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SCEC-26-0000571

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

SHELBY PIKACHU BILLIONAIRE,
Plaintiff,

vs.

STATE OF HAWAI‘I, OFFICE OF ELECTIONS; and
SCOTT NAGO, Chief Election Officer, State of Hawai‘i,
Defendants.

ORIGINAL PROCEEDING

ORDER

(By: Devens, C.J., McKenna, Eddins, and Ginoza, JJ.,
and Intermediate Court of Appeals Judge Wadsworth,
assigned by reason of vacancy)

On August 12, 2026, Plaintiff Shelby Pikachu Billionaire filed a complaint contesting the August 8, 2026 primary election for trustee at-large of the Office of Hawaiian Affairs (OHA), where Plaintiff was a candidate. The Complaint alleges that the ballot instructions for the OHA election were confusing, which may have caused some voters to leave their ballots blank. The Complaint nonetheless concedes that the primary ballot

instructed voters that they were eligible to vote for the OHA contest.

On August 18, 2026, Defendants filed a motion to dismiss for failure to state a claim, among other arguments.

To state a claim under Hawai'i Revised Statutes (HRS) § 11-172 (2009), "the election contest complaint, at the bare minimum, must plead that the conduct in question by the election official could cause a difference in the election results."

Dicks v. Office of Elections, 155 Hawai'i 102, 106, 557 P.3d 831, 835 (2024). An election contest complaint cannot be based upon mere belief or indefinite information. Akaka v. Yoshina, 84 Hawai'i 383, 387-88, 935 P.2d 98, 102-03 (1997).

Here, the complaint fails to state a claim under HRS § 11-172. The complaint's allegations are too speculative to satisfy the requirement of HRS § 11-172 that an election contest complaint plead that the conduct in question by the election official could cause a difference in the election results.

Accordingly, the complaint is dismissed.

DATED: Honolulu, Hawai'i, August 25, 2026.

/s/ Vladimir P. Devens

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Lisa M. Ginoza

/s/ Clyde J. Wadsworth

