

Electronically Filed
Supreme Court
SCPW-19-0000141
20-MAR-2019
01:55 PM

SCPW-19-0000141

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

MATTHEW LOPRESTI, Petitioner,

vs.

SCOTT NAGO, Chief Election Officer;
STATE OF HAWAI‘I OFFICE OF ELECTIONS, Respondents.

ORIGINAL PROCEEDING

ORDER DENYING PETITION FOR EXTRAORDINARY WRIT
SEEKING POST-ELECTION RELIEF

(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

Upon consideration of petitioner Matthew LoPresti's petition for extraordinary writ seeking post-election relief, filed on March 7, 2019, the documents attached thereto and submitted in support thereof, and the record, it appears that challenges to the results of a general election must be filed no later than 4:30 p.m. on the twentieth day following the general election. See HRS § 11-174.5. Petitioner's latest challenge of the results of the November 6, 2018 general election for State Senate, District 19 is therefore untimely. Additionally, petitioner may not circumvent the statutory time deadline by submission of an election challenge as a petition for an extraordinary writ for post-election relief. Thus, petitioner is

not entitled to the requested post-election relief by way of an extraordinary writ. See, e.g., Kema v. Gaddis, 91 Hawai'i 200, 204, 982 P.2d 334, 338 (1999) (a writ of mandamus is an extraordinary remedy that will not issue unless the petitioner demonstrates a clear and indisputable right to relief and a lack of alternative means to redress adequately the alleged wrong or obtain the requested action; it is meant to restrain a judge of an inferior court from acting beyond or in excess of his or her jurisdiction). Accordingly,

IT IS HEREBY ORDERED that the petition for extraordinary writ seeking post-election relief is denied.

DATED: Honolulu, Hawai'i, March 20, 2019.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

