Federal Register

Thursday,
June 29, 2006

Part III

# Election Assistance Commission

## Publication of State Plan Pursuant to the Help America Vote Act; Notice

## ELECTION ASSISTANCE COMMISSION

### Publication of State Plan Pursuant to the Help America Vote Act

**AGENCY:** U.S. Election Assistance Commission (EAC).

**ACTION:** Notice.

**SUMMARY:** Pursuant to sections 254(a)(11)(A) and 255(b) of the Help America Vote Act (HAVA), Public Law 107–252, the U.S. Election Assistance Commission (EAC) hereby causes to be published in the **Federal Register** material changes to the HAVA State plan previously submitted by American Samoa.

**DATES:** This notice is effective June 29, 2006.

**FOR FURTHER INFORMATION CONTACT:** Bryan Whitener, Telephone 202–566–3100 or 1–866–747–1471 (toll-free).

*Submit Comments:* Any comments regarding the plans published herewith should be made in writing to the chief election official of the individual State at the address listed below.

**SUPPLEMENTARY INFORMATION:** On March 24, 2004, the U.S. Election Assistance Commission published in the **Federal Register** the original HAVA State plans filed by the fifty States, the District of Columbia and the Territories of American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands. 69 FR 14002. HAVA anticipated that States, Territories and the District of Columbia would change or update their plans from time to time pursuant to HAVA section 254(a)(11) through (13). HAVA sections 254(a)(11)(A) and 255 require EAC to publish such updates. EAC has not previously published an update to the American Samoa State plan.

The submission from American Samoa addresses material changes in the State budget of its previously submitted State plan and, in accordance with HAVA section 254(a)(12), provides information on how the State succeeded in carrying out its previous State plan. The amendment specifically focuses on using a majority of the requirements payments received by American Samoa to construct a new hurricane proof central elections office for the territory. American Samoa's new central election office will provide classroom space for voter education and election official training, expanded walkways and hallways, and construct elevators or ramps for easier access by voters with disabilities, and provide additional parking for better access by voters.

Upon the expiration of thirty days from June 29, 2006, American Samoa will be eligible to implement the material changes addressed in the plan that is published herein, in accordance with HAVA section 254(a)(11)(C).

EAC notes that the plan published herein has already met the notice and comment requirements of HAVA section 256, as required by HAVA section 254(a)(11)(B). EAC wishes to acknowledge the effort that went into revising this State plan and encourages further public comment, in writing, to the State election official listed below.

### Chief State Election Officials

*American Samoa*

Mr. Soliai T. Fuimaono, Chief Election Official, American Samoa Election Office, P.O. Box 3970, Pago Pago, American Samoa 96799, Phone: (684) 633–2522, Fax: (684) 633–7116, E-mail: *Asgelect@samoatelco.com.*

Thank you for your interest in improving the voting process in America.

Dated: June 21, 2006.

**Paul S. DeGregorio,**

*Chairman, U.S. Election Assistance Commission.*

**BILLING CODE 6820–KF–P**

**ELECTION OFFICE**
**American Samoa Government**
**P.O. Box 3970**
**Pago Pago, American Samoa 96799**

HON. TOGIOLA T.A. TULAFONO,
*Governor*

HON. AITOFELE T.F. SUNIA,
*Lt. Governor*

SOLIAI T. FUIMAONO
*Chief Election Officer*

Phone: (684) 633-2522
Fax: (684) 633-7116

March 22, 2006

Peggy Sims
Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW – Ste 1100
Washington, DC 20005

RE: American Samoa's Updated State Plan

Dear Ms. Sims:

Pursuant to HAVA, Section 255(b), please find enclosed a hard copy and disk copy of the Territory of American Samoa's Updated State Plan (2005-2006), which is hereby transmitted to the Election Assistance Commission for publication in the Federal Register. (A copy of this letter and document on this disk will be simultaneously sent to you via email at psims@eac.gov with copy to ecortes@eac.gov.)

The Updated State Plan complies with HAVA §253(b)(1): it contains each of the elements described in HAVA §254; was developed in accordance with HAVA §255; and meets the public notice and comment requirements of HAVA §256.

Thank you for your consideration.

Sincerely,

SOLIAI T. FUIMAONO
Chief Election Officer

encl.

# 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

March 22, 2006

## INTRODUCTION BY THE CHIEF ELECTION OFFICER

I am pleased to offer American Samoa's updated State Plan for implementing the Help America Vote Act of 2002 (HAVA). The Act significantly reforms the election process for federal elections, and American Samoa welcomes the opportunity to be a part of the process.

This State plan describes how American Samoa met or will meet the requirements set out by HAVA as described in American Samoa's preliminary State plan and reflects changes American Samoa has made since the release of its preliminary State plan to bring the Territory in compliance with HAVA

The major change in this State Plan from American Samoa's preliminary State plan is the incorporation of the central Election office relocation and the revision of the budget to provide for this relocation. In order to improve the administration of elections, American Samoa's central Election office must be expanded to make classroom space for voter education and election official training, expand walkways and hallways, and construct elevators or ramps for easier access by voters with disabilities, provide additional parking for better access by voters, and make such other physical changes necessary to comply with title III requirements.

The State Plan will be updated and refined as necessary over time, to reflect election law changes and future plans. The Election Office, through its in-house HAVA Coordinator, and the State Plan Committee, will continue their efforts to fulfill the intent of HAVA.

I am pleased to report that American Samoa currently complies with most of the requirements of HAVA. This State Plan serves as the framework for continuing progress in election reform, and achieving full compliance with those portions of HAVA for which American Samoa is not yet in compliance.

Soliai T. Fuimaono
Chief Election Officer



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## I. INTRODUCTION

The Help America Vote Act (HAVA) was signed into law on October 29, 2002 by the President of the United States. HAVA requires each State and Territory to develop a comprehensive plan for implementing mandates aimed at improving the conduct of elections.

Each plan must address the following:

* Provide for disabled voters the opportunity to vote independently through the use of at least one (1) Direct Recording Electronic (DRE) voting system in each polling place.

* Implement a system of provisional voting.

* Provide a complaints process where voters are entitled to a public hearing after filing a valid notarized complaint.

* Establish a statewide voter registration system.

* Establish a toll free number for voters to call to receive pertinent voting information.

The following State Plan for the Territory of American Samoa was developed in accordance with Section 254 of HAVA and under the direction of the Chief Election Officer. America Samoa's plan establishes a framework for the Territory to continue progress that was already in place before HAVA, and to achieve compliance with HAVA.

Because HAVA may have a profound impact on some aspects of the voting process in our Territory, we anticipate that this Plan will require updating and refining over the upcoming years to address changes and developing requirements.

## II. BACKDROP FOR AMERICAN SAMOA'S STATE PLAN

Pursuant to American Samoa Code Annotated (ASCA), Title 6, the Chief Election Officer is responsible for the supervision of all elections in the Territory. American Samoa has had and continues to have a territory-wide, uniform, and standardized election system – something HAVA mandates each State and Territory to have. All services are provided in a uniform and nondiscriminatory manner.

### A. Overview

The Territory of American Samoa consists of seven islands, six (6) of which are

inhabited: the main island of Tutuila, the island of Aunu'u, the Manu'a islands of Ta'u, Ofu and Olosega, and Swains Island. The population on each island (based on the American Samoa Statistical Yearbook 2000) is as follows:

| | |
|---|---|
| Tutuila | 55,400 |
| Aunu'u | 476 |
| Ta'u | 873 |
| Ofu | 289 |
| Olosega | 216 |
| Swains | 37 |

**B. Election Contests**

The following election contests are concurrently held: federal election contests and territorial elections. These elections are held in even numbered years.

Federal Contests:

Delegate to the U.S. House of Representatives (1 seat)

Territory-wide Contests:

Governor (1 seat)
Lieutenant Governor (1 seat)
Representatives (20 seats)

Ballot issues include amendments to the Revised Constitution of American Samoa.

**C. Voter Registration**

Voter registration from 1994 to 2004 were (numbers based on General Elections):

| | |
|---|---|
| 2004 | 16,102 |
| 2002 | 14,778 |
| 2000 | 15,598 |
| 1998 | 14,526 |
| 1996 | 14,498 |
| 1994 | 11,138 |

**D. Voter Turnout**

Voter turnout numbers from 1994 to 2004 were (numbers based on General Elections):



| | |
|---|---|
| 2004 | 12,079 |
| 2002 | 10,394 |
| 2000 | 12,080 |
| 1998 | 9,415 |
| 1996 | 11,088 |
| 1994 | 10,236 |

**E. Polling Stations**

In 2004, there were forty-five (45) polling stations territory-wide. In 2006, the Election Office does not anticipate a change in the total number of polling stations.

**F. Vote Counting**

American Samoa has had and continues to have a uniform, standard, and territory-wide election system, something HAVA mandates each State and Territory to have.

American Samoa uses paper ballots, which are counted manually at each polling station upon the close of polls. Paper ballots are used in every polling place, as well as at the absentee walk-in polling place (early voting site) located at the central Election Office. The processing and tabulation of the absentee mail ballots are handled by the staff at the central Election Office. The consolidation and distribution of election results are carried out at the central Election Office.

**G. Absentee Walk-In Polling Place (Early Voting Site)**

Absentee voting commences when the candidates are certified, and the ballots are printed. An absentee walk-in polling place is maintained at the central Election Office for early voting. The site opens upon commencement of absentee voting and closes at 4:30 p.m. on the day prior to the election.

**H. Polling Station Officials**

Territory-wide training of approximately 250 polling station officials begins in early October and continues through November of an election year. The Election Office conducts all training sessions. Close to one-third (1/3) of polling station officials from a previous election are usually hired back to conduct subsequent elections.

## III. STATE PLAN REQUIRED ELEMENTS (HAVA §254)

### A. 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.*

#### 1. 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. |



**NOTE:** American Samoa's State Plan as presented herein is limited to the extent local appropriations are made available and based on the assumption that adequate federal funding will be appropriated. American Samoa intends to fully comply with HAVA; however, if adequate federal funding is not made available, the manner in which the funds are dedicated may be altered from the information contained in this State Plan.

| Section 301(a) Voting Systems Standards | Status | | | Implementation |
|---|---|---|---|---|
| | Meets Requirement | Meets Requirement Partially | New Capability to be Implemented | |
| (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. |



| Section 301(a) Voting Systems Standards | Status | | | Implementation |
|---|---|---|---|---|
| | Meets Requirement | Meets Requirement Partially | New Capability to be Implemented | |
| (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 |

| Section 301(a) Voting Systems Standards | Status | | | Implementation |
|---|---|---|---|---|
| | Meets Requirement | Meets Requirement Partially | New Capability to be Implemented | |
| | | | | 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).* |



## 2. Provisional Voting & Voting Information Requirements

The chart below takes each of the Provisional Voting and Voting Information requirements and describes American Samoa's plan to meet the requirement.

| Section 302 Provisional Voting & Voting Information Requirements | Status | | | Implementation |
|---|---|---|---|---|
| | Meets Requirement | Meets Requirement Partially | New Capability to be Implemented | |
| (a) PROVISIONAL VOTING REQUIREMENTS – If an individual declares that such individual is a registered voter in the jurisdiction in which the individual desires to vote and that the individual is eligible to vote in an election for Federal office, but the name of the individual does not appear on the official list of eligible voters for the polling place or an election official asserts that the individual shall be permitted to cast a provisional ballot as follows: | | | | |
| (1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election. | YES | | | American Samoa meets this requirement. If the name of any voter is not found on the polling place voter registration list, an election official will contact the Central Election Office to search the voter registration database to determine if the individual is registered to vote. If the voter's name is not in the voter registration system, the voter is allowed to cast a ballot, which is sealed and marked for a later eligibility determination. |
| (2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation by the individual before an election official at the polling place stating that the individual is (a) registered voter in the jurisdiction in which the individual desires to vote; and (b) eligible to vote in that | YES | | | American Samoa meets this requirement. See section a(1) above. |

| Section 302 Provisional Voting & Voting Information Requirements | Status | | | Implementation |
|---|---|---|---|---|
| | Meets Requirement | Meets Requirement Partially | New Capability to be Implemented | |
| election. | | | | |
| (3) An election official at the polling place shall transmit the ballot cast by the individual or the voter information contained in the written affirmation executed by the individual under paragraph (2) to an appropriate State or local election official for prompt verification under paragraph (4). | YES | | | All provisional ballots are submitted forthwith to the Board of Registration for determination. The Board sits on the day of every Territorial and Federal election. |
| (4) If the appropriate State or local election official to whom the ballot or voter information is transmitted under paragraph (3) determines that the individual is eligible under State law to vote, the individual's provisional ballot shall be counted as a vote in that election in accordance with State law. | YES | | | If the Board of Registration determines that the individual is eligible under American Samoa law to vote, the individual's provisional ballot shall be counted as a vote in that election. |
| (5)(A) At the time that an individual casts a provisional ballot, the appropriate State or local election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain under the system established under subparagraph (B) whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted. | YES | | | American Samoa meets this requirement. This information is provided to all voters in the AS "voter information" educational pamphlets. |
| (B) The appropriate State or local election official shall establish a free access system (such as a toll-free telephone number or an Internet website) that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted. | YES | | | A toll-free telephone number is activated in order for individuals to find out whether their vote was counted and if not counted, the reason therefore. |
| (b) VOTING INFORMATION REQUIREMENTS- | | | | |



| Section 302 Provisional Voting & Voting Information Requirements | Status | | | Implementation |
|---|---|---|---|---|
| | Meets Requirement | Meets Requirement Partially | New Capability to be Implemented | |
| (1) PUBLIC POSTING ON ELECTION DAY – The appropriate State or local election official shall cause voting information to be publicly posted at each polling place on the day of each election for Federal office. | YES | | | American Samoa meets this requirement. All voter information is posted at each polling station on the day of all elections |
| (2) VOTING INFORMATION DEFINED – In this section, the term "voting information" means- | | | | |
| (A) a sample version of the ballot that will be used for that election; | YES | | | American Samoa meets this requirement. Election officials at each polling station are required to display a sample ballot of each respective office. |
| (B) information regarding the date of the election and the hours during which polling places will be open; | YES | | | American Samoa meets this requirement. AS law requires that the Chief Election Officer issue a proclamation that provides this information. |
| (C) instructions for how to vote, including how to cast a vote and how to cast a provisional ballot; | YES | | | American Samoa meets this requirement. This information is provided to all voters in the AS "voter information" educational pamphlet. |
| (D) instructions for mail-in registrants and first-time voters under section 303(b); | YES | | | American Samoa meets this requirement. This information is provided to all voters in the AS "voter information" educational pamphlet. |
| (E) general information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and | YES | | | American Samoa meets this requirement. This information is provided to all voters in the AS "voter information" educational pamphlet. |
| (F) general information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentations. | YES | | | American Samoa meets this requirement. This information is provided to all voters in the AS "voter information" educational pamphlet. |

| Section 302 Provisional Voting & Voting Information Requirements | Status | | | Implementation |
|---|---|---|---|---|
| | Meets Requirement | Meets Requirement Partially | New Capability to be Implemented | |
| (c) VOTERS WHO VOTE AFTER THE POLLS CLOSE – Any individual who votes in an election for Federal office as a result of a Federal or State court order or any other order extending the time established for closing the polls by a State law in effect 10 days before the date of that election may only vote in that election by casting as provisional ballot under subsection (a). Any such ballot cast under the preceding sentence shall be separated and held apart from other provisional ballots cast by those not affected by the order. | YES | | | American Samoa will comply with all court procedures for provisional ballots cast by voters in accordance with any court order extending the time established for closing the polls. |

### 3. 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 | 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 |



| 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 | |
| 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: | | | | 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 | YES | | | American Samoa meets this 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 | |
| information as described in clause (vi). | | | | |
| (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. |



| 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 | |
| (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. |

| 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 | |
| (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 | YES | | | American Samoa law requires full Social Security number and does not accept the |



| Section 303 Computerized Territory-wide Voter Registration List & Voters Who Register by Mail | Status | | | Implementation |
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| | Meets Requirement | Meets Requirement Partially | New Capability to be Implemented | |
| license, the applicant's driver's license number; or | | | | 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.<br><br>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 | | | | Not applicable in American Samoa because the entire social security number is required, and thus the Territory falls under (D) Special |

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|---|---|---|---|---|
| | Meets Requirement | Meets Requirement Partially | New Capability to be Implemented | |
| 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. | | | | 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 | | | | |



| 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 | |
| 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 |

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|---|---|---|---|---|
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| | | | | 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. |



| Section 303 Computerized Territory-wide Voter Registration List & Voters Who Register by Mail | Status | | | Implementation |
|---|---|---|---|---|
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| (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. |

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|---|---|---|---|---|
| | Meets Requirement | Meets Requirement Partially | New Capability to be Implemented | |
| (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 | | | | |



| 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 | |
| purposes of section 7 of the Privacy Act of 1974 (5 U.S.C. 522a note). | | | | |
| (d) EFFECTIVE DATE - | | | | |

## 4. MINIMUM REQUIREMENTS

**Section 304**. Minimum Requirements: "The requirements established by this title are minimum requirements and nothing in this title shall be construed to prevent a State from establishing election technology and administration requirements that are more strict than the requirements established under this title so long as such State requirements are not inconsistent with the Federal requirements under this title or any law described in section 906."

**Implementation**: American Samoa understands that the requirements in HAVA Title III are minimum requirements and that American Samoa may establish election technology and administration requirements that are more stringent. Any more stringent requirement that American Samoa imposes will comply with Title III requirements, as well as the laws described in HAVA § 906.

## 5. METHODS OF IMPLEMENTATION LEFT TO DISCRETION OF STATE

**Section 305**. Methods of Implementation Left to Discretion of State: "The specific choices on the methods of complying with the requirements of this title shall be left to the discretion of the State."

**Implementation**: American Samoa chose various means to comply with the requirements of HAVA Title III. Specific details on the implementation methodology chosen can be found in the foregoing subsections 1 through 3 above.

## 6. OTHER ACTIVITIES TO IMPROVE THE ADMINISTRATION OF ELECTIONS

**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-

(A) the State has implemented the requirements of title III; *or*

(B) 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:



a. Development of Staff

Because the Election Office staff does not have readily available access to continuing professional education and contact with other election administrators in the U.S., requirements payments are used to support training of American Samoa election staff.

b. Assure Access for Individuals with Disabilities

The Election Office, in conjunction with the Office of Protection and Advocacy for the Disabled (OPAD), University Center for Excellence for the Developmental Disabilities/American Samoa Community College (ASCC) and the American Samoa Developmental Disabilities Council shall continue to meet the objectives of the plan developed pursuant to §261 of HAVA. The plan calls for the following:

* Ensure that all polling places are accessible.

* Provide territory-wide training to voters with full range of disabilities, and utilizing trainers with disabilities, to embrace privacy and independence in the voting process.

* Develop and implement training curricula and educational materials for election officials and polling station officials.

* Provide individuals with the full range of disabilities with information about the accessibility of the polling places.

Requirements payments have been used to provide a project coordinator for program development, implementation, and territory-wide coordination of this project. As detailed in section K of this State Plan, this same individual has other HAVA-related responsibilities.

Requirements payments will also be used for equipment, materials, and supplies to assure accessibility to the polling place for individuals with disabilities.

c. Central Election Office Relocation

In order to improve the administration of elections, American Samoa's Central Election Office must be expanded to make classroom space for voter education and election official training, expand walkways and

hallways, and construct elevators or ramps for easier access by voters with disabilities, provide additional parking for better access by voters, and make such other physical changes necessary to comply with title III requirements of the Act.

American Samoa's current Central Election Office is located in the eastern portion of the main island of Tutuila. It is housed in a 2-story structure (with another local government agency), which is a converted multi-unit residential building that was built in the 1960s. The building is constructed of mostly lumber, and, given American Samoa's tropical weather, may not be able to withstand continued termite infestation or tropical hurricanes. In addition, the building's architectural long and narrow design make it difficult for disabled voters to access. Parking is limited, and the building is so close to the main highway that traffic jams are not uncommon when voter registration deadlines approach. Further, the land is limited at the current location, that expanding the parking lot cannot be done without building an expensive multi-story parking structure.

Given the state of the current Election Office building, it is more cost-effective to relocate American Samoa's Central Election Office to a new location rather than refit its current location. The American Samoa Government has assigned a parcel of land in the central most populated part of American Samoa for this purpose. The new building that is envisioned will have a capacity of approximately 5,000 square feet. It will be constructed to withstand Category 5 hurricanes or cyclones. On-going voter registration and voter education programs will be conducted at this location. There will be a large open area in the building to conduct training for election officials, and to serve as the on-island absentee (early) polling station during elections. The building will be equipped to serve all disabled voters. The assigned parcel of land is along the main highway, but is set back to allow for the development of ample parking and to prevent traffic jams. It will contain a vault-like room to centralize the storage of all manual records and files for the Territory's eligible (and previously-eligible) voters. All equipment necessary to maintain the computerized territory-wide voter registration list will be housed at this new center. In addition, for security purposes, this new election center will be less than half a mile from the proposed site of the Territorial Office of Homeland Security and less than a quarter of a mile from the police substation serving that area of the Territory.





**B. DISTRIBUTION OF REQUIREMENTS PAYMENTS & ELIGIBILITY FOR DISTRIBUTION**

*How American Samoa will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the Territory for carrying out the activities described in "A. Meeting Title III Requirements and Other Activities," including a description of the criteria to be used to determine the eligibility of such units or entities for receiving payment; and the methods to be used by the State or Territory to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under §254(a)(8).*

All elections and related activities in American Samoa are conducted by the Election Office. No units of local government or any other entity are authorized to conduct elections within the Territory. Therefore, the Election Office will be managing and monitoring the performance of activities funded by the requirements payments. The Election Office will also be accountable for all expenditures, funding levels, program controls, and outcomes. All applicable local and procurement laws regarding the use of the requirements payments will be followed.

**C. VOTER EDUCATION, ELECTION OFFICIAL AND POLL WORKER TRAINING**

*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
* their rights as voters.

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 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.

**D. VOTING SYSTEM GUIDELINES AND PROCESS**

*How American Samoa will adopt voting system guidelines and processes, which are consistent with the requirements of § 301.*

As outlined in Section A, "Meeting Title III Requirements and Other Activities", American Samoa law specifies the voting system (i.e. paper ballots) and the manner in which the votes must be counted and certified. The Election Office administers this system consistent with the requirements of § 301.

**E. AMERICAN SAMOA'S HAVA FUND MANAGEMENT**

*How will American Samoa establish a fund described in subsection (b) for purposes of administering the Territory's activities under this part, including information on fund management.*

At the request of the Election Office, the Department of Treasury has created an account into which Section 101 funds were deposited. The same arrangement has been established for requirements payments that have been received. Unless waived, the 5% match will also be deposited into this latter account. Unspent federal funds in this latter account will be set-aside in the Section 101 fund for payment of long-term costs of complying with HAVA.

The Election Office continues to work with the Office of Planning and Budget, and the Department of Treasury to follow and enforce all mandated fiscal controls and policies.



**F. AMERICAN SAMOA'S PROPOSED BUDGET**

*American Samoa's budget for activities under this part, based on the Territory's best estimates of the costs of such activities and the amount of funds to be made available, including (A) specific information on the costs of the activities required to be carried out to meet the requirements of Title III; (B) the portion of the requirements payment which will be used to carry out activities to meet such requirements; and (C) the portion of the requirements payment which will be used to carry out other activities.*

The attached table outlines American Samoa's budget, actual expenditures, and left over balance. (See Attachment A)

**G. MAINTENANCE OF EFFORT**

*How American Samoa, in using the requirements payment, will maintain the expenditures of the Territory for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State or Territory for the fiscal year ending prior to November 2000.*

Consistent with HAVA § 254(a)(7), in using any requirements payment, American Samoa maintains expenditures for activities funded by the payment at a level equal to or greater than the level of such expenditures in FY 2000 – a total of $250,000.

**H. HAVA PERFORMANCE GOALS AND MEASURES**

*How American Samoa will adopt performance goals and measures that will be used by it to determine its success and the success of units of local government in the Territory in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the Territory will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met.*

American Samoa continues to establish performance goals and institute a process to measure progress toward the achievement of these goals. This process will provide the structure and continued measurable targets for accomplishment.

As detailed in this State Plan, the Election Office has established a position and hired an individual to oversee continuous management of the State Plan. This individual is responsible for developing and monitoring a uniform performance evaluation process. In measuring progress, original goals and objectives need to be revisited, and adjustments need to be made where appropriate.

## I. STATE/TERRITORY-BASED ADMINISTRATIVE COMPLAINT PROCEDURES

*A description of the uniform, nondiscriminatory Territory-based administrative complaint procedures in effect under § 402. Deadline for compliance: Prior to certification of State Plan, but no later than January 1, 2004; no waiver permitted.*

American Samoa has developed administrative regulations to establish the required procedure to address complaints revolving around election issues. The nature of the complaints will be restricted to suspected violations of HAVA Title III and therefore pertain to the processes of voter registration, voting and election reporting. These regulations constitute a new chapter that are part of the administrative regulations governing elections, contained in Title 3 of the American Samoa Administrative Code.

These regulations satisfy the requirements of HAVA §402 by providing a uniform and nondiscriminatory complaint procedure. Under these procedures, any person who believes that there has been a violation of HAVA Title III may file a complaint. The complaint must be in writing, sworn and notarized. At the complainant's request, there will be a hearing on the record.

If there is a finding that a violation occurred or is occurring, an appropriate remedy shall be provided. Appropriate remedy will not include financial payments to complainants or civil penalties for election officials, even if it is determined that a violation of Title III has occurred. Remedies may include written findings that a violation of Title III has occurred, strategies for insuring that the violation does not re-occur, and, if it appears that the complaint is systemic, possible actions by the Election Office to eliminate or prevent future incidences.

If there is no violation, the complaint will be dismissed and the results will be published. A final determination on a complaint must be made within 90 days, and if this deadline cannot be met, the complaint will proceed under alternative dispute resolution procedures.

The administrative regulations were adopted pursuant to the Administrative Procedures Act, ASCA §4.1001 et seq.

Requirements funding will be used for the hearings requirement of this section.

## J. EFFECT OF TITLE I PAYMENTS

*A description of how American Samoa's payment under Title I will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities.*

The Territory of American Samoa received $1,000,000.00 in Title I payments.





1. §101 – Payments for activities to improve administration of elections.

American Samoa received $1,000,000.00 under §101. A substantial portion of these funds have been expended as follows (See also Attachment A):

a. Complying with Title III - The Election Office used funds under this category to hire three individuals, a HAVA coordinator responsible for the development and management of all HAVA programs, a HAVA outreach staff member responsible for the coordination of outreach programs through radio, television, and newspapers, and a computer programmer responsible for the coordination of American Samoa's database program, including but not limited to the continuous implementation of a "single, uniform, official, centralized, interactive computerized territorial-wide voter registration list". Funds were also utilized for consultant fees associated with the initial development, updating and filing of American Samoa's State plans as well as establishing and implementing a provisional voting process. The Election Office also purchased new computer hardware and software as well as other systems components to support its voter registration database.

b. Voter Education - The Election Office utilized funds under this category to conduct voter education regarding voting procedures, voting rights, and all other related HAVA voting subjects. Programs were developed and implemented via several mediums, including but not limited to local television and radio. Election pamphlets and brochures were also developed, printed and distributed throughout the Territory.

c. Training Election Officials & Poll Worker - The Election Office used funds under this category to conduct election officials' training approximately 45 days prior to each election day. Training is then conducted for polling place teams up until the day of election.

d. Election Complaints Hotlines - The Election Office developed election complaints hotlines, expending funds on the cost of the installation and monthly recurring costs for local telephone lines as well as other associated costs.

**Table of Expenditures Paid with Section 101 funds**

| Description | 2003-2006 Prelim. Budget | Actual Funding Rcv'd | Actual Expenditures |
|---|---|---|---|
| Election Improvement | $1,000,000 | $1,000,000 | |
| - Title III Compliance | | | $200,000 |
| - Voter Education | | | 125,000 |
| - Training Officials/Poll Watchers | | | 125,000 |
| - Election Hotlines | | | 78,000 |
| **TOTAL** | **$1,000,000** | **$1,000,000** | **$528,000** |

**Table of Expenditures by object class (i.e. salaries, equipment, contractual services) Paid with Section 101 Funds**

| Object Class | Estimated Expenditures |
|---|---|
| Personnel | $101,000 |
| Supplies | 73,000 |
| Contract Services | 114,000 |
| Travel | 67,000 |
| Equipment | 134,000 |
| Other Expenses | 39,000 |
| **TOTAL EXPENDITURES:** | **$528,000** |

*As of September 30, 2005, no Section 251 funds have been expended. However, because American Samoa received Section 101 funds first, American Samoa utilized this fund towards the accomplishment of most of the spending categories outlined under Section 251 funds and has reprogrammed Section 251 funds for other activities. (See Attachment A)

2. §102 – Replacement of punch card or lever voting machines.

American Samoa did not apply for, and therefore did not receive, funding under §102.



## K. AMERICAN SAMOA'S HAVA STATE PLAN MANAGEMENT

*How American Samoa will conduct ongoing management of the plan, except that the State or Territory may not make any material change in the administration of the plan unless the change (A) is developed and published in the Federal Register in accordance with §255 in the same manner as the State Plan;(B) is subject to public notice and comment in accordance with §256 in the same manner as the State Plan; and (C) takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register.*

The success of future elections will depend on sound and responsible management of the State Plan. Due to the complexity of HAVA and the potential variety of projects it encompasses, American Samoa has established a position and hired an individual to oversee all HAVA-related activities. This individual conducts ongoing management of the State Plan, including project planning (for all HAVA-related and other election reform projects) and establishing and implementing program management standards (i.e. performance measures, review and approval processes, issue/risk management, etc.). This same individual is also responsible for other election functions, including: budget and fiscal, personnel, office support functions, and HAVA accounting requirements.

## L. CHANGES TO STATE PLAN FROM PREVIOUS FISCAL YEAR

*A description of how this State plan reflects changes from American Samoa's preliminary State plan and how American Samoa succeeded in carrying out the state plan for such previous fiscal year.*

The major change in this State plan from American Samoa's preliminary State plan is the incorporation in the plan of the relocation of the Central Election Office and the revision of the budget to provide for this relocation. In order to improve the administration of elections, American Samoa's Central Election Office must be expanded to make classroom space for voter education and election official training, expand walkways and hallways, and construct elevators or ramps for easier access by voters with disabilities, provide additional parking for better access by voters, and make such other physical changes necessary to comply with title III requirements.

It should also be noted that American Samoa's preliminary State plan's HAVA Estimated Budget for Fiscal Years 2003 through 2006 estimated the receipt of funds totaling $2,430,000. However, American Samoa received approximately $110,639 less in actual Section 251 funds for a total of $2,319,361. This updated State plan budget has made the necessary reduction in its budget to reflect this decrease in the actual amount of Section 251 funds received.

As described in this Plan, American Samoa has succeeded in implementing title III requirements and continues to implement all the goals set forth in its preliminary State plan.

[FR Doc. 06–5774 Filed 6–28–06; 8:45 am]
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## M. STATE PLAN DEVELOPMENT AND COMMITTEE

*A description of the committee which participated in the development of the state plan in accordance with §255, and the procedures followed by the committee under §§255 and 256.*

American Samoa's State plan development committee consists of individuals who are familiar with the election process in American Samoa. They are:

-Executive Director, American Samoa Developmental Disabilities Council

-Legal Counsel to the Governor

-Deputy Chief Election Officer

-Representative, American Samoa Bar Association

This State plan was drafted under the direction of the Chief Election Officer. The committee reviewed and then distributed the preliminary draft to the public to receive input and feedback. The statements received were taken into consideration in finalizing this Plan.

The committee intends to meet at least twice a year to review any supplements and/or modifications to this State plan that the HAVA coordinator (who is identified in the foregoing section K) develops.



# ATTACHMENT A

## HAVA PROPOSED BUDGET BY FUND

| Description | Prelim Budget '03-'06 | Funding Rcv'd '03-'06 | Updated Budget '03-'06 | Actual Spending '03-'05 | Residual Funds FY 2006 |
|---|---|---|---|---|---|
| **Title I Requirements (§ 101)** | | 1,000,000 | | | |
| Improve the Administration of Elections | 1,000,000 | | | | |
| Title III Compliance | 0 | | 200,000 | 200,000 | 0 |
| Voter Education | 0 | | 275,000 | 125,000 | 150,000 |
| Training Poll-workers/officials | 0 | | 375,000 | 125,000 | 250,000 |
| Election Hotlines/transportation | 0 | | 150,000 | 78,000 | 72,000 |
| **Sub-total** | **1,000,000** | **1,000,000** | **1,000,000** | **528,000** | **472,000** |
| | | | | | |
| **Title III Requirements & Other Activities (§251)** | | **2,319,361** | | | |
| Voting System Standards (§301) | 350,000 | | 200,000 | 0 | 200,000 |
| Provisional Voting (§302) | 225,000 | | 200,000 | 0 | 200,000 |
| Voter Registration System (§303) | 450,000 | | 300,000 | 0 | 300,000 |
| **Other Election Activities** | | | | | |
| Election Office Relocation | 0 | | 1,219,361 | 0 | 1,219,361 |
| Voter Education | 255,000 | | 0 | 0 | 0 |
| Election Official & Poll Worker Training | 250,000 | | 0 | 0 | 0 |
| HAVA Oversight & Reporting | 150,000 | | 100,000 | 0 | 100,000 |
| Overall Management | | | | | |
| State Plan Committee meetings | 30,000 | | 30,000 | 0 | 30,000 |
| Hearings on adoption of HAVA Performance Goals & Measures | 120,000 | | 20,000 | 0 | 20,000 |
| Election Administration – design & production of new forms, translation, etc. | 450,000 | | 200,000 | 0 | 200,000 |
| Complaint Procedure (Section 402) | 150,000 | | 50,000 | 0 | 50,000 |
| **Sub-total** | **2,430,000** | **2,319,361** | **2,319,361** | **0** | **2,319,361** |
| **GRAND TOTAL** | **3,430,000** | **3,319,361** | **3,319,361** | **528,000** | **2,791,361** |