

NO. 29473

IN THE SUPREME COURT OF THE STATE OF HAWAII

NORMA T. YARA
CLERK, APPELLATE COURTS
STATE OF HAWAII

2008 DEC -5 AM 10:41

FILED

CONSTITUTION PARTY; ALAN L. KEYES, Plaintiff

vs.

LINDA LINGLE in her official capacity as Governor of the State of Hawai'i; KEVIN B. CRONIN in his official capacity as the Chief Election Officer for the State of Hawai'i; JOHN DOES 1-50; JANE DOES 1-50; DOE PARTNERSHIPS 1-50; DOE CORPORATIONS 1-50; AND DOE ENTITIES 1-50, Defendants.

ORIGINAL PROCEEDING

ORDER OF DISMISSAL

(By: Moon, C.J., Levinson, Nakayama, Acoba and Duffy, JJ.)

Upon consideration of the Complaint to Contest the 2008 Presidential Election submitted by Plaintiffs Constitution Party and Alan L. Keyes, the Motion to Dismiss submitted by Defendants Governor Linda L. Lingle and Chief Election Officer Kevin B. Cronin, it appears the Plaintiffs style the complaint as an election contest brought pursuant to Hawai'i Revised Statutes §§ 11-172 and 11-174.5, but allege, in pertinent part, that Defendant Cronin failed to require proof that candidate Barack Obama was qualified to be a candidate for President of the United States. Any challenge to the Chief Election Officer's finding of eligibility of a presidential candidate in the State of Hawai'i

must be pursued in accordance with HRS § 11-113(e), not sections 11-172 and 11-174.5. Therefore,

IT IS HEREBY ORDERED that the Defendants' Motion to Dismiss is granted and this case is dismissed.

DATED: Honolulu, Hawai'i, December 5, 2008.



Steven J. Lerman

Pamela C. ...



Kenia E. ...