

IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI

JAKE MAGGARD, *et al.*

Plaintiffs,

v.

STATE OF MISSOURI, *et al.*,

Defendants.

Case No. 25AC-CC09120

**FINDINGS OF FACT AND CONCLUSIONS OF LAW AND
FINAL JUDGMENT**

The Court, having considered the pleadings, the Joint Stipulations of the parties, the arguments of counsel, the applicable law, and being otherwise fully advised in the premises, makes the following Findings of Fact and Conclusions of Law and enters its Final Judgment:

I. FINDINGS OF FACT

Based on the Joint Stipulations of the parties and the evidence presented, the Court finds the following facts:

1. On September 12, 2025, the Missouri General Assembly truly agreed to and finally passed House Bill 1 ("HB1"), an act to 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.

2. The special session of the General Assembly that passed HB1 adjourned on September 12, 2025.

3. On September 29, 2025, the Secretary of State's office received from Richard von Glahn a petition for referendum asking to refer HB1 to voters for approval or rejection, denominated as Referendum Petition 2026-R004.

4. On November 13, 2025, the Secretary of State certified the official ballot title for 2026-R004 and approved it for circulation.

5. On December 9, 2025, the proponents, Richard von Glahn and People Not Politicians, of 2026-R004 submitted referendum petitions to the Secretary of State.

6. 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.

7. The Secretary of State has not yet issued a certificate addressing the sufficiency of Referendum Petition 2026-R004 under Section 116.150, RSMo.

8. Plaintiffs Jake Maggard and Michael Lombardi are qualified Missouri voters who signed the petition to refer HB1 to voters.

9. Plaintiffs offered no evidence regarding taxpayer standing or standing as the proponent of the referendum petition.

10. Defendant Denny Hoskins is the duly elected Missouri Secretary of State and the state's chief elections officer.

11. Intervenor Put Missouri First is a political action committee organized under Chapter 130, RSMo, and Article VIII, Section 23 of the Missouri

Constitution.

12. Intervenor Put Missouri First has expended funds in opposition to the referendum on HB1 and in support of maintaining HB1.

13. Plaintiffs filed their Petition for Declaratory Judgment on December 23, 2025, naming the State of Missouri and Secretary of State Denny Hoskins as Defendants.

14. On January 8, 2026, the Court granted Put Missouri First's Motion to Intervene.

15. The sufficiency of Referendum Petition 2026-R004 has not been determined by the Secretary of State.

16. The validity of signatures gathered for Referendum Petition 2026-R004 is contested in separate litigation styled *People Not Politicians v. Hoskins*, Case No. 25AC-CC07128 (Cole County Circuit Court).

17. The 2026 primary elections are scheduled for August 4, 2026, with candidate filing opening on February 24, 2026, and the voter registration deadline on July 8, 2026.

18. All objections to evidence not previously ruled upon are overruled by this Court.

II. CONCLUSIONS OF LAW

This Court is required to determine whether there is a justiciable

controversy before addressing the merits of Plaintiffs' Petition. As more fully addressed herein, this Court concludes that there is not a justiciable controversy before this Court and accordingly this case should be dismissed. However, in the interests of time and judicial economy, the Court has also made a full determination of the merits of the claims in Plaintiffs' Petition.

A. Standing

A justiciable controversy exists when: (1) the plaintiff has a legally protectable interest at stake, (2) a substantial controversy exists between parties with genuinely adverse interests, and (3) that controversy is ripe for judicial determination. *City of St. Louis v. State*, 682 S.W.3d 387, 398 (Mo. banc 2024).

The first two elements of justiciability are encompassed jointly by the concept of standing. *Id.*

Standing requires that a party have a personal stake arising from a threatened or actual injury. *Schweich v. Nixon*, 408 S.W.3d 769, 774 (Mo. banc 2013). To establish injury in fact, a plaintiff must show that he or she suffered "an invasion of a legally protected interest" that is "concrete and particularized" and "actual or imminent, not conjectural or hypothetical." *Howland v. Truman Med. Ctr., Inc.*, 719 S.W.3d 98, 105 (Mo. App. W.D. 2025).

A party establishes standing by showing that it has "some legally protectable interest in the litigation so as to be directly and adversely affected by its outcome." *Schweich*, 408 S.W.3d at 775.

Plaintiffs assert standing based solely on their status as qualified voters who are signatories of Referendum Petition 2026-R004 and claim they are harmed by denial of their "constitutional right to approve or reject legislation through referendum." The relief Plaintiffs seek—an injunction barring use of HB1's congressional map—does not bear on their asserted interest in voting on the referendum. Regardless of whether this Court grants or denies Plaintiffs' requested relief, Plaintiffs will retain the same ability to approve or reject HB1 at the ballot box in the next general election, assuming the referendum is certified as sufficient, they will suffer no damage.

In *Prentzler v. Carnahan*, 366 S.W.3d 557 (Mo. App. W.D. 2012), the court held that signatories of an initiative petition lacked standing to intervene in litigation challenging the petition's ballot title and fiscal note because their asserted interests were not implicated by that litigation. As in *Prentzler*, Plaintiffs' asserted interest in voting on the referendum is not implicated by litigation concerning whether HB1 is currently suspended. The action of signing a petition, in and of itself, does not create a sufficient interest for purposes of standing. *Allred v. Carnahan*, 372 S.W.3d 477, 488 (Mo. App. W.D. 2012). Plaintiffs' asserted injury is remote and conjectural because it may never occur pending the issuance of a sufficiency determination by the Secretary of State.

Even if this Court were to grant Plaintiffs' requested relief, the referendum could still fail for lack of sufficient signatures, rendering Plaintiffs' alleged injury

speculative. Until the question of sufficiency is resolved, Plaintiffs' claimed injury depends on contingencies that may never occur.

Because Plaintiffs have failed to demonstrate that they suffer a personal injury distinct from the public at large, they merely have a generalized interest. "The generalized interest of all citizens in constitutional governance" does not invoke standing. *Mo. Coal. for Env't v. State*, 579 S.W.3d 924, 927 (Mo. banc 2019). Further, the plaintiff's interest must be affected more distinctly and directly than the interest of the public generally. *Bender v. Forest Park Forever, Inc.*, 142 S.W.3d 772, 774 (Mo. App. E.D. 2004).

This court notes that every Missouri citizen has an abstract interest in the proper administration of referendum procedures, and finds that such generalized grievances shared equally by all citizens cannot confer standing on individual plaintiffs.

Plaintiffs lack standing to bring this action.

B. Ripeness

Even when a plaintiff is able to show standing, the merits will not be reached unless the case is ripe. *Schweich*, 408 S.W.3d at 774.

Ripeness is determined by whether "the parties' dispute is developed sufficiently to allow the court to make an accurate determination of the facts, to resolve a conflict that is presently existing, and to grant specific relief of a conclusive character." *Id.*

A declaratory judgment is not available to adjudicate hypothetical or speculative situations that may never come to pass. *Mo. Soybean Ass'n v. Mo. Clean Water Comm'n*, 102 S.W.3d 10, 25 (Mo. banc 2003).

Ripeness does not exist when the question rests solely on a probability that an event will occur. *Id.*

Plaintiffs opine that the Secretary is intentionally delaying action. However, allegations directed at an elected official's intent to act present no justiciable controversy until the official action has occurred. *Schweich*, 408 S.W.3d at 779. In *Schweich*, the Missouri Supreme Court held that claims dependent on factors that could not be known and that could not be part of the record until after the court issued its judgment were not ripe. *Id.*

The entire premise of Plaintiffs' case rests on whether the submitted petitions are legally sufficient—a determination the Secretary has not yet made.

Plaintiffs are asking this court to relieve the Secretary of State of his constitutionally mandated duties. The Secretary of State is constitutionally mandated "to perform such duties. "[I]n relation to elections and corporations, as provided by law." Mo. Const. art. IV, § 14. The Secretary of State is required by statute to determine the sufficiency of form and compliance of referendum petitions and to either issue a certificate of sufficiency or a certificate stating the reason for insufficiency. §§ 116.120, 116.150, RSMo.

Whether HB1 is suspended turns on the sufficiency of the petition as to both

form and signatures. And, until the Secretary makes a sufficiency determination, there is no way of knowing whether the referendum has any legal effect. Plaintiffs' claims at hand are dependent on factors that cannot be known and that cannot be part of the record until after the Secretary's determination.

Any opinion rendered by this Court at this juncture would be merely an advisory opinion that could become moot if the Secretary determines the petition insufficient. Missouri courts do not issue opinions that have no practical effect and that are only advisory as to future, hypothetical situations. *Ameren Transmission Co. of Ill. v. Pub. Serv. Comm'n*, 467 S.W.3d 875, 880 (Mo. App. W.D. 2015).

Plaintiffs' claims are not ripe for judicial adjudication.

C. Political Question Doctrine

"Questions, in their nature political, ... can never be made in this court." *Marbury v. Madison*, 5 U.S. 137, 170 (1803).

The political question doctrine establishes a limitation on the authority of the judiciary to resolve issues, decidedly political in nature, that are properly left to the legislature or executive. *Maryland Heights Leasing, Inc. v. Mallinckrodt, Inc.*, 706 S.W.2d 218, 220 (Mo. App. E.D. 1985).

The courts have found that a political question exists where there is "a textually demonstrable constitutional commitment of the issue to a coordinate political department; or a lack of judicially discoverable and manageable

standards for resolving it; or the impossibility of deciding without an initial policy determination of a kind clearly for nonjudicial discretion." *State on Info. of Danforth v. Banks*, 454 S.W.2d 498, 500 (Mo. 1970).

The Missouri Constitution provides that the Secretary of State "shall ... perform such duties ... in relation to elections and corporations, as provided by law." Mo. Const. art. IV, § 14. The General Assembly enacted Chapter 116, RSMo, which assigns to the Secretary of State the initial determination of referendum validity and sufficiency, including signature verification. And, under Chapter 116, a referendum does not suspend legislation upon mere submission; it acquires legal effect only after the Secretary of State completes the prescribed verification process and declares the petition sufficient. *Stickler v. Ashcroft*, 539 S.W.3d 702, 713 n.9 (Mo. App. 2017).

Whether a referendum has operative effect before a sufficiency determination is made is not a judicial question, but an administrative determination entrusted to the executive branch pursuant to legislative direction.

Plaintiffs ask this Court to declare that HB1 has been suspended by an unverified referendum before the Secretary has completed his statutorily mandated review.

Such judicial intervention would require the Court to resolve a matter in the first instance, without the benefit of the factual findings and administrative determinations the General Assembly has required. Making a threshold

determination of whether a referendum has suspended legislation before the executive has made a sufficiency determination would constitute an independent resolution of a political question. As such, an independent resolution would necessarily reflect a lack of respect for the roles assigned to the legislative and executive branches under Missouri's constitutional structure.

Plaintiffs' challenge presents a non-justiciable political question.

D. Improper Use of Declaratory Judgment

"The statutory provisions for declaratory judgment actions are designed to supply a deficiency in our remedial proceedings and are not intended to be a substitute for all existing remedies." *Harris v. State Bank & Tr. Co.*, 484 S.W.2d 177, 179 (Mo. 1972).

An action for declaratory judgment is inappropriate when the issue can be raised by some other means. *Lane v. Lensmeyer*, 158 S.W.3d 218, 223 (Mo. 2005).

The lack of an adequate remedy at law is a prerequisite to relief via declaratory judgment. *City of Kansas City v. Chastain*, 420 S.W.3d 550, 555 (Mo. 2014).

Where an adequate remedy at law exists, it becomes the exclusive remedy for challenging an action. State ex rel. *SLAH, L.L.C. v. City of Woodson Terrace*, 378 S.W.3d 357, 364 (Mo. banc 2012).

Section 116.200, RSMo, establishes procedures for judicial review of the Secretary's certification decisions.

Any citizen may apply to the circuit court of Cole County to compel the Secretary of State to reverse his sufficiency decision. *Missourians to Protect the Initiative Process v. Blunt*, 799 S.W.2d 824, 829 (Mo. banc 1990). Thus Plaintiffs have an act of recourse if the referendum is determined insufficient, Plaintiffs simply could raise the same issues in a Section 116.200 action.

Plaintiffs seek to bypass the entire administrative process and obtain a premature judicial declaration before the administrative process has run its course. Where the legislature provides a method of review, that procedure is exclusive and must be used, or the court acts without jurisdiction. *Nash v. Dir. of Rev.*, 856 S.W.2d 112, 113 (Mo. App. E.D. 1993).

Plaintiffs' use of declaratory judgment to circumvent the statutory review process under Chapter 116 is improper.

E. Substantive Analysis of Referendum Suspension

Although Plaintiffs lack standing and their claims are not ripe, in the interest of fully resolving this matter, the Court addresses the substantive legal questions raised concerning when referendum suspension occurs.

- 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.
- 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."

Unlike other state constitutions, the Missouri Constitution does not expressly use the term "suspend" in its referendum provisions nor provide for any type of automatic suspension upon any petition filing.

When constitutional framers have not seen fit to provide that the filing of a referendum petition shall suspend the operation of a law, courts are not authorized to read such a provision into the Constitution. *State ex rel. Morton v. Howard*, 248 P. 44, 45-46 (Nev. 1926).

In Missouri, Article III, Section 52(a) requires that referendum be "signed by five percent of the legal voters in each of two-thirds of the congressional districts." The constitutional signature threshold would be rendered meaningless if automatic suspension occurred based on mere physical delivery of petition boxes, regardless of actual signature sufficiency.

In *State ex rel. Kemper v. Carter*, the Missouri Supreme Court held that acts of the legislature are suspended by the "filing of a legal, sufficient, and timely" petition. 165 S.W. 773, 779 (Mo. banc 1914). In *Kemper*, sufficiency was assumed because it was not contested. The Court stated: "relator does not contend that there were not sufficient petitioners, or that the names contained thereon were not those of legally qualified signers." *Id.* Further, *Kemper* did not hold that mere physical delivery of boxes triggers automatic suspension; it held that a "timely, legal, and sufficient" petition 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.

Plaintiffs rely on *Kemper* for their position that a petition is deemed sufficient upon filing with the Secretary of State. However, this case is distinguishable from *Kemper* in that, in 1980, after *Kemper* was decided, the General Assembly created a verification process and vested it in the Secretary of State. Under the prior statutory scheme, the proponent-submitter of a referendum petition self-certified the sufficiency of the referendum petition. This self-certification was the basis for the *Kemper* decision but the statutory scheme has changed. *Kemper* is thus distinguishable from the case at hand.

In *Stickler v. Ashcroft*, 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." 539 S.W.3d 702, 713 n.9 (Mo. App. 2017). The *Stickler* court's use of "once" and "has received sufficient signatures" indicates that sufficiency is necessarily a prerequisite to suspension.

Missouri's statutory framework in Chapter 116 establishes comprehensive verification procedures for determining petition sufficiency.

Section 116.120, RSMo, requires the Secretary of State to examine petitions

to determine whether they comply with the Constitution of Missouri and with Chapter 116.

The Secretary does this in part by sending petition pages to local election authorities for verification that signers are registered voters. Then local election authorities must check signatures against voter registration records and count as valid only signatures of persons registered in the county named in the circulator's affidavit. § 116.130.1, RSMo. Further Section 116.140, RSMo, also authorizes the Secretary "not to count signatures on initiative or referendum petitions which are, in his opinion, forged or fraudulent signatures." Just because it appears that the petition is sufficient does not make it so. Petitions that appear to have sufficient signatures on their face can be and have been deemed invalid. *Kaesser v. Becker*, 243 S.W. 346, 347 (Mo. banc 1922).

The simple truth is signatures can be determined invalid for numerous reasons, including: duplicate signatures, signatures by minors, signatures by other persons, signatures by unregistered voters, mismatched addresses, and crossed-out signatures.

Because of this, the Missouri Supreme Court has explained: "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*, 243 S.W. at 350-51.

Due to the possibility of invalid signatures, Section 116.150, RSMo, requires the Secretary to issue a certificate setting forth whether the petition contains a sufficient number of valid signatures. These various statutory verification and review processes serve critical functions in preventing abuse of the referendum process and establishing legal sufficiency.

Without verification requirements, any group could suspend legislation merely by submitting boxes of invalid signatures, signatures of unregistered voters, forged names, or other fraudulent submissions. Clearly, 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 verification and certification process is not a mere administrative formality to be completed after suspension has already occurred; it is the substantive mechanism by which legal sufficiency is established under the Constitution, thereby triggering suspension. *Kemper's* emphasis on "legal and sufficient" petitions forecloses Plaintiffs' argument that any submission, regardless of actual compliance with signature requirements, suspends legislation.

Additionally, in *Kaw Transport Co. v. Whitmer*, Case No. CV181-778CC (Cole County Cir. Ct. Sept. 29, 1981), the court confirmed that suspension occurs "upon the happening of certain events." Those events include: (1) passage of legislation by the General 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 constitutional and statutory requirements. Only "upon the happening" of all these events does suspension occur.

It is clear the people have reserved to themselves the power of the referendum, but 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 Missouri Supreme Court has cautioned that "when 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." *Kaesser*, 243 S.W. at 352. The Court further explained: "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." *Id.*

HB1 was codified with an effective date of December 11, 2025, having been passed by both chambers of the General Assembly and approved by the Governor through the normal constitutional process.

The referendum 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 Referendum Petition 2026-R004. Until the Secretary issues a sufficiency determination—and until any judicial review of that determination is complete under Section 116.200—HB1 remains effective under Article III, Section 31 of the Missouri Constitution. Plaintiffs' interpretation that automatic suspension occurs upon mere submission of a referendum petition conflicts with the plain text of the Missouri Constitution, the statutory framework of Chapter 116, and controlling Missouri precedent.

This court finds no automatic suspension exists.

F. Changes to the election process timing

Defendants and Intervenor raise timing concerns under federal law. This Court recognizes the importance of these concerns and the strong precedent from the United States Supreme Court; however, this Court declines to address these issues at this time.

III. ORDER AND FINAL JUDGMENT

For the foregoing reasons, IT IS HEREBY ORDERED, ADJUDGED, and DECREED that:

Plaintiffs' Petition for Declaratory Judgment and Injunctive Relief is DISMISSED for lack of standing.

In the alternative, Plaintiffs' Petition is DISMISSED for failure to present a ripe controversy suitable for judicial determination.

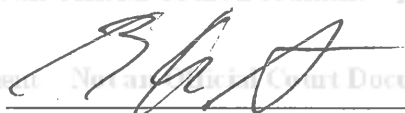
In the alternative, Plaintiffs' Petition is DISMISSED as presenting a non-justiciable political question.

In the alternative, Plaintiffs' Petition is DISMISSED as improperly utilizing declaratory judgment where an adequate statutory remedy exists.

On the merits, the Court concludes that HB1 is not suspended by the mere submission of Referendum Petition 2026-R004.

All costs are assessed against Plaintiffs.

SO ORDERED AND FINALLY ADJUDGED this 27 day of March 2026.



Honorable Brian K. Stumpe
Judge, Division I