

COMPLAINT

The Petitioner(s), duly and properly registered candidates for 2020 State of Hawai'i election, K Emil Syricina, Karl Dicks, Banner Fanane, Calvin Griffin, and qualified individual signatories as "a Group" to be known as Klean House Hawai'i "Petitioner(s), or a Candidate(s), or a Registered voter ("the group, or this group, or a group, or the group") herein complains and avers as follows:

INTRODUCTION

This is an original action by petitioners (candidates) who are properly registered as candidates in the State of Hawai'i and have met all qualifications to stand in compliance. These candidates were or have been listed on either or both the 2020 Primary Ballot and/or the 2020 General Election Ballot as any candidate. Individual voter is an individual voter in any election district. As the group "Klean House Hawai'i," they are a group of any thirty or more candidates and voters before the Hawai'i Supreme Court to contest for cause against the Respondents - Scott Nago et al., in his capacity as the Chief Election Officer of the State of Hawai'i, City Clerk Glen Takahashi et al., and the State of Hawai'i Office of Elections, The Election Commission et al.

All Respondents are assigned/charged with the responsibility for and are required to participate in conducting elections and election activities. All Respondents are under obligation to have knowledge of laws, rules, procedures, and guidelines related to State elections. The Respondents bear responsibility to ensure that the Primary Election on August 8, 2020 was to determine which party candidates and which non-partisan candidates shall or shall not move forward to the General Election November 3, 2020. In addition, those who were determined to have attained the highest number of votes and have been determined to be elected to an office, or position of any district, must be beyond reproach. This complaint shall set forth any cause or causes (such as but not limited to) provable fraud, multiple violations of HRS statutes, improper conduct and irregularities that could cause a difference or different election result in any or multiple counties, multiple contests, in multiple districts, and multiple precincts statewide.

JURISDICTION AND TIMELINESS

The above entitled court has jurisdiction over this matter under HRS§11-172, 11-173.5, 11-174.5, 11-175. Said statutory provisions provide, in pertinent part, that *inter alia*, a contest to results to the instant general election shall be filed for cause with this Supreme Court of the State of Hawai'i not later than the twentieth day following the general election being contested.

Complaint is that the general election, conducted on November 3, 2020, and primary election August 8, 2020 in their entireties in the State of Hawai'i are hereby contested by this complaint. The basis and foundation of complaint is that there were multiple violations of Title 2 Elections HRS Statues, and guidelines. Complainants therefore complain that the results of Final Report, are not certifiable as required HRS§ 11-155 as true and correct election results. Complainants believe certification actions 1-6, cannot be performed with verifiable integrity.

Petitioners, Plaintiffs hereby respectfully request that the clerk shall issue to the Defendants/ Respondents named in this complaint a summons to appear before the Supreme Court not later than 4:30 p.m. on the tenth day after service thereof. HRS§11-174.5(a)(b).

PARTIES

Candidates as individuals and as part of the body of are as follows:

(D) - Democrat, (R) - Republican, (N) - Nonpartisan

Emil Syricina (R) candidate for State Representative District 37

Karl Dicks (N) candidate for Mayor City and County of Honolulu

Banner Fanane (N) candidate for State Senator District 22

~~Calvin Griffin (N), candidate for U.S. Representative District 1~~

GROUP: HRS§ 11-172

Klean House Hawaii, a group of more than 30 registered voters. Affidavits / Declaration of Truth. Original signatures and Electronic signatures on Docu Sign

BACKGROUND INFORMATION:

- From June 5-9, 2020, 11 objections to nomination of candidates were filed with the Hawai'i Office of Elections and Honolulu City Clerk to "Nomination of Individuals engaged in Fraudulent Misrepresentation." Decisions were received and were appealed to Election Commission on June 18, 2020 with time stamp.
- Election Commission defaulted on time to respond (more than 10 days).
- Election Commission received testimony from Karl Dicks (after default on time) on July 23, 2020. Commission then defaulted on time again (more than 10 days). Answer was received August 31, 2020.
- Karl Dicks filed a case in Hawai'i First Circuit Court on August 12, 2020 1CCV-20-0001100, "Agency Appeal, Office of Elections." There was an appeal filed to the Election Commission. The Election Commission defaulted on time. (Status dismissed, moving to appeal to Supreme Court Hawai'i)

- Calvin Griffin filed a case in U.S. District Court of Hawai'i on July 2, 2020 that is still is active CV20-00298KJM. The core of said case is a civil rights violation regarding "Mail-in ballot accessibility." (Status still pending)
- Calvin Griffin filed a discrimination case in U.S. District Court of Hawai'i. He attained the highest number of votes as a nonpartisan candidate in primary election for U.S. Representative District 1 in Hawai'i. His name did not appear on the General Election ballot as it should have. (Status still pending)
- Karl Dicks filed a case with the Hawai'i Supreme Court SCEC-20-0000505, August 10th challenging the Primary Election results. The results may impact the primary election outcome, with 2 pending cases. Karl Dicks also pleaded that the Office of Elections held a poorly managed primary election. There were many irregularities in the primary. Supplemental Citations submitted and not addressed (dismissed).
- Banner Fanene (a candidate) filed a case with the Hawai'i Supreme Court on August 20,2020 SCEC-20-0000517. Banner noted pending cases in other courts that may have an impact on results. Banner stated there were many irregularities in the primary election. Banner included video link of suspicious appearance of a bin of ballots. Banner also claimed his campaign was disadvantaged due Covid-19 lockdowns and restrictions. Banner is also a disabled veteran.

COMPLAINT:

Any of the individual counts or combination of counts or the accumulation of counts could easily cause or causes, such as but not limited to, provable fraud, overages, or underages, that could cause a difference in the election results. The complaint shall also set forth any reasons for reversing, correcting, or changing the decisions of the precinct officials or the officials at a counting center in an election using the electronic voting system (HRS §11-172 Contests for Cause).

COUNTS:

COUNT 1: Act 136 authorizes voting by mail/mail-in ballots and is incomplete, crossed out and does not comply with the Plain Writing Act of 2010. Act 136 is not in alignment with HRS Statutes Title 2: Elections.

COUNT 2: Office of Elections has violated HRS §11-17 by not removing names of voters as required. This violation caused extra ballots to be sent and distributed to unauthorized recipients. Ballots were sent to addresses of deceased voters. Ballots were sent to addresses of voters who moved to different jurisdictions and are not eligible in Hawai'i.

COUNT 3: Violation HRS§16-1, 16-41 Signature verification cards were mailed to all voters but were not requested like Absentee Ballots. Cards have no Identification Verification requirements. Cards and signatures have no verifiable provisions for chain of custody.

COUNT 4: Violation HRS§16-1, 16-41. Ballots and ballot return envelopes (with signatures on the outside of the envelopes) have no verifiable link to a properly identified and registered voter. There is no provision for chain of custody. There is no paper trail. Signature on envelope is not confidential or secure.

COUNT 5: Primary election ballot layout was in violation of HRS§12-21 Official Ballot. Political Parties must be clearly separated from nonpartisan candidates.

COUNT 6: Multiple violations of HRS§16-43. Only 1 official was observed handling and/or transporting ballots. No observers from political parties and no media observers were present.

COUNT 7: Equal Protection Rights were violated under HRS§11-105. Replacement ballots process was insufficient with not enough access and lack of timeliness.

COUNT 8: Candidates Calvin Griffin, and Banner Fanene are disenfranchised candidates. HRS§12-41(b) is discriminatory, ambiguous and causes political gerrymandering with the intent of gaining an unfair advantage for the large political parties. Both names Griffin and Fanene were not included on the general ballot. Both were successful in the primary election. Due to improper application of HRS§12-41(b), their names were eliminated.

Ballot HRS Statues, Laws, Rules, Procedures:

The State of Hawai'i Office of Elections, Scott Nago (Chief Election Officer, et al.) Scotty Anderson (Chairman of State of Hawai'i Election Commission et al.) and the Honolulu County City Clerk (Glen Takahashi et al.) have separately (and/or jointly) knowingly violated multiple HRS statutes and Federal guidelines, procedures, and ethical standards as "officials responsible for the 2020 State of Hawaii Elections" including violations of, but not limited to:

State of Hawai'i, Hawai'i Revised Statutes:

HRS§11-7.5 DUTIES OF ELECTION COMMISSSION, HRS§11-17, 11-105

HRS§12-21, 12-41(b)

HRS§16-1, 16-41, 16-43,

HRS§19-1 Election Frauds: HRS§19-3(8), 19-4, 19-6

FEDERAL LAWS:

Help America Vote Act

Equal Protection under 14th Amendment

Amdt14.S1.4.3.3.3.1.2 Partisan Gerrymandering

Amdt14.S1.4.3.3.3.1.1 Dilution of the Right to Vote

Public Law 111 – 274 – Plain Writing Act of 2010

EXHIBITS:

- Exhibit A: (thumb drive) Violation of Act 136 as per link of Office of Elections
- Exhibit B: (photo) Violation of HRS§12-21, 16-1(1),16-41 (Signature cards with no security verifications, no ID required, no witness)
- Exhibit C: (photo) Violation of HRS§11-17 (Extra ballots sent to dead or moved voters)
- Exhibit D: (photo) Violation of HRS 16-43 (Only one observer instead of 2 or more officials)
- Exhibit E: Violation of HRS 16-43 (Only one observer instead of 2 officials)
- Exhibit F: (photo) Violation of HRS§12-21, 16-41. Non-working barcodes with no linkage to actual ballots, no paper trail. No chain of custody.
- Exhibit G: (photo) Extra Primary ballots
- Exhibit H: Confusing primary ballot, HRS§12-41(b) Organization of parties and nonpartisan.
- Exhibit I: (Video clip – thumb drive) Ballot collection at Kane’ohe District Park
- Exhibit J: (Video clip - thumb drive) August 11, 2020 Scott Nago has admitted on video meeting 100,000 ballots went to dead voters, wrong addresses, people that moved. They are still on the voter registration rolls.
- Exhibit K: Printouts 2,3,4 General election. Vote trend is for Trump. Printout 1 is missing.
- Exhibit L: Data gathered from Office of Elections “Final Report” 11/19/2020 10:18:14 am.
- Exhibit M: Certified mail receipts for Klean House Hawaii complaint for violations mailed to Agencies.
- Exhibit N: Klean House Hawaii complaint for violations, signed copy

RELIEF AND REMEDY:

1. The only remedy option due to the Respondents failure to properly and fully implement and follow current HRS statues, and rules, and guidelines as set out by the House and Senate for Act 136, and as per Title 2 Elections in Hawaii Revised Statues. There is no chain of custody. It would be impossible to engage in a recount. There is no connection with ballots and envelopes. The Petitioner(s) prays this court invalidate both all the Primary election results of August 8, 2020 and all of the November 3, 2020 General election results. In the best interest of fair and honorable elections, Petitioner(s) pray this court shall give judgment and will order a new election to be held not later than one hundred twenty days after judgment is filed. This is in accordance with HRS§174.5.

2. Petitioner(s) request the Court order State of Hawaii Office of Elections must use the same systems and processes as used in the elections of 2016 and 2018. All 2020 qualified candidates shall be listed Primary and General. All equipment used to be certified malicious programs free.

3. That this court as authorized HRS§ 175, order the State of Hawaii Office of Attorney General to faithfully fulfill their duties and responsibilities, specifically (2).

ROLES AND RESPONSIBILITIES: (Attorney General Hawaii)

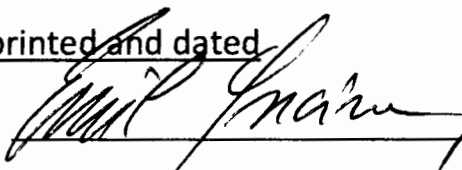

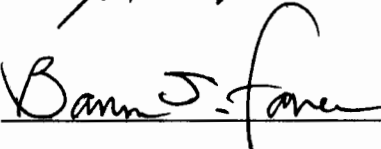
Personally or through deputy attorneys general, the Attorney General

(1) appears for the State in civil and criminal cases when the State is a party;

(2) investigates violations of state laws, and initiates civil and criminal actions to enforce the laws or prosecute persons who violate them;

(3) prepares legal opinions for the Governor, the Legislature, and the heads of state departments; (4) advises state officials on legal matters so that they may faithfully execute their duties and responsibilities; and (5) defends and represents state officials and employees when they are sued for actions they have taken or are about to take in connection with their state positions.

Signed, printed and dated

1.  ETIL SVRCINA, 11/23/20
2.  Kay Dicks 11/23/20
3.  Barner S. Fanene 11/23/20
4. _____