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Supreme Court
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OTC from Ralph Cushnie.

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

In the Matter of the Petition of

RALPH S. CUSHNIE and TAMARA McKAY,

Petitioners,

v.

SCOTT T. NAGO, in his official capacity as

Chief Election Officer, State of Hawai‘i; and

the OFFICE OF ELECTIONS, State of Hawai‘i,

Respondents.

S.C. No. _____

EMERGENCY PETITION FOR ORIGINAL WRIT OF MANDAMUS

EXPEDITED CONSIDERATION REQUIRED

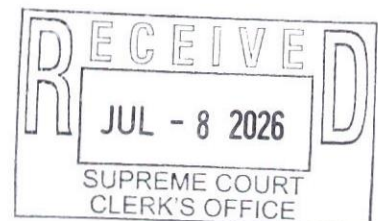
**RELIEF MUST BE GRANTED BEFORE THE JULY 8, 2026 STATUTORY NOTICE
DEADLINE PRESCRIBED BY HRS §92-7(b)**

I. INTRODUCTION

HRS §11-1.5(b) provides that the Office of Elections "shall provide staff support to the elections commission, as requested by the elections commission." Petitioners Ralph Cushnie and Tamara McKay, duly appointed Commissioners of the Hawai‘i Elections Commission, seek a writ of mandamus compelling performance of that statutory duty.

The sole question presented is whether Respondents may refuse to perform the ministerial duty imposed by HRS §11-1.5(b).

This Petition presents an emergency requiring expedited consideration. The relief sought must be granted before expiration of the statutory notice deadline prescribed by HRS §92-7(b). The Elections Commission has scheduled a public meeting for July 14, 2026. Unless Respondents perform the ministerial duty imposed by HRS §11-1.5(b) before the July 8, 2026 statutory posting deadline, HRS §92-7(c) requires that the July 14 meeting "shall be canceled as a matter



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of law and shall not be held." Once that statutory deadline expires, no subsequent judicial order can restore the Commission's lost opportunity to lawfully convene on July 14. Expedited consideration is therefore necessary to preserve the Court's ability to afford meaningful relief.

This Petition does not require the Court to resolve the broader governance issues presently affecting the Elections Commission. Nor does it request an advisory opinion concerning the authority to elect a chairperson or every question arising under HRS §11-7. Those matters provide the factual context for this dispute, but they are not the legal question presented. Because the writ sought is limited to compelling Respondents to perform the ministerial duty imposed by HRS §11-1.5(b), the Court need not determine the Commission's ultimate governance authority in order to grant complete relief. Those questions need not be reached unless and until Respondents first perform the ministerial duty imposed by HRS §11-1.5(b).

Rather, Petitioners seek only the enforcement of a ministerial statutory duty that the Legislature imposed. HRS §11-1.5(b) contains no language permitting the Office of Elections to withhold administrative support, no provision conditioning that duty upon approval by the Department of the Attorney General, no requirement that the Commission first elect a chairperson before administrative support may be provided, no grant of discretion authorizing the Office of Elections to refuse a request for administrative support, and no statutory authority permitting Respondents to decline performance of that duty.

Petitioners requested the administrative support necessary to provide notice of and convene a meeting of the Elections Commission, including distribution of meeting notices and provision of the remote meeting technology necessary to conduct the meeting in compliance with HRS Chapter 92. Respondents refused that request.

As a direct consequence of Respondents' refusal, the Commission was unable to complete the notice requirements prescribed by HRS Chapter 92 and therefore could not lawfully convene. The Commission's inability to organize itself was not self-created; it resulted directly from Respondents' refusal to perform the statutory duty imposed by HRS §11-1.5(b).

No plain, speedy, or adequate remedy exists through ordinary judicial proceedings. Once the statutory notice deadline prescribed by HRS §92-7 expires, the Commission's opportunity to lawfully convene on July 14, 2026 cannot be restored through subsequent litigation. Mandamus

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therefore provides the only effective means of compelling timely performance of the ministerial duty imposed by HRS §11-1.5(b).

Accordingly, Petitioners respectfully request that this Court issue a writ directing Respondents to immediately perform the ministerial duty imposed by HRS §11-1.5(b), thereby restoring the Elections Commission's ability to lawfully convene and exercise the authority assigned to it by the Legislature.

II. PARTIES

Petitioners Ralph S. Cushnie and Tamara McKay bring this Petition in their individual capacities as duly appointed Commissioners of the Hawai'i Elections Commission. They do not purport to act on behalf of the Elections Commission as a governmental entity or pursuant to formal Commission action. Rather, they seek enforcement of the statutory duty imposed by HRS §11-1.5(b), which requires the Office of Elections to provide staff support to the Elections Commission.

Petitioner Ralph S. Cushnie is the duly appointed Commissioner representing Kaua'i County, appointed by House Minority Leader Lauren Matsumoto for a term ending June 30, 2030.

Petitioner Tamara McKay is the duly appointed Commissioner representing Maui County, appointed by Senate Minority Leader Brenton Awa. She took the oath of office on June 23, 2026, and serves a term ending June 30, 2028.

Respondent Scott T. Nago is the Chief Election Officer of the State of Hawai'i. He serves as the Chief Election Officer of the State of Hawai'i, administers the Office of Elections, and supervises the conduct of state elections pursuant to HRS §11-2(a). He is appointed by, and serves at the pleasure of, the Elections Commission pursuant to HRS §§11-1.6 and 11-7.5. As the public officer responsible for administering the Office of Elections, he is charged with performing the duty imposed by HRS §11-1.5(b). He is sued solely in his official capacity.

Respondent Office of Elections is the state agency upon which HRS §11-1.5(b) imposes the duty to provide staff support to the Elections Commission as requested by the Commission.

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III. JURISDICTION

This Court has original jurisdiction to issue writs of mandamus to compel public officers to perform the duties of their offices pursuant to Article VI, Section 1 of the Hawai'i Constitution and HRS §602-5(a)(3).

IV. LEGAL FRAMEWORK

The Hawai'i Legislature established the Elections Commission as an independent statutory body responsible for supervising the Chief Election Officer and overseeing the administration of elections. HRS §§11-7, 11-7.5. The Commission acts collectively through public meetings and "shall act by majority vote of its membership and shall establish its own procedures, except as may be provided by law." HRS §11-7(d).

To enable the Commission to perform those statutory responsibilities, the Legislature imposed a corresponding administrative obligation upon the Office of Elections. HRS §11-1.5(b) provides:

"The office of elections shall provide staff support to the elections commission, as requested by the elections commission."

The Legislature's use of the word "shall" imposes a mandatory duty. The statute contains no language authorizing the Office of Elections to withhold administrative support, no requirement that the Commission first elect a chairperson before requesting support, no requirement that another executive official approve the request, and no provision granting the Office discretion to determine whether support will be provided.

The Chief Election Officer administers the Office of Elections and supervises the conduct of state elections. HRS §11-2(a). The Office of Elections performs the administrative functions assigned to it by Chapter 11, including the statutory duty imposed by HRS §11-1.5(b).

The Elections Commission exercises its authority through meetings conducted in accordance with Hawai'i's Sunshine Law. HRS Chapter 92 requires public notice, agenda publication, and compliance with specified procedural requirements before the Commission may lawfully deliberate or act. Compliance with those statutory requirements requires the administrative support that HRS §11-1.5(b) directs the Office of Elections to provide.

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Nothing within Chapter 11 conditions the Office's duty to provide administrative support upon prior Commission action, the existence of a chairperson, approval by the Department of the Attorney General, or any other prerequisite the Legislature did not impose.

V. THE COURT SHOULD CONSTRUE HRS §11-1.5(b) SO THAT IT REMAINS CAPABLE OF ENFORCEMENT

An interpretation requiring formal Commission action before the Office of Elections must provide administrative support would render HRS §11-1.5(b) incapable of operation under the circumstances presented here.

The Legislature required that "[t]he office of elections shall provide staff support to the elections commission, as requested by the elections commission." HRS §11-1.5(b). The statute contains no language conditioning that duty upon the prior election of a chairperson, the adoption of formal Commission action, or the approval of any other executive officer. Nor does it authorize the Office of Elections to determine whether the Commission may first convene before providing the administrative support necessary for the Commission to meet.

The Elections Commission exercises its statutory authority only through duly noticed public meetings conducted in accordance with HRS Chapter 92. Before such a meeting may occur, however, the Commission must have the administrative assistance necessary to distribute meeting notices, communicate with Commissioners, and provide the technology required for lawful public participation. Those functions are precisely the administrative support the Legislature directed the Office of Elections to provide.

Under Respondents' interpretation, the Commission could not convene because the administrative support necessary to satisfy HRS Chapter 92 would not be provided. Having prevented the Commission from meeting, Respondents cannot simultaneously contend that the Commission's inability to act relieves them of the statutory duty that would have allowed the Commission to act in the first instance. Such a construction would permit the Office of Elections to nullify HRS §11-1.5(b) whenever the Commission most requires the support the Legislature mandated.

Petitioners do not seek to exercise authority belonging exclusively to the Elections Commission. They seek enforcement of the statutory duty that enables the Commission to assemble and

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exercise its own authority. Where the alleged violation consists of withholding the very administrative support necessary for the Commission to convene, requiring formal Commission action before the statute may be enforced would create a self-defeating condition that the Legislature neither expressed nor reasonably could have intended.

Accordingly, this Petition presents a straightforward question of statutory enforcement. Unless HRS §11-1.5(b) may be enforced under circumstances in which the refusal to provide administrative support prevents the Commission from convening, the statutory duty imposed by the Legislature becomes unenforceable precisely when compliance is most necessary.

Respondents' interpretation is also inconsistent with the Legislature's own rules governing statutory construction.

A. Hawai'i's Rules of Statutory Construction Confirm This Reading

Hawai'i law directs that statutes be construed according to their ordinary meaning. HRS §1-14. HRS §11-1.5(b) states that the Office of Elections "shall provide staff support" to the Elections Commission. Nothing in the statute qualifies that mandatory command or authorizes the Office to determine whether support should first be withheld until the Commission satisfies conditions the Legislature did not impose.

Where ambiguity is asserted, HRS §1-15 requires courts to construe statutes in light of their context, purpose, and the legislative objective, while rejecting every construction that produces an absurd or self-defeating result. HRS §1-15(1)-(3). Reading HRS §11-1.5(b) to permit the Office of Elections to withhold the very administrative support necessary for the Elections Commission to convene would render the statutory duty unenforceable whenever compliance is most necessary. Such a construction defeats, rather than advances, the Legislature's expressed purpose and is inconsistent with the rules of statutory construction enacted by the Legislature.

VI. STATEMENT OF FACTS

A. Organization of the Elections Commission

1. At all times relevant to this Petition, the Hawai'i Elections Commission did not have a chairperson. [Exhibit 1 – Elections Commission Roster]

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B. Requests for Guidance

2. On June 23, 2026, Commissioner Cushnie transmitted a written request to Deputy Attorney General Jordan Ching, assigned as counsel to the Elections Commission, requesting a written legal opinion concerning the authority to convene a meeting of the Commission for the purpose of organizing the Commission and electing a chairperson. The correspondence referenced Commission meeting minutes from December 2004 through December 2007. [Exhibit 2 – June 23, 2026 Letter]
3. Petitioners received no written response to that request.

C. Request for Administrative Support

4. On July 1, 2026, notice of a meeting of the Elections Commission was prepared for Wednesday, July 8, 2026, at 10:00 a.m. [Exhibit 3 – Meeting Notice]
5. On July 2, 2026, Petitioners appeared at the Office of Elections and requested administrative assistance necessary to conduct the July 8 meeting, including:
 - a. creation of a remote meeting (Zoom) link;
 - b. distribution of the meeting notice to Commissioners; and
 - c. distribution of the meeting notice to persons entitled to notice under HRS Chapter 92.[Exhibit 4 – Request for Administrative Support]
6. Later that day, Mr. de Vega transmitted a written response stating:

"The Office of Elections will not be providing administrative support for the meeting you scheduled on Wednesday, July 8."

[Exhibit 5 – Email / Written Confirmation]

D. Subsequent Communications

7. In an earlier written communication, Deputy Attorney General Ching advised Commissioner Cushnie:

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"The Department of the Attorney General is not authorized to convene meetings on behalf of the Elections Commission."

[Exhibit 6 – Prior Correspondence]

E. Department of Accounting and General Services Response

8. On or about July 6, 2026, the Department of Accounting and General Services responded to Petitioners' correspondence regarding administrative support. The response stated that the responsibility for providing staff support under HRS §11-1.5(b) rests with the Office of Elections and directed Petitioners to work with the Chief Election Officer regarding the matter. [Exhibit 7 – DAGS Correspondence]

F. Request to the Chief Election Officer

9. On July 6, 2026, Commissioner McKay transmitted a second written request to Chief Election Officer Scott T. Nago requesting administrative support necessary to convene the July 14, 2026 meeting, including:
 - a. creation of a remote meeting link;
 - b. distribution of the meeting notice;
 - c. confirmation of those actions by 4:30 p.m.

[Exhibit 8 – July 6 Request]

G. Status of the Meeting

10. The requested administrative assistance was not provided before expiration of the statutory posting deadline prescribed by HRS §92-7(b) for the July 8, 2026 meeting.
 11. As a result, the meeting scheduled for July 8, 2026, did not occur.
 12. Petitioners thereafter prepared notice for a second meeting proposed for July 14, 2026.
 13. Petitioners again requested the administrative support necessary to convene that meeting.
- [Exhibit 8 – July 6 Request]

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14. As of the filing of this Petition, the administrative assistance requested for that meeting had not been provided.

VII. THE STATUTORY DUTY, THE REFUSAL, AND THE RESULTING INABILITY TO CONVENE

The foregoing facts establish the direct causal relationship between Respondents' refusal to perform the administrative duty imposed by HRS §11-1.5(b) and the Commission's resulting inability to convene.

The sequence is straightforward:

1. Petitioners requested the administrative support necessary to convene a duly noticed meeting of the Elections Commission.
2. The Office of Elections declined to provide the requested administrative support.
3. Without that administrative support, the Commission could not satisfy the notice requirements prescribed by HRS Chapter 92.
4. As a result, the Commission was unable to convene and exercise its statutory authority through a public meeting.
5. Because the Commission could not convene, it could not address organizational matters, including the selection of a chairperson.

The inability of the Commission to convene therefore resulted directly from Respondents' refusal to provide the administrative support requested under HRS §11-1.5(b). Petitioners do not seek relief concerning the Commission's ultimate governance authority. Rather, Petitioners seek enforcement of the statutory duty that enables the Commission to assemble and exercise whatever authority the Legislature has assigned to it.

Accordingly, the question presented is not whether the Commission ultimately possesses authority to undertake any particular action once convened. The question is whether Respondents may refuse to perform the ministerial duty imposed by HRS §11-1.5(b), thereby preventing the Commission from convening and exercising the authority the Legislature assigned to it.

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VIII. WHY THE WRIT SHOULD ISSUE

A. Respondents Owe a Clear, Ministerial Statutory Duty

HRS §11-1.5(b) imposes a clear ministerial duty upon the Office of Elections by providing that "[t]he office of elections shall provide staff support to the elections commission, as requested by the elections commission."

The Legislature's use of the word "shall" imposes a mandatory obligation. The statute contains no language authorizing the Office of Elections to withhold administrative support, no condition requiring the prior election of a chairperson, no requirement that the Commission first obtain formal action before administrative support may be furnished, and no provision permitting the Office of Elections or the Department of the Attorney General to determine whether the statutory duty will be performed.

Under HRS §11-2(a), the Chief Election Officer administers the Office of Elections. Accordingly, Respondents are charged with performing the duty imposed by HRS §11-1.5(b). Because that duty is mandatory, specific, and ministerial, it is properly enforceable through mandamus.

B. Respondents Refused to Perform That Duty

Petitioners requested the administrative support necessary to convene a meeting of the Elections Commission in compliance with HRS Chapter 92. The requested assistance consisted of ordinary administrative functions, including creation of remote meeting access and distribution of meeting notices.

The Office of Elections declined to provide that assistance. The written response from the Office expressly stated that it "will not be providing administrative support" for the scheduled meeting. Subsequent written requests directed to the Chief Election Officer likewise received no response and no administrative support was provided.

Respondents identify no statute authorizing that refusal. Petitioners are aware of none.

The refusal therefore was not the exercise of statutory discretion. It was the nonperformance of a ministerial duty expressly imposed by the Legislature.

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C. Respondents May Not Rely Upon Circumstances Their Own Refusal Created

The chronology established in this Petition demonstrates a direct causal relationship between Respondents' refusal to provide administrative support and the Commission's inability to convene.

Without the administrative support required by HRS §11-1.5(b), the Commission could not complete the notice procedures required by HRS Chapter 92. Without lawful notice, the Commission could not meet. Without a meeting, the Commission could not conduct any business assigned to it by the Legislature, including organizational matters.

Respondents may not rely upon the Commission's resulting inability to act as justification for withholding the administrative support necessary for the Commission to assemble in the first instance.

Nor should HRS §11-1.5(b) be construed in a manner that renders its mandatory command unenforceable whenever compliance becomes most important. Hawai'i law directs that statutes be interpreted according to their ordinary meaning and that constructions producing unreasonable, absurd, or self-defeating results be rejected. HRS §§1-14 and 1-15. Reading HRS §11-1.5(b) to permit Respondents to withhold the administrative support necessary for the Commission to convene would nullify the Legislature's directive and invert the statutory relationship between the Elections Commission and the Office of Elections.

Petitioners do not ask this Court to resolve every question concerning the Commission's governance. They ask only that Respondents perform the statutory duty that enables the Commission to assemble and exercise whatever authority the Legislature has assigned to it.

D. No Plain, Speedy, or Adequate Remedy Exists

No plain, speedy, or adequate remedy exists through ordinary judicial proceedings.

The Commission's ability to convene depends upon compliance with the notice requirements imposed by HRS Chapter 92. Once the statutory posting deadline prescribed by HRS §92-7(b) expires, the Commission's opportunity to lawfully convene on July 14, 2026, cannot be restored through subsequent judicial proceedings. The resulting loss of the Commission's opportunity to

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exercise its statutory responsibilities cannot be adequately remedied by declaratory relief or later judicial review.

Mandamus exists to compel the performance of a present ministerial duty where no plain, speedy, or adequate remedy exists. Petitioners therefore satisfy this prerequisite for extraordinary relief.

E. The Writ Should Issue

This Petition presents a narrow question of statutory compliance.

The Legislature imposed a mandatory duty upon the Office of Elections to provide staff support to the Elections Commission. Petitioners requested that support. Respondents refused to provide it. No statute authorizes that refusal, and no adequate remedy exists to compel timely compliance other than mandamus.

Issuance of the writ would not require the Court to determine who ultimately serves as chairperson of the Elections Commission, resolve every question arising under HRS §11-7, or adjudicate broader issues concerning the Commission's internal governance. It would require only enforcement of the ministerial duty the Legislature has already imposed.

Accordingly, because Petitioners have established a clear legal right to performance of that duty, Respondents owe a corresponding ministerial obligation, and no adequate remedy exists at law, this Court should issue a writ of mandamus directing Respondents to immediately perform the ministerial duty imposed by HRS §11-1.5(b).

SUMMARY OF MANDAMUS ELEMENTS

Issue	Statutory / Record Support	Conclusion
Statutory Duty	HRS §11-1.5(b): Office of Elections "shall provide staff support"	Legislature imposed a mandatory duty
Discretion	HRS §11-1.5(b) contains no statutory exception, approval requirement, chair prerequisite, or grant of discretion.	Duty is ministerial

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Issue	Statutory / Record Support	Conclusion
Request	Petitioners requested administrative support to convene the Commission. [Exhibit 4 & 8]	Duty was invoked
Refusal	Office of Elections declined to provide administrative support. [Exhibit 5]	Duty was not performed
Result	Without administrative support, the Commission could not satisfy HRS Chapter 92 notice requirements and therefore could not lawfully convene.	Direct consequence of refusal
Available Remedy	Once the HRS §92-7(b) deadline expires, the opportunity to lawfully convene cannot be restored through ordinary judicial proceedings.	Mandamus is the only effective remedy

IX. PRAYER FOR RELIEF

WHEREFORE, Petitioners respectfully request that this Court:

1. Grant expedited consideration of this Petition before expiration of the statutory notice deadline prescribed by HRS §92-7(b);
2. Issue a writ of mandamus directing Respondents Scott T. Nago, in his official capacity as Chief Election Officer, and the Office of Elections to immediately perform the ministerial duty imposed by HRS §11-1.5(b), including providing the administrative support necessary for the Hawai'i Elections Commission to lawfully convene in compliance with HRS Chapter 92;
3. Grant such further relief as the Court deems just and proper to effectuate compliance with HRS §11-1.5(b).

A. Basis for Expedited Consideration

Petitioners respectfully request expedited consideration because this Petition seeks relief that must be granted before expiration of the statutory notice deadline prescribed by HRS §92-7(b). The Elections Commission has scheduled a public meeting for July 14, 2026. Under HRS §92-

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7(b), notice of that meeting must be electronically posted no later than July 8, 2026. If Respondents do not perform the ministerial duty imposed by HRS §11-1.5(b) before that deadline, HRS §92-7(c) mandates that the meeting "shall be canceled as a matter of law and shall not be held." After expiration of the statutory posting deadline, no subsequent judicial order can restore the Commission's lost opportunity to lawfully convene on July 14. Expedited consideration is therefore necessary to preserve the Court's ability to afford meaningful relief.

Respectfully submitted,

Petitioners respectfully submit this Petition in propria persona (pro se), in their individual capacities as duly appointed Commissioners of the Hawai'i Elections Commission, and not on behalf of the Commission as a governmental entity.

Dated: July 8, 2026

By: Ralph S. Cushnie

Ralph S. Cushnie

Petitioner, Pro Se

Commissioner, Hawai'i Elections Commission

PO Box 864, Kalaheo, Hawaii 96741

ralphcushniecc@cushniecci.com | (808) 645-0955

By: Tamara McKay

Tamara McKay

Petitioner, Pro Se

Commissioner, Hawai'i Elections Commission

2710 Olinda Road, Maui, Hawaii 96768

RootedIHeartLife@proton.me | (808) 280-0928

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EXHIBIT INDEX

Exhibit	Description
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Exhibit 1	Official Hawai'i Elections Commission Roster (Office of Elections website) reflecting the Commission membership and the absence of a chairperson.
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Exhibit 2	June 23, 2026 correspondence from Commissioner Ralph Cushnie to Deputy Attorney General Jordan Ching requesting a legal opinion regarding the authority to convene an organizational meeting of the Elections Commission.
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Exhibit 3	July 1, 2026 Notice of Meeting for the Elections Commission scheduled for July 8, 2026, at 10:00 a.m.
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Exhibit 4	July 2, 2026 request for administrative support submitted to the Office of Elections requesting creation of a remote meeting, distribution of meeting notices, and administrative assistance necessary to conduct the July 8, 2026 meeting.
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Exhibit 5	July 2, 2026 written response from Raymund de Vega stating: "The Office of Elections will not be providing administrative support for the meeting you scheduled on Wednesday, July 8."
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Exhibit 6	Prior written correspondence from Deputy Attorney General Jordan Ching advising that the Department of the Attorney General is not authorized to convene meetings on behalf of the Elections Commission.
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Exhibit 7	Department of Accounting and General Services correspondence confirming that responsibility for providing staff support under HRS §11-1.5(b) rests with the Office of Elections and directing Petitioners to work with the Chief Election Officer.
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Exhibit 8	July 6, 2026 correspondence from Commissioner Tamara McKay to Chief Election Officer Scott T. Nago requesting administrative support necessary to convene the July 14, 2026 meeting.
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- Two (2) members appointed by the House Minority Leader
- One (1) member selected by a two-thirds vote of the Elections Commission to serve as Chairperson

Each group of four (4) Elections Commission members selected by each house will include (1) member from each of the four counties: Hawaii, Maui, Kauai, Oahu.

A person from the same county as the departing Elections member will fill a vacancy in the Elections Commission. If the vacancy is not filled within fifteen (15) days, the Chief Justice of the Supreme Court will fill the vacancy.

Name	Appointing Authority	Island Representation	Term Expiration Date
Vacant (Chairperson)	n/a	n/a	n/a
Barbara Dalton	President of the Senate	Hawaii	June 30, 2030
Kahiolani Papalimu	House Minority Leader	Hawaii	June 30, 2028
Tamara McKay	Senate Minority Leader	Maui	June 30, 2028
James Apana	Speaker of the House	Maui	June 30, 2026
Jason Bryant	Senate Minority Leader	Kauai	June 30, 2030
Ralph Cushnie	House Minority Leader	Kauai	June 30, 2030
John Sabas	President of the Senate	Oahu	June 30, 2028
Jeffrey Osterkamp	Speaker of the House	Oahu	June 30, 2028

Duties

The duties of the Elections Commission provided under Hawaii Revised Statutes §11-7.5 are as follows:

- Hold Public Hearings;
- Investigate and hold hearings for receiving evidence of any violations and complaints;
- Adopt rules pursuant to chapter 91;
- Employ, without regard to chapter 76, a full-time Chief Election Officer, pursuant to section 11-1.6; and;

From: Ralph Cushnie (EC)

Sent: Tuesday, June 23, 2026 5:51 AM

To: 'OE.Elections.Commission'

[<elections.commission@hawaii.gov>](mailto:elections.commission@hawaii.gov); jordan.ak.ching@hawaii.gov

Subject: RE: AG Advice Letter re: Elections Commission Chair Vacancy

June 23, 2026

Jordan A.K. Ching

Deputy Attorney General

State of Hawaii

Re: June 22, 2026, Opinion and Request to Convene July 1, 2026 Elections Commission Meeting

Dear Mr. Ching:

Thank you for your June 22, 2026, memorandum regarding the Elections Commission chair vacancy. After reviewing your opinion, I respectfully disagree with your conclusion that HRS §11-7(c) requires the Chief Justice to select the Commission chair if the Commission does not elect one within fifteen days.

HRS §11-7(a)(5) expressly provides that the chair "shall be selected by the members of the elections commission selected pursuant to paragraphs (1) to (4)." HRS §11-7(b) further requires that the chair be selected by a two-thirds vote. The Legislature assigned the selection of the chair to the commissioners themselves.

The Chief Justice's authority under HRS §11-7(c) applies to vacancies in commission membership that are not filled in the same manner as the original appointment. The chair, however, is not appointed by an appointing authority. The chair is elected by the eight appointed commissioners.

Additionally, your opinion does not address one of the principal questions presented at the June 10, 2026 meeting: whether the Commission may elect a temporary chair or chair pro tem pursuant to HRS §11-7(d).

During the June 10 meeting, you stated that if the Commission elected a temporary chair, that individual should serve solely for the purpose of conducting a meeting and facilitating the election of a permanent chair. The Commission specifically requested a written opinion on this issue. Your memorandum does not address that question.

HRS §11-7(d) provides that the Elections Commission shall act by majority vote of its membership and shall establish its own procedures, except as may be provided by law. The

statute does not prohibit the appointment of a temporary chair and does not address how the Commission is to function in the absence of a permanent chair.

The cancellation of the June 24 meeting prevented the Commission from considering either a temporary chair or a permanent chair. Several new commissioner appointments become effective on July 1, 2026, and there will be no chair available to call a meeting.

The Commission cannot elect a chair if it is not permitted to meet. The commissioners must be given the opportunity to exercise the authority the Legislature specifically granted to them under HRS §11-7(a)(5) and (b). Preventing the Commission from meeting effectively prevents the Commission from selecting its own chair.

Accordingly, I respectfully request that your office convene, authorize, or otherwise facilitate an Elections Commission meeting on July 1, 2026, consistent with the Commission's regular practice of meeting on the first Wednesday of each month. This meeting would allow the newly appointed commissioners to organize the Commission, consider the appointment of a temporary chair if necessary, and attempt to elect a permanent chair.

Only after the Commission has been afforded a meaningful opportunity to elect a chair should the question of any role by the Chief Justice be considered.

I also respectfully request a written opinion addressing whether the Commission may elect a temporary chair or chair pro tempore under HRS §11-7(d) for the limited purpose of conducting a meeting and facilitating the election of a permanent chair.

Thank you for your consideration.

Sincerely,

Ralph S. Cushnie
Commissioner
Hawaii Elections Commission

From: Rooted Heart Life <RootedHeartLife@proton.me>

Date: On Tuesday, June 30th, 2026 at 3:17 PM

Subject: Formal Notice of Intent to Convene — Hawaii Elections Commission Meeting July 1, 2026

To: OE.Elections.Commission

<elections.commission@hawaii.gov>, elections@hawaii.gov <elections@hawaii.gov>

CC: OE.Elections.Commission

<elections.commission@hawaii.gov>, hawaiiag@hawaii.gov <hawaiiag@hawaii.gov>, OIP <oip@hawaii.gov>

To the Office of Elections, for distribution to all Hawaii Elections Commissioners and Chair Michael Curtis:

I write on June 30, 2026, the final day of Chair Michael Curtis's term, to formally place the following on the official record of the Hawaii Elections Commission.

STATUS AS OF JUNE 30, 2026

As of midnight tonight, the Hawaii Elections Commission will have no sitting Chair. Chair Curtis's term expires today. The Commission will have no presiding officer.

The fifteen-day clock under HRS §11-7(c) — as interpreted by the Deputy AG's opinion dated June 22, 2026 — begins tomorrow, July 1, 2026. The Commission has until July 15, 2026 to select a Chair before the matter may be referred to the Chief Justice of the Hawaii Supreme Court.

Despite formal written requests from multiple Commissioners — including correspondence dated June 23, 2026 and June 24, 2026 — no meeting has been scheduled. No response has been received to those requests. The Commission has been left without a mechanism to convene, despite the urgent statutory deadline it faces.

The Deputy AG's written opinion dated June 22, 2026 concluded that the Chief Justice must fill the Chair vacancy if the Commission fails to act within fifteen days. However the official recording of the June 10, 2026 Commission meeting — publicly available at <https://youtu.be/Ooo6Guz0hhc> — documents that Deputy AG Ching made the following statements on the record twelve days before issuing that written opinion:

On the ambiguity of HRS §11-7(c) — timestamp 5:43:22:

Deputy AG Ching stated that it appears ambiguous as whether it applies specifically to the chair or not...the chair position doesn't have a county designation it's by selection of the board so I would say it's ambiguous.

On the ambiguity — timestamp 5:45:17:

When asked directly Deputy AG Ching stated he thought it was ambiguous as to whether or not this applies to the chair position." When a Commissioner followed up asking "So the answer is you don't know at this time" Deputy AG Ching responded: "Yes. Yeah."

On electing a pro tem Chair — timestamp 5:44:01:

Deputy AG Ching states one option can be is to...have this go to the commission for a vote...to either elect a pro tem chair. I will say that should come from a sitting member. It can't be a candidate because she's not a member. So it should be a part of the current commission."

On the vote count for pro tem Chair — timestamp 5:46:18:

Deputy AG Ching confirmed what was the vote count for a pro tem sitting member — five — I think it would be majority."

On the sole purpose of a pro tem Chair meeting — timestamp 5:45:37:

Deputy AG Ching stated he thought any meeting that's held with the pro tem chair the only the sole purpose of that meeting should be to select the next chair. I don't think it's appropriate to deliberate on other matters until a chair is selected."

On whether sending the matter to the Chief Justice requires a Commission vote — timestamp 5:44:27:

Deputy AG Ching stated the board elects to interpret it that subsection C applies to the chair position they could vote to send it to the chief justice. This confirms that referral to the Chief Justice requires a Commission vote, it is not automatic.

These statements establish the following beyond dispute:

One — HRS §11-7(c)'s application to the Chair vacancy is ambiguous by the AG's own admission.

Two — The Deputy AG himself identified election of a pro tem Chair by majority vote of five as a viable and appropriate option. NOT automatic after 15 days of vacancy.

Three — The Deputy AG himself confirmed the pro tem Chair must be a sitting Commissioner — a condition now satisfied by Commissioner McKay appointed June 23, 2026.

Four — The Deputy AG himself confirmed the vote threshold for pro tem Chair is five — majority — not six.

Five — Referral to the Chief Justice requires a Commission vote — it does not happen automatically, and again is NOT automatic after 15 days after vacancy. This rule was

created for a member, not a chair, if a chair could not be appointed by the appropriate officer.

Six — The Commission adjourned on June 10, 2026 specifically to address this question at the June 24, 2026 meeting. Chair Curtis cancelled that meeting without a Commission vote in direct violation of HRS §11-7(d) — denying the Commission the opportunity to exercise the very authority Deputy AG Ching identified as available to it.

The written opinion issued June 22, 2026 failed to address the pro tem Chair question despite it being explicitly raised at the June 10th meeting and despite Deputy AG Ching identifying it as a viable option at that same meeting. That omission — combined with the admission of ambiguity — means the written opinion cannot be treated as a definitive resolution of the Chair selection question.

AUTHORITY FOR COMMISSIONERS TO CONVENE WITHOUT A CHAIR

The Commission is an independent body established by the Legislature under HRS §11-7. It acts by majority vote of its membership under HRS §11-7(d). No other body, including the Office of Elections, the Department of the Attorney General, or the outgoing Chair — has authority to prevent the Commission from exercising its statutory functions.

Chair Curtis's unilateral cancellation of the June 24, 2026 meeting was improper and a direct violation of HRS §11-7(d). As documented in the official recording of the June 10, 2026 Commission meeting at <https://youtu.be/Ooo6Guz0hhc> at timestamp 5:52:56, Chair Curtis adjourned the June 10th meeting specifically to the June 24th meeting for the purpose of addressing the Chair vacancy including the pro tem Chair question. That was a Commission decision made at a properly noticed public meeting. Chair Curtis had no unilateral authority to cancel a meeting established by Commission consensus for a specific statutory purpose.

Robert's Rules of Order Newly Revised 12th Edition — formally adopted by this Commission as its parliamentary authority — addresses this situation directly.

Section §47:11(3) provides:

"If neither the president nor any vice-president is present, the secretary — or in the secretary's absence some other member — calls the meeting to order, and the assembly immediately elects a chairman pro tem to preside during that session."

This Commission has no vice-Chair. Effective tomorrow July 1, 2026 it will have no Chair. Under §47:11(3) any Commissioner may call the meeting to order. The assembly, meaning

the seated Commissioners, then immediately elects a Chair pro tempore by majority vote under HRS §11-7(d).

This is not a novel proposition. The Commission's own institutional history confirms it. On December 7, 2004 — at the Commission's very first meeting, before any permanent Chair had ever been selected — the Commission elected Harold Masumoto as interim Chair by majority vote with a Deputy Attorney General present. The Commission then operated under acting and interim leadership for three full years — from December 2004 through December 2007 — without the Chief Justice of the Hawaii Supreme Court ever being involved in filling the chairperson position. The Commission selected its own permanent Chair through its own internal process when it was ready to do so.

That precedent is documented in the Commission's own published meeting minutes and is directly on point.

NOTICE OF INTENT TO CONVENE

I am hereby placing the Commission and the Office of Elections on formal notice that seated Commissioners intend to convene a meeting of the Hawaii Elections Commission on July 1, 2026 — consistent with the Commission's regular practice of meeting on the first Wednesday of each month, for the following purposes:

1. To organize the newly seated Commission.
2. To elect a Chair pro tempore by majority vote pursuant to Robert's Rules of Order §47:11(3) and HRS §11-7(d).
3. To attempt the election of a permanent Chair pursuant to HRS §11-7(a)(5) and HRS §11-7(b).

I respectfully request that the Office of Elections provide administrative support for this meeting — including filing the required public notice with the Lieutenant Governor's office — consistent with its obligation to provide staff support to the Commission under HRS §11-1.5(b).

If the Office of Elections declines to provide administrative support, I request that declination in writing so that the record reflects it.

The Hawaii Elections Commission is an independent body. Its authority to organize itself, elect its own leadership, and conduct its statutory functions is established by the

Legislature in HRS §11-7 and confirmed by the Commission's own twenty-two year institutional history and by the Deputy AG's own statements at the June 10, 2026 meeting.

The August 8, 2026 primary election is thirty-nine days away. The Commission has mandatory obligations under HRS §11-8.5 that must be fulfilled before the November 3, 2026 General Election. Hawaii's voters deserve a Commission that functions.

I respectfully call upon my fellow Commissioners to convene, to organize, and to do the work the Legislature created this Commission to do.

Respectfully submitted,

Tamara McKay
Commissioner, Hawaii Elections Commission
Maui County

cc: Department of the Attorney General — hawaiiag@hawaii.gov
Office of Information Practices — oip@hawaii.gov

On Friday, June 26th, 2026 at 9:39 AM, OE.Elections.Commission
<elections.commission@hawaii.gov> wrote:

Aloha Commissioner McKay,

The [Elections Commission](#) page has been updated to reflect your replacement of Commissioner Andrion. If you don't see the changes immediately, please allow some time or refresh your browser.

Moving forward, please direct communication to the Elections Commission email address, not my personal email.

Thanks!

Ray

From: Rooted Heart Life <RootedHeartLife@proton.me>
Sent: Friday, June 26, 2026 7:48 AM
To: de Vega, Raymund C <raymund.c.devega@hawaii.gov>
Subject: [EXTERNAL] admisinstrative updates

Aloha Raymund,

I am writing to request that the Elections Commission website roster be updated to reflect the current membership of the Commission.

Specifically I ask that the following changes be made:

1. Remove Commissioner Dylan Andrion from the active roster reflecting his resignation.
2. Add my name — Tamara McKay — as Commissioner representing Maui County, appointed by Senate Minority Leader Senator Brenton Awa, term through June 30, 2028.
3. Reflect any other newly appointed Commissioners whose names have not yet been added to the public roster.

The Office of Elections has an obligation under HRS Chapter 92F to maintain accurate and current government records. Please confirm when these updates will be completed.

Mahalo,

Tamara McKay

Commissioner, Hawaii Elections Commission

Maui County

From: Rooted Heart Life <RootedHeartLife@proton.me>

Sent: Thursday, July 2, 2026 9:08 PM

To: OIP <oip@hawaii.gov>; DAGS <dags@hawaii.gov>; Lieutenant Governor's Notices <ltgov.notices@hawaii.gov>; hawaiiag <hawaiiag@hawaii.gov>; Hawaii State Ethics Commission <ethics@hawaii.gov>

Cc: OE.Elections <elections@hawaii.gov>; OE.Elections.Commission <elections.commission@hawaii.gov>; de Vega, Raymund C <raymund.c.devega@hawaii.gov>; Ralph Cushnie (EC) <ralphcushnieec@cushniecci.com>

Subject: [EXTERNAL] Formal Complaint

FORMAL COMPLAINT

Hawaii Elections Commission — Office of Elections Refusal to Perform Mandatory Statutory Functions

Date: July 2, 2026

Filed by: Tamara McKay Commissioner, Hawaii Elections Commission Maui County Appointed by Senate Minority Leader Senator Brenton Awa Term: June 23, 2026 through June 30, 2028

Complaint Against: Raymund de Vega Voter Services State of Hawaii, Office of Elections 802 Lehua Avenue, Pearl City, HI 96782

Submitted to:

Hawaii State Ethics Commission ethics.hawaii.gov

Office of Information Practices

Department of Accounting and General Services

Office of the Acting Lieutenant Governor Keith Regan

Department of the Attorney General

CC: Raymund de Vega — Hawaii Elections Commission —

I. INTRODUCTION

I am Tamara McKay, a seated Commissioner of the Hawaii Elections Commission representing Maui County, appointed by Senate Minority Leader Senator Brenton Awa, having taken the Oath of Office on June 23, 2026. My term runs through June 30, 2028.

I am filing this formal complaint against Raymund de Vega, Voter Services, Office of Elections, for his refusal to perform mandatory statutory administrative support functions for the Hawaii Elections Commission — an independent state body established by the Legislature under HRS §11-7 — and for conduct inconsistent with his obligations as a state employee under the Hawaii State Ethics Code, HRS Chapter 84.

This complaint is submitted to multiple agencies because Mr. de Vega's conduct implicates the specific jurisdiction of each agency receiving it. Each section below is addressed to the specific jurisdiction of each recipient so there is no question as to the applicability of each violation. I respectfully request that no agency decline review on jurisdictional grounds before reading its specific section.

Commissioner Ralph Cushnie of Kauai was present as a witness to the in-person meeting with Mr. de Vega on July 2, 2026 and can confirm all representations made in this complaint.

THE HAWAII ELECTIONS COMMISSION IS AN INDEPENDENT BODY

NOT SUBORDINATE TO THE OFFICE OF ELECTIONS OR THE AG

This section is foundational to every violation described below. It is essential that each receiving agency understand the correct legal relationship between these bodies before evaluating this complaint.

The Commission's independence is established by statute:

HRS §11-7(d): "The elections commission shall act by majority vote of its membership and shall establish its own procedures, except as may be provided by law."

HRS §11-9: The Elections Commission is specifically exempted from normal administrative controls — including comptroller oversight — to preserve its independence as a bipartisan election oversight body.

HRS §11-7(a): The Elections Commission is established within DAGS for administrative purposes only. As the letter delivered to Acting LG Regan on July 2, 2026 states — and as Acting LG Regan received and acknowledged — DAGS's role is strictly administrative. It does not extend to controlling or impeding the Commission's independent exercise of its substantive statutory powers and duties.

The Office of Elections' role is support , not supervision:

HRS §11-1.5(b): "The office of elections shall provide staff support to the elections commission as requested by the elections commission."

The Office of Elections provides SUPPORT to the Commission. It does not authorize, supervise, govern, or control the Commission's activities. The Commission is the independent oversight body. The Office of Elections is the administrative support body. These roles are clearly defined by statute and are not interchangeable.

As Commissioner McKay's formal letter to Acting LG Regan stated on July 2, 2026: "No external permission or approval is required for the Commission to exercise this authority or to hold meetings consistent with its statutory mandate."

The AG's role is legal counsel , not supervisor:

The Department of the Attorney General serves as legal counsel to the Commission. Deputy AG Jordan Ching advises the Commission. He does not authorize Commission meetings, govern Commission operations, or supervise Commission administrative support functions.

Deputy AG Ching confirmed this explicitly in writing on June 25, 2026:

"The Department of the Attorney General is not authorized to convene meetings on behalf of the Elections Commission."

This written admission is attached as Exhibit B. If the AG is not authorized to convene Commission meetings — he is also not authorized to approve or authorize Commission meetings as a precondition to administrative support. Raymund de Vega's conditioning of mandatory support on Deputy AG Ching's approval is directly contradicted by Ching's own written statement.

The AG's written opinion is not settled law, it is a contested interpretation of an admittedly ambiguous statute:

Deputy AG Ching stated on the public record at the June 10, 2026 Commission meeting — publicly available at <https://youtu.be/Ooo6Guz0hhc> — at timestamp 5:43:22: "I will say it appears ambiguous as whether it applies specifically to the chair or not... so I would say it's ambiguous."

At timestamp 5:45:17 when asked directly Deputy AG Ching stated: "I think it's ambiguous as to whether or not this applies to the chair position." When a Commissioner followed up asking "So the answer is you don't know at this time" Deputy AG Ching responded: "Yes. Yeah."

A legal opinion that concludes definitively on a question that the opinion's own author admitted was ambiguous — on the public record, twice, twelve days before issuing the written opinion — is internally inconsistent and cannot be treated as settled law. Deputy AG Ching cannot simultaneously admit a statute is ambiguous and then issue a definitive written opinion on that same statute and expect that opinion to carry the weight of binding legal authority.

An ambiguous statute interpreted against the Commission's own twenty-two year institutional history — during which the Chief Justice has never once appointed a Commission Chair — does not constitute a legal basis for preventing the Commission from convening to elect its own leadership. The written opinion is advisory only. It is not a court ruling. It is not binding law. It is one attorney's reading of a statute he admitted was ambiguous.

AUTHORITY TO CONVENE WITHOUT A CHAIR —

AND THE OFFICE OF ELECTIONS' OWN CONFIRMED ROLE

Effective July 1, 2026, Chair Michael Curtis's term expired. The Commission has no sitting Chair and no Vice Chair.

Robert's Rules of Order Newly Revised, 12th Edition, §47:11(3) — formally adopted by the Hawaii Elections Commission by unanimous vote in January 2026 — provides:

"If neither the president nor any vice-president is present, the secretary — or in the secretary's absence some other member — calls the meeting to order, and the assembly immediately elects a chairman pro tem to preside during that session."

The Office of Elections confirmed its secretary and administrative support role on July 2, 2026:

During the in-person meeting on July 2, 2026, Commissioner McKay asked Mr. de Vega who serves as secretary for the Commission. Mr. de Vega confirmed that the Office of Elections provides secretary and administrative support to the Commission as part of its staff support function under HRS §11-1.5(b) and that

no Commissioner is designated as secretary. When asked whether the Commission needed a designated Commissioner secretary, Mr. de Vega stated no.

This confirmation is significant. The Office of Elections — through its staff support role — holds the secretary and administrative support function for the Commission. Under Robert's Rules §47:11(3) the secretary — in this case the Office of Elections staff in their administrative support capacity — would normally call the meeting to order when no Chair or Vice Chair exists. However the Office of Elections has refused to provide any administrative support for the July 8, 2026 meeting — which includes refusing to perform the administrative and secretary support functions it confirmed it holds.

Under Robert's Rules §47:11(3) when the secretary is absent or fails to act any seated Commissioner may call the meeting to order. Commissioner McKay is a seated Commissioner. Her authority to call the meeting to order is therefore established by the Commission's own formally adopted parliamentary authority — and is further supported by the fact that the body that holds the secretary and administrative support function has refused to perform it.

The Commission's institutional history confirms this authority:

On December 7, 2004 — at the Commission's very first meeting — the Commission elected Harold Masumoto as interim Chair by majority vote with a Deputy Attorney General present. The Commission then operated under acting and interim leadership for three full years — December 2004 through December 2007 — without the Chief Justice ever being involved. That precedent is documented at:

https://elections.hawaii.gov/wp-content/uploads/2016/05/ec-minutes_2004-12-07.pdf

Commissioner Cushnie's formal correspondence confirms the legal position:

Commissioner Cushnie wrote formally to Deputy AG Ching on June 23, 2026 stating: "The Commission cannot elect a chair if it is not permitted to meet. The commissioners must be given the opportunity to exercise the authority the Legislature specifically granted to them under HRS §11-7(a)(5) and (b). Preventing the Commission from meeting effectively prevents the Commission from selecting its own chair."

This correspondence is attached as Exhibit C.

FACTUAL BACKGROUND — THE REFUSAL

July 1, 2026:

The Hawaii Elections Commission properly noticed a public meeting for Wednesday July 8, 2026 at 10:00 a.m. The notice was posted on the official State Calendar at calendar.ehawaii.gov on July 1, 2026 at 5:27 p.m. as confirmed by the State Calendar posting record showing Posted on: 07/01/2026 05:27 PM — attached as part of Exhibit E. The notice was also filed with the Office of the Acting Lieutenant Governor in

full compliance with HRS §92-7(b). The notice includes all required elements — date, time, location, agenda, testimony instructions, and disability accommodation information — consistent with the OIP Public Meeting Notice Checklist.

Commissioner McKay formally requested that the Office of Elections provide administrative support including a Zoom link for interactive conference technology, distribution of the notice to the Commission's mailing list, and posting of the notice on the Office of Elections website — consistent with the Commission's regular practice and the Office of Elections' mandatory statutory support obligations under HRS §11-1.5(b).

July 2, 2026 — In-Person Meeting with Mr. de Vega:

Commissioner McKay personally traveled from Maui to Oahu, accompanied by Commissioner Ralph Cushnie of Kauai, to meet with Mr. de Vega in person at the Office of Elections, 802 Lehua Avenue, Pearl City.

During that meeting Mr. de Vega:

1. Stated he was not comfortable providing the Zoom link without first speaking to Deputy AG Ching — who was not present.
2. Questioned whether Commissioner McKay had obtained permission from other Commissioners or established quorum before calling the meeting.
3. Confirmed that the Office of Elections provides secretary and administrative support to the Commission and that no Commissioner is designated as secretary.
4. Indicated — as documented in the formal letter delivered to Acting LG Regan the same day — that additional posting and support on the Office of Elections website would not occur without explicit direction from DAGS.

Commissioner McKay informed Mr. de Vega clearly that:

1. The Commission's authority to convene is established by HRS §11-7(d) and Robert's Rules §47:11(3) — not by the Office of Elections or the AG.
2. His role is administrative support — not authorization of Commission activities.
3. Deputy AG Ching is legal counsel — not a supervisor — and has no authority to authorize or prohibit Commission meetings. This is confirmed by Ching's own written statement of June 25, 2026 — Exhibit B.
4. Under Robert's Rules §47:11(3) — formally adopted by the Commission — any Commissioner may call the meeting to order when no Chair or Vice Chair exists.

July 2, 2026 — Meeting with OIP:

Following the meeting with Mr. de Vega, Commissioner McKay and Commissioner Cushnie met in person with staff Attorney, Jennifer Brooks, at the Office of Information Practices who provided guidance on

Sunshine Law notice requirements.

July 2, 2026 — Personal Delivery to Acting LG Regan:

Commissioner McKay personally delivered a formal written request to Acting Lieutenant Governor Keith Regan in his dual capacity as Acting LG and Director of DAGS — attached as Exhibit D. That letter formally documented that Mr. de Vega had indicated that "additional posting and support on the OE website will not occur without explicit direction from DAGS" and formally requested that Acting LG Regan direct the Office of Elections to provide full administrative support before close of business July 2, 2026.

Acting LG Regan's office timestamped receipt of the letter at 2:11 p.m. on July 2, 2026 as confirmed by the official Lieutenant Governor's Office stamp reading LIEUTENANT GOVERNOR'S OFFICE — 26 JUL -2 P2:11 — visible on the face of Exhibit D. Acting LG Regan's chief of staff indicated that Acting LG Regan would be contacting the Office of Elections regarding this matter.

Despite Acting LG Regan's office committing to contact the Office of Elections on July 2, 2026, Mr. de Vega provided the following written refusal the same evening:

"The Office of Elections will not be providing administrative support for the meeting you scheduled on Wednesday, July 8."

This written refusal is attached

This refusal came after:

- A formal written request on July 1, 2026
- A personal in-person meeting on July 2, 2026 with two Commissioners present
- A meeting with OIP attorneys on July 2, 2026
- Personal delivery of a formal request to the Acting LG on July 2, 2026 timestamped at 2:11 p.m. with a commitment to contact the Office of Elections

Every available administrative remedy was exhausted before this complaint was filed.

V. VIOLATIONS OF LAW — ADDRESSED BY AGENCY JURISDICTION

A. TO THE HAWAII STATE ETHICS COMMISSION

Jurisdiction: HRS Chapter 84 — State Ethics Code

Violation One — HRS §84-11 — Misuse of Official Position:

HRS §84-11 prohibits state officers and employees from using their official position to obtain unwarranted privileges or advantages for themselves or others.

Mr. de Vega conditioned mandatory administrative support — support he is legally required to provide under HRS §11-1.5(b) — on approval from the Deputy Attorney General. As Ching himself confirmed in writing on June 25, 2026 — Exhibit B: "The Department of the Attorney General is not authorized to convene meetings on behalf of the Elections Commission." If the AG cannot convene meetings he cannot approve or authorize them either. By inserting the AG as a required approver Mr. de Vega effectively gave one political faction veto power over the Commission's ability to convene. This is a direct use of his official position to create an unwarranted political advantage for those seeking to prevent the Commission from electing its own leadership in violation of HRS §84-11.

Furthermore the AG's written opinion — which Mr. de Vega has treated as operational authority — is based on a statute that the opinion's own author admitted was ambiguous on the public record twice before issuing it. A definitive written opinion on an admittedly ambiguous statute is not settled law. It is a contested interpretation. Using that contested interpretation as a basis for refusing mandatory statutory support is not a legitimate administrative decision — it is a choice that serves a specific political outcome.

Violation Two — HRS §§84-13 and 84-14 — Faithful Performance of Duties:

HRS §84-13 and §84-14 require state employees to perform their official duties faithfully and prohibit using an official position to benefit persons or interests outside their official role.

Mr. de Vega's mandatory function under HRS §11-1.5(b) is to provide staff support to the Commission as requested. His refusal — for reasons that serve the political interests of those seeking to obstruct the Commission from convening — is a failure to faithfully perform his official duties in violation of HRS §§84-13 and 84-14.

Violation Three — Creating Legal Exposure for the Commission:

The Office of Information Practices has advised that any Sunshine Law compliance failure resulting from incomplete mailing list distribution would be attributed to the Commission as a body — not to the Office of Elections. Mr. de Vega's refusal to distribute the meeting notice to the Commission's mailing list has therefore potentially exposed the Commission itself to Sunshine Law compliance liability. A state employee who uses his official position in a manner that creates legal exposure for the very body he is required to support is acting contrary to the faithful performance of his duties under HRS Chapter 84.

Relief Requested from the Ethics Commission: Investigate Mr. de Vega's conduct under HRS §§84-11, 84-13, and 84-14. Issue guidance clarifying that the Office of Elections' support role under HRS §11-1.5(b) cannot be conditioned on AG approval. Take appropriate disciplinary action if violations are confirmed.

B. TO THE OFFICE OF INFORMATION PRACTICES

Jurisdiction: HRS Chapter 92 — Sunshine Law / HAR Chapter 3-170

Violation — HAR §3-170-14(d) — Mailing List Distribution:

HAR §3-170-14(d) requires that a copy of the meeting notice be mailed or emailed to all persons on the Commission's notification list no later than when the agenda is filed. This administrative function is performed by Office of Elections staff under their support role pursuant to HRS §11-1.5(b).

Mr. de Vega's written refusal to provide administrative support includes refusal to distribute the meeting notice to the Commission's mailing list — a direct failure to perform this administrative function required under HAR §3-170-14(d).

The Commission properly noticed the July 8, 2026 meeting in full compliance with HRS §92-7(b) — confirmed by the State Calendar posting on July 1, 2026 at 5:27 p.m. attached as Exhibit E. The failure to distribute to the mailing list is entirely attributable to Mr. de Vega's refusal to perform his administrative function — not to any failure by the Commission.

OIP has previously advised Commissioner McKay that any resulting Sunshine Law compliance failure would be attributed to the Commission as a body. This means Mr. de Vega's refusal has created Sunshine Law exposure for the Commission through no fault of the Commission itself.

Relief Requested from OIP: Investigate the Office of Elections' failure to perform its mailing list distribution function under HAR §3-170-14(d). Provide written guidance confirming that the Commission may proceed with the July 8th meeting using independently arranged conference technology given the Office of Elections' documented refusal. Issue a formal opinion clarifying the respective obligations of the Office of Elections and the Commission under HAR Chapter 3-170 and HRS §11-1.5(b).

C. TO THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

Jurisdiction: Supervisory authority over the Office of Elections / HRS §11-1.5(b) mandatory support obligation / HRS §11-7(a)

Violation — HRS §11-1.5(b) — Mandatory Non-Discretionary Staff Support:

HRS §11-1.5(b) provides: "The office of elections shall provide staff support to the elections commission as requested by the elections commission."

The word SHALL makes this mandatory and non-discretionary. The Office of Elections falls within the DAGS administrative structure. DAGS has supervisory authority over the Office of Elections staff and their performance of mandatory statutory functions.

Mr. de Vega's written refusal — Exhibit A — to provide staff support including the Zoom link, mailing list distribution, and website posting is a clear violation of HRS §11-1.5(b). His conditioning of this mandatory support on Deputy AG approval is not authorized by any statute.

Critically — Deputy AG Ching himself stated in writing on June 25, 2026 — Exhibit B — that "The Department of the Attorney General is not authorized to convene meetings on behalf of the Elections Commission." Mr. de Vega conditioned support on approval from a body that has no authority over Commission meetings per its own representative's written admission. That conditioning has no legal basis whatsoever.

Furthermore Mr. de Vega stated during the in-person meeting on July 2, 2026 — and this was formally documented in the letter delivered to Acting LG Regan the same day at 2:11 p.m., Exhibit D — that additional support would not occur without explicit direction from DAGS. DAGS therefore has direct knowledge of this condition and direct authority to remedy it.

HRS §11-7(a) places the Commission within DAGS for administrative purposes only. As the letter delivered to Acting LG Regan states: DAGS's role is strictly administrative. It does not extend to controlling or impeding the Commission's independent exercise of its substantive statutory powers and duties.

Relief Requested from DAGS: Direct Mr. de Vega to immediately provide the Zoom link and complete the mailing list distribution for the July 8, 2026 Commission meeting. Investigate Mr. de Vega's refusal to perform a mandatory statutory function under HRS §11-1.5(b). Issue internal guidance clarifying that the Office of Elections' support obligation to the Commission is mandatory and cannot be conditioned on AG approval or any other unauthorized prerequisite.

D. TO THE OFFICE OF THE ACTING LIEUTENANT GOVERNOR

Jurisdiction: Constitutional duties of the LG's office / Sunshine Law filing recipient / Dual role as DAGS Director / HRS §92-7(b) / HRS §11-7(a)

You Received This Request Personally on July 2, 2026:

Acting LG Regan personally received a formal written request from Commissioner McKay on July 2, 2026 at 2:11 p.m. — confirmed by the official Lieutenant Governor's Office timestamp on Exhibit D reading LIEUTENANT GOVERNOR'S OFFICE — 26 JUL -2 P2:11. That request formally documented that Mr. de Vega had indicated the Office of Elections would not provide website support without explicit direction from DAGS and requested that Acting LG Regan direct the Office of Elections to provide full administrative support before close of business July 2, 2026. His chief of staff committed to contacting the Office of Elections.

Despite that commitment Mr. de Vega's written refusal was received the same evening.

Your Dual Authority Makes Action Straightforward:

Acting LG Regan serves simultaneously as Acting Lieutenant Governor and as Director of the Department of Accounting and General Services. In his DAGS capacity he has direct supervisory authority over the Office of Elections and its staff. The mandatory support obligation under HRS §11-1.5(b) is a function within his direct supervisory authority to enforce.

Mr. de Vega himself stated — as documented in Exhibit D delivered to Acting LG Regan at 2:11 p.m. on July 2, 2026 — that the Office of Elections would not provide support without explicit direction from DAGS. Acting LG Regan as DAGS Director is the exact person Mr. de Vega identified as having authority to direct this support. That direction has not been given or has not been followed.

The AG's Own Statement Supports Action:

Deputy AG Ching confirmed in writing — (Attached) — that the AG is not authorized to convene Commission meetings. The condition Mr. de Vega imposed — AG approval — therefore has no legal foundation. Acting LG Regan as DAGS Director has full authority to direct the Office of Elections to perform its mandatory support function without any AG involvement.

Relief Requested from Acting LG Regan: Exercise authority as Acting LG and direct Mr. de Vega and the Office of Elections to immediately provide the Zoom link and complete the mailing list distribution for the July 8, 2026 Commission meeting. Issue written confirmation that the Office of Elections has been directed to provide full administrative support for all properly noticed Commission meetings going forward without conditioning that support on AG approval. If July 8th, 2026 is not met in a timely manner, please instruct Mr. De Vega, that he is to provide the support as required in the laws that govern and guide. If and when a new meeting is scheduled, which may happen due to the unfortunate failure of providing the necessary support, that he do so as required and requested.

TO THE DEPARTMENT OF THE ATTORNEY GENERAL

Jurisdiction: Legal counsel to the Commission / State agency compliance / HRS §28-4 / Advisory opinion scope

The AG's Own Statements Create a Fundamental Contradiction:

Deputy AG Ching stated in writing on June 25, 2026 — (attached)

"The Department of the Attorney General is not authorized to convene meetings on behalf of the Elections Commission."

If the AG is not authorized to convene Commission meetings... he is also not authorized to approve, authorize, or serve as a prerequisite for Commission meetings or Commission administrative support. Yet

Mr. de Vega conditioned his mandatory support on Deputy AG Ching's approval, treating the AG's advisory role as supervisory operational authority over the Commission.

Furthermore Deputy AG Jordan Ching admitted on the public record at the June 10, 2026 Commission meeting... at timestamps 5:43:22 and 5:45:17, that HRS §11-7(c)'s application to the Chair vacancy is ambiguous. When asked directly whether he knew the answer he stated "Yes. Yeah" — confirming he did not know. Twelve days later he issued a written opinion concluding definitively on the same question he admitted was ambiguous. A legal opinion that concludes definitively on a question the opinion's own author admitted was ambiguous is not settled law. It is a contested interpretation of an unresolved statutory question.

The AG's office should be aware that this contested advisory opinion is being used by Office of Elections staff as a basis for refusing to perform mandatory statutory functions, an application that far exceeds the proper scope of any legal advisory opinion regardless of its conclusions, especially when there is a remedy based on president, Roberts Rules of order, as well as appointing a Pro Tem Chair.

Furthermore Commissioner Cushnie formally requested in writing on June 23, 2026, a written opinion from the AG on whether the Commission may elect a temporary Chair or Chair pro tempore under HRS §11-7(d). That written opinion was never provided despite being explicitly raised at the June 10, 2026 meeting and despite Deputy AG Ching identifying election of a pro tem Chair as a viable option at that same meeting at timestamps 5:44:01 and 5:46:18. and clarifying that a majority vote would be needed not a 2/3 vote, and the Pro Temp must be a seated commissioner.

Relief Requested from the AG: Issue written guidance to the Office of Elections clarifying that the AG's advisory opinion does not authorize the Office of Elections to refuse mandatory administrative support to the Commission. Clarify that the AG's role is legal counsel, not supervisory authority over Commission operations or administrative support functions. Issue the written opinion on the pro tem Chair question under HRS §11-7(d), and validate per Roberts Rules of Order (12th edition) that was approved January 2026, that was formally requested at the June 10, 2026 meeting and in Commissioner Cushnie's formal correspondence.

CRITICAL CONCERN — IMPACT ON UPCOMING ELECTIONS AND

MANDATORY PRE-ELECTION OBLIGATIONS

This section is addressed to all agencies receiving this complaint.

The Hawaii Elections Commission has mandatory non-discretionary pre-election obligations under HRS §11-7.5 and HRS §11-8.5 that must be fulfilled before the August 8, 2026 primary election, now 36 days away, and the November 3, 2026 General Election. These include:

One: Developing and implementing an elections review program under HRS §11-8.5.

Two: Establishing policies for an elections observer program to ensure the validity and reliability of election results under HRS §11-8.5(3).

Three: Making recommendations to the Chief Election Officer on methods to improve elections under HRS §11-7.5(2).

Four: Overseeing election administration and conducting oversight of the Chief Election Officer under HRS §11-7.5(5) and §11-7.5(6).

Five: Advising the Chief Election Officer on matters relating to elections under HRS §11-7.5(7).

The Commission cannot fulfill any of these mandatory pre-election obligations without functioning leadership and meeting. The systematic prevention of the Commission from convening, through the unilateral cancellation of the June 24th meeting without a Commission vote, the refusal to provide administrative support for the July 8th meeting, and the denial of interactive conference technology, the denial of alternative solutions to a vacant chair, has left Hawaii's election oversight body unable to fulfill its mandatory statutory functions at the most critical point of the 2026 election cycle.

These are not discretionary functions. They are mandatory obligations imposed by the Legislature on the Commission specifically to protect the validity and reliability of Hawaii's elections. A Commission that is prevented from meeting cannot develop an elections review program. A Commission that is prevented from meeting cannot establish an observer program. A Commission that is prevented from meeting cannot advise the CEO or oversee election administration before two major elections.

The cumulative effect of the documented obstruction is that Hawaii's election oversight body has been rendered non-functional in the weeks immediately preceding the August 8, 2026 primary election. The public interest — and the integrity of Hawaii's elections — demands that each agency receiving this complaint treat this matter with the urgency it deserves.

Each agency receiving this complaint has an obligation to consider not only the administrative violations documented above but also their cumulative impact on Hawaii's election oversight capacity in the weeks immediately preceding two major elections. The Commission must be permitted to function. The administrative support it requires must be provided. Hawaii's voters are entitled to a functioning election oversight body.

SUMMARY — THE DOCUMENTED PATTERN

The following facts are established by the written record attached to this complaint:

1. The Commission is an independent body that acts by majority vote under HRS §11-7(d) and is

- exempt from administrative controls under HRS §11-9.
2. The Office of Elections has a mandatory non-discretionary obligation to provide staff support to the Commission under HRS §11-1.5(b).
 3. The Commission properly noticed a meeting for July 8, 2026 in full compliance with HRS §92-7(b) — posted on the State Calendar on July 1, 2026 at 5:27 p.m.
 4. Mr. de Vega refused in writing to provide any administrative support
 5. Mr. de Vega conditioned mandatory support on approval from the Deputy AG — an entity whose representative confirmed in writing on June 25, 2026 that the AG is "not authorized to convene meetings on behalf of the Elections Commission" —
 6. The AG's written opinion on which Mr. de Vega relied is based on a statute that the opinion's own author admitted was ambiguous on the public record twice before issuing it. That opinion is advisory only — not binding law — and is directly contradicted by the Commission's own twenty-two year institutional history.
 7. Mr. de Vega confirmed on July 2, 2026 that the Office of Elections provides secretary and administrative support to the Commission — triggering the Robert's Rules §47:11(3) mechanism authorizing any Commissioner to call the meeting to order when the administrative support body refuses to act.
 8. Commissioner Cushnie formally documented the Commission's legal position in correspondence to the AG and was present as a witness on July 2, 2026.
 9. Commissioner McKay personally delivered a formal request to Acting LG Regan on July 2, 2026 at 2:11 p.m. with a timestamped receipt and a commitment to contact the Office of Elections. The refusal was received the same evening.
 10. The Commission has mandatory pre-election obligations under HRS §§11-7.5 and 11-8.5 that cannot be fulfilled without functioning leadership. The August 8, 2026 primary election is 36 days away.
 11. Every available administrative remedy was exhausted before this complaint was filed.

RELIEF REQUESTED

I respectfully request that all agencies receiving this complaint take the following actions within their respective jurisdictions:

Immediate: Direct the Office of Elections to provide the Zoom link for the July 8, 2026, or any other future date brought forth, Commission meeting and complete the required mailing list distribution immediately.

Investigative: Investigate Mr. de Vega's refusal to perform mandatory statutory functions under HRS §11-1.5(b) and HAR §3-170-14(d) and his conditioning of mandatory support on unauthorized AG approval in violation of HRS §§84-11, 84-13, and 84-14.

Guidance: Issue written guidance clarifying that the Office of Elections' administrative support obligation to the Elections Commission is mandatory and non-discretionary under HRS §11-1.5(b) and cannot be

conditioned on Deputy AG approval or any other unauthorized prerequisite.

Opinion: The AG is respectfully requested to issue the written opinion on the pro tem Chair question under HRS §11-7(d) that was formally requested in June 2026 and remains unanswered, understanding that Roberts Rules of Order was voted in a parliamentary tool to guide and be used by the commission.

Record: Include this complaint and all exhibits in the official record.

CONCLUSION

The Hawaii Elections Commission is an independent body. Its authority to organize itself, elect its own leadership, and fulfill its mandatory statutory functions is established by HRS §11-7 and confirmed by the Commission's own twenty-two year institutional history, during which the Chief Justice has never once appointed a Commission Chair.

The Office of Elections exists to support the Commission, not to control it. The Department of the Attorney General advises the Commission — not to authorize it. No administrative staff member and no legal advisor has the authority to prevent the Commission from convening a properly noticed public meeting.

The AG's advisory opinion — issued on an admittedly ambiguous statute by the opinion's own author — is not binding law. It does not authorize the Office of Elections to refuse mandatory support to the Commission. It does not authorize anyone to prevent the Commission from exercising the authority the Legislature specifically granted to it.

The August 8, 2026 primary election is 36 days away. The November 3, 2026 General Election follows. The Commission has mandatory obligations under HRS §§11-7.5 and 11-8.5 that must be fulfilled before both elections. Hawaii's voters deserve an election oversight Commission that is permitted to function. The documented refusal of the Office of Elections to perform its mandatory support function — conditioned on approval from a body that has no authority over Commission meetings per its own written admission — is an obstruction of a state oversight body's statutory functions that demands immediate corrective action from every agency receiving this complaint.

Respectfully submitted,

Tamara McKay Commissioner, Hawaii Elections Commission Maui County Appointed June 23, 2026

Witness: Commissioner Ralph Cushnie Hawaii Elections Commission — Kauai County

Attachments

-Written refusal from Raymund de Vega dated July 2, 2026: "The Office of Elections will not be providing

administrative support for the meeting you scheduled on Wednesday, July 8."

-Written statement from Deputy AG Jordan Ching dated June 25, 2026: "The Department of the Attorney General is not authorized to convene meetings on behalf of the Elections Commission."

- Formal correspondence from Commissioner Ralph Cushnie to Deputy AG Jordan Ching dated June 23, 2026, requesting facilitation of a Commission meeting and a written opinion on the pro tem Chair question under HRS §11-7(d).

-Formal written request from Commissioner Tamara McKay to Acting Lieutenant Governor Keith Regan dated July 2, 2026, requesting immediate administrative direction to the Office of Elections — personally delivered with official Lieutenant Governor's

-Office timestamp reading LIEUTENANT GOVERNOR'S OFFICE — 26 JUL -2 P2:11 confirming receipt at 2:11 p.m. on July 2, 2026.

From

 OE.Elections.Commission <elections.commission@hawaii.gov>

To

OIP, Rooted Heart Life, OE.Elections, hawaiiag, OE.Elections.Commission, Tyler Hawaii Support

 4:23 PM







Aloha Commissioner McKay,

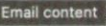
The Office of Elections will not be providing administrative support for the meeting you scheduled on Wednesday, July 8.

Thank you,

Raymund de Vega
Voter Services
State of Hawaii, Office of Elections
(808) 453-VOTE (8683)
elections@hawaii.gov

From  Rooted Heart Life <RootedHeartLife@proton.me>

☆ 4:52 PM

To  ns.Commission, Raymund de Vega, jordan.ak.ching@hawaii.gov, OIP, OE.Elections, hawaiiag, OE.Elections.Commission, Tyler Hawaii Support, Ltgov.notices@Hawaii.go... 

     ...

Mr. de Vega,

Thank you for your response dated July 2, 2026.

I am formally acknowledging receipt of the Office of Elections' written refusal to provide administrative support for the Hawaii Elections Commission meeting scheduled for July 8, 2026.

This refusal is noted for the official record. The Office of Elections' obligation to provide staff support to the Elections Commission under HRS §11-1.5(b) is not discretionary. The Commission did not request permission to meet. It requested administrative support for a properly noticed meeting. Those are fundamentally different things.

The Commission's properly noticed meeting will proceed as scheduled on July 8, 2026 at 10:00 a.m. The Commission will make alternative arrangements for interactive conference technology access given the Office of Elections' refusal to provide it.

This written refusal will be included in the official record of the Commission and referenced in any subsequent legal proceedings as appropriate.

Respectfully,

Tamara McKay

Commissioner, Hawaii Elections

Subject: RE: AG Advice Letter re: Elections Commission Chair Vacancy

From: Ching, Jordan AK <jordan.ak.ching@hawaii.gov> Thu, Jun 25, 8:46 AM (13 days ago)

To: Ralph Cushnie (EC), OE.Elections.Commission

Commissioner Cushnie,

The Department of the Attorney General is not authorized to convene meetings on behalf of the Elections Commission. As to your second request, my opinion letter addressed what was requested at the June 10, 2026 meeting, which was an opinion as to how a chair would be selected in the event the Commission was not able to garner six votes.

Thank you,

Jordan A. K. Ching

Deputy Attorney General

Commerce and Economic Development Division

Department of the Attorney General (Ka 'Oihana o ka Loio Kuhina)

425 Queen Street

Honolulu, Hawaii 96813

Office: (808) 586-1180

Email: jordan.ak.ching@hawaii.gov

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On Monday, July 6th, 2026 at 3:42 PM, DAGS <dags@hawaii.gov> wrote:

Aloha Commissioner McKay,

The Department of Accounting and General Services (DAGS) has reviewed your July 2, 2026 correspondence and formal complaint. Although the Office of Elections (OE) is placed within DAGS for administrative purposes under HRS section 11-1.5(a), the Chief Election Officer administers the Office of Elections is appointed, and subject to removal by the Elections Commission under HRS section 11-1.6, and OE is exempt from specified departmental controls under HRS section 11-1.55.

Accordingly, DAGS does not have statutory authority to direct OE staff to provide the support requested or to enforce OE's support obligation under HRS section 11-1.5(b), which the statute places on OE. As such, please work with the Chief Election Officer to resolve this matter. He can be reached at 808-453-8683 or by email at elections@hawaii.gov. DAGS therefore will not take further action on

your request.

Thank you for bringing this matter to our attention.

Mahalo,

The Department of Accounting and General Services (DAGS)

RE: Formal Complaint

From Rooted Heart Life <RootedHeartLife@proton.me>
 To scott.t.nago@hawaii.gov
 CC OE.Elections <elections@hawaii.gov>, OE.Elections.Commission <elections.commission@hawaii.gov>, OIP <oip@hawaii.gov>, Ltgov.notices@Hawaii.gov
 Date Monday, July 6th, 2026 at 4:33 PM

Aloha Mr. Nago,

I write as a member of the Hawaii Elections Commission to request the Office of Elections' staff support for a Commission meeting scheduled for Tuesday, July 14, 2026, at 10:00 a.m. I direct this request to you, as Chief Election Officer, because the Department of Accounting and General Services has now confirmed in writing that the support obligation rests on the Office of Elections and has directed me to work with you to resolve it.

DAGS stated that the support obligation under HRS §11-1.5(b) is one "which the statute places on OE," that the Chief Election Officer administers the Office of Elections and is "subject to removal by the Elections Commission under HRS section 11-1.6," and directed me to "work with the Chief Election Officer to resolve this matter." Accordingly, I bring the request to you.

The Office of Elections "**shall** provide staff support to the elections commission, as requested by the elections commission" (HRS §11-1.5(b)), and you, as Chief Election Officer, "shall supervise all state elections" (HRS §11-2(a)) and administer the Office. For the July 14 meeting, the Commission requests that the Office:

1. Provide a video-conference (Zoom) link.
2. Distribute the meeting notice and agenda to the Commission's mailing list, as required by HRS §92-7(e).

Under HRS §92-7(b), the notice must be posted no less than six calendar days before the meeting, here, by Wednesday, July 8, 2026. I ask that the Office provide link, notification to the mailing list and posted online. Also, confirm in writing, no later than 4:30 p.m. on Tuesday, July 7, 2026.

The Commission has authority to convene this meeting despite the current Chair vacancy: it "shall act by majority vote of its membership and shall establish its own procedures" (HRS §11-7(d)), and in January 2026 it adopted Robert's Rules of Order Newly Revised, under which a member may call the meeting to order and the members elect a chair pro tempore in the absence of a presiding officer (§47:11) — as the Commission itself did in 2004. Neutral distribution of the notice is an administrative function of the Office, which is why the Commission directs the Office to perform it.

I would prefer to resolve this cooperatively and to proceed with the Commission's business. If the requested support is not provided by the deadline above, the meeting will be canceled by operation of law, and the Commission will pursue all available relief, including a petition for a writ of mandamus; this correspondence and any refusal will be documented in those proceedings. I am available to coordinate immediately at 808-280-0928.

Respectfully,
 Tamara McKay
 Commissioner, Hawaii Elections Commission (Maui County)

AGENDA

I. Call to Order. In the absence of a Chairperson, a member will call the meeting to order

II. Roll Call and Establishment of Quorum (Staff Secretary)

III. Public Testimony. The Commission will receive oral and written testimony on the agenda item below.

IV. Election of Chair Pro Tempore. Election of a Chair Pro Tempore to preside, pursuant to HRS §11-7 and the Commission's adopted rules of procedure (Robert's Rules of Order Newly Revised, §47:11).

V. Adjournment.

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Accordingly, DAGS does not have statutory authority to direct OE staff to provide the support requested or to enforce OE's support obligation under HRS section 11-1.5(b), which the statute places on OE. As such, please work with the Chief Election Officer to resolve this matter. He can be reached at 808-453-8683 or by email at elections@hawaii.gov. DAGS therefore will not take further action on

your request.

Thank you for bringing this matter to our attention.

Mahalo,

The Department of Accounting and General Services (DAGS)