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PRE
JULY

10000/142/919

PREPARATION OF ELECTORAL LISTS
JULY 1945 - JUN. 1946

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HEADQUARTERS
HAYLES LIAISON GROUP
ALLIED COMMISSION
APO 794

copy

19A

Ref. : PG/15.12

14 June 1946
Tel: 20822

SUBJECT: Alleged Election Irregularities.

TO : Headquarters, Allied Commission,
Executive Commissioner,
Public Safety Sub-Commission.

1. I enclose herewith copy of a report from the CC.ER.
together with a statement from PHOTO Ence respecting certain
alleged irregularities during the recent Elections.

2. For your information, no action is, of course, being
taken by this office.

FORM SUBC 100-153

10

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Chief of Staff

10

Chief of Staff

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/s/ J. J. P. FORTINER
Colonel,
Chief Liaison Officer,
Allied Commission
Hayles Liaison Group

18 June 46

EO DIST - 18 JUNE 31
ACTION: C.A. for LG (2)
INFO: e A for P.S. &
Ex Comm

COPY

COPY

TRANSLATION

TERRITORIAL DIVISION OF THE ROYAL GARIBOLDI OF POLICE
Service Office

File S. 89/7

Naples, 12 June 1946.

SUBJECT: Denunciation of electoral intrigues.

Today PROTO Enzo di Domenico from Giro Marina (Catanzaro) presented himself to the undersigned. He was released on the 6 June 1946 from the prison in Bergamo, where he had been detained since 15 December 1945 for political reasons. PROTO stated that on the 2nd June 1946 partisans went to the Bergamo prison and took groups of prisoners on trucks to the polling stations (about 600).

PROTO added that the inmates were ordered to vote for the left parties and were promised that if the republicans won their cases would be reviewed. In fact, according to PROTO, it seems that some of the inmates have already been released on bail since the 5th June. He also added, that it seems that this system has been used in other prisons in north of Italy.

PROTO in the end stated that some officers amongst whom General INESLA, former inmate of the S. VINCENZO prison in Milan and Colonel BERATTO of the black brigade, charged him to report the above mentioned facts.

I enclose PROTO's statement for any investigations you may wish to make.

IN COORDINATION CONSPICUOUS LA REGIONE
Eulio Lupo

TRANSLATIONCOPYS T A T E M E N T

The undersigned PROTO Enzo di Domenico and di Malena Filomena, born at Giro Marina (Catanzaro) on 13 April 1922, resident at Bellano (Como), Via Statale Colico No. 11, on being questioned by the Commander of the 13.22. Legion of Naples, to whom he spontaneously presented himself, states the following:-

"As a political inmate in the prison of Bergamo, where I was detained from 26 Dec. 1945 to 6 June 1946, I had the opportunity of noticing that on the 2nd June last, some partisans, obviously in agreement with the Director of the prison and other employees, from the early hours of the 2nd, collected a few at a time, all the inmates (non-political) amounting to about 600 and with trucks took them to the polling stations and had them vote for the leftist parties, and therefore, for the republic. The inmates were promised a review of their trials and if possible their sentences would have been annulled as soon as the result of the referendum would have been favourable to the republic.

I understand that already some of said inmates have been released on bail and their trials have been delayed since June the 5th.

I believe that the same systems have been used in all the prisons in northern Italy, the same allegations are rumoured in the North.

All the Italian officers interned in the prisons in the north for political crimes, and amongst others General MESSA former inmate in the S. Vittore prison in Milano, and Colonel BORATTO of the black brigades are informed of the situation and have insisted that I present myself to your Legion to report the above.

I have nothing else to add and after having read it I sign.

35

Proto Enzo.

AC/45/E/LG

SUBJECT: Observation of National Elections

TO : See Distribution below

21 May 1946

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

2. Reference is made to Civil Affairs Section Directive AC/45/8/15 of 28 February as to the observation of the elections of Communal Councils. The principles laid down in that directive (and particularly in paragraphs 4, 5, 6, and 8 thereof) are equally applicable to the observation of the national elections, and Allied Commission Liaison Officers and officers of AMG Units will act accordingly.

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

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

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

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

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

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

7. Among points which Liaison Officers should note are:- behavior of the population -

34

1. Allied Commission Liaison Officers will observe the national elections in their respective areas on 2 and 3 June in accordance with the instructions contained in this directive.
2. Reference is made to Civil Affairs Section Directive AG/45/8/EG of 20 February as to the observation of the elections of Communal Councils. The principles laid down in that directive (and particularly in paragraphs 4, 5, 6, and 8 thereof) are equally applicable to the observation of the national elections, and Allied Commission LOs and officers of AFM Udine will act accordingly.
3. Appendix 1 is a revised list of the Italian Government's Inspectors General. LOs should make contact wherever possible with the appropriate Inspector General.
4. Appendix 2 is a very brief statement of the election procedure restricted to the main points likely to be of interest to LOs.
5. Appendix 3 is a list of the constituencies or election districts (the Italian term is "Collegios") with the name of the capital town of each district at which the votes are counted.
6. Reports are required from LOs on this subject. They will be addressed to the Local Government Sub-Commission at this Headquarters. Liaison Officers will state in such reports very briefly what they have observed and draw attention to any special or unusual features. Such reports will be submitted in two parts, i.e.: -
 - (a) Immediately after the closing of the poll a report will be submitted on the proceedings up to and including the actual days of voting. This report is required as quickly as possible. If any special or unusual feature is observed it should be reported by signal.
 - (b) A further report will be submitted on the subsequent proceedings after the closing of the poll down to the conclusion of counting of the votes and proclamation of the results at the capital cities of the various election districts within each LO's area.
7. Among points which LOs should note are: - behavior of the population - state of public order - whether any electors apply personally to the Municipio on election day for their electoral certificates or for duplicates - any electioneering within 200 meters of a polling station - any election meetings in public places on election days - nature and extent of propaganda by posters, leaflets, etc. - any other type of political activity - any intimidation, bribery or other attempts to influence voting - steps taken to guard polling stations when closed - steps taken to guard ballots and other election documents while in transit - extent of interest taken in the counting - how results were received by the population. These points are mentioned as examples only: they are not a complete or exclusive list.
8. Officers of Local Government Sub-Commission will make a special study of the elections at Rome, Milan and Naples, but such visits are not in substitution

CONFIDENTIAL

DOWN GRADED

UNCLASSIFIED

Col. M.

- 2 -

CONFIDENTIAL

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

BY COMMAND OF THE AIRMAN STONE:

11/10/45
M. CARP, Brig.
VP CA Section

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AC/45/31/10
AC/45/31/10

CONFIDENTIAL

APPENDIX "A"

ITALIAN GOVERNMENT'S INSPECTORS-GENERAL FOR ELECTIONS

<u>PIEMONTE</u>	<u>PROVINCES</u>	<u>TOSCANA - LAZIO</u>	<u>PROVINCES</u>
DE DOMINICIS Dr Adolfo (Prefetto)	(Torino) (Novara) (Aosta) (Vercelli)	GIGLI Dr Gino (Vice prefetto)	(Firenze) (Lucca) (Pistoia)
LAURA Dr Giovan Battista (Prefetto)	(Alessandria) (Asti) (Cuneo)	CANTILLERI Adolfo (Vice prefetto)	(Viterbo) (Arezzo) (Grosseto)
<u>LIGURIA</u>	(Genova) (Imperia) (La Spezia) (Savona)	BARRACALLO Dr Gaetano (Vice prefetto ispett)	(Fisa) (Livorno) (Ancona) (Siena)
LEONE Dr Aurelio (Vice prefetto)		<u>LAZIO - UMBRIA</u>	(Rieti) (Perugia) (Terni)
<u>LOMBARDIA</u>	(Milano) (Bergamo)	CARILE Dr Alfredo (Vice prefetto)	(Roma) (Frosinone) (Latina)
ALES Dr Silvestro (Prefetto)	(Cremona) (Mantova) (Pavia)	<u>LAZIO</u>	
MAIA Dr Carlo (Vice prefetto)	(Como) (Sondrio) (Varese)	LONGO Dr Pasquale (Vice prefetto)	(Ascoli Piceno) (Teramo) (Macerata)
ROSSI Dr Ugo (Vice pref ispett)		<u>MARCHE - ABRUZZI</u>	
<u>VENETO E VENEZIA TRIDENTINA</u>	(Venezia) (Padova) (Vicenza)	LANDISIO Dr Francesco (Vice prefetto)	(L'Aquila) (Pescona) (Chieti)
MEZZANINI Dr Giuseppe (Vice prefetto)	(Udine) (Belluno) (Treviso)	<u>ABRUZZI E MOLISE</u>	
MEPIANI Dr Paolo (Vice prefett ispett)	(Verona) (Bolzano) (Trento) (Brescia)	CALI' Dr Ettore (Vice prefetto ispettore)	(Benevento) (Avellino) (Campobasso) (Potenza)
<u>EMILIA E ROMAGNA</u>		<u>CAMPANIA - MOLISE - LUCANIA</u>	
DR PAOLO (Vice prefetto)		DELLI SANTI CINCAGLIA GONZAGA Dr Luigi (Prefetto)	(Napoli) (Caserta)
<u>EMILIA E ROMAGNA</u>		<u>CAMPANIA</u>	
		FUSCO Dr Umberto (Vice prefetto)	(Salerno) (Napoli) (Caserta)

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EMERSON
 LEONE Dr Aurelio
 (Vice prefetto)
 (Imperia)
 (La Spezia)
 (Savona)

EMERSON
 ALES Dr Silvestro
 (Prefetto)
 (Milano)
 (Bergamo)

RIPA Dr Carlo
 (Vice prefetto)
 (Cremona)
 (Mantova)
 (Pavia)

ROSSET Dr Ugo
 (Vice pref. ispett)
 (Como)
 (Sondrio)
 (Varese)

EMERSON
 MARCONI Dr
 Giuseppe
 (Vice prefetto)
 (Venezia)
 (Padova)
 (Vicenza)

MARCONI Dr Paolo
 (V prefett ispett)
 (Udine)
 (Belluno)
 (Trevise)

PROVVISORATO
 Dr Paolo
 (V prefetto)
 (Verona)
 (Boltano)
 (Trento)
 (Brescia)

EMERSON
 MARCONI Dr
 Fabrizio
 (Vice prefetto)
 (Bologna)
 (Modena)
 (Ferrara)
 (Rovigo)

MARCONI Dr
 Giuseppe
 (Vice prefetto)
 (Reggio)
 (Parma)
 (Piacenza)

EMERSON
 MARCONI Dr Luigi
 (Vice prefetto)
 (Pesaro)
 (Forlì)
 (Ravenna)
 (Ancona)

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

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

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

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

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

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

ANGIUS Dr Giovanni
 Battista
 (Vice prefetto)
 (Naples Comune)

PUGLIA E LUCANIA
 NICOLY Dr Giuseppe
 (Vice prefetto)
 (Brindisi)
 (Bari)
 (Foggia)
 (Matera)
 (Taranto)
 (Lecce)

- 2 -

CALABRIA

JANNONI Dr Santo
(Vice prefetto)

SICILIA

D'ANTONI Dr Carlo
(Prefetto)

VACINCA Dr Vincenzo
(Vice prefetto)

GIBILISCO Dr Antonio
(Vice prefetto)

PROVINCES

(Regio Calabria
(Catanzaro
(Cosenza

(Palermo
(Trapani
(Agrigento

(Ragusa
(Mazara
(Caltanissetta

(Siracusa
(Catania
(Messina

PROCEDURE AT THE NATIONAL ELECTIONS- 2 and 3 JUNE 1946

1. Voting takes place simultaneously for the election of deputies to the Constituent Assembly and also upon the Referendum, but separate ballot papers and boxes are used. The same polling districts and polling stations are used as were provided for the Communal elections.
2. The officials meet in the polling station at 1600 hrs on Saturday 1 June to prepare the ballot papers for voting. The polling station is then placed under guard overnight. The officials meet again in the polling station at 0600 hrs on Sunday June 2 to stamp the ballot papers. Voting commences at 0800 hrs.
3. The elector must first produce his identity card or otherwise identify himself as the person registered. He must also present his certificate of registration in the electoral list for that polling station. Soldiers, sailors and seamen on active service, however, may vote at any polling station in the Commune where they happen to be stationed. Their names are added to the electoral list for the polling district where they actually vote.
4. The Sindaco distributes the electoral certificates to the electors by May 2. To meet cases of undelivered or lost certificates or to make corrections, the Municipio remains open daily until at least 1900 hrs on June 2 so that electors can apply personally for them.
5. The presiding official tears off and preserves a detachable slip from the certificate of registration. He hands to the electors the ballot for the constituent assembly, that for the Referendum, and a pencil. The elector goes in to one of the curtained polling booths, marks his ballot, folds them, and returns them separately with the pencil to the President. The latter places each ballot in the appropriate urn or ballot box.
6. The official notice containing the lists of the candidates duly nominated for the Constituent Assembly is affixed in the polling station. At the head of each list appears the symbol officially adopted by the party. The ballot paper for the Constituent Assembly contains merely these symbols. The elector votes for a particular list by placing a mark against the appropriate symbol. He cannot alter the list by cancelling or substituting names. He may, however, indicate on the ballot his preference for 2 or 3 of the candidates he wishes to see preferred in his chosen list, depending on the size of the constituency or election district.
7. Notice is also affixed in the polling station showing the symbols officially adopted to signify Monarchy or Republic. The ballot for the Referendum shows these symbols, and the elector votes by placing a mark against the appropriate one.
8. In polling districts containing 500 electors or less the poll closes at 2000hrs on Sunday 2 June, but electors remaining in the polling station at that time are permitted to vote. In polling stations with more than 500 electors the poll remains open until 2200 hrs on June 2, and is reopened from 0700 hrs to 1200 hrs on Monday June 3.
9. During the nights of 1/2 and 2/3 June the polling station is placed under police guards, and no one may approach it except the authorized representatives of the parties.
10. All kinds of electioneering within a radius of 200 meters of the polling station and all elections meetings in public places on the election days are forbidden.
11. No one is admitted to the polling station except the officials and electors entitled to vote there. The police may not enter unless requested by the presiding official or in case of disorder.
12. At 1200 hrs on Monday 3 June in all sections (whether containing more or less than 500 electors) the votes are counted and recorded and the results for the

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

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

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6. The official notice containing the lists of the candidates duly nominated for the Constituent Assembly is affixed in the polling station. At the head of each list appears the symbol officially adopted by the party. The ballot paper for the Constituent Assembly contains merely these symbols. The elector votes for a particular list by placing a mark against these symbols. He may, however, indicate on the ballot his preference for 2 or 3 of the candidates he wishes to see preferred in his chosen list, depending on the size of the constituency or election district.

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

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

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

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

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

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

15. The central office proclaims the results for the whole constituency or the list for the Constituent Assembly and the Referendum.

APPENDIX "C"

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

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

VI. Como - Sondrio-Areño	14	Como
VII. Brescia - Bergamo	18	Brescia
VIII. Mantova - Cremona	10	Mantova
+ VIII. Trento - Bolzano	9	Trento
IX. Verona - Padova-Vicenza-Rovigo	29	Verona
X. Venezia - Treviso	16	Venezia
XI. Udine - Belluno	12	Udine
+ XII. Trieste e Venezia Giulia-Zara	13	Trieste
XIII. Bologna - Ferrara-Ravenna-Torli	24	Bologna
XIV. Parma - Modena-Piacenza-Reggio Emilia	20	Parma
XV. Firenze - Pistoia	14	Firenze
XVI. Pisa - Livorno-Lucca-Apuania	15	Pisa
XVII. Siena - Arezzo-Grosseto	10	Siena
XVIII. Ancona - Pesaro-Macerata-Ascoli Piceno	17	Ancona
XIX. Perugia - Terni-Rieti	12	Perugia
XX. Roma - Viterbo-Latina-Frosinone	33	Roma
XXI. L'Aquila - Pescara-Chieti-Teramo	16	L'Aquila
XXII. Benevento - Campobasso	9	Benevento
XXIII. Napoli - Caserta	30	Napoli
XXIV. Salerno - Avellino	15	Salerno
XXV. Bari - Foggia	21	Bari
XXVI. Lecce - Brindisi-Taranto	15	Lecce
XXVII. Potenza - Matera	7	Potenza
XXVIII. Catanzaro - Cosenza-Reggio Calabria	24	Catanzaro
		P.T.O.

College
and provinces comprised in each

No. of
Deputies

State of Gen-
eral Offices

XXIX. Catania - Messina-Siracusa-Ragusa-Tina
XXX. Palermo - Trapani-Agrigento-Caltanissetta
XXVI. Cagliari - Sassari-Muoro
+ XXVII. Val d'Aosta

27
26
14
1

Catania
Palermo
Cagliari
Aosta

Totale 573

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

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

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

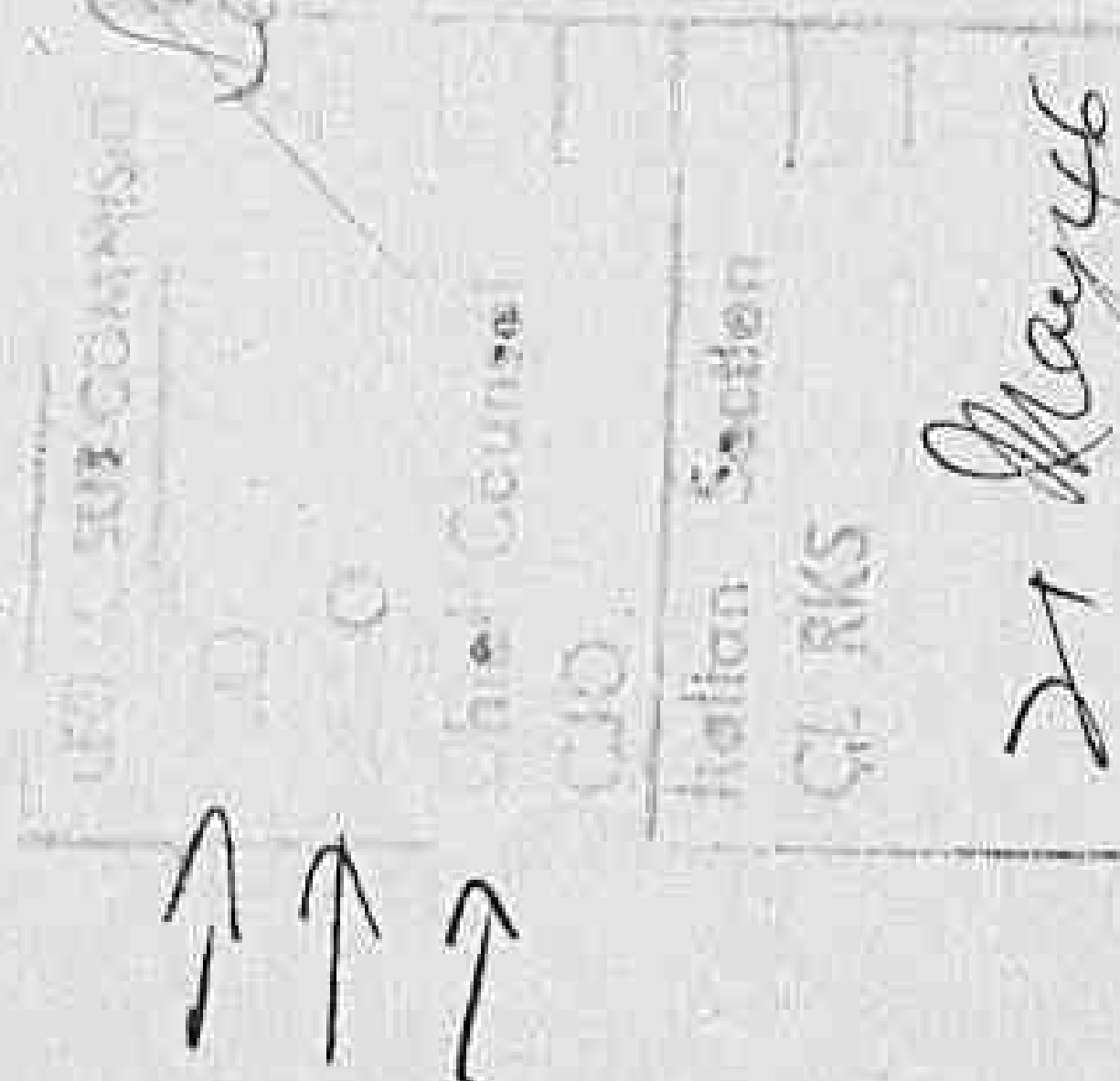
SUBCOMMITTEE

28

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

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

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



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HEADQUARTERS ALLIED COMMISSION

OUTGOING MESSAGE

Originator do not write above this line

Originator's reference : 15/210
 Date/Time of Origin: 231600A
 FROM (A) HQ AMG 13 CORPS

DATE/TIME/LOCATION

Message Center No. G/7956

Date Time Rec'd: 24 JAN 930

PRECEDENCE : PRIORITY

TO (FOR ACTION) ALCOM (ATTN LEGAL)

TO (INFORMATION)

Ref. No. _____
 Security Classification _____

UNCLASSIFIED:

Lieutenant ETHERIDGE AND DR CECOVINI HELD UP BY WEATHER. WILL
 SEND SOONEST DISCUSS ELECTORAL LAW

AC DIST

ACTION: LEGAL SC

INFO: CHIEF COMMISSIONER

FILE 2

FLOAT

21
 Recd. 24 Jan 46

Wiping passed to
 Local Govt.

Originator's reference: 115/210
Date/Time of Origin: 231600A
FROM (A) HQ AMG 13 CORPS

Message Center No. G/7956
Date Time Rec'd: 24JAN0930
PRECEDENCE : PRIORITY

TO (FOR ACTION) ALCOM (ATTN LEGAL)

TO (INFORMATION)

Ref. No.

Security
Classification

UNCLASSIFIED:

Lieutenant ETHERIDGE AND DR CECOVINI HELD UP BY WEATHER. WILL
SEND SOONEST DISCUSS ELECTORAL LAW

AC DIST

ACTION: LEGAL SC

INFO: CHIEF COMMISSIONER

FILE 2

FLOAT

27
Recd. 24 Jan 46
Originals passed to
Local Govt.

Precedence

Office of origin

Originator's

Tel. No. Signature

Authenticated

TRANSJORDANIAN ARMED COMMISSION
REG 394
LOCAL GOVERNMENT SUB COMMISSION

AC/15/1/13

Tel: 478290

SUBJECT: Preparation of Electoral Lists.

4 October 1945

TO : Distribution as below.

1. Reference is made to Directive AC/15/1/13 dated 3 September 1945 on the appointment of Provincial Commissioners under Art. 6 of D.L. 159.

2. Some doubt has arisen to the precise meaning of the reference to the "Presidents of the Courts of Appeals of each Province" in para 5 of the above-mentioned Directive.

3. This is not meant to imply that a Court of Appeals exists in each Province, but that Presidents of the Courts of Appeals serving each Province (one Court may serve many Provinces), are so instructed to nominate 2 popular judges in each province under their jurisdiction.

RALPH R. TETLIN
Major
Director
Local Government Sub-Commission

PR/100

Distribution:

EC Liguria }
Lombardia } with copies for ECs
Piemonte }
Venezia }

Chief Commissioner AMG Commissioner - Naples
Spec. Commissioner " " - Ancona
Field (A) " " - Pescara
" (B) CAO Pustellaria (through Liaison)
Legal Sub-Commissioner " Impegnata

REG - SUB-COMMISSION	
CLO	
DCLO	A
Chief Counsel	26
CJO	
Italian	14
CL RKS	

4191
HEADQUARTERS ALLIED COMMISSION
APO 594
CIVIL AFFAIRS SECTION

Tel: 478706

3 September 1945

SUBJECT: Preparation of electoral lists.

RE : Discontinuation as below.

1. Para 19 of the Schedule attached to Executive Memorandum No. 5 of 1 July 1945 refers to the point of Provincial Commissions established under Article 8 of DLM 159 of 27 July 1944. The Ministerial Decree of 24 October 1944, in setting forth the rules concerning the compilation of electoral lists, provided in Article 2, para 11, for the exclusion from the electoral lists of those found guilty of Fascist activity under the law.

2. By virtue of Article 3 of DLM 159 of 27 July 1944, as modified by Article 2 of DLM 2 of 7 January 1945, both of which have been duly implemented and are in effect in AIG Territory, the presiding officers of the Commission is a magistrate appointed by the President of the Council of Ministers after consultation with the Minister of Pardon and Justice and the High Commissioner for Sanctions Against Fascism. The Italian Government is at present collecting the Presidents of the said Commissions for each Province, whose names will be published in the Gazzetta Ufficiale and duly implemented so that they are to be effective in AIG Territory. You will be notified of these names as soon as they are appointed.

3. Inasmuch as said DLM 159 and DLM 2 do not specifically indicate who should actually appoint the other 2 members of the Provincial Commissions, but merely intimate that they shall be selected by 106 from popular judges referred to in Article 4 of said Decree, it has been agreed with the Italian Government that the following procedure for the appointment of the remaining 2 judges shall prevail:

(a) The Provincial Commissioner should request the First President of the Court of Appeals to nominate the members:

(b) The Provincial Commissioner should then by formal order appoint three persons as members of the said Commission from the lists of the order.

4. This order referred to in the foregoing paragraph need not be printed. It can be mimeographed and handed to the presiding officials and authorities. A copy of this order in both English and Italian is appended hereto for use of Provincial Commissioners.

5. Pending receipt of the names of the President of each Provincial Commission, please instruct the Presidents of the Courts of Appeals of each province to nominate 2 popular judges, who should not be formerly appointed by Provincial Commissioners. Names of those appointed for each province should be sent to this HQ for transmission to the Italian Government.

ARMED MILITARY GOVERNMENT

REGION _____

PROVINCE OF _____

September 1945

WHEREAS by virtue of Art. 3 of DIL No. 159 of 27 July 1944, as modified by Art. 2 of DIL No. 2 of 4 January 1945, it has been provided that the two members of the Provincial Commission therein mentioned shall be selected by lot from the lay judges described in Art. 4 of the said DIL No. 159 of 27 July 1944

AND WHEREAS the said DIL No. 159 of 27 July 1944 and DIL No. 2 of 4 January 1945 have been rendered operative in the territory

AND WHEREAS the President of the Court of Appeals of _____

has nominated _____

being two of the lay judges described as aforesaid to be members of the said Commission

NOW, THEREFORE, I, _____

Provincial Commissioner of _____
in exercise of authority granted to me by the Chief Civil Affairs Officer, Armed Military Government, for and on behalf of the Military Government hereby order:

1. That in the said Art. 3 of DIL No. 159 of 27 July 1944 provided that the two members of the Provincial Commission shall be selected by lot, the same is hereby amended. The said two members of the Provincial Commission for the province of _____ shall be appointed by me as Provincial Commissioner of the AIG of the said province.

2. I hereby appoint _____

and _____ to be members of the said Commission from the date of this order.

Provincial Commissioner of _____

by Art. 2 of DEL No. 2 of 1944, the Provincial Commission thereon mentioned in Art. 159 of 27 July 1944, members of the Provincial Commission of the said DEL No. 4 of the said DEL No. 159 of 27 July 1944 and DEL No. 2 of 4 from the lay judges described in Art. 4 of the said DEL No. 159 of 27 July 1944 and DEL No. 2 of 4

AND WHEREAS the said DEL No. 159 of 27 July 1944 and DEL No. 2 of 4

January 1945 have been rendered operative in all territory

AND WHEREAS the President of the Court of Appeals of Argentina of _____ and _____ has nominated _____ being two of the lay judges described as mentioned in the

members of the said Commission

NOW, THEREFORE, I, _____ Provincial Commissioner of _____ in pursuance of authority granted to me by the Chief Civil _____ in _____ for and on behalf of the Military _____

Provincial Officer, Armed Military Government, for and on behalf of the Military Government hereby order:

1. I hereby appoint _____ of DEL No. 159 of 27 July 1944, provided that the two members of the Provincial Commission shall be selected by lot, the two in hereby awarded. The said two members of the Provincial Commission for the province of _____ shall be appointed by me as Provincial _____ of _____

2. I hereby appoint _____ and _____ to be members of the said Commission from _____

the date of this Order.

21

Provincial Commissioner of _____

GOVERNO MILITARE ALGERINO

REGIONE _____

PROVINCIA DI _____

Settembre 1945

PRESISSO che in virtù dell'articolo 3 del D.L. No. 159 del 27 Luglio 1944, come modificato dall'articolo 2 del D.L. No. 2 del 4 Gennaio 1945 era stato disposto che i due membri della Commissione Provinciale di cui ai detti articoli siano sorteggiati tra i giudici popolari di cui all'art. 4 del detto D.L. No. 159 del 27 Luglio 1944;

2 PRESISSO che detto D.L. No. 159 del 27 Luglio 1944 ed il D.L. No. 2 del 4 Gennaio 1945 sono entrati in vigore nel territorio del Governo Militare Alleato;

3 PRESISSO che il Presidente della Corte di Appello di _____

ha designato _____

essendo essi due dei giudici popolari nominati, per essere nominati membri componenti della detta Commissione;

IO _____

Comandante Provinciale di _____

in virtù dell'autorità a me conferita dal Capo dell'Ufficio Affari Civili del Governo Militare Alleato in nome e per conto del Governatore Militare

ordino :

1. Poiché il detto articolo 3 del D.L. No. 159 del 27 Luglio 1944 dispone

che i due membri della Commissione Provinciale siano tratti a sorte, detto articolo subirà la seguente modifica. I due membri della Commissione

Provinciale della provincia di _____ saranno nominati da me,

nella mia qualità di Comandante Provinciale del Governo Militare Alleato

di detta provincia.

23

cote modificato dall'articolo 2 del D.L. No. 2 del 4 Gennaio 1945 era stato disposto che i due membri della Commissione Provinciale di cui ai detti articoli siano sorteggiati tra i giudici popolari di cui all'art. 4 del detto D.L. No. 159 del 27 Luglio 1944;

2. PRESMESSO che detto D.L. No. 159 del 27 Luglio 1944 ed il D.L. No. 2 del 4 Gennaio 1945 sono entrati in vigore nel territorio del Governo Militare Allentato;

3. PRESMESSO che il Presidente della Corte di Appello di _____ ha designato _____

essendo così che dei giudici popolari succeduti, per essere nominati membri componenti della detta Commissione;

IO _____ Commissario Provinciale di _____
in vista dell'autorità a me conferita dal Capo dell'Ufficio Affari Civili del Governo Militare Allentato in nome e per conto del Governatore Militare
ordino :

1. Poiché l'articolo 2 del D.L. No. 159 del 27 Luglio 1944 dispone che i due membri della Commissione Provinciale siano tratti a sorte, detti **23** articoli subire la seguente modifica. I due membri della Commissione Provinciale della provincia di _____ saranno nominati da me, nella mia qualità di Commissario Provinciale del Governo Militare Allentato di detta provincia.

2. Io nomino dunque _____
membri della detta Commissione a partire dalla data del presente ordine.

Commissario Provinciale di _____

HEADQUARTERS ALLIED COMMISSION
APO 394
LOCAL GOVERNMENT SUB COMMISSION

AC/45/A/LG

Tel: 478190

SUBJECT: Preparation of Electoral Lists.

28 August 1945

TO : Distribution as below.

1. Reference is made to CA Section circular AC/45/A/LG of 18th July dealing with the extension of the Italian franchise to those who became 21 years of age during 1945.
2. The Decree referred to in para. 2 of that circular has now been published. It is D.L. 24 July 1945 No. 436 and it appears in a "Supplemento Ordinario" to the Official Gazette No. 96 of 11 August, 1945. The "Supplemento Ordinario" also contains the Order of this HQ putting the Decree into force in Military Government Territory.
3. The Decree will actually come into force in each province by delivery to the Prefect in accordance with the usual procedure. The purpose of this circular is to draw the attention of the LG to the necessity of immediate delivery of the Gazette and Supplement to the Prefect in view of the fact that action under the Decree is already being taken.

CGW/pa..

for R. E. Cripps
R. E. CRIPPS, Colonel,
Director,
Local Government Sub-Commission.

Distribution:

RG Liguria }
Lombardia } with copies
Piemonte } for LGs.
Venezia }

AC Liaison Officer, Bologna
AC Commissioner Naples
Ancona
Pisa-Livorno

CAO Lampedusa (through AC Liaison Officer, Palermo)
CAO Pantelleria " " " " "

Chief Commissioner
Executive Commissioner
Polad (A)
Polad (B)
Legal Sub Commission.

22

LOCAL SUBCOMMISSION	
CLO	✓
DCLO	
Chief Counsel	
CJO	
Religion Section	
CLERKS	
80 AUG 1945	

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4191/L.

/lc.
27 August 1945.

SUBJECT : Elections.

TO : Regional Commissioner (Attn: Regional Legal Officer),
VENEZIE Region.

We have obtained from Local Government Sub-
Commission and enclose herewith a copy of AC/45/A/LG of 18
July 45, requested by your RXII/LE/Reg/C/15.1 of 24 August 45.

By command of Rear Admiral STONE:

W. E. BEHRENS,
Colonel,
Chief Legal Advisor.

Incl.

4191

12A
P B/go

HEADQUARTERS
VENEZIE REGION
ALLIED MILITARY GOVERNMENT
APO 394

24 August 1945.

TO : Chief Legal Adviser, Legal Sub-Commission, HQ.AC.
SUBJECT : Elections.
Ref : RXII/LE/Reg/C/15.1.

1. It is believed that a short time ago a directive was sent out by VP CA Section saying that the electoral lists were to be extended to include persons who attained the age of 21 years on 1 January 1945.

2. No trace of this directive can be found at this H.Q. Could a copy of it please be supplied.

7A

[Signature]

Major,
Regional Legal Officer,
Venezie Region.

HEADQUARTERS ALLIED COMMISSION

APO 394

CIVIL AFFAIRS SECTION

24 August 1945

Ref: AG/167/3/1

SUBJECT: Electoral Lists

TO: TO, BELLARMO PROVINCE

1 Your BU/03/1/0803 of 4 August 1945 and enclosures are acknowledged.

2 The Chief Legal Advisor has been requested to consider the legal arguments put forward by the Prefect of Bellarno and has reported substantially as follows:

"The Prefect's view is that optants for Germany who remained in Italy acquired German citizenship, and lost their Italian citizenship if they were cancelled from the Italian register but retained Italian citizenship if they were not so cancelled.

"He bases this view on:

- a) the Hitler-Geschmidt agreement which by Art 11 and other passages apparently provides for a loss of Italian citizenship without transfer of residence.
- b) Para 4 of the "Chiarimenti alle norme", which apparently changes the nationality from the moment of acquisition of German nationality, without regard to transfer of residence.
- c) Later agreements between Italy and Germany, particularly that of 11 August 1941, as to the first two grounds I am advised and of the opinion that the Prefect is wrong. The transfer of residence is a condition of loss of citizenship both under the general law and under this agreement. It is immaterial that German citizenship may be conferred and Italian citizenship lost before the actual transfer, since such transfer is nonetheless a condition subsequent of the transaction and if it is not complied with the transaction fails.

"Moreover Italian citizenship even if lost is reacquired by 2 years residence in Italy unless it is to be assumed that they have been authorized by the Italian Government to remain in Italy without acquiring Italian citizenship.

"As to the third ground I did not know of the existence of these documents which even now I have not seen and upon which I cannot comment. If it is true that such agreements were made and amounted either to a waiver of the condition subsequent or to a general authority with optants to remain in Italy indefinitely without reacquiring Italian citizenship, the status of these persons would undoubtedly be different.

"In any case I see no justification at the present for distinguishing between different persons under the sole criterion of whether they have or have not suffered the administrative act of deletion from Italian registries".

3 You will appreciate therefore that, until the Legal Sub-Commission has had the opportunity of examining the further documents in the case, it would be at the least premature to issue an official pronouncement on the subject. Moreover, and in any case this IT does not think that the status of Italian citizens for the purpose of Italian elections is a matter in which, by international law, a military

put forward by the Prefect of Palermo and has remained in Italy. The Prefect's view is that optants for Germany who remained in Italy acquired German citizenship, and lost their Italian citizenship if they were not called from the Italian register but retained Italian citizenship if they were not so compelled.

"He bases this view on:

- a) the Italian-German agreement which by Art 11 and other passages apparently provided for a loss of Italian citizenship without transfer of residence.
- b) Para 4 of the "Chiarimenti alle norme", which apparently changes the nationality from the moment of acquisition of German nationality, without regard to transfer of residence.
- c) Later agreements between Italy and Germany, particularly that of 11 August 1941. "As to the first two grounds I am advised and of the opinion that the Prefect is wrong. The transfer of residence in a condition of loss of citizenship both under the general law and under this agreement. It is immaterial that German citizenship may be conferred and Italian citizenship lost before the actual transfer, since such transfer is nonetheless a condition subsequent of the transaction and if it is not complied with the transaction falls. Moreover Italian citizenship even if lost is reacquired by 2 years residence in Italy unless it is to be assumed that they have been authorized by the Italian Government to remain in Italy without acquiring Italian citizenship. "As to the third ground I did not know of the existence of these documents which even now I have not seen and upon which I cannot comment. If it is true that such agreements were made and amounted either to a waiver of the condition subsequent or to a general authority with optants to remain in Italy indefinitely without reacquiring Italian citizenship, the status of these persons would undoubtedly be different. "In any case I see no justification at the present for distinguishing between different persons under the sole criterion of whether they have or have not suffered the administrative act of deletion from Italian registries".

3 You will appreciate therefore that, until the Legal Sub-Commission has had the opportunity of examining the further comments in the case, it would be at the least premature to issue an official pronouncement on the subject. Moreover, and in any case this Sub-Commission does not think that the status of Italian citizens for the purpose of Italian elections is a matter in which, by international law, a Military Government can intervene or upon which it should issue any public pronouncements, whether by way of order or notice. Even in the light of the particular interest being taken by the Allies in the forthcoming election it is not the function of AGC to explain, still less to alter Italian law for the benefit of Italians.

4 The question is one for the Italian Government. The stable position was confirmed at a Conference held at this headquarters on 14 August at which the Regional Commissioner Venezia Region was present. At this conference it was decided to convey in certain proposals made by the Italian Government. The 10 Venezia Region will be kept informed of developments.

BY COMMAND OF THE CHIEF COMMISSIONER

McLan Beyader

L. CANE
Brigadier,
VF CA Section

Copy to : VC Venezia Region
C. L. A. BE NO

10A
CONFIDENTIAL

4191
NOTES OF A MEETING
with the
PRESIDENT OF THE COUNCIL OF MINISTERS

at 1230 hrs on 10 Aug 45

PRESENT: Professor PARRI,
Sig. MONTOMARI,
Brig. UPJOHN,
Col. CRIPIS.

Brig. UPJOHN referred to the proposal of the Italian Government with regard to the preparation of electoral lists. He said that this proposal had been discussed by the Chief Commissioner with the British and American Ambassadors and they had reached the conclusion that the proposals were slightly cumbersome and might give rise to great delays and possibly to political unrest. Brig. UPJOHN said that he was instructed to suggest to the Government that a better way would be to prepare electoral lists on the footing that everyone would be on the list except those who had actually opted for Germany and had departed but who had subsequently returned. He pointed out that this would enable the compilation of the lists to proceed apace and that it would be without prejudice as to the final composition of the list when a decision in principle on nationality had been reached. Those who were not Italian citizens would simply be struck off the lists under the provisions of the existing law. Therefore, under the suggested method there would be no prejudgment of any doubtful class while, on the other hand, the lists would be rapidly compiled and there would be no ground for any political discontent.

Sig. PARRI said that he did not see how the Italian Government could put on the list those who had opted for Germany even though they had not actually left Bolzano, because they had thereby shown their desire to become German nationals. He did not, therefore, think that the proposed solution of the problem was practical.

Brig. UPJOHN pointed out that it would, in any event, be necessary for the Italian Government to amend the Epuration laws so as to disqualify from voting not merely Fascists but also Nazis, and this would prevent most of the ardent Nazis from being put on the list.

Sig. PARRI said that he still did not think that it would be right to put those who had opted for Germany on the list. He had proposed a Commission to consider the question of the Commission might

Brig. UPJOHN referred to the proposal of the Italian Government with regard to the preparation of electoral lists. He said that this proposal had been discussed by the Chief Commissioner with the British and American Ambassadors and they had reached the conclusion that the proposals were slightly cumbersome and might give rise to great delays and possibly to political unrest. Brig. UPJOHN said that he was instructed to suggest to the Government that a better way would be to prepare electoral lists on the footing that everyone would be on the list except those who had actually opted for Germany and had departed but who had subsequently returned. He pointed out that this would enable the compilation of the lists to proceed apace and that it would be without prejudice as to the final composition of the list when a decision in principle on nationality had been reached. Those who were not Italian citizens would simply be struck off the lists under the provisions of the existing law. Therefore, under the suggested method there would be no prejudgment of any doubtful class while, on the other hand, the lists would be rapidly compiled and there would be no ground for any political discontent.

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Brig. UPJOHN pointed out that it would, in any event, be necessary for the Italian Government to amend the Emigration laws so as to disqualify from voting not merely Fascists but also Nazis, and this would prevent most of the ardent Nazis from being put on the list.

Sig. PARRI said that he still did not think that it would be right to put those who had opted for Germany on the list. He had proposed a Commission as a solution but he quite saw that the operation of the Commission might give rise to some discontent.

Brig. UPJOHN pointed out that the Commission proposed to ask people if they desired to opt for Italian Nationality but it would be quite impossible for most people to answer that question until they knew clearly what was going to be the future policy of the Italian Government towards the German-speaking minority. Furthermore, he pointed out, this Commission would almost of necessity assume not merely the functions of a Commission to determine the make-up of an electoral list but something much more and much higher level, namely the complicated question of nationality which might affect the future status of 100,000 inhabitants of Bolzano. It would not be right that such a Commission should have such powers.

Col. Inf.

Chief of Staff, Bolzano.

for

DOWN RECORDED
UNCLASSIFIED

- 2 -

Sig. PARRI said that he fully appreciated these points and he would like to consider this difficult matter further with other members of the Government. He thought it might be better to postpone compilation of the lists until the policy of the Government had been announced and until these complicated questions had been solved.

The inhabitants of the Province should not be permanently disenfranchised because their seats in the Costituente would remain vacant until a proper election had been held in Bolzano.

Brig. UFFONI said that he would like to consider this suggestion and he would in any event have to refer the matter to higher authority. Regrettable though any delay in the preparation of the electoral lists might be, he appreciated that the lesser evil might be to postpone their preparation until matters of principle had been determined.

4191 File
1

9A

REPUBLICAN PARTY COMMISSION
CIVIL RIGHTS SECTION

Date: 8/15/1965

SUBJECT: Electoral Lists in Bolzano

TO: Executive Commissioner,
Poland (A),
Poland (B).

LEGAL SUB-COMMISSION	
CLO	
DELO	
Chief Counsel	
CJO	
Italian Liaison	14 ←
CL RKS	
13 AUG 1965	

12 AUG 65

- 1 I attach copy of some notes of my meeting with Sig. BORMI on the above mentioned subject. Sig. BORMI was quite firm in his refusal to accept the suggested method of preparing the electoral lists.
- 2 Yesterday evening I had a very long talk with Sig. BORMI and the Prefect of Bolzano and they have promised to let me have yet further proposals in writing today for the solution of this difficult matter.
- 3 The Prefect differs entirely from the legal opinion which has been expressed by the C.A. and says that the latter has not been referred to all the relevant documents. This matter is therefore again under consideration by the C.A. I am proposing to have a meeting on Tuesday at 1100 hrs with the Local Government and Legal Sub-Commission to consider this matter further and to make final recommendations for its solution and I shall appreciate it if the Poles would attend. I hope that Brig. HEDOF can also be persuaded to stay for this meeting.

G. H. P. H.
G.H. PUGH, Brig.,
VI SA Section.

17

Copy to: Local Government Sub-Commission,
Legal Sub-Commission.

4787

CONFIDENTIAL

NOTES OF A MEETING
WITH THE
MEMBERS OF THE GOVERNMENT OF AMERICA

at 1230 hrs on 20 Aug 45

PRESENT: Professor PAVEL,
Sgt. HERRMANN,
Maj. GROSS,
Col. GROSS.

Brig. UFFER referred to the proposal of the Italian Government with regard to the preparation of electoral lists. He said that this proposal had been discussed by the Chief Commissioner with the British and American Ambassadors and they had reached the conclusion that the proposal was slightly cumbersome and might give rise to great delay and possibly to political unrest. Brig. UFFER said that he was inclined to suggest to the Government that a better way would be to prepare electoral lists on the footing that everyone would be on the list except those who had actually opted for Germany and had departed but who had subsequently returned. He pointed out that this would enable the compilation of the list to proceed apace and that it would be without prejudice as to the final composition of the list when a decision in principle on nationality had been reached. Those who were not Italian citizens would simply be struck off the lists under the provisions of the existing law. However, under the suggested method there would be no judgment of any doubtful cases while, on the other hand, the lists would be rapidly compiled and there would be no ground for any political discontent.

Brig. PAVEL said that he did not see how the Italian Government could put on the list those who had opted for Germany even though they had not actually left Germany, because they had thereby shown their desire to become German nationals. He did not, therefore, think that the proposed solution of the problem was practical.

Brig. UFFER pointed out that it would, in any event, be necessary for the Italian Government to amend the Provision Law so as to disqualify from voting not merely fascists but also Nazis, and this would prevent most of the ardent Nazis from being put on the list.

Sgt. HERRMANN said that he still did not think that it would be right to put those who had opted for Germany on the list. He had proposed a compromise as a solution but he quite saw that the question of the franchise might give rise to some discontent.

Mr. WELSH referred to the proposal of the Italian Government with regard to the preparation of electoral lists. He said that this proposal had been discussed by the Chief Commissioner with the British and American Ambassadors and they had reached the conclusion that the proposals were slightly cumbersome and might give rise to great delays and possibly to political unrest. Mr. WELSH said that he was instructed to suggest to the Government that a better way would be to propose electoral lists on the footing that everyone would be on the list except those who had actually opted for Germany and that this would enable the compilation of the list to proceed more rapidly and that it would be without prejudice as to the final composition of the list when a decision in principle on nationality had been reached. Those who were not Italian citizens would simply be struck off the list when the provisions of the existing law. Furthermore, under the suggested method there would be no prejudgment of any doubtful cases while, on the other hand, the lists could be rapidly compiled and there would be no ground for any political discontent.

Mr. WELSH said that he did not see how the Italian Government could put on the list those who had opted for Germany even though they had not actually left Germany, because they had thereby shown their desire to become German nationals. He did not, therefore, think that the proposed solution of the problem was practical.

Mr. WELSH pointed out that it would, in any event, be necessary for the Italian Government to amend the Spontaneous law so as to be disqualified from voting not merely Fascists but also Nazis, and this would prevent most of the ardent Nazis from being put on the list.

Mr. WELSH said that he still did not think that it would be right to put those who had opted for Germany on the list. He had proposed a Commission as a solution but in quite now that the opinion of the Commission might give rise to some discontent.

Mr. WELSH pointed out that the Commission proposed to ask people if they desired to opt for Italian nationality but it could be quite impossible for many people to answer that question until they knew exactly what was going to be the future policy of the Italian Government towards the German-speaking minority. Furthermore, he pointed out, this Commission would almost at once be asked to select the functions of a Commission to determine the number of an electoral list but something such as would be a higher level, namely the completed question of nationality which might affect the future status of 100,000 inhabitants of Belgium. It would not be right that such a Commission should have such power.

DOWNING
UNCLASSIFIED

Col. Inf.
General
to

- 2 -

Mr. Tamm said that he fully appreciated these points and he would like to consider this difficult matter further with other members of the Government. He thought it might be better to postpone completion of the lists until the policy of the Government had been announced and until those complicated questions had been solved.

The members of the Executive should not be personally disappointed because their seats in the Senate would remain vacant until a proper election had been held in Bolivia.

Mr. Tamm said that he would like to consider this suggestion and he would in any event have to refer the matter to higher authority. Nevertheless, though any delay in the preparation of the electoral lists might be, he appreciated that the longer it might be to postpone their preparation until matters of principle had been determined.

4191
 17 July 45
 Legal
 8A
 HEADQUARTERS ALLIED COMMISSION
 AND 394
 LOCAL GOVERNMENT SUB COMMISSION

AG/45/A/10

Tel: 478706

SUBJECT: Electoral lists--inscription of those becoming 16 July 1945
 21 in 1945.

TO : The Minister of the Interior.

1. I refer to the draft Decree which Dott. STRANO left with Major Temple a few days ago, whereby it is intended to extend the right of inscription in the electoral lists to those citizens who shall have completed their 21st year before the 31st of December 1945, instead of 1944 as the law stands at present.
2. The Allied Commission has no comment to make upon the draft Decree and will be glad if it may be passed into law as soon as possible in the form of the draft.
3. Seeing that the preparation of the electoral lists in North Italy commenced yesterday, it is considered most important that the proposed Decree shall be put into force in North Italy as quickly as possible. With that object, the Allied Commission desire to have the Decree (when passed by the Council of Ministers) published in a "supplemento ordinario" to the Official Gazette, and that the same "supplemento" shall contain the ordinance of the Allied Commission implementing the Decree in Military Government Territory. By this device, the Decree would come into force in Military Government Territory in the shortest possible time.
4. As soon, therefore, as the Decree has been passed by the Council of Ministers, would the Ministry please see to it that the "Ufficio Gazzetta" is notified immediately that the Decree is to be published in a "supplemento ordinario" as quickly as possible, together with the usual ordinance of the Allied Commission implementing it.
5. The Legal Sub Commission of the Allied Commission are prepared to take the necessary measures to agree with the "Ufficio Gazzetta" the printing of the ordinance.
6. This Sub Commission would be glad to be informed as soon as the Decree has passed the Council. 15
7. In the meantime, this Sub Commission is taking steps to advise Regional and Provincial Commissioners in the North of the proposed extension of voting rights and is directing them to instruct Prefects and Sindaci to proceed in the preparation of the lists as if the new Decree were already law and without waiting for its publication and distribution throughout the North. In this way, it is hoped that alterations and delays in preparation of the lists just initiated will be avoided.

Copy to: Legal S/C

CCM/pec

R. R. GRIFFS, Colonel
 Director, Local Govt. S/C

4566

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Tel: 478706

18 July 1945

AC/45/ALG

SUBJECT: Preparation of electoral lists.

TO : Distribution as below.

1. As Regional and Provincial Commissioners are aware, the right to vote (or rather, to be inscribed in the electoral lists) has been granted to those Italian citizens who reached the age of 21 by 31 December 1944. As it now appears unlikely that it will be possible to hold elections until the late autumn, it follows that all those who reach the age of 21 during 1945 would be disfranchised. The Italian Government have therefore decided, in agreement with this HQ, to alter the franchise in this respect.

2. A Decree has therefore been prepared and agreed and will shortly be passed into law whereby those Italian citizens--men and women--who reach the age of 21 by 31 December 1945 will also be entitled to be inscribed in the electoral lists. It is intended to publish this Decree in a supplement to the Official Gazette and to insert in the same supplement the usual ordinance implementing it for Military Government Territory. In this way, the Decree will come into force in Military Government Territory at the earliest possible moment.

3. In Southern and Central Italy, where the electoral lists have been completed or nearly so, it will be necessary to prepare supplementary lists of those who reach 21 during this year. In Northern Italy, however, this can and must be avoided; and in the lists preparation of which commenced on 15 July there will be inserted the names of all those (a) who have already reached the age of 21 this year or (b) who will reach that age before 1 January 1946.

4. HQs will ensure that Prefects and Sindaco are instructed accordingly, and that they include these additional persons in the lists at once, and without waiting for the new Decree to be published and distributed.

BY COMMAND OF THE CHIEF COMMISSIONER:

Distribution:

10 Emilia }
Liguria }
Lombardia } with copies for PCs
Piemonte }
Venetia }

G. R. UFFONI, Brig.
VP CA Section

14

1945-1-18 COMMISSION

chised. The Italian Government have therefore decided, in agreement with this HQ, to alter the franchise in this respect,

2. A Decree has therefore been prepared and agreed and will shortly be passed into law whereby those Italian officers--men and women--who reach the age of 21 by 31 December 1945 will also be entitled to be inscribed in the electoral lists. It is intended to publish this Decree in a supplement to the Official Gazette and to insert in the same supplement the usual ordinance implementing it for Military Government Territory. In this way, the Decree will come into force in Military Government Territory at the earliest possible moment.

3. In Southern and Central Italy, where the electoral lists have been completed or nearly so, it will be necessary to prepare supplementary lists of those who reach 21 during this year. In Northern Italy, however, this can and must be avoided; and in the lists preparation of which commenced on 15 July there will be inserted the names of all those (a) who have already reached the age of 21 this year or (b) who will reach that age before 1 January 1946.

4. RSC will ensure that Prefects and Sincioi are instructed accordingly, and that they include these additional persons in the lists at once, and without omitting for the new Decree to be published and distributed.

OF COAST GUARD OF THE CHINA COMMISSIONER:

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Executive Commissioner
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Legal Subordination

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"	"	Ancona
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[illegible]

G. R. UFFORD, Brig.
V2 CA Section

10 JUL 1968

HEADQUARTERS ALLIED COMMISSION
AWO 394
LEGAL SUB-COMMISSION

SI/mt.
18 July 1945.

AG/NOTO 4191

SUBJECT : AWC order fixing date for compilation of electoral lists.

TO : CAO LAMPEDUSA and LINGUA
CAO PANTERLUNIA

1. Your attention is drawn to the AWC order dated 12 July 1945 and published in Gazzetta Ufficiale issue No. 84 of 14 July 1945 copies of which issue are enclosed herewith.

2. According to this order the time limits for compilation of electoral lists in LAMPEDUSA-LINGUA and PANTERLUNIA Communes commence to run as of May 21 and July 20, 1945 respectively.

3. To make this order effective in the above Communes you will please deliver the enclosed copies of Gazzetta Ufficiale to the Prefect of AGRIENTO and TRAPANI respectively.

You will request him to complete and sign the enclosed three copies of a receipt form; you will then forward one copy to this Sub-Commission; the remaining two copies shall be kept in your and in Prefect's files.

By command of Rear Admiral STOKES:

G. G. HUNNARD,
Lt. Col.,
Officer i/c Italian Branch,
for Chief Legal Advisor.

Incls. : 5 copies of G.U. 84 and 3 receipt forms to CAO LAMPEDUSA-LINGUA;
" " " " " " " " " " " " " PANTERLUNIA.

Copy to : Local Govt for info.
" : AG/4191/L.

RESTRICTED

Loyal (5A)

1455
JULY 130900

4191 ✓

1/9485
JULY 191345
ROUTINE

LOMBARDIA REGION LEGAL FOR POINTS SIGNED DICKIE
ALON ROME ACCAS

RESTRICTED.

Subject is compilation of electoral lists. All Provinces LOMBARDIA Region report
CABILLARI GIUDIZIARI in operation and records of convictions intact.

HEADQUARTERS

13 JUL 1945

A. C.

INFO

ACTION C A DEC 2
INFO CHIEF COMMISSIONER
LEGAL SC
FILE 2
HOM

← *we*

12

RESTRICTED

4A

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

AC/4010/2/L.

/lc.
11 July 1945.

SUBJECT : Implementation of decrees in AMG territory.
TO : The Minister of Interior.

1. As you are aware the form of expression used by AMG for the implementation of Italian decrees in AMG territory renders such decrees effective from the date when the Prefect of the Province receives from AMG a copy of the Gazette which contains the relevant implementation order.

2. In the case of the communes of Lampedusa and Linosa and Pantelleria, the Prefect of the Province receives the Gazette through Italian channels and not through AMG. Nevertheless it is the intention of AMG that the usual procedure should apply to these communes. It is presumed that you agree that this procedure is in order.

3. The matter is of some importance in connection with the compilation of electoral lists since it is most undesirable that anyone should be in a position to challenge the legal validity of these lists on any purely technical ground.

4. Will you please therefore confirm that you are in agreement with the view that the relevant decrees have been legally implemented and are of full legal effect in these communes.

For the Chief Commissioner:

G. R. Upjohn
G. R. UPJOHN, Brig. 11
VP CA Sec. Hq AC.

Copy to : Legal S/C,
Local Govt S/C
File AC/4191/L.

ATHQ C-5 INFO TROOPERS

1266

4191
5 July 453A
OPS PRIORITY

SECRET PD

PARA ONE PD SUBJECT IS NATIONAL ELECTIONS PD SEE TROOPERS SIGNAL FIVE SEVEN THREE NINE ZERO CHARLIE ABLE TWO PAREN INKED PAREN DATED FOUR JULY AND REFERENCE CONVERSATION HENRY DASH UPJOHN PD

PAREN TO /ATHQ GEORGE FIVE INFO TROOPERS FROM ALCOM CITY AGOAS PAREN

PARA TWO PD THE POSITION IS NOT PRECISELY AS STATED I SIGNAL PD THERE IS NOTHING IN ITALIAN LAW WHICH PREVENTS NATIONAL ELECTIONS TAKING PLACE AT ANY TIME AFTER COMPLETION OF ELECTORAL LISTS THROUGHOUT ITALY PD SUCH ELECTIONS COULD TAKE PLACE BEFORE OR AT ANY TIME AFTER LOCAL ELECTIONS PD

PARA THREE PD AS A PRACTICAL MATTER CMA HOWEVER CMA IT WOULD BE UNDESIRABLE TO HOLD NATIONAL ELECTIONS UNTIL DECREE HAS BEEN PASSED SETTING OUT POWERS CMA DUTIES AND FUNCTIONS OF THE CONSTITUENT ASSEMBLY FOR MEMBERSHIP OF WHICH THE PEOPLE WILL BE ASKED TO VOTE AT THE NATIONAL ELECTIONS PD

PARA FOUR PD MANY OBSERVERS BELIEVE THAT THE PREPARATION OF THIS DECREE CMA ITS CONSIDERATION BY THE CONSIGLIA PAREN A BODY ITSELF NOT YET FORMED PAREN AND FINAL APPROVAL BY THE COUNCIL OF MINISTERS MAY TAKE FIVE OR SIX MONTHS PD IF THIS PERIOD IS SHORTENED THE ELECTIONS CAN BE HELD EARLIER PD

EVEN MORE CMA WHO CMA AS YOU WILL RECALL CMA IS CHARGED WITH THIS TASK CMA DOES NOT SEE HOW NATIONAL ELECTIONS CAN BE HELD BEFORE SERIES

DOWN GRADED
UNCLASSIFIED

Col. Inf.
Chief Justice Officer.
for Chief of Staff Officer.
JUL 1945

Confidential

INT DISTRIBUTION:

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POLAD (A)
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Legal S/C
Local Government
Civil Affairs Section

10

CIVIL AFFAIRS SECTION
525
C.R. UPJOHN Brig

NICHOLAS POMBINO
CWO, USA
Asst Adjutant

Copy for 4191

[Signature]

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

(2A)

AC/4010/4/L.

/pa.
3 Jul 45.

SUBJECT : Time limits for preparation of electoral
lists in Northern AMG territory.

TO : VP CA Sec.

1. Enclosed herewith for your signature please is an order stating that the time limits for compilation of electoral lists in above territory shall commence to run from 15 July 1945.

2. An English draft translation is attached for your information.

W. E. BEHRENS,
Colonel,
Chief Legal Advisor.

Incls.

[Signature]

9

In conformità all'Ordinanza del Governo Militare Alleato che è stata pubblicata nella Gazzetta Ufficiale n.68 del 7 giugno 1945 e che rendeva esecutivo nel territorio soggetto al Governo Militare Alleato il DDL 12 aprile 1945, n.201, pubblicato nella Gazzetta Ufficiale n.59 del 17 maggio 1945, il quale DDL precisa all'Articolo 5 che i termini per la formazione delle liste elettorali nelle Province non ancora restituite al Governo Italiano saranno fissati dal Governo Militare Alleato; Io, Brigadiere Generale G. R. UPJOHN, in nome e per conto dell'Ufficiale Capo degli Affari Civili del Governo Militare Alleato, con la presente ordino che i termini per la formazione delle liste elettorali in tutte le Province dell'Emilia, della Liguria, del Piemonte, della Lombardia, della Venezia Tridentina, del Veneto e nelle Province di Lucca ed Apulia, decorrano dal 15 luglio 1945.

La presente Ordinanza entra in vigore in ciascuna delle su menzionate Province a partire dalla data in cui il Prefetto di dette Province riceverà dal Governo Militare Alleato una copia del presente numero della Gazzetta Ufficiale.

In data 3 luglio 1945.


G. R. UPJOHN,
Brigadiere Generale,
in nome e per conto dell'Ufficiale
Capo degli Affari Civili del Governo
Militare Alleato.

HEADQUARTERS ALLIED COMMISSION

AFO 396

OFFICE OF THE EXECUTIVE COMMISSIONER

EXECUTIVE MEMORANDUM

NO.

1 July 1945

5

PREPARATION OF ELECTORAL LISTS

1. The Schedule to this Executive Memorandum is a brief description of the procedure for preparing the electoral lists, with 2 Appendices.
2. The Chief Civil Affairs Officer has fixed 15 July as the date upon which the preparation of the electoral lists in Military Government Territory will commence. This excludes Venezia-Giulia Region, but includes the provinces of Bolzano and Udine for which supplemental instructions will be issued.
3. The Chief Civil Affairs Officer directs that the preparation of the electoral lists be completed as a first priority, and so as to conform to the utmost extent possible to the prescribed time-limits.
4. The actual work of compiling the lists is a matter for the Italian agencies concerned. It is the function of officers of Allied Military Government to ensure that the requisite Italian agencies are properly constituted and that they set to work promptly and proceed expeditiously.
5. At the same time, the lists must be prepared with impartiality and accuracy so that the Italian people can and shall have confidence in them. These considerations are emphasized by the number of political appointments to public office which the circumstances of the North have required. In this connection, special attention is drawn to para 4 of the Schedule as to disqualifications for Fascism.
6. PCs and PCs will give their immediate attention to the proper constitution of the local Government agencies prescribed by Executive Memorandum No. 39, with particular reference to:
 - (a) the Prefect. In those cases where the formal confirmation by Allied Military Government of the appointment of a Prefect has not yet been given, this must be forthcoming before 15 July;
 - (b) the Vice Prefect Inspector. The Prefect should make available adequate transportation facilities for this official;
 - (c) the Electoral Office in the Prefecture. A suitable and competent official must be available to be designated to take charge of it;
 - (d) Sindaci. In those cases where confirmation of any CMA appointment has been withheld in order to use if the appointee is really suitable, the formal appointment must no longer be delayed;
 - (e) Communal Secretaries. Where qualified officials are not available, the fullest use must be made of local candidates capable of discharging the office as "reggenti" and of the advice of combining small communes under one Secretary;
 - (f) Provincial Deputation. The immediate appointment of this body is urgent.
7. PCs will require their Prefects to keep them closely informed of all action taken and to report promptly to them at regular intervals. It will be noted from para 27 (a)(iii) of the Schedule that Sindaci must report progress to the Prefect.

3. The Chief Clerk will compile the lists as a matter for the Italian agencies to be completed as a first priority, and so as to ensure that the lists are completed as early as possible to the prescribed time-limits.
4. The actual work of compiling the lists is a matter for the Italian agencies concerned. It is the function of officers of Allied Military Government to ensure that the requisite Italian agencies are properly constituted and that they set to work promptly and proceed expeditiously.
5. At the same time, the lists must be prepared with impartiality and accuracy so that the Italian people can and shall have confidence in them. These considerations are emphasized by the number of political appointments to public office which the circumstances of the North have required. In this connection, special attention is drawn to para 4 of the Schedule as to disqualifications for Fascism.
6. ICs and PCs will give their immediate attention to the proper constitution of the local government machinery prescribed by Executive Memorandum No. 39, with particular reference to:-
- (a) the Prefect. In those cases where the formal confirmation by Allied Military Government of the appointment of a Prefect has not yet been given, this must be forthcoming before 15 July;
 - (b) the Vice Prefect Inspector. The Prefect should make available adequate transportation facilities for this official;
 - (c) the Electoral Office in the Prefecture. A suitable and competent official must be available to be designated to take charge of it;
 - (d) Sindaco. In those cases where confirmation of any CMA appointment has been withheld in order to set if the appointee is really suitable, the formal appointment must no longer be delayed;
 - (e) Communal Secretaries. Where qualified officials are not available, the fullest use must be made of local candidates capable of discharging the office as "regenti" and of the device of combining small communes under one Secretary;
 - (f) Provincial Deputation. The immediate appointment of this body is urgent.
7. PCs will require their Prefects to keep them closely informed of all action taken and to report progress to them at regular intervals. It will be noted from para 27 (a)(iii) of the Schedule that Sindaco must report progress to the Prefect every 15 days.
8. Any recommendation that the Prefect wishes to make for an extension of the time-limits is a particular Commune (see para 27(c) of the Schedule) must be in the PC's hands on or before 25 July. PCs will immediately transmit such recommendations to Regional HQ with their observations. Further instructions will be issued to ICs as to how these recommendations will be determined. Any limitations for extensions must only be recommended in cases of absolute proved necessity on account of war conditions.
9. Officers of Local Government Sub-Commission will visit every province during July (where they have not already done so) to advise further.

BY COMMAND OF THE CHIEF OF THE STAFF
 CIO
 CCIO
 CMA

MS/L

M. S. LUSH, Brigadier
 Executive Commissioner

Distribution overleaf

- 2 -

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SCHEDULE

HEADQUARTERS ALLIED COMMISSION
APO 394
LOCAL GOVERNMENT SUB-COMMISSION

Ref: AC/45/4/LG

25 June 1945

Preparation of Electoral Lists - Brief Description of the Procedure.

1. Annexed are :-

- a) Appendix "A" indicating the action to be taken by the Italian Agencies involved and the time limits fixed for each step.
- b) Appendix "B" giving a list of the local government and judicial agencies on whom duties are imposed, with notes on the more specialised ones.

The Appendices are intended as a convenient means of reference: the description set out below gives, it is thought, the information mostly required by RCs and PCs.

THE FRANCHISE

2. Before one can describe how voters will be registered, it is necessary to ascertain who are to be registered and how they are defined, i.e. the franchise. All Italian citizens, men and women, who have reached the age of 21 by 31 December 1944 are qualified to be registered. The phrase "qualified to be registered" is to be noted. The franchise is a qualification to be registered and NOT a qualification actually to vote. The right of an individual to vote is determined solely by reference to the Electoral Lists which are final and conclusive on this point.

3. To the broad and simple qualification described above there are a number of exceptions - lunatics, habitual drunkards, bankrupts, brothel-keepers, registered prostitutes, persons in receipt of public assistance, persons subject to police "ammonizione" or "confinio" or to preventive detention, and those sentenced for quite a number of specified crimes and certain fascists.

4. The extent to which Fascism is a disqualification deserves special attention. There are three classes :-

- a) Certain high ranking officials of the former RPF have been declared incapable of voting from the Secretary of the Party down to the "federale" and to the "Segretari Politici" of Communes of 20,000 inhabitants or more.
- Officers of the MVS in effective permanent service and

- b) Appendix "B" giving a list of the local government and judicial agencies on whom duties are imposed, with notes on the more specialised ones.

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- a) Certain high ranking officials of the former MPF have been declared incapable of voting from the Secretary of the Party down to the "Federale" and to the "Segretari Politici" of Communes of 20,000 inhabitants or more. Officers of the MVSN in effective permanent service and above the rank of Centurione are likewise disqualified.
- b) Those whom the special Provincial Commission set up under Art. 8 of DLL.159 has sentenced to ineligibility for public office or loss of civil rights.
- c) Those Fascists convicted by the regular criminal courts for the fascist crimes found in Title I of DLL.159.

/These are the only.....

2.

These are the only disqualifications on the ground of fascism: any tendency on the part of Prefects, Sindaci and others to exclude persons considered to be fascists on other grounds than these must be rigorously suppressed.

5. Let it be emphasized that the Provincial Commission set up under art.6 above mentioned is NOT the same as the Provincial Epuration Commission, which is an entirely distinct body with distinct functions..

6. It is also necessary to determine the particular Electoral List in which a qualified citizen is to be registered. The citizen must be registered in the list of the Comune in which he has his permanent residence and in whose register of permanent population or "anagrafa" he is inscribed. That is the rule; but there are the following exceptions to it.

- a) Refugees and evacuees will be registered in the Comune in which they are temporarily living but they can opt for their Comune of permanent residence;
- b) Apart from refugees, a citizen may be living in a Comune different from that in whose register of population he is inscribed. If he has lived in the Comune in question for at least 6 months, he can, if he wishes, claim to be registered there;
- c) The citizen can also, if he wishes, claim to be registered in the Comune where he has the principal seat of his personal business or interests.

PREPARATION OF THE LISTS

7. With the foregoing rules in mind, the procedure for preparing the Lists is seen to be logical and comprehensible. It falls into 5 main stages :-

- A. There has to be ascertained those who are *prima facie* entitled to be registered in the Comune. This is the task of the Sindaco and Segretario Comunale.
- B. Those affected by one or another of the disqualifications have to be ascertained and struck out; this is primarily the task of a number of agencies in possession of the requisite information, who have to furnish it to the Comune.
- C. The list of names so obtained has to be published as the Electoral List and then revised and approved by an independent authority, the Electoral Commission. The Lists now become definitive.
- D. Steps must now be taken for registered electors to opt for another Comune under Para.6 (b) and (c) above. Refugees and evacuees who wish to do so under para.6 (a) must do it at Stage A.

Finally, the Communal Lists are divided into Polling Districts

b) Apart from refugees, a citizen may be living in a Commune different from that in whose register of population he is inscribed. If he has lived in the Commune in question for at least 6 months, he can, if he wishes, claim to be registered there:

c) The citizen can also, if he wishes, claim to be registered in the Commune where he has the principal seat of his personal business or interests.

PREPARATION OF THE LISTS

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B. Those affected by one or another of the disqualifications have to be ascertained and struck out: this is primarily the task of a number of agencies in possession of the requisite information, who have to furnish it to the Commune.

C. The list of names so obtained has to be published as the Electoral Lists and then reviewed and approved by an independent authority, the Electoral Commission. The Lists now become definitive.

D. Steps must now be taken for registered electors to opt for another Commune under Para. 6 (b) and (c) above. Refugees and evacuees who wish to do so under para. 6 (a) must do it at Stage A.

E. Finally, the Commune has to be divided into Polling Districts ("sezioni Elettorali") and a Polling Place specified for each district. This will not be necessary in village Communes, of course. It is to be noted that Stage E, though the last to be enumerated here, is actually carried out contemporaneously with Stage C.

8. The Elector does not have to apply to be registered, but he may if he wishes. Provision has been made for this and for letting the public know, at the very beginning, of their right to put in such an application. It is wise to apply. It is a help to the authorities - and to the citizen - in ensuring that he will be able to exercise his vote.

/Stage A

3.

Stage A - Ascertainment of Qualifications:

9. The immediate tasks of the Sindaco are two:

- a) he must publish a notice in the prescribed form at the Municipio and other public places stating that the preparation of the lists has been started and that citizens can apply to be registered.
 - b) he must proceed to compile the "Elenco". (It is convenient to keep to the Italian word for this document, as the only adequate English translation is "list" and that word is required in another connection.
10. The "Elenco" is made up by copying from the register of permanent population particulars of all Italian citizens of the right age. It is evident that this automatically gives the names of those who are "prima facie" qualified, subject to (a) any defects in the register of population, and (b) the addition of refugees and evacuees. It will now be seen how the register of permanent population is the absolute root and basis for all subsequent operations and how important it is that it should be in order and brought up-to-date. If it is not, however, the Sindaco is allowed to refer to any type of official record, such as registers of births, marriages and deaths, conscription lists, etc.

Stage B - Ascertainment of Disqualifications:

11. Here the unmentioned bodies have to take the initiative:

- a) Public Assistance Institutions and ECA have to send the commune a list of those chargeable to them who belong to that commune.
- b) The Police Authority (i.e. the Questura) has to send a similar list of prohibited foreigners and those subject to "razionazione" or "confino".
- c) The President of the Provincial Commission under Art. 8 of D.L. 159 has to send a similar list of those deprived of civil rights under that Article.

12. There is a fourth source of official information as to disqualifications, namely, the Judicial Records Offices (Cassellario Giudiziale) of the various Tribunali, but in this instance it is the Sindaco who has to take the initiative. The reason is that convictions are registered according to place of birth. The Sindaco, therefore, has to make extracts from the "Elenco" according to birthplace and send these to the Records Office of the Tribunale within those jurisdiction the persons enumerated in each extract were born. The Records Office returns the extract with the proper certificates of conviction, if any, annexed. In this way are the proper certificates of conviction for ordinary criminal offences, for fascist

"list" and that word is required in another connection.

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- a) Public Assistance Institutions and ECA have to send the commune a list of those chargeable to them who belong to that commune.
- b) The Police Authority (i.e. the Questura) has to send a similar list of brothel-keepers and those subject to "ammonizione" or "confino".
- c) The President of the Provincial Commission under Art. 6 of D.L. 159 has to send a similar list of those deprived of civil rights under that Article.

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Stage C - Compilation and Approval of the Lists:

13. From his "Elenco", as amended by the various returns from the authorities just referred to - and after deciding upon any application to register he may have received - the Sindaco now constructs the Electoral List and sends it in duplicate to the Electoral Commission for examination and approval.

14. The Electoral Commission is very important. There must be one for every judicial district or "Mandamento" in the Province. Its President is

/ex-officio the President....

4.

ex-officio the President of the Tribunale, or if there is none, the Prefetto. There are four other commissioners. One is appointed by the Prefetto. The others are three citizens of the "Municipio" to be appointed by the Deputazione Provinciale.

15. Sub-Commissions will also be appointed in the ratio of one for every 50,000 (or fractions of 50,000) inhabitants of the "Municipio".

16. Before sending the Electoral List to the Commission, the Sindaco must deposit it at the Municipio and give public notice to that effect. During this time, objections to the entry or omission of a name may be made. The list is then sent up, with all applications to be registered, all objections, and a complete record of the Sindaco's proceedings.

17. The Electoral Commission examines all these documents and decides on the validity of the lists. They can add names as well as strike them out. Its decisions are notified to the commune and the Sindaco makes the necessary alterations in the list deposited at the Municipio. It is now deposited for public inspection at the Communal Secretary's office and public notice of this is given.

18. The lists are now definitive, i.e. they cannot now be altered except by reason of (a) the death of an elector, (b) the loss of Italian citizenship, (c) conviction for a disqualifying crime, and (d) by decision of the Courts on an appeal.

19. There is, however, another class of alteration which may be made in the list even as late as 10 days before the date of an election, and that is in the case where the Provincial Commission, under Art. 8 of D.L. 159, decrees a fascist ineligible for public office or to lose his civil rights. The reason for allowing such declarations to have effect on the Electoral List up to as late as 10 days before an election is to be found in the delays which are likely to be encountered in constituting these Provincial Commissions and the long time they are likely to take in completing their tasks. It is, however, most important that alterations in the lists for this cause subsequent to their becoming definitive should be reduced to the absolute minimum, and that every effort be made to constitute the Commissions under Art. 8 of D.L. 159 and to get them to work immediately.

20. There is a right of appeal to the Courts against the decisions of the Electoral Commission by any citizen and by the Procuratore del Regno of the provincial capital.

Stage D - Transfer of Registrations:

21. The elector can now apply to have his registration transferred to:-

- i) the Commune in which he has been in fact residing for the last 6 months - see para. 5 (c); or
- ii) The Commune in which he has the principal place of his personal business or interests - see para. 6 (c).

All he has to do is:-

on the validity of the lists. Any amendments as well as strike sheet out. Its decisions are notified to the commune and the Sindaco makes the necessary alterations in the list deposited at the Municipio. It is now deposited for public inspection at the Communal Secretary's office and public notice is then given.

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Stage D - Transfer of Registrations:

21. The elector cannot apply to have his registration transferred to:-

- i) the Comune in which he has been in fact residing for the last 6 months - see para. 6 (b); or
- ii) The Comune in which he has the principal place of his personal business or interests - see para. 6 (c).

All he has to do is :-

- a) apply to the Comune where he is now registered for that entry to be cancelled and for the Sindaco to send him the proper Declaration of Cancellation;
- b) apply to the Comune where he wants to be registered, sending the Declaration of Cancellation with his application.

/ Stage E

Stage E - Polling Districts and Polling Places :

22. As soon as the Sindaco has completed his Electoral Lists for submission to the Electoral Commission, he can - and must - take action on this subject. He is required to make and publish a "deliberazione" - or, as we might say in English, an ordinance - defining the boundaries of the polling-districts and the polling place for each district. The ordinance is published on deposit for 10 days so that any citizen who desires may file an objection. Then the ordinance and the objections are sent up to the Electoral Commission for approval or amendment.

23. Each polling district should include from 100 (in exceptional cases 50) to 1,000 electors. Up to 4 polling places (i.e. for 4 districts) can be had in one building: but not more than 2 may be accessible from the same street. The Prefect can dispense with this restriction as to access, where necessary; and he can also authorize up to 6 polling places in one building.

WOMEN

24. Women have the same qualifications as men but they must be entered on a separate Electoral List. The Lists for men and women should be prepared at the same time. However, and the procedure for them both should go forward contemporaneously. For practical purposes the Lists can be regarded as one List in two parts - one for men and the other for women.

TIME LIMITS

25. Appendix "1" shows that from the "fixed date", which the Chief Commissioner will determine as the day on which the preparation of the Lists is to start, to the date when the Lists become definitive is 100 days - provided, of course, that the time limits are strictly kept. This is not likely, and, in fact, the Prefect is empowered, within 10 days of the "fixed date" to propose extensions of the time limits for Communes which cannot possibly keep to them. Nevertheless, every effort should be made to adhere to the time-table prescribed, and extensions should only be allowed in cases of absolute and clearly-proven necessity.

26. The date for compilation of the Lists by the Sindaco (Appendix "1", para. 14) is important. This must be done by 60 days from the "fixed date" at the latest. If, however, the compilation can be finished earlier, then subsequent time limits run from the actual completion of the Lists and the total time is thereby shortened.

THE PREFECT

27. The Prefect's main functions are :

- a) to supervise generally the preparation of the Lists. This he does.
 - i) through the Vice-Prefect Inspector;
 - ii) through the Electoral Office, which must be constituted in each

WOMEN

24. Women have the same qualifications as men but they must be entered on a separate Electoral List. The lists for men and women should be prepared at the same time, however, and the procedure for them both should go forward contemporaneously. For practical purposes the lists can be regarded as one list in two parts - one for men and the other for women.

TIME LIMITS

25. Appendix "I" shows that from the "fixed date", which the Chief Commissioner will determine as the day on which the preparation of the lists is to start, to the date when the lists become definitive is 100 days - provided, of course, that the time limits are strictly kept. This is not likely, and, in fact, the Prefect is empowered, within 10 days of the "fixed date" to propose extensions of the time limits for Communes which cannot possibly keep to them. Nevertheless, every effort should be made to adhere to the time-table prescribed, and extensions should only be allowed in cases of absolute and clearly-proven necessity.

26. The date for completion of the lists by the Sindaco ("Appendix II", para. 14) is important. This must be done by 60 days from the "fixed date" at the latest. If, however, the compilation can be finished earlier, then subsequent time limits run from the actual completion of the lists and the total time is thereby shortened.

THE PRAEFECT

27. The Prefect's main functions are:

- a) to supervise generally the preparation of the lists. This he does:
 - i) through the Vice-Prefect Inspector;
 - ii) through the Electoral Office, which must be constituted in each Prefecture under a Consigliere or 1st Segretario;
 - iii) from the progress reports which the Sindaco must submit to him every 15 days.
- b) to determine extensions in the case of the Electoral Commission.
- c) to recommend extensions of the time limits for particular Communes.
- d) to secure the proper and timely appointment of Electoral Commissioners and Sub-Commissions.
- e) to appoint a Commissario to take over from any Commune which falls behind the time-table.

APPENDIX A

TABLE showing action to be taken by Italian agencies, with time-limits

- Notes: (i) The figures in col. 4 are obtained by adding together, step by step, the figures from the "fixed day".
 (ii) The citizen is not required to lodge the various applications, objections he does, time-limits for doing so are fixed.

ACTION BY	BRIEF DESCRIPTION OF ACTION TO BE TAKEN
1. Sindaco & Segretario Comunale	A - Ascertainment of qualifications 1. Publish Notice that application to be entered on Electoral List may be made. 2. Recommend extension of time-table for Communes where, by reason of the situation, adherence to time limits is absolutely impossible. 3. Decree variations in areas of jurisdiction of Electoral Commissions, situation of places and difficulties of communication make changes necessary. 4. Compile (from register of permanent population or other official records) the "elenco" of Italian citizens over 21 with permanent residence in the Commune.
2. Prefect	
3. " "	
4. Sindaco & Segretario Comunale	
5. Public Assistance, Institutions & ECL	B - Ascertainment of Disqualifications 5. Notify Segretario Comunale of paupers belonging to Commune. 6. Notify Sindaco of those Fascists disqualified from public office or exercise of political rights. 7. Notify Sindaco of residents in Commune who are brothel-keepers - register prostitutes - subject to "ammonizione" or "confinamento". 8. May make application to Town Hall to be entered on Electoral List. 9. Publish notice of applications received.
6. Provincial Commission under D.L. 159 Art. 8	
7. Questore	
8. Any qualified citizen	
9. Sindaco & Segretario Comunale	

APPENDIX A

TABLE showing action to be taken by Italian agencies, with time-limits

The figures in col. 4 are obtained by adding together, step by step, the maximum period allowed for each step from the "fixed day".

The citizen is not required to lodge the various applications, objections and appeals mentioned below; but if he does, time-limits for doing so are fixed.

BRIEF DESCRIPTION OF ACTION TO BE TAKEN	DAYS ALLOWED	CUMULATIVE DAYS FROM "FIXED DATE"
<u>A - Ascertainment of qualifications</u>		
1. Publish Notice that application to be entered on Electoral List may be made.	Immediately	0
2. Recommend extension of time-table for Communes where, by reason of the war, adherence to time limits is absolutely impossible.	10 from "fixed date"	10
3. Decree variations in areas of jurisdiction of Electoral Commissions, where situation of places and difficulties of communication make changes advisable	"	"
4. Compile (from register of permanent population or other official records) the "elenco" of Italian citizens over 21 with permanent residence in Comune)	20 from "fixed date"	20
<u>B - Ascertainment of Disqualifications</u>		
5. Notify Segretario Comunale of paupers belonging to Comune.	"	"
6. Notify Sindaco of those Fascists disqualified from public office or exercise of political rights.	"	"
7. Notify Sindaco of residents in Comune who are brothel-keepers - registered prostitutes - subject to "ammonizione" or "confino"	"	"
8. May make application to Town Hall to be entered on Electoral List.	"	"
9. Publish notice of applications received.	"	"

- 3 -

- | | |
|---|---|
| 20. Electoral Commission | 20. Hold first meeting of Electoral Commission or Sub Commission |
| 21. " | 21. Amend and approve the Electoral List--notify Commune of decisions in individual cases and return the List. |
| 22. Sindaco & Segretario Comunale | 22. Make necessary amendments to Deposited Electoral Lists--notify electors affected by decisions of Electoral Commission or Sub-Commission. |
| 23. Sindaco & Segretario Comunale | 23. Publish notice of deposit of Definitive Electoral Lists. |
| 24. " | 24. Deposit Definitive Electoral Lists with Segretario Comunale for public inspection. |
| 25. Any citizen : and the Procuratore del Regno at the Provincial capital | 25. May appeal to Court of Appeal and thence to Court of Cassation. (N.B. --the time limits for appeals are not stated here, because pending appeals do NOT affect the Definitive Electoral Lists, until finally decided) |
| D - Transfers of Registration | |
| 26. Any registered elector | 26. May apply for cancellation of registration in Commune <u>from</u> which it is desired to transfer |
| 27. Sindaco & Segretario Comunale | 27. Cancel registration and send applicant a Declaration of Cancellation |
| 28. " | 28. Send to Electoral Commission or Sub Commission a list of cancellations so made |
| 2 | |
| 29. The elector concerned | 29. Apply to be registered in Commune <u>to</u> which it is desired to transfer, forwarding the Declaration of Cancellation above-mentioned |

- 3 -

Hold first meeting of Electoral Commission or Sub Commission.

5 from receipt of List, etc. 80

Amend and approve the Electoral List--notify Commune of decisions in individual cases and return the List.

15 from receipt of List, etc. 90

Make necessary amendments to Deposited Electoral Lists--notify electors affected by decisions of Electoral Commission or Sub-Commission.

10 from receipt of List from Communes 100

Publish notice of deposit of Definitive Electoral Lists.

for 10 days 110

Deposit Definitive Electoral Lists with Segretario Comunale for public inspection.

Immediately on completion of amendments in Deposited Lists. ---

May appeal to Court of Appeal and thence to Court of Cassation.
(N.B. ---the time limits for appeals are not stated here, because pending appeals do NOT affect the Definitive Electoral Lists, until finally decided)

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Transfers of Registration
May apply for cancellation of registration in Commune from which it is desired to transfer

15 from publication of Definitive List 115

Cancel registration and send applicant a Declaration of Cancellation

Immediately ---

Send to Electoral Commission or Sub Commission a list of cancellations so made

10 from last day for applications for cancellation 125

2
Apply to be registered in Commune to which it is desired to transfer, forwarding the Declaration of Cancellation above-mentioned

15 from last day for applications for cancellation 130

APPENDIX B

ITALIAN AGENCIES INVOLVED IN PROMULGATION OF ELECTORAL LISTS

Generally at all Stages

Sindaco
Segretario Comunale
Prefetto

Vice Prefect Inspector
Electoral Office

-- to be organized in each Prefecture in charge
of a specially designated official.

Stage A - Ascertainment of Qualifications

Public Assistance Institutions (e.g. hospitals, workhouses, orphanages, etc.)
Ente Comunale D'Assistenza (ECA)
Provincial Commissions appointed under D.L. 159 of Oct 8 - consisting of a
Magistrate and two persons qualified to be jurors at Courts of
Assize

Questore, and local branches of the Questura.

Judicial Records Offices at Tribunali

The Central Judicial Records Office of the Ministry of Justice

Stage C - Completion and approval of lists

Deputazione Provinciale - to appoint 3 out of 4 members of Electoral Commissions
and Sub-Commissions

Presidents of Tribunali - to preside over Electoral Commissions and to appoint
chairmen of Sub-Commissions.

Protori - to act instead of the President of the Tribunali where there is no
such Court in the "municipi"

Magistrates, serving or retired - to preside over Electoral Sub-Commissions.

Appeals to the Courts

Court of Appeal
Court of Cassation
Procuratore del Regno of the Provincial Capital.

Stage A - Ascertainment of Qualifications

Public Assistance Institutions (e.g. hospitals, workhouses, orphanages, etc.)
 Ente Comune D'Assistenza (ECA)
 Provincial Commissions appointed under D.L. 159 of Oct 8 - consisting of a
 Magistrate and two persons qualified to be jurors at Courts of

Assize

Questions, and local branches of the Justice.

Judicial Records Offices at Tribunali

The Central Judicial Records Office of the Ministry of Pardon and Justice

Stage C - Completion and approval of lists

Deputazione Provinciale - to appoint 3 out of 4 members of Electoral Commissions
 and Sub-Commissions

Presidenti of Tribunali - to preside over Electoral Commissions and to appoint
 chairman of Sub-Commissions.

Proteri - to act instead of the President of the Tribunale where there is no
 such Court in the "municipalito"

Magistrates, serving or retired - to preside over Electoral Sub-Commissions.

Access to the Courts

Court of Appeal

Court of Cassation

Procuratore del Regno of the Provincial Capital.

MINISTERO DELLE CORPORAZIONI

Mario

Alessandra
(Aggiornata)

1146

Declassified E.O. 12356 Section 3.3/NND No. 785616

Memo

Alexandra
(Appointed)

1147