

SUPREME COURT OF THE STATE OF HAWAI‘I

DeJean v. Nago

DeJean v. Nago · No. SCEC-14-0001285 · Decided December 4, 2014

SUMMARY

The Supreme Court of Hawai‘i dismissed Khistina Caldwell DeJean’s challenge to the November 2014 general election. The court held that DeJean lacked standing under Hawai‘i Revised Statutes § 11-172 and failed to allege specific errors or irregularities sufficient to change the election results.

CASE DETAILS

COURT	Supreme Court of the State of Hawai‘i
WRITING FOR THE COURT	Mark E. Recktenwald, C.J.; Paula A. Nakayama, J.; Sabrina S. McKenna, J.; Richard W. Pollack, J.; Michael D. Wilson, J.
JURISDICTION	Hawaii
DECIDED	December 4, 2014
DOCKET	SCEC-14-0001285
DISPOSITION	dismissed
PROCEDURAL POSTURE	Original election-contest proceeding in the Hawai‘i Supreme Court. Defendants moved to dismiss for lack of standing and, alternatively, failure to state a claim.
STANDARD OF REVIEW	On a motion to dismiss for failure to state a claim, the court accepts the plaintiff’s allegations as true and views them in the light most favorable to the plaintiff; dismissal is proper only if it appears beyond doubt that the plaintiff can prove no set of facts entitling her to relief.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Khistina Caldwell DeJean v. Scott Nago, Chief Election Officer, Office of Elections, Aaron Schulaner

TOPICS

- election contests
- standing
- motions to dismiss
- election law
- civil procedure

PRACTICE AREAS

- election law
- civil procedure

QUESTIONS PRESENTED

1. Whether DeJean had standing under HRS § 11-172 to contest the November 4, 2014 general election.
2. Whether DeJean’s election complaint stated a claim upon which relief could be granted under Hawai‘i election-contest law.

HOLDINGS

1. DeJean lacked standing to contest the November 4, 2014 general election because she was not a candidate listed on the ballot, was not a qualified political party, and did not comprise thirty voters of an election district.
2. The complaint failed to state a claim because DeJean did not present specific facts or actual information of mistakes, errors, or irregularities sufficient to change the result of the general election.

KEY QUOTATIONS

“When reviewing a motion to dismiss a complaint for failure to state a claim upon which relief can be granted, the court must accept the plaintiff’s allegations as true and view them in the light most favorable to him or her; dismissal is proper only if it appears beyond doubt that the plaintiff can prove no set of facts in support of his or her claim that would entitle him or her to relief.” (at 2)

“A plaintiff challenging a general election must show that he or she has actual information of mistakes or errors sufficient to change the result.” (at 3)

FACTUAL BACKGROUND

DeJean was not listed on the November 4, 2014 general-election ballot as a candidate for any office. She filed an election complaint challenging the general election, but the complaint did not present specific facts or actual information showing mistakes, errors, or irregularities sufficient to change the election result. She also was not a qualified political party and did not comprise thirty voters of an election district.

PROCEDURAL HISTORY

DeJean filed a document titled “Election Challenge 2014” in the Hawai‘i Supreme Court on November 7, 2014, seeking to contest the November 2014 general election. Defendants moved to dismiss, and DeJean filed a reply memorandum. The court considered the submissions without oral argument and dismissed the complaint.

DISPOSITION

dismissed

CASES CITED

- AFL Hotel & Restaurant Workers Health & Welfare Trust Fund v. Bosque, 110 Hawai‘i 318, 321, 132 P.3d 1229, 1232 (2006)
- Tataii v. Cronin, 119 Hawai‘i 337, 339, 198 P.3d 124, 126 (2008)
- Akaka v. Yoshina, 84 Hawai‘i 383, 387-388, 935 P.2d 98, 102-103 (1997)

- Funakoshi v. King, 65 Haw. 312, 316-317, 651 P.2d 912, 915 (1982)
- Elkins v. Ariyoshi, 56 Haw. 47, 48, 527 P.2d 236, 237 (1974)

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