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SCEC-22-0000682

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

JAMES RYAN MALISH and KARL O. DICKS, Plaintiffs,

vs.

SCOTT NAGO, acting in official capacity of Chief Election
Officer, STATE OF HAWAI‘I OFFICE OF ELECTIONS,
and ELECTIONS COMMISSION, Defendants.

ORIGINAL PROCEEDING

ORDER DISMISSING COMPLAINT IN PART

(By: Recktenwald, C.J., Nakayama, McKenna, Wilson, and Eddins, JJ.)

On November 4, 2022, Plaintiffs filed an election complaint that appears to seek relief under the primary election contest statute, HRS § 11-173.5. It is beyond the allowable time to seek relief under HRS § 11-173.5. See HRS § 11-173.5(a) (“In a primary . . . election contest, . . . the complaint shall be filed in the office of the clerk of the supreme court no later than 4:30 p.m. on the thirteenth day after a primary . . . election[.]”). To the extent Plaintiffs’ arguments seek relief under HRS § 11-173.5, these claims are untimely. Accordingly,

It is ordered that the complaint is dismissed in part, or to the extent relief is sought under HRS § 11-173.5. The court will instead construe the complaint as a general election contest.

DATED: Honolulu, Hawai'i, November 14, 2022.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

