a party man or an independent.

The Chamber is elected for three years and every citizen entitled to vote is eligible as a candidate.

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ELECTIONS, ITALIAN GOV'T POLICY
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9. U.S.A.

The legislative power in the United States is vested in Congress which consists of a Senate and a House of Representatives. The Senate is composed of two members from every State, and as no State may be deprived of its equal representation in the Senate without its consent, the Senate is the sheet-anchor of the rights of the smaller States.

Senators are elected by popular vote for 6 years. They must be not less than 30 years of age, must have been citizens of the United States for 9 years, and must be resident in the State for which they seek election.

The House of Representatives consists of 435 members elected every second year by the votes of those citizens who, according to the laws of the States in which they live, are qualified to vote for members of the State legislature. Members must be 25 years of age, must be resident in the State for which they seek election, and must have been citizens of the United States for seven years. The number of representatives accorded to each State is determined according to the decennial census. Since 1920 women have been eligible as candidates.

According to the terms of the constitution disqualifications for electoral rights on the ground of race, colour or sex is forbidden. In theory therefore all citizens of 21 years of age and over are entitled to vote. In fact however, the franchise is not universal. Various requirements as to residence and payment of taxes are insisted on by State Governments. In some States the ability to read - in Massachussetts the ability to read English - is a prerequisite of the right to vote. In the South some States require voters who are literate to give a reasonable explanation of what they read. Some Southern States have succeeded in adopting methods to disenfranchise the negro electorate and somehow avoided condemnation on the charge of having violated the constitution. (This was because the Supreme Court had held that political parties were not constitutional bodies and could therefore decide for themselves who could be primary electors. This decision was reversed in 1944. Consequently, e.g. the Florida State Supreme Court held on July 28, 1945 that negroes have the right to vote as Democrats in the primary State elections.) The attitude of the Western States is more liberal.

10. U.S.S.R.

The Supreme organ of state power as laid down in the Constitution of 1936 is the Supreme Council of the U.S.S.R. This council consists of two chambers, the Council of the Union and the Council of Nationalities. The Council of the Union is elected by the citizens of the U.S.S.R. for four years on the basis of one deputy for 300,000 persons. The Council of Nationalities on the other hand consists of deputies appointed by the Supreme Councils of the Union, autonomous Republics and Soviets of toilers' deputies in the autonomous provinces.

Deputies to all Soviets of toilers' deputies, the Supreme Council of the U.S.S.R., Supreme Councils of the Union Republics, territorial and provincial Soviets of toilers' deputies, Supreme Councils of autonomous Republics, Soviets of toilers'

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Deputies to all Soviets of toilers' deputies, the Supreme Council of the U.S.S.R., Supreme Councils of the Union Republics, territorial and provincial Soviets of toilers' deputies, Supreme Councils of autonomous Republics, Soviets of toilers' deputies of autonomous provinces, regional, district, city and village Soviets of toilers' deputies are elected by the electors on the basis of universal, equal and direct suffrage by secret ballot. (According to previous Soviet Constitutions deputies to town and village Soviets were elected by show of hands).

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Candidates for election as deputies to all Soviets are put forward by "social organisations and societies of the toilers, Communist Party organisations, trade unions, co-operatives, youth organisations and cultural societies". All citizens of the U.S.S.R., men and women alike, who have reached eighteen years of age (with the exception of the mentally deficient and those deprived of electoral rights by the Courts) may vote and are eligible as candidates. Candidates need not be resident in the electoral district for which they stand. No system of proportional representation is used.

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OFFICIAL GAZETTE

FOR THE REPUBLIC OF AUSTRIA

Service 1945 | Published 21 October 1945 | 51st Issue

198. Constitutional Law of 19 October 1945, on the First Elections for the National Council, the Provincial Diets and the Municipal Council of the City of Vienna in the Liberated Republic of Austria. (Electoral Law)

The Provisional Government has enacted:

I. General Provisions, Constituencies, and Combines of Constituencies

1. (1) On Sunday, 25 November 1945, there shall take place, in the liberated Republic of Austria, the first elections for the National Council, the Provincial Diets, and the Municipal Council of the City of Vienna.

(2) The elections shall be carried out in accordance with the provisions of this Constitutional Law.

(3) The National Council shall consist of 165 members.

(4) The number of members to be elected for the Provincial Diets shall be prescribed by provincial laws, having regard to the provisions of Article 95, para (4), of the Federal Constitution as amended in 1929. The number of members for the Municipal Council of the City of Vienna shall be prescribed by provincial law, having regard to the provisions of Article 108, para (2) of the Federal Constitution as amended in 1929, and the territorial changes made in the intervening period.

(5) The members elected to the National Council shall be convened for its first meeting by the Chancellor of State. The members elected to the Provincial Diets and the Municipal Council of the City of Vienna shall be convened by the Landeshauptmann (the Burgomaster in the case of the City of Vienna). Pending election of the respective presidents, the oldest member shall preside over the meeting.

(6) Regulations contained in the present Constitutional Law regarding the elections for the Provincial Diets shall apply to the election for the Municipal Council of the City of Vienna.

(2) The elections shall be carried out in accordance with the provisions of this Constitutional Law.

(3) The National Council shall consist of 165 members.

(4) The number of members to be elected for the Provincial Diets shall be prescribed by provincial law, having regard to the provisions of Article 95, para (4), of the Federal Constitution as amended in 1929. The number of members for the Municipal Council of the City of Vienna shall be prescribed by provincial law, having regard to the provisions of Article 108, para (2) of the Federal Constitution as amended in 1929, and the territorial changes made in the intervening period.

(5) The members elected to the National Council shall be convened for its first meeting by the Chancellor of State. The members elected to the Provincial Diets and the Municipal Council of the City of Vienna shall be convened by the Landeshauptmann (the Burgomaster in the case of the City of Vienna). Pending election of the respective presidents, the oldest member shall preside over the meeting.

(6) Regulations contained in the present Constitutional Law regarding the elections for the Provincial Diets shall apply to the election for the Municipal Council of the City of Vienna.

2. The State territory shall, for electoral purposes, be divided into constituencies and combines of constituencies.

3. The Constituencies shall be

Number	Description
1	Vienna Inner East
2	" " West
3	" North West
4	" " East
5	" South East
6	" " West
7	" West
8/	

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Number	Description
8	Viertel Obern Wienerwald
9	" Untern Wienerwald
10	" Obern Manhartsberg
11	" Untern Manhartsberg
12	Linz and its environs
13	Inn Viertel
14	Hausruck Viertel
15	Traun "
16	Mühl "
17	Salzburg
18	Tyrol
19	Vorarlberg
20	Graz and its environs
21	Middle and Lower Styria
22	Eastern Styria
23	Upper Styria
24	Carinthia
25	Burgenland

(2) Territorial boundaries of constituencies and the "Vororte" therein appear in Schedule 1.

(3) The State Office for the Interior is hereby authorised to rectify, by Ordinance, the designation of the areas of jurisdiction of district courts, communes, and parts of communes specified in the said Schedule, and amend the list, whenever it is found not to conform with the state existing on the "appointed day" (para 6). Areas of communes in constituencies 12 to 25, the allocation of which to any of the said constituencies is doubtful shall, pending the making of such Ordinance, belong to the constituency to which

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18	Tyrol
19	Vorarlberg
20	Graz and its environs
21	Middle and Lower Styria
22	Eastern Styria
23	Upper Styria
24	Carinthia
25	Burgenland

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4. (1) The constituencies mentioned in para 3 hereof shall be allotted the following numbers of seats in the National Council:

	Seats
In constituency No. 1	6
" " " 2	4
" " " 3	5
" " " 4	8
" " " 5	7
" " " 6	8
" " " 7	8
" " " 8	9
" " " 9	12
" " "10	7
" " "11	3
" " "12	4

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	Seats
In constituency No. 13	4
" " " 14	5
" " " 15	6
" " " 16	4
" " " 17	6
" " " 18	8
" " " 19	4
" " " 20	6
" " " 21	5
" " " 22	5
" " " 23	8
" " " 24	10
" " " 25	8

(2) The number of Provincial Diet seats allotted to the respective constituencies of any province shall be determined by provincial law, having regard to Article 95 (3) of the Federal Constitution as amended in 1929.

5. A combine each of constituencies shall be formed by:

1. The Constituencies of Vienna
2. " " " Lower Austria
3. " " " the provinces of Upper Austria, Salzburg, Tyrol and Vorarlberg.
4. " " " the Burgenland and the provinces of Carinthia and Styria.

II. Voting, Rights, Registration of Electors.

6. (1) All men and women of Austrian nationality, who have completed their twenty-first year of age, and are not excluded from the right to [illegible] National Council election.

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" " " 24

" " " 25

(2) The number of Provincial Diet seats allotted to the respective constituencies of any Province shall be determined by provincial law, having regard to Article 95 (3) of the Federal Constitution as amended in 1929.

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1. The constituencies of Vienna
2. " " " Lower Austria
3. " " " the provinces of Upper Austria, Salzburg, Tyrol and Vorarlberg.
4. " " " the Burgenland and the provinces of Carinthia and Styria.

II. Voting Rights, registration of electors.

6. (1) All men and women of Austrian nationality, who have completed their twentyfirst year of age, and are not excluded from the right to vote, shall be entitled to vote in the Nati nal Council election.

(2) All men and women of Austrian nationality, who have completed their twentyfirst year of age, are not excluded from the right to vote and have their permanent residence (para 10 subpara (2)) in one of the communes of the province concerned, shall be entitled to vote in the election for the Provincial Diet. In relation to Vienna and Lower Austria a "province" (within the meaning of this law) shall embrace the areas of the respective constituencies.

(3) Except where otherwise provided in this law, the "appointed day" shall be decisive in determining whether the conditi ns set forth in subparas (1) and (2) respectively are satisfied.

(4) The appointed day" shall be 11 October 1945. Persons who have not taken up their permanent residence in a commune of the State territory until after the said day shall nevertheless be entitled to vote in the Provincial Diet election for the province in which they shall have established their permanent residence.

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7. There shall be excluded from the right to vote:

A. On account of criminal convictions:

1. Persons convicted by the People's Court;

2. Persons convicted of an offence under para 6, clause 1 to 12, of the Law of 15 November 1867, BGBl. No.131: until the date when punishment has been completed;

3. Persons convicted of any other crime: for a term of five years from the date specified in 2 above;

Persons convicted of a delict or contravention committed from motives of gain, the contravention of procuring, a contravention under any section of the Vagrancy Law (except para 2) or the contravention of drunkenness (in the last named case on not less than three occasions): for a period of three years from the date specified in 2 above.

In deciding the question whether a bar to the right to vote on account of criminal conviction is present, the Decree of the Federal President dated 16 February 1938, BGBl. No.35, concerning the Amnesty for political offenders (1938 Amnesty) shall apply notwithstanding the fact that - at the time of promulgation of the said Decree - he may have been abroard, or may have fled abroard in order to prevent his sentence from being carried out.

The facts constituting a bar to the right to vote under 7A, points 2 to 4, shall not be taken into consideration where the conviction has been judicially cancelled (Law of 10 July 1945, StGBl. No.62).

B. On account of police measures consequent on criminal conviction: persons who have been placed under police supervision or who have been sent to a forced labour institution: for a period of one year from the date when the said measures were discontinued.

C. On account of limited legal capacity:

1. Persons who are under unlimited or limited guardianship;

2. Persons who have lost their paternal rights over their children

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In deciding the question whether a bar to the right to vote on account of criminal conviction is present, the Decree of the Federal President dated 16 February 1938, BGBl. No.35, concerning the Amnesty for political offenders (1938 Amnesty) shall apply notwithstanding the fact that - at the time of promulgation of the said Decree - he may have been abroard, or may have fled abroard in order to prevent his sentence from being carried out.

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B. On account of police measures consequent on criminal conviction: persons who have been placed under police supervision or who have been sent to a forced labour institution: for a period of one year from the date when the said measures were discontinued.

C. On account of limited legal capacity:

1. Persons who are under unlimited or limited guardianship;

2. Persons who have had their paternal rights over their children withdrawn from them:

D. On account of former membership of the NSDAP or of one of its militant formations:

1. Persons who, at any time, between 1 July 1933 and the 27 April 1945, were members of the NSDAP or candidates for membership, or members of the SS or the SA;

2. Persons who, at any time between 1 July 1933 and 13 March 1938, were members of the NSKK or the NSFK;

3. Persons who at any time between 13 March 1938, and 27 April 1945, were officers of the NSKK or the NSFK, of the rank of "Obersturmführer" (or an analogous position) or above.

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The persons referred to in D, clauses 1 to 3 above, may, however, acquire voting rights if - during the forcible annexation of Austria - they have, on political grounds, suffered persecution at the hands of authorities of the Third Reich. Details are given in para 17 subpara (4). The bar to voting rights specified in D, clauses 1 to 3, shall not apply to persons ... whom the Provisional Government has excepted from the operation of Article II of the Constitutional Law of 8 May 1945, StGBl. No.13 (para 27 of the Prohibition Law). See para 21 subpara (4) of this law.

Any person who makes false statements on voters' registration forms (para 10) in respect of any matter specified in 7D, clauses 1 to 3 (bars to voting rights) shall be guilty of the crime of fraud and be liable to penal servitude for a period of one to five years.

8. Every person entitled to vote shall have one vote only for the National Council and the Provincial Diet respectively. Apart from the exception contained in para 53, the voting right shall be exercised in person.

9. (1) The persons entitled to vote shall be entered in voters' lists, (a specimen is shown in Schedule 2).

(2) The voters' list shall, in respect of each person entitled to vote, specify the province and the constituency within which such person had his or her permanent residence on the "appointed day". Where such residence is within a constituency of Vienna or of Lower Austria, "Vienna" or "Lower Austria" shall, according to the location of the constituency concerned, be entered as the province.

(3) The task of drawing up the voters' list shall be undertaken by the communes acting on behalf of the State administration.

(4) Voters' lists shall be drawn up by reference to places, streets, house numbers, and, where a commune is divided into several voting districts, also by reference to such districts.

(5) Preparations for drawing up the voters' lists shall be made in good time, so as to ensure that the periods prescribed in paras 17 to 20 can be complied with.

10. (1) Registration of persons entitled to vote shall be effected by means of voters' registration forms which must be filled in by

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(5) Preparations for drawing up the voters' lists shall be made in good time, so as to ensure that the periods prescribed in paras 17 to 20 can be complied with.

10. (1) Registration of persons entitled to vote shall be effected by means of voters' registration forms which must be filled in by all men and women who, on the "appointed day" possessed Austrian nationality, had completed the twenty-first year of their age, and - on the day of filling in the voters' registration form - have their permanent residence or their temporary abode within the commune.

(2) The commune in which a person is deemed to be permanently resident is the commune in which the person has settled down with the intention of remaining there permanently. 4527

(3) Bombed out persons, evacuees and refugees and, generally, persons, who for any reason connected with the war, left their former permanent residence either of their own volition or under compulsion, shall be deemed to have their temporary abode in the commune to which they moved, except where the provisions of subpara (2) apply.

(4) Persons who, on the date of filling in the voters' registration form, are only sojourners in a commune (e.g. persons on leave, commercial travellers, temporary inmates of institutions, visitors, persons passing through etc) shall not fill in a voters' registration form.

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If they are entitled to vote, they must ensure that they are entered in the register of voters compiled in the commune where they have their permanent residence or temporary abode. They shall notify that commune and have the voters' registration form filled in by proxy. They may also effect the entry in the course of appellate proceedings.

(5) In communes having a population of less than 2,000, persons whose dwelling place is difficult of access from the commune (e.g. mountain communes, widely scattered communes etc) will have their voters' registration forms filled in by the mayor or by some suitable person authorized by him on that behalf. The entry shall be made under the supervision of a committee to which the (political) parties named in para 28 shall delegate one representative each. Voters' registration forms thus filled in shall be signed by the elector himself before the poll.

(6) The voters' registration form shall be identical with that specified in Schedule 3, but the printed text may be modified as far as it relates to the place of voting, the manner of distribution and return to the commune, and the number of copies of voters' registration forms to be filled in.

(7) Any person contravening the above regulations or making false entries upon the voters' registration form, shall - except where heavier penalties are provided for (para 7 D) - be guilty of an administrative contravention and may be fined by the district administrative authorities in a sum not exceeding RM 1000, with the alternative of imprisonment not exceeding four weeks in the case of default.

11. (1) A notice to be issued by the commune and published according to the prevailing local usage shall specify the manner in which the voters' registration forms and other forms hereinafter mentioned shall be distributed, and subsequently returned to the commune.

(2) The notice may provide that house-owners or their agents shall distribute voters' registration forms to tenants or occupants of apartments and that they shall collect the voters' registration forms when filled in, and satisfy themselves that the forms have been completed.

(3) The notice may also provide that house owners or their agents shall

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in Schedule 3, but the printed text may be [illegible] relates to the place of voting, the manner of distribution and return to the commune, and the number of copies of voters' registration forms to be filled in.

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(2) The notice may provide that house-owners or their agents shall distribute voters' registration forms to tenants or occupants of apartments and that they shall collect the voters' registration forms when filled in, and satisfy themselves that the forms have been completed.

(3) The notice may also provide that house owners or their agents shall enter the names of the tenants in special house lists (specimen in Schedule 4), such lists to be according to the site and number of the apartments, to show the number of voters' registration forms collected and to indicate separately men and women electors. Further the notice may provide that house owners or their agents shall - in respect of persons having filled in the registration forms - enter in separate collective lists their names and such particulars as appear in the printed form of voters' list.

(4) The commune may further order that the voters' registration forms and house lists and the collective lists shall be examined in every house by officials of the commune prior to being handed in at the commune. The house owner or his agent shall be informed in good time before such official action is taken. The said owner (or agent) shall, immediately, inform the tenants of the fact, adding that the occupants concerned must, as far as possible, hold in readiness such documents as are necessary for the examination. The house owner (or agent) shall make a suitable room available for the examination.

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(5) Any person contravening any order made by the commune shall be guilty of an administrative offence and shall be fined by the district administrative authority in a sum not exceeding RM 1000 with the alternative of imprisonment not exceeding four weeks in the case of default.

12. (1) In Vienna, in the provincial capitals and other towns with own statute, there may be substituted for the voters' list voters' registration forms (house lists) which shall be arranged by reference to streets, house numbers and voting districts, and - within every house - by reference to door numbers, and - the voting right having been checked - the voters shall be assigned serial numbers before the voters' list (para 17) is made available for inspection. The printed form (Schedule 2) may be used as an appendix for entries made at the bottom of the voters' list (e.g. para 20 subpara (5), para 21 subparas (1) to (4), para 52 subpara (4). In communes adopting the above procedure the voters' registration forms (house lists) so drawn up shall be included in the term "voters' list" within the meaning of this law. Regard shall be had to the provisions of para 19 subpara (4).

(2) With the consent of the district administrative authoritythe procedure set out in subpara (1) may be applied to other communes.

13. (1) Except in cases falling within para 21 subparas (1) to (3) every elector shall be entered in the voters' list for the commune in which he is actually living on the "appointed day" (permanent residence or temporary abode). If an elector has, after the "appointed day", moved his permanent residence or his temporary abode into the commune where he is required to fill in his voters' registration form, the day on which the voters' registration form is being filled in shall, for the purpose of deciding into which voters' list he is to be entered, be deemed to be the "appointed day."

(2) Where a commune is divided into several voting districts, the elector shall be entered in the voters' list of the district where he lives according to the above regulations.

(3) No elector may be entered in more than one voters' register.

(4) Every elector shall, as a general rule, have the right to vote in the locality (voting district) in the completed voters' list for which he has been entered. In cases mentioned in para 14,

(house lists) so drawn up [illegible] list" within the meaning of this law. Regard shall be had to the provisions of para 19 subpara (4).

(2) With the consent of the district administrative authority the procedure set out in subpara (1) may be applied to other communes.

13. (1) Except in cases falling within para 21 subparas (1) to (3) every elector shall be entered in the voters' list for the commune in which he is actually living on the "appointed day" (permanent residence or temporary abode). If an elector has, after the "appointed day", moved his permanent residence or his temporary abode into the commune where he is required to fill in his voters' registration form, the day on which the voters' registration form is being filled in shall, for the purpose of deciding into which voters' list he is to be entered, be deemed to be the "appointed day."

(2) Where a commune is divided into several voting districts, the elector shall be entered in the voters' list of the district where he lives according to the above regulations.

(3) No elector may be entered in more than one voters' register.

(4) Every elector shall, as a general rule, have the right to vote in the locality (voting district) in the completed voters' list for which he has been entered. In cases mentioned in para 14, an elector may vote elsewhere.

14. (1) Electors who hold voting cards may vote in localities other than those in the voters' list for which they are entered. The form specified in Schedule 5 shall be used for voting cards. No alterations to the form shall be made.

(2) The following persons are entitled to a voting card:

(a) voters who move their permanent residence or their temporary abode to another community between the "appointed day" and the polling day;

(b) members of the local election authorities, their assistants and witnesses to the poll;

(c) voters who, on the polling day, during polling hours, are compelled for reasons of public service, to attend some place other/

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other than that where they are entered in the voters' list (e.g. railway and post office employees, members of the police etc):

(i) voters who, on the polling day, are in hospitals or nursing institutions or who are detained there on duty.

15. (1) Application for the issue of a voting card shall be made to the constable in the voters' list for which the elector is entered. It shall be made within the last fourteen days preceding the polling day, either orally or in writing. The application must be accompanied by an identity document and the following:

(a) in cases under para 14 subpara (2) clause (a): the police registration certificate showing the new residence or temporary abode;

(b) in cases under para 14 subpara (2) clauses (b) and (c): a certificate showing that the applicant has been called upon to perform one of the duties therein specified.

(c) in cases under para 14 subpara (2) clause (d): the certificate of the management of the institution.

(2) No appeal shall lie from a decision refusing to issue a voting card.

16. (1) A note of the fact that a voting card has been issued shall be entered conspicuously (e.g. in coloured pencil) in the annotation column of the voters' list, by writing the word "Voting Card" opposite the name of the voter concerned.

(2) In no circumstances may any duplicate be issued to replace voting cards which have been lost or become unserviceable.

(3) Para 43 determines whether, and if so in what manner, separate voting districts shall be established for holders of voting cards. Particulars regarding the exercise of their vote by holders of voting cards are contained in para 52.

17. (1) The voters' lists shall be laid open for public inspection in an office open to all.

(2) The period for inspection shall be six days of which one must be a Sunday.

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a certificate showing that the applicant has [illegible] upon to perform one of the duties therein specified.

(c) in cases under para 14 subpara (2) clause (d): the certificate of the management of the institution.

(2) No appeal shall lie from a decision refusing to issue a voting card.

16. (1) A note of the fact that a voting card has been issued shall be entered conspicuously (e.g. in coloured pencil) in the annotation column of the voters' list, by writing the word "Voting Card" opposite the name of the voter concerned.

(2) In no circumstances may any duplicates be issued to replace voting cards which have been lost or become unserviceable.

(3) Para 43 determines whether, and if so in what manner, separate voting districts shall be established for holders of voting cards. Particulars regarding the exercise of their vote by holders of voting cards are contained in para 52.

17. (1) The voters' lists shall be laid open for public inspection in an office open to all.

(2) The period for inspection shall be six days of which one must be a Sunday.

(3) During the period of inspection every citizen of the State may, either in writing or orally, object to the voters' list on the ground that in his opinion persons not entitled to vote have been included or persons entitled to vote have been omitted.

(4) Objections may also be made where inclusion in the list is demanded in respect of persons who have been omitted from the voters' list solely on account of any / reason specified in para 7 clauses [illegible], if on political grounds they have suffered persecution at the hands of state authorities of the Third Reich during the occupation of Austria. If the authorities specified in para 20 subpara (2) and (3), in upholding the objection, order the person concerned to be placed on the voters' list, such person shall, from the date of the decision, be regarded as an elector within the meaning of this law.

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(5) If objection is made in writing, each objection shall be handed in separately. If the objection seeks to have included a person alleged to be an elector, it shall be accompanied by such evidence as is necessary to establish the claim. Time spent in postal transit is included in the period for objections. The objections must, therefore, reach the proper authority before the prescribed period has expired. The making of objections which are patently frivolous shall constitute an administrative contravention and as such shall be punished by the district administrative authority by a fine not exceeding 1000 RM with the alternative of imprisonment not exceeding four weeks in the case of default.

(6) The commune shall, according to the prevailing local usage, make it known by notice that the voters' list is being laid open for inspection. The notice shall specify the period of inspection, the hours of the day in which the inspection may take place, the address of the office where the voters' list is and where objections can be lodged. The notice shall quote the provisions set out in subpara (3).

(7) On and after the first day of inspection no alterations to the voters' list shall be made, except consequent upon "objection proceedings" or proceedings under para 21 subparas (1) to (4). This prohibition does not apply to formal defects as e.g. spelling mistakes and the like.

18. (1) Communes having a population of more than 20,000 shall, at the time when the inspection period begins, cause a notice to be posted in every house (in a place of easy access for the occupants, e.g. the hall) specifying the number of electors, arranged by reference to the site and the door number of each apartment, and indicating the office where objections to the voters' list may be lodged.

(2) The district administrative authorities or in the case of towns with own statute the Landeshauptmann, may make an order providing that similar notices shall be posted in like manner in any other commune.

19. (1) In communes having a population of more than 3,000, the political parties named in para 28 subpara (1) shall, on demand, and against payment of the cost, be provided with copies of the voters' list not later than the first day of the inspection period.

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(7) On and after the first day of inspection no alterations to the voters' list shall be made, except consequent upon "objection proceedings" or proceedings under para 21 subparas (1) to (4). This prohibition does not apply to formal defects as e.g. spelling mistakes and the like.

18. (1) Communes having a population of more than 20,000 shall, at the time when the inspection period begins, cause a notice to be posted in every house (in a place of easy access for the occupants, e.g. the hall) specifying the number of electors, arranged by reference to the site and the door number of each apartment, and indicating the office where objections to the voters' list may be lodged.

(2) The district administrative authorities or in the case of towns with own statute the Landeshauptmann, may make an order providing that similar notices shall be posted in like manner in any other commune.

19. (1) In communes having a population of more than 3,000, the political parties named in para 28 subpara (1) shall, on demand, and against payment of the cost, be provided with copies of the voters' list not later than the first day of the inspection period.

(2) The said political parties shall make such demand (if any) to the commune not later than the fifth day following the promulgation of this law. The demand carries an obligation to pay, for the time being, 50% of the appropriate cost. The balance is to be paid on taking delivery of the copies.

(3) The same conditions apply to the supply of supplements to the voters' list.

(4) Communes, which, in drawing up the voters' list, adopt the procedure provided for in para. 12 shall in good time make arrangements with the parties (subpara (1)) regarding the methods by which the latter may obtain lists of any other compilations of electors.

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20. (1) The commune shall, on receipt of any objection, against the inclusion of any persons in the voters' list, notify such persons objected to within 24 hours. A rejoinder by the person objected to cannot be entertained unless it is presented to the objections' department within the next 24 hours. The names of the objectors are an official secret. They must, however, on demand, be disclosed to the Courts of Criminal Justice.

(2) Except in the Vienna constituencies, the objection shall be finally decided on by the district election authority (para 24) within three days from receiving the objection, irrespectively of whether or not a reply from the person having received a notification regarding the objection has been received within such time.

(3) In the Vienna constituencies the decision shall be given in a like manner by objection committees, provided, however, that it shall be given within six days from receiving the objection. Such committees shall be set up in sufficient numbers by the Mayor, and they shall be composed of the Mayor himself or of a legally trained municipal officer appointed by the Mayor as chairman, and in addition of not less than three nor more than six assessors. For each assessor there shall be appointed a substitute in case of inability to appear. Assessors and substitutes shall be appointed by the Mayor. Applications shall be presented to the municipal office. In all other respects the regulations made for the election authorities shall apply so far as appropriate to the objection committees.

(4) The decision shall be forthwith communicated in writing by the commune to the person having objected and to the person immediately affected by the decision.

(5) If the decision necessitates a rectification of the voters' list, such rectification shall forthwith be made by the commune, with particulars regarding the decision added. If the case concerns the inclusion into the voters' list of a person formerly not included therein, his name shall be entered at the end of the voters' list under the next serial number, and a cross-reference shall be entered in the place in the list where his name would have been entered had it been properly entered originally. In drawing up the voters' list according to the procedure provided for in para 12 the name may, alternatively, be entered in the place which it would have occupied originally.

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committees shall be set up in sufficient numbers by the Mayor, and they shall be composed of the Mayor himself or of a legally trained municipal officer appointed by the Mayor as chairman, and in addition of not less than three nor more than six assessors. For each assessor there shall be appointed a substitute in case of inability to appear. Assessors and substitutes shall be appointed by the Mayor. Applications shall be presented to the municipal office. In all other respects the regulations made for the election authorities shall apply as far as appropriate to the objection committees.

(4) The decision shall be forthwith communicated in writing by the commune to the person having objected and to the person immediately affected by the decision.

(5) If the decision necessitates a rectification of the voters' list, such rectification shall forthwith be made by the commune, with particulars regarding the decision added. If the case concerns the inclusion into the voters' list of a person formerly not included therein, his name shall be entered at the end of the voters' list under the next serial number, and a cross-reference shall be entered in the place in the list where his name would have been entered had it been properly entered originally. In drawing up the voters' list according to the procedure provided for in para 12 the name may, alternatively, be entered in the place which it would have occupied originally.

21. (1) Persons who do not return from war captivity until the time available for inspection of the list under para 17 has expired, shall be entered in the voters' list of the commune in which they are staying, provided that they are entitled to vote (para 6) or that their cases fall within the conditions of para 17 subpara (4), and provided furthermore that they apply for their name to be entered not later than on the third day preceding the polling day and that the local election authority agrees to the entry being made.

(2) The entry must be made conditional on the filling in of a voters' registration form. The entry may not be made unless the discharge certificate, on which the belligerent power has confirmed the release from captivity relating to any returning prisoner of war, is free from any annotation to the effect that such prisoner has been entered in the voters' list of any commune. The returning prisoner shall name the commune in which he has had his last permanent/

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residence. In the appropriate electoral territory (province) he shall also be entitled to vote in respect of the Provincial Diet. If the local election authority agrees that his name shall be entered, the name of the returning prisoner shall be entered in the voters' list, and the provisions of para 20 subpara (5) shall apply so far as appropriate. The entry shall be endorsed by the commune under its seal on the prisoner's certificate of discharge, and particulars of the entry shall be added.

(3) If conditions are the same, subparas (1) and (2) shall also apply so far as appropriate to persons who, for political reasons, have been confined in concentration camps of the Third Reich, and who can prove the fact either by documents or by the evidence of trustworthy witnesses. The certificate of discharge shall, in the case of such a person, be replaced by the police registration certificate which was given to him by the police as evidence that he had complied with his duty to register with the police.

(4) The names of persons in respect of whom a decision of the Provisional Government under para 7, D, penultimate passage, has not yet been issued until after the "appointed day" shall, in case they are entitled to vote (para 6) be entered into the voters' list by the commune if an application for such entry is made not later than on the third day preceding the polling day. Power to make such entry lies with the commune in the territory of which the person entitled to vote had his permanent residence or his temporary abode on the day of application. The entry shall be made conditional on the filling in of a voters' registration form. The right to vote in respect of the Provincial Diet shall be determined by reference to the permanent residence on the "appointed day" of the person entitled to vote. In other respects para 20 subpara (5) shall apply so far as appropriate.

(5) After the objection proceedings have terminated, and the entries provided for in subparas (1) to (3) have been completed, the commune shall close the voters' list.

(6) The list so closed shall be made the basis of polling.

(7) In the polling only those persons shall be entitled to vote whose names are contained in the completed voters' list.

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with his duty to register with the police.

(4) The names of persons in respect of whom a decision of the Provisional Government under para 7, D, penultimate passage, has not yet been issued until after the "appointed day" shall, in case they are entitled to vote (para 6) be entered into the voters' list by the commune if an application for such entry is made not later than on the third day preceding the polling day. Power to make such entry lies with the commune in the territory of which the person entitled to vote had his permanent residence or his temporary abode on the day of application. The entry shall be made conditional on the filling in of a voters' registration form. The right to vote in respect of the Provincial Diet shall be determined by reference to the permanent residence on the "appointed day" of the person entitled to vote. In other respects para 20 subpara (5) shall apply so far as appropriate.

(5) After the objection proceedings have terminated, and the entries provided for in subparas (1) to (3) have been completed, the commune shall close the voters' list.

(6) The list so closed shall be made the basis of polling.

(7) In the polling only those persons shall be entitled to vote whose names are contained in the completed voters' list.

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III. Election Authorities

22. (1) For the purpose of carrying out and of directing the elections there shall be established election authorities.

(2) The election authorities shall, save for any provisions to the contrary contained in paras 30 and 31, have jurisdiction to decide on all points which may arise in their respective areas concerning voting rights and the actual polling.

(3) The election authorities consist of the chairman as head of the election authority and a number of assessors. For each assessor there shall be appointed a substitute in case of inability to appear.

(4) To every election authority there shall be appointed by the head of the election authority the necessary staff of assistants and facilities, such staff and facilities to be provided out of the establishment of the office of which he is the head or from which he has been delegated. Furthermore, the said office may temporarily employ assistants under civil contracts.

23. There shall be established a local election authority for every polling locality or for every polling district. It shall consist of the Mayor as the head of the election authority and in addition of not less than three nor more than six assessors. The Mayor may arrange to be permanently represented on each local electoral authority by a delegate appointed by him.

24. (1) At every district administrative authority and in towns with own statute, except in Vienna, and also at every municipal office, there shall be established, for its respective area, a district election authority. This authority shall consist of the head of the respective authority or a substitute of such head to be chosen, if possible, from the departmental establishment of legally trained officials; and there shall be not less than six nor more than twelve assessors.

(2) In Vienna constituencies there shall be no district election authorities. The duties of the latter shall, unless otherwise provided for, be discharged by the constituency election

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(4) To every election authority there shall be appointed by the head of the election authority the necessary staff of assistants and facilities, such staff and facilities to be provided out of the establishment of the office of which he is the head or from which he has been delegated. Furthermore, the said office may temporarily employ assistants under civil contracts.

23. There shall be established a local election authority for every polling locality or for every polling district. It shall consist of the Mayor as the head of the election authority and in addition of not less than three nor more than six assessors. The Mayor may arrange to be permanently represented on each local election authority by a delegate appointed by him.

24. (1) At every district administrative authority and in towns with own statute, except in Vienna, and also at every municipal office, there shall be established, for its respective area, a district election authority. This authority shall consist of the head of the respective authority or a substitute of such head to be chosen, if possible, from the departmental establishment of legally trained officials; and there shall be not less than six nor more than twelve assessors.

(2) In Vienna constituencies there shall be no district election authorities. The duties of the latter shall, unless otherwise provided for, be discharged by the constituency election authorities. As far as parts of Lower Austria constituencies are incorporated in the Vienna urban area, there shall be established district election authorities at the municipal district offices concerned. The provisions of para (1) shall apply as far as appropriate.

25. (1) For every constituency there shall be established a constituency election authority at the "Vorort" of the constituency.

(2) The chairman of the consituency election authority (head of the election authority) shall be

(a) in the Vienna constituencies, the head of the municipal district office of the "Vorort",

(b) in the constituencies of Lower Austria and in the constituencies of the provinces of Upper Austria and of Styria, the head of the district administrative authority in whose local jurisdiction the "Vorort" is situated;

(c) in the provinces of Salzburg, Tyrol, Vorarlberg, Carinthia, and Burgenland, the Landeshauptmann.

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(3) In the provinces of Salzburg, Tyrol, Carinthia, and Burgenland, the chairmen of the constituency election authorities shall appoint the mayors of the provincial capitals to be their substitutes. In the other constituency election authorities, the chairmen may appoint as his substitute a member of his office staff, such member to be, if possible, legally trained.

(4) Except for the above, the constituency election authority shall consist of not less than six nor of more than twelve assessors.

(5) The heads of the election authorities and the assessors of the constituency election authorities may not, simultaneously, be members of any other election authority

26. (1) For each combine of constituencies there shall be established a combine election authority. The chairman (head of the election authority) shall be: in Vienna the Mayor, in the Lower Austria combine of constituencies the Landeshauptmann of Lower Austria, in the Burgenland, Styria and Carinthia combine of constituencies the Landeshauptmann of Styria, and in the Upper Austria, Salzburg, Tyrol, and Vorarlberg combine of constituencies the Landeshauptmann of Salzburg. The chairman may arrange for a substitute to represent him, such substitute to be chosen from among the legally trained members of his office. In other respects the combine election authority shall consist of not less than six nor of more than twelve assessors. The combine election authority shall sit at the office headquarters of the head of the election authority.

(2) For the purpose of elections to the Provincial Diets there shall be established provincial election authorities.

(3) For the provinces of Upper Austria and of Styria there shall be established separate provincial election authorities. The chairman (head of the election authority) of the provincial election authority shall be the Landeshauptmann or a substitute appointed by him from among the legally trained members of his office. In other respects, the provincial election authority shall consist of not less than six nor more than twelve assessors. The provincial election authority shall sit at the office headquarters of [illegible] In Vienna and in

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of the election authority) [illegible] in the Lower Austria combine of constituencies the Landeshauptmann of Lower Austria, in the Burgenland, Styria and Carinthia combine of constituencies the Landeshauptmann of Styria, and in the Upper Austria, Salzburg, Tyrol, and Vorarlberg combine of constituencies the Landeshauptmann of Salzburg. The chairman may arrange for a substitute to represent him, such substitute to be chosen from among the legally trained members of his office. In other respects the combine election authority shall consist of not less than six nor of more than twelve assessors. The combine election authority shall sit at the office headquarters of the head of the election authority.

(2) For the purpose of elections to the Provincial Diets there shall be established provincial election authorities.

(3) For the provinces of Upper Austria and of Styria there shall be established separate provincial election authorities. The chairman (head of the election authority) of the provincial election authority shall be the Landeshauptmann or a substitute appointed by him from among the legally trained members of his office. In other respects, the provincial election authority shall consist of not less than six nor more than twelve assessors. The provincial election authority shall sit at the office headquarters of the head of the election authority. In Vienna and in Lower Austria the combine election authorities shall also act as provincial election authorities. In the provinces of Salzburg, Tyrol, Vorarlberg, Carinthia and Burgenland the constituency election authorities shall also act as provincial election authorities.

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27. There shall be established in Vienna a Supreme Election authority to cover the whole State territory and to supervise centrally all the other election authorities. The Supreme Election Authority shall consist of the Chancellor of State or of a substitute appointed by him as the chairman, and of twenty-one assessors, six of whom shall be, or shall have been, professional judges.

28. (1) Not later than the eighth day following the promulgation of this law the representatives of the political parties which took part in the formation of the First Provisional Government (para. 12 of the Provisional Constitution) and which intend to put in proposals concerning the appointment of non-judicial (para. 27) assessors and substitutes for the election authorities, shall file with the respective head of the election authority separate applications, individually for every election authority.

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(2) Such applications shall be addressed to the following authorities: to the Head of the Supreme Election Authority for the purpose of forming the Supreme Election Authority; to the head of the combine election authority for the purpose of forming the combine election authorities; to the head of the special provincial election authorities for the purpose of forming the special provincial election authorities; to the head of the constituency election authority for the purpose of forming the constituency and the district election authorities; and to the head of the district election authority for the purpose of forming the local election authorities. Late application shall not be entertained.

(3) If the head of the election authority knows the representatives and if he is in a position to judge whether the persons having filed an application are genuinely representative of their parties, he shall forthwith deal with the application. In any other case, he shall arrange that the applicants, within the time specified in sub-para (1), obtain the signatures of not less than one hundred persons entitled to vote in the constituency (combine of constituencies, province) on their application form, unless this has already been done.

(4) No person may be nominated as an assessor or as a substitute unless he is entitled to vote in the National Council election. Assessors and their substitutes not possessing the said qualification cease to be members of the electoral authority.

29. (1) The assessors and their substitutes other than those possessing qualification as judges shall be appointed to their functions within the maximum number provided for in any election authority in such a way as to ensure that each of the parties shall have an equal number of assessors (substitutes) in the election authority.

(2) Assessors and their substitutes shall be appointed by the following: to the Supreme Election Authority by the Provisional Government; to the combine election authorities and to the constituency election authorities by the Supreme Election Authority; to the special provincial election authorities by the provincial governments; to the district election authorities by the constituency election authorities;

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having filed an application are genuinely representative of their parties, he shall forthwith deal with the application. In any other case, he shall arrange that the applicants, within the time specified in sub-para (1), obtain the signatures of not less than one hundred persons entitled to vote in the constituency (combine of constituencies, province) on their application form, unless this has already been done.

(4) No person may be nominated as an assessor or as a substitute unless he is entitled to vote in the National Council election. Assessors and their substitutes not possessing the said qualification cease to be members of the electoral authority.

29. (1) The assessors and their substitutes other than those possessing qualification as judges shall be appointed to their functions within the maximum number provided for in any election authority in such a way as to ensure that each of the parties shall have an equal number of assessors (substitutes) in the election authority.

(2) Assessors and their substitutes shall be appointed by the following: to the Supreme Election Authority by the Provisional Government; to the combine election authorities and to the constituency election authorities by the Supreme Election Authority; to the special provincial election authorities by the provincial governments; to the district election authorities by the constituency election authorities; and to the local election authorities by the district election authorities. The names of the members of election authorities shall be published.

(3) The office of member of an election authority is a public honorary function which to accept is the duty of every person entitled to vote who has his permanent residence or his temporary abode at the location of the election authority concerned.

(4) Such members of an election authority as for their livelihood depend on their daily earnings and, by reason of filling this honorary function, are prevented from attending their work, may be granted an indemnification (by the day or by the hour) corresponding to their actual engagement, and be repaid such out-of-pocket expenses as they have unavoidably incurred in filling their functions. Any decision in this respect shall be given by the State Office for the Interior where members of the Supreme Election Authority are concerned, and by the administrative authority from which the head of the election authority has been chosen where members of any other election authority are concerned.

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30. (1) Until the election authorities have been established the chairmen (heads) of the election authorities are authorised and bound to conduct such affairs of the election authorities as cannot be delayed and, in particular, to receive incoming applications.

(2) After it has been established the election authority shall take charge of the conducting of affairs.

(3) The head of the election authority shall inform the election authority of any measures he may have taken before the said election authority has come into being.

31. The election authorities, as committees, shall limit their activities to general and important dispositions and decisions involving matters of principle; all other business shall be attended to by the head of the election authority and his staff.

32. Assessors and their substitutes shall, on taking office, pledge themselves to the head of the election authority that, in discharging their official duties, they will observe strict impartiality and work conscientiously.

33. (1) Not less than two-thirds of the assessors shall form a quorum.

(2) For a resolution passed to be valid unanimity is required in cases under Para. 20, sub-paras (2) and (3), and Para 21, sub-paras (1) to (3). In all other cases a majority vote shall decide. The chairman shall not take part in the voting. In the case of an equally divided vote the chairman shall have a casting vote.

(3) Substitutes shall not count with regard to the quorum (sub-para (1)) and shall not vote (sub-para (2)) unless their corresponding assessor is prevented from officiating.

34. If the office of an assessor or substitute for an election authority becomes vacant, the parties (Para 28) shall be invited to make fresh applications.

35. If, in spite of due summons, an election authority fails to meet in a number sufficient to form a quorum, or if, in the course of business, the quorum is lost, and the urgency of the business on hand permits no delay (especially on the day of polling), the head of the election authority shall attend to such business. In such case, he shall as far as possible secure the attendance of representatives having due regard to the strength of the parties concerned.

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33. (1) Not less than two-thirds of the assessors shall form a quorum

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IV. Eligibility and Candidacy.

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36. (1) All men and women who are qualified to vote for the National Council (para 6, sub-para (1)) and, on the "appointed day" are over 29 years of age, shall be eligible for the National Council.

(2) All men and women who are qualified to vote for the provincial diets and, on the "appointed day" are over 29 years of age, shall be eligible for the provincial diets.

(3) Persons who at any time have been members of the National Socialist German Labour Party or of any of its militant formations (SS, SA, NSKK, NSFK) shall not be eligible to either the National Council or to a provincial diet.

37 (1) Groups of electors who submit candidates for election to the National Council and to the provincial diets shall, not later than three weeks before the polling day, file with the constituency election authority the list of their candidates for the first scrutiny (Constituency Candidates List).

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(2) The candidates list must be signed by not less than one hundred electors of the constituency. It shall contain:

(i) a statement showing whether it shall count as a candidates list for the National Council or as a candidates list for the provincial dist;

(ii) the distinguishing name of the party;

(iii) the party list, i.e. a list of candidates containing not more than twice the number of members to be elected for the constituency, indicating their order of sequence by arabic numbers, and giving name, surname, occupation, year of birth, and address of each candidate;

(iv) name and address of the representative authorised to accept service of documents.

38 (1) If several candidates lists filed for the elections to the National Council bear identical party names or names difficult to distinguish from one another, the head of the district election authority shall summon representatives of the groups of electors concerned to a joint meeting and shall try to make the parties agree on distinguishing party names. If this fails, the district election authority shall, from its knowledge of party conditions, name one or several or all of the candidates lists after the name of the candidate heading such list.

(2) Where the conditions set forth in sub-para (1) are present in several candidates lists filed for the election to the provincial dist, the procedure prescribed in para (1) shall apply.

39 In case a candidates list does not contain a representative authorised to accept service of documents, the first signatory shall be deemed to be authorised for this purpose.

40 (1) The constituency election authority shall, without delay, ascertain whether the candidates lists filed, bear the required number of signatures and whether the candidates appearing on such lists are eligible.

(2) If a candidates list does not contain the required number of signatures, it shall be deemed not to have been filed. Candidates not eligible shall be struck off the list. In either case the party representative authorised to accept service shall be duly informed.

41 If a candidate resigns, dies, ceases to possess the necessary qualification, or is struck off the list as being ineligible, the party may supplement its party list by nearing some other candidate. Supplementary

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another, the head of the district election authority under section [illegible] of the groups of electors concerned to a joint meeting and shall try to make the parties agree on distinguishing party names. If this fails, the district election authority shall, from its knowledge of party conditions, name one or several or all of the candidates lists after the name of the candidate heading such list.

(2) Where the conditions set forth in sub-para (1) are present in several candidates lists filed for the election to the provincial diet, the procedure prescribed in para (1) shall apply.

39 In case a candidates list does not contain a representative authorised to accept service of documents, the first signatory shall be deemed to be authorised for this purpose.

40 (1) The constituency election authority shall, without delay, ascertain whether the candidates lists filed, bear the required number of signatures and whether the candidates appearing on such lists are eligible.

(2) If a candidates list does not contain the required number of signatures, it shall be deemed not to have been filed. Candidates not eligible shall be struck off the list. In either case the party representative authorised to accept service shall be duly informed.

41 If a candidate resigns, dies, ceases to possess the necessary qualification, or is struck off the list as being ineligible, the party may supplement its party list by naming some other candidate. Supplementary proposals need be signed only by the party's representative authorised to accept service, but they must reach the constituency election authority not later than [illegible] on the tenth day preceding the poll.

42 (1) On the seventh day preceding the poll the constituency election authority shall close the party lists, and, where a party list contains more candidates than twice the number of seats to be filled in the constituency, shall strike off the redundant candidates, and publish the party lists, arranging them according to whether they refer to the National Council or to the provincial diet, in alphabetical order of the names of the parties or, in the case of para 38, of the name of the candidate heading the list. Publication shall be in the manner customary in the locality concerned. The contents of the candidates lists must appear in full detail in the said publication.

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(2) If several candidates lists in one and the same constituency for the National Council contain the name of one and the same candidate, the latter shall be called upon by the constituency election authority to declare within eight days which of the candidates lists he adopts. He shall be struck off all the remaining candidates lists. If he fails to declare within the time allowed he shall remain on such candidates list as has been received first.

(3) The procedure prescribed in sub-para. (2) shall, likewise, be observed where several candidates lists for a provincial diet contain, in one and the same constituency, the name of one and the same candidate.

V. Polling Procedure.

43 (1) Every Commune is a polling locality.

(2) Communes of any importance and those extending over a large area shall, for facilitating the poll, be divided into several voting districts which shall be formed in such a way as to enable an average of approximately seventy voters per hour to be dealt with on the polling day.

(3) The district election authorities shall, except for constituencies in Vienna, determine the voting districts, the polling stations and the polling hours.

(4) For constituencies in Vienna the voting districts, the polling stations and the polling hours shall be determined by the Municipal Office.

(5) In communes which have been divided into several voting districts, the district election authority shall name one or more polling stations where voters holding voting cards shall vote. In constituencies in Vienna there shall be named in each municipal district one or more polling stations for holders of voting cards. Where special polling stations are allotted to holders of voting cards, such holders may vote only at these polling stations. Members of local election authorities, their assistants, and witnesses to the poll, however, if holding voting cards, are at liberty to vote, if they so choose, at the local election authority where they are on duty.

(6) The Commune shall, at the request of the head of the district election authority, submit to the latter within three days, proposals for the measures prescribed under sub-paras (3) and (5) failing which the district election authority shall carry out the necessary measures on its own initiative.

(7) The commencement and duration of polling (polling hours) shall be fixed in such a way as to enable as far as possible every elector to vote.

(8) Polling districts and polling stations, especially polling

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polling hours.

(4) For constituencies in Vienna the voting districts, the polling stations and the polling hours shall be determined by the Municipal Office.

(5) In communes which have been divided into several voting districts, the district election authority shall name one or more polling stations where voters holding voting cards shall vote. In constituencies in Vienna there shall be named in each municipal district one or more polling stations for holders of voting cards. Where special polling stations are allotted to holders of voting cards, such holders may vote only at these polling stations. Members of local election authorities, their assistants, and witnesses to the poll, however, if holding voting cards, are at liberty to vote, if they so choose, at the local election authority where they are on duty.

(6) The Commune shall, at the request of the head of the district election authority, submit to the latter within three days, proposals for the measures prescribed under sub-paras (3) and (5) failing which the district election authority shall carry out the necessary measures on its own initiative.

(7) The commencement and duration of polling (polling hours) shall be fixed in such a way as to enable as far as possible every elector to vote.

(8) Polling districts and polling stations, especially polling stations allotted to holders of voting cards, and the voting hours shall by notice be published by the Commune not later than eight days before the poll in the manner indicated by the head of the district election authority. This notice shall, in any case, be publicly displayed on the buildings of the polling station. This notice may be combined with the notice under para 45.

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(9) The head of the district election authority shall communicate any regulations made by the district election authority to the competent constituency election authority.

44. (1) The local election authority shall be in charge of the poll in the polling locality.

(2) The polling station shall be suitable for polling. The equipment necessary for carrying out the poll, as, e.g. tables for the election authority, with a table, nearby, for the witnesses to the poll, the polling box, and the necessary polling booth with their equipment shall be provided by the Commune of the polling locality.

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Likewise, care shall be taken that, if possible, there should be available in the building containing the polling station, a proper waiting room for the electors.

(3) In Communes divided into several polling districts the polling station for a polling locality may, alternatively, be housed in a building outside of the polling locality, if it is in reasonably easy access for the persons entitled to vote. Furthermore, a joint station may, in such Communes, be established for several election authorities provided that the said station offers sufficient room for several polling acts to be carried out simultaneously and that there are adequate waiting rooms for the voters available in the building.

45. (1) In the building housing the polling station and within a radius to be fixed by the head of the district election authority (prohibited zone) any kind of canvassing, adducing by speeches delivered to the voters, by placarding or by distributing election appeals or lists of candidates and the like, and any congregation and carrying of any kind of arms of whatever description are forbidden. It shall also be seen to it that the movements of the voters to and from the polling station can take place without obstruction.

(2) It is generally forbidden to retail alcoholic drinks on the day of the poll and on the day preceding.

(3) The prohibition against carrying arms does not apply to arms which must be carried on the polling day by members of the police under their service instructions whilst on duty within the said radius.

(4) The order issued by the head of the district election authority (subpara (1)) shall by notice be published by the mayor in such manner as is customary in the locality. It may be combined with the notice provided for under para 43, and shall in any case be publicly displayed on the building of the polling station.

(5) In the notice the population shall be reminded of the ban on canvassing, on crowding, on the carrying of arms, and on retailing alcoholic drinks, and it shall be added that contraventions of the said prohibitions shall be fined by the district administrative authorities in a sum not exceeding RM 1000, or imprisonment not exceeding four weeks if the fine cannot be enforced.

46. (1) The polling booth shall be built up in such a way as to ensure that a voter may be able, unobserved by all the other persons present at the polling station, to fill in a ballot paper and put it in the envelope.

(2) Where fixed booths especially made for the purpose are not available any device providing a partition in the polling room and preventing the voter

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the poll and on the day preceding.

(3) The prohibition against carrying arms does not apply to arms which must be carried on the polling day by members of the police under their service instructions whilst on duty within the said radius.

(4) The order issued by the head of the district election authority (subpara (1)) shall by notice be published by the mayor in such manner as is customary in the locality. It may be combined with the notice provided for under para 43, and shall in any case be publicly displayed on the building of the polling station.

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46. (1) The polling booth shall be built up in such a way as to ensure that a voter may be able, unobserved by all the other persons present at the polling station, to fill in a ballot paper and put it in the envelope.

(2) Where fixed booths especially made for the purpose are not available any device providing a partition in the polling room and preventing the voter from being observed in the polling booth, may serve as a polling booth; thus it will, for instance, be permissible to use as a polling booth simple wooden frames covered with opaque paper or fabric, or to provide a curtain in the corner of a room, or to put together cardboards of a somewhat larger size, or to arrange certain cupboards in a suitable way, etc. The polling booth shall, if possible, be arranged in a manner enabling a voter to enter the booth at one side and to leave it at the other.

(3) Great care shall be taken to provide sufficient illumination of the polling booth during polling hours.

(4) The polling booth shall be provided with a table and with a chair, or with a high desk, and with the materials necessary for filling in the ballot paper. Also, there shall be displayed in a conspicuous place of the polling booth the party-lists for the elections to the National Council and to the Provincial Diet (§ 37), as made up and published by the constituency election authority. In order to ensure that the voters may be dealt with more quickly an election authority may also provide several polling booths, if/

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if there is no danger that such an arrangement will interfere with the due supervision of the polling station by the election authority.

47. (1) Each party whose candidates list has been published by the constituency election authority may send to every polling station, two witnesses to the poll. The names of such witnesses shall be communicated in writing to the head of the district election authority by the party's representative authorised to accept service, not later than on the fifth day preceding the poll: every witness to the poll shall be handed, by the head of the district election authority, or whomever by the latter's order, an admission ticket entitling him to enter the polling station. Every witness to the poll shall produce such ticket to the election authority before entering the polling station.

(2) The witnesses to the poll shall not solely as representatives of the competing parties. They shall not be allowed to have any other influence on the polling process.

48. (1) The head of the election authority shall ensure that peace and good order are maintained at the poll and that the provisions of this constitutional law are duly observed. He must not allow the election authority to transgress the limits of its jurisdiction.

(2) No persons other than voters for the purpose of polling, and members of the election authority with their assistants, and the witnesses to the poll, shall be admitted to the polling station. Voters, unless they are members of the election authority, or entitled to be present in the polling room as officers of the election authority or as witnesses to the poll, shall leave the polling room immediately after having cast their vote. The head of the election authority may order, that voters shall be admitted to the polling station only one by one, as far as this appears necessary in the interests of undisturbed polling.

(3) Everybody shall under any circumstances obey the orders given by the head of the election authority. Noncompliance shall, as an administrative contravention, be fined by the district administrative authority in a sum not exceeding RM 1000 or imprisonment not exceeding four weeks if the fine cannot be enforced.

49. (1) On polling day at the time fixed, and in the polling station allotted for the purpose, the head of the local election authority shall open the polling act by handing to the election authority the voters' list together with the prepared polling list, the voting envelopes and an adequate supply of ballot papers and by reckoning it of from 33 onwards the quorum of the local election authority.

(2) Immediately prior to the beginning of the polling the election

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the limits of its jurisdiction.

(2) No persons other than voters for the purpose of polling, and members of the election authority with their assistants, and the witnesses to the poll, shall be admitted to the polling station. Voters, unless they are members of the election authority, or entitled to be present in the polling room as officers of the election authority or as witnesses to the poll, shall leave the polling room immediately after having cast their vote. The head of the election authority may order that voters shall be admitted to the polling station only one by one, as far as this appears necessary in the interests of undisturbed polling.

(3) Everybody shall under any circumstances obey the orders given by the head of the election authority. Noncompliance shall, as an administrative contravention, be fined by the district administrative authority in a sum not exceeding RM 1000 or imprisonment not exceeding four weeks if the fine cannot be enforced.

49. (1) On polling day at the time fixed, and in the polling station allotted for the purpose, the head of the local election authority shall open the polling act by handing to the election authority the voters' list together with the prepared polling list, the voting envelopes and an adequate supply of ballot papers and by reckoning it of with [illegible] concerning the quorum of the local election authority.

(2) Immediately prior to the beginning of the polling the election authority shall satisfy itself that the ballot box which is to receive the ballot papers is empty.

50. (1) For the election to the National Council and the election to the provincial diet every voter shall be handed one voting envelope only serving for both elections.

(2) Identical envelopes (not differing in colour) shall be used for men and for women.

(3) Except for notes to be made by the head of the election authority under para 51 subpara (3), no signs, notes etc must be made on the voting envelopes. Any contravention of this prohibition, if not constituting a more serious offence, shall as an administrative contravention be fined by the district administrative authority in a sum not exceeding RM 1000, or with imprisonment/

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imprisonment not exceeding four weeks if the fine cannot be enforced.

51. (1) Every voter shall appear before the election authority, giving his name, and address and produce a document or some other official certificate proving his identity.

(2) Documents or official certificates admitted in evidence of identity shall, especially, include: certificates of baptism, birth, marriage, and citizenship, warrants of appointment, passports (including those no longer valid), official credentials of any description, bailiffs' pass-books, domestic servants' pass-books, identity certificates, railway or tramway season tickets, trading licences, [illegible] certificates and registration cards of [illegible] university and secondary school examination certificates, military documents, identity cards, postal credentials, newly issued identity papers and the like, and generally any document delivered under an official seal provided that it shows the personal details of the voter.

(3) After the voter has satisfactorily established his identity the head of the election authority shall consult the voters' list and, in the case of a holder of a voting card, the said card, and he shall thereupon ascertain in which province and constituency the voter has had his permanent residence on the "appointed day". If the place of such residence be outside of the constituency to which the polling locality appertains, the head of the election authority shall in clear handwriting and in a colour distinctly different from that of the envelope, make a note of the province and of the constituency on the envelope intended for the voter. Thereupon, the head of the election authority shall hand to the voter the voting envelope and at the voters' request one blank (official) ballot paper each for the election to the National Council and to the provincial diet.

(4) The voter shall, thereupon, withdraw to the polling booth, put the filled in ballot paper into the envelope, leave the booth and hand the sealed envelope to the head of the election authority, who shall place it, sealed, in the ballot box.

52. (1) One of the assessors shall enter in the polling list (Schedule 6) the name of the voter who has cast his vote, with a serial number and with the serial number of the voters' list added. At the same time, the said voters' name shall be ticked off on the voters' list by another assessor.

(2) The serial number in the polling list shall be entered by the second assessor in the "Votes Cast" column of the voters' list.

(3) Then the voter shall leave the polling station.

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(3) After the voter has satisfactorily established his identity the head of the election authority shall consult the voters' list and, in the case of a holder of a voting card, the said card, and he shall thereupon ascertain in which province and constituency the voter has had his permanent residence on the "appointed day". If the place of such residence be outside of the constituency to which the polling locality appertains, the head of the election authority shall in clear handwriting and in a colour distinctly different from that of the envelope, make a note of the province and of the constituency on the envelope intended for the voter. Thereupon, the head of the election authority shall hand to the voter the voting envelope and at the voters' request one blank (official) ballot paper each for the election to the National Council and to the provincial diet.

(4) The voter shall, thereupon, withdraw to the polling booth, put the filled in ballot paper into the envelope, leave the booth and hand the sealed envelope to the head of the election authority, who shall place it, sealed, in the ballot box.

52. (1) One of the assessors shall enter in the polling list (Schedule 6) the name of the voter who has cast his vote, with a serial number and with the serial number of the voters' list added. At the same time, the said voters' name shall be ticked off on the voters' list by another assessor.

(2) The serial number in the polling list shall be entered by the second assessor in the "Votes Cast" column of the voters' list.

(3) Then the voter shall leave the polling station.

(4) Voters who have been issued with a voting card shall in addition to the voting card, produce one of the documents mentioned in para 51 subpara (2). Unless they have been allotted separate voting districts, the names of voters polling on voting cards shall be entered at the bottom of the voters' list with serial numbers, and a note of them shall be made in the minutes kept regarding the polling act. Reference is made to para 12 subpara (1) last sentence but three. The voting card shall thereupon be collected from the voter and attached to the minutes.

53. The vote shall, as a matter of principle, be exercised in person. Blinded and disabled persons however may be led by an attendant who may be allowed to vote in their stead. Apart from the latter case, a polling booth may not be entered by more than one person at a time.

54. (1) If a voter in a commune having a population of less than 2000 cannot produce a document or a certificate of the description contained in para 51, he shall nevertheless be allowed to cast his vote if he is personally known to the majority of the members of the election authority.

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(2) This fact shall be explicitly noted in the minutes regarding the polling act.

55. (1) Only if there is any doubt as to the identity of a person shall the local election authority be competent to decide whether such person shall be allowed to cast his vote. Objections against a voter being admitted to poll, if based on such ground, may be made by the members of the election authority and by the witnesses to the poll and by voters present in the polling station, but only as long as the voter whose voting right is being challenged, has not cast his vote.

(2) The decision of the election authority must be given before polling proceeds. The decision is final.

56. (1) Every voter shall use a separate ballot paper for the election to the National Council and to the provincial diet respectively, except where not otherwise provided hereinafter.

(2) Except for the cases set forth in subpara (6), the ballot paper for the elections to the provincial diet must bear the inscription (imprint) "Provincial Diet Election", whilst the ballot paper for the election to the National Council may bear the inscription (imprint) "National Council election".

(3) The ballot paper for the National Council election may be joined with the ballot paper for the provincial diet election on a sheet of paper of approximately double the size specified in subpara (5) clause 2. The two ballot papers combined on a single sheet must be separated from each other by a horizontal line in such a way that the severance which must take place after opening the voting envelopes may be easily effected.

(4) The validity of each ballot paper handed in for the elections to the National Council and for the provincial diet respectively shall be examined individually.

(5) A ballot paper shall be valid provided that it:

1. is made of soft, whitish paper and

2. is approximately 9½ to 11½ centimetres in length and 6½ to 8½ centimetres in width, and

3. a) bears the name of a party, or

b) at least shows, in an unequivocal manner, the name of one of the candidates on the chosen party list, or

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(2) Except for the cases [illegible] the inscription (imprint) for the elections to the provincial diet must bear the inscription (imprint) "Provincial Diet Election", whilst the ballot paper for the election to the National Council may bear the inscription (imprint) "National Council Election".

(3) The ballot paper for the National Council election may be joined with the ballot paper for the provincial diet election on a sheet of paper of approximately double the size specified in subparn (5) clause 2. The two ballot papers combined on a single sheet must be separated from each other by a horizontal line in such a way that the severance which must take place after opening the voting envelopes may be easily effected.

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(5) A ballot paper shall be valid provided that it:

1. is made of soft, whitish paper and

2. is approximately 9½ to 11½ centimetres in length and 6½ to 8½ centimetres in width, and

3. a) bears the name of a party, or

   b) at least shows, in an unequivocal manner, the name of one of the candidates on the chosen party list, or

   c) in addition to the name of the party contains the name of one or more candidates out of the party list filed by the said party.

(6) If an envelope contains only one singly ballot paper, it shall count as one vote each for the elections to the National Council and to the provincial diet, provided that, although bearing no imprint, it specifies one single party and the latter has filed candidates' lists both for the National Council and for the provincial diet. Such ballot papers shall be attached to the records concerning the elections to the National Council. With the records concerning the elections to the provincial diet, there shall be filed an official ballot paper on which the election authority shall mark the party for which the vote has been cast. These cases shall be seperately recorded and witnessed in the minutes concerning the election to the provincial diet.

(7) Where an envelope contains several ballot papers for National Council elections and several ballot papers for provincial diet elections, the votes/

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votes cast for the National Council count as a single vote for the National Council elections, if they all name the same party (candidate). Likewise, the ballot papers for the provincial list count as a single valid vote for the provincial diet elections, if they all name the same party (candidate).

(8) If within a constituency several party lists contain identical names, ballot papers bearing such name only without any distinguishing marks (for instance christian name, year of birth and the like) shall not be valid unless, in addition, they name one of the party lists containing the identical name(s).

(9) For a ballot paper to be valid for the elections to the National Council it must, apart from other conditions for being valid, contain the name of a party or of a party list which appears in a candidate's list filed in the constituency in which the vote of the voter is to be counted (para 57 subpara (5) last sentence). If a ballot paper contains only the name of a candidate out of a party list, it shall be valid if the other conditions for being valid are fulfilled, provided that the name of the said candidate is unequivocally contained in any one of the candidates' lists for the National Council filed within the State territory. The validity of ballot papers for the provincial diet elections shall be judged by similar standards.

(10) A ballot paper shall be invalid if it -

1. is not made of part, whitish paper, or

2. is of a size materially smaller or larger than specified in subpara (5) clause 2, or

3. names two or more parties, or

4. names no party at all, but on the other hand, names two or more candidates out of different party lists, or

5. specifies a particular party and, in addition, names a candidate who is included in a different party list.

(11) Where an envelope is found to contain several ballot papers for National Council elections and several ballotpapers for provincial diet elections, the ballot papers handed in for the National Council elections shall count as one invalid vote if they name different parties (candidates). Likewise, the ballot papers handed in for the provincial diet elections shall count as one invalid vote if they name different parties (candidates).

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contained in any one of the [illegible] within the State territory. The validity of ballot papers for the provincial diet elections shall be judged by similar standards.

(10) A ballot paper shall be invalid if it -

1. is not made of soft, whitish paper, or

2. is of a size materially smaller or larger than specified in subpara. (5) clause 2, or

3. names two or more parties, or

4. names no party at all, but on the other hand, names two or more candidates out of different party lists, or

5. specifies a particular party and, in addition, names a candidate who is included in a different party list.

(11) Where an envelope is found to contain several ballot papers for National Council elections and several ballotpapers for provincial diet elections, the ballot papers handed in for the National Council elections shall count as one invalid vote if they name different parties (candidates). Likewise, the ballot papers handed in for the provincial diet elections shall count as one invalid vote if they name different parties (candidates).

(12) Blank ballot papers are invalid. Empty voting envelopes are, likewise, regarded as invalid ballot papers.

(13) Deletions shall not invalidate a ballot paper, provided that at least the name of one candidate or of the party is left intact.

(14) The filling-in of the ballot papers may be effected by print, typewriting, other reproduction or in handwriting.

57. (1) On the expiry of the hours fixed for the polling act, and all voters who have by then presented themselves at the polling station, or in the waiting room provided by the local election authority, having cast their votes, the election authority shall declare the poll closed. After the close of the poll, the polling station shall be closed, and only the members of the election authority with their staff, and the witnesses to the poll, shall remain therein.

(2)/

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(2) The election authority shall, thereupon, thoroughly mix the voting envelopes deposited in the ballot box, and, having emptied the latter, shall ascertain:

(a) the number of envelopes taken from the ballot box;

(b) the number of voters entered in the polling list;

(c) the probable cause of any discrepancy between the figures in respect of (a) and (b);

(d) the number of envelopes handed in for its own constituency;

(e) the number of envelopes handed in for extraneous constituencies.

(3) The election authority shall thereupon open the envelopes handed in for its own constituency, separate the ballot papers for the National Council election from the ballot papers for the provincial diet election, scrutinise their validity, and ascertain, separately for the National Council elections and for the provincial diet elections:

(a) the total of votes cast - invalid and valid;

(b) the total of invalid votes;

(c) the total of valid votes;

(d) the votes cast in favour of the individual parties (party totals).

(4) Ballot papers pronounced invalid shall be marked with serial numbers.

(5) Envelopes handed in for extraneous constituencies shall not be opened. They shall be arranged by reference to constituencies. They shall count towards the votes cast for the National Council and provincial diet elections respectively of the constituency in the area of which the voter has had his permanent residence on the "appointed day".

58. (1) The election authority shall, thereupon, draw up minutes, one each for the National Council election and for the provincial diet election. The minutes shall contain the names of the members of the local election authority present and of the absentees, the polling station, the time of opening and of closing the poll, the names of the witnesses to the poll, the entries of voters holding voting cards, the decisions regarding admission or non-admission of

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scrutinise their validity, and ascertain, separately for the National Council elections and for the provincial diet elections:

(a) the total of votes cast - invalid and valid;

(b) the total of invalid votes;

(c) the total of valid votes;

(d) the votes cast in favour of the individual parties (party totals).

(4) Ballot papers pronounced invalid shall be marked with serial numbers.

(5) Envelopes handed in for extraneous constituencies shall not be opened. They shall be arranged by reference to constituencies. They shall count towards the votes cast for the National Council and provincial diet elections respectively of the constituency in the area of which the voter has had his permanent residence on the "appointed day".

58. (1) The election authority shall, thereupon, draw up minutes, one each for the National Council election and for the provincial diet election. The minutes shall contain the names of the members of the local election authority present and of the absentees, the polling station, the time of opening and of closing the poll, the names of the witnesses to the poll, the entries of voters holding voting cards, the decisions regarding admission or non-admission of voters to the poll, the decisions as to the validity or invalidity of any individual ballot papers and on any other important incidents (e.g. interruption of polling proceedings etc).

(2) In the minutes there shall especially be mentioned the findings of the election authority under para 57 subpara (2) and the findings incidental thereto under para 57 subpara (2) and (4).

(3) The minutes shall be signed by the members of the election authority. If they be not signed by all the members the reasons therefore shall be stated.

59. (1) The local election authority shall transmit immediately to the competent election authority of the constituency, direct through the district election authority or directly, as the former may decide, by telephone, telegraph or messenger, in any case, however, in the quickest way:

(a)/

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(a) the findings made under para 57 subpara (3) clauses (a) to (d) separately in respect of the National Council and provincial diet elections:

(b) the number of unopened envelopes handed in for extraneous constituencies.

(2) The election authority shall draw up a list of the unopened envelopes handed in for extraneous constituencies, such list showing the number of envelopes handed in for each extraneous constituency and the total of such envelopes. The said list shallbe signed by the members of the local election authority. Thereupon, the unopened envelopes handed in for extraneous constituencies shall be placed into an envelope together with the said list, and the envelope shall on its outside, bear the exact description of the local election authority and the note "....extraneous voting envelopes", giving the number of the latter. The local election authority shall, in the quickest manner possible, despatch the sealed envelope to the constituency election authority of its constituency, either through the district election authority or directly, as the former may decide.

(3) Provided that there is no delay in the transmission of the envelope mentioned in subpara (2) to the constituency election authority, it is permissable that simultaneously with the said envelope there shall be transmitted to the constituency election authority, after sealing them, the other election records of the local election authority (minutes of the National Council and provincial diet elections respectively, voters' list, polling list, voting cards, envelopes of invalid and valid ballot papers to be inscribed in a suitable manner etc). Otherwise the transmission of the election records shall not be effected before the envelope mentioned in subpara (2) is transmitted.

(4) This brings the polling to a close.

60. (1) If conditions arise which prevent the poll from being opened, continued or brought to a close, the election authority may postpone the poll to the following day or extend the polling hours.

(2) Every postponement or prolongation shall forthwith be published in the manner customary in the locality.

(3) Where polling had by then commenced the election records and the ballot box with such voting envelopes and ballot papers as have by then been placed therein shall be locked and be kept in safe custody by the election authority until the poll is resumed.

VI. Counting Procedure

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quickest manner possible, to the constituency election authority of its constituency, either through the local election authority or directly, as the former may decide.

(3) Provided that there is no delay in the transmission of the envelope mentioned in subpara (2) to the constituency election authority, it is permissable that simultaneously with the said envelope there shall be transmitted to the constituency election authority, after sealing them, the other election records of the local election authority (minutes of the National Council and provincial diet elections respectively, voters' list, polling list, voting cards, envelopes of invalid and valid ballot papers to be inscribed in a suitable manner etc). Otherwise the transmission of the election records shall not be effected before the envelope mentioned in subpara (2) is transmitted.

(4) This brings the polling to a close.

60. (1) If conditions arise which prevent the poll from being opened, continued or brought to a close, the election authority may postpone the poll to the following day or extend the polling hours.

(2) Every postponement or prolongation shall forthwith be published in the manner customary in the locality.

(3) Where polling had by then commenced the election records and the ballot box with such voting envelopes and ballot papers as have by then been placed therein shall be locked and be kept in safe custody by the election authority until the poll is resumed.

VI. Counting Procedure

61. (1) The constituency election authority shall first, separately for the National Council election, and for the provincial diet election, and by reference to the reports made to it by the local election authorities under para 59 subpara (1) clause (a), ascertain the provisional result of the poll in the constituency as a whole.

(2) Thereupon the constituency election authority shall, by reference to the reports made to it under para 59 subpara (1) clause (b) ascertain the total number of unopened voting envelopes handed in to the constituency and intended to be counted in other constituencies.

(3) Thereupon the constituency election authority shall report by telephone and telegraph:

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1. to the Supreme Election Authority, separately for the National Council election and for the provincial diet election,

   (a) the total number of invalid and of valid votes cast in the constituency;

   (b) the number of invalid votes;

   (c) the number of valid votes;

   (d) the votes cast in favour of the individual parties (party totals);

   (e) the number of unopened voting envelopes handed in in the constituency and intended to be counted in extraneous constituencies;

2. to the provincial election authority (named in para 26 subparas (2) and (3)) of the province to which the constituency election authority belongs, unless the latter is, itself, acting as provincial election authority: the ascertained facts mentioned in clause 1 (a) to (c) as far as they refer to the provincial diet elections.

(4) As soon as the envelopes due from the local election authorities under para 59 subpara (2) and intended to be counted in extraneous constituencies together with the list have been received from all over the constituency, the constituency election authority shall arrange the envelopes without opening them, by reference to constituencies, and shall enter them in a list showing the number of envelopes handed in for every extraneous constituency and their total number. The said list shall be signed by the members of the constituency election authority. Thereupon, the unopened envelopes intended to be counted in the extraneous constituencies shall be placed in an envelope, together with the said list and the envelope shall, on its outside, bear the exact description of the constituency election authority, and the note "... extraneous voting envelopes", giving the number of the latter. Thereupon, the constituency election authority shall without delay and in the quickest manner transmit the sealed envelope to the Supreme Election Authority.

(5) The constituency election authority shall thereupon by telephone or by telegram, communicate to the Supreme Election Authority and, if called for, to the provincial election authority named in subpara (3) clause 2, the number of unopened voting envelopes intended to be counted in the extraneous constituencies, separately for each of the individual constituencies.

62. (1) The Supreme Election Authority shall by reference to the [illegible] to it by the constituency election authorities under para 61

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(4) As soon as the [illegible] under para 59 subpara (2) and intended to be counted in extraneous [illegible] together with the list have been received from all over the constituency, the constituency election authority shall arrange the envelopes without opening them, by reference to constituencies, and shall enter them in a list showing the number of envelopes handed in for every extraneous constituency and their total number. The said list shall be signed by the members of the constituency election authority. Thereupon, the unopened envelopes intended to be counted in the extraneous constituencies shall be placed in an envelope, together with the said list and the envelope shall, on its outside, bear the exact description of the constituency election authority, and the note "... extraneous voting envelopes", giving the number of the latter. Thereupon, the constituency election authority shall without delay and in the quickest manner transmit the sealed envelope to the Supreme Election Authority.

(5) The constituency election authority shall thereupon by telephone or by telegram, communicate to the Supreme Election Authority and, if called for, to the provincial election authority named in subpara (3) clause 2, the number of unopened voting envelopes intended to be counted in the extraneous constituencies, separately for each of the individual constituencies.

62. (1) The Supreme Election Authority shall by reference to the reports made to it by the constituency election authorities under para 61 subpara (3) clause 4 and by reference to the unopened voting envelopes transmitted to it under para 61, subpara (4), ascertain the provisional result of the polls for the National Council elections and for the provincial diets elections all over the State territory. 4518

(2) For this purpose, the Supreme Election Authority shall open the voting envelopes intended to be counted in the extraneous constituencies and ascertain, for each constituency, the number of valid and of invalid votes, the number of invalid [illegible] for the National Council and for the [illegible] the numbers so worked out from the voting envelopes received by the extraneous constituencies shall be added to the [illegible] according to the provisional reports made by the constituency election authorities under para 61 subpara (3) clause 4, (a) to (d), have been received in their own constituencies for the National Council and for the provincial diet elections.

(3)/

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(3) Thereupon, the Supreme Electi n Authority shall communicate by telephone and by telegram, to all the constituency election authorities the result of the provisional count (subpara (2)) as faras it refers to the votes intended to be counted in extraneous constituencies.

(4) In conclusion, the Supreme Electi n Authority shall draw up lists into which it shall enter, separately for the National Council elections and for the provincial diet elections, the votes cast for each constituency and those cast for each constituency in extraneous constituencies; the said lists shall show the total sum of valid and of invalid votes cast, the total of invalid votes, the total of valid votes, and the votes cast in favour of the individual parties (party totals). The said lists shall be signed by the members of the Supreme Electi n Authority. The Supreme Election Authority shall, without delay, transmit to each constituency election authority the said lists, together with the ballot papers, separately for the National Council elections, and for the provincial diet elections, distinguishing invalid votes, valid votes and party totals.

63. (1) The constituency election authority shall, by reference to the records transmitted to it by the local election authorities under para 59 subpara (3) check the facts provisionally ascertained by it under para 61 and shall correct any errors found.

(2) As soon as the Supreme Election Authority has made known the result of the votes cast for the National Council election and for the provincial diet election cast in an extraneous constituency and to be counted in the proper constituency (para 62 subpara (4)) and has transmitted the voting records relating thereto, the constituency election authority shall finally ascertain the total number of valid votes cast in the constituency (total sum) and the number of votes cast in favour of each party (party total), separately for National Council Elections and for provincial diet elections.

(3) The National Council seats for the constituency and, in the provinces of Lower Austria, Upper Austria, Styria and Vienna, the provincial diet seats, shall be distributed to the party lists on the basis of the respective "electoral figures". The "electoral figure" shall be ascertained by dividing the total sum of valid votes cast in the constituency by the number of seats plus one. The figure so found is, in any case, to be rounded off to the next higher whole figure and the latter shall be the "electoral figure".

(4) In the provinces of Salzburg, Tyrol, Vorarlberg, Carinthia and Burgenland, the provincial diet seats shall be distributed to the parties in a like manner on the basis of the "electoral figure", the latter shall, however, in this case be fixed as follows:

The party totals (subpara (2)) shall be arranged according to

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records transmitted to it by the local [illegible] (3) check the facts provisionally ascertained by it under para 61 and shall correct any errors found.

(2) As soon as the Supreme Election Authority has made known the result of the votes cast for the National Council election and for the provincial diet election cast in an extraneous constituency and to be counted in the proper constituency (para 62 subpara (4)) and has transmitted the voting records relating thereto, the constituency election authority shall finally ascertain the total number of valid votes cast in the constituency (total sum) and the number of votes cast in favour of each party (party total), separately for National Council Elections and for provincial diet elections.

(3) The National Council seats for the constituency and, in the provinces of Lower Austria, Upper Austria, Styria and Vienna, the provincial diet seats, shall be distributed to the party lists on the basis of the respective "electoral figures". The "electoral figure" shall be ascertained by dividing the total sum of valid votes cast in the constituency by the number of seats plus one. The figure so found is, in any case, to be rounded off to the next higher whole figure and the latter shall be the "electoral figure".

(4) In the provinces of Salzburg, Tyrol, Vorarlberg, Carinthia and Burgenland, the provincial diet seats shall be distributed to the parties in a like manner on the basis of the "electoral figure", the latter shall, however, in this case be fixed as follows:

> The party totals (subpara (2)) shall be arranged according to their magnitude, and be written down one beside the other; under each sum one half of the sum shall be written, under this one third, one fourth, and if necessary, the next following fractions. The "electoral figure" shall be the largest of the numbers so written, if only one seat is available; the second largest, if two seats are available; the third largest if three seats are available; the fourth largest if four seats are available, etc.

(5) Each of the parties shall have allotted to it as many seats as the "electoral figure" is contained in its party total (first count) in the provinces named in subpara (4) regarding the provincial diet elections, final count).

(6) If by this computation two parties have an equal claim to a seat, a draw shall decide.

(7)/

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(7) Seats which are not allotted in a distribution under subparas (3) and (5) within a constituency (remaining seats) and votes the number of which is not sufficient to secure a seat or an additional seat (remaining votes) shall, as far as National Council elections are concerned, be transmitted to the competent combine election authority, and, as far as provincial diet elections for the provinces of Lower Austria, Upper Austria, Styria and Vienna are concerned, to the provincial election authorities named in para 26, subparas (2) and (3).

64. (1) Out of each party list as many candidates as seats have been allotted to it shall be pronounced elected by the constituency election authority in the sequence in which they appear on the candidates' list. Their names and the number of remaining seats shall be published.

(2) If a candidate has been elected to the National Council in more than one constituency, he shall, within [illegible] days from the publication of election results, declare to the Supreme Election Authority, and, if he has been elected to the provincial diet in more than one constituency he shall, within the same time, declare to the provincial election authority, which constituency he adopts. If he fails to make a decision within the prescribed time, the decision shall be made on his behalf by the Supreme Election Authority, or, in the case of the provincial diet elections, by the provincial election authority.

65. (1) After the counting under para 63 and 64 has been completed the constituency election authority shall record the results of the elections in separate minutes, one each for the National Council elections and for the provincial diet elections respectively. In the minutes concerning the National Council elections there shall be shown the number of seats actually allotted in the constituency and the remaining votes for each party. The constituency election authority shall communicate in the quickest way - by telephone or by telegram - to the combine election authority:

1. the total sum of valid votes cast and the party total attained by each party;

2. the "electoral figure";

3. the number of seats left unallotted in the constituency (remaining seats);

4. how many seats have fallen to each party in the first count;

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of election results, declare to the Supreme Election Authority, and, if he has been elected to the provincial diet in more than one constituency he shall, within the same time, declare to the provincial election authority, which constituency he adopts. If he fails to make a decision within the prescribed time, the decision shall be made on his behalf by the Supreme Election Authority, or, in the case of the provincial diet elections, by the provincial election authority.

63. (1) After the counting under para 63 and 64 has been completed the constituency election authority shall record the results of the elections in separate minutes, one each for the National Council elections and for the provincial diet elections respectively. In the minutes concerning the National Council elections there shall be shown the number of seats actually allotted in the constituency and the remaining votes for each party. The constituency election authority shall communicate in the quickest way - by telephone or by telegram - to the combine election authority:

1. the total sum of valid votes cast and the party total attained by each party;

2. the "electoral figure";

3. the number of seats left unallotted in the constituency (remaining seats);

4. how many seats have fallen to each party in the first count;

5. the remaining votes left to each party.

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(2) Thereupon, the constituency election authority shall transmit to the combine election authority the sealed records of the National Council elections, consisting of the minutes kept of the constituency election authority, and of the minutes kept by the local election authorities in respect of the National Council elections, and of the candidates' lists.

(3) In the minutes concerning the provincial diet elections there shall, likewise, be shown the number of seats actually allotted within the constituency including in the provinces of Lower Austria, Upper Austria, Styria and Vienna - the remaining seats and the remaining votes left to each party. In the said provinces, the constituency election authority shall communicate in the quickest way, by telephone or by telegram, to the provincial election authority named in para 20 subparas (2) and (3):

1. the total sum of valid votes cast and the party total attained by each party;

2. the "electoral figure";

3.

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3. the number of seats left unallotted in the constituency (remaining seats);

4. how many seats have fallen to each party in the first count;

5. the remaining votes left to each party.

(4) Thereupon, the constituency election authority - unless it is acting itself as the provincial election authority - shall transmit the election records concerning the provincial diet elections to the provincial election authority named in para 26 subparas (2) and (3). The provisions of subpara (2) shall apply.

66. (1) The remaining seats (para 65 subpara (7)) for the National Council shall be distributed amongst the parties within each combine of constituencies according to the magnitude of the total of remaining votes of each party.

(2) For this purpose, the count in the individual constituencies (first count) shall be followed by a second count to be made by the combine election authorities.

(3) In the provinces of Lower Austria, Upper Austria, Styria and Vienna, the remaining seats for the provincial diets shall likewise be allotted by a second count to be made by the provincial election authorities named in para 26 subparas (2) and (3).

67. (1) The parties who claim to have allotted to them additional seats in the second count shall file such claims with the competent election authority, that is the respective combine election authority in the case of the National Council elections, and the respective provincial election authority in the case of provincial diet elections. Such claims shall be filed with the said authority not later than the fourteenth day preceding the day of polling, and they shall be signed by at least one of the persons who, in a constituency of the same combine of constituencies, or of the province concerned, have been nominated as the representative authorised to accept service of documents on behalf of the party concerned.

(2) The claims filed shall be examined by the combine election authority, where however, provincial diet elections are concerned, by the provincial election authority, and shall be published not later than on the fourth day preceding the polling day in the provincial paper chosen for official publications. Where a combine of constituencies consists of several provinces the said publication shall be made in all the provincial papers chosen for official publications of the provinces concerned.

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each party.

(2) For this purpose, the count in the individual constituencies (first count) shall be followed by a second count to be made by the combine election authorities.

(3) In the provinces of Lower Austria, Upper Austria, Styria and Vienna, the remaining seats for the provincial diets shall likewise be allotted by a second count to be made by the provincial election authorities named in para 26 subparas (2) and (3).

67. (1) The parties who claim to have allotted to them additional seats in the second count shall file such claims with the competent election authority, that is the respective combine election authority in the case of the National Council elections, and the respective provincial election authority in the case of provincial diet elections. Such claims shall be filed with the said authority not later than the fourteenth day preceding the day of polling, and they shall be signed by at least one of the persons who, in a constituency of the same combine of constituencies, or of the province concerned, have been nominated as the representative authorised to accept service of documents on behalf of the party concerned.

(2) The claims filed shall be examined by the combine election authority, where however, provincial diet elections are concerned, by the provincial election authority, and shall be published not later than on the fourth day preceding the polling day in the provincial paper chosen for official publications. Where a combine of constituencies consists of several provinces the said publication shall be made in all the provincial papers chosen for official publications of the provinces concerned.

(3) The parties which have filed the claims mentioned in subpara (1) are at liberty, not later than on the eighth day preceding the National Council polling day, to file with the combine election authority a separate candidates' list (combine candidates' list); and in respect of provincial diet elections to file with the provincial election authority a separate candidates' list (provincial candidates' list). In such candidates' lists no persons may be included except those persons who have been named as candidates of the party concerned, in the case of National Council elections in one of the constituencies of the combine of constituencies, and in the case of provincial diet elections in one of the electoral districts of the province.

68. (1) The combine election authority or, in the case of provincial diet elections the provincial election authority, shall first ascertain the number of seats to be allotted in the second count within the combine of constituencies, or, in the case of provincial diet elections, within the province and the number of remaining votes left to each party having a claim.

(2)/

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(2) The National Council seats and the provincial diet seats to be allotted in the second count shall be distributed amongst the parties according to the respective "electoral figures" which shall be ascertained according to subparas (3) and (4).

(3) The totals of remaining votes shall be arranged according to their magnitude and be written down one beside the other; under each one half of the same shall be written, under this one third, one fourth, and, if necessary, the next following fractional numbers.

(4) The "electoral figure" shall be the largest of the numbers so written, if only one seat is available, the second largest, if two seats are available, the third largest, if three seats are available, the fourth largest, if four seats are available etc.

(5) Each party shall have allotted to it as many seats as the "electoral figure" is contained in the total of its remaining votes.

(6) If, by this computation, two parties have an equal claim to a seat, a draw shall decide.

69. (1) Parties which, in the National Council elections have failed to secure any seat anywhere in the State Territory on the first count shall not be entitled to have allotted to them any seats on the second count.

(2) Parties which, in the provincial diet elections have failed to secure any seat anywhere in the province on the first count, shall not be entitled to have allotted to them any seats on the second count.

(3) If a party which has been allotted additional seats on the second count has filed a combine candidates' list or a provincial candidates' list, the additional seats secured by such party shall be allotted to the candidates named in such candidates' lists by adopting the procedure provided in para 64 subpara (1). In the absence of such candidates' list, however, or if the latter does not contain a sufficient number of candidates, the procedure provided under para 68 shall be adopted, and the seats secured by such party shall be distributed amongst the constituency candidates' lists of this party according to the remaining votes in each constituency.

(4) The result of the distribution shall be published in the provincial paper chosen for official publications (para 67 subpara (2)) not later than on the fourteenth day following the polling day.

70. (1) On the conclusion of the second count for the National Council elections the combine election authority shall record the results of the count

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(6) If, by this computation, two parties have an equal claim to a seat, a draw shall decide.

69. (1) Parties which, in the National Council elections have failed to secure any seat anywhere in the State Territory on the first count shall not be entitled to have allotted to them any seats on the second count.

(2) Parties which, in the provincial diet elections have failed to secure any seat anywhere in the province on the first count, shall not be entitled to have allotted to them any seats on the second count.

(3) If a party which has been allotted additional seats on the second count has filed a combine candidates' list or a provincial candidates' list, the additional seats secured by such party shall be allotted to the candidates named in such candidates' lists by adopting the procedure provided in para 64 subpara (1). In the absence of such candidates' list, however, or if the latter does not contain a sufficient number of candidates, the procedure provided under para 68 shall be adopted, and the seats secured by such party shall be distributed amongst the constituency candidates' lists of this party according to the remaining votes in each constituency.

(4) The result of the distribution shall be published in the provincial paper chosen for official publications (para 67 subpara (2)) not later than on the fourteenth day following the polling day.

70. (1) On the conclusion of the second count for the National Council elections the combine election authority shall record the results of the count in separate minutes and it shall send the election records to the Supreme Election Authority, with the election records of the constituency election authority attached.

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(2) Likewise, the provincial election authorities shall record in separate minutes the result of the second count for the provincial diet elections. Such minutes shall, with the election records, remain with the provincial election authority.

71. (1) The Supreme Election Authority shall in a telegram to the constituency election authorities acknowledge receipt of the election records concerning the National Council elections. The latter authority shall forthwith publish receipt.

(2) If, within eight days from the receipt of the records, a person authorised by a party to accept service on its behalf, files with the Supreme Election Authority objections to the numerical counts regarding polling results the/

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the Supreme Election Authority shall, by reference to the documents received, investigate the polling act. If it appears from the said documents that the count has been faulty the Supreme Election Authority shall forthwith correct the result of the first count and, where necessary, that of the second count, and the said authority shall declare void the publications made by the constituency election authority and by the provincial election authority and it shall publish the correct result.

(3) The final results of the provincial and elections shall be published in the provincial paper chosen for official publications. Within one week after the election result has been officially published the representative authorized by a party to accept service of documents may file, with the provincial election authority, objections to the electoral counts regarding polling results. In this case the provincial election authority shall by reference to the documents received investigate the polling act. If it appears from the said documents that the count has been faulty the provincial election authority shall forthwith convert the result of the first count and, where necessary, that of the second count, and the said authority shall declare void the publications made by the constituency election authority, and if necessary, by the provincial election authority, and shall publish the correct result.

70. (1) Candidates not elected shall rank as substitutes in case a seat on their list becomes vacant. Substitutes shall be called to fill vacant seats in the sequence of the candidates' list.

(2) If a substitute who has been called to fill a seat that has become vacant, declines to accept it, he shall, nevertheless, remain in the sequence on the list of substitutes.

(3) A substitute, the name of whose appears on a National Council candidates' list, may at any time after the poll request the Supreme Election Authority to have his name removed from the list of substitutes, and a substitute the name of whose appears on a provincial list elections candidates' list, may at any time after the poll request the provincial election authority to have his name removed from the list of substitutes. Such removal shall be published by the election authorities.

(4) If a party has, in respect of the second count, filed a combine candidates' list or a provincial candidates' list, and in a constituency of the electoral combine or of the province a seat secured by the said party becomes vacant, the said seat shall, in the sequence of the constituency candidates'list come to the next following candidate notwithstanding the fact that the latter may have secured a seat on the second count. The seat thus made vacant shall be awarded to the substitute on the combine candidates' list or on the provincial candidates' list respectively.

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necessary, that of the second count, and the said authority shall declare void the publications made by the constituency election authority, and if necessary, by the provincial election authority, and shall publish the correct result.

72. (1) Candidates not elected shall rank as substitutes in case a seat on their list becomes vacant. Substitutes shall be called to fill vacant seats in the sequence of the candidates' list.

(2) If a substitute who has been called to fill a seat that has become vacant, declines to accept it, he shall, nevertheless, remain in the sequence on the list of substitutes.

(3) A substitute, the name of whom appears on a National Council candidates' list, may at any time after the poll request the Supreme Election Authority to have his name removed from the list of substitutes, and a substitute the name of whom appears on a provincial or district elections candidates' list, may at any time after the poll request the provincial election authority to have his name removed from the list of substitutes. Such removal shall be published by the election authorities.

(4) If a party has, in respect of the second count, filed a combine candidates' list or a provincial candidates' list, and in a constituency of the electoral combine or of the province a seat secured by the said party becomes vacant, the said seat shall, in the sequence of the constituency candidates' list come to the next following candidate notwithstanding the fact that the latter may have secured a seat on the second count. The seat thus made vacant shall be awarded to the substitute on the combine candidates' list or on the provincial candidates' list respectively.

73. (1) If in any constituency half the number of seats has become vacant as a result of the elected members and substitutes having given up their rights to seats, all the other members and substitutes also shall lose their seats, and there shall be new elections in the constituency within three months.

(2) New elections of the said description shall, in respect of the constituency concerned, also be arranged without delay if the Constitutional Court has declared elections in another constituency unlawful and therefore void.

74. [illegible] shall be [illegible] by the [illegible] Council [illegible] Court [illegible] shall be entitled to [illegible] the Constitutional Court.

VII. Final Provisions

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

VII. Final Provisions

75. (1) The expenditure for paper and printed forms (such as voters' lists, voters registration forms, house-lists, voting cards, polling lists, ballot papers and voting envelopes obtainable from the election authorities) shall be borne by the State.

(2) Any other expenditure incidental to elections shall be borne by the communes, with the proviso that the State shall refund to the communes, on application, one third of the expenditure duly proven.

(3) The claim to have the expenditure refunded shall be filed with the Landeshauptmannschaft not later than eight weeks after the polling day, and the said department shall, in conjunction with the competent provincial finance authority, decide whether the claim is reasonable.

(4) Against such a decision the commune may, within 14 days following the day of service of the decision, appeal to the State Office for the Interior, and the latter shall decide thereon in conjunction with the State Office for Finance.

(5) Claims made by the City of Vienna to have expenditure refunded shall not later than eight weeks after the polling day be filed directly with the State Office for the Interior which will make a decision in conjunction with the State Office for Finance.

76. If on account of difficulties of transport, of disturbances, or for any other reasons elections cannot be held in accordance with the regulations contained in this law, the Provisional Government may, by an Ordinance, decree that these elections shall be held outside the polling locality or the constituency, that the ballot papers shall be transmitted straight to the Supreme Election Authority, and that in other respects such modifications of the regulations contained in this election law shall be made, as are indispensably called for in the interest of exercising the right to vote.

77. The Provisional Government is hereby authorised to make, by Ordinance, all the arrangements necessary for the execution of this law.

78. The provisions contained in the law of 9 January 1919, StGBl. No.17, concerning provisions of criminal law for the protection of the freedom of elections and of assemblies shall become effective again for the purpose of the elections to be held under this law.

79. The Provisional Government is entrusted with the execution of this law.

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Declassified E.O. 12356 Section 3.3/NND No. 985621

Finance.

(5) Claims made by the City of Vienna to have expenditure refunded shall not later than eight weeks after the polling day be filed directly with the State Office for the Interior which will make a decision in conjunction with the State Office for Finance.

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SIGNED BY ALL THE MEMBERS OF THE PROVISIONAL GOVERNMENT

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

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SIGNED BY ALL THE MEMBERS OF THE PROVISIONAL GOVERNMENT

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

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

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LG/45/W/WIC.

SUBJECT: Note of interview.

DATE : 22 December 1945

PRESENT: Dott. PIZZARO of the Electoral Service, Ministry of Interior
Capt. W.I.Cunningham - Executive Officer Local Government S/C.
Sig. A. Nice, interpreting.

1. Dott. PIZZARO produced the telegram at folio 55 and said it had already been sent to the Prefects of Italian Government territory and he asked had we any objection to it being sent to Prefects in A.M.G. territory.

2. I asked what the effect of the telegram was. Did it alter the position in regard to emigrants voting?

3. Dott. Pizzaro said that the telegram did not alter the position at all. According to law an emigrant could not be registered and this telegram was merely clarifying the position as some Prefects had queried whether emigrants could be registered. He estimated that there were only some 10,000 Italian emigrants who had retained their Italian nationality and he doubted if more than one or two hundred of them would return to record their vote even if the law were altered to enable them to do so.

4. I told Dott. Pizzaro that the A.C. had no objection to the telegram going to Prefects in A.M.G. territory.

5. Dott. Pizzaro said he would have it sent off immediately and would send us a copy as it would have a different reference number to folio 55 but would be the same wording.

6. I thanked Dott. Pizzaro and wished him the compliments of the season.

W.I. Cunningham Capt.

W. I. CUNNINGHAM
Captain
Executive Officer
Local Government Sub Commission

WIC/ww

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

AC/45/B/LG.

56

SUBJECT: Note of interview.

DATE : 22 December 1945

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Capt. W.I.Cunningham - Executive Officer Local Government S/C.
Sig. A. Nice, interpreting.

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W. I. Cunningham Capt.

W. I. CUNNINGHAM
Captain
Executive Officer
Local Government Sub Commission

WIC/ww

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SS

MINISTRY OF THE INTERIOR
Dir, Gen. Amm. Civile
Electoral Service_

Rome 19 Dec mb r 1945

CIRCU LAR TELEGRAM

To : Prefect of Province under the Italian Government jurisdiction

Copy to High Commissioner for Sicily and Sardinia

47545 - 1510.C. Electoral Service stop. Reference query formulated by numerous Prefectures concerning the inscription in electoral lists of nationals emigrated abqrad, Ministry though recognizing the appreciable exigency of a participation of said citizens at the next popular consultation deems **not** repeat **not** to allow the inscription itself owing the irrevocable necessity avoiding further delays in the holding of the elections stop. Kindly inform Sindaci giving assurances by wire stop

For the Ministry
(Vicedomini)

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

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For the Ministry
(Vicedomini)

4512

Dott. PIZZARO

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

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55B

Ministero dell'Interno

DIREZIONE GENERALE DELL'AMMINISTRAZIONE CIVILE
Servizio elettorale
- - - - - - - - - - - -

Roma, 19 dicembre 1945

TELEGRAMMA CIRCOLARE

PREFETTI Provincie amministrate da Governo italiano
et, per conoscenza :
ALTI COMMISSARI SICILIA ET SARDEGNA

47545 - I5IO.C. Servizio elettorale alt Relazione quesito formulato da numerose Prefetture circa iscrizione liste elettorali connazionali emigrati estero Ministero pur riconoscendo apprezzabile esigenza partecipazione predetti cittadini at prossime consultazioni popolari ritiene non dicesi non poter consentire iscrizione medesima data imprescindibile necessità evitare ulteriori procrastinazioni convocazione comizi alt Pregasi informare sindaci assicurando telegrafo alt

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PEL MINISTRO

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

TELEGRAMMA CIRCOLARE

PREFETTI Provincie amministrate da Governo italiano

et, per conoscenza :

ALTI COMMISSARI SICILIA ET SARDEGNA

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PEL MINISTRO

(Vicedomini)

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

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COPY

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RM

Rome, December 1945

From : The President of the Council of Ministers

Dear Admiral,

I have examined the observations of the Allied Commission, communicated by you to my predecessor with letter 8 November 1945, concerning the drafts of legislative provisions for the political and administrative elections.

The remarks as to the first draft law can be summarized as follows :

1) lack of a provision forbidding the electoral propaganda in the vicinity of the electoral sections;

2) failure of setting forth a term for carrying out the obligation, foreseen by art. 16, of posting the manifest containing the lists of the candidates in all the communes of the circumscription;

3) the necessity that in articles 5 and 6, where mention is made of the Provincial Commissions who are called upon to take steps for the disenfranchisement of the electoral right for political unworthiness, reference should be made in addition to art. 2 of DLL 26 April 1945, n.149, also to art. 8 of DLL 27 July 1944, n.159, as on the basis of the latter the aforesaid Commissions have been set up in the Provinces still under AMG due to failure of extending DLL 26 april 1945 referred to above to them.

I am glad to be able to inform you that, in agreement with the Ministry for the Costituente, said remarks have been fully accepted and that, consequently, the variations contained in enclosure have been applied to the text of the draft decree which the Government has submitted to the Consulta Nazionale, so that the Assembly will examine the draft already completed on the lines suggested by the Allied Commission.

As far as the remarks on the legislative project for the administrative elections are concerned, I shall communicate to you as soon as possible the definitive thought of the Italian Government, while I wish to assure You that personally as a matter of principle I am in favor of the adoption, also in this field of State ballot paper : on this problem, in the meantime, the attention of the Consulta Nazionale has been called in connection with the examination it will have to make with regard of the aforesaid project.

Once this point has been solved - and its solution is connected also to the pratical possibilities to provide for the supply of the ballot papers -

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

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Once this point has been solved - and its solution is connected also to the pratical possibilities to provide for the supply of the ballot papers - the other questions outlined by You in this matter will be settled taking special account of the recommendation of the Allied Commission,

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Please accept, Dear Admiral, my best and cordial regards.

/s/ De Gasperi

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Declassified E.O. 12356 Section 3.3/NND No. 785621

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AMENDMENTS TO THE POLITICAL ELECTORAL LAW PROJECT FOR THE CONSTITUENT ASSEMBLY.

1. Art. 32 - At the beginning of this article provisions of art. 43 of the law project for administrative elections, concerning the banning of all electoral propaganda in the neighbourhood of the Sections have been integrally inserted.

2. Art. 16 - after the word ".... in other public places" the following additional words have been added "within the twentieth day preceding the date of the elections", for the purpose of insuring the timely pubblication of the notice with the lists of the candidates.

3. Articles 5 and 6 - Reference to art. 8 of DLL 27 July 1944, n. 159 has been inserted.

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

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COPIA

IL PRESIDENTE
Del Consiglio dei Ministri

Roma, dicembre 1945

Caro Ammiraglio,

ho esaminato le osservazioni della Commissione Alleata, da Lei comunicate al mio predecessore con lettera dell'8 novembre u.s., sugli schemi di provvedimenti legislativi per le elezioni politiche ed amministrative.

I rilevi in ordine al primo provvedimento si concretano nei seguenti punti :

1) mancanza di una disposizione che vieti la propaganda elettorale nelle vicinanze delle sezioni elettorali;

2) mancata prescrizione di un termine entro il quale debba essere adempiuto l'obbligo previsto dall'art. 16, dell'affissione del manifesto con le liste dei candidati in tutti i comuni della circonscrizione;

3) necessita' che negli articoli 5 e 6, dove si accenna alle Commissioni provinciali chiamate a disporre la privazione del diritto elettorale per indegnita' politica, sia fatto richiamo, oltre che all'art. 2 del D.L.L. 26 aprile 1945, n.149, anche all'art. 8 del D.L.L 27 luglio 1944, n.159, in base al quale ultimo le Commissioni predette sono state costituite nelle Provincie tuttora sottoposte al Governo Militare Alleato per la mancata estensione, ad esse del citato D.L.L. 26 aprile u.s.

Sono lieto di poterLe comunicare che, su conforme avviso del Ministero per la Costituente, i predetti rilievi hanno trovato pieno accoglimento e che, di conseguenza, al testo del provvedimento che il Governo ha presentato alla Consulta Nazionale, sono state apportate le varaizioni di cui all'allegato cosicche' l'Assemblea esaminera' lo schema gia' completato nei sensi suggeriti dalla Commissione Alleata.

Per quanto concerne i rilievi sullo schema di provvedimento per le elezioni amministrative, mi riservo di precisarLe al piu' presto il definitivo pensiero del Governo italiano, mentre desidero assicurarLe che io personalmente sono, in linea di principio, favorevole all'adozione anche in questo campo, della scheda di Stato: su tale problema, intanto, e' stata richiamata l'attenzione della Consulta Nazionale in occasione dell'esame che dovra' portare sul provvedimento anzidetto.

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

2) mancata prescrizione di un termine entro il quale debba essere adempiuto l'obbligo previsto dall'art. 16, dell'affissione del manifesto con le liste dei candidati in tutti i comuni della circonscrizione;

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Allorche' sara' risoluto questo punto - e la soluzione e' connessa anche alle possibilita' pratiche di provvedere alla fornitura delle schede- le altre questioni da Lei prospettate in questa materia saranno pure definite tenendo particolare conto delle raccomandazioni della Commissione Alleata,

Voglia gradire, caro Ammiraglio, le mie piu' vive cordialita'.

firmato De Gasperi

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

54C

MODIFICAZIONI APPORTATE ALLO SCHEMA DI LEGGE ELETTORALE
POLITICA PER L'ASSEMBLEA COSTITUENTE

1. Art. 32 - All'inizio dell'articolo e' stata inserita integralmente la disposizione dell'art. 43 dello schema di legge per le elezioni amministrative, concernente il divieto della propaganda elettorale nelle adiacenze delle sezioni.

2. Art. 16 - dopo le parole ".....in altri luoghi pubblici" sono state aggiunte le altre " entro il ventesimo giorno precedente la data delle elezioni", allo scopo di assicurare la tempestiva pubblicazione del manifesto con le liste dei candidati.

3. Articoli 5 e 6 - E' stato inserito il richiamo all'art. 8 del D.L.L. 27 luglio 1944 n. 159

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

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

45/13/A/10

SUBJECT: Note of Interview - Ministry of the Interior

DATE : 13 December 1945 - 11,30 hrs.

PRESENT: Dott. [illegible] - Chief of the Cabinet , Ministry of the Interior
Dott. [illegible] - Head of the Electoral Service, Ministry of the Interior
Major R.R. Temple - Director Local Government A/C.
Mr. A. Rice, interpreter.

1. Dr. [illegible] explained to me that he had prepared his report for the President of the Council of Ministersfollowing our conference on the 17th November which had been suggested in the Chief Commissioner's letter to the Prime Minister of the 8th November. The Government crisis however had prevented its transmission to the Office of the Presidency, and that consequently the letter from the Prime Minister to the Chief Commissioner dealing with the electoral laws was not ready to be despatched.

2. He agreed however that there was nothing to prevent an immediate response from the Italian Government dealing with the Constituent Assembly Law, inasmuch as there had been complete agreement with that Ministry on all points raised by the Allied Commission concerning that law, and in fact the Ministry for the Constituente had included the agreed changes in their draft to be presented to the Consulta.

3. Dr. [illegible] showed me 2 sample ballots which he had prepared for consideration by the President of the Council , one based on the majority system in use in Communes under 30000 , the other based on the proportionate representation list system used in Communes over 30000. Both followed the suggestion which I made at the interview on the 17th November. Dr. [illegible] said that they would be submitted for consideration at a conference which he expected would take place as soon as the President read his report.

4. Dr. [illegible] said that the semi-monthly report indicating the situation with regard to progress in compilation of electoral registers would be sent to us in a few days.

5. He stated that the situation according to the latest returns is as follows:-

2905 male lists and 3233 female lists compiled, making a total of 6138
Lists approved are 898 male and 1116 female lists, making a total of 2014
(there are 1120 lists involved in Italy)

6. Dr. [illegible] expressed the opinion that the laws themselves had to be discussed by the Consulta and then passed by the Council of Ministers, and he hoped that the local elections might take place before the end of February. He hoped that by then the lists would be ready in most of Central and Southern Italy.

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7. He did not expect the Local Elections' Law to be enacted before the end of January.

R.R. Temple

RALPH R. TEMPLE
Major
Director
Local Government Sub Commission

[illegible]/ww

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

HEADQUARTERS ALLIED COMMISSION
APO 394
LOCAL GOVERNMENT SUB COMMISSION

AC/45/E/LG

Tel: 478190

SUBJECT: Election Laws.

4 December 1945

TO : HQ, Allied Commission,
Austria

1. This Sub Commission has been concerned with the measures adopted by the Italian Government to hold elections in Italy in the near future.

2. In this connection the elections held recently in Austria have attracted considerable attention in the press, and it is felt that a study of the legislation governing those elections might be of value from a comparation point of view. The Italian Government have also expressed their interest in this matter.

3. This Sub Commission would be very grateful if copies of the Electoral Laws governing the Austrian elections could be made available, for the information of AC Italy and the Italian Government. The system of representation employed - i.e. proportional or otherwise - is of particular interest.

4. It is requested that, if possible, 2 copies of Electoral Laws be forwarded to this HQ; or, failing this, a summary of the principal features of the system employed.

5. Any comments which your Commission can supply on the working of the above-mentioned system will also be greatly appreciated.

RALPH R. TEMPLE
Major
Director
Local Government Sub Commission

JLR/mm

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

6/4825/1994 57

Ministero degli Affari Esteri

MEMORANDUM FOR THE ALLIED COMMISSION

Subject: Electoral Law in Austria.

1. The Ministry for Foreign Affairs should be exceedingly grateful to the Allied Commission if they could kindly secure a copy of the electoral Law which has regulated the recent polls in Austria.

2. Should this not be possible, it would suffice to be informed which system has been followed i.e.: proportional, uni-nominal a.s.o.

3. It would be appreciated if the matter could be treated as urgent.

Rome, November 30th, 1945

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

51A

DUPLICATE

6/4823/3094

Ministero degli Affari Esteri

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3. It would be appreciated if the matter could be treated as urgent.

Rome, November 30th, 1945

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

AC/45/B/LG

SUBJECT: Note of Interview - AC HQ

DATE : 28 November 1945 - 1000 hours.

PRESENT: Dott. STRANO, Head of the Electoral Service, Ministry of the Interior
Major C. G. R. Williams, Executive Officer, Local Government S/C
Sig. Arrigo NICE, interpreting.

1. The purpose of the interview was to discuss the Draft Decree and report at folios 48, 48A, 49 and 49A.

2. I told Dott. STRANO the S/C was in full agreement with the Ministry as to the objects aimed at under the Draft Decree. The Ministry could, therefore, go ahead with its enactment. There were a few points, however, on the language of the Decree on which we would like to ask questions to make sure that we fully understood it.

3. The explanations given by Dott. STRANO are summarized in the following paragraphs.

4. Time-Limits. The time-limits of 31 December 1945 in Articles 1, 2 and 3 are peremptory. The time-limits fixed for action by officials, i.e. 15 January 1946 in Article 2--15 days in Article 4--are not peremptory.

5. "Commune of Origin" means the Commune of birth or, if the emigrant was born abroad, the Commune of his parents' birth. Emigrants do not appear in the "anagrafe" but the entries in the necessary register of births remain. By reference to these, the Sindaco of the Commune of origin will be able to control the emigrant's application.

6. No particular form is prescribed for the application. A simple letter or telegram will do provided it gives the emigrant's name.

7. The Decree relates solely to the right of the emigrant to be inscribed in the electoral lists. It gives him no right to vote from abroad. He must attend the Commune where he is registered for this. No provision for postal or proxy voting is contemplated.

8. An emigrant attending at the polling station to vote will produce his passport instead of his identity card. Incidentally, production of a passport also controls the fact of citizenship. The Ministry are making this proposal to the Ministry for the Constituent Assembly so that a similar provision may be inserted in the Draft Law for Constituent Assembly elections.

9. The Draft Decree will go before the Council of Ministers today or tomorrow--anyway this week. The Government crisis does not affect it. Prime Minister PARRI has already indicated his approval and desires that the Decree be enacted quickly.

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10. The Ministry have prepared a telegram to all Prefects giving them advance notice of the Decree. They will send us a copy of this. We will then telephone our formal approval to the Ministry dispatching this telegram to Prefects in AMG Territory direct. On the basis of the telegram, we will then issue to RCs and PCs any instructions we may think necessary, to keep them in the picture.

11. In view of the very short time-limits fixed, it was agreed that immediate implementation was necessary. For this purpose, we would arrange with Legal Sub Commission for publication in an ordinary supplement to the Gazette together with the implementing order.

12. Dott. STRANO mentioned in passing that they had had quite a number of representations on the point of emigrants being registered from Prefects mainly in the North. These appeared principally to affect the border provinces. A number of emigrants had already written in asking if they could be registered. These applications had come principally from France, Belgium and Luxembourg.

C. G. R. WILLIAMS
Major
Executive Officer
Local Government Sub Commission

CGRW/pec

Distribution:

AC/45/B/LG
AC/14/2/LG
Float

Noted CRW. 9/11

BF to Govt Rec'd 5/12

4501

DRAFT OF LEGISLATIVE LIEUTENANCY DECREE BRINGING ABOUT AMENDMENTS AND ADDITIONS TO THE PROVISIONS FOR THE FIRST COMPILATION OF ELECTORAL LISTS.

HU MBERT OF SAVOY
Prince of Piedmont
Lieutenant General of the Realm.

By virtue of the authority conferred upon us;
Having seen DLL 28 September 1944, №247, relating to the compilation of the electoral lists and the ~~respective~~ provisions for ~~their~~ execution approved by MD dated 24 October 1944;
Having seen DLL 1st February 1945, №23;
Having seen DLL 12 April 1945, №201;
Having seen DLL 22 April 1945, №214;
Having seen DLL 24 July 1945, №436;
Having seen LL 25 June 1944, №151;
Having seen DLL 1st February 1945, №58;
Having seen the deliberation of the Council of Ministers;
On proposal of the President of the Council of Ministers, Prime Minister Secretary of State and Minister for the Interior;

WE HAVE SANCTIONED AND WE PROMULGATE AS FOLLOWS:

Art. 1

Persons who emigrated abroad and, having kept their Italian citizenship, intend to exercise the right of voting are registered in the electoral lists of the commune of origine, provided they submit request thereof to the Sindaco within 31st december 1945.

In this event, investigations ~~proceedings~~ prescribed by Art.4 of Ministry's of the Interior Decree 24 October 1944, published in the Gazzetta Ufficiale №9 of 20 January 1945, are to be made by telegraph.

Art.2

Refugees and displaced persons who have returned or ~~are~~ returning prior to 31 st december 1945 to the commune of normal residence ~~will be~~ inscribed by the proper office or upon request in the electoral lists of said commune, prior cancellation from the list of the commune of temporary residence.

The request for cancellation and confirmation of the effected cancellation

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Having seen DLL 1st February 1945, n.50;
Having seen the deliberation of the Council of Ministers;
On proposal of the President of the Council of Ministers, Prime Minister Secretary of State and Minister for the Interior:

WE HAVE SANCTIONED AND WE PROMULGATE AS FOLLOWS:

Art. 1

Persons who emigrated abroad and who, having kept their Italian citizenship, intend to exercise the right of voting are registered in the electoral lists of the commune of origine, provided they submit request thereof to the Sindaco within 31st december 1945.

In this event, investigations proceedings prescribed by Art.4 of Ministry's Decree of the Interior Decree 24 October 1944, published in the Gazzetta Ufficiale n.9 of 20 January 1945, are to be made by telegraph.

Art.2

Refugees and displaced persons who have returned or are returning prior to 31 st december 1945 in the commune of normal residence will be inscribed by the proper office or upon request in the electoral lists of said commune, prior cancellation from the list of the commune of temporary residence.

The request for cancellation and confirmation of the effected cancellation, in the event that this has been done by the proper office, must be done by wire not later than 15 January 1946.

The Sindaco of the commune of temporary residence will provide for the cancellation and transmit the "elenco" to the Electoral Commission , together with the respective documents, within the term referred to in the preceding paragraph, for the purpose of effecting the necessary variations to the list.

Art. 3

The faculty foressen by art. 1 of DLL 12 april 1945, n.201, by all means cannot be exercised after 31st december 1945.

Within the same term permission is given for the presentation of requests of registration in the electoral lists by such persons who, though having title therto, have been excluded for any reason. Art. 6 of DM 24 october 1944 is being applied.

In the case foreseen by the preceding paragraph the provision of art. 1 para 2 will be applied.

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Art. 4

The variations to the electoral lists, which will eventually become necessary in the execution of the legislative provision a mending the provi sions in force relative to the electoral capacity, will be effected by means of additional lists and "elenchi" of cancellation, to be compiled within the fifteenth day from the date of pubblication of the provisions themselves.

The provisions of art. 1, second paragraph will be applied in connection with the new registrations.

The "elenchi" of cancellation shall be published and forwarded, together with the respective documents, to the Electoral Commission for approval and for the necessary variations to the lists. The terms for the publication and approval of the "elenchi" of cancellation are the same as those foreseen by art.5 for the additional lists.

Art. 5

The new registrations resulting from the provi sions of the preceding articles shall be made in additional lists for whose publication and approval the terms foreseen by article 9 and 15 od DM 24 october 1944 are halved.

The same abbreviation of the terms is valid for the pub ication and approval of the additional sectional lists.

The qualification of emigree must be especially noted on the additional lists and on the section al lists.

Art. 6

The present decree becomes effective on the day of its public ation in the Gazzetta Ufficiale of the Kingdom.

We order that the present decree, bearing the Seal of the State, be inserted in the Official Collection of Laws and Decree s of the Kingdom of Italy, enjoining to all whom it may concern to comply with it and have it comply with as a Law of the State.

Issued in Rome, on.....

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seen by article 9 and 15 of DM 24 october 1944 are halved.

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The qualification of emigree must be especially noted on the additional lists and on the section al lists.

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Issued in Rome, on.....

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Trans. A.Nice
on 26/1 1/45.

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SCHEMA DI DECRETO LEGISLATIVO LUOGOTENENZIALE RECANTE MODIFICAZIONI ED AGGIUNTE ALLE NORME PER LA PRIMA FORMAZIONE DELLE LISTE ELETTORALI.

- - - -

UMBERTO DI SAVOIA
Principe di Piemonte
Luogotenente Generale del Regno

In virtù dell'autorità a Noi delegata ;

Visto il decreto legislativo Luogotenenziale 28 settembre 1944, N° 247, relativo alla compilazione delle liste elettorali e le relative norme di attuazione approvate con decreto del Ministro per l'Interno in data 24 ottobre 1944 ;

Visto il decreto legislativo Luogotenenziale I° febbraio I945, N° 23 ;

Visto il decreto legislativo Luogotenenziale I2 aprile I945, N° 201 ;

Visto il decreto legislativo Luogotenenziale 22 aprile I945, N° 214 ;

Visto il decreto legislativo Luogotenenziale 24 luglio I945, N° 436 ;

Visto il decreto legge Luogotenenziale 25 giugno I944, N° I5I ;

Visto il decreto legislativo Luogotenenziale I° febbraio I945, N° 58 ;

Vista la deliberazione del Consiglio dei Ministri ;

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

N° 247, relativo alla compilazione delle liste elettorali e le relative norme di attuazione approvate con decreto del Ministro per l'Interno in data 24 ottobre 1944 ;

Visto il decreto legislativo Luogotenenziale I° febbraio 1945, N° 23 ;

Visto il decreto legislativo Luogotenenziale 12 aprile 1945, N° 201 ;

Visto il decreto legislativo Luogotenenziale 22 aprile 1945, N° 214 ;

Visto il decreto legislativo Luogotenenziale 24 luglio 1945, N° 436 ;

Visto il decreto legge Luogotenenziale 25 giugno 1944, N° 151 ;

Visto il decreto legislativo Luogotenenziale I° febbraio 1945, N° 58 ;

Vista la deliberazione del Consiglio dei Ministri ;

Sulla proposta del Presidente del Consiglio dei Ministri, Primo Ministro Segretario di Stato e Ministro per l'Interno ;

ABBIAMO SANZIONATO E PROMULGHIAMO QUANTO SEGUE : 4458

Art. 1

Gli emigrati all'estero che, avendo conservato la cittadinanza italiana, intendano esercitare il diritto di voto sono iscritti nelle liste elettorali del comune di origine, purchè ne facciano domanda al

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Sindaco entro il 31 dicembre 1945.

In tal caso l'istruttoria prescritta dall'art.4 del decreto del Ministro per l'Interno 24 ottobre 1944, pubblicato nella Gazzetta Ufficiale n° 9 del 20 gennaio 1945, dev'essere fatta telegraficamente.

Art. 2

I profughi e gli sfollati che sono rientrati o rientrino prima del 31 dicembre 1945 nel comune di normale residenza sono iscritti, d'ufficio o su domanda, nelle liste elettorali di detto comune, previa cancellazione dalle liste del comune di temporanea dimora.

La richiesta di cancellazione e la conferma di avvenuta cancellazione, nel caso in cui si proceda di ufficio, devono essere fatte telegraficamente non oltre il 15 gennaio 1946.

Il Sindaco del comune di temporanea dimora provvede alle cancellazioni e ne trasmette l'elenco alla Commissione elettorale, con i documenti relativi, entro il termine di cui al comma precedente, per le conseguenti variazioni alla lista.

Art. 3

La facoltà prevista dall'art.I del decreto legislativo Luogotenenziale 12 aprile 1945, n°201, non può essere esercitata, in ogni caso, oltre il 3I dicembre 1945.

Entro lo stesso termine è consentita la presentazione di domande di iscrizione nelle liste elettorali da parte di chi, pur avendone titolo, ne sia stato per qualsiasi motivo omesso. Si applica l'art.6 del decreto ministeriale 24 ottobre 1944.

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Art. 3

La facoltà prevista dall'art.I del decreto legislativo Luogotenenziale 12 aprile 1945, n°201, ~~non~~ può essere esercitata, in ogni caso, oltre il 31 dicembre 1945.

Entro lo stesso termine è consentita la presentazione di domande di iscrizione nelle liste elettorali da parte di chi, pur avendone titolo, ne sia stato per qualsiasi motivo omesso. Si applica l'art.6 del decreto ministeriale 24 ottobre 1944.

Nel caso previsto dal comma precedente si applica il disposto dell'art.I, secondo comma. 4497

Art. 4

Le variazioni alle liste elettorali, che si renderanno eventualmente necessarie in esecuzione di provvedimenti legislativi con i quali siano modificate le vigenti disposizioni relative alla capa-

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cità elettorale, saranno effettuate mediante liste aggiunte ed elenchi di cancellazione, da compilarsi entro il quindicesimo giorno dalla data di pubblicazione dei provvedimenti medesimi.

Si applica, per le nuove iscrizioni, il disposto dell'art.1, secondo comma.

Gli elenchi di cancellazione sono pubblicati e trasmessi, con i documenti relativi, alla Commissione elettorale per l'approvazione e le conseguenti variazioni alle liste . I termini per la pubblicazione ed approvazione degli elenchi di cancellazione sono eguali a quelli previsti, dall'art.5,per le liste aggiunte.

Art. 5

Le nuove iscrizioni in conseguenza del disposto dei precedenti articoli sono fatte in liste aggiunte per la cui pubblicazione ed approvazione i termini previsti dagli articoli 9 e 15 del decreto ministeriale 24 ottobre 1944 sono ridotti della metà.

La stessa abbreviazione di termini vale per la pubblicazione ed approvazione delle liste di sezione aggiunte.

Della qualità di emigrato all'estero dev'essere fatta apposita annotazione nelle liste aggiunte e nelle liste di sezione.

Art. 6

Il presente decreto entra in vigore il giorno della sua pubblicazione nella Gazzetta Ufficiale del Regno.

Ordiniamo che il presente decreto, munito del sigillo dello Stato, sia inserito nella Raccolta Ufficiale delle Leggi e dei De-
[illegible] del Regno d'Italia, mandando a chiunque spetti di osservarlo

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Ordiniamo che il presente decreto, munito del sigillo dello Stato, sia inserito nella Raccolta Ufficiale delle Leggi e dei Decreti del Regno d'Italia, mandando a chiunque spetti di osservarlo e di farlo osservare come legge dello Stato. 4406

Dato a Roma, addì . . . . . .

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

MINISTRY OF THE INTERIOR
Gen.Dir. of the Civil Administration
Electoral Service

File N.15600/0 Rome, 21 november 1945

DRAFT OF LEGISLATIVE DECREE BRINGING ABOUT AMENDMENTS AND ADDITIONS TO THE PROVISIONS FOR THE FIRST COMPILATION OF THE ELECTORAL LISTS

MEMORANDUM FOR MR. PRESIDENT OF THE COUNCIL OF MINISTERS AND MINISTER OF THE INTERIOR.

The draft decree, briefly illustrated hereunder, is intended to meet a twofold exigency; one of political nature and the other of practical character.

The first one has the purpose to meet the desire manifested by many fellow citizens who, having kept the Italian citizenship, believe they should not remain out of the picture in the forthcoming popular elections for the creation of the Costituent Assembly. In most cases it is the question of citizens born in the northern provinces who are not included in the population registers of the communes of origin and who ~~on account~~ due to the fact that they are not inscribed in such registers and on account of the residence would find impossible to exercise the suffrage. It has therefore been found necessary to bring about some amendments and additions to the Ministerial Decree 24 october 1944 which, owing to the exceptional situations under which it has been issued and the forecast of a convocation of the electoral meeting prior to the cessation of the hostilities and of the subequent liberation of the entire national territory, could not logically contemplate the hypothesis of the polling of the emigrees.

For the purpose of avoiding duplication of registration, to expedit e the procedure for the compilation of the new additional lists and not to interfere with the development of the preliminary operations of the elections, the draft decree sets forth:

a) that the registrations of the emigrees shall take place upon request, to be submitted not after 31 december 1945 to the Sindaco of the commune of origin;

b) that the search for the penal precedents will be initiated by the communes by means of a telegraphic request to the proper casellari, which shall reply by the same speedy means of communication;

d) that the qualification of emigree abroad will be noted on the additional lists and on the sectional lists, in order to avoid p ossible frauds and other irregularities in the event that some of the emigrees do not return to their country to exercise their right of voting.

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d) that the qualification of emigree abroad will be noted on the additional lists and on the sectional lists, in order to avoid p ossible frauds and other irregularities in the event that some of the emigrees do not return to their country to exercise their right of voting.

c) that the terms set forth by Ministerial Decree 24 october 1944 for the publicaation and approval of the lists themselves are reduced in half.

With reference then to the continuous return of the refugees and displaced persons to their respective communes of residence and the gradual resumption of the migratory currents in the interior of the country, it has been provided ~~however~~ for ~~that~~ the extension of the terms foreseen by art. 1 of DL 12 april 1945, n.201, to 31 december 1945. This will permit to make good arbitrary omissions, in the lists, of citizens in p-assession of prerequisites of the law and will make ~~it~~ possibile both the registration of the refugees and displaced persons and of the immigrated persons in the electoral lists of the communes of destination, as well as the cancellation of said persons from the lists of the communes of origin, expecially if the latter have become definitive and the term of fifteen days from the publication in accordance with art 15 of the aforesaid Ministerial Decree has elapsed.

As in the case of the persons emigrated abroad, the new registrations of the categories mentioned above, are effected in additional lists, - to be published and to be approved with the same abridged procedure -not after 31 decmber 1945. The only variation, as far as ~~the~~ refugees and displaced persons are concerned, lies therein that these ~~latters~~ can be inscribed in the additional lists also ~~by or the proper office.~~ on the initiative of the authorities.

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The requests of cancellation and the confirmation of the effected cancellations, in the event the respective inscriptions had been made by the proper office, will have to be submitted not later than 15 January 1946.

As already noted, by the provisions of article 2 and 3 of the draft decree in reality a reopening has taken place of the terms for the registrations in those communes of southern and insular Italy, whose lists have been definitely approved and published, while some limitation may take place in regard to the communes of the northern provinces which, at the date of 31st december 1945, did not complete their respective lists.

The short time left before the holding of the administrative ~~electoral meetings~~ elections does not allow, however, that the lists be subject, later than the aforesaid date, to further appreciable variations, since it stands to reason that the preliminary operation to voting and the same machinery of voting should be based on prerequisites which are sure, concrete and definitely established: this being an exigency which justifies in full the possible sacrifice of individual interests which on the other hand are negligible.

With reference, then, to the political electoral draft law for the setting up of the Constituency, the article lays down opportune provisions governing further registrations and cancellations which would be necessary on account of probable amendments of the provisions in force in connection with the elector's capacity to vote.

Before securing the adherence of the Ministry of Grace and Justice and and pre-arrange the other usual operations, I have the honor, Mr. President, to submit the Draft Law to your high considerations.

I am waiting for the directives that you will deem to impart.

THE DIRECTOR GENERAL

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With reference, then, to the political electoral draft law for the setting up of the Constituency, the article lays down opportune provisions governing ~~x~~ further registrations and cancellations which would be necessary on account of probable amendments of the provisions in force in connection with the elector's capacity to vote.

Before securing the adherence of the Ministry of Grace and Justice and and pre-arrange the other usual operations, I have the honor, Mr. President, to submit the Draft Law to your high considerations.

I am waiting for the directives that you will deem fit to impart.

THE DIRECTOR GENERAL

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Trans. A.Nice
on 26/11/45

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Mod 839

Ministero dell'Interno

DIREZIONE GENERALE DELL'AMMINISTRAZIONE CIVILE

Servizio elettorale

Prot.N° I5600/Q

Roma, 21 novembre 1945

SCHEMA DI PROVVEDIMENTO LEGISLATIVO RECANTE MODIFICAZIONI ED AGGIUNTE ALLE NORME PER LA PRIMA FORMAZIONE DELLE LISTE ELETTORALI —

APPUNTO PER IL SIG. PRESIDENTE DEL CONSIGLIO DEI MINISTRI, MINISTRO PER L'INTERNO

S E D E

Lo schema di provvedimento, che viene qui illustrato in rapida sintesi, intende soddisfare una duplice esigenza : di ordine politico l'una e di carattere pratico l'altra.

Con la prima si viene incontro al desiderio manifestato da molti connazionali che, avendo conservato la cittadinanza italiana, ritengono di non dover rimanere estranei alla prossima consultazione popolare per la creazione dell'Assemblea Costituente. Si tratta, nella maggior parte dei casi, di cittadini oriundi delle provincie settentrionali, più non compresi nei registri di popolazione dei comuni di provenienza e per i quali il difetto dell'iscrizione anagrafica e della residenza costituirebbe ostacolo non superabile all'esercizio del suffragio. Di qui la necessità di apportare alcune modificazioni ed aggiunte al de-

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ED AGGIUNTE ALLE NORME PER LA PRIMA FORMAZIONE DELLE LISTE ELETTORALI —

APPUNTO PER IL SIG. PRESIDENTE DEL CONSIGLIO DEI MINISTRI,
MINISTRO PER L'INTERNO

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Allo scopo di evitare duplicazioni d'iscrizioni, di rendere quanto più spedita la procedura per la formazione delle nuove liste aggiunte

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e di non turbare lo svolgimento delle operazioni preliminari alle elezioni, lo schema stabilisce : Roma

a) che l'iscrizione degli emigrati avviene su domanda, da presentarsi, non oltre il 31 dicembre p.v., al sindaco del comune di origine;

b) che l'accertamento dei precedenti penali viene promosso dai comuni mediante richiesta telegrafica ai casellari competenti, i quali si serviranno, per la risposta, dello stesso mezzo celere di comunicazione ;

c) che i termini stabiliti dal decreto ministeriale 24 ottobre 1944 per la pubblicazione ed approvazione delle liste medesime sono ridotti della metà;

d) che della qualità di emigrato all'estero viene fatta apposita annotazione nelle liste aggiunte e di sezione, allo scopo di evitare eventuali brogli ed altre irregolarità nel caso in cui taluni emigrati non ritornino in patria per esercitare il diritto di voto ;-

In relazione, poi, al continuo deflusso dei profughi e degli sfollati verso i rispettivi comuni di residenza ed alla graduale ripresa delle correnti migratorie interne, si è disposta altresì la proroga dei termini previsti dall'art.1 del decreto legislativo 12 aprile 1946, n°201, al 31 dicembre c.a. Il che permetterà di sanare arbitrarie omissioni, nelle liste, di cittadini in possesso dei requisiti di legge e renderà possibile tanto l'iscrizione dei profughi e degli sfollati, come degli immigrati, nelle liste elettorali dei comuni di destinazione, quanto la cancellazione di dette persone dalle liste dei comuni di

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muni mediante richiesta telegrafica ai casellari competenti, i quali si serviranno, per la risposta, dello stesso mezzo celere di comunicazione ;

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Come per gli emigrati all'estero, le nuove iscrizioni delle categorie testè indicate sono effettuate in liste aggiunte - da pubblicarsi ed approvarsi con la stessa procedura abbreviata - non oltre il 31

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

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Ministero dell'Interno

dicembre 1945 . Unica variante, per ciò che concerne i profughi e gli sfollati, si ha nel fatto che questi possono essere iscritti nelle liste aggiunte anche di ufficio.

Le richieste di cancellazione e le conferme di avvenuta cancellazione, nell'ipotesi di iscrizioni di ufficio, dovranno effettuarsi telegraficamente non oltre il 15 gennaio 1946.

Come si è già avvertito, con le disposizioni degli articoli 2 e 3 dello schema vengono in sostanza ad essere riaperti i termini per le iscrizioni in quei comuni dell'Italia meridionale ed insulare le cui liste siano state definitivamente approvate e pubblicate, mentre una qualche restrizione potrebbe verificarsi rispetto ai comuni delle provincie settentrionali che, alla data del 31 dicembre 1945, non avessero ancora conseguito il perfezionamento delle rispettive liste.

L'imminenza dei comizi amministrativi non consente tuttavia che le liste siano esposte, oltre la data predetta, ad ulteriori, sensibili variazioni, dovendo ragionevolmente le operazioni preliminari alla votazione e lo stesso meccanismo della votazione poggiare su presupposti certi, concreti e definitivamente stabiliti : esigenza, questa, che giustifica appieno l'eventuale sacrificio d'interessi individuali peraltro assai trascurabili.

In relazione, poi, allo schema della legge elettorale politica per la formazione della Costituente, l'articolo 1 detta un'opportuna disciplina per le ulteriori iscrizioni e cancellazioni che si rendessero

Come si è già avvertito, con le disposizioni degli articoli 2 e 3 dello schema vengono in sostanza ad essere riaperti i termini per le iscrizioni in quei comuni dell'Italia meridionale ed insulare le cui liste siano state definitivamente approvate e pubblicate, mentre una qualche restrizione potrebbe verificarsi rispetto ai comuni delle provincie settentrionali che, alla data del 31 dicembre 1945, non avessero ancora conseguito il perfezionamento delle rispettive liste.

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In relazione, poi, allo schema della legge elettorale politica per la formazione della Costituente, l'articolo 4 detta un'opportuna disciplina per le ulteriori iscrizioni e cancellazioni che si rendessero necessarie in conseguenza di probabili modificazioni delle norme vigenti in materia di capacità elettorale.

Prima di promuovere l'adesione del Ministero di Grazia e Giustizia e predisporre gli altri adempimenti di rito, mi onoro, Signor Presidente, sottoporre lo schema alla Sua alta considerazione.

Resto in attesa delle direttive che riterrà d'impartire.

IL DIRETTORE GENERALE

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47

AG/43 13/10

23 November 1943

My dear Mr. Kirk,

It has occurred to me that if there is to be a revised armistice document or a provisional peace (as the Italian Government are requesting) a phrase regarding Italian franchise might well be inserted. This clause should bind the Italian Government to establish democratic, legislative and administrative bodies, and to ensure that elections to the same be free, secret, independent, and be held as soon as possible.

In the last few days the drafts of proposed laws for elections to the Constituent Assembly and to Provincial and Communal Councils have reached me and have been examined. While these Drafts represent an advance in some respects upon anything that has previously been communicated to me, they are subject to alteration at the hands of the Council of Ministers and the Consultative Assembly.

I therefore feel that these draft laws do not lessen the desirability of obtaining an explicit pledge from the Italian Government in any fundamental document which may substitute the existing armistice terms.

I would be most grateful if you would communicate the above to the State Department if you agree and recommend the inclusion of such a clause as I propose.

Sincerely yours,

ELLERY W. STONE
Rear Admiral, USN
Chief Commissioner

The Honorable Alexander Kirk
American Embassy
Rome

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

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AC/45/4/16

23 November 1945

My dear Mr. Ambassador,

It has occurred to me that if there is to be a revised armistice document or a provisional peace (as the Italian Government are requesting) a phrase regarding Italian franchise might well be inserted. This clause should bind the Italian Government to establish democratic, legislative and administrative bodies, and to ensure that elections to the same be free, secret, independent, and be held as soon as possible.

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I would be most grateful if you would communicate the above to the Foreign Office if you agree and recommend the inclusion of such a clause as I propose.

Sincerely yours,

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

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H. E. Sir Noel Charles
British Embassy
R o m e

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HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

DRAFT

Ref: AC/45/B/LG. November 1945

My dear Mr. Ambassador.....,

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

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I therefore feel that these draft laws do not lessen the desirability of obtaining an explicit pledge from the Italian Government in any fundamental document which may substitute the existing armistice terms.

I would be most grateful if you would communicate the above to the State Department) Foreign Office) if you agree and recommend the inclusion of such a clause as I propose.

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Yours very truly,

ELLERY W. STONE,
Rear Admiral, USNR,
Chief Commissioner.

The Honorable Alexander Kirk,
American Embassy,
Rome.

H.E. Sir Noel Charles,
British Embassy,
Rome.

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Declassified E.O. 12356 Section 3.3/NND No. 785121

144

Ref: AC/45/S/LO

October 1945

My dear Mr Kirk,

As you know, Allied Commission has since February been pressing the Italian Government for a decision vis a vis the electoral laws. We do not know yet if they intend to base their new system on the former 1915 law as to local elections or on the 1919 law as to national elections: the latter is not so objectionable as the 1915 one. Constant verbal pressure has been maintained on the Italian Government for some statement on this important matter.

It is now thought that if there is to be a revised armistice document or a provisional peace (as the Italian Government are requesting) a phrase regarding Italian franchise might well be inserted. This clause should bind the Italian Government to establish democratic legislative and administrative bodies, and to ensure that elections to the same be free, secret, independent, and be held as soon as possible.

I would be most grateful if you could communicate the above to the State Department and recommend, if you agree, the inclusion of such a clause in any interim revision of the armistice terms, or provisional peace as the case may be.

Sincerely yours,

HILLERY W. STONE,
Rear Admiral, USNR
Chief Commissioner

The Honorable Alexander Kirk,
American Embassy,
Rome.

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Declassified E.O. 12356 Section 3.3/NND No. 785121

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Ref: AC/43/8/LG

October 1945

My dear Mr Ambassador,

As you know, Allied Commission has since February been pressing for a decision vis a vis the electoral laws. We do not yet know if they intend to base their new system on the former 1915 law as to local elections or on the 1919 law as to national elections: the latter is not so objectionable as the 1915 one. Constant verbal pressure has been maintained on the Italian Government for some statement on this important matter.

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I would be most grateful if you could communicate the above to the Foreign Office and recommend, if you agree, the inclusion of such a clause in any interim revision of the armistice terms, or provisional peace as the case may be.

Sincerely yours,

ELLERY W. STONE,
Rear Admiral, USNR
Chief Commissioner

H.E. Sir Noel Charles,
British Embassy,
Rome.

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HEADQUARTERS ALLIED COMMISSION
APO 394
LOCAL GOVERNMENT SUB-COMMISSION

15 October 1945

AG 43/3/LG

Dear Major Macon:

With reference to our conversation of 24 September 1945, I thought it might be of assistance to you if I sent you a personal letter giving a summary of the correspondence between the Chief Commissioner and Sig. BONOMI and Sig. PARRI and of the discussions which have taken place thereon in regard to the Electoral Laws.

(a) In reply to a letter from the Chief Commissioner dated 3rd February 1945, Sig. BONOMI, in a letter dated 27 February 1945, gave an outline of what his Government had in mind with regard to the reconstruction of elective local authorities and the conduct of the elections for them. After drawing attention to the fact that the definite structure of local government is but a part of the institutional reforms upon which the Constituent Assembly will be called to determine, Sig. BONOMI indicated that as Italy was not wholly liberated at that time provisions of a transitory nature should be made, so as to give immediate effect to the elective principle without, on the other hand, prejudicing the ultimate creation of a system of local government as a part of the new constitution.

The late Government, therefore, proposed to return to the Unified Text of 1915 and to reconstitute the elective Communal and Provincial Councils contemplated by that Text, and to revive those of its provisions which govern the method of voting for the Communal and Provincial Councillors. It was their intention, however, to make certain minor amendments and simplifications in the Text; for example, as indicated in subsequent discussions, a certain reduction in the number of the Councillors and the abolition of the separate Presidency of the Provincial Deputation were suggested.

(b) In a letter dated 19 April, the Chief Commissioner pointed out to Sig. BONOMI that the voting methods which the Government proposed to adopt did not provide sufficient controls and guarantees to ensure an independent, free and secret vote. The following were quoted as some of the principal defects in the system of the 1915 Text:

(1) no formal nomination of candidates prior to the voting;
(NOTE: The voter therefore has no certain knowledge of those who are running for office and no opportunity to form a considered judgment upon their merits);

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(ii) no official ballot paper is provided;
(NOTE: The voter may use any piece of paper, provided it is white in colour and of a specified size. In practice, the political parties issue printed lists of their candidates and the voter has to obtain one of these in order to exercise his franchise)

(iii) no control of electioneering at the polling places;
(NOTE: In view of the past history of Italian elections and the present state of the country, a provision of this kind appears essential to ensure full liberty of choice to the Italian people).

(c) Further, in the same letter above-mentioned, the Chief Commissioner earnestly recommended that the election law be amended prior to the holding of elections in territory under the control of the Italian Government and stated that, because of the procedural defects, the Allied Commission could not countenance the holding of elections according to the 1915 system in territory under Allied Military Government.

(d) In a letter dated 20 May, Sig. [illegible] replied to the Chief Commissioner's letter stating his personal view on the questions raised. His opinion may be summarised as being that the provisions of the 1915 Text were adequate.

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(e) On 7 July, the Chief Commissioner wrote to Sig. [illegible] bringing to his attention the main points of the foregoing correspondence and sending him copies thereof. He pointed out that the criticisms of the 1915 law represent the views of the Governments of the United States and of the United Kingdom. He added further that the three defects afore-mentioned were not exhaustive and cited as an example one provision of the 1915 law to which the Allied Governments have taken particular objection, namely the denial of the right to vote to non-commissioned officers and men of the armed forces while permitting officers to exercise this right.

3. You may have by this time seen the correspondence referred to above and notes on any discussions which took place at the time. If this is not the case, I thought that a personal letter from me might be advisable in order to supplement the very useful discussion we had on the subject on September 24th.

Very truly yours,

MC

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Avv. Manlio Brosio
The Minister for the Consulta
Palazzo Montecitorio
R o m e

HEADQUARTERS ALLIED COMMISSION
APO 394
LOCAL GOVERNMENT SUB COMMISSION

D R A F T

D/O LETTER FROM BRIGADIER CARR, VP CA SECTION

TO: Avv. EROSIO, Minister of the Consulta

1. With reference to our conversation of 24 September 1945, the following is a summary of the correspondence which has taken place between the Chief Commissioner and Sig. PARRI, and formerly Sig. BONOMI, on the subject of the Electoral Laws.

2. (a) - In reply to a letter from the Chief Commissioner dated 3rd February 1945 Sig. BONOMI, in a letter dated 27 February 1945, gave an outline of what his Government had in mind with regard to the reconstruction of elective local authorities and the conduct of the elections for them. Premising that the definite structure of local government is but a part of the institutional reforms upon which the Constituent Assembly will be called to determine, Sig. BONOMI indicated that provisions of a transitory nature should be made, so as to give immediate effect to the elective principle without, on the other hand, prejudicing the ultimate creation of a system of local government as a part of the new constitution.

The late government, therefore, proposed to return to the Unified Text of 1915 and to reconstitute the elective Communal and Provincial

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of elective local authorities and the conduct of the elections for them. Pointing that the definite structure of local government is but a part of the institutional reforms upon which the Constituent Assembly will be called to determine, Sig. BONOMI indicated that provisions of a transitory nature should be made, so as to give immediate effect to the elective principle without, on the other hand, prejudicing the ultimate creation of a system of local government as a part of the new constitution.

The late government, therefore, proposed to return to the Unified Text of 1915 and to reconstitute the elective Communal and Provincial Councils contemplated by that Text, and to revive those of its provisions which govern the method of voting for the Communal and Provincial Councillors. It was their intention, however, to make certain minor amendments and simplifications in the Text; as for example, a certain reduction in the members of the Councillors and the abolition of the separate Presidency of the Provincial Deputation.

b) - In a letter dated 19 April the Chief Commissioner pointed out to Sig. BONOMI that the voting measures which the government proposed to adopt did not provide sufficient controls and guarantees to ensure an independent, free and secret vote. The following were quoted as

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some of the principal defects in the system of the 1915 Text :

1) - no formal nomination of candidates prior to voting;

(NOTE : The voter therefore has no certain knowledge of those who are running for office and no opportunity to form a considered judgment upon their merits);

11) - no official ballot is provided;

(NOTE : The voter may use any piece of paper, provided it is white in colour and of a specified size. In practice, the political parties issue printed lists of their candidates and the voter has to obtain one of these in order to exercise his franchise);

111) - no control of electioneering at the polling places;

(NOTE : In view of the past history of Italian elections and the present state of the country, a provision of this kind is essential to ~~ensure~~ full liberty of choice to the Italian people).

(c) - Further, in the same letter abovementioned the Chief Commissioner earnestly recommended that the election law be amended prior to the holding of the elections in territory under the control of the Italian Government and stated that, because of the procedural defects, the Allied Commission could not countenance the holding of elections according to the 1915 system in territory under Allied Military Government.

(d) - In a letter dated 20 May Sig. BONOMI replied to the Chief Commissioner's letter stating his personal view on the questions raised. His opinion may be summarized as being that the provisions of the 1915 Text were adequate.

(e) On 7 July the Chief Commissioner wrote to Sig. PARRI bringing to his attention the gist of the foregoing correspondence and sending him copies thereof. He pointed out that the criticisms of the 1915 law represent the views of the Governments of the United States and of the United Kingdom. He added further that the three defects afore-mentioned were not exhaustive and cited as an example one provision of the 1915 law to which the Allied Governments have taken particular objection, namely the denial of the right to vote to non-commissioned officers and men of the armed forces while permitting officers to exercise this right.

(f) No acknowledgment of the letter of 7 July has yet been received from Sig. PARRI, and on 27 July and 29 August requests for a reply were addressed to him.

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have taken particular objection, namely the denial of the right to vote to non-commissioned officers and men of the armed forces while permitting officers to exercise this right.

(f. No acknowledgment of the letter of 7 July has yet been received from Sig. PARRI, and on 27 July and 29 August requests for a reply were addressed to him.

3 You may have gathered from the correspondence which is about to be sent on any discussions which took place at the time. If this is the case I thought that a personal letter from me might be advisable explaining the very short extension asked for in respect of September 2nd.

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HEADQUARTERS ALLIED COMMISSION
APO 394
LOCAL GOVERNMENT SUB COMMISSION

AG/1/27/LG Tel: 478190

SUBJECT: Note of interview--Palazzo Viminale.

DATE : 24 September 1945 - 1200 hours.

PRESENT: Sig. Manlio BROSIO, Vice President of the Council of Ministers, Minister for the Consulta
Brigadier E. Carr, Vice President, Civil Affairs Section
Col. R. R. Cripps, Director, Local Government Sub Commission
Major C. G. R. Williams, Executive Officer - -
Sig. Arrigo BOSI, Interpreting.

1. Brigadier Carr said that as the Minister probably knew, AC were extremely interested in the holding of local elections. The Chief Commissioner had had correspondence on this with Sig. BONOMI & Sig. PARRI in which attention had been drawn toward what were considered to be the defects in the 1915 law, e.g.:

(a) no prior nomination of candidates:

(b) no official ballot paper

(c) no control of electioneering at the polling places.

2. Brigadier Carr asked if the Minister had seen this correspondence. BROSIO said no, he was not aware of it officially; but he knew something of it in the private conversations he had once had with an AC Officer.

3. Brigadier Carr inquired if and when the Government were going to submit a law for local elections to the Consulta. BROSIO said such a law would certainly be submitted and it would be one of the first. The draft Decree would first have to be settled by the Government: it had not yet been discussed ~~when~~ the Council of Ministers. It would then be submitted to the appropriate Commission of the Consulta--that for Internal Affairs. If any question of principle arose, the Commission would refer the law for discussion at a plenary meeting of the Assembly.

4. BROSIO thought the law would be submitted to the Consulta in about a month, as it was intended to hold, or at least begin, local elections in November or December.

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5. BROSIO said he had just begun to study the subject himself. He had before him at the interview the "Blue Book" or "Progetto" published by the Electoral Service of the Ministry of the Interior last June as a technical study and which contains a draft Decree as to local elections reproducing the 1915 law. In his copy of the "Blue Book", he made a note in the appropriate places of the 3 principal objections enumerated in para (1) above.

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6. BROSIO said that AC's objections on the 1915 law would certainly be taken into account and full consideration given to them in the Council of Ministers. He thought the criticisms were well grounded. There might be practical difficulties putting them into effect, but he hoped and believed that these could be overcome--he did not know if the Prime Minister had any criticisms about them, but he himself thought there was no question of principle involved.

7. Brigadier Carr said we had also raised the point about officers having the right to vote and not NCOs and men. Sig. BROSIO took note of this too and said he thought that point also was well taken. It would be considered in the Council of Ministers also

8. Brigadier Carr pointed out that the criticisms which had been discussed were the main ones only and that a closer examination of the Government's proposals when they were known might bring to light other points to which AC would wish to draw the Government's attention. BROSIO said that he quite appreciated that; and if there were any other points they would certainly receive all due consideration.

9. In reply to Brigadier Carr's inquiry, Sig. BROSIO said that the Consulta would meet in the Chamber of Deputies at Palazzo MONTECITORIO and that seats had been reserved for the Allied Commission.

C. C. R. WILLIAMS
Major
Executive Officer
Local Government Sub Commission

CCRW/pec

NOTE: Marchese CITTADINI tells me that arrangements have been made for the 5 highest ranking officers of AC to attend the opening meeting of the Consulta at 16 hours, 25 September, and for them to sit in on the Tribune of President's box. This is merely an invitation to attend the opening ceremony: nothing has been done about attending subsequent meetings. Marchese CITTADINI said he would speak to BROSIO about this later in the afternoon and arrange something.

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HEADQUARTERS ALLIED COMMISSION
APO 394
LOCAL GOVERNMENT SUB COMMISSION

AC/L/27/16 Tel: 478190

SUBJECT: Interview with BONOMI, Minister for the Consulta--
24 September 1945

Notes for FP CA Section
I - Background

1. 27 Feb.- BONOMI wrote that Italian Govt. would use 1915 law for local elections.

19 April - CC replied criticising 1915 law on the ground of

(a) no nomination of candidates before voting
(b) no official ballot paper
(c) no control of electioneering at polling places.

20 May - BONOMI replied that in his personal opinion the 1915 law was satisfactory.

(NOTE (i) - in addition to (a) (b) and (c) above, a subsequent letter to PARRI mentioned:--

(d) disfranchisement of ORs in armed forces but not officers

(NOTE (ii)- (a) (b) and (c) were mentioned as "some of the principal defects: it is important not to let the Govt. assume they are the only ones.)

2. 7 July - The previous correspondence was recapitulated in a letter to PARRI, specifying the 4 principal defects in the 1915 law.

27 July
29 August - reminders sent; but no answer has been received.

3. In the 5 months since BONOMI's reply, some unfavourable signs have been noticed. The most recent and important is as follows:--

(a) In June, the Ministry of the Interior published a "Blue Book" containing a draft Decree for--

(i) constituting elective Provincial and Communal Councils;
(ii) prescribing the procedure for electing them.

(b) This "Blue Book" adheres to the 1915 law: it does not meet AC criticisms in any way.

(c) The "Blue Book" does not bind the Govt.: it is merely a technical study prepared for the use of Ministers and others.

(d) On 12 September, the acting Head, Electoral Service, Ministry of the Interior, stated in an interview:--

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(i) that the "Blue Book" would be submitted to the Consulta;
(ii) that 2,000 copies were being printed;
(iii) that the Ministry had recommended the Presidency of the Council that local elections should be one of the first tasks of the Consulta.

4. The Govt. are required by law to submit any Decree as to local elections to the Consulta. Legally, they are not bound to adopt the views of the Consulta: but politically, they might not feel able to over-ride them.

II - PURPOSE OF INTERVIEW

5. The object really is to try and obtain the information which we have not been able to get by correspondence with PARRI, i.e. do the Govt. intend to take any cognizance of AC criticisms of the 1915 law?

6. It is possible BONOMI does not know of the correspondence with BONOMI and PARRI. Neither PARRI's Secretary (VARINO) nor the acting Head of the Electoral Service (MICHELI) knew of it: copies were sent these officials on 3 September.

7. The interview might therefore begin on a broader basis. BONOMI could be told we want to explore and understand the functions of the Consulta as to local government. He could then be asked:—

(a) Will the Govt. submit a law for local elections to the Consulta?

(b) What priority do they propose to give it?

(c) What form will it take—referring to the "Blue Book"?

(d) Does BONOMI know of the AC criticisms of the 1915 law?

(e) Will the Govt. amend the "Blue Book" accordingly?

C. C. R. WILLIAMS
Major
Executive Officer
Local Government Sub Commission

24 SEP 1945

CCRW/pec

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Director, LC S/C
Major Williams
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Copy for Admiral Stone

Rome, September 15, 1945

My dear Mr. Minister,

I refer to Admiral Stone's letter of July 7, 1945, to the President of the Council of Ministers recommending that the basic Italian electoral laws be amended in certain respects to ensure the possibility of holding an independent, free and secret vote in Italy. Certain of the more glaring defects of the Italian electoral law were pointed out. I understand that the Chief Commissioner has not received any assurances from Professor Parri that the Italian Government interds to enact the necessary legislation.

I have been instructed by my Government to support in the fullest possible manner the Chief Commissioner's previous representations to Signor Bonomi and to Professor Parri on this subject and to urge upon the Italian Government early and serious consideration of the defects in the existing electoral system. My Government has particularly stressed the desirability of

(1) providing for the control of electioneering at the polling places;

(2) making adequate provision for formal nomination of candidates prior to the voting;

(3) making provision for official ballots to be furnished by the local or national government (depending upon the type of election);

(4) Permitting non-commissioned officers and soldiers of the Italian army, as well as officers and members of any other military corps in the service of the State, to vote.

In this connection I should like to recall my conversation with you on August 24, after I had been received by the Prime Minister, in which I expressed the earnest hope of the Government of the United States that communal elections will have been held throughout Italian metropolitan territory before the end of this year, and to refer to my personal letter to you of September 11 containing further observations of my Government in regard to the desirability of beginning to hold immediately administrative elections in Italy. While my Government is of the opinion that a modification of the Italian electoral system along the lines described above is highly desirable, it does not consider that the holding of local elections should be delayed by failure to enact promptly the necessary amending legislations. It is the view of the United States Government that, as I have had occasion to point out previously to you and to the Prime Minister, the Italian Government should begin immediately to prove to the world that Italy is a democratic nation where the normal democratic processes, expressed in local elections, exist.

Sincerely yours,

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The Honorable
Alcide de Gasperi
Minister for Foreign Affairs
Rome

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The Government of the United States desires to reiterate its views that administrative elections demonstrate the workability of electoral machinery and, therefore, in the opinion of the Government of the United States should commence at once and should precede national elections. Furthermore, the arguments sighted for the postponement of elections have not impressed the Government of the United States. It is felt that a Government which insists upon its democratic character should take the initial step of seeing that at least local officials in some sections of the nation should have achieved their powers through election by their fellow citizens. Likewise, no reason is seen why local elections in such communes as were first returned to the administration of the Italian Government should be further postponed, while the Council of Ministers is debating the question of first holding national elections. It is noted in addition that the law for the Constituent Assembly is still being discussed, and that therefore the national elections could not be held immediately, while on the other hand local elections in some of the communes could begin at once, and it would thus seem most desirable to begin holding these local elections immediately in the light of the many previous statements on this subject by the Italian Government. In this connection, it is finally noted that if the decision is later taken that the national elections should be held at once, a suspension of local elections would be possible until such time as national balloting might be completed.

The Government of the United States, in conclusion, will watch with interest the steps taken by the Italian Government with regard to this matter.

On August 24th the President of the Council of Ministers informed the American Ambassador that the Italian Government has not as yet been able to reach an agreement as to when the elections should be held and also indicated the danger of local uprising and Government crises during the elections.

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

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HEADQUARTERS ALLIED COMMISSION
APO 394
LOCAL GOVERNMENT SUB COMMISSION

Notes on Interview held 12 Sept. 1945

SUBJECT: Preparation of Electoral Lists: All Italy.

PRESENT: Major R. R. TEMPLE, Deputy Director, Local Government Sub Commission
Major G. G.R. WILLIAMS, Local Government Sub Commission
Miss P. Rasmussen, Local Government Sub Commission
Mister Nice, interpreting
Dott. VINCENTI, Acting Chief of Electoral Service, Ministry of Interior

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12. REVISION OF ELECTORAL LAWS :

a) - The Consulta will be convened on 25 September 1945;
b) - The Ministry has recommended to the Presidency of the Council that one of the first tasks of the Consulta should be the review of the Electoral Laws for local elections;
c) - The recently published "Progetto" (being the "blue book" of the Ministry of the Interior giving the results of a technical study of the electoral law of 1915 with the draft of a decree for reviving it) would be submitted to the Consulta; 2,000 copies have been printed;

d) - The Demo-Christian Party had prepared a project which had been circulated amongst the Ministers but it was not yet known whether this project would be put before the Consula;

Dott. VINCENTI did not know whether the Allied Commission's proposals for the revision of the law would be submitted to the Consulta for consideration.

Dott. VINCENTI thought that all points of view would probably be out before the Consulta.

G. G. H. WILLIAMS
Major
Local Government Sub Commission

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H/cg
14/9/45

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

AD/45/B/LG

SUBJECT: Note of interview - Local Government S/C offices.

DATE : 5 September 1945

PRESENT: Dott. VINCENTI, Electoral Service of the Ministry of the Interior
Major Ralph R. Temple, Deputy Director, Local Government S/C
Major C. G. R. Williams, Executive Officer " " "
Sig. Arrigo NICE, interpreting.

1. Dott. VINCENTI stated that he desired to get some information if possible as to the methods and procedures used by Britain and America in providing for voting by persons overseas. He stated that the Italian Government was interested in formulating a plan of voting by Italian prisoners of war and deportees (such as forced laborers) who were now in foreign countries. Major Williams outlined briefly the procedure used by British personnel. Major Temple gave the methods used by American personnel, distinguishing between national and local elections. A booklet describing soldier voting and other forms of material illustrating the American practice were given to Dott. VINCENTI by Major Temple.

2. Major Temple told Dott. VINCENTI that he was quite interested in this display of initiative on the part of the Italian Government to provide a means of exercising franchise for prisoners of war and deportees; that there would be some technical difficulties involved, but that he was sure that the Allies would cooperate with the Italian Government. It was suggested that a draft of their plan be submitted for our observations when drawn up. Dott. VINCENTI expressed his gratitude for the cooperation shown.

3. The question of the right of Italian Senators who have been deprived of their Senatorship to exercise the right to vote was raised. Dott. VINCENTI said that in his own personal opinion, it is necessary for the Provincial Commissions, established under Art. 8 of DLL 159, to consider the case and find the Senator guilty of Fascist activity before he would be excluded from the lists. He did not think the deprivation of the man's Senatorship constituted such a sanction which would cause him to fall automatically within the list of persons to be excluded from the election registers. However, he said he would take this matter up with his superiors and inform us accordingly.

4. Dott. VINCENTI was handed a copy of the circular with attached copy of order, dealing with the appointment of the 2 popular judges on the Provincial Commissions established under Art. 8 of DLL No. 159. He was told that this circular had already been dispatched to Provincial Commissioners for their information and action, as well as that of the Prefects. He did not know whether the President of the Council of Ministers had as yet completed the appointment of the Presidents of such Commissions, but promised that he would make immediate inquiry and let us know.

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RALPH R. TEMPLE, Major
Deputy Director
Local Government S/C

RRT/pec

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

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2806/EC

4 September 1945

Chief Commissioners

1. In your aide memoire of 15th June you recommended the retention of five divisions of Allied troops whose role "at all times" and especially during the election period would be as representatives of the democracies". In your letter of 23rd June you repeated the recommendation stating that they should be used as a last resort to prevent the imposition of undemocratic methods by force. In the same letter you stressed the duty of the Allies in educating the minds of Italians towards a democratic way of life. At the Regional Commissioners' meeting of 30th June you stated that careful consideration would be given to the views of the Regional Commissioner, Lombardia Region who urged that a statement should be issued by US and UK Governments which would state definitely and publicly that the US and UK Governments were prepared to do all in their power to see that the elections were free. You will remember that Colonel Poletti thought that with the backing of this statement even a relatively small number of mobile troops would go a long way to raise the morale of the Italian police agencies and would help the Italians to follow true democratic procedure at the polling booths.

2. I submit that the time has now come when we must decide whether we should follow up these recommendations, and if so, how. At your Executive Commissioner's meeting this morning, Colonel Densmore voiced, what I think is a feeling among many officers, and certainly is shared by myself, that we as representatives of democracy must do all we can to see that the Italian people have a free opportunity to express their wishes and that Italians should know that we Allies are not only interested but intend to do all we can to ensure it.

3. I think that we should follow up Colonel Poletti's recommendation and ask the US and UK Governments to issue a statement and that we should ask AFHQ to implement such a declaration with the Allied troops at their command (a) by taking an active and sympathetic part in the training and rehabilitation of the CC.RR and police agencies, and (b) by explaining to them the situation in Italy particularly with regard to the elections and the role which (according to our recommendations) they have to play in the country. We should make it clear that we do not ask that Allied troops should function as policemen before or on polling day but should repeat the argument of the psychological value of troops, a value which will be enhanced if they have knowledge of the situation.

4. A further matter in which a decision is needed is the action now to be taken vis a vis the Italian Government in the light of their failure to reply to or act on our letter and constant reminders to Bonomi (27 February , and Parri (7th July and 29th August) with regard to electoral laws. The 1915 law which affects communal elections is very unsuitable. The 1912 and 1919 laws which affect the national elections are less noxious, and we have not yet protested against them. We do not know if the Italian Government intends to use the latter laws. Constant verbal pressure has also been maintained on the Italian Government without success. Has the time arrived for the Allied Governments, urged by the Embassies, to take up the matter ? While in process of framing the Peace Treaty they must be fully acquainted with the situation about the elections, and it might be politic to bring pressure on the Italian Government in connection with the Peace Treaty.

5. On the general score of educative publicity I believe that we should take more initiative and that P.R.O. should, by frequest and regular meetings with press attaches of both Embassies, ensure that your recommendations are being implemented.

6. I would suggest this be discussed at your political meeting tomorrow.

MSL/JC Copy to: Polad (A)
" (B) CA Section

(M.S.L.) Brigadier,
Executive Commissioner

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

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HEADQUARTERS ALLIED COMMISSION
APO 394
LOCAL GOVERNMENT SUB COMMISSION

AG/45/2/LG

Tel: 476706

3 September 1945

SUBJECT: Election Procedure.

TO : The President of the Council of Ministers
Cabinetto
Att: Dott. VARINO

1. Pursuant to your request, attached are copies of correspondence between the Chief Commissioner, Allied Commission, and the Prime Minister regarding election procedure.

FOR THE DIRECTOR:

RPT

RALPH R. TEMPLE
Major
Deputy Director
Local Government Sub Commission

RRT/pac
Encls. as in (1) above.

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

HEADQUARTERS ALLIED COMMISSION
APO 394
LOCAL GOVERNMENT SUB COMMISSION

AC/45/B/LG

Tel: 478706

SUBJECT: Election Procedure.

3 September 1945

TO : The Minister of the Interior
Electoral Service
Att: Dott. VIDUZZI

1. Pursuant to your request, attached are copies of correspondence between the Chief Commissioner, Allied Commission, and the Prime Minister regarding election procedure.

FOR THE DIRECTOR:

RRT

RALPH R. [redacted]
Major
Deputy Director
Local Government Sub Commission

RRT/pec
Encls. as in (1) above.

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

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NATIONAL TRENDS

1921 - 15 May General Elections based on 1920 electoral list

11,821,168 on list - 31% of population
6,702,496 took part in election 53,4%
6,608,111 valid votes (95,5%)

1921 - Local Elections

11,950,756 on list - 33,3% of population
6,334,757 voted for communal elections - 5,9%
6,273,589 " " provinces 5,2%

Under Fascism

1934, March 25 - 96% of electorate voted for Chamber of Deputies

10,025,513 voted for fascist list
15,265 voted against " "

ESTIMATE FOR 1945

43 Million population
28 Million on lists (65% of population)
(15 Million = Women)

R.R. Lentz Major

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Am - 27 Aug 45

45/B

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Excerpt from the newspaper "L'UNITA'" of 25 Aug.45.

SOMETHING MORE ABOUT THE EPURATION OF THE ELECTORAL LISTS

Gradually the work for the compilation of electoral lists is being completed at the Communes; and consequently, through their publication, everywhere the old mockery of the provisions issued at the time of Bonomi regarding the exclusion and suspension from the electoral rights of fascist leaders and profiteers are becoming apparent. Those provisions had been the answer - though a delayed and incomplete answer- to the loud popular request to see the politica stage of our country freed of the most odious and hated figurres of the dictatorship's times. And in particular the first provision, in its undefined diction (...."whoever in the fascist cause and taking advantage of the political situation created by fascism has committed actions of special gravity contrary to the rules of righteousness or political probity") had open the way to most ample prospects of satisfaction.

As a matter of fact what city, village of Italy had not to witness,-being disgusted and impotent toreact- for twenty years of oppression- daring and systematical offenses against civic honesty, favoritism transforming the administrations into intangible family feuds, squandering of public money and often its impudent and criminal subtraction. A stench of corruption and immorality was coming out of the palaces of the Podesta' and Provincial Rectorates close to the people but invaded by the social scoundrels that fascism had accepted from all social strata and that the houses of the Fascio were supporting by endorsing their bullying, frauds, crimes on whose income they had a rich share. Never in unified Italy, righteousness and political probity were so seriously and shamelessly offended, since (though in their narrowmindedness they were afraid of popular progress) the men which our bourgeoisie had delegated from 1860 on to hold the public offices were in the great majority honest and incorrupted.

But here the electoral lists are published. And if in the great cities this event goes unnoticed among the general indifference (how many citizens among the hundred thousands who are entitled to vote go to the Capitol to make sure their names are included in the lists?), in the smaller Communes this event is of the greatest importance in local political ~~crwnxx~~ chronicles, since finally the long and sometimes difficult journalistic discussions about elections, methods of voting, of rights and duties is beginning to translate itself in immediately understandable terms, in names and surnames, in physical figures well known to all: yourself, your family, the neighbours, the baker, the pharmacist, the landowner and -yes- also the former podesta' or rather the former podestàs and the former secretaries of the Fascio and the instructors of the GIL and all other, without exception, all others. No one is absent to the

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Declassified E.O. 12356 Section 3.3/NND No. 785121

lity was coming out of the palaces of the Podesta' and Provincial Rectorates close to the people but invaded by the social scoundrels that fascism had accepted from all social strata and that the houses of the Fascio were supporting by endorsing their bullying, frauds, crimes on whose income they had a rich share. Never in unified Italy, righteousness and political probity were so seriously and shamelessly offended, since (though in their narrowmindedness they were afraid of popular progress) the men which our bourgeoisie had delegated from 1860 on to hold the public offices were in the great majority honest and incorrupted.

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Where are then the Provincial Commissions which, in accordance with the various lieutenancy decrees, should have adopted the measures of suspension from voting of those who are nationally unworthy to do so? Are they in the limb of legislative fictions or in the vast field of guilty omissions?

It is necessary to remedy to this state of affairs which may build up for the time when the elections take place some trouble to be deprecated: the old Gerarchi made bold for their impunity who enter the electoral seats and who maybe appear as candidateds in the reactionary lists....few will be the citizens who will be able to stand indifferent to so much provocation.

The electoral lists must be epurated. Nor the fact that they have been published can rule out a prompt legislative provision which should meet, at least in the political field, to the popular need for justice. Let the Govern ment provide that all those who were podesta' -from the biggest to the smallest Commune of Italy- or secretaries of Fascio be struck by a temporary interdiction from political rights; and delegate to the provincial CLN the task to provide for their concellation from the electoral lists. Public moral will be strengthened and an element of just popular anger will be eliminated.

Ancora sull'epurazione delle liste elettorali

Va man mano ultimandosi presso i Comuni il lavoro di compilazione delle liste elettorali, e conseguentemente, attraverso alla loro pubblicazione, va ovunque disvelandosi alle popolazioni la lunga beffa delle disposizioni emanate ai tempi di Bonomi circa la privazione o sospensione dei diritti politici ai dirigenti ed ai profittatori del fascismo. Erano state, quelle disposizioni, una risposta — sia pure tarda ed incompleta — alla clamante esigenza popolare di vedere liberata la scena politica del nostro paese dalle figure più odiose e più odiate del tempo della dittatura. E specialmente la prima di essa, nella sua dizione indeterminata (« chi per motivi fascisti ed avvalendosi della situazione politica creata dal fascismo, abbia compiuto fatti di particolare gravità che siano contrari a norme di rettitudine o di moralità politica ») aveva aperto la

Ma ecco che le liste elettorali sono pubblicate. E se nelle grandi città l'evento trascorre senza echi e fra l'indifferenza generale (quante decine di cittadini, fra le centinaia di migliaia con diritto di voto, si recarono in Campidoglio ad assicurarsi che il loro nome figurasse negli elenchi?) nei minori Comuni esso segna un momento importante della cronaca politica paesana, poichè finalmente il lungo e spesso difficile parlare giornalistico di elezioni, di sistemi di voto, di diritti e di doveri ha incominciato a tradursi in termini immediatamente, sensilmente comprendibili, in nomi e cognomi, in figure fisiche ben note: se stessi, i propri familiari, i vicini, il fornaio, il farmacista, il padrone del podere ed anche — si — anche l'ex podestà, o meglio gli ex podestà, ed i già segretari del fascio e gli istruttori della Gil; e tutti quanti — senza eccezione, tutti quanti. — Non uno manca allo appello: salvo i caduti nella guerra e nella lotta partigiana, salvo i fucilati ed i deportati di cui già pervenne l'annuncio della morte; e salvo, anche, i condannati del Tribunale Speciale che il fascismo privò dei diritti politici ed a cui la legge impone ancora oggi una lunga pro-

È necessario rimediare a questa situazione di cose che potrebbe maturare per il tempo delle elezioni disordini deprecabili: i vecchi gerarchi, ringalluzziti dall'impunità, che entrano nei seggi elettorali e che magari figurano come candidati in liste reazionarie... saranno pochi i cittadini che potranno sopportare impassibili tanta provocazione.

Le liste elettorali devono essere epurate. Ne il fatto che esse siano già state pubblicate può impedire un sollecito provvedimento legislativo che venga incontro, almeno nel campo politico, al bisogno popolare di giustizia. Disponga il Governo che tutti coloro che furono podestà — dal più grande al più piccolo Comune d'Italia — o segretari di fascio siano colpiti da interdizione temporanea dai diritti politici; e delegni ai Comitati Provinciali di Liberazione il compito di provvedere alla loro cancellazione dalle liste elettorali. La morale pubblica ne sarà corroborata ed un elemento di giusto corruccio popolare verrà finalmente eliminato.

U. TERRACINI

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

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Quale città, infatti, quale villaggio d'Italia non aveva dovuto assistere — disgustato ed impotente — nel corso della ventennale oppressione, ad audaci e micidiche offese contro l'onestà civica, a nepotismi trasformanti le amministrazioni in feudi intangibili di famiglie e di clientele, a sfacciati arbitrii e favoritismi, a dissipazioni consapevoli del pubblico denaro e spesso alla sua sottrazione impudente e criminosa? Un tanfo di corruzione e di immoralità emanava dai palazzi podestarili e dai Rettorati provinciali, chiusi al popolo ma invasi dai lestofanti di ogni risma che il fascismo aveva schiumato da tutti gli strati sociali e le case del fascio preparavano ed avallavano le soperchierie, gli imbrogli, i delitti, su i cui frutti prelevavano poi la loro tangente ognuno. Mai nella storia dell'Italia unificata, la rettitudine e la probità politica avevano ricevuto offese e ludibrii tanto gravi, che — pur nella loro angusta mentalità, pavida del progresso popolare — gli uomini che la borghesia nostra aveva dal 1860 in poi delegati ai pubblici affari erano stati in grande maggioranza onesti e di incorrotti costumi.

Ma ecco che le liste elettorali sono pubblicate. E se nelle grandi città l'evento trascorre senza echi e tra l'indifferenza generale (quante decine di cittadini, tra le centinaia di migliaia con diritto di voto, si recarono in Campidoglio ad assicurarsi che il loro nome figurasse negli elenchi?) nei minori Comuni esso segna un momento importante della cronaca politica paesana, poichè finalmente il lungo e spesso difficile parlare giornalistico di elezioni, di sistemi di voto, di diritti e di doveri ha incominciato a tradursi in termini immediatamente, sensatamente comprendibili, in nomi e cognomi, in figure fisiche ben note: se stessi, i propri familiari, i vicini, il fornaio, il farmacista, il padrone del podere ed anche — sì — anche l'ex podestà, o meglio gli ex podestà, ed i già segretari del fascio e gli istruttori della Gil; e tutti quanti — senza eccezione, tutti quanti — Non uno manca allo appello: salvo i caduti nella guerra e nella lotta partigiana, salvo i fucilati ed i deportati di cui già pervenne l'annuncio della morte; e salvo, anche, i condannati del Tribunale Speciale che il fascismo privò dei diritti politici ed a cui la legge impone ancora oggi una lunga procedura per ottenere quanto lo stato democratico avrebbe potuto e dovuto restituire loro con spontaneo atto di riparazione. Ed allora naturalmente lo stupore insorge; l'amarezza dilaga; l'indignazione trova voce, e la sfiducia, questo tarlo roditore della nostra rinascita nazionale il quale trova già alimento di una quantità di difficoltà obiettive della situazione generale, la sfiducia dilaga. Poichè, non si tratta di mancanza dei mezzi economici, di impegni tassativi di armistizio, di conseguenze ineluttabili della disorganizzazione amministrativa dello stato, motivi normalmente invocati a giustificare tante spiacevolezze della nostra faticosa ripresa. Ma giuocano quelle stesse resistenze, quelle incomprensioni, quella mala volontà, quelle solidarietà col passato che riescono ad eternare i provvedimenti di epurazione della burocrazia, a sospendere senza termine la esecuzione delle poche pene capitali irrogate dalle Assise straordinarie, a fare prosciogliere in istruttoria tanti criminali in camicia nera, a ridurre visibilmente le sentenze di condanna quando c'è.

Dove sono infatti le Commissioni Provinciali che, secondo i vari decreti luogotenenziali, avrebbero dovuto adottare le misure di sospensione dell'elettorato per indegnità nazionale? Nel limbo delle finzioni legislative o nel vasto campo delle ommissioni colpevoli.

E' necessario rimediare a questa situazione di cose che potrebbe maturare per il tempo delle elezioni disordini deprecabili: i vecchi gerarchi, ringalluzziti dall'impunità, che entrano nei seggi elettorali e che magari figurano come candidati in liste reazionarie... saranno pochi i cittadini che potranno sopportare impassibili tanta provocazione.

Le liste elettorali devono essere epurate. Nè il fatto che esse siano già state pubblicate può impedire un sollecito provvedimento legislativo che venga incontro, almeno nel campo politico, al bisogno popolare di giustizia. Disponga il Governo che tutti coloro che furono podestà — dal più grande al più piccolo Comune d'Italia — o segretari di fascio siano colpiti da interdizione temporanea dai diritti politici; e deleghi ai Comitati Provinciali di Liberazione il compito di provvedere alla loro cancellazione dalle liste elettorali. La morale pubblica ne sarà corroborata ed un elemento di giusto corruccio popolare verrà finalmente eliminato.

U. TERRACINI

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Declassified E.O. 12356 Section 3.3/NND No. 935021

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

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AC/45/B/LG

29 August 1945

My dear Mr. Prime Minister,

With reference to my letters AC/45/B/LG of 7 and 27 July upon the subject of local elections, the matter was mentioned to you by Brigadier Upjohn, the Vice President of the Civil Affairs Section on 10 August, and I understand you told him that you thought you would be able to send me a reply very soon.

While I appreciate the difficulties which surround this question, I am anxious to have some indication of the intentions of your Government as to local elections. May I please be informed of the present state of the Government's plans at an early date?

Yours very truly,

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Professor Ferruccio Parri
President of the Council of Ministers
Italian Government
R o m e

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

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D R A F T

HEAD UARTERS ALLIED COMMISSION
APO 394
Office of the Chief Commissioner

AC/45/B/LC

August 1945

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Yours very truly,

H. Kyle for CCS signature.

HILLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Professor Ferruccio Parri
President of the Council of Ministers
Italian Government
R o m e

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

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DRAFT

HEADQUARTERS ALLIED COMMISSION
APO 394
Office of the Chief Commissioner

AC/45/B/LG

August 1945

My dear Mr. Prime Minister,

With reference to my letters of 7 and 27 July upon the subject of local elections, the matter was mentioned to you by Brigadier Upjohn, of the Vice President/ Civil Affairs Section, on 10 July/ and I understand you told him that you thought you would be able to send me a reply very soon.

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HILLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Professor Ferruccio Parri
President of the Council of Ministers
Italian Government
R o m e

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AC/45/B/LG

18 August 1945

DIRECTOR:

1. Please refer to CC's letter to PM of 7 July at fo. 22 and to the reminder of 27 July at fo. 26. 22 26

2. The subject was mentioned by Brig. Upjohn to PM at an interview on 10 August. The PM is understood to have said that this is a matter which he wishes to handle personally, that he has hardly had time to go into it thoroughly and that he would be able to reply early the following week.

3. We first raised the question on 3 Feb.--see fo. 1--and we are still without any indication of the Government's intentions. 1

4. The CC has been contemplating local elections in the autumn--or at any rate, as early as possible. If we should aim at, say, November, there is about 3 months to go. Within this time the Italian Government will have to produce their proposals--AC to study them--settle any objections we may have to raise--prepare a draft decree--agree this with AC--have it passed by the Council of Ministers and the Consulta--publish it and disseminate it to provinces and communes--and allow a little time for local officials to assimilate it. I do not think this can be done in the time.

5. I feel a growing anxiety about the position. AC is moving towards the dilemma of either having (a) to pass the Government's proposals without comment: or (b) expose itself to the accusation of delaying the elections.

6. One can acquit the Italian Government of any intention to bring about this situation. Their difficulties are many. The fact remains that the situation is arising.

7. I think the only way of producing an early response from the Italian Government is to make a public statement of the position of AC in the matter.

8. Before this is done, however, the PM might be interviewed again. He could be told frankly of the dilemma with which AC is faced and urged to help us to escape it by giving an early answer. He could also be told that if he cannot give an answer within a given time, AC will be compelled to clear itself by informing the Allied Governments and peoples of the representations it has made.

9. I have discussed this with Major Temple and Captain Cunningham who I believe are in full agreement.

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May 1962

C. G. R. WILLIAMS, Major
Executive Officer
Local Government Sub Commission

CGRW/pec

Distribution:
AC/45/LG
Float

Director - 1. I'm a bit more optimistic than Major Williams as to the time it will take to prepare a decree (See his para. 4). However, if the turnover of territory takes place in September we are in a weaker position to compel a statement to issue from Paris.

2. On the other hand, if the Italian Govt. decides to hold national elections first, we are wasting time insisting on modifications of the 1945

(OVER)

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law. In any case we should be informed now as to their intentions.

R K Temple, Major
D/Dir.

18 Aug. 45

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R K Temple, Major
D/Dir.

18 Aug. 45

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

AC/S/W/LG

27 July 1945

My dear Mr. Prime Minister,

I wrote to you on 7 July upon the subject of administrative discussions, informing you of the previous correspondence between Admiral Leahy and myself and of certain definite views which the United States and British Governments have expressed in the matter.

I would again remind you of the great importance that the two Governments attach to this subject and I shall, therefore, be glad to receive a reply to my letter at the earliest possible date.

Yours very truly,

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Coordinator

Professor Ferruccio Parri,
President of the Council of Ministers,
Italian Government,
Rome.

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D R A F T

HEADQUARTERS ALLIED COMMISSION
APO 394
OFFICE OF THE CHIEF COMMISSIONER

AC/45/B/LG

July 1945

My dear Mr. Prime Minister,

I wrote to you on 7 July upon the subject of administrative elections, and to inform you of the previous correspondence between Signor BONOMI and myself and of certain views which the Allied Governments have expressed in the matter. I should be glad to receive from you at the earliest possible date an indication of your Government's attitude towards the views of the British and United States Governments.

Yours very truly,

ELLERY W. STONE
Rear Admiral USNR
Chief Commissioner

Professor Ferrucio PARRI
President of the Council of Ministers
Italian Government

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

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Yours very truly,

ELLERY W. STONE
Rear Admiral USNR
Chief Commissioner

Professor Perruccio PARRI
President of the Council of Ministers
Italian Government
R O M E

I would appreciate receiving from you 4460 the fullest information that the two Governments would be able to give with regard to the subject and details therein, and would be glad to receive a reply by ... letter at the earliest possible date.

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20 JUL 1945

from the newspaper "L'UNITA'" of 19 July 1945.

THE ELECTIONS FOR THE CONSTITUENCY MAY TAKE PLACE IN THE MONTH OF NOVEMBER.

During an intermission of the meeting of the Council of Ministers, Vice President of the Council Nenni, having been questioned by correspondents on the Constituency declared: "I have asked the Council of Ministers for a special meeting of the Cabinet Council first and then of the Council of Ministers in order to examine whether the political and technical conditions for holding the elections for the Constituency in the month of Novembre are existing."

Asked then whether such elections could take place before the administrative elections, Minister Nenni said: "It seems to me that if in a country like Italy we could arrive at the elections for the Constituency ~~before~~ prior to the administrative elections, that would constitute an obvious advantage."

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The above is a translation of the following text:

~~XXXXXXX~~ LE ELEZIONI PER LA COSTITUENTE POTREBBERO AVERE LUOGO NEL MESE DI NOVEMBRE.

Durante una interruzione della seduta del Consiglio dei ministri, il vice Presidente del consiglio Nenni, interrogato dai giornalisti sulla Costituente ha dichiarato: "Ho chiesto al Consiglio dei ministri una riunione speciale del Consiglio di gabinetto e poi del Consiglio dei ministri per esaminare se esistono le condizioni politiche e tecniche perche' le elezioni per la Costituente siano indette nel mese di novembre."

Richiesto poi se tali elezioni avverrebbero prima di quelle amministrative, il ministro Nenni ha detto: "Mi pare che se in un paese le elezioni per la Costituente, potessero essere tenute prima di quelle amministrative, cio' costituirebbe un vantaggio evidente."

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Data Constituente

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Translation

From "L'UNITA'" of 1 July 1945

PEOPLE AND ARMED FORCES

The right to vote for soldiers.

Last year, while preparations were in full swing for the military operation which subsequently were bound to bring the final victory on Germany, we witnessed here in Italy and on other war fronts the free and disciplined exercice of the electoral right to vote on the part of the American soldiers.

In these days British soldiers, who find themselves in various theatres of operations, take equally part in the elections which will give a new Parliament to their country.

A quite different situations exists in Italy - As a matter of fact, even today a feudal law gives the right to vote only to officers, while soldiers and non-commissioned officers are preremptorily excluded.

It is obvious that a re-examination of this barbarous provision should be made, because it is inconceivable that such anti-democratic state of affairs should still exists.

Soldiers, who heroically and consciously fought against Germans and fascist, will have to be considered as any other citizen and therefore should take part in the elections.

This is one of the problems that in the democratization of the army should be examined as soon as possible.

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HEADQUARTERS ALLIED COMMISSION
Office of the Chief Commissioner
APO 394

AC/45/B/LG 7 July 1945

My dear Mr. Prime Minister:

I desire to bring to your attention the correspondence which in recent months has passed between the former Prime Minister, Signor Bonomi, and myself upon the subject of administrative elections.

At my request, and knowing the great interest which the Allies take in the subject of democratic elections in Italy, Signor Bonomi was good enough in a letter of 27 February to give me an outline of what his Government had in mind with regard to the reconstitution of elective local authorities and the conduct of the elections for them. Premising that the definitive structure of local government is but a part of the institutional reforms upon which the Constituent Assembly will be called to determine, Signor Bonomi indicated that provision of a transitory nature should be made, so as to give immediate effect to the elective principle without, on the other hand, prejudicing the ultimate creation of a system of local government as a part of the new constitution.

The late Government, therefore, proposed to return to the Unified Text of 1915 and to reconstitute the elective Communal and Provincial Councils contemplated by that Text, and to revive those of its provisions which govern the method of voting for the Communal and Provincial Councillors. It was their intention, however, to make certain minor amendments and simplifications in the Text, as for example, a certain reduction in the numbers of the Councillors and the abolition of the separate Presidency of the Provincial Deputation.

After a careful examination of the relevent provisions of the Unified Text of 1915, I pointed out to the then Prime Minister, in my reply of 19 April, that the voting measures which the then Government proposed to adopt did not provide sufficient controls and guarantees to ensure the possibility of holding an independent, free and secret vote. In particular, I indicated to Signor Bonomi that some of the principal defects in the system of the 1915 Text were:

(a) no formal nomination of candidates prior to voting;

(b) no official ballot paper;

(c) no control of electioneering at the polling places;

and I most earnestly recommended that the election law be amended prior to the holding of the elections in territory under the control of the Italian Government.

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As to territory under Allied Military Government, I [illegible] to state that because of these procedural defects the Allied Commission could not countenance the holding of elections according to the 1915 system.

On 20 May, Signor Bonomi answered my letter of 19 April, giving, however, only his personal point of view on the questions raised by me, which I may summarize as being that the provisions of the 1915 Text were, in his opinion, adequate.

So that you may have the fullest comprehension of the matter, I am enclosing copies of the correspondence in question.

In bringing to your notice the criticisms of the 1915 law which I have already urged upon Signor Bonomi, I am representing to the Italian Government the official view of the Government of the United States of America, with which the Government of the United Kingdom is in agreement. I would therefore urge, with all the gravity which the issues involved demand, that the views of the Allied Governments be given the earliest and fullest consideration by your Government, and that I may be informed of the Italian Government's plans and intentions in the matter under discussion with all possible speed.

It may be advisable to indicate that the three particular defects names in my letter of 19 April are not exhaustive and that other points of criticism might be enumerated. Some of those may be susceptible of a reasonable explanation in the course of discussions between representatives of the Italian Government and the Allied Commission, entered upon with the common object of ensuring to the Italian people the fairest, freest, and most democratic method of recording their votes that can be devised. Others, however, are clearly not consonant with the spirit of modern democracy. As an instance, I may mention the provision of the Text of 1915 which, while permitting officers of the armed forces to exercise the franchise, denies it to non-commissioned officers and men - a provision to which the Allied Governments have taken particular objection.

Yours very truly,

(Signed) Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Professor Ferruccio Parri
President of the Council of Ministers
R O M E

Copies to: Amb Ambassador
Br Ambassador
US Poland
Br Pol Min
CA Soviet

for information

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COPY

THE PRESIDENT OF THE COUNCIL OF MINISTERS

27 February 1945

Dear Admiral Stone,

I most willingly comply with your request and am happy to offer you another proof of the genuinely democratic aims pursued by the Government over which I preside.

As you so well understand, the organization of local self-government bodies is part of the greater problem of the institutional reforms which the constituent assembly will be required to bring about through the medium of laws and institutions more consonant with the new consciousness and the increased political, economic and social needs of the Italian people.

The new code of local self-government, in its multilateral aspects involving the agencies and the procedures for their constitution, as well as the powers, the functions and the relations with one another and with the central authority, will be that which the free expression of the collective will and a good electoral law can and will ensure.

Meanwhile, considering the exceptional circumstance existing in the country, which is not completely liberated as yet, and the fact that many of its citizens are either prisoners or deported, or otherwise far from the main centers of their interests, it seems a wise measure to have recourse to a transitory solution which, while not prejudicing the creation of more suitable constitutional institutions, would give immediate effect to the fundamental democratic principle of entrusting to a body of electors the appointment of local public authorities.

As matters are at present, I think a suitable solution would be to restore the consolidated text of the communal and provincial law n. 148 of 4 Feb 1915 which, since it was issued prior to the advent of fascism and is inspired by clearly democratic tendencies could, with suitable retouches and simplifications (particularly in regard to the composition of the elective assemblies and to the dissolution of such institutional agencies as are not strictly necessary), meet fully the requirements of the moment and replace all the temporary provisions established by R.D. n. 111 of 4 April 1944 which, although following the same lines as the aforementioned consolidated text, do not make any concrete contribution towards a return to truly democratic procedures.

The present structure of the local organization as represented by the Communes and the Provinces - which are bodies having a juridical personality, with their own councils and executive and representative agencies elected by those councils from among their own members (i.e. the provincial deputation and its president, the communal board and the mayor) - would thus remain, even though

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are either prisoners or deported, or otherwise far from the main centres of
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their own councils and executive and representative agencies elected by these
councils from among their own members (i.e. the provincial deputations and its
president, the communal board and the mayor) - would thus remain, even though
temporarily only.

As regards the procedure for the elections, the consolidated text of 1915
adopts the majority system. The voter, in fact, is not allowed to write more
ballot paper as many names as there are communal councillors to be elected, since
a certain number of the vacancies is reserved for the representation of minorities.
This regulation is supported by proper guarantees and sanctions, as is also the
regulation concerning the secret ballot.

As to the place and date of the elections, since their scope is the
constitution of representatives who are local it is not necessary that the elec-
tions take place at the same time in all communes, as is the normal procedure
on the other hand for political elections. At any rate, since the elections
will be carried out on the basis of the ex novo compilation of the lists, I can
assert with certainty that as soon as this is done, the citizens will be called
immediately to the ballot wherever circumstances permit. In spite of numberless
difficulties, which are well known to you, the lists are being prepared at a
rapid pace and I trust that, thanks to the goodwill of everybody, and to the
vigilant supervision of the Government, they will be completed in most of the
provinces restored to the Italian administration within the period of time
established by the Ministerial decree of 24 October last.

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With the restoration of the consolidated text of 1915 and by virtue of the recent D.L. which extends universal suffrage to women, all citizens possessing the prescribed qualifications will participate in the election of communal councillors. The election of the provincial councillors will take place at the same time and according to the same procedure. Separate returns will, however, be made: it is necessary to bear in mind that since the number of the provincial councillors is divided by districts, the election will take place on the same day in all the communes within the boundaries of the district.

I have nothing to add in particular on the participation of political parties and /or independent candidates, since this participation can be inferred from the "majority system" explained above: however, modifications may eventually be desired by various political currents, particularly in connection with the election of the provincial councillors.

I believe I have furnished you with an adequate general picture of the Government's aims in the field of administrative elections. I shall be very glad to give you more details as soon as possible, as well as any other information on the subject that you may need.

TRANSLATORS POOL

CA SECTION

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

Government's aims in the field of administrative elections. I shall be very glad to give you more details as soon as possible, as well as any other information on the subject that you may need.

TRANSLATORS POOL

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COPY

IL PRESIDENTE DEL CONSIGLIO
DEI MINISTRI

Roma, 27 febbraio 1945

Caro Ambasciatore Stone,

Aderisco ben volentieri alla Sua richiesta, lieto di poterle offrire altra testimonianza dei propositi sinceramente democratici cui il Governo da me presieduto informa la sua azione.

Come V.E. comprende di leggieri, l'ordinamento degli enti autarchici territoriali s'inquadra nel più vasto problema delle riforme istituzionali che l'Assemblea costituente sarà chiamata a realizzare attraverso leggi ed istituti più consoni alle rinnovate coscienza ed alle accresciute esigenze politiche, economiche e sociali del popolo italiano.

La nuova disciplina dell'autogoverno locale, nei suoi molteplici aspetti interessanti gli organi e le modalità della loro costituzione nonchè i poteri, le funzioni ed i rapporti reciproci e con l'autorità centrale, sarà quella che la libera espressione della volontà collettiva ed una buona legge elettorale potranno e vorranno assicurare.

Frattanto, nelle eccezionali circostanze del paese non ancora del tutto liberato e con nuclei cospicui di cittadini deportati, prigionieri o, comunque, lontani dai centri principali dei loro interessi, sembra preferibile il fare ricorso ad una soluzione di carattere transitorio che, senza pregiudicare la creazione di più idonei istituti costituzionali, attui fin d'ora il postulato fondamentale della democrazia che all'elettorato affida la formazione dei pubblici poteri locali.

Tale così lo stato, vedrei la soluzione contingente nel ritorno al testo unico della legge comunale e provinciale 4 febbraio 1915, n.148, che, in quanto emanato in epoca anteriore al fascismo ed ispirato a chiari orientamenti democratici, potrebbe con opportuni ritocchi e migliorenti, specie in ciò che attiene alla composizione delle assemblee elettive ed alla soppressione di organi istituzionali non strettamente necessari, sopperire in pieno alla necessità del momento e sostituire quel complesso di norme provvisorie poste dal D.L.L. 4 aprile 1944, n.111 che, pur essendo ispirato sulla falsariga del testo unico predetto, non offre peraltro, alcun concreto apporto al ritorno verso sistemi veramente democratici.

Rimarrebbe così in piedi, sia pure in via transitoria, l'attuale struttura dell'organizzazione periferica costituita dalla provincia e dal comune, enti dotati di personalità giuridica, con propri consigli ed organi di esecuzione e rappresentanza eletti in seno ai consigli medesimi, e cioè la Deputazione Provinciale ed il Presidente, la Giunta Municipale ed il Sindaco.

Circa la procedura delle elezioni, il testo unico del 1915 adotta il sistema maggioritario. L'elettore, infatti, non può scrivere nella scheda tutti i nomi quanti sono i consiglieri comunali da eleggersi, ma

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una quota parte dei posti riservata per la rappresentanza delle minoranze. Sulla disposizione e' circolata di apparente garanzia e mandati, e cosi' pure quella concernente il segreto della votazione.

In quanto al luogo ed alla data dei comizi, tranquillizzo della costituzione delle rappresentanze locali, non e' necessario che le elezioni avvengano contemporaneamente in tutti i comuni, com'e', invece norma per quelle politiche. In ogni modo, poiche' lo svolgimento del meccanismo elettorale e' subordinato alla compilazione ex novo delle liste, sento di poter affermare con piena sicurezza che, non appena realizzato siffatto presupposto, i cittadini saranno chiamati senz'altro alle urne dovunque le circostanze lo permetteranno. Il lavoro delle liste procede, pur attraverso innumerevoli difficolta', ben note anche a Lei, con ritmo spedito e confido che, grazie all'impegno di tutti ed al vigile interessamento del Governo, potra' essere ultimato, nella maggiore parte delle province gia' restituite all'amministrazione italiana, entro i termini stabiliti dal decreto ministeriale del 24 ottobre scorso.

Col ritorno del testo unico 1915, ed in virtu' del recente decreto legislativo luogotenenziale che estende alle donne il suffragio universale, tutti i cittadini, in possesso dei requisiti prescritti, partecipe-ranno alla elezione dei consiglieri comunali. Negli stessi tempi e con le stesse modalita' si procedera' alla elezione dei consiglieri provinciali, redigendosi pero' separati verbali ; occorre qui tener presente che, essendo il numero dei consiglieri provinciali ripartito per mandamenti, l'elezione avra' luogo, nel medesimo giorno, in tutti i comuni compresi nella circoscrizione del mandamento.

Sulla partecipazione, infine, dei partiti politici e dei sindacati indipendenti non avrei nulla di particolare da aggiungere, dovendomi esso limitare dal sistema maggioritario innanzi accennato, salvo eventuali modificazioni che potrebbero essere sollecitate dalle varie correnti politiche, specie per la elezione dei consiglieri provinciali.

Credo di avere fornito in sintesi, una visione panoramica sufficiente dei propositi del Governo nel campo dell'elettorato amministrativo. Mi pare' particolarmente gradito dare, appena in grado, maggiori precisazioni, come ogni altra informazione che a Lei potesse, nel frattempo, occorrere sull'argomento.

Con viva cordialita'

f/to I. Bonomi

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SECRET

AC/45/A/1A

19 April 1945

My dear Mr. Prime Minister,

Following the receipt of your letter of 27 February 1945, in which you gave me a general view of your Government's intention with respect to the holding of local elections, officers of the Local Government Subcommission conferred with officials of the Ministry of Interior in order to get a clarification and elaboration of your proposed plans. I am not but feel that the voting methods intended to be used by the Italian Government based upon the 1915 law do not provide sufficient controls and guarantees to ensure the possibility of holding an independent, free and secret vote. As described to us, the system lends itself too readily to corruption of the voters and electoral officials, misuse of the ballot by the voters and unfair political party pressure.

Some of the principal defects in the existing system are:

(a) no formal nomination of candidates prior to the voting;
(b) no official ballot paper;
(c) no control of electioneering at the polling places.

Since the Allies are greatly interested in the rehabilitation of democratic institutions in your country, I feel that I must most earnestly recommend to you that the present election law be amended prior to the holding of elections in territory under the control of the Italian Government.

Furthermore, the Allied Commission could not countenance the holding of elections in Allied Military Government territory under the 1915 system. Substantial improvements and amendments to the existing law, pending its establishment more truly democratic procedures, would first have to be made in AMG Territory.

I wish to reaffirm my interest in this subject and my readiness to have the Allied Commission available for any assistance and advice which your Government may deem desirable.

Yours very truly,

and guarantees to ensure the possibility of [illegible] and secret vote. As described to us, the system lends itself too readily to corruption of the voters and electional officials, misuse of the ballot by the voters and unfair political party pressure.

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I wish to reaffirm my interest in this subject and my readiness to have the Allied Commission available for any assistance and advice which your Government may deem desirable.

Yours very truly,

(Signed) Hillery W. Stone

HILLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

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His Excellency Ivanoe Bonomi
President of the Council of Ministers
Italian Government
Rome.

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

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The President of the Council of Ministers
Minister of the Interior

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Rome, 20 May 1945

Dear Admiral,

After my letter of April 23rd, and referring to the new verbal explanations asked about a), b), c) of your letter of the 19.4.45, concerning some modalities of the future administrative elections, I repeat what I already told you, i.e., that the details of the electoral procedure will have to be fixed by a special regulation, when the political problem of the choice of the system considered to be most adequate will have been solved. As you know, this problem is still the object of many discussions within the parties and the press is also debating about it, so that, as the Government hasn't yet a formed opinion or a determined purpose, it is impossible to give more precise information about the above mentioned points.

However, I can tell you that, for what concerns point a), the previous designation of the candidates in the administrative elections has never been foreseen in Italy, either in positive right or in the electoral custom, and except for the decisions which can be made on this subject as reform, I think there are no serious reasons for making innovations in the system which is in force.

For what concerns point b), the political electoral law always mentioned the type and characteristics of the poll-ticket to be used in political elections: for what concerns administrative elections, the official text of the communal and provincial law 4 February 1915, n. 148, states in art. 76, that 'the poll-ticket can be written, printed or partly written and partly printed', and adds that 'the poll-tickets must be made of white paper, without any sign which might help to recognize them'. To my mind, though this question, as well as that of the former point a), is still being studied, the limits and prescriptions stated by the law appear to be sufficient, on general principles, to guarantee the secrecy and genuineness of the vote.

For what concerns point c) it must be made clear that it is absolutely forbidden to make electoral propaganda in the place chosen for the poll, where the supporters of the various candidates are only allowed to distribute the poll-tickets, refraining from all forms of pressure on the electors. The obligation to guarantee the respect of this law befalls the police authority, which is entrusted with the maintenance of order, and the regular development of the electoral operations.

Declassified E.O. 12356 Section 3.3/NND No. 939021

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However, I can tell you that, for what concerns point a), the previous designation of the candidates in the administrative elections has never been foreseen in Italy, either in positive right or in the electoral custom, and except for the decisions which can be made on this subject as regards, I think there are no serious reasons for making innovations in the system which is in force.

For what concerns point b), the political electoral law always mentioned the type and characteristics of the poll-ticket to be used in political elections: for what concerns administrative elections, the official text of the communal and provincial law 4 February 1915, n. 148, states in art. 76, that 'the poll-ticket can be written, printed or partly written and partly printed', and adds that 'the poll-tickets must be made of white paper, without any sign which might help to recognise them'. To my mind, though this question, as well as that of the former point a), is still being studied, the limits and prescriptions stated by the law appear to be sufficient, as general principles, to guarantee the secrecy and genuineness of the vote.

For what concerns point c) it must be made clear that it is absolutely forbidden to make electoral propaganda in the place chosen for the poll, where the supporters of the various candidates are only allowed to distribute the poll-tickets, refraining from all forms of pressure on the electors. The obligation to guarantee the respect of this law befalls the police authority, which is entrusted with the maintenance of order, and the regular development of the electoral operations.

I have given you, my dear Admiral, my personal point of view on the questions you asked me, which will certainly be adequately solved within the frame of the electoral system which will be definitively adopted.

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Yours very truly,

A. L. Pompei

Admiral Stone
Chief Commissioner - Allied Commission

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U R G E N T E

IL PRESIDENTE DEL CONSIGLIO DEI MINISTRI
MINISTRO DELL'INTERNO

Roma, 20 maggio 1945

No. 18309 Gab.

Caro Andreoglio,

In seguito alla mia lettera del 23 Aprile u.s. e con riferimento ai nuovi chiarimenti verbali richiesti in merito ai punti a), b) e c) della Sua lettera del 19.4.1945, concernente alcune modalita' delle future elezioni amministrative, confermo quanto gia' ebbi a comunicarLe e cioe' che i dettagli della procedura elettorale dovranno essere fissati in un apposito provvedimento legislativo dopo che sara' stato risolto il problema politico della scelta del sistema ritenuto piu' idoneo. Tale problema come Ella sa, e' tuttora vivamente dibattuto in seno ai partiti e nelle discussioni di stampa, cosicche', non avendo ancora il Governo un'opinione formata ed un disegno determinato, nessuna attendibile precisazione puo' essere fatta ora in merito ai punti dianzi accennati.

Posso, comunque, dirLe, per quanto concerne il punto a), che ne' il diritto positivo ne' nella consuetudine elettorale e' mai stata prevista in Italia la preventiva designazione dei candidati nelle elezioni amministrative e, pur facendo salve le determinazioni che al riguardo potranno essere adottate in sede di riforma, ritengo che non sussista alcun serio motivo per innovare al sistema vigente.

Per quanto riguarda il punto b), la legge elettorale politica ha sempre indicato il tipo e le caratteristiche della scheda da usare nelle elezioni politiche; per quanto attiene invece, alle elezioni amministrative, il T.U. della legge comunale e provinciale 4 febbraio 1915, n.148 di limita a disporre, nell'art.76, che la "scheda puo' essere scritta, stampata o parte scritta e parte stampata" e aggiunge che la "scheda dovra essere di carta bianca, senza alcun segno che possa servire a futile riconoscimento". A me sembra quindi, pur essendo tale questione come quella del precedente punto a) tuttora allo studio, i limiti e le cautele poste dalla legge appaiano sufficienti, in massima, a garantire la segretezza e la genuinita' del voto.

Per quanto concerne infine il punto c), e' d'uopo chiarire che non e' assolutamente consentito svolgere propaganda elettorale nel luogo scelto per la votazione, dove i rappresentanti dei singoli candidati possono soltanto distribuire le schede, astenendosi da ogni forma di pressione sull'elettore. L'obbligo di garantire l'osservanza di siffatta norma incombe sull'autorita' di polizia, cui e' affidato il mantenimento dell'ordine ed il regolare svolgimento delle operazioni elettorali.

Le ho esposto, caro Andreoglio, il mio punto di vista personale sui quesiti da Lei prospettati che, certamente riceveranno la soluzione piu' idonea nel quadro del sistema elettorale che sara' definitivamente adottato.

Cordiali saluti.

f/to [illegible]

On. Andreoglio
Hillary A. [illegible]
Capo della Coordinazione Alleata
R O M A

44-9

DRAFT

HEADQUARTERS ALLIED COMMISSION
APO 394
OFFICE OF THE CHIEF COMMISSIONER

Ref: June 1945

My dear Mr. Prime Minister,

I desire to bring to your attention the correspondence which in recent months has passed between the former Prime Minister, Signor BONOMI, and myself upon the subject of administrative elections.

At my request, and knowing the great interest which the Allies take in the subject of democratic elections in Italy, Signor BONOMI was good enough in a letter of 27 February to give me an outline of what his Government had in mind with regard to the re-constitution of elective Local Authorities and the conduct of the elections for them. Premising that the definitive structure of local government is but a part of the institutional reforms upon which the Constituent Assembly will be called to determine, Signor BONOMI indicated that provision of a transitory nature should be made, so as to give immediate effect to the elective principle without, on the other hand, prejudicing the ultimate creation of a system of local government as a part of the new constitution.

The late Government, therefore, proposed to return to the Unified Text of 1915 and to reconstitute the elective Communal and Provincial Councils contemplated by that Text, and to revive those of its provisions which govern the method of voting for the Communal and Provincial Councillors. It was their intention, however, to make certain minor amendments and simplifications in the Text, as for example, a certain reduction in the numbers of the Councillors and the abolition of the separate Presidency of the Provincial Deputation.

After a careful examination of the relevant provisions of the Unified

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Assembly will be called to determine, Signor BONOMI indicated that provision of a transitory nature should be made, so as to give immediate effect to the elective principle without, on the other hand, prejudicing the ultimate creation of a system of local government as a part of the new constitution.

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After a careful examination of the relevant provisions of the Unified Text of 1915, I pointed out to the then Prime Minister, in my reply of 19 April, that the voting measures which the then Government proposed to adopt did not 4448 provide sufficient controls and guarantees to ensure the possibility of holding an independent, free and secret vote. In particular, I indicated to Signor BONOMI that some of the principal defects in the system of the 1915 Text were:

a) no formal nomination of candidates prior to voting;

b) no official ballot paper;

c) no control of electioneering at the polling places;

and I most earnestly recommended that the election law be amended prior to the holding of the elections in territory under the control of the Italian Government.

OK Gus

/As to territory,.....

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As to territory under Allied Military Government, I had to state because of these procedural defects 9A 21A that the Allied Commission could not countenance the holding of elections according to the 1915 system.

On 20 May, Signor BONOMI answered my letter of 19 April, giving, however, only his personal point of view on the questions raised by me, which I may summarize as being that the provisions of the 1915 Text were, in his opinion, adequate.

So that ~~Your Excellency~~ you may have the fullest comprehension of the matter, I am enclosing copies of the correspondence in question.

In bringing to your notice the criticisms of the 1915 law which I have already urged upon Signor BONOMI, I am representing to the Italian Government the official view of the Government of the United States of America, with which the Government of the United Kingdom is in agreement. I would therefore urge, with all the gravity which the issues involved demand, that the views of the Allied Governments be given the earliest and fullest consideration by ~~Your~~ your ~~Excellency's~~ Government, and that I may be informed of the Italian Government's plans and intentions in the matter under discussion with all possible speed.

It may be advisable to indicate that the three particular defects named in my letter of 19 April are not exhaustive and that other points of criticism might be enumerated. Some of these may be susceptible of a reasonable explanation in the course of discussions between representatives of the Italian Government and the Allied Commission, entered upon with the common object of ensuring to the Italian people the fairest, freest, and most democratic method of recording their votes that can be devised. Others, however, are clearly not consonant with the spirit of modern democracy. As an instance, I may mention

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the Government of the United Kingdom is in agreement. I would therefore urge, with all the gravity which the issues involved demand, that the views of the Allied Governments be given the earliest and fullest consideration by ~~Your~~ your ~~Excellency's~~ Government, and that I may be informed of the Italian Government's plans and intentions in the matter under discussion with all possible speed.

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Yours very truly,

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

~~His Excellency~~ Professor Ferruccio Parri
President of the Council of Ministers
Rome

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

WLC/A
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REPORT OF MEETING OF ALLIED ACC[illegible]

CHIEF COMMISSIONER'S ROOM—SATURDAY, 23 JUNE 1945

AT 11:45 HOURS

PRESENT: Chief Commissioner Rear Admiral Hilary [illegible] Stone, USNR

Executive Commissioner Brig. M.C. Lush
GSO to Exec. Commissioner Lt. Col. R. C. Talbot
US Pol. Ad. Mr. Hendrick
Br Pol. Ad. Mr. Malfrey

VT CA Section, Brig. G. R. Upjohn
GSO CA Section, Lt. Col. A. D. Barlow-Carter
Director, Local Govt. B/O Col. R. R. Griggs
Exec. Officer, Local Govt. B/O Major C.C.R. Williams

Chief Commissioner: I refer to the draft decree printed in the Ministry of the Interior's "Blue Book" which has been sent down to me with A short memorandum on it by Local Government Sub Commission. As I understand it, this is only a technical study which does not bind the Government. The draft Decree, however, only fills out the policy already outlined to me by Sig. BONOMI and does nothing to meet the points I have raised in correspondence with him. Will the Executive Commissioner please outline the purpose of this meeting.

Exec. Commissioner: As I see it, we are here to decide what approach to make to the Italian Government on the subject of their voting procedure at local elections, how far we can impose the views of the Allies on them and what sanctions we can apply if they refuse to meet us.

Chief Commissioner: According to your last minute, it is suggested we should consult the Embassies on this question.

Exec. Commissioner: Yes. I am concerned as to how far we can go and I thought this might be a matter which the Embassies could more properly take up.

Mr. Malfrey: There is just this point. I don't think we have power [illegible]

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Declassified E.O. 12356 Section 3.3/NND No. 795631

Chief Commissioner: I refer to the draft Decree printed in the History of the Interior's "Blue Book" which has been sent down to us with a short memorandum on it by Local Government Sub Commission. As I understand it, this is only a technical study which does not bind the Government. The draft Decree, however, only fills out the policy already outlined to us by Mr. DUNN and does nothing to meet the points I have raised in correspondence with him. Will the Executive Commissioner please outline the purpose of this meeting.

Exec. Commissioner: As I see it, we are here to decide what approach to make to the Italian Government on the subject of their voting procedure at local elections, how far we can impress the views of the Allies on them and what sanctions we can apply if they refuse to meet us.

Chief Commissioner: According to your last minute, it is suggested we should consult the Commission on this question.

Exec. Commissioner: Yes. I am concerned as to how far we can go and I thought this might be a matter which the Commission could more properly take up.

Mr. Salford: There is just this point. I don't think we have power under the Armistice terms to compel the Italian Government to alter their voting procedure; but there is the Moscow Declaration and the Allies could make representations as to their views.

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Exec. Commissioner: And if they don't agree with our views, what action do we take? We have already told them that we won't have the present system in Military Government territory: but we know it will take some months before elections can be held, by which time we shall probably have handed the territory back so that there is not much in this point. We could, of course, refuse to prepare the electoral lists.

Chief Commissioner: I don't feel we should have that attitude. I think we must go ahead with the preparation of the electoral lists no matter what we do about the elections themselves.

As to acting under the Armistice, I don't think that will be necessary, if this is the view of both the U.S. and British Governments. Where the two Governments are in agreement, the proper channel to convey their views to the Italian Government is the Allied Commission. The question is, can I representing the views of both the Allied Governments in this matter? If I am,

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then I think I should not on their behalf as regards ting the views of the two Governments and not as the Allied Commission enforcing the armistice terms. I know what position the U. S. Government have taken up: what is the British view?

Mr. Helford : The British Government is in general agreement with the U.S. Government on this matter, although they have not been so specific. You can say that the British Government is in accord with the views of the United States.

Chief Commissioner : I have a draft letter before me which I think will require alteration, as we may have a new Government. I shall state in it that I am representing the view of the Government of the United States, with which the British Government is in agreement.

The first paragraph should be shortened considerably: I don't think we should take any position on the question of proportional representation.

Pres. Commissioner : What we want is a new letter pointing out what are the main defects: in other words, we should let the new Government have a re-statement of our position.

Chief Commissioner : If there are any other defects than the three particularly mentioned in my letter of 19 April, we should state them but we should not take points in detail unless they are truly undemocratic. We should forward to the new Prime Minister copies of my letter to Sig. BONOMI and his reply.

The question of national elections also arises. I think we have the right to ask the Italian Government what their position is with regard to this. That might be done by adding a paragraph to the new draft.

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The first paragraph should be shortened considerably; I don't think we should take any position on the question of proportional representation.

Mr. Carmichael: Next we must is a new letter pointing out what are the main defects: in other words, we should let the new Government have a re-statement of our position.

Chief Carmichael: If there are any other defects than the three particularly mentioned in my letter of 19 April, we should state them but we should not take points in detail unless they are truly undemocratic. We should forward to the new Prime Minister copies of my letter to Sig. [redacted] and his reply.

The question of national elections also arises. I think we have the right to ask the Italian Government what their position is with regard to this. That might be done by adding a paragraph to the new draft.

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[illegible] ALLIED COMMISSION
APO 394
LEGAL DIVISION [illegible]

AC/45/4/10

Memorandum

on the Ministry of the Interior's "Draft Bill" for the Reconstitution of Elective Local Authorities in Communes and Provinces

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1. On Tuesday, 19 June, there became available to this S/D a copy of the "Blue Book" submitted herewith. It has been given a preliminary examination and a few more copies obtained. It is in course of translation.

2. The "Servizio Elettorale" is a sub-division of the Direction-General of Civil Administration in the Ministry. The "Blue Book" is a purely technical production by professional civil servants. It does not state or indicate policy. It merely sets forth a course which could be made if certain policies were adopted. It is believed to be the work of H.E. VICCHIOLI, the Director-General of Civil Administration, and of the Vice-Prefect Dr. STRAU, the Head of the Electoral Service.

3. The "Blue Book" contains :—

(a) an explanatory Introduction;
(b) the "Draft Bill" or decree; and
(c) a group of alternative clauses.

The Draft Bill deals with:—

I - Organs of Communal and Provincial local government
II - Eligibility for local government office
III - Election procedure for Communal Councils
IV - " " " Provincial "
V - Criminal offences
VI - Miscellaneous, transitional and enacting clauses

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The Draft Bill deals with:—

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III - Electoral procedure for Communal Councils
IV - " " " Provincial "
V - Criminal offences
VI - Miscellaneous, transitional and enacting clauses

4. Organs of Communal and Provincial Local Government. The "Draft Bill" would revive the Communal and Provincial Councils of the Code of 1915 - the last before Fascism. It would also continue the respective Executive Committees (Giunta Comunale and Deputazione Provinciale) and Chief Citizens (Sindaco and President of the Provincial Administration) for which provision has been made in Ex. Hens. No.39, save that these would be chosen by the Councils, instead of appointed by the Prefect. And the Councils would pass decisions of policy or of major importance, a power which the Ex. Hens. has (in absence of such Councils) conferred on the Executive Committees.

5. The number of members of the Communal and Provincial Councils is specified and varies with population. The "Draft Bill" appreciably reduces the numbers of the Code of 1915 in order (as in the Introduction) to make the Councils more compact and business-like and to allow for the huge increase in urban population in the last 30 years. It is doubtful if this is a good thing. They propose 60 councillors for cities over half-a-million population. In England, this would be the number for a town of about 80,000 population: Councils of 120 or 140 strong for larger cities are quite usual. Large Councils are not infrequent in the U.S.A., it is believed. They certainly give a closer tie between councillor and electorate. However, this appears to be a matter in which AC should not interfere.

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6. On the other hand, the draft bill would increase the membership of the executive committee. This is all to the good. The members of Giunta and Deputazione act individually (as well as in a body, as assistants to the Minister or President and take charge of departments. The Minister and President needs all the help he can get, in these times. The largest would be a Giunta Comunale of 12 (with 6 substitutes) for cities of over half-a-million, which is not too large for a Committee.

7. Eligibility. The clauses of the "draft bill" as to qualification and disqualification for office call for no comment: they seem quite reasonable.

8. Election of General Councils. This part reproduces substantially the text of 1919 with, however, considerable simplifications and "streamlining" — a literal translation of Sgr. Nitti's word for it. But these re-orderings do not touch any point of principle: and they do not touch at all the questions raised in Qu'n letter of 19 April to Sgr. Nitti (fn. 30). It is improbable that the correspondence between the Q and the late PM is known to the authors of the "draft bill".

9. Election of Provincial Councils. The procedure for this is the same in principle as that for Communes and the same comment applies.

10. The remainder of the "draft bill" does not, it is thought, call for comment at this stage: although the consideration of it, clause by clause, has brought to light further objectionable features. For instance, provincial and communal elections are to be held on the same day; but no provision appears to be made for keeping them distinct and for preventing e.g. provincial ballot-papers getting into the communal ballot-box and so making void. Another point is that to allow election petitions to be decided in the first instance by the very Councils which have just been constituted by that election is hardly a sound measure; such petitions should go to a judicial authority.

11. However, it will perhaps be felt desirable to keep to broad principles and to speak to the Italian Government in general terms at the present moment. Moreover, some of the criticisms which have occurred to the sub-Commission may be susceptible to a reasonable explanation, if [redacted] the Italian Government will discuss the matter.

12. The alternative clauses provide for proportional representation in case it should be decided to have that system. The clauses provide for a list system with pro ordinal representation on the patient basis, as in Switzerland: and they have been carried out from:—

(a) the PUTTI bill presented to the Chamber of Deputies in 1920;
(b) the counter proposals of the NITTI bill presented to the same session; and
(c) the bill produced by the Committee of the Chamber to which the NITTI and the counter bills were referred. This bill had reached the Senate when the session terminated; and

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10. The remainder of the "draft bill" does not, it is thought, call for comment at this stage: although the consideration of it, cursory as it has been, has brought to light further objectionable features. For instance, provincial and overseas elections are to be held on the same day; but no provision appears to be made for keeping them distinct and for preventing e.g. provincial ballot-papers getting into the overseas ballot-box and so going void. Another point is that to allow election petitions to be decided in the first instance by the very Councils which have just been constituted by that election is hardly a novel feature; such petitions should go to a judicial authority.

11. However, it will perhaps be felt desirable to keep to broad principles and to speak to the Italian Government in general terms at the present moment. Moreover, some of the criticisms which have occurred to the sub-committee may be susceptible to a reasonable explanation, if the Italian Government will discuss the matter.

12. The alternative clauses provide for proportional representation in case it should be decided to have that system. The clauses provide for a list system with proportional representation on the Continental basis, as in Switzerland and they have been worked out from:—

(a) the HARE bill presented to the Chamber of Deputies in 1920;
(b) the counter proposals of the SCHIATTI bill presented to the same session; and
(c) the bill produced by the Committee of the Chamber to which the HARE and the SCHIATTI bills were referred. This bill had reached the Senate when the session terminated; and nothing more was heard of it.

No comment is made on these clauses. The question of proportional representation does not seem directly relevant to the questions of freedom and secrecy of voting now before the CC. Moreover, these clauses would require much more thorough study and consultation than there has been opportunity to give them in two days.

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13. Apart from these alternative clauses the "draft bill" is therefore an accurate translation into legislative language of the proposals outlined in Sgr. SCIOLI's letter of 27 February (fo.50) and further clarified at the conference noted at fo.52.

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14. As has been said, this is a theoretical study for the use of the political directorate of Italy's government. It has not committed the Anglo Government to anything - a fortiori the present one. While there can be no denying that this is the formal situation, yet the publication of the "Blue Book" is a step forward and does in fact import a certain hardening of the position. Its publication could therefore (it is submitted, properly be made an additional basis for further representations to the Allied Government.

15. It may be useful to add a note as to women serving on the Councils. The right to vote was granted on 1 February last to women over 21. The "Draft Bill" follows this up by making women eligible for the office of Communal or Provincial Councillor and for membership of the Giunta Comunale and Amministrazione Provinciale. It excludes them, on the other hand, from the offices of Sindaco and of President of the Provincial Administration and from being elective members of the Giunta Provinciale Amministrativa -- an important organ of the Prefecture with extensive powers of control over and approval of all major acts of the Comunes and consisting of 5 official members and 4 elective ones to be chosen by the Provincial Council. It is difficult to see any reason in these days for a timid half-measure of this kind.

A. A. Murphy
A. A. MURPHY
Colonel
Director
Allied Commission

21 June 1945

Declassified E.O. 12356 Section 3.3/NND No. 795021

of the Ciutà Provinciale Amministrative — an important organ of the Prefecture with extensive powers of control over and approval of all major acts of the Communes and consisting of 6 official members and 4 elective ones to be chosen by the Provincial Council. It is difficult to see any reason in these days for a timid half-measure of this kind.

R. R. Smith
R. R. SMITH
Colonel
Director
Local Government Sub-Commission

21 June 1945

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20 June 1945

Col. H. H. Cripps
Director, Local Government S/C
Allied Commission
APO 394

Arrived in Milano yesterday at 1600 hours (Tuesday, 19 June). I have conferred with RC, PC, Prefect and other officials.

In the hiring of temporary staff in connection with the present Provincial Epuration Commission difficulty has been had in getting people to work at the rates fixed as of 3rd April. The same trouble is expected in hiring temporary employees for electoral list compilation. I suggest Labor S/C be sounded on this matter of payment. The people won't work at those rates in Milan.

I strongly recommend, once again, that AC put out a public release regarding the matter of compilation of electoral lists, AC's assistance, our criticism of voting methods, possibility of holding local elections in South first, etc.--before the Italian press, especially here, publish a gobbled account that will embarrass AMG or make it do a lot of expleining. Col. Poletti supports this.

I'm on to Turin tomorrow by car.

Regards,

RALPH R. TEMPLE

Major

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USA

Local Government

HEADQUARTERS ALLIED COMMISSION
Office of Political Advisor (A)

SECRET

June 9, 1945

11 JUN 1945

11 CIU 1945

TO: Civil Affairs Section

SUBJECT: Italian Electoral Legislation

With reference to Civil Affairs Section memorandum of April 21 concerning Italian electoral laws, the Department of State has now expressed its concurrence in the view of the Civil Affairs Section that Article 3 of the Electoral Law No. 1495 of September 2, 1919 is objectionable.

Accordingly, the Department of State has asked that the Allied Commission bring this matter to the attention of the Italian Government and urge that proper provision be made to permit both officers and men of the Regular Army to vote, as well as providing for voting by members of other corps in the service of the State which are orgenized on a military basis.

R. McBride
Asst. Political Advisor (A)

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DRAFT

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AC/45/A/LG

June 1945

My dear Mr. Prime Minister:

I have received your letter of 20 May as to the forthcoming administrative elections and have studied with close attention the observations you make in it. I have observed the differences of opinion which exist as to whether the system of proportional representation should be introduced or whether the majority system sanctioned by the Consolidated Text of 1915 should be retained. It is natural that these differences of opinion should exist: and it is but right and proper that, under a democratic regime, the contrasting views upon this subject should be discussed to the fullest extent possible in the Press, among the political parties and by the responsible organs of the Italian Government. It may well be, as you suggest in your previous letter of 24 April, that this fundamental issue will have to be solved with the aid of the Consulta.

The question raised in my letter of 19 April, however, stands upon a different footing. Whatever system may ultimately be adopted for determining which candidate has received the most representative support, no one questions that the elector, when casting his vote, should do so with the greatest possible degree of freedom and secrecy. Measures to secure this end can and, I feel, should be taken independently of the question of system.

It will no doubt be convenient not to issue the definitve electoral law until the question of system is also settled: but that does not necessarily imply that decisions for ensuring the greatest possible freedom and secrecy of

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political parties and by the responsible organs of the Italian Government [illegible] well be, as you suggest in your previous letter of 24 April, that this fundamental issue will have to be solved with the aid of the Consulta.

The question raised in my letter of 19 April, however, stands upon a different footing. Whatever system may ultimately be adopted for determining which candidate has received the most representative support, no one questions that the elector, when casting his vote, should do so with the greatest possible degree of freedom and secrecy. Measures to secure this end can and, I feel, should be taken independently of the question of system.

It will no doubt be convenient not to issue the definitve electoral law until the question of system is also settled: but that does not necessarily imply that decisions for ensuring the greatest possible freedom and secrecy of voting cannot be taken and announced at an earlier stage and with the intention that such decisions be subsequently incorporated in the law. The advantages of giving an early and clear assurance to the Italian people and to the world in general that the post-Fascist Italian Government intends to adopt the most effective possible guarantees in this respect will be obvious to you.

4439

With respect to your observations upon the matters specifically mentioned in paragraphs a, b and c of my letter of 19 April, the passages from the previous Italian electoral law to which you now refer in your reply are, of course, known to me. Indeed, these and other relevant passages from the law of

Declassified E.O. 12356 Section 3.3/NND No. 789031

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1915, which in your letter of 27 February you informed me it was intended to re-introduce, were carefully studied before my letter of 19 April was composed. It is with regret that I read that you yourself do not consider that that law needs any amendment or improvement, as there can be no doubt, I feel, that the law of 1915 does compare unfavourably on these points with the most modern democratic practice.

I must observe, moreover, that the three defects to which allusion is made in paragraphs a, b and c of my letter of 19 April are named as the principal defects only; and they are not exhaustive. A careful examination of the law proposed to be introduced will disclose other respects in which improvements might be made. A notable instance is the provision whereby the vote at administrative elections is conceded to officers of the Italian armed forces but denied to non-commissioned officers and men while under arms.

I feel compelled, therefore, to urge again the desirability of the Italian Government initiating an early examination of the electoral law they propose to introduce with the object of amending it so as to secure the highest possible guarantees of freedom and secrecy for the elector, and the abolition of undemocratic distinctions. I must, in any event, repeat that without such improvements the law of 1915 cannot be put into force in Military Government Territory: the Allies cannot assume responsibility for sanctioning a procedure which they do not consider to offer adequate guarantees.

I would, therefore, represent to Your Excellency, with all the gravity which the issues involved demand, that the question of guarantees be examined b

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

principal defects only; and they are not exhaustive. A careful examination of the law proposed to be introduced will disclose other respects in which improvements might be made. A notable instance is the provision whereby the vote at administrative elections is conceded to officers of the Italian armed forces but denied to non-commissioned officers and men while under arms.

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I would, therefore, represent to Your Excellency, with all the gravity which the issues involved demand, that the question of guarantees be examined by the Italian Government at the earliest moment and that I may be informed of their further views thereon.

Yours very truly,

4438

ELLERY W. STONE
Rear-Admiral, USNR
Chief Commissioner

His Excellency Ivanoe Bonomi
President of the Council of Ministers
Italian Government
Rome

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

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

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C A Sec Reg 16

Translation

The President of the Council of Ministers
Minister of the Interior

18209

Rome, 20 May 1945

25 MAG 1945

2 C MAY 1945

Dear Admiral,

after my letter of April 23rd, and referring to the new verbal explanations asked about a), b), c) of your letter of the 19.4.45, — P58 concerning some modalities of the future administrative elections, I repeat what I already told you, i.e., that the details of the electoral procedure will have to be fixed by a special regulation, when the political problem of the choice of the system considered to be most adequate will have been solved. As you know, this problem is still the object of many discussions within the parties and the press is also debating about it, so that, as the Government hasn't yet a formed opinion or a determined purpose, it is impossible to give more precise information about the above mentioned points.

However, I can tell you that, for what concerns point a), the previous designation of the candidates in the administrative elections has never been foreseen in Italy, either in positive right or in the electoral custom, and except for the decisions which can be made on this subject as reforms I think there are no serious reasons for making innovations in the system which is in force.

For what concerns point b), the political electoral law always mentioned the type and characteristics of the poll-ticket to be used in political elections; for what concerns administrative elections, the official text of the communal and provincial law 4 February 1915, n. 148, states in art. 76, that 'the poll-ticket can be written, printed or partly written and partly printed', and adds that 'the poll-tickets must be made of white paper, without any sign which might help to recognize them'. To my mind, though this question, as well as that of the former point a), is still being studied, the limits and precautions stated by the law appear to be sufficient, on general principles, to guarantee the secrecy and genuineness of the vote.

For what concerns point c) it must be made clear that it is absolutely forbidden to make electoral propaganda in the place chosen for the poll, where the supporters of the various candidates are only allowed to distribute the poll-tickets, refraining from all forms of pressure on the electors. The obbligation to guarantee the respect of this law befalls the police authority, which is entrusted with the maintenance of order, and the regular development of the electoral operations.

I have given you, my dear Admiral, my personal point of view on the questions you asked me, which will certainly be adequately solved within the frame of the electoral system which will be definitively adopted.

EC Dist - 25 MAY 45

ACTION: C in C Sec (2)
INFO: Chief Comm
Exec Comm

Yours very truly,

s. I. Bonomi

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Admiral Stone
Chief Commissioner - Allied Commission

e.c.
5931/46

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

Translation

The President of the Council of Ministers
Minister of the Interior

18/05/

Rome, 20 May 1945

25 MAG 1945

Dear Admiral,

after my letter of April 23rd, and referring to the new verbal explanations asked about a), b), c) of your letter of the 17.4.45, concerning some modalities of the future administrative elections, I repeat what I already told you, i.e., that the details of the electoral procedure will have to be fixed by a special regulation, when the political problem of the choice of the system considered to be most adequate will have been solved. As you know, this problem is still the object of many discussions within the parties and the press is also debating about it, so that, as the Government hasn't yet a formed opinion or a determined purpose, it is impossible to give more precise information about the above mentioned points.

However, I can tell you that, for what concerns point a), the previous designation of the candidates in the administrative elections has never been foreseen in Italy, either in positive right or in the electoral custom, and except for the decisions which can be made on this subject as reform, I think there are no serious reasons for making innovations in the system which is in force.

For what comes to point b), the political electoral law always mentioned the type and characteristics of the poll-ticket to be used in political elections; for what concerns administrative elections, the official text of the communal and provincial law 4 February 1915, n. 148, states in art. 76, that 'the poll-ticket can be written, printed or partly written and partly printed', and adds that 'the poll-tickets must be made of white paper, without any sign which might help to recognize them'. To my mind, though this question, as well as that of the former point a), is still being studied, the limits and precautions stated by the law appear to be sufficient, on general principles, to guarantee the secrecy and genuineness of the vote.

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I have given you, my dear Admiral, my personal point of view on the questions you asked me, which will certainly be adequately solved within the frame of the electoral system which will be definitively adopted.

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Yours very truly,

H. I. Bonomi

Admiral Stone
Chief Commissioner - Allied Commission

Copies sent to: U.S. Ambassador
British Ambassador

E.C.

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

BEST COPY POSSIBLE

MAY 25 RECD
16B

IL PRESIDENTE
DEL CONSIGLIO DEI MINISTRI
MINISTRO DELL'INTERNO

Roma, 20 maggio 1945.

25 MAG 1945

Caro Ammiraglio,

Di seguito alla mia lettera del 23 Aprile u.s. e con riferimento ai nuovi chiarimenti verbali richiesti in merito ai punti a), b) e c) della Sua lettera del 19.4.1945, concernente alcune modalità delle future elezioni amministrative, confermo quanto già ebbi a comunicarle e cioè che i dettagli della procedura elettorale dovranno essere fissati in un apposito provvedimento legislativo dopo che sarà stato risolto il problema politico della scelta del sistema ritenuto più idoneo. Tale problema, come Ella sa, è tuttora vivamente dibattuto in seno ai partiti e nelle discussioni di stampa, cosicchè, non avendo ancora il Governo un'opinione formata ed un disegno determinato, nessuna attendibile precisazione può essere fatta ora in merito ai punti dianzi accennati.

Posso, comunque, dirLe, per quanto concerne il punto a), che nè nel diritto positivo nè nella consuetudine elettorale è mai stata prevista in Italia la preventiva designazione dei candidati nelle elezioni amministrative e, pur facendo salve le determinazioni che al riguardo potranno essere adottate in sede di riforma, ritengo che non sussista alcun serio motivo per innovare al sistema vigente.

Per quanto riguarda il punto b), la legge elettorale politica ha sempre indicato il tipo e le caratteristiche della scheda da usare nelle elezioni politiche; per quanto attiene, invece, alle elezioni amministrative, il T.U. della legge comunale e provinciale 4 febbraio 1915, si limita a dichiarare, nell'art. 76, che "la scheda può essere scritta, stampata o parte scritta e parte stampata" e aggiunge che "le schede devono essere in carta bianca, senza alcun segno che possa servire a farle riconoscere". A mio avviso, quindi, pur essendo tale questione come quella del precedente punto a) tuttora allo studio, i limiti e le cautele poste dalla legge appaiono sufficienti, in massima, a garantire la segretezza e la genuinità del voto.

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

Posso,comunque,dirLe, per quanto concerne il punto a),che nè nel diritto positivo nè nella consuetudine elettorale è mai stata previs in Italia la preventiva designazione dei candidati nelle elezioni ammin strative e,pur facendo salve le determinazioni che al riguardo potranno sere adottate in sede di riforma,ritengo che non sussista alcun serio tivo per innovare al sistema vigente.

Per quanto riguarda il punto b), la legge elettorale p ca ha sempre indicato il tipo e le caratteristiche della scheda da nelle elezioni politiche; per quanto attiene,invece,alle elezioni am strative,il T.U.della legge comunale e provinciale 4 febbraio 1915,n si limita a dichiarare,nell'art.76,che "la scheda può essere scritt pata o parte scritta e parte stampata" e aggiunge che "le schede de essere in carta bianca,senza alcun segno che possa servire a farle r scere". A mio avviso,quindi,pur essendo tale questione come quella de cedente punto a) tuttora allo studio,i limiti e le cautele poste dall ge appaiono sufficienti,in massima, a garantire la segretezza e la ge tà del voto.

Per quanto concerne,infine,il punto c), è d'uopo chiarir non è assolutamente consentito svolgere propaganda elettorale nel luo scelto per la votazione,dove i sostenitori dei singoli candidati poss soltanto distribuire le schede,astenendosi da ogni forma di pressione l'elettore. L'obbligo di garantire l'osservanza di siffatta norma inc sull'autorità di polizia,cui è affidato il mantenimento dell'ordine

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Signor Ammiraglio
Ellery W. S T O N E
Capo della Commissione Alleata
ROMA

Tr/

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regolare svolgimento delle operazioni elettorali.

Le ho esposto, caro Ammiraglio, il mio punto di vista personale sui quesiti da Lei prospettati che, certamente, riceveranno la soluzione più idonea nel quadro del sistema elettorale che sarà definitivamente adottato.

Cordiali saluti

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

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AC/45/M/10. 23 May 1945.

My dear Mr. Prime Minister:

In my letter of 19 April, I made some detailed observations concerning the voting methods proposed to be used by your Government in the holding of local elections. In your response of 24 April, you were good enough to summarize generally the position to date.

Officials of the Ministry of the Interior have informed Local Government Sub-Commission that it is your intention to send me a specific answer, taking up directly the points mentioned in my letter. I shall be grateful for an early opportunity to study such a communication.

Yours very truly,

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

His Excellency Ivanoe Bonomi
The President of the Council of Ministers
Italian Government
Rome.

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

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DRAFT

May, 1945

AC/45/A/LG

My Dear Mr. Prime Minister,

In my letter of 19 April, I made some detailed observations concerning the voting methods proposed to be used by your Government in the holding of local elections. In your response of 24 April, you were good enough to summarize generally the position to date.

Officials of the Ministry of the Interior have informed Local Government Sub Commission that it is your intention to send me a specific answer, taking up directly the points mentioned in my letter. I shall be grateful for an early opportunity to study such a communication.

Yours very truly

MILEMY W. STONE
Rear Admiral U.S.N.R.
Chief Commissioner.

His Excellency Ivanoe BONOMI

In my letter of 19 April, I made some detailed observations concerning the voting methods proposed to be used by your Government in the holding of local elections. In your response of 24 April, you were good enough to summarize generally the position to date.

Officials of the Ministry of the Interior have informed Local Government Sub Commission that it is your intention to send me a specific answer, taking up directly the points mentioned in my letter. I shall be grateful for an early opportunity to study such a communication.

Yours very truly

HILLERY W. STONE
Rear Admiral U.S.N.R.
Chief Commissioner.

His Excellency Ivanoe BONOMI
President of the Council of Ministers
Italian Government
ROME

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AC/4/26/LG

SUBJECT: Note of Interview - Ministry of the Interior

DATE : 15 May 1945 - 1100 hours

PRESENT: H. E. Adalberto BERRUTI, Chief of Cabinet
Cav. Andrea CAMERA, Vice Chief of Cabinet
Col. R. R. Cripps, Director
Major Ralph R. Temple, Deputy Director
Lt. D. MODIANO, interpreting

5. ADMIRAL STONE'S LETTER OF 19 APRIL CRITICISING ELECTION METHODS

BERRUTI stated that BONOMI's letter of April 23 was in fact a reply to the letter of April 19, although he had informed Major Temple last week that it was not. He had checked on the situation. However, he agreed that the response was very general because the Government was not in a position to take up the details mentioned in the Chief Commissioner's letter. He realized that those details went to the heart of the problem and stated that a more detailed letter would be sent very shortly taking up directly the points mentioned.

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

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AC/45/A/LO

SUBJECT: Note of interview - Ministry of the Interior

DATE : 2 May 1945 - 1130 hours

PRESENT: Dott. Adalberto BERRUTI, Capo di Gabinetto
Major Ralph R. Temple
Lt. D. MODIANO, interpreting

1. I directed Dott. BERRUTI's attention to the letter of April 24 from BONOMI to Admiral Stone (folio p. 66) on the subject of elections and asked whether this was in direct response to the Admiral's letter of 19 April, (folio p. 58). He read both letters and said that it was not a response to the April 19 letter--it probably was a resume of the situation up to date. He recorded some of the points of the letter of April 19 and said that we would very likely receive an answer shortly.

2. I asked what the position was regarding the publication in the Gazzetta Ufficiale of an amended Decree which will permit the compilation of electoral lists in AMG Territory without waiting for the turnover to the Italian Government of said territory. He said there were some other amendments tacked on and that held up the publication, but that it should be published soon. I informed Dott. BERRUTI that we were holding up the distribution of some circulars which the Ministry had sent us because they referred to the Electoral Decree which up to now was not in effect in AMG Territory.

R R Temple
Major

RALPH R. TEMPLE
Major
Deputy Director
Local Government Sub Commission

RRT/pec

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

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ALLIED CONTROL COMMISSION

INTER OFFICE MEMO

From: Office of Chief Commissioner

SUBJECT: Distribution of Letter from Prime Minister re Local Elections

FILE No.

TO: ~~Executive Comm'r Clerks~~
~~CA Section~~ Clerks

28 April 1945

This office has made the following further distribution of letter No. 344 of 24 April from P.E. Ponomi to Admiral Stone with reference to the regulations adopted for local elections.

U.S. Ambassador
British Ambassador
Political Adviser (A)
Political Adviser (B)

4430

[illegible]
Chief Clerk

2756

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

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C A Sect 10

Translation

The President of the Council of Ministers

26 APR 1945

Rome, 24 April 1945

Dear Admiral,

I must specify the nature of the regulations which have been up to now adopted for the elections.

Up to now, we have only made a series of regulations relative to the drafting of electoral lists and to the premises where the citizens will vote.

These regulations are:

1) law 74 October 1945, according to which all male citizens over 21 figure on the electoral lists;

2) law 1 February 1945 putting women also on the electoral lists.

3) laws of April (which are being published) regulating some details about the lists, and prescribing that in the electoral sections men and women will vote together; when it will be possible, the electoral sect ons will ave that there are two entrances, a common one and one for the women.

The work for the drafting of the lists will take about five months.

As as now 30 provinces which are under Italian administration the work was begun in the first days of February, we figure that the administrative elections could all take place at the end of June. These could take place in various regions one on several Sundays for instance; one Sunday in all the municipalities of Calabria, another in half Sicily, another Sunday in the other half, and so forth.

As for the provinces of Tuscany, Umbria and Marche which are still under Allied administration, supposing that the said administration allowed to begin the drafting of the lists, these could only be ready toward the end of September.

Nothing can be said about North Italy. Supposing that in the North the drafting of the lists might start in June, the first elections could only take place in November.

As for the electoral system to be adopted, nothing can yet be said.

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Admiral Ellery W. Stone
Chief Commissioner
Allied Commission
Rome

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

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In Italy, various systems have been tried for the political elections as well as for the administrative elections. For the political elections, a law had been drafted which offered secrecy of vote and a possibility of control. It certainly was one of the best electoral laws in Europe.

But nowadays, no regulation can be made if we do not first solve the problem of the electoral system. You have certainly seen the polemics of the newspapers. For the administrative elections, some parties want the proportional system, other parties want the majority system.

I think this question will have to be solved with the help of the Consulta. Once the question of the system will be solved, we will have to find practical means to enforce it. Italy's experience acquired during the long period when she exercised a full and sound democracy will help to determine the modalities and procedure for the elections.

Hints and suppositions about future electoral laws are therefore quite premature. The Government itself, which is formed of parties which disagree on this point cannot have formed an opinion, nor have definite intentions.

Truly yours,

A. C. Sforza

U.S.

EC DIST - 25 APR 45

ACTION: C A SEC 121

INFO: CHIEF COMMR
EXEC COMMR
U.S. Ambassador 4428
British Ambassador
Political Adviser (A)
Political Adviser (B)

2758

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

Il Presidente
del Consiglio dei Ministri

Roma, 24 aprile 1945

344

Caro Ammiraglio,

debbo anzitutto precisare la natura dei provvedimenti che si sono fin qui adottati per le elezioni.

Finora non si é concretato che una serie di provvedimenti relativi alla formazione delle liste elettorali e ai locali dove i cittadini andranno a deporre il loro voto.

Tali provvedimenti sono:

1°) legge del 24 ottobre 1944 che inscrive nelle liste elettorali tutti i cittadini maschi di età superiore ai 21 anni;

2°) legge del 1° febbraio 1945 che inscrive nelle liste elettorali anche le donne;

3°) leggi dell'aprile (in corso di pubblicazione) che regolano alcuni particolari circa le liste, e che prescrivono che nelle sezioni elettorali vadano a votare insieme gli uomini e le donne, provvedendo - dove sarà possibile - le sezioni elettorali di due ingressi uno comune e uno riservato alle donne.

Il lavoro per la formazione delle liste durerà circa cinque mesi.

Al sig. Ammiraglio ./.
ELLERY W. STONE
Capo Commissione Alleata
R O M A

2759

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

Il Presidente
del Consiglio dei Ministri

Poiché nelle 36 provincie sottoposte all'amministrazione italiana si é cominciato il lavoro ai primi di febbraio si calcola che solo alla fine di giugno si potranno indire le elezioni amministrative. Queste potranno essere fatte in diverse regioni e in più domeniche successive, per esempio: una domenica in tutti i Comuni della Calabria, un'altra in metà della Sicilia; un'altra domenica nell'altra metà, e così via.

Per le provincie della Toscana dell'Umbria e delle Marche sottoposte all'amministrazione alleata, posto che detta amministrazione consenta di iniziare ora la formazione delle liste, queste non potranno essere pronte che alla fine di settembre.

Nulla si può dire dell'Italia del Nord. Supposto che nel Nord si possa iniziare col giugno la formazione delle liste le prime elezioni non potranno farsi che in novembre.

Quanto al sistema elettorale da adottarsi nulla può ancora dirsi al riguardo.

In Italia si sono esperimentati diversi sistemi tanto per le elezioni politiche come per le elezioni amministrative. Per le elezioni politiche si era congegnata una legge che offriva segretezza di voto e possibilità di controllo. Era certamente una delle migliori leggi elettorali di Europa.

Ma oggi non si può adottare alcun provvedimento se prima non si risolve il problema del sistema elettorale. Ella avrà visto le polemiche dei giornali. Alcuni partiti vogliono, anche per le elezioni amministrative, il sistema proporzionale, altri partiti il sistema maggioritario.

Credo che questa questione dovrà essere risolta con l'aiuto

./. 4426

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

Il Presidente
del Consiglio dei Ministri

della Consulta. Risolta la questione del sistema si dovrà poi escogitare i mezzi pratici per applicarlo. E allora le esperienze fatte dall'Italia durante il lungo periodo nel quale essa esercitò la più piena e sana democrazia, serviranno a determinare le modalità e le procedure elettorale.

Pertanto le voci e le supposizioni circa la futura legge elettorale sono assolutamente premature. Lo stesso Governo, che é formato di partiti discordi su questo punto, non può avere ancora una opinione formata e un disegno preciso.

Cordiali saluti.

A. Segni

2761

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

AC/IS/N:e

19 April 1945.

My dear Mr. Prime Minister,

Following the receipt of your letter of 27 February 1945, in which you gave me a general view of your Government's intention with respect to the holding of local elections, officers of the Local Government Sub-Commission conferred with officials of the Ministry of Interior in order to get a clarification and elaboration of your proposed plans. I cannot but feel that the voting methods intended to be used by the Italian Government based upon the 1915 Law do not provide sufficient controls and guarantees to ensure the possibility of holding an independent, free and secret vote. As described to us, the system lends itself too readily to corruption of the voters and electional officials, misuse of the ballot by the voters and unfair political party pressure.

Some of the principal defects in the existing system are:

(a) no formal nomination of candidates prior to the voting;
(b) no official ballot paper;
(c) no control of electioneering at the polling places.

Since the Allies are greatly interested in the rehabilitation of democratic institutions in your country, I feel that I must most earnestly recommend to you that the present election law be amended prior to the holding of elections in territory under the control of the Italian Government.

Furthermore, the Allied Commission could not countenance the holding of elections in Allied Military Government Territory under the 1915 system. Substantial improvements and amendments to the existing law, tending to establish more truly democratic procedures, would first have to be made in AMG Territory.

I wish to reaffirm my interest in this subject and my readiness to have the Allied Commission available for any assistance and advice which your Government may deem desirable.

Yours very truly,

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

4424

His Excellency Ivanoe Bonomi
President of the Council of Ministers
Italian Government
Rome.

Copies to: U.S. Ambassador
Br. Brit Ambassador.

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DRAFT

HEADQUARTERS ALLIED COMMISSION
APO 394
Office of the Chief Commissioner

AD/AS/A/LG

April 1945

My Dear Mr. Prime Minister,

Following the receipt of your letter of 27 February 1945, in which you gave us a general view of your Government's intention with respect to the holding of local elections, officers of the Local Government Sub Commission conferred with officials of the Ministry of the Interior in order to get a clarification and elaboration of your proposed plans. I cannot but feel that the voting methods intended to be used by the Italian Government based upon the 1915 law do not provide sufficient controls and guarantees to ensure the possibility of holding an independent, free and secret vote. As described to us, the system lends itself too readily to corruption of the voters and electoral officials, misuse of the ballot by the voters and unfair political party pressure.

Some of the principal defects in the existing system are:

(a) no formal nomination of candidates prior to the voting;

(b) no official ballot paper;

(c) no control of electioneering at the polling places.

Since the allies are greatly interested in the rehabilitation of democratic institutions in your country, I ~~request~~ feel that I must make clear that the present election law be amended prior to the holding of elections in territory under the control of the Italian Government.

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

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(a) no formal nomination of candidates prior to the voting;

(b) no official ballot paper;

(c) no control of electioneering at the polling places.

Since the Allies are greatly interested in the rehabilitation of democratic institutions in your country, I ~~propose to stress~~ feel that I must emphasize that the present election law be amended prior to the holding of elections in territory under the control of the Italian Government.

Furthermore, the Allied Commission could not countenance the holding of elections in Allied Military Government Territory under the ~~present~~ 1915 system. Substantial improvements and amendments to the existing law, tending to establish more truly democratic procedures, would first have to be made.

I wish to reaffirm my interest in this subject and my readiness to have the Allied Commission available for any assistance and advice which your Government may deem desirable.

Yours very truly,

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Declassified E.O. 12356 Section 3.3/NND No. 795021

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

Translation

The President of the Council of Ministers

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Rome, March 1945

Dear Admiral,

I am not yet able to supply you with other particulars on the subject of administrative electorate, for the regulations which are to establish the suffrage system and the representationsof the territorial autarchic organizations to be created by the vote of the people, are still being drafted.

The work of the competent office is being done with speed and with a truly democratic comprehension, so that the practical application of these regulations may take place wit out delay; I know that their drafting is rather difficult, for, besides requiring a deep study, it implies the solution of complex questions of a practical and principally of a political order.

I am gratef l for your kind interest for the rehabilitation of free institutions in my country, and will let you know as soon as possible about the concrete plans of the Italian Government in this very delicate sector.

I remain,

Yours very truly,

H. I. Bonomi

Admiral Ellery W. Stone
Chief of the Allied Commission
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28 MAR 1945

MAR 28 REC'D

IL PRESIDENTE
DEL CONSIGLIO DEI MINISTRI
MINISTRO DELL'INTERNO

Roma, Marzo 1945

Caro Ammiraglio Stone,

non sono stato in grado, finora, di fornirle altri particolari sulla materia dell'elettorato amministrativo perchè sono in elaborazione le norme legislative intese a stabilire il sistema di votazione e le rappresentanze degli Enti autarchici territoriali cui dovrà dare vita la consultazione popolare.

L'opera dell'ufficio competente si svolge con incessante ritmo e con intendimenti sinceramente democratici affinchè dette norme possano, nel più breve tempo, essere tradotte sul terreno pratico; ma non mi nascondo che la loro elaborazione si presenta assai ardua in quanto che, oltre a richiedere uno studio meditato, implica la soluzione di complesse questioni di ordine pratico e, soprattutto, politico.

Sensibile al Suo cortese interessamento per un sollecito ripristino di libere istituzioni nel mio paese, mi è gradito assicurare che non mancherò di tenerla informata, appena possibile, dei concreti orientamenti del Governo italiano in tale delicato settore.

Ricambio vivissime cordialità.

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Ricambio vivissime cordialità.

P. Nenni

All'Ammiraglio
Ellery .W. STONE
Capo della Commissione Alleata

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SUBJECT : Note of interview - Ministry of Interior

DATE : 2 March 1945 - 1130 hours

PRESENT : H. E. Adalberto BERRUTI, Chief of Cabinet
Dott. SPANO, Vice Prefect, Servizio Elettorale
Cav. Andrea CAMERA, Consigliere di Gabinetto
Major R.R. Temple } Local Government Sub Commission
Major C . C.R.Williams }
Lt. D. MODIANO, interpreting

1. We referred to the Prime Minister'd reply to the Chief Commissioner (dated 27 February on the subject of local elec tions (of which Berruti was fully informed), and said there were several points in this not altogether clear to us, both as to (a) the description of the local government structure intended to be established as a temporary measure, and (b) the manner of holding elections for such local government bodies.

I - Local Government Structure

2. It was explained to us that subject to certain "retouches and simplifi - cations" (as to which see para 5 below), the Government intended to return strictly and fully to the local government Code of 1915.

3. Under this system, there would accordingly be :

(a) in every commune : --

(i) a Communa l Council of from 15-80 members according to population

(ii) a Communal Executive Committee ("Giunta Comunale") of 2-10 memb ers, according to population, and elected by the Communal Council from among its own members. This body carries out the decisions of the Council and oversees the administration to the Council meetings.

(NOTE- : This is the same body as that introduced for the local government of communes by AG/Itl.Govt.a ction in April 1944, except that as there were no communal councils, it had to be (a) appointed by the Prefect and (b) invested with the powers of the counc il.)

(iii) the ma yo r, i.e. Sindaco. Also elected by the Council from its member. He presides over the Council and Executive Committ ee and controls the officials in the day-to-day administration.

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(b) in every province : --

(i) Provincial Council of 30-60 members, according to population :

(ii) a Provincial Deputation of 6-10 members, according to population, and elected by the Council from among its own members. Its functions in relation to the province are similar to those of the Communal Executive Committee in relation to the Commune.

(NOTE : This body is likewise the same as that introduced by AC/Provl. Govt. action in April 1944, except that it would in the future, under the proposals outlined in the Prime Minister's letter, no longer (a) be appointed by the Prefect, and (b) have the powers of the Council as well as its own).

(iii) the President, also selected by the Council from among its members, who presides over the Council and Provincial Deputation and acts as principal executive officer of the province, as the Mayor does in the commune.

4. It is not intended to alter the provisions of the Local Government Code of 1915 either (a) as to the respective powers of the communal and provincial local authorities; nor (b) their relations with one another, or (c) their relationship to the Prefect and the Central Government. It was explained to us that the Government's view is that their proposals are a temporary measure only. Changes in substance are matters for the Constituent Assembly. It would not be proper for the present Government to pre-judge such issues in merely interim measures.

5. Nevertheless, the Government do propose certain "retouches and simplifications", as mentioned in para 5 of the Prime Minister's letter. As an example of what this means, it was stated (a) the Code of 1915 provides for two provincial Presidents. One is President of the Council, who presides over its meetings and little more. The other is President of the Provincial Deputation who is, according to the 1915 Code, chosen by the Deputazione from among its own members : it is the President who presides over the provincial Deputazione and acts as principal executive officer of the province. It is proposed to ablish the second President and have the President of the Council elected by that Body to be a member of and preside over the Provincial Deputation also, and to be the principal executive officer. This is the kind of "simplification" proposed.

(b) Secondly, it is proposed to reduce slighily the number of members of both the Provincial and Communal Councils. Reference was specifically made to the number of Communal Councillors in the largest province, i.e. 80 for communes of over 250,000 population : and we were told that the government felt this was rather too large and unwieldy a number for present exigencies.

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6. An alteration in the number of members of the Communal Giunta and the Provincial Deputation has not been considered yet. Moreover, we were told that the possibility of other "retouches and simplifications" was being studied and there might be further minor amendments of this nature.

II - Completion of Electoral Lists

7. It was stated that the compilation of the electoral lists was proceding fairly well, considering the practical difficulties. The last consignment of material required, i.e. the forms, etc., for the preparation of the final edition, so to speak, of the lists, is being sent out by the Ministry (commencing today) to Italian Government provinces. It is going mainly by rail with AC assistance and the dispatch will be spread over 14 days and be done in six stages.

8. It was stated that the Ministry had not yet heard anything as to transportation for dispatch of material to AMG provinces. We stated that full information about this had been given to the Economic Section on 20 February and we would take the point up with them.

9. It will take a minimum of 110 days to complete the compilation of the lists. Owing, however, to such difficulties as roads being snowed up, lack of train stops, and the total or partial destruction of the population lists in some communes, the compilation will take longer in many places.

10. The Ministry has just signed a Decree which is about to be published, extending the time-table in the case of those communes whose "anagrafe" or population lists have been destroyed: and the Ministry are going to send copies of the last census returns to such communes in substitution.

11. The earliest date in Italian Government territory when this can be ready can be taken as 15 May.

III - Date of Elections

12. Having regard to the earliest date for completing compilation of the electoral lists, given in the previous paragraph, it was stated that the actual elections could be anticipated to take place at the end of June or the beginning of July.

13. We discussed the 6th para of the Prime Minister's letter, and it was agreed that this meant (a) that in each commune the electors will vote for their Communal Councillors or Provincial Councillors on the same day; (b) that the Provincial Councillors (unlike the Communal Councillors) are divided up and a certain number of them assigned to each judicial district or "mandamento" in the province according to the population of the "mandamento"; (c) that, therefore, all communes in the same "mandamento" must have their elections on the same day to choose, firstly, the Provincial Councillors for the "mandamento", and secondly their own respective Communal Councillors; (d) subject to the above, however, the date for the elections can vary from "mandamento" to "mandamento" and from province to province.

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Declassified E.O. 12356 Section 3.3/NND No. 785(21)

14. We asked if the Government had given thought to one disadvantage of not having all elections on the same day: namely, that the results of those held first be bound to influence those held later, and thus give an opening for undesirable political maneuvering. The reply was that the Government were alive to that, but in spite of this disadvantage, they considered the practical difficulties ruled out the possibility of holding all elections on the same date. As is explained above, in paras 9 and 10, it is impossible in the present state of the country to expect all the electoral lists to be ready on time. As a matter of practical necessity, therefore, the dates for the elections in various areas must be fixed "ad hoc", according to the progress made in each area and the varying dates when the lists are ready.

15. The government admitted that their underlying intention was to have all the elections on dates as close together as possible. They hope that there will be a lapse of not more that a few days between the elections of one "mandamento" and another comprised in the same province. As between provinces and provinces, however, that they might be able to complete all their local elections in Italian Government territory in about a month.

IV - Method of Voting

16. We had a long, somewhat technical discussion with a view to elucidating what actually happens in a polling station in an Italian town on the day of election for, say, the Communal Councillorship. The results are summarized in the following paragraphs.

17. In the first place, there is no nomination of candidates. There used to be in parliamentary elections, but not in local ones. The voter is entitled to vote for anybody whose name is on the register of qualified voters.

18. Secondly, no official ballot papers are supplied, as is done in parliamentary elections. The voter brings his own voting paper or "schede" as it is called. Provided, it is on white paper (and this requirement will probably be relaxed), it can be printed or written or partly one and partly the other, and in any form.

19. What happens in practice, however, is that the political parties issue their own printed "schede" to their own members or supporters. Theoretically, the elector (voter) is entitled when he gets to the polling booth to cross out names from this list and write in the names of other electors. He can also use his own manuscript. In practice, however, the party lists are almost exclusively used and very few alterations are made.

20. For the purpose of voting, the commune is divided into polling districts (sezioni) containing 100-~~800~~ electors. The number of councillors is not, however, divided up among the polling districts: the electors in each polling district vote for the total number of councillors permitted by law.

21. The voting to each polling place is managed by (a) a President and Vice President, who are magistrates of judicial or state officials;

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four election clerks, chosen by the Communal Council from among voters qualified to be jurymen; (c) a Secretary, who is a state judicial or communal official and voted by the President of the section.

22. The practice of appointment of agents by candidates or political parties to watch the actions of these officials is unknown. Neither are the judicial authorities charged with any supervision over the method of voting, as is the state's Attorney General in many of the United States. However, the election clerks being chosen by the Communal Council, it seems they would amount in practice to an official recognition of party agents.

23. For an elector presenting himself to vote, his identity must first be established. This is done by :

(a) an election clerk or the secretary personally vouching for him and signing the electors list opposite the electors name : or
(b) another elector, whose identity has been previously established as in (a), vouching for the elector and signing the list as above; or
(c) the elector presenting an identity card with a photograph on it, the number of the card being entered against the electors name in the list. If not in possession of a government identity card, the elector can get a special one from the local "Pretore".

24. The elector then goes into the polling booth merely for the purpose of folding, in secret, his "scheda" into four : he is supposed already to have inserted the requisite names. He then hands it to the President of the polling district who places it in the ballot box or urn. The law requires this to be made of transparent glass : the Government are considering relaxing this to the extent of permitting the urn to be made of any suitable material with a small glass panel in front.

25. The elector may only vote for four-fifths of the vacancies. For example, if there are 20 Communal Councillors to be elected, yet the elector may not vote for more than 16 names. If he does, his ballot-paper or scheda is void. Consequently the political parties, in the printed lists they issue to their supporters, do not put forward names for more than four-fifths of the vacancies : in the example, they would have 16 names on their schede.

26. In counting the votes, however, all vacancies have to be filled. In the case of G.C. 20 vacancies, the 20 persons having the greatest number of votes are declared elected. A party putting forward 16 candidates on its list is might, if it had a large following and were well organised, get them all elected. Theoretically, however, it cannot get more than 16 elected : and therefore, the remaining 4 places at least must go to some other party.

27. This is the theory : and the object is to preserve some representation for minorities, as the Prime Minister states in his letter. Theoretically, the strongest possible political party cannot secure more than four-fifths of the seats in the Council. In practice, however, (as we pointed out) subtle gerry-

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ering methods can defeat this, e.g. a party can print two or more lists and gave careful instructions to their supporters as to which each one is to use.

C. G. R. WILLIAMS
Major
Local Government Sub Commission

CGRW/cg.

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AC/45/12 6 March 1945

My Dear Mr. Prime Minister,

I acknowledge with many thanks the receipt of your letter of 27 February 1945 and I am grateful for the general view that you have given me of the Government's intentions with respect to the question of holding local elections. My interest in the subject is well known to you and I shall be very glad to be kept informed of the progress that is being made and of the further details to which you refer in your final paragraph.

Yours very truly,

/s/ H. W. Stone
Brigadier

HENRY W. STONE
Rear Admiral, USCG
Chief Commissioner

His Excellency Ivanoe Bonomi
The President of the Council of Ministers
Italian Government
ROME.

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TRANSLATION No. 557

THE PRESIDENT OF THE COUNCIL OF MINISTERS

27 February 1945

Dear Admiral Stone,

I most willingly comply with your request and am happy to offer you another proof of the genuinely democratic aims pursued by the Government over which I preside.

As you so well understand, the organisation of local self-government bodies is part of the greater problem of the institutional reforms which the constituent assembly will be required to bring about through the medium of laws and institutions more consonant with the new consciousness and the increased political, economic and social needs of the Italian people.

The new code of local self-government, in its multitudinous aspects involving the agencies and the procedures for their constitution, as well as the powers, the functions and the relations with one another and with the central authority, will be that which the free expression of the collective will and a good electoral law can and will assure.

Meanwhile, considering the exceptional circumstance existing in the country, which is not completely liberated as yet, and the fact that many of its citizens are either prisoners or departed, or otherwise far from the main centres of their interests, it seems a wise measure to have recourse to a transitory solution which, while not prejudicing the creation of more suitable constitutional institutions, would give immediate effect to the fundamental democratic principle of entrusting to a body of electors the appointment of local public authorities.

As matters are at present, I think a suitable solution would be to restore the consolidated text of the communal and provincial law n.148 of 4 Feb 1915 which, since it was issued prior to the advent of fascism and is inspired by clearly democratic tendencies could, with suitable retouches and simplifications (particularly in regard to the composition of the elective assemblies and to the dissolution of such institutional agencies as are not strictly necessary), meet fully the requirements of the moment and replace all the temporary provisions established by RDL n.111 of 4 April 1944 which, although following the same lines as the afore-mentioned consolidated text, do not make any concrete contribution towards a return to truly democratic procedures.

The present structure of the local organization as represented by the Commune and the Province - which are bodies having a juridical personality, with their own councils and executive and representative agencies elected by these councils from among their own members (i.e. the provincial deputation and its president, the communal board and the mayor) - would thus remain, even though

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Meanwhile, considering the exceptional circumstance existing in the country, which is not completely liberated as yet, and the fact that many of its citizens are either prisoners or deported, or otherwise far from the main centres of their interests, it seems a wise measure to have recourse to a transitory solution which, while not prejudicing the creation of more suitable constitutional institutions, would give immediate effect to the fundamental democratic principle of entrusting to a body of electors the appointment of local public authorities.

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As regards the procedure for the elections, the consolidated text of 1915 adopts the majority system. The voter, in fact, is not allowed to write on the ballot paper as many names as there are communal councillors to be elected, since a certain number of the vacancies is reserved for the representation of minorities. This regulation is supported by proper guarantees and sanctions, as is also the regulation concerning the secret ballot.

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As to the place and date of the elections, since their scope is the constitution of representatives who are local it is not necessary that the elections take place at the same time in all communes, as in the normal procedure on the other hand for political elections. At any rate, since the elections will be carried out on the basis of the ex novo compilation of the lists, I can assert with certainty that as soon as this is done, the citizens will be called immediately to the ballot wherever circumstances permit. In spite of numberless difficulties, which are well known to you, the lists are being prepared at a rapid pace and I trust that, thanks to the goodwill of everybody, and to the vigilant supervision of the Government, they will be completed in most of the provinces restored to the Italian Administration within the period of time established by the Ministerial decree of 24 October last.

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With the restoration of the consolidated text of 1915 and by virtue of the recent DLL which extends universal suffrage to women, all citizens possessing the prescribed qualifications will participate in the election of communal councillors. The election of the provincial councillors will take place at the same time and according to the same procedure. Separate returns will, however, be made: it is necessary to bear in mind that since the number of the provincial councillors is divided by districts, the election will take place on the same day in all the communes within the boundaries of the district.

I have nothing to add in particular on the participation of political parties and independent candidates, since this participation can be inferred from the "majority system" explained above: however, modifications may eventually be desired by various political currents, particularly in connection with the election of the provincial councillors.

I believe I have furnished you with an adequate general picture of the Government's aims in the field of administrative elections. I shall be very glad to give you more details as soon as possible, as well as any other information on the subject that you may need.

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tion on the subject that you may need.

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Il Presidente
del Consiglio dei Ministri

Roma, 25 febbraio 1945

Caro Ambasciatore Stone,

ulerisco ben volentieri alla sua richiesta, lieto di poterle offrire altra testimonianza dei propositi sinceramente democratici cui il Governo va ora praticamente informa la sua azione.

Come V.E. comprende di leggieri, l'ordinamento degli enti autarchici territoriali s'inquadra nel più vasto problema delle riforme istituzionali che l'assemblea costituente sarà chiamata a realizzare attraverso leggi ed istituti più consoni alla rinnovata coscienza ed alle accresciute esigenze politiche, economiche e sociali del popolo italiano.

La nuova disciplina dell'autogoverno locale, nei suoi molteplici aspetti interessanti gli organi e le modalità della loro costituzione nonchè i poteri, le funzioni ed i rapporti reciproci e con l'autorità centrale, sarà quella che la libera espressione della volontà collettiva ed una buona legge elettorale potranno e sapranno assicurare.

Frattanto, nelle eccezionali circostanze del paese non ancora del tutto liberato e con nuclei cospicui di cittadini deportati, prigionieri o, comunque, lontani dai centri principali dei loro interessi, sembra prudente misura il loro ricorso ad una soluzio-

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Frattanto, nelle eccezionali circostanze del paese non ancora del tutto liberato e con nuclei cospicui di cittadini deportati, prigionieri o, comunque, lontani dai centri principali dei loro interessi, sembra prudente misura il ricorso ad una soluzione di carattere transitorio che, senza pregiudicare la creazione di più idonei istituti costituzionali, attui fin da ora il postulato fondamentale della democrazia che all'elettorato affida la formazione dei pubblici poteri locali.

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Stando così le cose, vedrei la soluzione contingente nel ritorno al testo unico della legge comunale e provinciale 4 febbraio 1915, n. 148, che, in quanto emanato in epoca anteriore al fascismo ed ispirato a chiari orientamenti democratici, potrebbe con opportuni ritocchi e snellimenti, specie in ciò che attiene alla com-

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posizione delle assemblee elettive ed alla soppressione di organi istituzionali non strettamente necessari, sufficiente in piena alle necessità del momento e costituire quel complesso di norme provvisoria posta dal R.D.L. 4 aprile 1944, n. 111 che, per ecce da emanato sulla falsariga del testo unico predetto, non offre, pe altro, alcun concreto apporto ad un ritorno verso sistemi veramen te democratici.

Rimarrebbe così in piedi, sia pure in via transitoria, l'attuale struttura de l'organizzazione periferica costituita dalla pro vincia e dal comune, enti dotati di personalità giuridica, con pro pri consigli ed organi di esecuzione e rappresentanza eletti in se no ai consigli medesimi, e cioè la Deputazione Provinciale ed il Presidente, la Giunta Municipale ed il Sindaco.

Circa la procedura delle elezioni, il testo unico del 1915 adotta il sistema maggioritario. L'elettore, infatti, non può scri vere nella scheda tutti i nomi quanti sono i consiglieri comunali da eleggersi, essendo una quota parte dei posti riservata per la rappresentanza delle minoranze. Tale disposizione è circondata da opportune garanzie e sanzioni, e così pure quella concernente il segreto della votazione.

In quanto al luogo ed alla data dei comizi, trattandosi del la costituzione delle rappresentanze locali, non è necessario che le elezioni avvengano contemporaneamente in tutti i comuni, come, invece, norma per quelle politiche. In ogni modo, poichè lo svolgimento del meccanismo elettorale è subordinato alla compilazione

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In quanto al luogo ed alla data dei comizi, trattandosi della costituzione delle rappresentanze locali, non è necessario che le elezioni avvengano contemporaneamente in tutti i comuni, com'è, invece, norma per quelle politiche. In ogni modo, poichè lo svolgimento del meccanismo elettorale è subordinato alla compilazione ex novo delle liste, sento di poter affermare con piena sicurezza che, non appena realizzato siffatto presupposto, i cittadini saranno chiamati senz'altro alle urne dovunque le circostanze lo permettano. Il lavoro delle liste procede, pur attraverso innumerevoli difficoltà, ben note anche a Lei, con ritmo spedito e confido che, grazie all'impegno di tutti ed al vigile interessamento del Governo, potrà essere ultimato, nella maggior parte delle provincie già restituite all'amministrazione italiana, entro i termini stabiliti

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Il Presidente
del Consiglio dei Ministri

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dal decreto ministeriale del 24 ottobre scorso.

Col ritorno al testo unico 1915, ed in virtù del recente decreto legislativo luogotenenziale che estende alle donne il suffragio universale, tutti i cittadini, in possesso dei requisiti prescritti, parteciperanno alla elezione dei consiglieri comunali. Negli stessi tempi e con le stesse modalità si procederà alla elezione dei consiglieri provinciali, redigendosi però separati ver_ li: occorre qui tener presente che, essendo il numero dei consiglie ri provinciali ripartito per mandamenti, l'elezione avrà luogo, nel medesimo giorno, in tutti i comuni compresi nella circoscrizione del mandamento.

Sulla partecipazione, infine, dei partiti politici e dei candidati indipendenti non avrei nulla di particolare da aggiungere, assumendosi essa implicitamente dal sistema maggioritario innanzi accennato, salvo eventuali modificazioni che potrebbero essere sollecitate dalle varie correnti politiche, specie per la elezione dei consiglieri provinciali.

Credo di averle fornito, in sintesi, una visione panoramica sufficiente dei propositi del Governo nel campo dell'elettorato amministrativo. Mi sarà particolarmente gradito dare, appena in grado, maggiori precisazioni, come ogni altra informazione che a Lei potes-

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prescrivi, parteciperanno alla elezione dei consiglieri comunali. Negli stessi sempi e con le stesse modalità si procederà alla elezione dei consiglieri provinciali, modificazioni però saranno verbali: occorre qui tener presente che, essendo il numero dei consiglieri provinciali eguale per ciascuno, l'elezione avrà luogo, nel medesimo giorno, in tutti i comuni compresi nella circoscrizione del mandamento.

Sulla partecipazione, infine, dei partiti politici e dei candidati indipendenti non avrei nulla di particolare da aggiungere, ritenendomi esso implicitamente dal sistema maggioritario innanzi accennato, salvo eventuali modificazioni che potrebbero essere sollecitate dalle varie correnti politiche, specie per la elezione dei consiglieri provinciali.

Credo di averle fornito, in sintesi, una visione panoramica sufficiente dei propositi del Governo nel campo dell'elettorato amministrativo. Mi sarà particolarmente gradito dare, appena in grado, maggiori precisazioni, come ogni altra informazione che a lei potesse, nel frattempo, occorrere sull'argomento.

Con viva cordialità.

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ef : AC/45/10

27 Feb 45

y dear Mr. Prime Minister,

On 3 Feb 45 I addressed a letter reference AC/45/10 to you on the subject of the holding of local elections.

While appreciating that the matter is one for the Italian Government, this Commission has as you know been directed to encourage the holding of such elections and I write to enquire if you are now in a position to give me the information previously asked.

Yours very truly,

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USN
Chief Commissioner

His Excellency Ivanoe BONOMI
The President of the Council of Ministers
Italian Government
A. M. G. H.

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DRAFT

HEADQUARTERS ALLIED COMMISSION

Office of the Chief Commissioner

APO 394

2

AC/45/LG

26 February 1945

My Dear Mr. Prime Minister,

On 3 Feb 45 I addressed a letter Reference AC/45/LG to you on the subject of the holding of local elections.

While appreciating that the matter is one for the Italian Government, this Commission has as you know been directed to encourage the holding of such elections and I write to enquire if you are now in a position to give me the information previously asked.

It is also important for me to know at an early date what are your plans so that I may be advised as to whether it would be appropriate to extend the holding of such elections into AMG territory.

Yours very truly,

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

His Excellency Ivanoe Bonomi
The President of the Council of Ministers
Italian Government
Rome

Retype for signature,
Hand to Grayla before
he leaves tonight.

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