

IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI

PEOPLE NOT POLITICIANS,

and

RICHARD VON GLAHN,

Plaintiffs,

v.

MISSOURI SECRETARY OF STATE

DENNY HOSKINS,

Serve: 600 W. Main Street

Jefferson City, MO 65101

573.751.4936

Defendant.

Case No. \_\_\_\_\_

**PETITION FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF**

Plaintiffs People Not Politicians and Richard von Glahn allege and state as follows:

**PARTIES**

**Plaintiff People Not Politicians**

1. Plaintiff People Not Politicians is a campaign committee organized under the laws of the State of Missouri and subject to the regulation of the Missouri Ethics Commission.

2. People Not Politicians is the committee supporting the campaign for the referendum petitions submitted by Plaintiff von Glahn.

Plaintiff Richard von Glahn

3. Plaintiff Richard von Glahn is a Missouri citizen, resident of St. Louis County, a taxpayer, and qualified voter in the State of Missouri.

4. Plaintiff is the proponent of the referendum petitions that are the subject of this action.

5. Attached as **Exhibit A** are true and correct copies of the referendum petitions submitted by Plaintiff.

6. Plaintiffs request this Court's judgment that Secretary of State Hoskins violated the sunshine law by not posting the referendum sample sheets on his website within 2 business days of receiving such sample sheets from Plaintiffs.

7. Plaintiffs request a declaratory judgment that Secretary of State Hoskins may not reject a referendum petition sample sheet because the Governor has not signed the bill upon which the referendum is being requested.

8. Plaintiffs also seek a permanent injunction barring the Secretary of State from rejecting Plaintiffs' referendum petition sample sheets on the basis that the Governor has not signed House Bill 1.

Secretary of State Denny Hoskins

9. Defendant Denny Hoskins is the Missouri Secretary of State.

10. When the sample sheet for a referendum petition is submitted to him, Hoskins must "review the petition for sufficiency as to form and approve or reject the form of the petition, stating the reasons for rejection, if any." §116.332.1, RSMo.

11. Hoskins is also required to “refer a copy of the petition sheet to the attorney general for his approval and to the state auditor for purposes of preparing a fiscal note and fiscal note summary.” *Id.*

12. “Within two business days of receipt of any such sample sheet,” Hoskins is required to “conspicuously post on [his] website the text of the proposed measure.”

§ 116.332.2, RSMo.

13. Within 15 days of submission, Hoskins must “make a final decision as to the approval or rejection of the form of the petition” and “send written notice to the person who submitted the petition sheet” of his decision. § 116.332.4, RSMo.

### STATEMENT OF FACTS

14. Missourians reserved to themselves the “power to approve or reject by referendum *any act of the general assembly*[.]” Mo. Const. art. III, § 49 (emphasis added).

15. To place a referendum petition before voters, a proponent must gather signatures of “five percent of the legal voters in each of two-thirds of the congressional districts in the state[.]” Mo. Const. art. III, § 52(a).

16. For an election taking place in 2026, a proponent must gather 106,384 signatures across six congressional districts.<sup>1</sup>

17. The Constitution limits how long a proponent has to gather signatures.

---

1

[https://www.sos.mo.gov/CMSImages/Elections/Petitions/MakeYourVoiceHeard\\_02.07.2025.pdf](https://www.sos.mo.gov/CMSImages/Elections/Petitions/MakeYourVoiceHeard_02.07.2025.pdf)

18. Signed referendum petitions must be submitted “not more than ninety days after the final adjournment of the session of the general assembly which passed the bill on which the referendum is demanded.” *Id.*

19. The first step is for a proponent to submit a sample of the petition form to the Secretary of State to review and approve or reject as to form. § 116.332, RSMo.

#### House Bill 1

20. On August 29, 2025, Governor Mike Kehoe issued a proclamation to convene the General Assembly for a special session to pass legislation designating new congressional districts.

21. Governor Kehoe prepared and provided to the General Assembly the new congressional districts and accompanying map.

22. The General Assembly convened on September 3, 2025 for the special session.

23. On September 12, 2025, the General Assembly truly agreed and finally passed House Bill 1 titled: “To repeal sections 128.345, and 128.348, RSMo, and to enact in lieu thereof twelve new sections relating to the composition of congressional districts.”

24. On that same day, the General Assembly adjourned the second extraordinary session of the first regular session of the 103rd General Assembly.

#### Plaintiffs’ Referendum Petition

25. Shortly thereafter, Plaintiff Richard von Glahn submitted to Hoskins referendum petition sample sheets asking to refer House Bill 1 to voters for approval or rejection.

26. Hoskins then sent a letter to Plaintiff stating “the petitions today cannot be *accepted for processing*.” (emphasis added).

27. Attached as **Exhibit B** is a true and correct copy of the Sletter the Secretary of State sent to Plaintiff.

28. Hoskins claimed the petition sample sheets cannot be processed because the Governor has not signed House Bill 1. *Id.*

29. Two days later, Hoskins sent Plaintiff another letter purporting to supersede the September 12 letter.

30. Attached as **Exhibit C** is a true and correct copy of the September 14, 2025 letter the Secretary of State sent to Plaintiff.

31. That letter states that “[b]ecause the statutory review process is still pending, the Secretary of State has not yet made a final determination whether your referendum petition may be accepted for processing or circulation.”

32. Hoskins’ letter further says that Plaintiff’s “submission has been formally transmitted to the Attorney General in accordance with §116.332, and the statutory timeline for review is now running.”

33. On September 15, 2025, Plaintiff submitted another referendum petition sample sheet.

34. That day Secretary Hoskins sent a third letter to Plaintiff.

35. Attached as **Exhibit D** is a true and correct copy of the September 15, 2025 letter the Secretary sent to Plaintiff.

36. The letter states that “the Secretary of State has not yet made a final determination whether your referendum petition may be accepted for processing and circulation” and that the “statutory review process is still pending.”

37. In addition, the letter states that “[o]nce the Attorney General’s opinion and the Auditor’s fiscal note are received and reviewed, this office will issue a written decision either approving the form of the petition for circulation or rejecting it with stated reasons.”

38. Secretary Hoskins has not posted the referendum sample sheets on his website. See <https://www.sos.mo.gov/elections/petitions/2026>.

39. Instead, the official website of the Secretary of State contains this statement (as of September 18): “No referendum petitions have been filed at this time.”

40. On information and belief, Secretary Hoskins intends to reject Plaintiff’s previously filed referendum sample sheets because the Governor has not yet signed House Bill 1. See Ex. A.

41. A rejection of those sample sheets may cast into doubt the validity of any signatures gathered on those forms.

42. The signatures must be counted if the referenda substantially comply with the form specified by the statute.

43. A rejection of the referenda sample sheets hinders Plaintiffs’ right to place a referendum before the voters.

## COUNT I

### **Violation of Sections 116.332.2, RSMo and Sections 610.010 to 610.026, RSMo**

44. Plaintiffs incorporate by reference all preceding paragraphs.

45. “Within two business days of receipt of any such sample sheet, the office of the secretary of state shall conspicuously post on its website the text of the proposed measure, a disclaimer stating that such text may not constitute the full and correct text as required under section 116.050, and the name of the person or organization submitting the sample sheet.” § 116.332.2, RSMo.

46. Plaintiffs submitted three referendum petition sample sheets to the Secretary of State.

47. Two business days have passed since these sample sheets were submitted and the Secretary of State has not conspicuously posted on his website the text of the proposed measures or the disclaimers as required by Section 116.332, RSMo.

48. “The secretary of state’s failure to comply with such posting shall be considered a violation of chapter 610 and subject to the penalties provided under subsection 3 of section 610.027.” *Id.*

49. Hoskins is aware of his obligations under the law (effective since 2014) to post the referenda to his website.

50. The Secretary’s website contains a list of Referendum Petitions that were filed in 2022, including one that was later rejected as to form.

<https://www.sos.mo.gov/elections/petitions/2022>.

51. The Secretary's failure to post the referendum petition sample sheets is a knowing violation of the Sunshine Law.

52. Plaintiffs have incurred attorneys fees to prepare this lawsuit and enforce the law described in this Count.

## COUNT II

### Violation of Section 116.332, RSMo

53. Plaintiffs incorporate by reference all preceding paragraphs.

54. The Secretary of State's review and approval or rejection as to form of a referendum petition is limited to what is described in Section 116.030.

55. That section of law "addresses the required form of a referendum petition sample sheet, and includes an exemplar form." *American Civil Liberties Union v. Ashcroft*, 577 S.W.3d 881, 890 (Mo. App. 2019).

56. If the form of the referendum petition sample sheet "is followed substantially and the requirements of section 116.050 and section 116.080 are met, it shall be sufficient, disregarding clerical and merely technical errors." *Id.*; §116.030, RSMo.

57. Plaintiffs submitted referendum sample sheets prior to the Governor signing House Bill 1.

58. The Governor has publicly declared that he intends to sign House Bill 1.

59. On information and belief, the Secretary of State intends to reject Plaintiffs' referendum sample sheets because the Governor has not yet signed House Bill 1.

60. Whether the Governor has signed the bill prior to the referendum sample sheet submission is not a matter of form.

61. The Secretary of State may not reject Plaintiffs' referendum sample sheets for any reason *other than* an issue of form.

62. Plaintiffs are entitled to a declaratory judgment that whether the Governor has signed a bill upon which a referendum is sought is not an issue of form and that the Secretary of State may not reject a referendum sample sheet because the Governor has not yet signed a bill.

63. Plaintiffs seek an injunction barring Defendant from rejecting Plaintiffs' referendum sample sheets on the basis that the Governor has not signed House Bill 1.

64. If an injunction does not issue, Plaintiffs will suffer irreparable harm because "delays in the State's performance of its obligations in the pre-signature collection stage of the referendum process can have the practical effect of foreclosing meaningful exercise of the power of referendum." 577 S.W.3d at 890.

65. Plaintiffs lack an adequate remedy at law to protect their interests.

66. Plaintiffs are entitled to injunctive relief prohibiting the Secretary of State from rejecting Plaintiffs' referendum sample sheets for any reason other than an issue of form, including that the Governor has not signed House Bill 1.

WHEREFORE, Plaintiffs pray this Court:

a. Find the Secretary of State in violation of Section 116.332, RSMo and Section 610.027.3, RSMo;

b. Order the Secretary of State to pay a civil penalty of \$1,000;

- c. Order the Secretary of State to pay Plaintiffs attorneys' fees;
- d. Declare that whether the Governor has signed a bill prior to the submission of a referendum sample sheet is not an issue of form;
- e. Declare that the Secretary of State may not reject a referendum sample sheet as to form because the Governor has not signed the bill upon which the referendum has been requested; and
- f. Enjoin the Secretary of State and the Secretary's officers, agents, servants, employees, and attorneys, and all those persons in active concert or participation with the Secretary rejecting Plaintiffs referendum sample sheets for a reason other than an issue as to form, which does not include whether the underlying bill has been signed; and
- g. Grant Plaintiffs any such other relief this Court deems just and proper.

Respectfully Submitted,

**STINSON LLP**

/s/ Charles W. Hatfield

Charles W. Hatfield, MO No. 40363

Alixandra S. Cossette, MO No. 68114

Alexander C. Barrett, MO No. 68695

Greta M. Bax, MO No. 73354

230 W. McCarty Street

Jefferson City, Missouri 65101

Phone: (573) 636-6263

Facsimile: (573) 636-6231

[chuck.hatfield@stinson.com](mailto:chuck.hatfield@stinson.com)

[alix.cossette@stinson.com](mailto:alix.cossette@stinson.com)

[alexander.barrett@stinson.com](mailto:alexander.barrett@stinson.com)

[greta.bax@stinson.com](mailto:greta.bax@stinson.com)

*Attorneys for Plaintiffs*