

Sec.

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DELEGATE

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SUBCHAPTER I—GUAM AND VIRGIN ISLANDS

§ 1711. Delegate to House of Representatives from Guam and Virgin Islands

The territory of Guam and the territory of the Virgin Islands each shall be represented in the United States Congress by a nonvoting Delegate to the House of Representatives, elected as hereinafter provided.

(Pub. L. 92-271, § 1, Apr. 10, 1972, 86 Stat. 118.)

§ 1712. Election of delegates; majority; runoff election; vacancy; commencement of term

(a) The Delegate shall be elected by the people qualified to vote for the members of the legislature of the territory he is to represent at the general election of 1972, and thereafter at such general election every second year thereafter. The Delegate from the Virgin Islands shall be elected at large, by separate ballot and by a majority of the votes cast for the office of Delegate. The Delegate from Guam shall be elected at large and by a majority of the votes cast for the office of Delegate. If no candidate receives such majority, on the fourteenth day following such election a runoff election shall be held between the candidates receiving the highest and the second highest number of votes cast for the office of Delegate. In case of a permanent vacancy in the office of Delegate, by reason of death, resignation, or permanent disability, the office of Delegate shall remain vacant until a successor shall have been elected and qualified.

(b) The term of the Delegate shall commence on the third day of January following the date of the election.

(Pub. L. 92-271, § 2, Apr. 10, 1972, 86 Stat. 119; Pub. L. 105-209, § 1, July 29, 1998, 112 Stat. 880.)

Editorial Notes

AMENDMENTS

1998—Subsec. (a). Pub. L. 105-209 inserted “from the Virgin Islands” before “shall be elected at large” and inserted “The Delegate from Guam shall be elected at large and by a majority of the votes cast for the office of Delegate.” before “If no candidate receives such majority”.

§ 1713. Qualifications for Office of Delegate

To be eligible for the Office of Delegate a candidate must—

- (a) be at least twenty-five years of age on the date of the election,
- (b) have been a citizen of the United States for at least seven years prior to the date of the election,

(c) be an inhabitant of the territory from which he is elected, and

(d) not be, on the date of the election, a candidate for any other office.

(Pub. L. 92-271, § 3, Apr. 10, 1972, 86 Stat. 119.)

§ 1714. Territorial legislature; determination of election procedure

The legislature of each territory may determine the order of names on the ballot for election of Delegate, the method by which a special election to fill a vacancy in the office of Delegate shall be conducted, the method by which ties between candidates for the office of Delegate shall be resolved, and all other matters of local application pertaining to the election and the office of Delegate not otherwise expressly provided for herein.

(Pub. L. 92-271, § 4, Apr. 10, 1972, 86 Stat. 119.)

§ 1715. Operation of Office; House privileges; compensation, allowances, and benefits; privileges and immunities; voting in committee

The Delegate from Guam and the Delegate from the Virgin Islands shall have such privileges in the House of Representatives as may be afforded him under the Rules of the House of Representatives. Until the Rules of the House of Representatives are amended to provide otherwise, the Delegate from each territory shall receive the same compensation, allowances, and benefits as a Member of the House of Representatives, and shall be entitled to whatever privileges and immunities are, or hereinafter may be, granted to the Resident Commissioner for Puerto Rico: *Provided*, That the right to vote in committee shall be as provided by the Rules of the House of Representatives.

(Pub. L. 92-271, § 5, Apr. 10, 1972, 86 Stat. 119; Pub. L. 104-186, title II, § 224(4), Aug. 20, 1996, 110 Stat. 1752.)

Editorial Notes

AMENDMENTS

1996—Pub. L. 104-186 struck out last two provisos which read as follows: “*Provided further*, That the clerk hire allowance of each Delegate shall be a single per annum gross rate that is 60 per centum of the clerk hire allowance of a Member: *Provided further*, That the transportation expenses of each Delegate that are subject to reimbursement under section 43b of title 2 shall not exceed the cost of four round trips each year.”

SUBCHAPTER II—AMERICAN SAMOA

§ 1731. Delegate to House of Representatives from American Samoa

The Territory of American Samoa shall be represented in the United States Congress by a nonvoting Delegate to the House of Representatives, elected as hereinafter provided.

(Pub. L. 95-556, § 1, Oct. 31, 1978, 92 Stat. 2078.)

§ 1732. Election of delegates

(a) In general; plurality vote; vacancy

The Delegate shall be elected by the people qualified to vote for the popularly elected offi-

cials of the Territory of American Samoa at the general Federal election of 1980, and thereafter at such general election every second year thereafter. The Delegate shall be elected at large, by separate ballot, and by a plurality of the votes cast for the office of Delegate. In case of a permanent vacancy in the office of Delegate, by reason of death, resignation, or permanent disability, the office of Delegate shall remain vacant until a successor shall have been elected and qualified.

(b) Commencement of term

The term of the Delegate shall commence on the third day of January following the date of the election.

(c) Establishment of primary elections

The legislature of American Samoa may, but is not required to, provide for primary elections for the election of Delegate.

(d) Effect of establishment of primary elections

Notwithstanding subsection (a), if the legislature of American Samoa provides for primary elections for the election of Delegate, the Delegate shall be elected by a majority of votes cast in any subsequent general election for the office of Delegate for which such primary elections were held.

(Pub. L. 95-556, §2, Oct. 31, 1978, 92 Stat. 2078; Pub. L. 108-376, §2, Oct. 30, 2004, 118 Stat. 2200.)

Editorial Notes

AMENDMENTS

2004—Subsec. (a). Pub. L. 108-376, §2(1), substituted “plurality of the votes cast” for “majority of the votes cast” and struck out “If no candidate receives such majority, on the fourteenth day following such election a runoff election shall be held between the candidates receiving the highest and the second highest number of votes cast for the office of Delegate.” before “In case of”.

Subsecs. (c), (d). Pub. L. 108-376, §2(2), added subsecs. (c) and (d).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-376, §3, Oct. 30, 2004, 118 Stat. 2201, provided that: “The amendments made by paragraph (1) of section 2 [amending subsec. (a) of this section] shall take effect on January 1, 2006. The amendment made by paragraph (2) of section 2 [adding subsecs. (c) and (d) of this section] shall take effect on January 1, 2005.”

FINDINGS

Pub. L. 108-376, §1, Oct. 30, 2004, 118 Stat. 2200, provided that: “Congress finds the following:

“(1) It is in the national interest that qualifying members of the Armed Forces on active duty and other overseas voters be allowed to vote in Federal elections.

“(2) Since 1980, when the first election for the Congressional Delegate from American Samoa was held, general elections have been held in the first week of November in even-numbered years and runoff elections have been held 2 weeks later.

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

“(4) Prior to and since September 11, 2001, and due to limited air service, mail delays, and other consid-

erations, it has been and remains impossible for absentee ballots to be prepared and returned within a 2-week period.

“(5) American Samoa law requiring members of the Armed Forces on active duty and other overseas voters to register in person also prevents participation in the Federal election process and is contrary to the Uniformed and Overseas Citizens Absentee Voting Act [52 U.S.C. 20301 et seq.].

“(6) Given that 49 states elect their Representatives 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.”

§ 1733. Qualifications for Office of Delegate

To be eligible for the office of Delegate a candidate shall—

(a) be at least twenty-five years of age on the date of the election;

(b) owe allegiance to the United States;

(c) be an inhabitant of the Territory of American Samoa; and

(d) not be, on the date of the election, a candidate for any other office.

(Pub. L. 95-556, §3, Oct. 31, 1978, 92 Stat. 2078; Pub. L. 95-584, §3, Nov. 2, 1978, 92 Stat. 2483.)

Editorial Notes

AMENDMENTS

1978—Subsec. (b). Pub. L. 95-584 substituted allegiance requirement for provision requiring United States citizenship for at least seven years prior to the date of the election.

§ 1734. Territorial government; determination of election procedure

Acting pursuant to legislation enacted in accordance with section 9, article II of the American Samoan Revised Constitution, the territorial government will determine the order of names on the ballot for election of Delegate, the method by which a special election to fill a vacancy in the office of Delegate shall be conducted, the method by which ties between candidates for the office of Delegate shall be resolved, and all other matters of local application pertaining to the election and the office of Delegate not otherwise expressly provided for herein.

(Pub. L. 95-556, §4, Oct. 31, 1978, 92 Stat. 2078.)

§ 1735. Operation of Office; compensation, allowances, and benefits; privileges and immunities

Until the Rules of the House of Representatives are amended to provide otherwise, the Delegate from American Samoa shall receive the same compensation, allowances, and benefits as a Member of the House of Representatives, and shall be entitled to whatever privileges and immunities that are, or hereinafter may be, granted to the nonvoting Delegate from the Territory of Guam.

(Pub. L. 95-556, §5, Oct. 31, 1978, 92 Stat. 2078; Pub. L. 97-357, title IV, §401, Oct. 19, 1982, 96 Stat. 1711.)