

**RELATORS  
PEOPLE NOT  
POLITICIANS, Et Al.  
PETITION FOR  
PROHIBITION  
EXHIBIT 22**

**IN THE CIRCUIT COURT OF COLE COUNTY  
STATE OF MISSOURI**

PEOPLE NOT POLITICIANS, *et al.*,

Plaintiffs,

vs.

Case No: 25AC-CC07128

MISSOURI SECRETARY OF STATE  
DENNY HOSKINS,

Defendant.

**PLAINTIFFS' MOTION FOR PROTECTIVE ORDER**

Plaintiffs respectfully move for a protective order precluding Intervenor Put Missouri First from obtaining discovery of petition signature pages and related materials identifying signatories and petition circulators for the referendum petition at issue. *See* Rule 56.01(e). Intervenor's Requests for Production seek wholesale disclosure of signed referendum petition pages and tens of thousands of signatories' personally identifying information. This discovery is (i) irrelevant to the narrow legal issues in this case; (ii) disproportionate, unduly burdensome, and obtainable from other sources; and (iii) seeks material protected by the First Amendment right to free speech and association, including core political petitioning activity.

**I. BACKGROUND**

**A. House Bill 1 and the Referendum Petition**

The Missouri General Assembly truly agreed and finally passed House Bill 1 on September 12, 2025. Am. Pet. ¶ 25; Am. Pet. Ex. B. With this legislation the General Assembly redrew Missouri's congressional districts. On that same day,

Plaintiffs submitted two referendum petition sample sheets to the Secretary. Am. Pet. ¶ 32. These referendums propose to refer the approval or rejection of House Bill 1 to the voters at the November 2026 general election pursuant to Article III, Sections 49 and 52(a) of the Missouri Constitution. Am. Pet. Ex. C. and Ex. D. On September 15, 2025, von Glahn submitted a third referendum sample sheet to the Secretary of State's office to correct a possible clerical error in the Friday filings.<sup>1</sup> Am. Pet. ¶ 42.

On September 26, 2025, the Secretary of State rejected the referendum petition sample sheets (2026-RO01, 2026-RO02, and 2026-RO03) as to form. Am. Pet. ¶ 51. The Secretary identified no problems with the actual form of the sample sheets. Rather, relying on the Attorney General's analysis, stated that he could not approve the referendum sample sheets as to form because the Governor had not signed House Bill 1. Am. Pet. Ex. G.

On September 29, 2025, von Glahn submitted a fourth referendum petition sample sheet (2026-RO04) to the Secretary of State's Office. After a review of the sample sheet, on October 14, 2025, the Secretary of State approved the fourth referendum petition sample sheet as to form (2026-RO04). In between submitting the sheets that should have been approved on September 12, 2025, and the final approval on October 14, 2025, the Plaintiffs gathered signatures. The Secretary's position is that those signatures cannot be counted if and when

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<sup>1</sup> The Secretary is supposed to disregard "technical or merely clerical errors" in these petition sheets. §116.030, RSMo.

Plaintiffs submit their signature. Plaintiffs have until December 11, 2025 to gather and submit signatures to the Secretary of State.

B. This Lawsuit

The issues raised in Plaintiffs' Petition are narrow: (1) whether the Secretary of State is authorized to reject the form of a referendum petition sample sheet because the Governor had not yet decided to sign the bill up on which the referendum is being requested at the time when the sample sheet was submitted to the Secretary; and (2) whether a proponent of a referendum petition is required to wait for an approval as to form in order to gather signatures in support of a referendum petition. *See gen. Am. Pet.* As a result, this Court will also decide whether the Secretary of State may reject referendum petition signatures that were gathered either prior to the Secretary's approval as to form of the sample sheet for the referendum petition and/or gathered prior to the Governor signing House Bill 1.

Despite Intervenor's discovery this case is not about: the qualifications of individual referendum signers, the contents of unfiled signature sheets, or the internal vendor and validation practices of a political committee.

C. Intervenor's First Requests for Production

Intervenor has been quite transparent about its objectives. According to the Verified Motion to Intervene:

- Intervenor's purpose is "opposing the proposed referendum." Mot. to Intervene ¶ 13

- “Intervenor’s interests are political...” *Id.* ¶ 29
- “Intervenor’s opposition stems ...from substantive policy consequences of the referendum.” *Id.* ¶ 30.
- Intervenor wants to “engage in advocacy that could be perceived as partisan or policy driven.” *Id.* ¶¶ 40, 41
- “Intervenor’s sole purpose is to prevent the measuring form appearing on or being approved through [sic] the ballot.” *Id.* ¶ 43.

Intervenor’s First Requests for Production reflect that partisan objective, which is different from the issues in this lawsuit. Intervenor demands an expansive universe of documents regarding Plaintiffs’ referendum petition.

Among other things, Intervenor requests “all signed petition pages” for the referendum petition that Plaintiffs intend to submit to the Secretary of State (RFP 1, RFP 2, and RFP 6), as well as copies of signatures corresponding to various running totals referenced in a joint stipulation and Plaintiffs’ pleadings (RFP 3, RFP 4, and RFP 5). Intervenor also seeks contracts with signature-gathering vendors and any “validity reports” relating to signatures (RFP 8 and RFP 9).

Plaintiffs have timely objected that these demands are irrelevant to the merits, invade core protected political speech and associational rights, are overbroad and not proportional to the needs of the case, and seek sensitive personally identifying information of Missouri voters and volunteers that is unnecessary to adjudicate the legal questions before the Court. Attached as



**Exhibit A** are Plaintiffs' Responses and Objections to Intervenor's First Requests for Production.

Plaintiffs' concerns are no trivial matter. One of Intervenor's main funders, the Republican National Committee, is engaged in a campaign to encourage signers to remove their names from the referendum. Attached as **Exhibit B** is a text message from the Republican National Committee. Disclosing the names of signers involves the court in a partisan effort to stop the referendum rather than advancing the issues in this case.

Other partisan groups<sup>2</sup> have also made efforts to coerce referendum circulators into ceasing their efforts. Attached as **Exhibit C** is the First Amended Verified Complaint for Temporary Restraining Order, Injunctive Relief, and Damages in *Advanced Micro Targeting, Inc., v Let The Voters Decide, LLC, et al.*, No. 4:25-00881-CV-DGK. The documents Intervenor seeks, if read broadly, would also disclose names of circulators. Requiring disclosure would involve the court in a process of interfering with contractual agreements to gather signatures.

These factors impose a heavy burden on Plaintiffs. Intervenor's requests are far more burdensome and prejudicial than they are relevant to the issues of the case.

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<sup>2</sup> These efforts have been documented in news articles in the Kansas City Star and other outlets. See <https://www.msn.com/en-us/news/politics/inside-mysterious-push-to-block-signature-gathering-against-missouri-redistricting/ar-AA1QaJXa>

## II. LEGAL STANDARD

Discovery may be had on nonprivileged matters relevant to the subject matter of the action and proportional to the needs of the case. *See* Rule 56.01(c). But that Rule also authorizes the Court to issue orders “to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense,” including orders forbidding discovery, limiting its scope, or prescribing alternative means. *Id.*

Discovery is also limited by certain constitutional protections, like the First Amendment. When discovery intrudes on First Amendment rights of speech and association, courts apply heightened scrutiny. *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449, 461-62 (1958); *Americans for Prosperity Foundation v. Bonta*, 594 U.S. 595, 607 (U.S. 2021). Compelled disclosure that risks chilling protected association and political participation is permissible, if at all, only upon a sufficiently strong showing of need and narrow tailoring. The Supreme Court recognized that compelled disclosure of participants in advocacy or petitioning can deter participation and exact a constitutionally cognizable burden on association. *See id.*

## III. ARGUMENT

- A. The requested signature pages and related materials are not relevant to the claims and defenses in this lawsuit and are not proportional to the needs of this case.

Intervenor's demands for "all signed petition pages" and similar compilations of individual voter signatures do not bear on the legal issues presented here. *See* Ex. A. Plaintiffs' claims challenge the Secretary's failure to comply with his obligations under Missouri law to approve a referendum petition as to form. *See gen. Am. Pet.* Whether tens of thousands of individual Missourians signed a referendum petition—and the identity of those signatories (and their addresses)—is immaterial to whether the governor signing the bill (or not) is a matter of form. Intervenor has not articulated any (even speculative) theory under which the identity or content of unfiled signature pages could reasonably lead to the discovery of admissible evidence resolving the statutory issues raised. Rule 56.01(b)(1)(Discovery sought must be "reasonably calculated to lead to the discovery of admissible evidence.").

Even if some marginal relevance could be hypothesized, the burden and privacy costs of producing tens of thousands of signatures and associated personal information are grossly disproportionate to any conceivable need. The requests would require the collection, review, and production of a vast trove of sensitive voter data, implicating significant operational burdens and privacy risks. Missouri's rules require proportionality; fishing expeditions into nonpublic citizen data do not satisfy that standard.

The disproportionality is underscored by the availability of alternative sources. If referendum petitions are submitted, the Secretary of State and local election authorities will have custody and can address any statutory processing



questions in the ordinary course. *See Concerned Citizens for Crystal City v. City of Crystal City*, 334 S.W.3d 519, 524 (Mo. App. 2010)(cleaned up)(“Although requested information may be properly discoverable, the trial court ought to consider whether the information may be obtained in a less burdensome manner than that designed by the requesting party.”). Intervenor should not use party discovery to obtain premature access to unfiled, nonpublic materials that have no bearing on the claims in this lawsuit. *See id.* at 524 (cleaned up)(“However, the provisions for discovery were neither designed nor intended for untrimmed use of a factual dragnet or fishing expedition.”).

B. The requests target core First Amendment speech and association and therefore require, at minimum, exacting scrutiny that Intervenor cannot satisfy.

The act of circulating, supporting, and signing referendum petitions is core political expression and association. *Peters v. Johns*, 489 S.W.3d 262, 271 (Mo. banc 2016)(citing *Buckley v. Am. Constitutional Law Found.*, 525 U.S.182, 186-87(1999)(“In that regard, the Supreme Court found that the circulation of initiative petitions was ‘core political speech’ for which First Amendment protection was at ‘its zenith.’”). Compelled disclosure of signatories’ names and contact information risks chilling participation by exposing citizens to harassment, retaliation, social or economic reprisals, and unwanted public attention. The Supreme Court has long recognized that compelled disclosure of membership or supporter identities can “constitute as effective a restraint on

freedom of association” as more direct forms of suppression, and it has afforded robust protection to associational privacy where disclosure would predictably deter participation. *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449, 462 (1958).

In *NAACP v. Alabama ex rel. Patterson*, the Supreme Court held that compelled disclosure of confidential membership lists violated the NAACP’s First Amendment freedom of association right because disclosure impeded members’ right to privacy in association and substantially restrained members’ ability to engage in association. 357 U.S. at 462. Since *NAACP*, the Eighth Circuit has repeatedly confirmed this scope of protection. See *U.S. v. Citizens State Bank*, 612 F.2d 1091 (8th Cir. 1980) (finding possible First Amendment violation where administrative summons would require identification of union members and contributors); *Baldwin v. C.I.R.*, 648 F.2d 483 (8th Cir. 1981) (IRS’s discovery requests requiring church’s disclosure of confidential membership lists could infringe on church’s First Amendment associational freedoms); *Savola v. Webster*, 644 F.2d 743 (8th Cir. 1981) (interrogatories impeded on communist organization’s First Amendment rights where responses necessarily involved disclosure of names and addresses of all organization members and sympathizers).

So it is here. Courts have made clear that compelled disclosure (via discovery or other means) triggers a heightened standard—at least exacting scrutiny—requiring a substantial relation between the disclosure and an

important governmental interest, along with narrow tailoring. *See Americans for Prosperity Foundation*, 594 U.S. at 607. Broad, pre-enforcement civil discovery into unfiled petition sheets fails this standard. Intervenor's generalized curiosity or desire to preview or audit Plaintiffs' circulation efforts is not an interest of the type or magnitude that justifies invading constitutionally protected associational privacy. Nor are the requests narrowly tailored: they seek all signatures, across all geographies and time periods, without limitation, and sweep in the identities of rank-and-file supporters as well as volunteers and vendors. That breadth alone demonstrates a lack of narrow tailoring.

In addition to signatories, Intervenor seeks information about Plaintiffs' vendor relationships and internal signature-validity analyses. Those requests intrude on political strategy, confidential commercial terms, and campaign operations. Courts have repeatedly protected such materials under the First Amendment associational privilege and other doctrines absent a heightened and particularized showing of need that Intervenor has not even attempted to make. *See Americans for Prosperity Foundation*, 594 U.S. at 608 (cleaned up) ("As we explained in *NAACP v. Alabama*, it is immaterial to the level of scrutiny whether the beliefs sought to be advanced by association pertain to political, economic, religious, or cultural matters.' Regardless of the type of association, compelled disclosure requirements are revised under exacting scrutiny.").

C. The Court should protect Plaintiffs from this discovery.

Because Intervenor cannot meet its burden to justify compelled disclosure of core political associational information, the Court should enter a protective order under Rule 56.01(c) forbidding discovery into unfilled petition signature sheets, signer identities, circulator identities, and internal campaign operations. That relief is fully consistent with Missouri's discovery rules and longstanding constitutional protections.

#### IV. CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Court grant this Motion and enter a protective order under Rule 56.01(c) that:

1. Forbids discovery into signed referendum petition pages, including documents identifying signatories and petition circulators, and precludes disclosure of internal campaign or vendor materials related to signature collection and validation; and
2. Grants such other and further relief as the Court deems just and proper.

Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was filed electronically via the Missouri Case.net e-filing system, which notified all counsel of record on this 20<sup>th</sup> day of November, 2025.

/s/ Charles W. Hatfield

Attorney for Plaintiffs