

THE THIRTY-SIXTH LEGISLATURE OF AMERICAN SAMOA

Fourth Regular Session

Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the thirteenth day of July
two thousand and twenty

AN ACT PROVIDING THE ADDITION OF ELEGIBLE ELECTORS WHO MAY
VOTE ABSENTEE AND CAST A BALLOT FOR THE NOVEMBER 3, 2020,
ELECTIONS; AMENDING SECTION 6.1101 A.S.C.A.

Preamble:

WHEREAS, on March 27, 2020, Governor Lolo M. Moliga wrote to Hawaiian Airlines and requested that the airlines immediately cease operations between Hawaii and the Territory. In his letter, the governor cited that the Territory was not prepared to confront the spread of the virus should it make it to our shores. The following day, the airlines announced that it would honor the governor's request; and

WHEREAS, since the halting of flights in March, the airline has continued to halt its flights, except for a charter flight which uplifted residents needing to leave the Territory for medical reasons and to repatriate persons who were stranded on island due to the border closure; and

WHEREAS, it has been 5 months since flights were halted and a new issue has arisen from the border closure. There remains less than 3 months until the general elections for governor and lieutenant governor, members of the House of Representatives, and our delegate to the U.S. Congress. There is believed to be more than 500 residents requesting to return and many of them are registered voters. The qualified voters have a right to vote in elections, and, so that the border closure does not inadvertently disenfranchise those stranded off-island, the government must prepare a process for them to vote by mail.

The government has a responsibility to protect the voting rights of residents and shall not act to limit access to this inalienable right when alternatives exist. The bill grants the authority to voting officials and the government to provide ballots to those who have become unqualified to vote absentee because government action prevents their ability to vote in-person.

This bill shall have an early effective date and become law upon passage by the Legislature and approval by the Governor.

BE IT ENCTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 6.1101 shall be amended to read:

“6.1101 Who may vote by absentee ballot.

(a) Any qualified elector who will be unable to appear at his polling place during the hours of voting at any election because of absence from the Territory, or district in which he is registered may cause his vote to be cast by absentee ballot subject to this chapter.

(b) Any qualified elector covered by this section shall be entitled and enabled to vote in a manner as may be prescribed by rules adopted by the Chief Election Officer; provided, that any qualified elector who by reason of physical disability is unable to mark his ballot shall be authorized to receive assistance in marking it.

(c) Any qualified elector competent to vote at any election shall be allowed to vote under this section if he falls in the following categories:

(1) absent from the Territory on election day because he is:

(i) employed in the service of the U.S. Government;

(ii) employed in the service of the American Samoa Government;

(iii) a student at an institution of learning;

(iv) an absent uniformed services voter; or

(v) an overseas voter voting in the election for Delegate for the U.S. House of Representatives; or

(vi) only for the elections of November 3, 2020, a qualified elector, who would have otherwise been able to vote in person, but by action of the government was caused to be absent from the Territory and unable to cast a ballot in person.

(2) temporarily absent from the Territory on election day because of:

(i) travel for medical treatment;

(ii) travel for military-related assignments;

(iii) travel for employment-related training, conference or assignments; or

(iv) vacation.

(3) present in the Territory but absent from the district on election day because of:

(i) confinement in any hospital;

(ii) confinement in any public institution;

(iii) confinement at home because of illness or physical disability which will prevent him from attending the polls;

(iv) any religious belief, ruling, doctrine, or standard which will prevent him from attending the polls; or

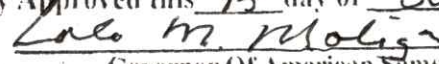
(v) employment as an election official on election day.”

Sec 2. Effective date.

This bill shall become effective immediately upon passage by the Legislature and approval by the Governor.


GAOTEOTE PALAIE TOFAU
President of the Senate


SAVALI TALAVOU ALE
Speaker, House of Representatives

Hereby Approved this 15 day of OCTOBER 20 20

Governor Of American Samoa

NOFOAIGA TOLUSEFULU-ONO FONOFAITULAFONO AMERIKA SAMOA

Fono Tele Lona Fā

Nofolia ma usuia i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso sefulutolu o Iulai
Lua afe luasefulu

O SE TULAFONO E FAAOPOOPO AI TAGATA UA AGAVAA E PALOTA MAI
FAFO MO NA O LE PALOTAGA LAVA IA NOVEMA 3, 2020; SUIA AI LE MAGA
6.1101 T.T.A.S.

Faatomuaga:

TALUAI, o Mati 27, 2020 na tusi ai le Afioga i le Kovana, Lolo M. Moliga, i le
Hawaiiin Air ma talosaga ai le vaalele ina ia taofia malaga i le vā o Hawaii
ma le Teritori. I lana tusi, sa ta'ua ai e le Kovana e le i saunia le Teritori e
feagai ai ma le pesi o le COVID-19 pe afai ae oo mai. O le aso lava na
sosoo ai na faasalalau mai ai e le vaalele le taliaina o le talosaga a le
kovana; ma

TALUAI, talu mai le taofia o malaga ia Mati, ua le toe i ai lava ni malaga, vagana ai
le togipau lea na ave ai i latou na moomia ona tuua o le Teritori ona o
gasegase ma le faafoiina atu o tagata na taofia ai ona ua tapunia malaga; ma

TALUAI, ua atoa nei le 5 masina talu ona le toe i ai ni malaga, ma ua tulai mai ai foi
ma se mea fou ona o le tapunia o tua'oi. O loo totoe pea le 3 masina faato'a
oo i palotaga mo le kovana ma le lutena kovana, o le Maota o Sui ma le sui
faipule i le Konekeresi. E i ai le talitonuga e silia i le to'a 500 tagata nuu o
loo talosaga e fia foi mai ma o le toatele o latou o tagata ua uma ona lesitala
e palota. O tagata nei e i ai lo latou aia e palota ai, ma e tatau lava i le malo
ona saunia o se faiga e palota mai ai tagata nei ma lafo mai i le meli le latou
palota, ina ia aua ai nei ave le tapunia o tua'oi ma ala o le a le mafai ai ona
palota.

E i ai le matafaioi a le malo e puipui le aia palota o tagatanuu ma e le tatau ona
faatapulaaina lo latou fa'aaoga o le aia e palota ai, a o lea o loo i ai le isi auala e fai ai. O
le pili lenei e tuuina atu ai le pule i ofisa fai palota ma le malo e faaoo atu ai pepa palota
ia i latou ua le mafai ona palota mai fafo, ona ua taofia i se gaoioiga a le malo lo latou
mafai ona oo mai e faia le latou palota.

O lenei pili o le a taualoaina vave ma faatulafonoina i le taimi e pasia ai e le
Fonofaitulafono ma faamaonia e le Kovana.

IA FAATULAFONOINA E LE FONOFAITULAFONO A AMERIKA SAMOA:

Maga 1. 6.1101 o le a suia e faitauina faapea:

“6.1101 O ai e mafai ona palota pe a le auai mai.

(a) Soo se tagata agavaa e palota ae le mafai ona oo atu i le falepalota i le itula o le palotaga i soo se faigapalota ona o loo i fafo mai le Teritori, poo le itumalo foi o loo lesitala ai ua mafua ai ona fai o lana palota ae le o auai ai, e tusa ai ma lenei mataupu.

(e) Soo se tagata agavaa e palota e aafia i le maga lenei e mafai ma ua faagavaaina i se auala e tusa ai ma tulafonofono galue ua faaogaina e le Ofisa Sili Fai Palota; pe afai, o le tagata agavaa e palota e maua i se gasegase o le tino e le mafai ai e ia ona maka lana palota, e faataga ona i ai se tasi e fesoasoani ia te ia e maka lana pepa palota.

(i) Soo se tagata agavaa e palota e mafai ona palota i soo se palotaga e faatagaina e palota i lalo o le maga lenei pe afai e ap’u i se tasi o vaega nei o le a ta’ua:

(1) o loo i fafo ma le Teritori ona o mafuaga nei:

(i) faigaluega imo le Malo o le Iunaite Setete

(ii) faigaluega mo le Malo o Amerika Samoa

(iii) A’oga i se a’oga i fafo

(iv) o se tagata palota i vaega’au; poo

(v) o se tagata palota i fafo ae palota mo le Faipule i le Maota o Sui o le

Konekeresi; poo

(vi) mo na o le palotaga lava ia Novema 3, 2020, o se tagata agavaa e palota, na semanu e mafai lava ona auai i le palotaga, ae ona o gaoioiga a le malo na mafua ai ona to’esea mai le Teritori ma ua le mafai ai ona auai i le palota.

(2) ua toesea mo se taimi le tumau i le aso o le palota ona o mafuaga nei:

(i) mlaga mo togafitiga tau falemai

(ii) malaga ona o se tofiga faamiliteli;

(iii) malaga mo se toleni mo galuega, fono, poo se faatonuga tau galuega;

poo

(iv) se tafaoga

(3) o loo i totonu o le Teritori ae le o i lona itumalo palota i le aso o le palota ona o mafuaga nei:

(i) taofia i se falemai;

(ii) taofia i totonu o soo se nofoaga faitele/malo

(iii) taofia i le fale ona o se gasegase poo se afaina i le tino e le mafai ai ona oo atu i le falepalota; poo

(iv) se talitonuga faalelotu, o se faaiuga, o se a’oa’oga, poo se tulaga lava e le mafai ai ona oo atu i le falepalota; poo

(v) galue o se ofisa fai palota i le aso o le palota.”

Maga 2 Aso e taualoa ai.

O lenei pili e taualoa lava i le taimi e pasia ai e le Fonofaitulafono ma faamaonia e le Kovana.



GAOTEOTE PALAIE TOFAU
Peresetene, Maota Maua'uga



SAVALI TALAVOU ALE
Fofoga Fetai, Maota o Sui

Hereby Approved this 15 day of OCTOBER 2020
Lola M. Maliga
Governor Of American Samoa