

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

ACC

10000/141/789

INSTRUCTIONS FOR T
NO DATE(?); (1943-19
SEPT. 1945

10000/141/789

INSTRUCTIONS FOR THE PRESENTATION OF THE CANDIDACIES
NO DATE(?); (1943-1947?)
SEPT. 1945

Translation

FIRST PART (

CIRCUMSCRIPTIONAL COLLEGES

CHAPTER 1

Formation of the lists of the candidates and of their relative enlosures.

1. The candidates lists for every college are predigressed by the parties or organized political groups, or, anyway, by groups of at least 500 electors inscribed in the college itself. The number of the candidates must not be smaller than 3 and not higher than the number of the deputies to be elected in the circumscription. (art. 14, first and last paragraph).

In each lists, first name, last name, paternity and birth place of the single candidature must be shown.

Chief, in order to assign the seats according to the precedence order, in case of parity of individual figures, the names of the candidates must be successively enumerated and counter-signed with arabian progressive numbers.

2. The candidacy is accepted with a statement signed and authenticated by a mayor or a notary public. (art. 14, last paragraph).

The same candidate cannot accept the candidacy in more than 3 circumscriptional colleges (beside the single national college), but it is all the time necessary for him that such lists (for the circumscriptional colleges and for the national one) have the same counter-sign: the election in each college of the candidate who does not respect such disposition is without effect. (art. 15, last paragraph); sometimes the chief town of the college is in a province different from that one where the public notary or the town-mayor who authenticates the signature of the declaration of acceptance of the candidature exercises their functions; in such a case the law did not establish whether the authentication is to be followed by the legislation as to the general dispositions in the matter.

For - in the law's silence and in the matter of a guarantee which might appear unnecessary - it is believed that the legalization of the signature of the authority which authenticated the declaration of acceptance is not to be requested under the penalty of annulment of the acts.

In fact the authentication gives to the act the right form requested by the law in order that it can be considered as lawful (legitimate); on the contrary, the purpose of the legalization is only to ascertain that the public officer who authenticates the act is really exercising his functions in a certain place or territory. By the way, it is proper to consider that the lack of the guarantee of the legalization is (in a certain sense) balanced by the gravity of the sanctions (imprisonment from one up to six years) threatened by article 73, second paragraph, against anybody who falsely compiles documents for electoral operations or, knowingly, uses them.

For the candidates eventually resident abroad, the authentication of the signature applied to the declaration of acceptance of the candidacy must be requested at a diplomatic or consular office.

No forms or special modalities are requested for the compilation of the declaration under examination, which can therefore be done in any form the candidate believes more advisable.

It is evident that such a declaration must be single and not collective and cannot contain any conditions or reserves against the law or such ones that may get doubtful the will to accept "sic et simpliciter" the candidature.

Enclosed herewith is a prospect of declaration which might opportunely be used by the individual candidates (enclosure No. 1).

With the list of the candidates must be enclosed, the birth certificate, or similar document, of every candidate therein comprised. That is indispensable to prove that the candidate is in effect 25 years old on the day of the election.

In such lists, first name, last name, paternity and birth place of the single candidates must be shown.

Then, in order to assign the seats according to the precedence order, in case of parity of individual figures, the names of the candidates must be successively enumerated and counter-signed with arabian progressive numbers.

The candidacy is accepted with a statement signed and authenticated by a mayor or a notary public. (art. 14, 3rd paragraph).

The same candidate cannot accept the candidacy in more than 3 circumscriptorial colleges (beside the single national college), but it is all the time necessary for him that such lists for the circumscriptorial colleges and for the national one) have the same content: the election in each college of the candidate who does not respect such disposition is without effect. (art. 15, last paragraph); sometimes the chief town of the college is in a province different from that one where the public notary or the town-mayor who authenticates the signature of the declaration of acceptance of the candidature exercise their functions; in such a case the law did not establish whether the authentication is to be followed by the legalization as to the general disposition in the matter.

Now - in the law's silence and in the matter of a guarantee which might appear unnecessary - it is believed that the legalization of the signature of the authority which authenticated the declaration of acceptance is not to be requested under the penalty of annulment of the acts.

In fact the authentication gives to the act the right form requested by the law in order that it can be considered as lawful (legitimate); on the contrary, the purpose of the legalization is only to ascertain that the public officer who authenticated the act is really exercising his functions in a certain place or territory.

By the way, it is proper to consider that the lack of the guarantee of the legalization in (in a certain sense, balanced by the gravity of the sanctions (imprisonment from one up to six years) threatened by article 73, second paragraph, against anybody who falsely supplies documents for electoral operations or, knowingly, uses them.

For the candidates eventually resident abroad, the authentication of the signature applied to the declaration of acceptance of the candidacy must be requested at a diplomatic or consular office.

No forms or special modalities are requested for the compilation of the declaration prior examination, which can therefore be done in any form the candidate believes more advisable.

It is evident that such a declaration must be single and not collective and cannot contain any conditions or reserves against the law or such ones that may get doubtful the will to accept "sic et simpliciter" the candidature.

Enclosed herewith is a prospect of declaration which might opportunely be used by the individual candidates (enclosure No. 1).

With the list of the candidates must be enclosed, the birth certificate, or similar documents, of every candidate therein comprised, that is indispensable to prove that the candidate is in effect 25 years old on election day. (art. 16, 4th paragraph).

No reference is made as to who is supposed to request or who else is supposed to show the certificate or the equivalent document; consequently it does not matter if this is done by the leaders of the parties or groups presenting the candidates, or by the candidates themselves.

Regarding the document equivalent to the birth certificate it is necessary to keep in mind that the legislator has considered the possibility that the issuing of the certificate may be hindered by the distance from the Comune of origin, by the difficulties of requests for the people born abroad, etc.

- 2 -

The following might be some "equivalent documents": all the personal identity papers, declarations and similar documents issued by a public administration is the birth date is clearly marked on (identity cards, postal cards, penal certificates, good conduct statements, etc.) For those who were members of the Senate, of the Chamber of Deputies or of the National Council a certificate issued by the secretarial offices may suffice for the purpose.

In addition to the list and the documents above mentioned, a declaration signed by the mayor of elections prescribed is to be made, even in separate documents (art. 16, 1st paragraph).

It is only necessary here to outline the way such declaration must be compiled, signed and what enclosures are needed; in the next chapter the "presentation" of lists of the candidates by the electors will be dealt with.

The law did not prescribe any special form for the declaration; anyone, consequently, is valid if written and containing the substantial requisites. Enclosed herewith is a scheme of declaration which might be considered as a model, in order to secure uniformity among the documents which will facilitate the task of the bodies designated with the control (Annex N.2).

a) Signing of the declaration of presentation of the list.

The declaration must be signed by the electors, even if in separate documents, stating name, surname and name and surname of father.

In short, the electors who are presenting the lists must be well identified, because they guarantee that minutes of seriousness indispensable which the law puts as a condition for the presentation of the list.

No elector, furthermore, may sign more than one list of candidates, being otherwise liable to severe sanctions (imprisonment up to three months or fine up to Lire 15,000).

In fulfilling the administrative electoral law the question has been pre-ponderated if the candidates themselves may appear among the presenters of the list. Now, if not even the electoral law for the Constituent Assembly contains any ruling on the subject, the solution of the problem should be a negative one, on account of the logical incontestability which appears to exist between the position of a candidate and that of a presenter of his own candidacy.

At this point it is necessary to intimate that in cases where the declaration of presentation of the list is signed in separate sheets, each sheet must be headed with an indication of the list the signature refers to.

b) Authentication of the signature of the subscribers to the list - Lack of legalization

The signature of the electors must be authenticated by a notary or by the chancellor of preture, with the indication of the Comune in whose list the signatory declares to be inscribed (art. 16, fourth para.)

As for the authentication of the declaration of acceptance of the candidates, no reference is made of the possible legalization of the signature by a notary or by the chancellor, when these are having their office in a province other than that where there is the main seat of the circumscriptorial college.

Also in such a case, it is to be supposed that such a formality is not necessary for the validity of the document.

c) Electors who participate to the presentation of a list, but does not know how to sign

Contrary to the law for the administrative elections, the law under examination has not specifically envisaged the hypothesis of an elector who intends to participate to the declaration of presentation of a list, but does not know how to sign.

In this connection, in the view of the absolute silence of the law and the administrative

4675

The law did not prescribe any special form for the declaration; anyone, consequently, is valid if written and containing the substantial requisites. Attached herewith is a scheme of declaration which might be considered as a model, in order to secure uniformity among the documents which will facilitate the task of the bodies designated with the control (Annex N.2)

- a) Signing of the declaration of presentation of the list.
The declaration must be signed by the electors, even if in separate documents, stating name, surname and name and surname of father.
In short, the electors who are presenting the lists must be well identified, because they guarantee that minimum of seriousness indispensable which the law puts as a condition for the presentation of the list.
No elector, furthermore, may sign more than one list of candidates, being otherwise liable to severe sanctions (imprisonment up to three months or fine up to Lire 10.000).
In fulfilling the administrative electoral law the question has been propounded if the candidates themselves may appear along the presenters of the list. Now, if not even the electoral law for the Constituent Assembly contains any ruling on the subject, the solution of the problem should be a negative one, on account of the logical irreconcilability which appears to exist between the position of a candidate and that of a presenter of his own candidacy.

At this point it is necessary to intimate that in cases where the declaration of presentation of the list is signed in separate sheets, each sheet must be headed with an indication of the list the signature refers to.

- b) Authentication of the signature of the subscribers to the list - lack of legislation

The signature of the electors must be authenticated by a notary or by the Chancellor of province, with the indication of the Comune in whose list the signatory declares to be inscribed (Art. 16, fourth para.)

As for the authentication of the declaration of acceptance of the candidates, no reference is made of the possible legislation of the signature by a notary or by the Chancellor, when these are having their office in a province other than that where there is the main seat of the circumscriptional college.

Also in such a case, it is to be supposed that such a formality is not necessary for the validity of the document.

- c) Electors who participate to the presentation of a list, but does not know how to sign

Contrary to the law for the administrative elections, the law under examination has not specifically envisaged the hypothesis of an elector who intends to participate to the declaration of presentation of a list, but does not know how to sign.

In this connection, in the view of the absolute silence of the law and 4673 not being possible to apply, on grounds of analogy, the rulings on the administrative elections, it is held that recourse can be had to the generally adopted criterion, according to which the signature of an illiterate is represented by the sign of a cross, made in the presence of two witnesses.

In that hypothesis, the notary or the Chancellor of the province will authenticate the signatures of the two witnesses and shall mark down the name, surname and name of father of the illiterate elector as well as of the two witnesses, for the purpose of the required guarantee for the exact identification of the signatory.

- d) Fee due for each authentication

For each signature of electors which has been authenticated, the petitioners owe to the notary or to the Chancellor the fee of Lire 1, with a minimum of Lire 100; i.e. Lire 100 for one to one hundred authentications, and Lire 1 for each successive

authenticities.

Para. 6 - Certificates declaring the authenticity of elections in the presence of a list.

The declaration or the declarations of the elections, to be annexed to the list of the candidates with the other documents which have been referred to, must in their turn be completed with the certificates, also collective ones, of the mayors of the single communes (to which the signatures belong, confirming the inscription in the electoral list of the circumscriptive (art. 15, second para).

This is required for the purpose of guaranteeing the existence of the condition of elections of the college in the subscribers of the declarations and to provide, at the same time, easy and rapid the ascertaining of that condition.

Said certificates may also be collective, that is issued with a single document, for all the elections of a commune who may be presenters of a specified list of candidates.

a) Time limit for the issue

In order not to cause delays in the presentation of the lists of the candidates, a preliminary term has been fixed - twenty-four hours from the request - for the issue of the certificates in question on the part of the mayors.

To ensure, then, the observance of the term, which may be eluded on political grounds, the law has envisaged the sanction of imprisonment of six months to one year, against the unfavouring mayor (art. 16, third para.)

b) Issue through special commissary

It is obvious that the prefectural authority can rule that the issue of certificates be made, in case of non-fulfilment on the part of the mayor, by a special commissary according to art. 19 of the P.L. of the communal and provincial law and to apply to the parties responsible for the non-fulfilment, according to art. 235 of the said P.L. the above mentioned penal sanctions.

Para. 7 - Declaration of the delegates authorized to designate the representatives of a list

The declaration of presentation of the list must also contain the indication of two effective delegates and of two subsidiary ones, who are authorized to make the declarations of the representatives of a list, of which mention will be made afterwards, and possibly to present the list of candidates to the single nationale college for the utilization of the residual votes (art. 16, eighth para).

Although the law does not contain any provision in this connection, it is to be supposed, for obvious reasons, that such delegates be preferably chosen from among the presenters and not the candidates.

Nothing forbids, then, that the choice be made from among persons who are neither candidates nor presenters, provided, however, that they are electors and that such authority is demonstrably colored.

Para. 8 - Markings of a list

To the list is to be attached, lastly, a specimen of marking of the same list, even illustrated (but not colored); bearing this, it must be declared by which mark deposited with the Ministry of the Interior, the list is to be distinguished and possibly connected with the single nationale college, provided that the article under examination does not contain any provision relating to that mentioned by art. 20 about the number of the models of countersigns, strictly speaking the presentation even of one model should be considered valid. If, however, preferable to follow the same criterion adopted by the legislation in

2.2. is required for the purpose of guaranteeing the existence of the condition of election of the college in the subscribers of the declarations and to receive, at the same time, may and rapid the accomplishment of that condition. said certification may also be collective, that is issued with a single document, for all the electors of a commune who may be promoters of a specified list of candidates.

a) Time limit for the issue

In order not to cause delays in the presentation of the lists of the candidates, a preliminary term has been fixed - twenty-two hours from the receipt - for the issue of the certification in question on the part of the mayors.

To ensure, then, the observance of the term, which may be eluded on political grounds, the law has envisaged the sanction of imprisonment of six months to one year, against the unfulfilling mayor (art. 15, third para.).

b)

Issue through special coadjutor

It is obvious that the prefectural authority can rule that the issue of certifications be made, in case of nonfulfilment on the part of the mayor, by a special coadjutor according to art. 19 of the L. 11, of the communal and provincial law and to apply to the person responsible for the unfulfilment, according to art. 23 of the said L. 11. the above mentioned penal sanctions.)

Para. 7 - Indication of the delegation authorized to declare to the representatives of a list

The declaration of presentation of the list must also contain the indication of the effective delegation and of two subsidiary ones, who are authorized to make the declaration of the representatives of a list, of which mention will be made afterwards, and possibly to present the list of candidates to the single national college for the utilization of the regional votes. (art. 16, eighth para.)

Although the law does not contain any proviso in this connection, it is to be supposed, for obvious reasons, that such delegates be preferably chosen from among the promoters and not the candidates.

Nothing forbids, then, that the choice be made from among persons who are neither candidates nor promoters, provided, however, that they are electors and that such capacity is demonstrably exercised.

Para. 8 - Rankings of a list

In the list is to be attached, lastly, a specimen of ranking of the same list, even illustrated (but not coloured, ; lacking this, it must be declared by which was deposited with the Ministry of the Interior, the list is to be distinguished and possibly connected with the single national college. art. 16, eighth para.) that the article under examination does not contain any provision, although it is mentioned by art. 16 about the number of the models of countersigns. Strictly speaking the presentation even of one model should be considered valid. If, however, preferable to follow the same criterion adopted by the legislation in article 11; this is evidently as good for the promoters of the list as for the authority competent to observe it, without saying that such a solution of questionable practical value gives above all the advantage of preventing possible disputes, losses etc.

CHAPTER II

Presentation of the lists of candidates and of their relative enclosures.

Para 1. Number of enclosures

The first paragraph of art. 14 states that the lists of candidates for each college should be presented by not less than 500 and not more than 1000 electors inscribed in the electoral lists of the college. The "presentation" of the list by the prescribed number of electors does not mean the material delivery of the list to the competent authority - envisaged by the successive art. 16. There is here a "manifestation of will", aimed at guaranteeing that the list "presented" corresponds to the tendencies and opinions not only and not so much of a particular party or political group, but of a nation (considered sufficient for the purpose) of college electors, who thus pledge themselves, even morally, to support the list with their own vote, before the authority which must accept it, and before the other electors of the college. The necessity that the candidates obtain from electors among the presenters of the list is a logical consequence of these considerations about the aim of the act of presentation. It does not seem admissible that they, as the directly interested parties, should take part in determining the outcome of the list among the electors of the college.

Para 5. The presentation in the sense of a delivery

The presentation of the list, as a "delivery" of the list itself to the competent authority, is regulated by the first paragraph of art. 16, which states as follows: The lists of candidates must be presented, for each circumscription to the Chancery of the Court of Appeal, or Tribunal indicated in table A, not later than 1600 hours of the 45th day before that of the polling, together with the acts of acceptance of the candidates, the birth certificates or equivalent document of the candidates, and the declaration signed, even in separate documents, by the prescribed number of electors.

a) The effects of the delivery

The aforesaid deliberation does not say who should materially guarantee the delivery or deposit of the list, with relative enclosures, with the above mentioned Chancery. It is, then, evident that the leaders of the parties or political groups, or anyhow the delegates indicated in the declaration of presentation of the list by the electors, or, finally some of these electors will take an assiduous part also for the carrying out of the conclusive act of the presentation of the list, within the prescribed term.

b) Time limit for the delivery

The material presentation of the list of candidates and relative enclosures can, therefore, be made by everybody who is interested; but it shall take place not later than 1600 hours of the 45th day before that of the polling (art. 16, first paragraph). And as - as is known - the date of the elections has been fixed for June 2nd 1946, the above-mentioned will elapse at 16 hours of April 18.

Paragraph 4. To facilitate the task of those who effect the presentation and of the personnel employed in the Chancery offices of the Courts of Appeal and of the Circumscriptional Tribunals, it is considered opportune to list hereafter the documents which, according to what has been specifically outlined, must be presented:

- 1) List of the candidates, containing a number of candidates not smaller than 3 and not greater than the number of the deputies to be appointed in the college.
- 2) Declaration signed by the candidates, containing a number of candidates not smaller than 3 and not greater than the number of the deputies to be appointed in the college.

of the list to the competent authority - envisaged by the successive art. 16. There is here a 'manifestation of will', aimed at guaranteeing that the list 'presented' corresponds to the tendered and originates not only and not so much of a particular party or political group, but of a citizen (considered sufficient for the purpose) of college electors, who thus places themselves, even humbly, to support the list with their own vote, before the authority which must accept it, and before the other electors of the college. The normality that the candidates obtain from figuring among the presenters of the list is a logical consequence of these considerations about the aim of the act of presentation. It does not seem advisable that they, as the directly interested parties, should take part in determining the outcome of the list among the electors of the college.

Para 3. The presentation in the sense of a delivery

to presentation of the list, as a 'delivery' of the list itself to the competent authority, is regulated by the first paragraph of art. 16, which states as follows: The lists of candidates must be presented, for each circumscription to the Chancery of the Court of Appeal, or Tribunal indicated in table A, not later than 1600 hours of the 45th day before that of the polling, together with the acts of acceptance of the candidates, the birth certificates or equivalent document of the candidates, and the declaration signed, even in separate documents, by the prescribed number of electors.

a) The effects of delivery

The aforesaid deliberation does not say who should materially provide effect the delivery or deposit of the list, with relative enclosures, with the above mentioned chancery. It is, then, evident that the leaders of the parties or political groups, or anyhow the delegates indicated in the declaration of presentation of the list by the electors, or, finally some of these electors will take an active part also for the carrying out of the conclusive act of the presentation of the list, within the prescribed term.

b) Time limit for the delivery

The material presentation of the list of candidates and relative enclosures can, therefore, be made by everybody who is interested; but it shall take place not later than 1600 hours of the 45th day before that of the polling (art. 16, first paragraph), and as - as is known - the date of the elections has been fixed for June 2nd 1945, the above-mentioned will elapse at 16 hours of April 13.

Paragraph 4. To facilitate the task of those who effect the presentation and of the personnel employed in the Chancery offices of the Courts of Appeal and of the Circumstantial Tribunals, it is considered opportune to list hereafter the documents which, according to what has been specifically outlined, must be presented:

- 1) List of the candidates, containing a number of candidates not smaller than 3 and not greater than the number of the deputies to be appointed in the 1948.
- 2) Declarations accepting the candidature, issued in single acts, in a number, corresponding to that of the candidates inscribed in the list. Such declarations must be signed by the candidates and authenticated by a notary or a sindaco or by consular or diplomatic office, for the citizens living abroad.
- 3) Birth certificates of the candidates or equivalent documents.
- 4) Declaration of the electors for the presentation of the list, signed by at least 500 and not more than 1000 electors (even in separate acts, provided the total number of the individual signatories should be neither less nor more than the prescribed number, except what has been pointed out in this regard, at the beginning of the chapter). The authentication of each signature by a notary or a chancellor of Pretura.

- 5 -

The declaration must contain, among other things, the indication of two effective delegates of list and two substitutes.

5) Certificates, single or collective, showing the inscription of the presenters of the electoral list, issued by the signers of the communes in the list of which the signers of the declaration of presentation of the list of the candidates, for a number of electors corresponding, severally, to the number of the signers.

6) Model of countersign of the list, even figured but not coloured, or declaration countersigned by the act of presentation, showing with which counter-signer, deposited, in the Ministry of the Interior, the list means to distinguish and to attach itself to the National Unions College. It is pointed out that, as the Ministry of Interior approved, the acts and documents requested by the electoral law to outfit the presentation of the candidates should be free of seal, because of the large general paragraph of article 2 of the tariff, enclosure 3, annexed to the in force law about the seal.

CHAPTER III

Accomplishments and attribution of the "Corte d'Appelle" or Tribunals and respective chanceries

The chancery of the Corte d'Appelle or Tribunal, located in the chiefplace of each circumstantial college, receives the list of candidates and relative enclosures not forward 16:00 hrs. of Thurs. April 18 (45th day before the polling). It should be considered that the aforesaid team is sent even in the case in which the acts are delivered by mail: the acts should be delivered to the chancery within the term itself. A progressive number is given to each list, according to the order of presentation, by the chancery which issues immediately a receipt of the same list and of the nomination of the candidates.

The attribution of the progressive number of presentation is necessary as the publishing of all the lists of the same college in a single proclamation shall take place (art. 10 n. 7) according to the order of priority in the presentation of the lists. This order is useful also for the list of the countersigns in the polling ballots.

The receipt, compiled by the chancery office, should be issued by those who materially make the presentation of the list and enclosures. The receipt should strictly mention only the list of the candidates and the nomination of the delegates. It is therefore recommended that the receipt should contain the particular list of all the acts presented. This to avoid possible contacts in the case of not complete documents.

In this regard the scheme herein enclosed, is suggested. (Encl. 3)

Statement that a candidate is comprised in an circumstantial list

Another accomplishment requested to the chancery of the Court of Appelle or the circumstantial Tribunal is the issue of the certificate that a candidate is comprised in a determined list of the circumscriptio. Such certificate is to be produced to the chancery of the Tribunal.

certificates, deposited, in the Ministry of the Interior, the list means to distinguish and to attach itself to the National Unique College. It is pointed out that, as the Ministry of Interior approved, the acts and documents requested by the electoral law to fulfil the presentation of the candidate should be free of seal, because of the large general paragraph of art. 2 of the tariff, enclosure 3, annexed to the in force law about the seal.

CHAPTER III

Accomplishments and attribution of the "Corte d'Appello" or Tribunals and respective chanceries

The chancery of the Corte d'Appello or Tribunal, located in the chiefplaces of each circumscriptive college, receives the list of candidates and relative enclosures not forward 16:00 hrs. of Thurs. April 18 (15th day before the polling). It should be considered that the aforementioned term is good even in the case in which the acts are delivered by mail: the acts should be delivered to the chancery within the term itself. A progressive number is given to each list, according to the order of presentation, by the chancery which issues immediately a receipt of the same list and of the nomination of the candidates.

The attribution of the progressive number of presentation is necessary as the publishing of all the lists of the same college in a single proclamation shall take place (art. 10 n. 7) according to the order of priority in the presentation of the lists. This order is useful also for the list of the counter-signs in the polling ballots.

The receipt, compiled by the chancery office, should be issued by those who materially make the presentation of the list and enclosures. The receipt should strictly mention only the list of the candidates and the nomination of the delegates. It is therefore recommended that the receipt should contain the particular list of all the acts presented. This to avoid possible contests in the case of not complete documents.

In this regard the scheme herein enclosed, is suggested. (Encl. 3)

Statement that a candidate is comprised in an circumscriptive list

Another accomplishment requested to the Chancery of the Court of Appeal for the circumscriptive Tribunal is the issue of the certificate that a candidate is comprised in a determined list of the circumscriptive.

Such certificate is to be prepared in the Chancery of the "Corte di Cassazione" according to art. 17- in case the candidate has accepted to take part in one of the lists of the Unique National College. The term for the issue is fixed: but, it is guessed, that it can happen only after the list in which the candidate is inscribed has been accepted by the central circumscriptive office and before expires the term envisaged in par. 1 art 17 for the presentation of the list to the Unique National College, namely before 16:00 hrs. of Friday 3 May (30th day before that of the elections); it is evident that the certificate must contain all the necessary details for the identification of the candidate and the list in which he is inscribed.

Transmission of the acts to the circumscriptive center. Office

The Chancery, immediately after receiving the acts of presentation

- 6 -

of the lists, must transmit them to the central circumscriptional Office, constituted in the Court of Appeal or Tribunal.

The proper accomplishments and attributions of the Court of Appeal or Tribunal, constituted as central circumscriptional office, are completely listed in art. 18, in order to verify the candidacies and their relative acts.

The 1st par. of the above-mentioned art. first of all specifies that the Court of Appeal or Tribunal, in the jurisdiction of which is the commune capital of the College, carries on the functions of central circumscriptional office, with the intervent of 3 magistrates, one of whom President, appointed by the President within 10 days from the publishing of the decree of holding of meetings...."

Considering the entity and duration of the operations of competence of the central circumscriptional office (from those concerning the check of the list of the candidates, art. 18, to those concerning the scrutiny, art. 57 and foll.), substitute members should also be appointed in the case of absence or impediment of the titular. As a matter of fact, it does not seem that something may obstacle the appointment of such substitute magistrates, even in the silence of law.

Transfer for the accomplishment of the operations of the
Circumscriptional Central Office, in order to
check the lists

The instructions in examination state that the operations concerning such office must be carried out within 10 days from the expiration of the term for the presentation of the candidate lists, that is within Sunday April 28. However it is pointed out the necessity that the circumscriptional central office shall hold a meeting and adopt its own determination about each list as soon as they be presented, reserving to provide to the operation according to n. 5 & 7 of the aforesaid art. 18 after the examination and the decision on all the lists.

Attributions of the Circumscriptional central Office.
Different assignments & provisions

It is considered opportune to analyze, one by one, each attribution of the central circumscriptional offices:

1)- First of all, the central office is concerned with the task of checking if the lists have been presented in good time, are signed by the prescribed number of electors and contain the minimum number of candidates mentioned in art. 14; considering avoid the lists which do not correspond to these conditions and reducing ~~the~~ to the prescribed limit those containing an excessive number of candidates, cancelling the last names in the order art 18 n. 1).

Consequently several are the checks to be made and the provisions which may be adopted during this operation:

a)- If the number of electors who present the lists is that one prescribed - minimum 500, maximum 1,000 -.

Considering the entity and duration of the operations of competence of the central circumscriptional office (from those concerning the check of the list of the candidates, art. 10, to those concerning the scrutiny, art. 57 and foll.), substitute members should also be appointed in the case of absence or impediment of the titular. As a matter of fact, it does not seem that something may obstruct the appointment of such substitute magistrates, even in the silence of law.

Term for the accomplishment of the operations of the
Circumscriptional Central Office, in order to
check the lists

The instructions in examination state then that the operations concerning such office must be carried out within 10 days from the expiration of the term for the presentation of the candidate lists, that is within Sunday April 28. However it is pointed out the necessity that the circumscriptional central office shall hold a meeting and adopt its own determination about each list as soon as they be presented, reserving to provide to the operation according to n. 5 & 7 of the aforesaid art. 10 after the examination and the decision on all the lists.

Attributions of the Circumscriptional Central Office.
Different appointments & provisions

It is considered opportune to analyze, one by one, each attribution of the central circumscriptional offices:

1)- First of all, the central office is concerned with the task of checking if the lists have been presented in good time, are signed by the prescribed number of electors and contain the minimum number of candidates mentioned in art. 14; considering avoid the lists which do not correspond to those conditions and reducing ~~the~~ to the prescribed limit those containing an excessive number of candidates, cancelling the last names in the order art 10 n. 1).

Consequently several are the checks to be made and the provisions which may be adopted during this operation:

a)- If the number of electors who present the lists is that one prescribed - minimum 50, maximum 1,000 -,

b)- if the lists have been presented in good time, and that is by 16:00 hrs of April 18, 48th day before that one of the polling (the day after shall give the result),

c)- if the condition of elector is documented regularly, within the forms requested by the law and shown in Chapter I of the present decree.

On this regard must be pointed out, even if it is not expressly foreseen, that those electors for whom the quality of elector regularly inscribed in the list of a census of the colleges is not considered valid, should be obviously cancelled. For that reason it can happen that a certificate of presentation, signed by the minimum number of electors requested, result

- 7 -

insufficiently, following the cancelling of the same signer; it would cause the invalidity of the list, being an essential quality missing. But nothing opposes that the list be completed with the missing signatures if it is presented some time before the expiration of the term fixed by art. 16.

d) - if the lists contain the minimum number, 3, of candidates, according to art. 14, here too, the cancelling of some candidate causes the invalidity of the list, when the cancelling itself reduces the number of candidates below the prescribed minimum.

e) - declaration of invalidity for the lists not corresponding with the above-mentioned conditions.

f) - reduction to the maximum prescribed limit of the number of the candidates, in those lists containing a greater number, cancelling the last names in order.

Particular cases

With regard to the foregoing, some hypotheses must be considered: Candidates who revoke acceptance of candidacy before or after the expiration of the term fixed for the presentation of the lists.

The revocation must be considered inadmissible, because the declaration of acceptance is regarded as an irrevocable act; the candidate, consenting to form part of a certain list, not only pledges his political faith, but cooperates to determine a presupposition of the electoral mechanism; and there is a public interest which, once such mechanism is set in motion, should not undergo the risk of being delayed by the will of the individual.

However, not excluded is the possibility that the presenters of the list may subrogate some of the candidates of the same list viz. in case they become ineligible) before the expiration of the term for the presentation (even if the list has already been approved by the executive circumscriptorial central office).

Candidates deceased before or after the expiration of the term fixed for the presentation of the lists but before the list has been declared approved.

In this regard it should be noted that the subrogation is admissible before but not after the expiration of the terms of presentation.

In this last hypothesis nothing forbids, however, if the list contains a number of candidates greater than the maximum number prescribed, that there may be kept on the list the candidate or candidates who follow, in order, immediately after such maximum number, corresponding to the number of candidates in the body of the list; in this case it would not be a question of "subrogation" but of simple integration of the list up to the maximum allowed, with names of the same list, without disturbing the order of precedence.

Candidates deceased after the list has been declared approved.

For a greater reason, the subrogation is not admissible except when the term for the presentation has not yet expired.

It is considered, however, that, if the list in question contains only the minimum number prescribed (3) of candidates, the list itself cannot be considered invalid for having been reduced numerically below the prescribed limit, because such limit was reached at the act of the presentation of the list and of the declaration of the circumscriptorial office in accordance with the validity of it.

Its integration can be approved, however, if the term for the presentation is not yet expired.

Checking of symbols

4670

In the second place, the central office is empowered to reject identical countersigns or those easily confused with countersigns of other present-

With regard to the foregoing, some hypotheses must be considered: Candidates who revoke acceptance of candidacy before or after the expiration of the term fixed for the presentation of the lists.

The revocation must be considered inadmissible, because the declaration of acceptance is regarded as an irrevocable act; the candidate, consenting to form part of a certain list, not only pledges his political faith, but cooperates to determine a presupposition of the electoral mechanism; and there is a public interest which, once such mechanism is set in motion, should not undergo the risk of being delayed by the will of the individual.

However, not excluded is the possibility that the presentors of the list may subrogate some of the candidates of the same list viz. in case they become ineligible) before the expiration of the term for the presentation (even if the list has already been approved by the ~~electoral~~ circumscriptonal central office).

Candidates deceased before or after the expiration of the term fixed for the presentation of the lists but before the list has been declared approved.

In this regard it should be noted that the subrogation is admissible before but not after the expiration of the terms of presentation.

In this last hypothesis nothing forbids, however, if the list contains a number of candidates greater than the maximum number prescribed, that there may be kept on the list the candidate or candidates who follow, in order, immediately after such maximum number, corresponding to the number of candidates in the body of the list; in this case it would not be a question of "subrogation" but of simple integration of the list up to the maximum allowed, with names of the same list, without disturbing the order of precedence.

Candidates deceased after the list has been declared approved.

For a greater reason, the subrogation is not admissible except when the term for the presentation has not yet expired.

It is considered, however, that, if the list in question contains only the minimum number prescribed (3) of candidates, the list itself cannot be considered invalid for having been reduced numerically below the prescribed limit, because such limit was reached at the act of the presentation of the list and of the declaration of the circumscriptonal office in accordance with the validity of it.

Its integration can be approved, however, if the term for the presentation is not yet expired.

Checking of symbols

In the second place, the central office is empowered to reject identical countersigns or those easily confused with countersigns of other presented lists, giving preference to the countersigns previously left with the Ministry of the Interior, and to invite the representatives of the lists in question to present within 48 hours the new symbol. (art. 18, n. 2).

Identical symbols - Preference and rejection of them

Presentation of a countersign identical or easily confused with countersigns of other lists previously presented, does not effect, as an immediate consequence, the elimination of the list, but only the rejection of the countersign of the list last presented; the rejection of the list may follow when, within the term of law, there is indicated no new countersign that fulfils the prescribed condition.

Regarding the preference which art. 13, n. 2 says shall be given to the countersigns previously filed with the Ministry of Interior, it is stated that the Ministry will distribute at once, to all the circumscriptional central offices the facsimiles of the filed countersigns, so that they will know about them for the necessary comparison with the local countersigns.

After the rejection of a symbol, the circumscriptional central office must invite the representatives of the lists in question to present a new one within 48 hours. Such invitation will be made in writing or, if the representatives of the list are present, even verbally, provided that a written record is always made in the reports of the circumscriptional office.

In this regard it must be moreover pointed out that the said representatives of the lists cannot possibly be those who are to be designated, in the terms of art. 20, by the delegates of list, as their names are not yet known; it is, instead, the question of those who have taken the initiative of materially presenting the lists to the Chancery of the Court of Appeal or of the Tribunal, or of the same delegates of list.

New symbols

As soon as the new symbol has been presented within the said term of 48 hours, the central office at the Court of Appeal or the competent Tribunal should meet to examine it; and, finding it in good order and different from the rest, must approve the list.

If, instead, not even the second symbol fulfils such requirement, the assignment of a new term for the presentation of a third symbol is considered admissible, on condition, however, that the term of 10 days foreseen in the first paragraph of the same art. 18 has not expired; otherwise, the list must be rejected, unless the same representatives of that list, if present, indicate during the session, a new symbol by means of a written declaration.

Cancelling of candidates from the lists (on account of age or non acceptance)

In the third place, it is up to the central office to cancel from the lists the names of candidates for whom the prescribed acceptance is missing and of those who have not completed 25 years of age on election day (art. 13, n. 3).

If, as a result of such cancelling, the list which contains a limited number of candidates should be reduced to a number of candidates smaller than the prescribed minimum, that list must be declared invalid.

With regard to the age requirement, it is provided that, the date of elections being fixed for 2 June 1946, the candidates born after 2 June 1921 must be cancelled from the lists.

Cancelling of candidates because comprised in another preceding list

The central office must also cancel names of candidates comprised in another list already presented (Art. 13, n. 4).

The provision applies, obviously, to candidates comprised in another list of the same college, because, as previously pointed out, the law permits (Art. 15 last paragraph.) that a candidate be comprised in a number of circumscriptional lists not greater than three (other than in the list for the single

New symbols

As soon as the new symbol has been presented within the said term of 48 hours, the central office at the Court of Appeal or the competent Tribunal should meet to examine it; and, finding it in good order and different from the rest, must approve the list.

If, instead, not even the second symbol fulfils such requirement, the assignment of a new term for the presentation of a third symbol is considered admissible, on condition, however, that the term of 10 days foreseen in the first paragraph of the same art. 13 has not expired; otherwise, the list must be rejected, unless the same representatives of that list, if present, indicate during the session, a new symbol by means of a written declaration.

Cancelling of candidates from the lists (on account of age or non acceptance)

In the third place, it is up to the central office to cancel from the lists the names of candidates for whom the prescribed acceptance is missing and of those who have not completed 25 years of age on election day (art. 13, n. 3).

If, as a result of such cancelling, the list which contains a limited number of candidates should be reduced to a number of candidates smaller than the prescribed minimum, that list must be declared invalid.

With regard to the age requirement, it is provided that, the date of elections being fixed for 2 June 1946, the candidates born after 2 June 1941 must be cancelled from the lists.

Cancelling of candidates because comprised in another preceding list

The central office must also cancel names of candidates comprised in another list already presented (Art. 13, n. 4).

The provision applies, obviously, to candidates comprised in another list of the same college, because, as previously pointed out, the law permits (Art. 15 last paragraph.) that a candidate be comprised in a number of circumscriptive lists not greater than three (other than in the list for the single national college) provided that they have an identical symbol.

Order number of each admitted list

The central office assigns then a number to each approved list, according to the order of presentation (art. 13, n. 5).

We have seen that the chancery of the Court or of the Tribunal assigns to each presented list a progressive number; now, the central circumscriptional office, always paying attention to the order of presentation, assigns an order number to each approved list; it follows that the central circumscriptional office cannot make such enumeration unless the lists presented in the college have been definitely pronounced in order.

Order number of the single candidate

Next, the central office assigns a number to each candidate of each list, according to the order in which he is registered (art. 18, n. 6).

Such operation is concluded after the approval of each list, because it is made after all the evidence has been taken and all the reasons for possible cancellation of the candidates have been examined; and it may therefore lead to an enumeration different from that one assigned by the presentors at the time of presentation of the list.

"Manifesto" containing the lists with their relative symbols-Transmission to the "sindaci"

The assignment of a progressive order number to each candidate is necessary for the allocation of the seats within the sphere of each list, in the case of individual parity of figures among more candidates of the same list.

VIII-The central office provides, then, by means of the prefecture of the provincial capital of the college, for the printing of the lists with relative countersign and order number in a single manifest and for the transmission of it to the sindaco of the communes of the college. (art. 18, n. 7).

The fulfilments foreseen by the above-mentioned paragraph are various and not all of them within the competence of the Court of Appeal or of the circumscriptional Tribunal constituted into central circumscriptional Office.

Printing of the manifesto
Agreement between central, circumscriptional offices and Prefecture

Examined individually, such provisions are as follows (those not within the competence of the aforesaid judicial organs are to be taken up in another place):

a) - To provide, by means of the Prefecture, of the Chief town of the college, for the printing of the lists ~~appeal~~ with relative symbols and order number, in a single manifesto.

The Court of Appeal or the Tribunal must therefore predispose the manifesto containing all the lists approved in the college, according to the order of precedence based on the number assigned to each approved list and transmit it immediately to the competent Prefecture for printing.

For information a sample of the said manifesto is attached to the present instructions. (Enclosure n. 4).

Concerning the details of the printing and the criteria for the distribution of the manifesto to the Communes, the Ministry gives direct instructions to the Prefects of the provincial Capitals of the electoral circumscriptions.

Given, then, the shortness of the allotted terms, the special attention of the Courts of Appeal, the Tribunals and the Prefectures interested is called to the necessity that the respective dispositions be carried out with all possible dispatch.

To this end:

The Court of Appeal or the Tribunal must at the earliest possible moment make provisions for the printing of the manifesto.

- 10 -

electors who presented the list, in order to deliver to the printers the models of the symbols to the end of effecting the prompt preparation of the relative stenoids.

Transmission of the manifesti to the sindaci

b)- To transmit the manifesti to the sindaci of the Communes of the College.

In order to do this, the Courts of Appeal or the Tribunale will address themselves to the Prefectures of the Provincial Capitals of the College, who will at once arrange -in agreement with the other prefectures residing in the college - the plan of division of the manifesti in question, according to the criteria which will be determined by the Ministry.

Transmission of the final lists and of the symbols to the Prefecture of the provincial Capital of the College - Printing of ballots

VIII - The central office will, at last, provide for the immediate transmission to the authority appointed by the Ministry of Interior, of the final lists and relative symbols, so that the latter can be printed on the ballots (art. 8 n. 2-). In this regard, it is pointed out that such transmission is to be made to the Prefecture of the capoluogo of the college, as soon as the examination of the lists presented is finished and, anyhow, no later than Sunday April 28. The task of materially carrying out the printing of the ballots has been given, by the Ministry, to the "Istituto Poligrafico dello Stato" which will make direct contact with the Prefectures of the "capoluoghi" of College for the execution of the said printing, and will afterwards give instructions for the sending the ballots to each Prefecture of the circoscrizione, for further distribution to the electoral sections of the Communes.

11

CHAPTER IV

ACCOMPLISHMENTS AND ATTRIBUTIONS OF THE "SINDACI"

The accomplishments and attributions regarding the sindaci in connection with the presentation of the lists of the candidates have been already examined, time by time, in the preceding chapters. It is opportune, therefore, to make a summary here, following the logical order of the various operations. It is up to the "sindaci":

- a)- to authenticate the candidate signatures, apposed on the bottom of the declaration accepting the candidacy (art. 14, 3rd par.)
- b)- to issue the birth-certificates of the candidates, ¹⁴⁶⁶⁷ in order to prove that they have the 25th year of age at Election Day. (art. 14, 1st par.)
- c)- to issue the certificates, also collective, of inscription

also will at once arrange - in agreement with the other prefectures residing in the college - the plan of division of the municipalities in question, according to the criteria which will be determined by the Ministry.

Transmission of the final lists and of the symbols to the Prefecture of the Provincial Capital of the College - Printing of ballots

VIII - The central action will, at last, provide for the immediate transmission to the authority appointed by the Ministry of Interior, of the final lists and relative symbols, so that the latter can be printed on the ballots (art. 8 n. 2°). In this regard, it is pointed out that such transmission is to be made to the Prefecture of the capital of the college, as soon as the examination of the lists presented is finished and, anyhow, no later than Sunday April 28. The task of materially carrying out the printing of the ballots has been given, by the Ministry, to the "Istituto Poligrafico dello Stato" which will make direct contact with the Prefectures of the "capoluoghi" of College for the execution of the said printing, and will afterwards give instructions for the sending the ballots to each Prefecture of the circumscription, for further distribution to the electoral sections of the Communes.

C H A P T E R I V

ACCOMPLISHMENTS AND ATTRIBUTIONS OF THE "SINDACI"

The accomplishments and attributions regarding the sindaco in connection with the presentation of the lists of the candidates have been already examined, time by time, in the preceding chapters. It is opportune, therefore, to make a summary here, following the logical order of the various operations. It is up to the "sindaci":

- a) - to authenticate the candidate signatures, opposed on the bottom of the declaration accepting the candidacy (art. 14, 1st par.)
- b) - to issue the birth-certificates of the candidates, (art. 14, 1st par.)
- c) - to issue the certificates, also collective, of inscription in the electoral lists of the signers of the declaration of presentation of the lists of candidates (art. 16, 2nd par.); such issue must be made in the space of 24 hours (no postponement) from the request (under penalty of serious penal actions) and in other public places of the proclamation sent by the Prefecture, containing the definite lists of the candidates with their relative names; such publication must take place within the 20th day before the date of the election, namely by Monday 13 May (art. 18, n. 7°).
- d) - to take care of reserving 5 copies of the aforesaid proclamation for each electoral section, in order to forward them to the President (art. 18, n. 7°).

14667

office use and four for the affixation in the polling Hall) within the morning of the day before election day (art. 18, n. 7 and art. 23, n. 3).

CHAPTER V

APPOINTMENT AND ATTRIBUTIONS OF THE LISTS' DELEGATES

NOMINATION OF THE LISTS' REPRESENTATIVES

1)- Delegates of list; effective and substitutes

The paragraph before the last one of art. 16 states as follows:
The declaration of presentation of the lists of the candidates must also contain the indication of two effective delegates and two substitutes, authorized to make the nominations envisaged by art. 20. As it was already said, the above-mentioned delegates represent the electors who have undersigned the declaration of presentation of the lists of candidates, when the law asks the task to appoint the representatives of the list in each electoral office, or to delegate such appointments to persons authorized by them in an authentic form. The nomination of the list representative must be done with a written declaration, authenticated by a notary or by a circumscription sindaco. It is not envisaged the case when the delegates cannot sign; but it is quite impossible that such case happens. However, in this eventuality, the procedure the normally is followed should be used for those who sign with a cross mark in the presence of two witnesses: the prescribed authentication will be then referred to the signature of those persons.

Appointments of the representatives of list through authorized persons

The above-said nomination can be done, as it has been pointed out, even by persons expressly authorized "in an authentic form" by the delegates themselves. Such faculty has been evidently foreseen by the legislator in consideration of the fact that the delegates (two, as it has been said, for all the college) are not able to know directly the persons who could be charged with the function of representative of lists, in each section: they will use, then, their own trusted persons, in each Comune, who can make the above-mentioned choice. The nomination must be done for two representatives of the lists, one effective and the other substitute.

1)- Delegates of list: effective and substitutes

The paragraph before the last one of art. 16 states as follows:
The declaration of presentation of the lists of the candidates must also contain the indication of two effective delegates and two substitutes, authorized to make the nominations envisaged by art 20. As it was already said, the above-mentioned delegates represent the electors who have undersigned the declaration of presentation of the lists of candidates, when the law asks the task to appoint the representatives of the list in each electoral office, or to delegate such appointments to persons authorized by them in an authentic form. The nomination of the list representative must be done with a written declaration, authenticated by a notary or by a circumscription sindaco. It is not envisaged the case when the delegates cannot sign: but it is quite impossible that such case happens. However, in this eventuality, the procedure the normally is followed should be used for those who sign with a cross mark in the presence of two witnesses: the prescribed authentication will be then referred to the signature of those persons.

Appointments of the representatives of list
through authorized persons

The above-said nomination can be done, as it has been pointed out, even by persons expressly authorized "in an authentic form" by the delegates themselves. Such faculty has been evidently foreseen by the legislator in consideration of the fact that the delegates (two, as it has been said, for all the college) are not able to now directly the persons who could be charged with the function of representative of lists, in each section: they will use, then, their own trusted persons, in each Comune, who can make the above-mentioned choice. The nomination must be done for two representatives of the lists, one effective and the other substitute.

QUALIFICATIONS OF THE REPRESENTATIVES OF LIST

4666

The quality of circumscription elector and to know how to read and write (art. 20, 1st par.) are the essential references in getting the job. It is clear that the first reference - the inscription in an electoral list of the circumscription- must be documented. The law does not say expressly, but the checking will be made directly by the president of the electoral seat, because the representative of list votes in the section in which handles his work, and therefore, as the other electors, he must produce the present certificate, even if he has been put in the electoral lists of other sections (art. 40).

In this regard, it is pointed out the opportunity that the President of the seat makes sure that the representatives of list have the above-said

reference, when the electoral office is constituted (art. 33). As about the proof of the second reference - to know how to read and write - no particular formality is requested by the law: The President of the seat will make it sure in the way he thinks opportune; of course an illiterate person could not carry out the work requested by law from the representative of list in, the interest of the list itself.

Regulative character of the nomination of the representatives of the list. Organs to whom the nomination is to be addressed.

The nomination of the representative of list is made through the office of each section and the "Courte d'Appello" or the Circumscriptional Tribunal.

Such nomination is not compulsory but optional as it is requested not for the public interest but for the interest of the represented list; the representatives, in fact, do not belong to the electoral office, but they carry out functions aimed to protect the rights of the unitaries against every irregularity of the electoral operations.

a) - To the Chancery of the Preture

The nomination of the representatives of list for each section must be presented to the Preture's Chancery, in the circumscription of which the sections are, within the 8th day before that of the elections, namely within Saturday May 25.

It is up to the parties or political groups to anticipate the date of such nomination, so that the representative of list can be heard for the choice, of the scrutineers (art. 28). The Chancery will give, to those who present the act of nomination, a receipt proving the delivery as prescribed (separate receipts for each nomination of representatives of list of each section shall be compiled), and will provide later the forwarding of each nomination to the Secretariat of the electoral sections (through the Communes) so that they can arrive in good time to their destinations before the day of the polling. It is believed that, in the exceptional case in which such communication to the electoral section has not been made in time, the representatives can use the receipt to document such quality to the President of the seat, provided that their identification results from it.

b) - To the chanceries of the Courts of Appeal or of the Tribunaux

The appointment of the representatives of list at the "Courte d'Appello" or the circumscriptional ~~tribunal~~ Tribunal, which issues a receipt by 12:00 hrs. of election day (Sunday June 2 1946), such different term has been fixed in consideration that the evening up operation of the results begins only after the polling. This operation is competence of the Court of Appeal or Tribunal, constituted in central circumscriptional office.

===== SECOND PART =====

UNIQUE NATIONAL COLLEGE
Chapter I

Compilation of the lists of the candidates and their relative enclosures.

(Initiative for the presentation of the lists)

With difference from what happens for the presentation of the lists of candidates in the circumscriptional colleges, for which the concourse of electors not smaller than 500 is requested, the initiative of the presentation of the lists, for the Unique National College, is subordinated to the parties or organized political groups: that is deduced, indirectly, from the obligation that the presentation is made by 12 effective delegates of list having the same symbol. These delegates must represent namely a political entity of such an importance that it can have ~~its~~ own delegates in 6 of the circumscriptional colleges. Such lists must contain a number of candidates not greater than the number of the circumscriptions.

Compilation of the lists.

Even in the silence of the law, the following directions given to the circumscriptional colleges must be recalled and applied:

- a)- the candidates must be listed in order of priority for the attribution of the seats, and distinguished with a progressive order number.
- b)- each list must show name, surname, father's name and birth-place of every candidate.

Declaration of accepting the candidacy

As for the circumscriptional colleges, also for the unique national College, the candidacy must be accepted with a declaration.

- a)- Inscription in one circumscriptional list

The acceptance of the candidacy in a national list is not possible if the candidate is not contained in at least one list of circumscriptional college having the same symbol of that which presents him for the Unique National College.

With difference from what happens for the presentation of the lists of candidates in the circumscriptional colleges, for which the concourse of the lists, for the Unique National College, is requested, the initiative of the presentation of organized political groups: that is, indirectly, from the parties or symbol, these delegates must represent directly a political entity of such an importance that it can have its own delegates in 6 of the circumscriptional colleges. Such lists must contain a number of candidates not greater than the number of the circumscriptions.

Compilation of the lists.

Even in the silence of the Law, the following directions given to the circumscriptional colleges must be recalled and applied:

a) - the candidates must be listed in order of priority for the attribution of the seats, and distinguished with a progressive order number.

b) - each list must show name, surname, father's name and birth-place of every candidate.

Declaration of accepting the candidacy

As for the circumscriptional colleges, also for the unique national College, the candidacy must be accepted with a declaration.

a) - Inscription in one circumscriptional list

The acceptance of the candidacy in a national list is not possible if the candidate is not contained in at least one list of circumscriptional college having the same symbol of that which presents him for the Unique National College.

b) - Authentication of the signature of the candidate.

For the declaration of acceptance - a model of which is herein enclosed - (n. 5) as it is expressly envisaged for the declaration of acceptance of candidacy in the circumscriptional college, the authentication by a notary or a "sindaco" is required or, if the candidate lives abroad, by a diplomatic or consular office.

c) - Birth-certificates or equivalent documents of every candidate must be attached to the acts of acceptance: in this regard please refer to 1st par. 1st Chapter.

The lists of candidates for the Unique National College should also be furnished of a certificate of presentation by, at least, 12 effective

- 14 -

delegates of circumscriptive lists, bearing the same symbol. It is evident that the 12 delegates who present the list to the Unique National College, should prove such condition. It is considered that, for such documentation, should be valid and sufficient an authentic copy of the certificate of presentation of the electors in the circumscriptive college, containing, as it is known, the indication of the delegates of list. Herewith enclosed is a model of certificate of presentation of list in the Unique National College (Encl. N. 6).

O K A P P E R I I

PRESENTATION OF THE LISTS OF THE CANDIDATES AND RELATIVES

ENCLOSURES

Presentation and delivery of the acts by the list delegates

The presentation of the lists of the candidates for the Unique National College, can be considered under a double point of view, as for the analogue act in the circumscriptive college: as a manifestation of will by the 12 effective delegates of circumscriptive lists, and as material delivery of the list and relative enclosures. As to the first point, it was already seen that the 12 delegates represent 6 lists of different circumscriptive colleges having the same symbol that the list for the National Unique College will take; as to the second part of view, it should be pointed out that even in this case, as for the circumscriptive colleges, the law did not specified who should provide to the material presentation of the lists. Moreover, it is evident that the sending in of the list will be the responsibility of one or more of the representatives of the central party or the political group interested or that of a few delegates of the list who have signed the declaration concerning the presentation of the list.

Term for the presentation of the list

The term of presentation to the Chancery of the Court of Cassation is fixed, referring to art. 17, within 16:00 hrs. of Friday May 3, 30th day before the polling; that is 15 days after the expiration of the term of presentation of the lists in the circumscriptive colleges. This is in order to give time to the parties or interested political groups of arranging properly the candidates in the Unique National College with those presented in the circumscriptive colleges. For convenience of control, the acts which shall be presented to the Chancery of the court of Cassation are the following:

List of the acts which are to be presented

CHAPTER II

PRESENTATION OF THE LISTS OF THE CANDIDATES AND RELATIVE ENCLOSURES

Presentation and delivery of the acts by the list delegates

The presentation of the lists of the candidates for the Unique National College, can be considered under a double point of view, as for the analogue effective delegates of circumscriptive colleges: as a manifestation of will by the 12 effective list and relative enclosures, and as material delivery of the 12 effective delegates representing 6 lists of different circumscriptive colleges having the same symbol that the list for the National Unique College will take; as to the second part of view, it should be pointed out that even in this case, as for the circumscriptive colleges, the law did not specify who should provide to the material presentation of the lists. Moreover, it is evident that the sending of the list will be the responsibility of one or more of the representatives of the central party or the political group interested or that of a few delegates of the list who have signed the declaration concerning the presentation of the list.

Term for the presentation of the list

The term of presentation to the Chancery of the Court of Cassation is fixed, referring to art. 17, within 16:00 hrs. of Friday May 5, 30th day before the polling; that is 15 days after the expiration of the term of presentation of the lists in the circumscriptive colleges. This is in order to give time to the parties or interested political groups of arranging properly the candidates in the Unique National College with those presented in the circumscriptive colleges. For convenience of control, the acts which should be presented to the Chancery of the court of Cassation are the following:

List of the acts which are to be presented

- 1)- list of the candidates, containing a number of candidates not greater than the number of the circumscriptive candidates.
- 2)- declaration concerning the acceptance of the candidacy, drawn up by each candidate, signed by them, and authenticated by a notary or sindaco (or by a diplomatic or consular office for the candidates possibly living abroad).
- 3)- declaration concerning the presentation by the delegates of list, signed by 12 effective delegates, even in separate acts, bearing the authentication of each signature by a notary or a chancellor of Pretura.
- 4)- original copy of the declaration containing the appointment of the delegates of list, or another document considered legal by

4663

- 15 -

the central national office, proving such qualification.

5)- certificate concerning the inscription of each candidate in one of the circumscriptive lists; such document should be issued by the Chancery of the Court of Appeal or circumscriptive Tribunal to which the list where the candidate is inscribed has been presented.

6)- it is not necessary to produce also the symbol of the list, when it has been deposited in the Ministry of Interior, as to in art. 18, by the party or group which presents the list of candidates for the National Unique College; when such deposit has not been made, it will be necessary, on the contrary, as to art. 13, 1st par., to demonstrate the identity of the symbol in all the circumscriptive lists represented by 12 delegates who have undersigned the candidacy for the Unique National College. Such prove will be given producing a declaration of the central circumscriptive offices plus an enclosure with a facsimile of the deposited symbol. It is up to the Ministry of Interior to send to the Chancery of the Court of Cassation a model of each symbol deposited as in art. 80.

CHAPTER III

ATTRIBUTION OF THE COURT OF CASSATION & CHANCERY

1)- Attribution of the Chancery

The Chancery of the Court of Cassation:

a)- shall receive the list of the candidates to the National Unique College, on relative enclosures (till, it is understood, the prescribed term is not expired: 16:00 hrs of Friday May 3, 30th day before the polling.

b)- shall give to each list a progressive number, according to the order of presentation.

c)- shall issue immediately a receipt of the lists presented, mentioning the progressive number given to each list.

The progressive number given to each list is useful to state the priority in the publishing order of the lists and relative symbols in the "Gazzetta Ufficiale". It is evident that the receipt should mention not only the list which is referred to, but also all the single acts attached to the list itself, in order to avoid possible contest.

2)- National Central Office-Cassation

The Court of Cassation shall constitute the National Central Office in order to carry out the work attributed by the provisions in examination.

This office is composed by a President of section and 4 councilors chosen by the first President within 10 days from the date of bringing

delegates who have undersigned the candidacy for the Unique National College. Such prove will be given producing a declaration of the central circumscriptional offices plus an enclosure with a fac-simile of the deposited symbol. It is up to the Ministry of Interior to send to the Chancery of the Court of Cassation a model of each symbol deposited as in art. 80.

CHAPTER III

ATTRIBUTION OF THE COURT OF CASSATION & CHANCERY

1) - Attribution of the Chancery

The Chancery of the Court of Cassation:

a) - shall receive the list of the candidates to the National Unique College, and relative enclosures (till, it is understood, the prescribed term is not expired: 16:00 hrs of Friday May 3, 30th day before the polling.

b) - shall give to each list a progressive number, according to the order of presentation.

c) - shall issue immediately a receipt of the lists presented, mentioning the progressive number given them.

The progressive number given to each list is useful to state the priority in the publishing order of the lists and relative symbols in the "Gazzetta Ufficiale". It is evident that the receipt should mention not only the list which is referred to, but also all the single acts attached to the list itself, in order to avoid possible contest.

2) - National Central Office-Composition

The Court of Cassation shall constitute the National Central Office in order to carry out the work attributed by the provisions in examination.

This office is composed by a President of Section and 4 councilors chosen by the first President within 40 days from the date of bringing out of the decree of holding meetings, that is by April 2. Also for such off it is opportune considered to appoint some substitutes, in adequate number, as it has been pointed out, for the circumscriptional offices, in Chapter III, 1st part, and because of the same reasons.

Attributions

The following tasks are attributed to the National Central Office:
(this work should be performed within 5 days from the expiration of the term

4662

fixed for the presentation of the lists of the candidates to Unique National College, and that is by May 8.)

1)- First of all, it is up to the Central National Office:

a)- to check if the lists have been presented in good time; and that is within 16:00 hrs. of Friday May 3, 30th day before the

polling;

b)- to check if the lists presented have been undersigned by the prescribed number of effective delegates of list. This number, as it was said, is 12.

c)- to reduce to the stated limit the lists containing an excessive number of candidates, cancelling the last names in the lists; Also here, as it has been done for the circumscriptional colleges, it is pointed out that such reduction should be made after the examination of the admission of all the candidates contained within the prescribed number; this is in case that if someone of them should be cancelled from the list, having not reached the 25th year of age or having not accepted the candidacy, the reduction can be completed till the maximum number allowed, including the in it, according to the number of shifting, the candidates following the first ones ~~admitted~~ admitted. It is, moreover, pointed out that what has been said in Chapter III of the 1st part regarding the revocation of the acceptance and the substitution of the candidates.

2)- The Central National Office is concerned to provide for the cancelling from the lists of the candidates for whom there is no acceptance and of those candidates who have not completed 25 years of age on election day.

With reference to all said in letter c)- of the preceding N. 1, this operation is to be made soon after the check as in letter b)- of the aforesaid N. 1, for the lists containing a number of candidates over- heading the maximum allowed.

3)- The Central National Office shall, then, check if the candidates for the National Unique College are comprised in at least one of the circumscriptional lists. Also this check should precede the operation as to in letter c)- (being of rapid execution because of the obligation mentioned in par. 1 of art. 17 concerning the presentation of the certificate showing for each candidate for the Unique National College, the inscription in one of the circumscriptional college, the inscription in one of the circumscriptional list).

4)- The Central National Office shall provide, finally, through the Ministry of Interior, to publish the lists in the Gazzetta Ufficiale, with their relative symbol, and to transmit them, through the Ministry itself, to the Prefectures of the capitals of the circumscriptional Colleges. The College will inform the circumscriptional central offices.

THIRD PART

The College of "Val D'Aosta"

Chapter I

Proposal of candidature.1. Single Candidatures.

Art. 22 of D.L. 7 Sept 45 n. 545 concerning the administrative settlement of "Val d'Aosta" establishes as follows:

"Whatever ~~may~~ be the future electoral system of Italy, "Valle d'Aosta" will have the right to be represented by at least one member at the Constituent Assembly.

In adherence with such provisions, and in connection also with the number of inhabitants of the college, exhibit A annexed to D.L. 10 March 1946, n. 74, foresees that Val D'Aosta is entitled to only one member.

The candidatures are therefore, single candidatures.

2. Proposal of candidature.

Pursuant to n. 2 of art. 66, every candidature must be proposed by an undersigned declaration, also in separate declaration, by not less than 100 nor more than 200 electors of the College.

Such declaration, containing the proposal of one candidate, corresponds evidently to that of presentation of a list of candidates on the part of a certain number of electors in the circumscriptional colleges: and since, in accordance with paragraph first of said art. 66, the uninominal election in the college of "Val d'Aosta" is governed by the provisions contained in the same electoral law, as far as applicable, it follows that as regards the proposed candidatures in Val d'Aosta the same modalities outlined for the declaration of presentation of the candidates in the other colleges shall be complied with.

1. Single Candidatures.

Art. 22 of DML 7 Sept 45 n.545 concerning the administrative settlement of "Val d'Aosta" establishes as follows:

"Whatever ~~the~~ be the future electoral system of Italy, "Valle d'Aosta" will have the right to be represented by at least one member at the Constituent Assembly.

In adherence with such provisions, and in connection also with the number of inhabitants of the college, exhibit A annexed to DML 10 March 1946, n.74, foresees that Val D'Aosta is entitled to only one member.

The candidatures are therefore, single candidatures.

2. Proposal of candidature.

Pursuant to n.2 of art.66, every candidature must be proposed by an undersigned declaration, also in separate declaration, by not less than 100 nor more than 200 electors of the College.

Such declaration, containing the proposal of one candidate, corresponds evidently to that of presentation of a list of candidates on the part of a certain number of electors in the circumscriptional colleges: and since, in accordance with paragraph first of said art.66, the uninominal election in the college of "Val d'Aosta" is governed by the provisions contained in the same electoral law, as far as applicable, it follows that as regards the proposed candidatures in Val d'Aosta the same modalities outlined for the declaration of presentation of the candidates in the other colleges shall be complied with. (See First Part, Chapters I and II)

3. Reference to provisions to be complied with.

In particular it is pointed out:

that the proposals must be signed by name, family name and paternity, and authenticated by a notary or by a mayor of the electoral college.

4660

that where the proposal of candidature is subscribed on separate sheets, the name of the candidate referred to in the subscription must be written at the head of each sheet;

that to the proposals must be attached the certificates of inscription in the electoral lists of the college even if they are collective;

that the persons sponsoring one candidature cannot subscribe to other candidatures;

that the candidates must declare to accept the candidature;

that the declaration of acceptance must be authenticated;

that it is necessary to attach to documents the certificate of birth of the candidate, or another document of the same value, in order to prove that he has completed the 25th year on the day of the elections.

4. Countersigns.

Besides, each candidature must be accompanied by a countersign the latter can be rejected if it is identical or easily to be mistaken for the countersigns previously submitted, and another one must be submitted within 48 hours.

CHAPTER II

Presentation of the proposed candidature with the respective enclosures

The declaration of candidature must be deposited at the Chancery of the Tribunal of Appeal not later than 16 hours of Thursday 18 April next, 45 days prior to the day of the elections.

that to the proposals must be attached the certificates of inscription in the electoral lists of the college even if they are collective; that the persons sponsoring one candidature cannot subscribe to other candidatures;

that the candidates must declare to accept the candidature; that the declaration of acceptance must be authenticated; that it is necessary to attach to documents the certificate of birth of the candidate, or another document of the same value, in order to prove that he has completed the 25th year on the day of the elections.

4. Countersigns

Besides, each candidature must be accompanied by a countersign the letter can be rejected if it is identical or easily to be mistaken for other countersigns previously submitted, and another one must be submitted within 48 hours.

CHAPTER II

Presentation of the proposed candidature with the respective enrolments

The declaration of candidature must be deposited at the Chancery of the Tribunal of Costa not later than 15 hours of Thursday 18 April next, 45 days prior to the day of the elections.

The factual presentation may be made both by the leaders of the parties or political groups to which the single candidates belong and by one ^{or some} of the ~~leaders~~ representatives of the electors who are making the proposal ⁴⁶³⁹ the candidate himself.

The persons proposing shall nominate, in their declaration, which are the effective and substitute delegates who in turn shall ^{designate} ~~appoint~~ directly or through persons authorized by them in an authentic form, the representative of the candidate in the various sections and at the central office of the circumscription.

It is then obvious that besides the declaration of candidature and the countersigning, as required by n.3 of article 66, all the other documents, which as said before are necessary also for the college of 'Val d'Aosta' must be deposited.

CHAPTER III

Tasks and attributions of the Tribunal of Aosta and of the respective Chambers.

1. Attributions of the Chamber.

Tasks and attributions which are the competence of the Chamber of the Tribunal of Aosta are in all similar to those of the chambers of the Courts of Appeals and of the circumscriptorial Tribunals and therefore reference is made to what has been pointed out in the first part of Chapter III.

It is only here though advisable to point out that in the case of a candidate who takes part simultaneously also in the various national colleges (as it will be mentioned hereinafter) the chamber cannot be called upon to issue the certificate referred to in paragraph one of art. 17.

2. As regards on the other hand the tasks and attributions of the Tribunal of Aosta, it must be pointed out that this organ, constituted in central circumscriptional office, as for the other colleges, in accordance with art. 18 - although carrying out the same function, must perform other operations than those performed by the Courts.

circumscription.

It is then obvious that besides the declaration of candidature and the countersigning, as required by n.3 of article 66, all the other documents, which are said before are necessary also for the college of Val d'Aosta must be deposited.

CHAP. III

Tasks and attributions of the Tribunal of Aosta and of the respective Chancery.

1. Attributions of the Chancery.

Tasks and attributions which are the competence of the Chancery of the Tribunal of Aosta are in all similar to those of the chanceries of the Courts of Appeals and of the extraordinary Tribunals and therefore reference is made to what has been pointed out in the first part of Chap. for III.

It is only here though advisable to point out that in the case of a candidate who takes part simultaneously also in the various national colleges (as it will be mentioned hereinafter) the chancery cannot be called upon to issue the certificate referred to in paragraph one of art. 17.

2. As regards on the other hand the tasks and attributions of the Tribunal of Aosta, it must be pointed out that this organ, constituted in central circumscriptorial office, as for the other colleges, in accordance with art. 18, although carrying out the same function, must perform other operations then those performed by the Courts of Appeal and Tribunals of the other circumscriptive zones, owing to the fact that in Aosta the election is unimpartial.

4008

3. Differences among the attributions of the Courts of Appeal and Tribunals in other circumscriptorial colleges and those of the Tribunal of Aosta.

It is opportune to mention such differences taking into examination the single operations prescribed by art. 18 of the law, already reviewed in the first part of Chapter III.

A) In accordance with art. 18, the Court of Appeals or the Tribunal:-

- a) shall verify if the lists have been presented in time;
- b) shall verify if they have been undersigned by the number of electors fixed;
- c) shall verify if they contain the minimum number of candidates;
- d) shall declare in said the list which does not correspond to such conditions;
- e) shall reduce to the prescribed limit the lists exceeding in number or on candidates striking out the last names.

It is evident that the verification indicated by letters e) and b) would be applied also in the proposals for candidature of Acosta Valley, except that indicated under letter d). Consequently, the declaration regarding the invalidity of the candidature referred to in letter d) is limited to the circumstances existing at the time limit and of the failure of being submitted by the prescribed number of electors.

It is obvious then that the reduction as to letter c) does not apply in the municipal college of the Acosta Valley.

B) According to art. 18 n.2, the Court of Appeals or the Tribunal

- e) shall refuse the symbols equal or that may be confused with the symbols of other lists presented, preferring the symbols which were previously deposited with the Ministry of Interior;
- b) invite the representative of the lists interested to present the new symbol within 48 hours.

This provision is entirely applicable to the Acosta Valley

It is added out that the candidate of a party may have his own symbol that deposited with the Ministry of Interior by the party itself.

C) Art. 18 n.3 states that the Court of Appeals or the Tribunal shall strike out from the lists the names of the candidates for whom the prescribed acceptance is wanted and the names of the candidates who will not be 25 years of age on election day. Evidently if such an assumption will occur for the Acosta Valley College the Tribunal shall declare invalid the proposal of candidature.

B) According to art. 18 n.4, the Court of Appeals or the Tribunal shall strike out from the lists the names of the candidates contained in another list already or soon. The provision does not apply to the College of Valle d'Acosta, except in the case of a candidate designated by two different groups of electors will be considered. In such a case the candidate presented previously should be valid.

D) In accordance with art. 18 n.5, the Court of Appeals or the Tribunal assigns a number to each list admitted in accordance with the order of precedence. This provision is applicable to the College of Valle d'Acosta.

E) In accordance with art. 18 n.6, the Court of Appeals or the Tribunal shall order a new election in the case of a nullity of the election.

d) shall remain to the Tribunal the names of candidates striking out the list names.

It is evident that the verifications indicated by letters e) and b) should be applied also in the procedure for candidate of Costa Valley, except that indicated under letter c). Consequently, the limitation regarding the validity of the candidature referred to in letter d) is limited to the assumption of the representation beyond the time limit and of the failure of being subscribed by the prescribed number of electors.

It is obvious then that the reduction as to letter e) does not apply in the mentioned college of the Costa Valley.

b) According to art. 18 n.2, the Court of Appeals or the Tribunal

a) shall refuse the symbols equal or that may be confused with the symbols of other lists presented, referring the symbols which were previously deposited with the Ministry of Interior;

b) invite the representatives of the lists interested to present the new symbol within 18 hours.

This provision is entirely applicable to the Costa Valley

It is pointed out that the candidate of a party may have his own symbol that deposited with the Ministry of Interior by the Party itself.

c) Art. 18 n.3 states that the Court of Appeals of the Tribunal shall strike out from the lists the names of the candidates for whom the prescribed acceptance is not met and the names of the candidates who will not be 25 years of age on election day. Evidently if such an assumption will occur for the Costa Valley College the Tribunal shall decide within the proposal of candidature.

d) According to art. 18 n.4, the Court of Appeals or the Tribunal shall strike out from the lists the names of the candidates contained in another list already presented. The provision does not apply to the College of Valle d'Aosta, except in the case of a candidate designated by two different groups of electors will be considered. In such a case the candidate presented previously should be valid.

e) In accordance with art. 18 n.5, the Court of Appeals or the Tribunal assigns a number to each list admitted in accordance with the order of presentation. This provision is applicable to the College of Valle d'Aosta.

f) In accordance with art. 18 n.6, the Court of Appeals or the Tribunal shall assign a number to each candidate. The provision does not apply to the Costa Valley College.

g) According to art. 18 n.7 the Court of Appeals or the Tribunal shall provide through the Prefecture of the College of the capital to print the lists with the respective symbol and number of order in a single matrix.

All the operations referred to in art. 18 n.7 should be evidently carried out also in the College of Valle d'Aosta, in order to give the necessary publicity to the names of the single candidates and to the respective countersigns.

4657

in this case

only if the manifest shall contain not the "names" of the lists, but that of the single candidates distinguished by number of order assigned to them at the moment of the nomination of the respective proposal and by the country of each candidate.

14. In accordance with art. 18 n. 2, the Court of Appeals or the Tribunal shall forward at once to the authorities designated by the Ministry of the Interior the final lists and the respective countermarks, in order that the latter be printed in the bulletin papers.

Such provision may be applied to the college of the Val d'Aoste, save when the transitional and the printing concerns the single candidates and the countermarks of each candidate.

4. References to the provisions relative to the circumscriptive national colleges

To complete all that has been outlined up till now, it is deemed opportune to point out that, as mentioned before, the first paragraph of art. 66 establishes that the "universal election in the college of Val d'Aoste... is governed by the provisions of the preceding article, insofar as they can be applied..."

In this connection it is necessary to make clear that the provisions referred to above cannot be evidently other than those relative to the circumscriptive national colleges and not those relative to the single national college.

5. Exclusion of the candidates of the college "Val d'Aoste" from the other colleges.

At this point, it is thought necessary to advise that the different system of election (art. 67) and the fact that in the college of Val d'Aoste must be elected only one candidate, makes it inadmissible the simultaneous participation of a candidate to the elections in said college and in other circumscriptive national colleges or in the single national college.

In the three parts in which the present instructions have been divided - respectively for the circumscriptive national colleges, the single national colleges and the college of "Val d'Aoste" - all the operative and modification relative to the presentation of candidates have been indicated.

Uma question is however left only to be mentioned in order not to make this pamphlet too lengthy.

the merits of the acceptance of the respective proposal and by the counter-sign of each candidate.

14. In accordance with art. 18 n. 2, the Court of Appeals on the Tribunal shall forward at once to the authorities designated by the Ministry of the Interior the final lists and the respective counter-signs, in order that the latter be printed in the bulletin papers.

Such provision may be applied to the college of the Val d'Aosta, save when the transitional and the printing concerns the single cantons and the counter-sign of each candidate.

4. References to the provisions relative to the transcriptional colleges

To complete all that has been outlined up till now, it is deemed opportune to point out that, as mentioned before, the first paragraph of art. 16 establishes that the "ministerial election in the college of Val d'Aosta... is governed by the provisions of the preceding article, insofar as they can be applied..."

In this connection it is necessary to make clear that the provisions referred to above cannot be evidently other than those relative to the transcriptional colleges and not those relative to the single national college.

5. Exclusion of the candidate of the college "Val d'Aosta" from the other colleges.

At this point, it is thought necessary to advise that the different system of election of (art. 67) and the fact that in the college of Val d'Aosta must be elected only one candidate, makes it inadmissible the simultaneous participation of a candidate to the elections in said college and in other transcriptional colleges or in the single national college.

In the three parts in which the present instructions have been divided respectively for the transcriptional colleges, the single national college and the college of Val d'Aosta, all the operations and modalities relative to the presentation of candidates have been organized.

The question however had only to be mentioned in order not to refer this pamphlet to ourselves.

9397

0459

