

IN THE SUPREME COURT OF MISSOURI

JAKE MAGGARD, et al.,

Appellants,

v.

STATE OF MISSOURI, et al.,

Respondents.

No. SC101581

STATE’S RESPONSE TO APPELLANTS’ JURISDICTIONAL STATEMENT, OR, IN THE ALTERNATIVE, MOTION FOR CLARIFICATION

The State of Missouri and the Secretary of State agree with Appellants that this Court holds exclusive jurisdiction over this appeal. Article V, Section 3 of the Missouri Constitution grants the Court “exclusive appellate jurisdiction” over “all cases involving the “validity” of a “statute.” Mo. Const. art. V, § 3. Thus, “[o]nce a claim challenging the constitutional validity of a statute is properly raised and preserved,” “this Court has exclusive appellate jurisdiction over that appeal.” *Comprehensive Health of Planned Parenthood Great Plains v. State*, 729 S.W.3d 222, 227 (Mo. banc 2025).

This appeal involves a constitutional challenge to fourteen statutes. *See* §§ 116.130, 116.150, 128.345, 128.346, 128.348, 128.471, 128.472, 128.473, 128.474, 128.475, 128.476, 128.477, 128.478, 128.479, RSMo. The legislature enacted twelve of the challenged statutes through House Bill 1 (“HB 1”). *See* §§ 128.345, 128.346, 128.348, 128.471, 128.472, 128.473, 128.474, 128.475, 128.476, 128.477, 128.478, 128.479, RSMo. A week ago, this Court found that it had exclusive jurisdiction over another constitutional challenge to these same statutes enacted under “HB 1.” *See Luther v.*

Hoskins, No. SC 101412, 2026 WL 815813, at *1 n.1 (Mo. banc Mar. 24, 2026) (“This Court has jurisdiction because this appeal involves the validity of state statutes.” (citing Mo. Const. art. V, § 3)). Appellants also challenge two other statutes, §§ 116.130, 116.150, RSMo, which establish procedures for processing referendum petitions. These latter two statutes have governed Missouri referendum procedure for nearly a half century. *See id.* Because Appellants challenge both sets of statutes, and because the circuit court upheld these statutes, this Court holds exclusive appellate jurisdiction.

I. Article V, Section 3 requires exclusive jurisdiction because Appellants challenge twelve statutes enacted through HB 1.

This Court holds exclusive appellate jurisdiction because Appellants lodge a constitutional challenge to HB 1 under Article III, Sections 49, 52(a), and 52(b) of the Missouri Constitution. Appellants’ constitutional challenge to HB1 is evident from the face of their Petition, which alleges that the ongoing validity of “HB1’s new congressional map” “violat[es] longstanding practice and the People’s referendum rights” under Article III. D124, pp. 8–9. Next, in their pretrial brief, Appellants argued that “HB1’s new congressional map cannot be used without violating the referendum provisions of the Missouri Constitution.” D212, p. 2. Then, at trial, this constitutional challenge to HB1 was the central premise of Appellants’ oral argument.¹ Further, the circuit court rejected this constitutional challenge to HB 1, and held that HB 1 is “effective under Article III, Section 31 of the Missouri Constitution.” D241, p. 17; *see* Mo. Const. art. III, § 31 (“If the

¹ A transcript of trial is currently unavailable. However, both Appellants and the State have submitted requests for an expedited transcript.

bill be approved by the governor it shall become a *law*.” (emphasis added)). Finally, Appellants’ jurisdictional statement forecasts that their claims on “appeal” will “address the ‘validity’ of” HB 1, which 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.” D240, p. 4. Thus, “the *claim* at issue on appeal” involves a constitutional challenge to statutes. *Planned Parenthood*, 729 S.W.3d at 227 (emphasis in original). And “[o]nce a claim challenging the constitutional validity of a statute is properly raised and preserved,” “this Court has exclusive appellate jurisdiction over that appeal.” *Id.*

There’s more. A week ago, this Court rejected another constitutional challenge to HB 1 in *Luther v. Hoskins*, 2026 WL 815813. The *Luther* opinion held that under “Mo. Const. art. V, § 3,” “[t]his Court has jurisdiction because this appeal involves the validity of state statutes,” *id.* at *1 n.1—including a claim “alleging HB 1 is unconstitutional,” *id.* at *1. Similarly, this action also involves a constitutional challenge to HB 1. Moreover, if Appellants’ succeed, HB 1 will be enjoined and the Secretary of State will be prohibited from enforcing it. *See* D124, pp. 8–9. Thus, this Court this court holds exclusive appellate jurisdiction.

II. Article V, Section 3 requires exclusive jurisdiction because Appellants also challenge §§ 116.130 and 116.150, RSMo.

Additionally, Appellants’ constitutional challenge to §§ 116.130 and 116.150, RSMo, provides another basis for this Court’s jurisdiction. Appellants raised this challenge in their Petition, alleging: “To the extent Section 116.150 or 116.130, RSMo, permits the Secretary of State to delay suspension of a referred law until the issuance of a certificate of

sufficiency—and thus allows a referred law to go into effect—those statutes conflict with Article III, Sections 49, 52(a), and 52(b) of the Missouri Constitution, at least as applied to the facts here, and are unconstitutional.” D124, ¶ 42. Appellants then reiterated this challenge in their trial brief and at oral argument. *See* D212, pp. 10–11 n.3. Finally, the jurisdictional statement also forecasts that this appeal will involve the constitutional challenge to §§ 116.130 and 116.150. D240, pp. 4–5.

The challenge to §§ 116.130 and 116.150 alone is enough to create jurisdiction “over all other issues raised” in this appeal. *Black River Motel, LLC v. Patriots Bank*, 669 S.W.3d 116, 122 n.6 (Mo. banc 2023). That is “because once jurisdiction attaches, it extends to all issues in the case.” *Id.* Indeed, this Court has emphasized that “[a]ppeals are not bifurcated under our practice.” *State ex rel. Union Elec. Co. v. Pub. Serv. Commn.*, 687 S.W.2d 162, 165 (Mo. banc 1985). Thus, Appellants’ challenge to §§ 116.130 and 116.150 creates another independent basis for this Court’s exclusive jurisdiction.

III. In the alternative, if this Court doubts its jurisdiction, the State moves for clarification so that the parties may respond to the Court’s concerns.

The State responded to Appellants’ jurisdictional statement because of this Court’s April 2 Order. Yet because the parties agree about this Court’s jurisdiction, the State is unaware of a reason that this Court may lack jurisdiction. Thus, if this Court doubts its jurisdiction after reviewing the parties’ briefing, the State respectfully requests an order clarifying the basis of the Court’s concerns. Such an order would allow the parties to consider the reasoning of this learned and honorable Court, and it would allow the parties to provide thoughtful responses before this Court rules on its jurisdiction.

IV. Conclusion

Accordingly, this Court holds exclusive appellate jurisdiction over this case. And if this Court doubts its appellate jurisdiction, the State respectfully moves for clarification about any jurisdictional concerns.

Dated: April 3, 2026

Respectfully submitted,

CATHERINE L. HANAWAY
ATTORNEY GENERAL

/s/ Louis J. Capozzi

Louis J. Capozzi, III, #77756
Solicitor General

Patrick Sullivan, #42968

Deputy Solicitor General

J. Michael Patton, #76490

Deputy Solicitor General

Missouri Attorney General's Office

Post Office Box 899

Jefferson City, MO 65102

Tel: (573) 645-9662

Fax: (573) 751-0774

Attorneys for Respondents

CERTIFICATE OF SERVICE

I hereby certify that on April 3, 2026, the above motion was filed electronically through the Court's electronic filing system to be served electronically on all counsel of record.

/s/ Louis J. Capozzi

