

Calendar No. 736

108TH CONGRESS
2D SESSION**H. R. 2010****[Report No. 108-377]**

IN THE SENATE OF THE UNITED STATES

JUNE 15, 2004

Received; read twice and referred to the Committee on Energy and Natural
Resources

SEPTEMBER 28, 2004

Reported by Mr. DOMENICI, without amendment

AN ACT

To protect the voting rights of members of the Armed Services in elections for the Delegate representing American Samoa in the United States House of Representatives, and for other purposes.

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:

5 (1) It is in the national interest that qualifying
6 members of the Armed Forces on active duty and

1 other overseas voters be allowed to vote in Federal
2 elections.

3 (2) Since 1980, when the first election for the
4 Congressional Delegate from American Samoa was
5 held, general elections have been held in the first
6 week of November in even-numbered years and run-
7 off elections have been held 2 weeks later.

8 (3) This practice of holding a run-off election 2
9 weeks after a general election deprives members of
10 the Armed Forces on active duty and other overseas
11 voters of the opportunity to participate in the Fed-
12 eral election process in American Samoa.

13 (4) Prior to and since September 11, 2001, and
14 due to limited air service, mail delays, and other
15 considerations, it has been and remains impossible
16 for absentee ballots to be prepared and returned
17 within a 2-week period.

18 (5) American Samoa law requiring members of
19 the Armed Forces on active duty and other overseas
20 voters to register in person also prevents participa-
21 tion in the Federal election process and is contrary
22 to the Uniformed and Overseas Citizens Absentee
23 Voting Act.

24 (6) Given that 49 states elect their Representa-
25 tives to the United States House of Representatives

by plurality, it is in the national interest for American Samoa to do the same until such time as the American Samoa Legislature establishes primary elections and declares null and void the local practice of requiring members of the Armed Forces on active duty and other overseas voters to register in person which is contrary to the federal Uniformed and Overseas Citizens Absentee Voting Act.

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

Section 2 of the Act entitled “An Act to provide that the Territory of American Samoa be represented by a non-voting Delegate to the United States House of Representatives, and for other purposes”, approved October 31, 1978 (48 U.S.C. 1732; Public Law 95–556) is amended—

(1) in subsection (a)—

(A) by striking “majority” and inserting “plurality” the first place it appears; and

(B) by striking “If no candidate” and all that follows through “office of Delegate.”; and

(2) by adding at the end the following new subsections:

“(c) ESTABLISHMENT OF PRIMARY ELECTIONS.—

The legislature of American Samoa may, but is not re-

1 quired to, provide for primary elections for the election
2 of Delegate.

3 “(d) EFFECT OF ESTABLISHMENT OF PRIMARY
4 ELECTIONS.—Notwithstanding subsection (a), if the legis-
5 lature of American Samoa provides for primary elections
6 for the election of Delegate, the Delegate shall be elected
7 by a majority of votes cast in any subsequent general elec-
8 tion for the office of Delegate for which such primary elec-
9 tions were held.”.

10 **SEC. 3. EFFECTIVE DATES.**

11 The amendments made by paragraph (1) of section
12 2 shall take effect on January 1, 2006. The amendment
13 made by paragraph (2) of section 2 shall take effect on
14 January 1, 2005.

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