

Decree No 8 of 23 January 1956 creating the  
National Assembly

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THE PRESIDENT

Under the Provisional Constitutional Law No I of 26 Octobre 1955,  
Under the Order No 4-TTP of 29 Octobre 1955 ~~xxxx~~ fixing the composition  
of the Government,

Approving the proposal of the Secretary of State for the Interior,  
After discussion by the Council of Ministers,

DECREES:

Art.I.- The organisation, ~~execution~~ function and responsibilities of  
the ~~mentioned~~ National Assembly mentioned in article 3 of the  
provisional constitutional law No I of 26 Octobre 1955 are regulated  
as follows:

PART I: Organisation

Art.2- The National Assembly is composed of 123 representatives elected  
~~xxxxxx~~ by men and women by universal ~~suffrage~~, uninominal, secret and  
direct suffrage.

The determining of the size of the assembly is as follows:

In each province, there will be ~~xx~~ a representative to every 60,000  
electors. If the number remaining exceeds 20,000 ~~xx~~ a second representativ  
shall be elected. Accordingly the number of seats to be attributed  
to each province will be divided to the districts in each province,  
one or several districts composing one constituency, <sup>as indicated ~~in~~ the appended list</sup> Nevertheless  
there shall be one representative to each province even though the  
number of electors may be inferior to 60,000.

Kontum, Darlac, Pleiku, Upper Dongnai shall have , in addition, one seat each reserved to the minority populations.

A number of seats will be provided for the compatriots of North Central Vietnam and North Vietnam. The number of these seats is fixed to 12 and shall be increased by one unit each time the number of population of North Central Vietnam and North Vietnam under the control of the Republican Government will increase. The 12 seats referred to will be distributed according to the appended list.

The electors in each constituency shall be composed of Vietnamese citizens, without distinction as to sex, of 18 years of age on ~~31-12-55~~ 31-12-55, holders of a census card until that date and listed on the electoral register.

An elector who has changed residence must report to the local authorities to request for the inscription of his change of address on his census card and electoral register before the elector register is published for the first time in order to be entitled to vote in his new locality of residence.

The Army and the Security force , on account of their displacement, may vote where they are stationed in special voting precincts ~~organised~~ specially provided to that effect.

Art.3-. A representative to the National Assembly must meet the following requirements:

- 1- possess Vietnamese nationality, without distinction as to sex.
- 2- be 25 years of age on the day of the election to the National Assembly
- 3- reside on the territory of Vietnam not less than six months before election day.
- 4- be in a ~~gms~~ regular situation in regard to military obligations
- 5- not be included in the category of "non eligible" determined in ~~an~~ article 4.

Art.4- May not be representatives:

- 1- persons ~~charged with crimes~~ condemned for crimes
- 2- persons ~~charged with crimes~~ condemned for theft, robbery, swindling, forgery and ~~violation~~ violations of moral ity.
- 3- persons condemned more than three months for other crimes , except negligence, provided that the accused did not flee after the incident occurred.
- 4- .....
- 5- persons deprived of the citizens' rights
- 6- bankrupts who have not recovered their rights
- 7- officials who have been ~~dismissed~~ suspended or dismissed.

Art.5- Another decree shall determine the procedure of election.

#### PART II: Status of the Representatives, Immunity

Art.6- The National Assembly shall determine the ~~legality of~~ validity of the election of each representative.

Art.7- The representatives shall receive an allowance to be determined by an order.

Art.8- After the validity of the election has been assessed, an official who has been elected must obtain leave of absence without pay and (out of his cadre?) A member of the armed forces who has been elected must resign his post.

Art.9- A representative who accepts a function paid by the Government shall be considered as having declined his mandate as representative, except when he has been assigned a special and provisional duty by the Government, provided the duty does not exceed three months.

Art. IO- Any representative who, after ~~having~~ being elected to the National Assembly, is in a state of invalidity or not eligibility to immunity, ~~is~~ no longer in a position to carry out his duties as representative shall be considered as having resigned.

Art.II - No representative shall be prosecuted, pursued or arrested on account of opinions expressed in carrying out his duties under part III.

During his mandate, no representative may be prosecuted or arrested for crime or delinquency without the accord of the National Assembly, except in cases of "flagrant delit".

The arrest or prosecution of a representative shall be interrupted if two thirds of the National Assembly so request.

However, the preceding provisions do not apply in the cases of opinion expressed with the object of supporting the policy or activities of communists or rebels.

PART III: functions of the ~~XXXX~~ National Assembly

Art.I2 - The National Assembly will examine and debate the draft of the constitution forwarded to it for consideration by the President of the Republic.

If more than half the total number of representatives approve, the draft shall be the constitution of Vietnam, after promulgation by the president of the Republic. If the National Assembly does not approve, it may request the President to modify the draft. If the modified draft is approved by the president, it will become constitution of after promulgation by the president.

If the president does not approve the request of the National Assembly, he will request the Assembly to debate a second time the items on



which there is disagreement. If after the debate the disagreement persists, the president will put the issue before the people in a referendum for decision.

The National Assembly must <sup>decide on</sup> ~~examine~~ the draft sent to it by the president within 45 days

If after 45 days the National Assembly has not decided on the draft sent to it by the president, the Assembly is considered ~~voidly~~ dissolved automatically and the president will put the draft to a referendum of the people. If the ~~referendum~~ draft is approved by the people, it will be ~~considered~~ executed by the president. If the draft is ~~not~~ rejected, another National Assembly shall be convened within 60 days ~~of~~ to examine another draft by the president.

#### CHAPTER IV: procedure of the National Assembly

Art. 13 - The National Assembly shall work according to the procedure laid down by it.

Art. 14 - The National Assembly shall elect its secretariate and committees according to the procedure of secret and majority vote, except in case of the chairman who must be elected by ~~2/3~~ a majority of 2/3. If no chairman is elected after two ballots, in the third ballot only a simple majority will be required.

The secretariate shall be composed of a chairman, two vice-chairmen and 6 secreatries.

Art. 15 - The National Assembly shall meet at Saigon, ~~not later than~~ at the convocation of the president, not later than one week ~~before~~ after the proclamation of the results of the ~~general~~ national election.

After the verification of the powers of the representatives the National Assembly will elect its secretariate and draft its internal

procedure in its first session.

Until the election of the secretariate, the oldest of the representatives shall preside, the youngest shall be the secretary.

Art.16 - The sessions of the assembly shall be deemed regular if more than the majority of it are present.

If the quorum is not attained, the National Assembly shall meet 48 hours following the preceding session and this session shall be considered legal whatever the number of representatives present.

Art. 17 - The Assembly shall vote with bulletins bearing the names of the representative.

Secret vote may be used if  $3/4$  of the representatives so request.

Except as otherwise provided any ~~motion resolution~~<sup>motion</sup> approved by the majority of the representatives present shall be deemed passed.

In the case in which two opposing motions have been passed by an equal number of votes, the motion which has been chosen by the chairman shall be deemed passed.

Art. 18 - The National Assembly shall meet in public at the seat of the Assembly. All debates shall be recorded and the report published in the official journal.

Art. 19 - The president and Ministers or their representatives may attend the ~~xxxx~~ meetings of the National Assembly and express their opinions.

PART XV V: ~~xxxx~~ duration and dissolution

Art. 20. - The Assembly's mandate shall be terminated after the constitution has been promulgated, except in the case in which the constitution decides otherwise.

Art. 21 - The National Assembly shall disperse if  $2/3$  of the representatives so request.

Art. 22 - The present ~~present~~ decree shall be applicable on the day of its signature.

Art. 23 - The ministers of Interior, Justice, Finance, Defense and Information shall ~~execute the present decree~~ each in his capacity execute the present decree which shall be published in the official journal.

NGO DINH DIEM