

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.

OPINION

Cushnie v. Nago

PER CURIAM.

Electronically Filed Supreme Court

SCPW-XX-XXXXXXX

17-JUN-2026

07:48 AM Dkt. 18 ODDP

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

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