

**RELATORS
PEOPLE NOT
POLITICIANS, Et Al.
PETITION FOR
PROHIBITION
EXHIBIT 4**

IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI

PEOPLE NOT POLITICIANS, *et al.*,)
)
 Plaintiffs,)
)
 v.) Case No. 25AC-CC07128
)
 MISSOURI SECRETARY OF STATE,)
)
 Defendant.)

VERIFIED MOTION TO INTERVENE OF PUT MISSOURI FIRST

Put Missouri First (“Intervenor”), by and through the undersigned counsel, seeks leave to Intervene in the above captioned case, pursuant to Supreme Court Rule 52.12(a) and (b)(2), and states:

Parties

1. Intervenor, Put Missouri First, is a political action committee, organized under Chapter 130, RSMo, and Article VIII, Section 23 of the Missouri Constitution. Put Missouri First has filed its Statement of Organization with the Missouri Ethics Commission, which is attached as Exhibit A hereto.

2. Intervenor engages in (1) raising and expending funds to support or oppose ballot measures through independent expenditures and coordinated campaign efforts; (2) developing and disseminating public messaging and advertising to inform voters of the legal, fiscal, and policy implications of proposed initiatives; (3) forming and participating in coalitions with allied organizations, trade associations, and community stakeholders to coordinate opposition efforts; (4) engaging in legal and regulatory advocacy, including monitoring the initiative process, challenging ballot titles and summaries, and ensuring compliance with campaign-finance and election laws; (5) conducting

voter education and outreach programs to provide analytical information regarding ballot propositions; and (6) strategically organizing campaign activities and communications to ensure timely and effective opposition to initiatives that may adversely affect the public interest or existing law.

3. In the litigation at issue Intervenor is an opponent to the proposed referendum.

Background

4. During an Extraordinary Session held from September 3 to September 12, 2025, the General Assembly passed House Bill 1 which was promptly signed by Governor Michael Kehoe on September 28, 2025.

5. Plaintiff Von Glahn filed proposed referendum petitions with Defendant.

6. Defendant ultimately approved one of Plaintiff Von Glahn's petitions.

7. Plaintiffs filed this action on September 18, 2025, challenging asserting that a referendum petition must be accepted by Defendant before the underlying legislation (a bill) is signed by the Governor or approved as to form for any other reason. Plaintiffs also assert an open records claim regarding the posting of a referendum petition on the Defendant's website.

Intervention as of Right under Rule 52.12

8. Intervention generally should 'be allowed with considerable liberality.'" *Johnson v. State*, 366 S.W.3d 11, 20 (Mo. 2012) (internal citation omitted).

9. "The proposed intervenor carries the burden of establishing the presence of all three elements required for intervention as a matter of right. When an applicant satisfies these elements, however, the right to intervene is absolute and the motion to intervene may not be denied." *State ex rel. Nixon v.*

American Tobacco Co., 34 S.W.3d 122, 127 (Mo. 2000) (internal citations omitted).

10. The elements of intervention as a matter of right under 52.12(a)(2), are: “(1) an interest relating to the property or transaction which is the subject of the action; (2) that the applicant's ability to protect the interest is impaired or impeded; and (3) that the existing parties are inadequately representing the applicant's interest.” *Id.* (internal citations omitted).

11. “The Rule ‘should be liberally construed to permit broad intervention’ and that even the requirement of a pleading may be excused.” *Allred v. Carnahan*, 372 S.W.3d 477, 482 (Mo.App. W.D. 2012) (quoting *State ex rel. St. Joseph, Mo. Ass'n of Plumbing, Heating and Cooling Contrators, Inc. v. City of St. Joseph*, 579 S.W.2d 804, 806 (Mo.App. W.D.1979)).

12. “An interest, for purposes of intervention as of right, means a concern, more than mere curiosity, or academic or sentimental desire. An interest necessary for intervention as a matter of right does not include a mere, consequential, remote or conjectural possibility of being affected as a result of the action but must be a direct claim upon the subject matter such that the intervenor will either gain or lose by direct operation of judgment.” *Allred v. Carnahan*, 372 S.W.3d 477, 484-85 (Mo. App. W.D. 2012) (internal citations omitted).

I. Intervenor’s Interest Directly Relates to the Subject of the Action

13. Intervenor is a registered political action committee with the purpose of opposing the proposed referendum at issue.

14. Intervenor’s formation, reporting obligations, and expenditures are governed by Missouri’s campaign-finance statutes, which directly tie its activities to the life cycle of ballot measures certified for the ballot.

15. Intervenor's fundraising, communications, and expenditure decisions are triggered by the Secretary of State's certification or rejection of a referendum petition.

16. The legality of that determination directly affects when and how Intervenor may conduct its core operations.

17. Further, the Secretary of State's determination that the petition is insufficient directly governs whether Intervenor must initiate statewide campaign operations, undertake additional reporting obligations, and deploy financial and organizational resources in opposition to the measure.

18. Intervenor's interest is not abstract or ideological, but immediate and concrete.

19. Further, Intervenor has already invested resources to educate voters, coordinate coalition opposition, and communicate the legal and policy defects of the proposal.

20. Accordingly, Intervenor has "a direct claim upon the subject matter such that the intervenor will either gain or lose by direct operation of judgment." *State ex rel. Nixon v. Am. Tobacco Co.*, 34 S.W.3d 122, 128 (Mo. 2000).

II. Intervenor's Ability to Protect Their Interest Will be Practically Impaired as a Direct Result of this Litigation

21. If this Court were to overturn the Secretary of State's findings and certify the referendum for the ballot, Intervenor would be required to immediately deploy substantial financial and organizational resources to oppose the measure during the election cycle.

22. Such financial and organizational resource mobilization are significant and unavoidable expenditures—including fundraising, media

advertising, voter outreach, and coalition coordination—requiring the diverting funds, personnel, and strategic focus from other ongoing operations.

23. Conversely, if the Secretary’s determination is upheld, those expenditures and diversions would be significantly reduced.

24. Therefore, the outcome of this litigation directly determines the extent of Intervenor’s financial and operational obligations.

25. A judicial determination that nullifies the Secretary’s invalidation of signatures would negate or materially diminish the value of those past expenditures and undermine the efficacy of Intervenor’s advocacy efforts.

III. The Existing Parties are Inadequate to Protect Intervenor’s Interest

26. “[O]nce a proposed intervenor establishes an interest in the underlying litigation and that such an interest may be impaired or impeded if intervention is not permitted, the third element is satisfied upon a ‘minimal showing’ that there is a divergence of interest between the proposed intervenor and the party.” *Allred*, 372 S.W.3d at 486.

1. The State’s Institutional Role Differs Fundamentally from Intervenor’s Advocacy Interests.

27. The Secretary of State and Attorney General are defending the validity of the State’s administrative statement through their institutional obligation to represent the interests of the State as a sovereign—not the interests of private citizens or organizations that support the outcome of that determination.

28. The State’s interest is limited to ensuring that its procedures were lawful, that its officials acted within their statutory authority, and that the integrity of the election process is maintained.

29. By contrast, Intervenor's interests are political, operational, and mission-specific: preventing the referendum from appearing on the ballot because its enactment would adversely affect the policy and regulatory landscape Intervenor seeks to preserve.

30. Intervenor's opposition stems not merely from procedural concerns, but from substantive policy consequences of the referendum's passage.

31. The State neither shares nor represents that substantive objective.

32. Therefore, there is "a divergence of interest between the proposed intervenor and the party" sufficient to show inadequate representation may exist. *Merch. v. Grand Lodge of Ancient Free & Accepted Masons*, 685 S.W.3d 455, 464 (Mo. App. W.D. 2024), reh'g and/or transfer denied (Jan. 30, 2024), transfer denied (Apr. 2, 2024).

2. The State's Defense Is Limited to Procedural Validity, Not the Broader Policy Impact.

33. In this action, the State's primary objective is to demonstrate that the Secretary's review of the referendum petition complied with statutory requirements and administrative rules.

34. Even if the State prevails, its arguments will likely focus on process integrity—how the review was conducted, what standards were applied, and whether sufficient evidence supports the decision.

35. Intervenor, by contrast, has a direct and practical interest in ensuring the referendum does not advance.

36. This is because its passage would undermine policies that Intervenor, its contributors, and affiliated organizations seek to preserve.

37. That difference matters.

38. The State may choose not to raise arguments concerning the substantive harm of the referendum, the costs of reversal to interested parties, or the broader electoral implications—all of which are central to Intervenor’s mission.

39. Because the State’s defense does not encompass those substantive dimensions, its representation cannot be deemed adequate under Rule 52.12(a)(2). *Ainsworth v. Old Sec. Life Ins. Co.*, 694 S.W.2d 838, 841 (Mo.App. W.D. 1985) (holding inadequate representation exists where a party may come short of an Intervenor’s single-minded purpose in litigation).

III. The State’s Broader Public Obligations May Lead to Strategic or Policy Divergences.

40. The State must balance competing interests, including neutrality toward referendum proponents and adherence to statutory duties.

41. It cannot, for instance, engage in advocacy that could be perceived as partisan or policy-driven.

42. Intervenor is under no such constraint.

43. Intervenor’s sole purpose is to prevent the measure from appearing on or being approved through the ballot.

44. As such, Intervenor can assert positions, marshal evidence, and pursue arguments that the State—due to its governmental neutrality—may decline to advance.

45. Furthermore, if the litigation proceeds to appeal or settlement discussions, the State might elect to narrow its defense, stipulate to certain facts, or refrain from further review for institutional reasons unrelated to Intervenor’s objectives.

46. Because a different approach to the conduct of litigation is present between the State and Intervenor, the State cannot adequately protect

Intervenor's interests. *Trbovich v. United Mine Workers of Am.*, 404 U.S. 528, 539, 92 S. Ct. 630, 637, 30 L. Ed. 2d 686 (1972) (holding inadequate representation existed when a differing approach to litigation between a party and Intervenor exists).

Permissive Intervention

47. In the alternative, and without waiving any of the arguments about regarding Intervention as of Right, Intervenor should be granted permissive intervention pursuant to Rule 52.12(b), which authorizes the Court to allow intervention where, as here, a proposed intervenor filed a timely motion and the intervenor's claim and/or defense have a question of law or fact in common with the existing litigation.

48. Intervenor has timely filed their Motion to Intervene. *Robinson v. Mo. Dep't of Health & Senior Servs.*, 672 S.W.3d 224, 233 (Mo. banc 2023) (Timeliness for a Motion to Intervene considers "how far the litigation has progressed when intervention is sought, the reason for the delay, and prejudice that other parties will suffer as a result of additional delay") (quoting *McClain v. Wagner Elec. Corp.*, 550 F.2d 1115, 1120 (8th Cir. 1977)).

49. No hearings have been conducted in the docket thus far.

50. The intervention will not delay or impede adjudication of this case.

51. Accordingly, Intervenor seeks to intervene in accordance with Missouri Supreme Court Rule 52.12(a) and (b)(3) on all counts including for Declaratory Judgment and Injunctive Relief but in particular with respect to Counts II.

52. Defendant has consented to Intervention. Plaintiff's have not consented to Intervention.

53. In accordance with Supreme Court Rule 52.12 (c), Intervenor has attached their responsive pleadings hereto as Exhibit 1.

WHEREFORE, Intervenor's pray the Court grant their Motion to Intervene and award such further relief this Court deems just and proper.

Respectfully submitted,

ELLINGER BELL LLC

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CERTIFICATE OF SERVICE

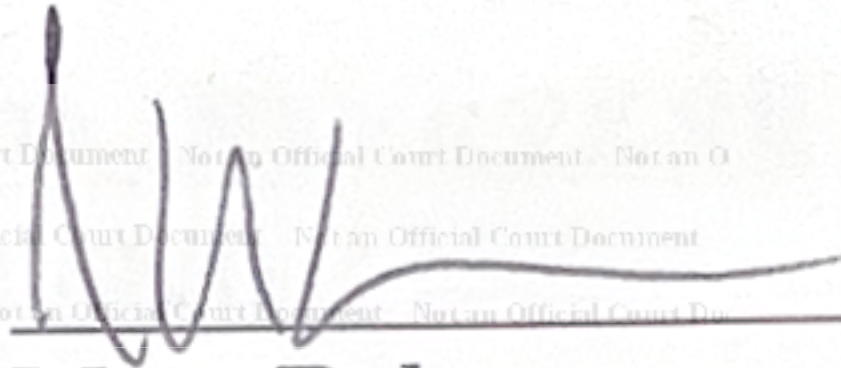
I hereby certify that a true and accurate copy of the foregoing was served via the Court's electronic filing system on November 12, 2025 on all parties of record.

/s/ Marc H. Ellinger

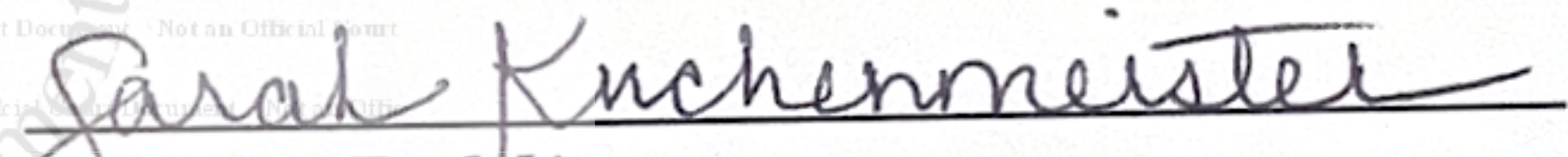
VERIFICATION

State of Missouri)
) ss
County of ST. LOUIS)

I, Matt Belz, the Treasurer of Put Missouri First, hereby appear under oath and verify that I have personal knowledge of the facts in the above Verified Motion to Intervene of Put Missouri First and that they are true and accurate.


Matt Belz

Subscribed and sworn to before me, the undersigned, a Notary Public in and for the county and state aforesaid, on this 11 day of November 2025.


Notary Public

My Commission Expires: 04/09/2027

SARAH KUCHENMEISTER
Notary Public, Notary Seal
State of Missouri
St. Louis County
Commission # 23811336
My Commission Expires 04-09-2027