BEFORE THE HAWAII ELECTION COMMISSION

APPEAL AND PETITION FOR REDRESS OF GRIEVANCES

RE: OE -26-118
Office of Elections Response Dated June 16, 2026

TO THE HONORABLE MEMBERS OF THE HAWAII ELECTION COMMISSION:

COMES NOW Karl Orlando Dicks, sui juris, and respectfully submits this Appeal and Petition for Redress of Grievances concerning the response issued by the Office of Elections in OE-26-118.

BACKGROUND

On June 9, 2026, Complainant submitted:

"Objection to Nominations Presently Listed as In Primary,"
"Petition for Redress of Grievances," and "Request for Written Determination, Compliance Review, and Clarification of Election Law."

The filing contained 103 Questions Presented concerning Election Integrity, election administration, candidate qualifications, political party qualifications, nonpartisan classifications, HRS §12-41 and §12-41(b), Act 136, polling-place reductions, chain of custody, transparency, equal application of election laws, and the availability of meaningful remedies.

On June 16, 2026, the Chief Election Officer responded in OE-26-118.

The Office of Elections interpreted the filing as a possible objection to nomination papers under HRS §12-8 and denied the filing to the extent it was intended as such. However, the Office of Elections did not provide responses to the Questions Presented, did not identify the authorities requested, did not provide findings, and did not identify a forum possessing jurisdiction to answer the Questions Presented.

ISSUES PRESENTED ON APPEAL

1. Whether the Election Commission possesses authority to review matters concerning Election Integrity, election administration, election-law compliance, and public confidence in elections.

2. Whether citizens may obtain meaningful review of election-law questions through the Election Commission.
3. Whether the Questions Presented should receive written responses, findings, identification of authority, or referral to an appropriate forum.
4. Whether the constitutional right to petition government for redress of grievances is preserved when election-related constitutional and statutory questions remain unanswered.
5. Whether the Election Commission possesses authority to review the matters raised concerning:
   a. Candidate definitions;
   b. Nonpartisan classifications;
   c. Political party qualifications;
   d. HRS §12-41 and HRS §12-41(b);
   e. Act 136;
   f. Polling-place reductions;
   g. Chain of custody;
   h. Election administration;
   i. Equal application of election laws; and
   j. Election Integrity.

103 QUESTIONS AS PRESENTED TO OFFICE OF ELECTIONS

1. What is the legal definition of "candidate"?
2. What is the legal definition of "nonpartisan"?
3. What is the legal definition of a "political party"?
4. What is the legal definition of a "political preference"?
5. Are different definitions of "candidate" utilized by different agencies?
6. Are different definitions of "nonpartisan" utilized by different statutes, rules, or agencies?
7. If multiple definitions exist, how are they reconciled and applied consistently?
8. At what point does an individual become a candidate?
9. At what point do campaign finance reporting requirements begin?
10. At what point do disclosure requirements begin?
11. At what point do contribution limits apply?
12. What legal status applies to individuals publicly campaigning prior to ballot qualification?
13. Why are candidates required to declare political preference or affiliation?

14. How does such requirement comply with Article II, Section 4 of the Hawaii Constitution?
15. At what point does political preference become fixed?
16. May a candidate change political preference before ballot certification?
17. What authority governs approval or denial of such changes?
18. Is "Nonpartisan Ballot (N)" a political party?
19. Is "Nonpartisan Ballot (N)" a political preference?
20. Why is "Nonpartisan Ballot (N)" presented alongside political parties?
21. Are voters informed of distinctions between political parties, Nonpartisan Ballot (N), and nonpartisan-only offices?
22. How is HRS §12-41 applied?
23. How is HRS §12-41(b) applied?
24. To whom is HRS §12-41(b) applied?
25. Is HRS §12-41(b) applied equally to partisan candidates?
26. If different standards apply, what authority creates the distinction?
27. How does such distinction comply with equal application of election laws?
28. Why may a candidate receiving the highest number of votes fail to advance to the general election?
29. What requirements must political parties satisfy?
30. How are party qualification requirements verified and enforced?
31. How are party bylaws and officers reviewed and verified?
32. What is the purpose of the objection period?
33. What review occurs when objections are filed?
34. What investigations occur?
35. Are findings of fact prepared?
36. Are written determinations issued?
37. What appeal procedures exist?
38. How are objections resolved on their merits?
39. What statutory authority governs implementation and administration of Act 136?
40. How does Act 136 improve election integrity?
41. How does Act 136 improve voter access?
42. How does Act 136 improve transparency and public confidence?
43. How many polling places existed prior to implementation of Act 136?
44. How many physical polling locations, voter service centers, or in-person voting locations presently exist?
45. How does the reduction of physical polling locations serve the people of Hawaii?

46. How does vote-by-mail provide equal or greater voter access than traditional polling locations?
47. How are voters preferring in-person voting accommodated?
48. What chain-of-custody procedures govern ballots and mail ballots?
49. How are those procedures documented and verified?
50. Which agency is responsible for enforcing election laws?
51. Which agency investigates election-law complaints?
52. Which agency determines compliance?
53. Which agency grants relief?
54. How is equal enforcement ensured?
55. What remedy exists when election laws are not applied equally?
56. What remedy exists when objections are denied?
57. What remedy exists when enforcement is declined?
58. What forum possesses jurisdiction to answer these questions on the merits?

QUESTIONS PRESENTED TO THE CHIEF ELECTION OFFICER

60. Please identify the statutory authority relied upon in implementing, administering, and enforcing Hawaii's election system as presently conducted.
61. Please identify the statutory authority relied upon in implementing and administering Act 136.
62. Please identify the role of the Chief Election Officer in reviewing, recommending, implementing, interpreting, administering, and enforcing Act 136
63. Please identify all reports, studies, findings, audits, memoranda, recommendations, analyses, or supporting documentation relied upon in implementing Act 136.
64. Please explain how Act 136 improves Election Integrity.
65. Please explain how Act 136 improves transparency.
66. Please explain how Act 136 improves public confidence in elections.
67. Please explain how Act 136 improves voter participation.
68. Please explain how Act 136 improves voter access.
69. Please explain how Act 136 serves the people of Hawaii.
70. Please identify the number of polling places available in Hawaii elections prior to implementation of Act 136.

71. Please identify the number of polling places, voter service centers, and in-person voting locations available following implementation of Act 136.
72. Please explain how reducing physical polling locations serves the people of Hawaii.
73. Please explain how vote-by-mail elections provide equal or greater voter access than traditional in-person voting.
74. Please explain how voters who prefer in-person voting are accommodated.
75. Please explain how voters lacking reliable mail service are accommodated.
76. Please explain how voters with disabilities, transportation limitations, housing instability, or mail-delivery concerns are accommodated.
77. Please identify any studies, reports, audits, findings, or analyses comparing voter participation before and after implementation of Act 136.
78. Please identify any studies, reports, audits, findings, or analyses comparing voter confidence before and after implementation of Act 136.
79. Please identify any studies, reports, audits, findings, or analyses supporting reduction of polling locations.
80. Please explain how chain-of-custody protections for mailed ballots compare to chain-of-custody protections utilized in traditional polling-place elections.
81. Please identify all procedures utilized to verify ballot integrity from issuance through final tabulation.
82. Please identify all procedures utilized to verify chain of custody for mail ballots.
83. Please identify all procedures utilized to verify chain of custody for election records.
84. Please explain how citizens may independently verify election-law compliance and election administration procedures.
85. Please explain how citizens may challenge election-administration decisions.
86. Please identify the administrative process available to obtain review of election-administration decisions.
87. Please identify the administrative process available to obtain review of decisions made by the Chief Election Officer.
88. Please explain how citizens may obtain meaningful redress concerning election-administration issues before election deadlines render review ineffective.
89. Please identify the forum possessing jurisdiction to review decisions made pursuant to Act 136.
90. Please explain how the actions of the Office of Elections and the Chief Election Officer promote transparency, accountability, equal application of election laws, public confidence, and Election Integrity.

XIII. PRIOR UNRESOLVED CONSTITUTIONAL QUESTIONS PREVIOUSLY PRESENTED

The following constitutional questions were previously presented in election-related proceedings and remain relevant to Election Integrity, transparency, voter confidence, equal application of election laws, and the constitutional right of redress:

91. Whether the State of Hawaii's implementation of early voting and mail-in ballots, beginning prior to Election Day, complies with Article II, Section 8 of the Hawaii Constitution, which establishes Election Day on the first Tuesday after the first Monday in November of even-numbered years.
92. Whether the State of Hawaii's implementation of early voting and mail-in ballots prior to Election Day complies with applicable federal election statutes governing the timing of federal elections, including Article 2 U.S.C. § 7.
93. Whether Act 136 (H.B. 1248), authorizing vote-by-mail elections and related election procedures, operates consistently with Article II, Section 8 of the Hawaii Constitution and applicable federal election statutes.
94. Whether Act 136 altered, supplemented, superseded, or otherwise affected constitutional election procedures, and if so, by what constitutional or statutory authority.
95. What constitutional analysis, legal opinions, administrative findings, legislative findings, reports, memoranda, or recommendations were relied upon in implementing Act 136.
96. Whether the 2024 Hawaii Primary Election ballot instructions requiring voters to select a political preference complied with Article II, Section 4 of the Hawaii Constitution.
97. Whether requiring voters to select a political preference, including selection of the Nonpartisan Ballot (N), constitutes a declaration of political preference within the meaning of Article II, Section 4 of the Hawaii Constitution.
98. Whether voters are adequately informed of the protections contained within Article II, Section 4 of the Hawaii Constitution concerning political preference and nonpartisanship.
99. Whether the Office of Elections, Election Commission, Chief Election Officer, Attorney General, or other state officials have issued written interpretations, analyses, findings, memoranda, opinions, or guidance concerning Article II, Sections 4 and 8 of the Hawaii Constitution.

100. How citizens may obtain timely review and determination of constitutional election questions before election deadlines render review ineffective.

101. How the State ensures that constitutional election questions receive meaningful review during the election cycle.

102. What administrative or judicial remedy exists when constitutional election questions remain unresolved during an active election cycle.

103. How the constitutional right to petition government for redress of grievances is preserved when constitutional election questions are presented but remain unanswered.

RELIEF REQUESTED

Complainant respectfully requests that the Election Commission:

A. Accept this Appeal and Petition for Redress;

B. Review OE-26-118;

C. Determine whether the Questions Presented fall within the Commission's jurisdiction;

D. Identify the agency, official, tribunal, or forum possessing jurisdiction over each category of Questions Presented;

E. Provide written findings, guidance, or responses where authorized;

F. Identify available administrative remedies;

G. Preserve all records related to this Appeal;

H. Place this matter upon the agenda of the Election Commission at the earliest practicable opportunity.

STATEMENT OF PURPOSE

This Appeal is submitted respectfully and in good faith. The purpose is not to accuse. The purpose is not to challenge any individual candidate personally, the purpose is to obtain clarification, identification of authority, meaningful review, and preservation of Election Integrity through transparency, accountability, equal application of election laws, and meaningful redress of grievances.

Respectfully submitted,

/s/ Karl O. Dicks

Karl Orlando Dicks
Sui Juris

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