

RALPH CUSHNIE

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2013-Present	<u>Alaea Corp.</u> Kalaheo, Kauai, HI President/Treasurer Owner and President of all operations.	<u>Heavy Civil General Contractor – Veteran Owned SB</u> License #AC-33798	"AC General" Certified VOSB
2008 - Present	<u>Cushnie Construction Company, Inc. (CCCI)</u> Kalaheo, Kauai, HI Vice-President/Secretary (Operations Manager) Owner and Operations Manager. Responsible for all daily field and office decisions, fleet procurement and project management. Supervise all foreman, mechanic project managers/engineers. Public/Private Heavy Civil contracts range from \$10K to over \$15M. Safety Manager with multiple certifications. Specializes in Pre-Planning, Constructability Evaluations and Team Building and Partnering between owner/engineer/contractor management and field operations.	<u>Heavy Civil General Contractor – Woman Owned SB</u> RME: License #ABC-28974	"ABC General" Certified UDBE
1997 - 2008	<u>Goodfellow Bros., Inc. (GBI)</u> Poipu, Kauai, HI Island Superintendent (Kauai) Supervisor of Field Operations, Mechanics, Project Managers and Project Engineers. Left company to start own business (Cushnie Construction Co., Inc.) in 2008 Island Superintendent for all Civil and Heavy Construction projects on Kauai ranging from \$100K to over \$30M. Responsible for coordinating all field personnel & operations, equipment, equipment maintenance, project quality control, project materials, subcontractors and safety control for multiple projects; partnership with County, State and Federal agencies; environmental monitoring; Supervised Field Superintendents, Project Managers, Office Engineers, Equipment Department and Office Staff. Multiple Heavy Contraction Projects on Kauai include, Marriott Drainage Improvements, Major Residential Site Development, New State Highway and County Roadways, Highway and Roadway Reconstruction, Landfill Closure, Water System Improvements, Commercial Site Development, Drainage Canal Widening, Ocean Revetments, Bridge and Culvert Construction at Harbor, Quarry Operations, Dam Reconstruction and Repair. Kauai Division was rated "exceptional" by an independent Client Relationship Initiative Consultant in November 2007.	<u>Heavy Civil General Contractor</u> 	"ABC General"
1995-1997	<u>Koga Engineering</u> Lihue, Kauai, Hawaii Project Superintendent/Foreman for all large projects on Kauai. Civil and heavy work for \$15 million Low Income Housing project and \$20 million Intermediate School plus various smaller projects in conjunction with the larger ones. Responsible for daily crew scheduling, manpower, equipment utilization, quality control, scheduling subcontractors and materials, coordination with inspector and safety control.	<u>Heavy Civil General Contractor</u>	

1993-1995	<u>Goodfellow Bros., Inc. (GBI)</u> Kihei, Maui, Hawaii Project Engineer/Cost Engineer Project Engineer and Cost Engineer for \$8 million Iao Parkside Projects. Responsible for field scheduling, material procurement, value engineering, budget and cost analysis, communication between owner, engineer and field. Coordinate subcontractors and building contractors. Project included a highly sensitive merge with an existing stream; detailed coordination with The Core of Engineers was necessary and maintained.	<u>Heavy Civil General Contractor</u> "ABC General"
Spring 1993	<u>B.S. Degree in Construction Management</u> Colorado State University Fort Collins, Colorado	
1988-1996	United States Marine Corps Reserve Nuclear Biological Chemical Warfare Training Forward Observer for 8 Inch Artillery Battery	
1987-1993	Various Apprentice and Part-Time Work during College Field and Office Engineering for \$20 million Hospital Building Building. Site Surveying and Layout Carpentry, Welding and General Laborer Roofing Laborer; membrane, hot tar and shake work Refrigeration Assistant Repairman	
Awards	Raytheon Integrated Defense Systems Recognized Ralph Cushnie for his Outstanding Collaboration, Innovation and Support in the delivery of the Next Generation Integrated Air and Missile Defense Radar (AMDR) working with the United States Navy. Contribution was an Exceptional Achievement.	
Boards	State of Hawaii, Board of Registration – Kauai and Niihau Representative 2022 to Present	
Training	OSHA 10-Hour Construction Safety Training/Certification Traffic Control Technician Excavation and Trenching Competent Person Flagman Instructor and Flagman Certification Confined Space Competent Person Criterion RRP Environmental Certification Lead Paint Certification Globally Harmonized (GHS/HazCom) Training/Certification Crystalline Silica Competency Training/Certification Electrical, Loto & Arc Flash Awareness Training/Certification Rigging & Awareness Certification Powered Industrial Truck Training and Operator Evaluation Certification CDL with Driver Improvement Program Certification Laser Instruments First Aid and CPR Trained ACI Concrete Flatwork Associate NPDES Construction Storm Water General Permit and BMP Update Seminar SWPP Responsibility Introductory Workshop	

From: [Kathy Gedeon](#)
To: [OE.Elections.Commission](#)
Subject: [EXTERNAL] Support of David Weisman to the Position of State Elections Commission Chair
Date: Monday, June 8, 2026 9:44:35 AM

To the Members of the Election Committee:

I write today in enthusiastic support of the appointment of David Weisman to the position of State Elections Commission Chair.

In a time when public confidence in institutions is increasingly tested, the most important qualification for an Election Commissioner is not political allegiance, but unwavering commitment to truth, fairness, and the rule of law. David embodies those principles to an extraordinary degree.

Throughout a distinguished, decades long career in public service, David has demonstrated integrity, sound judgment, and a remarkable ability to remain calm under pressure. People respect David not because they always agree, but because they know every decision is grounded in evidence, transparency, and a genuine commitment to serving the public interest. Please review his resume which most likely includes serving in many county and community positions. This man is an unpretentious, extremely well qualified down to earth guy. He is; a retired judge, tropical fruit farmer, former Pahoa H.S. teacher and coach.

Election administration requires mastery of complex procedures, regulations, and audits. It also requires the courage to defend lawful outcomes when they are challenged and to investigate concerns thoroughly when they arise. It would be hard to find someone more capable and highly trained. David wants people to feel like their government institutions are of the people, by the people and for the people.

Finally and perhaps most importantly, he understands that the legitimacy of democracy depends upon public trust. Trust is earned when officials listen carefully, communicate clearly, and apply the rules consistently to everyone. I am confident that he will be principled enough to follow facts wherever that lead and balance security, accessibility and transparency.

Respectfully,
Kathy Gedeon

Patti Cook

Box 6960 – Kamuela, HI 96743
cookshi@aol.com * 808-937-2833

June 10, 2026

To: Hawai'i State Elections Commission
Meeting: Wednesday, June 10, 2026 – 10AM
Re: Testimony – Agenda Items III and IV
Email to: elections.commission@hawaii.gov

Aloha Commissioners:

I'm Patti Cook from Waimea, Island of Hawai'i. I am testifying on my own behalf. Thank you for your time and consideration of my comments regarding the June 10, 2026 Election Commission Agenda Items III and IV regarding the selection of a Commission Chair.

I repeat my previous testimony that I'm grateful eight individuals from across the state have applied – meeting the April 30, 2026 deadline. However, two of the candidates did not fulfil the application request that they provide a resume as well as letter of interest. Both failed to provide a resume. This is more than just disrespectful of you as commissioners. It is a "statement" of total disregard for public trust in the integrity of our elections process in Hawai'i.

Both candidates should be disqualified and if the commission ignores this disregard for public trust and integrity with a decision as critical as selecting a new Chair, then who can we really trust?

I am also concerned about whether current Commissioner Cushnie will be permitted to participate in today's interview process – asking questions of candidates when he himself is, in fact, a candidate. No question in my mind that he is entitled to vote but to protect the integrity of the commission, he must recuse himself from participating in the interview process.

I do personally have a preferred candidate – I believe Hamakua attorney Jo Kim is best suited to Commission Chair position due to her legal training and extensive experience of working with courts to follow the rule of law and managing extremely contentious situations.

Lastly, as shared previously, I urge the commission to honor our US and State Constitutions and thus, rule of law, conducting meetings with respect and civility to enable all voices to be reasonably heard. The expectation of treating all with respect and civility includes how you as commissioners (who are volunteers), and also how state and county elections commission staff are treated, even when there may be differences of opinion.

Thank you for your time.

Patti Cook, Registered Voter – Waimea, Island of Hawai'i

From: [Pikachu Billionaire](#)
To: [OE.Elections.Commission](#)
Subject: [EXTERNAL] Elections Commission - Testimony Pikachu Shelby Billionaire
Date: Tuesday, June 9, 2026 6:09:58 AM

Aloha Mai KaKou Commissioners,

Thank you for your service to the people of Hawaii and for undertaking the important responsibility of selecting the next Elections Commission Chair.

After carefully reviewing the June 10, 2026 meeting packet and candidate questionnaire responses, I respectfully offer the following observations for your consideration.

The Elections Commission is currently facing significant challenges related to public confidence, transparency, accountability, and effective governance. As such, I believe the most important qualifications for the next Chair are:

- Demonstrated understanding of Sunshine Law requirements;
- Ability to conduct fair, orderly, and professional meetings;
- Commitment to implementing Commission directives;
- Transparency in communications and decision-making;
- Respect for public testimony and diverse viewpoints; and
- A willingness to focus on process and accountability rather than partisan interests.

Based solely on the written responses submitted by the candidates, I found Tamara McKay's responses to be the most comprehensive and operationally focused. She provided specific plans for correspondence transparency, motion tracking, election review procedures, public accountability, and meeting management. Whether one agrees with all of her viewpoints or not, her responses demonstrated familiarity with the Commission's recent challenges and offered concrete solutions rather than general statements.

Commissioner Ralph Cushnie brings valuable institutional knowledge as a current member of the Elections Commission. His familiarity with Commission operations, election oversight responsibilities, and ongoing issues provides an important perspective and would allow for continuity of leadership during a period of transition.

Wally Nishimura demonstrated leadership experience and a genuine desire to restore public confidence. However, his responses were comparatively brief and provided less detail regarding implementation of the Commission's statutory responsibilities. I believe he has leadership potential and could serve effectively in a supporting role.

Michael Jauch demonstrated a commitment to election integrity and transparency; however, I was concerned by his acknowledgment that he is not familiar with the Sunshine Law and by the lack of detailed plans addressing several of the Commission's operational responsibilities.

Ultimately, my recommendation is that the Commission prioritize demonstrated governance ability, transparency, procedural knowledge, and the capacity to rebuild public trust. Based on the written materials provided, I believe you will choose the best person that meets these objectives that you can work with harmoniously and productively.

Thank you for your consideration and for your continued service to Hawaii's voters.

Respectfully submitted,
Master Shelby "Pikachu" Billionaire, HRM

Kingdom of The Hawaiian Islands, H.I.
Ohana Unity Party, Chairman
Presidentbillionaire@gmail.com

Facebook @Keiki'okalani
Instagram @Ohanaunityparty
IG @Legendarybillionaire
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MEETING OF THE HAWAII ELECTIONS COMMISSION

Wednesday, June 10, 2026, 2026, 10:00 a.m.

JANET MASON - TESTIMONY

Chair Curtis and Members of the Elections Commission:

This personal testimony concerns Items III and IV of today's agenda (review of the written questions sent to the Commission by applicants for the position of Elections Commission Chair and selection of this Chair).

Thank you to the candidates who stepped up for consideration of this challenging position. All seem genuinely interested in public service. I was also pleased to see the quality of the Commission's interview questions; answers to these questions do distinguish one candidate from another.

I was surprised that resumes were not provided for applicants. Resumes are a standard part of evaluating qualifications and experience and allow information to be independently verified. Their absence made the applications less complete from the public's perspective.

The remainder of my testimony discusses applicants' responses to the eight interview questions.

The first question is pivotal, and I hope you will immediately disqualify any candidate who did not clearly respond that Joe Biden was the lawfully elected candidate in the 2020 U.S. Presidential Election. Providing any answer to the contrary indicates disrespect for the rule of law in the United States. It must be clear to the public that the leader of Hawaii's Elections Commission supports established election law, judicial decisions, the Constitution of the United States and the Constitution of Hawaii.

The second question was the first of several that required familiarity with the Commission's recent work, particularly difficulty in resolving questions like the example used here: whether approximately 19,000 more ballots and/or envelopes were counted on Hawaii Island than were received in the 2024 General Election.

Familiarity with this issue would reasonably be expected from candidates who attended Commission meetings, reviewed meeting materials, or watched recordings of prior discussions. Taking these steps would show a commitment to uncovering the facts and to accepting the results of a Commission-led investigation. Three candidates indicated they weren't sure about this question, and three candidates indicated they were sure this happened. Only two candidates believed the ballot discrepancy did not happen.

The facts are that despite the formation of a bi-partisan Permitted Interaction Group (PIG) composed of several Commissioners that found no evidence of a 19,000-vote discrepancy, and presentation of the report of this PIG to the Commission on October 1, 2025, the Commission never formally accepted or adopted the report. Public dissension among Commissioners and the testifiers was very high (including one PIG member refusing to participate in the fact-finding).

One conclusion is that the Chair of the Commission should be prepared for hyper-partisanship that detracts from making decisions. In fact, one candidate for Chair was ejected from a December 2025 Commission meeting after a prolonged argument over procedure. Does this person have the temperament to be the Elections Chair?

The third question states correctly that a majority of Hawaii voters prefer to vote by mail and asks what the Elections Commission should do to support this.

Seven candidates mentioned the importance of investigating discrepancies/ensuring laws and regulations are followed/reviewing procedures in place/ensuring integrity at every stage of the process. One candidate stood out by proposing voter education, ballot reconciliation, regular audits, and transparent public reporting, while emphasizing that support for vote-by-mail and election integrity are complementary goals. One candidate did not answer the question, but merely said he was currently voting by mail and had always voted absentee. Is this last an adequate response? Not to me.

The fourth question concerns whether, and by what process, the Chair would share Commission-related correspondence with fellow Commissioners. Responses to this question reveal whether the candidate recognizes the importance of keeping all Commissioners informed about emerging issues, such as written complaints from voters. Answers also indicate whether the candidate recognizes such correspondence should be reviewed to determine if it was successfully investigated and settled by the Office of Elections or whether it warrants discussion or further consideration at a Commission meeting. Since the Commission has already decided that such communication should be shared, this indicates the Chair is expected to err on the side of disclosure.

Also important is whether a candidate recognizes that Commission members are obligated to follow the State's Sunshine law restricting decision-making on Commission business among two or more Commissioners outside of a public meeting.

All eight candidates made some reference to the importance of sharing information among themselves in the interest of transparency. Only two candidates mentioned the need to comply with the Sunshine law. One candidate offered an extraordinary description of a process he is already maintaining, i.e., a database of written complaints made to the Elections Commission beginning in 2004. Though it was impossible to verify the accuracy of this database, at first glance it looked good. It shows dedication to the challenge of elections monitoring.

The fifth question was about handling unfinished business as well as tracking the status of adopted motions on future agendas. Most applicants acknowledged that implementing these activities was a responsibility of the Commission Chair. All candidates recommended routine placement of unfinished agenda items and uncompleted motions on a future agenda. Six candidates also mentioned using a tracking log of some type to do this. Two candidates gave specific examples of how they would proceed. One candidate gave a good description of the data that should be in such a log, including a “target completion date,” and an “assigned owner.”

The sixth question may be the most critical (and difficult) of the eight questions. It asks what a Chair could do to implement an elections review program that ensures the validity and reliability of election results, as required by HRS §11-8.5(3)?

Answers were varied. Three candidates were strong advocates of expanded independent review, being skeptical of the Office of Elections internal processes.

Two candidates generally accepted the current system but wanted process improvements and oversight procedures, with one of these candidates providing an excellent structured answer framed around the goal of ensuring election integrity while keeping the existing system simple, streamlined and secure; six concrete elements of such a program were also described.

Two candidates emphasized adherence to the law but did not make suggestions for extensive new structures. One candidate stood apart by expressing confidence in the current system, focusing primarily on accountability rather than new review mechanisms.

Interestingly, only two candidates specifically mentioned that the Chair of the Commission normally drafts the meeting agendas, which affords an opportunity to introduce new or unresolved topics.

Though several of the answers referred to statutory requirements, none of the candidates addressed all six elections review duties, possibly indicating unfamiliarity with these specifics.

The seventh question was specific, asking whether the candidate had accepted funding or other resources from any 501 c4 political action committee or organization. This question is a good self-assessment of political independence and affiliations.

Seven of eight candidates disagreed very little, answering “No.” One candidate disclosed substantive involvement with a political organization but stated these personal beliefs about an election outcome would not influence service as Commission Chair. By itself, such participation shouldn’t automatically disqualify this candidate, but if selected hopefully the candidate will follow law and evidence, even if it conflicts with prior views.

Answers to the eighth question are revealing. Each person was asked to identify their primary concern about Hawaii elections and elections administration, and what they would champion if selected as Chair.

Answers were distinct:

1. Trust is earned through transparency and verification.
2. The greatest risk is polarization and fact-free decision-making.
3. Maintain trust and encourage voter participation.
4. Election procedures must be verifiable and documented.
5. Use evidence and process to maintain public confidence.
6. Election integrity requires active verification and oversight.
7. The Commission has failed to ensure election integrity and accountability.
8. Election results must be independently verifiable through reconciliation and audit.

This was an excellent question, showing the candidate's perception of Hawaii's elections administration, and answers were also a personal "mission statement" of the candidate's goal as Chair. But at least one candidate appeared "stuck," not able to identify a vision for the future.

Question 9 asked candidates about leadership experience, meeting management and handling conflict – all very relevant to maintaining civility and fairness in meetings. Including testifiers in this scene makes these skills even more important.

Answers to the question showed different management styles and philosophy. Three people endorsed formal procedural management (e.g., Robert's Rules of Order). Three other people emphasized collaborative discussion. The remaining two focused on full public discussion, including giving differing viewpoints a fair hearing before making decisions.

No candidate identified an alternative to Robert's Rules of Order.

Question 10 probed for a candidate's political affiliation, asking for disclosure of party membership, pointing out that the Commission is equally divided between the two major parties, and asking why a 2/3 majority (6 out of 8 Commissioners) should vote for the candidate in question.

All candidates cooperated with this question, resulting in five Republican candidates emphasizing election integrity and verification, together with one person who is currently unaffiliated but aligned with election integrity concerns. One candidate declared as a Republican, but emphasized personal leadership rather than process details, and two people disclosed they are Democrats emphasizing experience, neutrality, and governance.

Like the sixth question, the answers to “why should I vote for you” were distinct. Here’s an assessment of the key message from each candidate:

1. Judge me by my fairness and leadership, not by my party affiliation.
2. I represent local leadership and a younger generation.
3. Protect the voters' choice.
4. I have the experience and temperament to chair a difficult commission.
5. My focus is on process, not politics.
6. Vote for reform, transparency, and citizen involvement.
7. Follow the facts, not political narratives.
8. I answer to no party—only to constitutional principles.

Question 11 examined whether candidates had practical election experience. Responses revealed significant differences.

Voting histories ranged from relatively recent participation to more than 50 years of voting in Hawaii. Most candidates had used multiple voting methods, although two reported primarily voting in person and two specifically stated they had stopped voting by mail.

Election administration experience varied considerably. Two candidates described substantial firsthand experience as election workers, observers, or election officials. One candidate reported extensive involvement through Commission participation and election research, while two others described planned or attempted volunteer service. Three candidates reported no volunteer or observer experience. ***To me, there is no substitute for personal experience as an election worker or volunteer, and this is an important criterion for qualification as Commission Chair.***

Candidates also differed in their responses to election-security concerns. Some reported no concerns, some pursued administrative remedies, others developed concerns through research and records review, and two candidates described formal actions such as litigation, subpoenas, or investigations.

I hope my assessment will be helpful to Commissioners. Thank you for the opportunity to submit testimony.

From: [Sherilyn Wells](#)
To: [OE.Elections.Commission](#)
Cc: [james.hustace@hawaiicounty.gov](#); [kimo.alameda@hawaiicounty.gov](#); [ashley.kierkiewicz@hawaiicounty.gov](#); [dennis.onishi@hawaiicounty.gov](#); [heather.kimball@hawaiicounty.gov](#); [Inaba_Holeka](#); [jennifer.kagiwada@hawaiicounty.gov](#); [matt.kanealli-kleinfelder@hawaiicounty.gov](#); [michelle.galimba@hawaiicounty.gov](#); [rebecca.villegas@hawaiicounty.gov](#)
Subject: [EXTERNAL] (1) A July 2026 Elections Commission Agenda request and (2) How the legal challenges to the 2020 election were actually handled (before the 2024 evidence emerged, as per Bernsten/Rodil's investigation and whistleblower assistance)
Date: Tuesday, June 9, 2026 10:11:00 PM
Attachments: [image.png](#)
[Sherilyn Wells Answer to Question One of Elections Commission re Candidates for Chair.doc](#)
[Table of Contents Answer Number One to Hawaii Election Commission Candidates for Chair Questionnaire.doc](#)

For educational purposes only: I'm providing additional information to the Elections Commission after having read through the answers of my fellow candidates for Chair. It seems that some of them are under a mistaken impression that 2020 was litigated and resolved, ergo case closed.

Well... not exactly correct. The answer below gives insight into how the issue that no one wanted to look at substantively was ultimately handled by our judiciary.

And I'm including two attachments (table of contents and the research) which describe the "from Oct. 2024 to present day" information on election manipulation, which came into public cognizance after the other 2020 litigation allegedly "resolved" the issue.

Mahalo for bringing yourselves up to speed on this 2020 issue.

And, as an adjunctive issue (but relevant to queries you've made to the Commission Chair candidates), I'm including the contents of a March 2026 email, which I requested be placed on the next Commission meeting agenda. As it turns out, the postmaster returned my email, saying "mailbox was full," so the email never made it to you. Therefore, I've copied the contents and submit them again (see this adjunctive issue posted below the answer to how the 2020 election cases were disposed of).

Sherilyn Wells

The 2020 election legal challenges represent one of the most instructive case studies in **how the judicial system can avoid confronting uncomfortable evidence when the stakes are high enough**. Let's walk through what actually happened.

The Procedural Escape Hatch

The mainstream narrative — "over 60 court cases were lost" — is technically true but fundamentally misleading. **What matters isn't the *number* of losses but *how* those cases were resolved.**

The Standing Trap

Standing was the primary kill switch. **To have standing, you need to show particularized injury — you personally were harmed in a way distinct from the general public. This sounds reasonable in theory. In practice, it created a catch-22:**

- If you're an ordinary voter, you lack standing because your injury is shared with millions of others (a "generalized grievance").
- If you're a state legislator, you lack standing because election administration is an executive function.
- If you're a candidate, you lack standing because your injury is to your *campaign*, not to you personally as a candidate (yes, courts actually made this argument).
- If you're a poll watcher who witnessed irregularities, you lack standing because observing fraud doesn't make you the injured party — the candidate is.

The result: Nobody has standing. Literally nobody.

As Justice Thomas noted in his dissent when the Supreme Court refused to hear *Texas v. Pennsylvania*:

The Court has never squarely addressed whether a state has standing to challenge another state's election procedures. **But by refusing to even consider the question, the majority ensures that no entity can challenge election irregularities across state lines.**

This wasn't an accident. It's a feature of a system designed to make election challenges procedurally impossible, regardless of the evidence.

Venue Games

Even when plaintiffs found a court willing to hear them, **venue** became the next filter:

- Cases filed in state court were removed to federal court.
- Federal courts then sent them back to state court.
- By the time jurisdiction was settled, certification deadlines had passed.
- Courts would then dismiss as **moot** — the election was already certified.

Several cases got stuck in this jurisdictional ping-pong and were never heard on the merits.

The Laches Doctrine

Laches — the "you waited too long" defense — was deployed aggressively:

- Courts ruled that challenges to mail-in ballot procedures should have been brought *before* the election.
- But many of those procedures were changed at the last minute by state election officials or courts themselves (often citing COVID), making pre-election challenges impossible.
- If you challenge before the election, you're told the injury is speculative. If you challenge after, you're told you waited too long.

Heads, they win. Tails, you lose.

What Actually Happened: Merits vs. Procedure

Let's break down the actual numbers. Out of the post-election litigation:

Resolution Type	Approximate Count
Dismissed on standing	~20+
Dismissed on laches/timing	~10+
Dismissed as moot	~5+
Dismissed on other procedural grounds	~15+
Decided on the merits (plaintiff lost)	A handful
Decided on the merits (plaintiff won)	A handful

The critical point: Only a tiny fraction of cases were ever decided on the actual evidence. The overwhelming majority were killed before anyone looked at the affidavits, the statistical anomalies, the video evidence, the expert testimony.

A Representative Example: *Trump v. Boockvar* (Pennsylvania)

This case challenged Pennsylvania's mail-in ballot procedures. The district court judge actually issued a preliminary injunction. Then the Third Circuit reversed — not because the evidence was weak, but on **standing**. The court ruled that the Trump campaign's injury was to its "electoral prospects," which is not a cognizable legal injury.

Think about that. A candidate for office cannot challenge election procedures because his injury is merely... losing the election. That's the logic.

The Supreme Court's Abdication

Texas v. Pennsylvania was the big one. Texas sued four states (PA, GA, MI, WI) directly in the Supreme Court, arguing their election procedure changes violated the Constitution's Electors Clause. This was not some fringe lawsuit — **it was a state suing other states in the original jurisdiction of the Supreme Court, exactly as the Founders envisioned for disputes between states.**

The Court dismissed it 7-2, with Alito and Thomas dissenting. But here's the key — **Alito and Thomas explicitly stated they would have heard the case.** Their dissent wasn't about the merits; it was about the **Court's obligation to hear original jurisdiction cases.**

From Alito's statement:

In my view, we do not have discretion to deny the filing of a bill of complaint in a case that falls within our original jurisdiction. I would therefore grant the motion to file the bill of complaint.

The **majority didn't rule against Texas on the evidence. They simply refused to let the case in the door.**

Why This Matters

The procedural dismissal pattern wasn't random. It was systematic. And it raises a question that even someone with no interest in election disputes should find troubling:

If the evidence was truly as weak as claimed, why not just rule on the merits and demolish it?

If the affidavits were garbage, the statistical analyses flawed, and the claims baseless — a merits ruling would have been the most devastating rebuttal possible. Instead, courts went out of their way to avoid looking at the evidence at all.

This isn't a conspiracy claim. It's a procedural observation: **the system is designed such that election challenges are structurally impossible to litigate, regardless of evidence quality. Standing doctrine, laches, mootness, and venue rules combine to create a perfect procedural wall.**

The question is whether that's a feature or a bug. And the answer depends entirely on whether you believe election integrity is served by a system where no one can challenge an election on the evidence.

SHERILYN WELLS' request to make this a MARCH 11, 2026 AGENDA ITEM (PLEASE PLACE ON JULY 2026 ELECTIONS COMMISSION

MEETING AGENDA):

Testimony to Hawai'i Election Commission for the March 11 2026

9/14/22 versus 2/4/26 - Election Officer Scott Nago's contradictory statements regarding 2020 Hawai'i County General Election Cast Vote Records

Attached you will find a timely request for Hawai'i County's 2020 General Election Cast Vote Records (Wells), dated 9/2/22.

An identical request was also made by Ms. M. Kerr of Waikoloa.

Attached are TWO responses by Hawai'i Election Officer Scott Nago, dated 9/14/22, to 2020 Hawai'i County General Election Cast Vote Record requests by Wells and Kerr.

One relevant section of Scott Nago's response read as follows:

"Agency does not maintain the records."

THIS NOTICE IS TO INFORM YOU THAT YOUR RECORD REQUEST:

☐ Will be granted in its entirety.

☒ Cannot be granted. Agency is unable to disclose the requested records for the following reason:

☒ Agency does not maintain the records. (HRS § 92F-3)

GOVERNMENT RECORDS YOU REQUESTED (attach copy of request or provide brief description below):

(1) a copy of the Hawai'i County Cast Vote Record (CVR) report, in a digital format, for all of the elections that were on the ballot for the November 3, 2020 General Election.

(2) a copy of the Hawai'i County Ballot View Report – Ballot Manifest Report for the above (1), also in a digital format.

THIS NOTICE IS TO INFORM YOU THAT YOUR RECORD REQUEST:

Will be granted in its entirety.

Cannot be granted. Agency is unable to disclose the requested records for the following reason:

Agency does not maintain the records. (HRS § 92F-3)

Other agency that is believed to maintain records:

Feb. 4, 2026 Election Commission meeting.

<https://www.youtube.com/watch?v=5HP7SqBanhw>

At 4:59:49, Commissioner Cushnie moves to retain and preserve all records from 2020, 2022, and 2024 elections.

Regarding a question about there being a 22 month requirement to preserve records -

At 5:01:17, Commissioner Cushnie confirms, "They still have them." (them = 2020 records)

At 5:01:55, Chair Curtis asks Scott Nago – "Do those records still exist from 2020?"

At 5:02, Scott Nago replies, "We do have the 2020 General Election.. because of litigation we had to hold them, but we don't have the 2020 Primary Election."

THEREFORE..

1. Access or No Access?

I assume, if the 2020 records were retained due to a judicial proceeding, access to those records would likewise have to have been available to the court.

This fact – records ARE available to the court - is in direct contradiction to Scott Nago's 9/14/22 responses, denying citizen access for reasons that the DOJ identifies as federal felonies.

2. Official ignorance or deliberate misdirection?

In the second part of Election Officer Scott Nago's response (see excerpt below), Nago conflates cast vote records ONLY with in-person, on-location voting, not with ALL votes cast in an election.

To clarify the relationship between mail-in ballots and cast vote records:

- **Mail-in ballots are indeed included in cast vote records.**
- **Cast vote records document all votes cast in an election, including mail-in votes.**

In his 9/14/22 response, Election Officer Scott Nago wrote:

Please note that the voting system used in 2020 did not have a mechanism for extracting cast vote records from the mail ballot component (Ballot Now) of the system. As for ballots cast at voter service centers, the system had that capability.

Having said that, we would need the former contractor's proprietary voting system and access to their technical support to retrieve the cast vote records you are seeking from the storage media devices we have. However, our contract with the contractor for that system has expired and we no longer have the system.

-
- **Sherilyn Wells responds:**
-

FIRST, this is a remarkable failure to understand what "cast vote records" are. Is this sheer ignorance on the part of Scott Nago, an official to whom our state's elections are entrusted... or does his separation of processes amount to felonious misrepresentation?

SECOND, an official failure to maintain access to the cast vote records - during the statutory "retain/preserve" window - is a federal felony, as per the attached DOJ guide.

**U.S. Department of Justice
Federal Law Constraints on Post-Election "Audits"
Published July 28, 2021**

"..federal law imposes additional constraints with which every jurisdiction must comply."

If the original election official..turns over the records to private parties.. the Department..require(s) that "administrative procedures be in place giving election officers ultimate management authority.. including the right to

physically access” such records. In other words, the obligation.. remains intact regardless of who has physical possession of those records.

The Department interprets the Civil Rights Act to require that covered elections records “be retained either physically by election officials themselves, or under their direct administrative supervision.”

Federal Prosecution of Elections Offenses at 79.

APPROPRIATE ACTION

Election Commission obligations upon learning of Election Officer felony:

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- **To take action to restore legal consequences for criminal behavior in order to avoid the following potential Commission-centric crimes:**
- - Misprision of felony**
 - Accessory After The Fact**
 - Obstruction Of Justice**

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