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Supreme Court
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SCPW-14-0000882

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

KHISTINA CALDWELL DEJEAN, Petitioner,

vs.

SCOTT NAGO, Chief Election Officer, Office of Elections,
State of Hawai‘i, Respondent.

ORIGINAL PROCEEDING

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

Upon consideration of Petitioner Khistina Caldwell DeJean’s “Petition” and “Petition Amending 2014 Election”, filed on June 9, 2014 and June 10, 2014, respectively, which we review as a petition for a writ of mandamus, the documents attached thereto and submitted in support thereof, and the record, it appears that Petitioner fails to demonstrate that she has a clear and indisputable right to appear on the 2014 primary election ballot and has alternative means to seek relief. See Haw. Const. art. V, sec. 2 (“The lieutenant governor shall be elected at the same time, for the same term and in the same manner as the governor[.]”); Hirono v. Peabody, 81 Hawai‘i 230, 915 P.2d 704

(1996) (a candidate for governor must seek the nomination to the office with a candidate for lieutenant governor from the same political party); HRS § 12-8 (2009 & Supp. 2013). Petitioner, therefore, is not entitled to the requested writ of mandamus. See Kema v. Gaddis, 91 Hawai'i 200, 204, 982 P.2d 334, 338 (1999) (a writ of mandamus is an extraordinary remedy that will not issue unless the petitioner demonstrates a clear and indisputable right to relief and a lack of alternative means to redress adequately the alleged wrong or obtain the requested action); Barnett v. Broderick, 84 Hawai'i 109, 111, 929 P.2d 1359, 1361 (1996) (mandamus relief is available to compel an official to perform a duty allegedly owed to an individual only if the individual's claim is clear and certain, the official's duty is ministerial and so plainly prescribed as to be free from doubt, and no other remedy is available). Accordingly,

IT IS HEREBY ORDERED that the petition for a writ of mandamus is denied.

DATED: Honolulu, Hawai'i, June 18, 2014.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

