



DEPARTMENT OF THE ATTORNEY GENERAL

NEIL ABERCROMBIE
GOVERNOR

DAVID M. LOUIE
ATTORNEY GENERAL

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HAWAII SUPREME COURT DISMISSES THREE PRIMARY ELECTION LAWSUITS

HONOLULU – Attorney General David M. Louie announced today that the Hawaii Supreme Court dismissed three separate challenges to the primary election that was held on August 9, 2014 and August 15, 2014.

“Today, the Hawaii Supreme Court reached the right result in all three challenges to Hawaii’s primary election,” said Attorney General Louie. “These decisions bring closure and finality to our primary election. The candidates and Hawaii’s voters can now look forward to the general election knowing that the results of the primary election are sound and not subject to any further challenge.”

In Lathers, et al v. Abercrombie, et al, the American Civil Liberties Union (ACLU) argued among other things that the actions of the State and County of Hawaii defendants following Hurricane/Tropical Storm Iselle infringed upon the plaintiffs’ right to vote. The ACLU asked the court to re-open the primary election to people who claimed to have been unable to vote. The Hawaii Supreme Court concluded that it does not have the power or authority under the Hawaii Constitution or by Hawaii Revised Statutes to grant the relief the ACLU sought on behalf of the plaintiffs and dismissed the complaint.

In Waikiki v. Nago, the plaintiff, one of seven candidates in the Maui County Mayoral race, who received a total of 818 votes, contested the results of the election, and sought an order compelling a re-count or re-vote. In dismissing the complaint, the Hawaii Supreme Court concluded that the plaintiff “can prove no set of facts that would entitle him to relief” because he failed to present any “actual information of mistakes or errors sufficient to change the results of the election.”

In Cermelj, et al v. Nago, et al, the plaintiffs filed an “Election Contest Complaint”. The court dismissed the complaint concluding that plaintiffs could not bring an election contest because such challenges may only be brought by a candidate, political party or “thirty voters of any election district.”

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For more information, contact:

Anne E. Lopez
Special Assistant to the Attorney General
Department of the Attorney General
425 Queen Street
Honolulu, Hawaii 96813
(808) 586-1284
Anne.e.lopez@hawaii.gov