



DEPARTMENT OF THE ATTORNEY GENERAL

**News Release**

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**ATTORNEY GENERAL ANNOUNCES RELEASE  
OF FORMAL OPINION NO. 13-2**

*Attorney General David M. Louie issues Formal Opinion Confirming the Practice that Hawaii's Presidential General Election Ballots include the Names of Candidates' Affiliated Groups or Parties Regardless of whether those Groups or Parties are Recognized as Political Parties Under Hawaii Law*

HONOLULU – Attorney General David M. Louie has issued Formal Opinion No. 13-2 (Op. No. 13-2), in which he has confirmed that, pursuant to section 11-113, Hawaii Revised Statutes (HRS), Hawaii's presidential general election ballots should include the name of candidates' affiliated groups or parties irrespective of whether those groups or parties have been qualified as political parties under Hawaii law.

On July 18, 2012, the Justice Party and Kristine Kubat filed a lawsuit in the United States District Court for the District of Hawaii against State of Hawaii Chief Election Officer Scott T. Nago, claiming that Hawaii law unconstitutionally burdened the Justice Party's access to the presidential ballot. *See The Justice Party, et al. v. Nago*, Civil No. 12-00403 JMS-BMK. An issue at the trial was whether the name of an unqualified group or party with whom the candidate is affiliated can be on the general election ballot.

Chief Election Officer Nago testified at trial that the presidential candidates and their affiliated parties and groups are named on the general election ballot regardless of whether those parties and groups are qualified as political parties under Hawaii law. Based on the evidence presented at trial, the parties agreed to postpone the trial pending the issuance of a formal legal opinion from the Attorney General determining whether the Office of Elections' long-standing practice of including the name of an unqualified group or party with the candidate's name was in compliance with the law. The Attorney General determined that it was.

Attorney General Louie stated, “unlike candidates running for state and congressional offices who are determined through the primary election system, the Presidential and Vice Presidential candidates are determined by their respective political parties through the caucus system. Through its election laws, Hawaii has long-recognized that presidential elections must be treated differently than all other Hawaii state elections.”

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