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Supreme Court
SCEC-22-0000711
15-DEC-2022
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SCEC-22-0000711

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

KARL ORLANDO DICKS, Plaintiff,

vs.

SCOTT T. NAGO, in his official capacity as
Chief Elections Officer for the Office of Elections,
State of Hawai'i, REESE R. NAKAMURA in his capacity as Deputy
Attorney General, State of Hawai'i, and PATRICIA T. OHARA,
in her capacity as Deputy Attorney General, State of Hawai'i,
Defendants.

ORIGINAL PROCEEDING

ORDER DISMISSING ELECTION COMPLAINT

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

Upon consideration of the election complaint filed on November 28, 2022, the motion to dismiss or for summary judgment filed on December 2, 2022, and the record, this court's original jurisdiction to hear election contests is derived from Hawai'i Revised Statutes (HRS) § 11-172 (Supp. 2021), which requires an election complaint to "set forth any causes or causes . . . that could cause a difference in the election results."

Plaintiff's complaint states it seeks only a "[d]eclaratory [j]udgment of [f]acts, Rule 57 HRCP without [r]elief." The complaint does not "set forth any cause or causes . . . that could cause a difference in the election results." See HRS § 11-172. We thus decline to address the merits of the complaint because none of them amount to errors that could change the outcome of an election. See Lewis v. Cayetano, 72 Haw. 499, 503, 823 P.2d 738, 741 (1992) (declining to address the merits of an issue because, even if the contention were accepted, the election results would not have changed and the plaintiffs would not be entitled to relief).

It is ordered that the complaint is dismissed.

DATED: Honolulu, Hawai'i, December 15, 2022.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

