

WILLIAM A. HARRISON #2948
HARRISON LAW CENTER, ALC
1001 Bishop St., Ste. 2828
Honolulu, HI 96813
Telephone: (808) 523-7041
E-mail: william@harrisonlawcenter.com

Joseph M. Nixon* (Texas Bar #15244800)
Public Interest Legal Foundation, Inc.
107 S. West Street, Suite 700
Alexandria, Virginia 22314
Tel: (703) 745-5870
Fax: (888) 815-5641
jnixon@PublicInterestLegal.org
* Motion for admission *pro hac vice* Forthcoming

Attorneys for Plaintiff Public Interest Legal Foundation and Ralph Cushnie

**United States District Court
District of Hawaii**

PUBLIC INTEREST LEGAL FOUNDATION, INC., RALPH CUSHNIE <i>Plaintiffs,</i> v. MOANA LUTEY , in her capacity as County Clerk of Maui; and JADE K. FOUNTAIN-TANIGAWA , in her capacity as County Clerk of Kaua'i <i>Defendants.</i>	Civil Case No. _____
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COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF

Plaintiff Public Interest Legal Foundation, Inc., and Ralph Cushnie by and through counsel, brings this action for declaratory and injunctive relief against Defendants for violations of the National Voter Registration Act of 1993 ("NVRA"), 52 U.S.C. § 20507.

JURISDICTION AND VENUE

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331, because the action arises under the laws of the United States. This Court also has jurisdiction under 52 U.S.C. § 20510(b), because the action seeks injunctive and declaratory relief under the NVRA. This Court may also grant declaratory relief under 28 U.S.C. § 2201.

2. This Court also has jurisdiction because Plaintiff complied with the NVRA's pre-litigation notice requirements and Defendant failed to cure the violation of law in the time the NVRA affords. *See* 52 U.S.C. § 20510(b)(3).

3. Venue in this Court is proper under 28 U.S.C. § 1391(b)(1), because the Defendants reside in this district, and under 28 U.S.C. § 1391(b)(2), because a substantial part of the events or omissions giving rise to the claim occurred in this district.

PARTIES

4. The Public Interest Legal Foundation ("The Foundation") is a non-partisan, public interest organization incorporated and based in Alexandria, Virginia. The Foundation seeks to promote the integrity of the electoral process nationwide through research, education, remedial programs, and litigation. The Foundation regularly utilizes the NVRA's Public Disclosure Provision and state and federal open records laws that require government records be made available to the public. Using records and data compiled through these open records laws, the Foundation analyzes the programs and activities of state and local election officials to determine whether lawful efforts are being made to keep voter rolls current and accurate, and to determine whether eligible registrants have been improperly removed from voter rolls. Where necessary, the Foundation takes remedial action based on issues revealed by these public records. To advance the public education aspect of its organizational mission, the Foundation uses records

and data to produce and disseminate reports, articles, blog and social media posts, and newsletters. The Foundation also uses records and data to inform and advise lawmakers, including members of Congress and state legislators, about different circumstances, including possible amendments to the NVRA, the State's compliance with federal law, and whether the NVRA's four articulated legislative purposes are actualized.

5. Ralph Cushnie ("The Commissioner") is a Commissioner on the Board of Elections and is a long-time Kaua'i County resident.

6. Defendant Moana Lutey ("Clerk Lutey") is the County Clerk of Maui and the chief election officer "delegate[s] responsibilities within [Maui] county to the clerk." HRS § 11-2. Ms. Lutey is sued in her official capacity only.

7. Defendant Jade K. Fountain-Tanigawa ("Clerk Fountain-Tanigawa") is the County Clerk of Kaua'i and the chief election officer "delegate[s] responsibilities within [Hawai'i] county to the clerk." HRS § 11-2. Ms. Fountain-Tanigawa is sued in her official capacity only.

8. Each of the clerks is appointed by their county councils and is responsible for voter registration, voting processes, and ensuring receipt of ballots.

BACKGROUND

The NVRA

9. The NVRA provides, in relevant part, "In the administration of voter registration for elections for Federal office, each State shall—conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of—the death of the registrant[.]" 52 U.S.C. § 20507(a)(4)(A).

10. The NVRA also provides, in relevant part, “Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters[.]” 52 U.S.C. § 20507(i)(1) (hereafter, the “Public Disclosure Provision”).¹

11. The Public Disclosure Provision thus has two distinct requirements: maintenance and disclosure. *See id.*

12. In April 2026, the Ninth Circuit held that States are required to disclose records that “describe measures to maintain the accuracy and currency of voter lists,” explaining that the statute encompasses materials documenting the implementation of list-maintenance programs, such as duplicate-removal reports, procedural manuals, and voter correspondence. Because the NVRA creates a public right to obtain those records, the court further held that the denial of such information constitutes a concrete informational injury sufficient for Article III standing. *See Pub. Int. Leg. Found., Inc. v. Nago*, 174 F.4th 664, 680 (9th Cir. 2026). (“The category of ‘records concerning . . . implementation’ . . . encompasses materials documenting each step a state undertakes when actively implementing relevant programs. Examples . . . include duplicate-removal reports, procedural manuals about list maintenance tasks, or correspondence with voters.”)

13. Other federal appellate courts have similarly recognized the NVRA’s broad reach and voter-protection goals. In the words of the Fourth Circuit, the Public Disclosure Provision “embodies Congress’s conviction that Americans who are eligible under law to vote have every right to exercise their franchise, a right that must not be sacrificed to administrative chicanery,

¹ The records described by the Public Disclosure Provision are commonly referred to as “voter list maintenance records.”

oversights, or inefficiencies.” *Project Vote/Voting for Am., Inc. v. Long*, 682 F.3d 331, 334-35 (4th Cir. 2012).

14. The First Circuit held that the Public Disclosure Provision “evinces Congress’s belief that public inspection, and thus public release, of Voter File data is necessary to accomplish the objectives behind the NVRA.” *Pub. Int. Legal Found., Inc. v. Bellows*, 92 F.4th 36, 54 (1st Cir. 2024). Plaintiffs’ request is not for the Voter File data but for records concerning the implementation of each of the County’s elections.

15. United States District Courts accord. *Bellitto v. Snipes*, No. 16-cv-61474, 2018 U.S. Dist. LEXIS 103617, at *12 (S.D. Fla., Mar. 30, 2018) (citing 52 U.S.C. § 20507(i)) (“To ensure that election officials are fulfilling their list maintenance duties, the NVRA contains public inspection provisions.”); *True the Vote v. Hosemann*, 43 F. Supp. 3d 693, 721 (S.D. Miss 2014) (“The Public Disclosure Provision thus helps ‘to ensure that accurate and current voter registration rolls are maintained.’”) (citations and quotations omitted).

16. The Public Disclosure Provision is thus a means to ensure eligible registrants are registered and ineligible registrants are not. *See, e.g., Project Vote/Voting for Am., Inc. v. Long*, 752 F. Supp. 2d 697, 706 (E.D. Va. 2010) (explaining that the “‘official lists of eligible voters’ would be inaccurate and obsolete if eligible voters were improperly denied registration.”).

Defendants are denying Plaintiffs Access to Hawaii’s Voter Maintenance Files

NVRA Requests

17. On February 6, 2026, The Plaintiffs sent an NVRA Request letter pursuant to 52 U.S.C. § 20510(b)(1) to each of the Defendants, as well as Honolulu and Hawaii Counties requesting the following voter list maintenance records (Ex. A-C):

1. All written procedural guides, manuals, or other documents explaining how to perform list maintenance on registration files in the event of the relocation of a registrant. Ideally, responsive records would include the necessary steps to positively match a registrant to the information source indicating that a relocation had occurred. Please note, Request 1 does not seek records which would reveal sensitive functions within the statewide voter registration system software or related infrastructure.
2. A summary report indicating the number of absentee ballots returned to your office as undeliverable from the 2024 General Election.
3. A summary report indicating the number of absentee ballots returned to your office as undeliverable from the 2024 Primary Election.
4. A summary report indicating the number of registered voters cancelled from January 1, 2023, to December 31, 2024, due to circumstances regulated under Haw. Code §3-173-157(c)(3).
5. An SVRS database extract listing the registered voters who are credited for voting (including voting methods) in the 2024 General Election.

Honolulu County's Response

18. On February 24, 2026, the office of Honolulu responded to the initial NVRA request.
19. The response granted in part and denied in part the initial NVRA Request.
20. As to request 1, Honolulu said, "the only potentially responsive document we possess is an operational manual which would need redactions before production. However, the process is as follows: a voter may update their registration by (1) submitting a voter registration

application or (2) using the online registration portal. Upon receipt of the request, the City processes the submission and updates the voter's record accordingly."

21. As to requests 2- 5, Honolulu provided either the requested documents or an answer to the question in the request.

Hawaii County's Response

22. On March 25, 2026, Clerk Henricks responded, on behalf of Hawai'i County to the first request by writing, "No written procedural guides, manuals, or other documents exist." To comply with the NVRA, these guidebooks must exist to ensure compliance with federal law.

23. To the second request, Clerk Henricks responded that his office, "does not possess a summary report indicating the number of absentee ballots returned to our office as undeliverable from the 2024 General Election."

24. To the third request, Clerk Henricks responded that his office, "does not possess a summary report indicating the number of absentee ballots returned to our office as undeliverable from the 2024 Primary Election."

25. To the fourth request, Clerk Henricks responded that his office "could not locate Haw. Code §3-173-157(c)(3)."

26. Clerk Henricks's office complied with the fifth request.

27. On July 31, 2026, Clerk Henricks sent a follow-up letter in response to a Notice of NVRA Violation. This letter clarified and elaborated upon the previous response and adequately responded to the initial NVRA request.

Maui County's Response

28. On June 23, 2026, the Plaintiffs wrote Maui again, seeking an acknowledgement and update on the progress of the requests.

29. On July 10, 2026, Clerk Lutey responded to confirm receipt of the letter and to write, “Please be advised that this request strays from the protocol followed when a commissioner, in his official capacity, is seeking information from County Clerk offices in the state of Hawaii and may violate rules of ethics.” (Exh. D).

30. On July 17, Maui requested a signed affidavit on Application for Voter Registration Data.

31. This affidavit requires an “election or government purpose,” which would conflict with NVRA’s statutory purpose and text.

32. As of this date, Maui has not provided any of the requested information or documents.

Kaua’i County’s Response

33. On July 10, 2026, Ms. Fountain-Tanigawa replied to Plaintiffs’ request for information, rebuffing the requests.

34. To the Plaintiffs’ first request, Ms. Fountain-Tanigawa, representing Kaua’i County, wrote, “Request cannot be granted. A separate guide or manual does not exist.” (Exh. F). To comply with the NVRA, these guidebooks must exist to ensure compliance with federal law.

35. To the second request, Ms. Fountain-Tanigawa wrote, “Request cannot be granted. The requested information is not maintained. HRS §92F-3.” Ms. Fountain-Tanigawa’s office fails to see the importance of complying with the NVRA and requisite federal laws, only citing definitions that key information to conduct list maintenance is not maintained.

36. To the third request, Ms. Fountain-Tanigawa replied verbatim to the second request.

37. To the fourth request, Ms. Fountain-Tanigawa wrote, “Request cannot be granted. Requires the creation of a summary or compilation from records but the requested information is not readily retrievable. HRS §92F11(c).”

Notice of NVRA Violation

38. On July 17, 2026, the Plaintiffs responded to each Defendant by writing again. The Plaintiffs stated clearly that the NVRA permits the public to inspect voter list maintenance records and that each of the Defendants must produce them as required by the NVRA.

39. The Plaintiffs reiterated that 52 U.S.C. § 20507(i)(1) required disclosure of voter list maintenance records and the preservation of these records for at least 2 years.

40. Defendants have failed to cure the NVRA violation by responding to the requests.

41. The Defendants’ failure to reply to our requests is in violation of 52 U.S.C. § 20507(i)(1) requiring disclosure of voter list maintenance records.

The County Clerks’ Actions Are Harming the Plaintiffs

42. The requested records are records within the scope of the NVRA’s Public Disclosure Provision.

43. The NVRA’s Public Disclosure Provision requires the Counties to maintain the requested records for at least two years.

44. The Public Disclosure Provision authorizes and entitles the Plaintiffs to inspect and reproduce or otherwise receive the requested records electronically.

45. The Counties’ NVRA violation is causing the Plaintiffs to suffer a concrete informational injury because the Plaintiffs do not have records and information to which they are entitled under federal law. *FEC v. Akins*, 524 U.S. 11, 21 (1998) (“[A] plaintiff suffers an ‘injury

in fact’ when the plaintiff fails to obtain information which must be publicly disclosed pursuant to a statute.”).

46. The Plaintiffs’ information injury is causing the Plaintiffs to suffer additional adverse consequences or downstream consequences.

47. First, by denying the Plaintiffs the requested voter list maintenance records, the Counties are preventing the Plaintiffs from evaluating whether Hawaii is complying with the NVRA and state voter list maintenance obligations.

48. Second, by denying the Plaintiffs the requested voter list maintenance records, the Counties are preventing the Plaintiffs from drafting and publicizing a report about Hawaii’s programs and activities.

49. Third, by denying the Plaintiffs the requested voter list maintenance records, the Counties are preventing the Plaintiffs from assisting Hawaii in carrying out its voter list maintenance programs and activities with the goal of ensuring that Hawaii’s voter rolls are accurate and current, and registrants are not unlawfully disenfranchised due to errors and omissions in official records of death. *See* 52 U.S.C. § 20501(b)(4) (explaining that one of the NVRA’s purposes is “to ensure that accurate and current voter registration rolls are maintained”); *see also, e.g.*, Public Interest Legal Foundation, *Best Practices for Achieving Integrity in Voter Registration*, June 21, 2017, <https://publicinterestlegal.org/pilf-files/PILF-best-practices-report-FINAL.pdf> (last accessed May 27, 2026); *see also, e.g.*, Public Interest Legal Foundation, *Stealing the Vote: Allegheny County, PA Reveals How Citizenship Verification Protects Citizens and Immigrants Alike* at 15 (Proposed Solutions), July 12, 2018, <https://publicinterestlegal.org/blog/report-how-noncitizens-vote-in-allegheeny-county-pa/> (last accessed May 27, 2026).

50. Fourth, by denying the Plaintiffs the requested voter list maintenance records, the Counties are preventing the Plaintiffs from speaking (and educating) about matters of public and government importance—namely, erroneous disenfranchisement of voters and voter roll accuracy.² Relatedly, the Plaintiffs are prevented from providing similar policy advice to state officials and legislative guidance and testimony to Congress regarding state compliance with voting rights legislation. *See, e.g.*, Public Interest Legal Foundation, *ICYMI: PILF Testified to U.S. Congress on Preventing Aliens from Voting*, May 17, 2024, <https://publicinterestlegal.org/election-frontline/icymi-pilf-testified-to-u-s-congress-on-preventing-aliens-from-registering-and-voting/> (last accessed May 27, 2026).

51. Fifth, by denying the Plaintiffs the requested voter list maintenance records, the Counties frustrates the Plaintiffs’ accumulation of current and timely institutional knowledge upon which it depends to operate effectively and accurately.

52. As described in the preceding paragraphs, the Counties’ NVRA violation is frustrating, impeding, and harming the Plaintiffs’ efforts to carry out specific planned activities and its organizational mission and thereby injuring the Plaintiffs.

53. This action is filed under 52 U.S.C. § 20510(b)(2) as a private action after notice of the violation in anticipation of the election to be held on August 8, 2026.

COUNT I
Violation of Section 8(i) of the NVRA, 52 U.S.C. § 20507(i)
Failure to Maintain Voter List Maintenance Records for At least Two Years

54. The Plaintiffs reallege the preceding paragraphs as if fully stated herein.

² *See, e.g.*, Public Interest Legal Foundation, *Critical Condition: American Voter Rolls Filled with Errors, Dead Voters, and Duplicate Registrations*, Sept. 16, 2020, <https://publicinterestlegal.org/pilf-files/Report-Critical-Condition-Web-FINAL-FINAL.pdf> (last accessed May 27, 2026).

55. The records requested are documents within the scope of the NVRA's Public Disclosure Provision. 52 U.S.C. § 20507(i). *See Pub. Int. Legal Found., v. Nago*, 174 F.4th 664, 679 (9th Cir. 2026).

56. The NVRA requires "[e]ach State" to maintain and allow inspection of all records within the Public Disclosure Provision's scope. 52 U.S.C. § 20507(i)(1).

57. The NVRA's Public Disclosure Provision requires the Counties to maintain the required documents and related correspondence for a minimum of two years.

58. The Public Disclosure Provision thus authorizes and entitles the Plaintiffs to inspect and copy, or otherwise purchase and receive, the requested documents as these items go to list maintenance.

59. Upon information and belief—and because the Counties have not acknowledged their maintenance, the Counties do not maintain the documents and related correspondence for two years or for any period of time.

60. By not maintaining the requested documents as the NVRA requires, the Counties are violating the NVRA.

61. Any Hawaii statute, regulation, practice, or policy that conflicts with, overrides, or poses obstacles to the NVRA, a federal statute, is preempted and superseded under the Supremacy Clause and the Elections Clause of the Constitution of the United States. *See Arizona v. Inter Tribal Council of Arizona*, 570 U.S. 1, 9 (2013)

62. As alleged herein, the Counties' actions are causing concrete harm to the Plaintiffs.

63. The Plaintiffs are entitled to relief but have no adequate remedy at law

COUNT II

Violation of Section 8(i) of the NVRA, 52 U.S.C. § 20507(i)

Failure to Make Voter List Maintenance Records Available for Public Inspection

64. The Plaintiffs reallege the preceding paragraphs as if fully stated herein.

65. The requested written procedural guides or documents pertaining to how each county performs list maintenance, summary reports of undeliverable absentee ballots in the 2024 General and Primary Elections, and a report indicating the number of registered voters cancelled from the voter rolls are records subject to maintenance and disclosure (“the Plaintiffs’ requested voter list maintenance documents”) under the NVRA’s Public Disclosure Provision, 52 U.S.C. § 20507(i)(1).

66. The Plaintiffs requested voter list maintenance documents and related correspondence are in the Defendants’ possession, custody, and control.

67. The NVRA’s Public Disclosure Provision requires the Clerks to make the Plaintiffs’ requested voter list maintenance documents and related correspondence available for public inspection and duplication, or otherwise produce them electronically. 52 U.S.C. § 20507(i)(1).

68. The respective Clerks have not allowed inspection and duplication of or produced the requested records electronically to the Plaintiffs.

69. By not permitting inspection and duplication of or producing the requested records electronically to the Plaintiffs as the NVRA requires, the Clerks are violating the NVRA.

70. Any Hawaii statute, regulation, practice, or policy that conflicts with, overrides, or poses obstacles to the NVRA, a federal statute, is preempted and superseded under the Supremacy Clause and the Elections Clause of the Constitution of the United States. *See Arizona v. Inter Tribal Council of Arizona*, 570 U.S. 1, 9 (2013); *see Pub. Int. Legal Found., v. Nago*, 174

F.4th 664, 679 (9th Cir. 2026) (holding that voter list maintenance records are required to be given the district court's holding that the NVRA preempts Hawaii law prohibiting certain uses and sharing of voter roll data). Any such statute, regulation, practice, or policy is invalid and unenforceable.

71. As alleged herein, the Defendants' actions are causing concrete harm to the Plaintiffs.

72. The Plaintiffs are entitled to relief but have no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for a judgment:

1. Declaring that Defendants are in violation of Section 8(i) of the NVRA for failing to maintain the requested documents for a minimum of two years.

2. Declaring that Defendants are in violation of Section 8(i) of the NVRA for denying the Plaintiffs the opportunity to inspect and copy, or otherwise receive electronically, the requested documents.

3. Ordering Defendants to make available to the Plaintiffs the requested documents that Defendants currently possess.

4. Ordering Defendants to maintain the requested documents for a minimum of two years, as the NVRA requires.

5. Permanently enjoining Defendants from engaging in similar unlawful actions.

6. Ordering Defendants to pay the Plaintiffs' reasonable attorney's fees, including litigation expenses and costs, pursuant to 52 U.S.C. § 20510(c); and,

7. Granting the Plaintiffs further relief that this Court deems just and proper.

Dated: August 7, 2026.

For the Plaintiff Public Interest Legal Foundation and Ralph Cushnie:

/s/ William A. Harrison
WILLIAM A. HARRISON #2948
HARRISON LAW CENTER, ALC
1001 Bishop St., Ste. 2828
Honolulu, HI 96813
Telephone: (808) 253-7041
E-mail: william@harrisonlawcenter.com

/s/ Joseph M Nixon
Joseph M Nixon (Texas Bar #15244800)
PUBLIC INTEREST LEGAL FOUNDATION
107 S. West St., Ste. 700
Alexandria, VA 22314
Tel: (703) 745-5870
jnixon@PublicInterestLegal.org
**pro hac vice application forthcoming*

*Attorneys for Plaintiff Public Interest Legal
Foundation and Ralph Cushnie*

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

PUBLIC INTEREST LEGAL FOUNDATION, INC., RALPH CUSHNIE

(b) County of Residence of First Listed Plaintiff Alexandria, Va
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

WILLIAM A. HARRISON, HARRISON LAW CENTER, ALC

(808) 523-7041

Joseph M Nixon, Public Interest legal Foundation, (703) 745-5870

DEFENDANTS

MOANA LUTEY, in her capacity as County Clerk of Maui; and JADE K. FOUNTAIN-TANIGAWA, in her capacity as County Clerk of Kaua'i

County of Residence of First Listed Defendant Maui
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|---------------------------------------|----------------------------|
| Citizen of This State | ☒ 1 | ☒ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☒ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 840 Trademark LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 375 False Claims Act ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☒ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement	SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

National Voter Registration Act of 1993 ("NVRA"), 52 U.S.C. § 20507

Brief description of cause:

Public Disclosure under the National Voter Registration Act

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

August 7, 2026

William A. Harrison

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

Print

Save As...

Reset

Exhibit A



VIA EMAIL

February 6, 2026

Moana Lutey, Maui County Clerk
200 South High Street
Wailuku, Hawaii 96793
Email: county.clerk@mauicounty.us

RE: NVRA Request

Dear Disclosure Officer:

I am writing on behalf of the Public Interest Legal Foundation and its client, Hawaii Election Commissioner Ralph Cushnie (“Requestors”), to seek inspection or reproduction of voter registration records. The Public Interest Legal Foundation is a nonpartisan, nonprofit, public-interest law firm that studies voter list maintenance procedures throughout the Nation. Mr. Cushnie is a member of the Election Commission appointed by the Hawaii House Minority Leader.

The National Voter Registration Act of 1993 (“NVRA”), 52 U.S.C. §§ 20501 *et seq.*, requires each state and the District of Columbia to make available for public inspection “all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters.” 52 U.S.C. § 20507(i)(1).

Pursuant to Section 20507(i) of NVRA, the Foundation requests that your office reproduce or provide the opportunity to inspect the following records:

1. All written procedural guides, manuals, or other documents explaining how to perform list maintenance on registration files in the event of the relocation of a registrant. Ideally, responsive records would include the necessary steps to positively match a registrant to the information source indicating that a relocation had occurred. Please note, Request 1 *does not* seek records which would reveal sensitive functions within the statewide voter registration system software or related infrastructure.
2. A summary report indicating the *number* of absentee ballots returned to your office as undeliverable from the 2024 General Election.
3. A summary report indicating the *number* of absentee ballots returned to your office as undeliverable from the 2024 Primary Election.

4. A summary report indicating the *number* of registered voters cancelled from January 1, 2023, to December 31, 2024, due to circumstances regulated under Haw. Code §3-173-157(c)(3).
5. An SVRS database extract listing the registered voters who are credited for voting (including voting methods) in the 2024 General Election.

Should further clarification be required, send email to lgchurchwell@publicinterestlegal.org.
Thank you in advance for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Logan Churchwell', with a stylized, cursive script.

Logan Churchwell
Research Director
Public Interest Legal Foundation

Exhibit B



VIA EMAIL

February 6, 2026

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

RE: NVRA Request

Dear Disclosure Officer:

I am writing on behalf of the Public Interest Legal Foundation and its client, Hawaii Election Commissioner Ralph Cushnie (“Requestors”), to seek inspection or reproduction of voter registration records. The Public Interest Legal Foundation is a nonpartisan, nonprofit, public-interest law firm that studies voter list maintenance procedures throughout the Nation. Mr. Cushnie is a member of the Election Commission appointed by the Hawaii House Minority Leader.

The National Voter Registration Act of 1993 (“NVRA”), 52 U.S.C. §§ 20501 *et seq.*, requires each state and the District of Columbia to make available for public inspection “all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters.” 52 U.S.C. § 20507(i)(1).

Pursuant to Section 20507(i) of NVRA, the Foundation requests that your office reproduce or provide the opportunity to inspect the following records:

1. All written procedural guides, manuals, or other documents explaining how to perform list maintenance on registration files in the event of the relocation of a registrant. Ideally, responsive records would include the necessary steps to positively match a registrant to the information source indicating that a relocation had occurred. Please note, Request 1 *does not* seek records which would reveal sensitive functions within the statewide voter registration system software or related infrastructure.
2. A summary report indicating the *number* of absentee ballots returned to your office as undeliverable from the 2024 General Election.
3. A summary report indicating the *number* of absentee ballots returned to your office as undeliverable from the 2024 Primary Election.

4. A summary report indicating the *number* of registered voters cancelled from January 1, 2023, to December 31, 2024, due to circumstances regulated under Haw. Code §3-173-157(c)(3).
5. An SVRS database extract listing the registered voters who are credited for voting (including voting methods) in the 2024 General Election.

Should further clarification be required, send email to lgchurchwell@publicinterestlegal.org.
Thank you in advance for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Logan Churchwell", with a stylized flourish at the end.

Logan Churchwell
Research Director
Public Interest Legal Foundation

Exhibit C



VIA EMAIL

February 6, 2026

Jade Fountain-Tanigawa, Kauai County Clerk
4386 Rice Street, Room 101
Lihue, Hawaii 96766
Email: elections@kauai.gov

RE: NVRA Request

Dear Disclosure Officer:

I am writing on behalf of the Public Interest Legal Foundation and its client, Hawaii Election Commissioner Ralph Cushnie (“Requestors”), to seek inspection or reproduction of voter registration records. The Public Interest Legal Foundation is a nonpartisan, nonprofit, public-interest law firm that studies voter list maintenance procedures throughout the Nation. Mr. Cushnie is a member of the Election Commission appointed by the Hawaii House Minority Leader.

The National Voter Registration Act of 1993 (“NVRA”), 52 U.S.C. §§ 20501 *et seq.*, requires each state and the District of Columbia to make available for public inspection “all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters.” 52 U.S.C. § 20507(i)(1).

Pursuant to Section 20507(i) of NVRA, the Foundation requests that your office reproduce or provide the opportunity to inspect the following records:

1. All written procedural guides, manuals, or other documents explaining how to perform list maintenance on registration files in the event of the relocation of a registrant. Ideally, responsive records would include the necessary steps to positively match a registrant to the information source indicating that a relocation had occurred. Please note, Request 1 *does not* seek records which would reveal sensitive functions within the statewide voter registration system software or related infrastructure.
2. A summary report indicating the *number* of absentee ballots returned to your office as undeliverable from the 2024 General Election.
3. A summary report indicating the *number* of absentee ballots returned to your office as undeliverable from the 2024 Primary Election.

4. A summary report indicating the *number* of registered voters cancelled from January 1, 2023, to December 31, 2024, due to circumstances regulated under Haw. Code §3-173-157(c)(3).
5. An SVRS database extract listing the registered voters who are credited for voting (including voting methods) in the 2024 General Election.

Should further clarification be required, send email to lgchurchwell@publicinterestlegal.org.
Thank you in advance for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Logan Churchwell", with a stylized flourish at the end.

Logan Churchwell
Research Director
Public Interest Legal Foundation

Exhibit D

MOANA M. LUTEY, ESQ.
County Clerk
Ke Kākau `Ōlelo Kalana



RICHELLE M. THOMSON, ESQ.
Deputy County Clerk
Ke Hope Kākau `Ōlelo Kalana

OFFICE OF THE COUNTY CLERK
KE KE'ENA O KE KĀKAU `ŌLELO KALANA
COUNTY OF MAUI
KALANA O MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/county/clerk
www.mauicountyvotes.gov

July 10, 2026

Logan Churchwell
Public Interest Legal Foundation
107 S. West Street, Ste. 700
Alexandria, VA 22314

RE: July 10, 2026

Dear Mr. Churchwell:

This is to acknowledge receipt of your letter dated February 6, 2026. Your letter states that the Public Interest Legal Foundation represents Ralph Cushnie, a commissioner on the Hawaii Election Commission. On the basis of that representation, you are seeking records from my office.

Please be advised that this request strays from the protocol followed when a commissioner, in his official capacity, is seeking information from County Clerk offices in the state of Hawaii and may violate rules of ethics. Specifically, a request would be sent to my office through the Hawaii Election Commission following approval by the commission. I am not in receipt of any such correspondence from the Election Commission. If you have that correspondence, please forward for my review.

Thank you for your attention to this matter.

With best regards,

A handwritten signature in black ink, appearing to read "Moana M. Lutey".

Moana M. Lutey, Esq.
County Clerk

Exhibit E

NOTICE TO REQUESTER

TO: Logan Churchwell <lchurchwell@publicinterestlegal.org>
(Requester's name)

FROM: Elections Division <elections@kauai.gov>
(Agency, and agency contact person's name, telephone number, mailing, & email address)

DATE THAT THE RECORD REQUEST WAS RECEIVED BY AGENCY: 6/23/2026

DATE OF THIS NOTICE: 7/7/2026

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

1. See attached.
- 2.
- 3.
- 4.

THIS NOTICE IS TO INFORM YOU THAT YOUR RECORD REQUEST:

☐ Will be granted in its entirety.

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



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



Other agency that is believed to maintain records: _____



Agency needs further clarification or description of the records requested. Please contact the agency and provide the following information: _____



Request requires agency to create a summary or compilation from records, but requested information is not readily retrievable. (HRS § 92F-11(c))

☐ Will be granted in part and denied in part, OR ☐ Is denied in its entirety

Although the agency maintains the requested records, it is not disclosing all or part of them based on the exemptions provided in HRS § 92F-13 and/or § 92F-22 or other laws cited below.

(Describe the portions of records that the agency will not disclose.)

RECORDS OR
INFORMATION WITHHELD

APPLICABLE
STATUTES

AGENCY
JUSTIFICATION

See attached.

REQUESTER'S RESPONSIBILITIES:

You are required to (1) pay any lawful fees and costs assessed; (2) make any necessary arrangements with the agency to inspect, copy or receive copies as instructed below; and (3) provide the agency any additional information requested.

For questions about this notice or the records being sought, please ask the agency's contact person named at the top of this form. Also, please submit your payment, if any, to the agency at the address listed at the top of this form. **DO NOT SEND YOUR PAYMENT** to the Office of Information Practices (OIP) unless you are requesting records directly from OIP.

If you do not comply with the requirements set forth in this notice within 20 business days after the postmark date of this notice or the date the agency makes the records available, you will be presumed to have abandoned your request and the agency shall have no further duty to process your request. Once the agency begins to process your request, you

Please note that the Office of Information Practices (OIP) does not maintain the records of other agencies, and a requester must seek records directly from the agency it believes maintains the records. If the agency denies or fails to respond to your written request for records or if you have other questions regarding compliance with the UIPA, then you may contact OIP at (808) 586-1400, ois@hawaii.gov, or 250 South Hotel Street, Suite 107, Honolulu, Hawaii, 96813.

METHOD & TIMING OF DISCLOSURE:

Records available for public access in their entirety must be disclosed within a reasonable time, not to exceed 10 business days from the date the request was received, or after receipt of any prepayment required. Records not available in their entirety must be disclosed within 5 business days after this notice or after receipt of any prepayment required. HAR § 2-71-13(c). If incremental disclosure is authorized by HAR § 2-71-15, the first increment must be disclosed within 5 business days of this notice or after receipt of any prepayment required.

Method of Disclosure:

- ☐ Inspection at the following location: _____
- ☐ As requested, a copy of the record(s) will be provided in the following manner:
- ☐ Available for pick-up at the following location: _____
- ☐ Will be mailed to you.
- ☐ Will be transmitted to you by other means requested: _____

Timing of Disclosure: All records, or the first increment if applicable, will be made available or provided to you:

- ☐ On _____, 20____.
- ☐ After prepayment of 50% of fees and 100% of costs, as estimated below.

For incremental disclosures, each subsequent increment will be disclosed within 20 business days after:

- ☐ The prior increment (if one prepayment of fees is required and received), or
- ☐ Receipt of each incremental prepayment, if prepayment for each increment is required.

Records will be disclosed in increments because the records are voluminous and the following extenuating circumstances exist:

- ☐ Agency must consult with another person to determine whether the record is exempt from disclosure under HRS chapter 92F.
- ☐ Request requires extensive agency efforts to search, review, or segregate the records or otherwise prepare the records for inspection or copying.
- ☐ Agency requires additional time to respond to the request in order to avoid an unreasonable interference with its other statutory duties and functions.
- ☐ A natural disaster or other situation beyond agency's control prevents agency from responding to the request within 10 business days.

ESTIMATED FEES & COSTS AND PAYMENT:

FEES: For personal record requests under Part III of chapter 92F, HRS, the agency may charge you for its costs only, and fee waivers do not apply.

For public record requests under Part II of chapter 92F, HRS, the agency is authorized to charge you fees to search for, review, and segregate your request (even if a record is subsequently found to not exist or will not be disclosed in its entirety). The agency must waive the first \$30 in fees assessed for general requesters, OR in the alternative, the first \$60 in fees when the agency finds that the request is made in the public interest. Only one waiver is provided for each request. See HAR §§ 2-71-19, -31 and -32.

COSTS: For either personal or public record requests, the agency may charge you for the costs of copying and delivering records in response to your request, and other lawful fees and costs.

PREPAYMENT: The agency may require prepayment of 50% of the total estimated fees and 100% of the total estimated costs prior to processing your request. If a prepayment is required, the agency may wait to start any search for or review of the records until the prepayment is received by the agency. Additionally, if you have outstanding fees or costs from previous requests, including abandoned requests, the agency may require prepayment of 100% of the unpaid balance from prior requests before it begins any search or review for the records you are now seeking.

The following is an itemization of what you must pay, based on the estimated fees and costs that the agency will charge you and the applicable waiver amount that will be deducted:

For public record requests only:

Fees: Search	Estimate of time to be spent: _____ hours (\$2.50 for each 15-minute period)	\$
Review & segregation	Estimate of time to be spent: _____ hours (\$5.00 for each 15-minute period)	\$
Fees waived	☐ general (\$30), OR ☐ public interest (\$60) (Only one waiver per request)	<\$ _____>
Other	_____	\$
	(Pursuant to HAR §§ 2-71-19 & 2-71-31)	
Total Estimated Fees:		\$ -0-

For public or personal record requests:

Costs: Copying	Estimate of # of pages to be copied: _____ (@ \$ _____ per page, pursuant to HRS § 92-21)	\$
Delivery	Postage	\$
Other	_____	\$
Total Estimated Costs:		\$ -0-

TOTAL ESTIMATED FEES AND COSTS from above: \$ -0-

☐ The estimated fees and costs above are for the first incremental disclosure only. Additional fees and costs, and no further fee waivers, will apply to future incremental disclosures.

☐ **PREPAYMENT IS REQUIRED** (50% of fees + 100% of costs, as estimated above) \$

☐ **UNPAID BALANCE FROM PRIOR REQUESTS** (100% must be paid before work begins) \$

TOTAL AMOUNT DUE AT THIS TIME \$ -0-

Payment may be made by: ☐ cash
☐ personal check payable to _____
☐ other _____

Submit your payment to the agency at the address listed at the beginning of this form, including the name of the agency's contact person.



VIA EMAIL

February 6, 2026

Jade Fountain-Tanigawa, Kauai County Clerk
4386 Rice Street, Room 101
Lihue, Hawaii 96766
Email: elections@kauai.gov

RE: NVRA Request

Dear Disclosure Officer:

I am writing on behalf of the Public Interest Legal Foundation and its client, Hawaii Election Commissioner Ralph Cushnie (“Requestors”), to seek inspection or reproduction of voter registration records. The Public Interest Legal Foundation is a nonpartisan, nonprofit, public-interest law firm that studies voter list maintenance procedures throughout the Nation. Mr. Cushnie is a member of the Election Commission appointed by the Hawaii House Minority Leader.

The National Voter Registration Act of 1993 (“NVRA”), 52 U.S.C. §§ 20501 *et seq.*, requires each state and the District of Columbia to make available for public inspection “all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters.” 52 U.S.C. § 20507(i)(1).

Pursuant to Section 20507(i) of NVRA, the Foundation requests that your office reproduce or provide the opportunity to inspect the following records:

1. All written procedural guides, manuals, or other documents explaining how to perform list maintenance on registration files in the event of the relocation of a registrant. Ideally, responsive records would include the necessary steps to positively match a registrant to the information source indicating that a relocation had occurred. Please note, Request 1 *does not* seek records which would reveal sensitive functions within the statewide voter registration system software or related infrastructure.
2. A summary report indicating the *number* of absentee ballots returned to your office as undeliverable from the 2024 General Election.
3. A summary report indicating the *number* of absentee ballots returned to your office as undeliverable from the 2024 Primary Election.

4. A summary report indicating the *number* of registered voters cancelled from January 1, 2023, to December 31, 2024, due to circumstances regulated under Haw. Code §3-173-157(c)(3).
5. An SVRS database extract listing the registered voters who are credited for voting (including voting methods) in the 2024 General Election.

Should further clarification be required, send email to lgchurchwell@publicinterestlegal.org.
Thank you in advance for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Logan Churchwell', with a stylized, cursive script.

Logan Churchwell
Research Director
Public Interest Legal Foundation

RESPONSE TO LOGAN CHURCHWELL, PUBLIC INTEREST LEGAL FOUNDATION
ON BEHALF OF RALPH CUSHNIE, HAWAII ELECTION COMMISSION.

Pursuant to Section 20507(i) of NVRA, the Foundation requests that your office reproduce or provide the opportunity to inspect the following records:

1. All written procedural guides, manuals, or other documents explaining how to perform list maintenance on registration files in the event of the relocation of a registrant. Ideally, responsive records would include the necessary steps to positively match a registrant to the information source indicating that a relocation had occurred. Please note, Request 1 does not seek records which would reveal sensitive functions within the statewide voter registration system software or related infrastructure.

Response

Request cannot be granted. A separate guide or manual does not exist. "List maintenance on registration files" is performed pursuant to 52 USC §20507.

2. A summary report indicating the number of absentee ballots returned to your office as undeliverable from the 2024 General Election.

Response

Request cannot be granted. The requested information is not maintained. HRS §92F-3.

3. A summary report indicating the number of absentee ballots returned to your office as undeliverable from the 2024 Primary Election.

Response

Request cannot be granted. The requested information is not maintained. HRS §92F-3.

4. A summary report indicating the number of registered voters cancelled from January 1, 2023, to December 31, 2024, due to circumstances regulated under Haw. Code §3-173-157(c)(3).

Response

Request cannot be granted. Requires the creation of a summary or compilation from records but the requested information is not readily retrievable. HRS §92F11(c).

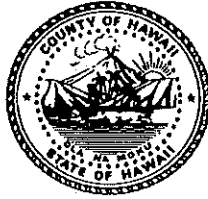
5. An SVRS database extract listing the registered voters who are credited for voting (including voting methods) in the 2024 General Election.

Response

Request cannot be granted. Requires the creation of a summary or compilation from records but the requested information is not readily retrievable. HRS §92F11(c).

Exhibit F

JON HENRICKS
County Clerk



AARON BROWN
Deputy 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

Sent via Email: No hard copy to follow.

March 25, 2026

Logan Churchwell
Research Director
Public Interest Legal Foundation
107 S. West Street, Suite 700
Alexandria, Virginia 22314

Dear Mr. Churchwell:

The purpose of this correspondence is to respond to your letter dated February 6, 2026, requesting information under the National Voter Registration Act of 1993 ("NVRA"), 52 U.S.C. § 20501 and 52 U.S.C. § 20507(i)(1).

Your questions are presented below and our responses follow each question.

1. All written procedural guides, manuals, or other documents explaining how to perform list maintenance on registration files in the event of the relocation of a registrant. Ideally, responsive records would include the necessary steps to positively match a registrant to the information source indicating that a relocation had occurred. Please note, Request 1 *does not* seek records which would reveal sensitive functions within the statewide voter registration system software or related infrastructure.

Response: No written procedural guides, manuals, or other documents exist. List maintenance is conducted based on Hawai'i Revised Statutes 11-17 and Hawai'i Administrative Rules 3-177-157, National Voter Registration Act of 1993.

2. A summary report indicating the *number* of absentee ballots returned to your office as undeliverable from the 2024 General Election.

Response: The Office of the Hawai'i County Clerk does not possess a summary report indicating the number of absentee ballots returned to our office as undeliverable from the 2024 General Election.

3. A summary report indicating the *number* of absentee ballots returned to your office as undeliverable from the 2024 Primary Election.

Response: The Office of the Hawai'i County Clerk does not possess a summary report indicating the number of absentee ballots returned to our office as undeliverable from the 2024 Primary Election.

4. A summary report indicating the *number* of registered voters cancelled from January 1, 2023, to December 31, 2024, due to circumstances regulated under Haw. Code §3-173-157(c)(3).

Response: The Office of the Hawai'i County Clerk is unable to locate Haw. Code §3-173-157(c)(3).

5. An SVRS database extract listing the registered voters who are credited for voting (including voting methods) in the 2024 General Election.

Response: Voter data of all registered voters and credit for voting may be released for election purposes pursuant to Hawai'i Revised Statutes §11-97, and Hawai'i Administrative Rules §3-177-160, upon the submission of the attached application form, remittance of the required fee, and approval by our office.

Sincerely,

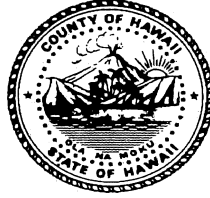
A handwritten signature in black ink, appearing to read 'Jon Henricks', with a stylized flourish extending to the right.

Jon Henricks

County Clerk

Exhibit G

JON HENRICKS
County Clerk



AARON BROWN
Deputy 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

Sent via Email: No hard copy to follow.

July 31, 2026

Logan Churchwell
Research Director
Public Interest Legal Foundation
107 S. West Street, Suite 700
Alexandria, Virginia 22314

Dear Mr. Churchwell:

The purpose of this correspondence is to acknowledge receipt of and to respond to your July 17, 2026, letter where you provided a Notice of NVRA Violation. Your letter references a February 6, 2026, letter where you submitted a request pursuant to 52 U.S.C. § 20507 (i)(1) and I responded by letter dated March 25, 2026, where I indicated the following:

1. All written procedural guides, manuals, or other documents explaining how to perform list maintenance on registration files in the event of the relocation of a registrant. Ideally, responsive records would include the necessary steps to positively match a registrant to the information source indicating that a relocation had occurred. Please note, Request 1 *does not* seek records which would reveal sensitive functions within the statewide voter registration system software or related infrastructure.

Response: No written procedural guides, manuals, or other documents exist. List maintenance is conducted based on Hawai'i Revised Statutes 11-17 and Hawai'i Administrative Rules 3-177-157, National Voter Registration Act of 1993.

2. A summary report indicating the *number* of absentee ballots returned to your office as undeliverable from the 2024 General Election.

Response: The Office of the Hawai'i County Clerk does not possess a summary report indicating the number of absentee ballots returned to our office as undeliverable from the 2024 General Election.

3. A summary report indicating the *number* of absentee ballots returned to your office as undeliverable from the 2024 Primary Election.

Response: The Office of the Hawai'i County Clerk does not possess a summary report indicating the number of absentee ballots returned to our office as undeliverable from the 2024 Primary Election.

4. A summary report indicating the *number* of registered voters cancelled from January 1, 2023, to December 31, 2024, due to circumstances regulated under Haw. Code §3-173-157(c)(3).

Response: The Office of the Hawai'i County Clerk is unable to locate Haw. Code §3-173-157(c)(3).

5. An SVRS database extract listing the registered voters who are credited for voting (including voting methods) in the 2024 General Election.

Response: Voter data of all registered voters and credit for voting may be released for election purposes pursuant to Hawai'i Revised Statutes §11-97, and Hawai'i Administrative Rules §3-177-160, upon the submission of the attached application form, remittance of the required fee, and approval by our office.

After reviewing your July 17, 2026 letter, please allow me to provide the following clarifications as my responses may not have been clear:

As to Request #1, your letter indicates this was denied and this is not accurate. The procedural guides that we follow are contained in Hawai'i Revised Statutes ("HRS") 11-17 and Hawai'i Administrative Rules ("HAR") 3-177-157, National Voter Registration Act of 1993, as amended. I referenced these statutes in my March 25, 2026 letter but did not explain in detail about our process. Attached is a copy of these statutes in compliance with the NVRA.

Our procedure is to follow the law under HRS 11-17 and HAR 3-177-157. Our office performs list maintenance on registration files in the event of the relocation of a registrant. After every general election, our office removes names of registered voters who have been identified as having an outdated or undeliverable address and who did not vote in all elections held during the two previous federal election cycles (with the exception of anyone who preregistered under HRS 11-12 (b)).

Before any removal, our office must first identify such voters either from a postal database containing outdated or undeliverable addresses, or by mailing a notice or other correspondence and receiving a postal notation that it was not deliverable. Upon identification, our office conducts any notification mailings required by applicable federal law.

Our office may also remove the name of any registered voter, if the voter so desires and properly notifies the clerk pursuant to procedures established by the chief election officer.

Furthermore, any person whose name has been removed from the register may have that person's name restored in the register by presenting themselves to the clerk's office and reregistering pursuant to HRS 11-15, or by making an application by mail or otherwise pursuant to procedures established by our office. The clerk shall require satisfactory evidence to establish the identity of the applicant and the names of all those persons shall be reentered into the register.

In summary, we follow the procedures set forth in HRS 11-97 and HAR 3-177-157. We do not have any other procedural guide or manual.

As to Request #2, our office does not possess a summary report indicating the *number* of absentee ballots returned to our office as undeliverable from the 2024 general election. Allow me to clarify that the State of Hawai'i conducts all-mail elections and all ballots returned as undeliverable are collected as a group and absentee ballots are not separated as a category.

While not specifically requested, the number of ballots returned as undeliverable for the 2024 general election is 1,441.

As to Request #3, our office does not possess a summary report indicating the *number* of absentee ballots returned as undeliverable from the 2024 primary election. As stated in our response to Request #2, the State of Hawai'i conducts an all-mail election and all ballots returned as undeliverable are collected as a group and absentee ballots are not separated as a category. While not specifically requested, the number of ballots returned as undeliverable for the 2024 primary election is 2,426.

As to Request #4, your letter referencing Haw. Code §3-173-157(c)(3) was repealed and replaced with HAR 3-177-157, National Voter Registration Act of 1993, as amended; general program to remove ineligible voters, using change of address information supplied by the postal service. A copy is enclosed for your reference. Assuming this is your intent, our response to Request #4 is, pursuant to HAR 3-177-157, 4,965 voters were removed for the year 2023.

As to Request #5, our response remains the same. Voter data of all registered voters and credit for voting may be released for election purposes pursuant to Hawai'i Revised Statutes §11-97, and Hawai'i Administrative Rules §3-177-160, upon the submission of the attached application form, remittance of the required fee, and approval by our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jon Henricks', with a stylized flourish extending to the right.

Jon Henricks

County Clerk

§11-17 Removal of names from register, when; reregistration.

(a) The clerk, after every general election, shall remove the names of registered voters who were identified as having an outdated or undeliverable address who did not vote in all elections held during the two previous federal election cycles with the exception of anyone who preregistered pursuant to section 11-12(b). For this purpose, "vote" means the depositing of the ballot in the ballot box regardless of whether the ballot is blank or later rejected for any reason. In the case of voting machines, "vote" means the voter has activated the proper mechanism and fed the ballot into the machine. In the case of an election by mail pursuant to part VIIA, "vote" means the voter has returned the ballot to the chief election officer or clerk by the United States Postal Service, by personal delivery of the ballot to a place of deposit or voter service center, or by electronic transmission under certain circumstances pursuant to part VIIA.

(b) Before removal as noted in subsection (a), the clerk shall identify registered voter names from a postal database containing outdated or undeliverable addresses or by mailing a notice or other correspondence, properly addressed, and receiving a postal notation that the notice or other correspondence was not deliverable.

(c) Upon identification of names of registered voters as prescribed in subsection (b), the clerk shall conduct any notification mailings as required by applicable federal law.

(d) The clerk may also remove the name of any registered voter, if the voter so desires and properly notifies the clerk pursuant to the procedures established by the chief election officer.

(e) Any person whose name has been removed from the register may have that person's name restored in the register by presenting oneself to the clerk and reregistering pursuant to section 11-15, or by making application by mail or otherwise pursuant to procedures established by the clerk. The clerk shall require satisfactory evidence to establish the identity of the applicant. The names of all those persons shall be reentered in the register. [L 1970, c 26, pt of §2; am L 1973, c 217, §1(g); am L 1975, c 36, §1(3); am L 1976, c 106, §1(5); am L 1981, c 195, §2; am L 1982, c 226, §1; am L 1983, c 124, §1; am L 1987, c 273, §1; am L 1990, c 45, §5 and c 134, §2; am L 1993, c 24, §2; am L 1994, c 119, §1; am L 2019, c 136, §7; am L 2021, c 213, §7]

(4) When a person of this State is employed in the service of the United States, is a student of an institution of learning, or is in an institution, asylum, or prison:

(A) A person does not gain or lose residence in a precinct or this State solely by reason of being present in or absent from a precinct or this State; and

(B) A person once having established residency in a precinct shall be allowed to register and vote and to continue to vote from the address at which the person is registered even though, while residing outside of the precinct or the State, the person no longer has a place of abode in the precinct and the person's intent to return to the precinct may be uncertain.

(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 that 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.

(d) For purposes of this rule, "precinct" means "district" as that term is defined in HAR §3-177-57 and as used in HRS §11-92.1(b). [Eff JUL 26 2020
(Auth: HRS §11-4) (Imp: HRS §§11-13, 11-15, 11-92.1)]

§3-177-157 National Voter Registration Act of 1993, as amended; general program to remove ineligible voters, using change of address information supplied by the postal service. (a) The clerk shall, in accordance with Section 8(a)(4) of the National Voter Registration Act of 1993, as amended, conduct a general program that makes a reasonable effort to remove the names of ineligible voters by reason of death or change in residence, in accordance with

Section 8(b), (c), and (d), from the lists of eligible voters.

(b) The clerk may meet the requirements of subsection (a) of this rule by establishing a program under which -

- (1) Change-of-address information supplied by the U.S. Postal Service through its licensees is used to identify registrants whose addresses may have changed; and
- (2) If it appears from information provided by the U.S. Postal Service that-
 - (A) A registrant has moved to a different residence address in the same county in which the registrant is currently registered, the clerk changes the registration record to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid pre-addressed return form by which the registrant may verify or correct the address information; or
 - (B) The registrant has moved to a different residence address not in the same county, the clerk uses the notice procedure described in Section 8(d)(2) of the National Voter Registration Act of 1993, as amended, to confirm the change of address.

(c) The clerk's use of change-of-address information supplied by the U.S. Postal Service through its licensees to identify registrants whose addresses may have changed, as described in subsection (b), to meet the requirements of subsection (a), does not preclude the clerk from using a different program to meet the requirements of subsection (a). The clerk may use other bases to justify using the notice procedure described in Section 8(d)(2) of the National Voter Registration Act of 1993, as amended, to remove registrants due to a change in residence including, but not limited to, the following:

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- (1) Sending a notice to every registered voter at specified intervals (e.g. once a year or before an election);
- (2) Sending a notice to those who have turned in their driver licenses;
- (3) Sending a notice to those who have not voted or engaged in any voter activity for a period of two years. "Voter activity" means casting a ballot in any election, filing a voter registration form, making a written request for an absentee ballot, updating a voting address, or otherwise initiating contact with election officials that results in a notation in the voter's registration record; or
- (4) Sending a notice to those that a government agency has informed election officials have moved out of the county.

(d) The clerk shall not remove the name of a registrant from the voter registration rolls on the ground that the registrant has changed residence unless the registrant—

- (1) Confirms in writing that the registrant has changed residence to a place outside the county in which the registrant is registered; or
- (2) Has failed to respond to a notice described in subsection (i) of this rule and has not voted or appeared to vote (and, if necessary, correct the clerk's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

(e) A "confirmation notice" is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect:

- (1) If the registrant did not change his or her residence, or changed residence but remained in the county, the registrant should return the card not later than the time provided for mail registration under Section 8(a)(1)(B) of the National Voter Registration Act of 1993, as amended. If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice, and if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters; and
- (2) If the registrant has changed residence to a place outside the county in which the registrant is registered, information concerning how the registrant can continue to be eligible to vote. [Eff **JUL 26 2020** (Auth: HRS §11-4, 52 USC §20507) (Imp: HRS §§11-12, 11-16, 11-17, 11-18, 11-19, 11-20, 52 USC §20507)]

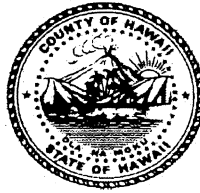
§3-177-158 Transfer or change of registration initiated by the clerk. (a) The clerk shall use all reliable and pertinent information to keep the general county register up to date.

(b) The clerk may request information from the courts, the department of health, utility companies, condominium and apartment associations, and other agencies to gather information to keep the register up to date.

(c) Where the clerk has evidence indicating that a voter's registration should be transferred, the clerk shall notify the registered voter by first class mail of the intent to transfer. The notice shall

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JON HENRICKS
County Clerk



AARON BROWN
Deputy 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

TO: Individuals and Organizations Interested in Purchasing Voter Registration Data

FROM: Office of the County Clerk – Elections Division

The application process described in this document is for the County of Hawai'i only. To apply for statewide data, please contact each County directly for more information.

PROCEDURES

1. Read Hawai'i Administrative Rules governing voter registration information; prohibited uses;
2. Complete Affidavit on Application for County of Hawai'i Voter Registration Data form if you qualify. The Office of the County Clerk reserves the right to determine qualifications under existing law and regulations;
3. Provide proof of business registration in Hawai'i if your company provides data processing services for a fee;
4. Data will be provided on a CD or USB Drive;
5. If someone other than the applicant will be picking up the data file, please notify our office. The voter file will only be released to the applicant or an authorized representative of the applicant. Data will not be transmitted electronically.

COST SCHEDULE

1. The cost to purchase County of Hawai'i voter registration or absentee data is \$100.00 plus an addition \$10.44 for Certified Mail return receipt cost per data export. The cost of postage is current as of 06/01/26 and subject to change.
2. Please remit a check payable to: County Director of Finance.
3. Payments are due upon approval of Affidavit on Application for Voter Registration Data.
4. All sales of voter registration or absentee data are final. No refunds will be given.

Should you have any questions, please contact the Elections Division at (808) 961-8277 or via email at hiloelec@hawaiiicounty.gov.

AFFIDAVIT ON APPLICATION FOR COUNTY OF HAWAI'I VOTER REGISTRATION DATA

1. Pursuant to Hawai'i Revised Statutes §11-97, the undersigned hereby makes application to:

☐ Purchase Voter Registration Data: ☐ on CD ☐ on USB Drive

☐ Purchase Voter Absentee List: ☐ on CD ☐ on USB Drive

☐ Other _____

2. Pursuant to Hawai'i Administrative Rules §3-177-160. The undersigned seeks this information for the following election or government purpose (be specific):

Note: The restatement or citation of law is not sufficient.

3. Pursuant to Hawai'i Administrative Rules §3-177-160 (g). "government agencies may additionally obtain social security number and date of birth information, provided that the requesting agency furnishes valid reason justifying the need for such information. "

Is your entity a government agency seeking social security number and date of birth information:

☐ Yes

☐ No

If "Yes", please set forth the specific reasons why this information is required:

The undersigned fully understands and hereby affirms:

The voter information provided will not be sold, released, distributed, or used in any way for commercial purposes unless the user is a service bureau that is registered to do business in the State of Hawai'i that will perform political data processing on a fee basis; and;

Under penalty of law that the voter registration data shall be used only for election or governmental purposes and not for any other purposes unless specifically authorized by law.

Name/Organization

Title

Address

Telephone

Email

Signature

Date

WARNING: PURSUANT TO CHAPTER 19 OF THE HAWAII REVISD STATUES, ANY PERSON KNOWINGLY PROVIDING FALSE INFORMATION MAY BE GUILTY OF A CLASS C FELONY. PUNISHABLE BY UP TO 5 YEARS IMPRISONMENT AND/OR \$10,000 FINE.

Approved by:

County Clerk (County of Hawaii)

Date

§3-177-160 Voter registration information; prohibited uses. (a) Voter registration forms, the general county register, the statewide voter registration system, or any lists or data prepared therefrom shall be released or used for election or government purposes only, unless otherwise provided by law.

(b) Notwithstanding subsection (a), a voter's full name, district/precinct designation, and voter status is public information available for any purpose.

(c) Voter registration information that is not public under subsection (b), excluding the voter's

full or last four digits of the social security number, driver license number, state identification card number, electronic mail address, telephone number, or date of birth, may, as determined by the clerk, be made available for an election purpose (e.g. the clerk may not disclose information they determine would interfere with the operations of elections or unduly compromise the privacy of voters). At a minimum, unless otherwise prohibited by law, the residence address and mailing address will be provided.

(d) Voter registration information that is not public under subsection (b) may be made available to federal, state or county government agencies for government purposes.

(e) The following constitutes a non-exhaustive list of election or government purposes, unless otherwise provided by law:

- (1) To support or oppose any candidate or incumbent for partisan or nonpartisan office;
- (2) To support or oppose any proposed or existing ballot measure, proposition, or issue;
- (3) To support or encourage voter registration or the voting process;
- (4) To authorized government officials who, by the nature of their official responsibilities, must have access to the voter registration information for legitimate government purposes within the scope of their official duties;
- (5) To challenge the right of any person to vote or to seek public office; or
- (6) To satisfy the requirements of HRS §11-62 or HRS §11-113.

(f) Voter registration information that is not public under subsection (b) may not be used for any commercial purpose, such as mailing or delivering an advertisement or offer for any property, establishment, organization, product or service, or for the purpose of mailing or delivering any

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solicitation for money, services, or anything of value; provided that service bureaus may charge a fee for their services involving the use or disclosure of voter registration information that is not public under subsection (b) so long as the underlying election or government purpose is verified.

(g) A request for voter registration information that is not public under subsection (b) shall be in a form prescribed and provided by the chief election officer containing substantially the following information:

- (1) A sworn certification by self-subscribing oath setting forth the election or government purpose for which the information is sought;
 - (2) A sworn certification by self-subscribing oath establishing that the information will only be used for election or government purposes;
 - (3) Where the requesting party is a government agency seeking the voter's full or last four digits of the social security number, driver license number, state identification card number, electronic mail address, telephone number, or date of birth, a statement setting forth reasons why such information is required; and
 - (4) A sworn certification by self-subscribing oath that the information will not be sold, released, distributed, or used in any way for commercial purposes, provided that service bureaus may charge a fee for their services in accordance with subsection (f).
- [Eff JUL 26 2020 (Auth: HRS §11-4) (Imp: HRS §§11-14, 11-62, 11-97, 11-113, 19-6)]

§§3-177-161 to 3-177-199 (Reserved)

Exhibit H



VIA EMAIL

July 17, 2026

Moana Lutey, Maui County Clerk
200 South High Street
Wailuku, Hawaii 96793
Email: county.clerk@mauicounty.us

RE: Notice of NVRA Violation

Dear Clerk Lutey:

Pursuant to 52 U.S.C. § 20510(b)(1), this letter serves as statutory notice to Lutey, Maui County's chief election official, that she is in violation of the National Voter Registration Act ("NVRA") for failure to permit inspection and reproduction of records as required by the NVRA, 52 U.S.C. § 20507(i)(1).

Clerk Lutey ("Maui") is hereby notified that she faces federal litigation if the violation is not cured in the time afforded by law.

Background

The NVRA requires each state and the District of Columbia to make available for public inspection "all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters." 52 U.S.C. § 20507(i)(1). The records the NVRA describes are commonly referred to as "voter list maintenance" records.

On February 6, 2026, pursuant to the NVRA, the Foundation and its client, Hawaii Election Commissioner Ralph Cushnie, requested from your office the opportunity to inspect or receive certain voter list maintenance records, namely: "(1) All written procedural guides, manuals, or other documents explaining how to perform list maintenance on registration files in the event of the relocation of a registrant. Ideally, responsive records would include the necessary steps to positively match a registrant to the information source indicating that a relocation had occurred. Please note, Request 1 *does not* seek records which would reveal sensitive functions within the statewide voter registration system software or related infrastructure.;(2) A summary report indicating the *number* of absentee ballots returned to your office as undeliverable from the 2024 General Election; (3) A summary report indicating the *number* of absentee ballots returned to your office as undeliverable from the 2024 Primary Election; (4) A summary report indicating the *number* of registered voters cancelled from January 1, 2023, to December 31, 2024, due to

circumstances regulated under Haw. Code §3-173-157(c)(3)¹; and, (5) An SVRS database extract listing the registered voters who are credited for voting (including voting methods) in the 2024 General Election.”

Timeline of Correspondence with Maui County

Email records maintained by the Foundation show:

- On February 6, 2026, the Foundation submits its requests per 52 U.S.C. § 20507(i)(1).
- On June 23, 2026, the Foundation writes Maui again, seeking an acknowledgment and update on the progress of the requests.
- On July 10, 2026, Maui acknowledges the February 6 letter and suggests client’s requests may violate state ethics laws.

Violations of the National Voter Registration Act

The Requests relate to voter list maintenance practices and procedures involving undeliverable mail and vote histories, ultimately informing the removal of outdated, undeliverable, or relocated registrants. HRS § 11-17.

The NVRA requires that:

Each State shall **maintain for at least 2 years** and shall make available for public inspection and, where available, photocopying at a reasonable cost, **all records** concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters.

52 U.S.C. § 20507(i)(1) (emphasis added).

The requested records are within the NVRA’s scope because they concern Maui County’s program for maintaining accurate and current voter registration records. The NVRA exempts only two pieces of information— (1) a declination to register to vote, and (2) the identity of a voter registration agency through which any voter is registered. 52 U.S.C. § 20507(i)(1). The Foundation does not seek either of those things and the NVRA’s text exempts no other records.

Any state law providing for a shorter retention period or limiting disclosure of the requested records is inapplicable to our request because the NVRA, as a federal enactment, is superior to conflicting state laws under the Constitution’s Elections and Supremacy Clauses. *See Arizona v. Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1, 12-15, 133 S. Ct. 2247, 2255-57 (2013).

¹ Replace citation with HRS § 11-17 going forward.

Clerk Lutey is hereby notified that she is violating the NVRA and litigation may commence against her, given the proximity of the next Federal office elections scheduled for August 8, 2026.² 52 U.S.C. § 20510(b)(3).

For lawsuits initiated by a private party, an award of attorney's fees, expenses, and costs incurred is available under 52 U.S.C. § 20510(c).

If the violations described herein are not cured in the time afforded by law, we will have no choice but to pursue remedies in federal court.

Please contact me to arrange for secure transmission of the requested records.

Thank you for your continued attention to this matter.

Sincerely,



Logan Churchwell
Research Director
Public Interest Legal Foundation

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

² <https://elections.hawaii.gov/newsletters/newsletter-january-2026/>

Exhibit I



VIA EMAIL

July 17, 2026

Jade Fountain-Tanigawa, Kauai County Clerk
4386 Rice Street, Room 101
Lihue, Hawaii 96766
Email: elections@kauai.gov

RE: Notice of NVRA Violation

Dear Clerk Fountain-Tanigawa:

Pursuant to 52 U.S.C. § 20510(b)(1), this letter serves as statutory notice to Jade Fountain-Tanigawa, Kauai County's chief election official, that she is in violation of the National Voter Registration Act ("NVRA") for failure to permit inspection and reproduction of records as required by the NVRA, 52 U.S.C. § 20507(i)(1).

Clerk Fountain-Tanigawa ("Kauai") is hereby notified that she faces federal litigation if the violation is not cured in the time afforded by law.

Background

The NVRA requires each state and the District of Columbia to make available for public inspection "all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters." 52 U.S.C. § 20507(i)(1). The records the NVRA describes are commonly referred to as "voter list maintenance" records.

On February 6, 2026, pursuant to the NVRA, the Foundation and its client, Hawaii Election Commissioner Ralph Cushnie, requested from your office the opportunity to inspect or receive certain voter list maintenance records, namely: "(1) All written procedural guides, manuals, or other documents explaining how to perform list maintenance on registration files in the event of the relocation of a registrant. Ideally, responsive records would include the necessary steps to positively match a registrant to the information source indicating that a relocation had occurred. Please note, Request 1 *does not* seek records which would reveal sensitive functions within the statewide voter registration system software or related infrastructure.;(2) A summary report indicating the *number* of absentee ballots returned to your office as undeliverable from the 2024 General Election; (3) A summary report indicating the *number* of absentee ballots returned to your office as undeliverable from the 2024 Primary Election; (4) A summary report indicating the *number* of registered voters cancelled from January 1, 2023, to December 31, 2024, due to

circumstances regulated under Haw. Code §3-173-157(c)(3)¹; and, (5) An SVRS database extract listing the registered voters who are credited for voting (including voting methods) in the 2024 General Election.”

Timeline of Correspondence with Kauai County

Email records maintained by the Foundation show:

- On February 6, 2026, the Foundation submits its requests per 52 U.S.C. § 20507(i)(1).
- On June 23, 2026, the Foundation writes Kauai again, seeking an acknowledgment and update on the progress of the requests.
- On July 7, 2026, Kauai responds, denying all Requests.

Violations of the National Voter Registration Act

The Requests relate to voter list maintenance practices and procedures involving undeliverable mail and vote histories, ultimately informing the removal of outdated, undeliverable, or relocated registrants. HRS § 11-17.

The NVRA requires that:

Each State shall **maintain for at least 2 years** and shall make available for public inspection and, where available, photocopying at a reasonable cost, **all records** concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters.

52 U.S.C. § 20507(i)(1) (emphasis added).

The requested records are within the NVRA’s scope because they concern Kauai County’s program for maintaining accurate and current voter registration records. The NVRA exempts only two pieces of information— (1) a declination to register to vote, and (2) the identity of a voter registration agency through which any voter is registered. 52 U.S.C. § 20507(i)(1). The Foundation does not seek either of those things and the NVRA’s text exempts no other records.

Any state law providing for a shorter retention period or limiting disclosure of the requested records is inapplicable to our request because the NVRA, as a federal enactment, is superior to conflicting state laws under the Constitution’s Elections and Supremacy Clauses. *See Arizona v. Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1, 12-15, 133 S. Ct. 2247, 2255-57 (2013).

Clerk Fountain-Tanigawa is hereby notified that she is violating the NVRA and litigation may commence against her, given the proximity of the next Federal office elections scheduled for August 8, 2026.² 52 U.S.C. § 20510(b)(3).

¹ Replace citation with HRS § 11-17 going forward.

² <https://elections.hawaii.gov/newsletters/newsletter-january-2026/>

For lawsuits initiated by a private party, an award of attorney's fees, expenses, and costs incurred is available under 52 U.S.C. § 20510(c).

If the violations described herein are not cured in the time afforded by law, we will have no choice but to pursue remedies in federal court.

Please contact me to arrange for secure transmission of the requested records.

Thank you for your continued attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Logan Churchwell", with a stylized, cursive script.

Logan Churchwell
Research Director
Public Interest Legal Foundation

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

Exhibit J



VIA EMAIL

July 17, 2026

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

RE: Notice of NVRA Violation

Dear Clerk Henricks:

Pursuant to 52 U.S.C. § 20510(b)(1), this letter serves as statutory notice to Jon Henricks, Hawaii County's chief election official, that he is in violation of the National Voter Registration Act ("NVRA") for failure to permit inspection and reproduction of records as required by the NVRA, 52 U.S.C. § 20507(i)(1).

Clerk Henricks ("Hawaii") is hereby notified that he faces federal litigation if the violation is not cured in the time afforded by law.

Background

The NVRA requires each state and the District of Columbia to make available for public inspection "all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters." 52 U.S.C. § 20507(i)(1). The records the NVRA describes are commonly referred to as "voter list maintenance" records.

On February 6, 2026, pursuant to the NVRA, the Foundation and its client, Hawaii Election Commissioner Ralph Cushnie, requested from your office the opportunity to inspect or receive certain voter list maintenance records, namely: "(1) All written procedural guides, manuals, or other documents explaining how to perform list maintenance on registration files in the event of the relocation of a registrant. Ideally, responsive records would include the necessary steps to positively match a registrant to the information source indicating that a relocation had occurred. Please note, Request 1 *does not* seek records which would reveal sensitive functions within the statewide voter registration system software or related infrastructure.;(2) A summary report indicating the *number* of absentee ballots returned to your office as undeliverable from the 2024 General Election; (3) A summary report indicating the *number* of absentee ballots returned to your office as undeliverable from the 2024 Primary Election; (4) A summary report indicating the *number* of registered voters cancelled from January 1, 2023, to December 31, 2024, due to

circumstances regulated under Haw. Code §3-173-157(c)(3)¹; and, (5) An SVRS database extract listing the registered voters who are credited for voting (including voting methods) in the 2024 General Election.”

Timeline of Correspondence with Hawaii County

Email records maintained by the Foundation show:

- On February 6, 2026, the Foundation submits its requests per 52 U.S.C. § 20507(i)(1).
- On March 25, 2026, Hawaii responds, denying all but Request 5.

Violations of the National Voter Registration Act

Denied Requests 1-4 relate to voter list maintenance practices and procedures involving undeliverable mail ultimately triggering the removal of outdated, undeliverable, or relocated registrants. HRS § 11-17.

The NVRA requires that:

Each State shall **maintain for at least 2 years** and shall make available for public inspection and, where available, photocopying at a reasonable cost, **all records** concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters.

52 U.S.C. § 20507(i)(1) (emphasis added).

The requested records are within the NVRA’s scope because they concern Hawaii County’s program for maintaining accurate and current voter registration records. The NVRA exempts only two pieces of information— (1) a declination to register to vote, and (2) the identity of a voter registration agency through which any voter is registered. 52 U.S.C. § 20507(i)(1). The Foundation does not seek either of those things and the NVRA’s text exempts no other records.

Any state law providing for a shorter retention period or limiting disclosure of the requested records is inapplicable to our request because the NVRA, as a federal enactment, is superior to conflicting state laws under the Constitution’s Elections and Supremacy Clauses. *See Arizona v. Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1, 12-15, 133 S. Ct. 2247, 2255-57 (2013).

Clerk Henricks is hereby notified that he is violating the NVRA and litigation may commence against him, given the proximity of the next Federal office elections scheduled for August 8, 2026.² 52 U.S.C. § 20510(b)(3).

For lawsuits initiated by a private party, an award of attorney’s fees, expenses, and costs incurred is available under 52 U.S.C. § 20510(c).

¹ Replace citation with HRS § 11-17 going forward.

² <https://elections.hawaii.gov/newsletters/newsletter-january-2026/>

If the violations described herein are not cured in the time afforded by law, we will have no choice but to pursue remedies in federal court.

Please contact me to arrange for secure transmission of the requested records.

Thank you for your continued attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Logan Churchwell", with a stylized, cursive script.

Logan Churchwell
Research Director
Public Interest Legal Foundation

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