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

ACC

10000/141/741

DRAFT LAW FOR CONST
OCT. 1945 - MAY 1946

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

10000/141/741 DRAFT LAW FOR CONSTITUENT ASSEMBLY, ELECTIONS POLICY
OCT. 1945 - MAY 1946

Minute Sheet No. 6

14.

Vice President,
Civil Affairs Section.

1. The questions raised in para 8 of memorandum AC/45/B/LG of 28 Dec 45 from Local Government Sub-Commission were discussed, with the memorandum as a whole, by the Chief Commissioner at his political meeting today.

2. The Chief Commissioner has ruled that the Local Government Sub-Commission should adhere strictly to the directions of FAN 487 and tender advice on the subjects mentioned (and indeed all matters affecting Local Government) only when asked to do so by the Italian Government. They should informally endeavour to obtain as much information as possible, especially with regard to proposed legislation, including an opportunity to see such legislation in draft, but they should make no formal advance in this direction.

3. The Chief Commissioner is satisfied with the situation regarding the Electoral Law and commends the Local Government Sub-Commission for their efforts in this respect.

MSL/JG.
28.Dec.45

MSL
Brigadier,
Executive Commissioner.

15.

L.G. S/C.

To note Mar 14 for future guidance.

141

29/XII.

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

16

22 March. Directive

Copies of fo.35 - Report on Laws for Elections to Constituent Assembly - distributed to-day

35

17

CAS

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2. The Chief Commissioner has ruled that the Local Government Sub-Commission should adhere strictly to the directions of FAN 487 and tender advice on the subjects mentioned (and indeed all matters affecting Local Government) only when asked to do so by the Italian Government. They should informally endeavour to obtain as much information as possible, especially with regard to proposed legislation, including an opportunity to see such legislation in draft, but they should make no formal advance in this direction.

3. The Chief Commissioner is satisfied with the situation regarding the Electoral Law and commends the Local Government Sub-Commission for their efforts in this respect.

MSL/JG.
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Executive Commissioner.

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L.G. S/C.

To note Mar. 14. for future guidance.

29/XII.

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

141

(16)

22 March. Director

Copies of fo. 35 – Report on Laws for Elections to Constituent Assembly – distributed to-day 35

(17)

CAS

29 March. 1. Please see memo. at fo 38 opposite & papers therein referred to. 38

2. As you know, the Director is away. From what the writer knows of Major Temple's mind, he doubts if Major Temple would consider there is much to object to in the decision of the Council of Ministers.

3. The undersigned considers however that your attention should be drawn to it

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

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FILE

DATE | MINUTE SHEET NO. 5 | PAGE

19 Nov CAS -

For your information, and should you if you desire for that of Exec. Comm. and CC, please see fos. 22, 21, 21A as to present position regarding our observations on the Political Election law as made in the CC's letter of 8 Nov (fo. 20).

22
21
21 A
20

L.C. Temple, Maj.
Dir. L.G. S/C

(11)

Thank you SC. has been informed

29/11

(12)

21 /12/45 1040 hrs.

To: Director, Major Temple.

Dr. Vincenti in behalf of Dr.Strano has just commmicated over the telephone that the "Commissione per gli Affari politici ed Amministrativi" of the Consulta has approved last night by 19 votes against 1 the adoption of the State ballot paper for the administrative elections.

It is antecira ted that the whole project of the electoral law, containing the main Allied suggestions, save for a few retouching to be immediately communicated to us, will be approved by this Saturday.

Nice.

140

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of Exec. Comm. and CC, [illegible] 21 A
for. 22, 21, 21A as to present posi-
tion regarding our observations
on the Political Election law as
made in the CC's letter of 8 Nov. 20
(for. 20).

R K Temple, Maj
Dir. L.G. S/C

(11)

Thank you SC. has been informed

(12)

21/12/45 1040 hrs.

To: Director, Major Temple.

Dr. Vincenti in behalf of Dr.Strano has just communicated over the telephone that the "Commissione per gli Affari politici ed Amministrativi" of the Consulta has approved last night by 19 votes against 1 the adoption of the State ballot paper for the administrative elections.

It is antecipated that the whole project of the electoral law, containing the main Allied suggestions, save for a few retouching to be immediately communicated to us, will be approved by this Saturday.

Nice.

(13)

CAS - memo herewith as requested.

28 Dec. 45
x - 495

RK Temple Maj

28

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MINUTE SHEET NO. 4

DATE 1945	(7)	PAGE
5 Nov.	CA Section 1. Herewith for signature please, letter to Ex. Comm. covering – (a) Suffrd. Report on Constituent Assembly Election Law: (b) Report on Local " " : (c) " " Implementation of both ~~Rules~~ Laws. 2. Spare copies are sent for use of VP, if desired. Ralph R. Temple, Major Director, Local Govt. S/C.	19
	(8)	
7 Nov.	CA Section – 1. Herewith for signature of the Chief Commissioner is the letter to the Prime Minister which was discussed, agreed upon, and settled in final form for submission to CC in a conference this morning in which participated V.P. Civil affairs Section, his C.S.O., Director of Local Govt. S/C, his Exec. Officer, Polad (A) and Polad (B). 2. Refer for. 19, 19A-F, 11, 8, 8A-F. Ralph R. Temple, Major Director, Loc. Govt. S/C.	
	9	
	Ex. Commissioner Lewis to E.C. Enclosed is letter to the Prime Minister on the subject of the two Electoral Laws for signature by C.C. if approved.	

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Director, Local Govt. S/C.

(8)

7 Nov.

CA Section -

1. Herewith for signature of the Chief Commissioner is the letter to the Prime Minister which was discussed, agreed upon, and settled in final form for submission to CC in a conference this morning in which participated V.P. Civil Affairs Section, his C.S.O., Director of Local Govt. S/C, his Exec. Officer, Polad (A) and Polad (B).

2. Refer for. 19, 19A-F, 11, 8, 8A-F.

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

9

Ex. Commissioner

Enclosed is letter to the Prime Minister on the subject of the two Electoral Laws for signature by C.C. if approved.

The whole subject was discussed at a meeting with POLADS held by me yesterday. POLADS have agreed to the letter.

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8/XI.

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

Note - Letter signed by CC and copy retained for dispatch. RRT. 8 Nov. 45

RRT

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(4)

Local Government S/C

27 Oct. The draft Electoral Law for the Constituent Assembly was received from C.A. Section on Thursday afternoon with a request that the S/C should make a report calling attention to the principal changes introduced as compared with the previous election law, presumably those under which the last free elections were held, and send it to Local Govt. S/C.

I attach a report showing the principal changes introduced by the draft law. As I have no copy I should be glad if you would return the report.

Hewyn-Williams
for C.L.A.

27 Oct. 45.

(5)

C A Section

29 Oct. 1. Report on draft law for Constituents Elections at p.8. 8
2. Herewith letter for signature to Sir Cuthbert Peterkin covering copies of the report. 10.
3. For info.: please also see letter to Legal S/C at p 9 9

Tel. 478706

E G Fenn Wilkinson
for Director Local Govt S/C

(6)

5 Nov. Director

Ref. p. 17 — I spoke to Judge Thomas same day. I explained to him we had no intention of "excluding reference" to these Provs. Communists — neither did we wish to 'exclude'

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S/C should make a report calling attention to the principal changes introduced as compared with the previous election laws, presumably those under which the last free elections were held, and send it to Local Govt. S/C.

I attach a report showing the principal changes introduced by the Draft Law. As I have no other copy I should be glad if you would return the report.

J. Wyn Jones Thomas
for C.L.A.

27 Oct. '45

(5)

C A Section

29 Oct.

1. Report on draft Law for Constituente Elections at fo.8. 8
2. Herewith letter for signature to Sr Comm. Polads covering copies of the report. 10.
3. For info., please also see letter to Legal S/C at fo 9 9

Tel. 478706

for Director, Nay: C.O. S/C

(6)

5 Nov.

Director

Ref. fo.17 – I spoke Judge Thomas same day. I explained to him we had no intention of "excluding reference" to these Prov. Communists – neither did we wish to 'exclude from implementation" Arts. 5 + 6. On the contrary, we wished to be sure that Prov. Communists would function properly under these Arts. + without question we do not of their powers. Judge T. also seemed to think we were supporting some general revision of elimination decrees or some amend-ment to DLL 149. I explained that our letter at fo 10 suggested no such things. All we wanted to know was if Legal S/C agreed with us that Arts 5 + 6 ought to refer to DLL 159, as well as DLL 149. In the upshot, Judge T. agreed this amendment should be made.

I have therefore sent over to Legal S/C for their info. a copy of the report on implementation at fo. 19B. 19B

17

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FILE

DATE | MINUTE SHEET NO. 2 | PAGE

27 Oct.

Note ③

1. On 26 Oct., I took CSO to Ex Comm (Lt Col. McCleary) personally with foregoing minutes + the draft letter: he suggested the draft be re-typed for signature + so submitted to CC.

2. This was done + the letter (fo 3) signed by CC late on 26 Oct. He directed it was not to be sent however, till the points of the Embassies had been verified from the papers on our files.

3. On the morning of 27 Oct, Lt. Col. McCleary telephoned Polad (A) + read him the letter at fo. 3. He said he could not agree to it in that form, in view of his very definite instructions from the State Department.

4. At 1200 hrs, conference between Ex Comm, VP (A Sec), CSO to Ex Comm. + myself, at which reference was made to the following papers

(a) paraphrase of State Dept. Telegram of 11 July 1945 — see AC/45/A/LG (2nd packet) at fo. 125A.

(b) US Ambassadors letter to CC of 7 Sept — see same file (3rd packet) at fo. 3.

(c) US Ambassador's letter to Italian Foreign Minister of 15 Sept — see same file + packet at fo. 4.

(d) Memo of Deputy US Polad AFHQ of ~~same~~ 10 Sept — same file at fo. 7B.

(e) CC's reply to (d) of 10 Oct. — same file at fo. 11.

5. Ex Comm then saw CC who agreed amendments as shown on fo 3, subject to Polads (A) + (B) agreeing.

6. Polad (B) agreed over telephone. Conference at 1300 hours ~~with~~ between Polad A, Ex Comm, VP (A Secty) + myself, when further amendments agreed as shown on the copy of the letter at fo 4.

7. Letter as at fo. 4 signed + delivered at 1720 hrs to PM's Private Secretary COSTANETTO at Palazzo Venezia by Mr Chevalier of HG S/C. File copy at fo. 5.

E C Evan Wilson

3.

4.

5.

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2. This was done & the letter (fo 3) signed by CC late on 26 Oct. He directed it was not to be sent however, till the views of the Embassies had been verified from the papers on our files.

3. On the morning of 27 Oct, Lt-Col McCleary telephoned Polad (A) & read him the letter at fo. 3. He said he could not agree to it in that form, in view of his very definite instructions from the State Department.

4. At 1200 hrs, conference between Ex Comm, VP (A Sec, CSO to Ex Comm. & myself, at which reference was made to the following papers

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(c) US Ambassador's letter to Italian Foreign Minister of 15 Sept — see same file & packet at fo. 4.

(d) Memo of Deputy US Polad AFHQ of ~~same~~ 10 Sept — same file at fo. 7B.

(e) CC's reply to (d) of 10 Oct. — same file at fo. 11.

5. Ex Comm then saw CC who agreed amendments as shown on fo 3, subject to Polads (A) & (B) agreeing.

6. Polad (B) agreed over Telephone. Conference at 1300 hours ~~with~~ between Polad A, Ex Comm, VP (A Sec & myself, when further amendments agreed as shown on the copy of the letter at fo 4. 4.

7. Letter as at fo. 4 signed & delivered at 1720 hrs to PM's Private Secretary COSTANETTO at Palazzo Venezia by Mr Chevalier of HQ S/C. File copy at fo. 5. 5.

Clifford Wilson
Major.

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

MINUTE (1)

CA Section:

26 Oct. 1. Local Govt. S/C has now received
(a) the Draft Law for the Constituent Assembly Elections and also
(b) the Draft Law for Local Elections

both of which, it is understood, will be considered by the Council of Ministers on Tuesday, 30 October.

2. It is understood that the Council of Ministers will then only examine the Drafts generally and send them to the Consulta.

3. The Draft for the Costituente Elections consists of 73 Articles, comprised in 47 pages of typescript. It is incomplete, lacking the Schedules which give the constituencies and the number of Deputies for each, the type of ballot-paper, etc.. These are not expected to be ready by 30 October. The covering report also is not available: and there will be a minority report which is important.

4. The Draft for Local Elections consists of 104 Articles in 47 pages of type and print, with a 6-page covering report. It also lacks the Schedules.

5. It is impossible in the 4 days available (one of which is a Sunday) to translate and consider Laws and reports extending to over 100 pages of typescript and print, apart from further documents which have not yet reached AC.

6. It is desirable that AC's comments should be considered by the Govt. before the Drafts reach the Consulta--

(a) It will be far more difficult to obtain amendment after the Consulta has reached a decision.

(b) Interference at a late stage will look like an interference with a free decision of the people's representatives.

(c) If after consultation, the Govt. should agree that certain amendments are desirable, such amendments should go before the Consulta as part of the Italian Govt.'s proposals and not as an AC request.

(d) It is undesirable that AC suggestions should be placed before the Consulta either as directions or so that they can reject them.

7. It is recommended, therefore, that the Italian Govt. should be requested to allow ample time for consideration and consultation before submitting their proposals to the Consulta.

C.G. Frumes Williams, Major
For Director
Local Government S/C

CGRW/pec

MINUTE (2)

Ex. Comm.

26 Oct. Please see the above which will also interest the CC. The Govt. have given us 4 days to do what has taken them 9 months. We must have a proper opportunity to study these lists to make observations--if we find any to make. The annexed draft letter has been prepared accordingly for CC to send to PM. If C.C. agrees to the letter and you will return it to me I will have it typed for signature on the appropriate file

136 See 3.

M Carr Brig.
VP CA Section

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DATE
DOE ARCHIVES

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

1435

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Conto corrente con la Posta

Supplemento ordinario alla "Gazzetta Ufficiale" n. 116 del 20 maggio 1946

GAZZETTA UFFICIALE D'ITALIA

PARTE PRIMA DEL REGNO

SI PUBBLICA TUTTI I GIORNI MENO I FESTIVI

DIREZIONE E REDAZIONE PRESSO IL MINISTERO DI GRAZIA E GIUSTIZIA - UFFICIO PUBBLICAZIONE DELLE LEGGI — TELEF. 50-139 51-236 51-554
AMMINISTRAZIONE PRESSO LA LIBRERIA DELLO STATO - PIAZZA GIUSEPPE VERDI 10, ROMA - TELEF. 80-033 841-737 850-144

ELEZIONE DEI DEPUTATI ALL'ASSEMBLEA COSTITUENTE

LISTE DEI CANDIDATI

AL COLLEGIO UNICO NAZIONALE

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N. 1

PARTITO COMUNISTA ITALIANO



1 TOGLIATTI *Palmiro* fu Antonio, da Genova
2 LONGO *Luigi* di Giuseppe, da Fubine Monferrato
3 SCOCCIMARRO *Mauro* fu Antonio, da Udine
4 SECCHIA *Pietro* di Giovanni, da Occhieppo Superiore
5 AMENDOLA *Giorgio* di Giovanni, da Roma
6 NOBILE *Umberto* fu Vincenzo, da Lauro
7 MASSOLA *Umberto* fu Giovanni, da Pinerolo
8 PRATOLONGO *Giordano* fu Aldo, da Trieste
9 SERENI *Emilio* fu Samuele, da Roma
10 LI CAUSI *Girolamo* fu Salvatore, da Termini Imerese
11 SPANO *Velio* fu Attilio, da Teulada
12 DI VITTORIO *Giuseppe* fu Michele, da Cerignola
13 NEGARVILLE *Celeste Carlo* fu Angelo, da Avigliana
14 D'ONOFRIO *Edoardo* fu Pietro, da Roma
15 GULLO *Fausto* fu Luigi, da Catanzaro
16 MARCHESI *Concetto* fu Gaetano, da Catania
17 ROVEDA *Giovanni* fu Francesco, da Mortara
18 PICOLATO *Caterina* di Adriano, da Torino
19 REALE *Eugenio* di Federico, da Napoli
20 PAJETTA *Giancarlo* di Carlo, da Torino
21 NOVELLA *Agostino* di Luigi, da Genova
22 COLOMBI *Arturo* di Luigi, da Massa Carrara
23 FLOREANINI *Gisella* in DELLA PORTA di Renato, da Milano
24 GRIECO *Ruggero* fu Giuseppe, da Foggia
25 TERRACINI *Umberto* fu Jair, da Genova
26 PESENTI *Antonio* di Romeo, da Verona
27 MAFFI *Fabrizio* fu Francesco, da San Zenone Pò
28 BARONDINI *Ilio* di Turildo, da Cecina
29 BOLDRINI *Arrigo* di Carlo, da Ravenna
30 DOZZA *Giuseppe* fu Achille, da Bologna
31 PALERMO *Mario* fu Giovanni, da Napoli

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

N. 2

MOVIMENTO UNIONISTA ITALIANO



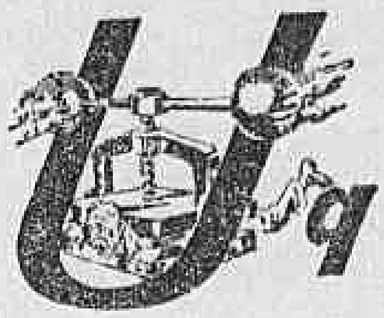
1 DAMIANI *Ugo* fu Rocco, da Accumoli
2 PALADINO *Santi* fu Antonio, da Scilla
3 SPERANZA *Carlo* fu Ferruccio, da Baranello
4 CASTELLI *Antonio* di Bonaventura, da Rionero in Vulture
5 CARUSO *Ettore* fu Roberto, da Velletri
6 CORRADINI *Pirro* fu Giovanni, da Petriolo
7 CESAREO *Oscar* di Francesco, da Pizzo
8 LOPREIATO *Domenico* di Giovan Battista, da Stefanaconi
9 ARCURI *Ignazio* fu Angelo, da Montecelio
10 LO TURCO *Giovanni Battista* fu Giovanni, da Vibo Valentia
11 ROCCA *Saverio* di Saverio, da Altamo
12 COZZA *Francesco* di Agostino, da S. Pietro in Guarano
13 ATTENDOLI *Galeazzo* fu Gian Francesco, da Modena
14 PAGLIETTI *Luigi* di Francesco, da Quartu S. Elena
15 MAGNO *Napoleone* fu Ippazio, da Gallipoli
16 D'AMBROSIO *Vincenzo* fu Saverio, da Sicignano
17 LA ROVERE *Angelo* di Ignazio, da Chieti
18 GATTO *Angelo* fu Benedetto, da Roccasecca
19 BARBATI *Corradino* fu Vincenzo, da Sora
20 DELLA ROCCA *Giuseppe* di Antonio, da Gragnano
21 ADRAGNA *Vincenzo* fu Giuseppe, da Palermo
22 CAROCCI BUZI *Vincenzo* fu Sesto, da Spoleto
23 TORRENTE *Giacomo* fu Giuseppe, da Palermo
24 GIGLIOTTI *Gregorio* di Ernesto, da Mongiana
25 ANGIONI *Antonio* di Gavino, da Cagliari
26 MASTROBUONO *Nicola* fu Filippo da Castellaneta

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

N. 3

FRONTE DELL'UOMO QUALUNQUE



1	GIANNINI *Guglielmo* fu Federico, da Pozzuoli
2	PATRISSI *Emilio* fu Michele, da Palermo
3	FRESA *Armando* fu Nicolò, da Palmi
4	MARINA *Mario* fu Antonio, da Milano
5	TIERI *Vincenzo* fu Francesco, da Corigliano Calabro
6	VENDITTI *Milziade* fu Federico, da Napoli
7	ROGNONI *Arturo* fu Luigi, da Milano
8	CORSINI *Tommaso* di Filippo, da Firenze
9	PATRICOLO *Gennaro* fu Giuseppe, da Palermo
10	MAFFIOLI *Catullo* fu Darvino, da Busto Arsizio
11	NISI *Gino* fu Luigi, da Lecce
12	APRA' *Renato* di Luigi, da Parigi
13	REGGIANI *Alberto* fu Policarpo, da Nomantola
14	MARENCO *Silvio* fu Giuseppe, da Torino
15	LANZA *Michele* fu Domenico, da Roma
16	CAPUA *Antonio* fu Giuseppe, da Melicuccà
17	BRAMBILLA *Angelo* fu Paolo, da Milano
18	BIANCO *Aldo* fu Annibale, da Genova
19	FINOCCHI *Aldo* fu Pacifico Enrico, da Roma
20	VECCHIO *Cesare* fu Carmelo, da Linguaglossa
21	JOANNES *Giuseppe* di Pietro, da Torino
22	SPANEDDA *Antonio* fu Giuseppe, da Pinerolo
23	ZAMPAGLIONE *Gerardo* fu Arturo, da Roma
24	STRAZZERA *Amedeo* fu Salvatore, da Cagliari
25	LOMBARDO *Ester* fu Bruto, da Trapani
26	SALAORNI *Aldo* fu Attilio, da Terrazzo
27	GIAQUINTO *Donato* di Pasquale, da Minturno
28	GRAMIGNANI *Marcello* di Luigi, da Perugia
29	MAZZUCCO *Renato* fu Marziano, da Sassuolo
30	FERRERI *Fiorentino* di Bernardo, da Torino

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N. 4

PARTITO REPUBBLICANO ITALIANO

1	SFORZA *Carlo* fu Giovanni, da Montignoso
2	FACCHINETTI *Cipriano* fu Giovanni, da Campobasso
3	AZZI *Arnaldo* fu Napoleone, da Ceneselli (Rovigo)
4	MAGRINI *Luciano* fu Enrico, da Trieste
5	PERASSI *Tommaso* fu Giuseppe, da Intra
6	MARTINO *Enrico* di Enrico, da La Spezia
7	NATOLI LAMANTEA *Aurelio* fu Luigi, da Roma
8	DE MERCURIO *Ugo* fu Vittorio, da Napoli
9	SARDIELLO *Gaetano* fu Raffaele, da Catania
10	MAGRASSI *Eliseo Giovanni* di Domenico, da Livorno
11	CHIOSTERGI *Giuseppe* di Adolfo, da Senigallia
12	RE *Ernesto* fu Giovanni, da Milano
13	CONTI RICCIOLI *Lisa* di Menotti, da Firenze
14	MANCI *Sigismondo* fu Massimiliano, da Trento
15	SOMMOVIGO *Amedeo* fu Francesco, da Pitelli (La Spezia)
16	ACQUARONE *Vittorio Bartolomeo* fu Giuseppe, da Voltri (Genova)
17	BRUZZONE *Francesco* fu Girolamo, da Savona
18	RONFINI *Raimondo* fu Giovanni, da Treviso
19	PAGANI *Umberto* fu Francesco, da Parma
20	CAMPRINI *Vitaliano Arturo* fu Valeriano, da Forlì
21	MILIOCCHI *Guglielmo* fu Giuseppe, da Perugia
22	GRANDI *Terenzio* fu Tranquillo, da Valenza Po
23	GUGLIOTTA *Melchiorre* fu Antonino, da Messina
24	AMADEO *Ezio* fu Giuseppe, da Milano
25	CORVAGLIA *Luigi* fu Felice, da Melissano
26	PESCE *Vittorio Delfino* fu Angelo Raffaele, da Mola di Bari
27	AVAGLIANO *Vincenzo* fu Luigi, da Salerno
28	CASTELLANI *Robesio* fu Cesare, da Pisa
29	GROBERT *Carlo* fu Enrico, da Tricarico
30	PISTILLI *Luigi Onorato* di Giuseppe, da S. Giuliano del Sannio
31	DATTILO *Vincenzo* fu Bruno, da Cirò

0029

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N. 5

PARTITO CRISTIANO SOCIALE

1	BRUNI *Giraldo* fu Pietro, da Cascia (Perugia)
2	CAPPELLOTTO *Italico Corradino* fu Giuseppe, da Martirano (Catanzaro)
3	BETTOLO *Alfredo* fu Emilio, da La Spezia
4	FRANCESCAGLIA *Francesco* di Giuseppe, da Perugia
5	SPADA *Alfredo* di Francesco, da Firenze
6	TISEI *Felice* fu Nazzareno, da Marino (Roma)
7	PANIZZA *Gino* fu Carlo, da Firenze

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N. 6

DEMOCRAZIA CRISTIANA

LIBERTAS

1	MICHELI *Giuseppe* fu Michele da Parma
2	PICCIONI *Attilio* fu Giuseppe, da Poggio Bustone
3	PECORARI *Fausto* fu Domenico, da Trieste
4	RESTAGNO *Pier Carlo* fu Gabriele, da Torino
5	PASTORE *Giulio* fu Pietro, da Genova
6	CHATRIAN *Luigi* fu Giuseppe, da Aosta
7	FUSCHINI *Giuseppe* fu Luigi, da Ravenna
8	DE NUTERRICHTER *Maria* in JERVOLINO di Arturo, da Ossana
9	FEDERICI *Maria* di Alfredo, da Aquila
10	STORCHI *Ferdinando* di Silvio, da Verona
11	MORTATI *Costantino* fu Tommaso, da Napoli
12	TOSATO *Egidio* fu Domenico, da Vicenza
13	AMORTH *Antonio* di Giulio, da Parma
14	CHIRI *Ercole* fu Giuseppe, da Pavia
15	MORELLI *Luigi* fu Giuseppe, da Castellanza
16	RESTIVO *Francesco* fu Francesco Empedocle, da Palermo
17	RAPELLI *Giuseppe* fu Bartolomeo, da Castelnuovo Don Bosco
18	MAXIA *Antonio* fu Francesco, da Roma
19	VACCHI *Alberto* fu Alfonso, da Bologna
20	ERMINI *Giuseppe* fu Filippo, da Roma
21	FORMIS *Angelo* fu Francesco, da S. Giovanni in Croce
22	MINNUCCI *Amilcare* fu Giuseppe, da Alatri

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N. 7

PARTITO SOCIALISTA ITALIANO DI UNITÀ PROLETARIA

1	NENNI *Pietro* fu Giuseppe, da Faenza
2	LOMBARDO *Matteo Ivan* di Giuseppe Antonio, da Milano
3	MODIGLIANI *Emanuele Giuseppe* fu Flaminio, da Livorno
4	LIZZADRI *Oreste* fu Canio, da Gragnano
5	MERLIN *Angelina* detta Lina, di Fruttuoso, da Pozzonovo
6	PERTINI *Alessandro* fu Alberto, da Stella
7	MORANDI *Rodolfo* fu Enrico, da Milano
8	CACCIATORE *Luigi* fu Pietro, da Mercato S. Severino
9	VERNOCCHI *Olindo* fu Archimede, da Forlimpopoli
10	MATTEOTTI *Giammatteo* fu Giacomo, da Roma
11	DELLA GIUSTA *Piero* fu Fausto, da Fossano
12	MORIGI *Giorgio* di Giuseppe, da Forlì
13	BUDA *Giorgio* fu Giuseppe, da Trieste
14	BATTISTI *Luigi* fu Cesare, da Trento
15	LOMBARDI *Foscolo* fu Fulvio, da Firenze
16	BASSO *Lelio* di Ugo, da Varazze
17	ROMITA *Giuseppe* fu Guglielmo, da Tortona
18	BARBARESCHI *Gaetano* fu Stefano, da Genova
19	SARAGAT *Giuseppe* fu Giovanni, da Torino
20	MANCINI *Pietro* fu Giacomo, da Malito (Cosenza)
21	CANEVARI *Emilio* di Luigi, da Pieve Porto Morone
22	MAZZALI *Guido* di Vittorio, da Suzzara
23	TRANQUILLI *Secondino* fu Paolo, da Pescina
24	CORSI *Angelo* fu Gabriele, da Capestrano
25	PERROTTI *Nicola* fu Massimo, da Penne
26	PRIOLO *Antonio* fu Luigi, da Reggio Calabria
27	SANSONE *Luigi Renato* fu Edoardo, da Lucera
28	GREPPI *Antonio* fu Ulisse, da Angera
29	FARALLI *Vannuccio* di Pasquale, da Cortona
30	GULLO *Rocco* di Diego, da Salaparuta
31	DI NAPOLI *Attilio* fu Vincenzo, da Melfi

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N. 8

CONCENTRAZIONE DEMOCRATICA REPUBBLICANA

1	PARRI *Ferruccio* di Fedele, da Pinerolo
2	LA MALFA *Ugo* di Vincenzo, da Palermo
3	CALVI *Antonio* di Evaristo, da Milano
4	ANTONICELLI *Franco* di Donato, da Voghera
5	DE RUGGIERO *Guido* fu Eugenio, da Napoli
6	SALVATORELLI *Luigi* fu Salvatore, da Marsciano
7	MANCINI *Augusto* fu Natale, da Livorno
8	AMMENDOLA *Gabriele* fu Gennaro, da Torre Annunziata
9	PATRIGNANI *Leonida* di Raffaele, da S. Polo D'Enza

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N. 9

PARTITO D'AZIONE

REPUBBLICA

GIUSTIZIA E LIBERTÀ

1 CIANCA *Alberto* fu Francesco, da Roma
2 LOMBARDI *Riccardo* fu Gustavo, da Regalbuto
3 CALAMANDREI *Piero* fu Rodolfo, da Firenze
4 SCHIAVETTI *Fernando* di Ercole, da Roma
5 VAGLIANI *Leo* fu Adolfo, da Fiume
6 FOA *Vittorio* di Ettore, da Torino
7 CODIGNOLA *Tristano* di Ernesto, da Assisi
8 CALOGERO *Guido* di Giorgio, da Pisa
9 ROSSI *Ernesto* di Antonio, da Caserta
10 MENEGHETTI *Egidio* fu Umberto, da Verona
11 PROSPERO *Ada* ved. GOBETTI in MARCHESINI fu Giacomo, da Torino
12 APPONI *Alberto* fu Vittore, da Roma
13 ARMINO *Antonio* di Lorenzo, da Palmi
14 BATTAGLIA *Roberto* fu Dante, da Roma
15 BOLIS *Luciano* di Riccardo, da Milano
16 BRUNO *Giuseppe* fu Francesco, da S. Giovanni in Fiore
17 BUTTICCI *Giulio* di Massimo, da Ovindoli
18 CANNETTA *Arturo* di Alberto, da Milano
19 COLAJANNI *Luigi* fu Napoleone, da Enna
20 DE MARTINO *Francesco* fu Armando, da Napoli
21 FALLACI *Edoardo* di Antonio, da Firenze
22 FASOLO *Margherita* di Oreste, da Torino
23 GAROSCI *Aldo* fu Antonio, da Meana di Susa
24 MAZZOLANI *Ulderico* fu Giulio, da Frascati
25 PALADIN *Giovanni* fu Matteo, da Visignano d'Istria
26 ROLLIER *Mario Alberto* di Enrico, da Milano
27 SCHIANO *Pasquale* di Ernesto, da Bacoli
28 TRAQUANDI *Nello* fu Francesco, da Firenze
29 VENTURI *Franco* di Lionello, da Roma
30 WODITZKA *Nino* fu Leone, da Zara

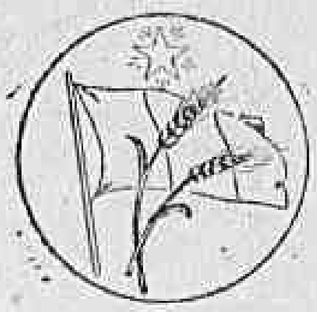
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N. 10

UNIONE DEMOCRATICA NAZIONALE



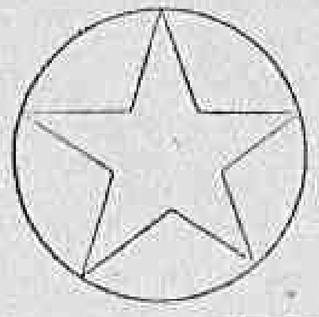
1	ORLANDO *Vittorio Emanuele* fu Camillo, da Palermo
2	CROCE *Benedetto* fu Pasquale, da Pescasseroli
3	NITTI *Francesco Saverio* fu Vincenzo, da Melfi
4	BONOMI *Ivanoe* fu Pietro, da Mantova
5	CARANDINI *Nicolò* di Francesco, da Como
6	RUINI *Meuccio* fu Antonio, da R. Emilia
7	PARATORE *Giuseppe* di Cosimo, da Palermo
8	EINAUDI *Luigi* fu Lorenzo, da Carrù (Cuneo)
9	GASPAROTTO *Luigi* fu Leopoldo, da Sacile (Udine)
10	PORZIO *Giovanni* fu Luigi, da Portici (Napoli)
11	CEVOLOTTO *Mario* di Aurelio, da Treviso
12	DE CARO *Raffaele* fu Paolo, da Benevento
13	VERONI *Dante* fu Augusto, da Velletri
14	AMOROSO *Francesco* fu Giacomo, da Parenzo
15	PARESCE *Enrico* fu Stefano, da Palmi
16	MANES *Antonio* fu Giovanni, da S. Lucido
17	DE PIETRO *Michele* fu Pasquale, da Cursi
18	SAITTA *Vincenzo* di Giuseppe, da Bronte
19	ARA *Fabio* di Angelo, da Trieste
20	CORSINI *Umberto* di Giovanni, da Trento
21	DE CATALDO *Riccardo* di Francesco, da Napoli
22	COCCO ORTU *Francesco* di Giuseppe, da Cagliari

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N. 11

BLOCCO NAZIONALE DELLA LIBERTÀ



1	BENEDETTI *Tullio* fu Vittorio, da Pescia
2	BENCIVENGA *Roberto* fu Zenobio, da Roma
3	BERGAMINI *Alberto* fu Luigi, da Persiceto (Bologna)
4	SELVAGGI *Vincenzo* di Carlo, da S. Massimo di Campobasso
5	FABBRI *Gustavo* fu Giuseppe, da Forlì
6	ALLARA *Mario* fu Giacomo, da Torino
7	MISURI *Alfredo* fu Giovanni, da Perugia
8	VIOLA DI CAMPALDO *Guido* di G. Battista, da Venezia
9	COVELLI *Alfredo* di Fortunato, da Bonito
10	LUCIFERO *Roberto* fu Alfonso, da Roma
11	GOTTI PORCINARI *Giulio Cesare* fu Leopoldo, da Firenze
12	BENEDETTINI *Luigi Filippo* fu Orlando, da Roma
13	GUIDONE *Marcello* di Luigi, da Campobasso
14	TROMBETTI *Roberto* di Giulio, da Roma
15	CARAFFA *Tullio* fu Giuseppe, da Roma
16	DEGLI OCCHI *Luigi* fu Adamo, da Milano
17	FAZZARI *Spartaco* fu Achille, da Catanzaro
18	MARRAZZINI *Giuseppe* fu Romeno, da Pisa .
19	CUBITOSI *Pietro* fu Stanislao, da Latronico
20	SOZZANI *Giulio* (*Gino*) fu Luigi, da Salsomaggiore
21	PREMOLI *Augusto* di Camillo, da Almenno S. Bartolomeo
22	CASAMASSIMA *Domenico* fu Emanuele, da Toritto
23	DI PALMA *Vincenzo* fu Giosuè, da Sicignano degli Alburni
24	STAGNO D'ALCONTRES *Carlo* fu Alberto, da Messina
25	COSTANZO *Cristoforo* fu Giuseppe, da Valguarnera
26	GIARRACA' *Emanuele* fu Francesco, da Siracusa
27	ADDAMIANO *Natale* fu Antonio, da Barletta
28	SANGUIGNO *Nicola* fu Edoardo, da Casalnuovo di Napoli
29	LEONE-MARCHESANO *Tommaso* di Ignazio, da Palermo
30	DAMIANI *Vincenzo* fu Giuseppe, da Naro (Agrigento)
31	IANNACCONE *Michele* di Natale, da Mercogliano

('374)

SANTI RAFFAELE, *gerente*

GIOLITTI GIUSEPPE, *direttore*

(2104204) Roma - Istituto Poligrafico dello Stato - G. C.

PREZZO L. 20

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C O N F I D E N T I A L

HEADQUARTERS ALLIED COMMISSION
APO 794
CIVIL AFFAIRS SECTION

AC/45/8/LG

SUBJECT: Observation of National Elections

TO : See Distribution below

21 May 1946

1. Allied Commission Liaison Officers will observe the national elections in their respective areas on 2 and 3 June in accordance with the instructions contained in this directive.

2. Reference is made to Civil Affairs Section directive AC/45/8/LG of 28 February as to the observation of the elections of Communal Councils. The principles laid down in that Directive (and particularly in paragraphs 4, 5, 6, and 8 thereof) are equally applicable to the observation of the national elections, and Allied Commission LOs and officers of AMG Udine will act accordingly.

3. Appendix A is a revised list of the Italian Government's Inspectors General. LOs should make contact wherever possible with the appropriate Inspector General.

4. Appendix B is a very brief statement of the election procedure restricted to the main points likely to be of interest to LOs.

5. Appendix C is a list of the constituencies or election districts (the Italian term is "Colleges") with the name of the capital town of each district at which the votes are counted.

6. Reports are required from LOs on this subject. They will be addressed to the Local Government Sub Commission at this Headquarters. Liaison Officers will state in such reports very briefly what they have observed and draw attention to any special or unusual features. Such reports will be submitted in two parts, i.e.:-

(a) Immediately after the closing of the poll a report will be submitted on the proceedings up to and including the actual days of voting. This report is required as quickly as possible. If any special or unusual feature is observed it should be reported by signal.

(b) A further report will be submitted on the subsequent proceedings after the closing of the poll down to the conclusion of counting of the votes and proclamation of the results at the capital cities of the various election districts within each LO's area.

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7. Among points which LOs should note are:- behavior of the population - state of public order - whether many electors apply personally to the Municipio on election day for their electoral certificates or for duplicates - any electioneering within 200 meters of a polling station - any election meetings in public places on election days - nature and extent of [illegible]
etc. - any [illegible]

1. Allied Commission Liaison Officers will observe the national elections in their respective areas on 2 and 3 June in accordance with the instructions contained in this directive.

2. Reference is made to Civil Affairs Section directive AC/45/8/LC of 26 February as to the observation of the elections of Communal Councils. The principles laid down in that directive (and particularly in paragraphs 4, 5, 6, and 8 thereof) are equally applicable to the observation of the national elections, and Allied Commission LOs and officers of AMG Units will act accordingly.

3. Appendix A is a revised list of the Italian Government's Inspectors General. LOs should make contact wherever possible with the appropriate Inspector General.

4. Appendix B is a very brief statement of the election procedure restricted to the main points likely to be of interest to LOs.

5. Appendix C is a list of the constituencies or election districts (the Italian term is "Colleges") with the name of the capital town of each district at which the votes are counted.

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(b) A further report will be submitted on the subsequent proceedings after the closing of the poll down to the conclusion of counting of the votes and proclamation of the results at the capital cities of the various election districts within each LO's area.

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7. Among points which LOs should note are:- behavior of the population - state of public order - whether many electors apply personally to the Municipio on election day for their electoral certificates or for duplicates - any electioneering within 200 meters of a polling station - any election meetings in public places on election days - nature and extent of propaganda by posters, leaflets, etc. - any other type of political activity - any intimidation, bribery or other attempts to influence voting - steps taken to guard polling stations when closed - steps taken to guard ballots and other election documents while in transit - extent of interest taken in the counting - how results were received by the population. These points are mentioned as examples only: they are not a complete or exclusive list.

8. Officers of Local Government Sub Commission will make a special study of the elections at Rome, Milan and Naples, but such visits are not in substitution

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For the observation of the proceedings by LOs in accordance with this directive.

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VP CA Section

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APPENDIX "A"

ITALIAN GOVERNMENT'S INSPECTORS-GENERAL FOR ELECTIONS

PIEMONTE	PROVINCES
DE DOMINICIS Dr Adolfo (Prefetto)	Torino, Novara, Aosta, Vercelli
LAURA Dr Giovan Battista (Prefetto)	Alessandr., Asti, Cuneo

LIGURIA	
LEONE Dr Aurelio (Vice prefetto)	Genova, Imperia, La Spezia, Savona

LOMBARDIA	
ALES Dr Silvestro (Prefetto)	Milano, Bergamo
RIVA Dr Carlo (Vice prefetto)	Cremona, Mantova, Pavia
ROSSI Dr Ugo (Vice pref ispet)	Como, Sondrio, Varese

VENETO E VENEZIA TRIDENTINA	
MENEGHINI Dr Giuseppe (Vice prefetto)	Venezia, Padova, Vicenza
DOMPIANI Dr Paolo (v prefett isp)	Udine, Belluno, Treviso
PROVVISIONATO Dr Paolo (v prefetto)	Verona, Bolzano, Trento, Brescia

EMILIA E VENETO	
MERCADANTE Dr Fabrizio (Vice prefetto)	Bologna, Modena, Ferrara, Rovigo
COBLANCHI Dr	Reggio

TOSCANA - LAZIO	PROVINCES
GIGLI Dr Gino (Vice prefetto)	Firenze, Lucca, Pistoia
CAMILLERI Adolfo (Vice prefetto)	Viterbo, Arezzo, Grosseto
BARBAGALLO Dr Gaetano (Vice prefetto ispet)	Pisa, Livorno, Apuania, Siena

LAZIO - UMBRIA	
CARILE Dr Alfredo (Vice prefetto)	Rieti, Perugia, Terni

LAZIO	
LONGO Dr Pasquale (Vice prefetto)	Roma, Frosinone, Latina

MARCHE - ABRUZZI	
LAUDISIO Dr Francesco (Vice prefetto	Ascoli Piceno, Teramo, Macerata

ABRUZZI E MOLISE	
CALI' Dr Ettore (V prefetto ispettore)	L'Aquila, Pescara, Chieti

CAMPANIA - MOLISE - LUCANIA	
DELLI SANTI CIMAGLIA GONZAGA Dr Luigi (Prefetto)	Benevento, Avellino, Campobasso, Potenza

CAMPANIA	
FUSCO Dr Umberto (Vice prefetto)	Salerno, Napoli, Caserta
ANGIUS Dr Giovanni Battista (Vice prefetto)	Naples Commune

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LAURA Dr Giovan Battista (Prefetto) — (Alessandr. (Asti (Cuneo

LIGURIA

LEONE Dr Aurelio (Vice prefetto) — (Genova (Imperia (La Spezia (Savona

LOMBARDIA

ALES Dr Silvestro (Prefetto) — (Milano (Bergamo

RIVA Dr Carlo (Vice prefetto) — (Cremona (Mantova (Pavia

ROSSI Dr Ugo (Vice pref ispet) — (Como (Sondrio (Varese

VENETO E VENEZIA TRIDENTINA

MENEGHINI Dr Giuseppe (Vice prefetto) — (Venezia (Padova (Vicenza

MORPIANI Dr Paolo (v prefett isp) — (Udine (Belluno (Treviso

PROVVISIONATO Dr Paolo (v prefetto) — (Verona (Bolzano (Trento (Brescia

EMILIA E VENETO

MERCADANTE Dr Fabrizio (Vice prefetto) — (Bologna (Modena (Ferrara (Rovigo

COBLANCHI Dr Giuseppe (Vice prefetto) — (Reggio (Parma (Piacenza

MARCHE - EMILIA

CUDILLO Dr Luigi (Vice prefetto) — (Pesaro (Forli' (Ravenna (Ancona

(illegible) Adolfo (Vice prefetto) — (Viterbo (Arezzo (Grosseto

BARBAGALLO Dr Gaetano (Vice prefetto ispet) — (Pisa (Livorno (Apuania (Siena

LAZIO - UMBRIA

CARILE Dr Alfredo (Vice prefetto) — (Rieti (Perugia (Terni

LAZIO

LONGO Dr Pasquale (Vice prefetto) — (Roma (Frosinone (Latina

MARCHE - ABRUZZI

LAUDISIO Dr Francesco (Vice prefetto) — (Ascoli Piceno (Teramo (Macerata

ABRUZZI E MOLISE

CALI' Dr Ettore (V prefetto ispettore) — (L'Aquila (Pescara (Chieti

CAMPANIA - MOLISE - LUCANIA

DELLI SANTI CIMAGLIA GONZAGA Dr Luigi (Prefetto) — (Benevento (Avellino (Campobasso (Potenza

CAMPANIA

FUSCO Dr Umberto (Vice prefetto) — (Salerno (Napoli (Caserta

ANGIUS Dr Giovanni Battista (Vice prefetto) — (Naples Commune

PUGLIE E LUCANIA

NICOLY Dr Giuseppe (Vice prefetto) — (Brindisi (Bari (Foggia (Matera (Taranto (Lecce

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CALABRIA	PROVINCES
JANNONI Dr Sante (Vice prefetto)	(Reggio Calabria (Catanzaro (Cosenza
SICILIA	
D'ANTONI Dr Carlo (Prefetto)	(Palermo (Trapani (Agrigento
VACIRCA Dr Vincenzo (Vice prefetto)	(Ragusa (Enna (Caltanissetta
GIBILISCO Dr Antonio (Vice prefetto)	(Siracusa (Catania (Messina

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APPENDIX "B"

PROCEDURE AT THE NATIONAL ELECTIONS- 2 and 3 JUNE 1946

1. Voting takes place simultaneously for the election of Deputies to the Constituent Assembly and also upon the Referendum, but separate ballot papers and boxes are used. The same polling districts and polling stations are used as were provided for the Communal elections.

2. The officials meet in the polling station at 1600 hrs on Saturday 1 June to prepare the ballot papers for voting. The polling station is then placed under guard overnight. The officials meet again in the polling station at 0600 hrs on Sunday June 2 to stamp the ballot papers. Voting commences at 0800 hrs.

3. The elector must first produce his identity card or otherwise identify himself as the person registered. He must also present his certificate of registration in the electoral list for that polling station. Soldiers, sailors and airmen on active service, however, may vote at any polling station in the Commune where they happen to be stationed. Their names are added to the electoral list for the polling district where they actually vote.

4. The Sindaco distributes the electoral certificates to the electors by May 2. To meet cases of undelivered or lost certificates or to make corrections, the Municipio remains open daily until at least 1900 hrs on June 2 so that electors can apply personally for them.

5. The presiding official tears off and preserves a detachable slip from the certificate of registration. He hands to the electors the ballot for the constituent Assembly, that for the Referendum, and a pencil. The elector goes in to one of the curtained polling booths, marks his ballots, folds them, and returns them separately with the pencil to the President. The latter places each ballot in the appropriate urn or ballot box.

6. The official notice containing the lists of the candidates duly nominated for the Constituent Assembly is affixed in the polling station. At the head of each list appears the symbol officially adopted by the party. The ballot paper for the Constituent Assembly contains merely these symbols. The elector votes for a particular list by placing a mark against the appropriate symbol. He cannot alter the list by cancelling or substituting names. He may, however, indicate on the ballot his preference for 2 or 3 of the candidates he wishes to see preferred in his chosen list, depending on the size of the constituency or election district.

7. A notice is also affixed in the polling station showing the symbols officially adopted to signify Monarchy or Republic. The ballot for the Referendum shows these symbols, and the elector votes by placing a mark against the appropriate one.

8. In polling districts containing 500 electors or less the poll closes at 2000hrs on Sunday 2 June, but electors remaining in the polling station at that time are permitted to vote. In polling stations with more than 500 electors the poll remains open until 2200 hrs on June 2, and it is reopened from 0700 hrs to 1200 hrs on Monday June 3.

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9. During the nights of 1/2 and 2/3 June the polling station is placed under police guards, and no one may approach it except the authorized representatives of the parties.

10. All kinds of electioneering within a radius of 200 meters of the polling station and all elections meetings in public places on the election days are forbidden.

11. No one is admitted to the polling station except the officials and electors entitled to vote there. The police may not enter unless requested by the presiding official or in case of disorder.

12. At 1200 hrs on Monday 3 June in all sections (whether containing more or less than 500 electors) the votes are counted and recorded and the results for the section are publicly proclaimed. The ballots for the Constituent Assembly are dealt with first. These operations must finished by 1200 hrs on Tuesday 4 June. Separate

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tration in the electoral list for that polling [illegible], [illegible], airmen on active service, however, may vote at any polling station in the Commune where they happen to be stationed. Their names are added to the electoral list for the polling district where they actually vote.

4. The Sindaco distributes the electoral certificates to the electors by May 2. To meet cases of undelivered or lost certificates or to make corrections, the Municipio remains open daily until at least 1900 hrs on June 2 so that electors can apply personally for them.

5. The presiding official tears off and preserves a detachable slip from the certificate of registration. He hands to the electors the ballot for the Constituent Assembly, that for the Referendum, and a pencil. The elector goes in to one of the curtained polling booths, marks his ballots, folds them, and returns them separately with the pencil to the President. The latter places each ballot in the appropriate urn or ballot box.

6. The official notice containing the lists of the candidates duly nominated for the Constituent Assembly is affixed in the polling station. At the head of each list appears the symbol officially adopted by the party. The ballot paper for the Constituennt Assembly contains merely these symbols. The elector votes for a particular list by placing a mark against the appropriate symbol. He cannot alter the list by cancelling or substituting names. He may, however, indicate on the ballot his preference for 2 or 3 of the candidates he wishes to see preferred in his chosen list, depending on the size of the constituency or election district.

7. A notice is also affixed in the polling station showing the symbols officially adopted to signify Monarchy or Republic. The ballot for the Referendum shows these symbols, and the elector votes by placing a mark against the appropriate one.

8. In polling districts containing 500 electors or less the poll closes at 2000hrs on Sunday 2 June, but electors remaining in the polling station at that time are permitted to vote. In polling stations with more than 500 electors the poll remains open until 2200 hrs on June 2, and it is reopened from 0700 hrs to 1200 hrs on Monday June 3.

9. During the nights of 1/2 and 2/3 June the polling station is placed under police guards, and no one may approach it except the authorised representatives of the parties.

10. All kinds of electioneering within a radius of 200 meters of the polling station and all elections meetings in public places on the election days are forbidden.

11. No one is admitted to the polling station except the officials and electors entitled to vote there. The police may not enter unless requested by the presiding official or in case of disorder.

12. At 1200 hrs on Monday 3 June in all sections (whether containing more or less than 500 electors) the votes are counted and recorded and the results for the section are publicly proclaimed. The ballots for the Constituent Assembly are dealt with first. These operations must finished by 1200 hrs on Tuesday 4 June. Separate reports giving the figures of the voting for the Constituent Assembly and for the Referendum, together with the relative ballots, are then sent immediately to the Court of First Instance ("Tribunale") within whose jurisdiction the Commune lies.

13. The Court of First Instance immediately forwards these documents to the "Central Office". The "central office" is the Court of Appeal or Court of First Instance having its seat at the capital city of the constituency or election district. For these capital cities, see Appendix C.

14. The central office immediately proceeds to count the votes from all polling districts within the constituency, as they come in. The number of Deputies to be elected by a constituency are distributed between the various lists of candidates in proportion to the total votes cast for each list. To determine which candidates shall fill the seats so allotted to a list, regard is had to the number of preference votes given to each candidate or, failing these, to the order in which the names are printed in the list.

15. The central office proclaims the results for the whole constituency of the [illegible] Constituent Assembly and the Referendum.

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APPENDIX "C"

List of Colleges (i.e. Election Districts or Constituencies)

College and Provinces comprised in each 1	No. of Deputies 2	Seats of Central Offices 3
I. Torino - Novara-Vercelli	28	Torino
II. Cuneo - Alessandria-Asti	18	Cuneo
III. Genova - Imperia-La Spezia-Savona	20	Genova
IV. Milano - Pavia	36	Milano
V. Como - Sondrio-Varese	14	Como
VI. Brescia - Bergamo	13	Brescia
VII. Mantova - Cremona	10	Mantova
+ VIII. Trento - Bolzano	9	Trento
IX. Verona - Padova-Vicenza-Rovigo	29	Verona
X. Venezia - Treviso	16	Venezia
XI. Udine - Belluno	12	Udine
+ XII. Trieste e Venezia Giulia-Zara	13	Trieste
XIII. Bologna - Ferrara-Ravenna-Forli	24	Bologna
XIV. Parma - Modena-Piacenza-Reggio Emilia	20	Parma
XV. Firenze - Pistoia	14	Firenze
XVI. Pisa - Livorno-Lucca-Apuania	15	Pisa
XVII. Siena - Arezzo-Grosseto	10	Siena
XVIII. Ancona - Pesaro-Macerata-Ascoli Piceno	17	Ancona
XIX. Perugia - Terni-Rieti	12	Perugia
XX. Roma - Viterbo-Latina-Frosinone	33	Roma
XXI. L'Aquila - Pescara-Chieti-Teramo	16	L'Aquila
XXII. Benevento - Campobasso	9	Benevento

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II.	Cuneo - Alessandria-Asti	18 Cuneo
III.	Genova - Imperia-La Spezia-Savona	20 Genova
IV.	Milano - Pavia	36 Milano
V.	Como - Sondrio-Varese	14 Como
VI.	Brescia - Bergamo	13 Brescia
VII.	Mantova - Cremona	10 Mantova
VIII.	Trento - Bolzano	9 Trento
IX.	Verona - Padova-Vicenza-Rovigo	29 Verona
X.	Venezia - Treviso	16 Venezia
XI.	Udine - Belluno	12 Udine
XII.	Trieste e Venezia Giulia-Zara	13 Trieste
XIII.	Bologna - Ferrara-Ravenna-Forli	24 Bologna
XIV.	Parma - Modena-Piacenza-Reggio Emilia	20 Parma
XV.	Firenze - Pistoia	14 Firenze
XVI.	Pisa - Livorno-Lucca-Apuania	15 Pisa
XVII.	Siena - Arezzo-Grosseto	10 Siena
XVIII.	Ancona - Pesaro-Macerata-Ascoli Piceno	17 Ancona
XIX.	Perugia - Terni-Rieti	12 Perugia
XX.	Roma - Viterbo-Latina-Frosinone	33 Roma
XXI.	L'Aquila - Pescara-Chieti-Teramo	16 L'Aquila
XXII.	Benevento - Campobasso	9 Benevento
XXIII.	Napoli - Caserta	30 Napoli
XXIV.	Salerno - Avellino	15 Salerno
XXV.	Bari - Foggia	21 Bari
XXVI.	Lecce - Brindisi-Taranto	15 Lecce
XXVII.	Potenza - Matera	7 Potenza
XXVIII.	Catanzaro - Cosenza-Reggio Calabria	24 Catanzaro

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College and Provinces comprised in each 1	No. of Deputies 2	Seats of Central Offices 3
XXIX. Catania - Messina-Siracusa-Ragusa-Enna	27	Catania
XXX. Palermo - Trapani-Agrigento-Caltanissetta	26	Palermo
XXXI. Cagliari - Sassari-Nuoro	14	Cagliari
+ XXXII. Val d'Aosta.	1	Aosta
Totale	573	

Note on College VIII: Only the Province of Trento will vote on 2/3 June and for 5 Deputies, instead of 9.

Note on College XII: No part of this College will vote on 2/3 June.

Note on College XXVII: --- Proportional representation does not apply in this College. The candidate obtaining the highest number of votes is elected.

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HEADQUARTERS ALLIED COMMISSION
APO 394
LOCAL GOVERNMENT SUB COMMISSION

REPORT ON THE LAW FOR ELECTIONS TO THE CONSTITUENT ASSEMBLY.

1. The Council of Ministers has now approved and published the final version of the Law for the elections to the Constituent Assembly. It is Lieutenancy Legislative Decree No.74 of 10 March 1946 published in a supplement to the Official Gazette No.60 of 12 March.

2. All criticisms of and suggestions as to earlier drafts of this Law which have been made by AC have been met in the law as enacted. This report is therefore informative only and is confined to a brief description and explanation of the more important features of the Law.

3. Compulsory Voting **Art.1.** enacts that "the exercise of the vote is an obligation from which no citizen can abstain without failing in his clear duty to the Country in a decisive moment of the national life". The legal duty thus imposed, however, lacks "teeth" in that by ignoring it the citizen incurs only two very mild sanctions, i.e. :-

(a) his name is posted on the town hall notice-board for a month ;
(b) for five years the entry "did not vote" will appear in his good conduct certificate.

Even these sanctions will not be incurred if the citizen can show good reason for failing to vote, e.g. illness, being more than 30 km from the polling place, for business, and so on. The Sindaco is the judge of whether the reasons offered for abstention are sound or not. There is an appeal from his decision to the Prefect.

4. Partial Elections. The Law also contains a provision for postponing the elections in those parts of the country where "exceptional "circumstances inherent in the present situation in certain frontier "zones renders the holding of elections in them impossible" Art.13. This will meet the cases of Bolzano and Venezia Giulia. In these cases, the Order fixing the date for the elections generally throughout the country can also postpone the elections in these areas. If the area in which it is desired to postpone the election forms part only of a constituency (as is the case with Bolzano Province) then the Order can divide the number of Deputies to be returned for the whole constituency between the part to vote with the rest of the country and the part in which the elections are postponed.

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5. The Order fixing the date for elections will be published at the end of this week. This Sub-Commission has ascertained that, besides fixing 2 June as the date for the general election, the Order does in fact postpone the elections in Venezia Giulia and in Bolzano Province indefinitely and provides that in College VIII (Trento-Bolzano, returning 9 Deputies) only 5 Deputies shall be elected on 2 June by Trento Province, leaving 4 to be elected at a later date by Bolzano.

Declassified E.O. 12356 Section 3.3/NND No. 759021

1. The Council of Ministers has now approved and published the final version of the Law for the elections to the Constituent Assembly. It is Lieutenancy Legislative Decree No.74 of 10 March 1946 published in a supplement to the Official Gazette No.60 of 12 March.

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(b) for five years the entry "did not vote" will appear in his good conduct certificate.

Even these sanctions will not be incurred if the citizen can show good reason for failing to vote, e.g. illness, being more than 30 km from the polling place, for business, and so on. The Sindaco is the judge of whether the reasons offered for abstention are sound or not. There is an appeal from his decision to the Prefect.

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6. Electorate. The Law reproduces in substance the provisions of the previous Ministerial draft which in turn was based upon the provisions of the Law on the compilation of the electoral lists as to qualifications and disqualifications for voting. This subject was dealt with fully in para 7 and Appendix "A" of the Report submitted by this S/C on 28 October last.

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7. Eligibility. The provisions of the original Ministerial draft as to eligibility for election to the Constituent Assembly are likewise dealt with in para 8 of the Report of October last and the corresponding provisions of the Law as enacted do not differ in any material particular.

8. Deputies and Constituencies. The number of Deputies has been raised from 557 to 573. The size of the Colleges (election districts or Constituencies), however, is considerably reduced. The regional basis has been burdened, except in the case of the smaller ones, i.e. Calabria, Lucania, Sardegna, Marche and Liguria. On the other hand the larger regions have been subdivided, e.g. Lombardia into 4 constituencies, Veneto and Toscana into 3 each and so on. In two cases the regional boundaries had been crossed. Rieti Province goes with Umbria to form Constituency XIX and Benevento and Campobasso Provinces form Constituency XXII.

9. A list of the colleges, their populations, the number of Deputies assigned to each, and the seat of the Court of Appeal or Tribunal which acts as the "central office" for the purpose of counting the votes and declaring the results, is given in Appendix "A". The colleges are further illustrated by the map in Appendix "B".

10. Time table. The period of 70 days between the date of the elections and the order fixing that date is maintained, but the time limit for every preliminary operation which has to take place during that period has been put back a few days, e.g. the last date for the nomination of the candidates is now the 45th instead of the 40th day before the election.

11. Method of voting and counting of votes. It has been thought best to set out a brief description of these in Appendix "C" because:-

(a) an alteration of substance has been made as to preference votes. All such votes will now count : the earlier Ministerial proposal was that they would not count unless they amounted to 20% of the ordinary votes given for the list ;

(b) a different system of proportional representation has been adopted.

The actual arithmetical processes now prescribed will, it is hoped, appear clearly from Appendix "C".

125

12. The Law which is the subject of this report deals only with the election of deputies to the Constituent Assembly and it has nothing to do with the referendum. The decree on this last subject has not been published and when it is published the detailed procedure for conducting the referendum will remain to be prescribed by subordinate legislation.

Declassified E.O. 12356 Section 3.3/NND No. PRO 021

8. Deputies and Constituencies. The number of Deputies has been raised from 537 to 573. The size of the Colleges (election districts or Constituencies), however, is considerably reduced. The regional basis has been abandoned, except in the case of the smaller ones, i.e. Calabria, Lucania, Sardegna, Marche and Liguria. On the other hand the larger regions have been subdivided, e.g. Lombardia into 4 constituencies, Veneto and Toscana into 3 each and so on. In two cases the regional boundaries had been crossed. Rieti Province goes with Umbria to form Constituency XIX and Benevento and Campobasso Provinces form Constituency XXII.

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21 March 1946.

RALPH R. TEMPLE
Major
Director
Local Government Sub Commission

CGRT/ww

Distribution: Chief Commissioner
Executive Commissioner
Vice President, CA Section
Polad "A"
Polad "B"
PRO
45/B/1
Flout

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APPENDIX "A"

List of Colleges (i.e. Election Districts or Constituencies)

College and Provinces comprised in each 1	Population 2	Seats Assd 3	Seats of Central Offices 4
1. Torino - Novara-Vercelli	2,674,305	28	Torino
2. Cuneo - Alessandria-Asti	1,348,374	16	Cuneo
3. Genova - Imperia-La Spezia-Savona	1,466,915	20	Genova
4. Milano - Pavia	2,667,703	36	Milano
5. Como - Sondrio-Varese	1,040,903	14	Como
6. Brescia - Bergamo	1,380,431	18	Brescia
7. Mantova - Cremona	777,492	10	Mantova
8. Trento - Bolzano	669,029	9	Trento
9. Verona - Padova-Vicenza-Rovigo	2,150,100	29	Verona
10. Venezia - Treviso	1,199,703	16	Venezia
11. Udine - Belluno	938,003	12	Udine
12. Trieste e Venezia Giulia-Zara	577,257	13	Trieste
13. Bologna - Ferrara-Ravenna-Forli	1,819,659	24	Bologna
14. Parma - Modena-Piacenza-Reggio Emilia	1,519,062	20	Parma
15. Firenze - Pistoia	1,064,182	14	Firenze
16. Pisa - Livorno-Lucca-Apuania	1,139,817	15	Pisa
17. Siena - Arezzo-Grosseto	774,614	10	Siena
18. Ancona - Pesaro-Macerata-Ascoli Piceno	1,276,071	17	Ancona
19. Perugia - Terni-Rieti	897,505	12	Perugia
20. Roma - Viterbo-Latina-Frosinone	2,479,963	33	Roma
21. L'Aquila - Pescara-Chieti-Teramo	1,201,536	16	L'Aquila
22. Benevento - Campobasso	691,503	9	Benevento
23. Napoli - Caserta	2,241,708	30	Napoli
24. Salerno - Avellino	1,151,689	15	Salerno
25. Bari - Foggia	1,539,975	21	Bari
26. Lecce - Brindisi-Taranto	1,102,595	15	Lecce
27. Potenza - Matera	545,262	7	Potenza
28. Catanzaro - Cosenza-Reggio Calabria	1,771,651	24	Catanzaro
29. Catania - Messina-Siracusa-Ragusa-Enna	2,059,205	27	Catania
30. Palermo - Trapani-Agrigento-Caltanissetta	1,940,873	26	Palermo
31. Cagliari - Sassari-Nuoro	1,034,206	14	Cagliari
32. Val d'Aosta	83,455	1	Aosta
Totali.....	42,993,602	573	

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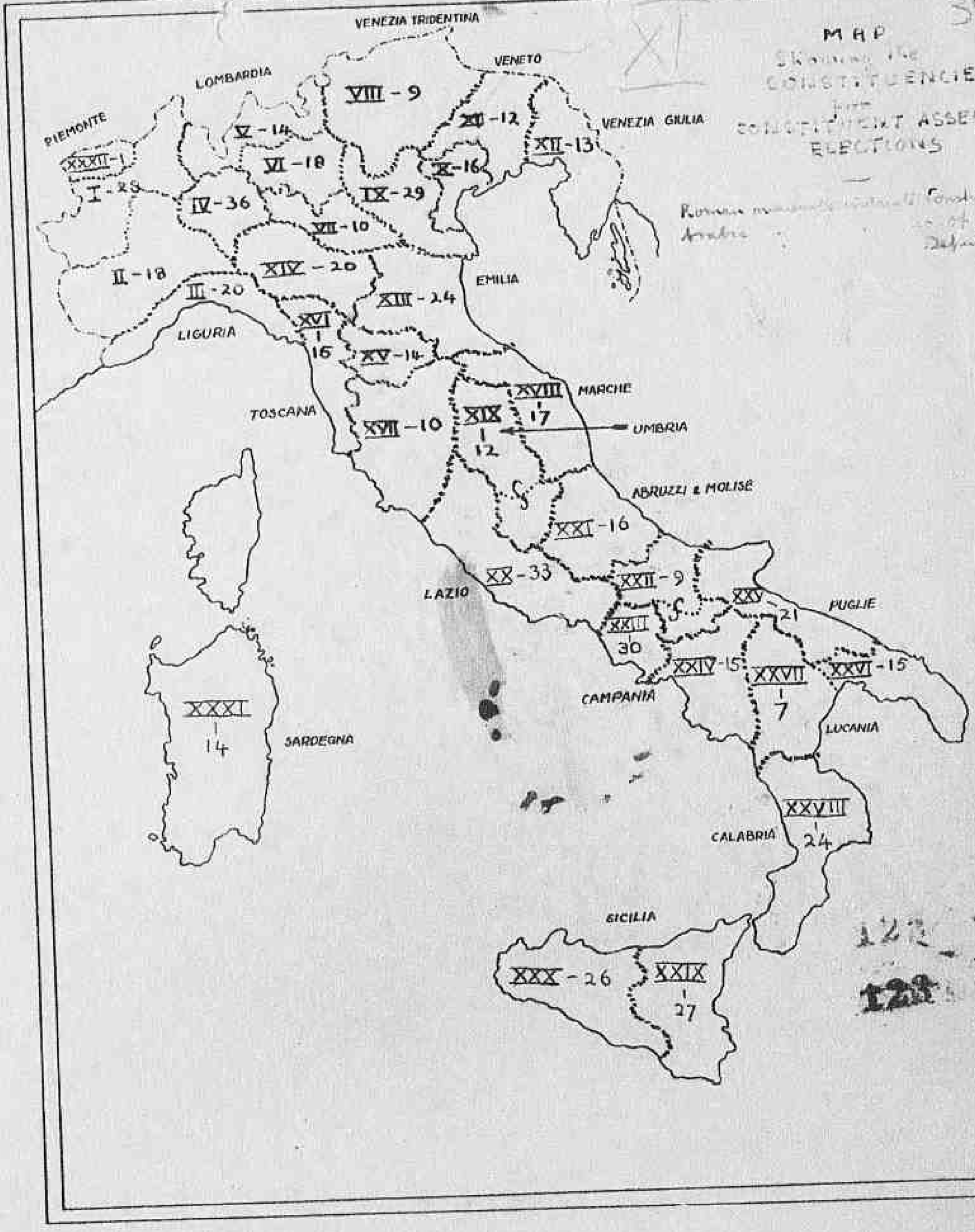
1.	Torino - Novara-Vercelli	2,874,305	28	Torino
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7.	Mantova - Cremona	777,492	10	Mantova
8.	Trento - Bolzano	669,029	9	Trento
9.	Verona - Padova-Vicenza-Rovigo	2,156,100	29	Verona
10.	Venezia - Treviso	1,199,703	16	Venezia
11.	Udine - Belluno	933,003	12	Udine
12.	Trieste e Venezia Giulia-Zara	977,257	13	Trieste
13.	Bologna - Ferrara-Ravenna-Forli	1,819,659	24	Bologna
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15.	Firenze - Pistoia	1,064,182	14	Firenze
16.	Pisa - Livorno-Lucca-Apuania	1,139,517	15	Pisa
17.	Siena - Arezzo-Grosseto	774,014	10	Siena
18.	Ancona - Pesaro-Macerata-Ascoli Piceno	1,278,071	17	Ancona
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28.	Catanzaro - Cosenza-Reggio Calabria	1,771,651	24	Catanzaro
29.	Catania - Messina-Siracusa-Ragusa-Enna	2,059,205	27	Catania
30.	Palermo - Trapani-Agrigento-Caltanissetta	1,940,873	26	Palermo
31.	Cagliari - Sassari-Nuoro	1,054,206	14	Cagliari
32.	Val d'Aosta	85,455	1	Aosta
	Totali.....	42,993,632	573	

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APPENDIX "B"



MAP
SHOWING THE
CONSTITUENCIES
FOR THE
CONSTITUENT ASSEMBLY
ELECTIONS

Roman numerals indicate Constituency
Arabic " " No. of Deputies

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APPENDIX "C"

Method of voting and of Counting the Votes

1. Nomination. 45 days before the election the parties (or combination of parties) nominate their candidates by depositing lists of them with the Court of Appeal (or Tribunal) of the capital of each college which is called "central office (see Col. 4 of Appendix "A"). They may nominate not less than three candidates and not more than the number of Deputies to be elected by the College. The names in each list deposited must be progressively numbered. With the list must also be deposited its symbol or "countersign".

2. The lists of serially numbered candidates, as approved by the Court, are printed on notices to be affixed in the polling station for the voters to see. At the head of each list is printed its symbol, as likewise approved.

3. The ballot-papers contain only the symbols with a square opposite to each upon which the voter marks his vote. The ballot-paper also contains a space for recording "preference votes", as described below.

4. Voting. The voter can only vote for a whole list. He does this by putting a mark on the ballot paper opposite the Symbol of the list he wants to vote for. He cannot strike names out of the list, substitute names from other lists or vote for a candidate on another list.

5. Preference Votes. The seats eventually won by a list are filled by candidates in the order in which they are numbered -- see paras. 1 and 2 above. This order may however be varied by the "preference votes" cast by the electors. A voter indicates that he wished a particular candidate to be preferred to the others by writing that candidate's name on the space provided for the purpose on the ballot paper. He selects the names, of course, from the lists affixed in the polling station, as noted in para. 2 above. The voter is limited to--

2 preference votes in the Colleges electing up to 15 Deputies
3 preference votes " " " " 16 or more "

Moreover, preferences can only be given to candidates on the list for which the voter gives his suffrage in manner described in para. 4 above. If he tries to give a preference vote to a candidate from another list, that preference vote is void and not counted.

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6. Counting the Votes. The votes cast in each polling station are summarized by the officials and the summary sent up to the "central office" (see para. 1 above) which proceeds:-

(a) to allot seats to each list in proportion to the votes cast for it;

(b) to determine the candidates elected to the seats so allotted, according to the order of the names on the list but as varied by preference votes.

7. To allot seats among the lists, the "electoral quotient" must first be ascertained. This is the result of the following fractions:-

(a) in Colleges returning up to 20 Deputies--

$$\frac{\text{Total votes for all lists}}{\text{[illegible]}} = \text{electoral quotient;}$$

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[illegible] deposited its symbol or "countersign".

2. The lists of serially numbered candidates, as approved by the Court, are printed on notices to be affixed in the polling station for the voters to see. At the head of each list is printed its symbol, as likewise approved.

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7. To allot seats among the lists, the "electoral quotient" must first be ascertained. This is the result of the following fractions:-

(a) in Colleges returning up to 20 Deputies--

$$\frac{\text{Total votes for all lists}}{\text{No. of Deputies to be elected + 1}} = \text{Electoral quotient;}$$

(b) in Colleges returning 21 or more Deputies--

$$\frac{\text{Total votes for all lists}}{\text{No. of Deputies to be elected + 2}} = \text{Electoral quotient;}$$

The number of seats won by a list is then:-

$$\frac{\text{Total votes for the particular list}}{\text{Electoral quotient}} = \text{No. of seats won + remainder}$$

8. It is possible for the total of the seats so assigned to the various lists to be less than the total seats of the College. In that case the seats unfilled go to the "Single National College" as to which see paras. 10 to 14 below. It is also clear that the total votes given to a list will but rarely be an exact multiple of the electoral quotient: usually there will be an appreciable remainder or "resto" of residuary votes unused. The remainders are made use of ("utilizzazione dei resti") also through the medium of the Single National College.

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9. Having ascertained the number of seats won by each College, the particular candidates to fill them are ascertained by reference to the approved list of each party, already in the possession of the Court (see para. 1 above), and varying them according to the preference votes cast for individual candidates. All candidates who have received any preferences at all are transferred to the head of the list - the candidates with the highest number at the top and so in order. Those with the highest number of preferences are declared elected.

If the number of party candidates who have received preference votes is less than the number of seats won by the party list, then to fill the seats thus left over, regard is had to the order in which the remaining candidates have been placed and numbered by their party in the list.

10. The Single National College. This part of the election proceedings is controlled by the Court of Cassation, acting as the "national central office". Thirty days before the elections the parties lodge with the Court of Cassation lists of their candidates for the National College, using the same list symbol as they have done in the district colleges. They cannot submit more than 32 candidates i.e. a number equal to the total number of colleges. Every candidate for the National College must also be a candidate in some district college. The lists and symbols, as approved by the Court of Cassation, are published in the Official Gazette.

11. After the election the Court of Cassation receives particulars of the results in each district college from the central offices thereof, including especially the number of unfilled seats and the number of residuary votes (resti) for each list - see para. 8 above.

12. The Court then finds the "electoral quotient" for the National College by (a) adding together all the unfilled seats, (b) adding together all the residuary votes for all lists in all colleges and (c) dividing (b) by (a). It then adds together the residuary votes cast for each particular list in every college and divides this total by the electoral quotient. This gives the number of seats in the National College attributable to the list in question.

13. As in the case described in para. 8, this arithmetic may not succeed in filling all the seats left unfilled from the district colleges. A few of the seats may still remain vacant. There may also be remainders or unused votes left over from the process of division. If so, the seats still unfilled are distributed among those lists whose remainders are the greatest.

121

14. To determine which candidates fill the seats thus distributed, regard is had solely to the order in which the candidates are named in the National College lists. In this instance there is no question of preference votes altering the order pre-determined by the party.

15. Double elections. As a candidate may be nominated for more than one (but not more than 3) district colleges, it is possible that he may be returned for 2 or even 3 of them. In that case, he has to choose which college he will sit for, and failing this, lots are drawn. In the college (or colleges) which it is ultimately decided he is not to represent, the candidate next in order of preference (see para. 9 above) on the same list takes his place and is declared elected.

16. Similarly, seeing that candidates for the National College must also be candidates in a district College, a man may find himself returned for the National College and also for one or more district colleges.

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16. Similarly, seeing that candidates for the National College must also be candidates in a district College, a man may find himself returned for the National College and also for one or more district colleges. In that case, he has no choice. He is deemed to be returned for the National College and in the district college (or colleges) the candidate next in order of preference on his list takes his place.

17. The settlement of all electoral disputes and of double elections is reserved to the Constituent Assembly itself.

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Declassified E.O. 12356 Section 3.3/NND No. 780021

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HQ ALCOM ACSCC FROM ADMIRAL STONE 191100 MARCH 1946

AFHQ FOR SACMED UNCLE SUGAR POLAD BRITISH REMIN

1951 SECRET

FURTHER MY ONE FIVE FIVE FIVE OF FOUR MARCH PD NAN AMLE FOX ONE ZERO FOUR THREE ATENS PD

LUGOTENENTS HAD SIGNED DECREE PROVIDING FOR NATIONAL ELECTIONS FOR CONSTITUENT ASSEMBLY AND REFERENDUM ON INSTITUTIONAL QUESTION PD IN RETURNING DECREE TO COUNCIL OF MINISTERS HE HAS ISSUED PUBLICLY A LETTER AGREEING TO BE BOUND BY THE RESULTS OF THE REFERENDUM AND GRANTING FREEDOM OF VOTE TO ALL THOSE WHO ARE BOUND BY THE OATH TO THE CROWN PD THIS INCLUDES MEMBERS OF THE ARMED FORCES AND OTHER OFFICIALS AND EMPLOYEES OF THE GOVERNMENT PD

PARA TWO PD TRANSLATION OF LUGOTENENTES LETTER FOLLOWS BY MAIL

DISTRIBUTION:
US Ambassador
BR Ambassador
US Polad
BR Polad
VP CA Sectio.
EX Comm
CC

SECRET

PRIORITY

Chief Commissioner

222 ELLERY W. STONE, Rear Admiral, USNR
Chief Commissioner

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16/B/11 33

Ministero per la Costituente

IL CAPO DI GABINETTO

Roma, 9 marzo 1946

1165/Gab.

Al Maggiore TEMPLE
Commissione Alleata
Sottocommissione Enti locali

ROMA

Rimetto una copia delle bozze definitive stamattina ricevute, della Legge sulle elezioni politiche per la Assemblea costituente.

Il ritardo è dovuto ad intralci frapposti all'ultimo momento da gruppi interessati.

(avv.prof. Massimo Severo Giannini)

Excerpt from the newspaper "L'AVANTI" of 25 January 1946

22

Towards the Costituency - The deputies will be 577
Fundamental outline of the political electoral law.
Italy subdivided in 38 districts - Preferences and quorum
A national list for the utilization of the remainders.

The Commission for the examination of the electoral law has almost finished its works. At the last meeting it has deliberated, the socialists and the liberals voting against it, to increase the number of deputies from 537 to 577. i.e. one out of every 75 tousand electors, instead of one every 80 thousand as indicated in the government's project. It has moreover solved the problem of the preferences by extablishing that they should be 2 in districts up to 13 seats and 3 in the others. The socialists had proposed that the preference should one only in all districts.

In order to determine the assignment of the seats, the Hondt system has been abbandoned and the criterion of the simple quotient with the utilization of the remainders on a national list.

Last evening the commission tackled again the last problem, that of the electoral districts.

It seems that for many regionsthe criterion which inspired the law project has prevailed, while for some others there has been some breaking up not always and not entirely justified.

According to the approved proposals Piemonte should have 3 districts and in addition the special one of Aosta; Lombardia and Veneto should have 4 each, Liguria 1, Emilia 2, Toscana 3, Marche, Lazio, Umbria and Abruzzo 1, Campania with Molise 4, Lucania 1, Puglie 2, Calabria 3, Sicily 4 and Sardinia 1.

This morning the Commission will meet again to fix the modalities of the national list in connection with the utilization of the remainders.

As to the compulsory voting, (for which the Commission showed to be divided with 7 votes in favorz and 7 against) this matter as welle as other special points of the law will be dealt with again the plenary assembly. And ultimately the government will have the last say.

Speaker for the law has unanimously been designated the demo-christian avv. Fuschini.

VERSO LA COSTITUENTE

I deputati saranno 577

Le linee fondamentali della legge elettorale politica L'Italia suddivisa in 38 circoscrizioni - Preferenze e quorum - Una lista nazionale per l'utilizzazione dei resti

La Commissione per l'esame della legge elettorale ha pressochè ultimato i suoi lavori. Nelle ultime sedute ha deliberato, col voto contrario dei socialisti e dei liberali, di aumentare il numero dei deputati da 537 a 577, cioè uno ogni 75 mila elettori, anzichè uno ogni 80mila come era indicato nel progetto governativo. Inoltre ha risolto il problema della preferenze, stabilendo che siano 2 nei collegi fino a 13

Ieri sera si è nuovamente affrontato l'ultimo problema, quello delle circoscrizioni elettorali.

Pare che per parecchie regioni ma prevalso il criterio ispiratore del progetto di legge, mentre per qualche altra si sarebbe caduti a spezzettamenti non sempre e non del tutto giustificati. Secondo le proposte approvate il Piemonte avrebbe 3 collegi più quello speciale d'Aosta, la Lombardia

118

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Quanto alla dibattuta questione del *quorum* (cioè del numero minimo di voti di preferenza che occorre raggiungere per modificare l'ordine di presentazione) si è deciso di fissarlo nel decimo del quoziente di lista.

Per determinare l'assegnazione dei seggi si è abbandonato il metodo di d'Hondt e si è adottato il criterio del quoziente puro con la utilizzazione dei resti su lista nazionale.

Ieri sera si è nuovamente affrontato l'ultimo problema, quello delle circoscrizioni elettorali.

Pare che per parecchie regioni sia prevalso il criterio ispiratore del progetto di legge, mentre per qualche altra si sarebbe ecceduto a spezzettamenti non sempre e non del tutto giustificati. Secondo le proposte approvate il Piemonte avrebbe 3 collegi più quello speciale d'Aosta; la Lombardia e il Veneto ne avrebbero 4 ciascuna; la Liguria uno; l'Emilia 2; la Toscana 3; le Marche, il Lazio, l'Umbria e l'Abruzzo uno; la Campania col Molise 4; la Lucania uno; le Puglie 2; la Calabria 3; la Sicilia 4 e la Sardegna uno.

Stamane la Commissione si riunirà ancora per fissare le modalità della lista nazionale in rapporto alla utilizzazione dei resti.

Quanto al voto obbligatorio, a proposito del quale la Commissione si è divisa in 7 favorevoli e 7 contrari, se ne riparlerà — come del resto su altri particolari della legge — in assemblea plenaria e in definitiva deciderà il Governo.

Relatore della legge è stato designato con voto unanime il democristiano avv. Fuschini.

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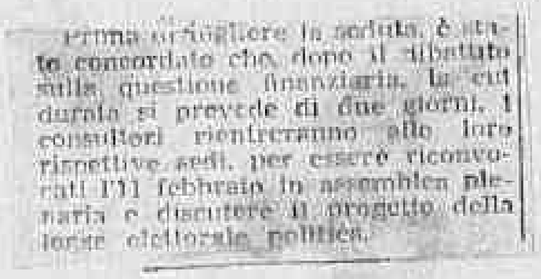
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EXCERPT from the newspaper l"AVANTI" of 22 January 1946

CONSULTA will debate electoral law in Plenary Session on 11 February 1946.

1825



Prima di sciogliere la seduta, è stato concordato che, dopo il dibattito sulla questione finanziaria, la cui durata si prevede di due giorni, i consultori rientreranno alle loro rispettive sedi, per essere riconvocati l'11 febbraio in assemblea plenaria e discutere il progetto della legge elettorale politica.

Before adjourning the meeting, it has been agreed that after the debate on the financial question, whose length is foreseen as two days, the consultori will go back to their constituencies and will be reconvoked on 11 February in a plenary assembly to discuss the project of the electoral politica law.

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Excerpt from the newspaper "IL TEMPO" of 24 January 1946

1043

Date uncertain for the political elections.

Much uncertainty exists about the date of the election for the "Costituente" since the Consulta will not be able to examine the respective law till the resumption of its works, scheduled for the 11 of February. All will depend on how long it will take to pass the law. Since there are many thorny points to be solved, some of which dangerous in the view of the ministerial accurateness, it is a safe bet to figure out that a month will elapse for the purpose.

It follows since other 70 days must elapse after the passing of the law, the most suitable Sundays will be those of 26 May and 2 June. If it would be necessary to go beyond these dates, the convocation of the electoral meetings would appear especially difficult, since it would coincide with the operation of harvesting, which particularly in central and southern Italy causes a migration of large units of agricultural workers. In this event, it would be necessary to postpone everything to the month of September.

Le elezioni politiche

Molta incertezza esiste invece circa la data delle elezioni per la Costituente dato che la Consulta non potrà prendere in esame la relativa legge che alla ripresa dei suoi lavori, fissata per l'11 febbraio. Tutto dipenderà dal tempo che si impiegherà per varare la legge. Poichè ci sono non pochi scogli da superare alcuni dei quali pericolosi per la diligenza ministeriale, non è azzardato mettere in bilancio un mese.

Conseguentemente, dato che dovranno passare altri 70 giorni, le domeniche più utili che si presentano sono quelle del 26 maggio e del 2 giugno, trascorse le quali apparirebbe particolarmente ardua la convocazione dei comizi elettorali politici, poichè verrebbe a coincidere con le operazioni di mietitura e trebbiatura che, soprattutto nell'Italia centromeridionale, determina migrazioni di larghi contingenti di mano d'opera agricola. E allora bisognerebbe rinviare tutto a settembre.

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(Translation)

CA Sec 29

L.G.S/C 45/0/4

11 GEN 1946

THE PRESIDENT
OF THE COUNCIL OF MINISTERS

Rome, 4 January 1946

Dear Admiral,

Following the examination by the "Commissione per gli affari politici ed amministrativi" of the Consulta, the Council of Ministers approved on the 2nd instant, in its definitive text, the electoral draft law for the reconstitution of the communal councils.

As it has already been officially announced, the provisions concerning the election of the provincial councils have been omitted from the project, since the Government decided to provide thereto in due course by separate legislation.

I gladly welcome the occasion to assure you that the new law has entirely accepted the remarks made by your Allied Commission as to the adoption of the State ballot paper, the anticipated publication of the lists of candidates, the extension of the term between the issuance of the decree convoking the electoral meetings and the date set for the election, in order to allow the public to get acquainted with the lists in question, as well as the abolition of the article concerning the modalities for the implementation of the law in the territories under the Allied Military Government jurisdiction.

Please accept, dear Admiral, my cordial regards,

/s/ De Gasperi

115

EC DIST 11 Jan

ACTION - CA Sec

INFO - CC

- EC.

To: Admiral ELLERY W STONE
Chief of the Allied Commission
R o m e

ALLIED COMMISSION HEADQUARTERS 182

Trans.An.

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Ex Com

Roma, 4 gennaio 1946

Il Presidente
del Consiglio dei Ministri

Caro Ammiraglio,

in seguito all'esame della Commissione per gli affari politici ed amministrativi della Consulta, il Consiglio dei Ministri ha approvato il 2 corrente, nel testo definitivo, lo schema di legge elettorale per la ricostituzione dei Consigli comunali.

Come è stato già reso noto in via ufficiale, dal progetto sono state stralciate le norme concernenti la elezione dei Consigli provinciali, essendosi il Governo riservato di provvedere al riguardo in separata sede.

Mi è assai gradita l'occasione per assicurarLa che la nuova legge ha accolto integralmente i rilievi formulati da codesta Commissione Alleata per l'adozione della scheda di Stato, la preventiva pubblicazione delle liste dei candidati, la proroga dell'intervallo tra il decreto di convocazione dei comizi e la data delle elezioni, al fine di consentire al pubblico la cono-

All'Ammiraglio
ELLERY W. STONE
Capo della Commissione Alleata
R O M A

ALLIED COMMISSION 192

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scenza delle liste in parola, nonchè per l'abolizione dell'articolo riguardante le modalità di attuazione della legge nei territori sottoposti al Governo Militare Alleato.

Gradisca, caro Ammiraglio, vivissime cordialità .

Egidio

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(Translation)

24/8

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Please accept, dear Admiral, my cordial regards,

/s/ De Gasperi

To: Admiral ELLERY W STONE
Chief of the Allied Commission
R o m e

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29/c

COPIA

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Gradisca, caro Ammiraglio, vivissime cordialita'.

f/ De Gasperi

All'Ammiraglio
ELLERY W. STONE
Capo della Commissione Alleata
R O M A

112

7698

HEADQUARTERS ALLIED COMMISSION
APO 394
LOCAL GOVERNMENT SUB COMMISSION

18

AC/45/B/1/LG.

Tel: 478706

28 December 1945.

SUBJECT : Memorandum regarding relationship between Italian Government and Allied Commission on Electoral Laws.

TO : Executive Commissioner

1. On 26 October the Local Government Sub Commission received the Draft Laws for the political and local elections which - officials of the Italian Government stated - were to be considered at a special meeting of the Council of Ministers 4 days later.

The Chief Commissioner requested the Prime Minister by letter of 27 October to afford us a more ample opportunity to study the Drafts and submit our observations(fol.5A).

On 29 October the Prime Minister agreed in his letter that the observations of the Allied Commission should be sent before the Draft Laws are submitted to the Consulta and suggested that this be done before 12 November (fol.11A).

2. Accordingly this Sub Commission made its study of the Draft Laws (folios 8,20) on the basis of which the Chief Commissioner sent a letter on 8 November to the Prime Minister containing suggestions for modifying the Drafts and suggesting that the exact phraseology be arrived at through conferences with Local Government S/C (fol.21). A conference with representatives of the Presidency of the Council and the Minister of the Interior took place on 17 November at which complete agreement on the Allied Commission's criticisms on the Political Law was reached (fol.22) and there was general discussion on the points raised concerning the Local Elections Law.

3. However the Governmental crisis then took place and for several weeks we were in constant touch with the Ministry to ascertain whether there were any new developments.

Finallyimmediately after the crisis was settled, i.e. on 13 December a conference was held with representatives of the Ministry in which it was stated that an immediate response from the Prime Minister to the Chief Commissioner's letter of 8 November would be made (fol.25). It was apparant during the conference that the Ministry was going to recommend one of our basic suggestions namely State ballot, inasmuch as the head of the Electoral Service showed us some samples that he had prepared based on my suggestions.

4. On 17 December the letter from the Prime Minister to the Chief Commissioner was received. In it the Prime Minister stated that the suggestions of the Allied Commission regarding the Political Elections' Law had been fully accepted in agreement with the Ministry for the Costituente.

As far as the Local Election Laws are concerned, the Prime Minister said that he would communicate to the Chief Commissioner as soon as possible the definitive thought of the Italian Government (fol.27).

5. Since the receipt of the Prime Minister's letter, the Local Government Sub Commission has been in constant touch with the Ministry in order to be kept informed as to progress. We knew that the Law was being considered by one of the Commissions in the Consultive and were able to follow the discussions in the newspapers. 111

These newspaper reports indicated that our suggestions were being earnestly debated and apparently considered very favourably.

They were being advarced as proposals of the Italian Government.

Before the holidays i.e. 21 December we received the first time information volunteered by the Ministry that the Commission in the Consultive had approved the adoption of [illegible] State ballot for local elections. We were also told that any of the changes would be

Declassified E.O. 12356 Section 3.3/NND No. 788021

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Before the holidays i.e. 21 December we received the first time information volunteered by the Ministry that the Commission in the Consultive had approved the adoption of a State ballot for local elections. We were also told that any of the changes would be immediately communicated to us.

6. Yesterday, 27 December, not having heard from the Ministry a call was made and we were informed that the Draft Law was being completed that day and would be submitted to the Council of Ministers this morning. We were informed that the suggestions of the Allied Commission had been adopted, particularly those concerning State ballot and the adoption of a time interval between the nomination of candidates and the holding of elections.

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28/A

However it was also stated that provisions for provincial elections were being omitted or charged, because it was impossible to hold provincial elections now. Obviously the structure of Local Government would have to be accordingly modified if provincial councils were to be provided for.

The text of Law we were told would be sent to us to-day- obviously too late to do anything about it.

Fortunately it seems that there was general agreement on the proposals of the Allied Commission - the only new point being in connection with provincial elections -. An examination of the Draft Law may reveal other points.

7. The foregoing raises the question as to what the relationship between the Allied Commission and the Italian Government should be, in connection with electoral laws.

As the foregoing reveals there has been close contact between the two, the initiative at all times, however, coming from the Allied Commission - acting of course through the Local Government Sub Commission. This S/C has been persistent in calling either in person or by telephoning in order to keep abreast of developments. Rarely has any new information been volunteered by the Italian Government. Although little can be done concerning the Draft Law which is being presented to-day to the Council of Ministers there undoubtedly will be further decrees proposed in the future.

For example, provision will have to be made concerning provincial elections, special provisions, perhaps, for the Alto Adige region, possible amendments on voting procedures and actual conduct of elections.

The Political Electoral Law furthermore has yet to be enacted, and we are informed that the Consulta will meet in Plenary Session on 9 January 1946, and it is thought that the Political Elections Law will be submitted to it.

Thereafter the Council of Ministers will consider it.

8. The question therefore rises as to whether the Sub Commission acting for the Allied Commission is meredly to sit back and wait to be informed of developments, tendering its advice when requested,- or is it to assume a more positive attitude and ask the Italian Government to submit its proposals to be studied and observations on them to be made.

Not pertinent at this time, but worthy of consideration is the position to be taken by the Commission or the Allied Governments, as observers perhaps, of the actual elections whenever they take place.

9. It would seem that the possible inclusion in the revised Armistice terms or in the new Treaty of Peace of the provision guaranteeing democratic elections would require a more positive attitude on our part. In any event a directive as to what position is to be taken by us should be forthcoming.

RRT

RALPH R. TEMPLE
Major
Director
Local Government Sub Commission

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RRT/ww

Declassified E.O. 12356 Section 3.3/NND No. 788021

C. A. Lec

Me (27)

Rome, December 1945 20 DEC 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 propagnda 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 disenfranchisements 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 al 109 the pratical possibilities to provide for the supply of the ballots papers - the other questions outlined by You in this matter will be settled taking special account of the recommendation of the Allied Commission,

Please accept, Dear Admiral, by best and cordial regards.

Declassified E.O. 12356 Section 3.3/NND No. 770021

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 disenfranchisements 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.

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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 ballots papers - the other questions outlined by You in this matter will be settled taking special account of the recommendation of the Allied Commission,

Please accept, Dear Admiral, by best and cordial regards.

/s/ De Gasperi

109

ALLIED COMMISSION 6601 HEADQ. ARTS

Trans.AN.
17/12/45

Copies to 45/B
45/B/2
4/B/1
1/27

Mad A
B

E.C. DIST - 19 Dec.
Outsi : C. A. Sec. (2)
Info : C.C.
E.C.

7822

Declassified E.O. 12356 Section 3.3/NND No. 788021

27a

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.

Declassified E.O. 12356 Section 3.3/NND No. 798021

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

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Il Presidente
del Consiglio dei Ministri

Roma, dicembre 1945

Caro Ammiraglio,

ho esaminato le osservazioni della Commissione Allea=
ta, 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 rilievi in ordine al primo provvedimento si concre=
tano 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'affissio=
ne del manifesto con le liste dei candidati in tutti i comuni
della circoscrizione ;

3) necessità che negli articoli 5 e 6, dove si accenna al=
le Commissioni provinciali chiamate a disporre la privazione del
diritto elettorale per indegnità politica, sia fatto richiamo,
oltre che all'art.2 del D.L.L. 26 aprile 1945, n°149, anche al=
l'art.8 del D.L.L. 27 luglio 1944, n°159, in base al quale ulti=
mo 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 avvi=
so 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 Nziona=

./.

All'Ammiraglio
Ellery W. STONE
Commissario Capo della
Commissione Alleata R O M A

ALLIED COMMISSION 107 660

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

le, sono state apportate le variazioni di cui all'allegato, co= sicchè l'Assemblea esaminerà lo schema già completato nei sensi suggeriti dalla Commissione Alleata.

Per quanto concerne i rilievi sullo schema di provvedi= mento per le elezioni amministrative, mi riservo di precisarLe al più presto il definitivo pensiero del Governo italiano, mentre de= sidero assicurarLe che io personalmente sono, in linea di princi= pio, favorevole all'adozione, anche in questo campo, della scheda di Stato: su tale problema, intanto, è stata richiamata l'attenzio= ne della Consulta Nazionale in occasione dell'esame che dovrà por= tare sul provvedimento anzidetto.

Allorchè sarà risoluto questo punto - e la soluzione è connessa anche alle possibilità pratiche di provvedere alla forni= tura delle schede - le altre questioni da Lei prospettate in que= sta materia saranno pure definite tenendo particolare conto delle raccomandazioni della Commissione Alleata.

Voglia gradire, caro Ammiraglio, le mie più vive cordia= lità.

AQI

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

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MODIFICAZIONI APPORTATE ALLO SCHEMA DI LEGGE ELETTORALE POLITICA PER L'ASSEMBLEA COSTITUENTE

- - -

1° - Art. 32 - All'inizio dell'articolo è 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.

- - - - - - -

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

45/15/1 26

45/15/1/LG.

SUBJECT: Note of Interview - Ministry of the Interior

DATE : 13 December 1945 - 11.30 hrs.

PRESENT: Dr. CATTANEO , Chief of the Cabinet, Ministry of the Interior
Dr. SERENO, Head of the Electoral Service, Ministry of the Interior
Major R.H. Temple, Director, Local Government S.C.
Mr. Arrigo Rice, Interpreter.

1. I mentioned to Dr. CATTANEO that we had received the letter from Director-General VICCHIARINI of the Electoral Service, in which the latter proposed to organise an inspection service to follow more closely the progress of electoral operations and assisting local Government officials in their tasks.

2. I told him that in fact I had been thinking along the same lines and as a matter of fact had asked that the matter be raised at the meeting of regional commissioners at Milan.

3. I had intended to take the matter up with the Italian Government as soon as I was informed of the reaction of the regional commissioners to my suggestion.

4. As soon as I received this information I presided Dr. CATTANEO to take it up with the Italian Government officially.

RHT

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

RST/MW

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Distribution : 45/15/1/LG
45/15/2/LG
45/15/1/LG
334/1/LG.

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

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45/3/1/16
45/23/1/16

Minute Note of Interview - Ministry of the Interior

Date : 13 December 1945 - 11.10 hrs.

Present: Dott. [illegible] - Chief of the Cabinet, Ministry of the Interior
Dott. [illegible] - Head of the General Service, Ministry of the Interior
Major [illegible] - Director Local Government C/C.
Mr. [illegible], Interpreter.

1. Dr. [illegible] explained to us that he had prepared his report for the President of the Council of Ministers following our conference on the 17th November which had been suggested in the Chief Commissioner's letter to the Prime Minister of the 6th 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 us 2 sample ballots which he had prepared for consideration by the President of the Council, one based on the majority system to be used in Communes under 30000, the other based on the proportional representation 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 be held 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:-

2365 male lists and 2233 female lists compiled, making a total of 4598
Lists approved are 890 male and 1116 female lists, making a total of 2014
(there are 24120 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 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.

7. He did not expect the Local Electors' Law to be enacted before the end of January.

[illegible]
Major
Director

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EXTRACT from "IL TEMPO" of 9 December 1945

HOW VOTING WILL TAKE PLACE IN THE POLITICAL ELECTIONS.

The project of political electoral law pre-arranged by the proper Committee of the Ministry of he Costituente has accepted in full -according to a report from the Agency "L'Informazione" - the D'Hodt system of scrutiny list with proportional representation. Such system, in which the participation of the will of the elector is excessively limited, has only once been applied in the political election in Belgium towards the end of last century.

The elector will simply have to manifest his preference for one of the party lists by placing a mark with a pencil on the respective countersign. He may express some preference only among the candidates of the list voted by him to the extent of one candidate for every fifteen candidates in the list, He shall not be able to express any disapproval regarding some candidate, nor will he be able to replace any candidate with another candidate of another list in whom he may have confidence. Substantially, the elector is called upon to give a proof of blind faith in the action of the Directorate of the party for which he would like to vote, directorate which has chosen the candidates without the participation of his will.

Translation of the following text:

COME SI VOTERA' NELLE ELEZIONI POLITICHE

Il progetto della legge elettorale politica predisposto dalla appostia Commissione del Ministero della Costiutente ha accolto integralmente - secondo quanto risulta all'Agenzia L'Informazione - il ;etodo d'Hodt dello scrutinio di lista con rappresentanza proporzionale. Tale metodo, eccessivamente limitativo del concorso della volonta' dell'elettore, fu applicato una sola volta nelle elezioni politiche del Belgio verso la fine del secolo scorso.

L'elettore deve semplicemente manifestare la sua preferenza per una delle liste di partito, facendo un segno di matita sul rispettivo contrassegno. Potra' manifestare qualche preferenza solo fra i candidati della lista votata limitatamente a un candidato ogni 15 della lista. Non potra' manifestare alcun dissenso circa qualche candidato, ne' potra' sostituire nessun candidato di lista 303 che tuttavia ispiri fiducia. In sostanza l'elettore e' chiamato semplicemente a dare una prova di fede cieca nell'operato della direzione del partito per cui vorrebbe votare, la quale ha scelto i candidati senza il concorso della sua volonta'.

Declassified E.O. 12356 Section 3.3/NND No. 770021

of the Ministry of the Costituente has accepted in full -according to a report from the Agency "L'Informazione" - the D'Hodt system of scrutiny list with proportional representation. Such system, in which the participation of the will of the elector is excessively limited, has only once been applied in the political election in Belgium towards the end of last century.

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

HEADQUARTERS ALLIED COMMISSION
APO 394
LOCAL GOVERNMENT SUB COMMISSION

AG/45/B/1/LG

Tel: 476706

SUBJECT: Draft Law for elections to the Constituent Assembly.

19 November 1945

TO : (a) The Presidency of the Council of Ministers (Legislative Office)
(b) The Ministry of the Interior (Electoral Service)

1. As promised, I enclose for the use of Dott. (a) SPATAFORA the note of the conference on this subject which took place in this office on the morning of 17 November. I have also sent a copy to Dott. (b) STRANO of the Electoral Service of the Ministry of the Interior.

2. We now await receipt of the Prime Minister's formal answer to the Chief Commissioner's letter of 6 November.

RALPH R. TEMPLE
Major
Director
Local Government Sub Commission

CGH/pco
Encl. 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

Tel: 476706

AC/45/3/1/1/G

SUBJECT: Note of interview - AC HQ

DATE : 17 November 1945 - 1000 hours

PRESENT: Dott. SPATAFORA Mariano--Chief of the Legislative Office, Presidency of the Council
Dott. STRANO Paolo--Chief of Electoral Service, Ministry of Interior
Major Ralph H. Temple, Director, Local Government Sub Commission
Major C.G.R. Williams, Executive Officer, Local Government Sub Commission
Sig. RICCI Arrigo, interpreting.

1. Dott. SPATAFORA referred to the observations upon the Draft Law for elections to the Constituent Assembly which were made in the Chief Commissioner's letter to the Prime Minister of 8 November. He said these observations were clearly justified and the Italian Government were ready to meet them. At the Consulta, they were now putting in hand the printing of the Draft Law and the report of the Commission, which provided an opportunity to insert in the print the amendments consequential upon the acceptance of the Allied Commission's observations.

2. Electoral propaganda near polling stations. The Italian Government propose to insert in the Draft Law a clause in the same terms as Article 43 of the Draft Law for the administrative elections.

3. Publication of duly nominated candidates. The Government would make an amendment to Article 16 of the Draft Law requiring publication by the Sindaco not later than 20 days before election day. As the Court of Appeal has to examine and approve the lists by the 30 th day before election day, this proposal would allow a space of 10 days for printing and distribution to Sindaci.

4. Implementation. The Government would insert in Articles 5 and 6 the necessary references to Article 8 of DLL 27 July 1944 No. 159.

5. Page and line amendments to the Draft Law were then agreed as set forth in the Appendix to this note.

6. Dott. SPATAFORA added that the suggestion for publication of the Law in a supplement to the Official Gazette together with the Allied Commission's ordinance implementing it was also accepted.

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7. Major Temple expressed appreciation of the spirit in which the Allied Commission's observations had been received and of the promptness with which steps had been taken to amend the Law accordingly. As these observation had been made in a letter from the Chief Commissioner to the Prime Minister, Major Temple said he assumed that the Prime Minister would now reply formally to state that these observations were accepted. Dott. SPATAFORA and Dott. STRANO agreed and said this would be done immediately.

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8. Major Temple undertook to let both representatives of the Italian Government have a copy of the Sub Commission's note of this interview, after which they agreed to set in motion the Prime Minister's formal reply.

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

CGRW/pec

Distribution:

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AC/14/1/LG
Dott. SPATAFORA
Dott. STRANO
Float

19 November 1945

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APPENDIX

Draft Law on elections for the Constituent Assembly

Page and line amendments to Draft agreed on 17 November 1945

(NOTE: References to pages and lines are references to the pages and lines of the Draft Law as contained in file AC/45/26/LG)

Article 5

Page 3, line 2:--

After the figures "149", insert
"o all'art. 8 del D.L.L. 27 luglio 1944, n. 159".

Article 6

Page 4, line 16:--

The same amendment as above.

Article 16

Page 9, line 20:--

After the words "altri luoghi pubblici", insert
"entro il ventesimo giorno antecedente la data delle elezioni".

Article 31

Insert between this Article and Article 32 the following new Article:--

"Ogni propaganda elettorale e' vietata entro il raggio di 200 metri dall'ingresso della sezione elettorale.

"Le infrazioni sono punite con la reclusione sino a sei mesi o con la multa da lire 2000 a lire 10.000."

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

NC/45/B/3/IT

8 November 1945

My dear Mr. Prime Minister,

I am now in a position to communicate the observations of the Allied Commission upon the draft of the Political Election Law for the Constituent Assembly and upon the Draft Law for the Reconstitution of Communal and Provincial Administration on an Elective Basis, both of which were considered by the Council of Ministers on 30 October and 1 November.

I have noted with pleasure that both Drafts are in several respects an advance upon previous Italian electoral legislation in the direction of modern development of democratic practice. There are consequently but few matters to which I consider I should draw the attention of your Government.

To deal first with the Draft Law for the Elections to the Constituent Assembly, I have noted the absence from it of any provision forbidding electoral propaganda in the neighbourhood of the polling station on poetion of the. The Draft Law for administrative elections on the other hand has made a suitable provision for this in Article 43. I trust that a similar provision will be made for the political elections.

I have also observed in the Draft Law for elections to the Constituent Assembly the provision in Article 15 for the lists of candidates to be presented to the Court of Appeal not later than the fortieth day before the election and in Article 16 for the Court of Appeal to complete the verification of the lists not later than the thirtieth day before polling day. Thereupon, provision is made for the printing of the lists, the immediate time-limit is stated, however, for the completion of this important duty on the part of the Syndaco. It is of great importance that the public should receive official notification of the candidates duly nominated in ample time before the election. With this object, I suggest a provision requiring the Syndaco to affix in public places the notice containing the lists of candidates as verified by the Court of Appeal not later than the twentieth day before the election.

Turning now to the Draft Law for the administrative elections, I do not find in it any provision for the exhibition in public places of the names of candidates nominated. Provision is only made for such names to be posted in the voting room on the day of the election. It is of equal importance in the administrative elections that official notice of the candidates be given to the public in good time before the election. I would advise, therefore, the inclusion of appropriate provisions for this purpose. As in the case of the political elections, it is considered that public notice of the duly nominated candidates after verification by the Electoral Commission ought to be given at least 20 days before the election. For this purpose, therefore,

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

the periods of 15 days fixed by Article 25 and 20 days fixed by Article 63 should be considerably extended. These periods appear in my case to be very short in comparison with the period of 70 days allowed for the political elections and having regard to the tasks to be performed and the objects to be attained.

I have also noted with particular attention the provisions of the draft law on administrative elections as to ballot-papers. Whereas for the political elections due provision has been made for a State ballot-paper, for the administrative elections this is not proposed. The Draft Law confines itself merely to prescribing the type of the ballot-paper to which those provided--presumably by political parties or by the voters themselves--must conform. That the ballot-paper should be printed by public authority and delivered by the officials of the section office to the elector when he presents himself to vote is a matter of cardinal importance, both as a precaution against fraud and as a means of ensuring to the elector the actual receipt of a ballot and a genuine freedom of choice. I consider that the provision of an official ballot is as necessary for the administrative elections as for the political elections and I would urge the Italian Government to digest accordingly.

Before concluding this letter, I think it necessary to refer to the rendering executive of these two Laws in such parts of Italy as may still be under Allied Military Government at the time when the Laws are promulgated. It is the intention of the Allied Commission to give their immediate implementation by the quickest means possible. To that end I would ask the Italian Government be pravile for their publication in a supplement to the Official Gazette in which can also be inserted the ordinance making them executive. In order to enable the Laws to be put into force in this way, it is necessary to request that an amendment of a technical nature be made in each of them. A Memorandum on the amendments desired for this purpose is enclosed.

I trust I may hear from you in the near future that the suggestions made above are accepted by the Italian Government and that they will be incorporated in the versions of the Laws that will be submitted to the Constitutive Assembly. In this letter I have dealt in general terms only. For the purpose of determining the exact phrasing of any modifications agreed to, it may be desirable that the technicians of the Italian Government and the Local Government Sub Commission should confer so as to avoid any unnecessary delays.

Yours very truly,

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Distribution:
Chief Commissioner
Executive Commissioner
Poland (A)
" (B)
AC/45/P/1/LO
AC/45/P/2/LO

Professor Ferruccio Parri
President of the Council of Ministers
Italian Government

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

Draft Political and Administrative Electoral Laws

Memorandum on the Modifications Required for the Purpose of Rendering the Laws Executive in Military Government Territory

A - Political Electoral Law

1. In Article 5, No. 12, provision is made for excluding from franchise those deprived of electoral rights by sentences of the Provincial Commissions referred to in Article 2 of MG. 26 April 1945 No. 149. The last paragraph of Article 6 provides that a particular class of persons otherwise excluded from the franchise may be admitted to the exercise of the right to vote by judgment of the same Provincial Commissions provided for in Article 2 of the same MG.

2. MG. 26 April 1945 No. 149 has not been rendered executive in Military Government Territory. Instead, Provincial Commissions are being established throughout the North under MG. 27 July 1944 No. 159 and a procedure has been agreed with the Italian Government for the appointments of the Presidents and other members of those Commissions under that Decree.

3. Articles 5 and 6 of the Draft Law on the political elections should therefore refer to the Provincial Commissions established under either MG. 27 July 1944 No. 159 or MG. 26 April 1945 No. 149.

B - Administrative Electoral Law

4. Article 102 states that in territory not yet returned to the Italian administration, the date for the election of Communal and Provincial Councils is to be fixed by Allied Military Government in agreement with the Prefect and the First President of the Court of Appeal.

5. International law authorises Allied Military Government to take administrative action (such as fixing the date for the administrative elections) under the Law without any express provision for the purpose. Likewise, Allied Military Government is not required to consult any Italian official before so doing.

6. If it should become necessary for Allied Military Government to exercise powers under this Law, it is their intention to proceed in close cooperation with the Italian Government and to obtain the advice of the appropriate administrative and judicial officials in the territory under their control. The Italian Government however is not competent, as a matter of law, to prescribe a procedure for Allied Military Government to follow.

7. Article 102 should therefore be omitted. It should be replaced by the usual clause declaring that the Law will come into force on the day after its publication in the Official Gazette.

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

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

AO/45/8/1/1C

Tel: 478706

SUBJECT: Draft Election Laws.

5 November 1945

TO : Executive Commissioner.

1. Herewith are sent copies of:—

(a) a supplemental report on the Draft Law for Constituent Assembly elections;

(b) the report on the Draft Law for Local Elections; —

(c) a report on the implementation of both Laws.

Copies are also attached for transmission to the Chief Commissioner.

2. A draft letter from the Chief Commissioner to the Prime Minister and drawing attention to the various points which are recommended in the reports is in course of preparation. It will be sent down as soon as possible, but it has not been thought desirable to delay the transmission of the annexed reports.

M. C. HOLT
Brigadier
VP CA Section

OCRS/pec

Copies to Poland (A)
" (B)
AO/45/8/2/1C

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HEADQUARTERS ALLIED COMMISSION
APO 394
LOCAL GOVERNMENT SUB COMMISSION

Supplemental Report on the Draft Law for Elections to the Constituent Assembly

1. Since this Sub Commission's report of 28 October, a complete set of the papers has been received--the remaining Schedules and, more particularly, the Majority and Minority reports of the Drafting Commission. The writer has also had long conferences with the experts of the Ministry of the Interior on technical and drafting points. In the result it appears necessary to modify in some respects the previous report of the Sub-Commission.

2. A brief indication of the contents of the Minority Report seems first to be desirable. The Majority Report does not need particular reference as it deals with the Draft Law as drawn up and this Draft has already been examined in the previous report of the Sub-Commission.

3. The Minority Report addresses itself to two questions--the size of the constituencies and the restrictions on the exercise of the preference vote.

4. The signatories of the Minority Report propose the splitting of the 9 largest regional constituencies (Piemonte, Lombardia, Veneto, Emilia, Toscana, Lazio, Campania, Puglie and Sicilia) so as to raise the number of constituencies from 19 to 30, each constituency, however, still consisting of a group of complete provinces and being wholly comprised within a given region. Under this proposal, the number of Deputies per constituency would vary from 7 to 28 instead of from 7 to 73.

5. The minority also propose an alteration as to the preference vote. The Draft gives the voter one such vote in constituencies having up to 15 Deputies--~~in~~ 2 preference votes in constituencies with 16 to 30 Deputies--and ~~in~~ 3 in constituencies returning more than 30 Deputies. The minority suggest one preference vote in constituencies having up to 10 Deputies--2 in those having 11 to 20--and 3 in those having more than 20 Deputies.

6. One Commissioner has put in yet another minority report recommending compulsory voting. It does not seem necessary to do more than mention this.

7. It is considered that the points raised in the Minority Report are all matters which, though arguable, should be left exclusively to Italian decision. They do not affect the basic principles of a democratic election.

8. In the previous report, reference was made to the period of 70 days which, according to the Draft Law, must elapse between the proclamation of the election and the election day and it was suggested that this period might be reduced. As a result of examination in point with the Italian Government's technicians, it is desired to withdraw this suggestion. It is not considered that 70 days will be too long in view of the practical difficulties which Italian official agencies will have to overcome re performing their tasks. This applies particularly to the printing of ballot-papers.

9. The discussions above-mentioned have also clarified a point of some importance as to the nomination of candidates. It has now been made clear that the Draft Law does make provision for the posting in public places of the names of those duly nominated before the Election Day and throughout the constituency. The Sindaco is not however required to perform this duty within any stated time. It is recommended that a time-limit should be fixed.

10. The effect of the foregoing observations is to leave only two points as to which it is recommended that observations be made to the Italian Government:—

(a) the absence from the Draft Law of any provision forbidding political propa-

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Draft Law as drawn up and this Draft has already been examined in the previous report of the Sub-Commission.

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10. The effect of the foregoing observations is to leave only two points as to which it is recommended that observations be made to the Italian Government:—

(a) the absence from the Draft Law of any provision forbidding political propaganda in the vicinity of the Polling Station;

(b) the absence of any dead-line for giving public notice of the names of the duly nominated candidates.

CGRW/pec

2 November 1945

Distribution: Chief Commissioner
Exec. Commissioner
VP GA Section
Polad (A)
" (B)
AC/45/B/1/b?

R. R. Temple Major

RALPH R. TEMPLE, Major
Director
Local Government Sub Commission

Declassified E.O. 12356 Section 3.3/NND No. 789121

10 B

HEADQUARTERS ALLIED COMMISSION
APO 394
LOCAL GOVERNMENT SUB COMMISSION

Report on the Draft Law as to Local Elections

1. This Draft presents more complications than that on the elections for the Constituent Assembly and it also been thought best to present first some very brief notes on the outstanding features of the Draft under its main headings, i.e.:—

Organs of Communal and Provincial Administration.
The Electorate and Eligibility.
Election of Councils in Communes of less than 30,000 population.
Elections in Communes of 30,000 population or more.
Election of Provincial Councils.

and then to examine how far the Draft meets the "four points" raised by the CC in previous correspondence with the PM.

2. Organs of Provincial and Communal Administration. The Draft would restore the Provincial and Communal Councils, their subordinate administrative structures and their powers, as provided for in the 1915 Law. The principal variations made in the Draft are two.

3. The number of Councillors in relation to population is altered so that the large and medium Communes and Provinces will have smaller Councils than they did 30 years ago. The object is to take account of the increase of population in the interval and to avoid an excessive number of large Councils. Similar adjustments are made in the numerical composition of the standing Executive Committees, i.e. "Giunta Comunale" and the "Deputazione Provinciale".

4. The Draft reverts to separate Presidents of the Provincial Council and the Provincial Deputation. The earlier draft or "Blue Book" produced by the Ministry of the Interior in June last proposed to amalgamate these offices. The explanation is that the Provincial Council functions in the manner of a small Parliament. It is considered necessary to have a President of the Council to act as a sort of "Speaker" and a separate President of the Provincial Deputation to act as "Leader of the House".

5. There is nothing in this part of the Draft which is not acceptable.

6. Electorate and Eligibility. The provisions regulating those entitled to vote are defined so as to follow the "Costituente" Election Law on the subject and therefore require no further comment than has been made in this Sub Commission's report on that Draft Law. The "poverty disqualifications" are abolished and the disfranchisement of Fascists tightened up.

7. Provision has been made for granting soldiers the abstract right to vote at elections—abstract because in practice only those soldiers will be able to use their vote who happen to be stationed or on leave in their Commune of residence at the time. It is known that the Italian Government's experts have examined the possibility of postal or proxy voting and in fact have requested and been supplied with information on the subject by this Sub Commission. The Italian experts have

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Organs of Communal and Provincial Administration.
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7. Provision has been made for granting soldiers the abstract right to vote at elections--abstract because in practice only those soldiers will be able to use their vote who happen to be stationed or on leave in their Commune of residence at the time. It is known that the Italian Government's experts have examined the possibility of postal or proxy voting and in fact have requested and been supplied with information on the subject by this Sub Commission. The Italian experts have concluded that anything of this kind is impracticable in present circumstances and this Sub Commission must reluctantly agree with them.

8. As to eligibility, anyone can be a Communal or Provincial Councillor who is a registered elector and can read and write. It seems curious that a literacy qualification has been introduced here but not into the Draft Law on "Costituente" elections; that Draft makes eligible to be Deputies of the "Costituente" all Italian citizens over 25. The opposite would seem to be more realistic. The discrepancy probably arises from the fact that the two drafts have been prepared by two different people. In any event, there is no point here to be taken by AC.

9. The Draft would make women eligible for all local public office, thus representing yet a further advance upon the proposals of the June "Blue Book", which admitted them only to membership of the Council and their Executive Committees. The present Draft allows a woman to be a Sindaco, or a President of the Council or Provincial Deputation.

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10. This part of the Draft also seems quite unobjectionable.

11. Election Procedure. Two separate procedures are proposed according to the size of the Commune, as follows:

(a) in the smaller Communes the elections would be on the majority system with limited voting as was the case under the 1915 Law, i.e., the voter may vote for only 4/5 of the seats.

(b) in the larger Communes, the system would be proportional representation with preference votes, as in the Constituent Assembly elections, but with the additional faculty for the voter to cancel names from the list.

The draftsmen have fixed the dividing line at the 30,000 population mark, which is a figure for consideration by the Council of Ministers and not a recommendation.

12. Elections in Communes under 30,000 population. The first point to note is that there is no division of the Commune into constituencies. The elector votes for the whole number of the members of the Council. There is, however, power (on local request from Communes divided into fractions) to constitute the fractions into constituencies, each electing a fixed number of the Councillors.

13. The Prefect fixes the date for the election of the Deputies 15 days in advance. The candidates must be nominated six days before the election and their nominations examined in the next day by the Electoral Commission, i.e., five days before the election. This period is considered by the Sub-Commission to be too short. It will certainly be too short if the recommendations made below as to public notice of nominations and official ballots are adopted. It is considered that nominations should be completed and published at least 20 days before the election. The point should be taken up with the Italian Government.

14. The names of duly nominated candidates are posted up in the Polling Station on election day, but there is no provision--as there is in the "Constituente" Election Law--for giving public notice of the duly nominated candidates throughout the Commune and in advance of election day. The names are posted only in the Polling Station where the voter sees them for the first time on election day. This is considered to be a point of substance. One of the main objects of prior nomination of candidates is to enable the elector to have official assurance as to who is running in good time before the election, so that he can weigh the merits of the candidates and come to an informed decision. It is believed that any practical difficulties, e.g. provision of paper and printing, can and ought to be overcome.

15. The provisions as to ballot-papers are not considered satisfactory. According to the Draft, the elector provides himself with his own ballot-paper which he brings into the Polling Station. It must conform to the pattern annexed to the Draft and it may be written or printed or partly one and partly the other. In practice, therefore, the Parties will probably provide the ballots.

16. There are evident practical difficulties against the official printing of ballots for local elections such as the obtaining of paper and the absence of means for printing at the disposal of the smaller Communes. These are not considered insurmountable. On the other hand, the official ballot is an important precaution against fraud and a factor in insuring a genuine freedom of choice.

17. It is accordingly suggested that the lack of provision for publication of

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17. It is accordingly suggested that the lack of provision for publication of nominations or for official ballot-papers be raised with the Italian Government.

18. Elections in Communes of 30,000 population or more. As the procedure here is the same as that proposed for Constituent Assembly elections, it only appears necessary to note the principal points of variation from those proposed under the national system.

19. It is first to be observed that in this class of elections also, there is no provision for the official publication, in good time before the election day, of the names of the duly nominated candidates.

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20. Under this procedure also, the Prefect fixes the date of the election 20 days ahead. Nominations have to be presented 6 days before the election and the Electoral Commission transmits to the Sindaco the lists of those duly nominated 3 days only before the voting. As in para 13 above, it is considered that the candidates running should be officially notified to the public at least 20 days before the voting takes place. AC should advise the Italian Government to extend the period accordingly.

21. Neither is there provision for an official ballot-paper, the voter being supposed to provide his own and the ballots provided being required to conform to the prescribed pattern. The observations made in paras 16 and 17 above likewise apply.

22. The only important difference between national and the local procedures under proportional representation is the provision in the Draft Law on Local Elections which allows the voter to strike out names. For this purpose, the ballot contains at the head the symbol of the list it represents and beneath it the names of the candidates on that particular list. The elector votes:—

(a) for the list—by presenting the ballot relating to the list and bearing its symbol;

(b) for those he wishes to see preferred—by putting an "X" against their names on his ballot.

(c) Against those he does not want elected—by drawing a horizontal line through their names on his ballot. As in the "Constituente" Election Law, there is no provision for adding names.

23. No point should be raised with the Italian Government on this difference.

24. Elections for Provincial Councils. These are to be conducted according to the system adopted for the smaller Communes, i.e. according to the majority system and with limited vote. The limited vote is likewise the same, i.e. the voter can only vote for four-fifths of the seats. It seems strange that the system of proportional representation is not provided for in the Draft.

25. The Province, unlike the Commune, is divided into constituencies, each "mandamento" or Judicial District forming a constituency and Councillors being assigned to each "mandamento" in proportion to population.

26. It is provided that the elections of Provincial Councillors are normally to take place on the same day as those of the Communal Councillors and that, therefore, elections in all Communes in the same "mandamento" are to take place on the same day. 901

27. As the election procedure is the same, the exceptions taken in connection with Communes under 30,000 population are to be taken also in connection with the election of Provincial Councils.

28. The "four points". The extent to which the Draft Law has dealt with three of the four points made in previous correspondence has been noted in the foregoing paragraphs. It remains to allude to the fourth point and to summarize the position as to all of them, as follows:—

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(a) Prior nomination of candidates:--This has been partly met but not adequately--paras. 14, 19 and 27 above.

(b) Official ballot-papers:--The substance of this point has not been met at all--paras 13-17, 21 and 27 above.

(c) Forbidding electioneering near Polling Stations:--An article (43, has been inserted in the Draft forbidding all electoral propaganda within 200 metres of the entrance to a Polling Station. This is satisfactory.

(d) Soldier Voting:--This has been met as far as it is possible to do so--para 7 above.

Declassified E.O. 12356 Section 3.3/NND No. 775027

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29. **Conclusion.** It is accordingly recommended that it be suggested to the Italian Government that, for all types of elections contemplated by this Draft report:—

(a) official publicity be given to the duly nominated candidates in due time before election day:

(b) adequate time between nomination of candidates and election day be allowed:

(c) official ballot-papers be provided.

R. R. Temple

RALPH R. TEMPLE
Major
Director
Local Government Sub Commission

CGR*/pec

3 November 1945

Distribution: Chief Commissioner
Exec. Commissioner
VP GA Section
Polad (A)
" (B)
AG/45/3/2/AG

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29 F.

HEADQUARTERS ALLIED COMMISSION
APO 394
LOCAL GOVERNMENT SUB COMMISSION

Report as to Implementation of the Draft Laws on Elections

1. The Northern provinces may not have been returned to Italian control by the time these two Laws have been made and promulgated. In any event, there are provinces which may be retained under Allied Military Government after the bulk of the North has been transferred. It is therefore necessary to consider policy as to implementation.

2. It is submitted that it is in the Allied interest to give the most immediate implementation to both Laws, if only as evidence of the continued intention to encourage the holding of elections as soon as possible and to facilitate the achievement of that objective in every possible way. For this purpose, it is further submitted that arrangements be made for each law to be published simultaneously with the implementation order relating to it and in a supplement to the Official Gazette. It is recommended that the Italian Government be requested to agree to this course.

3. The two Drafts have accordingly been examined to determine if they are so drafted as to admit of implementation. An amendment seems to be required in each.

4. Constituent Assembly Elections Law :- Art.5 disfranchises those adjudged to lose their civil rights by Provincial Commissions for the Disfranchisement of Fascists established under DLL 149. Art.6 denies the right to vote to those who have been Fascist party political secretaries of towns having over 10,000 inhabitants but they may be admitted to the franchise if their behaviour in office is adjudged free from faction, intemperance or fascist malpractices by a Provincial Commission established under the same DLL. This DLL is not in force in Military Government Territory and the Provincial Commissions in question have been set up throughout the North under DLL 159. If the Draft is left in its present form, the authority of the Provincial Commissions in the North to act under Articles 5 and 6 may be questioned.

5. It is recommended that the Italian Government be desired to take cognisance of the situation (well known to and accepted by them) of these Provincial Commissions in the North and to include in he Draft the requisite references to DLL 159.

6. Local Elections Law :- An Article (102) has been inserted which purports to confer on AMG the power to fix the date of communal and provincial elections in the North and to require AMG first to consult the Prefect and the First President of the Court of Appeal. This is misconceived. It should be deleted and its place taken by the usual clause bringing the Law into force on the day after its publication.

R. R. Temple
Major

RALPH R. TEMPLE,
Major.

Declassified E.O. 12356 Section 3.3/NND No. 778021

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R. R. Temple
Major

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

cc/mw/cg.

Distribution :

Chief Commissioner
Executive Commissioner
Poland (A)
Poland (B)
Legal Sub Commission
AG/LS/B/1/LG
AG/LS/B/2/LG

Declassified E.O. 12356 Section 3.3/NND No. 778221

19

3 November 1945

To : Director, Major Temple

Note of telephonic interview with Dr. Strano.:

1. With reference to Art.16 para 8, I asked Dr. Strano whether there was a time limit for the printing by the Prefettura of the lists of candidates, their transmittal to the Sindaci and and the posting by the Sindaci of the lists on the Notice Boards.

Dr . Strano replied that there is not a perentory term for the completion of these tasks but it isunderstood they shall be performed immediately. As soon as the law is approved directives will be imparted to the Prefects by means of circular as regards the printing, the forwarding of the lists of candidates to the Sindaci and the posting by the Sindaci of said notices on the "albo pretorio". All this is a matter of internal organisation.

2. Regarding the Administrative electoral law, as instructed by Director, I asked dr. Strano what offices women could hold and what were the clauses in the draft that recognized the right of women to hold such and conversely which were the clauses, if any, preventing them to do so.

Dr. Strano replied xxi that the draft makes no mention of any incompatibility for women to hold the same offices as men. The law says that both men and women who are entitled to vote are also enjoying the passive electoral right. Art. 16 says expressly that"eligible to the offices foreseen by the present decree are all electors inscribed in the lists, as long as they know how to write and read."

There is one exception regarding elective members of the Giunta provinciale amministrativa - see art. 98 para g., excluding women. Dr. Strano added that according what he read in the papers (Risorgimento or Tempo on the day following to the publication of the report on the meeting of the Council of Ministers) the Council of Ministers has pronounced itself in favor that this exclusion of women should cancelled.

3. I asked then Dr. Strano if there was any specific day of the week in which the elections were supposed to be held, and what article said so. Dr. Strano replied that although nothing in both draft decrees specify such a day, it is and established custom and tredition in this country that elections are held on Sundays. Therefore the expressions which appear in the text of the drafts xx mentioning " monday or thursday before the dai of the elections" should be construed as to mean "Monday or Thursday before the Sunday on which the elections are held.

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3 Nov. 1945.

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Roma 2 novembre 1945

Ministero per la Costituente

GABINETTO

Alla Commissione Alleata
Sottocommiss.enti locali -
ROMA
Via Veneto

Prot. N° 310/8 Allegati 2 Risposta al f.to del Div. Sez. N°

OGGETTO **Schema di legge elettorale politica**

Come da richiesta si trasmettono n.2 copie dello schema di legge elettorale politica.

IL CAPO DI GABINETTO
(avv.prof.Massimo Severo Giannini)

86

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HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB COMMISSION

AC/4117/1/L

MT/ln
1 November 1945

SUBJECT : Draft Law on the Constituent Assembly.

TO : Local Government Sub Commission.

109

1. Reference your N. AC/45/B/1/LG of 29th Oct 45.

2. Para 12 of Art. 5 of the Draft Law disfranchises those who have been deprived of their electoral rights by decisions of the Provincial Commissions under Art. 2 of D.L.L. 149 of 26 April 1945. The last mentioned Article gives the Commissions jurisdiction in the matters mentioned in Art. 1, which are deprivation of electoral rights and suspension from public office. Although D.L.L. 149 has not been implemented, provisions similar to those set out in Art. 1 thereof are contained in D.L.L. 159, which has been implemented. It is true that the relevant article of this latter Decree has been replaced by Art. 2 of D.L.L. N. 2 of 4 Jan. 45, but this is immaterial to the point under consideration.

3. The final para of Art. 6 of the Draft Law gives power to the provincial commissions under Art. 2 of D.L.L. N. 149 to give the right to vote in certain cases to persons excluded under the preceding Clause (g). As these commissions also, operate under Decrees which have been implemented, there would be no point in excluding reference to them in the para in question.

4. For these reasons I do not consider there is any need to exclude from implementation the two articles mentioned by you in para 2(a) and (b) of your letter. Similarly Art. 74 making the law operative from the date of its publication in the Gazzetta is unobjectionable. Under the usual order of implementation it will come into effect in A.M.G. Territory on the date the Prefect in each Province receives a copy of the Gazzetta containing the order.

Musgrave Thomas

MUSGRAVE THOMAS
Italian Branch
for Chief Legal Advisor

85

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Excerpt from the newspaper "L'UNITA'" of 1 November 1945

At the Council of Ministers
The Government is submitting to the Consulta
the Project of the electoral laws

Small divergencies on sime points of the project. The simple proportional system for the political elections, a mixed system for the administrative elections, the majority system for the provincial councils.

The political and administrative electoral laws, and the new law on epuration were the subject of the Council of Ministers meeting held yesterday at the Viminale under the presidency of Ferruccio Parri.

The whole morning was spent in the examination of the electoral laws. The general principles of the political electoral law were discussed: all ministers with the exception of those pertaining to the labour democratic party have pronounced themselves against the majority system in favor of the simple proportional system. Contrary to a statement by an afternoon paper also the liberals declared themselves in favor of the proportional system for the elections of the Constituency.

The Council of Ministers has then discussed the problem of the regional circumscription, expressing the opinion that it should be adapted in such a way to allow: the representation of each province, to recover the remainder on a national basis and a quorum, while expressing the view that the rigidity of the project should be softened. The Council of Ministers has pronounced itself against compulsory voting and against the system of a negative preferece (the cancellation on the part of the elector of a number of candidates from the list)

The Council of Minister has then decided to submit the project of law to the Consulta with the recommendation that it should be more thoroughly examined as regards the three more debated questions: "quorum", utilizations of the remainders and sub-regional circumscriptions.

The Council has then examined the project of the administrative electoral law. It has been decided as a general rule, to adopt a mixed system: proportional in the large centers, and based on the majority of votes in the small communes. Regarding the division between large and small communes there arose three currents of opinion. As a matter of fact the draft law regards as "small", and therefore subject to the majority system all communes below 30 thousand inhabitants, while some of the Ministers want to raise the limit of the number of inhabitants to 50 thousand therefore restricting the proportional system, in connection with the administrative elections, only to few large centers of the nation. Still other Ministers would like to narrow down the notion of "small" to only those communes who have a maximum population of 5000 inhabitants.

The provincial Councils on the other hand will be elected by the majority system on the basis of mandamental colleges without secondary elections.

The project of administrative electoral law will be also submitted for examination to the Consulta.

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Trans.Stpd
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FROM "L'UNITA'" of 1 November 1945

AL CONSIGLIO DEI MINISTRI

Il Governo rimette alla Consulta il progetto delle leggi elettorali

Lievi divergenze su alcuni punti del progetto - Proporzionale pura per le elezioni politiche, sistema misto per le amministrative, maggioritario per i consigli provinciali - Le leggi sull'epurazione saranno approvate oggi

Le leggi elettorali politica e amministrativa, e la nuova legge sull'epurazione sono state oggetto della riunione del Consiglio dei Ministri, tenuta ieri al Viminale sotto la presidenza di Ferruccio Parri.

L'intera mattinata è stata spesa nell'esame delle leggi elettorali. Sono stati discussi i principi generali della legge elettorale politica: tutti i ministri, ad eccezione dei democratici del lavoro, si sono pronunciati contro il sistema maggioritario ed in favore della proporzionale pura. Contrariamente a quanto ha affermato un giornale del pomeriggio anche i liberali si sono dichiarati favorevoli, per la elezione della Costituente, al sistema proporzionale.

Il Consiglio dei Ministri ha quindi discusso il problema della circoscrizione regionale, esprimendo lo avviso che essa venga adattata in modo da consentire la rappresentanza di ogni provincia, il recupero dei resti su base nazionale e il «quorum», esprimendo l'opinione di attenuare la rigidità del progetto. Il Consiglio dei Ministri si è pronunciato contro il voto obbligatori e contro il sistema della preferenza negativa (cancellazione da parte dell'elettore di un certo numero di candidati dalla lista).

Il Consiglio dei Ministri ha quindi deciso di rimettere alla Consulta il progetto d legge, con la raccomandazione di un esame più accurato per quanto riguarda i tre punti maggiormente controversi: «quorum», utilizzazione dei resti e circoscrizioni sub-regionali.

Il Consiglio ha quindi esaminato il progetto della legge elettorale amministrativa. Si è decisa in linea di massima di adottare il sistema misto: proporzionale nei grandi centri, maggioritario nei piccoli comuni. Sulla divisione in grandi e piccoli comuni si sono delineate tre correnti. Il progetto di legge infatti considera «piccoli», e quindi soggetti al sistema maggioritario, tutti i comuni inferiori ai 30 mila abitanti, mentre invece alcuni Ministri vogliono elevare il numero di abitanti a 50 mila, e che quindi restringono il sistema proporzionale, nelle elezioni amministrative, a soli pochi grandi centri nazionali. Altri Ministri infine vorrebbero invece restrngere il concetto di «piccolo» ai soli comuni che abbiano un massimo di 5 mila abitanti.

I Consigli provinciali verranno invece eletti col sistema maggioritario per circoscrizione mandamentale e senza elezioni di secondo grado.

Il progetto della legge elettorale amministrativa verrà sottoposto anch'esso all'esame della Consulta.

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THE CONSTITUENT IN APRIL

The Council of Ministers held a meeting yesterday from 1700 hrs to 2230 hrs to discuss the electoral political law and the date to hold the elections.

The Council of Ministers opened the meeting by asking the Minister of the Constituent, Compagno Nenni, reporter on the electoral law to speak. The reporter summed up the principles of the electoral political law worked out by the Commission appointed by him into six fundamental points. The principles are as follows :

1) - Universal suffrage direct, equal, secret, male and female, including soldiers;

2) - Proportional according to the "D'Hont 1919 system";

3) - Presentation of the lists by the Electoral Committees composed of from 500 to 1000 electors;

4) - Regional circumscription, with the exception of Val d'Aosta constituted as a uninominal college by previous laws;

5) - No utilization of remainders;

6) - Preferential vote graduated to a maximum of three for those circumscriptions which must elect more than thirty deputies and a minimum "quorum" of 1/5 preferential votes of the total of the lists

The minority of the Commission disagreed on the points and proposed sub-regional circumscription for the new larger regions and decided against a minimum "quorum" as regards the validity of the preferential votes.

There was a minority of the minority (one commissioner only) who spoke for the free list set out according to the elector's choice and will. Lastly one of the deputy commissioners of the Christian Democratic Party, proposed obbligatory vote, which however was not taken into consideration.

Compagno Nenni proposed that the Council of Ministers came to an agreement on the basic principles of the law without discussing the details, referring the law to the "Consulta" for its opinion, first through the Commission and then in a plenary meeting.

Compagno Nenni then took up the second part of his report and spoke of the stage reached in the preparation of the lists on the basis of enquiries made by his Ministry. He reports :

1) - by yesterday evening the questionnaires of 5782 communes (80%) had come in. Among these are the questionnaires of 86 provincial capitals (95%). 31 provinces have sent in all questionnaires; 23 provinces have sent in more than 50%; 4 provinces have sent in less than 50%.

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1) - by yesterday evening the questionnaires of 5782 communes (80%) had come in. Among these are the questionnaires of 86 provincial capitals (95%). 31 provinces have sent in all questionnaires; 23 provinces have sent in more than 50%; 4 provinces have sent in less than 50%.

2) - The results show that :

a) - The male electoral lists has been published or are being published in over 1809 communes and the female list in over 3570 communes, but only in 498 communes has the male list been approved or is being approved by the electoral commission and in 609 the female list;

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b) - in 1195 communes the male list has not yet been published owing to the penal certificates not having reached the communes;

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3) - the cause of the delay has in every case been due to the Judicial Files Office and to the electoral commissions, which operate too slowly to permit the electoral lists to be published and approved in the scheduled time.

Following the latest enquiries, Compagno Nenni admitted the practical impossibility of commencing the political elections before the end of the year and perhaps not even during January of February.

priority of He therefore dismissed the ~~proposal~~ reserve of the Socialist Party as to ~~begin with~~ partial administrative elections, against which the Socialists have no objection. In fact, the Socialists, rather than no elections whatsoever, would prefer administrative elections wherever possible.

As regards the territorial system by which the administrative elections will be held, Compagno Nenni supported the plan to assemble first the elections in the provincial capitals which are ready, secondly in the smaller communes and thirdly in those communes and in which the compilation of the lists will be considerably delayed in consequence of destruction to the population register (anagrafe).

In concluding his report Compagno Nenni presented the following order of the day :

THE COUNCIL OF MINISTERS, resolved to advance the country towards a democratic normality;

CONSIDERING that the preparation of the list does not permit of commencing the general political elections before the end of the year;

HEREBY DECIDES :

1) - The elections for the Constituent will take place not later than the last Sunday in March of 1946;

2) - The administrative elections will begin as soon as the lists have been prepared under the Territorial system which the Government will establish in due course :

3) - The law for assembling the electoal meetings for the constituent, called to decide on the new institution of the State, will provide rules for the functioning of the Assembly.

NENNI Appealed to the Council of Ministers to try and have the elections under way as soon as possible, seeing that the interest of the country lies in them. The time we have lost, though it were beyond us to avoid it has brought the country to a standstill.

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NENNI appealed to the Council of Ministers to try and have the elections under way as soon as possible, seeing that the interest of the country lies in them. The time we have lost, though it were beyond us to avoid it has brought the country to a standstill.

The only way to get out of this situation is to hold the elections, which will show that our country is ready for democratye and is capable and desirous of giving to its people modern democratic order.

Nearly all the Ministers commented on the report of Compagno Nenni. The Minister for Foreign Affairs, De Gasperi, admitted that there was an honest desire between the democratic parties to keep unity and agreement in the proposals of the Minister of the Constituent. De Gasperi proposed the end of May as the date for assembling the Constituent, and as regards the powers of the same he withheld a declaration in order to examine the problem thoroughly and announce the opinion of his party later.

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Minister Brosio, while recognising the need of giving the country the feeling that the Constituent will be made, said that the earliest date would be June for the political elections and April for the administrative elections. As regards the powers for the Constituent, he affermed that his party has not renounced to the possibility of propising a plebiscite at the same time as the appointment of the deputies for the Constituent.

Compagno Togliatti agreed with Nenni in declaring that the earlier date was clearly the more desirable. In his opinion, one of the main causes of the present disaccord between parties is the resluctance of some of them to give the Nation the final decision as to how the political, social and institutional problems are to be solved.

Cevolotto, Lussi, Arangio Ruiz, Mole' and La Malfa agreed in general to Nenni's order of the day, although they made various proposals as to the date.

Scoccimarro declared that fixing the elections for June would be as good as not fixing them at all; that the country needs an energetic government and would not have it except by election.

The President of the Council, Parri, summed up the discussion by proposing that the end of April be substituted for the end of March as the date for the elections.

Compagno Nenni debated the objections raised concerning the date proposed by him and declared that such date was already late in relation to the country's expectations and that, at any rate, in no event he and the socialist ministers could have accepted May or June as the date for holding the elections.

Following this the Council of Ministers agreed on an order of the day, which we published on top of this article - whereby the date of april has been accepted for the political elections and the earliest date for the administrative elections leaving unprejudiced - through a formula which does not say much-the question of the powers of the Constituent Assembly.

At any rate it appears through the discussions held that one of the ministers has in mind to limit the sovereignity of the Constituency as regards its principal task : that it is to solve the institutional problem and give the country a new constitution, but only as regards the relationships between the Constituent Assembly and the provisional government issuing therefrom who will be responsible before the Assembly. Some parties however think that a wide scope should be left to the Government in legislative matters in order not to distract the Constituency from its fundamental task.

81.

Leaving the Council of Ministers, Compagno Nenni has expressed his moderate satisfaction for the fixing of a date which although farther ahead than he wished , it was however committing the government in a positive way. The government had thus fixed a maturity date to the promissory note it had signed in blank.

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From the newspaper "L'AVANTI" of 31 october 1945

THE CONSTITUENCY IN APRIL

The Administrative elections within the year

Il Consiglio dei Ministri ha tenuto ieri una riunione dalle 17 alle 22.30 per discutere la legge elettorale politica e la data di convocazione delle elezioni.

All'inizio della seduta il Consiglio dei Ministri ha dato la parola al Ministro della Costituente, compagno Nenni, relatore sulla legge elettorale. Il relatore ha riassunto in sei punti fondamentali i principi ispiratori della legge elettorale politica elaborata dalla commissione da lui nominata. Questi principi sono:

1) Suffragio universale diretto, eguale, segreto, maschile e femminile, militari compresi;

2) proporzionale secondo il sistema «D'Hont 1919»;

3) presentazione delle liste da parte dei comitati elettorali, formati da 500 a 1000 elettori;

4) circoscrizione regionale, eccezion fatta per la Valle d'Aosta, costituita a collegio uninominale con precedente legge;

5) non utilizzazione dei resti;

6) voto preferenziale graduato fino a un massimo di tre per le circoscrizioni che devono eleggere più di trenta deputati e quorum minimo di un quinto di voti preferenziali sul totale della lista.

La minoranza della commissione si è trovata in dissenso su due punti ed ha proposto per le nove maggiori regioni la circoscrizione sub regionale e si è pronunciata contro il quorum minimo per quanto concerne la validità dei voti preferenziali.

C'è stata una minoranza della minoranza (un commissario solo) che si è pronunciata solo per la lista libera disposta e formata secondo la scelta e la volontà dell'elettore. Infine uno dei commissari aggiunti, del partito democratico cristiano, ha proposto il voto obbligatorio, che non è stato però preso in considerazione.

Il compagno Nenni ha proposto al Consiglio dei Ministri di mettersi d'accordo sui principi informatori della legge senza discuterne i dettagli, rinviando la legge stessa davanti alla Consulta per il parere che essa deve dare, attraverso la commissione prima e poi in seduta plenaria.

Il compagno Nenni ha poi affrontato la seconda parte della sua relazione parlando dello stato attuale di preparazione delle liste in base alla indagine condotta dal suo ministero. A questo proposito egli ha comunicato:

1) sino a ieri sera erano giunti i questionari di 3782 comuni, pari all'80%. Tra questi sono compresi i questionari di 86 comuni capoluoghi, pari al 95%. I questionari giunti riguardano: 31 province, che hanno già trasmesso tutti i questionari; 23 province che ne devono trasmettere ancora 10 al massimo; 32 province che ne hanno trasmessi più del 50%; 4 province che ne hanno trasmessi meno del 50%.

2) Come appare evidente dall'esame dei risultati:

a) in oltre 1809 comuni la lista elettorale maschile, ed in 3570 quella femminile, sono state già pubblicate o sono in corso di pubblicazione; ma solo in 498 la prima è stata approvata od è in corso di approvazione da parte della commissione elettorale e in 609 la seconda;

b) in 1195 comuni la lista maschile non è stata ancora pubblicata per difetto dei certificati penali non ancora pervenuti ai comuni.

3) Il ritardo negli adempimenti è sempre addebitabile ai Cancellieri giudiziari ed alle Commissioni elettorali, il cui ritmo di lavoro impedisce, rispettivamente, la tempestiva pubblicazione e l'approvazione delle liste elettorali.

In base alla risultanza di cui alla inchiesta precedente, il compagno Nenni ha riconosciuto che non esiste la materiale possibilità di indire le elezioni politiche prima della fine dell'anno e forse neppure nei mesi di gennaio e febbraio. Egli ha quindi sciolto la riserva che il Partito Socialista aveva fatto circa la precedenza di elezioni amministrative parziali contro la quale i socialisti non hanno nessun pregiudizio. Infatti, a niente elezioni del tutto, i socialisti preferiscono le elezioni amministrative, là dove esse sono possibili.

Circa i criteri territoriali in base ai quali saranno indette le elezioni amministrative, il compagno Nenni si è pronunciato per la convocazione, in un primo tempo, delle elezioni nei capoluoghi di provincia che sono pronti e per un secondo tempo nei comuni minori e per un terzo tempo nei comuni dove la preparazione delle liste sarà in notevole ritardo a causa della distruzione degli uffici di anagrafe.

A conclusione della sua relazione il compagno Nenni ha presentato il seguente ordine del giorno:

IL CONSIGLIO DEI MINISTRI risoluto ad avviare il Paese verso la normalità democratica;

CONSIDERATO che la preparazione materiale delle liste elettorali non consente di indire prima della fine dell'anno le elezioni generali politiche.

DECIDE:

1) le elezioni per la Costituente avranno luogo non oltre l'ultima domenica del mese di marzo 1946;

2) le elezioni amministrative saranno indette appena terminata la preparazione delle liste coi criteri territoriali che il Governo si riserva di determinare;

3) la legge di convocazione dei comizi elettorali per la Costituente, chiamata a deliberare la nuova costituzione dello Stato, fisserà le norme per il funzionamento della Assemblea.

Nenni ha esortato il Consiglio dei Ministri ad andare incontro alle elezioni il più rapidamente possibile con la coscienza che questo è l'interesse del Paese sul piano interno e su quello internazionale. Il tempo che abbiamo perduto sia pure per cause superiori alla nostra volontà ha contribuito a imputridire la situazione politica del Paese. Bisogna quindi uscire rapidamente dall'attuale situazione e ciò è possibile soltanto attraverso le elezioni, le quali dimostreranno che il Paese è maturo per la democrazia e ha capacità e la volontà per darsi un ordinamento modernamente democratico.

Sulla relazione del compagno Nenni sono intervenuti quasi tutti i ministri. Il ministro degli esteri De Gasperi ha riconosciuto che nelle proposte del Ministro della Costituente c'era un vivo desiderio di accordo e di unità tra i partiti democratici. Per la data di convocazione della Costituente De Gasperi ha proposto fine maggio e circa i poteri della Costituente stessa si è riservato di esaminare a fondo il problema e di far conoscere l'opinione del suo partito.

Il ministro Brosio, pur riconoscendo la necessità di dare al Paese la sensazione che la Costituente si farà, ha detto che la data più prossima per lui è quella di giugno per le elezioni politiche e quella di aprile per quelle amministrative. Egli ha affermato — quanto ai poteri della Costituente — che il suo partito non ha rinunciato a eventualmente proporre un plebiscito contemporaneo alla nomina dei deputati alla Costituente.

Il compagno Togliatti ha dichiarato che la data più vicina è evidentemente la migliore e si è interamente associato alla conclusione di Nenni. Secondo lui uno dei sintomi inquietanti della situazione attuale dei partiti è la riluttanza di alcuni di essi ad accettare lealmente di fare giudice il Paese della soluzione da dare al problema istituzionale e a quello politico e sociale.

I ministri Cevolotto, Lussu, Arangio Ruiz, Molè, La Malfa si sono sostanzialmente associati all'ordine del giorno Nenni, pur facendo riserve e proposte varie per quanto si riferisce alla data.

Il ministro Scoccimarro ha dichiarato che fissare le elezioni a giugno sarebbe come non fissarle affatto e ha dichiarato che il Paese ha bisogno di un governo energico e non potrà averlo se non dalle elezioni.

Il Presidente del Consiglio Parri ha riassunto la discussione proponendo che alla data «fine marzo» fosse sostituita quella di «fine aprile».

Il compagno Nenni ha controbattuto le obiezioni che erano state fatte alla data da lui proposta e ha dichiarato che questa data è già tardiva in rapporto alle aspettative del Paese e che, ad ogni modo, in nessun caso egli e i ministri socialisti avrebbero potuto accettare la data di maggio o di giugno.

Dopo di che il Consiglio dei Ministri si è messo d'accordo su un ordine del giorno — che pubblichiamo in testa a questa cronaca — e che accetta per le ele-

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ge elettorale politica elaborata dalla commissione da lui nominata. Questi principi sono:

1) Suffragio universale diretto, eguale, segreto, maschile e femminile, militari compresi;

2) proporzionale secondo il sistema «D'Hont 1919»;

3) presentazione delle liste da parte dei comitati elettorali, formati da 500 a 1000 elettori;

4) circoscrizione regionale, eccezion fatta per la Valle d'Aosta, costituita a collegio uninominale con precedente legge;

5) non utilizzazione dei resti;

6) voto preferenziale graduato fino a un massimo di tre per le circoscrizioni che devono eleggere più di trenta deputati e quorum minimo di un quinto di voti preferenziali sul totale della lista.

La minoranza della commissione si è trovata in dissenso su due punti ed ha proposto per le nove maggiori regioni la circoscrizione sub regionale e si è pronunciata contro il quorum minimo per quanto concerne la validità dei voti preferenziali.

C'è stata una minoranza della minoranza (un commissario solo) che si è pronunciata solo per la lista libera disposta e formata secondo la scelta e la volontà dell'elettore. Infine uno dei commissari aggiunti, del partito democratico cristiano, ha proposto il voto obbligatorio, che non è stato però preso in considerazione.

Il compagno Nenni ha proposto al Consiglio dei Ministri di mettersi d'accordo sui principi informatori della legge senza dire la riserva che il Partito Socialista ha sempre espresso di ritenere cioè che la Costituente, una volta riunita, sarà sovrana anche per quanto riguarda la legge elettorale.

Il ministro Bonomi ha dichiarato che, pur non avendo nulla da obiettare sui principi informatori della legge elettorale, non può dare il suo assenso a una legge che non sia stata studiata a fondo dalla commissione competente.

Il ministro Togliatti ha dichiarato che, pur non avendo nulla da obiettare sui principi informatori della legge elettorale, non può dare il suo assenso a una legge che non sia stata studiata a fondo dalla commissione competente.

Il ministro Gullo ha dichiarato che, pur non avendo nulla da obiettare sui principi informatori della legge elettorale, non può dare il suo assenso a una legge che non sia stata studiata a fondo dalla commissione competente.

Il ministro Scoccimarro ha dichiarato che, pur non avendo nulla da obiettare sui principi informatori della legge elettorale, non può dare il suo assenso a una legge che non sia stata studiata a fondo dalla commissione competente.

Il ministro Sforza ha dichiarato che, pur non avendo nulla da obiettare sui principi informatori della legge elettorale, non può dare il suo assenso a una legge che non sia stata studiata a fondo dalla commissione competente.

Il ministro De Gasperi ha dichiarato che, pur non avendo nulla da obiettare sui principi informatori della legge elettorale, non può dare il suo assenso a una legge che non sia stata studiata a fondo dalla commissione competente

14

HEADQUARTERS ALLIED COMMISSION
APO 394
LOCAL GOVERNMENT SUB COMMISSION

AC/45/B/1/LG

SUBJECT : Note of Interview - Ministry of the Interior

DATE : 31 October 1945 - 1030 hours

PRESENT : Dott. Paolo STRANO, Head of the Electoral Service
Major C.G.R. WILLIAMS, Executive Officer, Local Government S/C
Sig. Arrigo NICE, interpreting " " "

1. The purpose of this interview was to discuss and clarify some points on the Draft Law as to Constituente Elections.

2. Art. 8 (b) - The same point arises as in Article 9 (b) of the Local Election Draft. This clause refers to those who have held the offices of Preside or Podesta', with an exception for the few appointed by the Badoglio Government in the month or two after 25 July 1945.

3. Art. 22 - The reference here to the provision of urns and stamps by the Ministry does not imply any change of procedure. The stamps are to be made by the Mint which has nearly finished the job. The urns will continue to be made by the Communes to the prescribed pattern. They will be "furnished by the Ministry" in the sense that the Ministry prescribes the form and pays the expense of manufacture by the Communes, its agents in this respect.

4. Dott. STRANO showed me a specimen of the stamp : a point of it is annexed - see back of this sheet.

5. Art. 33 - I noted that no provision had been made in this part of the Draft for forbidding political propaganda in the neighbourhood of polling stations, whereas there was a provision in the Draft of Local Elections - Art. 43 thereof.

6. Dott. STRANO thought this was a mere oversight. The Local Elections Law had been drafted in the Electoral Office, which was aware of the observations of A.C. on this point and had accordingly met them. These observations had not been brought to the notice of the Commission of the Ministry for the Costituente which had drafted the Political Elections Law and the Commission had therefore made no such provision. If A.C. were to renew its suggestion he did not think there would be any objection to adopting it. 79

7. Art. 34 - I enquired first how the numbering of the ballot-papers was done and what was its purpose. It could obviously not be used as a means of identifying a particular vote in any legal proceedings impugning the regularity of the election.

8. Dott. STRANO explained that each polling-station was furnished with a series of sheets on each of which is written the numbers 1/100 - 101/200 - 201/300 -

Declassified E.O. 12356 Section 3.3/NND No. 759021

Major C.G.R. WILLIAMS, Executive Officer , Local Government S/C
Sig. Arrigo NICE, interpreting " " "

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2. Art. 8 (b) - The same point arises as in Article 9 (b) of the Local Election Draft. This clause refers to those who have held the offices of Preside or Podesta', with an exception for the few appointed by the Badoglio Government in the month or two after 25 July 1945.

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8. Dott. STRANO explained that each polling-station was furnished with a series of sheets on each of which is written the numbers 1/100 - 101/200 - 201/300 - and so on up to a number of 100s sufficient to cover all the electors entitled to vote at the station. The ballot papers are done up in bundles of 100. The presiding officer draws the sheets of progressive numbers by lot and hands each sheet to a different "scrutatore" with a bundle of 100 ballots for him to mark. Thus no "scrutatore" can know in advance what figures he will have to write. (This seems to be considered important : I dont' see why but it seems immaterial- CGR-W). In the result one has a set of ballots numbered through from 1 to 895 (or whatever it may be) ready for use in voting.

9. Dott. STRANO agreed that votes couldn't be identified by this numbering

Declassified E.O. 12356 Section 3.3/NND No. 788021

because the number was written on a detachable strip which when the elector has voted and before the ballot is put in the urn, is torn off by the presiding officer and thrown away. The said Italian doctrine is against any such identification, even in judicial proceedings upon the election : absolute secrecy at all times is postulated. In proceedings to impugne votes on the ground of eg. personation, the whole of the votes of the section become void : there is no attempt (and indeed it is not possible) to ascertain the votes given by the personators and annul those only. This is regarded as a sort of sanction. See Art. 61.

10. The purpose of numbering the ballots is to ensure against the use of false ballots i.e. papers printed exactly like the official ones but brought in by the voters.

11. Art. 38 - Agreed that this makes it clear that soldiers &c. can vote. The matter will be clearer when amendments to the laws on the compilation of electoral lists are published - amendments designed to bring those laws into conformity with Tit.II. Capo I of the Political Election Draft. This point was clarified in yesterday's interview on the Local Election Law - see para 5 of the note of that interview. AC/4/8/2/L.C.

12. Art. 42 - I observed that the "list vote" had to be a vote for the list as a whole. The elector was given no right to cancel names (as in the Local Elections Draft. Art. 67) or to substitute names from other lists.

13. Dott. STRANO said this was a deliberate omission for political reasons which commended themselves to the political members of the Commission. For his part however, he took account of the practical difficulties. which he thought insuperable. What would such a ballot look like ? It would have to have 4 columns : -

1) - containing the symbols - by putting a mark on top of one the elector gives his "list vote";
2) - for writing in the names of those to whom the elector wishes to give his "preference" votes;
3) - for writing in the names of those fow whom the elector does not want to vote, i.e. cancellations;
4) - for writing in the names of those from other lists whom the elector would like to substitute for those cancelled;

The majority of the electors would never get this right. There would be masses of spoilt ballots and wasted votes. Moreover the calculating of the votes would be enormously complicated. 78

14. Art. 74 - I mentioned that this did not provide for implementation in Military Government Territory and we did not know whether some parts of Italy might not still be under Allied Military Government when the law became published.

15. Dott. STRANO agreed the possibility should be provided for. He thought the point had simply not occurred to the Commission and that there [illegible] difficulty in providing for it.

Declassified E.O. 12356 Section 3.3/NND No. 778021

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

Distribution

AC/45/B/1/LG
Float
Interviews File

CGRW/cg.

Declassified E.O. 12356 Section 3.3/NND No. 788021

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

Rome, 30 October 1945

From : Ministry for the Constituency
Cabinet

File M.304/5

To : Major Temple
Allied Commissionn Local Govt.S/C

Subject : Draft of political electoral law for the Constituent Assembly

Following up letter n. 3007/12 g dated today, we are transmitting copies of the minority report referred to in the main report, and exhibit C, attached to the draft law, to be substituted to exhibit sent with the above mentioned letter.

THE CHIEF OF CABINET
(Avv. Prof. Massimo Severo Giannini)

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

13D

Ministero per la Costituente

Roma, 30 ottobre 1945

Ufficio Gabinetto
Prot. N.° 304/f
Allegati N.° 12
Risposta al N.°
del Uff

Al Magg. TEMPLE
Commissione Alleata
Sottocommissione Enti locali
R O M A
Via Veneto

OGGETTO Schema di legge elettorale politica per l'Assemblea Costituente

Facendo seguito al foglio n° 300/g. in data odierna, si trasmettono copie della relazione di minoranza di cui è cenno nella relazione principale, e della tabella C, allegata allo schema di legge, da sostituire a quella inviata con il foglio suddetto.

IL CAPO DI GABINETTO
(Avv.Prof.Massimo Severo Giannini)

76

7529

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

Rome, 29 Oct. 1945

From : Ministry afor the Constituency
Cabinet

Ref. 300 /Cab.

To : Major Temple
Local Gvt. A/C

Supplementing the draft of the political electoral law for the Constituent Assembly, already forwarded to you, we are transmitting copy of the report by the Commission entrusted with the elaboration of the draft in question, and of the exhibits B -C-D- E - F, as well as a prospect containing the "errata corrige" relative thereto.

The CHIEF OF CABINET
(Prof. Avv. Massimo Severo Giannini)

7511

75

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

21 OCT 1945

Roma, 29 OTT. 1945 19

Ministero per la Costituente

GABINETTO

Il Magg.re TEMPLE
Commissione Alleata
Sottocommissione Enti Locali
R O M A
Via Veneto

Prot. N. 300/Sub. Allegati 12

Risposta al Foglio del
Div. Sez. N.

OGGETTO

A completamento dello schema della legge elettorale politica per l'Assemblea Costituente, già inviato, si trasmette copia della relazione della Commissione incaricata di elaborare lo schema stesso, delle tabelle allegate B - C - D - E - F - nonchè di un prospetto contenente l'errata corrige relativo allo schema.

IL CAPO DI GABINETTO
(Prof.Avv.Massimo Severo Giannini)

74

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

Translation 30 OCT 1945 45/8/1 CA Sec 255

The President of the Council of Ministers

Rome, 29 october 1945

Dear Admiral, 30 OTT 1945

I answer your letter of october 27th concerning the drafts of law for the political and administrative elections. To my mind, the Allied Commission must be able to express its objections, if any, about both law drafts and let them know to the Italian Government before the said drafts are discussed by the plenary Assembly of the Consulta. The Assembly will probably discuss this matter only after the Commission of Consultors concerned (commission for political and administrative affairs) has already examined the law drafts, and in any case, not for several weeks.

To my mind, it would be advisable for the Allied Commission to send its possible objections to the Italian Government before that time. Should the Government deem it advisable to make modifications in accordance with these objections, it can insert them as part of the text that will then be submitted to the Consulta in plenary assembly.

I think it advisable for the possible objections of the Allied Commission to be sent to the government if possible before November 12th.

I remain,

Yours very truly,

S. Perruccio Parri

Admiral Ellery W. Stone
Chief Commissioner
Allied Commission
R o m e

trans. o/c

EC DIST - 30 Oct

ACTION: CA Sec (3)

INFO: CHIEF COMMR

EXEC COMMR.

73

7390

7526/LG

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

255
IIA

Translation

The President of the Council of Ministers

Rome, 29 October 1945

Dear Admiral,

I answer your letter of October 27th concerning the drafts of law for the political and administrative elections. To my mind, the Allied Commission must be able to express its objections, if any, about both law drafts and let them know to the Italian Government before the said drafts are discussed by the plenary Assembly of the Consulta. The Assembly will probably discuss this matter only after the Commission of Consultors concerned (Commission for political and administrative affairs) has already examined the law drafts, and in any case, not for several weeks.

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Yours very truly,

S. Formaggio Parri

Admiral Ellery W. Stone
Chief Commissioner
Allied Commission
R o m e

trans. o/c

E C. Dist. 30 Oct 45

Action: G-1 Sec (4)
Info: Chief Comm
Ex Comm

72

(539)

7596/26

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

113

Il Presidente del Consiglio dei Ministri

30 OTT. 1945

Roma, 29 ottobre 1945

Caro Ammiraglio,

rispondo alla Sua lettera del 27 ottobre concernente i disegni di legge per le elezioni politiche e amministrative. E' a mio avviso necessario che la Commissione Alleata possa formulare le sue eventuali osservazioni sui due disegni di legge e farle conoscere al governo italiano prima che i disegni stessi siano discussi dall'Assemblea plenaria della Consulta. L'Assemblea ne tratterà verosimilmente soltanto dopo che l'apposita Commissione di consultori (Commissione per gli affari politici e amministrativi) avrà sottoposto i disegni di legge a un esame preliminare ed in ogni modo soltanto tra alcune settimane.

Sarebbe a mio avviso desiderabile che entro lo stesso periodo di tempo la Commissione Alleata comunicasse al governo italiano le sue eventuali osservazioni. Qualora il governo ritenga di adottare emendamenti in base alle osservazioni stesse, esso potrà inserirli come parte integrante nel testo che sarà poi sottoposto all'esame della Consulta in assemblea plenaria.

Riterrei pertanto utile che le eventuali osservazioni della Commissione Alleata pervenissero al governo possibilmente entro il 12 novembre.

Mi abbia sempre cordialmente

Suo

Ferruccio Parri

71

Ammiraglio Ellery W. STONE
Commissario Capo della Commissione
Alleata - ROMA -

F990

Z526/16

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

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

AC/45/B/1/LG

Tel: 478706

SUBJECT: Draft Law on the Constituent Assembly. 29 October 1945

TO : Executive Commissioner.

1. There is annexed for your use copy of the report prepared by Local Government Sub Commission on the Draft Law for Elections to the Constituent Assembly. The second copy is sent for use of the Chief Commissioner. Copies have also been sent to Polads (A) and (B).

2. The report has been distributed in this way instead of minuting up the file as the quickest way of informing all concerned.

3. It is suggested that Polads should send any comments they may have to you direct (with copy to this office).

M. CARR
Brigadier
VP CA Section

CGRW/pcc

Distribution:

Polad (A)
" (B)

789

7471

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

HEADQUARTERS ALLIED COMMISSION
APO 394
LOCAL GOVERNMENT SUB COMMISSION

AG/45/B/1/LG

Tel: 478706

SUBJECT: Draft Law on the Constituent Assembly. 29 October 1945

TO : Director, Legal Sub Commission

1. Reference is made to the Draft Law handed to you by Lt. Col. White on 25 October.

2. Consideration is being given to the implementation of this Law (when finally promulgated) in Military Government Territory. This Sub Commission considers it of importance as a matter of policy to give immediate implementation, preferably by publication of the Law and of the implementation order together in a supplement to the Gazette; and it is proposed to advise accordingly. However, the following points have been noted upon which amendment of the Draft would appear to be necessary before it could be implemented:

(a) Article 5, para 12, which refers to Provincial Commissions for the disfranchisement of Fascists constituted under DLL 149. This is not in force in AMG Territory, where these Commissions have instead been constituted under Article 8 of DLL 159.

(b) Article 6, final paragraph, contains a similar reference to the Commissions being constituted under DLL 149.

(c) Article 74 is not in the agreed form approved by you.

3. Please advise as to whether you agree that the Decree must be amended on the points above-mentioned before it can be implemented. If any other point occurs to you upon which amendment before implementation is necessary, we shall be glad to be informed.

RALPH R. TEMPLE
Major
Director
Local Government Sub Commission

CGRT/pec

7268

6

Report on the Draft Law for Elections to the Constituent Assembly

1. **The Four Points:**

Three of the four principal criticisms taken up by the CC in correspondence with the PM have been met.

2. As to prior nomination of candidates, this is met by following the system of the 1919 Law whereby the Parties' lists of candidates have to be deposited at the Court of Appeal (which examines and approves them) 40 days before election day, together with the necessary declarations of acceptance of candidature, etc.

3. As to provision of an official ballot-paper, this point has been met. There is an improvement in this respect over the 1919 Law which only provided for an official envelope, leaving the Parties to print a ballot-paper in standard form which the elector brought into the Polling Station and put in the envelope.

4. As to soldier voting, the franchise is to be extended to NCOs and men as well as officers. They will vote in the place where they happen to be stationed. It is the duty of their Commanding Officer to obtain for them the requisite certificates of registration in the electors' lists (which every elector has to present at the Polling Station) by applying to the Birdaco of the Commune where the soldier is registered 60 days before the election.

5. As to prohibiting electioneering in the vicinity of Polling Stations, this point has not been met. This is the more surprising as in the Draft Law for Local Elections a clause has been inserted forbidding propaganda within 200 metres of the Polling Station. The 2 Draft Laws have, however, been prepared by different people.

6. The remainder of this report draws attention to the more important features of the Draft Law bearing upon the universality of the franchise, the freedom of choice of the elector and the secrecy of the ballot.

7. As to the extent of the franchise, the Draft Law reproduces the disqualifications listed in the Law as to the compilation of electoral lists but with alterations. These alterations are indicated in Appendix "A". The disqualifications for Fascism have been enlarged, with particular reference to the Republican Fascist Party. On the other hand, disqualifications for "poverty" have been removed. On the whole, the new Draft Law is more liberal in this respect than previous legislation.

It is to be noted, however, that the removal of "poverty" disqualifications may delay still further the preparation of the electoral lists. Those Communes that have already compiled their lists will have to prepare supplementary ones to include those persons who were omitted because they were habitually in receipt of public assistance or had been convicted for mendicancy. As convictions for mendicancy have to be notified by Judicial Record Offices--a notorious bottleneck--the consequent delay may be appreciable.

It is nevertheless considered that the progressive spirit manifested by the abolition of the "poverty" disqualifications is more important than the practical difficulties of compiling the electoral lists.

68

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68

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It is nevertheless considered that the progressive spirit manifested by the abolition of the "poverty" disqualifications is more important than the practical difficulties of completing the electoral lists.

8. The Draft Law also lists the disqualifications for being elected to the Constituent Assembly. In general, these disqualifications are notably less restrictive than those enacted by the 1919 Law as to membership of the Chamber of Deputies. In particular, the 1919 Law disqualified all State officials with very few exceptions (e.g. Ministers, high-ranking judges and army officers and university professors); but under the new Draft Law all State officials are eligible, with very few exceptions. (e.g. the Chief and Vice-Chief of Police, Ministers, Chiefs of Cabinet, Prefects within their provinces and the High Commissioners for Sicily and Sardinia within their Regions). Even those are eligible if they resign 20 days after publication of the Law.

Declassified E.O. 12356 Section 3.3/NND No. 770021

The reason for this marked departure from precedent is to be found, of course, in the number of political non-career appointments to State offices made in the last two years.

9. To turn to the freedom of choice of the elector, it is to be noted that the Draft Law provides for proportional representation with remarkably large electoral districts or "colleges". Particulars of these election districts are given at Appendix "B". The desirability of these Regional election districts and their suitability to present conditions in Italy are open to argument; but it cannot be alleged there is anything fundamentally undemocratic in the proposal.

Large elections districts, consisting of one or more provinces, were provided for in the 1919 Law and the number of Deputies assigned to each varied between 5 and 20. Moreover, election districts of sufficiently large size and with a corresponding number of representatives are essential to the particular system of proportional representation adopted by the 1919 Law which is repeated in essentials in the present Draft.

10. This system of proportional representation is well-known and is effectual to distribute among the Parties the seats allotted to each election district in proportion to the votes cast for each Party. The desirability of proportional representation is, like the size of the election districts, open to argument. It is equally true that the system cannot be attacked as fundamentally undemocratic.

11. The elector has to vote for all the candidates on the list of his choice. The Draft Law does not, however, provide for him to express his preference as to which of the candidates put forward by the Party he would prefer to see elected. In this respect, the new Draft is more restrictive than the 1919 Law. The number of preference votes the elector may give is reduced. Moreover, the elector's preference vote is a nullity unless the candidate he selects receives a total of preference votes equivalent to 20% of those given to the list in which he figures. There is a further point of difference between the new Draft and the 1919 Law which, it is considered, reduces the voter's freedom of choice. If a political Party put in a list of candidates containing less names than there were seats to be filled, the elector could make up the difference by adding names. The names so added, however, had to be those of candidates from other lists. This provision is not repeated in the new Draft.

Even the 1919 Law contained no provision for the elector to delete names from the list of his choice and to substitute (if desired) names from the other lists--a provision which would certainly enlarge the voter's freedom to choose his representatives.

12. The very large election districts, the system of proportional representation adopted, the absence of "additional votes" and the restrictions of "preferential votes" all tend, in the writer's opinion, to minimise the part to be played by the individual voter and to magnify the influence of well organised political Parties. Nevertheless, it cannot be advised that any of these features go to the root principles of democracy so as to justify being taken.

13. On the question of the secrecy of the ballot, Appendix "C" contains a brief description of what the voter actually will do under the Draft Law.

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Large electiens districts, consisting of one or more provinces, were provided for in the 1919 Law and the number of Deputies assigned to each varied between 5 and 20. Moreover, election districts of sufficiently large size and with a corresponding number of representatives are essential to the particular system of proportional representation adopted by the 1919 Law which is repeated in essentials in the present Draft.

10. This system of proportional representation is well-known and is effectual to distribute among the Parties the seats allotted to each election district in proportion to the votes cast for each Party. The desirability of proportional representation is, like the size of the election districts, open to argument. It is equally true that the system cannot be attacked as fundamentally undemocratic.

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13. On the question of the secrecy of the ballot, Appendix "C" contains a brief description of what the voter actually will do--under the Draft Law--when he goes into the Polling Station. It is considered that the guarantees for secrecy may be regarded as adequate, both in the Polling Station and before and in the counting of votes.

14. Attention is drawn to the provision in the Draft Law whereby 70 days must elapse from publication of the Decree proclaiming the elections and the election day. Appendix "D" gives a time-table of the principal operations which have to be performed during this interval. The period of 70 days is not too long if it is assumed that no preparatory steps will be taken before the election day is proclaimed. There does not seem, however, to be any need to assume this. For instance, the Ministry could proceed with writing up the registration certificates pari passu with the compilation of the electoral lists.

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Likewise, the political Parties can begin to draw up their lists of candidates and to collect the candidates' birth certificates and acceptances of candidature, etc. as soon as the election law is published in the Gazette.

15. The period between the proclamation of the elections and the actual election day will, no doubt, be one of acute political fever, during which the risk of breaches of public order will be at its greatest. Indeed, on the broadest grounds, it is not desirable that the day of elections should be postponed one day later than is strictly necessary.

16. Against this, it could be urged that, as the Governmental and local agencies concerned with the elections are lacking both in re-organization and in experience, ample time must be allowed them for their various tasks.

17. It is for consideration, therefore, whether the Italian Government might not be asked to consider a shortening of this period of 70 days.

18. Conclusions.

From the foregoing, it would seem proper to make observations to the Italian Government upon two points only:-

(a) they should be recommended to include a provision forbidding political propaganda within a given distance of polling stations;

(b) they should be recommended to consider a reduction in the period of 70 days from the proclamation of the elections to the election day.

19. A separate report will be submitted on the questions which arise in relation to the implementation in Military Government Territory of the Draft Law on elections to the Constituent Assembly.

C. G. M. [illegible]
Major
Executive Officer
Local Government Sub Commission

20 OCT 1945

CGM/pec

Distribution:

Chief Commissioner
Exec. Commissioner
Poland (A)
" (B)
VF CA Section
AG/45/3/1/16

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3C

APPENDIX "A"

Disqualifications for Voting--Differences from Law on Compilation of Electoral Lists

I - Disqualifications which are Cancelled

(i) Being habitually in receipt of public assistance.

(ii) Conviction for begging.

(iii) Political Secretaries of the PNF can be allowed to vote by the Provincial Commissions for Disfranchisement of Fascists.

(iv) "Black-shirt" officers are not disqualified if they belong to technical branches, e.g. Railway Militia, Forest Militia, University Militia, etc..

II - Additional Disqualifications

(i) National Councillors, i.e. members of the Chamber of Fasci and Corporations.

(ii) Fascist Ministers and Under-Secretaries and Fascist Deputies.

(iii) Political Secretaries of the PNF in Communes with over 10,000 inhabitants. (N.B. The Law on electoral lists confines the disqualification to Political Secretaries of Communes with 20,000 or more inhabitants.)

(iv) The female equivalent of Federal Secretary, Federal Inspector and Political Secretary in the PNF.

(v) Musketeers of the Duce.

(vi) Members of the Special and Extraordinary Tribunals of the pseudo-Fascist Republic--Chiefs of Provinces and Questori appointed by the pseudo-Republican Government--officers of the armed forces who have served the Republican Government.

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8D

APPENDIX "B"

Proposed Colleges (i.e. Constituencies or Election Districts)

Colleges	Populations	Number of Deputies
Piemonte	3,421,341	43
Valle d'Aosta	84,793	1
Liguria	1,466,915	18
Lombardia	5,836,342	73
Venezia Tridentina	669,029	8
Veneto	4,287,806	54
Venezia Giulia and Zara	977,257	12
Emilia	3,339,058	42
Toscana	2,974,439	37
Marche	1,278,071	16
Umbria	725,918	9
Lazio	2,647,088	33
Abruzzi and Molise	1,589,804	20
Campania	3,709,522	46
Puglie	2,637,022	33
Lucania	543,262	7
Calabria	1,771,651	22
Sicilia	4,000,078	50
Sardegna	1,034,206	13
Total Colleges - 19	42,991,602	537 Deputies

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8E

APPENDIX "E"

Brief Description of the Procedure in the Polling Station

1. The Polling Station is divided into two compartments by a barrier with a gap in the middle. In the first compartment (where the entrance to the street is) the voters may stand and watch the proceedings. Here are affixed the lists of candidates, a copy of the voters' register, etc.. In the other compartment the officials are seated round a table with two ballot boxes on it--one holds the stamped and numbered ballot-papers ready for voting, and the other the ballot-papers which have been used for voting. The screened polling booths are also in this compartment. Electors can only pass the barrier to vote. The officials consist of a Presiding Officer, 5 clerks and a secretary.

2. At 1600 hours on the day before the election, the officials meet in the Polling Station to number the ballot-papers serially and sign them.

3. At 0700 hours on the election day, the officials mark the ballot-papers with the official stamp.

4. The poll opens at 0900 hours and closes at 2300 hours.

5. Electors desiring to vote must:—

(a) produce their certificates of registration in the electors' list. The Sindaco prepares and sends these to the voter at least 40 days before the election.

(b) prove their identity by:—

(i) producing an official identity card, provided it bears a photograph:

(ii) being known personally to one of the officials who certifies accordingly:

(iii) producing another elector known to the officials who can certify identity--and any elector who has already voted is assumed to be known.

The Presiding Officer then removes the detachable slip from the registration certificate so that the elector cannot attempt to vote twice.

6. The Presiding Officer then draws a ballot-paper--calls out its serial number--which is entered against the voter's name in the electors' list.

7. The elector goes to the booth and with the pencil provided puts a mark on the ballot-paper over the symbol of the list for which he wants to vote. If he wishes, he also writes on the ballot-paper the names of those candidates of the list he has voted for to whom he wishes preference to be given. He then folds and seals up the ballot-paper (which is gummed for the purpose like an envelope) and hands it to the Presiding Officer. The latter tears off the appendix containing the serial number and puts the ballot-paper in the second ballot-box.

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8. At 2300 hours, the Polling Station is closed, but electors already inside are allowed to vote.

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8F

APPENDIX "B"

Time-Tables

NOTE (1)—"D" = the date of publication of the Decree proclaiming the elections.

(2)—"E" = the day of the elections.

"D" Plus	"E" Minus	Action to be taken
10	E - 60	Last day for military etc. Commanders to apply to Sindaci for certificates of registration in the electors lists for their troops.
15	E - 55	Last day for the "Giunta Comunale" to have ready stamps, ballot-boxes, tables, etc. for Polling Stations.
20	E - 50	Last day for Sindaco to complete preparation of registration certificates.
(30	E - 40)	Last day for delivery of registration certificates to electors.
(30	E - 40)	Last day for lists of candidates to be lodged.
40	E - 30	Last day for examination and approval of lists of candidates.
60	E - 10	Last day for Electoral Commissions to transmit the electoral lists to the Sindaco.
(62	E - 8)	Between these dates the "Giunta Comunale" must
(66	E - 4)	appoint the Polling Station clerks.
63	E - 1	Last day for lodging the appointments of the candidates' polling and counting agents.
70	E	Election Day

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7

MINISTRY FOR THE CONSTITUENCY

Legal Office

Principal differences between the system of the political electoral law, T.U. 2 September 1919, n.1495, and the one proposed in the project under examination.

Electoral System - As in the case of the 1919 law, so also in the project under examination the system of scrutiny of list with a proportional representation and distribution of seats to the single lists in accordance with the Hondt method, which renders possible an allocation to the single electorals colleges of all the seats assigned to them in a number proportionate to the population, has been adopted.

Departing from the 1919 system the electoral colleges rather than being constituted by one or more adjacent provinces, have been remarkably enlarged so as to coincide with the Regions in their traditional meaning.

The distribution of seats among the various colleges, as it has already been mentioned, is done proportionally to the number of the inhabitants (one seat for each 80.000 inhabitants), The total number of the seats amounts therefore to 537.

Similarly to what has been established by the 1919 law, the order of the candidates in the various lists, pre-established by the committees, may be changed by the electors through preferential votes. However, while according to the old system the number of preferences should not be more than one if the deputies were six to ten, nor more than three if they were from eleven to fifteen, nor more than four if the deputies were over fifteen, in accordance with the project under examination, the number of preferences cannot be higher than one, in a college where the number of the deputies to be elected runs up to fifteen, cannot be higher than two in a college where

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An important innovation introduced by the project deals with the efficiency of the preferential vote: indeed, whereas the 1919 law did not fixx any limitation to such efficacy so that, theoretically the preferential vote of one single elector was sufficient to modify the order of presentation of the

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candidates, laid down beforehand by the parties, committees or groups, the project subordinates the efficacy of the preferential vote, as regards the pre-established order of presentation, to the condition of the attainment of a quorum to the extent of 1/5 of the votes of the list. For instance, if a given list has obtained 10.000 votes of list , in order that the preferential vote in favor of a given candidate of the same list could modify the order assigned to it by the party, it is necessary that such preferential voting be the expression of at least 2000 electors.

Another important innovation to the 1919 system consist in the abolition of the right of expression by an additional vote (panachage), i.e. of a vote expressed in favor of candidates pertaining to lists other than the one in favor of which the vote of list has been given. This right however was limited to the case where the chosen list comprised a number of candidates inferior to the number of seats assigned to the college.

Besides, departing from the 1919 according to which the ballot papers were printed and distributed to the elector by the committees sponsoring the lists (which gave the citizen the possibility of going to the urns with the ballot paper already compiled) the project under examination adopts the State ballot paper which will be printed by the State itself and delivered to the elector only at the moment of voting.

The electoral right to vote

To the categories of disenfranchised persons, foreseen by the 1919 law, some other categories in connection with political unworthiness related to fascism have been added.

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a.n.

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7B

An important amendment to the law of 1919 is the extension of suffrage to women and to all personnel of the armed forces of the State and to all personnel of militarily organised units on the State's service, without distinction of rank. (The law of 1919 allowed to vote officers only). As regards military personnel, they may exercise their voting rights in the Communes where they are serving after having produced a certificate of registration on the lists of their Commune of residence.

But, whereas in 1919 a temporary provision extended voting rights also to those who ~~have~~ HAD served in the armed forces ~~because~~ by mobilised (~~and~~ even ~~if~~ though under age) in this plan it has been decided that no exception is to be made to the rule.

As regards the exclusion of people supported by public assistance ad charity insttitutions from electoral rights, this has been cancelled.

ELEGIBILITY. - As regards elegibility, other categories of people, whose position was compromised during the past regime, have been added. Furthermore, whereas according to the law of 1919 State Officials, but for a few exceptions(Ministers, Undersecretaries, ect.) were not elegible, the present plam establishes that all officials,in general are elegible with a few exceptions (Chief and Vice Chief of the Police, Chiefs of Ministers' Cabinets, Prefects etc.); and whereas the law of 1919 established that Officials exceptionally ~~xx~~ elegible could only be elegible if they had left office 6 months before the elections, the present plam establishes that officials excluded from elegibility may be elected if they have left office ~~at least~~ within 20 days ~~before~~ from the date of publication of the electoral law. This especially because several high officials (ex. Prefects), in the present ~~xxxxx~~ circumstances, have been chosen from among politicians who have distinguished themselves in the struggle against nazi-fascism.

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7c.

AS REGARDS THE COLLEGE OF THE " VALLEY OF AOSTA" it has been decided that elections be held with the uninominal system and according to the main principles of the political electoral law of the 26th June 1913, n.821, regarding enough for the election that that candidate be elected who has obtained the highest number of votes without requiring, as according to the a/m law, the "quorum" of 1/10 of the total number of electors and of 1/2+1 of the votes.

As regards penal provisions, the regulations of 1919 have been brought up to date with the new Penal Code and the penalties have been increased in order to assure an efficient repression of electotal crimes, in view of the particular importance of the elections for the Constituent Assembly and the necessity that these elections be held with the greatest guarantees.

Furthermore, the maximum number of nominators (art. 14) has been increased from 500 to 1000 electors inscribed on the electoral lists of the College.

Here the minimum has been raised from 300 to 500. ecf

MINISTERO PER LA COSTITUENTE

Ufficio Legislativo

Principali differenze tra il sistema della legge elettorale politica, testo unico 2 settembre 1919, n.1495, e quello proposto nel progetto in esame.

Sistema elettorale - Come per la legge del 1919, anche con il progetto in esame, e' stato adottato il sistema dello scrutinio di lista con rappresentanza proporzionale e della distribuzione dei seggi alle singole liste secondo il metodo d'Hondt, che permette l'assegnazione alle singole circoscrizioni elettorali di tutti i seggi ad esse assegnati, in numero proporzionale alla popolazione.

A differenza del sistema del 1919, le circoscrizioni elettorali, anziche' essere costituite da una o piu' provincie contigue, sono state notevolmente ampliate facendole coincidere con le Regioni nella loro accezione tradizionale.

Il reparto dei seggi tra le varie circoscrizioni e' fatto, come si e' accennato, proporzionalmente al numero degli abitanti (un seggio per ogni 80.000 abitanti). Il numero totale dei seggi pertanto, sale a 537.

Analogamente a quanto fu stabilito con la legge del 1919, l'ordine dei candidati nelle varie liste, prestabilito dai comitati, puo' essere modificato dagli elettori mediante voti di preferenza. Pero', mentre col vecchio sistema il numero delle preferenze non poteva essere maggiore di uno, se i deputati da eleggere erano fino a cinque, di due, se i deputati erano da sei a dieci, di tre se erano da undici a quindici e di quattro se erano oltre quindici, col progetto in esame, il numero delle preferenze non puo' essere maggiore di uno, se si tratta di circoscrizione con un numero di deputati da eleggere fino a quindici, di due, se alla circoscrizione e' attribuito un numero di deputati da sedici a trenta, e di tre, se il collegio ha piu' di trenta deputati.

Una importante innovazione, apportata col progetto, riguarda l'efficacia del voto di preferenza: mentre, infatti, la legge del 1919 non stabiliva alcuna limitazione a tale efficacia per cui, teoricamente, bastava il voto di preferenza espresso da un solo elettore per modificare l'ordine di presentazione dei candidati, prestabilito dai partiti, comitati o gruppi, il progetto subordina l'efficacia del voto di preferenza, nei confronti dell'ordine di presentazione prestabilito, alla condizione del raggiungimento di un quorum nella misura de 1/5 dei voti di lista. Ad esempio, se una determinata lista ha conseguito 10.000 voti di lista, affinche' il voto di preferenza a favore di un determinato candidato della stessa lista possa modificare l'ordine assegnatogli dal partito, occorre che tale voto di preferenza sia espresso da almeno 2.000 elettori.

Altra importante innovazione al sistema del 1919 consiste nella abolizione del diritto all'espressione di un voto aggiunto (panachage), di un voto cioe' espresso a favore dei candidati appartenenti a liste diverse da quella a favore della quale e' stato dato il voto di lista. Diritto, peraltro, che era limitato al caso in cui la lista prescelta comprendesse un numero di candidati inferiore al numero dei seggi assegnati al collegio.

Inoltre a differenza del sistema del 1919 in cui le schede per la votazione venivano stampate e distribuite all'elettore a cura dei comitati presentatori delle liste,-il che dava la possibilita' al

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è stato adottato il sistema dello scrutinio di lista con rappresentanza proporzionale e della distribuzione dei seggi alle singole liste secondo il metodo d'Hondt, che permette l'assegnazione alle singole circoscrizioni elettorali di tutti i seggi ad esse assegnati, in numero proporzionale alla popolazione.

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Inoltre a differenza del sistema del 1919 in cui le schede per la votazione venivano stampate e distribuite all'elettore a cura dei comitati presentatori delle liste,-il che dava la possibilita' al cittadino di recarsi alle urne con la scheda gia' compilata,- con il progetto in esame, viene adottata la scheda di Stato che sara' stampata a cura dello Stato stesso e consegnate all'elettore soltanto al momento della votazione.

Diritto elettorale attivo - Alle categorie degli esclusi dal voto previste dalla legge 1919, ne sono state aggiunte delle altre per cause di indegnita' politica connessa al fascismo.

Un'importante innovazione alla legge del 1919 e' l'ammissione al voto delle donne e di tutti i militari delle forze armate dello Stato e degli appartenenti ai corpi militarmente organizzati al servizio dello Stato, senza distinzione di grado. (Per la legge del 1919 erano ammessi al voto soltanto gli ufficiali).

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Per i militari viene stabilito che i medesimi possano esercitare il diritto di voto nei comuni ove prestano servizio con la semplice presentazione, da parte di essi, del certificato di iscrizione nelle liste elettorali del Comune di residenza.

Mentre, pero', nel 1919 fu stabilito, con norma transitoria, che potessero esercitare il diritto di voto tutti coloro che avevano prestato servizio militare per mobilitazione anche se di eta' inferiore agli anni 21, col progetto in esame viene adottato il criterio di non fare eccezione alla regola della maggiore eta',in nessun caso.

E' stata inoltre eliminata l'incapacita' elettorale, prevista con la legge del 1919, nei riguardi dei ricoverati in istituti pubblici di assistenza e degli assistiti continuativamente a carico della pubblica beneficenza.

Diritto elettorale passivo - Anche qui, riguardo l'esclusione dalla eleggibilita', sono state aggiunte altre categorie di persone compromesse con il passato regime. Inoltre, mentre secondo la legge del 1919 era stabilito che i funzionari dello stato in genere non erano eleggibili salvo tassative eccezioni (Ministri, Sottosegretari, ecc.), con il progetto in esame e' stato invertito il criterio stabilendo cioe' che i funzionari in genere sono eleggibili salvo determinate esclusioni (Capo e Vice Capo della Polizia, Capi di Gabinetto dei Ministri, Prefetti ecc.); e, mentre con la legge del 1919 occorreva che per alcuni dei funzionari eccezionalmente ammessi alla eleggibilita', ricorresse la condizione che essi avessero cessato dalle loro mansioni sei mesi prima dalle elezioni, con il progetto in esame viene stabilito che i funzionari esclusi possano essere eletti ove abbiano cessato dalle loro mansioni entro 20 giorni dalla data di pubblicazione delle legge elettorale. E cio', soprattutto, per la considerazione che alcuni alti funzionari (ad es. i Prefetti), sono stati, nelle attuali contingenze, scelti fra uomini politici che si sono particolarmente distinti nella lotta contro i nazi-fascisti.

Per il Collegio della "Val d'Aosta" - E' stato stabilito che l'elezione avvenga col sistema uninominale, secondo i principi sostanziali della legge elettorale politica 26 giugno 1913, n.821, ritenendo pero' sufficiente per l'elezione, che sia proclamato eletto quel candidato che abbia raggiunto il maggior numero di voti, senza richiedere, come nella legge suddetta, il quorum del decimo del numero totale degli elettori e della meta' piu' uno dei suffragi dati dai votanti.

Per quanto riguarda le norme penali, sono state aggiornate le disposizioni del 1919, in relazione al nuovo codice penale, e sono state inasprite le pene al fine di assicurare un efficace repressione delle varie forme di reato elettorale, data anche la particolare importanza delle elezioni per la Costituente e la conseguente necessita' che esse si svolgano con le maggiori garanzie.

Declassified E.O. 12356 Section 3.3/NND No. 788221

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

5

27 October 1945

My dear Mr. Prime Minister,

It has been reported to me that there has just been delivered to the Local Government Sub-Commission a copy of the draft law for the elections to the Constituent Assembly and likewise a copy of the draft law for the administrative elections.

Officials of the Italian Government have informed my officers that these two drafts will be considered at a special meeting of the Council of Ministers on 30 October next, after which they will be submitted to the Constituent Assembly.

I observe that the two draft laws contain respectively 74 and 104 articles and, with the relative reports, extend to over 200 pages. It is evident that these two drafts, which it has taken the Italian Government several months to prepare with that care which the importance of the subject demands, cannot be examined by the Allied Commission in the few days before the meeting of the Council of Ministers on 30 October 1945.

I am not at present able to say whether the Allied Commission will have any observations to make on these draft laws. That must await a proper study of the text. It is assumed that the Italian Government will receive and consider such observations as the Allied Commission may have to make.

/ I should also assure ...

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Declassified E.O. 12356 Section 3.3/NND No. 788021

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I should also assure that if, as a result of my observations with the Allied Commission any possible rules, the Government reach the conclusion that an amendment of the draft law is desirable in any respect, any such amendment would be incorporated into the text of the law and submitted to the Constitutive Assembly as an integral part of the law proposed by the Government.

I should be glad to have your views on these points.

Yours very truly,

HAROLD R. STARK
Rear Admiral, USN
Chief Commissioner

His Excellency Ivanoe Bonomi
President of the Council of Ministers
Italian Government
Rome

Distribution:

Chief Commissioner
Executive Commissioner
Poland (A)
Poland (B)
CA Section (45/3/1/12)

5A

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

NOTE: - This copy shows the amendments made by Sir Noel Charles & agreed by Poland A in conference at about 13 hrs. on 27 Oct. EJ

27 October 1945

10

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I am not at present able to say whether the Allied Commission will have any observations to make on these draft laws. That must await a proper study of the text. ~~It is essential, however, that there should be an adequate opportunity for such a study to be made and that the Government should allow themselves the time to consider any observations which the Allied Commission may eventually make.~~

It is ~~therefore~~ requested that I have ~~therefore to request~~ that the Italian Government will receive and consider such observations as the Allied Commission may have to make, ~~upon the two draft laws before the Council of Ministers decides upon them or submits them to the Consultative Assembly.~~

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~~If, as a result~~ ....

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

should also assume that

If, as a result of any observations which the Allied Commission may possibly make, the Government reach the conclusion that an amendment of the draft laws is desirable in any respect, any such amendment would be incorporated into the text of the law and submitted to the Consultative Assembly as an integral part of the law proposed by the Government. I should be glad to receive an assurance from you that this will be done. Send your views on these points.

Yours very truly,

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Professor Ferruccio Parri
President of the Council of Ministers
Italian Government
Rome

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

HEADQUARTERS ALLIED COMMISSION
Office of the Chief Commissioner
APO 394

Note.— This is the letter signed by CC on evening of 26 Oct., with amendments agreed by him at about 12.45 hrs 27 Oct, subject to Potsdam (A) + (B) agreement.

October 1945

My dear Mr. Prime Minister,

It has been reported to me that there has just been delivered to the Local Government Sub-Commission a copy of the draft law for the elections to the Constituent Assembly and likewise a copy of the draft law for the administrative elections.

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It is essential that, ~~I have therefore to request~~ that the Italian Government will ~~receive and~~ consider such observations as the Allied Commission may have to make upon the two draft laws before the Council of Ministers decides upon them or submits them to the Consultative Assembly,

/ If, as a result .....

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

If, as a result of any observations which the Allied Commission may possibly make, the Government reach the conclusion that an amendment of the draft laws is desirable in any respect, any such amendment will no doubt be incorporated into the text of the law and submitted to the Consultative Assembly as an integral part of the law proposed by the Government. I should be glad to ~~receive an assurance from you that this will be done.~~

Yours very truly,

KILLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Professor Ferruccio Parri
President of the Council of Ministers
Italian Government
Rome

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

B.15/B/1

Delivered by hand at 1200 hours, 24/10/45.

Rome, 23 October 1945

From : The Ministry for the Constituency
Cabinet

To : Major Temple
AG, Local Govt S/C

As dr. Romita is ill, in order not to delay any longer the transmission of the project on the political electoral law for the Constituency, I am forwarding to you the draft I received yesterday from the proper Office.

The draft is not complete, as it is not accompanied by the report. However, due to the fact that some members of the Commission intend to submit a minority report on some points, such report cannot be ready before Saturday next.

The delay in the compilation of the draft is due to the fact that it has been necessary to add some previsions relative to the elections for the autonomous organization of the Valley of Aosta.

continued

Thanking you for the collaboration of your Sub Commission to this Ministry I ask to accept the expression of my high esteem.

THE CHIEF'S CABINET
(avv. prof. Massimo Severo Giannini)

49

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

Roma, 23.10 1945

Ministero per la Costituente

Gabinetto

Uff

Prot. N° 25?/19

Allegati N°

Risposta al N°

del Uff

OGGETTO:

Al Maggiore TEMPLE
Commissione Alleata
Sottocommissione Enti
locali - ROMA
Via Veneto

Essendo malato il dott. Romita, onde non frapporre più indugio alla trasmissione del progetto sulla legge elettorale politica per la Costituente, Le invio lo schema che ho ricevuto ieri dall'Ufficio competente.

Lo schema non è completo, poiché manca del_ la relazione: tuttavia, poiché alcuni dei membri della commissione intendono presentare una rela_ zione di minoranza su alcuni punti, tale relazio_ ne non potrà essere pronta prima di sabato p.v.

Il ritardo nella formulazione dello schema è dovuto al fatto che si sono dovute aggiungere alcune norme relative alle elezioni per l'Ente

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autonomo della Valle d'Aosta.

RingraziandoLa della collaborazione che co_ desta Sottocommissione seguita a dare a questo Ministero, La prego di gradire i sensi della mia alta stima.

IL CAPO DI GABINETTO
(avv.prof.Massimo Severo Giannini)

Declassified E.O. 12356 Section 3.3/NND No. 78021

MINISTERO PER LA COSTITUENTE

Ufficio Legislativo

SCHEMA DI LEGGE ELETTORALE POLITICA PER L'ASSEMBLEA COSTITUENTE

Roma, 22 ottobre 1945

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

TITOLO I

DISPOSIZIONI GENERALI

art. 1

L'assemblea costituente è eletta dalla universalità dei cittadini con voto diretto eguale libero e segreto, attribuito a liste di candidati liberamente concorrenti.

La rappresentanza è proporzionale.

L'esercizio del diritto di voto è un dovere.

art. 2

Ogni elettore dispone di un voto di lista.

Egli ha facoltà di attribuire preferenze, per modificare l'ordine dei candidati compresi nella lista votata, nei limiti, con le modalità e gli effetti stabiliti dalla presente legge.

art.3

Il numero complessivo dei deputati all'assemblea costituente è di 537.

I collegi hanno circoscrizione regionale, secondo la tabella A allegata alla presente legge. L'assegnazione dei deputati ai singoli collegi è stabilita nella tabella stessa.Nel collegio di "Val D'Aosta" la elezione è regolata da norme speciali.

TITOLO II

ELETTORATO

Cap.I

Elettorato attivo

art.4

Sono elettori tutti i cittadini italiani maggiorenni, eccettuati i casi di incapacità previsti dai successivi articoli 5 e 6.

art.5

Non sono elettori:

1° gli interdetti e gli inabilitati per infermità di mente;

2° i commercianti falliti, sinchè dura lo stato di fallimento, ma non oltre 5 anni dalla data della sentenza dichiarativa del fallimento;

3° coloro che, per motivi non politici, sono stati sottoposti ai provvedimenti di polizia previsti dagli artt. 164 e 181 del T.U.

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delle leggi di pubblica sicurezza, approvato con Regio decreto 18 giugno 1931, n.773 ,sino ad un anno dopo la cessazione degli effetti dei provvedimenti;

4° coloro che sono sottoposti a misure di sicurezza detentive o a libertà vigilata, fino ad un anno dopo la cessazione degli effetti dei provvedimenti;

5° i condannati a pena che importa la interdizione perpetua dai pubblici uffici, o a pene restrittive della libertà personale per un tempo maggiore di 5 anni;

6° i condannati a interdizione temporanea dai pubblici uffici, per tutto il tempo della sua durata;

7° i condannati per i reati previsti dall'art.2, n.10, del D.L.L. 28 settembre 1944, n.247;

8° coloro che, in una sentenza di condanna, sono stati dichiarati ubbriachi abituali, fino a 5 anni dopo la cessazione degli effetti della condanna.

Le disposizioni dei numeri 6,7,8,9 non si applicano se la sentenza di condanna è stata annullata o dichiarata prive di effetti giuridici ,in base a disposizioni legislative di carattere generale, o se il reato è estinto per effetto della amnistia concessa dal Regio decreto 5 aprile 1944 n.96 o i condannati siano stati riabilitati;

9° gli esercenti i locali indicati nel titolo 7° del T.U. della legge di pubblica sicurezza approvato con regio decreto 18 giugno 1931 n.773;

10° le donne indicate nell'art.354 del regolamento per la esecuzione del T.U. della legge di pubblica sicurezza, approvato con Regio decreto 6 maggio 1940, n.635;

11° i condannati per reati previsti nel titolo I del decreto legislativo luogotenenziale 27 luglio 1944, n.159, sulle sanzioni contro il fascismo;

12° coloro che in base alle pronuncie delle commissioni provinciali, di cui all'art.2 del D.L.L. 26 aprile 1945, n.149, sono privati dei

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

diritti elettorali attivi e passivi.

Sono altresì esclusi dal diritto di voto coloro che hanno ricoperto le seguenti cariche:

a) segretario e vice segretario del partito fascista;

b) membro del gran consiglio del fascismo;

c) componenti del direttorio nazionale del partito fascista;

d) componente del consiglio nazionale del partito fascista;

e) ispettore nazionale del partito fascista; ispettrice nazionale delle organizzazioni femminili del partito fascista;

f) segretario e vice segretario federale; fiduciaria e vice fiduciria delle federazioni dei fasci femminili;

g) ispettore e ispettrice federale, eccettuati coloro che abbiano esercitato funzioni esclusivamente amministrative;

h) segretario politico e segretaria del fascio femminile di comuni con popolazione superiore ai 10.000 abitanti;

i) qualsiasi carica del partito fascista repubblicano;

l) consigliere nazionale;

m) deputato fascista che, dopo il 3 gennaio 1925, abbia mantenuto l'iscrizione al partito fascista o a questo si sia iscritto durante l'esercizio del suo mandato, o abbia comunque votato, dopo tale data, leggi intese a mantenere in vigore il regime fascista;

n) ministro o sottosegretario di Stato dei governi fascisti in carica o nominati dal 6 gennaio 1925;

o) membro del tribunale speciale, nonchè dei tribunali straordinari della pseudo repubblica sociale;

p) capo della provincia e questore nominato dal governo della pseudo repubblica sociale italiana;

q) "moschettieri del duce", ufficiali della M.V.S.N., in servizio permamente retribuito, di grado superiore a quello di centurione, eccettuati gli addetti ai servizi religiosi, sanitari, assistenziali e gli appartenenti alle legioni libiche, alle milizie ferroviaria, post-telegrafonica, universitaria, alla G.I.L. alla D.I.C.A.T. e D.A.C.O.S., nonchè alle milizie forestale, stradale e portuaria;

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r) ufficiali generali e ufficiali superiori che abbiano prestato effettivo servizio nelle forze armate della pseudo repubblica sociale; ufficiali della guardia nazionale repubblicana e componenti delle brigate nere.

Sono eccettuati dalla privazione del diritto elettorale coloro che siano dichiarati non punibili ai sensi dell'ultimo comma dell'art.7 del D.L.L. 27 luglio 1944, n.159.

Gli appartenenti alla categoria h) del presente articolo sono ammessi all'esercizio del diritto elettorale se a giudizio delle commissioni provinciali di cui all'art.2 del D.L.L. 26 aprile 1945, n;149, nell'esercizio della loro funzione non abbiano dato prova di faziosità, intemperanza o mal-costume fascista.

Capo II

Eleggibilità

art.6

Sono eleggibili all'assemblea costituente i cittadini italiani che nel giorno delle elezioni, abbiano compiuto il 25° anno di età, eccettuati i casi previsti dall'art. ~~4~~ 5 della presente legge e dalle seguenti disposizioni.

art.7

Non sono eleggibili:

a) i senatori dichiarati decaduti;

b) i presidi delle provincie e i podestà dei comuni capoluoghi di provincia, eccettuati i presidi ed i podestà nominati dopo il 25 luglio 1943, dal governo legittimo italiano.

c) gli ufficiali superiore e ufficiali generali delle forze armate dello stato che, per giudizio di epurazione, siano stati dispensati dal servizio con o senza perdita del diritto a pensione e gli ufficiali di qualunque grado, che, per aver cooperato, dal 13 ottobre 1943, con le forze armate che combatterono contro l'Italia, siano stati cancellati dai ruoli con perdita del grado;

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d) gli impiegati di pubbliche amministrazioni di grado superiore al IX dell'ordinamento gerarchico dello stato o equiparati che, per giudizio di epurazione, siano stati dispensati dal servizio con o senza perdita del diritto a pensione;
e) coloro che siano stati definitivamente cancellati dagli albi professionali per giudizio di epurazione;
f) coloro che si siano inscritti al partito fascista repubblicano o che abbiano comunque collaborato con esso.

art.8

Non sono eleggibili:
a) il capo e vice capo della polizia e gli ispettori generali di pubblica sicurezza;
b) capi di gabinetto dei ministri;
c) gli alti commissari per la Sardegna e la Sicilia, i prefetti o chi ne fa le veci, nella circoscrizione di loro competenza;
d) i magistrati addetti all'ufficio del P.M., i vice prefetti, i questori, i vice questori e i commissari di pubblica sicurezza, nella circoscrizione di competenza di ciascuno di essi;
e) gli ufficiali generali, gli ufficiali superiori delle forze armate dello Stato, nella circoscrizione del loro comando territoriale.

Le cause di incompatibilità stabilite in questo articolo non hanno effetto se le funzioni esercitate siano cessate entro 20 giorni dalla data di pubblicazione della presente legge. 42

art.9

I diplomatici, i consoli, i vice consoli ed in generale gli ufficiali, retribuiti o no, addetti alle ambasciate, legazioni o consolati esteri, tanto residenti in Italia quanto all'estero,

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Declassified E.O. 12356 Section 3.3/NND No. 78-021

non possono essere eletti all'assemblea costituente, sebbene abbiano ottenuto il permesso dal governo nazionale di accettare l'ufficio senza perdere la nazionalità. Questa incompatibilità si estende a tutti coloro che abbiano accettato l'impiego da governi esteri.

art.10

Non sono eleggibili i rappresentanti, amministratori e dirigenti di società e imprese comunque sussidiate dallo Stato; i consulenti legali, amministrativi e tecnici che esercitino abitualmente funzioni nell'interesse delle stesse società ed imprese; coloro che siano direttamente vincolati dallo Stato per concessioni o per contratti di opere o somministrazioni.

TITOLO III

Delle liste elettorali

art.11

La formazione delle liste elettorali, la ripartizione dei comuni in sezioni elettorali, e la scelta dei luoghi di riunione per la elezione, sono regolate dalle disposizioni del D.L.L. 28 settembre 1944, n.247, del decreto del Ministero dell'Interno 24 ottobre 1944 e successive modificazioni ed aggiunte, nonchè del decreto legislativo luogotenenziale 23 aprile 1945, n.214.

TITOLO IV

Del procedimento elettorale preparatorio

art.12

I comizi elettorati sono convocati con decreto luogotenenziale su deliberazione del consiglio dei ministri.

Dal giorno della pubblicazione nella Gazzetta Ufficiale del Regno del decreto di convocazione, al giorno stabilito per le elezioni, devono decorrere almeno 70 giorni.

I sindaci di tutti i comuni del Regno daranno notizia al pubblico del decreto di convocazione dei comizi ~~15 giorni prima della data stabilita per le elezioni.~~ con affissi avvisi

art.13

Le liste dei candidati per ogni collegio devono essere pre-

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

sentate da non meno di 500 e non più di 1000 elettori iscritti nelle liste elettorali del collegio. Per il collegio Val d'Aosta è richiesta la sottoscrizione di non meno di 200 e non più di 300 elettori.

I nomi dei candidati devono essere elencati e contrassegnati con numeri arabi progressivi, secondo l'ordine di precedenza agli effetti della assegnazione dei seggi.

La candidatura deve essere accettata con dichiarazione firmata e autenticata dal sindaco di un comune della circoscrizione o da un notaio.

Ciascuna lista deve comprendere un numero di candidati non minore di 2 e non maggiore del numero dei deputati da eleggere nel collegio e deve indicare cognome, nome, paternità e luogo di nascita dei singoli candidati.

Nessun candidato può essere iscritto in più di una lista dello stesso collegio; le accettazioni di candidatura, posteriori a quella che fu prima presentata in ordine di tempo sono nulle.

Nessuno può accettare la candidatura in più di due collegi, appena di nullità della sua elezione.

art.14

Le liste dei candidati devono essere presentate, per ciascuna circoscrizione, alla cancelleria della corte di appello indicata nella tabella A, non più tardi delle ore 16 del 40° giorno anteriore a quello della votazione unitamente agli atti di accettazione delle candidature, ai certificati di nascita dei candidati e alla dichiarazione sottoscritta, anche in atti separati, dal prescritto numero di elettori.

La dichiarazione deve essere corredata dei certificati, anche collettivi, dei sindaci dei singoli comuni (ai quali appartengono i sottoscrittori) che ne attestino l'iscrizione nella lista elettorale della circoscrizione.

I sindaci devono, nel termine improrogabile di 24 ore dalla

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Declassified E.O. 12356 Section 3.3/NND No. 78-021

richiesta, rilasciare tali certificati. Il sindaco inadempiente è punito con la reclusione da sei mesi ad un anno? Se l'inadempimento non sia doloso la pena è diminuita della metà. Il procuratore del Regno, per tale reato, procede per citazione direttissima.

La firma degli elettori, indicante il nome, il cognome e la paternità del sottoscrittore, deve essere autenticata da un notaio o da un cancelliere di pretura, con l'indicazione del comune, nelle cui liste l'elettore dichiara di essere iscritto. Per tale prestazione è dovuto al notaio o al cancelliere l'onorario di L.1 per ogni sottoscrizione autenticata, ma non meno di L.100.

Nessun elettore può sottoscrivere per più di una lista di candidati; il contravventore è punito con la multa sino a L.10.000 o con la reclusione sino a tre mesi.

Insieme con la lista, deve essere presentato un modello di contrassegno, anche figurato.

La dichiarazione di presentazione di lista dei candidati deve contenere anche l'indicazione di due delegati effettivi e di due supplenti, autorizzati a fare le designazioni previste dall'art.16.

La cancelleria della corte d'appello circoscrizionale deve rilasciare immediatamente ricevuta delle liste dei candidati presentate, delle designazioni dei delegati e, secondo l'ordine di presentazione, attribuisce a ciascuna lista un numero progressivo, facendone cenno nella ricevuta.

art.15

La corte d'appello composta dal primo presidente e dai consiglieri della I° sezione, entro 10 giorni dalla scadenza del termine stabilito nel primo comma dell'articolo precedente;

1° verifica se le liste presentate siano sottoscritte dal numero di elettori prescritto, non tenendo conto di quelli che eccedono il limite massimo, e se tali liste comprendono il numero minimo dei can-

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

didati indicato dall'art.15, dichiarà invalide le liste che non corrispondano alle condizioni stabilite o riduce al limite prescritto le liste contenenti un numero eccedente di candidati, cancellando gli ultimi nomi;

2° ricusa i contrassegni identici o facilmente confondibili con contrassegni di altre liste precedentemente presentate e stabilisce, nei limiti di tempo prescritti dal precedente articolo, un termine per la presentazione di un nuovo contrassegno;

3° cancella dalle liste i nomi dei candidati, per i quali manchi la prescritta accettazione e di quelli che non abbiano compiuto 25 anni nel giorno della elezione;

4° cancella i nomi dei candidati compresi in altra lista già presentata;

5° assegna un numero ai singoli candidati di ciascuna lista secondo l'ordine in cui vi si trovano inscritti;

6° provvede, per mezzo della prefettura, alla stampa delle liste con relativo contrassegno e numero d'ordine in unico manifesto, ed alla trasmissione di esso ai sindaci dei comuni del collegio i quali ne curano la pubblicazione nell'albo pretorio ed in altri luoghi pubblici. Cinque copie di ciascun manifesto devono essere consegnate al presidente di ciascun ufficio elettorale: una a disposizione dell'ufficio e l'altra per l'affissione nella sala della votazione, a norma dell'art.35;

7° trasmette immediatamente all'autorità designata dal ministero dell'interno le liste definitive e i contrassegni relativi, perchè siano stampate nelle schede.

art.16

Con dichiarazione scritta su carta libera e autenticata da un sindaco della circoscrizione o da un notaio, i delegati di cui all'art.14 o persone da essi autorizzate in forma autentica, hanno diritto di designare tanto presso l'ufficio di ciascuna sezione, quanto presso la corte d'appello circoscrizionale, due rappresentanti della lista: uno effettivo e l'altro supplente.

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scegliendoli fra gli elettori della circoscrizione che sap_ piano leggere e scrivere. L'atto di designazione dei rap_ presentanti è presentato alla cancelleria della pretura nella cui circoscrizione ha sede la sezione elettorale, en_ tro il 7° giorno antecedente a quello delle elezioni.

La cancelleria ne rilascerà ricevuta e provvederà al_ l'invio delle singole designazioni alla segreteria delle sezioni.

L'atto di designazione dei rappresentanti presso la corte d'appello circoscrizionale è presentato, entro le ore dodici del giorno in cui avviene la elezione, alla cancelleria della corte, la quale ne rilascia ricevuta.

Il rappresentante di ogni lista di candidati avrà diritto di assistere a tutte le operazioni dell'ufficio elettorale, sedendo al tavolo dell'ufficio stesso o in prossimità, ma sempre in luogo che gli permetta di se_ guire le operazioni elettorali, e potrà fare inserire succintamente a verbale le sue eventuali dichiarazioni.

Però il presidente, uditi gli scrutatori, potrà con ordinanza motivata fare allontanare dall'aula il rap_ presentante, che eserciti violenza, o che, richiamato due volte, continua a turbare gravemente il regolare procedi_ mento delle operazioni elettorali.

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Art.17

Entro il ventesimo giorno successivo a quello della pub_ blicazione del decreto di convocazione dei collegi elettorali, a cura del sindaco saranno preparati i certificati di iscrizio_ ne nelle liste elettorali, che devono essere consegnati agli elettori entro il 30° giorno da quello della pubblicazione del decreto stesso. Il certificato indica la circoscrizione, la se_ zione alla quale l'elettore appartiene, il luogo della riunione, il giorno e l'ora della votazione e reca nella parte inferiore un tagliando da staccarsi a cura del presidente dell'ufficio elet_ torale all'atto dell'esercizio del voto.

Per gli elettori residenti nel comune, la consegna del certi_ ficato è constatata mediante ricevuta dell'elettore o di persona della sua famiglia.

Quando la persona, alla quale fu fatta la consegna, non pos_ sa rilasciare ricevuta, il messo la sostituisce con sua dichiara_ zione.

Per gli elettori residenti fuori del comune, i certificati vengono rimessi dall'ufficio municipale per mezzo del sindaco del comune di loro residenza, se questa sia conosciuta.

Per i militari delle forze armate e per gli appartenenti a corpi militarmente organizzati al servizio dello Stato, i quali prestino servizio fuori del comune nelle cui liste sono iscritti, i comandanti dei reparti, entro dieci giorni dalla pubblicazione del decreto di convocazione dei comizi elettorali devono richiede_ re al sindaco competente la trasmissione dei certificati eletto_ rali, per seguirne poi, immediatamente, la consegna agli interessa_ ti.

Gli elettori, dal 31° giorno, sino al giorno antecedente a quello delle elezioni, possono personalmente ritirare il certifica_ to di iscrizione nella lista elettorale se non lo abbiano ricevuto: di tale consegna si da annotazione in apposito registro.

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Se un certificato sia smarrito o divenuto inservibile, l'elettore ha diritto, presentandosi personalmente nei 5 giorni antecedenti le elezioni o nel giorno stesso delle elezioni e contro annotazione in apposito registro, di ottenere dal sindaco un altro, munito di speciale contrassegno, dal quale deve dichiarare che è un duplicato.

Qualora i certificati elettorali non siano distribuiti o siano distribuiti irregolarmente, il presidente della commissione elettorale, previ sommari accertamenti, può nominare un commissario che intervenga presso il comune per la distribuzione dei certificati.

Ai fini del presente articolo, l'ufficio comunale rimarrà aperto quotidianamente, anche nei giorni festivi, dal 31° giorno antecedente le elezioni, almeno dalle ore 9 alle 19.

I comandanti di reparti militari, il sindaco, il segretario comunale e gli impiegati comunali addetti all'ufficio della distribuzione dei certificati, che violino le presenti disposizioni = zioni sono punniti con la reclusione fino a sei mesi o con la multa da L. 3.000 a L. 10.000. Il procuratore del Regno deve procedere per citazione direttissima.

art.18

La commissione elettorale trasmette le liste elettorali di cui all'art.11 almeno dieci giorni prima della data di convocazione dei comizi.

art.19

Nelle ore antimeridiane del giorno che precede le elezioni, il sindaco deve fare consegnare al presidente di ogni ufficio elettorale:

1) il plico sigillato contenente il bollo della sezione;

2) un esemplare della lista degli elettori della sezione, autenticata dalla commissione elettorale e una copia di tale lista autenticata in ciascun foglio dal sindaco e dal segretario comunale, per l'affissione.

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3) Cinque copie del manifesto contenente le liste dei candidati della circoscrizione; una copia dève restare a disposizione dell'ufficio elettorale e le altre devono essere affisse nella sala della redazione;

4) i verbali di nomina degli scrutatori;

5) il pacco delle schede che al sindaco sarà stato trasmesso sigillato dalla prefettura e sul cui involucro esterno sarà stato indicato il numero delle schede contenute;

6) due urne del tipo descritto nell'art.21; la prima sarà destinata a contenere le schede da consegnarsi agli elettori e la seconda quelle restituite da essi dopo espresso il voto;

7) congruo numero di matite nere per il voto.

art.20

Le schede sono di carta consistente, di tipo unico e di identico colore per ogni collegio; sono formate, a cura del ministero dell'interno, con le caratteristiche essenziali del modello descritto nella tabella B allegata alla presente legge e riproducono in fac-simile i contrassegni di tutte le liste regolarmente presentate nella circoscrizione, secondo il numero progressivo di cui all'ultimo comma dell'art.14.

Le schede dovranno pervenire agli uffici elettorali debitamente piegate.

Nella parte centrale saranno tracciate le linee orizzontali sufficienti a contenere i voti di preferenza. Sono vietati altri segni o indicazioni.

art.21

I bolli delle sezioni, di tipo identico, con numerazione unica progressiva conforme al modello allegato 6), sono forniti dal ministero dell'interno.

Le urne, fornite a cura dello stesso ministero, debbono avere le caratteristiche essenziali di uno dei modelli, di cui alle tabelle b) e 6) allegate alla predente legge.

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In ogni sezione devono essere adoperate urne di un solo mo_
dello?

art.22

Entro 15 giorni dalla pubblicazione del decreto di convoca_
zione dei comizi, la giunta municipale accerta la esistenza dei plichi sigillati contenenti i bolli e la integrità dei relativi sigilli e l'esistenza e il buono stato delle urne e dei tavoli occorrenti per le varie sezioni. Ciascuno dei suoi membri può ri_correre al prefetto perchè, ove ne sia il caso, provveda a far compiere gli inadempienti predetti.

art.23

In ciascuna sezione è costituito un ufficio elettorale com_posto di un presidente, di 5 scrutatori, dei quali il più anzia_no assume le funzioni di vice presidente, e di un segretario. Il presidente è designato dal primo presidente della corte d'appel_lo competente per territorio, fra i magistrati, gli avvocati e procuratori dell'avvocatura dello Stato, che esercitano il loro ufficio nel distretto della corte stessa, e, occorrendo, tra gli impiegati civili a riposo, i funzionari appartenenti al personal delle cancellerie e segreteria giudiziarie, i notai, i giudici conciliatori e vice pretori, gli avvocati, i procuratori, gli in_gegneri e ragionieri e sanitari regolarmente iscritti nei relativi albi, gli impiegati civili dello Stato, esclusi quelli dipendenti dai ministeri dell'interno, delle comunicazioni, delle poste e telegomfimicazioni e dei trasporti.

Presso la cancelleria di ciascuna corte di appello, sarà te_nuto al corrente, con le norme da stabilirsi dal ministero di 33 grazia e giustizia d'accordo con quello dell'interno, un elenco di persone idonee all'ufficio di presidente di seggio elettorale. In caso di impedimento del presidente, che sopravvenga in condizioni tali da non consentirne la surrogazione normale, assume la presi_denza il sindaco ed un suo delegato.

La enumerazione di queste categorie, salvo per quella dei ma_

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gistrati, non implica ordine di precedenza per la designazione.

Delle designazioni è data notizia ai magistrati ed ai cancel_ lieri e vice cancellieri e segretari degli uffici giudiziari, per mezzo dei rispettivi capi gerarchici; agli altri designati, median_ te notificazione da eseguirsi dagli ufficiali giudiziari di pretu_ ra o dagli uscieri degli uffici di conciliazione.

Al presidente dell'ufficio elettorale deve essere anticipato dal comune, in cui ufficio stesso ha sede, l'indennità di viaggio e di soggiorno spettante agli impiegati dello Stato di grado V, e VI a sensi del D.L.L. 28 giugno 1945, n.320.

art.24

Fra l'8° e il 4° giorno precedente le elezioni, in pubblica adunanza, preannunziato due giorni prima con manifesto all'albo pretorio del comune, la giunta comunale procede alla nomina degli scrutatori tra gli elettori del comune, che siano idonei alle fun_ zioni di scrutatore.

Se il comune sia retto da un commissario, questi procede alla nomina degli scrutatori con l'assistenza del segretario comuna_ le; ai nominati il sindaco notifica nel più breve termine, e al più tardi non oltre il 4° giorno precedente le elezioni, l'avvenu_ ta designazione, per mezzo di un ufficiale giudiziario o di un messo comunale.

A ciascuno degli scrutatori, il comune in cui ha sede l'uf_ ficio elettorale, deve anticipare una indennità di L.200.

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Art. 25

Il segretario del seggio é scelto, prima dell'insediamento dell'ufficio elettorale; dal presidente di esso, tra gli elettori residenti nel comune, che sappiano leggere e scrivere, preferibilmente compresi nelle categorie seguenti:

1°)- funzionari appartenenti al personale delle cancellerie e degli uffici giudiziari;

2°)- notai;

3°)- impiegati dello Stato o degli enti locali;

4°)- ufficiali giudiziari.

Al segretario deve essere anticipato dal comune, in cui ha sede l'ufficio elettorale, l'onorario di lire duecento se vi abita, e in caso diverso, le indennità di viaggio e di soggiorno spettanti agli impiegati dello Stato, ai sensi del decreto legislativo Luogotenenziale 28 giugno 1945, n.320.

Il processo verbale é redatto dal segretario in due esemplari e in esso deve essere tenuto conto di tutte le operazioni prescritte dalla presente legge. Il processo verbale é atto pubblico.

Art. 26

Le spese per le indennità e l'onorario anticipati dal comune ai presidenti dei seggi, agli scrutatori ed ai segretari, saranno rimborsate dallo Stato.

Art. 27

L'ufficio di presidente, di scrutatore e di segretario é

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obbligatorio per le persone designate.

Lo scrutatore più anziano che assume le funzioni di vice presidente coadiuva il presidente e ne fa le veci in caso di assenza o di impedimento.

Tutti i membri dell'ufficio, compresi i rappresentanti di lista, sono considerati, per ogni effetto di legge, pubblici ufficiali durante l'esercizio delle loro funzioni.

Per i reati commessi a danno dei membri dell'ufficio, compresi i rappresentanti di lista, si procede per citazione direttissima.

Art. 28

Salve le maggiori pene stabilite dall'art. 69 pel caso ivi previsto, coloro che, essendo designati all'ufficio di presidente, scrutatore o segretario, senza giustificato motivo rifiutino di assumerlo o non si trovino presenti all'atto dell'insediamento del seggio, incorrono nella multa da lire 3.000 a lire 5.000; alla stessa sanzione sono soggetti i membri dell'ufficio che, senza giustificati motivi, si allontanino prima che abbiano termine le operazioni elettorali.

Per i reati previsti dal presente articolo si procede per direttissima.

Art.29

Alle ore 16 del giorno precedente le elezioni il pre-

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sidente costituisce l'ufficio, chiamando a farne parte gli scrutatori e il segretario, e ad assistere alle operazioni elettorali, i rappresentanti delle liste dei candidati.

Se tutti o alcuno degli scrutatori non siano presenti o ne sia mancata la designazione, il presidente chiama in sostituzione alternativamente l'anziano e il più giovane fra gli elettori presenti, che sappiano leggere e scrivere e che non siano stati designati a rappresentanti di liste di candidati.

TITOLO V°
DELLA VOTAZIONE

Art. 30

La sala delle elezioni deve avere una sola porta di ingresso aperta al pubblico, salva la possibilità di assicurare un accesso separato alle donne.

La sala deve essere divisa in due compartimenti da un solido tramezzo, con una apertura centrale per il passaggio.

Il primo compartimento, in comunicazione diretta con la porta d'ingresso, é riservato agli elettori, i quali possono entrare nell'altro compartimento riservato allo ufficio elettorale soltanto per votare, trattenendovisi il tempo strettamente necessario.

Il tavolo dell'ufficio deve essere collocato in modo che i rappresentanti possano girarvi attorno, dopo chiusa

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la votazione. Le urne devono essere fissate sul tavolo stesso nei punti indicati nella tabella F allegata alla presente legge, ed essere sempre visibili a tutti.

Ogni sala deve avere da due a quattro tavoli destinati alla votazione (cabina), separati l'uno dall'altro e posti a conveniente distanza anche dal tavolo dell'ufficio e dal tramezzo, e muniti di un riparo che assicuri la segretezza delvoto.

Le porte e le finestre che si trovino nella parete adiacente ai tavoli, ad una distanza minore di due metri dal loro spigolo più vicino, devono essere chiuse in modo da impedire la vista ed ogni comunicazione dal di fuori.

Art. 31

Possono entrare nella sala della elezione soltanto gli elettori che presentino il certificato di iscrizione alla sezione rispettiva.

E' assolutamente vietato portare armi. Il contravventore a questo divieto é tratto in arresto, ed é punito con la reclusione da un mese ad un anno. L'arma é confiscata. Si procede per citazione direttissima.

Art. 32

Il presidente della sezione é incaricato della polizia dell'adunanza ed a tale effetto egli può disporre degli agenti della forza pubblica e delle forze armate per far espellere od arrestare coloro che disturbino il regolare procedimento delle operazioni elettorali o commettano

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reato.

La forza non può, senza la richiesta del presidente, entrare nella sala dell'elezione.

Però, in caso di tumulti o di disordini o per procedere alla esecuzione di mandati di cattura, gli ufficiali di polizia giudiziaria, possono, anche senza richiesta del presidente, entrare nella sala dell'elezione e farsi assistere dalla forza.

Hanno pure accesso nella sala gli ufficiali giudiziari per notificare al presidente proteste o reclami relativi alle operazioni della sezione.

Il presidente può, di sua iniziativa, e deve, qualora tre scrutatori ne facciano richiesta, disporre che la forza entri e resti nella sala della elezione, anche prima che comincino le operazioni elettorali.

Le autorità civili ed i comandanti militari sono tenuti ad ottemperare alle richieste del presidente, anche per assicurare ~~tempestivamente~~ fin dall'inizio il libero accesso degli elettori al locale in cui é la sezione, ed impedire gli assembramenti anche nelle strade adiacenti.

Quando abbia giustificato timore di altrimenti possa essere turbato il regolare procedimento delle operazioni elettorali, il presidente, uditi gli scrutatori, può, con ordinanza motivata, disporre che gli elettori, i quali abbiano vuotato, escano dalla sala e non vi rientrino se non dopo la chiusura della votazione. Può disporre altresì che gli elettori, i quali indugino artificiosamente nella espressione del voto o non rispondano all'invito di re

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stituire la scheda riempita, siano allontanati dalle cabine, previa restituzione della scheda, e siano riammessi a votare soltanto dopo che abbiano votato gli altri elettori presenti. Di ciò sarà dato atto nel processo verbale.

Art. 33

Appena accertata la costituzione dell'ufficio, il presidente estrae a sorte il numero progressivo di ogni gruppo di cento schede, le quali devono essere autenticate dagli scrutatori designati dal presidente.

Il presidente apre il pacco delle schede e distribuisce fra gli scrutatori un numero di schede corrispondente a quello degli elettori iscritti nella sezione.

Lo scrutatore scrive il numero progressivo sull'appendice di ciascuna scheda ed appone la sua firma sul lato destro della faccia posteriore della scheda stessa.

E' in facoltà di ciascun rappresentante di lista di apporre la sua firma sotto quella dello scrutatore.

Se uno scrutatore si allontana dalla sala, non può più firmare le schede ed é sostituito dal vice presidente.

Si tiene nota nel processo verbale delle serie di schede firmate da ciascun scrutatore.

Il presidente, a mano a mano che le schede sono firmate, le depone nella prima urna e, sotto la sua personale responsabilità, provvede alla custodia delle schede rimaste nel pacco, di cui al n. 5° dell'art. 19.

Compiute queste operazioni, il presidente rimanda le ulteriori operazioni alle ore 7 del giorno seguente, affidando la custodia delle urne e dei documenti alla forza pubblica.

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Art. 34

Alle ore 7 antimeridiane del giorno fissato per la votazione, il presidente riprende le operazioni elettorali, e previa constatazione della integrità del sigillo che chiude il plico contenente il bollo della sezione, apre il plico stesso e nel verbale fa attestazione del numero indicato nel bollo.

Imprime tale bollo a tergo di ciascuna scheda, riponendole tutte nella stessa urna.

Tali operazioni devono essere esaurite non oltre le nove antimeridiane. Successivamente il presidente dichiara aperta la votazione.

Art. 35

Non ha diritto di votare chi non é iscritto nelle liste degli elettori delle sezioni, salve le eccezioni previste dagli articoli 36 e 37.

Una copia delle liste degli elettori e quattro copie del manifesto contenente le liste dei candidati devono essere visibilmente affisse nella sala delle elezioni, durante il corso delle operazioni elettorali, in modo che possano essere lette dagli intervenuti.

Hanno inoltre diritto di votare coloro che si presentino muniti di una sentenza di corte d'appello che li dichiari elettori nella circoscrizione.

Art. 36

Gli scrutatori e rappresentanti delle liste dei candidati, nonché il presidente, e il segretario del seggio votano nella sezione nella quale esercitano il loro ufficio anche se siano iscritti come elettori in altre sezioni o in altre circoscrizioni.

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Art. 37

I militari delle forze armate e gli appartenenti a corpi organizzati militarmente per servizio dello Stato, sono ammessi a votare nel comune in cui si trovano, per causa di servizio.

Essi potranno esercitare il voto in qualsiasi sezione elettorale, in soprannumero agli elettori iscritti nella relativa lista, previa esibizione del certificato elettorale, con precedenza sugli altri elettori, e saranno inscritti, a cura del presidente dell'ufficio, in una lista aggiunta.

Nei comuni in cui normalmente hanno sede rilevanti contingenti di forze armate o di corpi militarmente organizzati per servizio dello Stato, potranno essere costituite, se necessario, speciali sezioni elettorali, con le stesse modalità prescritte per le normali sezioni, ma fuori degli edifici militari. E' vietato ai militari di recarsi inquadrati alle sezioni elettorali.

L'inscrizione dei militari nelle relative liste sarà fatta, a misura che si procede alla votazione, a cura del Presidente.

Art. 38

Gli elettori non possono farsi rappresentare né inviare il voto per iscritto.

Tuttavia, gli elettori i quali, per impedimento fisico evidente o validamente dimostrato all'ufficio, siano nell'impossibilità di votare, sono ammessi dal Presidente, a fare esprimere il voto da un elettore di loro fiducia.

Il segretario indica nel verbale il motivo specifico dell'impedimento e il nome dell'elettore delegato; il certificato medico eventualmente esibito é allegato al verbale.

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Art. 39

Dichiarata aperta la votazione, gli elettori sono ammessi a votare nell'ordine di presentazione. Essi devono esibire la carta d'identità o altro documento di indentificazione rilasciato

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dalla pubblica amministrazione, purché munito di fotografia. In tal caso, nell'apposita colonna di identificazione sulla lista autenticata dalla commissione elettorale, saranno indicati gli estremi del documento.

In mancanza di idoneo documento di identificazione, uno dei membri dell'ufficio che conosca personalmente l'elettore, ne attesta l'identità, apponendo la propria firma nella colonna di identificazione.

Se nessuno dei membri dell'ufficio può accertare sotto la sua responsabilità l'identità dell'elettore, questi può presentare un altro elettore del comune, noto all'ufficio, che ne attesti la identità. Il presidente avverte l'elettore che, se afferma il falso, sarà punito con le pene stabilite dall'art. 69

Si deve presumere noto all'ufficio qualunque elettore che sia stato già ammesso a votare.

L'elettore che attesta l'identità, deve apporre la sua firma nella colonna di identificazione sopra indicata.

In caso di dubbi sulla identità degli elettori, decide il presidente a norma dell'art. 46.

Qualsiasi alterazione di documenti prevista nel secondo comma di questo articolo é punita a norma dell'art. 69

Art. 40

Riconosciuta l'identità personale dell'elettore, il presidente stacca il tagliando del certificato elettorale, comprovante l'esercizio del diritto di voto, da conservarsi in apposito plico; estrae dalla prima urna una scheda e la consegna all'elettore opportunamente piegata, leggendo ad alta voce il numero scritto sull'appendice che uno degli scrutatori o il segretario segna sulla lista elettorale autenticata dalla commissione elettorale, nell'apposita colonna accanto al nome

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dell'elettore. Questi può accertarsi che il numero segnato sia uguale a quello della scheda.

L'elettore deve recarsi ad uno degli appositi tavoli e votare tracciando nella scheda, con la matita che gli sarà stata data dal presidente, un segno sul contrassegno corrispondente alla lista da lui prescelta. Con la stessa matita, indicherà il voto di preferenza previsto dall'art. 3 con le modalità stabilite dall'art. 43. L'elettore dovrà poi piegare la scheda secondo le linee in essa tracciate e chiuderla, inumidendone la parte gommata. Di queste operazioni il presidente gli darà preventive informazioni, astenendosi da ogni esemplificazione, e indicando in ogni caso le modalità e il numero dei voti di preferenza che l'elettore ha facoltà di esprimere.

Compiuta l'operazione di voto, l'elettore consegna al presidente la scheda chiusa e la matita. Il presidente constata la chiusura della scheda e, ove non sia chiusa, invita l'elettore a rientrare in cabina perché la chiuda; e quindi ne verifica la identità esaminando la firma ed il bollo, nonché confrontando il numero scritto sull'appendice con quello scritto sulla lista in osservanza del primo comma; ne distacca l'appendice seguendo la linea perforata e pone la scheda stessa nella seconda urna.

Uno dei membri dell'ufficio accerta che l'elettore ha votato, apponendo la propria firma accanto al nome di lui nella apposita colonna della lista, di cui sopra.

Le schede mancanti dell'appendice o non portanti il numero, il bollo o la firma dello scrutatore non sono poste nell'urna, ed l'elettore che le abbia presentate, non può più votare. Esse sono vidimate immediatamente dal presidente e da almeno due scrutatori ed allegate al processo verbale, il qua

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le farà anche menzione speciale degli elettori che, dopo rice= vuta la scheda, non la riconsegnino. La mancata riconsegna del la scheda e della matita é punita con l'ammenda da lire mille a lire tremila.

Art. 41

Una scheda valida rappresenta un voto di lista.

L'elettore può manifestare la preferenza esclusivamente per candidati della lista da lui votata. Il numero delle preferen= ze non può essere maggiore di uno se i deputati da eleggere sono fino a 15; di due, se sono da 16 a 30; di tre, se sono oltre 30.

Il voto di preferenza si esprime scrivendo a matita nera nel le apposite righe, tracciate nella parte centrale della scheda, il nome e cognome o il solo cognome dei candidati preferiti, com presi nella lista votata. In caso di identità di cognome tra candidati della stessa lista, dovrà scrivere anche il nome e co= gnome e, ove occorra, la paternità.

Qualora il candidato abbia due cognomi, l'elettore, nel dare la preferenza, può scriverne uno dei due. L'indicazione deve contene re, a tutti gli effetti, entrambi i cognomi quando vi sia possibi= lità di confusione fra più candidati.

L'indicazione delle preferenze può essere anche fatta scriven do, invece del cognome, il numero con il quale é contrassegnato nella lista il candidato preferito.

E' vietato ogni altro segno o indicazione.

Le preferenze espresse in eccedenza al numero stabilito per il collegio sono nulle, rimanendo valide le prime.

Le preferenze per candidati compresi in liste di altri colle= gi, aventi lo stesso contrassegno della lista votata, sono inef= ficaci?

Le preferenze per candidati compresi in una lista diversa, se=

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no causa di nullità della scheda.

Il voto di preferenza deve essere espresso anche quando l'elettore intenda attribuirlo ai candidati che, per effetto dell'ordine di precedenza di cui al n° 5 dell'art. 15, si trovano in testa alla lista votata.

Se l'elettore non abbia indicato alcun contrassegno di lista, ma abbia scritto una o più preferenze della medesima lista, s'intende che abbia votato la lista alla quale appartengono i preferiti.

Se più siano le preferenze espresse in numeri, queste devono essere segnate su righe separate; le preferenze scritte sulla stessa riga sono nulle se ne derivi incertezza.

Art. 42

Se l'espressione del voto non é compiuta nella cabina, il presidente dell'ufficio deve ritirare la scheda dall'elettore dichiarandone la nullità e l'elettore non é più ammesso al voto.

Il presidente dell'ufficio che trascura di far entrare l'elettore nella cabina o chiunque altro ne lo impedisca, é punito con la reclusione da tre mesi ad un anno.

Art. 43

Se un elettore riscontra che é deteriorata la scheda consegnatagli, ovvero egli stesso per negligenza od ignoranza la deteriora, può richiederne al presidente una seconda contro la restituzione della prima, la quale viene messa in piego, dopo che il presidente vi abbia scritto "scheda deteriorata", aggiungendo la sua firma.

20.

Il presidente deve immediatamente costituire nella prima urna la seconda scheda consegnata all'elettore con un'altra, che

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viene prelevata dal pacco delle schede residue e contrassegna ta con lo stesso numero di quella deteriorata, nonché col bol lo e con la firma dello scrutatore. Nella colonna della lista, di cui al primo comma dell'art. 40, é annotata la consegna del la nuova scheda.

In ugual modo si procede se l'ufficio verifichi che una scheda é deteriorata. In nessun caso sarà ammessa la consegna di una terza scheda.

Art. 44

La votazione deve restare aperta fino alle ore ventitrè. Tut tavia gli elettori che siano ancora nella sala sono ammessi a votare.

Art. 45

Qualora si verifichi la materiale impossibilità di usare del bollo, delle urne e dei tavoli per l'ufficio e per la vo= tazione quali sono prescritti dagli articoli 19 e 30, il presi dente, udito il parere degli scrutatori, può, con ordinanza mo tivata, ammettere l'uso di quel bollo, di quelle urne e di quei tavoli che meglio rispondano alla sincerità e segretezza del voto, nonché al buon ordine delle operazioni elettorali, rimanendo però riservata alla assemblea la eventuale dichiara zione di nullità di queste.

Art. 46

Il presidente, udito il parere degli scrutatori, pronunzia in via provvisoria, salvo il disposto dell'art. 60, sopra tut= te le difficoltà e gli incidenti intorno alle operazioni del= la sezione, e sulla nullità dei voti.

Tre membri almeno dell'ufficio, fra cui il presidente o il

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vice presidente, devono trovarsi sempre presenti a tutte le operazioni elettorali.

TITOLO VI

Dello scrutinio

Art.47

Adempiuto a quanto é prescritto dall'art. 44 e sgombrato il tavolo dalle carte e dagli oggetti non necessari per lo scrutinio, il presidente:

1°- dichiara chiusa la votazione;

2°- accerta il numero dei votanti risultanti dalla lista elettorale autenticata dalla commissione elettorale, dalla lista di cui all'art. 37 e dai tagliandi dei certificati elettorali. Le liste suddette devono essere firmate in ciascun foglio da due scrutatori, nonché dal presidente, ed essere chiuse in un piego sigillato con lo stesso bollo dell'ufficio.

Sul piego appongono la firma il presidente ed almeno due scrutatori, nonché i rappresentanti delle liste dei candidati che lo vogliano ed il piego stesso é immediatamente consegnato o trasmesso al pretore del mandamento che ne rilascia ricevuta;

3°- estrae e conta la schede rimaste nella prima urna e riscontra se, calcolati come votanti gli elettori che dopo aver ricevuto la scheda, non l'abbiano riportata o ne abbiano consegnata una senza appendice o senza il numero o il bollo o la firma dello scrutatore, corrispondano al numero degli elettori iscritti che non hanno votato. Tali schede, nonché quelle rimaste nel pacco consegnato al presidente dal sindaco ed i tagliandi dei certificati elettorali, vengono con le stesse forme indicate nel n° 2, consegnate o trasmesse al pretore del mandamento;

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4°- provvede alla chiusura dell'urna contenente le schede non spogliate ed alla formazione di un piego, nel quale debbono essere riposte le carte relative alle operazioni già compiute ed a quelle da compiere nel giorno successivo. All'urna ed al piego devono apporsi le indicazioni del collegio e delle sezioni, il sigillo col bollo di cui all'art.34 e quello dei rappresentanti di lista che vogliano aggiungere il proprio, nonché le firme del presidente e di almeno due scrutatori. Indi, il presidente rinvia lo scrutinio al giorno successivo e provvede alla custodia della sala in modo che nessuno possa entrare.

Le suddette operazioni debbono essere eseguite nell'ordine indicato; di esse e del loro risultato si fa menzione nel processo verbale, nel quale si prenderà anche nota di tutti i reclami presentati, delle proteste fatte, delle decisioni prese dal presidente, nonché delle firme e dei sigilli di cui al numero quattro.

Art. 48

Trascorse due ore dalla chiusura della votazione, se per contestazioni insorte o per qualsiasi altra causa, non abbiano potuto compiersi le operazioni indicate ai numeri 1°-2°-3° del precedente articolo, il presidente deve chiudere l'urna contenente le schede non spogliate ed eventualmente quella contenente le schede non distribuite, e riporre in un piego, secondo i casi, le liste di cui al n° 2 dell'articolo precedente, le schede rimaste nel pacco consegnato al presidente dal sindaco, le schede che si trovassero fuori delle urne e tutte le altre carte relative alle operazioni da concludere ed a quelle che rimangono da compiersi.

Alla chiusura delle urne e alla formazione del piego, si

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proceda con le norme indicate al numero quattro dello stesso articolo, facendone menzione nel processo verbale. Poi il presidente rinvia le operazioni al giorno seguente e provvede alla custodia della sala in modo che nessuno possa entrare.

Il verbale deve essere redatto in doppio esemplare, firmato in ciascun foglio e sottoscritto, seduta stante, da tutti i membri presenti dell'ufficio. Dopo di che, l'adunanza viene sciolta immediatamente.

Art. 49

Alle ore 8 del giorno successivo a quello delle elezioni, il presidente ricostituisce l'ufficio e chiama ad assistere alle operazioni i rappresentanti delle liste dei candidati; indi, constatata la integrità delle urne e dei sigilli:

1°- procede al compimento delle operazioni che non fossero state condotte a termine il giorno precedente;

2°- procede allo spoglio dei voti. Uno scrutatore, designato dalla sorte, estrae successivamente dalla seconda urna ciascuna scheda e la consegna al presidente. Questi, aperta la scheda, enuncia ad alta voce il contrassegno ed, ove occorra, il numero progressivo della lista per la quale é espresso il voto ed il cognome dei candidati pei quali sia stato espresso il voto di preferenza e il numero del candidato stesso nella rispettiva lista secondo l'ordine di presentazione, e passa la scheda ad un altro scrutatore, il quale, insieme con il segretario, prende nota del numero dei voti che va ripertando ciascuna lista e dei voti di preferenza attribuiti a ciascun candidato. Il segretario proclama ad alta voce i voti di lista e i voti di preferenza. Un terzo scrutatore pone la scheda, il cui voto é stato spogliato, nella prima urna dalla

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quale furono tolte le schede non usate.

E' vietato estrarre dalla seconda urna una scheda, se quella precedentemente estratta non sia stata, dopo spogliato il voto, posta nella prima urna. Le schede non possono essere toccate da altri fuorché dai componenti del seggio;

3°- conta il numero delle schede spogliate e riscontra se corrisponda tanto al numero dei votanti quanto al numero dei voti riportati complessivamente dalle liste dei candidati, sommato a quello dei voti di lista nulli e dei voti di lista contestati, che non siano stati assegnati ad alcuna lista;

4°- accerta la rispondenza numerica delle cifre segnate nelle varie colonne del prospetto del verbale col numero dei votanti e degli inscritti e, in caso che tale rispondenza man chi, ne indica la ragione.

Le suddette operazioni debbono essere compiute nell'ordine indicato: del compimento e del risultato di ciascuna di esse deve farsi menzione nel verbale.

Le schede corrispondenti a voti nulli o contestati a qualsiasi effetto, in qualsiasi modo o per qualsiasi causa, e le carte relative ai reclami ed alle proteste devono essere immediatamente vidimate dal presidente e da almeno due scrutatori, ed alla fine delle operazioni di scrutinio devono essere riposte in un piego che, insieme con quello delle schede deteriorate e delle schede consegnate senza appendice o numero, o bollo, o firma dello scrutatore, deve essere a sua volta chiuso in un altro piego portante l'indicazione della sezione, il sigillo col bollo, di cui all'art. 34 e quello dei rappresentanti delle liste dei candidati presenti, le firme del presidente e di almeno due scrutatori; il piego deve essere annesso all'esemplare del verbale, di cui al secondo comma dell'art. 52.

Tutte le altre schede spogliate vengono chiuse in un piego con le indicazioni, le firme ed i sigilli prescritti nel precedente

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comma da depositarsi nella cancelleria della pretura a termini dell'art. 52.

Nel verbale deve farsi menzione di tutti i reclami presentati, delle proteste fatte, dei voti contestati (siano stati o non attribuiti alle liste o ai candidati) e delle decisioni prese dal presidente.

Tutte le operazioni sopra previste devono essere proseguite senza interruzione e ultimate entro le ore 24.

Art. 50

Oltre i casi di nullità previsti dagli articoli 40,41 e 42 sono nulli i voti quando:

1°- le schede non siano quelle prescritte dall'art. 20, ovvero, sebbene non portino il bollo e la firma, di cui all'articolo 33 e 34, siano state accettate e poste nella seconda urna, ovvero vi siano state poste senza che ne sia stata prima staccata l'appendice;

2°- le schede presentino qualsiasi traccia di scrittura o segni i quali debbano ritenersi fatti artificiosamente;

3°- le schede non esprimano il voto per alcuna delle liste o lo esprimano per più di una lista o quando non possa identificarsi la lista prescelta.

Art. 51

Se per causa di forza maggiore l'ufficio non possa ultimare le operazioni di cui al penultimo comma dell'art. 48, entro il termine prescritto, il presidente deve, alle ore 24, chiudere l'urna contenente, secondo i casi, le schede non distribuite o le schede già spogliate, l'altra urna contenente le schede non spogliate, e chiudere in un piego le schede residue, quelle che si trovassero fuori dalle urne, e gli altri documenti e carte di cui al penultimo comma dell'art. 48.

Alla chiusura delle urne ed alla formazione del piego si applicano le prescrizioni degli articoli precedenti.

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Le urne ed il piego, insieme col verbale e con le carte annesse, vengono subito recate, a norma dell'art. 52 nella cancelleria del tribunale nella cui circoscrizione ha sede la sezione, e consegnate al cancelliere, il quale ne diviene personalmente responsabile.

In caso d'inadempimento si applica la disposizione dell'ultimo comma dell'art. 52.

Art. 52

Il presidente dichiara il risultato dello scrutinio e lo certifica nel verbale, il quale deve essere redatto in doppio esemplare e deve essere firmato in ciascun foglio e sottoscritto, seduta stante, da tutti i membri presenti dell'ufficio e dai rappresentanti delle liste presenti. Il verbale viene poi immediatamente chiuso in un piego che deve essere sigillato col bollo dell'ufficio e sul quale appongono la firma il presidente, almeno due scrutatori ed i rappresentanti delle liste presenti. Dopo di che l'adunanza viene sciolta immediatamente.

Il presidente, o, per sua delegazione scritta, due scrutatori, recano immediatamente il piego chiuso e sigillato contenente un esemplare del verbale con le schede e carte di cui all'articolo 49 alla cancelleria del tribunale nella cui circoscrizione ha sede la sezione.

La cancelleria del tribunale provvede all'immediato inoltro alla cancelleria della Corte d'appello circoscrizionale, del piego previsto dal comma precedente, nonché delle urne e dei pieghi e gli altri documenti di cui agli art. 49 e 51.

L'altro esemplare del suddetto verbale e di quello redatto a norma dell'art. 48, viene, entro il secondo giorno susseguente a quello delle elezioni, depositato nella segreteria del comune, dove si é radunata la sezione, ed ogni elettore

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della circoscrizione ha diritto di prenderne conoscenza.

Il piego delle schede spogliate, insieme con l'estratto del verbale relativo alla formazione e all'invio di esso nei modi prescritti dall'articolo precedente, viene subito portato da due membri almeno dell'ufficio della sezione, al pretore, il quale, accertata l'integrità dei sigilli e delle firme, vi appone il sigillo e la firma propria e redige verbale della consegna.

Il pretore invita gli scrutatori ed i rappresentanti delle liste ad assistere, ove credano, entro il termine di giorni tre, all'apertura del piego contenente la lista di cui all'art. 47 n° 2, ed alla compilazione, a cura del cancelliere, di un estratto da lui vistato in ciascun foglio.

Gli scrutatori ed i rappresentanti delle liste intervenuti possono pure apporre in ciascun foglio la loro firma.

Tale estratto viene immediatamente rimesso al sindaco del comune, dove si é radunata la sezione, il quale ne cura il deposito per quindici giorni nella segreteria; ogni elettore della circoscrizione ha diritto di prenderne conoscenza.

Qualora non siasi adempiuto a quanto prescritto nel secondo, terzo e quarto comma del presente articolo, il presidente della corte d'appello può far sequestrare i verbali, le urne, le schede e le carte, ovunque si trovino.

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Art. 53

La corte d'appello, nella cui giurisdizione trovasi il comune capoluogo del collegio o la sezione della corte stessa designata dal primo presidente, funziona, con l'intervento di tre magistrati, da ufficio centrale e procede entro 24 ore dal ricevimento degli atti, con l'assistenza del cancelliere, alle operazioni seguenti:

I° - fa lo spoglio delle schede eventualmente inviate dalle sezioni in conformità dell'art. 51, osservando, in quanto siano applicabili, le disposizioni degli artt. 47, 48, 49, 50, e 52;

2° - facendosi assistere, ove creda, da uno o più esperti scelti dal Presidente, determina la cifra elettorale di ogni lista e la cifra individuale di ogni candidato.

La cifra elettorale di lista è data dalla somma dei voti validi ottenuti da ciascuna lista nelle singole sezioni del collegio.

La cifra individuale è data dalla somma dei voti validi di preferenza, riportati da ciascun candidato.

La cifra elettorale serve di base per l'assegnazione del numero dei deputati spettanti a ciascuna lista. Tale assegnazione si fa nel modo seguente:

si divide ciascuna cifra elettorale successivamente, per 1, 2, 3, 4.....sino a concorrenza del numero dei deputati da eleggere e quindi si scelgono, fra i quozienti così ottenuti, i più alti, in numero uguale a quello dei deputati da eleggere, disponendoli in una graduatoria decrescente. Ciascuna lista avrà tanti rappresentanti quanti sono i quozienti ad essa appartenenti, compresi nella graduatoria. A parità di quoziente, il posto è attribuito alla lista che ha ottenuto la maggiore cifra elettorale; a parità di quest'ultima, si procede a sorteggio.

Se a una lista spettano più posti di quanti sono i suoi candidati, i posti eccedenti sono distribuiti fra le altre liste secondo l'ordine dei quozienti.

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Stabilito il numero dei deputati assegnati a ciascuna lista, l'ufficio centrale determina: a) la graduatoria dei candidati di ciascuna lista, a seconda delle rispettive cifre individuali; b) il limite di efficacia (quorum) dei voti di preferenza delle singole liste, dividendo per cinque le rispettive cifre elettorali.

Art. 54

Il presidente, in conformità dei risultati accertati dall'ufficio centrale proclama eletti, nei limiti dei posti ai quali la lista ha diritto, e seguendo la graduatoria prevista alla lettera a) dell'ultimo comma, del precedente articolo, quei candidati che hanno ottenuto cifre individuali non inferiori al limite di efficacia (quorum) determinato in base alla successiva lettera b) del medesimo articolo. Comma.

Quando il numero dei candidati con cifra individuale maggiore o uguale al quorum, sia inferiore al numero totale dei posti attribuiti alla lista, il presidente proclame eletti, fino alla concorrenza di questo numero, gli altri candidati della lista, in base all'ordine di precedenza di cui all'articolo 15, n°5.

Art. 55

L'ufficio centrale pronuncia provvisoriamente sopra qualunque incidente relativo alle operazioni ad esso affidate, salvo giudizio definitivo degli organi di verifica dei poteri.

E' vietato all'ufficio centrale di deliberare e anche di discutere sulla valutazione dei voti, sui reclami, le proteste, gli incidenti avvenuti nelle sezioni, di variare i risultati dei verbali e di occuparsi di qualsiasi altro oggetto che non sia di sua competenza. 10

Non può essere ammesso nell'aula, dove siede l'ufficio centrale, l'elettore che non presenti ogni volta il certificato d'iscrizione nelle liste del collegio. Nessun elettore può entrare armato. L'aula deve essere divisa in due compartimenti da un solido tramezzo. Nel compartimento, ove è la porta d'ingresso, stanno gli elettori; l'altro è esclusivamente riservato all'uf-

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ficio centrale e ai rappresentanti delle liste dei candidati designati con le condizioni indicate nell'art. 16.

Il presidente ha tutti i poteri spettanti ai presidenti delle sezioni. Per ragioni di ordine pubblico egli può, inoltre, disporre che si proceda a porte chiuse; anche in tal caso, salvo quanto è stato stabilito dal secondo comma dell'art. 16, hanno diritto di essere ammessi e di rimanere nell'aula i rappresentanti delle liste dei candidati.

ART. 56

Dell'avvenuta proclamazione, il presidente dell'ufficio centrale invia attestato ai deputati proclamati e dà immediata notizia alla Segreteria....., nonchè alle singole prefetture, che la portano a conoscenza del pubblico.

ART. 57

Di tutte le operazioni dell'ufficio centrale deve, in doppio esemplare, redigersi processo verbale che, seduta stante deve essere firmato in ciascun foglio e sottoscritto dal presidente, dagli altri magistrati, dal cancelliere e dai rappresentanti di lista presenti.

Nel verbale devono essere indicati, in appositi elenchi, i nomi dei candidati di ciascuna lista non eletti, nell'ordine determinato in conformità dell'art.53.

Uno degli esemplari del verbale con i documenti annessi, nonchè tutti i verbali delle sezioni con i relativi atti e documenti ad essi allegati, devono essere inviati subito dal presidente dell'ufficio centrale alla segreteria....., la quale deve rilasciarne ricevuta.

L'organo di verifica dei poteri accerta anche, agli effetti dell'art.59, l'ordine di precedenza dei candidati non eletti e si pronuncia sui relativi reclami.

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L'altro esemplare del verbale è depositato nella cancelleria della corte d'appello.

ART. 58

Il deputato eletto in due collegi deve dichiarare alla presidenza dell'assemblea, entro otto giorni dalla convalida delle due elezioni, quale collegio prescelga. Mancando la opzione, si procede a sorteggio.

ART. 59

Il seggio che rimanga vacante per qualsiasi causa, anche se sopravvenuta, sarà attribuito al candidato che nella medesima lista segue immediatamente l'ultimo eletto nell'ordine accertato dall'organo di verifica dei poteri.

ART. 60

L'assemblea costituente pronunzierà giudizio definitivo sulle contestazioni, le proteste e, in generale, su tutti i reclami presentati agli uffici delle singole sezioni elettorali o all'ufficio centrale o posteriormente.

I voti delle sezioni annullate non hanno alcun effetto.

Le proteste, i reclami non presentati agli uffici delle sezioni o all'ufficio centrale devono essere trasmessi alla segreteria.....entro il termine di venti giorni dalla proclamazione fatta dall'ufficio centrale. La segreteria ne rilascerà ricevuta.

Nessuna elezione può essere convalidata prima che siano trascorsi venti giorni dalla proclamazione.

TITOLO VII

Disposizioni speciali per il collegio "Val d'Aosta"

ART. 61

La elezione uninominale nel collegio "Valle d'Aosta"

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agli effetti dall'art. 22 del decreto legislativo Luogotenenziale 7 settembre 1945, n. 545, è regolata dalle disposizioni dei precedenti articoli, in quanto applicabili, e con le modificazioni seguenti.

I° - Alla "Valle d'Aosta" spetta un solo deputato, secondo il riparto stabilito nella tabella A, annessa alla presente legge;

2° - La candidatura deve essere proposta con dichiarazione sottoscritta, anche in atti separati, da almeno 200 e non più di 300 elettori del collegio;

3° - La dichiarazione di candidatura deve essere depositata non più tardi delle ore 16 del 40° giorno anterio e a quello della elezione, insieme con il contrassegno di ciascun candidato, presso la cancelleria del tribunale di Aosta;

4° - La votazione avverrà con scheda stampata a cura del Ministero dell'Interno, la quale conterrà il solo contrassegno di ciascun candidato, secondo il modello risultante dalla tabella G, allegata alla presente legge.

L'elettore, per la scelta del candidato, traccerà un segno con la matita nera sul contrassegno corrispondente.

Una scheda valida rappresenta un voto individuale.

ART. 62

Il tribunale di Aosta, con l'intervento di tre magistrati, ha le funzioni di ufficio centrale elettorale.

E' proclamato eletto il candidato che ottiene il maggior numero di voti.

In caso di parità, è eletto il candidato più anziano.

TITOLO VIII

Disposizioni penali

ART. 63

Chiunque, per ottenere a proprio od altrui vantaggio la firma per una dichiarazione di presentazione di candidatura o il voto elettorale o l'astensione, offre, promette o somministra denaro, valori, impieghi pubblici o privati, o qualunque altra

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utilità ad uno o più elettori, o per accordo con essi ed altre persone, è punito con la reclusione da sei mesi a tre anni e con la multa da 3.000 a lire 20.000, anche quando l'utilità promessa sia stata dissimulata, sotto il titolo di indennità pecuniaria data all'elettore per spese di viaggio o di soggiorno o di pagamento di cibi e bevande o rimunerazioni sotto pretesto di spese o servizi elettorali.

La stessa pena si applica all'elettore che, per apporre la firma ad una dichiarazione di presentazione di candidatura o per dare o negare il voto elettorale o per astenersi dal firmare una dichiarazione di presentazione di candidatura o votare, ha accettato offerte o promesse o ha ricevuto denaro o altra utilità.

ART. 64

Chiunque usa violenza o minaccia ad un elettore o a persona di sua famiglia per costringerlo a firmare una dichiarazione di presentazione di candidatura od a votare in favore di una determinata lista o di un determinato candidato, o ad astenersi dal firmare una dichiarazione di presentazione di candidatura, o dall'esercitare il diritto elettorale, o, con notizie da lui conosciute false, con raggiri od artifizi, ovvero con qualunque mezzo illecito atto a diminuire la libertà degli elettori, esercita pressione per costringerli a firmare una dichiarazione di presentazione di candidatura od a votare in favore di determinate liste o di determinati candidati, o ad astenersi dal firmare una dichiarazione di presentazione di candidatura, o dall'esercitare il diritto elettorale, è punito con la pena della reclusione da sei mesi a cinque anni e con multa da 3.000 a lire 20.000.

La pena è aumentata se la violenza, la minaccia o la pressione è commessa con armi, o da persona travisata o da più persone riunite, o con scritto anonimo, o in modo simbolico o a nome di classi, gruppi di persone, associazioni o comitati

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esistenti o supposti.

Se la violenza o la minaccia è commessa da più di cinque persone riunite, mediante uso di armi anche soltanto da parte di una di esse, ovvero da più di dieci persone, pur senza uso di armi, la pena è della reclusione da tre a quindici anni e della multa fino a lire 20.000.

ART. 65

I pubblici ufficiali, gli incaricati di un pubblico servizio e gli esercenti in servizio di pubblica necessità, i quali, abusando delle loro funzioni, direttamente o col mezzo di istruzioni date alle persone loro dipendenti in via gerarchica, si adoperino a costringere gli elettori a firmare una dichiarazione di presentazione di candidatura od a vincolare i suffragi degli elettori a favore od in pregiudizio di determinate liste o di determinati candidati o ad indurli alla astensione, sono puniti con la reclusione da sei mesi a tre anni e con la multa da 3.000 a lire 20.000.

Le predette multa e reclusione si applicano ai ministri di un culto, che con allocuzioni o discorsi in luoghi destinati al culto o in riunioni di carattere religioso o con promesse o minacce spirituali si adoperano a costringere gli elettori a firmare una dichiarazione di presentazione di candidatura od a vincolare i voti degli elettori a favore od in pregiudizio di determinare liste o di determinati candidati o ad indurli all'astensione.

ART. 66

Chiunque, singolarmente o in concorso con altre persone, con minacce o con atti di violenza turba il regolare svolgimento delle adunanze elettorali, impedisce il libero esercizio del diritto di voto o in qualunque modo altera il risultato della votazione, è punito con la reclusione da uno a cinque anni e con la multa da 3.000 a lire 20.000.

Chiunque forma falsamente in tutto o in parte liste di elettori o di candidati, schede od altri atti dal a presente legge

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destinati alle operazioni elettorali o altera uno di tali atti veri, oppure sostituisce, sopprime o distrugge in tutto o in parte uno degli atti medesimi è punito con la reclusione da uno a sei anni. E' punito con la stessa pena chiunque fa uso di uno di detti atti falsificati, alterati o sostituiti, ancorchè non sia concorso nella consumazione del fatto.

Se il fatto sia commesso da chi appartiene all'ufficio elettorale, la pena è della reclusione da due a otto anni e della multa da 10.000 a lire 20.000.

ART.67

Chiunque, senza averne diritto, durante le operazioni elettorali si introduce nella sala dell'ufficio di sezione o nell'aula dell'ufficio centrale, è punito con l'arresto sino a tre mesi e con l'ammenda fino a lire 2000. Chiunque si introduce armato ~~nelle sale~~ nell'aula stesse, ancorchè sia elettore o membro dell'ufficio, è punito con la reclusione ~~fino a sei mesi~~ e con la multa fino a lire 10.000.

Chiunque nelle sale anzidette, con segni palesi di approvazione o disapprovazione od altrimenti, cagiona disordini, qualora richiamato all'ordine dal presidente non obbedisca, è punito con l'arresto fino a tre mesi e con l'ammenda fino a lire 2.000.

ART. 68

Chi, trovandosi privato o sospeso dall'esercizio del diritto di elettore o assumendo il nome altrui si presenta a dare il voto in una sezione elettorale ovvero chi dà il voto in più sezioni elettorali di uno stesso collegio o di collegi diversi è punito con la reclusione fino a due anni e con la multa sino a lire 20.000.

Chi, nel corso delle operazioni elettorali, enuncia fraudolentemente come designato un contrassegno di lista o un cognome diversi da quelli della lista o del candidato per cui fu espresso il voto, o incaricato di esprimere il voto per un elettore, che non può farlo, lo esprime per una lista o per un candidato diverso da quella o da quello indicatogli, è punito con la reclusione da uno a sei anni e con multa da 5.000 a lire 20.000.

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ART. 69

Chiunque concorre all'ammissione al voto di chi non ne ha il diritto o alla esclusione di chi lo ha o concorre a permettere a un elettore, non fisicamente impedito, di farsi assistere da altri nella votazione, e il medico che a tale scopo abbia rilasciato un certificato non conforme al vero, sono puniti con la reclusione da sei mesi a due anni e con multa sino a lire 10.000. Se tali reati sono commessi da coloro che appartengono all'ufficio elettorale, i colpevoli sono puniti con la reclusione fino a tre anni e con multa fino a lire 20.000.

Chiunque, appartenendo all'ufficio elettorale, con atti od omissioni contrari alla legge, rende impossibili il compimento delle operazioni elettorali o cagiona la nullità delle elezioni o ne altera il risultato o si astiene dalla proclamazione dell'esito delle votazioni, è punito con la reclusione da tre a sette anni e con la multa da 10.000 a lire 20.000.

Chiunque, appartenendo all'ufficio elettorale, impedisce la trasmissione, prescritta dalla legge, di liste di elettori, di liste di candidati, parte, pieghi, schede od urne, rifiutandone la consegna od operandone il trafugamento, è punito con la reclusione da tre a sette anni e con la multa da 10.000 a lire 20.000.

Il segretario dell'ufficio elettorale, che rifiuta di inscrivere o allegare un processo verbale, proteste o reclami di elettori, è punito con la reclusione da sei mesi a tre anni e con la multa sino a lire 20.000.

I rappresentanti delle liste dei candidati, che impediscono il regolare procedimento delle operazioni elettorali, sono puniti con la reclusione da due a cinque anni e con la multa da 10.000 a lire 20.000.

Chiunque fa indebito uso dei documenti di identità personale è punito con la reclusione sino a un anno e con multa fino a lire 10.000 e chiunque produce alterazioni sui documenti stessi, a scopo di frode nella identificazione dell'elettore, è punito con la reclusione da sei mesi a tre anni e con la multa fino a lire 10.000.

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Chiunque, al fine di votare senza averne il diritto o di votare un'altra volta, faccia indebito uso del certificato elettorale, è punibile con la pena della reclusione da sei mesi a due anni e con la multa fino a lire 20.000.

Chiunque, al fine di impedire comunque il libero esercizio al diritto elettorale, faccia incetta di certificati elettorali è punito con la reclusione da sei mesi a tre anni e con la multa fino a lire 20.000.

ART. 70

Ai pubblici ufficiali imputati di taluno dei reati contemplati nella presente legge non sono applicabili le disposizioni degli articoli 22, 51 e 121 del R.D. 3 marzo 1934, n°333, Testo Unico della legge comunale e provinciale.

ART. 71

Le condanne per reati elettorali, ove venga dal giudice applicata la pena della reclusione producono sempre la sospensione dal diritto elettorale e da tutti i pubblici uffici per un tempo non minore di un anno.

Ove la detta condanna colpisca il candidato, la privazione del diritto elettorale e di eleggibilità è pronunziata per un tempo non minore di cinque anni.

Il giudice può ordinare, in ogni caso, la pubblicazione della sentenza di condanna.

Resta sempre salva l'applicazione delle maggiori pene stabilite nel codice penale per reati non punibili dalla presente legge.

Ai reati elettorali non sono applicabili le disposizioni degli articoli dal 163 al 167 del codice penale e dell'art.487 del codice di procedura penale, relative alla sospensione della esecuzione della condanna.

ART. 72

L'autorità giudiziaria, cui siano stati rimessi per delibe-

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razione dell'assemblea costituente atti di elezioni contestate, dovrà ogni tre mesi informare la presidenza dell'assemblea stessa delle decisioni definitive rese nei relativi giudizi o indicare sommariamente i motivi per i quali le decisioni definitive non hanno ancora potuto pronunziarsi.

ART. 73

La presente legge entrerà in vigore lo stesso giorno della sua pubblicazione nella Gazzetta Ufficiale del Regno.

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Vco PASQUALE DI MARTINO

GRAGNANO - NAPLES

DATES: FROM 1943 TO

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GRAGNANO - NAPLES

DATES: FROM 1943 TO

TOTAL DOCUMENTS 4

DOCUMENTS TO BE FILMED 4

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