

FILED

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CLERK, SUPREME COURT



**SUPREME COURT OF MISSOURI**  
**en banc**

NATIONAL ASSOCIATION  
FOR THE ADVANCEMENT OF  
COLORED PEOPLE MISSOURI  
STATE CONFERENCE, ET AL.,

Appellants,

v.

No. SC101541

GOVERNOR MIKE KEHOE, ET AL.,

Respondents.

**APPEAL FROM THE CIRCUIT COURT OF COLE COUNTY**  
**The Honorable Christopher K. Limbaugh, Judge**

The National Association for the Advancement of Colored People Missouri State Conference, Patricia A. Jones, and Traci Wilson-Kleekamp (collectively, "NAACP") appeal from a judgment finding the governor had the constitutional authority to call an extraordinary session of the general assembly pursuant to article IV, section 9 of the Missouri Constitution. The circuit court also found this issue was of a political nature and should be determined by the governor rather than the courts. On appeal, NAACP claims the circuit court erred in entering the declaratory judgment in favor of the state of

Missouri and various state officials (collectively, “State”).<sup>1</sup> NAACP asserts article IV, section 9 requires an extraordinary occasion to exist before the governor may exercise his discretion to convene the general assembly and recommend legislative action. Further, it asserts the issue in this case is not a question of public policy to which the political question doctrine would apply.

The plain language of article IV, section 9 gives the governor discretion to determine when an extraordinary occasion has arisen and to call an extraordinary session.

The judgment is affirmed.

### **Background**

In August 2025, the governor issued a proclamation calling for the Second Extraordinary Session of the 103rd Missouri General Assembly (“extraordinary session”), identifying an extraordinary occasion requiring two legislative actions: establishing new congressional districts and altering the initiative petition process.<sup>2</sup> In his proclamation, the governor expounded on the reasoning for this extraordinary session.

**WHEREAS**, the General Assembly has adjourned its regular legislative session without having enacted new congressional district boundaries; and

**WHEREAS**, Article III, Section 45 of the Missouri Constitution authorizes the General Assembly to divide the state into districts for the United States House of Representatives; and

**WHEREAS**, the State of Missouri’s current congressional district map may be vulnerable to a legal challenge under the Voting Rights Act and the Fourteenth Amendment, due to a lack of compactness in certain districts; and

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<sup>1</sup> The defendants in this case are: the State of Missouri, Michael L. Kehoe in his official capacity as Governor of the State of Missouri, Catherine Hanaway in her official capacity as Attorney General of the State of Missouri, Cindy O’Laughlin in her official capacity as Senator and President Pro Tem of the Missouri Senate, and Jon Patterson in his official capacity as Representative and Speaker of the Missouri House of Representatives.

<sup>2</sup> The first extraordinary session the governor called in 2025 is not relevant to this case.

**WHEREAS**, our congressional delegation should reflect the values of Missourians; and

**WHEREAS**, congressional candidate filing for the 2026 election cycle begins on February 24, 2026; and

**WHEREAS**, legislation to establish new congressional districts for the State of Missouri cannot be accomplished in the 2026 Regular Session; and

**WHEREAS**, the failure to establish new congressional districts constitutes an extraordinary occasion that warrants immediate legislative action; and

**WHEREAS**, the swift and efficient resolution of this matter is necessary to prepare for the upcoming election cycle and to provide certainty for voters; and

**WHEREAS**, a fair and transparent initiative petition process is essential for the citizens of the State of Missouri to propose and enact laws; and

**WHEREAS**, the current initiative petition process may be vulnerable to foreign and out-of-state influence; and

**WHEREAS**, certain ballot initiatives can be confusing to voters and lead to unintended consequences; and

**WHEREAS**, Article IV, Section 9 of the Missouri Constitution authorizes the Governor on extraordinary occasions, to convene the General Assembly by proclamation, specifying each matter requiring action.

**NOW, THEREFORE**, on the extraordinary occasion that exists in the State of Missouri:

**I, MIKE KEHOE, GOVERNOR OF THE STATE OF MISSOURI**, pursuant to the authority vested in me as Governor by the Constitution of the State of Missouri, do, by this Proclamation, convene the One Hundred Third General Assembly in the Second Extraordinary Session of the First Regular Session.

Following this announcement, the general assembly met and passed House Bill 1 and House Joint Resolution 3, which, respectively, adopted a new congressional district map and proposed a constitutional amendment altering the initiative petition process.

On September 3, 2025—the day the extraordinary session was to convene—NAACP filed suit, seeking a declaration the governor’s proclamation failed to state an extraordinary occasion pursuant to article IV, section 9 and petitioning for a temporary

restraining order and injunction against convening the general assembly.<sup>3</sup> Because the circuit court had not ruled on the motion for injunctive relief before the general assembly convened and passed HB 1 and HJR 3, NAACP later amended its pleadings, requesting the court enjoin implementation of the legislation passed during the extraordinary session. The court later overruled NAACP's motions for a temporary restraining order and a preliminary injunction.

After a bench trial, the circuit court entered judgment, finding the governor had the constitutional authority to call an extraordinary session of the general assembly pursuant to article IV, section 9. The court also found the issue raised by NAACP was a political question that should be determined by the governor, not the courts.

NAACP appeals.<sup>4</sup>

#### Standard of Review

Reviewing a circuit court's grant of a declaratory judgment, this Court will affirm that judgment unless there is not substantial evidence to support it, the judgment is

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<sup>3</sup> In its initial pleadings, NAACP also sought a declaration that article III, section 45 of the Missouri Constitution does not grant the general assembly authority to create new congressional boundaries without a decennial census certification. Because this claim was not included in NAACP's amended petition, it is abandoned. *See State ex rel. Bugg v. Roper*, 179 S.W.3d 893, 894 (Mo. banc 2005).

<sup>4</sup> Because of the general interest and importance of the legal issue involved in this case, this Court, on its own motion, grants discretionary transfer of this case pursuant to Rule 83.01 and article V, section 10 of the Missouri Constitution and does not address whether this Court would have had exclusive appellate jurisdiction absent transfer. *See Maggard v. State*, --- S.W.3d ---, SC101581, 2026 WL \_\_\_ at \* \_\_\_ n.5 (Mo. banc May 12, 2026) (holding—if the December 9, 2025 referendum petition is sufficient after any judicial review—HB 1 never went into effect and will not go into effect unless and until approved by the voters, but—if the petition is insufficient after such review—HB 1 went into effect on December 11, 2025, and remains so).

against the weight of the evidence, or the judgment erroneously declares or applies the law. *Luther v. Hoskins*, 730 S.W.3d 567, 570 (Mo. banc 2026). If, as here, the facts are stipulated, this Court may determine only whether the circuit court properly declared and applied the law. *Id.*

Questions of constitutional interpretation are reviewed *de novo*. *Id.*

“Constitutional provisions are subject to the same rules of construction as other laws, except that constitutional provisions are given a broader construction due to their more

permanent character.” *Robust Mo. Dispensary 3, LLC v. St. Louis Cnty.*, 721 S.W.3d

135, 138-39 (Mo. banc 2025) (internal quotation omitted). This Court interprets words in

a constitutional provision “to give effect to their plain, ordinary, and natural meaning.”

*Id.* at 139 (internal quotation omitted). When interpreting a phrase or section within a constitutional provision, the provision should be considered as a whole, with its primary objectives at issue in mind. *Luther*, 730 S.W.3d at 570.

### Analysis

The issue in this case is whether the governor acted pursuant to his constitutional

authority when he called the extraordinary session.<sup>5</sup> NAACP asserts the circuit court

erred in declaring the Missouri Constitution affords the governor discretion to determine

when an extraordinary occasion has arisen, and then he may call an extraordinary session.

It argues an event must satisfy the dictionary definition of “extraordinary” before the

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<sup>5</sup> Because this Court’s holding that the governor acted pursuant to his constitutional authority is dispositive, this Court does not reach the circuit court’s alternate finding that the issue is barred by the political question doctrine. *Nicholson v. State*, No. SC101308 2026 WL 202013, at \*6 n.5 (Mo. banc Jan. 23, 2026)

governor has authority to call such a session, and the governor acted outside of this authority here because the criteria he stated in his proclamation did not meet this definition.

Article IV, section 9 provides:

The governor shall, at the commencement of each session of the general assembly, at the close of his term of office, and at such other times as *he may deem necessary*, give to the general assembly information as to the state of the government, and shall recommend to its consideration such measures as *he shall deem necessary* and expedient. *On extraordinary occasions* he may convene the general assembly by proclamation, wherein he shall state specifically each matter on which action *is deemed necessary*.

(Emphasis added).

By its plain language, this constitutional provision instills the governor with a great deal of discretion. The provision speaks throughout in terms of what the governor “deem[s] necessary.” The first two times the language appears, the provision makes clear it is the governor who “deems” or determines whether and when something is necessary. *Id.* The governor may give the general assembly, at times he deems necessary, “information as to the state of the government,” as well as his recommendations of laws he “deem[s] necessary and expedient.” *Id.* The governor may exercise discretion to determine whether these actions are necessary. These same words, “deem necessary,” are later repeated with respect to the governor convening the general assembly by proclamation. *Id.* When used in the same provision, this Court presumes the words carry the same meaning. *State v. League of Women Voters of Mo.*, 730 S.W.3d 591, 603 (Mo. banc 2026). As such, the governor has discretion to determine what actions the general

assembly can consider in an extraordinary session as well as the occasion for calling such a session.

NAACP contends, while the governor has discretion to identify the measures to be considered within an extraordinary session, an occasion satisfying the dictionary definition of “extraordinary” must exist before the governor may exercise such discretion.

NAACP asserts an “extraordinary occasion,” as used in this provision, connotes “an unusual set of circumstances.” Extending this argument, NAACP claims, because the events identified in the proclamation already existed at the time of the last session, no extraordinary occasion existed allowing the governor to call an extraordinary session.

This argument lacks merit. The plain meaning of “extraordinary”—consistent with the dictionary definition of “extraordinary” from article IV, section 9’s adoption through the present—is a particular occasion, outside the regular or ordinary pattern of legislative sessions, and called by the governor to address issues he deems necessary.

Although NAACP cites a modern dictionary definition of “extraordinary,” the definition of “extraordinary” has remained the same since the constitutional provision’s adoption in

1820. *See Extraordinary, Noah Webster’s Am. Dictionary of the English Language*

(1828) (“Beyond or out of the common order or method; not in the usual, customary or

regular course; not ordinary.”).<sup>6</sup> In context, “extraordinary” means simply outside the

general assembly’s ordinary legislative session.

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<sup>6</sup> The State asserts this Court should rely on an alternate definition from the same 1828 dictionary, defining “extraordinary” as “[s]pecial; particular, sent for a special purpose, or on a particular occasion; as an extraordinary courier or messenger; an ambassador extraordinary; a gazette extraordinary[.]” *Extraordinary, Noah Webster’s Am. Dictionary*

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Contrary to NAACP’s contention, article IV, section 9 of the Missouri Constitution does not include language suggesting the governor’s discretion to call an extraordinary session is limited in any way. This provision does not require the extraordinary occasion be an unusual occasion in the way NAACP suggests, nor specify a method for determining whether an occasion is sufficiently unusual to justify such a session. This Court will not read words into a constitutional provision that do not exist.

See *McGibney v. Mo. Dep’t of Nat. Res.*, 653 S.W.3d 665, 673 (Mo. banc 2022).

Additionally, this entire constitutional provision—as understood from its plain language—grants the governor discretion at additional times: (1) to inform the general assembly about “the state of the government” and suggest legislation; and (2) to call extraordinary sessions. See *Robust Mo. Dispensary 3, LLC*, 721 S.W.3d at 141 (“[T]his Court does not read a single word in isolation but instead considers it within the context of the entire provision.”). To hold such a session must be called pursuant only to events that did not exist prior to the regular session would also require this Court to read additional words into this constitutional provision and ignore the context of the entire provision.

Article IV, section 9 affords the governor discretion to determine when an extraordinary occasion has arisen and to call an extraordinary session of the general

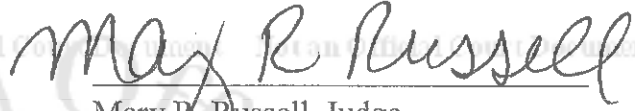
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*of the English Language* (1828). These definitions are consistent. Whether “extraordinary” is not usual or not ordinary or a special occasion does not limit the governor’s discretion in article IV, section 9.

assembly.<sup>7</sup> The governor acted pursuant to this constitutional authority when calling the Second Extraordinary Session of the 103rd Missouri General Assembly.

**Conclusion**

The circuit court’s judgment is affirmed. No Rule 84.17 motions are permitted.

  
Mary R. Russell, Judge

All concur.

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<sup>7</sup> This holding is consistent with many other states that have answered this question. See *McConnell v. Haley*, 711 S.E.2d 886, 887 (S.C. 2011) (holding that, because there was no limitation on calling extraordinary sessions in the text of the South Carolina Constitution, the matter was left to the discretion of the governor); *Jaksha v. State*, 385 N.W.2d 922, 927 (Neb. 1986) (holding the governor determines when an extraordinary occasion exists, requiring a special session); *State v. Fair*, 76 P. 731, 732 (Wash. 1904) (holding the governor has the exclusive providence to determine if an event of sufficient gravity existed to require an extra session of the legislature); *Farrelly v. Cole*, 56 P. 492, 497 (Kan. 1899) (holding the term “extraordinary occasion,” in the context of the governor’s authority to call an extraordinary session, is not synonymous with “over-powering and urgent necessity” but, rather, such sessions may be called for “purposes common and ordinary”); *In re State Census*, 21 P. 477, 477 (Colo. 1886) (explaining whether a matter is extraordinary and requires calling the general assembly is a determination “resting entirely in the judgment of the executive”); *People ex rel. Carter v. Rice*, 20 N.Y.S. 293, 296-97 (N.Y. Gen. Term 1892) (holding the governor determines what constitutes an extraordinary occasion when calling an extra session).