

**39th LEGISLATURE
1ST REGULAR SESSION**

**S.B. NO. 39-5
IN THE SENATE**

07 FEBRUARY 2025

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

REFERRED TO COMMITTEE ON:

SUBJECT:

EXECUTIVE — QUALIFICATIONS OF GOVERNOR AND LIEUTENANT GOVERNOR.

SUMMARY:

This bill amends the qualifications for candidates running for the offices of Governor and Lieutenant Governor.

OWN VOTE			LEGISLATIVE VOTE		
YES	NO		YES	NO	DATE
☐	☐	1ST READING			
☐	☐	COMMITTEE REPORT			
☐	☐	2ND READING			
☐	☐	3RD READING			
☐	☐	AMENDED - SEE CALENDAR DATED			
☐	☐	AMENDED - SEE JOURNAL DATED			
☐	☐	AMENDED - SEE JOURNAL DATED			
☐	☐	RECOMMITTED			
☐	☐	ORDERED TO LIE			
☐	☐	WITHDRAWN			

1 S.B. NO. 39-5

2 INTRODUCED BY:

3 

4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE
5 QUALIFICATIONS OF CANDIDATES RUNNING FOR THE OFFICES OF
6 GOVERNOR AND LIEUTENANT GOVERNOR, AMENDING SECTION
7 4.0102, A.S.C.A."

8
9 Preamble:

10 WHEREAS, the leadership of American Samoa is essential to our territory's
11 stability, growth, and prosperity. To ensure that candidates for the
12 highest office in the land are fully invested in and committed to our
13 territory, we must propose amending the existing law to define
14 explicit and clear eligibility criteria for those who wish to run for the
15 position of Governor and Lt. Governor; and

16
17 WHEREAS, affirming the U.S. citizenship or U.S. national status of candidates
18 with American Samoa ancestry ensures that our leaders have a
19 genuine and strong connection to the cultural and historical roots of
20 American Samoa. Requiring residency ensures that aspiring leaders
21 are well-acquainted with local issues and community needs; and

22
23 WHEREAS, establishing these standards will improve quality leadership by
24 attracting sincerely invested candidates in our territory. It will
25 promote stability and continuity in governance through meaningful
26 and uninterrupted residency requirements.

27
28 BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:
29

1 Section 1. Section 4.0102 is amended to read as follows:

2 “4.0102 Qualifications of Governor and Lieutenant Governor.

3 (a) Candidates for the office of Governor and Lieutenant Governor shall
4 be:

5 (1) either a United States citizen or a United States national;of American
6 Samoa ancestry. American Samoan ancestry means an individual of American
7 Samoa descent born in American Samoa, Swains or the United States of America.

8 (2) ~~a bona fide resident~~an actual resident of the territory for at least 24
9 consecutive and continuous calendar months before filing a petition for Governor
10 or Lt. Governor; and a resident of American Samoa for at least 5 years
11 immediately preceding the election prior to filing a petition to run for Governor or
12 Lt. Governor; and

13 (3) at the time of assuming office, 35 years of age or older.

14 (b) Persons otherwise qualified for nomination as candidates for either
15 Governor or Lieutenant Governor are not precluded from nomination for reasons of
16 not qualifying under paragraph (a) (2) of this section if by reasons of absence from
17 American Samoa the absence occurred in connection with:

18 (1) service with the armed services of the United States;

19 (2) service with the United States Government or any of its agencies or
20 instrumentalities;

21 (3) service with the government or any of its agencies or
22 instrumentalities; or

23 (4) while in the pursuit of his or her education.

24 (d) Any person convicted of a felony under the laws of American Samoa,
25 the United States, or the laws of any state of the United States is not eligible for
26 election to the Office of the Governor or Lieutenant Governor unless the convicted
27 person has been pardoned and has had his civil rights restored.

1 (e) Any person separated from the Armed Forces of the United States
2 under conditions other than honorable is not eligible for election to the Office of the
3 Governor or Lieutenant Governor.

4 (f) Candidates for the offices of Governor and Lieutenant Governor who
5 are employees of the government in whatever capacity and for either the executive,
6 or judicial branches, must resign their position with the government before
7 commencing active campaigning. "Active campaigning" includes but is not limited
8 to: the acceptance of a petition from the election official charged with that
9 responsibility; any effort whatsoever that is designed to influence or obtain votes
10 from qualified electors; and any activity that would cause a conflict of interest at the
11 candidate's position of employment with the government. In any event, candidates
12 must resign no later than 60 days prior to the election date even if the events above
13 have not occurred.

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15

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

**PMM NU. 39-05
I LE MAOTA MAUALUGA**

07 FEPUARI 2025

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

TU'UINA ATU I LE KOMITI:

MATA'UPU:

FAAMALOSI TULAFONO - AGAVAA O LE KOVANA MA LE LUTENA KOVANA.

'OTO'OTOGA:

O lenei pili e suia ai agavaa o suitauva mo le Ofisa o le Kovana ma le Lutena Kovana.

LANA PALOTA MONI			PALOTAGA A FAIPULE		
IOE	LEAI		IOE	LEAI	ASO
☐	☐	FAITAUGA MUAMUA			
☐	☐	RIPOTI A LE KOMITI			
☐	☐	FAITAUGA FA'ALUA			
☐	☐	FAITAUGA FA'ATOLU			
☐	☐	SUI – VA'AI ASO I LE KALENA			
☐	☐	SUI – VA'AI ASO TALA 'OTO'OTO			
☐	☐	SUI – VA'AI ASO TALA 'OTO'OTO			
☐	☐	TU'U ATU LE ISI KOMITI			
☐	☐	FA'ATONU E FA'ATA'ATIA			
☐	☐	TOE TAOFI			

1 P.M.M. NU. 39-05

2 FAAULUFALEINA E:



3
4 O SE PILI MO SE TULAFONO UA FAAIGOAINA: “O SE TULAFONO E SUIA AI
5 AGAVAA MO SUI TAUVA MO LE OFISA O LE KOVANA MA LE LUTENA
6 KOVANA, SUIA AI MAGA 4.0112 TTAS.”
7

8 Faatomuaga:

9 TALUAI, e taua tele ta’ita’i o Amerika Samoa mo le soifua mauaa, aga’i i luma ma
10 le tamaoaiga o le atunuu. Ina ia mautinoa le mausali o le naunauta’iga o
11 suitauva mo le ofisa aupito maualuga i le teritori, e taua tele ona faatu o ni
12 suiga i le tulafono o iai, ma faama’oti lelei agavaa mo i latou e fia tauva
13 mo tofiga o le Kovana ma le Lutena Kovana; ma
14

15 TALUAI, o le faamaonia o le Sitiseni o le Iunaite Setete poo se Nesionale o le
16 Iunaite Setete e tupuga Amerika Samoa o le a faamaonia ai le malosi ma le
17 moni o le sootaga a o tatou ta’ita’i ma tu ma aga mai talafaasolopito o
18 Amerika Samoa. O le manaomia o le alaala o le suitauva iinei o le a
19 mautinoa ai e masani lelei ta’ita’i ma mataupu ma mana’oga o le Teritori;
20 ma
21

22 TALUAI, o le faia o tuutuuga nei o le a mautinoa ai se ta’ita’iga lelei a suitauva o loo
23 naunau e fia tautua i le teritori. O le a lagolagoina ai le mausali ma le
24 faaauauina o pulega e ala i le faaauau o le nofo i Amerika Samoa; ma
25

26 IA FAATULAFONOINA E LE FONOFAITULAFONO O AMERIKA SAMOA:
27

28 Maga 1. 4.0102 ua suia nei e faitauina faapea:

29 “4.0102 Agavaa o le Kovana ma le Lutena Kovana

1 (a) O mea nei e tatau ona i ai i Suitauva mo le Kovana ma le Lutena Kovana:

2 (1) o se sitiseni o le Iunaite Setete poo se nesionale o le Iunaite Setete: e tupuga

3 Amerika Samoa. O le tupuga Amerika Samoa o lona uiga o se tagata tupuga Amerika

4 Samoa sa fanau i Amerika Samoa, Swains poo le Iunaite Setete o Amerika.

5 (2) ~~o se tagata e lei motusia lana nofo~~ o se tagata e nofo i le teritori a ititi mai e

6 24 masina sosoo faifaipea e lei motusia lava ao lei oo ina faaulu se talosaga mo le tofi

7 Kovana poo le Lutena Kovana; ma o se tagata nofo i Amerika Samoa mo le 5 tausaga pe

8 a itiiti mai i le taimi a o lei faia le palotaa o lei faaulu se talosaga e tauva ai mo le

9 Kovana poo le Lutena Kovana; ma

10 (3) i le taimi o le tulai mai le tofi, ia 35 tausaga pe sili atu.

11 (e) o isi tagata e agavaa mo le filifilia e fai ma sui tauva mo le Kovana poo le

12 Lutena Kovana o le a le taofia ai mai le filifilia e fai ma suitauva mo mafuaaga i lalo o le

13 parakalafa (a) (2) o lenei maga pe afai na toesea mai Amerika Samoa ona o mafuaaga

14 nei:

15 (1) tautua i vaega'au a le Iunaite Setete;

16 (2) tautua i le Malo o le Iunaite Setete poo se isi ona vaega; poo

17 (3) tautua i le malo poo se tasi o ona vaega;

18 (4) o faaauau ana a'oga

19 (o) Soo se tagata na faasala i se solitulafono mamafa i lalo o tulafono a

20 Amerika Samoa, le Iunaite Setete, poo tulafono a soo se setete o le Iunaite Setete e le

21 agavaa lea mo le palotaina i le Ofisa o le Kovana poo le Lutena Kovana, sei vagana ai o

22 se tagata ua uma ona faamagalo lana sala ma ua toe faafoisia ona aia faatagata savili.

23 (u) Soo se tagata na tuu'ese mai Vaega'au a le Iunaite Setete i soo se

24 mafuaaga le lelei e le agavaa lea mo le palotaina i le Ofisa o le Kovana poo le Lutena

25 Kovana.

26 (f) O suitauva mo ofisa o le Kovana ma le Lutena Kovana o loo galulue i le

27 malo i soo se tulaga i totonu o le faamalosia tulafono poo le vaega o faamasinoga e tatau

28 ona faamavae mai a latou galuega a o lei amata ona faatino kemupeni. "O kemupeni

29 faatino" e aofia ai ae le gata ai foi: le taliaina o se talosaga mai se ofisa o le palota ua

1 tuu i ai lea matafaioi; soo se ituaiga o taumafaiga e faatosina ai pe maua ai foi ni palota
2 mai le ‘aupalota agavaa; ma soo se faiga e mafua ai le fetosoa’ina o aia i le mea o loo
3 galue ai le suitauva i le malo. Poo le a lava, e tatau ona faamavae suitauva e le silia le
4 60 aso ao lei oo i le aso o le palota, tusa lava pe lei tutupu mea ia e pei ona ta’ua i luga.”

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