

EXHIBIT F

September 15, 2025

The Honorable Catherine L. Hanaway
Attorney General of Missouri
207 W. High Street
Jefferson City, MO 65101

The Honorable Denny Hoskins
Secretary of State of Missouri
600 W. Main Street
Jefferson City, MO 65101

Re: House Bill 1 Referendum Petition

Dear Attorney General Hanaway and Secretary Hoskins:

I represent People Not Politicians, the campaign behind the referendum on House Bill 1, and Richard von Glahn, the proponent of the referendum. I write today to address the Secretary's recent correspondence with Mr. von Glahn concerning the referendum.

As you know, the people of the State of Missouri reserved to themselves the power to "approve or reject by referendum any act of the general assembly[.]" Mo. Const. art. III, §49. My clients filed paperwork over the last few days to exercise that right and they are prepared to protect that right in court. We hope to avoid a court dispute by reviewing the law in this area. My clients feel confident that the paperwork they have submitted to the Secretary meets all statutory requirements and must be approved as to form.

The Secretary's correspondence to us on Friday indicated that the Secretary would not process the referendum paperwork. Later, the Secretary appears to have wisely reversed course and agreed to process the filings. But the Secretary's recent correspondence appears to hold open the possibility that the recent filings will be rejected on a theory not supported by the law.

I. Administrative Delays May Not Be Used to Hinder the People's Right to Referendum

To effectuate the referendum power, a proponent has "ninety days after the final adjournment of the session of the general assembly which passed the bill on which the referendum is demanded" to collect the requisite number of signatures to place the referendum question on the ballot. *See* Mo. Const. art. III, §52(a). Considering this short window to collect signatures, the Court of Appeals has recognized that "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." *American Civil Liberties Union of Missouri v. Ashcroft*, 577 S.W.3d 881, 890 (Mo. App. 2019).

Neither of you may do anything to foreclose the meaningful exercise of my clients' right to a referendum. The Courts "zealously guard the powers reserved by the people in the Missouri Constitution." *Id.* at 893 (cleaned up). We expect that your offices will do the same.

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II. Review and Approval of the Form of a Referendum Petition is Limited in Scope

On September 12, the Secretary sent Mr. von Glahn a letter stating that his office could not accept Mr. von Glahn's referendum petition for processing because there can be no referendum on a bill which has not been signed by the Governor. Although this letter was purportedly superseded by later letters, the Secretary has not specifically disavowed that prior position. Instead, that correspondence appears to indicate the Secretary will rely on the Attorney General to advise on the form of the initiative. In that process you should both disavow the initial, incorrect, position in the September 12 letter. The concern raised in that letter is not a matter of form under section 116.332.

This is not a new issue nor a difficult analysis. The Court of Appeals considered the question of what constitutes the form of a referendum petition in the 2019 case *American Civil Liberties Union of Missouri v. Ashcroft*. The form is limited to what is described in section 116.030—"it addresses the required form of a referendum petition sample sheet, and includes an exemplar form." 577 S.W.3d at 890. If that form "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.* (cleaned up); §116.030, RSMo.

Thus, the Court concluded, section 116.332's requirement of "sufficiency as to form" refers to "whether a sample sheet is in substantially the form required by section 116.030." *Id.* This precludes any review as to "matters of substance, including constitutional compliance." *Id.* at 891. In other words, the Courts have already rejected any consideration of whether my clients are entitled to *proceed* with a referendum. The only issue here is whether their *paperwork* is in the right form.

The issue raised in the Secretary's initial letter may be raised later. But the Secretary's authority to review a referendum petition for compliance with the Constitution and chapter 116 is not triggered until signatures are submitted by the referendum proponent. "[I]n sharp contrast to the qualified authority extended to the secretary of state in section 116.332 to review a sample sheet for sufficiency as to form, section 116.120 authorizes the secretary of state to review a submitted referendum to determine compliance with the Constitution of Missouri and the provisions of chapter 116." *Id.* at 892.

This bifurcated process "prevents the people's reserved referendum power from being summarily and effectively foreclosed at the pre-signature collection stage by a sufficiency determination that extends beyond the simple form of the sample sheet." *Id.* at 892-93. Adopting the Secretary's initial position would foreclose my clients' rights at this stage.

Although we disagree (as discussed below) that a referendum cannot be sought on a bill which has not been signed by the governor, now is not the time for either of you to consider that question. Instead, it is a constitutional question which may not be addressed during your section 116.332 review. That review is explicitly limited to compliance with the form in 116.030. As such, we expect your offices will expeditiously conduct a review of the form of the submitted referendum petition and if it substantially complies with 116.030—it does, the Secretary will approve the referendum petition as to form.

III. The People of Missouri Have a Right to the Referendum Prior to the Governor's Signature on Legislation

As discussed above, the question of whether a referendum may be had on a bill before it has been officially signed by the governor is a question for another day. But because the analysis is easily answered, we address it here. Lack of the Governor's signature is not a reason to invalidate a referendum or to reject signatures which were gathered prior to the governor signing House Bill 1.

Article III, Section 49 authorizes the people to "approve or reject by referendum any *act of the general assembly*, except as hereinafter provided." (emphasis added). This is in contrast to the power to "propose and enact or reject *laws and amendments* to the constitution by the initiative, independent of the general assembly[.]" Mo. Const. art. III, §49 (emphasis added). An "act of the general assembly" is synonymous with a "bill," which is how the act is referred to in Article III, Section 52(a). See Mo. Const. art. III, §52(a) ("Referendum petitions shall be filed with the secretary of state not more than ninety days after the final adjournment of the session of the general assembly which passed the bill on which the referendum demanded.").

The Constitution uses two different words to describe what voters would be asked to consider when signing and voting on initiative petitions and referenda. When different terms are used in different provisions of the Constitution, the people "intended the terms to have different meaning and effect." See 577 S.W.3d at 892. A bill is an "act of the general assembly" (in fact, that's what the legislature says House Bill 1 is—it's right there at the top), regardless of the governor's signature. The Constitution authorizes and allows the people to begin to exercise their referendum rights prior to the governor signing legislation.

This also makes sense when considering the time frame for gathering signatures. Signatures must be gathered in a 90-day window beginning on the day the general assembly adjourns. That 90-day window corresponds to the time between adjournment and when the bill would be enacted as law (if the governor signs). Mo. Const. art. III, § 29. Thus, the Constitution does not require nor expect that the governor's signature is a starting point for signature gathering; instead, it is the adjournment of the legislative session.

The law is clear that neither of you may consider whether a referendum is appropriate at this time. Instead, you must simply review the form for technical compliance with the statute. Rejecting the referendum in contravention of current law would be evidence of an intentional action to deny my clients their First Amendment rights, which are protected by both state and federal law. The people are entitled to exercise their right to the referendum without interference and undue delay from your offices. Please let me know if you would like to discuss anything in this letter further. Otherwise, we await your approval as to the form of the proposed referendum.

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Sincerely,

Stinson LLP



Charles W. Hatfield

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