

**RELATORS
PEOPLE NOT
POLITICIANS, Et Al.
PETITION FOR
PROHIBITION
EXHIBIT 3**

IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI

PEOPLE NOT POLITICIANS, *et al.*,

Plaintiffs,

Case No. 25AC-CC07128

v.

MISSOURI SECRETARY OF STATE
DENNY HOSKINS,

Defendant.

**ANSWER AND AFFIRMATIVE DEFENSES OF DEFENDANT TO
FIRST AMENDED PETITION FOR DECLARATORY
JUDGMENT AND INJUNCTIVE RELIEF**

Defendant, Missouri Secretary of State Denny Hoskins, states the following as his Answer and Affirmative Defenses to the First Amended Petition for Declaratory Judgment and Injunctive Relief. State Defendant denies any allegation not specifically admitted below. For further response, State Defendant states 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.

ANSWER: State Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 1 and therefore denies them.

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

ANSWER: State Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 2 and therefore denies them.

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.

ANSWER: State Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 3 and therefore denies them.

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

ANSWER: State Defendant admits that Plaintiff von Glahn has submitted 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 von Glahn.

ANSWER: State Defendant admits that the allegations of Paragraph 5 summarize Plaintiffs' own petitions for referendum. State Defendant admits that the First Amended Petition has an Exhibit A attached, which speaks for itself.

6. Plaintiffs seek review of the Secretary of State's decision rejecting as to form the referendum sample sheets. § 536.150 RSMo.

ANSWER: State Defendant admits that the allegations of Paragraph 6 summarize Plaintiffs' own First Amended Petition but denies any allegation that the State Defendant's decision rejecting the referendum as to form was in error. The allegations of Paragraph 6 also cite the contents of a statute, which speaks for itself. To the extent an additional response is required, State Defendant denies the allegations of this paragraph.

7. No other law or process allows a hearing or other review of the Secretary's decision.

ANSWER: The allegations of Paragraph 7 contain legal conclusions requiring no response. To the extent any response is required, State Defendant denies the allegations of Paragraph 7.

8. Plaintiffs also seek a declaration of their rights, status, or other legal relations. § 527.010 RSMo.

ANSWER: State Defendant admits that the allegations of Paragraph 8 summarize Plaintiffs' own First Amended Petition but denies any suggestion that Plaintiffs' rights were violated such that they are entitled to the requested relief. The

allegations of Paragraph 8 also cite the contents of a statute, which speaks for itself. To the extent an additional response is required, State Defendant denies the allegations of this paragraph.

9. Plaintiffs also request the court award costs which are equitable and just. § 527.100 RSMo.

ANSWER: State Defendant admits that the allegations of Paragraph 9 accurately summarize Plaintiffs' own First Amended Petition but denies any suggestion that Plaintiffs are entitled to the requested relief. The allegations of Paragraph 9 also cite the contents of a statute, which speaks for itself. To the extent an additional response is required, State Defendant denies the allegations of this paragraph.

Secretary of State Denny Hoskins

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

ANSWER: State Defendant admits that Denny Hoskins is the Secretary of State of Missouri.

11. 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.

ANSWER: The allegations of Paragraph 11 describe the contents of a statute, which speaks for itself. State Defendant denies any allegations inconsistent with the plain language of the cited provision.

12. 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.

ANSWER: The allegations of Paragraph 12 describe the contents of a statute, which speaks for itself. State Defendant denies any allegations inconsistent with the plain language of the cited provision.

13. The Secretary of State is also required to “make a determination on the sufficiency of the petition” and “issue a certificate setting forth that the petition contains a sufficient number of valid signatures to comply with the Missouri Constitution and with [chapter 116].” §116.150, RSMo.

ANSWER: The allegations of Paragraph 13 describe the contents of a statute, which speaks for itself. State Defendant denies any allegations inconsistent with the plain language of the cited provision.

STATEMENT OF FACTS

Referendum Right

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).

ANSWER: The allegations of Paragraph 14 describe the contents of the Missouri Constitution, which speaks for itself. State Defendant denies any allegations inconsistent with the plain language of the cited provision.

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).

ANSWER: The allegations of Paragraph 15 describe the contents of the Missouri Constitution, which speaks for itself. State Defendant denies any allegations inconsistent with the plain language of the cited provision.

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

ANSWER: State Defendant admits that Paragraph 16 and footnote 1 cite a publication by the Secretary of State saying that a petition proponent must gather 106,384 signatures across six congressional districts. The cited publication speaks for itself. To the extent that the allegation of Paragraph 16 and footnote 1 claims that this is the only requirement for a referendum petition to qualify for placement on the ballot, State Defendant denies the allegation. To the extent further answer is required, State Defendant denies the allegations of Paragraph 16.

17. The Constitution guarantees *at least* ninety days for a referendum proponent to gather signatures.

ANSWER: The allegations of Paragraph 17 describe the contents of an unspecified provision of the Missouri Constitution. The Missouri Constitution speaks

¹ https://www.sos.mo.gov/CMSImages/Elections/Petitions/MakeYourVoiceHeard_02.07.2025.pdf.

for itself. State Defendant denies any allegations inconsistent with the plain language of the Missouri Constitution.

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.*

ANSWER: The allegations of Paragraph 18 describe the contents of the Missouri Constitution, which speaks for itself. State Defendant denies any allegations inconsistent with the plain language of the cited provision.

19. Prior to gathering signatures, statute requires a referendum 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.

ANSWER: The allegations of Paragraph 19 describe the contents of a statute, which speaks for itself. State Defendant denies any allegations inconsistent with the plain language of the cited provision.

20. The statute gives the Secretary fifteen days to approve or reject a referendum sample sheet as to form. §116.332.4, RSMo.

ANSWER: The allegations of Paragraph 20 describe the contents of a statute, which speaks for itself. State Defendant denies any allegations inconsistent with the plain language of the cited provision.

21. Section 116.332 does not prohibit a proponent from circulating the petition while awaiting the Secretary's decision, and contains no provision addressing the validity of signatures gathered prior to such decision.

ANSWER: The allegations of Paragraph 21 purport to describe the contents of a statute, which speaks for itself. Paragraph 21 also states a legal conclusion to which no response is required. State Defendant denies any allegations inconsistent with the plain language of the cited provision and denies any reading of the provision adverse to the State's interest.

House Bill 1

22. 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.

ANSWER: State Defendant admits the allegations of Paragraph 22.

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

ANSWER: State Defendant admits that various governmental actors participated in the State's 2025 congressional reapportionment. To the extent further response is required, State Defendant denies the allegations of Paragraph 23.

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

ANSWER: State Defendant admits the allegations of Paragraph 24.

25. On September 12, 2025, the General Assembly truly agreed and finally passed House Bill 1 titled: "An Act 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."

ANSWER: State Defendant admits that on September 12, 2025, both Chambers of the General Assembly concurred on the cited bill. To the extent further response is required, State Defendant denies the allegations of Paragraph 25.

26. House Bill 1 is an act of the general assembly.

ANSWER: This paragraph states a legal conclusion to which no response is required. To the extent further response is required, State Defendant denies the allegations of Paragraph 26.

27. Attached as **Exhibit B** is a true and correct copy of House Bill 1.

ANSWER: State Defendant admits that the First Amended Petition has an Exhibit B attached, which speaks for itself.

28. On September 12, 2025, the General Assembly adjourned the second extraordinary session of the first regular session of the 103rd General Assembly.

ANSWER: State Defendant admits the allegations of Paragraph 28.

29. Despite the Governor serving as the *de facto* sponsor of the legislation, the Governor spent two weeks reviewing House Bill 1.

ANSWER: State Defendant denies the allegations of Paragraph 29.

30. On September 25, 2025, the Governor publicly announced his intention to sign House Bill 1.²

ANSWER: State Defendant admits the allegations of Paragraph 30.

31. On September 28, 2025, the Governor signed House Bill 1.

ANSWER: State Defendant admits the allegations of Paragraph 31.

Plaintiffs' Referendum Petition

32. On September 12, 2025, Plaintiff Richard von Glahn submitted for Secretary Hoskins' review, referendum petition sample sheets asking to refer House Bill 1 to voters.

ANSWER: State Defendant admits the allegations of Paragraph 32.

33. Plaintiff von Glahn's submission occurred after both the House and Senate had voted for the same version of House Bill 1, making it a truly agreed and finally passed act of the General Assembly.

ANSWER: This paragraph states legal conclusions to which no response is required. To the extent further response is required, State Defendant denies the allegations of Paragraph 33.

34. After von Glahn submitted his sample sheets, Hoskins sent a letter to Plaintiff von Glahn stating "the petitions today cannot be *accepted for processing*." (emphasis added).

² <https://governor.mo.gov/press-releases/archive/governor-kehoe-sign-house-bill-1>.

ANSWER: State Defendant admits that he sent a letter to Plaintiff von Glahn on September 12, 2025 stating in part “the petitions today cannot be accepted for processing.” The September 12, 2025 letter speaks for itself. To the extent further response is required, State Defendant denies the allegations of Paragraph 34.

35. Attached as **Exhibit C** is a true and correct copy of the September 12, 2025 letter the Secretary of State sent to Plaintiff von Glahn.

ANSWER: State Defendant admits that the First Amended Petition has an Exhibit C attached, which speaks for itself.

36. Hoskins claimed the petition sample sheets could not be processed because the Governor had not signed House Bill 1. *Id.*

ANSWER: The allegations of Paragraph 36 describe the contents of Exhibit C, which speaks for itself. State Defendant denies any allegations inconsistent with the plain language of the letter.

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

ANSWER: State Defendant admits he set Plaintiff a letter on September 14, 2025. The September 14, 2025 letter speaks for itself. To the extent further response is required, State Defendant denies the allegations of Paragraph 37.

38. Attached as **Exhibit D** is a true and correct copy of the September 14, 2025 letter the Secretary of State sent to Plaintiff von Glahn.

ANSWER: State Defendant admits that the First Amended Petition has an Exhibit D attached, which speaks for itself.

39. 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.”

ANSWER: The allegations of Paragraph 39 describe the contents of Exhibit D, which speaks for itself. State Defendant denies any allegations inconsistent with the plain language of the letter.

40. Hoskins’ September 14 letter further says that Plaintiff von Glahn’s “submission has been formally transmitted to the Attorney General in accordance with §116.332, and the statutory timeline for review is now running.”

ANSWER: The allegations of Paragraph 40 describe the contents of Exhibit D, which speaks for itself. State Defendant denies any allegations inconsistent with the plain language of the letter.

41. Secretary Hoskins had until September 27, 2025 to approve or reject the September 12 referendum sample sheets as to form.

ANSWER: This paragraph states legal conclusions to which no response is required. To the extent further response is required, State Defendant denies the allegations of Paragraph 41.

42. On September 15, 2025, Plaintiff von Glahn submitted another referendum petition sample sheet.

ANSWER: State Defendant admits the allegations of Paragraph 42.

43. That day Secretary Hoskins sent a third letter to Plaintiff von Glahn.

ANSWER: State Defendant admits the allegations of Paragraph 43.

44. Attached as **Exhibit E** is a true and correct copy of the September 15, 2025 letter the Secretary sent to Plaintiff von Glahn.

ANSWER: State Defendant admits that the First Amended Petition has an Exhibit E attached, which speaks for itself.

45. 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.”

ANSWER: The allegations of Paragraph 45 describe the contents of Exhibit E, which speaks for itself. State Defendant denies any allegations inconsistent with the plain language of the letter.

46. 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.”

ANSWER: The allegations of Paragraph 46 describe the contents of Exhibit E, which speaks for itself. State Defendant denies any allegations inconsistent with the plain language of the letter.

47. Secretary Hoskins had until September 30, 2025 to approve or reject the September 15, 2025 referendum sample sheet as to form.

ANSWER: This paragraph states legal conclusions to which no response is required. To the extent further response is required, State Defendant denies the allegations of Paragraph 47.

48. On September 16, 2025, Plaintiffs advised the Secretary that he may not reject referendum sample sheets for *any reason* other than a reason of form found in Section 116.030, RSMo.

ANSWER: The allegations of Paragraph 48 describe the contents of Plaintiffs' Exhibit F, which speaks for itself. To the extent further response is required, State Defendant denies the allegations of Paragraph 48.

49. Attached as **Exhibit F** is a true and correct copy of the September 16, 2025 letter sent by Plaintiffs' counsel to Secretary of State Hoskins.

ANSWER: State Defendant admits that the First Amended Petition has an Exhibit F attached, which speaks for itself.

50. Plaintiff von Glahn's sample sheets substantially comply with the requirements of Section 116.030, RSMo.

ANSWER: The allegation of Paragraph 50 contains legal conclusions requiring no response. To the extent any response is required, State Defendant denies the allegations of Paragraph 50.

Secretary's Rejection of Plaintiff von Glahn's Referendum Sample Sheets

51. On September 26, 2025, the Secretary of State sent Plaintiff von Glahn three identical letters rejecting the referendum sample sheets (submitted on September 12 and 15) as to form.

ANSWER: The allegations of Paragraph 51 describe the contents of Plaintiffs' Exhibit G, which speaks for itself. State Defendant denies any allegations inconsistent with the plain language of the letters.

52. Attached as **Exhibit G** are true and correct copies of the September 26, 2025 letters.

ANSWER: State Defendant admits that the First Amended Petition has an Exhibit G attached, which speaks for itself.

53. The September 26 letters purport to rely on the Attorney General's opinion that the referendum petitions may not be approved as to form because "HB 1 has not been signed by Governor Kehoe. Nor has time to return HB 1 expired."

ANSWER: The allegations of Paragraph 53 describe the contents of Plaintiffs' Exhibit G, which speaks for itself. State Defendant denies any allegations inconsistent with the plain language of the exhibited documents.

54. The Secretary rejected the referendum sample sheets for a reason *other than* form.

ANSWER: The allegation of Paragraph 54 contains legal conclusions requiring no response. To the extent any response is required, State Defendant denies the allegations of Paragraph 54.

55. A rejection of the sample sheets also threatens to cast doubt on the validity of any signatures gathered on those forms.

ANSWER: State Defendant cannot admit or deny things that may happen in the future based on speculation. To the extent further response is required, State Defendant denies the allegations of paragraph 55.

56. On information and belief, the Secretary intends to declare any signatures gathered before the governor signed House Bill 1 invalid.

ANSWER: State Defendant cannot admit or deny things that may happen in the future based on an incomplete hypothetical. To the extent this paragraph contains legal conclusions, those require no response. To the extent further response is required, State Defendant denies the allegations of paragraph 56.

57. To date, Plaintiffs' campaign has gathered more than 20,000 signatures of Missouri voters supporting the referendum on House Bill 1.

ANSWER: State Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 57 and therefore denies them.

58. These and any other signatures must be counted if the referenda sample sheet substantially complies with the form specified by the statute.

ANSWER: The allegations of Paragraph 58 contain legal conclusions requiring no response. To the extent any response is required, State Defendant denies the allegations of Paragraph 58.

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

ANSWER: The allegation of Paragraph 59 contains legal conclusions requiring no response. To the extent any response is required, State Defendant denies the allegations of Paragraph 59.

60. The Secretary's decision to reject Plaintiff von Glahn's sample sheets is not subject to administrative review which determines the rights and privileges of the Plaintiffs to engage in the referendum process.

ANSWER: The allegations of Paragraph 60 contain legal conclusions requiring no response. To the extent any response is required, State Defendant denies the allegations of Paragraph 60.

61. Other than this action there is no other provision for judicial inquiry or review of the Secretary's decision.

ANSWER: The allegations of Paragraph 61 contain legal conclusions requiring no response. To the extent any response is required, State Defendant denies the allegations of Paragraph 61.

62. The Secretary's decision was unlawful and/or involves an abuse of discretion as discussed herein.

ANSWER: The allegations of Paragraph 62 contain legal conclusions requiring no response. To the extent any response is required, State Defendant denies the allegations of Paragraph 62.

Count I – Violation of Section 116.030, RSMo

63. Plaintiffs incorporate by reference all preceding paragraphs.

ANSWER: State Defendant incorporates all responses to Paragraphs 1–62 by reference, and deny any material contained in non-numbered paragraphs throughout the First Amended Petition.

64. 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.

ANSWER: The allegations of Paragraph 64 describe the contents of a statute, which speaks for itself, or are legal conclusions that require no response. State Defendant denies any allegations inconsistent with the plain language of the cited provisions.

65. That statute “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).

ANSWER: The allegations of Paragraph 65 quote a published judicial opinion, which speaks for itself, or are legal conclusions that require no response.

66. 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.

ANSWER: The allegations of Paragraph 66 quote a published judicial opinion, which speaks for itself, describe the contents of a statute, which speaks for itself, or are legal conclusions that require no response. State Defendant denies any allegations inconsistent with the plain language of the cited provisions.

67. Plaintiffs submitted referendum sample sheets after the General Assembly passed House Bill 1, but prior to the Governor signing House Bill 1.

ANSWER: State Defendant admits the allegations of Paragraph 67.

68. The Governor signed House Bill 1 two days after the Secretary of State rejected the referendum petitions “as to form.”

ANSWER: State Defendant admits that he rejected Plaintiffs’ referendum petition two days before Governor Kehoe signed H.B. 1 into law based on a series of letters compiled in Exhibit G. These letters speak for themselves. State Defendant denies any allegations inconsistent with the plain language of these letters.

69. The only reason the Secretary of State rejected Plaintiffs’ referendum sample sheets is because the Governor had not yet signed House Bill 1. *See* Ex. F.

ANSWER: The allegations of Paragraph 69 describe the contents of letters compiled in Exhibit F, which speak for themselves. State Defendant denies any allegations inconsistent with the plain language of these letters.

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

ANSWER: The allegation of Paragraph 70 contains legal conclusions requiring no response. To the extent any response is required, State Defendant denies the allegations of Paragraph 70.

71. The Secretary of State exceeded his authority by rejecting Plaintiffs' referendum sample sheets because the Governor had not yet signed House Bill 1.

ANSWER: The allegation of Paragraph 71 contains legal conclusions requiring no response. To the extent any response is required, State Defendant denies the allegations of Paragraph 71.

72. The Secretary's decision was unlawful because the sample sheets substantially followed the form mandated by statute.

ANSWER: The allegation of Paragraph 72 contains legal conclusions requiring no response. To the extent any response is required, State Defendant denies the allegations of Paragraph 72.

73. Plaintiffs are entitled to a declaratory judgment that the Secretary of State may not reject a referendum petition sample sheet because the governor has not signed the bill upon which the referendum is being requested

ANSWER: The allegations of Paragraph 73 contain legal conclusions requiring no response. To the extent any response is required, State Defendant denies the

allegations of Paragraph 73 and denies that Plaintiffs are entitled to the relief requested.

74. Plaintiffs are also entitled to a declaratory judgment that their referendum sample sheets are valid as to form because they substantially comply with the requirements of Section 116.030, RSMo.

ANSWER: The allegations of Paragraph 74 contain legal conclusions requiring no response. To the extent any response is required, State Defendant denies the allegations of Paragraph 74 and denies that Plaintiffs are entitled to the relief requested.

75. Plaintiffs seek an injunction prohibiting the Secretary of State and anyone acting in concert with him from rejecting Plaintiffs' referendum petition sample sheets on the basis that the Governor has not signed House Bill 1.

ANSWER: State Defendant admits that the allegations of Paragraph 75 summarize Plaintiffs' requested relief but denies that Plaintiffs are entitled to the requested relief. To the extent an additional response is required, State Defendant denies the allegations of Paragraph 75.

76. Plaintiffs also seek an injunction prohibiting the Secretary of State and anyone acting in concert with him from taking any other actions with respect to the referendum petition on the basis that it does not comply with the form proscribed by statute.

ANSWER: State Defendant admits that the allegations of Paragraph 76 summarize Plaintiffs' requested relief but denies that Plaintiffs are entitled to the requested relief. To the extent an additional response is required, State Defendant denies the allegations of Paragraph 76.

77. 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.

ANSWER: The allegations of Paragraph 77 quote a published judicial opinion, which speaks for itself, or are legal conclusions that require no response. To the extent any response is required, State Defendant denies the allegations of Paragraph 77 and denies that Plaintiffs are entitled to the requested relief.

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

ANSWER: The allegation of Paragraph 78 contains legal conclusions requiring no response. To the extent any response is required, State Defendant denies the allegations of Paragraph 78.

Count II – The Constitution and Statutes Do Not Require Approval as to Form to Gather Valid Signatures

79. Plaintiffs incorporate by reference all preceding paragraphs.

ANSWER: State Defendant incorporates all responses to Paragraphs 1–78 by reference, and deny any material contained in non-numbered paragraphs throughout the First Amended Petition.

80. The Constitution requires only that “[r]eferendum petitions [are] 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 is demanded.” Mo. Const. art. III, §52(a).

ANSWER: The allegations of Paragraph 80 describe the contents of the Constitution, which speaks for itself, or are legal conclusions that require no response. State Defendant denies any allegations inconsistent with the plain language of the cited provision.

81. Statute only requires that before a referendum petition “may be circulated for signatures, a sample sheet must be submitted to the secretary of state in the form in which it will be circulated.” § 116.332.1, RSMo.

ANSWER: The allegations of Paragraph 81 describe the contents of a statute, which speaks for itself, or are legal conclusions that require no response. State Defendant denies any allegations inconsistent with the plain language of the cited provision.

82. The Constitution does not authorize the Secretary of State to reject signatures because they were gathered before a referendum is approved as to form.

ANSWER: The allegations of Paragraph 82 are legal conclusions that require no response. To the extent further response is required, State Defendant denies the allegations of Paragraph 82.

83. The statute does not authorize the Secretary of State to reject signatures because they were gathered before a referendum is approved as to form.

ANSWER: The allegations of Paragraph 83 are legal conclusions that require no response. To the extent further response is required, State Defendant denies the allegations of Paragraph 83.

84. Plaintiffs submitted sample sheets prior to gathering signatures on the referendum on HB 1. *See* Ex. A. Plaintiffs therefore complied with all requirements.

ANSWER: State Defendant admits that Plaintiffs submitted the sample sheets contained in Exhibit A. State Defendant denies the allegation that “Plaintiffs therefore complied with all legal requirements.”

85. Plaintiffs are entitled to a declaratory judgment that approval as to form is not required to gather signatures.

ANSWER: The allegations of Paragraph 85 contain legal conclusions requiring no response. To the extent any response is required, State Defendant denies the allegations of Paragraph 85 and denies that Plaintiffs are entitled to the relief requested.

86. Plaintiffs are also entitled to a declaratory judgment that signatures are not *per se* invalid because they were gathered prior to the Secretary of State approving the referendum petition sample sheet as to form.

ANSWER: The allegations of Paragraph 86 contain legal conclusions requiring no response. To the extent any response is required, State Defendant denies the allegations of Paragraph 86 and denies that Plaintiffs are entitled to the relief requested.

WHEREFORE, Plaintiffs pray this Court:

a. Declare that the Secretary of State may not reject a referendum petition sample sheet because the governor has not signed the bill upon which the referendum is being requested;

ANSWER: No response is required as this prayer for relief contains no allegations of fact or law. To the extent this paragraph may contain legal conclusions, those conclusions require no response. To the extent a response is required, State Defendant denies that Plaintiffs are entitled to the relief requested.

b. Declare that Plaintiffs' referendum sample sheets are valid as to form because they substantially comply with the requirements of Section 116.030, RSMo;

ANSWER: No response is required as this prayer for relief contains no allegations of fact or law. To the extent this paragraph may contain legal conclusions, those conclusions require no response. It also contains legal citations, which speak

for themselves. To the extent a response is required, State Defendant denies that Plaintiffs are entitled to the relief requested.

c. Declare that Signatures may be gathered once a sample sheet is submitted to the Secretary of State and such signatures may not be rejected because they were gathered prior to the Secretary issuing an approval of the sample sheet as to form.

ANSWER: No response is required as this prayer for relief contains no allegations of fact or law. To the extent this paragraph may contain legal conclusions, those conclusions require no response. To the extent a response is required, State Defendant denies that Plaintiffs are entitled to the relief requested.

d. Prohibit the Secretary of State and anyone acting in concert with him from rejecting Plaintiffs' referendum petition sample sheets on the basis that the Governor has not signed House Bill 1;

ANSWER: No response is required as this prayer for relief contains no allegations of fact or law. To the extent this paragraph may contain legal conclusions, those conclusions require no response. To the extent a response is required, State Defendant denies that Plaintiffs are entitled to the relief requested.

e. Prohibit the Secretary of State and anyone acting in concert with him from taking any other actions with respect to the referendum petition on the basis that it does not comply with the form proscribed by statute;

ANSWER: No response is required as this prayer for relief contains no allegations of fact or law. To the extent this paragraph may contain legal conclusions, those conclusions require no response. To the extent a response is required, State Defendant denies that Plaintiffs are entitled to the relief requested.

f. Prohibit the Secretary of State and anyone acting in concert with him from rejecting signatures gathered on Plaintiffs' referendum petition because those signatures were gathered prior to the approval of the referendum sample sheet as to form and/or were gathered prior to the governor signing House Bill 1;

ANSWER: No response is required as this prayer for relief contains no allegations of fact or law. To the extent this paragraph may contain legal conclusions, those conclusions require no response. To the extent a response is required, State Defendant denies that Plaintiffs are entitled to the relief requested.

g. Award equitable and just costs because the Secretary of State's actions in rejecting the referendum sample sheets were intentional misconduct to thwart Plaintiffs' referendum rights; and

ANSWER: No response is required as this prayer for relief contains no allegations of fact or law. To the extent this paragraph may contain legal conclusions, those conclusions require no response. To the extent a response is required, State Defendant denies that Plaintiffs are entitled to the relief requested.

h. For any such other relief the Court deems just and proper.

ANSWER: No response is required as this prayer for relief contains no allegations of fact or law. To the extent this paragraph may contain legal conclusions, those conclusions require no response. To the extent a response is required, State Defendant denies that Plaintiffs are entitled to the relief requested.

AFFIRMATIVE DEFENSES AND GENERAL DENIAL OF CLAIMS

1. State Defendant denies all allegations made in any header, footnote, or non-numbered paragraph of the petition, and denies that Plaintiffs have alleged any lawful claim against him or the State.

2. This Court lacks jurisdiction.

3. Plaintiffs have failed to show standing for their asserted claims.

4. Plaintiffs' claims are now moot because, on September 29, 2025, Plaintiffs filed a new referendum petition with the Secretary of State after Governor Kehoe signed H.B. 1 into law.

5. Plaintiffs' claims regarding previously gathered signatures are not ripe because they have not been submitted for review to the State Defendant and the State Defendant has not found them invalid.

6. Plaintiffs cannot overcome the sovereign or official immunity bars and Defendants have not waived their immunity from suit.

7. Plaintiffs have failed to name proper defendants.

8. State Defendant asserts that the question whether a referendum petition is insufficient "as to form" is an issue committed to the discretion of the Secretary of State.

9. Plaintiffs fail to state a claim upon which relief can be granted.

State Defendant reserves the right to assert any additional defenses that may become apparent as the litigation progresses.

Respectfully submitted,

CATHERINE L. HANAWAY

Missouri Attorney General

/s/ William James Seidleck

William James Seidleck, #77794

Principal Deputy Solicitor General

Graham D. Miller, #77656

Deputy Solicitor General

Attorney General's Office

815 Olive Street, Suite #200

St. Louis, Missouri 63101

Telephone: (573) 301-5359

Fax: (573) 751-0774

William.Seidleck@ago.mo.gov

Graham.Miller@ago.mo.gov

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that, on October 14, 2025, the foregoing was filed electronically through the Court's electronic filing system to be served electronically on all counsel of record.

/s/ William J. Seidleck