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SCEC-22-0000682

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

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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.

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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

