

THE THIRTIETH LEGISLATURE OF AMERICAN SAMOA

Second Special Session

Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the twenty-eighth day of April,
two thousand and eight

AN ACT PROVIDING FOR ABSENTEE REGISTRATION FOR UNIFORMED SERVICES VOTERS DESIRING TO REGISTER AS QUALIFIED ELECTORS AND CAST BALLOTS IN ELECTIONS FOR THE OFFICE OF GOVERNOR AND LIEUTENANT GOVERNOR OF AMERICAN SAMOA AND REPRESENTATIVES TO THE AMERICAN SAMOA HOUSE OF REPRESENTATIVES; AMENDING SECTION 6.0214 A.S.C.A.; AND PROVIDING FOR AN EARLY EFFECTIVE DATE.

Preamble:

Due to the urgent need to provide maximum access to the polls for uniformed services voters in the election of Governor and Lieutenant Governor and Representatives in the American Samoa House of Representatives, this act shall become effective immediately upon passage by the Legislature and approval by the Governor.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 6.0214 is amended to read:

“6.0214 Application to register.

(a) Except as provided in subsections (d) and (e), any person qualified to and desiring to register as a qualified elector in any district may present himself at any time during business hours to the election officer then and there to be examined under oath as to his qualifications as a qualified elector. All applicants desiring to register shall furnish the election officer with identification duly issued by a governmental agency, containing a photographic likeness of the applicant and shall make and subscribe to an application in the form of an affidavit. The affidavit must contain the following information:

- (1) name;
- (2) Social Security number, if any;
- (3) date of birth;
- (4) age;

(5) residence;

(6) place of current employment, if any;

(7) that the residence stated in the affidavit is not simply because of the person's presence in the Territory but that the residence was acquired with the intent to make American Samoa the person's legal residence with all the accompanying obligations therein; and

(8) that the person is a U.S. citizen or a U.S. national.

(b) The applicant shall swear to the truth of the allegations in his application before the election officer who is authorized to administer oaths. Unless contested by a qualified elector, the election officer may accept as prima facie evidence the allegation of the applicant in information required in the affidavit in paragraph (a)(7). In any other case where the election officer shall so desire or believe it to be expedient, he may demand that the applicant furnish substantiating evidence to the allegations of his application.

(c) If the election officer is satisfied that the applicant is entitled to be registered as a voter, the applicant shall then affix his signature to the affidavit and the election officer shall affix his signature; or he shall enter "unable to sign" and the reason in the space for the applicant's signature. A qualified elector having once been registered shall not be required to register again for any succeeding election, except as hereafter provided. The affidavits so approved or accepted by the election officer shall thereupon be numbered appropriately; filed by the election officer and kept in some convenient place so as to be open to public inspection and examination.

(d) Pursuant to the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (42 U.S.C. 1973ff et seq.), the foregoing subsections (a) through (c) do not apply to a uniformed services voter and overseas voter (as defined in the Uniformed and Overseas Citizens Absentee Voting Act), desiring to register as a qualified elector in elections for the office of Delegate to the U.S. House of Representatives. The Chief Election Officer shall establish absentee registration and voting procedures to afford maximum access to the polls by qualified absent uniformed services voters and overseas voters.

(e) the foregoing subsections (a) through (c) do not apply to an absent uniformed services voter as defined in the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (42 U.S.C. 1973ff—6), desiring to register as a qualified elector in elections for the offices of Governor and Lieutenant Governor, and Representative to the American Samoa House of Representatives, provided the applicant's home of record and legal domicile is American Samoa. The Chief Election Officer shall establish absentee registration and voting procedures to afford maximum access to the polls by qualified absent uniformed services voters and shall adopt such forms as necessary to implement the provisions of this act. Such forms shall, at a minimum, require the applicant to furnish the information called for on the Federal Post Card Application (FPCA), supplemented with the applicant's home of record/legal domicile, date of

departure from American Samoa, and verification of applicant's active duty military status. In addition to the foregoing, a spouse or dependent of a uniformed services member shall provide verification of their dependent status. The Chief Election Officer shall also establish procedures applicable to elections subsequent to the applicant's initial registration."

Sec 2. Effective date.

Due to the urgent need to provide maximum access to the polls for absentee uniformed services voters in the election of Governor and Lieutenant Governor and Representative in the American Samoa House of Representatives, this act shall become effective immediately upon passage by the Legislature and approval by the Governor.

Lolo M. Moliga
LOLO M. MOLIGA
President of the Senate

Savali Talavou Ale
SAVALI TALAVOU ALE
Speaker, House of Representatives

Hereby Approved this 19th day of May 2008
[Signature]
Governor Of American Samoa

NOFOA'IGA TOLUSEFULU FONOFAITULAFONO A AMERIKA SAMOA

FONO FA'APITOA LONA LUA

Nofioia ma usuia i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso luasefuluvalu o Aperila
lua afe ma le valu

O SE TULAFONO E MAFAI AI ONA LESITALA MAI FAFO MA PALOTA E AUNOA MA LE AUAI MAI I LATOU O LOO LA'EI LE TOGIGA A VAEGA'AU MO LE TOFI KOVANA MA LE LUTENA KOVANA O AMERIKA SAMOA MA FAIPULE O LE MAOTA O SUI A AMERIKA SAMOA; SUIA AI MAGA 6.0214 T.T.A.S.; MA AIAIA AI SE ASO VAVE E TAUALOAINA AI.

Fa'atomuaga:

Talu ai le manaoga vave ina ia tele le avanoa e palota ai e o loo la'ei le togiga a vaega'au ma i latou foi o loo alala i fafo i le palota o le Kovana, le Lutena Kovana ma Faipule o le Maota o Sui a Amerika Samoa, o lea o le a taualoa ai lenei tulafono i le taimi lava e pasia ai e le Fono ma faamaonia e le Kovana.

IA FAATULAFONOINA E LE FONOFAITULAFONO O AMERIKA SAMOA:

Maga 1. 6.0214 ua suia nei e faitauina faapea:

"6.0214 Talosaga e lesitala.

(a) Sei vagana ai le aiaiga i soamaga (o) ma le (u), soo se tagata e agavaa ma naunau e fia lesitala e palota i soo se itumalo e mafai ona oo mai i soo se taimi o itula faigaluega i le ofisa faipalota e suesueina ai i lalo o se tautoga e faatatau i ona agavaa e palota ai. O tagata uma lava e talosaga mo le lesitalaina e tataua ona faao atu i le ofisa faipalota se pepa faailo mai se vaega a le malo o loo i ai sona ata ma ia faao atu ma se tusi faamaonia faaletulafono e i ai mea nei:

- (1) Igoa;
- (2) Numera o le Saogalemu, pe afai e i ai;
- (3) asofanau;
- (4) tausaga;
- (5) mea e alaala ai;
- (6) le mea o loo faigaluega ai, pe afai o galue;
- (7) o le alaalfaga o loo ta'ua i le tusi faamaonia e le o se mea na fai na o le taimi o loo i ai i le Teritori ae an faia ma le faamoemoe e avea Amerika Samoa

ma nuu e nofo mau ai faaletulafono faatasi ai ma isi mea uma e masani ai mo tagata e nonofo mau; ma

(8) o le tagata lea o se sitiseni poo se nesionale foi o le Iunaite Setete.

(e) Ia tauto le tagata talosaga i le faamaoni o faamatalaga o loo i le talosaga i luma o le ofisa faipalota lea e faataga na te faia ni tautoga. Sei vagana ai ua tetee se tagata agavaa e palota, e mafai e le ofisa faipalota ona talia lava i lana vaai ma fai ma faamaoniga faamatalaga ua aumai i le tusi faamaonia o loo i le parakalafa(a)(7). I se isi lava itu e tusa ai ma le manao poo se talitonuga foi o le ofisa faipalota, e mafai ona ia faatonu le tagata talosaga ina ia avatu nisi faamaoniga e lagolago atili ai faamaoniga i totonu o le talosaga.

(i) Afai e faamalieina le ofisa faipalota ua agavaa le tagata talosaga e lesitala e palota, ona tuu loa lea o le saini a le tagata talosaga i le tusi faamaonia faapea foi ma le ofisa faipalota; poo le tuu foi i ai o le faaupuga “e le mafai ona saini” ma le mafuaga e le mafai ai i le avanoa lea e tatau ona tuu ai lana saini. O se tagata palota na lesitala muamua e le manaomia ia e toe lesitala mo se isi palotaga mulimuli ane, sei vagana ai le aiaiga o loo ta’ua i lalo. O tusi faamaonia faaletulafono ua uma ona faamaonia pe taliaina foi e le ofisa faipalota o le a faanumera loa e pei ona tatau ai; faila e le ofisa faipalota ma teu i se mea e mafai ai ona tagai i ai le lautele.

(o) Ina ia tusa ai ma le Tulafono o le 1986 (42 U.S.C. 1973ff ma isi e mulimuli mai ai) mo tagata palota mai fafo ma i latou o loo i Vaega’au ma Sitiseni o loo i isi atunuu o soamaga (a) e oo i le (i) e le faaaogaina mo se tagata palota o loo i vaega’au ma tagata palota foi o loo alaala i fafo (e pei ona faaiugaina mai i le Tulafono o Palotaga mo tagata o loo la’ei togiga o vaega’au ma tagata o loo nonofo i fafo), o e o loo fia lesitala e palota i palotaga mo le Faipule i le Maota o Sui o le Konekeresi. O le a faatulaga e le Ofisa Sili Faipalota se faiga e lesitala ai ma palota tagata o loo i fafo ina ia tele ai se avanoa e mafai ai ona palota o ia tagata.

(u) O soamaga (a) e oo i le (i) e pei ona ta’ua e le faaaogaina i se tagata o i totonu o vaega’au e le o auai e tusa ai ma le faauigaina o le Tulafono o le 1986 a le Iunaite Setete (42 U.S.C. 1973ff-6), mo Tagata o loo i Vaega’au ma Sitiseni o loo i fafo o loo fia lesitala e palota mo le Kovana ma le Lutena Kovana, ma Faipule o le Maota o Sui, pe afai o loo tusi e le tagata lea Amerika Samoa e avea ma nofoaga e nofo mau ai. O le a faatulagaina e le Ofisa Sili Faipalota faagasologa o le lesitala ma le palota mo tagata o loo i fafo ina ia tele ai le avanoa e mafai ai ona palota tagata o loo i totonu o le malo ma ia saunia foi pepa e talafeagai ai ina ia faatino ai aiaiga o lenei tulafono. O nei pepa afai lava e ititi mai, ia manaomia le tagata talosaga e aumai faamaumauga o loo ta’ua i le Talosaga a le Feterale (FPCA), faaopopo i ai ma le nofoaga o loo tusia e nofo ai le tagata talosaga, o le aso na alu ese ai ma Amerika Samoa, ma le faamaoniga o loo i ai pea i totonu o ona tiute faamiliteli. E le gata i lea, ae ia aumai foi e lona to’alua poo le tagata tausii se faamaoniga o lo latou tulaga faatagata tausii. O le a

faatulaga foi e le Ofisa Sili Faipalota faagasologa e talafeagai ai ma faigapalota e mulimuli mai i le uluai lesitalaina o le tagata o loo talosaga.”

Maga 2. Aso e taualoa ai.

Talu ai le manao vave ina ia tele le avanoa e maua e le ‘aupalota mai fafo o latou o loo tautua I vaega’au mo le palotaina o le Kovana ma le Lutena Kovana atoa ai ma Faipule mo le Maota o Sui a Amerika Samoa, o lea o le a taualo ai lenei tulafono I le taimi lava e pasia ai e le Fonofaitulafono ma faamaonia e le Kovana.

Lolo M. Moliga
LOLO M. MOLIGA
Peresetene, Maota Maualuga

Savali Talavou Ale
SAVALI TALAVOU ALE
Fofoga Fetalai, Maota o Sui

Hereby Approved this 19th day of May - 2008
[Signature]
Governor of American Samoa