

UNCLASSIFIED

SUMMARY OF ELECTORAL LAW

1. Date. Sunday, September 11, but may be postponed by local authorities after they have informed Ministry of Interior.
2. Composition of constituencies. Each province/municipality is an election district, with the exception of Saigon (3 constituencies) and Gia Dinh (2 constituencies). Total of 52 districts. Basis for allotment seats is one per each 50,000 registered voters in 1965 or for 30,000 above first 50,000 or multiples thereof; each district has at least one seat. Total of 104 seats allotted in this manner. Four additional seats reserved for ethnic Cambodians, one each in Ba Xuyen, Chau Doc, Kien Giang and Vinh Binh. Nine additional seats reserved for Montagnards (8, including refugee montagnards from NVN) and Chams (1); deputies to be chosen by traditional tribal process. Grand total 117. See list of provinces and allotment of seats, attached.
3. Requirements for voters. Vietnamese nationality; male or female; 18 years of age or older as of December 31, 1965; inscribed on electors' list and holding elector's card. Civil servants and military personnel "on missions" may vote wherever they are on September 11 without prior registration but must show appropriate orders. Military units of battalion-size or larger may vote in place.
4. Requirements for candidates. Vietnamese nationality for at least five years; 25 years old by September 11; resident in country for at least one year (need not be resident of the electoral district); must have complied with military draft regulations. Grounds for disqualification: criminal record; deprivation of civil rights; legal guardianship or mental illness; bankruptcy; failure to comply with military service requirements; dismissal or forced retirement from civil service or military; directly or indirectly working for "the Communists and pro-Communist neutralists whose actions are advantageous to the Communists".
5. Civil servants and military. Must go on leave one month before elections. Mayors, province chiefs and their deputies, judges, police officials and certain military personnel may not run in districts they serve or have served within six months preceding election.
6. Candidacies. In single-member constituencies, all candidates run as individuals and one with largest vote wins. In multi-member constituencies, all candidates must run on lists; list must contain as many names as there are seats to be filled, plus alternates if desired; and rank of each candidate on list must be specified. Where list voting applies, seats will be awarded as in following hypothetical case: Province has 4 seats and 200,000 ballots are cast. Four lists are running and receive following totals: List A, 80,000; list B, 60,000; list C, 40,000; list D, 20,000. Electoral quotient is 200,000 votes divided by number of seats, 4 or 50,000. List A gets first seat and has overage of 30,000 votes; list B gets second seat and has overage of 10,000 votes; list C gets third seat because its 40,000 votes exceed overages of lists A and B and total of list D; final seat goes to second name on list A because its overage exceeds that of list B and total of list D. No list that receives less than 5% of total vote may be awarded a seat.
7. Local electoral council. Consists of local judge as chairman; two members of provincial/municipal council not running for assembly, chosen by lot; three representative voters, chosen by lot from list of 20 "notables" compiled by

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local authorities; one representative of provincial/municipal administrative office. Duty is to screen candidates to determine if they meet qualifications set forth above. Where list voting applies, disqualified candidate on list may be replaced by alternate unless disqualification is for communism/neutralism, in which case whole list is disqualified. Disqualified candidates may appeal to Central Election Council in Saigon.

8. Central electoral Council. Consists of presiding judge of Supreme Court of appeal as chairman; chairman of the State Council; dean of lawyer corps; five members of Military-Civilian Council; representative of Ministry of Interior. Studies candidates' complaints and makes final ruling; no appeal from this decision.

9. Campaign committee. Consists of one representative of each candidate or list of candidates; elects own chairman. Determines rules of campaign, including number and size of posters, use of radio and sound trucks, etc.

10. Expenditures and candidates' deposits. Expenditures are met by national budget and are limited by formulae; maximum amounts are 8\$VN per elector in single-member constituencies and 12\$VN per elector or total of 200,000\$VN per list in multi-member constituencies. Each candidate must make deposit of 10,000\$VN which is forfeited if he withdraws after expenses incurred or if he fails to get 5% of the total vote.

11. Campaign period. Begins August 26 and ends at noon on September 10.

12. Voting and counting. Location of polling stations determined by province chief/mayor, who also designates chairman and deputy chairman of committee in charge of each station. Other two members chosen by chairman from voters present on election day. Each candidate or list may have an observer present during voting and counting. Voting begins at 0700 and ends at 1600 on September 11. Voter must appear in person, show ID and voting cards, and have name checked against list. Voter is given one ballot for each candidate or list; goes into covered booth to choose ballot he wants and to place it in envelope; discards other ballots; and deposits envelope in ballot box. Corner is clipped from voting card after voter casts ballot. Counting begins immediately after polls close. Committee in charge appoints counting assistants from among literate voters present. Irregular ballots disqualified, e.g., more than one ballot in envelope; list ballot on which order of candidates has been altered. Counting is done at polling station unless security requires move to a safer place, in which case candidates must be informed and committee and candidates' representatives must physically accompany ballot box. Committee reports results to principal polling station in province/municipality. Candidates must appeal irregularities within three days after election.

National Constituent Assembly. Must convene within 15 days after election. Deputies enjoy immunities. Constitution must be drafted and approved by Assembly within six months. National Leadership Committee can amend draft Constitution but its amendments can be overridden by 2/3 vote of Assembly. Constitution must be promulgated by Chief of State within 30 days of receipt; otherwise, goes into effect automatically. National Leadership Committee must establish governmental institutions called for by Constitution within three to six months of promulgation.