

IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI

JAKE MAGGARD, <i>et al.</i>)	
)	
Plaintiffs,)	
)	
v.)	Case No. 25AC-CC09120
)	
STATE OF MISSOURI, <i>et al.</i> ,)	
)	
Defendants.)	

INTERVENOR PUT MISSOURI FIRST'S PRE-TRIAL BRIEF

Intervenor Put Missouri First submits this pre-trial brief in opposition to Plaintiffs' request for declaratory and injunctive relief. Plaintiffs ask this Court to declare House Bill 1 ("HB1") suspended and to enjoin its use in the 2026 congressional elections based on the submission of referendum petition 2026-R004. This Court should deny Plaintiffs' requested relief in its entirety because (1) Plaintiffs lack standing and (2) Plaintiffs' interpretation of Missouri's referendum process conflicts with the plain text of the Missouri Constitution and controlling statutory provisions.

I. STATEMENT OF FACTS

The parties have stipulated to the relevant facts. On September 12, 2025, the General Assembly truly agreed to and finally passed HB1, an act "[t]o repeal sections 128.345, 128.346, and 128.348, RSMo, and to enact in lieu thereof twelve new sections relating to the composition of congressional districts." Jt. Stip. ¶ 10; Jt. Stip., Ex. 1. The special session that passed HB1 adjourned on September 12, 2025. Jt. Stip. ¶ 12.

On September 29, 2025, the Secretary of State's office received a petition for referendum asking to refer HB1 to voters for approval or rejection, which was denominated 2026-R004. Jt. Stip. ¶ 13. On November 13, 2025, the

Secretary of State certified the official ballot title for 2026-R004 and approved it for circulation. Jt. Stip. ¶ 14. On December 9, 2025, 2026-R004's organizers submitted referendum petitions to the Secretary of State. Jt. Stip. ¶ 15. HB1 was codified as Sections 128.345, 128.346, 128.348, 128.471, 128.472, 128.473, 128.474, 128.475, 128.476, 128.477, 128.478, and 128.479, RSMo, with an effective date of December 11, 2025. Jt. Stip. ¶ 18.

The Secretary of State has not yet issued a certificate addressing the sufficiency of 2026-R004 under Section 116.150, RSMo. Jt. Stip. ¶ 19.

Plaintiffs Maggard and Lombardi are qualified Missouri voters who signed the petition to refer HB1 to voters. Jt. Stip. ¶¶ 1, 3, 4, 6, 7. Defendant Denny Hoskins is the duly elected Missouri Secretary of State and the state's chief elections officer. Jt. Stip. ¶ 7. Intervenor Put Missouri First is a political action committee organized under Chapter 130, RSMo, and Article VIII, Section 23 of the Missouri Constitution and has expended funds in opposition to the referendum on HB1 and in support of maintaining the Missouri First Map (HB1). Jt. Stip. ¶ 9.

II. PROCEDURAL POSTURE

This matter comes before the Court on Plaintiffs' Petition for Declaratory Judgment, filed on December 23, 2025, naming the State of Missouri and Secretary of State Denny Hoskins as Defendants. On January 8, 2026, the Court granted Put Missouri First's Motion to Intervene. Defendants and Intervenor subsequently filed Motions to Dismiss, which the Court denied on February 5, 2026.

III. ARGUMENT

A. PLAINTIFFS LACK STANDING

As detailed in Intervenor's Motion to Dismiss and Suggestions in

Support filed with this Court, Plaintiffs' claims fail because Plaintiffs lack standing. Plaintiffs' alleged interest is not directly and adversely affected by the outcome of this litigation. Regardless of the disposition of this case, Plaintiffs will still be able to approve or reject HB1 at the ballot box, assuming it is determined sufficient by the Secretary.

Plaintiffs' asserted injury is remote and conjectural in that it may never occur pending the issuance of a sufficiency determination by the Secretary of State. If the Secretary determines that the submitted petitions are insufficient—whether due to inadequate signatures, fraud, technical defects, or any other reason—Plaintiffs will have suffered no injury whatsoever, and this entire lawsuit will have been premised on a speculative harm that never materialized.

Moreover, Plaintiffs' asserted injury is not personal but generalized. Plaintiffs have failed to assert how the challenged conduct affects them in any manner distinct from the public at large. Every Missouri citizen has an abstract interest in the proper administration of referendum procedures, but such generalized grievances shared equally by all citizens cannot confer standing on individual plaintiffs. The referendum power belongs to "the people" collectively under Article III, Section 49 of the Missouri Constitution, not to individual petition signers.

Plaintiffs' claims are also not ripe for judicial adjudication because they are dependent on actions that may never come to pass and on factors which cannot be known nor be part of the record until after the Court issues its judgment. The entire premise of Plaintiffs' case rests on whether the submitted petitions are legally sufficient—a determination the Secretary has not yet made and which may reveal the petitions to be deficient. *Jt. Stip.* ¶ 19.

Additionally, Plaintiffs present nonjusticiable political questions

properly left to the executive and legislative branches. Plaintiffs ask this Court to undertake an initial policy determination of a kind clearly for nonjudicial discretion. Plaintiffs further ask this Court to make an independent resolution of a political question, thereby reflecting a lack of respect due coordinate branches of government. The Secretary of State is the constitutional officer charged with administering Missouri's election laws, including referendum petitions, and the General Assembly has enacted comprehensive statutory provisions governing this process.

Finally, Plaintiffs improperly use the Declaratory Judgment Act when other adequate relief is available and provided by statute. Missouri's referendum statutes establish a complete administrative process for petition review, verification, certification, and judicial review of the Secretary's determinations. *See* Chapter 116, RSMo. Plaintiffs seek to bypass this statutory framework and obtain a premature judicial declaration before the administrative process has run its course.

Because Plaintiffs lack standing and their claims are not ripe, this Court should dismiss Plaintiffs' Petition.

B. PLAINTIFFS' INTERPRETATION OF THE REFERENDUM PROCESS IS INCORRECT

1. HB1 Properly Took Effect on December 11, 2025

Article III, Section 31 of the Missouri Constitution provides:

Every bill which shall have passed the house of representatives and the senate shall be presented to and considered by the governor, and, within fifteen days after presentment, he shall return such bill to the house in which it originated endorsed with his approval or accompanied by his objections. If the bill be approved by the governor it shall become a law.

HB1 was codified with an effective date of December 11, 2025. *Jt. Stip.* ¶ 18. This effective date was reached through the normal constitutional process: the

legislation was passed by both chambers of the General Assembly and approved by the Governor. The petition was submitted on December 9, 2025—two days before HB1's effective date—but submission alone does not trigger suspension under the proper interpretation of Missouri law.

The Secretary has not yet issued a certificate addressing the sufficiency of 2026-R004. Jt. Stip. ¶ 19. Until he does so—and until any judicial review of that determination is complete—HB1 remains effective under Article III, Section 31. Plaintiffs ask this Court to preempt the statutory process and declare suspension before the designated administrative official has made any determination. This the Court should decline to do.

2. The Missouri Constitution Does Not Require Automatic Suspension Upon Petition Submission

The central question in this case is: when is legislation subject to a referendum, and thus suspended? Intervenor submits that HB1 is only suspended upon the Secretary of State's certification that the petition is "legal, sufficient, and timely." *State ex rel. Kemper v. Carter*, 165 S.W. 773, 780 (Mo. 1914). Plaintiffs suggest a bill is automatically suspended upon the delivery of a petition to the Secretary.

Plaintiffs advocate for a rule that would automatically suspend any legislation whenever someone submits boxes of paper to the Secretary of State within ninety days of legislative adjournment, regardless of whether those boxes contain the constitutionally required number of valid signatures. This interpretation cannot be squared with the case law constitutional text, statutory framework, or sound principles of government administration.

Article III, Section 52(a) of the Missouri Constitution establishes that referendum petitions "must be submitted within ninety days" of the adjournment of the legislative session. Mo. Const. art. III, § 52(a). While

Section 52(a) establishes the deadline for submission, it does not specify that mere physical delivery of boxes triggers automatic suspension of legislation.

Article III, Section 52(b) provides that "[a]ny measure referred to the people shall take effect when approved by a majority of the votes cast thereon, and not otherwise." Mo. Const. art. III, § 52(b). This language addresses when approved referendum measures become effective, not when submitted petitions trigger suspension of legislation. The constitutional text simply does not support Plaintiffs' theory of automatic suspension upon submission.

Unlike other state constitutions, Missouri's Constitution does not use the term "suspend." For example, the Nebraska Constitution provides: "When the referendum is invoked as to any act or part of act...by petition signed by not less than ten percent of the registered voters of the state distributed as aforesaid, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state." Neb. Const. art. III, § 3.

The framers of the Missouri Constitution were free to expressly provide for suspension in Section 52(a) or 52(b), but did not. As explained by the Nevada Supreme Court, "The people make their own Constitution, and, when they have not seen fit to provide that the filing of a referendum petition shall suspend the operation of a law, we are not authorized to read such a provision into the Constitution." *State ex rel. Morton v. Howard*, 248 P. 44, 45–46 (Nev. 1926). *See also Walters v. Cease*, 388 P.2d 263, 268 (Alaska 1964) ("We believe that the framers of the constitution and the people who adopted it intended that the effectiveness of an act passed by the legislature should not be suspended during the period between its effective date and its rejection by the referendum. If they had intended otherwise they would have expressly so provided in the constitution.").

While it is true that the people reserved to themselves the power of the

referendum, the Constitution makes clear that such power is limited to only those measures which are “signed by five percent of the legal voters in each of two-thirds of the congressional districts.” Mo. Const., art. III, § 52(a). The people have a right to elect representatives and to the legislation duly enacted by them without interference by opponents unless such opponents can meet the constitutional threshold for invoking the referendum. As the Missouri Supreme Court explained in *Kaesser v. Becker*:

[W]hen a solemn legislative act is sought to be set aside, it is our duty to see that the constitutional and statutory requirements have been substantially met by those seeking to refer the act. The referendum is a safeguard against legislation which is deemed unwise and the law must not be so construed as to destroy its effectiveness. On the other hand, full observance of substantial requirements must be exacted lest the referendum be made the instrument of injustice or oppression by a militant and well-organized opposition, much less in numbers than the required 5 per cent. of the legal voters in two-thirds of the congressional districts.

243 S.W. 346, 352 (Mo. banc 1922).

Plaintiffs’ position of automatic suspension would also render the constitutional requirement in Section 52(a) of five percent of votes in two-thirds of the congressional districts and the Secretary’s statutory review process meaningless. Section 116.120 states that “[w]hen an initiative or referendum petition is submitted to the secretary of state, he or she shall examine the petition to determine whether it complies with the Constitution of Missouri and with this chapter.” The Constitution mandates the signature threshold and mandates that the Secretary shall perform election related duties as provided by law, and the statutes contemplate a thorough review process, not automatic suspension based on mere physical delivery of petition boxes.

3. The Statutory Framework Provides Mandatory and Essential Verification and Review Processes

Missouri's referendum statutes establish a comprehensive framework for petition review and verification that would be rendered meaningless under Plaintiffs' interpretation. Before or on the ninety-day deadline, signatures must be collected and the petitions must be submitted to the Secretary of State for review.

Once a petition is submitted, pursuant to Section 116.120, RSMo, the Secretary must determine "whether it complies with the Constitution of Missouri and with this chapter." This mandatory examination serves a critical gatekeeping function. The Secretary of State sends copies of petition pages to local election authorities to verify that petition signers are registered voters. § 116.130.1, RSMo. Local election authorities then check signatures against voter registration records in their jurisdiction and count as valid only signatures of persons registered in the county named in the circulator's affidavit. *Id.* Election authorities must return annotated copies identifying invalid or questionable signatures, verify the number of pages received, and certify the total number of valid signatures from each congressional district. § 116.130.4, RSMo. After the local election authorities have conducted their review, Section 116.140, RSMo, authorizes the Secretary "not to count signatures on initiative or referendum petitions which are, in his opinion, forged or fraudulent signatures."

Petitions that appear to have sufficient signatures on their face can and have been deemed invalid. *Kaesser v. Becker*, 243 S.W. 346, 347 (Mo. banc 1922); *Yes to Stop Callaway Comm. v. Kirkpatrick*, 685 S.W.2d 209 (Mo. App. 1984); *Dundon v. Kander*, Case No. 16AC-CC00338 (Cole Co. Cir Ct. (2017)). Signatures can and have been determined invalid for a variety of reasons, e.g., duplicate signatures, signatures by minors, signatures by other persons

(husbands signing for wives). See *Kaesser v. Becker*, 243 S.W. 346, 347 (Mo. banc 1922). Signatories must be registered voters. See Section 116.060, RSMo. For a name to be qualified, there must be a valid voter name, address, and signature. 15 CSR 30-15.010(5). Names have to match the voting rolls. 15 CSR 30-15.010(2)(A). Signatures that list an address outside the county as indicated on the petition will be rejected. 15 CSR 30-15.010(1)(A). Signatures that are struck through or crossed out are not counted. 15 CSR 30-15.010(1)(B). “There may be fraud in the procurement of signatures apparently legally sufficient, and petitions may be found to be legally insufficient which have been signed in the exercise of the utmost good faith and without even suspicion of fraud.” *Kaesser v. Becker*, 243 S.W. 346, 350–51 (Mo. banc 1922).

After the Secretary of State reviews the petitions for sufficiency, either he issues a certificate of sufficiency or certifies that the petitions are insufficient. Upon finding the petition sufficient, the Secretary shall "issue a certificate setting forth that the petition contains a sufficient number of valid signatures to comply with the Constitution of Missouri and with this chapter." § 116.150, RSMo. Section 116.150 prescribes that "[t]he secretary of state shall issue a certificate pursuant to this section not later than 5:00 p.m. on the thirteenth Tuesday prior to the general election or two weeks after the date the election authority certifies the results of a petition verification pursuant to subsection 2 of section 116.130 [random sampling], whichever is later." The Secretary is constitutionally mandated “to perform such duties....in relation to elections and corporations, as provided by law[.]” Mo. Const. article IV, Section 14.

After certification, judicial review is available. Under § 116.200, RSMo, citizens can apply to the Cole County Circuit Court to reverse the certification decision. This must occur within ten days after the certification is made. §

116.200.3, RSMo.

In examining similar statutory safeguards, the Oklahoma Supreme Court has explained:

The purpose of the legislative provisions was to establish an orderly procedure for the exercise of the right of initiative and referendum by the people and to prevent fraud and corruption in the submission of such measures. They are designed to protect the people against hasty, disorderly, and ill-considered changes in their fundamental government and established laws. They were enacted to prevent changes in the fundamental laws before the people had been properly informed on the advisability of such changes and had had opportunity to give deliberate consideration thereto. They are designed to preserve to the people the wholesome provisions of the Constitution and the established laws and institutions thereunder. The imperative necessity for such cautionary measures had been demonstrated by the history of other states in the exercise of such powers. Gross frauds had theretofore been perpetrated by corrupt and designing persons which resulted in the passage of measures inimical to the welfare of the people.

A disregard of these orderly requirements would induce confusion and uncertainty. Basic changes of the fundamental law will no doubt, from time to time, be advisable and necessary. But such changes, in the view of the framers of the Constitution and the people who ratified it, should be accomplished only with a degree of deliberation and formality commensurate with their serious import. Such statutory safeguards should be and have been by this court liberally construed to effectuate their objects and purposes.

Associated Indus. of Okla. v. Okla. Tax Comm'n, 55 P.2d 79, 84–85 (Okla. 1936).

Other jurisdictions have held similar provisions relating to referendum petitions are mandatory:

Here the context supports rather than negatives the mandatory intent of the statutory provision. Section 169 is clearly designed to provide additional means by which fraudulent or otherwise improper signatures upon a referendum petition may be detected. If the provisions of the

section were only directory, laws enacted by the Legislature could be suspended, even if the Secretary of State had found that the referendum petition lacked the necessary number of valid signatures. Courts in other jurisdictions have held that similar statutory provisions are mandatory rather than directory *Associated Industries of Oklahoma v. Oklahoma Tax Commission*, 176 Okl. 120, 55 P.2d 79 (1936); *Ford v. Mitchell*, 103 Mont. 99, 61 P.2d 815 (1936); *State ex rel. Winter v. Swanson*, 138 Neb. 597, 294 N.W. 200 (1940).

Barnes v. State ex rel. Pinkney, 204 A.2d 787, 792–93 (Md. 1964).

These provisions serve critical functions in preventing abuse of the referendum process. Without verification requirements, any group could suspend legislation merely by submitting boxes of invalid signatures, signatures of unregistered voters, forged names, or even gibberish. The framers of Missouri's Constitution could not have intended such an easily exploited system that would allow bad-faith actors to paralyze the legislative process.

The integrity of Missouri's referendum process depends on the Secretary's ability to conduct his review and verification. Forcing premature suspension based on unverified petitions would create perverse incentives for fraud and manipulation, undermining the very democratic values the referendum process is designed to protect.

4. Plaintiffs Misapply Precedent

Plaintiffs rely heavily on *State ex rel. Kemper v. Carter*, 165 S.W. 773 (Mo. banc 1914), for the proposition that "mere lodging" of a petition suspends legislation. There, the Court held that the acts of the legislature are suspended by the "filing of a **legal, sufficient, and timely**" petition. *Id.* at 779. Sufficiency is a core threshold requirement to invoke the referendum. In *Stickler*, the court explained that "[o]nce a referendum petition has received **sufficient signatures** to be placed on the general election ballot, the referred

measure is placed before the people for their consideration as an original proposition; the prior action by the General Assembly and the Governor on the referred measure is suspended or annulled, and has no further legal effect or consequence.” *Stickler v. Ashcroft*, 539 S.W.3d 702, 713 n.9 (Mo. App. 2017) (emphasis added).

The parties agree that here, the petition was timely filed.¹ But that is not all that is required to trigger suspension, even under *Kemper*. The petition must be “legal” and “sufficient.” In *Kemper*, that sufficiency was assumed because it was not contested. *Id.* (“[R]elator does not contend that there were not sufficient petitioners, or that the names contained thereon were not those of legally qualified signers”). The Court did not hold that the mere physical delivery of boxes containing papers to the Secretary's office suspends legislation. The distinction is crucial: a “timely, legal, and sufficient” petition is one that complies with constitutional and statutory requirements, not merely one that has been submitted by the deadline.

Here, sufficiency is at issue. In another pending case, *People Not Politicians v. Hoskins*,² the question whether the signatures gathered for Referendum Petition 2026-R004 were validly obtained is at issue. In addition, there is an investigation and lawsuit pending regarding the collection of such signatures.³

¹ Plaintiffs also cite to and rely on dicta in *State ex rel. Moore v. Toberman*, 250 S.W.2d 701 (Mo. banc 1952). That case only dealt with the timeliness of a referendum – not sufficiency. *See Id.* at 702 (The Secretary determined the petitions “were legally sufficient and were signed by at least five percent of the legal voters in at least each of two-thirds of the congressional districts.”).

² Case No. 25AC-CC07128 (Cole Cnty. Cir. Ct.).

³ <https://ago.mo.gov/attorney-general-hanaway-launches-investigation-into-advanced-micro-targetings-reported-use-of-illegal-immigrants-in-missouri/>;

The *Kemper* Court further explained that the referendum provisions are "self-executing" in the sense that once a legally sufficient petition exists, suspension occurs by operation of law without further action by the Secretary. *Id.* at 779-80. However, this self-executing nature does not eliminate the requirement that the petition actually be legally sufficient.

The verification and certification process is not a mere administrative formality to be completed after suspension has already occurred; it is the mechanism by which legal sufficiency is established, triggering suspension. The *Kemper* Court's emphasis on "legal and sufficient" petitions forecloses Plaintiffs' argument that any submission, regardless of actual compliance with signature requirements, suspends legislation.

Plaintiffs also rely on *Kaw Transport Co. v. Whitmer*, in which the Court held that once the Secretary had properly determined that legally sufficient petitions had been filed, no additional certification formalities were required to effect suspension. Case No. CV181-778CC (Cole Cnty. Cir. Ct. Sept. 29, 1981). In *Kaw*, the Court "presume[d] that the Secretary of State has complied with the criteria set forth in Section 116.120 and that he found the petitions in question complied with the Constitution...and with the provisions of Section 116." No such determination has been made here. Indeed, the *Kaw* court confirmed suspension is not automatic, "The right of the people of this State...by use of the referendum process to stay the operation of legislation **upon the happening of certain events**, and to submit that legislation to a vote of all the people[.]" *Id.*

The "certain events" language from *Kaw Transport* supports Intervenor's position. Those events include: (1) passage of legislation by the General

<https://ago.mo.gov/attorney-general-hanaway-files-suit-against-advanced-micro-targeting-for-refusing-to-cooperate-with-investigation/>.

Assembly; (2) signing by the Governor (3) timely submission of referendum petitions to the Secretary of State; and (4) verification that the petitions meet the criteria in Section 116.200 and the constitutional requirements. Only "upon the happening" of all these events does suspension occur.

Read together, *Kemper*, *Moore*, and *Kaw Transport*, the Missouri Constitution and statutes establish the several principles that govern this case. Referendum suspension requires a "timely, legal, and sufficient" petition—not merely the physical delivery of papers to the Secretary's office. *Kemper*, 165 S.W. at 779. Suspension occurs "upon the happening of certain events," including verification of legal sufficiency, not automatically upon submission. *Kaw Transport*. The Secretary's verification process serves critical functions in preventing abuse and establishing legal sufficiency; it is not a mere post-suspension formality. *Kaesser v. Becker*, 243 S.W. 346 (Mo. banc 1922); *see generally* Section 116, RSMo.

5. Missouri Courts Defend the Referendum Process, But Not Through Premature Judicial Intervention

The *No Bans* court emphasized that "the legislature must not be permitted to use procedural formalities to interfere with or impede this constitutional right that is so integral to Missouri's democratic system of government." *No Bans on Choice v. Ashcroft*, 638 S.W.3d 484, 492 (Mo. banc 2022). The key question is what constitutes procedural formalities versus legitimate safeguards.

Intervenor does not argue that the Secretary can use "procedural formalities" to deny Missourians their referendum rights. Rather, Intervenor contends that the statutory framework establishing verification procedures, fraud prevention measures, and certification requirements serves the legitimate purpose of ensuring that only valid referenda suspend legislation.

These are not procedural tricks designed to thwart the will of the people—they are essential protections against abuse of the referendum process itself.

The Secretary is not preventing referendum efforts from being successful; he is engaged in the statutorily mandated process of determining whether this particular referendum effort has met the legal requirements. That is precisely what the statutory framework, and the Missouri Constitution requires him to do.

C. PLAINTIFFS FAIL TO MEET THE REQUIREMENTS FOR INJUNCTIVE RELIEF

Even if Plaintiffs could establish standing and present a justiciable claim, they cannot satisfy the requirements for preliminary or permanent injunctive relief.

1. Plaintiffs Are Unlikely to Succeed on the Merits

As demonstrated above, Plaintiffs' legal theory is fundamentally flawed. They cannot show a likelihood of success when their interpretation of Missouri's referendum process conflicts with the plain language of the constitution, statutory text, and Missouri precedent.

2. Plaintiffs Have an Adequate Remedy at Law

“To show entitlement to injunctive relief, a petition must plead facts that show (1) the plaintiff has no adequate remedy at law, and (2) irreparable harm will result if the relief is not granted.” *Glenn v. City of Grant City*, 69 S.W.3d 126, 130 (Mo. App. 2002). Section 116.200, RSMo, establishes procedures for judicial review of the Secretary's certification decisions. But that review cannot occur until the Secretary has actually made a decision to review.

Plaintiffs seek to bypass the entire administrative process through this declaratory judgment action. They ask the Court to declare HB1 suspended before the Secretary has completed his review, before any certificate has been

issued, and before the statutory judicial review process has been triggered. Because Plaintiffs have an adequate remedy at law, they are not entitled to injunctive relief.

3. Plaintiffs Will Not Suffer Irreparable Harm

Plaintiffs have not demonstrated any irreparable harm. Plaintiffs' Petition has a single paragraph on irreparable harm:

45. Plaintiffs will suffer irreparable harm absent injunctive relief because "being subject to an unconstitutional statute, for even minimal periods of time, unquestionably constitutes irreparable injury." *Rebman v. Parson*, 576 S.W.3d 605, 612 (Mo. banc 2019) (citation modified).

While Plaintiffs suggest that Section 116.150 or 116.130 are unconstitutional to the extent they "delay suspension...until the issuance of a certificate of sufficiency," Plaintiffs do not seek a declaration that the statutes are unconstitutional. In *Rebman*, the Plaintiff brought suit to declare the appropriations bill eliminating his job unconstitutional.

Plaintiffs claim elsewhere in the Petition that they are harmed by denial of their constitutional right to approve or reject legislation through referendum. If and when the Secretary certifies the Petition as sufficient, Plaintiffs will have the right to approve or reject HB 1 at the ballot box. Plaintiffs remain fully enfranchised. Their abstract interest in seeing a referendum process proceed according to their preferred interpretation does not constitute irreparable harm.

4. The Balance of Equities and Public Interest Favor Denying Relief

The balance of equities strongly favors allowing HB1 to remain in effect. While the people have reserved to themselves the power of the referendum, the people also have the power to elect representatives to the General Assembly. Those elected members of the General Assembly, elected by the people, are

charged with drawing congressional district lines. Those elected representatives passed HB1.

The 2026 primary elections are approaching. Candidates, election officials, and voters need certainty about congressional district boundaries for candidate filing, ballot preparation, and voter information. Granting Plaintiffs' requested injunction would throw Missouri's election system into chaos based on unverified petitions. Election officials could not prepare accurate ballots. Candidates would not know in which districts to file. Voters would be confused about their representatives.

Plaintiffs make no similar claims here. Plaintiffs' Suggestions in Support of Motion for Preliminary Injunction and Consolidation with Hearing on Merits claims no harm to the State by "issuance of a preliminary injunction which prevents the state from enforcing laws likely to be found unconstitutional. Again, Plaintiffs are not asking this Court to determine any laws unconstitutional. See Plaintiffs' Petition.

The public interest in orderly elections and respect for duly enacted legislation far outweighs Plaintiffs' speculative concerns about referendum timing. If the Secretary ultimately certifies the referendum as sufficient, the matter can be placed before voters as provided by law. But until that determination is made through proper legal processes, the Court should not enjoin legislation passed by the people's elected representatives.

Further, the public interest weighs in favor of Intervenor's position – that this Court should not suspend the General Assembly's duly enacted map for the ongoing 2026 election. See, e.g., *Purcell v. Gonzalez*, 549 U.S. 1, 4-5 (2006). The February 24, 2026 opening of candidate filing is rapidly approaching. Any judicially ordered changes to the map at this late juncture would harm candidates preparing for the upcoming primary elections, "result

in voter confusion and consequent incentive to remain away from the polls,” and erode the “[c]onfidence in the integrity of our electoral processes...essential to the functioning of our participatory democracy.” *Id.* at 4-5.

On December 4, 2025, the U.S. Supreme Court stayed a three-judge federal district court’s order enjoining use of Texas’s 2025 congressional redistricting plan and requiring the State to revert to its 2022 plan. *Abbott v. League of United Latin Am. Citizens*, 607 U.S. ----, 2025 WL 3484863, at *1 (2025). The district court issued its injunction shortly after the opening of candidate filing, approximately four months before the primary elections, and eleven months before the November 2026 general election. *See League of United Latin Am. Citizens v. Abbott*, No. 3:21-cv-259, 2025 WL 3215715 (W.D. Tex. Nov. 18, 2025). The U.S. Supreme Court issued the stay because the district court had “improperly inserted itself into an active primary campaign, causing much confusion” with its late-breaking injunction. *Abbott*, 2025 WL 3484863, at *1; *see Robinson v. Ardoin*, 37 F.4th 208, 228-29 (5th Cir. 2022) (per curiam), *stay issued sub nom.*, *Ardoin v. Robinson*, 142 S. Ct. 2892, 2892-93 (June 28, 2022) (staying injunction of congressional redistricting plan issued five months before primary elections); *Callais v. Landry*, 732 F. Supp. 3d 574, 613-14 (W.D. La. Apr. 30, 2024), *stay issued sub nom.*, *Robinson v. Callais*, 144 S. Ct. 1171 (May 15, 2024) (staying injunction of congressional redistricting plan issued more than six months before the next election).

It is a “basic tenet of election law” that “[w]hen an election is close at hand, the rules of the road should be clear and settled.” *Democratic Nat’l Comm. v. Wis. State Legislature*, 141 S. Ct. 28, 31 (2020) (mem.) (Kavanaugh, J., concurring). “[L]ate-breaking, court-ordered rule changes can ‘result in

voter confusion and consequent incentive to remain away from the polls,’ and thus undermine the ‘[c]onfidence in the integrity of our electoral processes . . . essential to the functioning of our participatory democracy.’” *Bost v. Ill. State Bd. of Elections*, 607 U.S. ----, 2026 WL 96707, at *4 (2026) (quoting *Purcell*, 549 U.S. at 4-5); see also *Abbott*, 607 U.S. ----, 2025 WL 3484863, at *1 (2025). After all, “running a statewide election is a complicated endeavor,” involving “a host of difficult decisions about how best to structure and conduct the election.” *Democratic Nat’l Committee*, 141 S. Ct. at 31 (Kavanaugh, J., concurring). And those decisions must then be communicated to the “state and local officials” tasked with implementing them, who in turn “must communicate to voters how, when, and where they may cast their ballots through in-person voting on election day, absentee voting, or early voting.” *Id.* When a “court alters election laws near an election,” *id.*, candidates, voters, and even voters are left scrambling to understand the court-imposed alteration, “inviting confusion and chaos and eroding public confidence in electoral outcomes,” *Id.* at 30 (Gorsuch, J., concurring).

These considerations counsel judicial restraint and deference to the democratic process on the eve of an election. The legislature of each state is responsible for redrawing its Congressional districts. U.S. Const. art. I, § 4, cl. 1; see also *Ariz. State Legis. v. Ariz. Ind. Redistricting Comm’n*, 576 U.S. 787, 808 (2015). This allocation makes practical sense. Legislatures “enjoy far greater resources for research and factfinding” than courts, and “make policy and bring to bear the collective wisdom of the whole people when they do, while courts dispense the judgment of only a single person or a handful.” *Democratic Nat’l Comm.*, 141 S. Ct. at 29 (Gorsuch, J., concurring). “It is one thing for state legislatures to alter their own election rules in the late innings and to bear the responsibility for any unintended consequences. It is quite another thing for

a . . . court to swoop in and alter carefully considered and democratically enacted state election rules when an election is imminent.” *Id.* at 31 (Kavanaugh, J., concurring).

This case presents the scenario *Purcell* was designed to prevent. Candidates have already started preparing to file as soon as the filing period opens on February 24 (or shortly thereafter). Those candidates—as well as the voters, campaigns, political parties, and volunteers who support them—are thus actively preparing for and working toward that filing date, the July 8 voter registration deadline, and the August 4 primary election. *See* Missouri Secretary of State, 2026 Missouri Election Calendar.⁴

Suspending HB 1 at this juncture or even later would cause severe disruption. Candidates would find themselves running in redrawn districts against different opponents, potentially including incumbents or challengers they never anticipated facing. Support cultivated among volunteers and voters, and endorsements painstakingly secured from local officials and community leaders, might carry little weight, become useless, or even become liabilities among a new electorate. In short, candidates and their supporters would be forced to mount an entirely “new and different campaign in a short time frame.” *Tex. Democratic Party v. Benkiser*, 459 F.3d 582, 586 (5th Cir. 2006) (quotations omitted). And voters would find themselves in new districts, facing confusion about which district they reside in and confronting unfamiliar candidates. *See Bost*, 2026 WL 96707, at *4; *see also Merrill v. Milligan*, 142 S. Ct. 879, 880 (2022) (Kavanaugh, J., concurring) (explaining that “even heroic efforts likely would not be enough to avoid chaos and confusion”).

The Court should follow the settled approach of the United States Supreme Court and decline to order any changes to the General Assembly’s

⁴ Available at <https://www.sos.mo.gov/elections/calendar/2026cal>.

duly enacted map in the few months before the upcoming primary elections. *See Abbott*, 2025 WL 3484863, at *1; *Ardoin*, 142 S. Ct. at 2892-93; *Robinson*, 144 S. Ct. 1171. Such an injunction would “lead to disruption and to unanticipated and unfair consequences for candidates, political parties, and voters, among others.” *Merrill*, 142 S. Ct. at 881 (Kavanaugh, J., concurring). To “protec[t] the State’s interest in running an orderly, efficient election and in giving citizens (including the losing candidates and their supporters) confidence in the fairness of the election,” *Democratic Nat’l Comm.*, 141 S. Ct. at 31 (Kavanaugh, J., concurring), this Court should decline to order any changes to HB 1 map for the 2026 election.

The relief requested by Plaintiffs should be denied.

IV. CONCLUSION

For all these reasons, Plaintiffs have failed to establish any legal basis for the extraordinary relief they request. Their interpretation of Missouri’s referendum process is contrary to the plain language of the Missouri Constitution and to the statutory mandates regarding referendum petitions. Nor can Plaintiffs satisfy the requirements for injunctive relief.

Accordingly, Intervenor Put Missouri First respectfully requests that this Court deny all of Plaintiffs’ requested relief, dismiss the Petition with prejudice, and award Intervenor its costs and attorney fees incurred in this action, and for such other and further relief as is just and proper.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served via the Court's electronic filing system on February 9, 2026, on all parties of record.

/s/ Marc H. Ellinger