

Electronically Filed
Supreme Court
SCEC-25-0000459
29-SEP-2025
10:26 AM
Dkt. 14 ODSLJ

SCEC-25-0000459

IN THE SUPREME COURT OF THE STATE OF HAWAII

GREGORY MISAKIAN, Plaintiff,

vs.

LLOYD YONENAKA, Executive Secretary Neighborhood Commission Office, City and County of Honolulu, in his official capacity as Chief Elections Officer; DYLAN BUCK, Neighborhood Commission Office, Community Relations Specialist; and MICHAEL FORMBY, in the official capacity as Managing Director, City and County of Honolulu, Defendants.

ORIGINAL PROCEEDING

ORDER DISMISSING COMPLAINT

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

On June 16, 2025, a "Complaint" was filed in this court that contests the results of a 2025 neighborhood board election. Plaintiff Gregory Misakian's (Misakian) Complaint asserts we have original jurisdiction over this election contest pursuant to Hawai'i Revised Statutes (HRS) § 11-172 (Supp. 2021).

Section 11-172 of the HRS does state that, with respect to "any election," any candidate may file an election complaint in

this court. But this court doesn't have original jurisdiction over any election contest.

Part XI of HRS Chapter 11, which is where HRS § 11-172 is found, applies when "a contested election is subject to determination by a court of competent jurisdiction in the manner provided by law." HRS § 11-171 (2009). The types of contested elections subject to original determination by this court are set forth in HRS §§ 11-173.5 (2009 & Supps. 2019 & 2024) (applying to primary, special primary elections, and county elections held concurrently with a regularly scheduled primary or special primary election) and 11-174.5 (2009 & Supp. 2021) (applying to general, special general, special, or runoff elections). See HRS § 1-16 (2009) ("Laws in pari materia, or upon the same subject matter, shall be construed with reference to each other. What is clear in one statute may be called in aid to explain what is doubtful in another.").

A contested neighborhood board election is none of these. See, e.g., Revised Charter of the City and County of Honolulu § 14-104 (stating, among other things, that the neighborhood plan shall provide procedures for the manner of selection of neighborhood board members); Neighborhood Plan §§ 2-17-401 to 2-17-403 (addressing contested neighborhood board elections), <https://www.honolulu.gov/nco/wp->

content/uploads/sites/53/2024/03/Neighborhood_Plan_2020_Edition.
pdf [<https://perma.cc/5MQB-C6AM>].

It is ordered that Misakian's Complaint is dismissed for
lack of jurisdiction.

DATED: Honolulu, Hawai'i, September 29, 2025.

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Lisa M. Ginoza

/s/ Vladimir P. Devens

