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SCEC-24-0000744

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

EMIL SVRCINA and KARL ORLANDO DICKS, Plaintiffs,

vs.

STATE OF HAWAI'I OFFICE OF ELECTIONS; SCOTT NAGO;
ELECTION COMMISSION; and MICHAEL CURTIS, Defendants.

ORIGINAL PROCEEDING

ORDER DISMISSING ELECTION COMPLAINT
AND DENYING PETITION FOR WRIT OF MANDAMUS

(By: Recktenwald, C.J., McKenna, Eddins, Ginoza, and Devens, JJ.)

Upon consideration of the Election Complaint filed on November 1, 2024, which we construe as a primary election complaint and petition for writ of mandamus, and the record, we find and conclude that the primary election complaint is untimely because the complaint was filed in the office of the clerk of the supreme court beyond the thirteenth day of the August 10, 2024 primary election. See Hawai'i Revised Statutes (HRS) § 11-173.5(a) (Supp. 2019) & Act 1 (March 5, 2024) (to be codified at HRS § 11-173.5(a)).

Even if construed as a petition for writ of mandamus, Plaintiffs' arguments fail as a matter of law, as already discussed by this court's per curiam opinion in Dicks v. Office of Elections, No. SCEC-24-0000474, 2024 WL 3534241, at *3 to *4 (Haw. July 25, 2024).

It is ordered that the complaint is dismissed as untimely and the petition for writ of mandamus is denied.

DATED: Honolulu, Hawai'i, November 4, 2024.

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Lisa M. Ginoza

/s/ Vladimir P. Devens

