

ACC

10000/141/785

PREPARATION OF EL
RIGHT TO VOTE
SEPT. 1945

10000/141/785

PREPARATION OF ELECTORAL LISTS, EPURATION OF SENATORS
RIGHT TO VOTE
SEPT. 1945

INTERESTED PARTIES:

FILE

THE

19.01

10 Sept

CAS

1. Paras. 1 and 2 of folio ¹~~35~~ I believe should be of interest to the V.P. and Exec. Comm. ¹~~35~~

2. The questions mentioned in paras. 3 and 4 of folio ¹~~35~~ have been pursued and answered in a letter to you, copy on this file (folio ²~~36~~). ²

Atty Genl, Major
D/Dir. Lg J/c

MINUTE SHEET 26

Minute No. 1

10 Sept. 45 CAS

1. Paras. 1 and 2 of folio 1 I believe should be of interest to the VP and Exec. Comm.

2. The question mentioned in para 3 of folio 1 has been pursued and answered in a letter to you, copy on this file (folio 2)

(Signed) R. R. Temple, Major
D/Dir. Local Govt. S/C

Minute No. 2

10 Sept. 45 ECS:

The EC may wish to see paras 1 & 2 of fo. 1 and paras 3 and 4 of fo. 2.

(Signed)
Lt. Col. White
C.S.O. CAS

Fo. 1 is rather
hopeful

(Signed) ? 12/9

Minute No. 3

12 Sept. 45 Chief Commissioner:

Attached is submitted for your information
Paras 1 and 2 of fo. 1 -
Folio 2

(Signed) M. S. Lush 12/9

Noted by CC

(Signed) E. W. S. 13/9

Minute No. 4

19 Sept. 45 C A S:

Ref. Minute 3. Paras mentioned seen and noted as above.

(Signed) E. Talbot
Office, Ex. C.

4438

and answered in a letter to you, copy on this file (folio 2)

(Signed) R. R. Temple, Major
D/Dir. Local Govt. S/C

Minute No. 2

10 Sept. 45 ECS:

The EC may wish to see paras 1 & 2 of fo. 1 and paras 3 and 4 of fo. 2.

(Signed)
Lt. Col. White
C.S.O. CAS

Fo. 1 is rather
hopeful

(Signed) ? 12/9

Minute No. 3

12 Sept. 45 Chief Commissioner:

Attached is submitted for your information
Paras 1 and 2 of fo. 1 -
Folio 2

(Signed) M. S. Lush 12/9

Noted by CC

(Signed) E. W. S. 13/9

Minute No. 4

19 Sept. 45 C A S:

Ref. Minute 34. Paras mentioned seen and noted as above.

(Signed) E. Talbot
Office, Ex. C.

L. Gvt. 20/9 (Signed) Lt. Col. White

Minute No. 5

21 Sept. 45 Major W.:

To see fo. 3.

(Signed) R. R. Temple
D/Dir. Local Govt. S/C

28 Sept.

D/Dir. 28 Sept. 70.3 noted. It appears to advise already
tendered by us at fo. 2 + M.A. is required. You will
I have had these papers made into a separate file
ECS

MINUTE SHEET NO.

DATE	PAGE
	82-
ECs. The EC may wish to see paras 1 + 2 of 35 and paras 3 + 4 of 36. 35-4 in line CA 35-4 hopeful. SEP 13-5 12/5	W. W. H. H.

Chief Commissioner.

Attached is submitted for your signature information

Paras 1 + 2 of 35-
P. 36

SEP 13-5
12/10

Noted by CS
DS/MS

84-

CA Sec

Ref. Minute 82. Paras mentioned even and noted as above.

19 Sep 45.

E. Talbot
OFFICE, Ex. C.

CA 5
085175-5
hopeful.
12/9

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Chief Commissioner.

Approved
Attached is submitted for your signature
information

SEP 19 1960
SEP 21 1960

Noted by CS
[Signature]

Paras 152 & 35-
P. 36

DS [Signature]

84

CA Sec

Ref. Minute 82. Paras mentioned
even on noted as above.

19 Set 45.

E. Talbot
OFFICE, Ex. C.

85

Waj. W.-

To see folio 37.

RRT [Signature]

24 Sep.

45/A

THE MINISTRY OF THE INTERIOR
Direction General of
Civil Administration
Electoral Service.

Rome the 22nd September 1945

To the Hon.
ALLIED COMMISSION
Local Government S/C.

File: 15600/P/1

Subject : Disqualification of dismissed members of Legislative Assemblies.

- 1)- Reference is made to query put by Maj. Temple to an official of the electoral service as to whether Senators discharged by decision of the High Court of Justice are to be deprived of electoral rights.
- 2)- In this connection this Ministry's opinion is that members of Legislative Assemblies dismissed upon decision of the High Court of Justice are not necessarily disqualified.
- 3)- However, these members may be submitted to the Provincial Commissions (art. 8 of D.L.L. 27 July 1944, n. 159) who, in the cases contemplated in the above article and subsequent amendments, shall decide and act as necessary.

For the Minister
Vicedomini.

Translated and typed
27th September 1945, J.C.

Maj. W.

Please acknowledge

*OK T
20 Sept*

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Ministero dell'Interno

DIREZIONE GENER. AMMINIS. CIVILE

Servizio Elettorale

Divisione *Leg.*

Prot. N.° 15600/P/Allegati

Roma, 22 Settembre 1945

126 SEP 1945

Al On. COMMISSIONE ALLEATA
SOTTOCOMMISSIONE GOVERNO LOCALE
R O M A

Risposta al Foglio del
Dir. Leg. N.°

OGGETTO Iscrizione nelle liste elettorali di membri delle
Assemblee Legislative decaduti dalla carica.-

- 1) Si fa riferimento al quesito verbalmente rivolto dal Sig. maggiore Temple ad un funzionario del servizio elettorale, se i Senatori dichiarati decaduti dalla carica dall'Alta Corte di Giustizia dovessero, in conseguenza di tale decisione, essere esclusi dalle liste elettorali.-
- 2) In proposito si fa presente che questo Ministero è dell'avviso che la decadenza dalla carica dei membri delle Assemblee legislative decisa dall'Alta Corte di Giustizia non comporti, come conseguenza necessaria, anche la sospensione dal diritto elettorale.-
- 3) Gli stessi però possono essere deferiti alle commissioni provinciali istituite ai sensi dell'art. 8 del D.L.L. 27 luglio 1944, n° 159, per le decisioni di competenza circa la sospensione dal diritto elettorale, qualora ricorrano gli estremi previsti dal predetto articolo e successive modificazioni.-

PEL MINISTRO

4416

THE MINISTRY OF INTERIOR
Direction General of
Civil Administration
Electoral Service.

Rome, 11 September 1945

TO:
The Hon. Allied Commission
Local Government S/C

R O M E

File n.15600/S

SUBJECT: Registration on the electoral lists of members discharged from
the legislative Assemblies.

1. Reference is made to the conference held on the 5th instant between
Doct. Vicenti in charge of the electoral office of this Ministry and Major Temple
and Williams of the Hon. Allied Commission.
2. We beg to confirm the solution given by the a/n official to the question
put to him during the conference, i. e., that the members (in this case ^{senators} ~~scutors~~)
discharged from the legislative Assemblies by decision of the High Court of
Justice according to art. 8 of D.L.L. 27th July 1944 No. 159 are not necessarily
liable to disqualification.

In fact, excepting the case of proceeding connection contemplated by
art 6 D.L.L. 13 Sept. 1944 No. 198 which includes rules for formation and functioning
of the High Court of Justice, that ^{court} ~~council~~ is no more responsible after the said
order of discharge has been issued.

3. If the members of the legislative Assemblies are liable to the other
sanctions contemplated by D.L.L. 27 July 1944 No. 159 and consequently to the
suspension of active and passive electoral right, those sanctions must be applied
by the provincial commission set up for the purpose according to art. 8 of the
above mentioned legislative decree.

For the Minister

Translated J.C.
Typed E.C.

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Ministero dell'Interno
DIREZIONE GENERALE AMMIN. CIVILE
Servizio Elettorale

Divisione 2^a *Sez.*
Prot. N° 15600/S *Allegati*

Roma, 11 settembre 19 45

All'On. COMMISSIONE ALLEATA
SOTTOCOMMISSIONE GOVERNO LOCALE
R O M A

Risposta al Foglio del
Div. Sez. N°

OGGETTO Iscrizione nelle liste elettorali di membri delle assemblee legislative decaduti dalla carica.-

- 1) - Si fa riferimento al colloquio intervenuto, il 5 corrente mese, tra il Dott. Vincenti, addetto all'ufficio elettorale di questo Ministero, ed i maggiori Temple e William di codesta On. Commissione.-
- 2) - Si conferma la soluzione data dal predetto funzionario al quesito postogli nel corso del colloquio, nel senso, cioè, che la decadenza dalla carica decisa dall'Alta Corte di Giustizia nei confronti dei membri delle assemblee legislative (nel caso specifico: senatori), a termini dell'art. 8 del decreto legislativo luogotenenziale 27 luglio 1944, n° 159, non comporta, di conseguenza, anche la sospensione dei medesimi dallo esercizio del diritto elettorale. Ed invero, salvo il caso di connessione di procedimenti previsto dall'art. 6 del D.L.L. 13 settembre 1944, n° 198 contenente norme per la composizione ed il funzionamento dell'Alta Corte di Giustizia, la competenza di detto collegio si esaurisce con la pronuncia di decadenza in parola.-
- 3) - Le altre sanzioni previste dal D.L.L. 27 luglio 1944, n° 159, e quindi la sospensione dall'esercizio del diritto elettorale, attivo e passivo, debbono essere applicate nei confronti dei membri delle assemblee legislative, ove questi ne siano soggetti, dall'apposita commissione provinciale istituita a termini dell'art. 8 del citato decreto legislativo.-

PEL MINISTRO

V. Indurcin

HEADQUARTERS ALLIED COMMISSION
APO 394
LOCAL GOVERNMENT SUB COMMISSION

Tel: 478190

10 September 1945

AG/45/R/LG

SUBJECT: Expiration of Senators--right to vote.
TO : Civil Affairs Section.

1. You asked this Sub Commission verbally (Lt. Col. White--Major Temple) for an opinion in connection with the proceedings recently initiated against ~~the~~ large number of Senators for the purpose of having the High Court of Justice declare them to have forfeited their office, under Article 8 of D.L. 159. It was desired to know whether judgment of forfeiture by the High Court also took away the Senators' right to vote.

2. This Sub Commission has looked into the matter itself and also consulted:--

- (a) Dott. VINCENTI, the Acting Head of the Electoral Service of the Ministry of the Interior--see fo. 35, para 3;
- (b) Major G. L. Palmieri of your Section, who in turn consulted:--
- (c) the Legal Division of the Office of the High Commissioner for Sanctions Against Fascism.

3. All the Italian authorities consulted have no doubt that judgment of forfeiture DOES NOT affect the Senators' entitlements to be inscribed in the electoral lists. Major Palmieri accepts and agrees with this opinion, as does this Sub Commission.

4. It should be noted, however, that the Senator may be disqualified to vote if certain other "defascistisation" proceedings should be taken, i.e.:--

- (a) if he should be convicted of any of the Fascist crimes dealt with in Title I of D.L. 159;
- (b) if the Provincial Commission referred to in the first paragraph of Article 8 of D.L. 159 should adjudge him to lose his civil rights.

He would also lose his right to vote if he held any of the high offices in the N.P.F. listed in the Decree of the President of the Council of 2 February 1945.

FOR THE DIRECTOR:

R. Temple
RALEIGH R. TEMPLE, Major
Deputy Director
Local Government Sub Commission

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CC/45/poc

AO/45/B/LG

SUBJECT: Note of interview - Local Government S/C offices.

DATE : 5 September 1945

PRESENT: Dott. VINCENTI, Electoral Service of the Ministry of the Interior
 Major Ralph R. Temple, Deputy Director, Local Government S/C
 Major C. G. R. Williams, Executive Officer " " "
 Sig. Arrigo NICE, interpreting.

1. Dott. VINCENTI stated that he desired to get some information if possible as to the methods and procedures used by Britain and America in providing for voting by persons overseas. He stated that the Italian Government was interested in formulating a plan of voting by Italian prisoners of war and deportees (such as forced laborers) who were now in foreign countries. Major Williams outlined briefly the procedure used by British personnel. Major Temple gave the methods used by American personnel, distinguishing between national and local elections. A booklet describing soldier voting and other forms of material illustrating the American practice were given to Dott. VINCENTI by Major Temple.
2. Major Temple told Dott. VINCENTI that he was quite interested in this display of initiative on the part of the Italian Government to provide a means of exercising franchise for prisoners of war and deportees; that there would be some technical difficulties involved, but that he was sure that the Allies would cooperate with the Italian Government. It was suggested that a draft of their plan be submitted for our observations when drawn up. Dott. VINCENTI expressed his gratitude for the cooperation shown.
3. The question of the right of Italian Senators who have been deprived of their Senatorship to exercise the right to vote was raised. Dott. VINCENTI said that in his own personal opinion, it is necessary for the Provincial Commissions, established under Art. 8 of D.L. 159, to consider the case and find the Senator guilty of Fascist activity before he would be excluded from the lists. He did not think the deprivation of the man's Senatorship constituted such a sanction which would cause him to fall automatically within the list of persons to be excluded from the election registers. However, he said he would take this matter up with his superiors and inform us accordingly.
4. Dott. VINCENTI was handed a copy of the circular with attached copy of order, dealing with the appointment of the 2 popular judges on the Provincial Commissions established under Art. 8 of D.L. No. 159. He was told that this circular had already been dispatched to Provincial Commissioners for their information and action, as well as that of the Prefects. He did not know whether the President of the Council of Ministers had as yet completed the appointment of the Presidents of such Commissions, but promised that he would make immediate inquiry and let us know.

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

RRT/pec

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