

AIRGRAM

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TO : DEPARTMENT OF STATE

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LONDON, MADRID, MANILA, NEW DELHI, PARIS, ROME,
WELLINGTON.

FROM : Amembassy SAIGON

DATE: May 24, 1965

SUBJECT: Provincial and Municipal Elections in Vietnam,
May 30, 1965.

REF :

The Ministry of Interior has prepared a document summarizing the essential points contained in the several decrees and orders issued by the government in preparation for the provincial and municipal councils elections scheduled for May 30. This document sets forth the responsibilities of these councils, their modus operandi, voting procedures, and qualifications for candidates and electors. The Embassy forwards its translation of this summary as an enclosure to this airgram.

The Embassy draws attention to the fact that these councils will exercise much more power than the councils which existed under the Diem government. Attention is drawn to Part 4 of Section I of the summary which outlines the powers of the councils and particularly to the paragraph which states: "With the exception of a number of matters which must be approved by the Prime Minister or the Ministers concerned, the decisions of the councils must be carried out by the Prefect of Saigon-Cholon, the province chiefs and mayors within fifteen days."

Voter qualifications have been reduced to the barest minimum in preparation for these elections. Any citizen, male or female, over eighteen years of age is entitled to vote. The voter must have a valid identification card and have his name enscribed on the electoral list. (Possession of a valid identification card entitles the individual to have his name enscribed.)

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Drafted by:

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REPUBLIC OF VIETNAM

MINISTRY OF INTERIOR

STATUTES AND PROCEDURES GOVERNING ELECTION
OF CITY, PROVINCIAL AND MUNICIPAL COUNCILS

Conforming to the desires of the people as manifested by their representatives at the nationwide civilian administrative convention held on March 15, 1965 in Saigon, the Prime Minister of the government promulgated on April 9, 1965 the four following major decrees:

Decree No. 67/NV of 4/9/65 redefining the organization and operation of the Saigon/Cholon Prefectural Council.

Decree No. 68/NV of 4/9/65 establishing provincial councils.

Decree No. 69/NV of 4/9/65 establishing municipal councils.

Decree No. 70/NV of 4/9/65 prescribing procedures of election of the above mentioned councils.

To implement the above mentioned decrees, the Ministry of Interior also promulgated the two following ordinances on the same date:

Order No. 433/BNV/NC/8 of 4/9/65 fixing the day of election and the membership of the Provincial and Municipal Councils.

Order No. 434/BNV/NC/8 of 4/9/65 prescribing procedures of establishment and issuance of voters' cards to be used for the above mentioned elections.

This is the first step in the implementation of democracy in conformity with the government's plan of activity which was announced on March 12, 1965.

Through the establishment of the Saigon-Cholon Prefectural Council and the Provincial and Municipal Councils, the Government intends to place organs elected by the people alongside regional administrators in order to achieve cooperation between the administration and the people in the settlement of regional problems.

The qualifications for candidates are more stringent (Part 4 of Section II), the intent being to eliminate the possibility of having known communists or neutralists as candidates. It should also be noted, however, that certain officials, including army officers, are prevented from being candidates. Obviously, such persons by virtue of the influence of their office, would enjoy a tremendous advantage over the ordinary candidate.

Finally, it is noted that each candidate is entitled to draw campaign expenses from the public treasury. Such expenditures are controlled by agreement amongst the candidates themselves so as to insure, insofar as possible, against the wealthy candidate enjoying an advantage over his poorer opponent.

It is suggested that information addressees may wish to make the enclosure available to the host government.

For the Ambassador:

Melvin L. Manfull
Counselor of Embassy for Political Affairs

Enclosure: *ALL N. N.*

Ministry of Interior document summarizing
decrees governing May 30 elections.

The procedures of election of those councils are founded on the basic principles, which are freedom and equality. These will be ensured for both voters and candidates in conformity with the democratic process.

SECTION I

MAJOR POINTS IN THE NEW STATUTE OF SAIGON-CHOLON PREFECTURAL COUNCIL, PROVINCIAL AND MUNICIPAL COUNCILS

1. COMPOSITION

The Saigon-Cholon Council consists of 30 members.

Provincial and Municipal Councils consist of 6 to 15 members, as prescribed by Ordinance No. 433-BNV/NC/8 of 4/9/65 of the Ministry of Interior, based upon the following:

population in the locality,
number of districts or quarters,
regional budget, and
security situation.

The above numbers may be increased by recommendation of the regional Councils if there would happen a change in the above factors.

There will be a total of 471 members all over the country, including the Saigon-Cholon Council, Provincial and Municipal Councils. This figure shows an apparent increase as compared to the figures provided by the previous statutes. The increase is aimed at giving the new Councils wider representation of the regional population. In the city of Saigon, there will be 30 members instead of 24 as prescribed by Decree No. 74-TTP of 3/23/1959 or 19 as prescribed by Decree No. 203-a/NV of 5/31/1964. The number of members at cities and provinces is from 6 to 15, instead of 5 to 11 as prescribed by Decree No. 203-b and c/NV of 5/31/1964.

Another remarkable point is that the new decrees do not specify any quota for the Montagnards or Cham. The government conceives that both the Montagnards and the Cham are citizens of Vietnam and that they must be considered as perfectly equal to the Lowlanders, in obligation and right, equality being one of the basic principles of election. In reality, there will certainly be a number of Montagnard or Cham candidates who will be elected to the said Councils, especially in the provinces of Darlac, Pleiku, Kontum, Ninh-Thuan, Binh-Thuan, etc., where there are many Montagnards and Chams.

2. TERM OF OFFICE

The office term of the Saigon-Cholon Council, Provincial and Municipal Councils is fixed at 3 years; but instead of an integral vote after three years, a partial vote shall be conducted after each year, covering 1/3 of the total of members. Those members to be voted shall draw lots: 1/3 of the total of members at the end of the first year, the remaining two thirds at the end of the second year. Members can be re-elected.

The advantages of this procedure are as follows:

The new members elected each year will bring a new source of vitality to the Council, thus enabling it to follow closely the aspirations of the people.

Continuity can be maintained in the activity of the Council, with both new and old members.

People will have more opportunities for democratic activity than before, in a field closely related to their daily lives.

The function of councillor shall not be exercised along with any compensated public office but rather with another elective office; especially, a councillor can run for election to the National Congress. Public servants or servicemen who are elected can take leave without pay during the term of office of the Council. Parents and children, brothers and sisters, spouses shall not be members of the same Saigon-Cholon Council, Provincial or Municipal Councils.

3. INTERESTS

The members of the Saigon-Cholon Council, Provincial and Municipal Councils shall receive allowances which correspond to the number of days of attendance at the Council's session. Any members who are assigned with a special duty shall be granted per diem. Chairmen shall be granted Public Relations allowances and the members of Permanent Offices shall be granted a Special allowance.

All the above allowances and compensations shall be increased as compared to the old scale so as to correspond with the responsibilities assigned to the members. An ordinance shall be promulgated by the Ministry of Interior in the near future, prescribing scales for the new allowances and compensations.

4. RIGHTS

The rights of the Councils are extended and can consist of three types:

- the right to vote,
- the right to control, and
- the right to advise.

a. Within the framework of the policy and doctrine of the Government, the Council shall have the right of decision on all matters pertaining to regional administration. This right is very extensive. It covers several major fields, such as:

- Discussion of the budget and receipts for the regional budget..

- Establishment of plans of construction and programs of public benefit in the region.

- Signing of contracts for construction or supply of material.

- Management and protection of public properties.

- Renaming and changing limits of districts, quarters, communities, cantons, villages, hamlets, etc.

With the exception of a number of matters which must be approved by the Prime Minister or the Ministers concerned the decisions of the Council must be carried out by the Prefect of Saigon-Cholon, Provincial Chiefs and Mayors within 15 days.

b. Regional councils shall further have the right of control over the following matters related to the regional administration:

- Implementation of the policies and plans of the government.

- Administrative accounting on the operation of the regional budget.

- Bookkeeping records of the region.

- Actions of the personnel and cadre of various echelons in the region, particularly their service to the people.

The Council shall have the right to recommend the Government to warn administrative officials in the region if deficiencies are noted in the discharge of their functions.

Further, members of the Councils must be requested to join committees set up by the government to achieve cooperation between the people and the administration in the management of the interests of the region.

This right of control is a very important right which was not mentioned in the previous statutes.

c. In addition to those rights, the Council shall also have the right to advise.

The Councils must be consulted by the Prefect of Saigon-Cholon, Province Chiefs and City Mayors on the following matters:

Renaming and changing limits of provinces.

Ratifying village budgets less than VN\$500,000.

Matters pertaining to land, buildings and practice of professions in the region.

Further, the Councils shall also have the right to make suggestions, recommendations and request on matters of common benefit to the Prime Minister, Secretaries, Ministers and Province Chiefs. Those suggestions, recommendations and requests shall be taken into consideration by the government and settled within the shortest delay. The results of that consideration shall be disseminated to the individuals concerned through the Permanent Offices of the Councils.

5. OPERATION

To settle expeditiously problems in the region, the Saigon-Cholon Council, Provincial and Municipal Councils shall be convened once every month by their chairmen. These formal sessions shall be opened on the second Monday of the month and shall last 7 days in the Prefecture or 5 days in Cities and Provinces. Informal sessions can also be held if so requested by the Prefect of Saigon-Cholon or Province Chiefs, or Mayors, or half of the members of the Councils.

Each informal session cannot last more than 3 days in Saigon-Cholon, or 2 days in the Provinces and Cities.

The agendas of formal and informal sessions shall be established by the Chairmen of the Councils following notification to administrative authorities.

As far as the internal organization of the Councils is concerned, the Permanent Offices of Provincial and Municipal Councils shall consist of a Chairman, a Vice-Chairman and a Secretary. In the case of Saigon-Cholon, 2 commissioners shall be added and assigned with specific missions. Procedures concerning the operation of the Councils shall be prescribed in detail by the internal regulations drafted by the Councils themselves and submitted to the Minister of Interior through the Prefect of Saigon-Cholon the Province Chiefs or the City mayors, for approval.

SECTION II

PROCEDURES OF ELECTION

The members of the Council of Saigon, Cholon, Provincial and Municipal Councils shall be selected by ballot. In principle, all those voters who fulfill the prescribed conditions shall have the right to go to the polls.

However, in the present situation of the country, citizens who live beyond areas controlled by the government do not enjoy the necessary freedom to select their representatives. Therefore, as an interim measure, elections shall be held only in government-controlled areas, i.e., province and district capitals and areas where regional authorities can insure security for voters.

No election of Provincial Councils shall be held in the province of Con-Son, because of its small population.

The elections all over the country are scheduled for Monday May 30, 1965.

1. PROCEDURES OF ELECTION

The members of the Council of Saigon-Cholon, Provincial and Municipal Councils, shall be directly elected by voter, male and female, in conformity with the following procedures:

- a. Saigon City: one time for each district.
- b. Provinces and cities: one time for the whole province or municipality.

Each district of Saigon-Cholon, each Province and each city shall be an electoral unit. At each unit, voters shall vote a plurality of members out of the prescribed total. There shall be no question of division into small units, each voting only one member and consisting of several quarters, communities, villages, etc., as in previous elections.

The new procedures will offer the following advantages:

The existing administrative units are not divided into several electoral units. In several instances, such division would appear more or less arbitrary.

The voters can have a wider choice of candidates on the list established for the whole district of Saigon-Cholon, for the whole Province or city, but will not be restricted to the selection of any one candidate.

The candidates will not encounter difficulties in the selection of units for their candidacy, and, once elected, they will have much prestige due to their wide representation.

2. RESPONSIBILITIES FOR ORGANIZATION

Prefects, city Mayors and Province Chiefs shall be responsible for the organization of elections in their localities.

According to Article 6 of Decree No. 70-NV dated 4/9/1965, a Board shall be set up in Saigon-Cholon, in each Province or City with the mission to examine the list of voters, the list of candidates, and to check the returns of the election in the locality.

The Board shall consist of:

The Judge of the Tribunal of First Instance or the Justice of the Peace, or the Justice of the Peace with Full Power. If these are not available, a judge designated by the Attorney General.....Chairman

3 officials holding elective functions in the Province, or notables representing the voters and selected by ballot as authorized by the above-mentioned judge.....Member

3 representatives from the Saigon-Cholon City Hall, or the Office of the Province Chief or the Municipal Hall.....Member

It is important to note that the number of Board members who represent the voters increases from 1 to 3 as compared to the previous statute, thus permitting wider representation of the regional population.

Board members who represent voters shall be selected, by the ballot system as authorized by the Chairman of the Board, among those personalities holding elective office in the locality, such

as members of the Saigon-Cholon Council, Municipal Councils, Provincial Councils, advisory Councils, Village Popular Councils, Village Advisory Councils, etc. If no elective members are available, the Chairman of the Board shall have lots drawn among local notables, following a list established by the administrative authorities.

3. VOTERS

Voters of the Saigon-Cholon Council, Provincial and Municipal Councils, are those male or female Vietnamese citizens who have attained the age of 18 years as of December 31, 1964, have their names on the electoral lists, and hold legal voter cards, except if deprived of their civic rights by the tribunal.

Each citizen can have his name entered in only one electoral list.

Electoral lists shall be established by the administrative authorities concerned and posted for the first time on April 29, 1965. As for soldiers and their dependents located in military camps, their electoral lists shall be set up by their unit commanders and submitted to the city mayors or district chiefs concerned for approval before being posted.

Those citizens who have fulfilled conditions for voting and whose names are omitted or incorrectly entered on the lists shall have the right to protest against such omission or error. After examination by the Board, the lists shall be posted for the second time on May 15, 1965.

4. CANDIDATES

Eligible to run for the Saigon-Cholon Council, Provincial and Municipal Councils, are those citizens, male or female, who:

Have been Vietnamese citizens continuously since birth; or assumed Vietnamese nationality at least five years ago, or restored it three years ago, as of the date of application for candidacy.

Are 25 years old as of the day of election.

Enjoy all civic rights.

Were born in Saigon-Cholon, in the Provinces or cities concerned, or have resided there for at least 6 months prior to application for candidacy (not necessarily immediately or continuously prior to the election).

Are in a legal military service status.

Have no judicial antecedents, or are not disqualified by circumstances stipulated in Article 15 of Decree No. 70-NV, especially have not been involved in any pro-Communist or pro-Neutralist activities.

The following officials shall not be authorized to run within the domain of execution of their functions:

Prefects, Deputy-Prefects, Province Chiefs, Deputy Province Chiefs, Mayors, Deputy Mayors, Secretaries General of City Halls, District Chiefs, Deputy District Chiefs and Assistant District Chiefs.

Magistrates of tribunals of first instance, of Justice of the Peace Courts or Justice of the Peace Courts with Extensive Power.

Commanders of National Police units, from Detachment leaders upwards.

AFRVN Officers and non-Commissioned Officers holding functions as commanders or assistant commanders of military zones or armed forces units from the company level upward.

Application shall be filed in at the Saigon-Cholon City Hall, Offices of Province Chiefs and Municipal Halls on April 29, 1965 at the latest. Regional administrative organs have been directed to provide all facility to applicants and to minimize administrative red-tape so that those applicants can complete their records in time.

As an example: in principle, an extract of birth records or a substitute for the birth certificate are required. However, if those papers cannot be furnished for a legitimate reason (Civil status records not established on birth, loss of records, lack of certificate of birth, etc.) a copy of the plastic ID card authenticated by administrative authorities should suffice.

As for the extract of police records, a provisional message of the Tribunal should suffice in emergency cases, but this message should be confirmed later on by a legal slip No. 2.

The list of candidates shall be posted for the first time on April 30, 1965 and for the second time on May 9, 1965.

5. ELECTORAL CAMPAIGN

The electoral campaign shall be organized on a basis of equality between candidates.

An electoral campaign committee shall be set up at each district of Saigon-Cholon, each Province and each city, consisting of representatives of the candidates, each candidate being authorized one representative. The Board shall select its own Chairman to supervise its operation and to communicate with the provinces, cities and districts in the organization of the electoral campaign.

The campaign shall begin on May 15, 1965 at the earliest and shall end at noon on May 29, 1965.

Expenditures for the elections, including the electoral campaign, shall be charged against the budget of the Saigon-Cholon Prefecture, or the Provinces or Cities concerned.

In the electoral campaign, the regional budget shall support a maximum of VN\$0.50 per voter in the electoral unit for each candidate. However, the amount made available for that purpose shall not be less than VN\$12,000 or more than VN\$40,000 for each candidate.

In case the candidates shall unanimously deem it necessary to provide for a larger campaign fund, the regional budget's support shall not exceed the above limit; the excess shall be born by the candidates themselves.

In case a candidate withdraws after the electoral list has been posted for the second time, he shall have to reimburse the regional budget the amount of money spent on his account by the Campaign Board in printing posters and handbills.

6. BALLOTS CASTING AND CHECKING PROCEDURES

As it was stipulated earlier, members of the Saigon-Cholon Council, Provincial and Municipal Councils shall be elected by ballot, and in one time, for a relative majority. Voters shall vote together members of the entire unit following a ratio prescribed by an ordinance of the Minister of Interior.

The one-man one-vote ballot system shall be applied, i.e., only the name of one candidate and his emblem shall be printed on the ballot paper, thus making distinction easier. Candidates shall be free to select their own emblems, but shall not use international emblems or symbols of any religion, or odd marks. Emblems shall be approved by the Campaign Board.

The locations of the polls shall be prescribed by the Prefect of Saigon-Cholon, Province chiefs or city mayors, and shall be announced to the public at least one week prior to the elections. Each poll shall be operated by a Board consisting of a Chief and an even number, at least 2, of commissioners; the Chiefs of the Boards shall be selected by the Prefect of Saigon-Cholon, Province Chiefs or City Mayors among those who demonstrate a serious personality and fully understand the election law. Commissioners shall be those among voters present at the onset of the vote who are requested by the chief of the Board to participate in his organization.

Each candidate shall have the right to send an observer to the poll as witness. The observer shall hold an attestation issued him by the candidate and authenticated by the administrative authorities. The observer can request the Chief of the Board to mention protests, if any, in the report of the Board.

Before carrying out its duties, the Board and the personnel of the poll as well as all the personnel responsible for the organization of the election shall take an oath.

The voting shall begin at 8 a.m. and shall end at 4 p.m.

Each voter shall vote for the number of members prescribed for the unit. Thus, when in the poll, each voter shall select a number of ballots corresponding to the number of members in the unit, then put them into an envelope which shall then be dropped into the ballot box. For instance: if the number of members in a province is 9, the voters in that province shall select 9 ballots and put them in an envelope before dropping it into the ballot box.

The checking of ballots shall be effect openly at the poll and upon completion of the balloting.

Each electoral unit shall have a central poll. The Board in charge of this poll shall consist of a Chief of the Board and an even number (at least 4) of commissioners. The Board in charge of the central poll shall consolidate the results of the check, establish a report for the whole unit then post the temporary returns of the unit.

Those candidates who obtain most votes shall be declared elected. In case of equality of votes, the senior in age shall be declared elected.

The Council described in Article 6 of Decree No. 70-NV shall check the returns of the election in every area of its jurisdiction, shall announce the final returns on June 3, 1965 and forward the report to the Ministry of Interior through the Prefect of Saigon-Cholon, the Provincial Chiefs or the City Mayors.

The final returns of the elections shall be ratified by ordinance of the Minister of Interior.

7. PROTESTS

Candidates and voters in each electoral unit shall have the right to protest over the illegality of the elections. Protests shall specify reasons and shall be lodged at the office of the Chairman of the Board, as described in Article 6 of Decree No. 70-MV, on June 2, 1965 at the latest for further transmission to the administrative Tribunal and for trial by the State Council in case of appeal.

Any violations against freedom and sincerity in the elections shall be punished in conformity with the provisions of Decree No. 13/64 dated July 8, 1964. Protests against such violations shall be examined by Tribunals of First Instance or Justice of the Peace Courts with Extensive Power.

CONCLUSIONS

The elections of the Saigon-Cholon Prefectural Council, Provincial and Municipal Councils, confirm the Government's will to implement democracy in accordance with principles and criteria susceptible to help those elective organs contribute effectively to the operation of regional administrative organisms.

To insure success of these elections, it is basically important to emphasize the campaigning effort to promote active participation of the people in the elections.

First of all, the democratic character of the Councils to be established and their important roles in the management of the common interests of the people in the region should be widely explained.

Besides, in order to encourage as many people as possible to run for the elections, it is necessary to emphasize the progressiveness of the new statutes as compared to the old ones, particularly with regard to the following points:

1. The Saigon-Cholon Prefectural Council, Provincial and Municipal Councils, shall dispose of more power than before, particularly in the control of the regional administration.

2. Members of those Councils can cumulate any elective offices; especially, they can run for the National Congress.

3. The members' allowances and compensations shall be increased to be commensurate with their heavy responsibilities.

It is the duty of the cadre personnel of various echelons to mobilize all resources and means to effectively carry out the task of development of democracy conforming to the government's plan of action.