

MISC. COMM. NO. 1001

THE HOUSE OF REPRESENTATIVES

STATE OF HAWAII

In re Complaint Challenging Voter
Qualification of

SUSAN L.K. LEE LOY

COMPLAINT TO THE SPEAKER OF THE
HOUSE, NADINE NAKAMURA;
EXHIBITS 1 – 36; DECLARATION OF
BRIDGIT M.L. BALES

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COMPLAINT

I. INTRODUCTION

This Complaint is brought to address the blatant fraud of Susan Lee Loy, who has falsely claimed residency in a different State of Hawai‘i House of Representatives District than the one in which she actually resides. This ongoing fraud was perpetuated to avoid a primary confrontation with an incumbent Representative in the district in which she actually resides, District 3, and instead “receive the torch” from the former retiring House member of District 2. Susan Lee Loy’s continued perpetuation of this fraud, including the improper and illegal use of House of Representatives resources and staff for a personal matter, demands immediate action. The Petitioner-Appellants respectfully request the House of Representatives remove Susan Lee Loy from her committee assignments, and hold a vote to remove Susan Lee Loy from the House of Representatives, or in the alternative, a vote to censure Susan Lee Loy.

A. Factual Background

1. 498 Auwae Road, Hilo, Hawai‘i 96720, Tax Map Key (“TMK”) (3) 2-1-025-171-0000, is a property owned by the Department of Hawaiian Home Lands (“DHHL”) and leased to IAN B. LEE LOY (“Ian Lee Loy”). Bales Decl. ¶ 7, Exh. 1. This property is located within State of Hawai‘i House of Representatives District 3. Bales Decl. ¶ 8, Exh. 2.

2. Real estate broker NANCY CABRAL (“Cabral”) alleges SUSAN L.K. LEE LOY (“Susan Lee Loy”) contacted her in March 2024 looking for a rental property in Hilo, Hawai‘i. Bales Decl. ¶ 9, Exh. 3.

3. On April 21, 2024, Cabral signed a short-term lease running from April 10, 2024, to December 31, 2024, renting a two-bedroom, two-bathroom residence at 591 Alawaena Street, Hilo, Hawai‘i 96720 to Susan Lee Loy. Bales Decl. ¶ 10, Exh. 4. The lease retroactively placed the start date on April 10, 2024. *Id.* This property is located in State of Hawai‘i House of Representatives District 2. Bales Decl. ¶ 11, Exh. 2.

4. On April 22, 2024, Susan Lee Loy signed the above-mentioned lease. Bales Decl. ¶ 12, Exh. 4.

5. On April 26, 2024, Susan Lee Loy alleges she moved into the residence rented from Cabral located in House District 2. Bales Decl. ¶ 13, Exh. 5.

6. On April 26, 2024, Susan Lee Loy submitted a Hawai‘i Online Voter Registration Affidavit in which she purportedly changed her residence address from 498 Auwae Road, Hilo, Hawai‘i 96720 to 591 Alawaena Street, Hilo, Hawai‘i 96720. Bales Decl. ¶ 14, Exh. 6.

7. On May 22, 2024, Susan Lee Loy “pulled” an Application for a Nomination Paper to run for the Office of Hawaiian Affairs Hawai‘i Island trustee seat. Bales Decl. ¶ 15, Exh. 7.

8. On May 25, 2024, Susan Lee Loy “pulled” and filed an Online Application for a Nomination Paper to run for the Hawai‘i State House of Representatives District 2. Bales Decl. ¶ 16, Exh. 8.

9. On May 31, 2024, Civil Beat published an article in which Susan Lee Loy and then-Representative for District 2, RICHARD ONISHI (“former Representative Onishi”) were interviewed. Bales Decl. ¶ 17, Exh. 9.

10. Between May 31, 2024, and June 9, 2024, Susan Lee Loy alleges that she “slept and had meals at new/other residences/locations other than 498 Auwae Road.” Bales Decl. ¶ 18, Exh. 5.

11. On June 10, 2024, Petitioner-Appellants, BRIDGIT M.L. BALES, JANICE P.K. KAHO‘OHANOHANO, CAROLINE R.P. MONTAGUE-MULLINS, EVA E. NANI‘OLE, and MAUREEN N. RAWLINS (collectively, “Petitioner-Appellants”), filed a Challenge to Voter Registration of Susan L.K. Lee Loy (“Challenge”) and an Objection to Nomination Papers Filed by Susan L.K. Lee Loy (“Objection”) to both the State of Hawai‘i Office of Elections (the “Office”) and the County of Hawai‘i Office of the County Clerk (the “County Clerk”). Bales Decl. ¶ 19, Exh. 10.

12. On June 12, 2024, the County Clerk notified Susan Lee Loy via email and certified mail of Petitioner-Appellants’ Challenge and Objection. Bales Decl. ¶ 20, Exh. 11. The County Clerk also requested “any information that substantiates [redacted] as your residence.” *Id.*

13. On June 12, 2024, Cabral composed a letter of support, which Susan Lee Loy included in her response to Petitioner-Appellants’ Challenge and Objection. Bales Decl. ¶ 21, Exh. 3.

14. On June 14, 2024, Susan Lee Loy responded to Petitioner-Appellants’ Challenge and Objection with a letter and four attachments. Bales Decl. ¶ 22, Exh. 12.

15. On June 17, 2024, Chief Election Officer SCOTT T. NAGO responded to Petitioner-Appellants' Objection, denying the Objection and allowing Susan Lee Loy to continue as a candidate for the State of Hawai'i House of Representatives District 2. Bales Decl. ¶ 23, Exh. 13. Mr. Nago provided no factual or legal basis for his decision. *Id.*

16. On June 18, 2024, Susan Lee Loy filed Candidate Financial Disclosure number CFD-2024-000878. Bales Decl. ¶ 24, Exh. 14.

17. On June 21, 2024, the County Clerk acknowledged the receipt of Susan Lee Loy's response to Petitioner-Appellants' Challenge and asked Susan Lee Loy eleven (11) Supplemental Questions and Requests for Information. Bales Decl. ¶ 25, Exh. 15.

18. On June 24, 2024, Petitioner-Appellants filed an Appeal of Chief Election Officer's Denial of Petitioners' Challenge and Objection with the Hawai'i Island Board of Registration, State of Hawai'i House of Representatives House Clerk, and Speaker of the House of Representatives. Bales Decl. ¶ 26, Exh. 16. Acting Chief Attorney Mark Morita responded to Petitioner-Appellants appeal on December 27, 2024. Bales Decl. ¶ 47, Exh. 34.

19. On June 26, 2024, Susan Lee Loy responded to the County Clerks Supplemental Questions and Requests for Information. Bales Decl. ¶ 27, Exh. 5.

20. On July 11, 2024, County Clerk JON HENRICKS denied Petitioner-Appellants' Challenge. Bales Decl. ¶ 28, Exh. 6.

21. On July 18, 2024, Petitioner-Appellants filed a Notice of Appeal of County Clerk's "Findings/Ruling – Voter Registration Challenge" (the "Appeal") to the Island of Hawai'i Board of Voter Registration (the "Board"). Bales Decl. ¶ 29, Exh. 17.

22. Between April 26, 2024, the date Susan Lee Loy alleges she moved into her House District 2 residence, and August 10, 2024, the date County Clerk Henricks claims is the last day of the "year preceding the election," Susan Lee Loy spent 94 of 107 days at her 498 Auwae Road House District 3 residence. Bales Decl. ¶ 32, Exh. 18, 22. The remaining thirteen (13) days Susan Lee Loy did not spend at 498 Auwae Road were spent traveling to various campaign events such as those hosted by the National Association of Counties. *Id.* In the relevant time period, Susan Lee Loy spent 100% of her time at home at her 498 Auwae Road District 3 residence. *Id.*

23. On November 1, 2024, the Board entered an Order scheduling a Pre-Hearing Conference for the week of December 2, 2024. Bales Decl. ¶ 33, Exh. 19.

24. On December 28, 2024, the Board rescheduled the Pre-Hearing Conference to January 9, 2025, at 1:30 p.m. via Zoom. Bales Decl. ¶ 34, Exh. 20.

25. On January 7, 2025, the Board issued the following Order: “The prehearing conference scheduled for January 9, 2025, is hereby canceled. The present order is the final order in which Board of Registration Member Kukila will be involved as she is hereby recusing herself from presiding in this matter. This recusal results in the Board of Registration no longer having quorum. The parties will be informed upon quorum being reestablished.” Bales Decl. ¶ 35, Exh. 21.

II. ARGUMENT

A. The Speaker of the State of Hawai‘i House of Representatives has jurisdiction over qualifications of Representatives.

Article III, section 12 of the Hawai‘i State Constitution states:

Each house shall be the judge of the elections, returns and qualifications of its own members and shall have, for misconduct, disorderly behavior or neglect of duty of any member, power to punish such member by censure or, upon a two-thirds vote of all the members to which such house is entitled, by suspension or expulsion of such member.

Haw. Const. art. III, § 12. The Hawai‘i Supreme Court has affirmed that the qualifications of members of the House of Representatives constitute a nonjusticiable political question, thus the “Legislature, not the court, possesses the authority to judge the qualifications of its members.” *Hussey v. Say*, 139 Hawai‘i 181, 188, 384 P.3d 1282, 1289 (2016).

Despite Petitioner-Appellants’ timely challenge of Susan Lee Loy’s residency several months before she was elected, the House of Representatives is on the verge of swearing in and seating Susan Lee Loy as a member. Due to the imminence of Susan Lee Loy’s swearing in and seating, to the extent Susan Lee Loy is considered to be a member of the House of Representatives, the House has jurisdiction to address her qualifications.

B. Susan Lee Loy is not a resident of State House of Representatives District 2.

Article III, section 6 of the Hawai‘i State Constitution states:

No person shall be eligible to serve as a member of the house of representatives unless the person has been a resident of the State for not less than three years, has attained the age of majority and is, prior to filing nomination papers and thereafter continues to be, a qualified voter of the representative district from which the person seeks to be elected;

Haw. Const. art. III, § 6.

Hawai'i Revised Statutes ("HRS") chapter 11-12 provides "[n]o person shall register to vote in any other precinct than that in which the person resides[.]" HRS § 11-12(a). HRS chapter 11-13 identifies the rules for determining residency and provides the following:

For the purpose of this title, there can be only one residence for an individual, but in determining residency, a person may treat oneself separate from the person's spouse. The following rules shall determine residency for election purposes only:

- (1) The residence of a person is that place in which the person's habitation is fixed, and to which, whenever the person is absent, the person has the intention to return;
- (2) A person does not gain residence in any precinct into which the person comes without the present intention of establishing the person's permanent dwelling place within such precinct;
- (3) If a person resides with the person's family in one place, and does business in another, the former is the person's place of residence; but any person having a family, who establishes the person's dwelling place other than with the person's family, with the intention of remaining there shall be considered a resident where the person has established such dwelling place;
- (4) The mere intention to acquire a new residence without physical presence at such place, does not establish residency, neither does mere physical presence without the concurrent present intention to establish such place as the person's residence;

HRS § 11-13(1)-(4). The Hawai'i Legislature enacted HRS chapter 11-13 in 1970 to address various issues, including the "many instances of voters residing in one area of the State and claiming residency in another." *Dupree v. Hiraga*, 121 Hawai'i 297, 317-18, 219 P.3d 1084, 1104-5 (2009) citing H. Stand. Comm. Rep. No. 1178, in 1969 House Journal, at 852; S. Stand. Comm. Rep. No. 830-70, in 1969 Senate Journal, at 1374-75.

Hawai'i Administrative Rules ("HAR") chapter 3-177-156 further expound on these rules:

- (a) In addition to the rules for determining residency provided in HRS § 11-13, the following shall also be applicable in determining the residence of a person for election purposes:
 - (1) The residence of a person is that place in which the person's habitation is fixed, where the person intends to remain, and when absent, intends to return;
 - (2) When a person has more than one dwelling:
 - (A) If a person maintains a homeowner's property tax exemption on one of the dwellings, there shall be a rebuttable presumption that the dwelling subject to the homeowner's property tax exemption is that person's residence;
 - (B) If a person claims a renter's tax credit for one there shall be a rebuttable presumption that the dwelling, subject to the renter's tax credit is that person's residence; and
 - (C) If a person has not physically lived at any one dwelling within the year immediately preceding the election, there shall be a rebuttable presumption

that the dwelling in which the person has not lived at is not the person's residence.

- (b) Should a person's circumstances change and the person takes up a domicile in another precinct or state, there shall be a rebuttable presumption that the new domicile is the person's residence.
- (c) For purposes of this section, a rebuttable presumption is a presumption considered true unless proven false by evidence to the contrary.

HAR § 3-177-156(a)-(c).

The Supreme Court of the State of Hawai'i addressed the residency rules in HRS chapter 11-13 and HAR chapter 3-177 in *Dupree v. Hiraga*, 121 Hawai'i 297, 219 P.3d 1084. *Dupree* determined HRS chapter 11-13(1) establishes requisite intent to "acquire a new residence" and an implied concurrent intent to "abandon his or her prior residence, since a person can have only one residence under the statute." *Id.* 121 Hawai'i at 318, 219 P.3d at 1105. *Dupree* also establishes that HRS chapter 11-13 "requires that the person seeking to relocate his residence to a new district must establish a dwelling or otherwise live in the district, in the commonly understood meaning of those terms." *Id.* 121 Hawai'i at 322, 219 P.3d at 1109. Additionally, "what is required is not momentary, or occasional or sporadic physical presence; it is significant physical presence consistent with the ordinary conception of living (or abiding, or residing, or dwelling, or maintaining a habitation) in a place." *Id.* 121 Hawai'i at 321, 219 P.3d at 1108 (citation, internal quotation marks, and emphasis omitted).

The Intermediate Court of Appeals ("ICA") further explored residency rules in *Baker v. Galuteria*, 141 Hawai'i 468, 413 P.3d 372 (2018). In *Baker*, the ICA identified evidence "constitute[ing] substantial evidence" related to the residency rules, including "the addresses listed by the Galuterias on their driver's licenses and vehicle registrations, regularly-received mail, including mail related to Brickwood's employment and from financial institutions, rental agreements (albeit with gaps), sworn statements, photographs of the Curtis Street Apartment, the Galuteria's arrangement to revise the property tax status and pay increased back taxes to the City, and Brickwood's testimony at the hearing before the Board." *Id.* 141 Hawai'i at 477-78, 413 P.3d at 381-82. Further evidence considered in relation to residency included "Brickwood's continued ties to the Palolo Property, including the substantial periods of time that Brickwood and Abigail spent there in 2014....the testimony of Baker's witnesses....the Galuterias' daughter and five grandchildren lived at the Palolo Property and that the Galuterias retained one of the four units at

the property and spent a great deal of time there with their extended family.” *Id.* 141 Hawai‘i at 478, 413 P.3d at 382.

1. *There is a rebuttable presumption that Susan Lee Loy is not a resident of Hawai‘i State House of Representatives District 2.*

There is a rebuttable presumption that, when a person has more than one dwelling, “[i]f a person has not physically lived at any one dwelling within the year immediately preceding the election, there shall be a rebuttable presumption that the dwelling in which the person has not lived at is not the person’s residence.” HAR § 3-177-156(a)(2)(C). “[A] rebuttable presumption is a presumption considered true unless proven false by evidence to the contrary.” HAR § 3-177-156(c). The year immediately preceding the election is 2023. The County Clerk considered the year immediately preceding the election to be August 10, 2023 to August 10, 2024. Exh. 6 at 6.

By her own sworn admission, Susan Lee Loy lived at 498 Auwae Road until April 26, 2024. Exh. 5 at 6. Thus, Susan Lee Loy did not live at 591 Alawaena Street in 2023, the year immediately preceding the 2024 election. Additionally, according to Petitioner-Appellants’ Index of Security Camera Video Evidence, Susan Lee Loy did not live at 591 Alawaena Street between August 10, 2023, and August 10, 2024. Exh. 18, 22. Therefore, there is a rebuttable presumption that 591 Alawaena Street is not Susan Lee Loy’s residence. HAR § 3-177-156(a)(2)(C). Because this presumption is considered true unless proven false by evidence to the contrary, Susan Lee Loy is required to produce evidence to prove the presumption false. HAR § 3-177-156(c). Susan Lee Loy, however, has provided no evidence to the contrary as discussed *infra* II.B.2 and II.B.3.

2. *Susan Lee Loy has not established the requisite intent to abandon her prior residence.*

Susan Lee Loy continues to live at 498 Auwae Road, Hilo, Hawai‘i 96720. In Petitioner-Appellants’ Challenge and Objection, an Index of Evidence based on Petitioner-Appellant Bridgit Bales’ security video recordings show Susan Lee Loy living at her 498 Auwae Road residence in House District 3 a total of thirty (30) days between April 26, 2024, the date Susan Lee Loy alleges she moved to her House District 2 residence, and May 25, 2024, the date Susan Lee Loy pulled and filed her online nomination papers. Exh. 10 at 9-11. Within this period of thirty (30) days, Susan Lee Loy spent twenty-four (24) days at her residence in House District 3. During the six (6) days Susan Lee Loy was absent from her House District 3 residence, she traveled to and from the National Association of Counties Western Interstate Region Conference

in Mariposa, California, leaving on May 6, 2024, and returning May 11, 2024. Susan Lee Loy spent 100% of her time at 498 Auwae Road, her House District 3 residence.

In the seventy-seven (77) day period between May 26, 2024, to August 10, 2024, the date County Clerk Henricks considers the end of the “year preceding the election,” Susan Lee Loy spent seventy (70) days at her 498 Auwae Road residence. Exh. 18, 22. In the seven days that Susan Lee Loy was absent from her 498 Auwae Road residence, Susan Lee Loy was traveling either to Florida for the National Association of Counties Annual Conference and Exposition, or participating in events related to her campaign. *Id.* Even in the period that Susan Lee Loy claimed to have “slept and had meals at new/other residences/locations other than 498 Auwae Road” between May 31, 2024, and June 9, 2024, Susan Lee Loy spent the night at 498 Auwae Road on May 31, 2024, and returned daily to change her clothes between June 2, 2024 and June 7, 2024. *Id.*; Exh. 5 at 8. Therefore, when Susan Lee Loy was not traveling, she spent 100% of her days at her 498 Auwae Road residence.

The times listed in Petitioner-Appellants’ Index of Evidence demonstrate Susan Lee Loy’s presence at 498 Auwae Road in the afternoon or evening of most days, and her continued and unbroken presence at 498 Auwae Road the next morning. Exh. 10 at 10-11; Exh. 18, 22. Susan Lee Loy’s unbroken presence in the evening of one day and the morning of the next means Susan Lee Loy is sleeping and living at 498 Auwae Road. *See Id.*

Further, Susan Lee Loy does not contest her presence at 498 Auwae Road according to Petitioner-Appellants’ Index of Evidence. In the County Clerk’s Supplemental Questions and Information Requests to Susan Lee Loy, sent by the County Clerk on June 21, 2024, the County Clerk asks Susan Lee Loy: “Assuming you do not contest this accounting of your presence at 498 Auwae Road, please share the nature and reasons for your presence at 498 Auwae Road and how your presence there does not support the premise that you maintain residency at 498 Auwae Road.” Exh. 15 at 2. In responding to this request, Susan Lee Loy failed to contest the Petitioner-Appellants’ accounting of her presence at 498 Auwae Road. *Id.* The County Clerk agrees that “Ms. Lee Loy does not deny she frequents the District 3 Family Residence or Ms. Bales [sic] documentation of her presence at the same.” Exh. 6 at 3.

Susan Lee Loy also failed to explain how her presence at 498 Auwae Road does not support the premise that she maintains residency there; rather, her explanation *supports* the premise that she maintains residency at 498 Auwae Road. *Id.* Susan Lee Loy claims that her

presence at 498 Auwae Road is required because she has “co-parenting responsibilities” for her globally disabled son. *Id.* Both Susan Lee Loy and Ian Lee Loy stated in their declarations that their globally disabled son “requires constant supervision and full-time care.” Exh. 12 at 3-4. Susan Lee Loy also states that she “assist[s], when needed, my 88-year-old mom.” Exh. 5 at 3. Susan Lee Loy also owns a dog that resides at 498 Auwae Road. Bales Decl. ¶ 36. Yet Susan Lee Loy claims to live elsewhere, essentially leaving her 88-year-old mother, who herself needs assistance, to care for her globally disabled son who “requires constant supervision and full-time care,” and a dog that escapes the property. Bales Decl. ¶ 46, Exh. 31, 32, 33.

Additionally, despite the fact that 498 Auwae Road is leased to Ian Lee Loy by DHHL, Susan Lee Loy listed herself as the debtor for a loan from DHHL for between \$50,000 and \$100,000. Bales Decl. ¶ 37-38, Exh. 1, 14.

Further evidence of Susan Lee Loy’s continued residence at 498 Auwae Road includes various campaign materials. On Susan Lee Loy’s campaign website, sueleeloy.com/get-involved, Susan Lee Loy’s address is listed as 498 Auwae Road, Hilo, Hawai‘i 96720. Bales Decl. ¶ 40, Exh. 24. In the State of Hawai‘i Campaign Spending Commission Disclosure Report for Susan Lee Loy’s campaign, her address is listed as 498 Auwae Road, Hilo, Hawai‘i 96720. Bales Decl. ¶ 41, Exh. 25. On Susan Lee Loy’s campaign Instagram account, Susan Lee Loy posted a flier of an endorsement which lists her address as 498 Auwae Road, Hilo, Hawai‘i 96720. Bales Decl. ¶ 42, Exh. 26. On Susan Lee Loy’s campaign posters, Susan Lee Loy lists 498 Auwae Road, Hilo, Hawai‘i 96720 as her address. Bales Decl. ¶ 43, Exh. 27. In two Notices of Intent to Hold a Fundraiser, filed with the State of Hawai‘i Campaign Spending Commission on June 26, 2024, and July 29, 2024, Susan Lee Loy listed her address as 498 Auwae Road, Hilo, Hawai‘i 96720. Bales Decl. ¶ 44, Exh. 28, 29.

On three separate occasions after the filing of Petitioner-Appellants’ appeal to the Board, Susan Lee Loy was present at her home at 498 Auwae Road to answer the door to the Hawai‘i Police Department responding to her dog running loose on Petitioner-Appellant Bridgit Bales’ property. Bales Decl. ¶ 46, Exh. 31, 32, 33. Susan Lee Loy claims to live at 591 Alawaena Street, yet is present at 498 Auwae Road on three random dates long enough to answer the door for the Hawai‘i Police Department’s response to her dog running loose on neighboring properties. *Id.*

As mentioned above, the Supreme Court of the State of Hawai‘i requires “living” in a registered voter’s new residence that is “not momentary, or occasional or sporadic...; it is

significant physical presence consistent with the ordinary conception of living...in a place. *Dupree*, 121 Hawai‘i at 321, 219 P.3d at 1108 (citation, internal quotation marks, and emphasis omitted). Petitioner-Appellants’ evidence demonstrates that Susan Lee Loy spends only fleeting amounts of time at 591 Alawaena Street, if any time at all, and 100% of her time at her 498 Auwae Road District 3 residence. Exh. 18, 22. Susan Lee Loy’s presence at her claimed District 2 residence is so sparse that it cannot be described in such strong terms as “momentary,” “occasional,” or “sporadic.” Based on the evidence, when not on travel, Susan Lee Loy lives and spends nearly 100% of her time at her District 3 residence, with no intent to abandon that residence, making her ineligible to serve as a Representative for District 2. Exh. 22.

3. *Susan Lee Loy has not established the requisite intent to acquire a new residence.*

In addition to the overwhelming evidence supporting Susan Lee Loy’s maintenance of 498 Auwae Road, Hilo, Hawai‘i as her true residence, Susan Lee Loy has provided no evidence establishing the requisite intent to acquire 591 Alawaena Street, Hilo, Hawai‘i 96720 as her new residence.

On June 21, 2024, the County Clerk submitted Supplemental Questions and Information Requests to Susan Lee Loy. In this request, the County Clerk stated:

Please provide as much detail and specificity as possible. To ensure that personal and private matters are not unnecessarily divulged or exposed, any information you provide in response to these supplemental questions and requests will be reviewed carefully, and reasonable discretion will be applied prior to any such information being included in the findings and ruling on the challenge to your voter registration.

Exh. 15 at 1. Despite the County Clerk’s above-stated discretion, Susan Lee Loy refused to answer the County Clerk’s questions and requests and provided almost no detail or specificity.

The County Clerk’s first question asked Susan Lee Loy to provide “any and all documents and information evidencing the abandonment of your Former Residence and date of abandonment.” Exh. 15 at 1. In response, Susan Lee Loy refused to provide any documents and simply stated that the residence “at 498 Auwae Road is the permanent residence for my son Luke who is globally disabled.” Exh. 5 at 2. Susan Lee Loy also directed the County Clerk to her declaration and Ian Lee Loy’s declaration, both of which the County Clerk already possessed. *Id.* These statements do not provide any documentation or evidence evidencing the abandonment of Susan Lee Loy’s residence at 498 Auwae Road and certainly do not provide evidence of Susan Lee Loy’s intent to live at 591 Alawaena Street. Instead, they confirm that Susan Lee Loy intends

to remain at 498 Auwae Road to care for her globally disabled son, and confirms that Susan Lee Loy has no intention of living at 591 Alawaena Street.

As mentioned *supra* II.B.2, the County Clerk also asked Susan Lee Loy to “share the nature and reasons for your presence at 498 Auwae Road and how your presence there does not support the premise that you maintain residency at 498 Auwae Road.” Exh. 15 at 2. Susan Lee Loy did not answer this question, simply stating that she has co-parenting responsibilities and assists her 88-year-old mother when needed. *Id.* Susan Lee Loy provided no explanation for how her presence does not support the premise that she maintains residency at 498 Auwae Road. *Id.* In fact, the statement she makes in response supports the premise that she maintains residency at 498 Auwae Road; Susan Lee Loy is responsible for caring for her globally disabled son, her 88-year-old mother, and her dog, necessitating her daily presence and living at 498 Auwae Road and negating her intent to move to 591 Alawaena Street. *See Id.*

When asked by the County Clerk how often Susan Lee Loy sleeps, has breakfast, and has dinner at her new residence, Susan Lee Loy provided an evasive answer: “I was unaware that I would need to account for these types of events during the period mentioned in the ‘Challenge’ and will not guess. Knowing this will assist in your decision, I report that from May 31 – June 9, I slept and had meals at new/other residences/locations other than 498 Auwae Road.” Exh. 5 at 8. When pressed for the identification of these other residences and locations, Susan Lee Loy refused to answer the question. *Id.* When asked for attestations to verify Susan Lee Loy’s presence at these unidentified other residences and locations, Susan Lee Loy again refused to answer the question, hiding behind a non-existent criminal statute. *See supra* II.B.2. Further, Petitioner-Appellants’ evidence shows Susan Lee Loy’s unbroken presence at her 498 Auwae Road residence from the evening of May 31, 2024, to the morning of June 1, 2024. Exh. 18, 22.

The County Clerk again asked Susan Lee Loy to “provide any attestations from neighbors who can verify that you are residing at your New Residence.” Exh. 15 at 2. The County Clerk also asked Susan to “provide any other documentation (receipts, contracts, correspondence, etc.) that substantiates that you reside at your New Residence[.]” *Id.* For a second and third time, Susan Lee Loy opted to hide behind a non-existent criminal statute and refused to answer the County Clerk’s question. Exh. 5 at 12.

What each of these refusals to answer the County Clerk’s question illustrate is a lack of any evidence from Susan Lee Loy supporting her intent to move to 591 Alawaena Street. Instead,

the few responses Susan Lee Loy does supply illustrate her intent to *remain* at 498 Auwae Road. The County Clerk's decision also illustrates the County Clerk's failure to incorporate into his decision the shocking lack of evidence supporting Susan Lee Loy's move from Susan Lee Loy herself, and the mountain of evidence supporting Susan Lee Loy's remaining at 498 Auwae Road from the Petitioner-Appellants. In deciding that Susan Lee Loy was a registered voter in the face of this evidence, the County Clerk ignored the plain fact that Susan Lee Loy lacked the requisite intent to live at 591 Alawaena Street.

C. Susan Lee Loy cannot claim immunity from answering questions under HRS § 711-11.

In the County Clerk's Supplemental Questions and Requests for Information sent on June 21, 2024, the County Clerk asked whether Susan Lee Loy would be "able to provide attestations from others to verify the frequency to which you sleep, have breakfast, and have dinner at your New Residence[.]" Exh. 15 at 2. The County Clerk also asked Susan Lee Loy to "provide any attestations from neighbors who can verify that you are residing at your New Residence." *Id.* Lastly, in a question that made no reference to people other than Susan Lee Loy, the County Clerk asked if she was "able to provide any other documentation (receipts, contracts, correspondence, etc.) that substantiates that you reside at your New Residence[.]" *Id.* Susan Lee Loy refused to answer these questions or provide any evidence in response, stating "[p]lease see the attached Declaration of Nancy Cabral" for the first two questions, and claiming immunity under HRS chapter 711-11 for all three questions. Exh. 5 at 8, 10, 12.

HRS chapter 711-11 does not exist. HRS chapter 711 is a provision of Hawai'i's penal code and has no bearing on election law or procedure. *See* HRS § 711. The provisions of HRS chapters 11 and 12, the statutes in Hawai'i related to elections and voter registration challenges, provide only for the prevention of disclosing residence addresses or telephone numbers, and do not allow a voter whose registration was challenged to refuse to answer questions from the County Clerk in relation to the voter's challenged registration. HRS § 11-14.5.

In essence, the County Clerk asked for further evidence from Susan Lee Loy to prove her presence at 591 Alawaena Street, Hilo, Hawai'i 96720, including attestations from others to verify the frequency of which Susan Lee Loy sleeps, has breakfast, and has dinner at her New Residence, as well as any other documentation that substantiates her residence at 591 Alawaena Street. Exh. 15 at 2. Susan Lee Loy refused to provide that evidence, opting to hide behind a non-existent criminal statute that has no bearing on the present matter, and instead of scrutinizing

Susan Lee Loy's baseless refusal to provide that evidence, the County Clerk opted to believe Susan Lee Loy in spite of the overwhelming evidence against her claimed residence at 591 Alawaena Street.

D. Susan Lee Loy is improperly attempting to use the House of Representatives Acting Chief Attorney to defend her at the Hawai'i Island Board of Registration.

On January 2, 2025, Acting Chief Attorney for the State of Hawai'i House of Representatives emailed the Hawai'i Island Board of Registration requesting the House of Representatives intervene in the matter of Bales, et al. v. Lee Loy and stating that he will be representing both the House of Representatives and Susan Lee Loy. Bales Decl. ¶ 48, Exh. 35. Not only has Susan Lee Loy fraudulently obtained a seat as Representative for the House of Representatives District 2, but she now seeks to improperly and illegally use the resources of the House for her personal matters.

1. *The House of Representatives is prohibited from intervening in the matter before the Hawai'i Island Board of Registration.*

The House of Representatives cannot participate in the matter before the Hawai'i Island Board of Registration because it does not have standing. "It is well settled that the crucial inquiry with regard to standing is whether the [party] has alleged such a personal stake in the outcome of the controversy as to warrant his or her invocation of the [forum]'s jurisdiction and to justify exercise of the [forum]'s remedial powers on his or her behalf." *Sierra Club v. DOT*, 115 Hawai'i 299, 319, 167 P.3d 292, 312 (2007) quoting *In re Application of Matson Navigation Co.*, v. *Federal Deposit Ins. Corp.*, 81 Hawai'i 270, 275, 916 P.2d 680, 685 (1996). To determine whether a party has standing, the Hawai'i Supreme Court employs a three-part standing test, "requiring that the [party] satisfy the following questions in the affirmative:

(1) has the [party] suffered an actual or threatened injury...; (2) is the injury fairly traceable to the defendant's actions; and (3) would a favorable decision likely provide relief for [party]'s injury."

Id. quoting *Mottl v. Miyahira*, 95 Hawai'i 381, 389, 23 P.3d 716, 724 (2001).

Additionally, "although a [party] may be injured in any number of ways, the injury prong of the standing inquiry requires an assertion of a judicially-cognizable injury, that is, a harm to some legally-protected interest." *Id.* 95 Hawai'i at 321, 167 P.3d at 314. The State of Hawai'i House of Representatives does not have a legally cognizable interest in the personal voter registration of any individual. There are no statutes or caselaw that confer a legally cognizable interest on the House of Representatives in the outcome of a challenge to an individual's voter

registration before the Board of Registration. Additionally, the House of Representatives has not demonstrated or even identified the injury suffered by the litigation of Susan Lee Loy's fraudulent actions and admissions to warrant intervention in the matter before the Hawai'i Island Board of Registration.

Mr. Morita himself has admitted that the House of Representatives does not have a cognizable interest in the outcome of this matter and is therefore prohibited from intervening. In a letter sent to Petitioner-Appellant Bridgit M.L. Bales on December 27, 2024, Mr. Morita explained the House of Representatives refused to take action on Petitioner-Appellants' appeal to the House of Representatives because "the House has no jurisdiction on the issue of residency of candidates." Bales Decl. ¶ 47, Exh. 34. Here, Mr. Morita attempts to intervene on behalf of the House of Representatives and represent Susan Lee Loy, while simultaneously asserting that the House of Representatives has no jurisdiction over this matter.

2. *Mr. Morita is prohibited from representing Susan Lee Loy in the matter before the Hawai'i Island Board of Registration.*

The House of Representatives Acting Chief Attorney is prohibited from representing Susan Lee Loy because she has not been seated by the House and has not taken her oath of office. *See* Rules of the House of Representatives, Rule 1. Mr. Morita claims he will be representing Susan Lee Loy in her official capacity, but Susan Lee Loy has no official capacity in the House of Representatives.

Even if Susan Lee Loy is deemed to be a member of the House of Representatives without being seated or taking the oath of office, Mr. Morita is prohibited from representing Susan Lee Loy because her voter registration is a personal matter and not official business. Allowing the House of Representatives Acting Chief Attorney to represent Susan Lee Loy in a personal matter is a violation of the Hawai'i State Code of Ethics, HRS chapter 84-13(a) regarding fair treatment.

The Petitioner-Appellants in this matter first filed their Challenge and Objection to Susan Lee Loy's voter registration on June 10, 2024, against Susan Lee Loy as an individual. The Hawai'i County Clerk, Jon Henricks, made his ruling on Petitioner-Appellants' Challenge and Objection on July 11, 2024. Lastly, Petitioner-Appellants filed their appeal of Mr. Henricks'

decision on July 18, 2024.¹ Each of these pleadings were filed when Susan Lee Loy was still a candidate for office, and occurred well before the August 10, 2024, primary election. Thus, the nature of the matter before the Hawai‘i Island Board of Registration is personal and not official business of the House of Representatives. Mr. Morita has confirmed this fact. As stated previously, *supra* II.D.1, Mr. Morita admitted that this proceeding is a personal matter because the “Appeal/Petition was received prior to the Primary Election and before Representative Keohokapu-Lee Loy was elected...the House has no jurisdiction on the issue of residency of candidates.” *See* Bales Decl. ¶ 47, Exh. 34.

CONCLUSION

Due to Susan Lee Loy’s above-described blatant and continuing fraud and her improper and illegal use of House of Representatives resources and staff, the House of Representatives should remove Susan Lee Loy from her committee assignments and hold a vote to remove Susan Lee Loy from the House of Representatives, or in the alternative, hold a vote to censure Susan Lee Loy.

DATED: Honolulu, Hawai‘i

January 10, 2025

/s/ Diego A. Rivera
LAW OFFICE OF DIEGO A. RIVERA
DIEGO A. RIVERA
Attorney for Petitioner-Appellants

¹ Susan Lee Loy was aware of the Petitioner-Appellants’ Challenge and Objection since June 10, 2024, and was aware of the Petitioner-Appellants’ appeal to the Hawai‘i Island Board of Registration since July 18, 2024. The Hawai‘i Island Board of Registration issued its order scheduling the Pre-Hearing Conference on December 28, 2024. Susan Lee Loy had five months to retain proper counsel, instead opting to “retain” improper and illegal counsel on January 2, 2025.

THE HOUSE OF REPRESENTATIVES

STATE OF HAWAI'I

In re Complaint Challenging Voter
Qualification of

SUSAN L.K. LEE LOY

DECLARATION OF BRIDGIT M.L. BALES

DECLARATION OF BRIDGIT M.L. BALES

I, BRIDGIT M.L. BALES, do declare under penalty of law that the following is true and correct.

1. I make this declaration upon my own personal knowledge, information, and belief.

2. I am a registered voter in the State of Hawai'i.

3. I am a resident of the Island of Hawai'i.

4. I am over 18 years of age.

5. I currently reside at 510 Auwae Road, Hilo, Hawai'i 96720 and have resided continuously at this residence since 2013.

6. I am the immediate neighbor of the property located at 498 Auwae Road, Hilo, Hawai'i 96720 (the "Lee Loy Residence") which is the residence of SUSAN L.K. LEE LOY ("Susan Lee Loy").

7. 498 Auwae Road, Hilo, Hawai'i 96720, Tax Map Key ("TMK") (3) 2-1-025-171-0000, is a property owned by the Department of Hawaiian Home Lands ("DHHL") and leased to IAN B. LEE LOY ("Ian Lee Loy"). Attached as Exhibit "1" is a true and correct copy of the County of Hawai'i Real Property Tax records for 498 Auwae Road that I obtained from the County of Hawai'i Real Property Tax website.

8. 498 Auwae Road is located within the State of Hawai'i House of Representatives District 3. Attached as Exhibit "2" is a true and correct copy of the State of Hawai'i House of Representatives district map for the Island of Hawai'i that I retrieved from the State of Hawai'i Office of Elections' website.

9. Real estate broker NANCY CABRAL ("Cabral") alleges Susan Lee Loy contacted her in March 2024 looking for a rental property in Hilo, Hawai'i. Attached as Exhibit

“3” is a true and correct copy of Nancy Cabral’s letter of support included in Susan Lee Loy’s response to Petitioner-Appellants’ Challenge and Objection.

10. On April 21, 2024, Cabral signed a short-term lease running from April 10, 2024, to December 31, 2024, renting a two-bedroom, two-bathroom residence located at 591 Alawaena Street, Hilo, Hawai‘i 96720 to Susan Lee Loy. The lease retroactively placed the start date on April 10, 2024. Attached as Exhibit “4” is a true and correct copy of the lease between Cabral and Susan Lee Loy included in Susan Lee Loy’s response to Petitioner-Appellants’ Challenge and Objection.

11. 591 Alawaena Street is located in the State of Hawai‘i House of Representatives District 2.

12. On April 22, 2024, Susan Lee Loy signed the above-mentioned lease.

13. Susan Lee Loy alleges she moved into the 591 Alawaena Street residence on April 26, 2024. Attached as Exhibit “5” is a true and correct copy of Susan Lee Loy’s responses to County Clerk Henricks’ supplemental questions and information requests that I received from the Hawai‘i County Office of the County Clerk. The attachments were removed from this exhibit and included as other exhibits in this Complaint.

14. On April 26, 2024, Susan Lee Loy submitted a Hawai‘i Online Voter Registration Affidavit changing her residence address from 498 Auwae Road, Hilo, Hawai‘i 96720 to 591 Alawaena Street, Hilo, Hawai‘i 96720. Attached as Exhibit “6” is a true and correct copy of County Clerk Jon Henricks’ decision on Petitioner-Appellants’ Challenge and Objection.

15. On May 22, 2024, Susan Lee Loy “pulled” an Application for a Nomination Paper to run for the Office of Hawaiian Affairs Hawai‘i Island trustee seat. Attached as Exhibit “7” is a true and correct copy of Susan Lee Loy’s Application for a Nomination Paper to run for the Office of Hawaiian Affairs Hawai‘i Island trustee seat.

16. On May 25, 2024, Susan Lee Loy “pulled” and filed an Online Application for a Nomination Paper to run for the Hawai‘i State House of Representatives District 2. Attached as Exhibit “8” is a true and correct copy of Susan Lee Loy’s Application for a Nomination Paper to run for the Hawai‘i State House of Representatives District 2.

17. On May 31, 2024, Civil Beat published an article in which Susan Lee Loy and then-Representative for District 2, RICHARD ONISHI (“former Representative Onishi”) were

interviewed. Attached as Exhibit “9” is a true and correct copy of the Civil Beat article I retrieved from Civil Beat’s website.

18. Between May 31, 2024, and June 9, 2024, Susan Lee Loy alleges that she “slept and had meals at new/other residences/locations other than 498 Auwae Road.”

19. On June 10, 2024, Petitioner-Appellants BRIDGIT M.L. BALES, JANICE P.K. KAHO‘OHANO HANO, CAROLINE R.P. MONTAGUE-MULLINS, EVA E. NANI‘OLE, and MAUREEN N. RAWLINS (collectively, “Petitioner-Appellants”), filed a Challenge to Voter Registration of Susan L.K. Lee Loy (“Challenge”) and an Objection to Nomination Papers Filed by Susan L.K. Lee Loy (“Objection”) to both the State of Hawai‘i Office of Elections (the “Office”) and the County of Hawai‘i Office of the County Clerk (the “County Clerk”). Attached as Exhibit “10” is a true and correct copy of Petitioner-Appellants’ Challenge and Objection.

20. On June 12, 2024, the County Clerk notified Susan Lee Loy via email and certified mail of Petitioner-Appellants’ Challenge and Objection. The County Clerk also requested “any information that substantiates [redacted] as your residence.” Attached as Exhibit “11” is a true and correct copy of the County Clerk’s email that I obtained from the County Clerk.

21. On June 12, 2024, Cabral composed a letter of support, which Susan Lee Loy included in her response to Petitioner-Appellants’ Challenge and Objection.

22. On June 14, 2024, Susan Lee Loy responded to Petitioner-Appellants’ Challenge and Objection with a letter and four attachments. Attached as Exhibit “12” is a true and correct copy of Susan Lee Loy’s response that I obtained from the County Clerk; Susan Lee Loy’s lease and Cabral’s letter were removed from this exhibit and attached as other exhibits.

23. On June 17, 2024, Chief Election Officer SCOTT T. NAGO responded to Petitioner-Appellants’ Objection, denying the Objection and allowing Susan Lee Loy to continue as a candidate for the State of Hawai‘i House of Representatives District 2. Mr. Nago provided no factual or legal basis for his decision. Attached as Exhibit “13” is a true and correct copy of Mr. Nago’s decision that I obtained from Mr. Nago.

24. On June 18, 2024, Susan Lee Loy filed Candidate Financial Disclosure number CFD-2024-000878. Attached as Exhibit “14” is a true and correct copy of Susan Lee Loy’s Candidate Financial Disclosure that I obtained from the Hawai‘i State Ethics Commission’s Public Documents System.

25. On June 21, 2024, the County Clerk acknowledged the receipt of Susan Lee Loy's response to Petitioner-Appellants' challenge and asked Susan Lee Loy eleven (11) Supplemental Questions and Requests for Information. Attached as Exhibit "15" is a true and correct copy of the County Clerk's Supplemental Questions and Requests for Information that I obtained from the County Clerk.

26. On June 24, 2024, Petitioners-Appellants filed an Appeal of Chief Election Officer's Denial of Petitioner-Appellants' Challenge and Objection with the Hawai'i Island Board of Registration, State of Hawai'i House of Representatives House Clerk, and Speaker of the House of Representatives. Petitioner-Appellants have not received a response to this appeal. Attached as Exhibit "16" is a true and correct copy of Petitioner-Appellants' appeal; the Exhibits to Petitioner-Appellants' appeal were removed.

27. On June 26, 2024, Susan Lee Loy responded to the County Clerk's Supplemental Questions and Requests for Information.

28. On July 11, 2024, County Clerk JON HENRICKS denied Petitioner-Appellants' challenge.

29. On July 18, 2024, Petitioner-Appellants filed a Notice of Appeal of County Clerk's "Findings/Ruling – Voter Registration Challenge" (the "Appeal") to the Island of Hawai'i Board of Voter Registration (the "Board"). Attached as Exhibit "17" is a true and correct copy of Petitioner-Appellants' Appeal; the exhibit to Petitioner-Appellants' Appeal was removed.

30. I have a direct line of sight to the Lee Loy Residence and have personally observed, and/or my security cameras captured, Susan Lee Loy residing and having a continuous physical presence at 498 Auwae Road, Hilo, Hawai'i 96720 between 2013 and the filing of this Complaint.

31. I have home security cameras that capture all traffic entering and leaving both my driveway and Susan Lee Loy's adjoining driveway. Multiple signs stating "Warning Security Cameras In Use" are conspicuously posted and clearly visible along the perimeter boundaries of my property.

32. Between April 26, 2024, the date Susan Lee Loy alleges she moved into her House District 2 residence, and August 10, 2024, the date County Clerk Henricks claims is the last day of the "year preceding the election," Susan Lee Loy spent 94 of 107 days at her 498 Auwae Road District 3 residence. The remaining thirteen (13) days Susan Lee Loy did not spend

at 498 Auwae Road, she spent traveling to various campaign events, such as events hosted by the National Association of Counties. In the relevant time period, Susan Lee Loy spent 100% of her time at 498 Auwae Road District 3 residence. Attached as Exhibit “18” is a true and correct copy of an Index of Security Camera Video Evidence logging the days and times Susan Lee Loy was observed or captured on my security camera residing at her 498 Auwae Road District 3 residence. Attached as Exhibit “22” is a true and correct copy of a calendar displaying the Index of Secu A thumb drive with the videos captured on my security camera can be made available upon request.

33. On November 1, 2024, the Board entered an order scheduling a Pre-Hearing Conference for the week of December 2, 2024. Attached as Exhibit “19” is a true and correct copy of the Board’s order that I obtained from the Island of Hawai‘i Board of Voter Registration.

34. On December 28, 2024, the Board rescheduled the Pre-Hearing Conference to January 9, 2025, at 1:30 p.m. via Zoom. Attached as Exhibit “20” is a true and correct copy of the Board’s order that I obtained from the Island of Hawai‘i Board of Registration.

35. On January 7, 2025, the Board issued the following Order: “The prehearing conference scheduled for January 9, 2025, is hereby canceled. The present order is the final order in which Board of Registration Member Kukila will be involved as she is hereby recusing herself from presiding in this matter. This recusal results in the Board of Registration no longer having quorum. The parties will be informed upon quorum being reestablished.” Attached as Exhibit “21” is a true and correct copy of the Board’s order that I obtained from the Island of Hawai‘i Board of Registration.

36. Susan Lee Loy owns a dog that lives at 498 Auwae Road, Hilo, Hawai‘i 96720.

37. 498 Auwae Road, Hilo, Hawai‘i 96720 is owned by the Department of Hawaiian Home Lands (“DHHL”) and leased to IAN B. LEE LOY (“Ian Lee Loy”).

38. Susan Lee Loy listed herself as a debtor to DHHL for an amount between \$50,000 and \$100,000 on her 2024 campaign financial disclosure.

39. Susan Lee Loy attended the Western Interstate Region Conference, Mariposa, CA., leaving on May 6, 2024 and returning on May 11, 2024. Attached as Exhibit “23” is a true and correct copy of Susan Lee Loy’s Accounting of District Allowance Expenses for fiscal year 2023-2024 that I obtained from the County of Hawai‘i’s records website.

40. Susan Lee Loy's campaign website lists Susan Lee Loy's address as 498 Auwae Road, Hilo, Hawai'i 96720. Attached as Exhibit "24" is a true and correct copy of Susan Lee Loy's campaign website that I obtained from sueleeloy.com/get-involved.

41. Susan Lee Loy listed 498 Auwae Road, Hilo, Hawai'i 96720 as her address in her Campaign Spending Commission Disclosure Report. Attached as Exhibit "25" is a true and correct copy of Susan Lee Loy's Campaign Spending Commission Disclosure Report that I retrieved from the Campaign Spending Commission's website.

42. In a flier posted to Susan Lee Loy's campaign Instagram account, her address is listed as 498 Auwae Road, Hilo, Hawai'i 96720. Attached as Exhibit "26" is a true and correct copy of the flier that I retrieved from Susan Lee Loy's campaign Instagram account.

43. Susan Lee Loy's campaign posters list her address as 498 Auwae Road, Hilo, Hawai'i 96720. Attached as Exhibit "27" is a true and correct copy of a photograph that I took on June 9, 2024, at 2:35 p.m. of Susan Lee Loy's campaign poster.

44. Susan Lee Loy listed her address as 498 Auwae Road, Hilo, Hawai'i 96720 in two Notices of Intent to Hold a Fundraiser filed with the State of Hawai'i Campaign Spending Commission on June 26, 2024, and July 29, 2024. Attached as Exhibits "28" and "29" are true and correct copies of Susan Lee Loy's Notices of Intent to Hold a Fundraiser that I retrieved from the Campaign Spending Commission's website.

45. On August 20, 2024, in response to the County Clerk's ruling in which Mr. Henricks stated "[a]ccording to Hawai'i County Real Property Tax records, a two-bedroom, two-bathroom house exists at the address provided on Ms. Lee Loy's April 26, 2024-update to her voter registration," I located only two properties that matched Mr. Henricks and Susan Lee Loy's description on Alawaena Street. One of those residences is 591 Alawaena Street, Hilo, Hawai'i 96720, which belongs to Nancy Cabral, Susan Lee Loy's friend and landlord. Attached as Exhibit "30" is a true and correct copy of the County of Hawai'i Real Property Tax records of 591 Alawaena Street that I obtained from the County of Hawai'i's Real Property Tax website.

46. On September 22, 2024, October 15, 2024, and January 4, 2025, Susan Lee Loy was home at 498 Auwae Road, Hilo, Hawai'i 96720, and she answered the door to the Hawai'i Police Department responding to her dog running loose on my property. Attached as Exhibits "31", "32" and "33" are three Hawai'i Police Department Public Summaries that I obtained from the Hawai'i Police Department.

47. On December 27, 2024, State of Hawai'i House of Representatives Acting Chief Attorney Mark Morita sent me a letter explaining that the House of Representatives refuses to take action on Petitioner-Appellants' appeal to the House of Representatives because the "House has no jurisdiction on the issue of residency of candidates." Attached as Exhibit "34" is a true and correct copy of the letter sent by Mark Morita.

48. On January 2, 2025, the State of Hawai'i House of Representatives Acting Chief Attorney Mark Morita requested the House of Representatives intervene in the Bales, et al. v. Lee Loy matter before the Hawai'i Island Board of Registration, stating he will represent both the House of Representatives and Susan Lee Loy. Attached as Exhibit "35" is a true and correct copy of the email that I retrieved from my attorney, and attached as Exhibit "36" is a true and correct copy of our response to Mark Morita's request.

DECLARANT FURTHER SAYETH NAUGHT

DATED: Hilo, Hawai'i

January 10, 2025

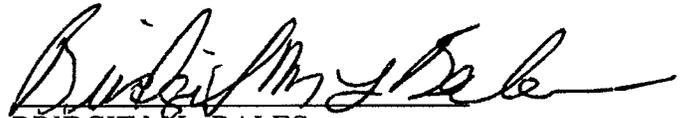

BRIDGIT M.L. BALES
DECLARANT

Exhibit 1

Parcel Information

Parcel Number 210251710000
Location Address 498 AUWAE ROAD
Project Name Panaewa House & Farm Lots
Property Class HOMEOWNER
Property Class refers to Tax Classification ONLY. For Zoning information, please go to
[Planning Department GIS Public Layers \(hawaiicounty.gov\)](#) or email planning@hawaiicounty.gov
Neighborhood Code 2159-5
Legal Information
Land Area (acres) 3.3330
Land Area (approximate sq ft) 145,185

[View Map](#)

[Plat \(TMK\) Maps](#)

Owner Information

Owner Names HAWAIIAN HOME LANDS Fee Owner
 LEE LOY,IAN B Lessee
 Show All Owners and Addresses

Mailing Address
HAWAIIAN HOME LANDS

Assessment Information

Show Historical Assessments

Year	Property Class	Market Land Value	Dedicated Use Value	Assessed Land Value	Market Building Value	Assessed Building Value	Total Market Value	Total Assessed Value	Total Exemption Value	Total Taxable Value
2024	HOMEOWNER	\$277,200	\$0	\$86,000	\$398,400	\$364,500	\$675,600	\$450,500	\$261,100	\$189,400

Land Information

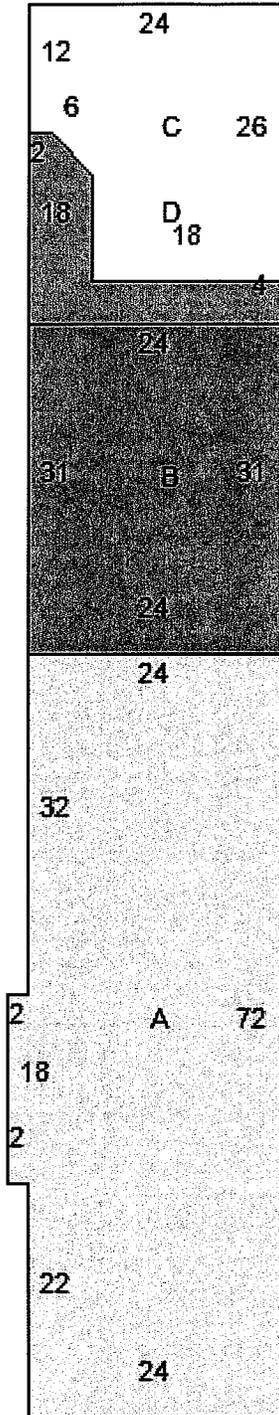
Property Class	Square Footage	Acreage	Agricultural Use Indicator
HOMEOWNER	145,185	3.333	

Residential Improvement Information

Building Number	1	Bedrooms	3
Year Built	1995	Framing	DOUBLE WALL
Eff Year Built	1995	Exterior Wall	PLYWOOD
Square Feet	2,312	Roof Material	CORRUGATED IRON
Total Room Count	6	Heating/AC	NONE
Full Baths	3	Fireplace	0
Half Baths	1	Grade	3-

Sketches

	Room Type	Area
	A Main Area	1764
	B OPEN CARPORT BIT/CONC FLOOR	744
	C 1ST STORY FRAME	548
	D PORCH CEILED SHED ROOF	172



Building 1

Exhibit 2

Exhibit 3



Day-Lum Rentals & Management, Inc.
DAY-LUM REALTY
1465 Kilauea Avenue
Hilo, Hawai'i 96720

Phone: (808) 935-4152
Website: www.daylum.com
E-mail: NancyC@daylum.com

June 12, 2024

TO WHOM IT MAY CONCERN,

This letter is to serve as verification that Day-Lum Rentals & Management, Inc. has rented a residential unit to Susan Lee Loy. Day-Lum is a Real Estate Corporation that has specialized in Residential, Commercial, Condominium, and Subdivision Property Management in East Hawaii for the past 40 years. As the President and Principal Broker for Day-Lum, I have known Ms. Lee Loy for approximately 20 years in a professional capacity and I consider her a friend.

Ms. Lee Loy contacted me in March looking for a rental property in Hilo. A unit was identified, and a Rental Agreement was entered into in April 2024. The rental unit is in a shared residence and subject to Hawaii Landlord Tenants regulations.

To protect the privacy and safety of our thousands of tenants over the years, we do not provide the residential address of our tenants. We can verify that she is in compliance with her signed rental contract and that I have recently verified that the property is in Hawaii State House District 2.

As her landlord and friend, I appreciate the opportunity to confirm Ms. Lee Loy's residency. Please feel free to contact me if you have any further questions.

Respectfully submitted,

A handwritten signature in black ink that reads "Nancy Cabral". The signature is fluid and cursive, with a long horizontal flourish at the end.

Nancy Cabral
President/Principal Broker
Day-Lum Rentals & Management, Inc.

Attachment 3

Exhibit 4



RENTAL AGREEMENT
Hawai'i Association of REALTORS® Standard Form
 Revised 4/23 For Release 11/23



COPYRIGHT AND TRADEMARK NOTICE: THIS COPYRIGHTED HAWAII ASSOCIATION OF REALTORS® STANDARD FORM IS LICENSED FOR USE UNDER TERMS OF THE HAWAII ASSOCIATION OF REALTORS® STANDARD FORM LICENSE AGREEMENT LOCATED AT <http://www.hawaiirealtors.com/standard-form-policy>. The use of this form is not intended to identify the real estate licensee as a REALTOR®. REALTOR® is a registered collective membership mark which may be used only by real estate licensees who are members of the National Association of REALTORS® and who subscribe to its Code of Ethics.

Reviewed by: Nancy Cabral *Nancy Cabral* Day-Lum Realty
 Name of Principal Broker/Broker-in-Charge Signature Brokerage Firm

LANDLORD may not discriminate due to RACE, SEX, INCLUDING GENDER IDENTITY OR EXPRESSION, SEXUAL ORIENTATION, COLOR, RELIGION, MARITAL STATUS, FAMILIAL STATUS, ANCESTRY, DISABILITY, HANDICAP, AGE, OR HUMAN IMMUNODEFICIENCY VIRUS INFECTION. LANDLORD means the Owner and Owner's Agent/Brokerage Firm, one of which must reside on the island where the Unit is located. UNIT means the Premises, as defined in the Residential Landlord-Tenant Code, that TENANT is renting from LANDLORD. As used in this Rental Agreement, the term "day" shall mean a calendar day and the phrase "business day" shall mean Monday through Friday, not including a holiday as designated in Section 8-1 of the Hawai'i Revised Statutes.

THIS IS A LEGALLY BINDING CONTRACT. READ IT CAREFULLY. IF THERE IS A CONFLICT BETWEEN PROVISIONS, HANDWRITTEN OR TYPED PROVISIONS SHALL SUPERSEDE ANY PRINTED PROVISIONS. FILL IN ALL BLANKS. WRITE "NA" IF NOT APPLICABLE. SECTIONS AND PARAGRAPHS WITH CHECK-OFF BOXES ARE OPTIONAL; ALL OTHERS ARE STANDARD PROVISIONS.

1. REFERENCE DATE: April 22, 2024 File No. _____
 Property Reference or Address: _____

DESCRIPTION: 2 bdrm/2 bath

2. TENANTS: Name (print) Phone E-Mail
Susan Lee Loy _____ _____

Preferred Mailing Address: _____
 Occupants (minors and others not responsible for paying rent): _____

3. RENTAL TERM: This Rental Agreement will begin on April 10, 2024 and will be a: Check either (a) or (b):
 (a) Fixed Rental Agreement which, unless otherwise agreed to in writing, will end on December 31, 2024

Rental Extension: This Fixed Rental Agreement will automatically convert to a Month-to-Month Rental Agreement, unless TENANT or LANDLORD receives written notice from the other party at least thirty (30) days prior to the end of the fixed term that this Rental Agreement will not automatically convert to a month-to-month term.

(b) Month-to-Month Rental Agreement. If TENANT is on a Month-to-Month Rental Agreement, TENANT must give written notice at least twenty-eight (28) days in advance to terminate and TENANT must pay rent for the twenty-eight (28) days. LANDLORD must give TENANT written notice at least forty-five (45) days in advance to terminate. TENANT may move at any time during the forty-five (45) days and shall notify LANDLORD of TENANT'S vacate date and pay a prorated rent "until" TENANT vacates the unit and satisfies the conditions of Standard Term D-2.

4. RENT: The rent is \$ 500.00 (U.S. Dollars) per Month or Week or Day, PAYABLE IN ADVANCE, without notice, demand, or deduction. Payment is due by 5 [] am pm on the 1st day of each Month or Week, BEGINNING ON _____ (date). If occupancy begins other than the first month, rent shall be payable as follows:

Full rent due at move in.
 Prorated rent amount of \$ _____, due for the month of _____.

TENANT must pay to LANDLORD, Day-Lum Realty, at this address: 1465 Kilauea Ave., Hilo, HI 96720. LANDLORD will give TENANT a receipt for rents paid in cash and, upon request, for rents paid by checks.

[Signature] 4/22/24
 TENANT'S INITIALS & DATE

[Signature] 4/21/24
 LANDLORD'S INITIALS & DATE

12. **RECEIPT BY TENANT:** Receipt of the following, if checked, is acknowledged by TENANT:

- | | |
|---|--|
| <input type="checkbox"/> Fair Housing Information | <input checked="" type="checkbox"/> Other: <u>keys recieved addendum</u> |
| <input checked="" type="checkbox"/> House Rules | <input checked="" type="checkbox"/> Other: <u>Helpful phone numbers</u> |
| <input type="checkbox"/> Lead-Based Paint Pamphlet (required by law for pre-1978 housing) | <input type="checkbox"/> Other: _____ |

13. **ADDENDA:** The following, if checked, are attached to and made a part of this Rental Agreement:

- | | |
|--|---|
| <input type="checkbox"/> Inventory | <input type="checkbox"/> Renewable Energy Act Addendum |
| <input checked="" type="checkbox"/> Lead-Based Paint Addendum (required by law for pre-1978 housing) | <input type="checkbox"/> Service and/or Support Animal Addendum |
| <input checked="" type="checkbox"/> Pet Addendum | <input type="checkbox"/> Sight Unseen Addendum for Rentals |
| <input checked="" type="checkbox"/> Property Condition Form | <input checked="" type="checkbox"/> Vacating Instructions |
| <input checked="" type="checkbox"/> Other: <u>Big Island Disclosure</u> | <input checked="" type="checkbox"/> Other: <u>cleaning list</u> |

14. **DISCLOSURE OF REAL ESTATE LICENSING STATUS:** Hawai'i law requires that licensees disclose that they hold a real estate license in any transaction in which they, as a principal, are renting or offering to rent real property, or in which they are renting or offering to rent for themselves, immediate relatives, or an entity in which they have an ownership interest. If applicable, the licensee(s) in this transaction disclose the following:
Sam Willocks RS-85064

15. **NATIONAL ASSOCIATION OF REALTORS® (NAR) MEMBERSHIP:** Check all that apply:

- Owner Agent/Brokerage Firm TENANT hold(s) membership in the NAR and subscribe(s) to its Code of Ethics.

16. **STANDARD TERMS:**

A. **AGENCY:** Agent/Brokerage Firm represents OWNER. Agent/Brokerage Firm does not represent TENANT.

B. **TENANT'S RESPONSIBILITIES:**

- Alterations.** TENANT will not: (a) change, add to, or paint the Unit; (b) bore or make holes by drilling, nailing, or fastening any item to the Unit through use of nails, screws, adhesives, or like items without LANDLORD'S prior written consent. In accordance with federal and state laws, if TENANT has a disability, TENANT is permitted to make reasonable modifications to the Unit, at TENANT'S expense, if such modifications are necessary to enable TENANT to use and enjoy the Unit; provided, however, that TENANT submits a request for the modification to LANDLORD for approval. TENANT'S request shall state, with specificity and in detail, the nature of the modification, and TENANT'S reason for needing to make such a modification. LANDLORD shall not unreasonably withhold or delay LANDLORD'S consent to TENANT'S request. It may also be necessary to seek the approval of applicable homeowner's associations and/or condominium association AOA's. Upon the termination of this Rental Agreement, TENANT is required to return the Unit to its original condition at no cost or expense to LANDLORD.
- Compliance with Rules.** TENANT agrees to comply with all rules that apply to the Unit and to TENANT'S use of the Unit including, but not limited to: (a) by-laws, house rules, and other rules; (b) any federal, state, and county laws; and (c) any covenants, conditions and restrictions. Notice is hereby given that TENANT is responsible for paying any fines, penalties, or other assessments charged by any governmental agency, homeowner's association, and/or condominium association because of TENANT'S failure to comply with any of the terms of this Rental Agreement.
- Hazardous Waste and Toxic Substances.** TENANT shall not bring or permit hazardous substances in, on, or under the Unit and shall be liable for any costs to remediate or remove such materials.
- Disturbances.** TENANT will not disturb others, or keep them from enjoying their premises or any common facilities at any time. TENANT will not play loud music, or cause any loud or offensive sounds.
- Insurance.** TENANT understands that LANDLORD'S insurance does not cover TENANT'S belongings or damage caused by TENANT. TENANT agrees that LANDLORD is not responsible for any loss or damage during the term of this Rental Agreement. TENANT is advised to carry insurance covering all of TENANT'S property located in the Unit. In any event TENANT shall bear full responsibility for any loss or damage to TENANT'S property including any loss or damage from fire, water, theft, or any other cause.
- Maintenance.** TENANT agrees to maintain and properly use and operate all electrical, gas, plumbing and other fixtures and appliances supplied. TENANT is responsible for ordinary maintenance, including replacing light bulbs, air conditioning filters, and if applicable, lawn or yard care. TENANT is responsible for the repair of any stoppage in plumbing fixtures or lines, and any damage caused by TENANT, members of TENANT'S family, guests or others. TENANT shall replace batteries in the smoke alarms as needed. **Smoke alarms are to be kept in working order at ALL times.** Should any smoke alarm(s) become defective TENANT must notify LANDLORD IMMEDIATELY.
- Notice of Absence.** TENANT must notify LANDLORD in writing if TENANT will be absent from the Unit for five (5) days or more. If TENANT does not give LANDLORD such notice, TENANT will be responsible for any damage that results from TENANT'S absence.
- Notice of Defects.** If TENANT notices any defects in the Unit which are NOT TENANT'S duty to fix, TENANT must notify LANDLORD immediately upon discovery of defect. Any damage caused by TENANT'S failure to report any defect is TENANT'S financial responsibility.
- Residential Use Only.** TENANT may only use the UNIT as a private residence for TENANT and any OCCUPANT, as each of those terms are defined in Section 2 of this Rental Agreement. Guests may not stay longer than fourteen (14) days without LANDLORD'S written approval.
- Short-Term Rental Prohibited.** UNIT may not be used or advertised by the TENANT for use as a short-term rental, as defined by the relevant county jurisdiction. TENANT hereby agrees to indemnify, defend, and hold LANDLORD harmless from and against any and all losses, liabilities, obligations, penalties, claims, fines, demands, litigation, defenses, costs, judgments, suits, administrative actions, proceedings,

[Signature]
TENANT'S INITIALS & DATE

[Signature]
LANDLORD'S INITIALS & DATE

actual damages, disbursements, or expenses of any kind or nature, including, without limitation, attorneys' fees and expenses, that arise from TENANT'S use or advertisement of the UNIT as a short-term rental.

11. **Assignment and Subletting.** TENANT shall not assign or sublet TENANT's interest in the UNIT without the prior written consent of LANDLORD, which may be unreasonably withheld. An assignment or subletting by TENANT without LANDLORD's prior written consent shall be voidable at LANDLORD's election, and shall be cause to terminate this Rental Agreement.

C. LANDLORD'S REMEDIES:

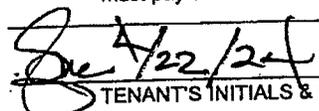
1. **Failure to Pay Rent.** If TENANT does not pay the rent or other sums due LANDLORD, LANDLORD may give TENANT written notice demanding payment. If the rent is not paid within the time specified in the notice (NOT LESS THAN FIVE (5) BUSINESS DAYS) after receipt of that notice, LANDLORD may terminate this Rental Agreement. If LANDLORD employs an attorney or collection agency, TENANT must pay for attorney's fees (not more than twenty-five percent (25%) of the unpaid rent) and costs, regardless of whether or not a lawsuit is filed.
2. **Failure to Comply with this Rental Agreement.** If TENANT fails to comply with any of the terms of this Rental Agreement, including damaging the Unit or violating any of the house rules, laws, or other restrictions, LANDLORD will give TENANT written notice of the violation. If the damage is not repaired or the violation is not corrected within the time specified (NOT LESS THAN TEN (10) DAYS) from receipt of such notice, LANDLORD may correct such damage or violation and charge the cost to TENANT and terminate this Rental Agreement.
3. **Illegal Activity.** TENANT may not use the Unit for any unlawful, improper, offensive purpose, or illegal activity. LANDLORD may terminate this Rental Agreement immediately if there is any illegal use of the Unit. TENANT understands that reasonable attorneys' fees and costs may be awarded to the prevailing party.
4. **Abandonment/Abandoned Possessions.** If TENANT is absent from the Unit for twenty (20) continuous days or more, without written notice, and has not paid the rent, LANDLORD shall consider the Unit abandoned. If TENANT wrongfully quits, abandons or otherwise moves out of the Unit and leaves any personal property, which LANDLORD determines to be of value, LANDLORD may store, sell, or donate said personal property, but LANDLORD must first make reasonable efforts to notify TENANT of the identity and location of, and LANDLORD's intent to sell or donate said personal property, by mailing notice to TENANT's forwarding address, an address TENANT designated for the purpose of notification, or, if neither of those means are available, to TENANT's previous known address. After fifteen (15) days, LANDLORD may advertise the items for sale or may donate the items to a charitable organization. Any proceeds from a sale, after deduction of accrued rent and costs for storage and sale (including advertising costs), will be held for thirty (30) days and afterwards will be forfeited to LANDLORD. If LANDLORD determines the abandoned personal property is of no value, LANDLORD may dispose of said personal property without further notice or liability.
5. **Holdover Tenancy.** If TENANT stays in the Unit after this Rental Agreement's term expires, TENANT will be a HOLDOVER TENANT, and may be liable for twice the monthly rent under this Rental Agreement, on a prorated daily basis, for the first sixty (60) days that TENANT is a HOLDOVER TENANT. Staying in the Unit after this Rental Agreement, includes, but is not limited to, TENANT'S failure or refusal to do the following BY THE DAY TENANT'S TENANCY ENDS: to return all the keys to the Unit to LANDLORD, to complete all repairs, to remove all of TENANT'S personal items, and to clean the Unit. LANDLORD may also go to court to obtain possession of the Unit at any time during the first sixty (60) days of TENANT'S holdover. If LANDLORD does not go to court during the first sixty (60) days of TENANT'S holdover and does not enter into a new Rental Agreement at the end of that period, TENANT will be a MONTH-TO-MONTH TENANT and TENANT must pay LANDLORD the monthly rent under the prior Rental Agreement beginning at the end of the first sixty (60) days of holdover.

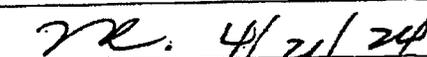
D. INVENTORY & CONDITION:

1. **When TENANT Moves In.** LANDLORD will inspect and inventory the Unit and the items in it (including fixtures, furnishings, appliances, and other personal property). LANDLORD will prepare a written PROPERTY CONDITION FORM detailing the condition of the property and any items in the Unit when TENANT moves in. TENANT and LANDLORD will both sign the form.
2. **When TENANT Moves Out.** TENANT must remove all TENANT'S personal items. If TENANT leaves any personal items behind, TENANT must pay for any storage and other costs, including advertising costs, involved in selling or disposing them. TENANT must leave the Unit in the same condition as when TENANT moved in. It is TENANT'S duty to have the Unit in clean and proper condition ON THE DAY TENANT'S TENANCY ENDS, NOT ON ANY LATER DAY. TENANT must have the same items in the Unit that were present when TENANT moved in; and TENANT must leave these items in the same condition, except for normal wear and tear. If there is any disagreement, the signed PROPERTY CONDITION FORM will be treated as correct. Rent is still due in accordance with this Rental Agreement, even if it is only a prorated amount. Tenant will be charged rent until all repairs/replacements/cleaning are completed and utilities must be on during this time. Tenant will return all keys and cards (including storage and mailbox). Failure to return the keys will result in LANDLORD re-keying the locks and replacing the keys at TENANT'S expense.

E. LANDLORD'S RESPONSIBILITIES:

1. **Possession.** LANDLORD will give TENANT possession of the Unit in its accepted condition at the beginning of the rental term. Any services and appliances supplied by LANDLORD, LANDLORD will maintain. LANDLORD will not be liable for any interruption in these services or appliances which are beyond LANDLORD'S control. TENANT may not end this Rental Agreement because services or appliances are interrupted.
2. **Right to Enter.** LANDLORD will give TENANT at least two (2) days notice before entering the Unit; and enter only during reasonable hours, except in case of emergency. LANDLORD may enter the Unit in order to: inspect; make needed or agreed upon repairs; decorate, change or improve the Unit; supply services as agreed; and show it to anyone who may want to buy, rent, or finance it. LANDLORD will not abuse this right or use it to harass TENANT. TENANT shall not unreasonably withhold TENANT'S consent. LANDLORD has no other right of entry, except by court order, or if it appears that TENANT has abandoned the Unit.
3. **Refund of Security Deposit.** LANDLORD must return TENANT'S deposit, MINUS DEDUCTIONS, not later than fourteen (14) calendar days after the termination of this Rental Agreement. LANDLORD must give TENANT a written statement at that time explaining any deductions. Deductions can be made in accordance with Paragraph D2 above and can pay for LANDLORD'S damages caused by TENANT quitting the Unit wrongfully.
4. **Rent Increase.** If TENANT is on a Fixed Rental Agreement, LANDLORD may not increase the rent prior to the ending date. If TENANT is on a Month-to-Month Rental Agreement, LANDLORD must give TENANT written notice forty-five (45) days prior to any rent increase; TENANT must pay the increased rent or give a twenty-eight (28) day written notice to terminate.


TENANT'S INITIALS & DATE


LANDLORD'S INITIALS & DATE

5. **Service of Notices.** If LANDLORD must give any notice to TENANT, LANDLORD can serve it on any TENANT. By serving one of the TENANTS, LANDLORD has given notice to all of the TENANTS. If LANDLORD cannot deliver a notice to TENANT, LANDLORD may post the notice in a conspicuous place on the Unit.
6. **Rental Conversion.** If the Unit is to be demolished, converted to a condominium, LANDLORD must give TENANT written notice at least one hundred twenty (120) days in advance to terminate. TENANT may move at any time during the last one hundred twenty (120) days and shall notify LANDLORD of TENANT'S vacate date and pay a prorated rent until TENANT vacates the UNIT and satisfies the conditions of Standard Term D-2.
- F. **RENTAL HISTORY:** TENANT gives LANDLORD permission to provide rental history to other prospective Landlords.
- G. **DAILY RATE:** Daily rent is calculated using a thirty (30) day proration.
- H. **MILITARY TENANTS:** If TENANT receives military orders after execution of this Rental Agreement that require (i) TENANT'S change of permanent station (PCS) from a location on an island within Hawai'i to any location off-island or outside Hawai'i, or (ii) TENANT to deploy with a military unit or as an individual in support of a military operation for a period of not less than ninety (90) days, TENANT may end TENANT'S obligations under this Rental Agreement. To terminate this Rental Agreement, said military TENANT must deliver by hand, private business carrier, or mail with return receipt requested, written notice with a copy of the official orders to the LANDLORD. Oral notice is not sufficient. In the case of a fixed-term or a month-to-month term requiring monthly rents, the earliest termination date is thirty (30) days after the first date on which the next rental payment is due, following proper notification of termination of the Rental Agreement. For example, if rents are due on the first day of every month, and TENANT properly notifies LANDLORD on July 20th that TENANT wishes to terminate the Rental Agreement, the earliest termination date is September 1st (thirty (30) days after August 1st when the next rental payment was due after notice). In the case of all other term of lease, the termination of the Rental Agreement is effective on the last day of the month following the month in which proper notice is delivered to LANDLORD. The parties should refer to the Service Members Civil Relief Act for further guidance. Additionally, under Hawai'i Law, a servicemember TENANT who is ordered military duty for a period of ninety (90) days or more may terminate this Rental Agreement without an early termination penalty or liability for future rents if TENANT receives orders requiring vacating from civilian housing and move into on-post government quarters provided that: (1) the failure to move into on-post government quarters will result in a forfeiture of the TENANT'S housing allowance, (2) TENANT'S request to maintain their housing allowance is denied by his/her commanding officer, AND (3) for Rental Agreements of a term of one year or less TENANT submits at least thirty (30) days written notice or for a month-to-month term TENANT submits at least fifteen (15) days written notice to LANDLORD, along with the required evidentiary documents. Additionally, in the event a servicemember Tenant dies during active duty, TENANT'S family may be afforded certain relief from the Rental Agreement as provided under Hawai'i law. The parties are strongly encouraged to refer to 2021 Haw. Act 57 (H.B. 1376) for further guidance. A servicemember TENANT who terminates this Rental Agreement before the expiration of its term shall receive a prorated portion of the Security Deposit after proper notice and termination under 2021 Haw. Act 19 (H.B. 391).
- I. **DISCLOSURE:**
- Lead-Based Paint Disclosure.** If the Unit was constructed prior to 1978, a Lead-Based Paint Addendum must be attached to this Rental Agreement. Disclosure forms are available on the Environmental Protection Agency (EPA) website.
 - Asbestos Disclosure.** TENANT is aware that asbestos materials are hazardous to one's health, particularly if asbestos fibers are released into the air and inhaled. In the past (before 1979, but possibly since) asbestos was a commonly used insulation material in heating facilities and in certain types of floor and ceiling materials, shingles, plaster products, cement, and other building materials. TENANT is aware that TENANT should make appropriate inquiry into the possible existence of asbestos in the Unit. Structures having "popcorn" or "cottage cheese" type ceilings may contain asbestos fibers or asbestos-containing material. Such ceilings should not be disturbed since it could release asbestos fibers in the air. Any disturbance should be done only by licensed abatement contractors.
 - Mold Disclosure.** TENANT is aware that mold and/or other microscopic organisms may exist in the Unit. Molds are simple, microscopic organisms, present everywhere. Mold spores may cause health problems. Mold will grow and multiply whenever sufficient moisture, temperature, and organic material are present. LANDLORD is not qualified to inspect the Unit for mold or to make recommendations or determinations concerning possible health or safety issues.
 - Hawai'i Residential Landlord Tenant Code ("the Landlord Tenant Code").** The Landlord Tenant Code is Chapter 521 of the Hawai'i Revised Statutes. Both LANDLORD and TENANT should check the Landlord Tenant Code to learn what duties, rights and remedies they have in addition to what is contained in this Rental Agreement. Certain additional rights and obligations may apply during the COVID Relief Period.
 - Conflict with the Landlord Tenant Code and Other Laws.** If it is found that any part of this Rental Agreement or its terms conflict with the Landlord Tenant Code or any other Federal, State or County laws governing LANDLORD-TENANT relations, public health and safety, etc., then those laws will control; however, all other terms and conditions will still be valid and must be observed.
 - Sex Offender Registration ("Megan's Law").** Hawai'i has enacted a law requiring sex offenders to register with the Attorney General's office. LANDLORD makes no representations as to whether or not the public has access to this information. Neither LANDLORD, OWNER, AGENT, nor BROKERAGE FIRM is required to obtain information regarding sex offenders.
- J. **Electronic (Digital or Fax) Signatures.** Electronically executed copies of this Rental Agreement and any related documents shall be fully binding and effective for all purposes.
- K. **TENANTS JOINTLY AND SEVERALLY RESPONSIBLE: BY SIGNING THIS RENTAL AGREEMENT EACH TENANT SHALL BE JOINTLY AND SEVERALLY (COLLECTIVELY AND INDIVIDUALLY) RESPONSIBLE FOR COMPLIANCE WITH ALL ITS TERMS AND CONDITIONS, INCLUDING THE PAYMENT OF RENT IN FULL. EACH TENANT IS RESPONSIBLE FOR OTHER OCCUPANTS AND GUESTS AND SHALL ENSURE THEY COMPLY WITH THE TERMS AND CONDITIONS OF THIS RENTAL AGREEMENT.**


 TENANT'S INITIALS & DATE


 LANDLORD'S INITIALS & DATE

Exhibit 5

ORIGINAL

June 26, 2024

The Honorable Jon Henricks Clerk of the County of Hawaii
Office of the County Clerk
25 Aupuni Street
Hilo, Hawaii 96720

RE: SUPPLEMENTAL QUESTIONS RELATED TO VOTER REGISTRATION
CHALLENGE DATED JUNE 10, 2024

2024 JUN 26 PM 3:29
COUNTY CLERK
COUNTY OF HAWAII

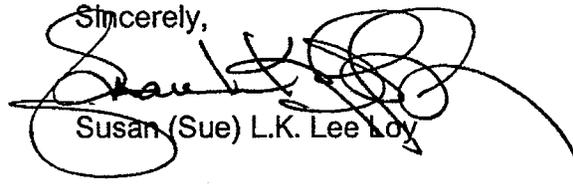
Aloha Mr. Henricks,

As requested by your letter dated June 21, 2024, enclosed is my response to your supplemental questions. I trust this response and the additional information provided will assist you to confirm my voter registration.

Enclosed please find:

- Response to supplemental questions.
- Correspondence dated June 17, 2024 from Chief Elections Clerk Scott T. Nago affirming me as a candidate for the Hawaii State House of Representatives, 2nd District. ("**Attachment 1**")
- Declaration of Ian B. Lee Loy. ("**Attachment 2**")
- Declaration of Susan (Sue) Lee Loy ("**Attachment 3**")
- Declaration of Nancy Cabral ("**Attachment 4**")

Sincerely,



Susan (Sue) L.K. Lee Loy

Supplemental Questions and Requests for Information

Please provide your responses on separate sheets, with a separate response to each of the 11 questions and requests below. Please also have your responses submitted under oath by execution of the attached Verification.

1. Please provide any and all documents and information evidencing the abandonment of your Former Residence and date of abandonment.

The residence at [REDACTED] is the permanent residence for my son Luke who is globally disabled. Please see the Declaration of Ian B. Lee Loy^{1 2}.

¹ Pursuant to Hawaii Revised Statutes §11-14.5 I request that this information and any other information contained within this supplemental request be treated as confidential as the disclosure of the information would result in unwarranted invasion of personal privacy.

² Pursuant to Hawaii Revised Statutes §11-14.5 I request that this information and any other information contained within this supplemental request be treated as confidential as the disclosure of the information would result in unwarranted invasion of personal privacy of an individual who is globally disabled.

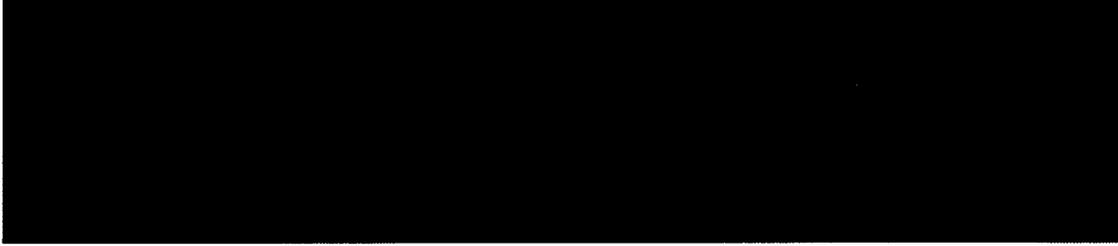
2. If you continue to maintain control of your Former Residence, please provide an explanation of the purpose for maintaining control of your Former Residence.

The residence at [REDACTED] is the permanent residence for my son Luke who is globally disabled. Please see the Declaration of Ian B. Lee Loy and the Declaration of myself, Susan (Sue) L.K. Lee Loy. In addition, [REDACTED] is the permanent residence of my mom, Patricia A. Keohokapu 88-years old. I check on her, assist with pick up and drop-offs for doctor appointments, shopping and other personal needs such as cleaning/trash, laundry, companionship).

3. The challenge to your voter registration included an itemization of your physical presence at your Former Residence [REDACTED] spanning from April 1, 2024, through May 31, 2024, including video surveillance of your activities there. Assuming you do not contest this accounting of your presence at [REDACTED], please share the nature and reasons for your presence at [REDACTED] and how your presence there does not support the premise that you maintain residency at [REDACTED]

As previously mentioned I have co-parenting responsibilities and assist, when needed, my 88-year-old mom.

4. What prompted your move to your New Residence?



5. On what date did you move into your New Residence?

On or about April 26.

6. When you decided to move from your Former Residence, did you consider any prospective residences other than [REDACTED]? If so, please provide the resident addresses of those potential alternatives, and the reason or reasons you selected [REDACTED] as your New Residence.

1. **A property on Nohea Street. Upon further inspection, I had lifestyle and privacy concerns that did not make it a good fit for me.**
2. **A property on Manono Street. Upon further inspection, I had privacy and budget concerns.**

7. How often do you sleep, have breakfast, and have dinner at your New Residence?

I was unaware that I would need to account for these types of events during the period mentioned in the "Challenge" and will not guess. Knowing this will assist in your decision, I report that from May 31 – June 9, I slept and had meals at new/other residences/locations other than [REDACTED].

- a. If you conduct these activities at other locations, please identify the location(s), indicate the percentage of these activities that are conducted at each location and provide an explanation why these activities are conducted at locations other than your New Residence.

I was unaware that I would need to account for these types of events during the period mentioned in the "Challenge" and will not guess.

- b. Are you able to provide attestations from others to verify the frequency to which you sleep, have breakfast, and have dinner at your New Residence? If so, please affix to your response.

Please see the attached Declaration of Nancy Cabral. Out of respect for others' right to privacy and out of an overabundance of caution, I will not be pursuing others for verification or subject them to unwarranted scrutiny³.

³ Pursuant to Hawaii Revised Statutes 711-11.

8. Please describe any new activities, daily rituals, and/or community projects, organizations, etc. that you now participate in or engage with since moving into your New Residence.

None.

9. Please provide any attestations from neighbors who can verify that you are residing at your New Residence. Such attestation to include name and resident address of each attesting neighbor.

Please see the attached Declaration of Nancy Cabral. Out of respect for others' right to privacy and out of an overabundance of caution, I will not be pursuing others for verification or subject them to unwarranted scrutiny⁴.

⁴ Pursuant to Hawaii Revised Statutes 711-11.

10. Please explain your preference to receive your mail at [REDACTED]

Until other personal matters are settled, and marital assets are finalized, I expect to continue receiving my mail at [REDACTED]

11. Are you able to provide any other documentation (receipts, contracts, correspondence, etc.) that substantiates that you reside at your New Residence? If so, please affix to your response. If not, please explain why such documentation does not exist.

Out of respect for others' right to privacy and out of an overabundance of caution, I will not be pursuing others for verification or subject them to unwarranted scrutiny⁵.

⁵ Pursuant to Hawaii Revised Statutes 711-11.

Exhibit 6



JON HENRICKS
County Clerk

County of Hawai'i
Office of the County Clerk

25 Aupuni Street, Suite 1402 • Hilo, Hawai'i 96720
(808) 961-8255 • Fax (808) 961-8912

DELIVERY VIA REGISTERED MAIL

July 11, 2024

Ms. Bridgit M.L. Bales
510 Auwae Road
Hilo, HI 96720

RE: *FINDINGS/RULING --- VOTER REGISTRATION CHALLENGE*

Dear Ms. Bales:

The County of Hawai'i Office of the County Clerk ("County Clerk") received your challenge to the voter registration and nomination papers for Ms. Susan L.K. Lee Loy ("Ms. Lee Loy") on June 10, 2024 ("Challenge"). The challenging party is referred to herein as the "Petitioner".

This letter serves to inform the Petitioner and Ms. Lee Loy of the County Clerk's ruling pursuant to Hawai'i Revised Statutes ("Haw. Rev. Stat.") § 11-25 (Supp. 2023).

CHRONOLOGY OF EVENTS

- On June 10, 2024, Petitioner submitted the Challenge to Ms. Lee Loy's voter registration to the County Clerk. The Challenge asserts that Ms. Lee Loy continued to reside at 498 Auwae Road, Hilo, Hawai'i 96720 ("District 3 Family Residence"), after she changed her voter registration residential address from the District 3 Family Residence to a residential address located in District 2 ("District 2 Lee Loy Residence"). The Challenge further contends Ms. Lee Loy's nomination papers for the District 2 House seat are invalid because she did not reside in District 2 when she registered to vote in District 2. Therefore, Petitioner's request Ms. Lee Loy be disqualified from running for the District 2 House seat.
- The County Clerk provided Ms. Lee Loy with immediate notification of the Challenge via e-mail and certified mail, pursuant to Haw. Rev. Stat. § 11-25, on June 12, 2024.
- On June 14, 2024, Ms. Lee Loy submitted her response to Petitioner's Challenge to the County Clerk, which included a residential rental contract, a letter of verification from

the owner of Ms. Lee Loy's residential rental unit, Ms. Lee Loy's declaration, and a declaration from Ms. Lee Loy's spouse Ian Lee Loy.

- On June 21, 2024, the County Clerk transmitted correspondence by hand delivery requesting Ms. Lee Loy respond to supplemental questions and requests for additional information by June 28, 2024.
- On June 26, 2024, Ms. Lee Loy submitted her responses to the supplemental questions and requests for additional information to the County Clerk, which were executed and signed under sworn oath.
- On July 11, 2024, the County Clerk issued these findings and ruling on the Challenge to Petitioner and Ms. Lee Loy via registered mail pursuant to Hawai'i Administrative Rules ("HAR") § 3-177-201(d).

CHALLENGE

Petitioner's Challenge is based on Ms. Bales' observations. Ms. Bales alleges she resides at 510 Auwae Road, Hilo, HI 96720 ("Bales' Property"), and Bales' Property is adjacent to the District 3 Family Residence. Petitioner contends Ms. Lee Loy was regularly and routinely physically present at the District 3 Family Residence after Ms. Lee Loy registered to vote in District 2: "The continued presence of Susan L.K. Lee Loy's family members and family dog at the District 3 Residence at the time and after she registered to vote in District 2 and before and after filing her nomination papers, are strong evidence of her intent not to abandon her domicile in her District 3 Residence." Challenge, at 6.

Petitioner's Challenge includes a list of dates and times on which Ms. Bales observed Ms. Lee Loy's presence at the District 3 Family Residence. Ms. Bales provided home security camera video images for support.

INVESTIGATION

The County Clerk reviewed the following documents and/or records:

- Ms. Lee Loy's Declaration, dated June 14, 2024;
- Mr. Lee Loy's Declaration, dated June 13, 2024;
- Letter from Ms. Nancy Cabral, President/Principal Broker, Day-Lum Rentals & Management, Inc., dated June 12, 2024;
- *Rental Agreement* for the District 2 Lee Loy Residence, by and between Ms. Lee Loy, as tenant, and Nancy Cabral, as landlord, dated April 22, 2024;
- Ms. Lee Loy's responses to the County Clerk's supplemental questions and requests for information, dated June 26, 2024; and
- Information from the Statewide Voter Registration System.

FINDINGS/CONCLUSIONS

1. According to the Statewide Voter Registration System (SVRS), Ms. Lee Loy's voter record indicates her voter registration was updated on April 26, 2024. SVRS records indicate the most recent voter registration activity prior to the update on April 26, 2024, was on February 2, 2003.
2. Ms. Lee Loy's Hawai'i Online Voter Registration Affidavit, signed and dated April 26, 2024, indicates a change to Ms. Lee Loy's residence address from the District 3 Family Residence to the District 2 Lee Loy Residence and Ms. Lee Loy's retention of the District 3 Family Residence as her mailing address.
3. Petitioner's Challenge to Ms. Lee Loy's voter registration contends the "evidence contained in the Petitioner's Index of Evidence shows a regular pattern of conduct which is indicative of Susan L.K. Lee Loy residing at her District 3 residence at the time, and after, she registered to vote in District 2 as well as when she filed her nomination papers to run for office in District 2. At a minimum, the evidence unequivocally establishes that Susan L.K. Lee Loy never intended, through her actions and conduct, to abandon her District 3 Residence during the relevant time period." Challenge, at 5.
4. Ms. Lee Loy does not deny she frequents the District 3 Family Residence or Ms. Bales documentation of her presence at the same.
5. Both Mr. and Ms. Lee Loy's declarations confirm under penalty of perjury that they have a disabled adult son requiring constant supervision and full-time care who resides at the District 3 Family Residence, and they have determined (as their son's legal guardians) that the District 3 Family Residence is the best suited permanent residence for their son to receive the uninterrupted routine care and disability services providing stability and continuity in his life.
6. Ms. Lee Loy's declaration made under penalty of perjury confirms that her elderly mother continues to reside at the District 3 Family Residence and that Ms. Lee Loy continues to provide support and care for her mother.
7. Ms. Lee Loy declares under penalty of perjury that neither she nor Mr. Lee Loy reside at the District 3 Family Residence for personal reasons. She further states she frequents the District 3 Family Residence to provide her son and mother with support, care, and assistance.
8. Mr. Ian B. Lee Loy declares under penalty of perjury that he is the beneficiary lessee of the Hawaiian Home Lands lot on which the District 3 Family Residence is located. Mr. Lee Loy also declares that for personal reasons he does not reside at the District 3 Family Residence and he understands Ms. Lee Loy has another residence other than the District 3 Family Residence.

9. The *Rental Agreement* between Ms. Lee Loy, as tenant, and Nancy Cabral, as landlord, commenced April 10, 2024, and ends December 31, 2024. The street address for the residential rental unit forming the subject matter of the *Rental Agreement* corresponds with the residence address Ms. Lee Loy provided on her April 26, 2024-update to her voter registration.
10. Included in Ms. Lee Loy's response to the Challenge was a letter from Ms. Cabral dated June 12, 2024, verifying Ms. Cabral's position as President/Principal Broker of Day-Lum Rentals & Management, Inc., and that Ms. Cabral rented a residential unit, *i.e.*, the District 2 Lee Loy Residence, to Ms. Lee Loy. Ms. Cabral's letter further states that Ms. Lee Loy contacted her in March 2024, seeking a Hilo rental property and that the *Rental Agreement* for a shared residence, which is subject to Hawai'i Landlord Tenants regulations, was entered into in April 2024. Ms. Cabral additionally confirms Ms. Lee Loy is in compliance with the *Rental Agreement*.
11. According to Hawai'i County Real Property Tax records, a two-bedroom, two-bathroom house exists at the address provided on Ms. Lee Loy's April 26, 2024-update to her voter registration, *i.e.* the District 2 Lee Loy Residence.
12. Ms. Lee Loy declared under penalty of perjury that she has resided at the address provided on the April 26, 2024-update to her voter registration, *i.e.*, the District 2 Lee Loy Residence, since April 26, 2024.
13. Ms. Lee Loy declared under penalty of perjury the circumstances and reasons causing her to move to, and fix her habitation and establish her dwelling place at, the District 2 Lee Loy Residence. Ms. Lee Loy's reasons are based on severe, persistent, and detrimental familial issues which have caused substantial and significant harm and duress to her to such a degree that "made it prudent to seek other accommodations."
14. Ms. Lee Loy declared under penalty of perjury that she considered three separate properties on which to fix her habitation and establish her dwelling place, and ultimately selected the District 2 Lee Loy Residence as indicated on the aforementioned *Rental Contract*.
15. Ms. Lee Loy kept her mailing address at the District 3 Family Residence when she updated her voter registration resident address on April 26, 2024.
16. Ms. Lee Loy declared under penalty of perjury that she intends to continue receiving mail at the District 3 Family Residence until certain "domestic legal and personal matters are finalized".
17. Haw. Rev. Stat. § 11-13, entitled "Rules for determining residency", provides in part: "[t]here can be only one residence for an individual, but in determining residency, a person may treat oneself separate from the person's spouse."

18. Haw. Rev. Stat. § 11-13(1) provides: "The residence of a person is that place in which the person's habitation is fixed, and to which, whenever the person is absent, the person has the intention to return."
19. Haw. Rev. Stat. § 11-13(2) provides: "A person does not gain residence in any precinct into which the person comes without the present intention of establishing the person's permanent dwelling place within such precinct."
20. Haw. Rev. Stat. § 11-13(3) provides: "If a person resides with the person's family in one place, and does business in another, the former is the person's place of residence; *but any person having a family, who establishes the person's dwelling place other than with the person's family, with the intention of remaining there shall be considered a resident where the person has established such dwelling place.*" (emphasis added).
21. Haw. Rev. Stat. § 11-13(4) provides: "The mere intention to acquire a new residence without physical presence at such place, does not establish residency, neither does mere physical presence without the concurrent present intention to establish such place as the person's residence."
22. HAR § 3-177-156, entitled "Determination of residence", provides in pertinent part:
- (a) In addition to the rules for determining residency provided in HRS §11-13, the following shall also be applicable in determining the residence of a person for election purposes:
 - (1) The residence of a person is that place in which the person's habitation is fixed, where the person intends to remain, and when absent, intends to return; and
 - (2) When a person has more than one dwelling:
 - ...
 - (C) If a person has not physically lived at any one dwelling within the year immediately preceding the election, there shall be a rebuttable presumption that the dwelling in which the person has not lived at is not the person's residence.
 - ...
 - (c) For purposes of this section, a rebuttable presumption is a presumption considered true unless proven false by evidence to the contrary.

23. The valid and binding *Rental Agreement* for the District 2 Lee Loy Residence and the supplemental attestations from Ms. Lee Loy, Mr. Lee Loy, and Ms. Cabral sufficiently establish:
- a. Ms. Lee Loy's intention that, whenever absent, she will return to the District 2 Lee Loy Residence;
 - b. Ms. Lee Loy's intention to fix her habitation and establish a dwelling place at the District 2 Lee Loy Residence for the duration of the *Rental Agreement*, at the very least; and
 - c. Ms. Lee Loy's intent to establish a dwelling place other than with her family at the District 3 Family Residence, *i.e.*, at the District 2 Lee Loy Residence, and to remain at the District 2 Lee Loy Residence for the duration of the *Rental Agreement*, at the very least.
24. The valid and binding *Rental Agreement* and supplemental attestations from Ms. Lee Loy, Mr. Lee Loy and Ms. Cabral sufficiently demonstrate Ms. Lee Loy's intent to fix her habitation and establish her dwelling place at the address provided on her April 26, 2024-voter registration update, *i.e.*, the District 2 Lee Loy Residence.
25. Ms. Lee Loy declined the County Clerk's request for attestations from the District 2 Lee Loy Residence-neighbors verifying Ms. Lee Loy's physical presence at the District 2 Lee Loy Residence. Ms. Lee Loy's decision was based on her concerns that her neighbors' rights to privacy could be violated and they could be subjected to "unwarranted scrutiny".
26. Ms. Lee Loy declined the County Clerk's request for receipts, contracts, correspondence or other documents verifying her physical presence at the District 2 Lee Loy Residence out of concern that doing so would compromise privacy rights and generate "unwarranted scrutiny".
27. Petitioner fails to establish HAR § 3-177-156(a)(2)(C)'s rebuttable presumption applies to the Challenge. The Challenge provides no evidence showing Ms. Lee Loy has not physically lived at the District 2 Lee Loy Residence within the year immediately preceding the election, *i.e.* August 10, 2023 - August 10, 2024. Rather, the evidence provided including, *inter alia*, the *Rental Agreement*, Ms. Cabral's letter, Ms. Lee Loy's Declarations and Mr. Lee Loy's Declaration sufficiently establish Ms. Lee Loy's residence at the District 2 Lee Loy Residence since on or around April 10, 2024, and that she frequents the District 3 Family Residence to care for her son and elderly mother.

RULING

Based upon a review of the law and a preponderance of evidence in favor of Ms. Lee Loy, I hereby determine that Ms. Lee Loy resided at the District 2 Lee Loy Residence prior to and at the time she updated her voter registration on April 26, 2024. Therefore, Petitioner's Challenge is denied.

NOTIFICATION OF RIGHT TO APPEAL

Pursuant to Haw. Rev. Stat. § 11-26, by copy of this letter submitted via registered mail, Petitioner is notified of this decision and her right to appeal it to the Board of Registration within 10 days of its service.

Respectfully,

A handwritten signature in black ink, appearing to read "Jon Henricks", with a large circular flourish on the left side.

Jon Henricks
County Clerk

cc: Ms. Susan L.K. Lee Loy

Exhibit 7

Application for a Nomination Paper

State of Hawaii | 2024 Elections

Please print clearly in black ink.

The information contained on this form is public with the exception of HI Driver License or HI State ID Number, Social Security Number, Date of Birth, and Residence Address Number. If no Mailing Address is provided, Residence Address will be released to the public.

Full Legal Name			
Last Name	First Name	Middle or Initial(s)	Suffix (Jr., III)
LEE LOY	SUSAN	L K	

Name Commonly Known As (if different from legal name):
SUSAN LEE LOY

HI Driver License or HI State ID Number	If you do not have a HI Driver License or HI State ID, provide the last 4-digits of your Social Security Number	Date of Birth

Residence Address	City	Zip Code
ALAWAENA ST	HILO	96720
Mailing Address <input type="checkbox"/> Same as Residence Address	City	Zip Code
498 AUWAE ROAD	HILO	96720

If your residence does not have a street address, describe the location (cross streets, landmarks)

Phone Number	Email Address	Website
8088959545	sue@voteleeloy.com	voteleeloy.com

Name of Contact Person, if any	Relation of Contact Person (Example: Campaign Mgr.)	Contact Person's Phone Number
ASHLEY AGUIAR	DAUGHTER	8088959544

Felony Conviction	I am a citizen of the United States of America	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	I am a resident of the State of Hawaii	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	I am a registered voter of the State of Hawaii	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Office and District (Example: State Representative District 1, CHA At-Large Trustee State of Hawaii, Hawaii Mayor County of Hawaii)
OFFICE OF HAWAIIAN AFFAIRS HAWAII RESIDENT TRUSTEE, STATE OF HAWAII

Political Party or Nonpartisan (complete if you are running for U.S. Senator, U.S. Rep., State Senator, or State Rep.)	Party Member
NONPARTISAN SPECIAL	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

The information provided herein is true and correct and I hereby authorize the Chief Election Officer and/or the County Clerk to verify the above information.

Signature	Date
	5/22/2024

Issued By	Date & Time	Location	Voter Registration	Hour	Count	CDS Verified	Included in System
Online Candidate System	5/22/2024 10:24:51 PM		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	2	III	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	ku
Filed By	Date & Time	Location	VR Verified	CSD Andover Filed	Printed Receipt	Receipt Number	
			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

Print Name in characters of 27 typed spaces, including letters, spaces, and punctuation marks. May include a nickname or Hawaiian equivalent in parentheses. Titles and surnames are not allowed. Use this format: LASTNAME, Firstname MI, J, (Nickname)

Lee Loy Susan (Sue) LEE LOY, SUSAN (Sue)

Comments
 5/23 Add ballot name to nomination paper. Have candidate sign app. -ku

Exhibit 8

Application for a Nomination Paper

State of Hawaii | 2024 Elections

Please print clearly in black ink.

The information contained on this form is public with the exception of HI Driver License or HI State ID Number, Social Security Number, Date of Birth, and Residence Address Number. If no Mailing Address is provided, Residence Address will be released to the public.

1	Full Legal Name			
	Last Name LEE LOY	First Name SUSAN	Middle or Initial(s) L K	Suffix (Jr., III)

2	Name Commonly Known As (if different from legal name) SUE
---	--

3	HI Driver License or HI State ID Number	If you do not have a HI Driver License or HI State ID, provide the last 4-digits of your Social Security Number	Date of Birth
	[REDACTED]	[REDACTED]	[REDACTED]

4	Residence Address ALAWAENA ST	City HILO	Zip Code 96720
	Mailing Address [] Same as Residence Address 498 AUWAE ROAD	City HILO	Zip Code 96720

If your residence does not have a street address, describe the location (cross streets, landmarks)

5	Phone Number 8088959545	Email Address sue@voteleeloy.com	Website voteleeloy.com
---	----------------------------	-------------------------------------	---------------------------

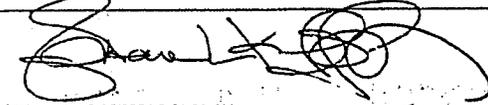
6	Name of Contact Person, if any GORDON TAKAKI	Relation of Contact Person (Example: Campaign Mgr.) CAMPAIGN MANAGER	Contact Person's Phone Number 8084305720
---	---	---	---

7	Felony Conviction <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	I am a citizen of the United States of America <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	I am a resident of the State of Hawaii <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	I am a registered voter of the State of Hawaii <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
---	--	---	---	---

8	Office and District (Example: State Representative District 1, OHA At-Large Trustee, State of Hawaii, Hawaii Mayor, County of Hawaii) STATE REPRESENTATIVE DISTRICT 2
---	--

8	Political Party or Nonpartisan (complete if you are running for U.S. Senator, U.S. Rep., State Senator, or State Rep.) DEMOCRATIC PARTY	Party Member <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
---	--	---

The information provided herein is true and correct and I hereby authorize the Chief Election Officer and/or the County Clerk to verify the above information.

9	Signature 	Date 5/25/2024
---	--	-------------------

10	Online Candidate System 5/25/2024 9:51:23 AM	II 1 2 3 X	\$250.00	425141
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LEE LOY, SUSAN (SUE) LEE LOY, SUSAN (SUE)

5/20 - Issued NP for OHA Haneui - make sure she only files for 1 seat
Add to NP. Have candidate sign app. by ballot name

Candidate Profile

2024 Election

BALLOT

Ballot Name: Sue
LEE LOY, Susan (Sue)

Office: Sue
STATE REPRESENTATIVE, DISTRICT 02

Party:
DEMOCRATIC

Sue I certify that the information above is correct.

CANDIDATE REPORT

Legal Name:

LEE LOY, SUSAN L.K.
Sue

Mailing Address:

498 AUWAE RD. Sue
HILO, HI 96720

Phone Number:

(808) 895-9545 Sue

Email:

sue@voteleeloy.com Sue

Website:

voteleeloy.com Sue

Issued: 5/28/2024 ONLINE

Filed: 5/29/2024 HILO

NOMINATION PAPER

Sue Filing with 22 valid signatures.

Sue Signed Candidate Certification.

Sue Signed Partisan Certification (if applicable).

____ Signed County Candidate Certification (if applicable).

____ Signed Resignation Certification (if applicable).

Sue Signed Oath of Loyalty or Affirmation.

FILING FEE

Sue Submitted Filing Fee and if applicable Campaign Spending Affidavit.

AUDIO RECORDING

Sue Provided audio recording of Ballot Name and Office.

CANDIDATE STATEMENT/PHOTO

Sue Entry ID Number, if submitting 390
Sue Will NOT submit a statement or photo. I acknowledge that I cannot submit a statement or photo after filing my nomination paper.

CAMPAIGN SPENDING COMMISSION

Sue FOR CANDIDATES OF STATE & COUNTY OFFICE ONLY: I acknowledge that, if I have not already done so, I must register with Campaign Spending Commission within 10 days of filing my nomination paper and that I am required to electronically file periodic disclosure reports with the Commission so long as my candidate committee is registered with the Commission. Failure to timely register with the Commission may result in a fine.

STATE ETHICS COMMISSION

Sue FOR CANDIDATES OF STATE OFFICE ONLY: I acknowledge that, if I have not already done so, I must file a candidate financial disclosure with State Ethics Commission by June 14, 2024. Failure to timely file with the Commission may result in a fine.

Reminder: Depending on office, candidate should check with Federal Election Commission, Campaign Spending Commission, Ethics Commission, and/or County Board of Ethics regarding any additional requirements to complete.

5/29/2024 1:57:48 PM

Nomination Paper

提名紙 | Palapala Hāpai Moho | Papel Iiti Panakadutok | Papel ng Nominasyon

Candidate Filing Deadline | Tuesday, June 4, 2024 at 4:30pm

Candidate Information

Legal Name (First Middle Last)
SUSAN L K LEE LOY

Name Commonly Known As (First Middle Last)
SUE

Residence Address
[REDACTED] ALAWAENA ST

City HILO	Zip Code 96720	County HAWAII
--------------	-------------------	------------------

Mailing Address
498 AUWAE ROAD

City HILO	Zip Code 96720
--------------	-------------------

我們，謹於此簽名，提名以上名字的人作為在下屆初級或特殊選舉的候選人，並且聲明我們是已正式登記的選民，及合乎資格投票選舉候選人。我們明白，如果只有一個席位，我們只能簽署一名候選人的提名文件。如果有一個以上的席位參選，那麼我們可以簽署多個提名文件。

Ma o kā mākou mau pūlima ma 'ane'i e hāpai 'ia ai ka mea nona ua inoa nei e lilo i moho ma ka pāloka e ho'olako 'ia ai ma ke Koho Wae Moho Wale Nō a i 'ole ke Koho Kūikawā, a ke hō'ōia nei mākou he mau mea koho mākou i kū i ke kānāwai a ua hiki nō ke koho i ia moho. Maopopo iā mākou ua hiki ke pūlima i nā palapala hāpai moho no ho'okahi wale nō moho, o kekahi kūlana, inā ho'okahi wale nō noho. Inā he mau noho ka'awale hou aku e koho pāloka ai, ua hiki ke pūlima i nā Palapala Hāpai Moho e like me ka nui o nā noho ka'awale.

Dakami, babaen ti panagpirmami ditoy, dutokanmi ti tao a nainaganan iti ngato a kas papili iti balota a mabotosan inton sumaruno a Panagpipili Primaria wenno Naisangayan a Panagpipili ken ipaneknekami a nainkalinteg a ti panakailista dagiti naganmi iti listaan dagiti mabalina nga agpili iti sumaruno a panagpipili. Maawatanmi a mabalinni iti agpirma iti papel a mangdutok iti maysa laeng a papili nga agpaay iti maikutop a pagtakeman no maymaysa laeng iti takem a kasapulan. No nasursurok ngem maysa iti takem a kasapulan iti panagpipili, iti kasta mabalinni iti agpirma kadagiti papeles a pangdutok a kas iti bilang dagiti pagtakeman a kasapulan.

Kami, na mga lumagda sa ibaba, ay iminumungkahi namin na ang nakapangalan na kandidato sa balota ay maiboboto sa susunod na Eleksyon Primarya o Espesyal at amung idinideklara na kami ay mga rehistradong bolante at kami ay may karapatang bomoto para sa kandidato. Naiintindihan namin na kami ay lalagda lamang ng mga papel ng nominasyon para sa isang kandidato lamang para sa isang pankular na elektibong puwesto. Kung higit sa isa ang puwesto na maaaring iboto, sa gayon ay maari kaming lalagda ng mga papel ng nominasyon batay sa dami ng puwesto.

Contest Information

Office and District
STATE REPRESENTATIVE DISTRICT 2

Political Party or Nonpartisan
DEMOCRATIC PARTY

Number of Signatures Required

At least Fifteen (15) valid signatures of qualified voters from Representative District 2

We, by signature hereon, nominate the person named as a candidate on the ballot to be voted on at the next Primary or Special Election and we declare that we are duly registered voters and that we are eligible to vote for the candidate. We understand that we may sign nomination papers for only one candidate for a particular elective office if there is only one seat available. If more than one seat is available for election, then we may sign as many nomination papers as there are available seats.

Noted By: L. L. L. Note: Pursuant to HRS §12-3, a nomination paper that is incomplete and/or a nomination paper that has been altered by anyone other than the chief election officer or the city/county clerk will not be accepted. Pursuant to HRS Chapter 19, any person who knowingly takes an oath on the nomination paper and willfully makes a false statement of fact while under oath therein may be guilty of voter fraud which is a Class C felony, punishable by up to five years imprisonment and a \$10,000 fine.

Candidate Certification

I, SUSAN L K LEE LOY, the candidate named herein, hereby certify by self-subscribing oath that:

1. I will qualify under the law for the office which I am seeking;
2. I have determined that all of the information on my nomination paper is true and correct, except for that information provided by the voters who signed my nomination paper; and
3. I am in compliance with HRS Section 831-2, dealing with felons, to the extent applicable.

Signature: [Signature] Date: 5/20/24

Partisan Candidate Certification

I, SUSAN L K LEE LOY, the candidate named herein, further certify by self-subscribing oath that I am a member of the DEMOCRATIC PARTY

Signature: [Signature] Date: 5/20/24

County Candidate Certification

I, SUSAN L K LEE LOY, the county candidate named herein, further certify by self-subscribing oath that I have complied with the relevant provisions of the applicable county charter and county ordinances pertaining to elected officials.

Signature: _____ Date: _____

Resignation Certification

I, SUSAN L K LEE LOY, the candidate named herein, further certify by self-subscribing oath that I have complied with Article II, Section 7, of the Constitution of the State of Hawaii, Resignation from Public Office, and qualify under the law to be a candidate for another State or County office.

Signature: _____ Date: _____

Complete Oath of Loyalty OR Affirmation

Oath of Loyalty

I, SUSAN L K LEE LOY, do solemnly swear and declare, on oath that if elected to office I will support and defend the Constitution and laws of the United States of America, and the Constitution and laws of the State of Hawaii, and will bear true faith and allegiance to the same; that if elected I will faithfully discharge my duties as STATE REPRESENTATIVE to the best of my ability; that I take this obligation freely, without any mental reservation or purpose of evasion; So help me God.

Signature: [Signature] Date: 5/20/24
Affirmation

I, SUSAN L K LEE LOY, do solemnly, sincerely, and truly affirm and declare, that if elected to office I will support and defend the Constitution and laws of the United States of America, and the Constitution and laws of the State of Hawaii, and will bear true faith and allegiance to the same; that if elected I will faithfully discharge my duties as STATE REPRESENTATIVE to the best of my ability; that I take this obligation freely, without any mental reservation or purpose of evasion.

Signature: [Signature] Date: 5/20/24

This 6 page "Nomination Paper," dated May 28, 2024, was subscribed and sworn to before me this 26th day of May, 2024, in the 3rd Circuit of the State of Hawaii.

Signature of Notary Public, State of Hawaii: [Signature]
Printed Name of Notary Public: Kelly Sakai
My commission expires: March 25, 2026
or By _____
Clerk or Public Officer authorized to administer oaths.



Office Use Only	Issued By: Online Candidate System	Date & Time: 5/25/2024 9:51:23 AM	Location:	Filed By: Shawn B	Date & Time: 5/29/24 1:57pm	Location: Hilo
	Ballot Name (LAST, First M I., Jr. (Nickname)) <u>LEE LOY, SUSAN (Sue)</u>					Total Valid Signatures: <u>22</u>
						Signatures Needed:

Legal Name: SUSAN L K LEE LOY

Office and District: STATE REPRESENTATIVE DISTRICT 2

Name Commonly Known As: SUE

Political Party or Nonpartisan: DEMOCRATIC PARTY

Legal Name (Last, First, M.I.) <small>姓名字 (姓, 名, 中间名字) Inoa Kuhelu (Hope, Mua, Hui Inoa Weena) Legal a Nagan (Apeyedo, Umona a Nagan, Auntengea a Nagan) Legal na Pangalan (Apeyedo, Pangalan, M.I.)</small>	Signature <small>名字 Puna Puna Lapda</small>	Residence Address (House Number, Street Name, Apt. Number) <small>居行地址 (番位, 街名, 公寓) Heli Wahi (Heli Hale, Inoa Ala, Heli Ke'ena) Adres b Residensia wenna Pagnaedan (Numero ti Baley yo Nagan ti Kalseda, Numero ti Apartment) Adres ng Tirahan (Numero ng Bahay, Pangalan ng Kalseda, Numero ng Apt.)</small>	Date of Birth (Month / Day) <small>生日 (月/日) La Hanau (Mahina-La) Peta ti Pannakayanak (Bulan/Aldaw) Peta ng Kapanganakan (Bulan/Araw)</small>	Office Use Only <small>District State</small>
OGATA, CHAD, Y.	<i>Chad Ogata</i>	██████ LOKO PLACE	██████	02 ✓
Ogata, Shelly H. A.	<i>Shelly H. A. Ogata</i>	██████ Loko Place	██████	02 ✓
Yamashita, Ray T.	<i>Ray T. Yamashita</i>	██████ Kaiwo St.	██████	02 ✓
Yamashita, Tracie K.	<i>Tracie K. Yamashita</i>	██████ Kaiwo St.	██████	02 ✓
SUGAWARA, Lynn	<i>Lynn Sugawara</i>	██████ Puuau St.	██████	02 ✓
Sur, Peter L.	<i>Peter L. Sur</i>	██████ Hualani Dr.	██████	02 ✓
Yoshimoto, Tracie Ann T.N.	<i>Tracie Ann T.N. Yoshimoto</i>	██████ Pukana St., Hilo HI	██████	02 ✓
FLORES-DISHI, COLETTE K.	<i>Colette K. Flores-Dishi</i>	██████ Kahiko Pl. Hilo, HI	██████	02 ✓
FLORES, KIRK L. SR.	<i>Kirk L. Flores Sr.</i>	██████ Kahiko Pl. Hilo, HI	██████	02 ✓
Matsuo, Janet T.	<i>Janet T. Matsuo</i>	██████ Anela St., Hilo, HI	██████	02 ✓
Matsuo Isao Kenzo				IS
Matsuo Kenzo I	<i>Kenzo I Matsuo</i>	██████ Anela St. Hilo HI	██████	02 ✓

Issued by E. Chan
Online 5/25/2024

This Signature Page must be circulated with page 1 and 2 of the Nomination Paper.

Printed Date: 5/24/24
Total Signatures: 11

Legal Name: SUSAN L K LEE LOY

Office and District: STATE REPRESENTATIVE DISTRICT 2

Name Commonly Known As: SUE

Political Party or Nonpartisan: DEMOCRATIC PARTY

Legal Name
(Last, First, M.I.)

法律姓名 (姓, 名, 中间姓名)
Inoa Kohelu (Hope, Mua, Hua Inoa Waena)
Legal a Nagan
(Apeyedo, Umona a Nagan, Akonlengnga a Nagan)
Legal na Pangalan
(Apeyedo, Pangalan, M I.)

Signature

首名
Pūma
Pūma
Lagda

Residence Address
(House Number, Street Name, Apt. Number)

居住地址 (街名, 门牌, 公寓)
Helu Wahi (Halu Hale, Inoa Aia, Halu Ke'ona)
Adres b Residensia werno Pagnaan
(Numero ti Balay yo, Nagan ni Kalsada, Numero ti Apartment)
Adres ng Tirahan
(Numero ng Bahay, Pangalan ng Kalsada, Numero ng Apt.)

Date of Birth
(Month / Day)

生日 (月/日)
La Hana (Mahina/La)
Petse ti
Pannakayana
(Bulan/Akawat)
Petse ng
Kapanganakan
(Buwan/Awan)

Office
Use Only

District State

ESTRADA, Jason, J		[REDACTED] Putau St.	[REDACTED]	02	✓
Miranda, Shara		[REDACTED] Kinole St	[REDACTED]		WD
Taraka, Ryan		[REDACTED] Akea St	[REDACTED]	02	✓
Iseri, Bradley		[REDACTED] Loko Place	[REDACTED]		DA
Yamamoto, Ashley		[REDACTED] Pukana Pt	[REDACTED]	02	✓
Liri, Dennis		[REDACTED] Leimamo St.	[REDACTED]	02	✓
Toledo, Lacey		[REDACTED] Iwalani St	[REDACTED]	02	✓
Casino, Sandra		[REDACTED] Lala St	[REDACTED]		NR
Sakai, Kelly		PO Box 7497 Hilo, HI 96720	[REDACTED]		IS

Issued By & Date:
Online 5/28/24

This Signature Page must be circulated with page 1 and 2 of the Nomination Paper.

Print & Date:
5/28/24

Hand Signatures
5

Legal Name: SUSAN L K LEE LOY

Office and District: STATE REPRESENTATIVE DISTRICT 2

Name Commonly Known As: SUE

Political Party or Nonpartisan: DEMOCRATIC PARTY

Legal Name
(Last, First, M.I.)

法律姓名 (姓氏, 名字, 中间姓名)
Inoa Kohelu (Hope, Mua, Hua Inoa Waena)
Legal a Nagan
(Apliyedo, Umona a Nagan, Atoniengnga a Nagan)
Legal na Pangalan
(Apetyido, Pangalan, M.I.)

Signature

簽名
Punma
Pima
Lagda

Residence Address
(House Number, Street Name, Apt. Number)

居住地址 (房屋號, 街道名, 公寓)
Helo Wahi (Helo Hale, Inoa Awa, Helu Ke'ena)
Adres ti Residensia wenna Pagnaadan
(Numero ti Balay yo, Nagan ti Kalsada, Numero ti Apartment)
Adres ng Tirahan
(Numero ng Bahay, Pangalan ng Kalsada, Numero ng Apt.)

Date of Birth
(Month / Day)

生日 (月/日)
La Hanau (Mahina/La)
Petaa ti
Pannakayanax
(Bulan/Aldaw)
Petaa ng
Kapanganakan
(Buwan/Araw)

Office
Use Only

District State

Legal Name (Last, First, M.I.)	Signature	Residence Address (House Number, Street Name, Apt. Number)	Date of Birth (Month / Day)	Office Use Only
OTA, GARRITT O.		██████ Kukunau St. Hilo 96720	██████	02 ✓
Ota, Debra A.G.		██████ Kukunau St, Hilo 96720	██████	02 ✓
Nakagawa, Nathalie		██████ Kaunama Dr. Hilo 96720	██████	02 ✓
Murashige, Laura L.		██████ Hoolalea St. Hilo 96720	██████	02 ✓
Botelho-Kaili, Dorthi		██████ Makani Cir. Hilo 96720	██████	02 ✓

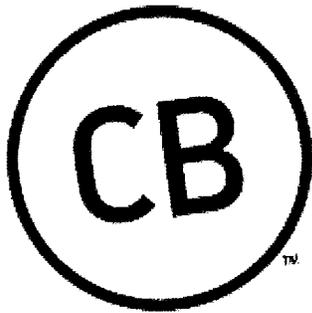
Issued By & Date:
Online 5/25/2024

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Exhibit 9

<https://www.civilbeat.org/2024/05/hilo-councilwoman-sue-lee-loy-is-hoping-to-move-up-to-the-legislature/>



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Elections 2024

Hilo Councilwoman Sue Lee Loy Is Hoping To Move Up To The Legislature

Rep. Richard Onishi, who has represented that district for more than a decade, will retire this year.

By Kevin Dayton / May 31, 2024

Reading time: 3 minutes.

State House Rep. Richard Onishi is retiring this fall, and longtime Hawaii County Councilwoman Sue Lee Loy moved to a rented home in Onishi's Hilo district in April just weeks before filing to run for office there.

Hawaii County Council term limits prevent Lee Loy from running for reelection to her council seat. But she said in an interview she moved into her new home in Waiakea Uka for family reasons, not for political advantage.

She pulled nomination papers to run for the House seat in her new district on Tuesday, and officially filed to run there on Wednesday. District 2 covers much of urban Hilo, including Waiakea House Lots and Waiakea Uka.



Sue Lee Loy is term-limited out of her County Council seat. (Courtesy photo)

Onishi, 70, pulled nomination papers on May 22 for the District 2 seat he now holds, but confirmed Thursday he decided not to run after all.

“I never started out running for this office for it to be a career for me,” he said. “I had been looking for someone who I would trust to represent me.”

Onishi said he worked with Lee Loy on a number of state and county projects, and he decided to “give her an opportunity.”

“I believe she will represent us admirably, and that’s why I’m ready to step down,” he said.

Onishi was first elected to the state House in 2012. Both Onishi and Lee Loy are Democrats.

When asked if she moved to a new House district to gain a political advantage by running where there is no incumbent, Lee Loy replied: “I was moving for my own mental health and what’s best for my family.”



Richard Onishi is retiring from the state House this year. (Submitted photo)

She said Onishi only recently told her he does not plan to run this year. “Richard’s retirement really just came up,” she said.

Lee Loy, 54, has represented a County Council district since 2016 that includes Hawaiian homesteads in Keaukaha and Panaewa along with many of the Waiakea neighborhoods in House District 2.

Lee Loy listed her old address on homelands in Panaewa outside of House District 2 when she pulled papers to run for the Legislature, which prompted questions about whether she lives in House District 2 and is qualified to run there.

But Lee Loy said she lives in the district, and only listed her old Panaewa address because it is still her mailing address.

State Elections Officer Scott Nago confirmed Lee Loy is now registered to vote in House District 2, which meets the residency requirement for running for office in that district. By law only residents of the district are allowed to register to vote there.



Richard Onishi is retiring from the state House this year. (Submitted photo)
She said Onishi only recently told her he does not plan to run this year.
“Richard’s retirement really just came up,” she said.

Lee Loy, 54, has represented a County Council district since 2016 that includes Hawaiian homesteads in Keaukaha and Panaewa along with many of the Waiakea neighborhoods in House District 2.

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We're here to help Hawaii vote

Our staff has spent months preparing for this election season. Now it's your turn to vote on the leaders who will impact our community for years to come.

If you've relied on our daily analysis and reporting, Candidate Q&As, free events and online resources, [please consider making a donation to your local nonprofit newsroom.](#)

Every contribution, however big or small, powers our journalism.

CONTRIBUTE

Exhibit 10

June 10, 2024

VIA HAND DELIVERY AND EMAIL

State Office of Elections
 Attn: Scott T. Nago, Chief Elections Officer
 802 Lehua Avenue
 Pearl City, Hawaii 96782
 Email: elections@hawaii.gov

County of Hawaii
 Office of the County Clerk
 Attn: Jon Henricks, County Clerk
 25 Aupuni Street, Room 1502
 Hilo, Hawaii 96720
 Email: hiloelec@hawaiicounty.gov

24 JUN 10 AIO:12

OFFICE OF ELECTIONS

**RE: CHALLENGE TO VOTER REGISTRATION OF SUSAN L.K. LEE LOY;
 OBJECTION TO NOMINATION PAPERS FILED BY SUSAN L.K. LEE LOY**

Aloha Messrs Nago and Henricks,

Susan L.K. Lee Loy is seeking office as Representative for Hawaii House of Representatives District 2 ("District 2"). The undersigned Petitioners hereby submit the following: (1) challenge to Susan L.K. Lee Loy's voter registration in District 2 pursuant to Hawaii Revised Statutes ("HRS") §11-25, and (2) objection to Susan L.K. Lee Loy's nomination papers for the office of Representative for District 2 pursuant to HRS §12-8 (collectively "Objection").

This Objection is being filed concurrently with the State Office of Elections and the Office of County Clerk for the County of Hawaii.

Nature of Objection

Based on the relevant law and evidence presented below, Susan L.K. Lee Loy was not a resident of District 2 when she registered to vote in District 2 or prior to filing nomination papers for Representative for Hawaii House of Representatives District 2. Therefore, Susan L.K. Lee Loy is not qualified or eligible to serve as a member of the House of Representatives for District 2 pursuant to Article III, Section 6 of the Constitution of the State of Hawaii ("Constitution") and Petitioners challenge her voter registration in District 2 and object to her nomination as a member of the House of Representatives for District 2 on that basis.

Petitioners are filing this Objection to protect the integrity of our election laws and to prevent opportunistic candidates from exploiting and circumventing Hawaii's election law residency requirements for their own political gain.

Petitioners Have Standing to File this Objection

Petitioners Bridgit M.L. Bales, Janice P. K. Kahooanohano, Caroline R. P. Montague-Mullins, Eva E. Naniole and Maureen N. Rawlins, ("Petitioners") are registered voters in the State of Hawaii and are residents on the Island of Hawaii. Pursuant to Hawaii law, any registered voter may challenge a person's voter registration or nomination papers. See Hawaii Revised Statutes ("HRS") §11-25 ("Any registered voter may challenge the right of a person to be or to remain registered as a voter in any precinct for any cause not previously decided by the board of registration or the supreme court in respect to the same person.") and HRS §12-8 ("All nomination papers filed in conformity with section 12-3 shall be deemed valid unless objection is made thereto by a registered voter..."). This Objection is timely pursuant to HRS §§11-25 and §12-8 ("All objections shall be filed in writing not later than 4:30 p.m. on the sixtieth day or the next earliest working day prior to the primary or special election.").

Relief Sought

1. Investigate and issue a ruling that Susan L.K. Lee Loy: (1) was not a resident of District 2 at the time that she registered to vote in District 2; and (2) was not a registered voter in District 2 prior to filing nomination papers for Representative for Hawaii House of Representatives District 2.
2. With respect to Susan L.K. Lee Loy's nomination papers, issue a decision finding that the Objection warrants that Susan L. K. Lee Loy be disqualified from running for State Representative District 2, and that a complaint be filed in the circuit court for a final determination of the Objection.
3. To the extent that Susan L. K. Lee Loy knowingly furnished false information on her Voter Registration Application and Nomination papers, in violation of her written oath and affirmation required by HRS §12-7, that the matter be referred to the relevant prosecutor's office for further investigation and determination as to whether any election or other laws, such as HRS §19-3.5, were violated.

Relevant Law

HRS §11-12 (Age; place of registering), provides that "No person shall register or vote in any other precinct than that in which the person resides..." In turn, Article III, Section 6 of the Constitution of the State of Hawaii provides that "No person shall be eligible to serve as a member of the house of representatives **unless the person has... prior to filing nomination papers and thereafter continues to be, a qualified voter of the representative district from which the person seeks to be elected...**"

HRS §11-13 sets for the rules for determining residency and provides the following, in relevant part:

For the purpose of this title, there can be only one residence for an individual, but in determining residency, a person may treat oneself separate from the person's spouse. The following rules shall determine residency for election purposes only:

- (1) The residence of a person is that place in which the person's habitation is fixed, and to which, whenever the person is absent, the person has the intention to return;
- (2) A person does not gain residence in any precinct into which the person comes without the present intention of establishing the person's permanent dwelling place within such precinct;
- (3) If a person resides with the person's family in one place, and does business in another, the former is the person's place of residence; but any person having a family, who establishes the person's dwelling place other than with the person's family, with the intention of remaining there shall be considered a resident where the person has established such dwelling place;
- (4) The mere intention to acquire a new residence without physical presence at such place, does not establish residency, neither does mere physical presence without the concurrent present intention to establish such place as the person's residence; ****

Further, Hawaii Administrative Rule § 3-177-156 (Determination of residence) provides the following:

- (a) In addition to the rules for determining residency provided in HRS §11-13, the following shall also be applicable in determining the residence of a person for election purposes:
 - (1) The residence of a person is that place in which the person's habitation is fixed, where the person intends to remain, and when absent, intends to return;
 - (2) When a person has more than one dwelling:
 - (A) If a person maintains a homeowner's property tax exemption on one of the dwellings, there shall be a rebuttable presumption that the dwelling subject to the homeowner's property tax exemption is that person's residence;
 - (B) If a person claims a renter's tax credit for one of the dwellings, there shall be a rebuttable presumption that the dwelling, subject to the renter's tax credit is that person's residence; and
 - (C) If a person has not physically lived at any one dwelling within the year immediately preceding the election, there shall be a rebuttable presumption that the dwelling in which the person has not lived at is not the person's residence.

* * *

(b) For purposes of this section, a rebuttable presumption is a presumption considered true unless proven false by evidence to the contrary. * * * *

The Hawaii Supreme Court has recognized that, “in context of determining residency for voter registration purposes, the location of one’s spouse and children can nevertheless be relevant to determining whether a person actually relocated his or her residence.” Dupree v. Hiraga, 2009, 219 P.3d 1084, 121 Hawai’i 297.

In Dupree, the Court stated that “In order to relinquish one’s domicile or residence there must be an intent to remain permanently at the new place where one is physically present **and to simultaneously abandon the previously permanent place of abode**. Acquisition of the new domicile must have been completed **and the animus to remain in the new location fixed, before the former domicile can be considered lost**.” Dupree, 121 Haw. at 310. As such, the court stated that the determination of residency under HRS §11-13 “requires an analysis of both intent and the existence of a physical presence which corroborates that intent.” Dupree, 121 Haw. at 323. Further, “[i]ntention has always been given large consideration, **but claimed intention without acts to support it is not controlling**” and “since actions speak louder than words **the conduct of a person is the most important evidence of his intention to acquire a domicil[e] in a place**”. Id. (citations omitted).

Finally, in Dupree, the Court provided a useful example, which is directly applicable to the present matter, of when a person’s alleged “intent” to relocate their residence would be insufficient for purposes of establishing residency under HRS §11-13. The court stated:

“[C]onsider a person who has a home in Los Angeles, flies to Honolulu and registers to vote, and then returns to Los Angeles on the same day, all with the stated intent of making Honolulu his or her permanent residence. Recognizing such a person as a Honolulu resident would render the physical presence requirement in HRS § 11–13(4) an absurdity. See State v. Haugen, 104 Hawai’i 71, 76–77, 85 P.3d 178, 183–84 (2004) (“the legislature is presumed not to intend an absurd result, and legislation will be construed to avoid, if possible, inconsistency, contradiction, and illogicality”) (citation omitted). Rather, the voter in such a case would need to have a more significant physical presence in Hawai’i, consistent with the intent to abandon his or her California residence, before he or she could be considered a Hawai’i resident.

Dupree, 121 Haw. at 323.

Based on the relevant law stated above applied to the facts and evidence presented below (See Index of Evidence), Petitioners have established by a clear preponderance of the evidence that Susan L.K. Lee Loy was not a resident of District 2 when she registered to vote in District 2 and prior to filing nomination papers for District 2. Therefore, she is not qualified or eligible to serve as a member of the house of representatives Pursuant to Article III, Section 6 of the Constitution of the State of Hawaii.

Statement of Facts and Relevant Evidence

Fact #1: There is a rebuttable presumption that Susan L.K. Lee Loy is not a resident of District 2

In an interview with Civil Beat published on May 31, 2024, Susan L.K. Lee Loy admitted: (1) that she allegedly rented a house in District 2 not earlier than April 2024, just prior to filing to run in District 2, (2) that she listed her address as 498 Auwae Road, Hilo, Hawai'i 96720 ("District 3 Residence") when she pulled papers to run for District 2, and (3) that she still uses the District 3 Residence as her mailing address. See <https://www.civilbeat.org/2024/05/hilo-councilwoman-sue-lee-loy-is-hoping-to-move-up-to-the-legislature/> (Hilo Councilwoman Sue Lee Loy Is Hoping to Move Up To the Legislature). The Civil Beat article notes that Susan L.K. Lee Loy listing a residence outside of District 2 prompted questions as to whether she was qualified to run there. That said, what is uncontested and admitted by Susan L.K. Lee Loy is that at no time did Susan L.K. Lee Loy physically live in District 2 within the year immediately preceding the election, i.e. 2023.

On that basis alone, there is a legal rebuttable presumption that Susan L.K. Lee Loy is **not** a resident of District 2. As noted above, Hawaii Administrative Rule ("HAR") § 3-177-156 (Determination of residence) expressly provides that when a person has more than one dwelling, "If a person has not physically lived at any one dwelling within the year immediately preceding the election, **there shall be a rebuttable presumption that the dwelling in which the person has not lived at is not the person's residence.**" Further, HAR § 3-177-156 states that "For purposes of this section, a rebuttable presumption is a presumption considered true **unless proven false by evidence to the contrary.**" *Id.*

Therefore, by law, the burden of proof shifts and Susan L.K. Lee Loy must produce evidence, beyond mere unsupported assertions of intent to be domiciled in District 2, that proves that she was, in fact, a resident of District 2 when she registered to vote in District 2 and prior to filing her nomination papers.

That said, although Susan L.K. Lee Loy has the burden of proof, the overwhelming evidence presented below (See Index of Evidence) proves far beyond a preponderance of the evidence that Susan L.K. Lee Loy was, in fact, not a resident of District 2 when she registered to vote in District 2 and prior to filing her nomination papers, thereby violating the requirements of HRS §11-12 (Age; place of registering) and Article III, Section 6 of the Constitution of the State of Hawaii. The evidence contained in Petitioner's Index of Evidence shows a regular pattern of conduct which is indicative of Susan L.K. Lee Loy residing at her District 3 residence at the time, and after, she registered to vote in District 2 as well as when she filed her nomination papers to run for office in District 2. At a minimum, the evidence unequivocally establishes that Susan L.K. Lee Loy never intended, through her actions and conduct, to abandon her District 3 Residence during the relevant time period.

Fact #2: Petitioners have first-hand knowledge and documented evidence that established that Susan L.K. Lee Loy has resided uninterrupted at her District 3 Residence, outside of District 2, through, at least, May 31, 2024, and that Susan L.K. Lee Loy

never intended, through her actions and conduct, to abandon her District 3 Residence

Petitioner Bridgit M.L. Bales is an adjoining neighbor of Susan L.K. Lee Loy and has direct line of sight between Petitioner's property and Susan L.K. Lee Loy's residence located at 498 Auwae Road, Hilo, Hawai'i 96720 ("District 3 Residence"). Based on first-hand observations and video and photographic evidence attached hereto (See Index of Evidence), Susan L. K. Lee Loy, has resided, uninterrupted, with regular and daily physical presence at the District 3 Residence from 2003 through May 31, 2024. See Evidence List attached hereto.

Susan L.K. Lee Loy's District 3 Residence is located on Hawaiian homelands in the Panaewa homestead lots. Susan L.K. Lee Loy's husband is the registered Lessee of the District 3 Residence. Upon information and belief, Susan L.K. Lee Loy's husband has resided in a home other than the District 3 Residence for approximately 2 years and is domiciled in a home other than Susan L.K. Lee Loy's alleged District 2 Residence. Until at least May 31, 2024, Susan L.K. Lee Loy lived in her District 3 Residence with her son, elderly mother and family dog. Susan L.K. Lee Loy's son is routinely picked up by a school bus and returned home by either the school bus or other transportation and this regular activity continued uninterrupted both before and after Susan L.K. Lee Loy registered to vote in District 2 and after she filed her nomination papers. Regardless of who is home at the time that the son returns home, the fact is that the son has always been picked up and returned to the District 3 Residence and not the District 2 Residence at all times relevant to this Objection. To date, Susan L.K. Lee Loy's elderly mother and family dog reside at the District 3 Residence. The continued presence of Susan L.K. Lee Loy's family members and family dog at the District 3 Residence at the time and after she registered to vote in District 2 and before and after filing her nomination papers, are strong evidence of her intent not to abandon her domicile in her District 3 Residence.

As noted above, the Hawaii Supreme Court has recognized that "in context of determining residency for voter registration purposes, the location of one's spouse and children can nevertheless be relevant to determining whether a person actually relocated his or her residence." Dupree, 219 P.3d at 1084. Here, the fact that Susan L.K. Lee Loy's family and dog remained at the District 3 Residence before and subsequent to Susan L.K. Lee Loy registering to vote in District 2 and filing of her nomination papers is evidence that she did not intend to abandon her residency in the District 3 Residence prior to filing her nomination papers as required by Article III, Section 6 of the Hawaii State Constitution. In other words, even if she had the subjective "intent" to move to District 2, her actions and conduct prove that she objectively intended to remain domiciled in her District 3 Residence or at a minimum, did not objectively intend to abandon her District 3 Residence as required by the Court in Dupree before she could be considered to be a resident of District 2.

In Dupree, the Hawaii Supreme Court made it expressly clear that "In order to relinquish one's domicile or residence there must be an intent to remain permanently at the new place where one is physically present **and to simultaneously abandon the previously permanent place of abode**. Acquisition of the new domicile must have been completed **and the animus to remain in the new location fixed, before the former domicile can be considered lost.**" Dupree, 121

Haw. at 310. As such, the court stated that the determination of residency under HRS §11-13 “requires an analysis of both intent and the existence of a physical presence which corroborates that intent.” Dupree, 121 Haw. at 323.

Here, there is no evidence that corroborates Susan L.K. Lee Loy’s alleged intent to reside in District 2. Even assuming that Susan L.K. Lee Loy rented a home in District 2, in order to relinquish her domicile in the District 3 Residence, she would have to demonstrate with evidence her physical presence in District 2 AND by her conduct, “intent to... simultaneously abandon the previously permanent place of abode.” See Dupree, 121 Haw. at 310. The Evidence provided herein clearly shows no such intent. To the contrary, the evidence attached hereto (See Index of Evidence) and the photo below taken on June 8, 2024, indicate that through her actions and conduct, Susan L.K. Lee Loy did not intend to abandon her District 3 Residence prior to filing her nomination papers. Again, the Hawaii Supreme Court stated that “[i]ntention has always been given large consideration, but claimed intention without acts to support it is not controlling” and “since actions speak louder than words the conduct of a person is the most important evidence of his intention to acquire a domicil[e] in a place”. Id. (citations omitted).



Finally, in Dupree, the Court provided a useful example, which is directly applicable to the present matter, of when a person’s alleged “intent” to relocate their residence would be insufficient for purposes of establishing residency under HRS §11-13. The court stated:

“[C]onsider a person who has a home in Los Angeles, flies to Honolulu and registers to vote, and then returns to Los Angeles on the same day, all with the stated intent of making Honolulu his or her permanent residence. Recognizing such a person as a

Honolulu resident would render the physical presence requirement in HRS § 11-13(4) an absurdity. See *State v. Haugen*, 104 Hawai'i 71, 76-77, 85 P.3d 178, 183-84 (2004) ("the legislature is presumed not to intend an absurd result, and legislation will be construed to avoid, if possible, inconsistency, contradiction, and illogicality") (citation omitted). Rather, the voter in such a case would need to have a more significant physical presence in Hawai'i, consistent with the intent to abandon his or her California residence, before he or she could be considered a Hawai'i resident.

Dupree, 121 Haw. at 323.

Here, using the Court's analogy, Susan L.K. Lee Loy "flew" to District 2 in order to submit her nomination papers but immediately flew home on the same day to her District 3 Residence with the stated intent of making District 2 her home. Recognizing Susan L.K. Lee Loy as a District 2 resident under these circumstances would render the physical presence requirement in HRS §11-13(4) an absurdity, and as the Court noted, it is presumed that the legislature would not intend such an absurd result. Further, as noted by the Court, Susan L.K. Lee Loy would need to prove her physical presence in District 2, intention to permanently reside therein, and concurrent intent to simultaneously abandon her domicile in her District 3 Residence **with evidence** in order to rebut the legal presumption mandated by HAR § 3-177-156 that she is not a resident of District 2.

CONCLUSION

Based on the relevant law, facts and evidence attached hereto (See Index of Evidence), Susan L.K. Lee Loy was not a resident of District 2 at the time she registered to vote in District 2 and was not a resident of District 2 prior to filing nomination papers for office in that district. Therefore, Susan L.K. Lee Loy violated the residency requirements set forth in HRS §11-12 (Age; place of registering) and is not qualified or eligible to serve as a member of the house of representatives for District 2 pursuant to Article III, Section 6 of the Constitution of the State of Hawaii ("Constitution"), and on that basis, Susan L. K. Lee Loy should be disqualified from running for Hawaii House of Representatives District 2.

Although Petitioners have shown by a preponderance of the evidence that Susan L.K. Lee Loy is not qualified or eligible to run for office in District 2, it is Susan L.K. Lee Loy that has the burden of proof pursuant to HAR § 3-177-156 (Determination of residence) to provide evidence that she was, in fact, a resident of District 2 at the time she registered to vote in the district and prior to filing her nomination papers. Such proof must include evidence that demonstrates: (1) her physical presence in District 2 prior to filing her nomination papers, (2) intent to remain permanently in District 2 through actions and conduct, and (3) her simultaneous intent to abandon her domicile in her District 3 Residence prior to filing her nomination papers, through actions and conduct.

PETITIONERS:


Bridgit M.L. Bales

Bridgit M.L. Bales⁹
510 Auwae Road
Hilo HI 96720
bales b001@gmail.com

//s// Maureen N. Rawlins
Maureen N. Rawlins*

//s// Eva E. Naniolo
Eva E. Naniolo*

//s// Janice P.K. Kahoohanohano
Janice P.K. Kahoohanohano*

//s// Caroline R. P. Montague-Mullins
Caroline R. P. Montague-Mullins*

*Please accept electronic signatures pursuant to HRS § 489E-7(d) of the Uniform Electronic Transactions Act which provides that “If a law requires a signature, an electronic signature satisfies the law.” An “Electronic signature” means “an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.” HRS § 489E-2.

INDEX OF EVIDENCE

Petitioner Bridgit M.L. Bales provides first-hand observations and home security cameras video and photographic evidence of Susan L. K. Lee Loy’s physical daily presence at her 498 Auwae Road residence between April 1, 2024 – May 31, 2024, except for travel dates to Japan and Mariposa, CA. With regard to those travels, Susan L. K. Lee Loy left from her 498 Auwae Road residence and returned to her 498 Auwae Road residence.

Petitioner’s home security cameras capture all traffic entering and leaving both Petitioner’s and Susan L.K. Lee Loy’s adjoining driveways as well other perimeters to Petitioner’s properties. Multiple “Warning Security Cameras In Use” signs are conspicuously posted and clearly visible along the perimeter boundaries.

Video and photographic evidence may include cars of Susan L. K. Lee Loy and her family: a silver Lexus routinely driven by Susan L. K. Lee Loy, a white compact car routinely driven by her elderly mother, a black car routinely driven by her daughter, and a purple Mustang routinely driven by son’s older half brother.

Susan L.K. Lee Loy ("Susan")

April 1, 2024 _ 719am Susan & Son School Bus morning pick up
 April 6, 2024 _ 820am Susan & Daughter at home
 April 6, 2024 _ 556pm Susan at home
 April 7, 2024 _ 1030am Susan in yard
 April 7, 2024 _ 159pm Susan arrives home
 April 8, 2024 _ 730am Susan & Son School Bus morning pick up
 April 8, 2024 _ 647pm Susan & Son's other transportation evening return home
 April 9, 2024 _ 724am Susan & Son School Bus morning pick up
 April 10, 2024 _ 206pm Susan Arrives Home
 April 10, 2024 _ 546pm Susan at home in the evening
 April 11, 2024 _ 729am Susan & Son School Bus morning pick up
 April 12, 2024 _ 727am Susan & Son School Bus morning pick up
 April 12, 2024 _ 819am Susan leaves from 498 Auwae Road home for Japan travel
 April 22, 2024 _ 553pm Susan returns to 498 Auwae Road home from Japan travel
 April 24, 2024 _ 404pm Susan at home evening
 April 25, 2024 Big Island Video News Reports on Council Trip to Japan
 April 26, 2024 Voteleeloy Posts on Instagram Susan's Japan trip
 April 26, 2024 Voteleeloy Posts on Instagram Susan's Japan trip
 April 26, 2024 Voteleeloy Posts on Instagram Susan's Japan trip
 April 26, 2024 _ 807am Susan & Son at home
 April 27, 2024 _ 550pm Susan home with dog
 April 29, 2024 _ 615pm Susan & Son's other transportation return home
 April 30, 2024 _ 720am Susan & Son School Bus morning pick up
 May 2, 2024 _ 604pm Susan returns home to dog and mother
 May 2, 2024 _ 641pm Susan & Son's other transportation return home
 May 3, 2024 _ 724am Susan & Son's School Bus morning pick up
 May 3, 2024 _ 1242pm Susan returns home midday
 May 4, 2024 _ 350pm Susan with travel luggage
 May 5, 2024 _ 1033am Susan returning home
 May 6, 2024 _ 728am Susan & Son School Bus morning pick up
 May 6, 2024 _ 859am Susan packing luggage for travel to Mariposa, CA
 May 6, 2024 _ 911am Susan leaves from 498 Auwae home for travel to Mariposa, CA
 May 11, 2024 Voteleeloy Posts on Instagram Susan's trip to Mariposa, CA
 May 11, 2024 _ 208pm Susan returning to 498 Auwae Road home from Mariposa, CA
 May 12, 2024 _ 241pm Susan & child(ren) at home on Mother's Day
 May 13, 2024 _ 108pm Susan in garage
 May 13, 2024 _ 217pm Susan returns home
 May 15, 2024 _ 805am Susan & Son leave
 May 16, 2024 _ 850am Susan at home
 May 16, 2024 _ 457pm Susan returns home to son and Susan's husband leaves
 May 17, 2024 _ 1217pm Susan at home
 May 18, 2024 _ 618pm Susan mowing back lawn
 May 19, 2024 _ 413pm Susan returns home
 May 19, 2024 _ 504pm Susan mowing upper section
 May 20, 2024 _ 733am Susan & Son's School Bus morning pick up

May 20, 2024 _353pm Susan returns home to son and Susan's husband leaves
May 21, 2024 _721am Susan & Son's School Bus morning pick up
May 21, 2024 _606pm Susan exits car
May 21, 2024 _606pm Susan returning home
May 22, 2024 _728am Susan & Son's School Bus morning pick up
May 22, 2024 _642pm Susan Son's transportation returning home
May 23, 2024 _727am Susan & Son's School Bus morning pick up, Daughter & Susan at home
May 23, 2024 _609pm Susan returns home
May 24, 2024 _737am Susan & Son's School Bus morning pick up
May 25, 2024 _918am Susan at home
May 25, 2024 _121pm Susan returns home, greeting dog
May 26, 2024 _535pm Susan maintaining home exterior
May 26, 2024 _617pm Susan on her mower in her orchard
May 27, 2024 _438pm Susan & Mother & Son at home. Daughter present.
May 28, 2024 _653pm Susan returns home after pulling HD2 nomination papers
Note: State Office of Elections 2024 Candidate Report shows Susan was issued nomination papers on this date.
May 29, 2024 _620am Susan and family cars at home
May 29, 2024 _754am Susan's daughter leaves mother's residence
May 29, 2024 _750am Susan leaving home to file HD2 nomination papers.
Note: State Office of Elections 2024 Candidate Report shows Susan filed nomination papers on this date.
May 29, 2024 _723am Susan & Son's School Bus morning pick up
May 29, 2024 _639pm Susan at home, Son's other transportation arrives, Susan greets them
May 30, 2024 _730am Susan & Son's School Bus morning pick up
May 30, 2024 _805am Susan leaving home
May 30, 2024 _551pm Susan's son's other transportation returns him home
May 30, 2024 _704pm Susan at home. Son's older half brother and Susan's daughter arrive
May 31, 2024 _624am Susan's car, Mother's car and Daughter's car at residence
May 31, 2024 _910am Susan and Son leave home
May 31, 2024 _719pm Susan's daughter returns to residence followed by Susan's return home.
May 31, 2024 copy of Honolulu Civil Beat Article May 31, 2024

Exhibit 11

Bello, Nicole

From: Bello, Nicole
Sent: Wednesday, June 12, 2024 12:20 PM
To: Lee Loy, Sue
Subject: FW: Challenge to Voter Registration of Susan LK Lee Loy; Objection to Nomination Papers Filed by Susan LK Lee Loy
Attachments: FINAL.6.10.24.CHALLENGE.OBJECTION_SLKLEELOY.pdf; DECLARATION OF Bales.pdf; DECLARATION OF Naniole.pdf; DECLARATION OF Rawlins.pdf; DECLARATION OF Kahooohanohano.pdf; DECLARATION OF Montague-Mullins.pdf; DECLARATION OF Warrington.pdf

Dear Ms. Lee Loy:

Our office has received a challenge to your voter registration status and a certified letter notifying you of this challenge will be mailed to you today.

I am sending the attached documents digitally, in advance of your receipt of hard copy documents, to provide immediate notification of the voter registration challenge, as HRS Section 11-25 requires that the County Clerk "immediately serve notice thereof on the person challenged."

Sincerely,

Nicole Bello

Private Secretary

County of Hawai'i, Office of the County Clerk
25 Aupuni St., Ste. 1402, Hilo, HI 96720
Ph: (808) 961-8532





JON HENRICKS
County Clerk

County of Hawai'i
Office of the County Clerk
25 Aupuni Street, Suite 1402 • Hilo, Hawai'i 96720
(808) 961-8255 • Fax (808) 961-8912

COPY

CERTIFIED MAIL/RETURN RECEIPT

June 12, 2024

Ms. Susan L.K. Lee Loy
[REDACTED]

SUBJECT: NOTICE OF CHALLENGE BY VOTER

Dear Ms. Lee Loy:

The Office of the County Clerk has received a challenge to your voter registration pursuant to Section 11-25, Hawai'i Revised Statutes, from registered voter Bridgit M.L. Bales alleging that you do not reside at [REDACTED]. A copy of the challenge in its entirety is enclosed for your reference.

Pursuant to Hawai'i Revised Statutes §11-25, my office is responsible for investigating and issuing a ruling on the voter registration challenge. I am requesting that you submit any information that substantiates [REDACTED] as your residence. Please do so by Wednesday, June 26, 2024.

In particular, we are requesting any information, documentation, or other materials that will assist in verifying that you reside at the address currently associated with your voter registration.

If you have any questions, please contact Nicole Bello, Private Secretary, at (808) 961-8532.

Sincerely,

Jon Henricks
County Clerk

Enclosures

Exhibit 12

June 14, 2024

The Honorable Scott T. Nago, Chief Election Officer
Office of Elections
State of Hawaii
802 Lehua Avenue
Pearl City, Hawaii 96782
Email: elections@hawaii.gov

The Honorable Jon Henricks, County Clerk
Office of the County Clerk
25 Aupuni Street, Room 1502
Hilo, Hawaii 96720
Email: hiloelec@hawaiicounty.gov

COUNTY CLERK
COUNTY OF HAWAII
2024 JUN 14 AM 10:42

**RE: RESPOSE BY SUSAN L.K. LEE LOY RELATED TO
CHALLENGE TO VOTER REGISTRATION OF SUSAN L.K. LEE LOY
OBJECTION TO NOMINATION PAPERS FILED BY SUSAN L.K. LEE LOY**

Aloha Chief Nago and Clerk Henricks,

Thank you for the opportunity to respond to the above-titled matter, hereinafter ("Challenges"). Pursuant to Hawai'i Administrative Rules §3-177-156 and to assist the Office of Elections and the Office of the County Clerk to make a determination regarding the Challenges, I offer the following:

A Rental Term Agreement beginning April 10, 2024, until December 31, 2024 for [REDACTED] hereinafter, ("Residence"), is provided by Nancy Cabral, Broker-in-Charge. **See Attachment 1 - Rental Agreement.**

¹ Pursuant to Hawaii Revised Statutes §11-14.5 I hereby request that this information be treated as confidential as the disclosure of the information would result in an unwarranted invasion of personal privacy as evidenced by Challengers own admission of using security video to record another [REDACTED] private residence.

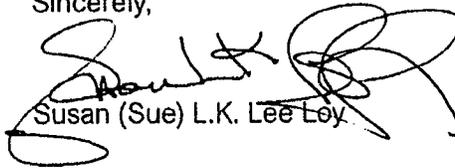
I am currently married to Ian B. Lee Loy and we have one child, Luke², male 19 years, who is globally disabled and requires constant supervision and full-time care. For personal reasons Mr. Lee Loy does not reside at [REDACTED]. However, we both agree that the home located at [REDACTED] is best suited as the permanent residence for Luke where he can receive uninterrupted routine care and services that provides stability in Luke's life. See Attachment 2 – Declaration of Ian B. Lee Loy dated June 13, 2024.

When I am not providing care for my son Luke at [REDACTED] I am at the Residence as verified by Nancy Cabral. See Attachment 3 – Declaration of Nancy Cabral dated June 13, 2024.

Attachment 4 is my Declaration and timeline to confirm my Residence.

I trust that the information provided is sufficient and indisputable information to confirm my candidacy and residency in House District 2.

Sincerely,



Susan (Sue) L.K. Lee Loy

² Pursuant to Hawaii Revised Statutes §11-14.5 I hereby request that this information and any other information contained with the Challenges be treated as confidential as the disclosure of the information would result in an unwarranted invasion of personal privacy of an individual who is globally disabled. I further request that videos of Luke contained within Challenges be stricken and covered under HRS 711-111 as an invasion of privacy for an individual who is globally disabled.

DECLARATION OF IAN B. LEE LOY

I, Ian Lee B. Lee Loy make the following declaration under penalty of law to be true and accurate:

1. Currently I am married to Susan L.K. Lee Loy. We have one child, Luke, male age 19 years, who is globally disabled and requires constant supervision and full-time care. We both share Legal Guardianship for Luke.
2. I am the beneficiary lessee of the Department of Hawaiian Home Lands lot 51-B, physical address [REDACTED]. I received the lease award in 1992 and obtained a mortgage for the current residence in 2002.
3. I currently reside at another location for personal reasons. I understand that Sue has another residence also. We both agree that address [REDACTED] is best suited as the permanent residence for Luke where he can receive uninterrupted routine care and services that provides stability in his life.

DATED THIS DAY June 13, 2024, HILO HAWAII 96720



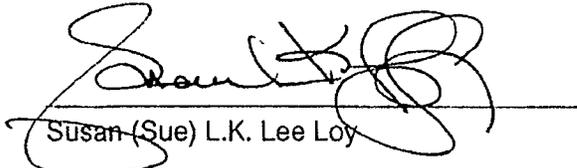
Ian B. Lee Loy

Declaration of Susan (Sue) L.K. Lee Loy

I, Susan (Sue) L.K. Lee Loy make the following declaration to be true and accurate:

1. Currently I am married to Ian B. Lee Loy. We have one child Luke, who is globally disable and required constant supervision and full-time care. Mr. Lee Loy and I share Legal Guardianship of Luke.
2. Mr. Lee Loy and I agree that the home at [REDACTED] is best suited and outfitted as the permanent residence for our son Luke. The home at [REDACTED] is where Luke can receive uninterrupted routine and disability services that provides continuity in his life.
3. For personal reasons I reside at another location. For personal reasons Mr. Lee Loy resides at another location. We co-parent Luke from the home located at [REDACTED]
4. In March of 2024, I approach Day Lum Realty to search for a rental property.
5. On April 10, 2024, I secured a residence at [REDACTED]
6. On or about April 10, 2024, I updated my residential address with the Office of Elections.
7. On or about May 25, 2024, I learned Representative Onishi made a decision to retire.
8. On May 28, 2024, I filed my candidacy papers to run for State House of Representative District 2.

DATED THIS DAY June 14th, 2024, HILO HAWAII 96720.


Susan (Sue) L.K. Lee Loy

Attachment 4

Exhibit 13



**STATE OF HAWAII
OFFICE OF ELECTIONS**

802 LEHUA AVENUE
PEARL CITY, HAWAII 96782
elections.hawaii.gov

SCOTT T. NAGO
CHIEF ELECTION OFFICER

June 17, 2024

VIA U.S. MAIL & CERTIFIED MAIL

Bridgit M.L. Bales
Maureen N. Rawlins
Ewa E. Naniole
Janice P.K. Kahooohanohano
Caroline R.P. Montague-Mullins
510 Auwae Road
Hilo, Hawaii 96720
balesb001@gmail.com

Dear Ms. Bales, Ms. Rawlins, Ms. Naniole, Ms. Kahooohanohano, and
Ms. Montague-Mullins:

This responds to your correspondence, dated June 10, 2024, objecting to the
nomination paper of Ms. Susan Lee Loy as a candidate for the Hawaii State
House of Representatives, 2nd District.

We have completed our consideration of your objection and find that
Ms. Lee Loy's nomination paper was filed in conformity with the law.

Please note that Ms. Lee Loy has a significant privacy interest in regard to our
consideration of your objection. Given this, we will not be entertaining any further
questions regarding this matter.

In conclusion, your objection has been denied and Ms. Lee Loy will continue as a
candidate for the Hawaii State House of Representatives, 2nd District.

Very truly yours,

SCOTT T. NAGO
Chief Election Officer

STN:KU:ja
OE-24-140

C: Susan Lee Loy

Exhibit 14

Candidate Financial
CFD-2024-000878

Disclosure Filer Lee Loy, Susan Lokelani Keohokapu (/public/s/hsecu-disclosure/a046R000016cVpFOAU/lee-loy-susan-lokelani-keohokapu)	Filing Year 2024
Last Name Lee Loy	Candidate Financial Disclosure CFD-2024-000878
First Name Susan	Date Filed 6/18/2024, 11:04 AM
Middle Name	Date Amended
	Date Made Public 6/18/2024, 11:38 AM

Certification Statement
I certify that the information I am submitting in this form is true, correct and complete to the best of my knowledge and belief. I also certify that I understand that there are statutory penalties for failing to report the information required by Hawaii law.

Electronic Signature
Susan L.K. Lee Loy

Candidate Position

State Elective Office	District (Statewide, District, Island)
House of Representative	District 2

Income (1) (/public/s/hsecm-cfd-public/related/a166R000006cEmtQAE/CFD_Income_Public_r)

Name of Employer or Source of Income	Who Holds Interest?	Type of Service	Amount Earned or Received
County of Hawaii (/public/s/hsecs-cfdin...	Self	Employment	At least \$50,000 but less than \$100,000 ▾

[View All](#)

[\(/public/s/hsecm-cfd-public/related/a166R000006cEmtQAE/CFD_Income_Public_r\)](#)

Creditors (1) (/public/s/hsecm-cfd-public/related/a166R000006cEmtQAE/CFD_Creditors_Public_r)

Creditor Name	Who Holds Interest?	Balance Outstanding	Original Amount Owed
Department of Hawaii Home Land (/pu...	Self	At least \$25,000 but less than \$50,000	At least \$50,000 but less than \$100,000 ▾

[View All](#)

[\(/public/s/hsecm-cfd-public/related/a166R000006cEmtQAE/CFD_Creditors_Public_r\)](#)

Properties (1) (/public/s/hsecm-cfd-public/related/a166R000006cEmtQAE/CFD_Properties_Public_r)

Property Name	Who Holds Interest?	Is this Your Personal Residence?	Current Value of the Property
Property-0000748 (/public/s/hsecs-cfd...	Self	No	At least \$150,000 but less than \$250,000 ▾

[View All](#)

[\(/public/s/hsecm-cfd-public/related/a166R000006cEmtQAE/CFD_Properties_Public_r\)](#)

Business Interests (0) (/public/s/hsecm-cfd-public/related/a166R000006cEmtQAE/CFD_Businesses_Public_r)

[Officers/Directors \(0\) \(/public/s/hsecm-cfd-public/related/a166R000006cEmtQAE/CFD_Officer_Public_r\)](#)

[Clients \(0\) \(/public/s/hsecm-cfd-public/related/a166R000006cEmtQAE/CFD_Clients_r\)](#)

[Creditor of Insolvent Businesses \(0\) \(/public/s/hsecm-cfd-public/related/a166R000006cEmtQAE/CFD_Insolvent_Public_r\)](#)



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Exhibit 15



JON HENRICKS
County Clerk

County of Hawai'i
Office of the County Clerk
25 Aupuni Street, Suite 1402 • Hilo, Hawai'i 96720
(808) 961-8255 • Fax (808) 961-8912

COPY

HAND DELIVERY

June 21, 2024

Ms. Susan L.K. Lee Loy
[REDACTED]

RE: Receipt of Response to Voter Registration Challenge; Supplemental Questions

Dear Ms. Lee Loy:

This correspondence serves as notice that our office received your response to the challenge to your voter registration on June 14, 2024, as filed by Ms. Bridgit M.L. Bales on June 10, 2024, and to request that you provide responses to the supplemental questions and requests contained herein. These supplemental questions and requests are designed to elicit information, documentation, and statements made under oath by execution verifying that you reside at [REDACTED] which is the residence address associated with your current voter registration.

Please provide as much detail and specificity as possible. To ensure that personal and private matters are not unnecessarily divulged or exposed, any information you provide in response to these supplemental questions and requests will be reviewed carefully, and reasonable discretion will be applied prior to any such information being included in the findings and ruling on the challenge to your voter registration.

Please submit your response and all ancillary materials by June 28, 2024.

Supplemental Questions and Requests for Information

Please provide your responses on separate sheets, with a separate response to each of the 11 questions and requests below. Please also have your responses submitted under oath by execution of the attached Verification.

1. Please provide any and all documents and information evidencing the abandonment of your Former Residence and date of abandonment.
2. If you continue to maintain control of your Former Residence, please provide an explanation of the purpose for maintaining control of your Former Residence.

3. The challenge to your voter registration included an itemization of your physical presence at your Former Residence [REDACTED] spanning from April 1, 2024, through May 31, 2024, including video surveillance of your activities there. Assuming you do not contest this accounting of your presence at [REDACTED], please share the nature and reasons for your presence at [REDACTED] and how your presence there does not support the premise that you maintain residency at [REDACTED].
4. What prompted your move to your New Residence?
5. On what date did you move into your New Residence?
6. When you decided to move from your Former Residence, did you consider any prospective residences other than [REDACTED]? If so, please provide the resident addresses of those potential alternatives, and the reason or reasons you selected [REDACTED] as your New Residence.
7. How often do you sleep, have breakfast, and have dinner at your New Residence?
 - a. If you conduct these activities at other locations, please identify the location(s), indicate the percentage of these activities that are conducted at each location and provide an explanation why these activities are conducted at locations other than your New Residence.
 - b. Are you able to provide attestations from others to verify the frequency to which you sleep, have breakfast, and have dinner at your New Residence? If so, please affix to your response.
8. Please describe any new activities, daily rituals, and/or community projects, organizations, etc. that you now participate in or engage with since moving into your New Residence.
9. Please provide any attestations from neighbors who can verify that you are residing at your New Residence. Such attestation to include name and resident address of each attesting neighbor.
10. Please explain your preference to receive your mail at [REDACTED].
11. Are you able to provide any other documentation (receipts, contracts, correspondence, etc.) that substantiates that you reside at your New Residence? If so, please affix to your response. If not, please explain why such documentation does not exist.

Should you have any questions, please contact Nicole Bello at (808) 961-8532 or Nicole.Bello@hawaiicounty.gov.

Sincerely,



Jon Henricks
County Clerk

VERIFICATION

STATE OF HAWAI'I)
) SS.
COUNTY OF HAWAI'I)

I, SUSAN L.K. LEE LOY, being first duly sworn on oath, deposes and says that the statements, supporting documents, and/or information artifacts submitted in response to the attached Supplemental Questions and Requests for Information are true and accurate to the best of my knowledge.

Susan L.K. Lee Loy

Subscribed and sworn to before me this
_____ day of _____, 2024.

Notary Public, State of Hawai'i
Name: _____

My commission expires: _____

Exhibit 16

June 24, 2024

VIA HAND DELIVERY AND EMAIL

State Office of Elections, State of Hawaii
Board of Registration
c/o Office of Elections
802 Lehua Avenue
Pearl City, HI 96782
Email: elections@hawaii.gov

OFFICE OF ELECTIONS
24 JUN 24 AIO:13

House of Representatives
Attn: House Clerk's Office
Hawai'i State Capitol
Room 27
415 South Beretania St.
Honolulu, HI 96813
Email: hclerk@capitol.hawaii.gov
Email: repsaiki@capitol.hawaii.gov

RE: APPEAL OF CHIEF ELECTION OFFICER'S DENIAL OF PETITIONERS' CHALLENGE TO VOTER REGISTRATION OF SUSAN L.K. LEE LOY; OBJECTION TO NOMINATION PAPERS FILED BY SUSAN L.K. LEE LOY

Aloha,

The undersigned Petitioners hereby file their Appeal of the Chief Election Officer's Preliminary Decision denying *Petitioners' Challenge to the Voter Registration of Susan L.K. Lee Loy; Objection to Nomination Papers Filed by Susan L.K. Lee Loy* (collectively "Objection"). A copy of the Petitioners' Objection and supporting evidence is attached hereto as Exhibit "A". A copy of the Chief Election Officer's Preliminary Decision is attached hereto as Exhibit "B".

For the reasons more fully set forth herein, the Petitioners assert that Chief Election Officer, Scott T. Nago, erred in determining that Susan L.K. Lee Loy's nomination papers were filed in conformity with the law, and implied within that decision, that Susan L.K. Lee Loy was a resident in State House District 2 ("District 2"), prior to filing nomination papers for the office of Hawaii State House of Representatives for District 2.

Relevant Background and Basis for Appeal

On June 10, 2024, the undersigned Petitioners submitted a: (1) challenge to Susan L.K. Lee Loy's voter registration in District 2 pursuant to Hawaii Revised Statutes ("HRS") § 11-25, and (2) an objection to Susan L.K. Lee Loy's nomination papers for the office of Representative for District 2 pursuant to HRS § 12-8 (collectively "Objection"). See Exhibit "A". The Objection was filed concurrently with the State Office of Elections and the Office of the County

Clerk for the County of Hawaii. As of the date of this Appeal, the Petitioners have not yet received a decision from the County Clerk with respect to the challenge to Susan L.K. Lee Loy's voter registration.

On June 17, 2024, the Chief Election Officer, Scott T. Nago, issued a preliminary decision ("Preliminary Decision"), which summarily stated that:

"We have completed our consideration of your objection and find that Ms. Lee Loy's nomination paper was filed in conformity with the law.

Please note that Ms. Lee Loy has a significant privacy interest in regard to our consideration of your objection. Given this, we will not be entertaining any further questions regarding this matter.

In conclusion, your objection has been denied and Ms. Lee Loy will continue as a candidate for the Hawaii State House of Representatives, 2nd District."

See Exhibit "B".

Mr. Nago's Preliminary Decision was completely void of any analysis of the evidence presented by Petitioners, any discussion of any rebutting evidence that may or may not have been presented by Susan L.K. Lee Loy, or findings of fact and conclusions of law, despite the detailed factual and legal analysis provided by the Petitioners in their Objection. However, implied within Mr. Nago's Preliminary Decision is the unsupported conclusion that Susan L.K. Lee Loy was a resident of District 2 at the time she filed her nomination papers to run for the office of Hawaii State House of Representatives for District 2.

As noted in Petitioners' Objection, Hawaii Administrative Rule ("HAR") § 3-177-156 (Determination of residence), which is directly applicable in this case, expressly provides that there is a legally rebuttable presumption that Susan L.K. Lee Loy is **NOT** a resident of District 2 and that "For purposes of this section, a rebuttable presumption is a presumption considered true unless **proven false by evidence** to the contrary." See HAR § 3-177-156. Therefore, by law, the burden of proof shifts and Susan L.K. Lee Loy must produce evidence, beyond mere unsupported assertions of intent to be domiciled in District 2, that proves that she was, in fact, a resident of District 2 when she registered to vote in District 2 and prior to filing her nomination papers. Mr. Nago's Preliminary Decision was devoid of any such information that would indicate Susan L.K. Lee Loy met her burden.

Mr. Nago also failed to provide any direction as to what appeal rights the Petitioners may or may not have or the process by which the Petitioners could exercise those rights. In fact, when Petitioners called Mr. Nago's office, they were told by a representative that "I don't believe you have any appeal rights." This type of casual and perfunctory assistance (or lack thereof) from the State Election Office is unacceptable and should be addressed.

Relevant Law with Respect to Appeals from Mr. Nago's Erroneous Preliminary Decision

HRS § 12-8 (Nomination papers, challenge, evidentiary hearings and decisions), provides the following, in relevant part:

(d) Except for objections by an officer of a political party filed directly with the circuit court, **the chief election officer or the clerk in the case of county offices shall have the necessary powers and authority to reach a preliminary decision on the merits of the objection**; provided that nothing in this subsection shall be construed to extend to the candidate a right to an administrative contested case hearing as defined in section 91-1(5). **The chief election officer or the clerk in the case of county offices shall render a preliminary decision not later than five working days after the objection is filed.**

Here, Petitioners assume that Mr. Nago's June 17, 2024 letter constitutes his preliminary decision pursuant to HRS § 12-8. However, such decision was clearly final with respect to Mr. Nago's consideration of the Objection given his statement that "Ms. Lee Loy will continue as a candidate for the Hawaii State House of Representatives, 2nd District." Therefore, Petitioners must consider this matter concluded with respect to Mr. Nago's review and now look towards appealing Mr. Nago's erroneous decision.

While HRS §12-8 states that the decision of the Chief Election Officer is a "preliminary decision", the statute does not clearly state the process by which the Petitioners appeal the Chief Election Officer's preliminary determination or obtain a final determination on the merits of the matter. In the absence of such express direction in the applicable HRS, the Petitioners are appealing the Preliminary Decision pursuant to Hawaii Administrative Rules ("HAR") Chapter 177 which provides that "The purpose of these administrative rules is to provide for consistency in the administration of elections. The rules in this chapter are **generally applicable to all election matters**, unless the context indicates otherwise." See HAR § 3-177-50 (emphasis added). If there is another section of the HRS or HAR that provides a mechanism to appeal from the Preliminary Decision, please consider this Appeal filed thereunder as well.

That said, HAR § 3-177-202 (Appeal to the board from a clerk's ruling on a challenge in writing not occurring in a voter service) provides, in relevant part:

(a) Any appeal of the clerk's ruling that did not occur at a voter service center shall be made in writing by filing a notice of appeal with the respective clerk's office addressed to the chairperson of the board of registration within ten days of service¹ of the clerk's decision. The notice of appeal shall include a statement of the clerk's decision being appealed, the grounds upon which it is being contended that the clerk's decision is erroneous, and the name of the person challenged. The appeal shall be exempted from the provisions of HRS Chapter 91, regarding contested case hearings.

¹ Petitioners received the hard copy of the Preliminary Decision by Certified Mail on Thursday, June 20, 2024.

Here, the Petitioners' Objection clearly explained that Pursuant Article III, Section 6 of the Constitution of the State of Hawaii, "No person shall be eligible to serve as a member of the house of representatives unless the person has..., **prior to filing nomination papers** and thereafter continues to be, a qualified voter of the representative district from which the person seeks to be elected..." In turn, HRS §11-12 (Age; place of registering), provides that "No person shall register or vote in any other precinct than that in which the person resides..." The Objection presented applicable law and facts that established that Susan L.K. Lee Loy was, in fact, not a resident of District 2 prior to filing her nomination papers for the office of Hawaii State House of Representatives for District 2. Therefore, pursuant to Article III, Section 6 of the Constitution of the State of Hawaii, Susan L.K. Lee Loy is not qualified or eligible to serve as a member of the house of representatives for District 2.

Based on the foregoing, Petitioners respectfully assert that Mr. Nago's Preliminary Decision was factually and legally erroneous to the extent that Mr. Nago should have determined that: (1) Susan L.K. Lee Loy's nomination paper was invalid under the law, (2) that she should be disqualified from running for the office of State House of Representatives for District 2, and (3) that Mr. Nago should have directed that a complaint be filed in the circuit court for a final determination of the Objection as required by HRS § 12-8 which states that:

(e) If the chief election officer or clerk in the case of county offices determines that the objection warrants the disqualification of the candidate, the chief election officer or clerk shall file a complaint in the circuit court for a determination of the objection; provided that the complaint shall be filed with the clerk of the circuit court not later than 4:30 p.m. on the seventh working day after the objection was filed.

Appeal to the House of Representatives

Petitioners are aware that Article 3, Section 12 of the Hawaii State Constitution provides that "Each house shall be the judge of the elections, returns **and qualifications of its own members...**" and that the Hawaii Supreme Court has stated that "[A]rticle III, section 12 explicitly commits the determination of qualifications of House members to the House of Representatives itself. The legislature, not the court, possesses the authority to judge the qualifications of its members." Hussey v. Say, 139 Haw. 181, 188, 384 P.3d 1282, 1289 (2016).

In this matter, Petitioners assert that Susan L.K. Lee Loy is, in fact, not a current member of the House of Representatives, and therefore, Article 3, Section 12 of the Hawaii State Constitution and the Court's holding in Hussey are not applicable. However, in the abundance of caution and if the House of Representatives concludes that it does possess the sole authority to judge the qualifications of Susan L.K. Lee Loy to run for the office of Representative for District 2, the Petitioners are also filing this Appeal with the House of Representatives as well.

Petitioners respectfully request prompt notice as to whether the Board of Registration or the House of Representatives intend to assert jurisdiction over this Appeal. In the event neither

the Board of Registration nor the House of Representatives asserts jurisdiction, the Petitioners intend to file an Appeal with the appropriate court to determine the merits of this matter.

Thank you in advance for your consideration.


Bridgit M.L. Bales

Bridgit M.L. Bales
510 Auwae Road
Hilo HI 96720
balesb001@gmail.com

//s// Maureen N. Rawlins
Maureen N. Rawlins*

//s// Eva E. Naniolo
Eva E. Naniolo*

//s// Janice P.K. Kahoohanohano
Janice P.K. Kahoohanohano*

//s// Caroline R. P. Montague-Mullins
Caroline R. P. Montague-Mullins*

*Please accept electronic signatures pursuant to HRS § 489E-7(d) of the Uniform Electronic Transactions Act which provides that “If a law requires a signature, an electronic signature satisfies the law.” An “Electronic signature” means “an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.” HRS § 489E-2.

Cc: State Office of Elections, State of Hawaii
Attn: Scott T. Nago, Chief Election Officer
802 Lehua Avenue
Pearl City, Hawaii 96782
Email: elections@hawaii.gov

County of Hawaii
Office of the County Clerk
Attn: Jon Henricks, County Clerk
25 Aupuni Street, Room 1502
Email: hiloelec@hawaiicounty.gov

Exhibits: Exhibit “A” - Petitioners Objection and supporting evidence dated June 10, 2024
Exhibit “B” - Chief Election Officer’s Preliminary Decision dated June 17, 2024

Exhibit 17

July 18, 2024

VIA HAND DELIVERY AND EMAIL

County of Hawaii
Office of the County Clerk
Attn: Chairman, Board of Registration
Attn: Jon Henricks, County Clerk
25 Aupuni Street, Suite 1402
Hilo, Hawaii 96720
Email: hилоelec@hawaiicounty.gov

COUNTY CLERK
COUNTY OF HAWAII
2024 JUL 18 PM 1:15

Boards of Registration
c/o Office of Elections
802 Lehua Avenue
Pearl City, HI 96782
Phone: (808) 453-8683
Email: elections@hawaii.gov

**RE: NOTICE OF APPEAL OF COUNTY CLERK'S "FINDINGS/RULING –
VOTER REGISTRATION CHALLENGE" DATED JULY 11, 2024 TO
PETITIONERS' CHALLENGE TO VOTER REGISTRATION AND
NOMINATION PAPERS OF SUSAN L.K. LEE LOY**

Aloha,

The undersigned Petitioners hereby file their Notice of Appeal of the County of Hawaii Office of the County Clerk ("County Clerk") Ruling dated July 11, 2024 ("July 11 Ruling") denying *Petitioners' Challenge to the Voter Registration of Susan L.K. Lee Loy; Objection to Nomination Papers Filed by Susan L.K. Lee Loy* (collectively "Objection") pursuant to Hawaii Revised Statutes ("HRS") § 11-26 (Appeal from ruling on challenge; or failure of clerk to act) and Hawaii Administrative Rules ("HAR") § 3-177-202 (Appeal to the board from a clerk's ruling on a challenge in writing not occurring in a voter service center). A copy of the County Clerk's July 11 Ruling is attached hereto as Exhibit "A". The Petitioners received a copy of the July 11 Ruling via Registered Certified Mail on Saturday, July 13, 2024.

The Petitioners assert that the County Clerk's July 11 Ruling erred in determining that Susan L.K. Lee Loy was a resident in State House District 2 ("District 2") at the time she updated her voter registration on April 26, 2024. Without limiting the foregoing, Petitioners assert that the

County Clerk's July 11 Ruling was erroneous to the extent that the County Clerk denied Petitioners' Objection based on a flawed application of the applicable law and facts, including:

(1) The County Clerk applied the wrong legal standard under HAR § 3-177-156 (Determination of residence) with respect to the burden of proof when determining Susan L.K. Lee Loy's residency. It is uncontroverted that Susan L.K. Lee Loy, a County Council member for District 3, has resided in District 3 for several years and has, at the earliest, resided in District 2 no earlier than April 2024. This is established by judicially recognizable facts, testimony and evidence submitted by the Petitioners, as well as by Susan L.K. Lee Loy's own admissions. As such, Hawaii Administrative Rule ("HAR") § 3-177-156 (Determination of residence) expressly mandates that there is a legally rebuttable presumption that Susan L.K. Lee Loy is **NOT** a resident of District 2 and that this "rebuttable presumption is a presumption considered true unless **proven false by evidence** to the contrary." See HAR § 3-177-156. Therefore, by law, the burden of proof shifts and Susan L.K. Lee Loy (and **NOT** Petitioners) must produce evidence, beyond mere assertions of intent to be domiciled in District 2, that proves that she was, in fact, a resident of and physically present in District 2 when she registered to vote in District 2. Contrary to the requirements of HAR § 3-177-156 and applicable case law, the County Clerk's July 11 Ruling erroneously applied the wrong legal standard:

27. Petitioner fails to establish HAR § 3-177-156(a)(2)(C)'s rebuttable presumption applies to the Challenge. The Challenge provides no evidence showing Ms. Lee Loy has not physically lived at the District 2 Lee Loy Residence within the year immediately preceding the election, i.e. August 10, 2023 - August 10, 2024. Rather, the evidence provided including, inter alia, the Rental Agreement, Ms. Cabral's letter, Ms. Lee Loy's Declarations and Mr. Lee Loy's Declaration sufficiently establish Ms. Lee Loy's residence at the District 2 Lee Loy Residence since on or around April 10, 2024, and that she frequents the District 3 Family Residence to care for her son and elderly mother.

See July 11 Ruling, Findings/Conclusions Para. 27 (emphasis added).

Accordingly, the rebuttable presumption that Susan L.K. Lee Loy is **NOT** a resident of District 2 **AUTOMATICALLY** applies in this case pursuant to HAR § 3-177-156 and it is Susan L.K. Lee Loy's burden to prove the presumption false by providing evidence to the contrary.

(2) The County Clerk failed to consider any evidence corroborating Susan L.K. Lee Loy's physical presence, rather than mere intention to reside at the District 2 residence. Pursuant to Dupree v. Hiraga, 121 Hawai'i 297, 310 (2009), determination of residency under HRS §11-13

“requires an analysis of both intent and the existence of a physical presence which corroborates that intent.” Dupree, 121 Haw. at 323. “[C]laimed intention without acts to support it is not controlling” and “since actions speak louder than words the conduct of a person is the most important evidence of his intention to acquire a domicil[e] in a place”. Id. Here, the County Clerk’s July 11 Ruling notes that the County Clerk requested evidence that could have corroborated Susan L.K. Lee Loy’s physical presence at the District 2 Residence but Susan L.K. Lee Loy refused to cooperate and provide such evidence:

25. Ms. Lee Loy declined the County Clerk's request for attestations from the District 2 Lee Loy Residence-neighbors verifying Ms. Lee Loy's physical presence at the District 2 Lee Loy Residence. Ms. Lee Loy's decision was based on her concerns that her neighbors' rights to privacy could be violated and they could be subjected to "unwarranted scrutiny".
26. Ms. Lee Loy declined the County Clerk's request for receipts, contracts, correspondence or other documents verifying her physical presence at the District 2 Lee Loy Residence out of concern that doing so would compromise privacy rights and generate "unwarranted scrutiny".

See July 11 Ruling, Findings/Conclusions Paras. 25-26. Given Susan L.K. Lee Loy’s refusal to provide such evidence, the County Clerk was unable to consider any evidence that could corroborate Susan L.K. Lee Loy’s actual physical presence at the District 2 residence, and therefore, the County Clerk’s determination that Susan L.K. Lee Loy resided in District 2 based solely on a short-term Rental Agreement and mere and uncorroborated intent to reside in District 2 was erroneous.

(3) The County Clerk erroneously concluded that Susan L.K. Lee Loy resides in District 2 while simultaneously confirming that Susan L.K. Lee Loy has no intention of abandoning her residence in District 3 as required by Dupree v. Hiraga, 121 Hawai'i 297, 310 (2009). In Dupree, Court recognized that “In order to relinquish one's domicile or residence there must be an intent to remain permanently at the new place where one is physically present **and to simultaneously abandon the previously permanent place of abode**. Acquisition of the new domicile must have been completed and the animus to remain in the new location fixed, before the former domicile can be considered lost.” Dupree, 121 Haw. at 310.

Here, contrary to the requirements stated in Dupree, the County Clerk actually found that Susan L.K. Lee Loy has no present intention of abandoning her District 3 residence but asserted numerous specified and unspecified reasons as to why Susan L.K. Lee Loy will continue to “frequent” the District 3 Residence. Here, every identified action and conduct by Susan L.K. Lee Loy indicates her intent to be domiciled in District 3 and not District 2, including

maintaining her mailing address in District 3, caring for her child “that requires constant supervision and full-time care who resides at the District 3 Family Residence” and providing support and care for her elderly mother at the District 3 Residence. Again, as stated in Dupree, “[C]laimed intention without acts to support it is not controlling” and “since actions speak louder than words the conduct of a person is the most important evidence of his intention to acquire a domicil[e] in a place”. *Id.*

(4) The County Clerk erroneously concluded that the law and preponderance of the evidence support a ruling that Susan L.K. Lee Loy resided in District 2 prior to and at the time she updated her voter registration on April 26, 2024. In particular, the County Clerk’s July 11 Ruling relies almost entirely on a short-term Rental Agreement that terminates on December 31, 2024, shortly after the election for which Susan L.K. Lee Loy is running for in District 2, and the uncorroborated and mere intent of Susan L.K. Lee Loy to reside in District 2. The County Clerk ignores the evidence submitted by Petitioners that unequivocally establishes that Susan L.K. Lee Loy never intended, through her actions and conduct, to abandon her District 3 Residence as well as the testimony from Susan L.K. Lee Loy herself that confirms the fact that she has no present intention of abandoning her District 3 Residence.

Petitioners respectfully request that the Board hold a pre-hearing conference pursuant to HAR § 3-177-202(b) for the purpose of simplifying and clarifying the issues to be determined on appeal, obtaining admissions of fact and to discovery, including subpoenas of potential witnesses and documents, that may aid in the reasonable and expeditious disposition of this matter.

Thank you for your time and attention to this matter.


Bridgit M.L. Bales

Bridgit M.L. Bales
510 Auuue Road
Hilo HI 96720
balesb001@gmail.com

//s/ Maureen N. Rawlins
Maureen N. Rawlins*

//s/ Eva E. Naniole
Eva E. Naniole*

//s/ Janice P.K. Kahoohanohano
Janice P.K. Kahoohanohano*

//s/ Caroline R. P. Montague-Mullins
Caroline R. P. Montague-Mullins*

*Please accept electronic signatures pursuant to HRS § 489E-7(d) of the Uniform Electronic Transactions Act which provides that “If a law requires a signature, an electronic signature satisfies the law.” An “Electronic signature” means “an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.” HRS § 489E-2.

Cc: State Office of Elections, State of Hawaii
Attn: Scott T. Nago, Chief Election Officer
802 Lehua Avenue
Pearl City, Hawaii 96782
Email: elections@hawaii.gov

House of Representatives
Attn: House Clerk’s Office
Hawai‘i State Capitol
Room 27
415 South Beretania St.
Honolulu, HI 96813
Email: hclerk@capitol.hawaii.gov
Email: repsaiki@capitol.hawaii.gov

Exhibit: Exhibit “A” - County Clerk’s Findings/Ruling-Voter Registration Challenge
dated July 11, 2024

Exhibit 18

Index of Security Camera Video Evidence

Petitioner Bridgit M.L. Bales provides first-hand observations and home security cameras video and photographic evidence of Susan L. K. Lee Loy's physical presence at her 498 Auwae Road HD3 residence. Petitioner's home security cameras capture all traffic entering and leaving both Petitioner's and Susan L.K. Lee Loy's adjoining driveways as well as other perimeters to Petitioner's properties. Multiple "Warning Security Cameras In Use" signs are conspicuously posted and clearly visible along the perimeter boundaries.

Regarding the relevant period of April 10, 2024, through August 10, 2024, based on security camera video evidence, Susan Lee Loy has been residing at her 498 Auwae Road residence in House District 3. It must be noted that Susan Lee Loy is residing at her 498 Auwae Road residence even when her Son is *not* there, which contradicts Susan Lee Loy's Declaration she filed on June 14, 2024.

The April 2024 through May 31, 2024, indexes and security camera evidence are already included in the Challenge and Objection filed on June 10, 2024.

The following is an index of additional security camera evidence (and IG posts) from May 31/June 1, 2024, through August 10, 2024, the date County Clerk Henricks considers the end of the "year preceding the election." The video evidence captures Susan Lee Loy in the morning, throughout the day, in the evening with continued and unbroken presence until the next morning. The video evidence also captures Susan Lee Loy performing routine activities - such as interacting with the school bus driver, mowing her lawn, feeding her dog, taking out her trash, accepting parcels from UPS/USPS, etc., - typical of a resident.

Further, on every occasion where Susan Lee Loy traveled, she left from her 498 Auwae Road HD3 residence and returned to her 498 Auwae Road HD3 residence.

May 31/June 1, 2024 - August 10, 2024

May 31, 2024_ Susan at home 8:20am; at home 7:11pm continued and unbroken presence until the next morning.

June 1, 2024_ Susan at home 7:05am; at home 6:08pm.

June 2, 2024_ Susan returns 5:04pm, drives out 5:36pm.

June 3, 2024_ Susan returns 9:03am, changes clothes, drives out 9:15am.

June 4, 2024_ Susan returns 8:22am, changes clothes, drives out 8:42am.

June 5, 2024_ Susan returns 5:54am, changes clothes, drives out 7:12am.

June 6, 2024_ Susan returns 7:16am, changes clothes, drives out 8:18am.
June 7, 2024_ Susan returns 6:07am, changes clothes, drives out 8:16am.
June 8, 2024_ Susan in Kona at King Kamehameha Day Parade (IGpost).
June 9, 2024_ Susan at home 7:13pm, continued and unbroken presence until the next morning.
June 10, 2024_ Susan at home 6:35 am; at home 8:04pm, continued and unbroken presence until the next morning.
June 11, 2024_ Susan at home 7:40am; Father returns Son (Son not home since May 31) at 3:40pm; at home 7:10pm, continued and unbroken presence until the next morning.
June 12, 2024_ Susan at home 7:45am; at home 4:51pm, continued and unbroken presence until the next morning.
June 13, 2024_ Susan at home 9:50am; at home 7:20pm, continued and unbroken presence until the next morning.
June 14, 2024_ Susan at home 7:55am; at home 7:26pm, continued and unbroken presence until the next morning.
June 15, 2024_ Susan at home 9:08am; at home 12:54pm, continued and unbroken presence until the next morning.
June 16, 2024_ Susan at home am; at home 3:44pm, continued and unbroken presence until the next morning.
June 17, 2024_ Susan at home 6:18am; at home 5:07pm, continued and unbroken presence until the next morning.
June 18, 2024_ Susan at home 5:47am.
June 19, 2024_ Susan returns 2:50pm; at home 7:56pm, continued and unbroken presence until the next morning.
June 20, 2024_ Susan at home 7:25am; Travel 11:22am to HNL PBS INSIGHTS.
June 21, 2024_ Susan in HNL am; returns from Travel 4:05pm; at home 4:58pm, continued and unbroken presence until the next morning.
June 22, 2024_ Susan at home am; Travel 7:06am to WAIKOLOA overnight (IGpost).
June 23, 2024_ Susan returns from Travel 6:34pm; at home 6:35pm, continued and unbroken presence until the next morning.
June 24, 2024_ Susan at home 5:56am; at home 1:03pm, continued and unbroken presence until the next morning.
June 25, 2024_ Susan at home 6:33am; at home 5:29pm, continued and unbroken presence until the next morning.
June 26, 2024_ Susan at home 7:34am; at home 7:27pm, continued and unbroken presence until the next morning.
June 27, 2024_ Susan at home 5:55am; Travel 8:34am to HNL for Vote Lee Loy Fundraiser at Miss Saigon.

June 28, 2024_ Susan in HNL am; returns from Travel under cover of darkness 8:02pm, continued and unbroken presence until the next morning.

June 29, 2024_ Susan at home 6:23am; at home before 8:45pm, continued and unbroken presence until the next morning.

June 30, 2024_ Susan at home 8:50am; at home 5:49pm, continued and unbroken presence until the next morning.

July 1, 2024_ Susan at home 9:08am; at home 5:57pm, continued and unbroken presence until the next morning.

July 2, 2024_ Susan at home 7:46am; at home 6:02pm.

July 3, 2024_ Susan at home 4:34pm, continued and unbroken presence until the next morning.

July 4, 2024_ Susan at home 6:18am; at home 5:31pm, continued and unbroken presence until the next morning.

July 5, 2024_ Susan at home 7:04am; at home 5:06pm, continued and unbroken presence until the next morning.

July 6, 2024_ Susan at home 10:34am; at home 5:56pm, continued and unbroken presence until the next morning.

July 7, 2024_ Susan at home 9:24am; at home 7:21pm, continued and unbroken presence until the next morning.

July 8, 2024_ Susan at home 8:01am; at home 6:07pm, continued and unbroken presence until the next morning.

July 9, 2024_ Susan at home 5:54 am; at home 6:13pm, continued and unbroken presence until the next morning.

July 10, 2024_ Susan at home am; bags packed leaves 6:42am for TRAVEL to FLORIDA (NACo).

July 16, 2024 _ Susan returns from TRAVEL to FLORIDA 6:36pm, at home 6:36pm, continued and unbroken presence until the next morning.

July 17, 2024 _ Susan at home 7:37am; at home 6:23pm, continued and unbroken presence until the next morning.

July 18, 2024_ Susan at home 6:02am; at home 7:16pm, continued and unbroken presence until the next morning.

July 19, 2024_ Susan at home 7:32am; at home 7:10pm, continued and unbroken presence until the next morning.

July 20, 2024_ Susan at home 8:24 am; at home 7:17pm, continued and unbroken presence until the next morning.

July 21, 2024_ Susan at home 6:06am; at home 7:02pm, continued and unbroken presence until the next morning.

July 22, 2024_ Susan at home 7:09am; at home 5:20pm, continued and unbroken presence until the next morning

July 23, 2024_ Susan at home 7:41am; Travel to KONA County Council Meeting.

July 24, 2024_Susan returns from KONA, at home 4:45pm, continued and unbroken presence until the next morning.

July 25, 2024_Susan at home 8:10am; at home 6:08pm, continued and unbroken presence until the next morning.

July 26, 2024_Susan at home 7:33am; at home 6:20pm, continued and unbroken presence until the next morning.

July 27, 2024_Susan at home 7:11am; at home 5:01pm, continued and unbroken presence until the next morning.

July 28, 2024_Susan at home 8:17am; at home 6:57pm, continued and unbroken presence until the next morning.

July 29, 2024_Susan at home 5:36am; at home 5:24pm, continued and unbroken presence until the next morning.

July 30, 2024_Susan at home 8:36am.

July 31, 2024_Susan returns at 12:37pm; at home 5:31pm, continued and unbroken presence until the next morning.

August 1, 2024_Susan at home 5:32am; at home 12:51pm; leaves home for Vote Lee Loy fundraiser at Hilo Hawaiian Hotel.

August 2, 2024_Susan returns at 7:11am; at home 6:15pm, continued and unbroken presence until the next morning.

August 3, 2024_Susan at home 5:42am; at home 3:24pm, continued and unbroken presence until the next morning.

August 4, 2024_Susan at home 5:38am; at home 6:54pm, continued and unbroken presence until the next morning.

August 5, 2024_Susan at home 8:22am; at home 5:51pm, continued and unbroken presence until the next morning.

August 6, 2024_Susan at home 7:54am; at home 5:15pm, continued and unbroken presence until the next morning.

August 7, 2024_Susan at home 7:36am; at home 6:41pm, continued and unbroken presence until the next morning.

August 8, 2024_Susan at home 8:04am; at home 6:32pm, continued and unbroken presence until the next morning.

August 9, 2024_Susan at home 6:39am; drives out 5:13pm.

August 10, 2024_2024 Primary Election Day. On August 11, 2024, Susan returns at 4:41pm, after Travel to HNL, Democratic Party Unity Breakfast; at home 4:41pm, continued and unbroken presence until the next morning.

Exhibit 19

BEFORE THE BOARD OF REGISTRATION

ISLAND OF HAWAII

BRIDGIT M.L. BALES, MAUREEN N.
RAWLINS, EVA E. NANI'OLE, JANICE
P.K. KAHO'OHANOHANO, AND
CAROLINE R.P. MANGUE-MULLINS,

Appellants,

vs.

SUSAN L.K. LEE LOY and JON
HENRICKS, in his official capacity as
County Clerk, County of Hawaii,

Appellees.

ORDER

ORDER

This is an appeal pursuant to Hawaii Revised Statutes ("HRS") § 11-26 from a decision of JON HENRICKS, Clerk of the County of Hawaii ("Clerk" or "Appellee Henricks") with respect to the challenge by BRIDGIT M.L. BALES, MAUREEN N. RAWLINS, EVA E. NANI'OLE, JANICE P.K. KAHO'OHANOHANO, AND CAROLINE R.P. MANGUE-MULLINS ("Appellants") as to the qualifications of SUSAN L.K. LEE LOY ("Lee Loy" or "Appellee Lee Loy") to be a registered voter in House District 3 based on Appellants' contention that Appellee Lee Loy actually resided at an address in House District 2. Appellee Lee Loy was a candidate for State Representative, House District 2, at the time of the voter challenge and references to the impact of this challenge on her candidacy have been made in the filings by Appellants in this case. This order is being issued to clarify and guide the future conduct of this matter.

The context and background for this order is based primarily on the statements made in a notice of appeal, dated July 18, 2024, including its attachments; a letter requesting a pre-hearing conference, dated October 17, 2024, from Appellants, and matters that the Board of Registration may take judicial notice of. Having said that, the Board of Registration reserves the ability to make appropriate findings of fact and conclusions of law after any briefing or hearing that may be ordered in this case.

1. Scope of Appeal

A voter challenge relates to “challeng[ing] the right of a person to be or to remain registered as a voter in any precinct.” HRS § 11-25. An appeal may be filed with the Board of Registration. HRS § 11-26(b). “If the appeal is sustained, the board shall immediately certify that finding to the clerk, who shall thereupon alter the register to correspond to the findings of the board, and when necessary, the clerk shall notify the voter service center officials of the change in the register.” HRS § 11-26.

To be clear, the Board of Registration has no jurisdiction over determining whether an individual is eligible to serve as a member of the House of Representatives. It only has statutory jurisdiction over voter registration challenges brought before it. Consistent with caselaw, the Board of Registration will not be addressing Appellee Lee Loy’s eligibility as a candidate within the scope of Article III, Section 6, or the process to challenge of nomination papers under HRS § 12-8. *Dupree v. Hiraga*, 121 Haw. 297, 316 (Haw. 2009). Therefore, Appellants’ separate letter, dated June 24, 2024, that appears to seek to challenge the decision of Chief Election Officer Nago regarding the nomination paper of Appellee Lee Loy will not be addressed by the Board of Registration as we have no jurisdiction to hear any such claimed right of appeal.

Instead, Appellants' letter, dated July 18, 2024, will be considered to constitute their voter registration challenge appeal of County Clerk Henricks decision that was issued on July 11, 2024.

2. Communications with the Board of Registration

The parties to this matter are Appellants, Appellee Lee Loy, and Appellee Henricks. A notice of appearance by Diego A. Rivera, Esq. of the Law Office of Diego A. Rivera, LLLC as attorney for Appellants was filed in this case. While no notice of appearance has been filed for Appellee Henricks, it is understood that Appellants are challenging the County Clerk's decision and that this would involve representation by the Department of the Corporation Counsel, County of Hawaii. As for Appellee Lee Loy, no notice of appearance has been filed and it is not clear if Appellee Lee Loy or her counsel, will be appearing in this appeal. The notice of appeal, dated July 18, 2024, was addressed to Appellee Henricks and copied to Appellee Lee Loy. As such, the Board of Registration understands that all parties are aware of this matter. Having said that, all parties are reminded that going forward any filings with the Board of Registration should be copied to each of the other parties or their attorney if they have one. We would note that Appellants' letter, dated October 17, 2024, requesting a pre-hearing conference was, apparently as an oversight, not copied to Appellee Henricks. As such, Appellants are directed to send the letter to Appellee Henricks.

In terms of communication with the Board of Registration, only Appellants have filed a notice of appearance and indicated the email address and mailing address of Appellants' attorney. As such, to the extent Appellants seek to communicate with the Board of Registration, they should copy Appellee Lee Loy and Appellee Henricks at a

minimum at their mailing address until such time as they file a notice of appearance indicating another acceptable means of communication with them, such as an email address that they will regularly check and that would be conducive to their participation in this matter.

3. Scheduling of Prehearing Conference and Hearing

Appellants' letter, dated October 17, 2024, sought to calendar a pre-hearing conference and to calendar a hearing. The letter was sent by mail and received on October 21, 2024. As previously noted, the letter was not apparently copied to Appellee Henricks. At the time of the issuance of this order, Appellee Lee Loy has not submitted anything in response to the letter and it is not clear that Appellee Henricks is aware of the request.

In considering the letter, given that the Board of Registration has no jurisdiction over matters related to Appellee Lee Loy's candidacy, Appellants' reference to Appellee Lee Loy being unopposed as impacting the timing of any prehearing conference or hearing is unavailing.

With the above in mind, Appellants, Appellee Lee Loy, and Appellee Henricks are asked to provide the Board of Registration by November 8, 2024, with their availability during the week of December 2, 2024, for a prehearing conference.

DATED: Hilo, Hawaii, November 1, 2024.

SHAWN MERRILL

SHAWN MERRILL, Chair

Shana W. Kukila

SHANA KUKILA, Member

Exhibit 20

BEFORE THE BOARD OF REGISTRATION

ISLAND OF HAWAII

BRIDGIT M.L. BALES, MAUREEN N.
RAWLINS, EVA E. NANI'OLE, JANICE
P.K. KAHO'OHANOHANO, AND
CAROLINE R.P. MANGUE-MULLINS,

Appellants,

vs.

SUSAN L.K. LEE LOY and JON
HENRICKS, in his official capacity as
County Clerk, County of Hawaii,

Appellees.

ORDER

NOTICE OF PREHEARING CONFERENCE

TO: Diego A. Rivera, Esq., Attorney for Appellants
J.S. Yoshimoto, Assistant Corporation Counsel, Attorney for Appellee Henricks
Susan L.K. Lee Loy, Appellee

YOU ARE HEREBY NOTIFIED that the Board of Registration, Island of Hawaii (Board) will conduct a pre-hearing conference in the above-entitled appeal on Thursday, January 9, 2025, at 1:30 p.m. The pre-hearing conference will be held using interactive conference technology that allows interaction by the Board of Registration, any party, and counsel if retained by the party. The link and associated information for the pre-hearing is as follows:

Join Zoom Meeting

<https://us02web.zoom.us/j/85807589967>

Meeting ID: 858 0758 9967

One tap mobile

+16694449171,,85807589967# US
+16699009128,,85807589967# US (San Jose)

Dial by your location

+1 669 444 9171 US
+1 669 900 9128 US (San Jose)
+1 719 359 4580 US
+1 253 205 0468 US
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 301 715 8592 US (Washington DC)
+1 305 224 1968 US
+1 309 205 3325 US
+1 312 626 6799 US (Chicago)
+1 360 209 5623 US
+1 386 347 5053 US
+1 507 473 4847 US
+1 564 217 2000 US
+1 646 558 8656 US (New York)
+1 646 931 3860 US
+1 689 278 1000 US

Meeting ID: 858 0758 9967

Find your local number: <https://us02web.zoom.us/j/85807589967>

The purpose of the prehearing conference is to simplify and clarify the issues and procedures to hear the appeal in this matter. The appeal is reflected in the notice of appeal dated July 18, 2024. The parties are reminded of the Order issued on November 1, 2024, and are expected to be familiar with it at the time of the prehearing

The appeal is brought pursuant to Haw. Rev. Stat. § 11-26 and will be conducted under the procedures of Haw. Admin. R. §3-177-202. Any party may retain counsel if the party so desires or appear on their own behalf.

Any person requiring special needs accommodations shall make such a request at least two working days in advance of the proceeding.

DATED: Hilo, Hawaii, December 28, 2024 .



SHAWN MERRILL, Member



SHANA KUKILA, Member

Exhibit 21

BEFORE THE BOARD OF REGISTRATION

ISLAND OF HAWAII

BRIDGIT M.L. BALES, MAUREEN N.
RAWLINS, EVA E. NANI'OLE, JANICE
P.K. KAHO'OHANOHANO, AND
CAROLINE R.P. MANGUE-MULLINS,

Appellants,

vs.

SUSAN L.K. LEE LOY and JON
HENRICKS, in his official capacity as
County Clerk, County of Hawaii,

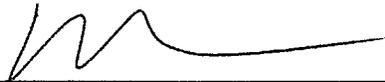
Appellees.

ORDER

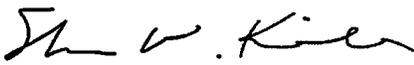
ORDER

The prehearing conference scheduled for January 9, 2025, is hereby canceled. The present order is the final order in which Board of Registration Member Kukila will be involved as she is hereby recusing herself from presiding in this matter. This recusal results in the Board of Registration no longer having quorum. The parties will be informed upon quorum being reestablished.

DATED: Hilo, Hawaii, January 7, 2025.



SHAWN MERRILL, Chair



SHANA KUKILA, Member

Exhibit 22

August 2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
28	29	30	31	1	2	3
4	5	6	7	8	9	10
11 @ home in pm	12 @ home in am & pm	13 @ home in am & pm	14 @ home in am & pm	15 @ home in am & pm	16 @ home in am & pm	17 @ home in am & pm
18 @ home in am & pm	19 @ home in am & pm	20 @ home in am & pm	21 @ home in am & pm	22 @ home in am & pm	23 @ home in am	24 TRAVEL D...onference
25 TRAVEL DENVER IAAO Conference	26	27	28	29 @ home in the pm	30 @home in am & pm	31 @ home in the am

September 2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1 @ home in the pm	2 @home in am & pm	3 @ home in am & pm	4 @ home in am & pm	5 @ home in am & pm	6 @ home in am & pm	7 @ home in am & pm
8 @ home in am & pm	9 @ home in am & pm	10 @ home in am & pm	11 TRAVEL WESTIN HAPUNA HCPO Conference @ home in am	12	13 @ home in pm	14 @ home in am
15 @ home in pm	16 @ home in am & pm	17 TRAVEL HONOLULU HSAC Conference @ home in am	18	19	20 @ home in pm	21 @ home in am & pm
22 @ home in am & pm	23 @ home in am & pm	24 @ home in am & pm	25 @ home in am	26 @ home in am	27 @ home in am	28 @ home in am
29	30 @ home in am	1 @home in am & pm	2 @home in am & pm	3 @home in am & pm	4 @home in am & pm	5 @home in am & pm

October 2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
29	30 @ home in am	1 @home in am & pm	2 @home in am & pm	3 @home in am & pm	4 @home in am & pm	5 @home in am & pm
6 @home in am & pm	7 @home in am & pm	8 @home in am & pm	9 @home in am & pm	10 @home in am & pm	11 @home in am & pm	12 @home in am & pm
13 @home in am & pm	14 @home in am & pm	15 @home in am & pm	16 @home in am & pm	17 @home in am & pm	18 @home in am & pm	19 @home in am & pm
20 @home in am & pm	21 @home in am & pm	22 @home in am & pm	23 @home in am & pm	24 @home in am & pm	25 @home in am & pm	26 @home in am & pm
27 @home in am & pm	28 @home in am & pm	29 @home in am & pm	30 @home in am & pm	31 @home in am & pm	1 @home in am & pm	2 @home in am & pm

November 2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
27 @home in am & pm	28 @home in am & pm	29 @home in am & pm	30 @home in am & pm	31 @home in am & pm	1 @home in am & pm	2 @home in am & pm
3 @home in am & pm	4 @home in am & pm	5 @home in am & pm	6 @home in am & pm	7 @home in am & pm	8 @home in am & pm	9 @home in am & pm
10 @home in am & pm	11 @home in am & pm	12 @ home in am & pm	13 @ home in am	14 @ home in am	15 @home in am & pm	16 @ home in am
17 @ home in am	18	19	20	21	22	23
24 @ home in pm	25 @ home in am	26 @ home in am	27 @home in am & pm	28 @home in am & pm	29 @home in am & pm	30 @home in am & pm

December 2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1 @home in am & pm	2 @ home in am	3	4	5 @ home in pm	6 @home in am & pm	7 @home in am & pm
8 @home in am & pm	9 @ home in am	10 @ home in pm	11 @ home in am	12	13 @ home in pm	14 @home in am & pm
15 @home in am & pm	16 @ home in pm	17	18	19 @ home in pm	20 @home in am & pm	21 @home in am & pm
22 @ home in pm	23 @ home in pm	24 @home in am & pm	25 @home in am	26	27 @ home in pm	28 @ home in am & pm
29 @ home in am & pm	30 @ home in am & pm	31 @home in am & pm	1 @home in am	2	3 @home in pm	4 @home in am & pm

January 2025

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
29 @ home in am & pm	30 @ home in am & pm	31 @home in am & pm	1 @home in am	2	3 @home in pm	4 @home in am & pm
5 TRAVEL HONOLULU "lege" @home in am	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	1

Exhibit 23

**ACCOUNTING OF COUNCIL DISTRICT ALLOWANCE EXPENSES
FISCAL YEAR 2023-2024**

COUNCIL MEMBER
Susan Lee Loy

DISTRICT 3

ENTERED DATE	DATE INCURRED	DESCRIPTION	COST	AVAILABLE BALANCE
7/1/2023	7/1/2023	Total Appropriation for Fiscal Year 2023-24		\$15,000.00
7/21/2023	7/17/2023	2 Certificate Frames for Irene Nagao & Sidney Fuke, Junior Achievement	\$8.90	\$14,991.10
		<u>2023 National Association of Counties (NACo) Annual Conference 07/19/23 - 07/25/23</u>		\$14,991.10
7/21/2023	7/20/2023	Pre NACo Annual Conference 07/19/23 - 07/20/23 Hotel Stay	\$322.27	\$14,668.83
8/22/2023	7/31/2023	NACo Annual Conference per diem (6.00 days x \$145/day = 87.00 less 5 nights x \$85/night = 425.00)	\$445.00	\$14,223.83
7/27/2023	7/27/2023	Color Copies Request - EK Quarter Japanese Card (2 color pgs x 10 copies x 0.05/page)	\$1.00	\$14,222.83
		<u>2023 Hawai'i Congress of Planning Officials (HCPO) 09/06/23 - 09/08/23</u>		\$14,222.83
8/21/2023	8/14/2023	Airfare - Hawaiian Airlines for HCPO 09/06/23 - 09/08/23 - Council Member Lee Loy	\$111.99	\$14,110.84
8/21/2023	8/14/2023	Airfare - Hawaiian Airlines for HCPO 09/06/23 - 09/08/23 - Council Aide Valdez	\$111.99	\$13,998.85
8/21/2023	5/31/2023	HCPO 09/20/23 - 09/23/23 - Registration Fee - Council Aide Valdez	\$325.00	\$13,673.85
9/11/2023	9/5/2023	Hotel Stay for HCPO 09/06/23 - 09/08/23 - Council Aide Valdez	\$493.08	\$13,180.77
9/11/2023	9/6/2023	Hotel Stay for HCPO 09/06/23 - 09/08/23 - Council Member Lee Loy	\$493.08	\$12,687.69
9/11/2023	9/6/2023	Uber Transportation for HCPO 09/06/23 - Airport to Hotel - Council Member Lee Loy	\$35.06	\$12,652.63
9/11/2023	9/7/2023	Uber Transportation for HCPO 09/07/23 - Hotel to Conference Site - Council Member Lee Loy	\$14.97	\$12,637.66
9/11/2023	9/7/2023	Uber Transportation for HCPO 09/07/23 - Hotel to Aloha Reception - Council Member Lee Loy	\$8.42	\$12,629.24
9/11/2023	9/8/2023	Uber Transportation for HCPO 09/08/23 - Hotel to Conference Site - Council Member Lee Loy	\$8.73	\$12,620.51
9/11/2023	9/8/2023	Uber Transportation for HCPO 09/08/23 - Conference Site to Hotel - Council Member Lee Loy	\$22.96	\$12,597.55

**ACCOUNTING OF COUNCIL DISTRICT ALLOWANCE EXPENSES
FISCAL YEAR 2023-2024**

COUNCIL MEMBER
Susan Lee Loy

DISTRICT 3

ENTERED DATE	DATE INCURRED	DESCRIPTION	COST	AVAILABLE BALANCE
9/11/2023	9/8/2023	Uber Transportation for HCPO 09/08/23 - Hotel to Airport - Council Member Lee Loy	\$22.93	\$12,574.62
9/11/2023	9/6/2023	Uber Transportation for HCPO 09/06/23 - Airport to Hotel - Council Aide Valdez	\$20.20	\$12,554.42
9/11/2023	9/6/2023	Uber Transportation for HCPO 09/06/23 - Hotel to Conference Site - Council Aide Valdez	\$9.99	\$12,544.43
9/11/2023	9/6/2023	Uber Transportation for HCPO 09/06/23 - Conference Site to Walking Tour - Council Aide Valdez	\$19.55	\$12,524.88
9/11/2023	9/6/2023	Uber Transportation for HCPO 09/06/23 - Walking Tour to Hotel - Council Aide Valdez	\$11.97	\$12,512.91
9/11/2023	9/7/2023	Uber Transportation for HCPO 09/07/23 - Conference Site to Hotel - Council Aide Valdez	\$9.99	\$12,502.92
9/11/2023	9/8/2023	Hilo Airport Parking for HCPO 09/06/23 - 09/08/23 - Council Member Lee Loy	\$43.00	\$12,459.92
9/11/2023	9/8/2023	Per diem (2.25 days x \$90/day = 202.50 less 2 nights x \$50/night = 100.00) - Council Member Lee Loy	\$102.50	\$12,357.42
9/11/2023	9/8/2023	Per diem (2.5 days x \$90/day = 225.00 less 2 nights x \$50/night = 100.00) - Council Aide Valdez	\$125.00	\$12,232.42
		<u>2023 Hawai'i State Association of Counties Conference (HSAC) 09/20/23 - 09/22/23</u>		\$12,232.42
9/29/2023	9/22/2023	Hotel Stay for HSAC 09/20/23 - 09/22/23	\$506.05	\$11,726.37
9/29/2023	9/14/2023	Airfare - Southwest Airlines for HSAC 09/20/23 - 09/22/23	\$136.40	\$11,589.97
9/29/2023	9/20/2023	Uber Transportation for HSAC 09/20/23 - Airport to Enterprise	\$12.07	\$11,577.90
9/29/2023	9/22/2023	Enterprise Car Rental for HSAC 09/20/23 - 09/22/23	\$77.00	\$11,500.90
8/21/2023	8/16/2023	Color Copies Request - Uncle Billy's Existing Condition (24 color pgs x 2 copies x 0.05/page)	\$2.40	\$11,498.50
9/18/2023	9/18/2023	Hawai'i Island Chamber of Commerce Young Professionals Gala Registration	\$35.00	\$11,463.50
9/27/2023	9/26/2023	3 Certificate Frames for Officers Caldwell-Ka'ai, Sailer, and Nahele, HSLEOA Officer of the Year Award	\$13.35	\$11,450.15

**ACCOUNTING OF COUNCIL DISTRICT ALLOWANCE EXPENSES
FISCAL YEAR 2023-2024**

COUNCIL MEMBER
Susan Lee Loy

DISTRICT 3

ENTERED DATE	DATE INCURRED	DESCRIPTION	COST	AVAILABLE BALANCE
9/27/2023	9/26/2023	Certificate Matting for Officers Caldwell-Ka'ai, Sailer, and Nahele, HSLEOA Officer of the Year Award	\$2.79	\$11,447.36
9/29/2023	9/29/2023	Hotel for the Hawai'i State Law Enforcement Officials Association Conference 09/20/23 - 09/22/22	\$321.42	\$11,125.94
10/5/2023	10/5/2023	Registration for 76th Hawai'i Farm Bureau (HFB) Annual Convention 10/24/23 - 10/25/23	\$105.56	\$11,020.38
10/20/2023	10/11/2023	Epson glossy photo paper, 11" x 17", 20 sheets	\$31.55	\$10,988.83
10/20/2023	10/19/2023	3 Certificate Frames for Hawai'i Island Chamber of Commerce Young Professionals Awards	\$13.35	\$10,975.48
10/23/2023	10/20/2023	Registration for Hawai'i Island Contractor's Association General Membership Meeting 10/19/23	\$85.00	\$10,890.48
10/23/2023	10/21/2023	Hotel for Hawai'i Water Works Association Conference 10/26/23 - 10/27/23	\$423.48	\$10,467.00
10/23/2023	10/23/2023	Registration for Hawai'i Water Works Association Conference 10/26/23 - 10/27/23	\$250.00	\$10,217.00
		<u>2023 NACo Fall Board of Directors Meeting 11/28/23 - 12/03/23</u>		\$10,217.00
11/14/2023	11/8/2023	Airfare - United Airlines for NACo Fall Board of Directors Meeting 11/28/23 - 12/03/23	\$645.29	\$9,571.71
12/11/2023		Per diem (5.0 days x \$145/day = 725.00 less 4 nights x \$85/night = 385.00)	\$385.00	\$9,186.71
12/11/2023	12/3/2023	Hotel Stay for NACo Fall Board of Directors Meeting 11/29/23 - 12/03/23	\$723.08	\$8,463.63
12/11/2023	12/3/2023	Kona Airport Parking for NACo Fall Board of Directors Meeting 11/28/23 - 12/03/23	\$75.00	\$8,388.63
12/11/2023	11/29/2023	Uber Transportation for NACo Fall Board of Directors Meeting 11/29/23 - MSP Airport to Hotel	\$24.93	\$8,363.70
12/11/2023	11/29/2023	Uber Transportation for NACo Fall Board of Directors Meeting 11/29/23 Uber - Dinner Meeting	\$22.55	\$8,341.15
12/11/2023	12/3/2023	Uber Transportation for NACo Fall Board of Directors Meeting 12/03/23 - Hotel to MSP Airport	\$59.94	\$8,281.21
12/11/2023	11/28/2023	United Airlines Standard Checked Baggage Fee for NACo Fall Board of Directors Meeting 11/29/23	\$35.00	\$8,246.21

**ACCOUNTING OF COUNCIL DISTRICT ALLOWANCE EXPENSES
FISCAL YEAR 2023-2024**

COUNCIL MEMBER
Susan Lee Loy

DISTRICT 3

ENTERED DATE	DATE INCURRED	DESCRIPTION	COST	AVAILABLE BALANCE
12/11/2023	12/2/2023	United Airlines Standard Checked Baggage Fee for NACo Fall Board of Directors Meeting 12/03/23	\$35.00	\$8,211.21
12/11/2023	12/3/2023	United Airlines Overweight Checked Baggage Fee for NACo Fall Board of Directors Meeting 12/03/23	\$100.00	\$8,111.21
11/27/2023	11/27/2023	1 Certificate Frame for HHSAA Air Riflery Girls Individual Champion	\$4.45	\$8,106.76
12/6/2023	12/6/2023	1 Pua Keni Keni Lei for HHSAA Air Riflery Girls Individual Champion	\$10.00	\$8,096.76
12/6/2023	12/6/2023	JCCIH 2023 Winter General Membership Meeting Registration Fee 12/13/23	\$45.00	\$8,051.76
		<u>Meetings w/the Department of Land & Natural Resources and Hawai'i State Legislators</u> 01/09/24 - 01/10/24		\$8,051.76
1/8/2024	1/5/2024	Airfare - Southwest Airlines for Mtgs w/DLNR and HI State Legislators 01/09/24 - 01/10/24	\$129.19	\$7,922.57
1/8/2024	1/10/2024	Hotel Stay for Mtgs w/DLNR and HI State Legislators 01/09/24 - 01/10/24	\$340.70	\$7,581.87
1/12/2024	1/10/2024	Per diem (1.25 days x \$90/day = 112.50 less 1 nights x \$50/night = 62.50)	\$62.50	\$7,519.37
1/12/2024	1/9/2024	Uber Transportation for Mtgs w/DLNR and HI State Legislators 01/09/24 - Airport to Capitol	\$37.91	\$7,481.46
1/12/2024	1/9/2024	Uber Transportation for Mtgs w/DLNR and HI State Legislators 01/09/24 - Capitol to Hotel	\$24.13	\$7,457.33
1/12/2024	1/10/2024	Uber Transportation for Mtgs w/DLNR and HI State Legislators 01/10/24 - Hotel to Airport	\$24.16	\$7,433.17
1/12/2024	1/10/2024	Hilo Airport Parking 01/09/24 - 01/10/24	\$15.00	\$7,418.17
		<u>Hawai'i State Legislature Opening and meetings with Hawai'i State Legislators 01/16/24 -</u> 01/18/24		\$7,418.17
1/8/2024	1/8/2024	Airfare - Hawaiian Airlines for HI State Leg Opening and mtgs w/HI State Legislators 01/16/24 - 01/18/24	\$114.30	\$7,303.87
1/17/2024	1/17/2024	Hotel Stay for HI State Leg Opening and mtgs w/HI State Legislators 01/16/24 - 01/18/24	\$398.70	\$6,905.17
1/17/2024	1/18/2024	Per diem (2.5 days x \$90/day = 225.00 less 2 nights x \$50/night = 125.00)	\$125.00	\$6,780.17

**ACCOUNTING OF COUNCIL DISTRICT ALLOWANCE EXPENSES
FISCAL YEAR 2023-2024**

COUNCIL MEMBER
Susan Lee Loy

DISTRICT 3

ENTERED DATE	DATE INCURRED	DESCRIPTION	COST	AVAILABLE BALANCE
1/17/2024	1/16/2024	Uber Transportation HI State Legislature Opening and mtgs w/HI State Legislators 01/16/24 - HNL Airport to Capitol	\$24.90	\$6,755.27
1/17/2024	1/16/2024	Uber Transportation HI State Legislature Opening and mtgs w/HI State Legislators 01/16/24 - Capitol to Hotel	\$14.99	\$6,740.28
1/17/2024	1/17/2024	Uber Transportation HI State Legislature Opening and mtgs w/HI State Legislators 01/17/24 - Hotel to Lei Shop	\$16.91	\$6,723.37
1/17/2024	1/17/2024	Uber Transportation HI State Legislature Opening and mtgs w/HI State Legislators 01/17/24 - State Capitol to Hotel	\$10.99	\$6,712.38
1/18/2024	1/18/2024	Uber Transportation HI State Legislature Opening and mtgs w/HI State Legislators 01/18/24 - Hotel to State Capitol	\$13.71	\$6,698.67
1/18/2024	1/18/2024	Uber Transportation HI State Legislature Opening and mtgs w/HI State Legislators 01/18/24 - State Capitol to Hotel	\$11.98	\$6,686.69
1/18/2024	1/18/2024	Uber Transportation HI State Legislature Opening and mtgs w/HI State Legislators 01/18/24 - Hotel to State Capitol	\$10.95	\$6,675.74
1/18/2024	1/18/2024	Uber Transportation HI State Legislature Opening and mtgs w/HI State Legislators 01/18/24 - IBEW 1260 to HI Fire Fighters Association	\$8.98	\$6,666.76
1/18/2024	1/18/2024	Uber Transportation HI State Legislature Opening and mtgs w/HI State Legislators 01/18/24 - HI Fire Fighters Association to State Capitol	\$7.34	\$6,659.42
1/18/2024	1/18/2024	Uber Transportation HI State Legislature Opening and mtgs w/HI State Legislators 01/18/24 - State Capitol to HNL Airport	\$18.97	\$6,640.45
1/18/2024	1/18/2024	Hilo Airport Parking 01/16/24 - 01/18/24	\$45.00	\$6,595.45
1/10/2024	1/9/2024	1 Certificate Frame for Na Po'e Pa'ahana Recipient Irene Pacheco 01/10/24	\$4.45	\$6,591.00
1/10/2024	1/10/2024	1 Pua Keni Keni Lei for Na Po'e Pa'ahana Recipient Irene Pacheco 01/10/24	\$10.00	\$6,581.00
1/17/2024	1/9/2024	Registration for Hawai'i Island Contractor's Association General Membership Meeting 01/18/24	\$30.00	\$6,551.00
4/1/2024	2/14/2024	Per diem for 2024 NACo Legislative Conference 02/07/24 - 02/14/24 (7.25 days x \$145/day = \$1051.25 less 6 nights x \$84/night = \$541.25)	\$541.25	\$6,009.75
		<u>Meetings w/Hawai'i State Legislators and Committee Testimony 02/23/24</u>		\$6,009.75
3/1/2024	2/22/2024	Airfare - Hawaiian Airlines for Mtgs w/HI State Legislators and Committee Testimony 02/23/24	\$215.60	\$5,794.15

**ACCOUNTING OF COUNCIL DISTRICT ALLOWANCE EXPENSES
FISCAL YEAR 2023-2024**

COUNCIL MEMBER
Susan Lee Loy

DISTRICT 3

ENTERED DATE	DATE INCURRED	DESCRIPTION	COST	AVAILABLE BALANCE
3/1/2024	2/23/2024	Uber Transportation Mtgs w/HI State Legislators and Committee Testimony 02/23/24 - Kuhio Federal Building to State Capitol	\$9.89	\$5,784.26
		<u>Attend & provide testimony on legislative matters relevant to the county at the State Capitol 03/04/24 - 03/05/24</u>		\$5,784.26
3/5/2024	3/4/2024	Departing Airfare - Hawaiian Airlines 03/04/24	\$71.39	\$5,712.87
3/5/2024	3/4/2024	Returning Airfare - Southwest Airlines 03/05/24	\$74.59	\$5,638.28
3/5/2024	3/5/2024	Hotel Stay 03/04/24 - 03/05/24	\$199.35	\$5,438.93
3/5/2024	3/5/2024	Per diem (1.25 days x \$90/day = 112.50 less 1 night x \$50/night = 62.50)	\$62.50	\$5,376.43
3/5/2024	3/4/2024	Uber Transportation 03/04/24 - HNL Airport to Hotel	\$48.23	\$5,328.20
3/5/2024	3/5/2024	Uber Transportation 03/05/24 - Hotel to Hawai'i State Capitol	\$15.05	\$5,313.15
3/5/2024	3/5/2024	Uber Transportation 03/05/24 - Hawai'i State Capitol to HNL Airport	\$18.95	\$5,294.20
3/5/2024	3/5/2024	1 - HP 414X (W2020X) Original High Yield Laser Toner Cartridge - Black	\$175.28	\$5,118.92
3/13/2024	3/13/2024	Request for color copies of Ku'u Home Stewardship Program Slide Deck (31 color pages x 1 copy x \$.05/page = \$1.55)	\$1.55	\$5,117.37
3/18/2024	3/18/2024	Request for color copies of Correa Ballfield petition constituent thank you letters (337 color pages x 1 copy x \$.05/page = \$16.85)	\$16.85	\$5,100.52
3/18/2024	3/18/2024	Request for color copies of Correa Ballfield press release (2 color pages x 337 copies x \$.05/page = \$33.70)	\$33.70	\$5,066.82
4/1/2024	3/22/2024	Postage for Correa Ballfield thank you letters (259 letters x 0.64/letter = \$165.76)	\$165.76	\$4,901.06
4/29/2024	4/15/2024	Luggage delivery service from Ana Crowne Plaza Hotel in Hiroshima to Oriental Hotel in Okinawa for Japan Sister City Goodwill Trip	\$60.93	\$4,840.13
5/1/2024	4/12/2024	Postage for Correa Ballfield thank you letters (353 letters x 0.64/letter = \$225.92)	\$225.92	\$4,614.21
		<u>2024 Western Interstate Region (WIR) Conference 05/06/24 - 05/11/24</u>		\$4,614.21

**ACCOUNTING OF COUNCIL DISTRICT ALLOWANCE EXPENSES
FISCAL YEAR 2023-2024**

COUNCIL MEMBER
Susan Lee Loy

DISTRICT 3

ENTERED DATE	DATE INCURRED	DESCRIPTION	COST	AVAILABLE BALANCE
4/29/2024	3/1/2024	Registration for WIR Conference	\$475.00	\$4,139.21
6/21/2024	3/2/2024	First Night Deposit for Hotel Stay for WIR Conference 05/07/24 - 05/08/24	\$328.02	\$3,811.19
6/21/2024	5/10/2024	Hotel Stay for WIR Conference 05/07/24 - 05/10/24	\$694.29	\$3,116.90
6/21/2024	5/10/2024	Hotel Stay for WIR Conference 05/10/24 - 05/11/24	\$490.62	\$2,626.28
4/29/2024	4/29/2024	Airfare - United Airlines for WIR Conference - 05/06/24 - 05/11/24	\$717.40	\$1,908.88
5/7/2024	5/6/2024	Request for color copies of HSAC Conference flyer (1 color page x 20 copies x \$.05/page = \$1.00)	\$1.00	\$1,907.88
5/8/2024	4/30/2024	2 Tickets (@ \$50/ea) to the Older American Award Luncheon 05/10/24	\$100.00	\$1,807.88
5/28/2024	5/10/2024	Claim for Mileage Payment for 05/10/24 Older American Award Luncheon - Shelly Ogata	\$93.80	\$1,714.08
5/15/2024	5/11/2024	3 certificate frames for Stacy Fujitani, Rory Inouye, and Community Children's Council 05/15/24	\$19.63	\$1,694.45
5/15/2024	5/15/2024	4 single orchid lei for Stacy Fujitani, Rory Inouye, and Community Children's Council 05/15/24	\$49.38	\$1,645.07
5/24/2024	5/24/2024	JCCIH Installation Banquet and General Membership Meeting Registration Fee 06/19/24	\$75.00	\$1,570.07
6/5/2024	5/24/2024	1 - Box of 3,000 Avery Address Labels & 1 - 250 Pack of Neenah Card Stock	\$86.49	\$1,483.58
6/5/2024	6/4/2024	2 certificate frames for OAM Awardees Amy Hamane and Robert Terukina 06/05/24	\$39.56	\$1,444.02
6/5/2024	6/5/2024	2 pua keni keni Lei for OAM Awardees Amy Hamane and Robert Terukina 06/05/24	\$24.00	\$1,420.02
6/5/2024	6/5/2024	4'x15' full color 18 oz James "Jimmy" Correa Ballfield vinyl banner 06/15/2024	\$281.25	\$1,138.77
6/6/2024	6/5/2024	James "Jimmy" Correa Ballfield Full Sheet Cake 06/15/2024	\$105.76	\$1,033.01
Do Not Use				

**ACCOUNTING OF COUNCIL DISTRICT ALLOWANCE EXPENSES
FISCAL YEAR 2023-2024**

COUNCIL MEMBER
Susan Lee Loy

DISTRICT 3

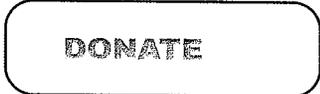
ENTERED DATE	DATE INCURRED	DESCRIPTION	COST	AVAILABLE BALANCE
		TOTAL EXPENSE	\$13,966.99	

Exhibit 24



HOME

GET INVOLVED

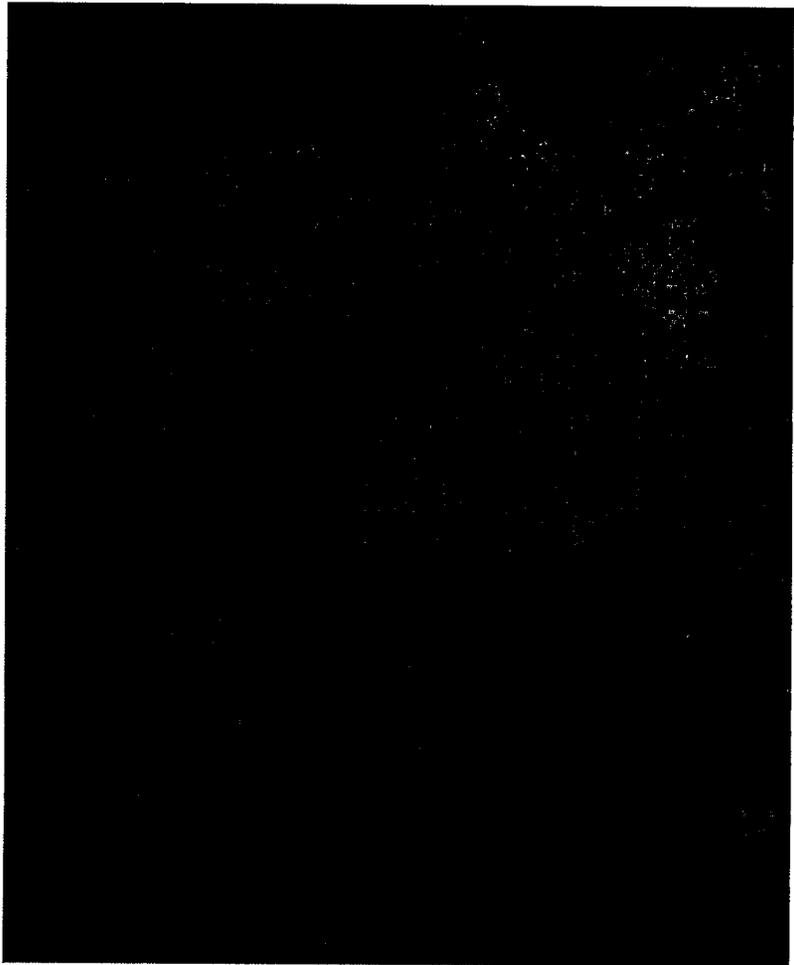


GET INVOLVED

REGISTER TO VOTE



Make a difference in your community.



Register to vote



Update your existing voter registration



Confirm your voter registration address

2024 ELECTION DATES & DEADLINES

Election Day

Ballots must be received by the County Elections Division by close of voting, 7:00 p.m.

Primary: August 10, 2024

General: November 5, 2024

Paper Registration Deadline

Paper Voter Registration Applications must be submitted to your County Elections Division by:

Primary: July 31, 2024

General: October 28, 2024

Voters may register online at any time or in-person at a voter service center.

Ballots Arrive in Mail

Voters receive their ballots for the 2024 Elections by:

Primary: July 23, 2024

General: October 18, 2024

Voter Service Centers

Open 10 business days prior to the election offering accessible voting, in person voting and same day registration. Voter service centers are established and operated by the County Elections Divisions

Primary: July 29 - August 10, 2024

General: October 22 - November 5, 2024

Absentee Ballot Request

Deadline to request a ballot be sent to an alternate address

Primary: August 3, 2024

General: October 29, 2024

CONTACT SUE LEE LOY

For any inquiries or questions reach out:

ADDRESS

EMAIL

PHONE

498 Auwae Rd. Hilo, HI

Sue@voteleeloy.com

808-895-9545

Exhibit 25

STATE OF HAWAII - CAMPAIGN SPENDING COMMISSION DISCLOSURE REPORT

Section I - CANDIDATE AND CANDIDATE COMMITTEE:		
(a) Candidate Name:	Lee Loy, Susan	
(b) Committee Name:	Vote Lee Loy	
(c) Address:	498 Auwae Road Hilo HI 96720	
(d) Treasurer's Phone (Bus):	8088953658	
Section II - TYPE OF REPORT:		
Report Name:	2022-2024 2nd Preliminary Primary July 1 - July 26, 2024	
Type:	<input type="checkbox"/> Amended	
Section III - SUMMARY OF RECEIPTS AND EXPENDITURES (Complete Section IV of this form Before Completing This Section)		
	COLUMN A TOTAL THIS PERIOD	COLUMN B ELECTION PERIOD TOTAL TO DATE
1. Cash on Hand at the Beginning of the Election Period		\$17,533.86
2. Cash on Hand at the Beginning of this Reporting Period	\$11,551.49	
3. Total Receipts (From line 15)	\$11,600.00	\$24,254.88
4. Subtotal (Add Lines 2 and 3 for Column A and Lines 1 and 3 for Column B)	\$23,151.49	\$41,788.74
5. Total Expenditures (Not including Unpaid Expenditures) (From Line 19)	\$8,461.94	\$27,099.19
6. Cash on Hand at the Closing of this Reporting Period (Subtract Line 5 from Line 4)	\$14,689.55	\$14,689.55
7. Total Loans at the Closing of this Reporting Period	\$0.00	
8. Total Unpaid Expenditures at the Closing of this Reporting Period	\$0.00	
9. Debts Owed at the Closing of this Reporting Period (Add Lines 7 and 8)	\$0.00	
10. Surplus / Deficit (Subtract Line 9 from Line 6)	\$14,689.55	

Section IV - DETAILED SUMMARY OF RECEIPTS AND EXPENDITURES (If Necessary, Complete Schedules A through E Before Completing This Section)		
RECEIPTS	COLUMN A	COLUMN B
	TOTAL THIS PERIOD	ELECTION PERIOD TOTAL TO DATE
11. Contributions From:		
(a) Individuals / Non-candidate Committees / Other Entities / Political Parties		
(i) Monetary and Non-Monetary Contributions of \$100 or less	\$400.00	\$1,405.00
(ii) Monetary and Non-Monetary Contributions of More Than \$100 (Schedule A)	\$11,200.00	\$21,849.94
(iii) Subtotal (Add Lines 11(a)(i) and 11(a)(ii))	\$11,600.00	\$23,254.94
(b) Candidate's Immediate Family		
(i) Monetary and Non-Monetary Contributions of \$100 or less	\$0.00	\$0.00
(ii) Monetary and Non-Monetary Contributions of More Than \$100 (Schedule A)	\$0.00	\$500.00
(iii) Subtotal (Add Lines 11(b)(i) and 11(b)(ii))	\$0.00	\$500.00
12. Total Contributions (Add Lines 11(a)(iii) and 11(b)(iii))	\$11,600.00	\$23,754.94
13. Other Receipts (including Candidate's Own Funds) (Schedule C)	\$0.00	\$499.94
14. Loans (Schedule D)	\$0.00	\$0.00
15. Total Receipts (Add Lines 12 through 14)	\$11,600.00	\$24,254.88
EXPENDITURES		
16. Expenditures Made (Schedule B)	\$8,461.94	\$27,099.19
17. Loans Repaid or Forgiven (Schedule D)	\$0.00	\$0.00
18. Unpaid Expenditures Paid or Forgiven (Schedule E)	\$0.00	\$0.00
19. Subtotal Expenditures (Add Lines 16 through 18)	\$8,461.94	\$27,099.19
20. Unpaid Expenditures (Schedule E)	\$0.00	\$0.00
21. Total Expenditures (Add Lines 19 through 20)	\$8,461.94	\$27,099.19

Exhibit 26

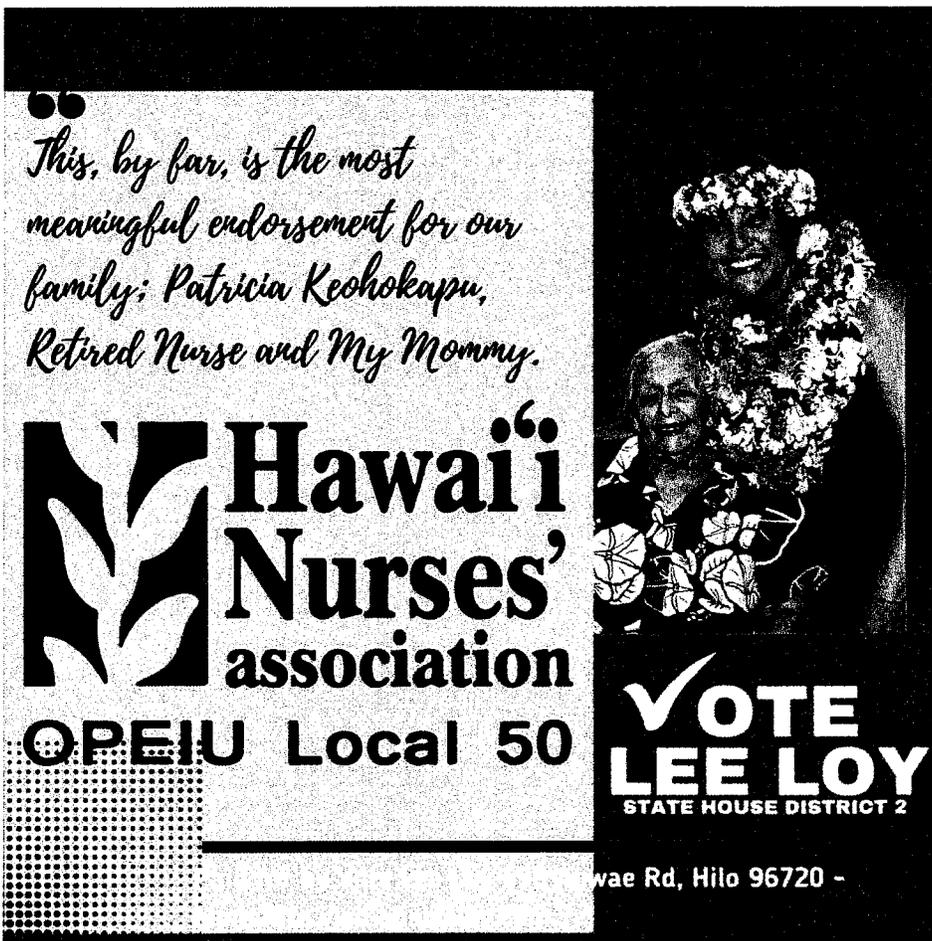


VOTELEELOY
Posts

Follow



voteleeroy



28



voteleeroy Such an honor to have the support of the Nurses Union.

July 21, 2024



voteleeroy



Exhibit 27

2:35



Photo 

Done

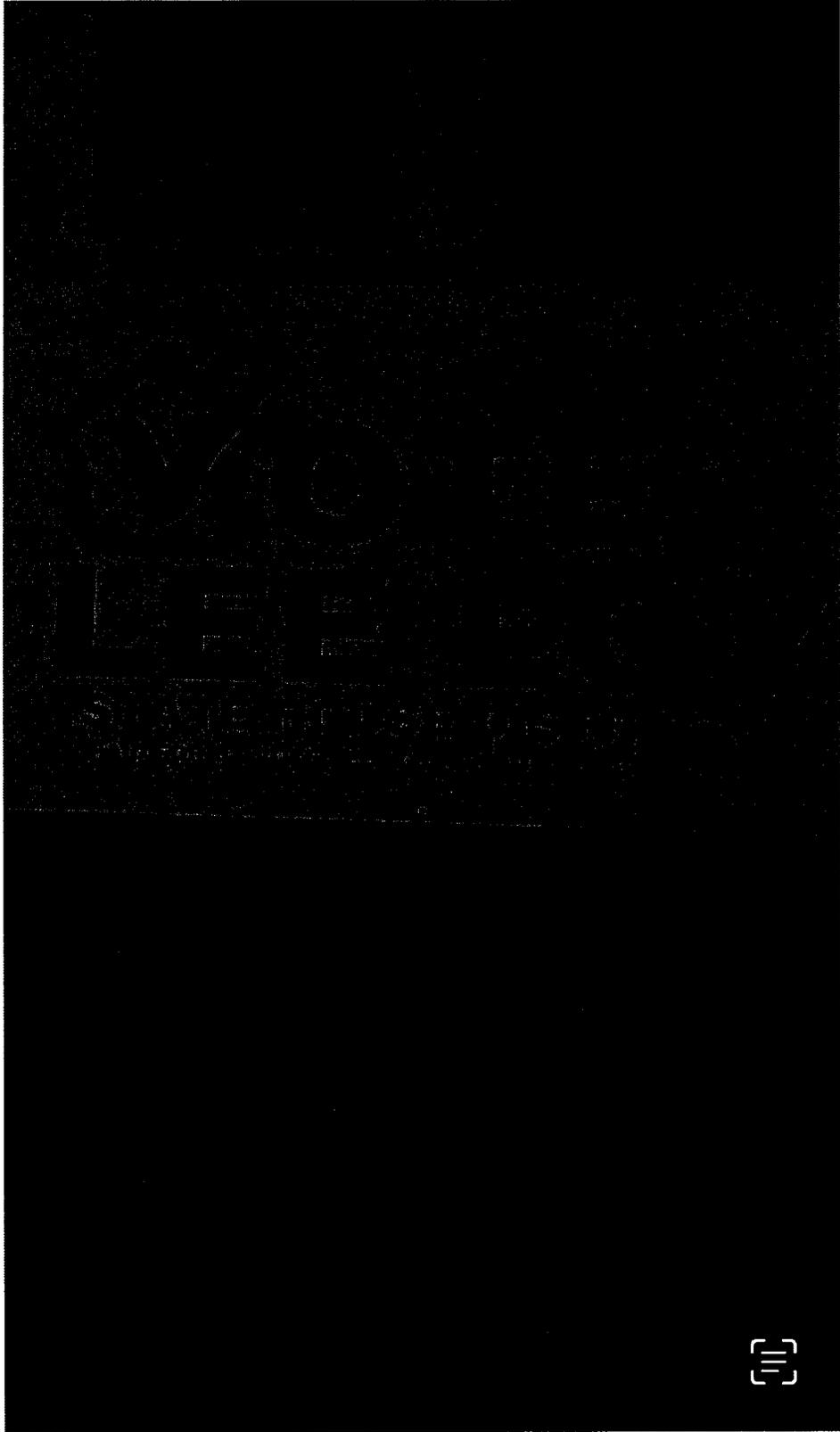


Exhibit 28

Exhibit 29



STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

235 S. Beretania Street, Room 300
Honolulu, Hawaii 96813

Phone: (808) 586-0285/Fax: (808) 586-0288
www.hawaii.gov/campaign

NOTICE OF INTENT TO HOLD A FUNDRAISER

Under Hawaii Revised Statutes §11-342, no fundraiser shall be held unless a notice of intent to hold the fundraiser is filed with the Campaign Spending Commission ("Commission") for any function held for the benefit of a candidate, candidate committee, or noncandidate committee that is intended or designed, directly or indirectly, to raise contributions for which any price is charged or any contribution is suggested for attending the function. **The person in charge of the fundraiser shall file the notice with the Commission prior to the fundraiser.**

The following information must be provided:

Candidate Name: Susan (Sue) Lee Loy	Noncandidate Committee Name:
Office Sought: State House	
District/County (if applicable): 2 /	

Person in Charge of Fundraiser: Ashley Aguiar

Address of Person in Charge: 498 Auwae Road

Date of Fundraiser: 08/01/2024 Time of Fundraiser: 5p - 7p

Place of Fundraiser (i.e., Venue name and address): Hilo Hawaiian Hotel

Price or Suggested Contribution Per Person (if any): \$ 25, 50, 100, 150, 200, 250

WARNING

The Commission's office is open Monday through Friday from 7:45 a.m. through 4:30 p.m. except on State Holidays. If a notice is submitted to our office on the same day the event is scheduled, we must receive the notice prior to the fundraiser's start time and before our office closes for the day. Failure to comply with this requirement will result in a fine.

Notices for fundraisers held on Saturday, Sunday or State Holidays must be submitted to our office before 4:30 p.m. on the last business day prior to the Saturday, Sunday, or State Holiday.

I hereby certify that the information on this notice is true and accurate:

Sue L.K. Lee Loy 07/29/2024
Signature of Person in Charge Date

Exhibit 30

Parcel Information

Parcel Number 240070660000
 Location Address 591 ALAWAENA STREET
 Project Name WAIAKEA HOMESTEADS
 Property Class HOMEOWNER
 Property Class refers to Tax Classification ONLY. For Zoning Information, please go to Planning Department GIS Public Layers (hawaiicounty.gov) or email planning@hawaiicounty.gov
 Neighborhood Code 2429-5
 Legal Information LOT 1415-B-1 4.000 AC DES POR LPGR 11688
 Land Area (acres) 4.0000
 Land Area (approximate sq ft) 174,240

[View Map](#)

[Plat \(TMK\) Maps](#)

Owner Information

Owner Names CABRAL,ALVIN PAUL Fee Owner, Tenants by the Entirety
 CABRAL,NANCY SUZANNE Fee Owner
 Show All Owners and Addresses
 Mailing Address CABRAL,ALVIN PAUL
 591 ALAWAENA ST
 HILO HI 96720 3503

Assessment Information

Year	Property Class	Market Land Value	Dedicated Use Value	Assessed Land Value	Market Building Value	Assessed Building Value	Total Market Value	Total Assessed Value	Total Exemption Value	Total Taxable Value
2024	HOMEOWNER	\$306,700	\$2,100	\$2,100	\$290,200	\$290,200	\$596,900	\$292,300	\$163,500	\$128,800

Land Information

Property Class HOMEOWNER
 Square Footage 174,240
 Acreage 4
 Agricultural Use Indicator Yes

Agricultural Assessment Information

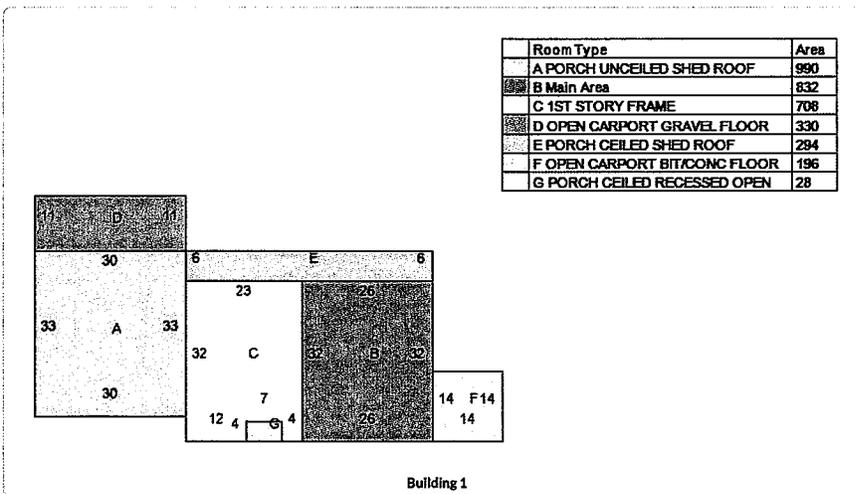
Acres in Production 0.25
 3.75
 Use Description HOMESITE
 PASTURE, AG USE
 Agricultural Value \$500
 \$1,575

This parcel has land in agricultural usage and therefore agricultural usage assessments have been made.

Residential Improvement Information

Building Number 1
 Year Built 1979
 Eff Year Built 1985
 Square Feet 1,540
 Total Room Count 4
 Full Baths 2
 Half Baths 0
 Bedrooms 2
 Framing DOUBLE WALL
 Exterior Wall PLYWOOD
 Roof Material METAL
 Heating/AC
 Fireplace 1
 Grade 2+

Sketches



Other Building and Yard Improvements

Description	Quantity	Year Built	Area	Gross Building Value
FRAME UTILITY SHED	1	1978	96	\$2,200
GARAGE WOOD GRAVEL FLOOR	1	1978	600	\$9,900

Permit Information

The permit data reflected in this section is for the purposes of Real Property Tax assessments. For Building permit information or updates, please refer to the link below under the Building Division Permit and Inspections Information.

Date	Permit Number	Reason	Status	Permit Amount
10/27/1993	932265	Ohana Dwelling	OLD PERMIT (STATUS UNKNOWN)	\$66,012
11/14/1980	892889		PERMIT COMPLETED	\$6,000
10/4/1979	792641		PERMIT COMPLETED	\$500
2/14/1979	790379		PERMIT COMPLETED	\$10,000
7/11/1978	781819		PERMIT COMPLETED	\$600

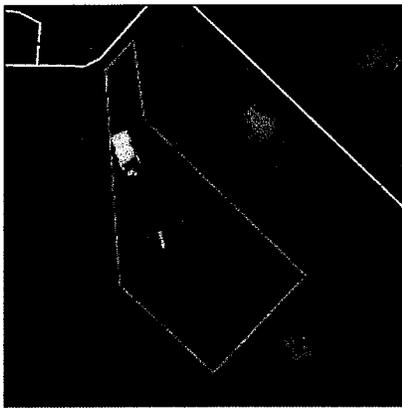
Building Division Permit & Inspections Information

<https://hawaiicountyhi-energovpub.tylerhost.net/Apps/SelfService#/home>

Sales Information

Sale Date	Sale Amount	Instrument #	Instrument Type	Instrument Description	Date Recorded	Land Court Document Number	Cert #	Book/Page	Conveyance Tax	Document Type
04/12/2007	\$0	07-069354	FEE CONVEYANCE	Warranty Deed	04/18/2007				0	Warranty Deed
05/01/1989	\$110,000		FEE CONVEYANCE							
04/17/1989	\$110,000	8900060729	FEE CONVEYANCE	Warranty Deed	05/01/1989			23128/754	55.00	Warranty Deed

Map



Recent Sales in Area

Sale date range:

From: To:

No data available for the following modules: Condominium/Apartment Unit Information, Commercial Improvement Information, Current Tax Bill Information.

The County of Hawaii Real Property Tax Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied are provided for the data herein, its use or interpretation. The assessment information is from the last certified tax roll. All other data is subject to change.

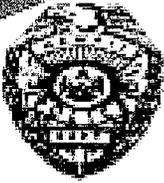
[User Privacy Policy](#) | [GDPR Privacy Notice](#)
Last Data Upload: 8/20/2024, 12:09:58 PM

Contact Us

Developed by
 Schneider
GEOSPATIAL

[Skip to main content](#)

Exhibit 31



Hawaii Police Department
Public Summary
for Incident Number 24-087180

24-087180 MISC PUB-ANIMAL COMPLAINT

Location: 498 AUWAE RD, RESP'S HILO

Date Of Report: 9/22/2024 8:17:17AM

Responsible Officer: KANAKA'OLE-IOA

Narrative

Bridgit BALES, F-74, requested officer counsel her neighbor Susan LEELOY, F-54, regarding LEELOY's dog "Thor" being seen on her property via surveillance camera. Upon my arrival the responsible dog was back on LEELOY'S property. Contact made with LEELOY who explained that she has a [REDACTED] son, who let "Thor" out of the back door. BALES was contacted and advised of this officers actions. BALES was satisfied. No further actions requested. BWC footage obtained.

Involvements

Description

NAME: LEE LOY, SUSAN L K

NAME: BALES, BRIDGIT M L

How Related

Responsible Party

Reporting Party

Exhibit 32



Hawaii Police Department
Public Summary
for Incident Number 24-094791

24-094791 MISC PUB-ANIMAL COMPLAINT

Location: 510 AUWAE RD; LOT 51-A; RPS RESD HILO

Date Of Report: 10/15/2024 6:23:00AM

Responsible Officer: KOBAYASHI L M

Narrative

BRIDGIT BALES, F-74, REQUESTED OFFICERS CONTACT SUSAN LEE LOY, F-54, RELATIVE TO HER DOG BEING LOOSE ON HER (BALES') PROPERTY LOCATED AT 510 AUWAE ROAD. LEE LOY COUNSELED AND RELATED THAT HER [REDACTED] SON ACCIDENTALLY ALLOWED HER DOG OUT OF THE HOUSE, BALES SATISFIED WITH OFFICERS ASSISTANCE. ALL APPEARED TO BE IN ORDER.

BWC ACTIVATED

Involvements

Description

NAME: LEE LOY, SUSAN L K

NAME: BALES, BRIDGIT M L

How Related

Responsible Party

Complainant

Exhibit 33

Hawaii Police Department
Public Summary
for Incident Number 25-01100

Location: 488 ALIWAIE RD, RESP HILO

Category: BWC - ANIMAL COMPLAINT

Date: 08/25/2014 11:33:28AM

Responsible Officer: MURRAY D K

Narrative

Officer responded to a complaint of a dog at address 510 Aliwaie Road, Hilo, Hawaii. Made contact with Bridget BALES, P-24, who advised that the neighbors dog came onto her property at 0837 hours. Contacted Officer LEBBON, P-24, who was advised of the complaint. BWC available. All in order.

Involvements

Officer: MURRAY D K
Officer: LEBBON, P-24

How Based
Responsible Party
Reporting Party

Exhibit 34

MARK K. MORITA
Acting Chief Attorney



HOUSE OF REPRESENTATIVES

Hale o nā Luna Maka'āinana

STATE OF HAWAII
STATE CAPITOL
415 SOUTH BERETANIA STREET
HONOLULU, HAWAII 96813

December 27, 2024

Petitioners

Ms. Bridgit M.L. Bales

510 Auwae Road

Hilo, HI 96720

Email: balesb001@gmail.com

RE: Appeal of Chief Election Officer's Denial of Petitioners' Challenge to Voter Registration of Susan L. K. Lee Loy; Objection to Nomination Papers Filed by Susan L. K. Lee Loy

Petitioners:

The House of Representative received the above-captioned Appeal/Petition on June 24, 2024, that alleged error in the Office of Elections denial of the challenge to the voter registration and therefore, the candidacy of Susan L. Keohokapu-Lee Loy. The Appeal/Petition was received prior to the Primary Election and before Representative Keohokapu-Lee Loy was elected. The House filed the Appeal without action because the House has no jurisdiction on the issue of residency of candidates.

Challenges to the residency/qualifications of an elected Representative is the exclusive jurisdiction of the House. Haw. Const. art. III § 12. As such, future challenges, if any, to the residency/qualifications of Representative Keohokapu-Lee Loy will be given careful consideration and disposition by the House during the Regular session of the Legislature.

If you have any questions, please contact me.

Very truly yours,

Mark K Morita
Acting Chief Attorney

c: Honorable Nadine Nakamura, Speaker of the House
Brian Takeshita, Chief Clerk

Exhibit 35



Diego Rivera <diego@driveralaw.com>

Board of Registration - Hawaii Island Prehearing Conference Bales v Lee Loy Jan 9 2025

Mark Morita <m.morita@capitol.hawaii.gov>

Thu, Jan 2, 2025 at 11:11 AM

To: "elections@hawaii.gov" <elections@hawaii.gov>

Cc: "diego@driveralaw.com" <diego@driveralaw.com>, "Rep. Sue L. Keohokapu-Lee Loy" <repkeohokapuleeloy@capitol.hawaii.gov>, "j.yoshimoto@hawaiicounty.gov" <j.yoshimoto@hawaiicounty.gov>

Board of Registration Island of Hawaii:

The House of Representatives respectfully requests to participate in the Prehearing Conference in the matter of Bales v. Lee Loy scheduled via video conference on January 9, 2025 at 1:30 pm. I will be representing the House of Representative and Representative Keohokapu Lee Loy in her official capacity.

I will follow this email message with a letter formally requesting participation and stating the support for the request.

Finally, two additional requests:

may I receive a copy of the pleadings of this case;

and the link to the video conference.

Thank you for your cooperation.

Mark K Morita

Acting Chief Attorney

Hawaii House of Representatives

Exhibit 36

C

C

LAW OFFICE OF DIEGO A. RIVERA
A LIMITED LIABILITY LAW COMPANY

P.O. Box 12140 • Honolulu, HI 96828 • (714) 650-3580 • diego@driveralaw.com

January 2, 2025

Shawn Merrill, Hawai‘i Island Board of Registration Chairperson
Shana Kukila, Hawai‘i Island Board of Registration Member
Boards of Registration
c/o Office of Elections
802 Lehua Avenue
Pearl City, Hawai‘i 96782

RE: Response to Hawai‘i House of Representatives Acting Chief Attorney, Mark Morita

Dear Chair Shawn Merrill and Member Shana Kukila,

This letter serves as a response and objection to Hawai‘i House of Representatives Acting Chief Attorney, Mark Morita’s email, dated January 2, 2025. Specifically, the House of Representatives is prohibited from intervening in this matter and Mr. Morita is prohibited from representing Ms. Lee Loy.

I. The House of Representatives is prohibited from intervening in this matter.

In his January 2, 2025, email, Mr. Morita requested the “House of Representatives...to participate in the Prehearing Conference in the matter of Bales v. Lee Loy scheduled via video conference on January 9, 2024 at 1:30 pm. I will be representing the House of Representative [sic] and Representative Keohokapu Lee Loy in her official capacity.”

The House of Representatives cannot participate in this matter because it does not have standing. “It is well settled that the crucial inquiry with regard to standing is whether the [party] has alleged such a personal stake in the outcome of the controversy as to warrant his or her invocation of the [forum]’s jurisdiction and to justify exercise of the [forum]’s remedial powers on his or her behalf.” *Sierra Club v. DOT*, 115 Hawai‘i 299, 319, 167 P.3d 292, 312 (2007) quoting *In re Application of Matson Navigation Co., v. Federal Deposit Ins. Corp.*, 81 Hawai‘i 270, 275, 916 P.2d 680, 685 (1996).

To determine whether a party has standing, the Hawai‘i Supreme Court employs a three-part standing test, “requiring that the [party] satisfy the following questions in the affirmative:

(1) has the [party] suffered an actual or threatened injury...; (2) is the injury fairly traceable to the defendant’s actions; and (3) would a favorable decision likely provide relief for plaintiff’s injury.”

Id. quoting *Mottl v. Miyahira*, 95 Hawai‘i 381, 389, 23 P.3d 716, 724 (2001).

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Additionally, “although a [party] may be injured in any number of ways, the injury prong of the standing inquiry requires an assertion of a judicially-cognizable injury, that is, a harm to some legally-protected interest.” *Id.* 95 Hawai‘i at 321, 167 P.3d at 314.

The State of Hawai‘i House of Representatives does not have a cognizable interest in the personal voter registration of any individual. The House of Representatives has no legally-protected interest in the validity of Ms. Lee Loy’s voter registration, and thus suffers no actual or threatened injury. Therefore, the House of Representatives does not have standing and cannot intervene in this matter.

Mr. Morita himself has admitted that the House of Representatives does not have a cognizable interest and is therefore prohibited from intervening in the matter. In a letter sent to Petitioner-Appellant Bridgit M.L. Bales on December 27, 2024, refusing to take action on Petitioner-Appellants appeal to the House of Representatives, Mr. Morita stated “the House has no jurisdiction on the issue of residency of candidates.”¹ Here, Mr. Morita attempts to intervene on behalf of the House of Representatives and represent Ms. Lee Loy while simultaneously asserting that the House of Representatives has no jurisdiction over this matter.

The Hawai‘i Island Board of Registration should deny Mr. Morita’s request for the House of Representatives to intervene in this matter.

II. Mr. Morita is prohibited from representing Ms. Lee Loy in this matter.

The House of Representatives Acting Chief Attorney is prohibited from representing Ms. Lee Loy because Ms. Lee Loy has not been seated by the House and she has not taken her oath of office. *See* Rules of the House of Representatives, Rule 1. Mr. Morita claims he will be representing Ms. Lee Loy in her official capacity, but Ms. Lee Loy has no official capacity in the House of Representatives.

Even if Ms. Lee Loy is deemed to be a member of the House of Representatives without being seated or taking the oath of office, Mr. Morita is prohibited from representing Ms. Lee Loy because her voter registration is a personal matter and not official business. Allowing the House of Representatives Acting Chief Attorney to represent Ms. Lee Loy in a personal matter would violate the Hawai‘i State Code of Ethics HRS chapter 84-13(a) regarding fair treatment.

The Petitioner-Appellants in this matter first filed their Challenge and Objection to Ms. Lee Loy’s voter registration on June 10, 2024, against Ms. Lee Loy as an individual. The Hawai‘i County Clerk, Jon Henricks, made his ruling on July 11, 2024. Lastly, Petitioner-Appellants filed their appeal of Mr. Henricks’ decision on July 18, 2024.² Each of these pleadings were filed

¹ Attached to this letter as Exhibit 1 is Mr. Morita’s December 27, 2024 letter to Petitioner-Appellant Bridgit M.L. Bales.

² Ms. Lee Loy was aware of the Petitioner-Appellants’ Challenge and Objection since June 10, 2024, and was aware of Petitioner-Appellants’ appeal to the Hawai‘i Island Board of Registration since July 18, 2024. The Hawai‘i Island Board of Registration issued its order scheduling the

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A LIMITED LIABILITY LAW COMPANY

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when Ms. Lee Loy was still a candidate for office, and occurred well before the August 10, 2024, primary election, therefore, this proceeding is a personal matter and not official business.

Further, as stated previously, *supra* I, Mr. Morita has admitted that this proceeding is a personal matter because the “Appeal/Petition was received prior to the Primary Election and before Representative Keohokapu-Lee Loy was elected....the House has no jurisdiction on the issue of residency of candidates.” *See* Exh. 1. This entire proceeding is, therefore, a personal matter, and the Hawai‘i Island Board of Registration should deny Mr. Morita’s request to represent Ms. Lee Loy.

III. Mr. Morita should file a motion for intervention and to appear as counsel for the House of Representatives and Ms. Lee Loy.

To the extent the Hawai‘i Island Board of Registration will consider whether the House of Representatives can intervene in this matter, and the Acting Chief Attorney can represent the House of Representatives and Ms. Lee Loy, Mr. Morita should be required to file a motion to intervene on behalf of the State of Hawai‘i House of Representatives and to represent Ms. Lee Loy, stating the legal standards for intervention and his representation of Ms. Lee Loy in this matter, and providing evidence to support his request.

IV. Conclusion.

The House of Representatives is prohibited from intervening in this matter, and Mr. Morita is prohibited from representing Ms. Lee Loy. The Hawai‘i Island Board of Registration should deny Mr. Morita’s request to intervene on behalf of the House of Representatives and represent Ms. Lee Loy in its entirety. Should the Board consider Mr. Morita’s request, the Board should require Mr. Morita to file a motion to intervene on behalf of the House of Representatives and represent Ms. Lee Loy, stating the legal standards for intervention and his representation of Ms. Lee Loy in this matter, and providing evidence to support his request.

Please feel free to contact me should you have any questions or concerns.

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Pre-Hearing Conference on December 28, 2024. Ms. Lee Loy had five months to retain proper counsel, and waited until January 2, 2025, to retain improper counsel.

LAW OFFICE OF DIEGO A. RIVERA
A LIMITED LIABILITY LAW COMPANY

P.O. Box 12140 • Honolulu, HI 96828 • (714) 650-3580 • diego@driveralaw.com

Sincerely,



Diego A. Rivera
Law Office of Diego A. Rivera, LLLC

cc:

Scott Nago, Chief Election Officer

Dominic Buoni, Voter Services

Aaron H. Schulaner, General Counsel for Office of Elections

Jon Henricks, Hawai'i County Clerk

Susan L.K. Lee Loy

Mark Morita, Acting Chief Attorney, Hawai'i House of Representatives