
2016 General Election

CANDIDATE'S

MANUAL

Territory of American Samoa
Election Office
Government of American Samoa

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MESSAGE FROM THE CHIEF ELECTION OFFICER



Dear Candidate:

In any election, many questions are asked on issues relating to the Territory's elective process. The frequency of the questions and the absence of a single source document containing the answers to the questions led to the publication of this booklet. The Candidate's Manual was first published in 1996, and continuing up to the present. The Election Office is pleased to provide this service again for the 2016 General Election.

The information contained in this Manual is derived from the Revised Constitution of American Samoa, Title 6 of the American Samoa Code Annotated, and Title 3 of the American Samoa Administrative Code. Applicable provisions of federal statutes, such as the Uniformed and Overseas Citizens Absentee Voting Act as amended by the Military and Overseas Voter Empowerment Act and the Help America Vote Act, are also included. This Manual is a reference source only, and its goal is simply to provide information on the most commonly asked questions regarding our election process. Therefore, if a conflict arises between the contents of this Manual and the Revised Constitution or the Code Annotated or the Administrative Code or the federal statutes, then the latter authorities shall control.

Candidates for the office of Delegate to the U.S. House of Representatives should familiarize themselves with the administrative complaint procedure. This is in compliance with the requirements of the Help America Vote Act of 2002. The rules, which went into effect on February 23, 2004, are reprinted in their entirety in Appendix A. In addition, several related election law updates have been added as points of interest at the back of this Manual.

Finally, to all of you who have expressed the desire to serve our people through an elective office, I extend to you my best wishes. I also urge you to bring to my attention any issue which you feel should be covered in the future, to make our election process democratically safe in every way.

Sincerely,

A handwritten signature in black ink, which appears to read "Uiagalelei Lealofi".

UIAGALELEI LEALOFI, EDD

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AMERICAN SAMOA

2016 ELECTION CALENDAR

SUBJECT	EVENT	DATE
Election Day	Tuesday	November 8th, 2016
Candidates	File Organizational Report with Campaign Spending Commission.	No later than the day of filing nomination papers.
UOCAVA Voters (Military and Overseas voters)	Request Absentee Ballot and Registration	Starting January 1st, 2016
Candidates	Pick up nomination papers from the Election Office	Starting June 30th, 2016
Candidates	File nomination papers for the General Election.	On or before September 1st, 2016 – Thursday, 4:30pm
Candidates and Voters	File written objections to nomination papers that have been filed with the Election Office.	Within 3 days after Chief Election Officer issues determination of candidate eligibility.
Voters	Begin local walk-in absentee voting at the Election Office.	Upon certification of candidates and printing of ballots.
Office Staff	Mail absentee ballots to overseas voters for the General Election.	Upon certification of candidates and printing of ballots.
Voters	Last day to register or re-register to vote for the General Election.	October 11th, 2016 - Tuesday, 4:30pm
Voters	Last day to request mail-in absentee ballots for the General Election.	October 24th, 2016 – Monday, 4:30pm
Candidates	Submit names of poll watchers for the General Election for the designated polling stations.	Deadline to submit the list of poll watchers will be announced by the Chief Election Officer.
Candidates	Last day to withdraw from the General Election because of ill health.	October 31st, 2016 – Monday, 4:30pm
Candidates or Voters	File complaint to contest election results in the High Court of American Samoa.	On or before November 15th, 2016 – Tuesday, 4:30pm
Candidates	File Financial Reports with the Campaign Spending Commission.	On or before November 28th, 2016 – Monday, 4:30pm
Office Staff	Remove from the Official Roll the names of registered voters who did not vote in the 2014 and 2016 elections.	January 9th, 2017

IMPORTANT DATES

ELECTION DAY

General Election

Tuesday, November 8th, 2016
6 a.m. to 6 p.m.

DEADLINES

All Candidates

File nomination papers:

On or before September 1st, 2016

Voters

Last day to register to vote in the General Election:

October 11th, 2016

First day to request mail in absentee ballots

January 1st, 2016

Last day to request mail in absentee ballots

October 24th, 2016

First day to request walk-in absentee ballots

When ballots are
printed and available

Last day to request walk-in absentee ballots

November 7th, 2016

ELECTION PROCESS

2016 GENERAL ELECTION

The General Election is held on the first Tuesday after the first Monday in November. Elections for Governor & Lt. Governor are held every four years. The elections for Delegate to the U.S. House of Representatives and the members of the House of Representatives of the Legislature of American Samoa (the Fono) are held every two years on each even-numbered year.

BALLOT ACCESS

In order for a candidate to be placed on the General Election ballot, the individual must have met all of the nomination requirements set by law. Candidates are nominated for the General Election as follows:

Governor & Lt. Governor

Candidates for the office of Governor and Lt. Governor shall be nominated jointly by filing a petition signed by at least 300 qualified voters without regard to representative district.

Delegate to the U.S. House of Representatives

Candidates for the Delegate to the U.S. House of Representatives shall be nominated by filing a petition signed by at least 300 qualified voters without regard to representative district.

Member of the House of Representatives (Fono)

Candidates for the House of Representatives (Fono) shall be nominated by filing a petition signed by at least 25 qualified voters of the district from which the candidate seeks election.

UNOPPOSED CANDIDATES IN THE GENERAL ELECTION

The name of an unopposed candidate who meets the specified requirements of law will appear on the General Election ballot. Although unopposed, a candidate must receive at least one (1) vote in order to win the elective office sought.

CANDIDATE FILING PROCESS

PURPOSE

The candidate filing process enables qualified individuals to have their names appear on the General Election ballot.

GENERAL QUALIFICATIONS FOR OFFICE

Qualifications vary according to the elective office sought. However, three qualifications apply to all offices. Each candidate must:

- A. be a United States National;
- B. be at least 25 years of age; and
- C. be a resident and registered voter of the Territory of American Samoa.

SPECIFIC QUALIFICATIONS

Governor & Lt. Governor

- A. Must be either a United States Citizen or United States National;
- B. Must be a bona fide resident of American Samoa for 5 years immediately preceding the election; and
- C. Must be at least 35 years old at the time of assuming office.

Delegate

- A. Must owe allegiance to the United States;
- B. Must be an inhabitant of American Samoa;
- C. Must not be, on the date of election, a candidate for any other office; and
- D. Must be at least 25 years old on the date of election.

Representative

- A. Must be a United States National;
- B. Must have lived in American Samoa for a total of at least 5 years;
- C. Must have been a bona fide resident of the representative district from which he is elected for at least 1 year next preceding his/her election; and
- D. Must be at least 25 years old on the date of election.

DISQUALIFICATION

The following condition(s) will disqualify any individual seeking an elective office:

Any person convicted of a felony under the laws of American Samoa, the United States, or the laws of any state of the United States, unless the convicted person has been pardoned and has had his/her rights restored.

SIGNATURE REQUIREMENT

Prior to being filed, nomination papers must be signed by the specified number of properly registered voters who are qualified to vote for the candidate in the upcoming election. The number of required signatures varies according to the office sought. (See “Election Process” section for the number of required signatures for each elective office.)

To be valid, each signatory:

- A. must reside and be a properly registered voter in the district from which the candidate seeks election;
- B. may sign nomination papers for only one candidate for a particular elective office if there is only one seat available; and
- C. should include his/her social security number and voter registration number to aid in the verification process.

Candidates are advised to obtain more signatures than required in anticipation of invalid or unqualified signatures. Once nomination papers are filed and the filing fee is accepted, candidates will not be allowed to add more signatures to their nomination papers.

FILING OF NOMINATION PAPERS

All candidates must file all nomination papers at the Election Office no later than:

* * **September 1st, 2016, 4:30 p.m.** * *

FILING FEE

The filing fee, which varies with the office sought, must be paid by cash, money order, or certified/cashier's check. Personal checks are not acceptable. Filing fees are non-refundable. The following filing fees are in effect:

Governor & Lt. Governor:	\$500.00
Delegate to U.S. Congress:	\$500.00
House of Representatives:	\$300.00

CANDIDATE NAME ON THE BALLOT

Each candidate must designate the name that he/she wishes to appear on the ballot, including Samoan and/or English equivalents or nicknames, at the time of filing. All candidates' names will be in the format prescribed by the Election Office to ensure consistency and equality. Candidates must verify and confirm the correct spelling of their ballot name at the time of filing. Once nomination papers are filed, no changes to the designated ballot names are allowed.

WITHDRAWAL OF CANDIDACY

Candidates who have filed nomination papers may withdraw their candidacy:

- A. For any reason: Candidates may withdraw for any reason not later than the 3rd day after the close of filing nomination papers. To withdraw, the candidate must submit a written notice to the Chief Election Officer expressing his/her desire to withdraw.
- B. For reasons of ill health: Candidates may withdraw for reasons of ill health no later than 10 days prior to the election. To withdraw, the candidate must submit a written notice to the Chief Election Officer accompanied by a statement from a licensed physician certifying the illness claimed.

Once the notice of withdrawal is received by the Chief Election Officer, the candidate shall not rescind or attempt to rescind the notice of withdrawal.

REGISTRATION

ENTITLEMENT TO VOTE

A person who registers as required by law shall be entitled to vote at any election, and to be listed upon the appropriate general Register.

AGE REQUIREMENT

Every person who has reached the age of 18 years, or who will have reached the age of 18 years prior to the date of the next election, and is otherwise qualified to register, may register in the district in which he/she resides.

DETERMINATION OF RESIDENCY

No person may register or vote in any district other than that in which he/she resides, except where it is found that he/she has been inadvertently registered in the wrong district. In determining residency in the Territory, spouses may treat themselves separately from one another. The following rules shall determine residency for territory and district purposes.

- A. The residency of a person is that place in which his/her habitation is fixed, and to which, whenever he/she is absent, he/she has the intention to return.
- B. A person does not gain residency in any district into which he/she comes without the present intention of establishing his/her permanent dwelling place within that district.
- C. If a person resides with his/her family in one place, and does business in another, the former is his/her place of residence; but any person having a family, who establishes his/her dwelling place other than with his/her family, with the intention of remaining there, shall be considered a resident where he/she has established his/her dwelling place.
- D. The mere intention to acquire a new residence without physical presence at that place does not establish residency; neither does mere physical presence without the concurrent present intention to establish that place as his/her residence.
- E. A person does not gain or lose residency solely by reason of his/her presence or absence while employed in the service of the United States or of this territory, or while a student of an institution of learning, or while kept in an institution or asylum, or while confined in prison.

- F. The situs of a person's primary matai obligations are a factor in determining district residency. However, matai obligations alone may not sustain a finding of district residency absent other evidence which, in connection with evidence of matai obligations, is sufficient to sustain this intent.
- G. A person loses his/her residency in this Territory if he/she votes in an election held elsewhere by absentee ballot or in person.
- H. The term of residence is computed by including the day on which the person's residence commences and by excluding the day of election.
- I. Final determination of a question regarding residency shall be made by the Chief Election Officer, subject to appeal to the Board of Registration.

APPLICATION TO REGISTER

- 1. Any person qualified to and desiring to register as a qualified elector in any election may present himself/herself at any time during business hours to an election officer, then and there to be examined under oath as to his/her qualifications as a qualified elector. Except that absent uniformed service members and overseas voters may register to vote in abstentia and vote in elections for the Delegate to the U.S. House of Representatives. In addition, absent uniformed service members, listing American Samoa as their home of record, may register to vote in abstentia and vote in local elections. See Appendix B for more information.

All applicants desiring to register shall furnish the Chief 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;
 - 3. Date of Birth;
 - 4. Age;
 - 5. Residence;
 - 6. Place of Current Employment;
 - 7. That the residence stated in the affidavit is not simply because of the person's presence in the territory/district, but that the residence was acquired with the intent to make American Samoa/district, 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/her application before the Election Officer. Unless contested by a qualified elector, the Election Officer may accept as prime facie evidence the allegations of the applicant contained in the affidavit. In any other case where the Election Officer shall so desire or believe it to be expedient, he/she may demand that the applicant furnish substantiating evidence to the allegations of his/her 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/her signature to the affidavit and the Election Officer shall affix his/her signature; or he/she shall enter “unable to sign” and the reason in the space provided for the applicant’s signature.
- D. A qualified elector having once been registered shall not be required to register again for any succeeding election, except otherwise provided by law.

REMOVAL OF NAME FROM REGISTRATION LIST

The Chief Election Officer shall, not later than 4:30 p.m. on the 60th day after every general election, remove from the general Register the name of any qualified elector failing to vote in the general election if the voter also failed to vote in the preceding election.

Any qualified elector whose name has been removed from the Register may, at any time prior to the closing of the Register, have his/her name restored in the Register by re-registering in person or in absentia.

CHANGE OF REGISTRATION FROM ONE DISTRICT TO ANOTHER

Whenever any person who has registered as a qualified elector in any district removes to and desires to register in some other district, he/she shall apply to the Chief Election Officer. Thereupon, the Chief Election Officer, if the person applying is legally qualified to register, shall accept the registration.

KEEPING THE REGISTER CURRENT – TRANSFER OF REGISTRATION

The Chief Election Officer shall use all reliable and pertinent information to keep the general Register up to date.

If the Chief Election Officer has evidence indicating that a qualified elector’s registration should be transferred, then not later than 4:30 p.m. on the 60th day prior to the election, the elector shall be notified by first class mail, and not later than 4:30 p.m. on the 3rd day thereafter, publish in a newspaper or bulletin of general circulation, notice of intent to transfer registration. Notice by mail shall be sent to the address shown on the current qualified electors list and any alleged new address.

If no response is received by the clerk by 4:30 p.m. on the 15th day after mailing, a second notification shall be made not later than 4:30 p.m. on the 30th day prior to the election, by telephone or personal contact if feasible.

If, on the basis of the evidence available, the clerk has good reason to believe that the qualified elector does actually reside at an address other than the one carried on the registration list, the Chief Election Officer shall transfer the voter to the new address. A list of those transferred, and the district to which they were moved, will be available at the old district on election day.

A list of all qualified electors with questionable addresses who fail to respond to notification attempts of the election officer, but who have not been transferred, shall be posted at the district wherein he/she is registered on election day and shall be made available to the public not later than 4:30 p.m. on the 45th day prior to the election.

CHANGING THE REGISTER

Whenever the Election Officer receives, from any recording or informing agency, information of the death, loss of voting right of a person sentenced for a felony, adjudication of insanity or feeble-mindedness, loss of citizenship or national status, or any other disqualification to vote, of any person registered to vote in his/her district, or who he/she has reason to believe may be registered to vote therein, the Election Officer shall thereupon investigate as he/she considers necessary to prove or disprove the information, giving the person concerned, if available, notice and an opportunity to be heard. If after the investigation the Election Officer finds that the person is dead, or non compos mentis, or has lost his/her voting rights, or has lost his/her citizenship or national status, or is disqualified for any other reason to vote, then the Election Officer shall remove the name of the person from the Register.

The Chief Election Officer shall make and keep an index of all information furnished to him/her under any requirements of law concerning any of the matters in this section. Whenever any person applies to register as a qualified elector, the Chief Election Officer shall, before registering the person, consult the index for the purpose of ascertaining whether or not the person is in any manner disqualified to vote. Persons whose names are removed from the Register of qualified electors under this section may appeal to the High Court and proceedings shall be had upon the appeal as in other appeals.

CLOSE OF REGISTRATION

At 4:30 p.m. on the 30th day prior to each election (but if that day is a Saturday, Sunday, or holiday, then at 4:30 p.m. on the first working day immediately following), the general Register shall be closed to registration until after the election, subject to change only on special circumstance as provided by law.

BOARD OF REGISTRATION

BOARD OF REGISTRATION

The Board of Registration consists of 5 members; appointed by the Governor, with the advice and consent of the Senate. Each Board member holds office for a term of 4 years.

POWERS

The Board of Registration has the power and authority to:

- A. Summon and examine witnesses;
- B. Administer oaths in all cases in which oaths are authorized by law;
- C. Maintain order, including the power to punish for contempt; and
- D. Award witness fees.

DUTIES AND RESPONSIBILITIES

The Board of Registration has a duty to:

- A. Hear and render final decision(s) on any questions and appeals pertaining to registration and determination of residency of a qualified elector.
- B. Keep books of record in which full and detailed minutes are preserved of all its proceedings. The minutes shall be kept from day to day, and shall contain:
 - a. The date and place of the meeting;
 - b. The names of the members of the board present;
 - c. The name of each person to whom an oath is administered, and, if an examination is held, the names of the witnesses and the substance of the answers of the applicant and of the witnesses;
 - d. The name of any person challenging the right of any applicant to register, the grounds of the challenge, the name of the person challenged, and the decision rendered thereon; and
 - e. All other matters of detail, which are likely to have a bearing upon any question concerning the action of the board or of any person appearing before it.

AVENUE TO APPEAL THE BOARD'S DECISIONS

Any affected person or any of the election officials may, not later than 4:30 p.m. on the 10th day after the decision of the Board of Registration, appeal directly to the Appellate Division of the High Court of American Samoa in the manner provided by law for civil appeals to the High Court.

VOTING PROCEDURES

HOURS POLLS ARE OPEN

The polls shall be opened by the district officials at 6:00 a.m. on election day and shall be kept open continuously until 6:00 p.m. of that day.

If, at the closing hour of voting, any qualified elector desiring to vote is standing in line outside the entrance of the polls with the desire of entering and voting, but due to the polling place being overcrowded has been unable to do so, he/she shall be allowed to vote irrespective of the closing hour of voting.

No qualified elector shall be permitted to enter or join the line after the prescribed hour for closing the polls.

If all of the registered qualified electors of the district have cast their votes prior to the closing time, the polls may be closed earlier. However, the votes shall not be counted until after closing time, unless otherwise allowed by the Chief Election Officer.

ADMISSION WITHIN POLLING PLACES

Only the district officials, the candidates or one (1) representative appointed in writing by each candidate, and such qualified electors who are engaged in voting or going to and returning therefrom, may be permitted within the polling place. Polling places include the area surrounding the polling place that is reasonably calculated to preserve a peaceful and quiet atmosphere for the balloting process.

VOTING BOOTHS

The district officials shall provide sufficient booths within the polling place at or in which the qualified electors may conveniently cast their ballots. The booths shall be so arranged that in casting the ballots, the qualified electors are screened from the observation of others.

PLACEMENT OF BALLOT BOXES

The district officials shall place ballot boxes at a point convenient for qualified electors to cast their ballots after voting, and where the boxes may be observed by the district officials.

INITIAL OPENING OF BALLOT BOXES

At the opening of the polls for election, the district officials shall, in the presence of bystanders, publicly open the ballot boxes and expose them to all persons present, that it may be seen that they are empty. They shall then be closed and shall remain locked until the polls are closed.

IDENTIFICATION

Any qualified elector who wishes to cast his/her vote shall present his/her "Voter Registration Card", or other suitable documents establishing U.S. nationality/citizenship and containing a photo of the elector. The qualified elector is required to sign the Register verifying that he/she has exercised his/her right to vote.

The signature requirement may be waived by the district official if, because of illiteracy or blindness or other physical disability, the qualified elector is unable to write.

ASSISTING ILLITERATE OR DISABLED VOTERS

Assistance is provided to the illiterate and disabled to ensure that they exercise their voting rights. Two Election Officials, or any qualified elector whom the voter may designate, will assist in marking the ballot. Before rendering assistance or permitting assistance to be rendered, the Election Officials shall be satisfied that the physical disability exists. If a qualified elector with a physical disability finds it unduly burdensome for him/her to enter the polling place, he/she may be handed a ballot outside the polling place but within 100 feet of the Election Officials, and in their presence, but in a secret manner, mark and return it to the Election Officials.

The Election Officials shall enter in writing in the record book the following:

- A. the qualified elector's name;
- B. the fact that the qualified elector cannot read the names on the ballot, if that is the reason for requiring assistance; or the specific physical disability which requires him/her to receive assistance; and
- C. the name or names of the person or persons furnishing the assistance.

TIME ALLOWED TO VOTE

A qualified elector shall be allowed to remain in the voting booth for 5 minutes. After voting, the qualified elector shall at once emerge from the voting booth, place his/her ballot(s) in the ballot box(es), and then leave the polling place.

ABSENTEE VOTING

ABSENTEE VOTING CRITERIA

- A. Any qualified elector who will be unable to appear at his/her polling place during the hours of voting at any election because of absence from the Territory, or district in which he/she is registered, may cause his/her vote to be cast by absentee ballot.
- B. Any qualified elector shall be entitled and enabled to vote in a manner as may be prescribed by rules adopted by the Chief Election Officer; provided, that any qualified elector who by reason of physical disability is unable to mark his/her ballot shall be authorized to receive assistance in marking the ballot.
- C. Any qualified elector competent to vote at any election shall be allowed to vote by absentee ballot if he/she falls within the following categories:
 - 1. Absent from the Territory on Election Day because he/she is:
 - (i) Employed in the service of the U.S. Government;
 - (ii) Employed in the service of the American Samoa Government;
 - (iii) A student at an institution of learning;
 - (iv) An absent uniformed services voter; or
 - (v) An overseas voter voting in the election for Delegate for the U.S. House of Representatives.
 - 2. Temporarily absent from the Territory on election day because of:
 - (i) Travel for medical treatment;
 - (ii) Travel for military-related assignments;
 - (iii) Travel for employment-related training, conference or assignments; or
 - (iv) Vacation.
 - 3. Present in the Territory but absent from the district on election day because of:
 - (i) confinement in any hospital
 - (ii) confinement in any public institution
 - (iii) confinement at home because of illness or physical disability which will prevent him/her from attending the polls
 - (iv) any religious belief, ruling, doctrine, or standard which will prevent him/her from attending the polls
 - (v) employment as an election official on election day

REQUEST FOR ABSENTEE BALLOT

Any person entitled to vote under (C)(1) on page 18 may request an absentee ballot in person or in writing from the Chief Election Officer not earlier than on January 1st of the year of the election for which the absentee ballot is requested. Such absentee voters may electronically transmit his/her request for an absentee ballot application and may request that the election office electronically transmit and accept his/her absentee ballot application.

See Appendix B for recent changes to the law on requests for absentee ballots by voters that fall in the (C)(1) category.

Any person entitled to vote under (C)(2) on page 18 may request an absentee ballot in person or in writing from the Chief Election Officer not earlier than the day that ballots are printed and available and not later than 4:30 p.m. on the day prior to the election.

NOTE: Those persons who are entitled to vote under (C)(2) on page 18 must provide proof of travel, and must vote at the Election Office before he/she travels. Ballots will NOT be mailed to the traveler. Furthermore, travelers who will return before election day will NOT be allowed to vote absentee.

Any person entitled to vote under (C)(3) on page 18 may request an absentee ballot in person or in writing from the Chief Election Officer not earlier than on the 30th day before and not later than 4:30 p.m. on the day prior to the election.

The request shall include any information that will facilitate the location of the voter's voting district, and the establishment of his/her right to a ballot. [For those persons entitled to vote under (C)(1) on page 18, the request shall include the address where he/she wants his/her ballot forwarded.]

Certification of absentee ballots shall be closed not later than 1:30 p.m. on election day.

DELIVERY OF BALLOTS

Immediately upon receipt of a request within the time frame stated above, the Chief Election Officer shall examine the records to ascertain whether or not the qualified elector is lawfully entitled to vote as requested. As soon as the official ballots are printed and available, the Chief Election Officer shall deliver such ballots as follows:

To any person entitled to vote under (C)(1), by mail in a forwarding envelope, via airmail, to off-island absentee voters, or, if preferred, transmit blank absentee ballots electronically and by facsimile to absent uniformed services voters and overseas voters, who are voting in an election for the Delegate to the U.S. House of Representatives; and

To any person entitled to vote under (C)(2) and (C)(3), in person to enable such persons to vote at the designated absentee polling place or in a manner prescribed by the rules adopted by the Chief Election Officer

All requests for absentee ballots received from off-island qualified electors postmarked or received by the 15th day prior to the election will be processed and ballots will be sent to the qualified electors requesting them as soon as reasonably practicable, but in no event later than 24 hours after receipt of the request.

See Appendix B for more information on recent changes to the law on the delivery of ballots to uniformed services voters and overseas voters.

RETURN OF BALLOT

Absentee ballots that are returned via airmail, or delivered other than by mail, must be received by the Chief Election Officer not later than 1:30 p.m. on Election Day.

CAMPAIGN SPENDING COMMISSION

The Campaign Spending Commission consists of 5 members, appointed by the Governor and subject to confirmation by the Senate. The term of each member is 4 years, and members may be reappointed. Vacancies from unexpired terms are filled in the same manner as the original appointments. Members serve without compensation.

DUTIES OF THE COMMISSION

The Commission's principal duty is to supervise campaign contributions and expenditures. Other duties include:

- A. Ascertain whether any candidate, committee or party has failed to file a report required by law or has filed a substantially defective or deficient report; and to notify the persons that their failure to file, or filing of a substantially defective or deficient report, must be corrected and explained. The correction or explanation must be submitted in writing to the Commission within a reasonable time after the notification of the failure to file or deficient filing;
- B. Hold public hearings;
- C. Investigate and hold hearings for receiving evidence of any violations;
- D. Adopt a code of fair campaign practices;
- E. Establish rules under the American Samoa Administrative Code;
- F. Request the initiation of prosecution for the violation of campaign contributions and expenditures; and
- G. Suggest accounting methods for candidates, parties, and committees, as the Commission may consider advisable in connection with reports and records required by law.

CENTRAL COMMITTEE DESIGNATION

If a candidate for a territory-wide or representative office is supported by more than one (1) committee, the candidate will have to designate a central committee which shall be responsible for aggregating the total contributions and expenditures of all committees directly associated with the candidate, and for filing composite reports.

CAMPAIGN TREASURER

Every committee, party, and candidate shall appoint a campaign treasurer on or before the day of filing an organizational report. Up to two (2) deputy campaign treasurers may be appointed. A candidate may appoint himself/herself as campaign treasurer.

A campaign treasurer may be removed at any time. In case of death, resignation, or removal of the campaign treasurer, the committee, party, or candidate shall promptly appoint a successor. During the period that the office of campaign treasurer is vacant, the candidate, campaign chairman, or party chairman, whichever is applicable, shall serve as campaign treasurer.

Each campaign treasurer shall be authorized to receive contributions or make expenditures on behalf of the candidate, committee, or party appointing him/her.

CAMPAIGN CONTRIBUTIONS

The following levels of contributions are the maximum permissible by law:

- A. Corporations, partnership, joint ventures or any business or organization: \$2,000
- B. Individuals: \$500

RESTRICTED USE OF CAMPAIGN CONTRIBUTIONS

No funds received from members of the public, businesses, or organizations shall be used for any other purpose other than to support the candidate for which funds were contributed.

ANONYMOUS CONTRIBUTIONS – UNLAWFUL

No person may make an anonymous contribution of money or property, either of his/her own or of someone else, without identifying his/her name. The candidate, campaign treasurer, committee or organization supporting the candidate can not accept or retain contribution of funds or property from an anonymous contributor.

TESTIMONIAL AFFAIRS AND COFFEE HOURS

A testimonial affair is any function held for the benefit of a person and designed to raise funds for political purposes for which the cost for attending the affair is more than \$15 a person.

No person or a committee directly associated with the person, shall hold more than one (1) testimonial affair until after an election in which that person was either elected or defeated, unless that person seeks election to a territorial office, in which case he/she, or his/her directly associated committees, shall hold no more than three (3) testimonial affairs in each county.

CAMPAIGN EXPENDITURES

The candidate may draw on the campaign treasurer for his/her political expenditures for postage, telegrams, telephone calls, stationery, travel, meals, and lodging. These expenditures shall be included in the candidate's detail accounting report which is made part of his/her required report to the Commission.

No funds are to be withdrawn or paid from a campaign depository except upon the written authorization of the campaign treasurer. No expenditure by or on behalf of the candidate shall be made or incurred by any committee without specific written authorization of the candidate or his/her authorized representative.

DISPOSITION OF FUNDS

Candidates who withdraw or cease to be candidates, and committees directly associated with such candidates, or individuals who receive contribution but fail to file for nomination, or committees or parties which discontinue their activities, shall return any residual contributions proportionately to the donors if their identities are known. This requirement, however, does not apply to elected officials or to candidates who failed to be elected.

If no donors are found, the residual contributions shall be contributed to the campaign fund of any candidate, or to any party, charity, or nonprofit organization, or escheated to the Territory. Upon disposition, the candidate or campaign treasurer shall file a report with the Commission, reporting the amounts distributed under this section and the manner of disposition.

ADVERTISING

No person may cause or submit any advertisement in support for a candidate or against a candidate's opponent, to be broadcast, televised, or otherwise circulated and distributed, except under the following conditions:

- A. The advertisement shall contain a notice in a prominent location that the literature or advertisement published, broadcast, televised, or circulated is with the approval and authority of the candidate, provided that in the event that the literature or advertisement is paid for by a candidate or committee directly associated with a candidate, the notice of approval and authority need not be included; or
- B. The advertisement shall contain a notice in a prominent location that the literature or advertisement published, broadcast, televised, or circulated is without the approval and authority of the candidate.

CAMPAIGN REPORTS

All advertisements that are described above shall contain the name and address of the candidate, committee, or party paying for it.

FILING OF REPORTS

- A. Required reports from a candidate or committee supporting the candidate shall be certified by the candidate prior to submission to the Commission.
- B. Reports filed will include one (1) copy plus the original. These documents shall be filed with the Commission's office.
- C. The Commission shall issue a receipt to each individual or committee filing a report, showing the type of report filed, and the date and time that the report was filed.
- D. The reports filed with the Commission shall be preserved for 5 years.
- E. Reports required to be filed shall at all times be available to the Chief Election Officer.

REQUIREMENT

Each candidate, committee, and party shall file an organizational report not later than 4:30 p.m. on the earliest of the following applicable dates:

- A. On or before the day of filing for nomination or election;
- B. At least 45 days before the general, or special election; or
- C. By the 10th day after:
 - 1. Receiving any contributions in any aggregate amount of more than \$100; or
 - 2. Making or incurring any expenditure which is reportable by law.

ORGANIZATIONAL REPORT

The organizational report includes:

- A. The name, address, office sought when known, party affiliation of each candidate or individual whom the committee or party is supporting, and the name and address of the committee or party;
- B. The names and addresses of the campaign treasurer and deputies;

- C. The names and addresses of the campaign chairman and deputy campaign chairman;
- D. A list of all banks, safety deposit boxes, or other depositories used and the applicable account numbers;
- E. The amount and date of deposit of the contribution, and the name and address of each individual donor who has contributed an aggregate amount of more than \$100 to the office being sought; and
- F. In the case of a report by a committee or party supporting or opposing a ballot question or issue, all of the information described in the above paragraphs B through E and a description of the question or issue.

Any change in information submitted in the organizational report, other than that required in paragraph E, shall be reported not later than 4:30 p.m. on the 10th calendar day after the change, or when the candidate, committee, party, or campaign treasurer becomes aware of the change.

PRELIMINARY REPORTS

Each candidate, authorized person in the case of a party, or campaign treasurer in the case of a committee, shall file a preliminary report with the Commission on forms provided by the Commission not later than 4:30 p.m. of the 10th calendar day prior to each election. This report shall contain the aggregate sum of all contributions received; the amount and date of deposit of the contribution, and the name and address of each donor who contributes an aggregate of \$100 or more; all expenditures made, incurred, or authorized by or for a candidate, including the name and address of each payee and the amount, date and purpose of each expenditure; and a current statement of the balance on hand or deficit.

A candidate or committee which makes expenditures of \$500 or less may file a short form report with the Commission in lieu of the reports required by law.

FINAL AND SUPPLEMENTAL REPORTS

Each candidate (whether or not successful in a general, special, or runoff election), or authorized person in the case of a party, or campaign treasurer in the case of a committee directly associated with a candidate, shall file a final report not later than 4:30 p.m. on the 20th day after the general, special, or runoff election is certified. The report shall include:

- A. a statement of the total contributions received;
- B. the amount and date of deposit of the contribution, and the name and address of each donor who contributes an aggregate of \$100 or more;

- C. a statement of all expenditures made or incurred by or for a candidate, including the name of each payee and the amount, date, and purpose of each expenditure; and
- D. a statement of the balance on hand or deficit.

In the event of a deficit, the candidate, authorized person in the case of a party, or campaign treasurer in the case of a committee, shall, every three (3) months until the deficit is eliminated, file supplemental reports reporting all items listed in A through D above. The first report shall be due not later than 4:30 p.m. on the 5th day after the last day of the election year.

In the event of a surplus, the candidate, authorized person in the case of a party, or campaign treasurer in the case of a committee, shall:

- A. maintain the cash surplus in a financial depository; and
- B. every six (6) months, until he/she becomes a candidate again, file supplemental reports reporting all items previously itemized in A through D above. The first report shall be due not later than 4:30 p.m. on the 5th day after the last day of the election year;

A candidate, party, or committee who receives no contributions or makes no expenditures shall nevertheless file preliminary, final, and supplemental reports as required by law.

ELECTION OFFENSES

PERJURY

Any person who, knowing that he/she is not entitled to register or to vote, registers or votes is guilty of perjury; and any person taking any oath pursuant to Chapters 1 through 12 of Title 6 of the American Samoa Code Annotated, willfully making a false answer to any question put to him/her thereunder, is guilty of perjury.

ELECTION FRAUD

The following persons are guilty of an election fraud:

- A. Every person who, directly or indirectly, personally or through another, gives, procures, or lends, or agrees or offers to give, procure, or lend, or who endeavors to procure, any money or office or place of employment or valuable consideration to or for any qualified elector, or to or for any person in order to induce any qualified elector to vote or refrain from voting, or to vote or refrain from voting for any particular person or issue, or who does any such act on account of any person having voted or refrained from voting for any particular person at any election.
- B. Every person who advances or pays, or causes to be paid, any money to, or to the use of, any other person, with the intent that the money, or part thereof, shall be expended in bribery at any election, or for any purpose connected with or incidental to any election.
- C. Every qualified elector who, before, during or after any election, directly or indirectly, personally or through another, receives, agrees, or contracts for any money, gift, loan or valuable consideration, office, place, or employment for himself/herself or any other person for voting or agreeing to vote, or for refraining to vote or agreeing to refrain from voting, or for voting or refraining to vote for any particular person or issue.
- D. Every person who, directly or indirectly, personally or through another, makes use of, or threatens to make use of, any force, violence, or restraint; or inflicts or threatens to inflict any injury, damage, or loss, in any manner, or in any way practices intimidation upon or against any person in order to induce or compel the person to vote or refrain from voting for any particular person or party; or who by abduction, distress, or any device or contrivance impedes, prevents, or otherwise interferes with the free exercise of the elective franchise.

- E. Every person who, at any election, votes or attempts to vote in the name of any other person, living or dead, or in some fictitious name, or who, having once voted, votes or attempts to vote again, or knowingly gives or attempts to give more than one ballot for the same office at one time of voting.
- F. Every person who, before or during an election, knowingly publishes a false statement of the withdrawal of any candidate at the election.
- G. Every person who induces or procures any person to withdraw from being a candidate at an election in consideration of any payment or gift or valuable consideration; or of any threat; and every candidate who withdraws from being a candidate in pursuance of such inducement or procurement.
- H. Every public officer required by law to do or perform any act or thing with reference to any of the provisions in any law concerning elections who willfully fails, neglects, or refuses to do or perform the same, or who willfully performs it in such a way as to hinder the objects thereof, or who is guilty of any willful violation of any of the provisions thereof.
- I. Any person willfully tampering or attempting to tamper with, disarrange, deface, or impair in any manner whatsoever, or destroy any voting equipment while the same is in use at any election, or who, after the equipment is locked in order to preserve the registration or record of any election made by the same, tampers or attempts to tamper with any voting equipment.

PENALTIES

ELECTION FRAUD

A person found guilty of an election fraud shall be sentenced upon conviction for a class A misdemeanor. In addition to the punishment, the person shall be disqualified from voting and from being elected to, holding or occupying any office, elective or appointive. If the person convicted holds any office, either elective or appointive, at the time of the conviction, the office shall at once and without mention in the sentence or other proceeding be vacated by the conviction. The judge before whom the conviction is had shall immediately transmit to the Chief Election Officer the name of the person, the offense of which he/she has been convicted and the sentence of the court.

OTHER OFFENSES

The following persons are guilty of a class B misdemeanor, and upon conviction, shall be sentenced accordingly:

- A. Any person who offers any bribe or makes any promise of gain, or with knowledge of the same permits any person to offer any bribe or make any promise of gain for his/her benefit, to any qualified elector to induce him/her to sign a nomination paper, and any person who accepts any bribe or promise of gain of any kind as consideration for signing it, whether the bribe or promise of gain is offered or accepted before or after the signing.
- B. Any person who willfully tears down or destroys or defaces any election proclamation or any poster or notice or list of qualified electors or card of instructions or specimen ballot, issued or posted by authority of law.
- C. Any person printing or duplicating or causing to be printed or duplicated any ballot, conforming as to the size, weight, shape, thickness, or color, to the official ballot so that it could be cast or counted as an official ballot in an election.
- D. Every person who is disorderly or creates a disturbance whereby any meeting of the district officials or the Board of Registration during an election is disturbed or interfered with; or whereby any person who intends to be lawfully present at any meeting or election is prevented from attending; or who causes any disturbance at any election; and every person assisting or aiding or abetting any disturbance.

- E. Every person who, either in person or through another, in any manner breaks up or prevents, or endeavors to break up or prevent, the holding of any meeting of the Board of Registration, or in any manner breaks up or prevents, or endeavors to break up or prevent, the holding of any election.
- F. Any person, other than those designated by law to be at the polling area, who remains or loiters within the area specified by law during the time appointed for voting.
- G. Any person, including candidates, carrying on any campaign activities within the area restricted by law for voting only on election day for the purpose of influencing votes. Campaign activities include but are not limited to:
 - 1. the distribution, circulation, posting, or stacking of campaign cards, pamphlets, and other literature;
 - 2. the use of public address system and other public communication media;
 - 3. the use of motor caravans or parades; and
 - 4. the use of entertaining troupes or the free distribution of goods and services.
- H. Any person who opens a reply envelope containing an absentee ballot, other than those authorized to do so.
- I. Any qualified elector who makes any false statement in any affidavit required for absentee voting.
- J. Every person who willfully violates or fails to obey any of the provisions of law, punishment for which is not otherwise specifically provided for in Title 6.

Any person convicted of a misdemeanor as provided by law shall be fined not more than \$500, or imprisoned not more than 6 months, or both.

APPENDIX A
(ADMINISTRATIVE COMPLAINT PROCEDURE)

3.1201 Scope.

This Chapter provides a uniform, nondiscriminatory procedure for the resolution of any complaint alleging a violation of any provision of Title III of the Help America Vote Act of 2002, Public Law 107-252, 116 Stat. 1666 (2002), codified at 42 United States Code §§ 15481-15485, including a violation that has occurred, is occurring, or is about to occur. The procedure set out in this chapter does not apply to the challenge procedures established in American Samoa Code Annotated (ASCA) §§ 6.0223 through 6.0233, and §§6.0302 and 6.0303, or to an election contest under ASCA §§6.0902 and 6.0903. A complainant who wishes to challenge the qualifications of an elector or candidate; or to contest the validity of any general, runoff or special election; or to determine the validity of any ballot or vote, must seek relief as otherwise provided by law.

3.1202 Definitions.

- (a) In this chapter, the following terms have the meanings indicated.
- (b) Terms Defined

(1) "Attorney General" means the Attorney General of American Samoa or his designee;

(2) "Chief Election Officer" means the head of the election office or his designee;

(3) "Complainant" means the person who files a complaint with the Attorney General under this chapter;

(4) "Respondent" means any election official whose actions are asserted, in a complaint under this chapter, to be in violation of Title III

(5) "Title III" means Title III of the Help America Vote Act of 2002, Public Law

3.1203 Who May File.

Any person who believes that there is a violation of any provision of Title III may file a complaint.

3.1204 Form of Complaint.

(a) Writing and Notarization. A complaint shall be in writing and notarized, signed and sworn under oath by the Complainant. The complaint must identify the complainant by name and mailing address. The complaint must identify the section of Title III for which a violation is alleged. The complaint must set out a clear and concise description of the claimed violation that is sufficiently detailed to apprise both the respondent and the hearing officer or arbitrator of the claimed violation. The complaint procedure is limited to allegations of violations of Title III in a federal election.

(b) Prescribed or Other Form. The Complainant may use:

- (1) the form prescribed by the Attorney General, which is available from the Office of the Attorney General; or
- (2) any other form satisfying the requirements of subsection (a) of this regulation.

3.1205 Place and Time for Filing; Copy for Respondent.

(a) Place for Filing. A complaint shall be filed with the Attorney General, along with adequate proof of mailing or delivery of a copy of the complaint to each respondent.

(b) Time for Filing. A complaint shall be filed within 60 days after the occurrence of the actions or events that form the basis for the complaint, including the actions or events that form the basis for the Complainant's belief that a violation is about to occur, or, if later, within 60 days after the Complainant knew or, with the exercise of

reasonable diligence, should have known of those actions or events.

- (c) Copy for Respondent. The Complainant shall mail or deliver a copy of the complaint to each Respondent.
- (d) The Attorney General shall examine each complaint, and may reject it for filing if;
 - (1) it is not signed and notarized under oath;
 - (2) it does not identify the complainant or include an adequate mailing address;
 - (3) does not, on its face, allege a violation of Title III with regard to a federal election; or
 - (4) more than 90 days have elapsed since the final certification of the federal election at issue.

3.1206 Processing of Complaint

- (a) Consolidation. The Attorney General may consolidate complaints if they relate to the same actions or events, or if they raise common questions of law or fact.
- (b) The Attorney General shall take all necessary steps to prepare the complaint for determination under these regulations. In the course of preparing the complaint for determination, the Attorney General shall allow a party to proceed with the assistance of an English language interpreter if the complainant is unable to proceed without assistance of an interpreter. It is the responsibility of the party who needs an interpreter to secure the services of the interpreter. The Attorney General, in coordination with the parties, shall establish a schedule under which the complainant and respondent may file written submissions concerning the complaint and under which the complaint shall be finally determined.

- (c) Record.
 - (1) the Attorney General shall compile and maintain an official record in connection with each complaint under this chapter;
 - (2) the official record shall contain:

- (A) a copy of the complaint, including any amendments made with the permission of the Attorney General;
- (B) a copy of any written submission by the Complainant;
- (C) a copy of any written response by any Respondent or other interested person;
- (D) a written report of any investigation conducted under the direction of the Chief Election Officer;
- (E) copies of all notices and correspondence to or from the Attorney General in connection with the complaint;
- (F) originals or copies of any tangible evidence produced at any hearing conducted under §3.1207;
- (G) the original tape recording produced at any hearing conducted under §3.1207, and a copy of any transcript obtained by any board or other party; and
- (H) a copy of any final determination made under §§3.1208 or 3.1209.

3.1207 Hearing.

(a) At the request of the Complainant, the Attorney General shall conduct a hearing on the record.

The hearing shall be conducted no sooner than 10 days and no later than 30 days after the Attorney General receives the complaint. The Attorney General shall give at least 10 business days' advance notice of the date; time; and place of the hearing:

(1) by mail, to the Complainant, each named Respondent, and any other interested person who has asked in writing to be advised of the hearing; and

(2) by posting in a prominent place, available to the general public, at the Election Office;

(c) the Attorney General or the Attorney General's designee shall act as hearing officer.

(d) the Complainant, any Respondent, or any other interested member of the public may appear at the hearing and testify or present tangible evidence in connection with the complaint. Each witness shall be sworn. The hearing officer may limit the testimony, if necessary, to ensure that all interested participants are able to present their views. The hearing officer may

recess the hearing and reconvene at a later date, time, and place announced publicly at the hearing.

- (e) A Complainant, Respondent, or other person who testifies or presents evidence at the hearing may, but need not, be represented by an attorney.
- (f) There shall be no right of cross-examination, but a person may testify or present evidence to contradict any other testimony or evidence. If a person has already testified or presented evidence at the hearing and wishes to contradict testimony or evidence subsequently presented, that person is not entitled to be heard again, but may make a written presentation to the hearing officer.
- (g) The proceedings shall be tape-recorded by and at the expense of the Election Office. The recording shall not be transcribed as a matter of course, but the Election Office, or any party, may obtain a transcript at its own expense. If a board or party obtains a transcript, the board or party shall file a copy as part of the record, and any other interested person may examine the record copy.
- (h) Any party to the proceedings may file a written brief or memorandum within 5 business days after the conclusion of the hearing. No responsive or reply memoranda will be accepted, except with the specific authorization of the hearing officer.

3.1208

Final Determination

(a) If there has been no hearing under §3.1207, the Attorney General or the Attorney General's designee shall review the record and determine whether, under a preponderance of the evidence standard, a violation of Title III has been established.

(b) At the conclusion of any hearing under §3.1207, the hearing officer shall determine, under a preponderance of the evidence standard, whether a violation of Title III has been established. The determination of the hearing officer shall be the determination of the Attorney General.

(c) Form of Determination.

(1) If the Attorney General or the Attorney General's designee, whether

acting as hearing officer or otherwise, determines that a violation has occurred, the Attorney General shall provide the appropriate remedy. The remedy shall be directed to the improvement of processes or procedures governed by Title III. The remedy so provided may include an order to any Respondent, commanding the Respondent to take specified action, or prohibiting the Respondent from taking specified action, with respect to a past or future election; however, the remedy shall not include an award of money damages or attorney's fees, or civil penalties against election officials. Furthermore, the remedy shall not include the denial of certification or the invalidation of any general, runoff or special election, or a determination of the validity of any ballot or vote. Remedies addressing the certification of an election, or the validity of an election or of any ballot or vote, may be obtained only as otherwise provided by law;

(2) If the complaint is not timely or not in proper form, or if the Attorney General or the Attorney General's designee, whether acting as hearing officer or otherwise, determines that a violation has not occurred or that there is insufficient evidence to establish a violation, the Attorney General shall dismiss the complaint;

(d) The Attorney General or the Attorney General's designee shall explain in a written decision the reasons for the determination and for any remedy selected.

(e) Except as specified in §3.1209, the final determination of the Attorney General

shall be issued within 90 days after the complaint was filed, unless the Complainant consents in writing to an extension. The final determination shall be mailed to the complainant, each Respondent, and any other interested person who has asked in writing to be advised of the final determination. It shall also be made available on request to any interested person.

(f) If the Attorney General cannot make a final determination within 90 days after the complaint was filed, or within any extension to which the Complainant consents, the complaint

shall be referred for final resolution under §3.1209. The record compiled under §3.1206 shall be made available for use under §3.1209.

3.1209 Alternate Dispute Resolution.

- (a) If, for any reason, the Attorney General or the Attorney General's designee does not render a final determination within 90 days after the complaint was filed, or within any extension to which the Complainant consents, the complaint shall be resolved under this section.
- (b) On or before the 5th business day after a final determination by the Attorney General was due, the Attorney General shall designate in writing to the Complainant a list of the names of arbitrators who may resolve the complaint. Within 3 business days after the Complainant receives this designation, the Complainant and the Attorney General shall arrange to choose an arbitrator from this list by striking names from the list until an arbitrator acceptable to both parties is chosen. Within 3 business days after the parties strike names, the Attorney General shall contact the arbitrator chosen and arrange for the hearing by the arbitrator.
- (c) The arbitrator may review the record compiled in connection with the complaint, including the tape recording or any transcript of a hearing and any briefs or memoranda, but shall not receive additional testimony or evidence. In exceptional cases, the arbitrator may request that the parties present additional briefs or memoranda.
- (d) The arbitrator shall determine the appropriate resolution of the complaint as set out in these regulations.
- (e) The arbitrator must issue a written resolution within 60 days after the final determination of the Attorney General was due under §3.1208. This 60-day period may not be extended. The final resolution of the arbitrator shall be transmitted to the Attorney General and shall be the final resolution of the complaint. The final resolution shall be mailed to the Complainant, each Respondent and any other interested person who has asked in writing to be advised of the final resolution. It shall also be made available on request to any interested person.

3.1210**Appeal.**

The final determination of the Attorney General under §3.1208, or the final resolution of the arbitrator under §3.1209, shall not be subjects to appeal in any American Samoa or federal courts.

APPENDIX B

(ELECTION LAW UPDATES)

Changes to Requirement that Absentee Voter Register to Vote in Person

American Samoa Code Annotated (ASCA) § 6.0214 requires that all persons who register to vote in elections in American Samoa do so in person before an election officer. In 2002, the law was amended, allowing “absent uniformed services voter[s] and overseas voter[s]” to register without having to appear in person before an election officer. However, this exception only applied to elections for the Office of the Delegate to the U.S. House of Representatives.

In May 2008, the law was further amended to allow “absent uniformed services voters” to register without having to appear in person before an election officer, and the exception was extended to elections for the offices of Governor/Lt. Governor, and Representative to the Fono. In order to qualify under the law, “absent uniformed services voters” must list American Samoa as his or her home of record or legal domicile, and apply for registration on forms established by the Chief Election Officer. The forms will, at a minimum, require the applicant to furnish information called for on the Federal Post Card Application, supplemented with the applicant’s home of record/legal domicile, date of departure from American Samoa, and verification of the applicant’s active duty military status. In addition, a spouse or dependent of a uniformed services member shall provide verification of their dependent status. See page 12 of this Manual for additional registration requirements.

Specific Methods of Receiving and Transmitting Absentee Ballot Requests and Blank Ballots

ASCA § 6.1102(a) sets out that a qualified elector, who is absent from the Territory because he/she is an employee of the U.S. or American Samoa government, a student in an institution of higher learning, an absent uniformed service member or overseas voter, may request an absentee ballot “in writing” no earlier than 75 days prior to the election, which generally falls within the third week of August. ASCA § 6.1103(a) provides that the method for blank ballot delivery to an absent uniformed service member or overseas voter be by “airmail.”

In March 2010, these laws were amended pursuant to the federal Military and Overseas Voter Empowerment Act and in line with the advent of technological means for transmitting correspondence. Specifically, ASCA § 6.1102(a) was amended to provide absentee voters who fall in the category of US or ASG employees, students, and uniformed service members and overseas voters, electronic methods to request and the election office transmit and accept

absentee ballot applications. In addition, ASCA § 6.1103(b) was amended to provide absent uniformed service members and overseas voters the option to request that the election office deliver their blank ballots by electronic means. Finally, so as to afford better access to the polls, the absentee ballot request window was expanded to start January 1st of the election year.

See page 18 of this Manual for additional ballot request and delivery requirements.