

**39TH LEGISLATURE  
1ST REGULAR SESSION**

**S.B. NO. 39-04  
IN THE SENATE**

27 JANUARY 2025

INTRODUCED BY: Sen. Togiola T.A. Tulafono, D-5

REFERRED TO COMMITTEE ON:

**SUBJECT:**

EXECUTIVE — GOVERNOR AND LIEUTENANT GOVERNOR — NOMINATION PROCEDURES — ELECTION PROCEDURES

**SUMMARY:**

This bill amends the law to allow for separate election races of the Governor from the Lt. Governor.

OWN VOTE			LEGISLATIVE VOTE		
YES	NO		YES	NO	DATE
<input type="checkbox"/>	<input type="checkbox"/>	1ST READING			
<input type="checkbox"/>	<input type="checkbox"/>	COMMITTEE REPORT			
<input type="checkbox"/>	<input type="checkbox"/>	2ND READING			
<input type="checkbox"/>	<input type="checkbox"/>	3RD READING			
<input type="checkbox"/>	<input type="checkbox"/>	AMENDED - SEE CALENDAR DATED			
<input type="checkbox"/>	<input type="checkbox"/>	AMENDED - SEE JOURNAL DATED			
<input type="checkbox"/>	<input type="checkbox"/>	AMENDED - SEE JOURNAL DATED			
<input type="checkbox"/>	<input type="checkbox"/>	RECOMMITTED			
<input type="checkbox"/>	<input type="checkbox"/>	ORDERED TO LIE			
<input type="checkbox"/>	<input type="checkbox"/>	WITHDRAWN			

1 S.B. NO. 39-04

2 INTRODUCED BY:



3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE LAW TO ALLOW  
5 FOR SEPARATE ELECTION RACES OF THE GOVERNOR AND LIEUTENANT  
6 GOVERNOR; AMENDING SECTIONS 4.0103 AND 4.0104 A.S.C.A."

7  
8 Preamble:

9 WHEREAS, twenty-six (26) states have team elections for governor and lieutenant  
10 governor in their general elections. Seventeen (17) states elect their  
11 governor and lieutenant governor separately. Three (3) states do not  
12 have an office for the lieutenant governor. The Secretary of State (a  
13 separately elected position) is first in the line of succession to the  
14 office of governor. And four (4) states dictate their senate president is  
15 first in the line of succession for the office of governor; and

16  
17 WHEREAS, there are strengths for voting for the office of governor and lieutenant  
18 governor separately; and

19  
20 WHEREAS, if elected separately, the lieutenant governor has the independent  
21 strength of a statewide election, to lead the territory on key issues,  
22 sometimes even providing a different point of view; this would  
23 require the newly elected lieutenant governor to develop his or her  
24 office, duties and responsibilities as the lieutenant governor and  
25 Secretary of American Samoa, pursuant to the American Samoa Code  
26 Annotated and the American Samoa Revised Constitution; and

27  
28 WHEREAS, the newly elected lieutenant governor would have a significant  
29 opportunity to mold the policies that guide American Samoa; and in

1 stepping up and taking a more critical role in projects and initiatives;  
2 and

3  
4 WHEREAS, the separate election of governor and lieutenant governor will allow  
5 the residents of American Samoa a more pronounced voice in how  
6 they want to be governed and in who will govern them.

7  
8 BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

9  
10 Section 1. 4.0103 is amended to read:

11 “4.0103 Nomination procedures.

12 The candidates for the offices of Governor and Lieutenant Governor shall be  
13 nominated ~~jointly~~ separately by filing a petition in the same manner as candidates  
14 for members of the House of Representatives except that the nominating petition for  
15 candidates for Governor and Lieutenant Governor shall be signed by at least 300  
16 qualified electors without regard to their representative districts.”

17  
18 Sec 2. 4.0104 is amended to read:

19 “4.0104 Election procedures.

20 (a) The Governor and Lieutenant Governor shall be elected ~~jointly~~  
21 separately, by a majority of the votes cast by qualified electors. Each vote shall be  
22 applicable to both candidates. If no candidates receive a majority of the votes cast  
23 in any election, on the fourteenth day thereafter a runoff election shall be held  
24 between the candidates for Governor and Lieutenant Governor receiving the highest  
25 and second highest number of votes cast.

26 (b) The Election Office shall prepare the necessary policies, procedures,  
27 petitions and documents to ensure the integrity of the separate elections for  
28 governor and lieutenant governor, pursuant to elections laws.”



**NOFOA'IGA TOLUSEFULU-IVA  
FONO TELE MUAMUA**

**PMM NU. 39-04  
I LE MAOTA MAUALUGA**

**27 IANUARI 2025**

FA'AULUFALEINA E: Senatoa Togiola T.A. Tulafono, Itumalo-5

TU'UINA ATU I LE KOMITI:


**MATA'UPU:**

FAAMALOSI TULAFONO—KOVANA MA LE LT. KOVANA—FAAGASOLOGA O LE  
FILIFILIINA—FAAGASOLOGA O PALOTAGA

**'OTO'OTOGA:**

O lenei pili e suia ai le tulafono ina ia tuueseese ai le palotaga o le Kovana ma le Lutena  
Kovana.

LANA PALOTA MONI			PALOTAGA A FAIPULE		
IOE	LEAI		IOE	LEAI	ASO
<input type="checkbox"/>	<input type="checkbox"/>	FAITAUGA MUAMUA			
<input type="checkbox"/>	<input type="checkbox"/>	RIPOTI A LE KOMITI			
<input type="checkbox"/>	<input type="checkbox"/>	FAITAUGA FA'ALUA			
<input type="checkbox"/>	<input type="checkbox"/>	FAITAUGA FA'ATOLU			
<input type="checkbox"/>	<input type="checkbox"/>	SUI - VA'AI ASO I LE KALENA			
<input type="checkbox"/>	<input type="checkbox"/>	SUI - VA'AI ASO TALA 'OTO'OTO			
<input type="checkbox"/>	<input type="checkbox"/>	SUI - VA'AI ASO TALA 'OTO'OTO			
<input type="checkbox"/>	<input type="checkbox"/>	TU'U ATU LE ISI KOMITI			
<input type="checkbox"/>	<input type="checkbox"/>	FA'ATONU E FA'ATA'ATIA			
<input type="checkbox"/>	<input type="checkbox"/>	TOE TAOFI			

1 P.M.M. NU. 39-04   
2 FAAULUFALEINA E: \_\_\_\_\_  
3

4 O SE PILI MO SE TULAFONO E FAAULUTALAINA: “O SE TULAFONO E  
5 FAAESEESE AI LE FAIA O PALOTAGA O LE KOVANA MA LE LUTENA  
6 KOVANA; SUIA AI MAGA 4.0103 MA LE 4.0104 T.T.A.S.”  
7

8 Faatomuaga:

9 TALUAI, e 26 setete e faipāga le palotaina o le kovana ma le lutena kovana ia  
10 latou palotaga lautele. E 17 setete e palota eseese o latou kovana ma  
11 lutena kovana. E 3 setete e leai se ofisa o se lutena kovana. O le  
12 Failautusi o le Malo (Setete) (o se tofi e ese foi lona palotaina) o ia  
13 lena e muamua i le faasologa e soloa’i atu i le ofisa o le kovana. Ae  
14 4 setete e muamua i le faasologa i le ofisa o le kovana le peresetene  
15 o le senate; ma  
16

17 TALUAI, e i ai itu e lelei/malosi ai le palota eseese o le kovana ma le lutena  
18 kovana; ma  
19

20 TALUAI, afai e palota eseese, e i ai le malosi tuma’oti lava ia o le lutena  
21 kovana i se palotaga a le setete atoa e ta’ita’ia ai le teritori i mataupu  
22 taua, o nisi foi taimi, e ese lava foi sona lagona i se mataupu; o le  
23 faiga foi lea o le a moomia ai le lutena kovana fou e atina’e lona lava  
24 ofisa, ona lava tiute ma matafaioi faalutena kovana ma Failautusi foi  
25 o Amerika Samoa, e tusa ai ma le Tusi Tulafono ma le Faavae Toe  
26 Teuteu o Amerika Samoa; ma  
27

1 TALUAI, o le a maua foi e le lutena kovana fou se avanoa taua e faataatia mai  
2 ai faigatausisia e ta'ita'ia ai Amerika Samoa; atoa ma le tula'i mai e  
3 tau'ave se fatuaiga sili ona taua i poloketi ma galuega tau atia'e; ma  
4

5 TALUAI, o le palotaina eseese o le kovana ma le lutena kovana o le a tuu atu  
6 ai foi se avanoa lelei e faaleo mai ai e tagatanuu o Amerika Samoa  
7 so latou lagona i auala e pulea ai latou ae poo ai foi e finagalo e ala  
8 mai ai lena pule.

9

10 IA FAATULAFONOINA E LE FONO FAITULAFONO O AMERIKA SAMOA:

11

12 Maga 1. 4.0103 ua suia e faitauina faapea:

13 “4.0103 Faagasologa o le filifilia.

14 O suitauva mo le Kovana ma le Lutena Kovana o le a filifilia ~~faatasi~~ eseese  
15 e ala i le faauluina o se talosaga e pei lava ona faia e isi suitauva mo sui o le Maota  
16 o Sui vagana ai o le talosaga o le filifilia o suitauva mo le Kovana ma le Lutena  
17 Kovana e sainia e tagata agavaa e palota e le itiiti ifo i le 300, tusa lava poo fea le  
18 itumalo e omai ai.”

19

20 Maga 2. 4.0104 ua suia e faitauina faapea:

21 “4.0104 Faagasologa o le palota.

22 (a) O le Kovana ma le Lutena Kovana o le a palota ~~faatasi~~ eseese e ala i  
23 le faauluina o se talosaga e auala mai i se palota a le toatele o ni tagata agavaa e  
24 palota. O palota taitasi uma e fa'aaoga lea mo suitauva e to'alua. Afai e leai ni  
25 suitauva e maua le numera tele o palota e faia i soo se palotaga, o le a faia se  
26 palota i lona 14 o aso mulimuli ane i le va o suitauva mo le Kovana ma le Lutena  
27 Kovana e mauaina le numera aupito tele o palota na faia.

1           (e) O le a saunia e le Ofisa o Palota faigatausisia, o faagasologa, o  
2 talosaga ma pepa ia mautinoa ai le faamaoni ma le lelei o le faia o palota eseese  
3 mo le kovana ma le lutena kovana, e tusa ai ma tulafono o palota.”

4

5       Maga 3.       Aso e taualoaina ai.

6           O lenei tulafono o le a taualoa i le taimi lava e pasia ai e le Fonofaitulafono  
7 ma faamaonia e le Kovana.

8

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