

ACC

10000/143/833

00/143/833

LOCAL GOV'T ELECTIONS & ITALIAN POLITICS
OCT. 1944 - JULY 1945

1904

785016

HEADQUARTERS ALLIED COMMISSION

APO 394

OFFICE OF THE EXECUTIVE COMMISSIONER

pl

EXECUTIVE MEMORANDUM

NO.

5

1 July 1945

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. MCS and PSs 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 CM appointment has been withheld in order to see 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 device of combining small communes under one Secretary. The immediate appointment of this body is urgent.

are emphasized by the number of political appointments in 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 CIV appointment has been withheld in order to see 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 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 Sindaci must report progress to the Prefect every 15 days.

8. Any recommendations that the Prefect wishes to make for an extension of the time-limits in a particular Commune (see para 27(c) of the Schedule) must be in the PC's hands on or before 20 July. PCs will immediately transmit such recommendations to Regional HQ with their observations. Further instructions will be issued to PCs as to how these recommendations will be determined. Applications 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 on them.

BY COMMAND OF THE

TO	BY	DATE	INITIALS
DIRECTOR	W. J.	27	
DEPUTY DIRECTOR	W. J.	27	
EXEC. OFFICER	W. J.	27	
POLICE	W. J.	27	
LIC. & REG.	W. J.	27	
PRISONS	W. J.	27	
ADJ. GEN.	W. J.	27	
SECURITY	W. J.	27	
CHIEF CLERK	W. J.	27	

MSL

M. S. LUSH, Brigadier
Executive Commissioner

Distribution overleaf

- 2 -

Distribution:

"C" Group. I.

+	Serials 72, 73, 73A & 74	(3 copies each)
+	" 76, 77, 79 & 80	(2 copies each)
+	Emilia Region	- 70 copies
+	Liguria	" 80 "
+	Lombardia	" 150 "
+	Piemonte	" 30 "
+	Venezie	" 70 "

SCHEDULE

HEADQUARTERS ALLIED COMMISSION

APO 394

LOCAL GOVERNMENT SUB-COMMISSION

Ref: AG/45/4/1G

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 FCs.

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 - bankrupts, habitual drunkards, bankrupts, brothel-keepers, registered prostitutes, persons in receipt of public assistance, persons subject to police "ammonizione" or "confino" 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 :-

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 PCs and PEs.

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 "remonizioni" or "confino" or to preventive detention, and those sentenced for quite a number of specified crimes and certain fascists.

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

a) Certain high ranking officials of the former NPF 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.

~~/Those who are only.....~~

5743

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 those must be rigorously suppressed.

5. Let it be emphasized that the Provincial Commission set up under Art. 8 above mentioned is NOT the same as the Provincial Education 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. No 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 3 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 Lists and then reviewed and approved by an independent authority, the Electoral Commission. The Lists now become definitive.

The Electoral Lists are then furnished to the voters to opt for

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 Commune. 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 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 exiles who wish to do so under para.6 (c) 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.
- F. 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 Municipality 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 evictees. 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 aforementioned bodies have to take the initiative:

- a) Public Assistance Institutions and ECA have to send the comune a list of those chargeable to them who belong to that comune.
- b) The Police Authority (i.e. the questura) has to send a similar list of brothel-keepers and those subject to "sequestro" 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 tribunals, but in this instance it is the Sindaco who has to take the initiative. The reason is that convictions are registered in the tribunali, but the questura has to make extracts

subsequent to the date. If it is not, however, and brought up-to-date. If it is not, however, 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 undersigned bodies have to take the initiative:
 - a) Public Assistance Institutions and ECA have to send the complete list of those chargeable to them who belong to that category.
 - b) The Police Authority (i.e. the Quartaria) has to send a similar list of brothel-keepers and those subject to "remonstrance" or "certification".
 - c) The President of the Provincial Election 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 Power in Offices (Cassellario Giudiziario) of the various Tribunals, 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 Tribunal within whose jurisdiction the persons enumerated in each extract were born. The Records Office returns the extract with the proper certification of conviction, if any, annexed. In this way are ascertained disqualifications for ordinary offences, habitual drunkards, crimes under Title I of D.L. 159, declared lunatics, habitual drunkards, bankrupts and persons under preventive detention.

57/4

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 constitutes 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 "Municipalita" in the Province. Its President is /ex-officio the President....

ex-officio the President of the Tribunale, or if there is none, the Pretore. There are four other commissioners. One is appointed by the Prefect. The others are three citizens of the "Mandamento" 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 "Mandamento".

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, objection 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 so late a date 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 task. 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 that by the Procuratore del Regno or the provincial capital.

Stage D - Transfer of Registrations:

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

1) the Commune in which he has been in fact residing for

in the case where the Provincial Commission, under Art. 6 of the Law of 1913, is a fascist ineligible for public office as to lose his civil rights. The reason for allowing such declarations to have effect on the Electoral List up to 30 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. 6 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 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 B - 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 take and publish a "dichiarazione" - or, as we might say in English, an ordinance - defining the boundaries of the polling-districts and the polling places for each district. The ordinance is placed 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 8 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 190 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 "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 through the Vice-Prefect Inspector;

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 completion of the lists by the Sindaco ("Appendix --", 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 Prefecture under a Consigliere or 1st Segretario, submit to him, from the progress reports which the Sindaco must submit to him, every 15 days. 5743
- b) to determine alterations in the areas 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

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

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

APPENDIX A

to be taken by Italian agencies, with time-limits

obtained by adding together, step by step, the maximum period allowed for each step

ed to lodge the various applications, objections and appeals mentioned below; but i
doing so are fixed.

DESCRIPTION OF ACTION TO BE TAKEN	DAYS ALLOWED	CUMULATIVE DAYS FROM FIXED DATE
<u>Applications</u>		
Application to be entered on Electoral List may be made.	Immediately	0
in of time-table for Communes where, by reason of the war, limits is absolutely impossible.	10 from "fixed date"	10
In areas of jurisdiction of Electoral Commissions, where s and difficulties of communication make changes advisable	"	"
status of permanent population or other official records) alien citizens over 21 with permanent residence in Commune)	20 from "fixed date"	20
<u>Disqualifications</u>		
Commune of paupers belonging to Commune.	"	"
those fascists disqualified from public office or exercise	"	"
residents in Commune who are brothel-keepers - registered	"	"
ect to "ammonizione" or "confino"	"	"
on to Town Hall to be entered on Electoral List.	"	"
applications received.	"	"

- | | |
|---|--|
| <p>10. Refugees & Evacuees</p> <p>11. Sindaco & Segretario Comunale</p> <p>12. Sindaco & Segretario Comunale</p> <p>13. Judicial Records Offices of Tribunali and of Ministry of Pardon and Justice.</p> <p>14. Sindaco & Segretario Comunale</p> <p>15. "</p> <p>16. "</p> <p>17. Any citizen</p> <p>18. Sindaco & Segretario Comunale</p> <p>19. Prefect, President of Tribunale, and Deputazione Provinciale</p> | <p>10. May apply to Comune of temporary residence, if they desire to in Comune of permanent residence</p> <p>11. Transmit applications of refugees and evacuees to Communes of permanent residence--note names for exclusion from Electoral Lists of Comune of temporary residence.</p> <p>12. Send extracts from "Elenco" to the Judicial Records Offices ("Giudiziale") of the Tribunali, containing particulars of those in the jurisdiction of each Tribunale--or, in case of difficulty, Judicial Records Office of the Ministry of Pardon and Justice.</p> <p>13. Return extracts to Comune, with certificates of disqualifying</p> <p><u>C - Completion and Approval of Lists</u></p> <p>14. Completion of Electoral Lists in duplicate.</p> <p>15. Notify applicants for registration whom Sindaco has rejected.</p> <p>16. 1 copy Electoral List to be deposited with Segretario Comunale to be published and Prefect to be notified.</p> <p>17. May lodge with Comune objections against Deposited Electoral Lists (decided by Electoral Commission or Sub-Commission).</p> <p>18. Forward to Electoral Commission (a) "Elenco", (b) 2nd copy Electoral Lists, (c) Applications to be registered, (d) Objections received and of Comune's proceedings.</p> <p>19. Constitute Electoral Commissions and Sub Commissions</p> |
|---|--|

- 2 -

Commune of temporary residence, if they desire to be registered
permanent residence

20 from
"fixed date" 20

ications of refugees and evacuees to Communes of permanent
names for exclusion from Electoral Lists of Commune of
idence.

Immediately --

from "Elenco" to the Judicial Records Offices ("Casellario
of the Tribunale, containing particulars of those born within
ion of each Tribunale--or, in case of difficulty, to the Central
rds Office of the Ministry of Pardon and Justice.

5 from 25
completion
of "Elenco"

ts to Commune, with certificates of disqualifying convictions, etc.

15 from 40
receipt of
extract

Approval of Lists

Electoral Lists in duplicate.

60 from 60
"fixed date"

ents for registration when Sindaco has rejected.

" "

ral List to be deposited with Segretario Comunale -- notice thereof
ed and Prefect to be notified.

3 from
completion of List:
but within 60 days
of "fixed date" "

h Commune objections against Deposited Electoral Lists (to be
electoral Commission or Sub-Commission).

10 from 70
publication of notice
of deposit of lists

electoral Commission (a) "Elenco", (b) 2nd copy Electoral List,
ons to be registered, (d) Objections received and (e) Record
proceedings.

5 from 75
last day for lodging
appeals

Electoral Commissions and Sub Commissions

within 75 days of 60
"fixed date"

- | | |
|---|--|
| <p>20. Electoral Commission</p> <p>21. " "</p> <p>22. Sindaco & Segretario Comunale</p> <p>23. Sindaco & Segretario Comunale</p> <p>24. " "</p> <p>25. Any citizen ; and the Procuratore del Regno at the Provincial capital</p> <p>26. Any registered elector</p> <p>27. Sindaco & Segretario Comunale</p> <p>28. " "</p> <p>29. The elector concerned</p> | <p>20. Held first meeting of Electoral Commission or Sub Commission</p> <p>21. Amend and approve the Electoral List--notify Commune of decisions individual cases and return the List.</p> <p>22. Make necessary amendments to Deposited Electoral Lists--notify el affected by decisions of Electoral Commission or Sub-Commission.</p> <p>23. Publish notice of deposit of Definitive Electoral Lists.</p> <p>24. Deposit Definitive Electoral Lists with Segretario Comunale for inspection.</p> <p>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)</p> <p><u>D - Transfers of Registration</u></p> <p>26. May apply for cancellation of registration in Commune <u>from</u> which desired to transfer</p> <p>27. Cancel registration and send applicant a Declaration of Cancellation</p> <p>28. Send to Electoral Commission or Sub Commission a list of cancellations made</p> <p>29. Apply to be registered in Commune <u>to</u> which it is desired to transfer forwarding the Declaration of Cancellation above-mentioned</p> |
|---|--|

- 3 -

Electoral Commission or Sub Commission

Electoral List--notify Commune of decisions in return the List.

Ants to Deposited Electoral Lists--notify electors of Electoral Commission or Sub-Commission.

osit of Definitive Electoral Lists.

Electoral Lists with Segretario Comunale for public

of Appeal and thence to Court of Cassation.
its for appeals are not stated here, because
OT affect the Definitive Electoral Lists, until

ation
lation of registration in Commune from which it is

and send applicant a Declaration of Cancellation

ommission or Sub Commission a list of cancellations

ed in Commune to which it is desired to transfer,
ration of Cancellation above-mentioned

5 from
receipt of List; etc.

80

15 from
receipt of List, etc.

90

10 from
receipt of List from
Communes

100

for 10 days

110

Immediately on comple-
tion of emendments in
Deposited Lists.

--

15 from
publication of
Definitive List

115

Immediately

10 from
last day for appli-
cations for cancella-
tion

125

15 from
last day for appli-
cations for cancellation

130

- 4 -

30. Sindaco & Segretario
Comunale

30. In the Commune to which it is desired to transfer: --
(a) if the Electoral Lists have NOT yet been completed (s
ve) register the elector in the ordinary way;
(b) if the Electoral Lists HAVE been completed (see para 1
register the elector by publishing a Supplemental List.

E - Division of Commune into Polling-Districts ("Sezioni Eletto
(N.B.-- This process is contemporaneous with Stage C, para
above)

31. Sindaco & Segretario
Comunale

31. Publish Decision as to division of Commune into polling-d
ries of polling districts, and polling-places for each di
Prefect-- complete Electoral Lists for each District.

32. "

32. Decision of Sindaco to be deposited for public inspection

33. Any citizen

33. May lodge objections to Sindaco's Decision at Town Hall,
transmission to Electoral Commission.

34. Sindaco & Segretario
Comunale

34. Forward Decision, Polling District Lists and objections to
Commission

35. Electoral Commission

35. Decide objections and approve Polling-District Lists.

desired to transfer: --
 re NOT yet been completed (see para. 14 above)
 e ordinary way;
 E been completed (see para 14 above)
 ching a Supplemental List.

ng-Districts ("Sezioni Elettorali")
 quoraneous with Stage C, paras. 14-23

on of Commune into polling-districts, bounda-
 d polling-places for each district--notify
 lists for each District.

sited for public inspection.

cco's Decision at Town Hall, for
 mission.

istrict lists and objections to Electoral

e Polling-District Lists.

Supplemental Lists
 to be published
 at monthly intervals

15 from
 completion of lists 75

for 10 days 85

10 from
 publication of decision "

5 from
 last day for lodging
 objections 90

15 from
 receipt of Decision
 etc. 105

APPENDIX BITALIAN AGENCIES involved in preparation of electoral listsGenerally at all stages

Financo

Segretario comunale
PrefectVice Prefect Inspector
Electoral Office- to be organized in each Prefecture in charge
of a specially designated official.Stage A - Ascertainment of qualificationsPublic assistance institutions (e.g. hospitals, workhouses, orphanages, etc.)
Ente Comunale d'Assistenza (ECA)
Provincial Commissions appointed under D.L. 159 of Oct 3 - consisting of a
Magistrate and two persons qualified to be jurors at Courts of

Assize

quorums, and local branches of the maistru.

Judicial Records Offices at Tribunale

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

Stage B - Completion and approval of listsDeputazioni Provinciali - to appoint 3 out of 4 members of Electoral Commissions
and Sub-CommissionsPresidenti of Tribunale - to preside over Electoral Commissions and to appoint
chairmen of Sub-Commissions.Pretori - to act instead of the President of the Tribunale where there is no
such Court in the "municipio"

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

Annexes to the CourtsCourt of Appeal
Court of Cassation

Procuratore del Regno of the Provincial Capital.

Article

Questions, and local practices of the Justice.

Judicial Records Offices of Tribunal

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

Section 1 - Composition and approval of lists

Deputaciones Provinciales - to appoint 3 out of 4 members of Electoral Commissions and Sub-Commissions

Presidentes of Tribunals - to preside over Electoral Commissions and to appoint members of Sub-Commissions.

Pretori - to act instead of the President of the Tribunal where there is no such Court in the "municipio"

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

Article 10 - the Courts

Court of Appeal

Court of Cassation

Procuraduría del Reino of the Provincial Capital.

5740

New file
1143

2A

HEADQUARTERS ALLIED COMMISSION
 APO 394
 LOCAL GOVERNMENT SUB COMMISSION

SECRET

AG/45/LG

Tel: 478107 *ll.*

SUBJECT: Local Government Elections.

18 December 1944

TO : Addressees as below.

1. Pursuant to the direction of the acting VP, herewith copy No. 5 of "Memorandum as to the desirability and possibility of holding local government elections in Italy at present", for your information.

2. Please acknowledge receipt on the attached form.

R.R. Temple
capt.

for

R. G. B. SPICER
 Colonel
 Director
 Local Government Sub Commission

RRT/pec

Copy to: Civil Affairs (att: of Col. White) (3)

Legal
 Public Safety
 Public Health
 Mons. & P.A.
 Education
 Patriots
 Displaced Persons

A very interesting memo, with which I entirely agree. My own view is that the time has not yet arrived for elections to be held.
Ally.

TO	
COL. CHAPMAN	<i>20/12</i>
COL. YOUNG	<i>21/12</i>
LT. COL. WILCOX	<i>21/12</i>
MAJ LUCKMAN	<i>seen</i>
MAJ WILSON	<i>21/12/44</i>
MAJ HANBURY	
MAJ BALLANCE	
CAPT POWEL	
CHIEF CLERK	

5739

26

HEADQUARTERS ALLIED COMMISSION
APO 394
LOCAL GOVERNMENT SUB COMMISSION

COM. NO. 5

MEMORANDUM

AS TO THE DESIRABILITY AND POSSIBILITY OF HOLDING LOCAL GOVERNMENT ELECTIONS IN ITALY AT PRESENT

(I) PREFACE

1. It has always been understood to be a part of the functions of the Allied Commission not only to secure the abolition of the Fascist local government structure, but to substitute for it a system distinctively democratic. Considerable experience along these lines was gained from the operations of AMCOM in Sicily. On the basis of what was done there, orders were issued last January for the establishment by Allied Military Government of local authorities in occupied provinces and communes. With the transfer of Southern Italy to the control of the Italian Government, that Government continued the task system by a Decree of April 1944.

2. The Orders and Decree provided for the re-establishment in part of the local government system contemplated by the pre-Fascist law of 1915. In the absence of any possibility of election at that time, the elective communal and provincial councils were not re-established. The standing executive committees and the executive and presiding heads of the local authorities were re-introduced on the basis of appointment by the Prefect.

3. It was made clear in both Orders and Decree that this legislation was purely temporary.

4. The temporary local government structure thus contemplated has been established almost in its entirety throughout Italy behind the battle line.

5. The next development was the promulgation by the Italian Government of a Decree of 23 September 1944 for the compilation of electoral lists, which Decree revived the law of 1919 on the subject.

(II) POLICY IMPLICATIONS IN THE ABOVE

6. It is obvious that the Decree of April has contemplated a further step in the democratization of Italian local government; i.e., the establishment of the holding of elections for them.

the local government system at that time, the elective
the manner of any possibility of elections at that time. The summing
communal and provincial councils were not re-established. The summing
executive committees and the executive and presiding heads of the local
authorities were re-introduced on the basis of appointment by the President.

3. It was made clear in both Orders and Decrees that this legislation
was purely temporary.

4. The temporary local government structures thus contemplated has been
established almost in its entirety throughout Italy behind the battle line.

5. The next development was the promulgation by the Italian Government
of a Decree of 20 September 1924 for the compilation of electoral lists,
which Decree revised the law of 1919 on the subject.

(II) POLICY IMPLICATIONS IN THE ABOVE

6. It is obvious that the Decree of April has contemplated a further
step in the decentralization of Italian local government; i.e. the establish-
ment of elective local authority and the holding of elections for them.
The 1919 system was partially adopted as being the readiest democratic
system to hand; but its adoption did not imply that the elective local
authorities provided by it were the particular ones ultimately contemplated.

7. In fact, the Italian Government have this system established as
a commission of experts to study and make recommendations on the whole ad-
ministrative system of the Italian State, including local government.

8. It, therefore, local government elections are to be contemplated in
the near future, it is necessary first to decide what local government
bodies are to be elected. The final and permanent form of Italian local
government must obviously rest on the will of the Italian people freely
expressed. Presumably, this can only be expressed through some form of
national legislature or constitutional assembly.

9. On the other hand, (subject to advice on their status) it can be
argued that the present government could proceed to a series of elective local
authorities which would be acceptable as a temporary measure, by continuing
the process implicit in the Decree of April, i.e. by re-constituting and
re-establishing the Communal and Provincial Councils for which provision is

5738

SECRET

made in the law of 1915. Such a source may give an idea of permanence to a system which is not intended to be, and inevitably to some extent pre-judge or affect the subsequent action of the Italian people through their legislative authorities from the latter may eventually take). Neither is it to be assumed that a system enacted 20 years ago is necessarily going to meet all the temporary needs of the country in the vastly changed circumstances of today. For instance, a considerable body of informed Italian opinion is interested in the development of a system of regional autonomy, the repercussions of which upon the existing system of provinces and the 1915 system of Provincial Councils cannot be foreseen.

10. It is also not to be overlooked that the Italians may wish to apply the elective system to the selection of public individual functionaries, and/or to the complete or partial basis of functionaries in the United States and the British Empire. They may regard the American practice of election, the Mayor absolutely in a small town and even desiring to prevent the inauguration of his Prefect of some small town, as an absolute.

11. The foregoing is stated that 'Local' government existed in entirely divorced from the National 'structure' and suggests the extent of the high political principles involved. The need for serious and careful study of the problem by the Italian and the vital necessity of avoiding hastily imposed schemes in division. It is to be borne in mind, however, that with the adoption of the source of April 1944, it was understood that the Italian people could be entirely free at some future date to carry out such radical reforms in their local government system as they thought fit.

(III) PRACTICAL FACTORS INVOLVED IN THE PROPOSAL

12. If the foregoing observations are held not to influence the present problem or that they are in any way of solution, it would be necessary to give consideration to the following points:

- (1) Electoral lists or registers must first be compiled. As stated above, a decision for this purpose has been issued. It appears however, that the compilation of the lists will take some months, in some provinces considerably longer than in others.
- (2) The scattered state of the population, for example, presents of an, perhaps, some danger of being out of their hands, many of the Italian people, (the process of September) makes provision for the re-

(III) PRactical PROBLEMS INVOLVED IN THE PROPOSAL

12. If the foregoing considerations are held not to influence the present problem or that such problem is capable of solution, it would be necessary to give consideration to the following points:

(1) Electoral lists or registers must first be compiled. As stated above, a decree for this purpose has been issued. It appears however, that the compilation of the lists will take very much longer, in some provinces considerably longer than in others.

(2) The scattered state of the population, for example, prisoners of war, refugees, those bombed or shelled out of their homes, members of the Italian national forces. (The decree of September makes provision for the registration of such people but there is no provision for absentee voting).

(3) Transportation and communications. If annual elections are to be held, these difficulties will be acute, especially if elections are held in the winter.

(4) Lack of material, e.g. paper, printing services, ballot boxes, etc.

(5) The lack of qualified staff. There have been no true elections in Italy since 1946 at the latest. Trained State and local civil servants are in extremely short supply.

(IV) POSSIBLE DIFFICULTIES OF THE PROPOSAL

13. Assuming that the practical difficulties enumerated above could likewise be overcome or at least over-looked, consideration should be given to what the possible results of the holding of local government elections in Italy now would be.

14. In the first place, it is uncertain whether these elections would produce a real expression of the popular will. The practical difficulties mentioned in this note would militate against this. A more serious

HEADQUARTERS
ALLIED CONTROL COMMISSION
AWO 394
Civil Affairs Section

Ref: 100/45/1/UG.

10 Oct '44.

SUBJECT: Elections of Italian Political Bodies.

TO:

HC Abruzzi-Marche Region
HC Emilia Region
HC Toscana Region
HC Sardegna Region
HC Venezia Region
HC Lazio Region

SCAG V Army
SCAG VIII Army
HC Piemonte Region
HC Liguria Region
HC Lombardy Region
HC Sicilian Region

HC Southern Region

1. It has been reported to this HQ that an election by popular vote of a Giunta comunale was organised in military Government territory by an A.S.G. officer.
2. While the election was extremely well organized and run by the officer concerned, and there were very special circumstances in that case, it must be remembered that pending the reorganisation of the electoral lists and the liberation of further territory, it is contrary to the law of the country to hold such elections.
3. Accordingly in military Government territory Provincial Commissioners should not permit elections for (a) City Council or other local and provincial bodies, nor encourage in any way the holding of such elections in Italian Government territory.
4. If any such elections are held in Italian Government territory the facts should at once be reported to this HQ.

Government territory by an A.L.C. officer.

2. While the election was entirely well organized and run by the officer concerned, and there were very special circumstances in that case, it must be remembered that pending the reorganization of the electoral lists and the liberation of further territory, it is contrary to the law of the country to hold such elections.
3. Accordingly in military Government territory Provincial Commissioners should not permit elections for "first council" or other **local and provincial bodies**, nor encourage in any way the holding of such elections in Italian Government territory.
4. If any such elections are held in Italian Government territory the facts should at once be reported to this HQ.

11
S.F. URJOM. BRD.
VP CA Sec.
Dun. C. of S.
5734

Copy to:- Public Safety sub-division
Legal sub-division
C.O.S.

REC/g.b.

10	21/10
	822
	232
	23/10
	24/10

ENCLOSURE

- 3 -

Factor however, in the state of politics in the country generally:

- (1) The victory at the election would go to the best organized party or body not necessarily to the most representative one.
- (2) The appearance of popular support thus created in favour of particular parties or organizations will influence in favour the official settlement of the new Italian constitution. Whether this is done by constitutionally or by referendum, all Italian part in the process cannot fail to be affected by the results of the preceding local elections.
- (3) Parties may therefore find it of vital importance to win the clearest possible victory at the local elections so that such elections might precipitate just those demands that they are intended to avoid.
- (4) There is a possibility that local government changes will be accompanied by a measure of disorder which may possibly even continue afterwards. Many factors suggest this including the following:

- (a) Political passions are running high.
- (b) Number and lack of necessities of the administration are tending.
- (c) Little confidence is felt in the ability of the Italian administration to deal with the change of the situation either to control them, independently or properly.
- (d) Subject to the opinion of the Public Safety Administration any one of several factors will be in charge of the situation. Numbers of the power of public order may not prove adequate to control the situation.

15. It is of course, one of the primary functions of the Italian Government to maintain order in the new Italy. It is not an easy subject in the view of the public safety and Government -- it does not appear that either the Italian Government or the Allied Commission could guarantee that order in local government elections were held.

16. The situation consequent on an election might be looked upon with interest as having at least a comparative object. It is not clear that they desire any not

- (b) Numerous lack of coordination of life strengthening the tendency.
- (c) Little confidence in life in the ability of the Italian government which will be in charge of the elections either to control them independently or properly.
- (d) Subject to the opinion of the Public Safety Sub-Commission who are of course better able to judge, the morale and maturity of the forces of public order may not prove sufficient to control the situation.

15. It is, of course, one of the primary functions of the Allied Commission to maintain order in the face of the crisis. And as again subject to the views of the Public Safety Sub-Commission, it can not appear that in their view Italian Government or the Allied Commission could guarantee that order in local government elections were held.

16. The disorders consequent on our location might be limited upon with a limited eye, as having it is a constructive object. However, should it least be rising in order to obtain the local government they desire and not in order to place the authorities to provide food or boots from some unspecified but presumably existent source. There appears to be a military and a political element in this. Though military authorities all advocate in a country which is a theatre of operations, it is a case of supply is objectionable, no longer that for purposes. Politically, all attempts to apply force to the settlement of questions of government are the negation of democracy, no matter how laudable the object. The example of Greece will point to this observation.

(V) POLITICAL IMPACT OF THE PROPOSAL

17. The holding of local government elections should raise the prestige of Italy by making it the first foreign country to put back to the people of modern democracy. Even in the elections which he held till next summer (see para. 12 (1) above) an announcement was that they were to be held would have an immediate effect. (As to holding the first in the field, however, an indication has been observed in the press that the French are considering local elections in February.)

18. The elections would provide a outlet for the political feelings of the average Italian and may be a useful safety valve and a preventative of disorder.

5737

SECRET

-5-

do not have all rural.

26. as to limiting the election to a certain class of local authority, it has been suggested that it may be held in (a) areas of 50,000 population or more or (b) towns of 20,000 population or more and those of less population that are provided a capital. Suggestions are given in the appendix.

27. It is true that this suggestion would also involve a consideration of the powers of sub-local authority and that it is in the longer term that the practical difficulties encountered in section IV are likely to be more easily overcome. On the other hand, the probable administrative consequences described in section IV are most likely to result in just such control of population. Moreover, the political dangers alluded to there in para. 19 are so great in the case of a limitation to a class of authority as they are in the case of limitation to a given area.

1 9 3 9

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

785016

5730

APPENDIX

Local Government areas in liberated Italy as at 10/10/44.

Type of local authority	Military Government Territory under		Italian Government Territory		Total
	Army Control (2)	Regional Control (3)	Italian Government Territory (4)	(5)	
(1)					
Total Provinces	4	11	56	51	
Total Communes	155	474	2,595	3,224	
Communes of 50,000 pop. and over	7	8	16	29	
Communes of 20,000 pop. and over					
and	13	29	111	153	
Provincial capitals of less population					

NOTE (1) For the purposes of this table it has been assumed that

(a) the whole of the following provinces is in our hands:-

LUCCA
PISTOIA

(b) no part of the following provinces are in our hands:-

BOLOGNA
PARMA

Communes of 20,000 pop. and over and Provincial capitals if of less population.	15	29	111	155

NOTE (1) For the purposes of this table it has been assumed that

(a) the whole of the following provinces is in our hands:-

LUCCA
PISTOIA

(b) no part of the following provinces are in our hands:-

BOLOGNA
RAVENNA

NOTE (2) The city of NORE is included among the appropriate figures in col. (4)

5735

1942