

**Electronically Filed
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SCEC-24-0000545

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

KHISTINA DEJEAN,
Plaintiff,

vs.

STATE OF HAWAI‘I, OFFICE OF ELECTIONS;
and SCOTT NAGO, Chief Election Officer, State of Hawai‘i,
Defendants.

ORIGINAL PROCEEDING

ORDER

(By: Recktenwald, C.J., McKenna, Eddins, Ginoza, and Devens, JJ.)

On August 9, 2024, Plaintiff Khistina DeJean’s “Motion To Have Paper Ballots” was filed with this court as an election contest. DeJean seeks permission “to be a write in” candidate for President and Vice President in the general election (complaint). Here, because no election results are challenged the complaint fails to state a claim as an election contest under Hawai‘i Revised Statutes (HRS) § 11-172 (Supp. 2021). In addition, to the extent the complaint could be construed as a

petition seeking mandamus relief, the petition is denied because DeJean failed to establish a clear and indisputable right to the relief requested and a lack of other means to redress adequately the alleged wrong or to obtain the requested action. See Womble Bond Dickinson (US) LLP v. Kim, 153 Hawai‘i 307, 319, 537 P.3d 1154, 1166 (2023); see also HRS § 12-2 (Supp. 2011) (“No person shall be a candidate for any general or special general election unless the person has been nominated in the immediately preceding primary or special primary.”); Burdick v. Takushi, 504 U.S. 428 (1992) (reviewing Hawai‘i’s elections laws and upholding the write-in voting prohibition).

Accordingly, the complaint is dismissed.

DATED: Honolulu, Hawai‘i, August 12, 2024.

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Lisa M. Ginoza

/s/ Vladimir P. Devens

