

NO. 24900

IN THE SUPREME COURT OF THE STATE OF HAWAII

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CITIZENS FOR EQUITABLE AND RESPONSIBLE GOVERNMENT,  
a Hawaii nonprofit corporation; BRENDA JOYCE FORD,  
SANDRA WOOD SCARR and STANLEY ALFRED BOREN, Petitioners,

vs.

COUNTY CLERK, COUNTY OF HAWAII; LLOYD VAN DE CAR,  
CHAIRMAN, COUNTY OF HAWAII 2001 REAPPORTIONMENT COMMISSION;  
and COUNTY OF HAWAII, Respondents.

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ORIGINAL PROCEEDING

ORDER

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

Upon consideration of the petition for a writ of mandamus filed by Citizens for Equitable and Responsible Government, Brenda Joyce Ford, Sandra Wood Scarr, and Stanley Alfred Boren, it appears that: (1) Petitioners ask this court to order the respondents to set aside the Hawaii County reapportionment plan filed on December 28, 2001 and to order respondents to accept a new reapportionment plan prepared by a special master appointed by this court; (2) mandamus relief is available to compel an official to perform a duty allegedly owed to an individual only if the individual's claim is clear and certain, the official's duty is ministerial and so plainly

prescribed as to be free from doubt, and no other remedy is available. Barnett v. Broderick, 84 Hawai'i 109, 929 P.2d 1359 (1996); and (3) Petitioners fail to meet the standard for the issuance of a writ of mandamus. Therefore,

IT IS HEREBY ORDERED that the petition for writ of mandamus is denied without prejudice to Petitioners seeking relief in the circuit court.

DATED: Honolulu, Hawai'i, February 21, 2002.