

107TH CONGRESS
1ST SESSION

H. R. 3576

To provide that American Samoa hold a primary election when more than 2 eligible individuals file for candidacy to be elected to the office of Delegate representing American Samoa in the United States House of Representatives, and to provide that active duty members of the military be able to fully participate in Federal elections in American Samoa.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 20, 2001

Mr. FALEOMAVAEGA introduced the following bill; which was referred to the Committee on Resources

A BILL

To provide that American Samoa hold a primary election when more than 2 eligible individuals file for candidacy to be elected to the office of Delegate representing American Samoa in the United States House of Representatives, and to provide that active duty members of the military be able to fully participate in Federal elections in American Samoa.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 Congress finds the following:

1 (1) It is in the national interest that all citi-
2 zens, including active-duty service members, be al-
3 lowed to vote in Federal elections.

4 (2) Since 1977, active-duty service members
5 serving overseas or on the United States mainland
6 have been excluded from fully participating and vot-
7 ing in both general and runoff Federal elections in
8 American Samoa due to several factors, including
9 local law that requires active duty military members
10 to register in person, limited air and mail service be-
11 tween the U.S. mainland and American Samoa, and
12 delays in the preparation of new ballots in the case
13 of runoff elections.

14 (3) American Samoa law requiring uniformed
15 service voters to register to vote in person is con-
16 trary to the Uniformed and Overseas Citizens Ab-
17 sentee Voting Act (42 U.S.C. 1973ff et seq.).

18 (4) The Uniformed and Overseas Citizens Ab-
19 sentee Voting Act has been in effect for over 15
20 years, and American Samoa has not addressed this
21 discrepancy between Federal and territorial law, de-
22 spite notice that the discrepancy exists.

23 (5) It is necessary to take additional action to
24 ensure that the votes of uniformed voters are count-
25 ed in Federal elections conducted in American

1 Samoa and that active duty service members (in-
2 cluding reservists called to active duty) do not need
3 to appear in person to register to vote.

4 (6) It is necessary to state that the Uniformed
5 and Overseas Citizens Absentee Voting Act super-
6 sedes American Samoa law and American Samoa
7 must comply with this Federal law.

8 (7) It is also in the national interest that, to
9 the extent possible, Members of the United States
10 House of Representatives and non-voting Delegates
11 be elected in the first week of November in even-
12 numbered years.

13 (8) Since 1980, when the first election for the
14 Congressional Delegate from American Samoa was
15 held, there have been several general elections at
16 which there was no final resolution of who was elect-
17 ed as the Delegate for the next Congress, and run-
18 off elections were required.

19 (9) When the outcome of the Delegate election
20 is not resolved until a runoff election is held, a final
21 determination of who the Delegate will be is not
22 made known until late November.

23 (10) A delayed outcome may place a newly
24 elected Delegate in a more junior position to other
25 Members of Congress elected on the first Tuesday

1 after the first Monday of November in an election
2 year.

3 (11) When more than 2 candidates file to run
4 for election for the office of Delegate, holding a pri-
5 mary election to reduce the number of candidates to
6 2 will greatly increase the likelihood that the general
7 election will produce a candidate who receives a ma-
8 jority of the votes cast.

9 **SEC. 2. PRIMARY ELECTION REQUIRED.**

10 Section 2(a) of the Act entitled “An Act to provide
11 that the Territory of American Samoa be represented by
12 a nonvoting Delegate to the United States House of Rep-
13 resentatives, and for other purposes”, approved October
14 31, 1978 (48 U.S.C. 1732(a)) is amended—

15 (1) by inserting “(1)” after “(a)”; and

16 (2) by adding at the end the following new
17 paragraphs:

18 “(2) In any general election year when 3 or more eli-
19 gible individuals file by the first Tuesday of July as can-
20 didates for the office of Delegate, a primary election shall
21 be held on the first Tuesday of August of that general
22 election year. If the primary election results in 1 candidate
23 receiving more than 50 percent of the votes cast, then that
24 candidate shall be the only candidate on the ballot for the
25 general election for Delegate that year. If the primary

1 election results in no candidate receiving more than 50
2 percent of the votes cast, then the 2 candidates receiving
3 the most votes cast shall be on the ballot for the general
4 election year. If there is a tie for the 2 candidates receiving
5 the most votes, the names of the 2 candidates shall be
6 listed on the ballot for that general election year.

7 “(3) Candidates for the office of Delegate to the
8 United States House of Representatives must file their
9 candidacy not later than the first Tuesday of July each
10 year that a general election referred to in paragraph (1)
11 is scheduled to be held.”.

12 **SEC. 3. CONFORMING AMENDMENTS.**

13 Section 4 of the Act entitled “An Act to provide that
14 the Territory of American Samoa be represented by a non-
15 voting Delegate to the United States House of Represent-
16 atives, and for other purposes”, approved October 31,
17 1978 (48 U.S.C. 1734), is amended by inserting “in a
18 general Federal election” after “ties between candidates”.

19 **SEC. 4. EFFECTIVE DATE.**

20 The amendments made by this Act shall take effect
21 on January 1, 2003.

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