

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