

SUPREME COURT OF THE STATE OF HAWAI‘I

Cushnie v. Nago

Cushnie · No. SCPW-XX-XXXXXXX · Decided June 17, 2026

SUMMARY

The Supreme Court of Hawai‘i denied a petition for a writ of mandamus seeking prospective enforcement concerning future election certification actions. The court held that extraordinary relief was unwarranted because the Chief Election Officer's future actions were uncertain and the Hawai‘i Elections Commission has a statutory advisory role regarding elections.

CASE DETAILS

COURT	Supreme Court of the State of Hawai‘i
WRITING FOR THE COURT	Vladimir P. Devens, C.J.; Sabrina S. McKenna, J.; Todd W. Eddins, J.; Lisa M. Ginoza, J.; Peter T. Cahill, Circuit Judge, assigned by reason of vacancy
JURISDICTION	Supreme Court of the State of Hawai‘i
DECIDED	June 17, 2026
DOCKET	SCPW-XX-XXXXXXX
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Original proceeding on a petition for writ of mandamus seeking prospective enforcement concerning elections that had not yet occurred.
STANDARD OF REVIEW	The court applied the extraordinary-writ standard and declined mandamus relief where the requested prospective enforcement depended on uncertain future conduct.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Ralph S. Cushnie, Tara Malia Gregory, Douglas W. Pasnik v. Scott T. Nago, in official capacity as Chief Election Officer, State of Hawai‘i, Hawai‘i Elections Commission

TOPICS

- election administration
- election law
- appellate procedure
- remedies

PRACTICE AREAS

election law

appellate procedure

civil procedure

remedies

QUESTIONS PRESENTED

1. Whether the Supreme Court should issue a writ of mandamus compelling election officials to take specified action concerning elections that had not yet occurred.
2. Whether prospective enforcement relief was warranted when the Chief Election Officer's future conduct in certifying election results was uncertain.

HOLDINGS

1. Prospective enforcement by extraordinary writ was unwarranted where the requested relief depended on uncertain future conduct by the Chief Election Officer.
2. The Hawai'i Elections Commission has a statutory duty to advise the Chief Election Officer on matters relating to elections.

KEY QUOTATIONS

"We decline to grant such relief because we do not know how the Chief Election Officer will act when certifying the election results for the upcoming election."

"An extraordinary writ is unwarranted."

FACTUAL BACKGROUND

Petitioners sought to compel the Chief Election Officer and the Hawai'i Elections Commission to act in a specified manner concerning upcoming elections. The requested relief concerned elections that had not yet occurred, and the court did not know how the Chief Election Officer would act when certifying the results. The opinion also noted that the Elections Commission has a statutory duty to advise the Chief Election Officer on election matters.

PROCEDURAL HISTORY

Petitioners filed a petition for writ of mandamus on June 9, 2026. The Hawai'i Supreme Court denied the petition, concluding that prospective relief was unwarranted because the Chief Election Officer's future conduct in certifying election results was uncertain and the Elections Commission had a statutory advisory role.

DISPOSITION

writ_denied

CASES CITED

- Tax Found. of Hawai'i v. State, 144 Hawai'i 175, 190, 439 P.3d 127, 142 (2019)
- Womble Bond Dickinson (US) LLP v. Kim, 153 Hawai'i 307, 319, 537 P.3d 1154, 1166 (2023)

OPINION

Cushnie v. Nago

PER CURIAM.

Electronically Filed Supreme Court

SCPW-XX-XXXXXXX

17-JUN-2026

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SCPW-XX-XXXXXXX

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

RALPH S. CUSHNIE; TARA MALIA GREGORY; and DOUGLAS W. PASNIK,

Petitioners, vs. SCOTT T. NAGO, in official capacity as Chief Election Officer, State of Hawai‘i;
and HAWAI‘I ELECTIONS COMMISSION, Respondents.

ORIGINAL PROCEEDING

ORDER DENYING PETITION

(By: Devens, C.J., McKenna, Eddins, and Ginoza, JJ., and Circuit Judge Cahill, assigned by reason of vacancy) Upon consideration of the petition for writ of mandamus, filed June 9, 2026, and the record, the petition seeks “prospective enforcement” to compel Respondents to act in a certain manner as to elections that have not yet occurred. We decline to grant such relief because we do not know how the Chief Election Officer will act when certifying the election results for the upcoming election. See *Tax Found. of Hawai‘i v. State*, 144 Hawai‘i 175, 190, 439 P.3d 127, 142 (2019). Also, it is the duty of the Hawai‘i Elections Commission to advise the Chief Election Officer on matters relating to elections. 1 Hawai‘i Revised Statutes § 11-7.5(7) (Supp. 2015). An extraordinary writ is unwarranted. See *Womble Bond Dickinson (US) LLP v. Kim*, 153 Hawai‘i 307, 319, 537 P.3d 1154, 1166 (2023). It is ordered that the petition is denied. DATED: Honolulu, Hawai‘i, June 17, 2026. /s/ Vladimir P. Devens /s/ Sabrina S. McKenna /s/ Todd W. Eddins /s/ Lisa M. Ginoza /s/ Peter T. Cahill 1 Petitioner Ralph S. Cushnie is a Commissioner on the Hawai‘i Elections Commission. 2