

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4838

To provide that active duty members of the military be able to fully participate in Federal elections in American Samoa by providing that the office of Delegate from American Samoa to the United States House of Representatives shall be elected by a plurality of the votes cast.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2002

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

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## A BILL

To provide that active duty members of the military be able to fully participate in Federal elections in American Samoa by providing that the office of Delegate from American Samoa to the United States House of Representatives shall be elected by a plurality of the votes cast.

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 qualifying  
2 active-duty service members be allowed to vote in  
3 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 run-off 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 United States mainland and American  
12 Samoa, and delays in the preparation of new ballots  
13 in the case of runoff elections.

14           (3) American Samoa law requiring uniformed  
15 and overseas voters to register to vote in person is  
16 contrary to the Uniformed and Overseas Citizens  
17 Absentee 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 active-duty service members  
25 are counted in Federal elections conducted in Amer-

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

4            (6) The Uniformed and Overseas Citizens Ab-  
5        santee Voting Act supersedes American Samoa law  
6        and American Samoa must comply with this Federal  
7        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 nonvoting 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, general elections have been held in the first  
16       week of November in even-numbered years and run-  
17       off elections have been held 2 weeks later.

18           (9) This practice of holding a run-off election 2  
19       weeks after a general election is outdated, outmoded,  
20       and deprives active duty service members of the op-  
21       portunity to participate in the Federal election proc-  
22       ess in American Samoa.

23           (10) Prior to and since September 11, 2001, it  
24       remains impossible for absentee ballots to be pre-  
25       pared and returned during a 2-week time period and

1 as a result active-duty members continue to be de-  
2 nied the right to vote in American Samoa.

3 (11) 49 states elect their Representatives to the  
4 United States House of Representatives by plurality  
5 and it is in the national interest and in the interest  
6 of active-duty service members for American Samoa  
7 to do the same.

8 **SEC. 2. PLURALITY OF VOTES REQUIRED FOR ELECTION**  
9 **OF DELEGATE.**

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); Public Law 95–556) is  
15 amended—

16 (1) by striking “majority” and inserting “plu-  
17 rality”; and

18 (2) by striking “If no candidate” and all that  
19 follows through “office of Delegate.”.

20 **SEC. 3. EFFECTIVE DATE.**

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

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