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

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COMMUNAL ELECTIONS DECREE
NO DATE (?); (1943 - 1947 ?)
JAN. 1946

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

FILE

DATE

MEMORIZE SHEET NO.

PAGE

Allegato A

COMUNE DI .....

ELEZIONI COMUNALI–ANNO .....

CONSIGLIERI COMUNALI DA ELEGGERE N. .....

AVVERTENZE

1. Ciascun elettore ha diritto di votare per **un numero massimo di ..... candidati.**

2. Il voto si esprime tracciando il segno di croce (×) nelle apposite caselle a fianco dei nomi prescelti. E' consentita l'espressione del voto tracciando il segno di croce nella apposita casella a fianco del contrassegno di lista; in tal caso il voto si intende dato a tutti i candidati compresi nella lista, salvo quelli cancellati dall'elettore.

3. L'elettore che ha contrassegnato una lista può votare anche pei singoli candidati compresi in altre liste, apponendo il segno di croce nella casella posta a fianco dei rispettivi nomi, **purchè il numero dei voti complessivamente attribuiti non ecceda quello indicato al numero 1.**

A tal fine:

a) se la lista prescelta non è completa, l'elettore potrà ripartire tra le altre liste i voti che ancora rimanessero disponibili;

b) se la lista prescelta ha il numero massimo di candidati, o, se, pur essendo la lista incompleta, il numero dei candidati in essa compresi eccede, con l'aggiunta dei voti attribuiti individualmente a candidati di altre liste, il limite massimo per il quale l'elettore può votare, questi dovrà procedere alla cancellazione di tanti nomi (mediante un tratto di matita) quanti ne occorrono per contenere nel limite predetto il numero dei voti attribuiti.

4. **È nulla la scheda che contenga un numero di voti superiore a quello indicato nella avvertenza n. 1.**

4800

	○ □	○	○	○	○
1	□ GRANDOLFO FRANCESCO				
2	□ ZENGARINI RENATO				
3	□ BUCIOLACCHI FRANCESCO				
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1. Ciascun elettore ha diritto di votare per **un numero massimo di ..... candidati.**

2. Il voto si esprime tracciando il segno di croce (×) nelle apposite caselle a fianco dei nomi prescelti. E' consentita l'espressione del voto tracciando il segno di croce nella apposita casella a fianco del contrassegno di lista: in tal caso il voto si intende dato a tutti i candidati compresi nella lista, salvo quelli cancellati dall'elettore.

3. L'elettore che ha contrassegnato una lista può votare anche pei singoli candidati compresi in altre liste, apponendo il segno di croce nella casella posta a fianco dei rispettivi nomi, **purchè il numero dei voti complessivamente attribuiti non ecceda quello indicato al numero 1.**

A tal fine:

a) se la lista prescelta non è completa, l'elettore potrà ripartire tra le altre liste i voti che ancora rimanessero disponibili;

b) se la lista prescelta ha il numero massimo di candidati, o, se, pur essendo la lista incompleta, il numero dei candidati in essa compresi eccede, con l'aggiunta dei voti attribuiti individualmente a candidati di altre liste, il limite massimo per il quale l'elettore può votare, questi dovrà procedere alla cancellazione di tanti nomi (mediante un tratto di matita) quanti ne occorrono per contenere nel limite predetto il numero dei voti attribuiti.

4. **È nulla la scheda che contenga un numero di voti superiore a quello indicato nella avvertenza n. 1.**

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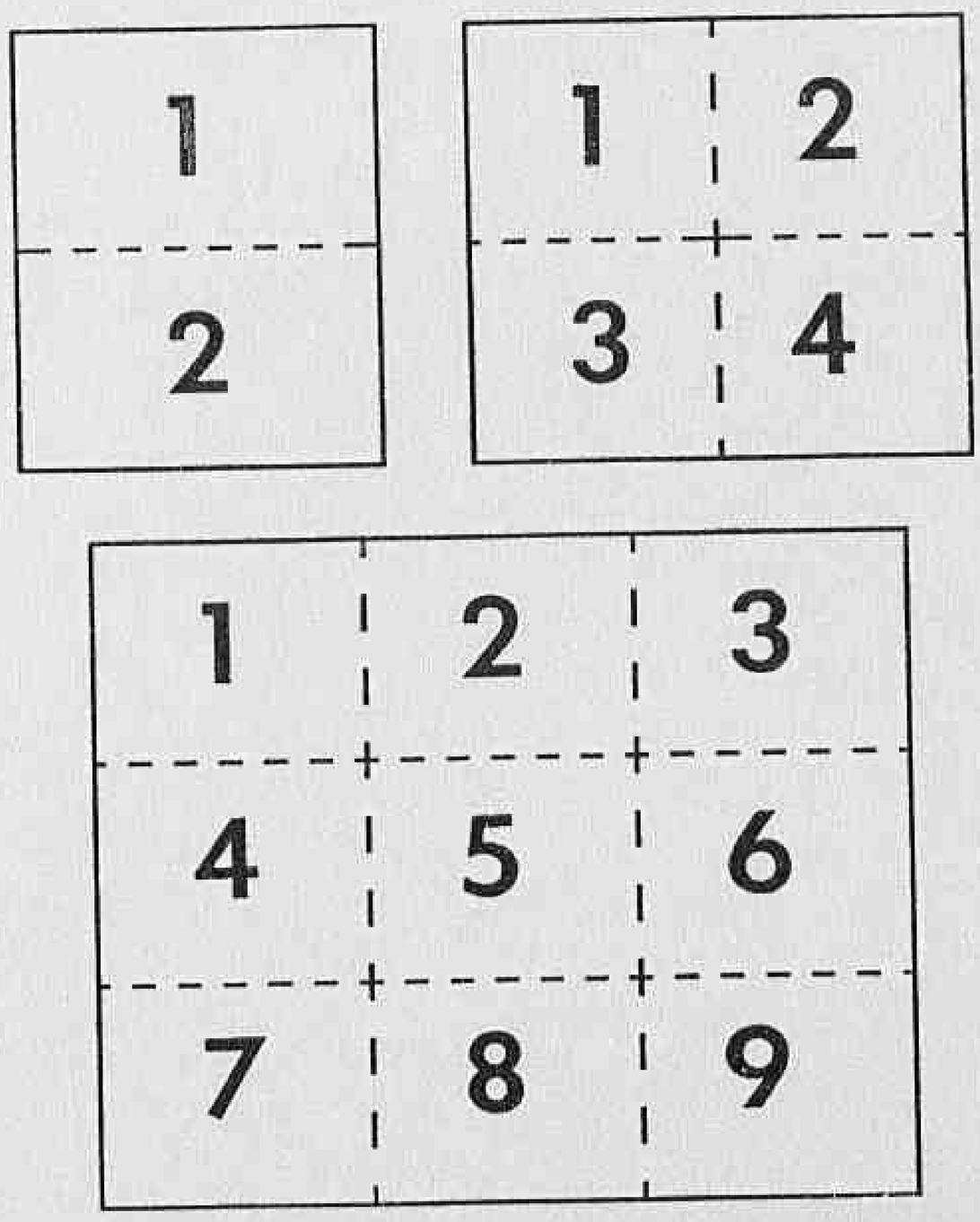
MAPS AND CHARTS TOO LARGE TO FILM ON ONE EXPOSURE ARE FILMED CLOCKWISE BEGINNING IN THE UPPER LEFT CORNER, LEFT TO RIGHT, AND TOP TO BOTTOM.

SEE DIAGRAMS BELOW.



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COMUNE DI .....

ELEZIONI COMUNALI ANNO .....

CONSIGLIERI COMUNALI DA ELEGGER

AVVERTENZE

1. Ciascun elettore ha diritto di votare per **un numero massimo di ..... candidati.**

2. Il voto si esprime tracciando il segno di croce (×) nelle apposite caselle a fianco dei nomi prescelti. È consent segno di croce nell'apposita casella a fianco del contrassegno di lista: in tal caso il voto si intende dato a tutti i can cancellati dall'elettore.

3. L'elettore che ha contrassegnato una lista può votare anche per i singoli candidati compresi in altre liste, app posta a fianco dei rispettivi nomi, **purchè il numero dei voti complessivamente attribuiti nonecceda quello indicato a**

A tal fine:

a) se la lista prescelta non è completa, l'elettore potrà ripartire tra le altre liste i voti che ancora rimanessero

b) se la lista prescelta ha il numero massimo di candidati, e se, pur essendo la lista incompleta, il numero dei l'aggiunta dei voti attribuiti individualmente a candidati di altre liste, il limite massimo per il quale l'elettore può vota lazione di tanti nomi (mediante un tratto di matita) quanti ne occorrono per contenere nel limite predetto il numero de

4. **È nulla la scheda che contenga un numero di voti superiore a quello indicato nellaavvertenza n. 1.**

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1	□ BORZETTI ERNESTO					
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COMUNE DI .....

ELEZIONI COMUNALI ANNO .....

ERI COMUNALI DA ELEGGERE N. .....

AVVERTENZE

di votare per **un numero massimo di ..... candidati.**
o il segno di croce (×) nelle apposite caselle a fianco dei nomi prescelti. È consentita l'espressione del voto tracciando il
a fianco del contrassegno di lista: in tal caso il voto si tende dato a tutti i candidati compresi nella lista, salvo quelli

nato una lista può votare anche per i singoli candidati compresi in altre liste, apponendo il segno di croce nella casella
purchè il numero dei voti complessivamente attribuiti non ecceda quello indicato al n. 1.

è completa, l'elettore potrà ripartire tra le altre liste i voti che ancora rimanessero disponibili;
numero massimo di candidati, e se, pur essendo la lista incompleta, il numero dei candidati in essa compresi eccede, con
ualmente a candidati di altre liste, il limite massimo per il quale l'elettore può votare, questi dovrà procedere alla cancel-
tratto di matita) quanti ne occorrono per contenere nel limite predetto il numero dei voti attribuiti.
enga un numero di voti superiore a quello indicato nell'avvertenza n. 1.

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COMUNE DI

ELEZIONI COMUN

CONSIGLIERI COMUNALI

AVVERTE

1. Ciascun elettore ha diritto di votare per la lista prescelta apponendo il segno di croce (x) nella casella a fianco
2. L'elettore può manifestare **la propria preferenza per un numero non superiore a ..... candidati appartenen**
3. L'elettore può procedere anche a **cancellazioni di candidati della lista prescelta,** mediante un tratto di matita su
4. **È nulla la scheda nella quale siano stati cancellati tutti i nomi contenuti nella lista prescelta.**

	☐					
1	☐ PANUNZI GIUSEPPE					
2	☐ LOMBARDOZZI ALESSAN.					
3	☐ SERARCANGELI FILIBERTO					
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COMUNE DI .....

LEZIONI COMUNALI - ANNO .....

RI COMUNALI DA ELEGGER

AVVERTENZA

ta prescelta apponendo il segno di croce (x) nella casella a fianco del contrassegno di lista.
za per un numero non superiore a ..... candidati appartenenti alla lista prescelta, apponendo il segno di croce nella casella a
i di candidati della lista prescelta, mediante un tratto di matita sui nomi non approvati.
ellati tutti i nomi contenuti nella lista prescelta.

	○	○	○		○	○	○

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UNALI-ANNO

LI DA ELEGGERE N.

ERTENZA

a fianco del contrassegno di lista.

ppartenenti alla lista prescelta, apponendo il segno di croce nella casella a fianco dei rispettivi nomi.

matita sui nomi non approvati.

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COMUNE DI .....

ELEZIONI COMUNALI-ANNO .....

CONSIGLIERI COMUNALI DA ELEGGER

AVVERTENZE

1. Ciascun elettore ha diritto di votare per la lista prescelta apponendo il segno di croce (x) nella casella a fianco
2. L'elettore può manifestare **la propria preferenza per un numero non superiore a** ..... **candidati apparten** il segno di croce nella casella a fianco dei rispettivi nomi.
3. L'elettore può procedere anche a **cancellazioni di candidati della lista prescelta,** mediante un tratto di matita s
4. **È nulla la scheda nella quale siano stati cancellati tutti i nomi contenuti nella lista prescelta.**

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2	☐ CONI PIETRO						
3	☐ ROGAI ENRICO						
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Allegato B

COMUNE DI .....

LEZIONI COMUNALI-ANNO .....

ERI COMUNALI DA ELEGGERE N. .....

AVVERTENZE

di votare per la lista prescelta apponendo il segno di croce (x) nella casella a fianco del contrassegno di lista.
ta propria preferenza per un numero non superiore a ..... candidati appartenenti alla lista prescelta, apponendo
o dei rispettivi nomi.
che a **cancellazioni di candidati della lista prescelta,** mediante un tratto di matita sui nomi non approvati.
le siano stati cancellati tutti i nomi contenuti nella lista prescelta.

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COMMUNE OF
COMMUNAL ELECTION - YEAR

COMMUNAL COUNCILLORS TO BE ELECTED N. .....

N o t i c e

1. Each elector is entitled to vote for a maximum number of.....candidates.
2. The vote is expressed by drawing a crossmark (x) in the appropriate squares at the side of the shosen names. The expression of vote by drawing a cross-mark in the appropriate square at the side of the countersign of list is allowed: in this event the vote is intended as given to all the candidates comprised in the list, with the exception of those cancelled by the elector.
3. The elector who has countermarked a list can vote also for the single candidates comprised in other lists, by placing a cross-mark in the square at the side of the respective names, provided the number of the votes given complessively do not exceed that indicated in n.1
For this purpose:
   a) if the chosen list is not complete, the elector may distribute among the other lists the votes which would be still available;
   b) if the chosen list has the maximum number of candidates, or if, although being an incomplete list, the number of candidates comprised in it exceeds, with the addition of the votes assigned individually to candidates of other lists, the maximum limit for which the elector can vote, the latter must proceed to the canc llation of as many names (by means of a line drawn with a pencil) as are necessary to contain within the aforesaid limit the number of the votes assigned.
4. A ballot paper containing a number of votes above the one indicated in notice n.1 is void.

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COMUNE OF

COMMUNAL ELECTION - YEAR

COMMUNAL COUNCILLORS TO BE ELECTED N.

N o t i c e

1. Each elector is entitled to vote for the chosen list by placing the cross-mark (x) in the square at the side of the countersign of list.

2. The elector may manifest his own preference for a number not superior to..... candidates belonging to the chosen list, by placing a crossmark in the square at the side of the respective names.

3. The elector may proceed also to cancellation of candidates of the chosen list, by means of line drawn by pencil on the names disapproved.

4. The ballot paper in which all the names contained in the chosen list have been cancelled is void.

4795

HUMBERT OF SAVOY
PRINCE OF PIEDMONT
LIEUTENANT GENERAL OF THE REALM

Decreto Legislativo Luogotenenziale 7/1/1946 N.1 (Raccolta 1946). Gazzetta Ufficiale del Regno d'Italia supplement N. 8 dated 10 January 1946.

By virtue of the power conferred upon us;
Havingseen T.U. of the communal and provincial law approved by R.D. 4 feb 1915, n.148, replaced by T.U. approved by RD 3 March 1934, n.383;
Having seen art. 4 of DLL 25 June 1944, N.151;
Having seen DLL 1 feb 1945, n.58;
Having seen art. 1 of DLL 5 April 1945, n.146 and art. 28 of DLL 31 aug. 1945, n.539;
Having seen the deliberation of the Council of Min sters;
Having heardthe advice of the Consulta Nazionale;
On proposal of the Minister for the Interior;
We have sanctionned and proclaim as follos:

TITLE I.

ORGANS OF THE COMMUNAL ADMINISTRATION.

Art. 1

Every Commune shall have a Council, a Giunta and a Sindaco.

Art. 2

The communal Council shall be composed of:

80 members in Communes having a population exceeding 500.000;
60 " " " " " 250.000;
50 " " " " " 100.000;
40 " " " " " 30.000; of 4794
which , even if their population is lower, are provincial capitals;
30 members in Communes having a population exceeding 10.000;
20 " " " " " 3.000;
15 " in the other Communes;

and of all eligible persons when their number is inferior to the one which

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Having seen art. 4 of DLL 25 June 1944, N.151;
Having seen DLL 1 feb 1945, n.58;
Having seen art. 1 of DLL 5 April 1945, n.146 and art. 28 of DLL 31 aug. 1945, n.539;
Having seen the deliberation of the Council of Ministers;
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80 members in Communes having a population exceeding 500.000;

60 " " " " " 250.000;

50 " " " " " 100.000;

40 " " " " " 30.000; of 4794
which , even if their population is lower, are provincial capitals;

30 members in Communes having a population exceeding 10.000;

20 " " " " " 3.000;

15 " in the other Communes;

and of all eligible persons when their number is inferior to the one which has been fixed.

The population is determined on the basis of the last official census.

Art. 3

The Municipal Board (Giunta) shall consist of the sindaco, who shall preside over it, and of:

Fourteen assessors (assessori) and four substitues (supplenti) in Communes having a population exceeding 500.000;

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2/7

twelf assessors and three substitutes in Communes with a population exceeding 250.000 inhabitants;

ten assessors in Communes with a population exceeding 100.000;

six assessors in Communes with a population exceeding 30.000 or which , even if their population is lower, are provincial capitals;

four assessors in the Communes with a population exceeding 3000;

and two assessors in the others.

In the Communes of the last four categories the number of substitute assessors shall be two.

To the Sindaco and to the assessors there may be assigned, compatibly with the financial conditions of the Commune, an allowance of office, whose extent shall be fixed by the communal Council. The respective deliberation will be submitted to the approval of the Giunta Provinciale Amministrativa.

Art. 4

The municipal Board shall be elected by the communal Council from its own members under the procedure set forth in art.134 of the T.U. of the communal and provincial law approved by RD 148 of 4 Feb 1915.

Art. 5

4793

The municipal Board shall be elected by the Communal Council at the first meeting subsequent to its constitution.

Art. 6

The sindaco shall be elected by the Communal Council from its own members, by secret voting, at the first meeting and, in case of sub-

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four assessors in the Communes with a population exceeding 5000; and two assessors in the others.

In the Communes of the last four categories the number of substitute assessors shall be two.

To the Sindaco and to the assessors there may be assigned, compatibly with the financial conditions of the Commune, an allowance of office, whose extent shall be fixed by the communal Council. The respective deliberation will be submitted to the approval of the Giunta Provinciale Amministrativa.

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Art. 5

4793

The municipal Board shall be elected by the Communal Council at the first meeting subsequent to its constitution.

Art. 6

The sindaco shall be elected by the Communal Council from its own members, by secret voting, at the first meeting and, in case of subsequent vacancy of the office, at the first meeting of the first session after said vacany, whenever no special meeting has been called for.

The election shall not be valid without the participation of two thirds of the councillors of the Commune and by absolute majority of votes.

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2/B

If after two elections no candidate has obtained an absolute majority supplementary voting shall be held between the two candidated who obtained in the second election the greatest number of votes, and the candidate who is given absolute majority shall be proclaimed Sindaco.

Should no candidate receive said absolute majority, then the election shall be postponed to another meeting, which will be held within the term of eight days, when the polling will take place whatever the number of voters. Should nobody obtain the absolute majority of votes, an election by ballot shall be held and whoever received the greatest number of votes shall be proclaimed Sindaco.

For the remainder, the provision in art 147, paras 6,7,8 and 9 of the T.U. of the communal and provincial law approved by RD 148 of 4 Feb 1915 shall be applied.

Art. 7

Besides the cases of inelegibility foreseen by Title II, Chapter I, the following persons cannot be appointed sindaco:

Whoever has not given an a count of a previous administration or having given an account is found to be in debt;

The minister of a religion;

Whoever is holding the position of provincial deputy; 4792

Whoever has forebears or descendants, or relatives or next of kin to the second degree, who are holding in the commune the positions of communal secretary, tax-collector, communal collector or treasurer, public utilities or works contractor in the commune, or in any way that of fidejussor;

Whoever was convicted for any crime committed in the capacity of

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Should no candidate receive [illegible] majority, then the election shall be postponed to another meeting, which will be held within the term of eight days, when the polling will take place whatever the number of voters. Should nobody obtain the absolute majority of votes, an election by ballot shall be held and whoever received the greatest number of votes shall be proclaimed Sindaco.

For the remainder, the provision in art 147, paras 6,7,8 and 9 of the T.U. of the communal and provincial law approved by RD 148 of 4 Feb 1915 shall be applied.

Art. 7

Besides the cases of inelegibility foreseen by Title II, Chapter I, the following persons cannot be appointed sindaco:

Whoever has not given an account of a previous administration or having given an account is found to be in debt;

The minister of a religion;

Whoever is holding the position of provincial deputy; 4762

Whoever has forebears or descendants, or relatives or next of kin to the second degree, who are holding in the commune the positions of communal secretary, tax-collector, communal collector or treasurer, public utilities or works contractor in the commune, or in any way that of fidejussor;

Whoever was convicted for any crime committed in the capacity of public official or in abusing his office, and sentenced to a penalty restricting personal liberty exceeding six months, or whoever was sentenced for any other offence to imprisonment for a period not less than one year, save for rehabilitation under the terms of the law.

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9/c

Art. 8

The communal councils shall remain in office for four years and shall be completely renewed on the expiry of every four years.

The sindaco and the Municipal Board shall cease to function at the same time as the Council; however they shall remain in office until their successors have been appointed.

Art. 9

A councillor and assessor shall lose his office if any of the impediments, incompatibilities or disqualifications contemplated by the law are found to exist.

Art. 10

The powers and the operations of the bodies contemplated in the present Title, and also the procedure for the partial renewal of the communal Councils shall be governed by the rules of T.U. of the communal and provincial law approved by RD 148 of 4 Feb 1915 as after as applicable.

TITLE II

Administrative Elections

Chapter I

Electorate and Eligibility

4791

Art. 11

Electors are all Italian citizens registered in the electoral lists compiled in accordance with DLL 28 Setp 1944, n.247, of DMI 24 oct 1944, published in Gazzetta Ufficiale n.9 of 20 Jan.1945, and of the subsequent modifications and additions.

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until their successors have been appointed.

Art. 9

A councillor and assessor shall lose his office if any of the impediments, incompatibilities or disqualifications contemplated by the law are found to exist.

Art. 10

The powers and the operations of the bodies contemplated in the present Title, and also the procedure for the partial renewal of the communal Councils shall be governed by the rules of T.U. of the communal and provincial law approved by RD 148 of 4 Feb 1915 as after as applicable.

TITLE II

Administrative Elections

Chapter I

Electorate and Eligibility

4791

Art. 11

Electors are all Italian citizens registered in the electoral lists compiled in accordance with DLL 28 Setp 1944, n.247, of DMI 24 oct 1944, published in Gazzetta Ufficiale n.9 of 20 Jan.1945, and of the subseguent modifications and additions.

The subdivision of the Communes in electoral section, the compilation of the respective lists and the choice of the places of meeting of the electors shall be governed by the provisions of DLL 22 April 1945, n.214.

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2/P

Art. 12

Eligible to communal councillors are all persone registered in the electoral lists of any Commune, provided they can read and write.

Evidence of literacy, in the absence of a regular certificate of study, may be given by a ~~written~~ declaration written and undersigned by the interested party, with the indication of the paternity and age, domicile and condition, in the presence of the Sindaco and of the communal secretary, or of a notary, or of the praetor, or justice of the peace, with the assistance of two witnesses outside the personnel of the Commune. Such evidence must be given within ten days of the notice of the holding of the election.

Art. 13

The following persons shall not be eligible to hold the position of communal Councillors:

a) senators which have been declared to have lost their title;

b) Presidi of the Provinces and all those who were Podesta' during the last five years of the fascist regime (1938-1943) or were appointed to such office by the government of the social republic;

c) High rank officers and generals of the Armed Forces of the State, who, as result of judgment of Epuration, were exhonerated from the service with or without the loss to pension and officers of any rank, who having cooperated from 13 october 1943 with the Armed Forces which fought against Italy, have been cancelled from the rolls with the loss of their rank;

d) public administrations employees holding a grade superior to 9th in the State establishment, who as a result of epuration proceedings were exhonerated from the service with or without the loss of the right to pen

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condition, in the presence of the Sindaco and of the communal secretary, or of a notary, or of the praetor, or justice of the peace, with the assistance of two witnesses outside the personnel of the Commune. Such evidence must be given within ten days of the notice of the holding of the election.

Art. 13

The following persons shall not be eligible to hold the position of communal Councillors:

a) senators which have been declared to have lost their title;

b) Presidi of the Provinces and all those who were Podesta' during the last five years of the fascist regime (1938-1943) or were appointed to such office by the government of the social republic;

c) High rank officers and generals of the Armed Forces of the State, who, as result of judgment of Epuration, were exhonerated from the service with or without the loss to pension and officers of any rank, who having cooperated from 13 october 1943 with the Armed Forces which fought against Italy, have been cancelled from the rolls with the loss of their rank;

d) public administrations employees holding a grade superior to 9th in the State establishment, who as a result of epuration proceedings were exhonerated from the service with or without the loss of the right to pension.

e) those who were definetely cancelled from the professional rolls as a result of epuration proceedings;

f) person who registered in the republican fascist party.

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Art. 14

The following persons shall not be eligible to hold the position of communal councillor:

1) clergym n and ministers of religion who have jurisdiction or care of souls; those who usually take their place and members of chapters and collegiate churches.

2) government officials who are entrusted with supervising the Communes and employees of their offices;

3) those who receive a wage or salary from the Commune or from bodies institutes or concerns administered, supported or supervised by them, as well as administrators of such bodiesm institutes or concerns;

4) employees of public welfare and charity institutions located within circumscription of the Commune;

5) those who handle the money of the Commune or have not presented an account of it yet;

6) those who have a law suit pending against the Commune;

7) those who take a direct or indirect part in the services, duty collection, supplies or contracts in the interests of the Commune, or in companies or enterprises having the purpose of making profit and are supported in any way by the Commune in question;

8) the administrators of the Commune and of the public welfare and charity institutions under its supervision, who are held reponsible juridically or administratively;

9) those who have a liquid debt toward the body and have been legally granted an extension.

10) magistrates of Court of Appeal, Tribunal and Praetura, in the territory in which they exercise their jurisdiction.

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9) those who have a liquid debt toward the body and have been legally granted an extension.

10) magistrates of Court of Appeal, Tribunal and Praetura, in the territory in which they exercise their jurisdiction.

Art. 15

Foreberars and offsprings, relatives in the first degree, the adopter and the adopted, the affiliator and the affiliated cannot be members of the same communal Council.

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Art. 16

Members of the Giunta provinciale amministrativa cannot be members of any communal Council within the province.

CHAPTER II

ELECTIONS OF THE COMMUNAL COUNCILS IN THE COMMUNES NOT PROVINCIAL CAPITALS WITH A POPULATION BELOW 30,000 INHABITANTS AND ELECTORAL OPERATIONS.

Art. 17

The election of the Communal Councillors shall be held in accordance with the provisions referred to in the present Chapter as regards the Communes not provincial capitals which, in the last official census had a population inferior to 30.000 inhabitants; in accordance with the provisions of the subsequent Chaprter for the other Communes.

Art. 18

The electors of a commune shall all take an equal part in the election of every councillor.

However the Giunta provinciale amministrativa, in the Communes divided into fractions, upon request of the Municipal Giunta or of the majority of the electors of a fraction, may distribute the number of the councillors throughout the various fractions according to their population, fixing the circumscription of each one of them.

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In such event, the electors of the fractions will proceed to elect by separate scrutiny the respective councillors of the fractions in question.

The decision of the Giunta provi ciale amministrativa shall be published in the communal notice board.

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In such event, the electors of the fractions will proceed to elect by separate scrutiny the respective councillors of the fractions in question.

The decision of the Giunta provi ciale amministrativa shall be published in the communal notice board.

Art. 19

The prefect, in agreement with the first president of the Court of Appeals, shall establish the date of the election for each Commune and shall communicate it to the sindaco who by notice to be posted 15 days prior to said date, shall notify the voters thereof indicating the day and the place of the electoral meeting.

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The prefect, moreover, communicates the decree to the President of the electoral Commission who within the eighth day prior to the date of the elections, transmits to the Sindaco an exemplar of the sectional lists.

Art. 20

The candidatures, grouped in lists comprising a number of candidates not below one fifth and not above four fifths of the number of councillors to be elected, must be submitted, for each Commune, by at least 200 electors in the Communes with more than 20,000 inhabitants, 100 in the Communes with more than 10.000, 50 in the Communes with more than 5,000 and 30 in Communes with more than 2,000 inhabitants and 10 in the smaller Communes.

The number of the presentators cannot exceed of more than one third the figures indicated in the preceding paragraph.

The population of the Commune is determined on the basis of the last official census.

The presentators must be electors registered in the lists of the Commune and their signature shall be authenticated by a notary, or by the communal secretary, or the praetor or by the justice of the peace. For the electors who are not able to undersign provisions of art.11 of the T.U. of the political electoral law approved by RD 2 sept 1919, n.1495 are applied.

Each elector cannot subscribe for more than one declaration relative to the presentation of a list.

the family name, the name, paternity and place of birth must be indicated for all candidates.

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Together with the list there must be submitted a declaration of acceptance on the part of each candidated, authenticated by the sindaco

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Together with the list there must be submitted a declaration of acceptance on the part of each candidated, authenticated by the sindaco or by a notary or the praetor or the justice of the peace, whereby the existence of any cause of inelegibility in accordance with art.13 is excluded.

The presentation of a countersign of list, which may contain a design is compulsory. Such presentation must be made in triple exemplar.

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Nobody can accept a candidature in more than one list in the same Comm une, nor can he present himself as a candidate in more than two Communes, if the elections are taking place in the same day. Whoever was elected in one Commune, cannot present himself as a candidate in other communes.

The presentations of the candidatures must be submitted to the secretary's office of the Commune within noon time of the thirtieth day preceding the elections.

The communal secretary , or whoever substitutes him legally, shall issue a detailed receipt of the documents submitted, indicating the day and the hour of presentation, and shall provide to to forward them withing the same day to the Electoral Commission.

Art. 21

The Commission, within the subsequent day to that of presentation of the candidatures:

a) verifies that they are undersigned by the prescribed number of electors, eliminating those which are not;

b) eliminates the names of the candidates for which the prescribed acceptance with the statement referred to in para 7 of the preceding article is lacking;

c) turns down the counter signs of list which are identical or that could be easily confused with those of other lists presented before, fixing a term of not more than 48 hourse for the presentation of a new countersign;

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d) cancells the name of the candidates already comprised in other lists presented before;

e) turns down the lists containing a number of candidates below the

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d) cancells the name of the candidates already comprised in other lists presented before;

c) turns down the lists containing a number of candidates below the minimum prescribed and reduces those containing a number of candidates above the maximum allowed, cancelling the last names.

The decisions of the Commission are irrevocable and must be immediately communicated to the sindaco, for the preparation of the list of candidates referred to in art. 29, n.3, and for the posting on the praetor's notice board and other public places, to be effected within the fifteenth day preceding the elections.

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A similar immediate communication must be made to the prefect for the printing of the ballot papers, in which the candidates will be listed in accordance with the order of presentation of the respective lists.

Art. 22

Within the fifth day prior to that fixed for the elections, the sindaco shall have provided for the delivery of the registration certificate at the domicile of each elector.

The certificate made ~~by~~ of white paper shall indicate the section to which the elector belongs, the place, day and hour of the polling and carries with it a coupon to be detached by the president of the electoral office at the moment when the voting takes place.

For the electors residing in the commune the delivery of the certificate shall be verified by means of a receipt to be signed by the persons concerned, a memeber of his family or anyone at his service.

If the person to whom the certificate is delivered cannot or does not want to give a receipt, the declaration of the deliverer shall take its place.

In the case of electors residing outside the commune the certificates shall be sent to them by the municipal office through the sindaco of the coomune where they are resding , provided their residence is known.

The electors may on and after the third day before the elections, personally withdraw the certificates of registration in the list, should they have not received it, against appropriate notation in a special register.

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When a certificate has been lost or became unusable, the elector has

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When a certificate has been lost or became unusable, the elector has the right to receive another one with different colored print from the sindaco with the notation :duplicate and against note of this act being made in a special register, provided he presents himself to withdraw it on the day prior to or on the same day of the election..

For the purposes of the operations contemplated by the present article, the communal office shall be open every day for five days prior to and on the day of the polling at least from 9 to 17 hours.

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Art. 23

An electoral office shall be formed in each section and shall consist of the president, four controllers (scrutatori), the oldest of whom shall act as vice president, and a secretary.

The president shall be designated by the first president of the Court of Appeals among the magistrates, the lawyers and attorney generals of the "Avvocatura " of the State, who exercise their office in the the district of the Court itself, and, if required, among the civil servants on the retired list, officials belonging to the personnel of the chanceries and judiciary secretary's offices, notariesm, justices of the peace and deputies justices of the peace, vice-praitors, lawyersm attorney generals, engineers, public health officials and pharmacits regularly registered in their respective rollsm, civil employees of the State, excluding those depending fwrom the Ministry of the Interiorm, of the Communications and transports, who all should have their residence in the district.

The enumeration of these categories, except for that of the magistrates, does not imply any order of precedence in connection with designation.

A list of eligible candidates for the office of the president of the electoral seat shall be kept up to date in the Chancery of every Court of Appeals in accordance with the provisions to be established by the Ministry of Justice in agreement of that of the Interior.

In case the president is impeded in circumstances which do not allow for his replacement in the normal way, then the sindaco or his delegate shall take over the presidency.

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The president of the electoral office shall be reimbursed by the commune in which the office has its seat, besides travel expenses actually incurred, [illegible] the amount of which shall be established by the first pre-

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4784

The president of the electoral office shall be reimbursed by the commune in which the office has its seat, besides travel expenses actually incurred, a travel allowance the amount of which shall be established by the first president of the Court of Appeals upon his designation.

Art. 24

In the period between the fifteenth and the eighth day preceding the elections the Giunta Municipale proceeds to the appointment of the scrutatori (controllers) among the electors of both sexes of the Commune who are eligible

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to communal councillors, excepting the candidates.

If the commune is governed by a commissionerm the latter shall proceed to the appointment of the controllers, with the a sistance of the communal secretary, after consulting the first signatory of each declaration of candidature.

The sindaco shall notify the chosen persons of their appointment within the shortest possible time and not later tha the second day preceding the elections by means of a judicial official or bay a communal messenger.

The office of controller is gratituous.

Art. 25

The secretary of the seat shall be chosen, prior to the installation of the electoral office, by its president from the electors residing in the commune who can read and write and are preferably included in the following categories:

1) officials belonging to the personnel of the chanceries and of the judicial offices;

2) notaries

3) state employees or employees of local bodies

4) judicial officials

The secretary shall be given a fee of two hundred lire a day by the Commune where the electoral office has its seat.

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Art. 26

The office of president, controller or secretary is compulsory for the persons appointed.

The oldest controller, who shall assume the position of vice-president

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The secretary shall be given a fee of two hundred lire a day by the Commune where the electoral office has its seat.

4783

Art. 26

The office of president, controller or secretary is compulsory for the persons appointed.

The oldest controller, who shall assume the position of vice-president shall assist the president to discharge his functions and shall take his place in case of temporary absence or impediment.

All members of the office shall, for all purposes of law, be considered public officials while holding their positions.

All offences foreseen by the present article will be dealt with by direct proceedings.

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Art. 27

Excepting higher penalties set forth in art. 79 for the cases contemplated therein, those who being appointed to the office of president, controller or secretary, refuse to assume it or are not present at the time of the installation of the seat without justification, shall be liable to a fine of from Lire 2,000 to 5,000. Members of the office who, without justification leave before the end of the operations, shall be liable to the same fine.

All offences foreseen by the present article will be dealt with by direct proceedings.

Art. 28

At least three members of the office, among whom the president or the vice president shall be present to all polling operations.

Art. 29

In the afternoon hours of the day preceding that of the elections, or on the election day itself, before eight o'clock, the Sindaco shall see to it that the following is deliver d to the president of the electoral office:

1) the sealed envelope containing the stamp of the section;

2) the list of the voters of the section, authenticated by the electoral commission, and a copy of said list authenticated on each page by the sindaco and by the communal secretary for the posting in accordance with artmicle 32;

3) five copies of the list of candidates, of which one must remain at the disposal of the electoral office and the other must be posted in the hall of the polling in accordance with the following article;

4) the minutes concerning the appointment of the controllers referred to in art. 24;

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4) the minutes concerning the appointment of the controllers referred to in art. 24;

5) the parcel with the ballot papers which the Sindaco will have received by the Prefecture sealed and with the indication on the outside of the number of the ballot papers contained;

6) the urns necessary for the polling

7) an adequate number of indelible pencils for voting

The stamps and the urns, of the types prescribed for the political elections will be s pplied by the Ministry of the Interior.

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The ballot papers are of a unique type and of the same color; they are supplied by the Ministry of the Interior with the essential features of the model described in Exhibit A, attached to the present decree, signed by the Ministry of the Interior.

The ballot papers must reach the electoral offices duly folded.

Art. 30

The election hall, which shall have only one entrance door except possibly for a separate entrance for women, shall be divided in two compartments by a solid partition with an opening in the middle to serve as a passage.

Voters may enter the comparment used as electoral office only to vote and shall remain there only for the time strictly required.

The table of the office must be so placed as to enable the voters to go around it after voting, and the ballot box or boxes must be so placed that they may be always seen by all.

Every election hall shall from two to four table set aside for the expression of voting (booths), so placed as to be at a convenient distance from the table of the office and from the partition and screened in order to insure the secrecy of the vote.

Doors and windows which might be in the wall adjacent to the booth at a distance of less than two meters must be shut so as to impede any view or communication from the outside.

In the election hall there must be posted a list of the candidates and a notice setting forth in large print the indication of the principal penal sanctions foreseen by the present decree.

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Art. 31

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Art. 31

Only ele tors who present their certificate of registration for the respective section as referred to in art. 22 are allowed in the election hall.

They are forbidden to to enter armed with or bearing sticks.

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Art. 32

Whoever is not registered in the list of electors of the commune has no right to vote.

A copy of said list must be posted in the election hall during the electoral operations and may be consulted by the voters.

Entitled to vote are in addition all those showing to be the holders of a judgment by the Court of Appeal declaring that they are electors of the Commune.

Art. 33

The president, if he is an elector in the commune, the controllers and the secretary shall vote in the section where they hold office, even though they do not belong to that section.

Art. 34

The elector is voting by presenting himself personally to the electoral office.

Electors who, owing to an evident or officially recognized physical impediment, find themselves in the impossibility of expressing the vote, are allowed by the president to have it express by a trusted elector in their presence. The secretary indicates in the minute the specific reason whereby the elector has been authorized to be assisted in the voting and the name of the elector who assisted him. Medical certificate eventually submitted will be attached to the minute.

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Art.35

The president of the Section is entrusted with the task of maintaining the order at the meeting and for this purpose he may avail himself of the

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judgment by the Court of Appeal declaring that they are electors of the Commune.

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Art. 35

The president of the Section is entrusted with the task of maintaining the order at the meeting and for this purpose he may avail himself of the police and of the members of the armed forces to expel or arrest anyone upsetting the regular procedure of the electoral operations or who commits offences.

Members of the armed forces cannot enter the election hall without being requested by the President.

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However in cases of rioting or disorders in the election hall or in the immediate vicinity, the officers of the judiciary police may, even without being so requested by the president, enter the election hall and have members of the armed forces assist them.

Judicial officers may likewise enter the hall in order to notify the president of claims or appeals in connection with the operations of the sections.

The president may, on his own initiative, order the police to enter and remain in the election hall, even before the beginning of the electoral operations, and must do so if three controllers request it.

The civil authorities and the military comandants shall be required to comply with the requests of the president, also in order to insure beforehand that the access to the building where the section is located is kept open for the electors and prevent crowds gathering even in the adiacent streets.

Whenever there exist a justified fear that otherwise the regular procedure of theelectoral operations may be disturbed, the President, having heard the controllers, may by an order supported by a statement of motives, provide that the electors , who have voted, leave the hall and shall not re-enter it until after the closing of the polling. He may direct moreover that the electors, who are purposedly loitering in the premises ~~after having~~ to ~~cast~~ express the vote and do not respond to the invitation to return the ballot paper, shall be made to leave the booths after restitution of the ballot papers and shall not be re-admitted to vote until all the other by-standing electors finxished voting, The provisions of art. 40 concerning time limit for voting remains unaltered in this

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The president may, on his own initiative, order the police to enter and remain in the election hall, even before the beginning of the electoral operations, and must do so if three controllers request it.

The civil authorities and the military comandants shall be required to comply with the requests of the president, also in order to insure beforehand that the access to the building where the section is located is kept open for the electors and prevent crowds gathering even in the adiacent streets.

Whenever there exist a justified fear that otherwise the regular procedure of theelectoral operations may be disturbed, the President, having heard the con rollers, may by an order supported by a statement of motives, provide that the electors , who have voted, leave the hall and shall not re-enter it until after the closing of the polling. He may direct moreover that the electors, who are purposedly loitering in the premises ~~after having~~ to ~~cast~~ expressxd the vote and do not respond to the invitation to return the ballot paper, shall be made to leave the booths after restitution of the ballot papers and shall not be re-admitted to vote until all the other by-standing electors finxished voting, The provisions of art. 40 concerning time limit for voting remains unaltered in this connection.

4779

Notation thereof whall be made in the minutes.

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When there is the reason for fearing that the regular procedure of the electoral operations may otherwise be upset, the president, after consulting the controllers, may issue the order, specifying the reasons thereof, that the electors who have voted should leave the hall and remain outside until the voting is over. He may also order the electors who intentionally delay in giving their vote and do not respond to the request to return the cards, to be sent away from the booths, after returning the ballots, and to be allowed to vote only after the electors present have voted. The provision of art. 40 concerning the last time limit for the voting shall prevail.
This shall be noted in the report.

Art. 36

All electoral propaganda is forbidden within a 200 metres radius area around the entrance of the polling place.

On the day of the election all electoral propaganda meetings are forbidden in public, or however open to the public, places.

Infringments are punished with up to six months prison or a fine of 2,000 to 10,000 lire.

Art. 37

At 8 o'clock on the day established for the election the President shall form the office by summoning the controllers and the secretaries as its members.

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The electors who have voted should leave the hall and remain outside until the voting is over. He may also order the electors who intentionally delay in giving their vote and do not respond to the request to return the cards, to be sent away from the booths, after returning the ballots, and to be allowed to vote only after the electors present have voted. The provision of art. 40 concerning the last time limit for the voting shall prevail.
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Infringments are punished with up to six months prison or a fine of 2,000 to 10,000 lire.

Art. 37

At 8 o'clock on the day established for the election the President shall form the office by summoning the controllers and the secretaries as its members.

When all or some of the controllers are absent, or have not been nominated, the President summones the oldest and the youngest alternately as substitutes, among the voters who can read and write.

Then, after having verified the seal of the parcel containing the stamp of the section, he opens the parcel and notes the number of the stamp on the report.

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2/B

The President proceeds to the authentication of the ballots required for the voting, stamps each one of them with the stamp of the section and has them signed by two controllers; then he puts them in the first urn, or, if both urns are required for the election, in a special box - after having checked their number - which he will note on the report and which has to be equal to the number of electors registered in the section.

The President of the office shall then declare the voting open and the voters shall be let in as they present themselves and not in the order of registration on the List. However the President has the power to instruct one of the controllers to call the roll of the voters whenever the chamber is too crowded.

Voters who show their identity card or any identity document issued by the public administration shall be admitted to vote, provided the said documents bear the owner's photograph. The particulars of the identity papers shall be written in the proper identification column of the listswhich is authenticated by the electoral Commission.

If the elector has no suitable identity papers one of the members of the office who knows him personally, shall certify to his identity by placing his own signature in the said identity column.

If none of the members of the office is in the position to identify the elector, on his own responsibility, the elector may

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after having checked their number - which he will note on the report and which has to be equal to the number of electors registered in the section.

The President of the office shall then declare the voting open and the voters shall be let in as they present themselves and not in the order of registration on the List. However the President has the power to instruct one of the controllers to call the roll of the voters whenever the chamber is too crowded.

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If the elector has no suitable identity papers one of the members of the office who knows him personally, shall certify to his identity by placing his own signature in the said identity column.

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If none of the members of the office is in the position to identify the elector, on his own responsibility, the elector may present another voter of the Commune, known to the office, who can testify to his identity. The Preseident shall warn the electors that if he is giving false evidence he shall be punished with the penalties contemplated under art. 79.

The elector who is testifying must sign in the appropriate column of the a/m list.

In case of disagreement about the ascertainment of the identity of the elector it is the President who decides in accordance with art. 44.

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2/9

The elector whose personal identity has been recognised produces the electoral certificate, from which the President tears off the coupon referred to in art. 22 to keep it in a special file and, after having received from the President the ballot paper drawn from the first urn, or from the special box referred to in art. 37, 4th para, goes to the table provided for the voting (booth) for the only purpose of compiling and folding the ballot paper and then he presents it, already folded to the President who shall then put it in the second urn, or in one of the urns if both of them are to receive the ballot papers after the voting.

With the ballot also the pencil has to be returned. Electors who do not consign the ballot and the pencil shall be punished with a fine of 1000 to 3000 lire.

As each card is cast in the urn, or box, one of the controllers shall certify the vote by placing his signature in the appropriate column in the section list, beside the name of each voter.

Each elector shall have the right to vote for as many candidates, regardless to whatever list they are included in, as there are councillors to be elected, when their number is less than five. Otherwise, he may only vote for a number of candidates equal to four fifths of the councillors to be elected. If such a number contains a fraction it may be increased by one unit.

The, vote is given by putting a cross in the appropriate squares beside the names preferred.

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With the ballot also the pencil has to be returned. Electors who do not consign the ballot and the pencil shall be punished with a fine of 1000 to 5000 lire.

As each card is cast in the urn, or box, one of the controllers shall certify the vote by placing his signature in the appropriate column in the section list, beside the name of each voter.

Each elector shall have the right to vote for as many candidates, regardless to whatever list they are included in, as there are councillors to be elected, when their number is less than five. Otherwise, he may only vote for a number of candidates equal to four fifths of the councillors to be elected. If such a number contains a fraction it may be increased by one unit.

The, vote is given by putting a cross in the appropriate squares beside the names preferred.

The ballots are valid even if the elector has not voted for as many candidates as the number of councillors for which he has the right to vote; they are valid also if the vote is marked only on the countermark of the list: in that case the it is assumed that the vote has been given to all the candidates of the list.

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2/R

The elector who has put the mark on the countersign of one list, may cancel one or more names from the list chosen and mark candidates of other lists until he reachhs the number of councillors for which he is entitled to vote.

Note - In addition to what has been added by the Commission of the Consulta, and with which the Ministry has agreed, it has been thought advisable to add to para 4, after the words " .... as many candidates" the others " whatever list they are included in" in order to specify the choice the elector has, in view of the voting system regulated by this article.

Art. 39

If the vote is not expressed in the booth, the President of the office shall refuse the ballot being presented to him and, if the elector, on being requested refuses to go to the booth, he shall exclude him from the vote stating the fact in the report.

The President of the office that omits to cut the coupon from the electoral certificate or to have the elector enter the booth to express the vote,or any other person person who prevents him from doing so, is punished with 3 months to 1 year prison.

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Art. 40

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the number of councillors for which he is entitled to vote.

Note - In addition to what has been added by the Commission of the Consulta, and with which the Ministry has agreed, it has been thought advisable to add to para 4, after the words " .... as many candidates" the others " whatever list they are included in" in order to specify the choice the elector has, in view of the voting system regulated by this article.

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Art. 40

The vote must remain open until 19 hrs if the section has less than 500 electors; until 2000 hrs in the others. However, if at this hour there are still electors who have not voted, the vote shall continue until they all have voted but not later than 2100 hrs. No elector shall vote after 2100 hrs.

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2/R

Art. 41

After the hour contemplated in art 40 as time-limit for the voting has passed and the papers and objects not required for the checking have been removed, the President shall :

1) declare the vote closed;

2) verifies the number of voters registered in the list that has been authenticated by the electoral Commission and the number of coupons of the electoral certificates.

This list, before the votes are counted, must be checked by the President and by two controllers and sealed in an envelope together with the coupons referred to in art. 22; any elector present shall have the right to place his signature on the envelope. This list shall then be sent immediately to the "pretore" of the mandamento who shall give a receipt for it.

3) Takes out and counts the ballots remained in the first urna, or in the box, and checks if, considering as voters those electors who after having received the ballot have not returned it or have returned one without the stamp or the signature of the controller, they are equal in number to the electors registered who have not voted. Such ballots and those remained in the parcel consigned to the President by the Sindaco, shall be sent, with the same procedure as indicated in n. 2, to the pretore of the mandamento;

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4) Proceeds to count the votes. One of the controllers, thrown by lots shall take the ballots one by one from the urn, folds them and hands them to the President, who will read them aloud

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4) Proceeds to count the votes. One of the controllers, thrown by lots shall take the ballots one by one from the urn, folds them and hands them to the President, who will read them aloud and then pass them to another controller.

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The other controllers and the secretary shall take separate notes of the number of votes each candidate is given and one of them makes the number public at the same time.

If any discussion arises over a ballot, this must be immediately checked in accordance with art. 44.

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5) after the selection he counts the number of ballots and checks whether it cinforms with the number of voters.

All these operations shall be carried out without interruption in the order indicated.

The completion and the result of each operation shall be noted in the report.

Art. 42

If, because of the number of Councillors to be elected or because of the number of voters, the scrutiny cannot be finished within 3 hrs. after the maximum time-limit estaolished in art. 40 for the end of the voting, the President seals the urn and puts all the papeps relating to the operations of the office in a sealed parcel, sealed with the stamp of the office, on which he places his signature, and requests at least two of the controllers to put theirs, and may allow to put their signatures those of the electors present who wish to do so.

Then he provides for the guarding of the room in order that nobody should enter it.

The operations shall not be suspended more than once and the suspension may not last longer than 12 hrs.

The President shall inform the public of the hour in which the ballot box will be re-opened and the operations continued.

Non-compliance with the provisions in the preceding paragraphs and also the resumption of the operations at an hour other than that announced shall cause the annulment of the operations themselves.

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The suspension and the resumption of each operation shall be noted in the report.

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If, because of the number of Councillors to be elected or because of the number of voters, the scrutiny cannot be finished within 3 hrs. after the maximum time-limit established in art. 40 for the end of the voting, the President seals the urn and puts all the papeps relating to the operations of the office in a sealed parcel, sealed with the stamp of the office, on which he places his signature, and requests at least two of the controllers to put theirs, and may allow those of the electors present who wish to do so to put their signatures.

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Non-compliance with the provisions in the preceding paragraphs and also the resumption of the operations at an hour other than that announced shall cause the annulment of the operations themselves.

2773

Art.43

The following are not valid :

1) Those ballots other than those prescribed by art. 29 or that do,not bear the stamp or the signature requested be art. 37;

2) Those ballot in which the elector has made himself known or has written other indications in addition to those stated in art. 38;

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2/T

3) Those ballots which bear or contain marks that may be considered as intedded to make the voter known.

4) Those ballots on which the elector has voted for a number of candidates more than what he is actually allowed, either by individual votes, or by individual votes in addition to those given by marking a countersign of list, without making the necessary cancellations.

N o t e - Attention is drawn to para 4, whichhhas been added upon agreement of the Commission of the Consulta because of the impossibility, noted by the majority of the voters, to interpret correctly the actual will of the elector in case that we wanted to consider partially valid the ballot on which the elector has voted for an number of candidates above the prescribed, i.e. 4/5 of the number of Councillors to be elected, by operating the necessary cancellations.

In this connection a long and animated debate has taken place in the Commission.

Art. 444

The President after consulting the controllers, shall take a temporary decision on all the difficulties and incidents encountered in connection with the operation of the sections and on the nullity of the votes. 1772

The report must give an account of all appeals lodged, whether

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In this connection a long and animated debate has taken place in the Commission.

Art. 44

The President after consulting the controllers, shall take a temporary decision on all the difficulties and incidents encountered in connection with the operation of the sections and on the nullity of the votes.

4772

The report must give an account of all appeals lodged, whether written or verbal, of the votes discussed, whether given or not, and of the decisions taken by the President.

The ballots that are null, blank or discussed for any reason whatever, ~~[illegible]~~ and the written appeals must be checked by at least two members of the office and attached to the report.

All the other ballots shall be numbered and close d in a sealed envelope, signed by the president and by the secretary, to be attached to the report.

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2/V

Art. 45

After the scrutiny is finished, the President shall question the electors present as to whether the candidates who have received the highest number of votes posses the qualifications necessary to be elected, causing the reasons for ineligibility calimed against any of the candidates to be written in the report.

The President finally announces the result of the scrutiny certifies it in the report, and, if the Commune has only one electoral section, he announces the candidates elected, saving the final decisions of the Communal Council, in accordance with art 52.

The report drawn up in two copies, must be signed on each sheet and countersigned, at the meeting, by all the members of the office.

After the report is signed the meeting shall be dissolved immediately.

A copy of the report shall be deposited in the secretary's office of the Commune and every elector shall have the right to read it.

The other copy, together with the other attached documents shall be sealed in an envelope with the stamp of the office and signed by the President and at least two controllers and immediately sent to the Prefect, together with the envelope containing referred to in art. 44, last para; if the commune has more than one section, the above parcels shall be sent to President of the first section who, after operations referred to in art. 47

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A copy of the report shall be deposited in the secretary's office of the Commune and every elector shall have the right to read it.

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Note - The last para has been introduced by the Ministry for the purpose of a clearer coordination with art. 47.

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2/V

The Pretore shall request the controllers to attend, if they want to, within three days, the opening of the envelope containing the the voting list. This shall remain deposited in the cancelleria of the Pretura for 15 days, and every voter shall have the right to examin it.

Art. 47

The President of the first section, if the Commune has more than one section, shall asseble within 24 hrs. from the completion of the checking operations in all sections, the Presidentso of the other sections or whoever is their stead and, in their presence, summarise the result of the scrutinies of the different sections without however altering their results, decides on any incident connected with the operations entrusted to them and announce the persons elected, saving the final decision of the Communal Council in accordance with art. 53.

The Secretary of the first section shall be the secretary of the assembly of Presidents and draw up the relarive report.

For the a/m operations to be valid it is sufficient that the majority of the persons who have the necessary qualifications to attend the meeting, do so.

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Art. 47

The President of the first section, if the Commune has more than one section, shall asseble within 24 hrs. from the completion of the checking operations in all sections, the Presidentso of the other sections or whoever is their stead and, in their presence, summarise the result of the scrutinies of the different sections without however altering their results, decides on any incident connected with the operations entrusted to them and announce the persons elected, saving the final decision of the Communal Council in accordance with art. 53.

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4770

For the a/m operations to be valid it is sufficient that the majority of the persons who have the necessary qualifications to attend the meeting, do so.

Art. 48

The candidates who have received the highest number of votes shall be assumed elected, and in case of a draw the elder of the two elected shall be given the preference.

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2/W

Art. 49

The sindaco shall publish the results of the elections within three days from the closing of the checking operations, and notify the persons elected.

Art. 50

Should the election of the person who received the most votes be null, he shall be replaced by the person who, after those elected, was given the most votes.

Art. 51

Whenever the election in any section has not taken place or has been annulled, provided the vote of the electors of those sedtions does not influence the election of any of the persons elected, there shall be no need to carry out or repeat the vote.

Otherwise the election shall take place within two months, on the day that shall be fixed by the Prefect in agreement with the first President of the Court of Appeals.

Art. 52

If the election brings into the Council any of the relatives referred to in art. 15, the one who was given the most votes shall remain, and in case

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The Sindaco shall publish the results of the elections within three days from the closing of the checking operations, and notify the persons elected.

Art. 50

Should the election of the person who received the most votes be null, he shall be replaced by the person who, after those elected, was given the most votes.

Art. 51

Whenever the election in any section has not taken place or has been annulled, provided the vote of the electors of those sedtions does not influence the election of any of the persons elected, there shall be no need to carry out or repeat the vote.

Otherwise the election shall take place within two months, on the day that shall be fixed by the Prefect in agreement with the first President of the Court of Appeals.

Art. 52

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If the election brings into the Council any of the relatives referred to in art. 15, the one who was given the most votes shall remain, and in case of a draw, the eldest.

In such cases the elected excluded shall be i immediately replaced in accordance with art. 50.

In the case contemplated by art. 18 3rd para, any person elected in more than one fraction shall opt for one of them within eight days from the election.

If this person does not choose, the,Council shall

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21X

cast lots for the section which he is to represent, and provide for his replacement in the other sections in accordance with art. 50.

The candidate who is elected in two Communes must opt for one of them within eight days from the election and he shall be replaced in the other in accordance with art. 50; in case he does not opt he shall be confirmed elected in the Commune where he obtained the highest number of votes.

Art. 53

At the meeting immediately following the elections the Communal Council, before deciding on any other matter, even if no appeals have been lodged, must examin the conditions of the persons elected in accordance with art.s 12, 13, 14, 15, and 16 and declare their ineligibility when any of the factors contemplated therein exists, and replace them under art. 50.

If the Councils fail to pronounce a decision at the first meeting, the Provincial Administrative Board shall decide.

The appeals contemplated by art 54 may be lodged agaist the decisions of the Councils and the relative time limits shall start running as from the publication of the decision or from the notification of this whenever necessary.

4768

Art. 54

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eight days from the election and he shall be replaced in the other in accordance with art. 50; in case he does not opt he shall be confirmed elected in the Commune where he obtained the highest number of votes.

Art. 53

At the meeting immediately following the elections the Communal Council, before deciding on any other matter, even if no appeals have been lodged, must examin the conditions of the persons elected in accordance with art.s 12, 13, 14, 15, and 16 and declare their ineligibility when any of the factors contemplated therein exists, and replace them under art. 50.

If the Councils fail to pronounce a decision at the first meeting, the Provincial Administrative Board shall decide.

The appeals contemplated by art 54 may be lodged agaist the decisions of the Councils and the relative time limits shall start running as from the publication of the decision or from the notification of this whenever necessary.

4768

Art. 54

Appeals may be lodged agaist the operation for the election of the Communal Councillors, within one month from the announcement of the persons elected.

The Council shall dedide in first instance on the appeal lodged, both as regards questions of eligibilty as well.as electoral operations.

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Judicial notice of the appeals must be given by the persons who have made the appeals to the persons who may be interested in them. The interested parties shall have ten days to reply.

If the Communal Council does not decide on the appeals within two moths from their notification, upon request of the interested parties the Provincial Board may take action and in this case, this body shall provide within one month from when the appeals where submitted to its judgment.

The Sindaco shall notify the appellant, of the decisions of the Council, within five days.

Appeal may be lodged to the Provincial Administratuve Board against the decisions of the Council within one month from the notification of the decisions.

Judicial notice of the appeal must be given, within five days, by the appellant to the party who has interest in it, and this shall have ten days to reply.

If the dispute regards a question of elegibility an appeal may be lodged with the Court of Appeals against the decision of the Provincial Administrative Board, under art.s 32, 33, and 34 of the T.U. of the political electoral law approved by Royal Decree n. 1495, of the 2September 1919

4767

If the dispute concerns electoral operations appeals, even "di merito" (a), may be lodged with the Statec Council (Consiglio di Stato)

The Communal Council, the Provincial Administrative Board

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If the Communal Council [illegible]

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Judicial notice of the appeal must be given, within five days, by the appellant to the party who has interest in it, and this shall have ten days to reply.

If the dispute regards a question of eligibility an appeal may be lodged with the Court of Appeals against the decision of the ,Provincial Administrative Board, under art.s 32, 33, and 34 of the T.U. of the political electoral law approved by Royal Decree n. 1495, of the 2September 1919

4767

If the dispute concerns electoral operations appeals, even "di merito" (a), may be lodged with the Statec Council (Consiglio di Stato)

The Communal Council, the Provincial Administrative Board the Court of Appeals and the State Council, when they accept appeals lodged, shall correct the results of the elections according to the cases and replace the illegally proclaimed candidates with those who have to be it.

(a) The State Council, which normally decides only on legitimacy, may in this case decide on the facts,

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ELECTIONS OF THE COMMUNAL COUNCILS IN THE COMMUNES (CAPOLUOGHI) OF PROVINCES OR COMMUNES WITH MORE THAN 30000 INHABITANTS.

2/2

ART. 55

The election of the Communal Councillors in the Communes (Capoluoghi) of Provinces or with more than 30,000 inhabitants is made by scrutiny of the list and with proportional candidature.

The electors of a Commune take equally part to the election of each of the Councillors.

Any repartition by fraction is excluded.

ART. 56

The presentation list must show a minimum of 500 candidates for Communes with more than 500,000 inhabitants, 300 for those with more than 100,000 and 200 in all others.

The number of candidates must never exceed this number by more than 1/3rd.

The population of a Commune will be estimated according to the last official census.

The candidates must be inscribed electors in the Commune and will have their signature authenticated either by the "Notary, communal secretary, the judge or the advisory judge. Royal decree No. 2 dated 2nd September 1919 No.1493 is to be applied for electors who cannot sign(Art.2).

Each list can comprise of a number of candidates not superior to that of Councillors to be elected and not inferior to the 1/5th of that number.

4766

The list of candidates will show; the name and surname of each candidate, his paternity and birth place; they will be

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The electors of a Commune [illegible]

of each of the Councillors.

Any repartition by fraction is excluded.

ART. 56

The presentation list must show a minimum of 500 candidates for Communes with more than 500,000 inhabitants, 300 for those with more than 100,000 and 200 in all others.

The number of candidates must never exceed this number by more than 1/3rd.

The population of a Commune will be estimated according to the last official census.

The candidates must be inscribed electors in the Commune and will have their signature authenticated either by the "Notary, communal secretary, the judge or the advisory judge. Royal decree No. 2 dated 2nd September 1919 No.1493 is to be applied for electors who cannot sign(Art.2).

Each list can comprise of a number of candidates not superior to that of Councillors to be elected and not inferior to the 1/5th of that number.

4766

The list of candidates will show; the name and surname of each candidate, his paternity and birth place; they will be numbered according to the order of presentation.

No candidate may be entered in more than one list in the same Commune.

A candidate may inscribe himself in no more than 2 Communes if the elections are taking place on the same day. A candidate who is already elected in one Commune cannot be inscribed in any other.

The candidate list should also comprise of :

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2/1

1) a specimen in triplicate of his signature ;

2) the original acceptation certificate of each candidate, in which it is certified that there is no cause for ineligibility of the candidate in respect of Art. 13. ;

3) the particulars of 2 delegates who have the possibility to certify by writ, with authenticated signature, for the candidate shown on the list for each centre.

The list and the attached document must be presented the secretarial office of the Commune before 12,00 hrs. on the 25th day preceding the election.

The communal secretary or who legally replaces him, will give a detailed receipt for documents received showing the time and the day in which they were handed in, and will take the necessary action to forward them in the same day to the electoral commission for their territory.

ART. 57

The commission will, during the day following that set down for the presentation of the list : a) check if the list comprises of the required number of electors eliminating it if not so ; b) erase from the list the names of candidates for which there is no acceptation certificate as stated in para 8 No. 2 of the preceding article ; c)refuse specimens of signatures which are identical or could be easily mistaken with those in other lists previously received ; d) erase the names of candidates already included in lists previously received ; e) refuse the lists that contain a number of candidates inferior to the prescribed minimum and reduce the number in those where the candidates exceed the maximum authorized. This will be done by cancellation of the last names of the list.

4765

The delegate for each list can make himself conversant with

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The list and the attached document must be presented the secretarial office of the Commune before 12,00 hrs. on the 25th day preceding the election.

The communal secretary or who legally replaces him, will give a detailed receipt for documents received showing the time and the day in which they were handed in, and will take the necessary action to forward them in the same day to the electoral commission for their territory.

ART. 57

The commission will, during the day following that set down for the presentation of the list : a) check if the list comprises of the required number of electors eliminating it if not so ; b) erase from the list the names of candidates for which there is no acceptation certificate as stated in para 8 No. 2 of the preceding article ; c)refuse specimens of signatures which are identical or could be easily mistaken with those in other lists previously received ; d) erase the names of candidates already included in lists previously received ; e) refuse the lists that contain a number of candidates inferior to the prescribed minimum and reduce the number in those where the candidates exceed the maximum authorized. This will be done by cancellation of the last names of the list.

4765

The delegate for each list can make himself conversant with contestation and modification of the commission during the same evening.

The commission will re-assemble on the morrow at 09,00 hrs. to interview eventual delegates of the contested list and to receive new documents and to deliberate " seance tenante " on the modification that may have taken place.

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2/2

The decisions of the commission are final and will be communicated immediately to the mayor for the preparation of the list of candidates as per Art. 29 No.3 and for display in the Town Hall and other public places before the 15th day preceding the elections.

Similar communications will be made immediately to the Prefect for the printing of the cards on which the lists will be shown according to the order of presentation.

Note: Letter e) was included as the result of the determination to fix a minimum and maximum number of candidates that may be included in each list as stated in Art. 56.

ART. 58

The electoral commission will, before the Thursday preceding the election, forward to the Mayor, for handing over to the President of each electoral section , and together with Articles and Acts as shown in Art. 29, the list of delegates authorised to nominate the 2 representatives of list at each centre and at the central office.

Such nomination may be made known, before 16,00 hrs. on the Saturday preceding the election, to the communal secretary who will ensure its transmission to the President of the electoral sections or even directly to each single President on the morning of the election, however before the beginning of the voting.

ART. 59

4764

The elector can show his preference for the candidates on the list for which he voted and erase any name he should deem advisable.

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Note: Letter e) was included as the result of the determination to fix a minimum and maximum number of candidates that may be included in each list as stated in Art. 56.

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4764

ART. 59

The elector can show his preference for the candidates on the list for which he voted and erase any name he should deem advisable.

The numbers of his preferred candidates cannot exceed 2 , 3, 4 or 5 respectively for the communes in which the number of councillors to be elected is 40, 50, 60, 80.

The cancellation of all the candidates on one list entails the nullity of the card.

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Preference is shown by a cross in the small square beside the name of the chosen candidate. Cancellation by tracing a line over the name of the candidate or candidates which do not meet approval.

ART. 60

The elector whose identity has been recognised presents the electoral certificate to the President who, as explained in Art. 22, will remove for safe keeping the coupon and the elector after having received from the President a card taken out of the first urn and the pencil proceeds to the table intended for the casting of the vote (booth) only to complete the card with his vote for a list showing indications of preference and cancellation and to fold it and hand it over, already folded, to the President who will deposit it into the second urn.

As the cards are deposited into the urn one of the scrutators acknowledges the fact by placing his own signature in the proper column of the section list opposite the name of the voter.

The ballot-papers are of a unified type and of the same colour ; they are supplied by the Ministry of the Interior having the essential characteristic described in Table b) attached to this Decree, signed by the Minister of the Interior.

The ballot-papers must arrive to the electoral offices duly folded.

ART. 61

At the hour stated for the termination of the voting according to Art. 40 and after the table has been cleared of all objects and papers not necessary for the scrutiny the President will : -

1) declare the voting closed ;

2) check up the numbers of voters shown on the original list from the electoral commission with the number of coupons from electoral certificates,

This list, before the opening of the votes, must be, unless it be

4763

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President a card taken out of the first urn and the pencil proceeds to the table intended for the casting of the vote (booth) only to complete the card with his vote for a list showing indications of preference and cancellation and to fold it and hand it over, already folded, to the President who will deposit it into the second urn.

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The ballot-papers must arrive to the electoral offices duly folded.

ART. 61

At the hour stated for the termination of the voting according to Art. 40 and after the table has been cleared of all objects and papers not necessary for the scrutiny the President will : -

1) declare the voting closed ;

2) check up the numbers of voters shown on the original list from the electoral commission with the number of coupons from electoral certificates, 4763

This list, before the opening of the votes, must be, unless it be declared void, certified by the President and by 2 scrutators and closed and sealed together with an envelope containing the coupons mentioned in Art. 22 ; facility will be given to any elector to place his own signature on the envelopes. The envelope will be immediately

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sent to the praetor of the Mandamento who will give a receipt for it;

3) take out and count the ballot-papers remaining in the first urn and check to see whether they correspond to the number of the registered electors that have not voted. The electors who after having received the ballot-paper do not bring it back again or deliver one without the stamp or signature of the scrutinizer are counted as voters.

Such ballot-papers, as well as those remaining in the package delivered to the president by the mayor, are sent to the praetor of the Mandamento with the same rules indicated in No. 2;

4) carry out the closing of the second urn(or of both urns if they were used to receive ballot-papers after the voting was over) containing the ballot-papers and will place in a suitable cover all the acts pertaining to the operations already carried out and those to be resumed on the morrow;

5) arrange that the cover be marked with indications of the section and sealed with the stamp of the office and also signed by the president and by a minimum of two scrutinizers and by any electors that may wish to do so;

6) postpone the scrutiny until the following morning and to arrange guard of the hall so that no one may enter.

Those operations must be carried out in the indicated order; each one must be reported in the verbal in which complaints will also be noted. It will also show any proposition made and decision taken.

The lack of seal or the lack of the signature of the president will render the whole of the electoral operations void.

As soon as the verbal is signed the audience will be dismissed. 4762

Art. 62

At 0800 hours on the morning of Monday the president will reform the office and will insure that the seals which were placed on the previous evening have not been tampered with and will open the urn and begin the counting of the votes.

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5) arrange that the cover be marked with indications of the section and sealed with the stamp of the office and also signed by the president and by a minimum of two scrutinizers and by any electors that may wish to do so;

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At 0800 hours on the morning of Monday the president will reform the office and will insure that the seals which were placed on the previous evening have not been tampered with and will open the urn and begin the counting of the votes.

One of the scrutinizers, chosen by lot, takes the ballot-papers out of the urn one by one, unfolds them and hands them to the president, who proclaims aloud the name that has been voted for, calls out each name canceled out and each marked choice and finally passes it to another scrutinizer, who places it with those already examined and marked in favor of the same candidate.

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The other scrutinizers and the secretary note separately and announce the number of votes gained successively from each list as well as from each candidate on the basis of the number of the cancellations and of the votes obtained by each name.

The total number of the ballot-papers must correspond to the number of voters.

If a dispute arises concerning a ballot-paper, this ballot-paper must immediately be certified, as provided for in Article 44.

Art. 63

The ballot-papers are void:

a) if they are not as prescribed by Article 60 or if they do not bear the stamp or the signature required by Article 37;

b) when they show names, marks, or other indications, no matter how traced, which are different from that which is stamped on the ballot-paper.

Exception is made only in case of signs relating to the list vote, to the cancellations and to the indications of preference.

Art. 64

After the scrutiny is completed, the president declares the result and certifies it in the minutes.

The minutes, drawn up in duplicate, must be signed on each sheet during the progress of the meeting by all members of the office.

A copy of the minutes is deposited in the secretary's office of the commune, and every elector has the right to examine it.

The other copy, immediately placed with all the inclosures in a sealed envelope bearing the stamp of the office and signed by the president and at least two scrutinizers, is immediately sent to the president of the central office together with the envelope containing the ballot-papers, as provided in Article 44, last paragraph.

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The other copy, immediately placed with all the inclosures in a sealed envelope bearing the stamp of the office and signed by the president and at least two scrutinizers, is immediately sent to the president of the central office together with the envelope containing the ballot-papers, as provided in Article 44, last paragraph. 4761

Art. 65

The central office is made up of the president of the tribunal or, in his absence, of the praetor, who presides, and of the members of the electoral office of the first section, in which it should have its office.

The president, on the same Monday, at 1600 hours if possible, or Tuesday morning at the latest, again assembles the office and recapitulates the votes

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of the several sections without changing the results.

He then determines the electoral figure of each list and the individual figure of each candidate.

The electoral figure of a list consists of the sum of the valid votes obtained from the same list in all the sections of the commune.

The individual figure of each candidate consists of the list figure plus the preference votes minus the negative votes resulting from the cancellations.

The electoral figure serves as a base for the assignation of the number of councillors belonging to each list. Such assignation is made the following way:

You divide each of the electoral figures successively by 1, 2, 3, 4..... until the concurrence of the number of councillors to be elected and thus you choose among the selection thus obtained the higher number equivalent to that of the number of councillors to be elected arranging them in a decreasing order.

Each list will contain as many representatives as the equivalent number belonging to the same list shown in the graduated order. Should the equivalents be equal the post will be granted to the list that has obtained the majority of electoral figures. If a list is granted a number of posts exceeding the number of candidates on same list the exceeding post will be distributed among the other lists according to the equivalent figures.

Once that the number of councillors assigned to each list has been established the central office will determine the graduation of the candidates of each list according to the respective individual figure.

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Art. 66

The president, as a result of the ascertainments of the central office will declare elected, up to the number which has been granted to each particular list, the candidates who in the order of graduation explained in

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The individual figure of each candidate consists of the list figure plus the preference votes minus the negative votes resulting from the cancellations.

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Each list will contain as many representatives as the equivalent number belonging to the same list shown in the graduated order. Should the equivalents be equal the post will be granted to the list that has obtained the majority of electoral figures. If a list is granted a number of posts exceeding the number of candidates on same list the exceeding post will be distributed among the other lists according to the equivalent figures.

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Art. 66

4760

The president, as a result of the ascertainments of the central office will declare elected, up to the number which has been granted to each particular list, the candidates who in the order of graduation explained in the previous minute have shown the highest individual figures, and if those figures are equal, those coming first in the order of the list, after having called upon the electors present for any cause or impediment to the eligibility of the elected and subject to further decisions by the communal council in accordance with Article 53.

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Art. 67

The secretary of the first section assumes function of secretary of the center office.

The list representatives are permitted to assist in the work of the office, taking post in the part of the hall reserved for the central office.

The central office has voice in all incidents relative to the operations which have been assigned to them.

All operations carried out, incidents which have happened, decisions taken, reports on the reason of ineligibility in respect of the elected will be mentioned in the verbal, which, is compiled in duplicate, and must be signed on each sheet by the president and by all members of the office.

One copy of the verbal will be given into the custody of the communal secretary, and each elector has the right to become conversant with it.

The original immediately closed together with all other documents in a sealed envelope with the stamp of the office and the signature of the president and of at least two other members of the office, will be handed immediately to the Prefect, together with all the verbals of all the sections and with copy of the cards mentioned in Article 44, last paragraph.

Those last mentioned documents may not be opened by the office under any circumstances.

Art. 68

In case of ineligibility or of death before the proclamation the candidate will be replaced by the one showing the highest individual figure in the list of councillors.

Similar replacement will be made in case of the death of one of the elected should it happen during the first two yearly period.

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Art. 69

If in one of the sections the vote has failed or is declared void and if

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The general office has voice in all incidents relative to the operations which have been assigned to them.

All operations carried out, incidents which have happened, decisions taken, reports on the reason of ineligibility in respect of the elected will be mentioned in the verbal, which, is compiled in duplicate, and must be signed on each sheet by the president and by all members of the office.

One copy of the verbal will be given into the custody of the communal secretary, and each elector has the right to become conversant with it.

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Similar replacement will be made in case of the death of one of the elected should it happen during the first two yearly period.

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Art. 69

If in one of the sections the vote has failed or is declared void and if the vote of the elector of that section does not influence the complete result of the election , it is not necessary to repeat the vote in that section. In other cases the election will take place within the next two months on the day established by the Prefect in agreement with the 1st President of the Court of Appeal.

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Art. 70

If the election carries into the Council some of the members mentioned in Article 15, the one belonging to the list that has attained the highest electoral figure is elected, and if it is a question of candidates of a single list, the candidate who has gained the highest individual figure is elected.

In such cases the substitution of the rejected candidates is immediately taken up under Article 68. The candidate who is elected in two Communes at the same time must choose one of them within eight days following the election and is subrogated in the other Commune by the terms of Article 68; in case of failure to choose he is elected in the Commune in which he has obtained the highest number of votes.

Art. 71

Unless otherwise expressly provided by the present chapter, the provisions of the preceding chapter apply.

CHAPTER IV

PENAL DISPOSITIONS

(Note: According to the vote of the Commission of the Consulta, the penal dispositions contained in this Chapter were to have been replaced by a rule of reference to the corresponding dispositions of the political electoral law for the Constituent; but it is to be feared that an unforeseen delay of the Constituent may render the effectiveness of such a reference problematical. On the other hand, Article 30 of the outline under examination provides for the posting, in the election halls, of a manifest containing the main penal dispositions: and such a fulfilment of undoubted intimidating efficacy would not be possible if the same law did not expressly provide for the electoral crimes and the relative sanctions.

The Ministry has, therefore, proceeded to the coordination of this Chapter with the corresponding Eighth Title of the outline of electoral law for the Constituent, especially as regards the configuration of some crimes and the limit of punishments.

Attention is called particularly to Articles 73, next to the last and last paragraphs; 76 and 78.) 4758

Art. 72

Whoever, to obtain, for his own or another's advantage, the signature for

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taken up under Article 68. The candidate who is elected in two Communes at the same time must choose one of them within eight days following the election and is subrogated in the other Commune by the terms of Article 68; in case of failure to choose he is elected in the Commune in which he has obtained the highest number of votes.

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Attention is called particularly to Articles 73, next to the last and last paragraphs; 76 and 78.)

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Art. 72

Whoever, to obtain, for his own or another's advantage, the signature for a declaration of presentation of candidacy, the electoral vote or the abstention, gives, offers, or promises any gain to one or more electors, or, in agreement with them, to other persons, is punished by imprisonment from six months to three years and by a fine of from 3000 to 20,000 lire, even when the gain promised has been disguised under the title of pecuniary indemnity given to the elector for traveling or lodging expenses or for payment of food

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and drink or remuneration under pretext of electoral expenses or services.

The same penalty is applicable to any elector who, to give his vote and signature, has received or has been offered money or other facility.

Art. 73

Whoever use violence or menaces towards an elector or towards his family to constrain him to vote in favor of a determined candidate or to sign a declaration for the representation of a determined candidate, or to abstain from voting or from signing, or through any means which are illicit or through artifice or swindle carries out acts to the detriment of the liberty of the electors, who employs pressure to force electors to sign a presentation declaration of candidacy or to vote in favor of a determined candidate or to abstain from signature or vote will be punished with confinement from six months to five years and a penalty of 3000 to 20,000 lire.

The penalty will increase, in any case it will not be less than three years if the act of violence menaces and pressure is accompanied by threat of arms or by person using false identity or by more than one person or by anonymous letter or in symbolic way or in the name of a group of persons, associations or committee existant or imaginary.

If the act of violence/menace~~s~~ or is carried out by more than five persons even though arms may only be used by one of the group or if the group includes more than ten persons even though arms may not be used the penalty will be from three to fifteen years of confinement and the fine 50,000 lire.

Art. 74

Public officials, persons in charge of public service, or employes carrying out services of public necessity who abuse of their functions, directly or through instructions given to personal under their charge in that they will force the electors to sign a presentation declaration or will switch the votes in favor or prejudice of a candidate or that force the elector to abstain

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declaration for the representation of a determined candidate, or to abstain from voting or from signing, or through any means which are illicit or through artifice or swindle carries out acts to the detriment of the liberty of the electors, who employs pressure to force electors to sign a presentation declaration of candidacy or to vote in favor of a determined candidate or to abstain from signature or vote will be punished with confinement from six months to five years and a penalty of 3000 to 20,000 lire.

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If the act of violence or menaces is carried out by more than five persons even though arms may only be used by one of the group or if the group includes more than ten persons even though arms may not be used the penalty will be from three to fifteen years of confinement and the fine 50,000 lire.

Art. 74

Public officials, persons in charge of public service, or employes carrying out services of public necessity who abuse of their functions, directly or through instructions given to personal under their charge in that they will force the electors to sign a presentation declaration or will switch the votes in favor or prejudice of a candidate or that force the elector to abstain from voting will be penalized with six months to three years confinement and a fine of 3000 to 20,000 lire.

The same penalty will apply to a member of the clergy, who, with allocutions or sermons in places of worship or in places adapted for religious reunions would cause the electors to sign a presentation declaration or will switch the votes in favor or prejudice of a candidate or that force the elector to abstain from voting.

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Art. 75

Whoever, through menaces or with acts of violence disturb the regular development of the electoral meetings or obstruct the freedom of vote or who in any way alter the results of the vote will be punished with two to five years confinement and a fine of 3000 to 20,000 lire.

Whoever forge partly or totally electoral lists, candidate lists, or articles of the present law made for electoral campaigns or who alter one of said articles or substitute part or all of said articles; whoever use one of the forged articles or one of the articles which have been altered or substituted, even though they may not be convergent of the consummation of the fact, will be punished with the same penalty.

If the act is carried out by someone belonging to the electoral office the penalty will be from two to eight years and the fine not inferior to 10,000 lire.

The culprits of acts foreseen in this article, arrested in "flagrant delit" will be judged by a tribunal and given immediate sentence.

Art. 76

Whoever enters the electoral hall when armed, even though he may be an elector or a member of the office, will be arrested immediately and will be punished with one month to a year confinement and the arm will be confiscated.

He will be judged immediately.

Art. 77

Whoever, without due authority, during the electoral operations enters either the electoral hall or in the central office will be punished with arrest up to three months and fined up to 2000 lire. The same penalty will apply to anyone who in the above-mentioned places will show signs of approval or disapproval or otherwise cause didorder if, recalled to order by the President, he fails to do so.

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He will be judged immediately.

Art. 77

Whoever, without due authority, during the electoral operations enters either the electoral hall or in the central office will be punished with arrest up to three months and fined up to 2000 lire. The same penalty will apply to anyone who in the above-mentioned places will show signs of approval or disapproval or otherwise cause disorder if, recalled to order by the President, he fails to do so.

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Art. 78

Whoever, being deprived or suspended from electoral rights or assuming the name of another, sign a declaration of presentation or if they present themselves for vote at an electoral section or who sign more than one presentation declaration or who give vote in more electoral meetings will be punished with confinement up to two years and a fine up to 20,000 lire.

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Who during the course of the electoral operations and before the definitive closing of the matter enunciate fraudulently with diverse signs or marks or different names those who are shown on the rolls or who having been given the right to vote for someone unable to attend vote for someone else than the candidate nominated by said person will be punished with one to six years confinement and with a fine of 5000 to 20,000 lire.

Art. 79

Whoever permits admission to the vote to a person who has not voting rights or forbids those who have voting rights or allows an elector who has not ~~first~~ physical impediment to be helped by another and the doctor who has released an impediment certificate not conforming with the truth will be punished with six months to two years confinement and a fine up to 10,000 lire.

If those acts are committed by those belonging to the electoral office, the culprits will be punished with confinement up to three years and a fine up to 20,000 lire.

Whoever belonging to the electoral office with acts or omission contrary to the law render impossible the carrying out of the electoral operations or cause the nullity of the election or who alter the results or who do not proclaim the results of the election will be punished with three to seven years confinement and a fine from 10,000 lire to 20,000 lire.

Whoever belonging to the electoral office impedes the transmission dictated by the law of lists, documents, papers, urns, refuse their consignment or permit their pilfering will be punished with three to seven years confinement and a fine from 10,000 lire to 20,000 lire.

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In those cases the culprit will be brought to judgment and sentence immediately. The secretary of the electoral office who refuses to write or to attach to the verbal process protests or complaints by the electors will be punished with con-

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4755

In those cases the culprit will be brought to judgment and sentence immediately. The secretary of the electoral office who refuses to write or to attach to the verbal process protests or complaints by the electors will be punished with confinement from six months to three years and fined up to 20,000 lire.

The representative of the candidate lists who impede the regular development of the electoral operations will be punished with confinement from two to five years and a fine up to 20,000 lire.

Art. 80

Whoever, to vote without due authority or to vote more than once, use illegally

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electoral certificates is punishable with imprisonment from six months to two years and a fine up to 20,000 lire.

Whoever, so as to impede freedom of vote, forestalls electoral certificates will be punished with imprisonment from one year to three and a fine up to 20,000 lire.

Art. 81

Any elector can lessen or nullify the judicial action by giving evidence for the prosecution in respect of the acts mentioned in the previous articles. Judicial action, for all the crimes covered in the present decree, is initiated within two years from the date of the last minutes of the election. The course of the proceedings is interrupted by whatever action may be brought, but the interruption of the proceedings may not prolong the duration of the judicial action for a period longer than half the term established for the proceedings.

With regard to public officials charged with one of the crimes covered in the present law the provisions of Articles 22, 51, and 121 of the text of the Communal and Provincial law approved with Royal Decree 3rd. March 1934, number 383, are not applicable.

Art. 82.

If an enquiry is ordered by the Communal Council or by the administrative Provincial Committee whoever is entrusted with the matter has the right to summon witnesses.

In the enquiries ordered as referred to above the provisions of the Penal Code regarding false testimony, the concealing of the truth, and the refusal to testify in civil affairs are applicable to the witnesses; except that when the false testimony or the concealing of the truth or refusal to testify falls upon punishable matter, the greater penalties will be imposed,

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Art. 83.

The sentences for electoral crimes where the penalty of imprisonment is given by the judge always carry with them the suspension of the right to vote and to hold public office.

If the sentence affects a candidate, the suspension of the right to vote and to run for public office is effective for a period of not less than five nor more than ten years.

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The judge can in each case order publication of the penalty.

The application of major penalty according to the existing penal code may still be enforced in respect of the more severe acts not included in this decree.

Articles 163 to 167 and 175 of the Penal Code and Article 487 of the Penal Procedure Code are not applicable to culprits of electoral crimes, those articles refer to the conditional suspension of penalty and the non-mention of the penalty in the judicials' pigeonholes.

Art. 84

The dispositions taken in this decree are extended where applicable to the election of mayor.

FINAL DISPOSITION

Art. 85

Are hereby cancelled any dispositions contrary or incompatible with those contained in the present decree which will be in force the day after its publication in the royal office gazette.

We order, etc.,.....

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