**PROPOSED AMENDMENTS TO**

**TERRITORY OF AMERICAN SAMOA**

State Plan

As required by Public Law 107-252

Help America Vote Act 2002, Section 253(b)



Soliai T. Fuimaono Chief Election Officer P. O. Box 3970

Pago Pago, American Samoa 96799

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**INTRODUCTION BY THE CHIEF ELECTION OFFICER**

I am pleased to offer American Samoa’s updates to its 2006 State Plan (Update). This Update describes material changes to the 2006 State Plan, which changes meet the requirements set out by the Help America Vote Act of 2002 (HAVA), an Act which significantly reformed the election process for federal elections.

In 2006, American Samoa filed its final State Plan. The Plan set forth American Samoa’s effort to meet Title III requirements. It also provided for other activities which American Samoa proposed to improve the administration of federal elections. Specifically, American Samoa constructed a new Election office building, which was completed in 2008, in time for the 2008 federal election. To improve the administration of elections, American Samoa’s centrally located Election office provides classroom space for voter education and election official training, expanded walkways and hallways, an elevator and ramp for easier access by voters with disabilities, as well as additional parking for better access by voters. With the completion of the Election Office building, the State Plan is herein updated to reallocate funding towards other activities to improve the administration of federal elections. The Plan will continue to be updated, as necessary over time, to reflect any changes in state or federal law, the actual or proposed budget, or the scope of a project or program. The Election Office, through its in-house HAVA Coordinator, and the State Plan Committee, will continue its efforts to fulfill the intent of HAVA.

I am pleased to report that American Samoa is in full compliance with HAVA requirements, and that the State Plan and its updates serve as the framework for continuing progress in election reform in American Samoa.

Soliai T. Fuimaono

Chief Election Officer

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**I. INTRODUCTION**

This 2011 Update to the American Samoa State Plan as amended in 2006 was drafted under the direction of the Chief Election Officer. The State Plan Committee, comprised of community leaders and stakeholders, reviewed and then distributed the preliminary draft to the public to receive input and feedback. Specifically, this Update was made available to the public for a 30-day comment period. [INSERT DATES OF PUBLIC HEARING] The statements received were taken into consideration in finalizing this 2011 Update to the State Plan.

In 2006, the Territory of American Samoa filed a Final State Plan (2006 State Plan), showing how the Territory expected to spend federal funds to satisfy the requirements of the Act. In the 2006 State Plan, the majority of requirement payments under Title III, Section 251, were allocated for the construction of a new Election Office building. The Election Office was completed in 2008 and this 2011 Update to the State Plan reflects the material change to reallocate requirement payments to other activities, which will improve the administration of elections. (A material change includes a change in state or federal law, a change in the actual or proposed budget, or a change in the scope of a project or program.) Accordingly, the Territory’s 2011 Update reflects this material change to the Plan. This amendment also updates the actual and proposed budget and reflects expenditures and payments up and until December 31, 2011. In particular, the 2006 State Plan Section C, Voter Education, Election Official and Poll Worker Training, and Section F, American Samoa’s HAVA Budget (HAVA Budget) are herein amended. In addition, this Update includes the latest information on the Election Office’s implementation of requirements under Title III, specifically the mandates listed in the 2006 State Plan under Section A(1), Voting System Standards, and A(3), Computerized Territory-wide Registration List. Finally, this Update adds a new section to the State Plan, Section \_\_\_, Military and Overseas Voter Empowerment Act (MOVE), describing American Samoa’s timely implementation of mandates set forth in the MOVE Act.

**II. UPDATED STATE PLAN ELEMENTS**

In accordance with Section 254 of the HAVA Act, the Territory of American Samoa has amended the following elements of its 2006 State Plan.

**A. This 2011 Update to SECTION A(1) of the State Plan, Voting System Standards replaces in its entirety SECTION A(1) as written on pages 9 – 12 of the 2006 State Plan.**

**MEETING TITLE III REQUIREMENTS AND OTHER ACTIVITIES**

*How American Samoa will use the requirements payments to meet the requirements of title III, and, if applicable under section 251(b)(2), to carry out other activities to improve the administration of elections.*

**Voting System Standards**

Title III requirements for uniform and non-discriminatory election technology and administration are specified in HAVA section 301. The chart below takes each of the Voting System Standards and describes American Samoa’s plan to meet the requirement.

| **Section 301(a) Voting Systems Standards** | **Status** | **Implementation** |
| --- | --- | --- |
| **Meets Requirement** | **Meets Requirement Partially** | **New Capability to be Implemented** |
| (a) REQUIREMENTS – Each voting system used in an election for Federal office shall meet the following requirements: |  |  |  |  |
| (1) IN GENERAL - |  |  |  |  |
| (A) Except as provided in subparagraph (B), the voting system . . . shall - |  |  |  |  |
| (i) permit the voter to verify (in a private and independent manner) the votes selected by the voter on the ballot before the ballot is cast and counted; | YES |  |  | At every polling place, the voter is provided a single covered stall to privately and independently mark his/her ballot.  |
| (ii) provide the voter with the opportunity (in a private and independent manner) to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and | YES |  |  | American Samoa uses a paper ballot system in every polling place (as well as for absentee mail ballots). The voter is able to view, verify, and/or correct an error before casting a ballot. Furthermore, American Samoa law allows a voter to obtain a replacement ballot by returning the ballot that was completed in error. |
| (iii)If the voter selects votes for more than 1 candidate for a single office – (I) notify the voter that the voter has selected more than 1 candidate for a single office on the ballot; (II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for office; and, (III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted. . . |  |  |  |  |
| (B) A State or jurisdiction that uses a paper ballot voting system . . . (including mail-in absentee ballots and mail-in ballots), may meet the requirements of subparagraph A(iii) by – |  |  |  |  |
| (i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and | YES |  |  | Voter education will be conducted on what constitutes a vote, the effect of casting multiple votes for an office, and the procedures for correcting an error through the issuance of a replacement ballot. |
| (ii) providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error). | YES |  |  | Each voter is instructed on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error).  |
| (C) The voting system shall ensure that any notification required under this paragraph preserves the privacy of the voter and the confidentiality of the ballot. | YES |  |  | Instructions mentioned in B(ii) are posted inside the polling place. |
| (2) AUDIT CAPACITY - |  |  |  |  |
|  (A) IN GENERAL – The voting system shall produce a record with an audit capacity for such system. | YES |  |  | American Samoa’s voting system currently used has the necessary audit capacity. |
| (B) MANUAL AUDIT CAPACITY - |  |  |  |  |
| (i) The voting system shall produce a permanent paper record with a manual audit capacity for such system. | YES |  |  | Upon the close of polls, all paper ballots are manually counted and the results tabulated at each polling station. The results of each polling station are forwarded to the Central Election Office, where Election Office staff verify the tabulations before announcing the results live on territory-wide television. |
| (ii) The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced. |  |  |  | See Section 1(A)(ii). |
| (iii) The paper record produced under subparagraph (A) shall be available as an official record for any recount conducted with respect to any election in which the system is used. | YES |  |  | All paper ballots are securely maintained at the Central Election Office for any recount conducted with respect to any election. |
| (3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES – The voting system shall - |  |  |  |  |
| (A) be accessible for individuals with disabilities, including non-visual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters; | YES |  |  | American Samoa election law provides that a physically disabled or visually impaired voter be assisted by two election officials, or a person of the voter’s choice, in the marking of a ballot. |
| (B) satisfy the requirement of subparagraph (A) through the use of at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place; and | YES |  |  | American Samoa will allow individuals with disabilities access to the polling places by instituting a voter system equipped for such individuals. The Election Office is working closely with the Office of Protection and Advocacy for the Disabled to identify the voter system that best suits American Samoa voters’ needs.  |
| (C) if purchased with funds made available under title II on or after January 1, 2007, meet the voting system standards for disability access (as outlined in this paragraph). |  |  |  | Does not apply at this time. |
| (4) ALTERNATIVE LANGUAGE ACCESSIBILITY – The voting system shall provide alternative language accessibility pursuant to the requirements of section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1a). | YES |  |  | All voter information is provided in both English and Samoan, the native language of American Samoans.  |
| (5) ERROR RATES – The error rate of the voting system in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall comply with the error rate standards established under section 3.2.1 of the Commission which are in effect on the date of enactment of this Act. | YES |  |  | All ballots are manually counted and the results tabulated at each individual polling station. The manual counting is public, witnessed by candidates or their designees, observers, voters, the media and any interested persons. Because American Samoa’s ballots are manually counted (and recounted) in public, AS’s error rate of the voting system in *counting* ballots fully complies with the error rates established by the Commission. |
| (6) UNIFORM DEFINITION OF WHAT CONSTITUTES A VOTE – Each State shall adopt uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting system used in the State. | YES |  |  | The High Court of American Samoa has long determined what constitutes a vote; the definition is uniform & nondiscriminatory and is followed in all AS elections. See *Mulitauaopele v. CEO, AP No. 20-94 (1994).*  |

**B. This 2011 Update to SECTION A (3) of the State Plan – Computerized Territory-wide Voter replaces in its entirety SECTION A(3) as written on pages 16 – 27 of the 2006 State Plan.**

### Computerized Territory-wide Voter Registration List & Voters Who Register by Mail

The chart below takes each of the requirements for Computerized Territory-wide Voter Registration List and Voters Who Register by Mail and describes American Samoa’s plan to meet the requirement.

| **Section 303 Computerized Territory-wide Voter Registration List & Voters Who Register by Mail**  | **Status** | **Implementation** |
| --- | --- | --- |
| **Meets Requirement** | **Meets Requirement Partially** | **New Capability to be Implemented** |
| (a) COMPUTERIZED TERRITORY-WIDE REGISTRATION LIST REQUIREMENTS |  |  |  |  |
| (1) IMPLEMENTATION - |  |  |  |  |
| (A) IN GENERAL – Each State, acting through the chief State election official, shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State (in this subsection referred to as the “computerized list”), and includes the following: | YES |  |  | American Samoa’s existing voter registration system is a single, uniform, official, centralized, computerized, territory-wide voter register as required by HAVA. American Samoa’s voter registration system (referred to throughout this section as “territory-wide voter list”) is centralized and maintained by the Chief Election Officer. |
| (i) The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the State. | YES |  |  | American Samoa meets this requirement. |
| (ii) The computerized list contains the name and registration information of every legally registered voter in the State. | YES |  |  | American Samoa meets this requirement. |
| (iii) Under the computerized list, a unique identifier is assigned to each legally registered voter in the State. | YES |  |  | Each qualified registrant is issued a unique voter registration number (VRN). |
| (iv) The computerized list shall be coordinated with other agency databases within the State. | YES |  |  | The Election Office coordinates the receipt of data with the offices of Motor Vehicles, Vital Statistics, and Social Security.  |
| (v) Any election official in the State, including any local election official, may obtain immediate electronic access to the information contained in the computerized list. | YES |  |  | All election officials in the Territory have immediate electronic access to the territory-wide voter list. |
| (vi) All voter registration information obtained by any local election official in the State shall be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local official. | YES |  |  | American Samoa meets this requirement. |
| (vii) The chief State election official shall provide such support as may be required so that local officials are able to enter information as described in clause (vi). | YES |  |  | American Samoa meets this requirement. |
| (viii) The computerized list shall serve as the official voter registration list for the conduct of all elections for Federal office in the State. | YES |  |  | American Samoa meets this requirement.  |
| (B) EXCEPTION – The requirement under subparagraph (A) shall not apply to a State in which, under State law in effect continuously on and after the date of the enactment of this Act, there is no voter registration requirement for individuals in the State with respect to elections for Federal office. |  |  |  | Does not apply. American Samoa requires eligible voters to register to vote. |
| (2) COMPUTERIZED LIST MAINTENANCE- |  |  |  |  |
| (A) IN GENERAL – The appropriate State or local election official shall perform list maintenance with respect to the computerized list on a regular basis as follows: |  |  |  |  |
| (i) If an individual is to be removed from the computerized list, such individual shall be removed in accordance with the provisions of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), including subsections (a)(4), (c)(2), (d), and (e) of section 8 of such Act (43 U.S.C. 1973gg-6). | YES |  |  | American Samoa meets this requirement. The Chief Election Officer is the only one authorized to remove names from the official list of registered voters. |
| (ii) For purposes of removing names of ineligible voters from the official list of eligible voters -  |  |  |  |  |
| (I) under section 8(a)(3)(B) of such Act (42 U.S.C. 1973gg-6(a)(3)(B)), the State shall coordinate the computerized list with State agency records on felony status; and | YES |  |  | The Election Office coordinates directly with the Parole and Probation offices regarding the felony status of registered voters, and with the Governor’s office regarding the commutations or pardons granted by the Governor.  |
| (II) by reason of the death of the registrant under section 8(a)(4)(A) of such Act (42 U.S.C. 1973gg-6(a)(4)(A)), the State shall coordinate the computerized list with State agency records on death. | YES |  |  | The Election Office coordinates directly with the Office of Vital Statistics regarding those registered voters who have passed away. |
| (iii) Notwithstanding the preceding provisions of this paragraph, if a State is described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-2(b)), that State shall remove the names of ineligible voters from the computerized list in accordance with State law. | YES |  |  | American Samoa complies with all American Samoa laws concerning the removal of names of ineligible voters from the territory-wide voter list. |
| (B) CONDUCT – The list maintenance performed under subparagraph (A) shall be conducted in a manner that ensures that - |  |  |  |  |
| (i) the name of each registered voter appears in the computerized list; | YES |  |  | The names of registered voters described in subparagraph (A) remain, but are coded so as not to appear on the Official Roll of Registered Voters on election day.  |
| (ii) only voters who are not registered or who are not eligible to vote are removed from the computerized list; and | YES |  |  | American Samoa complies with this requirement. See (B)(i) above. |
| (iii) duplicate names are eliminated from the computerized list. | YES |  |  | American Samoa meets this requirement. |
| (3) TECHNOLOGICAL SECURITY OF COMPUTERIZED LIST – The appropriate State or local official shall provide adequate technological security measures to prevent the unauthorized access to the computerized list established under this section. | YES |  |  | The territory-wide voter list is accessed only via the LAN system, which has been secured to prevent unauthorized access.  |
| (4) MINIMUM STANDARD FOR ACCURACY OF STATE VOTER REGISTRATION RECORDS – The State election system shall include provisions to ensure that voter registration records in the State are accurate and are updated regularly, including the following: |  |  |  |  |
| (A) A system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters. Under such system, consistent with the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), registrants who have not responded to a notice and who have not voted in 2 consecutive general elections for Federal office shall be removed from the official list of eligible voters, except that no registrant may be removed solely by reason of a failure to vote. | YES |  |  | American Samoa meets this requirement. The Chief Election Officer is statutorily required within 60 days after every general election to remove the name of any voter who fails to vote in the recent general election and the preceding election.  |
| (B) Safeguards to ensure that eligible voters are not removed in error from the official list of eligible voters. | YES |  |  | American Samoa meets this requirement. Name, SS#, and date of birth are compared on each voter before removal. |
| (5) VERIFICATION OF VOTER REGISTRATION INFORMATION - |  |  |  |  |
| (A) REQUIRING PROVISION OF CERTAIN INFORMATION BY APPLICANTS-  |  |  |  |  |
| (i) IN GENERAL – Except as provided in clause (ii), notwithstanding any other provision of law, an application for voter registration for an election for Federal office may not be accepted or processed by a State unless the application includes - |  |  |  |  |
| (I) in the case of an applicant who has been issued a current and valid driver’s license, the applicant’s driver’s license number; or | YES |  |  | American Samoa law requires full Social Security number and does not accept the driver’s license as a valid alternative.  |
| (II) in the case of any other applicant (other than an applicant to whom clause (ii) applies), the last 4 digits of the applicant’s social security number. | YES |  |  | American Samoa meets this requirement. AS requires full Social Security number. |
| (ii) SPECIAL RULE FOR APPLICANT’S WITHOUT DRIVER’S LICENSE OR SOCIAL SECURITY NUMBER – If an applicant for voter registration for an election for Federal office has not been issued a current and valid driver’s license or a social security number, the State shall assign the applicant a number which will serve to identify the applicant for voter registration purposes. To the extent that the State has a computerized list in effect under this subsection and the list assigns unique identifying numbers to registrants, the number assigned under this clause shall be the unique identifying number assigned under the list. | YES |  |  | American Samoa law requires full Social Security number. Our voter registration system assigns a voter registration number to each applicant that is unique to each voter. |
| (iii) DETERMINATION OF VALIDITY OF NUMBERS PROVIDED – The State shall determine whether the information provided by an individual is sufficient to meet the requirements of this subparagraph, in accordance with State law. | YES |  |  | American Samoa meets this requirement. |
| (B) REQUIREMENTS FOR STATE OFFICIALS -  |  |  |  |  |
| (i) SHARING INFORMATION IN DATABASES – The chief State election official and the official responsible for the State motor vehicle authority of a State shall enter into an agreement to match information in the database of the statewide voter registration system with information in the database of the motor vehicle authority to the extent required to enable each such official to verify the accuracy of the information provided on applications for voter registration. |  |  |  | Not applicable in American Samoa because the entire social security number is required, and thus the Territory falls under (D) Special Rule for Certain States. |
| (ii) AGREEMENTS WITH COMMISSIONER OF SOCIAL SECURITY – The official responsible for the State motor vehicle authority shall enter into an agreement with the Commissioner of Social Security under section 205(r)(8) of the Social Security Act (as added by subparagraph (C)). |  |  |  | Not applicable in American Samoa because the entire social security number is required, and thus the Territory falls under (D) Special Rule for Certain States. |
| (C) ACCESS TO FEDERAL INFORMATION- |  |  |  | American Samoa requires the entire social security number. |
| (D) SPECIAL RULE FOR CERTAIN STATES – In the case of a State which is permitted to use social security numbers, and provides for the use of social security numbers, on applications for voter registration, in accordance with section 7 of the Privacy Act of 1974, the provisions of this paragraph shall be optional. |  |  |  | American Samoa requires the entire social security number. |
| (b) REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL- |  |  |  |  |
| (1) IN GENERAL – Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4)(c)) and subject to paragraph (3), a State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of paragraph (2) if - |  |  |  |  |
| (A) the individual registered to vote in a jurisdiction by mail; and | YES |  |  | American Samoa meets this requirement. |
| (B)(i) the individual has not previously voted in an election for federal office in the State; or | YES |  |  | American Samoa meets this requirement. |
| (ii) the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with the requirements of subsection (a). | YES |  |  | American Samoa meets this requirement. |
| (2) REQUIREMENTS - |  |  |  |  |
| (A) IN GENERAL – An individual meets the requirements of this paragraph if the individual - |  |  |  |  |
| (i) in the case of an individual who votes in person - |  |  |  |  |
| (I) presents to the appropriate State or local election official a current and valid photo identification; or | YES |  |  | American Samoa law requires that each voter present identification duly issued by a governmental agency, containing a photographic likeness of the applicant. |
| (II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. | YES |  |  | American Samoa meets this requirement. American Samoa allows the presentation of one specific government document, the Voter Registration Card (VRC), that shows name and address of the voter. |
| (ii) in the case of an individual who votes by mail, submits with the ballot - |  |  |  |  |
| (I) a copy of a current and valid photo identification; or | YES |  |  | The photo identification that is presented during the registration by mail is maintained in a manual file for each individual voter. The manual file also contains the voter’s signature. Upon receipt of a mail-in ballot only the signatures are verified.  |
| (II) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. | YES |  |  | See section (ii)(I) above. |
| (B) FAIL-SAFE VOTING- |  |  |  |  |
| (i) IN PERSON – An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 302(a). | YES |  |  | American Samoa meets this requirement. American Samoa provides provisional ballots at every polling station. |
| (ii) BY MAIL – An individual who desires to vote by mail, but who does not meet the requirements of subparagraph (A)(ii), may cast such a ballot by mail and the ballot shall be counted as a provisional ballot in accordance with section 302(a). | YES |  |  | American Samoa meets this requirement. |
| (3) INAPPLICABILITY – Paragraph (1) shall not apply in the case of a person - |  |  |  |  |
| (A) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 and submits as part of such registration either | YES |  |  | American Samoa meets this requirement. |
| (i) a copy of a current and valid photo identification; or | YES |  |  | American Samoa meets this requirement. |
| (ii) a copy of a current utility bill, bank statement, government check, pay check, or government documents that shows the name and address of the voter; | YES |  |  | American Samoa meets this requirement. |
| (B)(i) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) and submits as part of such registration either - | YES |  |  | American Samoa meets this requirement. |
| (I) a driver’s license number; or  | YES |  |  | American Samoa meets this requirement. |
| (II) at least the last 4 digits of the individual’s social security number; and | YES |  |  | American Samoa meets this requirement. |
| (ii) with respect to whom a State or local election official matches the information submitted under clause (i) with an existing State identification record bearing the same number, name and date of birth as provided in such registration; or | YES |  |  | American Samoa meets this requirement. |
| (C) who is - |  |  |  |  |
| (i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.); | YES |  |  | American Samoa meets this requirement. |
| (ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or | YES |  |  | American Samoa meets this requirement. |
| (iii) entitled to vote otherwise than in person under any other Federal law. | YES |  |  | American Samoa meets this requirement. |
| (4) CONTENTS OF MAIL-IN REGISTRATION FORM - |  |  |  |  |
| (A) IN GENERAL – The mail voter registration form developed under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) shall include the following: |  |  |  |  |
| (i) The question “Are you a citizen of the United States of America?” and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States. | YES |  |  | American Samoa utilizes the Federal Post Card Application (FPCA), for purposes of mail-in registration and requests for absentee ballot. This question is contained in the FPCA. |
| (ii) The questions “Will you be 18 years of age on or before election day?” and boxes for the applicant to check to indicate whether or not the applicant will be 18 years of age or older on election day. | YES |  |  | American Samoa utilizes the Federal Post Card Application (FPCA), for purposes of mail-in registration and requests for absentee ballot. This question is contained in the FPCA. |
| (iii) The statement “If you checked ‘no’ to the response to either of these questions, do not complete this form”. | YES |  |  | American Samoa utilizes the Federal Post Card Application (FPCA), for purposes of mail-in registration and requests for absentee ballot. This question is contained in the FPCA. |
| (iv) A statement informing the individual that if the form is submitted by mail and the individual is registering for the first time, the appropriate information required under this section must be submitted with the mail-in registration form in order to avoid the additional identification requirements upon voting for the first time. | YES |  |  | American Samoa utilizes the Federal Post Card Application (FPCA), for purposes of mail-in registration and requests for absentee ballot. This question is contained in the FPCA. |
| (B) INCOMPLETE FORMS – If an applicant for voter registration fails to answer the question included on the mail voter registration form pursuant to subparagraph (A)(i), the registrar shall notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for the completion of the registration form prior to the next election for Federal office (subject to State law). | YES |  |  | American Samoa meets this requirement. |
| (c) PERMITTED USE OF LAST 4 DIGITS OF SOCIAL SECURITY NUMBERS – The last 4 digits of a social security number described in subsections (a)(5)(A)(i)(II) and (b)(3)(B)(i)(II) shall not be considered to be a social security number for purposes of section 7 of the Privacy Act of 1974 (5 U.S.C. 522a note). |  |  |  |  |
| (d) EFFECTIVE DATE - |  |  |  |  |

While the current voter registration meets the minimum requirements of Section 303, the Territory proposes to upgrade its current computerized Territory-wide Voter Registration List, through a project entitled Reengineering the American Samoa Voter Registration System Project (Project). The Project will not only meet the minimum requirements, but exceed these standards and provide for a fully automated with IT connectivity that will allow on-screen registration, scanning documents, digital picture framing, running identification card technology and application of Geographic Information System. The final deliverable is a fully automated voter registration system from initial screening to final issuance of voter registration cards. The system will be used by all Election Office staff with various access privileges for search-match operations, controlled edit-modification, look-up functionality, new registration and voter registration card issuance. Using internet connectivity, the general public would be afforded controlled, 24 hour internet access to only that information on the general register deemed non-confidential for purposes of public inspection.

The proposed upgraded system will include a new relational database with Access Database platform running in Structured Query Language (SQL) functionality, upgrades of networking environment for normal daily registration activities, installation of peripherals including scanners, digital cameras, card identification technology and full integration of all peripherals for issuance and printing of voter registration cards. The system will also include search-match component, edit-update-change options and navigational schematics for database maintenance.

**C. This 2011 Update to SECTION A (6) of the State Plan – Other Activities to Improve the** **Administration of Elections as written on pages 28 – 30 of the 2006 State Plan.**

**Section 251(b)(2).** Other Activities to Improve the Administration of Elections: “A State may use a requirements payment to carry out other activities to *improve the administration of elections for Federal office* if the State certifies to the Commission that-

* 1. the State has implemented the requirements of title III; *or*
	2. the amount expended with respect to such other activities does not exceed an amount equal to the minimum payment amount applicable to the State under section 252(c).”

**Implementation**: American Samoa certifies that it has implemented the requirements of Title III as set forth above.

American Samoa will carry out the following activities to improve the administration of elections for Federal office:

In its 2006 State Plan, American Samoa constructed a new Election Office building funded by the Title II, 251 requirements payments. This building was completed in September 2008, in time for the November 2008 general election. It houses the entire election operation including an assembly hall for training of election officials and education of school touring groups from throughout the Territory.

The State Plan now focuses on carrying out HAVA required activities by ensuring the continuation of voter education and awareness as well as Election Office staff training in matters pertaining to federal elections. In particular, American Samoa will carry out the following activities to improve the administration of elections for Federal office:

1. An election video production will improve public awareness on election procedures and processes; standardized instructional and training materials for conducting elections; and standardizing actions to be taken and forms to be used when situations present during elections.

2. A Vote To School project will be developed to introduce the election process to school children starting from grade K5 to year 12. The project will educate prospective young voters on the importance of the election process and the part it plays in a free democratic society; the difference between federal and local elections; the importance of open and fair elections; election requirements and qualifications; and such other issues and topics related to voting and elections. These lessons would be developed and integrated as part of an already-existing civics or government class offered by local schools. It is expected that familiarizing children with the election process and the concept of voting during their early years would increase the likelihood of their actual participation as voters by the time students exit the 12th grade.

3. Publications, such as the Candidate Manual, will be updated with federal election requirements, a Calendar of Events, important dates, candidate eligibility and filing requirements. The manual will also include socio-economic and demographic characteristics of representative districts, and historical data on voter registration and turnout.

4. A comprehensive database will be developed for the monitoring of HAVA financial transactions, which will assist with reconciliations, audit and reporting requirements.

**D. This 2011 Update to SECTION C of the State Plan – Voter Education, Election Official and Poll Worker Training, replaces in its entirety SECTION C as written on pages 31 – 32 of the 2006 State Plan.**

*How American Samoa will provide for programs for voter education, election official education and training, and poll worker training which will assist the Territory in meeting the requirements of Title III.*

The Election Office continues to improve its voter education program. The voter education program consists of information in the form of FACTSHEETS (hard copy and electronically on the website), brochures, and public service announcements (PSA). Besides information about the candidates and the issues, voters also need information on the process of registration and voting. Information given at the polls represents the very last step in an education process that begins with civic education in the schools.

A voter education program has been developed to inform citizens of:

\* how to register to vote and confirm their registration status;

\* where and when to vote;

\* how to cast a valid ballot; and

 voters’ rights.

In addition, the Election Office continues to develop a more active outreach program, while still retaining the FACTSHEETS and brochures, accomplished by informational programs on the local television station, participation in high school civic classes, and newspaper publication of upcoming election events and dates. In addition, the Election Office will use civic and advocacy groups, community organizations, candidates, the media, and election officials to educate the voters.

Requirements payments will also be used for the purposes of materials development, outreach activities, and the development of Territory-wide curriculum for voter education and poll-workers’ and officials’ training.

Further, to better meet the needs of the non-English speaking voters, a Community Relations Specialist—also referred to as Public Relations Specialist shall be contracted to work as an advocate for building and maintaining positive relationships with the American Samoa electors. Close to 90 percent of the American Samoa population is ethnically Samoan while 97 percent of persons 5 years and over speak a language other than English. Publicity and promoting the HAVA Act requires translation and communication of materials to include non-English speaking voters.

The Community Relations Specialist job description includes but is not limited to the following tasks:

1. Provide advice and strategies for handling organizational functions, such as media, community, consumer, business, and governmental relations; public awareness campaigns; interest-group representation; conflict mediation; and elector relations;

2. Recommend, conduct and oversee language translations for community bulletins and public awareness materials;

3. Draft press releases and announcements for election processes;

4. Liaise with Village/County/District councils in the conduct of election processes;

5. Assist with registration and election processes of special groups and disabled population;

6. Any other tasks assigned by the Chief Election Officer.

**E. This 2011 Update to SECTION F of the State Plan – American Samoa’s HAVA Budget replaces in its entirety SECTION F as written on page 33.**

The attached budget, Attachment A, outlines the amount allocated to each HAVA-related activity described in the State Plan updated to include expenditures and funds received as of December 31, 2011.

In particular, funds have been and will continue to be used to implement Title III Requirements such as Voting System Standards, Provisional Voting, Voter Registration System and Voting Information, as well as Other Activities such as HAVA oversight, management and administration of elections.

The Election Office continues to maintain Voting System Standards for the conduct of every election including independent/secured verification of voter balloting, improving paper ballots, voter education on voting procedures, audit capacity for counting of ballots, and improving accessibility for special needs/disabled voters. Improvements in financial recordkeeping and electronic processing will be developed to reflect all financial transactions, processing controls for easy referencing of State Plan requirements versus ASG Treasury reporting details. Improvement of financial system internal controls along with routine reconciliations of accounts will lead to better management oversight and improved reporting.

With recent Federal enactments requiring States to streamline registration and ballot request processes for uniformed services voters and overseas voters, maintaining an accurate and readily accessible Territory-wide voter list remained a top priority of the Election Office. An on-line information system will be developed to recruit and record up-to-date records and information regarding these off-island voters, and to track absentee ballots and requests to assure that such requests have timely responses, and absentee ballots are properly tracked and handled.

**F. This 2011 Update amends the 2006 State Plan by adding the following Section M to the State Plan.**

Section 588(b)(1)(A) of the MOVE Act amends the required elements of the State Plan by adding a new paragraph to Section 254(a) of HAVA: “*(14) How the State will comply with the provisions and requirements of and amendments made by the Military and Overseas Voter Empowerment Act.*”

 In response to the Military and Overseas Voter Empowerment Act, in 2010 the Territory of American Samoa implemented into local law amendments to the UOCAVA (the MOVE Act). Specifically, the local law ensures "that absent uniform services voters and overseas voters in the election of Office of the Delegate to U.S. House of Representatives are provided a genuine opportunity to register to vote and have ballots cast and counted." Reference Public Law No.\_\_\_. The statute instructed the Chief Election Officer to establish procedures to comply with the MOVE Act.

Election procedures had already in place allowing absentee voters (including military and overseas voters) to electronically request and the Election Office to electronically transmit voter registration applications and absentee ballot applications for elections for the Office of the Delegate to the U.S. House of Representatives. In addition, to comply with the electronic transmission of ballots to absentee voters, the American Samoa Election Office implemented the preferred electronic delivery of UOCAVA ballots through the use of electronic ballot package file sent via email addresses provided by voters. The electronic ballot package included a federal election ballot form with necessary instructions for completion and submission of ballot, and a postal returned envelope.

 In order to track UOCAVA ballots, an electronic tracking system was implemented in the 2010 General Election. A new database module attached to the registration database was created and used for tracking. The system began with the acceptance and logging of absentee ballot requests received by postal mail, fax or electronically using the American Samoa Absentee Ballot Request Form of the FPCA. These absentee request forms were made available through the American Samoa Website and various federal websites such as the EAC and FVAP. Once a request is received, a receipt notice is sent to the voter via email, notifying the voter that the request is being processed. Another notice is sent to the voter once the electronic absentee package file is sent. All returned ballot materials must be sent by postal mail. Once the Election Office received returned ballot materials, another notice is sent to the voter confirming the receipt of absentee ballots. A final receipt is sent to the voter when the ballot form is processed and placed inside counting boxes.

 To ensure additional access to the polls, local law amended the period within which the Election Office may accept an absentee ballot request from 75 days prior to the election (or August 25th) to January 1st of the election year. This new time-frame to request an absentee ballot together with American Samoa’s current requirement to mail out absentee ballots immediately upon printing, which occurs within the first week of September, ensures that absentee ballots are mailed out within 45 days of the election.

Pursuant to Section 6.1103, American Samoa Code Annotated (A.S.C.A.), the American Samoa Election Office mails out its absentee ballots immediately upon printing and availability. 6.1103, A.S.C.A. Ballots are printed by order of the Chief Election Officer (CEO) immediately upon his certification of the candidates for any election. 6.0607, A.S.C.A.; American Samoa Election Office Operating Manual (ASEOOM) Part III, subsection D. Candidates are certified after the expiration of 3 business days from the day the CEO determines their eligibility. 6.0302, A.S.C.A. The candidate nomination process closes on September 1st, of each election year. 6.0301, A.S.C.A., and a determination of eligibility is made thereafter.

 Because of the current provisions, American Samoa sends out its absentee ballots much earlier that the 45 days minimum requirement of UOCAVA. For example, the 2010 general election was held on November 2. Because the certification of candidates closed on September 1st, all candidates were certified by September 7th. The same day the certification was made, the ballots were printed and were sent off. That was about 57 days before the election, and about 12 days before the UOCAVA minimum requirement which was set at September 18, 2010.

ATTACHMENT A

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| HAVA PROPOSED BUDGET BY FUND BY FISCAL YEAR |
| **Description** | **Fund balance end 2005** | **Expenditure 2006-2009** | **Unexpended Funds 2006-2009** | **New Funds 2008-2011 Requirements Payments** | **Sum of All Funds** | **Proposed Use Funds** |
| **Title I Requirements (101)** |  |  |  |  |  |   |
| Improve Administration of Election |  |  |  |  |  |   |
|  Title III Compliance |  -  |  |  |  |  |   |
|  Voter Education |  150,000  |  150,000.00  |  -  |  |  -  |   |
|  Training - poll workers/officials |  250,000  |  250,000.00  |  -  |  |  -  |   |
|  Election hotlines/transportation |  72,000  |  72,000.00  |  -  |  |  -  |   |
| **Sub-Total** |  **472,000**  |  **472,000**  |  **-**  |  |  **-**  |  **-**  |
|  **Title III Requirements & Other Activities (251)**  |  |  |  |  **285,000**  |  **285,000**  |  |
| Voting system standards (301) |  200,000  |  70,885  |  129,115  |  |  129,115  |  100,000  |
| Provisional voting (302) |  200,000  |  23,666  |  176,334  |  |  176,334  |  50,000  |
| Voter Registration System (303) |  300,000  |  110,667  |  189,333  |  |  189,333  |  300,000  |
| Voting Information |  |  |  |  |  |  100,000  |
| **Other Election Activities** |  |  |  |  |  |  |
| Election Office Relocation |  1,219,361  |  1,219,361  |  -  |  |  |   |
| Voter Education |  |  |  |  |  |  175,000  |
| Election Official & Poll Worker Training |  |  |  |  |  |  100,000  |
| HAVA Oversight & Reporting |  100,000  |  20,613  |  79,387  |  |  79,387  |  150,000  |
| **Overall Management** |  |  |  |  |  |  |
|  State Plan Committee meetings |  30,000  |  -  |  30,000  |  |  30,000  |  15,000  |
|  Hearings on adoption of HAVA Performance Goals & Measures |  20,000  |  -  |  20,000  |  |  20,000  |  15,000  |
|  Election Administration, design & production of new forms, translation, etc |  200,000  |  117,365  |  82,635  |  |  82,635  |  250,000  |
| Complaint Procedure (Section 402) |  50,000  |  -  |  50,000  |  |  50,000  |  60,000  |
| **Sub-Total** |  **2,319,361**  |  **1,562,556**  |  **756,805**  |  **285,000**  |  **1,041,805**  |  **1,315,000**  |
| **Interest Earned (all funds)** |  |  |  |  |  **273,634**  |  |
| **Grand Total** |  **2,791,361**  |  **2,034,556**  |  **756,805**  |  **285,000**  |  **1,315,439**  |  **1,315,000**  |

Note: No HAVA appropriations were made for FY 2005, 2006 or 2007.