

1 IN THE CIRCUIT COURT OF MISSOURI
2 COLE COUNTY, DIVISION 4
3 HONORABLE CHRISTOPHER K. LIMBAUGH

4 PEOPLE NOT POLITICIANS,)
5)
6 and)
7) Case No. 25AC-CC07128
8 RICHARD VON GLAHN,)
9)
10 Plaintiffs,)
11 vs.)
12)
13 MISSOURI SECRETARY OF STATE)
14 DENNY HOSKINS,)
15)
16 Defendant.)

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14 TRANSCRIPT OF PROCEEDINGS
15 12-08-2025

16
17 On December 8, 2025, the above cause came on for
18 hearing before the HONORABLE CHRISTOPHER K. LIMBAUGH,
19 Judge of Division 4 of the Circuit Court of Cole County,
20 Missouri, in Jefferson City.

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22
23
24 Candice K. Perez, Certified Court Reporter
25 Official Court Reporter, Division 9, 16th Judicial Circuit,
Kansas City

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1 12/08/2025

2 THE COURT: Court calls case No. 25AC-CC07128. This
3 is People Not Politicians versus Hoskins. Will the attorneys
4 please introduce themselves and whom they represent.

5 MR. HATFIELD: Afternoon, Your Honor. For the
6 plaintiffs, Chuck Hatfield and Greta Bax.

7 MR. SEIDLECK: Mr. Seidleck on behalf of the state
8 defendant.

9 MS. BRYANT: Judge, Jaqueline Bryant on behalf of
10 defendant Secretary Hoskins.

11 MR. ELLINGER: Marc Ellinger and Stephanie Bell on
12 behalf of the Intervenor, Put Missouri First.

13 THE COURT: And we're here today for a bench trial on
14 this matter; however, it's come to the Court's attention there
15 might be a few pretrial matters we need to take up. So I'll
16 ask for the plaintiffs first. Is there anything preliminary
17 for the plaintiffs?

18 MR. HATFIELD: No, Your Honor. The Plaintiffs are
19 ready for trial.

20 THE COURT: Is there anything preliminary for the
21 defendants?

22 MR. SEIDLECK: No. Not for the -- the state, Your
23 Honor.

24 MR. ELLINGER: For the intervenor, yes. We do have a
25 preliminary matter.

1 THE COURT: Go ahead, sir.

2 MR. ELLINGER: So I guess I'll go back to where I was

3 before. The last time we were in front of you, there were a

4 number of motions. And-- and maybe just by virtue of kind of

5 going back and talking about the status of this -- on November

6 13th, intervenors got in the case and immediately filed

7 discovery to the Plaintiffs. We appeared in front of you on

8 November 18th, and at that time, the Plaintiffs said that

9 they would respond by the end of that week, November 21. When

10 they responded, as you may recall, they filed a motion of a

11 protective order, we filed a motion to compel. We had those

12 arguments last week, you ruled on them, you denied their

13 protective order, granted our motion to compel.

14 We've been diligently waiting for the documents to

15 arrive, and this morning, I think it was still morning,

16 but maybe two hours before the hearing, we received the

17 responses. Their responses are, we are not going to give

18 you anything. Worse than that with respect to the

19 signature pages, which was the issue that we spent the

20 predominance of the time arguing over, they said they're

21 going to turn them into the Secretary of State's office

22 sometime in the future -- later this week probably, I

23 assume -- and that we can get them in the normal course of

24 business with the Secretary of State.

25 So as a result, we've received zero documents; even

1 though we have only submitted I think eight requests or
 2 maybe ten requests for production of documents. They
 3 further didn't supplement any substantive detail in their
 4 interrogatory answers, but I think the documents are more
 5 important.

6 So, Judge, I would like to move for sanctions. I'll
 7 hand you a copy of this motion. As this Court knows,
 8 compliance with discovery is -- is required under our
 9 rules. There are consequences for not complying with
 10 discovery, and particularly the brazenness of refusing to
 11 comply with discovery even though there is a motion to
 12 compel sustained by this Court.

13 Pursuant to the rules, and we've cited them in here,
 14 Rule 6101(b), sanction is striking of pleadings. And
 15 we've cited a number of cases. There's -- there's a ton
 16 of law out there on this, Judge. If somebody refuses to
 17 comply with discovery after a motion to compel is issued,
 18 then the appropriate sanction is to strike their

19 pleadings. So we would move that you strike their
 20 pleadings, and that would require, since they have no
 21 pleadings on file, judgment to be entered for the
 22 Defendants and the Plaintiff -- excuse me -- and the
 23 Intervenors on the claims.

24 THE COURT: All right. What's your position?

25 MR. HATFIELD: So a couple of -- several of things.

1 First of all as you'll notice if you look at the request for
2 production that we've got, they specifically advised us that we
3 have 30 days to comply with the request for discovery. That is
4 what they said in their request. You granted an order -- or
5 you entered an order saying provide responses earlier,
6 absolutely. Intervenor did not ask you to give a deadline on
7 that, you gave no deadline on when that should be. We have not
8 refused to comply with discovery.

9 We have now answered in a supplemental answer, every
10 single interrogatory, which was half of the motion to
11 compel. They may not like the answers, but we've now
12 provided specific answers, including elaborating on some
13 and in other cases where we had refused to answer,
14 providing an answer. On the quest for production of
15 documents, we have not refused to comply. We are in the
16 process of gathering documents. We have said that we will
17 make available those petition pages.

18 When we were here on Thursday, just a few business
19 days ago, I told Your Honor, as the transcript will
20 reflect, that it would have been impossible to actually
21 gather up. If I read the discovery requests as broadly as
22 they seem to read them, it would have been impossible to
23 comply with those. And so we're not in contempt of any
24 order because we didn't have an order that specifically
25 told us when we had to produce the documents. We still

1 believe that we have time to produce the documents. We're
2 happy to have a conversation about that if we need to.
3 We've also, Your Honor, within the last hour, filed a
4 writ in the Court of Appeals, asking the Court of Appeals
5 to review Your Honor's decisions with respect to certain
6 of those requests. When the motion to compel was argued
7 last Thursday, intervenor knew there was a trial date.
8 They didn't ask Your Honor to order the production by any
9 particular time; they didn't ask for any particular day;
10 they have not asked us for any depositions; we've had no
11 communications about exactly what they wanted us to
12 produce first and when. We've actually had no requests
13 for depositions at all in this case.
14 So we don't think we're in contempt of any particular
15 order of the Court. I think that the standard on that is
16 that the Intervenor would have to show you something
17 specifically that we've refused to comply with. We
18 understand we've been compelled to comply with discovery,
19 and we are intending to do that. If the Court of Appeals
20 denies the writ, and we're intending to do that by the end
21 of the week whether or not they do that. So that's --
22 that's where we are.

23 THE COURT: I'll allow for a brief response to that.

24 MR. ELLINGER: Thank you, Judge. I think the brief
25 response is summed up best in their own words in their

1 supplemental response. This has to do with the petition pages.
 2 Plaintiffs will file, quote, "Signed petition pages," close
 3 quote, with defendant Secretary of State, later this week. At
 4 that time intervenors may obtain the answer to this question
 5 from those business records as the rule allows. So in other
 6 words, we can get them from the Secretary of State, not from
 7 the intervenors. That is refusing to comply. That is not
 8 saying we'll comply later, that is refusing to comply, Judge.
 9 And the fact that they've filed a writ on that in it of itself
 10 probably stay the whole case, depending the outcome of that
 11 writ.

12 THE COURT: I thought we were pretty clear on when
 13 this needed to be figured out, at least verbally. I mean I
 14 guess maybe there wasn't a specific deadline in the order, but
 15 I mean, Mr. Hatfield, you had argued that these weren't -- that
 16 they would be impossible to produce because they would have to
 17 be produced by the trial date. So I feel like -- I mean you
 18 made that argument. I believe I'm --

19 MR. HATFIELD: --

20 THE COURT: -- saying this correctly.

21 MR. HATFIELD: I believe technically what I said is I
 22 cannot do it by the trial date. I pulled the transcript on
 23 that, but I believe what I said is there would be no way to do
 24 it --

25 THE COURT: So -- so you know --

1 MR. HATFIELD: That's still true.

2 THE COURT: So that's my point is that you knew when
3 these were supposed to be produced; and moreover, you knew what
4 exactly we were talking about.

5 MR. HATFIELD: Well, with respect, Judge, I did not.
6 I -- I told you that it be impossible to do it by the trial
7 date. I then got an order compelling me to produce, that did
8 not specify exactly when. I thought you were acknowledging
9 that we might not be able to do it by Monday morning by not
10 entering a particular date. I mean I'm -- I'm used to a person
11 moving to compel requesting the documents be produced within
12 five days, ten days or whatever. We are -- we are going to
13 produce petition pages. We are allowed under the rule to refer
14 the requester to business records and documents, and let them
15 inspect those business records and documents, which is exactly
16 what we intend to do.

17 Like I said, I can't. It's physically impossible to,
18 when we got your order Thursday night to get those
19 documents. Even if I -- as we've said in the responses,
20 even if I understood exactly what I was looking for, it
21 would be physically impossible to have them to intervenors
22 today. I think I made that clear on Thursday.

23 THE COURT: That's not my recollection of how -- I
24 mean I understand that you made that argument, but I put in the
25 order. And your response doesn't seem like you're wanting to

1 comply with that until there are already public documents; but
 2 then you put in a request, they're already public documents
 3 because they're filed with the Secretary of State. Then why
 4 ask for the additional protective order to have "Attorneys'
 5 eyes only," put on these?

6 MR. HATFIELD: Because of the request for contracts
 7 with third-parties that are gathering signatures; which are
 8 associational -- that's First Amendment associational issues;
 9 and because of the request for validity reports, which we don't
 10 think are at all relevant here, and which we think intervenor
 11 could use for other purposes if they had copies of our validity
 12 reports, so that's why I wanted that. I mean the documents
 13 that are going to be filed publicly -- I mean they're
 14 sunshineable (spelled phonetically) documents. They're --
 15 they're open records. We've always been clear on that --

16 THE COURT: Not yet though. Right?

17 MR. HATFIELD: They will be when they're filed.

18 THE COURT: Well, right.

19 MR. HATFIELD: Well, so I read the motion to compel
 20 again over the weekend, and I understood it to be clarifying
 21 that it was asking for the public documents. The -- the -- the
 22 documents that aren't going to be filed with the Secretary of
 23 State -- I -- I -- I mean I think in its broadest reading,
 24 that's what they were asking for, but I understood them to be
 25 requesting documents that were going to be filed and that were

1 filed so -- and -- and I don't know which ones are going to be
 2 filed. I'm -- I'm going to know which ones my clients intend
 3 to file, probably within the next 24 hours. I don't know which
 4 ones the Secretary is going to allow to be filed. Not an Official

5 So anyways that's the story. I mean I pulled the
 6 transcript. So I said, "So even if I could identify the
 7 records, the burden to get all of that ready, and again we
 8 have a trial on Monday, I mean it's impossible." So it's
 9 disproportionate to the needs of the case. So I mean --

10 THE COURT: But did you even attempt?

11 MR. HATFIELD: I did. I asked the client, "If I
 12 needed to produce these documents, can you get those together
 13 for us?" We've got two problems: Number one is what they want
 14 is signatures that were on pages at a certain period of time.
 15 We don't keep the documents that way. The client doesn't
 16 organize them based on when they were signed. Indeed you have
 17 signature pages that sometimes would have a signature that was
 18 responsive to their request, and then at the bottom of the
 19 page, it's going to have another signature that's outside of
 20 the request. So to go back, yes. I asked the client, "Can we
 21 go back and identify which pages these would be?" They don't
 22 know exactly which pages that those would be. We could try to
 23 do it based on when people have signed and -- and go through
 24 that way; but again, we're allowed to produce the documents and
 25 let them figure that out. So I mean that's what I think I'm

1 probably going to have to do as soon as I can get all of those
2 documents together.

3 Don't forget they're trying to organize them to turn
4 them into the Secretary of State, which requires
5 organizing them by county, stamping them, et cetera. So
6 they've got a lot going on, but I did ask them if we could
7 get those documents together and I can't -- they couldn't
8 get it done by today, as I -- as I predicted on Thursday.

9 THE COURT: Anything else on that, Mr. Ellinger?

10 MR. ELLINGER: Yeah, Judge. I mean if you're
11 inclined not to strike their pleadings, which I think is the
12 appropriate response under Rule 61.01, then we should at least
13 continue the trial until we can get those documents, which may
14 be in a week or two; although, my opposing counsel and his
15 responses where we asked for just copies of signed signature
16 pages said we can get them from the Secretary of State's
17 office. Now I've been involved in these matters for many
18 years, so has opposing counsel, and he knows that you can't get
19 them the day after they're filed at the Secretary of State's
20 office because they have to go through and process them, they
21 have to make images of them. So he's basically taking the
22 burden of an issue that he put at issue in this case,
23 shuffling -- refusing to respond to his discovery obligations
24 and shuffling that burden onto the Secretary of State's office.

25 So for those reasons, I think you should strike his

1 pleadings and we should be done here. If you're not
 2 inclined to do so, then I think you should continue this
 3 case until there is a certificate from him that he has
 4 produced all of those documents as requested. Or I guess
 5 if there's writ pending, which we have not been served a
 6 copy of, so I don't have a copy of it --

7 MR. HATFIELD: You might check Casenet.

8 MR. ELLINGER: Yeah. Well, we have not received a
 9 notice of it as of the last time I checked, which is an hour
 10 before I came in this courtroom. So if there is a writ, then
 11 we stay it pending the writ too.

12 THE COURT: Okay. I'm going to take the motion for
 13 sanctions under advisement. We're going to proceed with the
 14 trial today. I don't know if we will conclude. I will show
 15 that the trial is not concluded today just yet. I'm going to
 16 see what happens, see what the arguments are, see what evidence
 17 is brought -- brought up. If for some reason I think that you
 18 are prejudiced by not having received this discovery yet, so
 19 much so that it could affect the -- having a meaningful effect
 20 on the outcome of the case, then we may continue this trial for
 21 further evidence for a later date. I don't know. We're just
 22 going to have to see how it goes today, but the motion for
 23 sanctions is under advisement at this time. Is there anything
 24 else preliminary for the respondents?

25 MR. ELLINGER: Not from intervenors, Judge.

1 THE COURT: Okay. Petitioner may begin with
2 evidence.
3 MR. HATFIELD: Thank you, Your Honor. As Your Honor
4 has heard many types of cases like this where I don't think
5 there's a lot of evidence to be had. So the first issue that
6 on December 3rd of 2025, Casenet will reflect that all of the
7 parties, the Plaintiffs, the State Defendants and the
8 Intervenors, signed what is titled an amended joint stipulation
9 of facts and exhibits. Your Honor, just for the record, I
10 would point out that as is customary, at least in cases I've
11 been in, that amended joint stipulation reads, "The parties
12 stipulate to the admission of the following facts and exhibits.
13 By agreeing to stipulate to these facts and exhibits, the
14 parties do not concede that such facts and exhibits are
15 relevant or necessary for the Court to resolve this matter."
16 THE COURT: Yeah. It's just towards their
17 admissibility, correct.
18 MR. HATFIELD: That -- that's exactly right, Judge.
19 So I would move the admission of the amended joint stipulation
20 of facts and exhibits filed on December 5th and signed by
21 attorneys for all of the parties.
22 THE COURT: Any objection?
23 MR. SEIDLECK: No objection, Judge.
24 MR. ELLINGER: No objection, Judge.
25 MR. HATFIELD: And just to be clear, Judge, that

1 document also includes 15 exhibits that I -- I consider part of
 2 the stipulations. So I just want to be clear that you show all
 3 of those exhibits admitted as well.

4 THE COURT: I'm sorry. What -- what are their
 5 numbers?

6 MR. HATFIELD: Numbers 1 through 15. I can tell you
 7 what they are if that helps, but it is in the stip.

8 THE COURT: Okay. For the record, Exhibits 1 through
 9 15 have been admitted.

10 (Exhibits 1-15 admitted into evidence.)

11 MR. HATFIELD: Your Honor, then on August 28, 2025,
 12 Casenet will reflect that the Secretary of State, the
 13 Defendant, and the Plaintiffs filed a joint stipulation of
 14 facts as well, which contains the same disclaimer that we don't
 15 agree that they're relevant or necessary that we move the
 16 admission of those facts. And I would move the admission of
 17 the joint stipulation entered on August 28th of '25.

18 THE COURT: Any objection?

19 MR. ELLINGER: Yes, Judge, we object. Intervenors
 20 were not parties to that first stipulation. We don't agree to
 21 it, and in fact we sought discovery based upon some of the
 22 things that are included in that stipulation. Discovery once
 23 again hasn't been produced as of today. It is not a unanimous
 24 stipulation of facts; therefore, I think you should have -- any
 25 facts that are in there that he wants in the record, he should

1 have to put a witness on and prove them. And therefore, we
2 would object to the admission of that -- that particular
3 stipulation because it's not unanimous, it's a side deal
4 between two parties. As an intervenor we're not -- we are not
5 involved in that. And I would note, that particular
6 stipulation references numbers of signatures that they have.
7 THE COURT: So essentially what you're saying is that
8 you're not stipulating to it.
9 MR. ELLINGER: Right.
10 THE COURT: And so you want to have them lay the
11 foundation and any other necessary requirements to admit
12 this -- well, I guess I can't call them stipulations, but those
13 statements into evidence. Is that --
14 MR. ELLINGER: Yeah.
15 THE COURT: -- what you're asking for?
16 MR. ELLINGER: Yeah. Everything that's in the
17 proposed stipulation, you've got two of these that we're
18 talking about, so the one that he has now moved admission for.
19 Everything that's in that I think needs to be substantiated by
20 evidence, unless it's been superseded by the amended joint
21 stipulation of which there was no objection and all parties
22 agreed to. There are other provisions and terms in the
23 stipulation he's moving that were not agreed to by the
24 Intervenor. I think with respect with those to put them into
25 the record, you would have to have testimony to do so, but many

1 of those are self-servings statements.

2 THE COURT: Okay. Since it's not stipulated to,
3 what's your plan?

4 MR. HATFIELD: So two things: First of all, they are
5 statements or admission stipulations of the Secretary of State,
6 and of the Plaintiff that have been agreed to as being
7 statements in these cases of both parties. I think that's
8 admissible evidence just sort of on its face; but second,
9 Judge, I mean just to be candid, I don't know whether we really
10 need them. Most of them are in the amended joint stipulation
11 that Mr. Ellinger has agreed to. Under Rule 73.01 in a Judge
12 tried case, you are advised to take it into evidence. Even if
13 you find that it's not admissible, you are advised to take that
14 evidence into the record for the sake of completeness, and so
15 that the Court of Appeals can review it.

16 So if Your Honor does not believe that joint
17 stipulation is admissible as evidence of statements of the
18 Secretary of State and the Plaintiffs in this case, then
19 we'd ask under Rule 73.01(a) that you go ahead and make it
20 part of the record.

21 MR. ELLINGER: And, Judge, under 73.01(a), I think
22 they still have to establish a foundation for the -- statements
23 that are in there; and they have to do that with a witness, not
24 with just signatures of two attorneys that aren't all the
25 attorneys agreeing to it.

1 MR. HATFIELD: I mean you can read 73.01(a) that
 2 says, if you find it not admissible -- it doesn't say on what
 3 grounds -- if you find it not admissible -- well, let's read
 4 it.

5 THE COURT: Here is what we'll do. I'll let it in,
 6 but I'll decide what, if any, weight to give him.

7 MR. HATFIELD: There you go.

8 THE COURT: Which stipulation? I want to be clear
 9 for the record which one this is.

10 MR. HATFIELD: Filed on October 28th of '25.

11 COURT REPORTER: Judge, are we marking this exhibit?

12 THE COURT: I think it would be cleaner --

13 MR. HATFIELD: I think that's a great idea.

14 THE COURT: -- to mark these stipulations as
 15 exhibits.

16 MR. HATFIELD: So, Your Honor, with everybody's
 17 agreement, can we mark the amended joint stipulation of facts
 18 and exhibits -- that's the December 3rd one that was not
 19 objected to and Your Honor admitted -- can we mark that as
 20 joint Exhibit 1?

21 MR. SEIDLECK: Yes.

22 MR. ELLINGER: Yes.

23 THE COURT: Well, we already have Exhibits 1 through
 24 15.

25 MR. HATFIELD: We -- yes.

1 THE COURT: So should we say 16?

2 MR. HATFIELD: Yes or say A.

3 THE COURT: I just don't want to have multiple of

4 Exhibit 1. Okay. December 3rd amended stipulation is Exhibit

5 16, and the October 21st -- am I saying that correctly?

6 MR. HATFIELD: October 28th, Judge.

7 THE COURT: Forgive me. It is Exhibit 17.

8 (Exhibit 16 and 17 admitted into evidence.)

9 MR. HATFIELD: So just to be clear with Exhibit 17,

10 Judge, you admitted it --

11 THE COURT: Yes.

12 MR. HATFIELD: -- subject to your -- your --

13 THE COURT: Yes. I'll decide what weight to give it.

14 MR. HATFIELD: All right. Okay.

15 THE COURT: And I think that it is already noted for

16 the record, but that it is not stipulated to by intervenors.

17 MR. HATFIELD: Yes, understood. So with those two

18 admitted, Judge, plaintiff rests as it relates to evidence.

19 I'd love to explain it to you a little bit when my time comes.

20 THE COURT: Yes, sir. All right. Thank you. Okay.

21 Evidence for the respondents.

22 MR. SEIDLECK: No evidence from the state, Your

23 Honor, aside from the joint stipulation.

24 (Defendant rests.)

25 MR. ELLINGER: I do have evidence, Judge.

1 THE COURT: Yes, sir. You may proceed.

2 MR. ELLINGER: Thank you. Judge, intervenor would
3 call Chrissy Peters.

4 THE COURT: You can come up here to the stand.
5 Before you sit, raise your right hand.

6 (Witness sworn in.)

7 THE COURT: You can take the witness stand. Proceed
8 when your ready.

9 MR. ELLINGER: Thank you, Judge.
10 (Direct examination.)

11 BY MR. ELLINGER:

12 Q. Would you please state your name for the record.

13 A. Chrissy Peters.

14 Q. And what is your current position?

15 A. I'm director of elections for the Secretary of
16 State's office.

17 Q. What is the role for director of elections for the
18 Secretary of State's office?

19 A. So we oversee the elections division under the
20 Secretary of State's office and implement the statewide voter
21 registration system; we oversee candidate filing; we oversee
22 chapter 115 and 116; we do certifications of elections for the
23 state level; we process initiative petitions and referendums,
24 and other things.

25 Q. How long have you served in that position?

1 A. I've been in this position since 2017, but with the
2 Secretary of State's office elections division since 2018.

3 Q. And what were your prior positions in the elections
4 division?

5 A. MCVR elections specialist, elections coordinator, and
6 elections operations manager.

7 Q. So as the election director, what are your duties?

8 A. So my duties is just to oversee the responsibility of
9 the -- the tasks of the elections division as a whole. I

10 have -- we have a staff. And so with the staff of the
11 elections division, we do the things that I mentioned prior, in
12 addition to like fiscal note responsibilities and other things
13 that -- grants -- administering grants and so on.

14 Q. Okay. Tell me about the voter database. You
15 mentioned that. What's your role with respect to the voter
16 database?

17 A. So the Secretary of State's office, they maintain and
18 secure the statewide voter registration database, but the -- we
19 have a 116 local election authorities that will input voter
20 information, elections information, and district information
21 from that local level, and they maintain voter roles; and then
22 the statewide system also provides candidate filing and
23 election by reporting for any of the state elections that we
24 conduct. The local election authorities also use that
25 statewide voter registration database for local elections.

1 While we might not have issues or questions -- or issues or
 2 candidates on local elections, we will provide guidance and
 3 oversight to assist the local election authorities.

4 Q. And then you talked about overseeing elections -- the
 5 statewide elections --

6 A. Yes.

7 Q. -- I presume you're referring to. Is that correct?

8 A. Yes.

9 Q. Okay. And -- and what is the role in overseeing
 10 elections?

11 A. So the role in overseeing elections is we will
 12 process ballot measures -- statewide ballot measures; we will
 13 conduct candidate filing; and we will certify to the local
 14 election authorities as a political subdivision, any candidates
 15 and/or questions that have to be on the ballot to conduct those
 16 local elections, and in addition to the statewide ballot
 17 measures and/or candidates.

18 Q. You mentioned that you have -- you oversee the
 19 elections related to statewide initiatives for referendums.

20 Right?

21 A. Yes.

22 Q. What are your duties with respect to initiative and
 23 referendum petitions?

24 A. So initiative petitions, that process starts in the
 25 beginning when an individual may produce a sample page to our

1 office for certification. And so when we receive a sample page
2 for a statewide initiative petition, we will go through the
3 process of working with the Attorney General's office for
4 approval to form; we will work with the auditor's office for
5 fiscal impact, and during that process, that takes some time;
6 and then at the end, we will certify that initiative petition
7 for circulation.

8 Q. Okay. Let's kind of break those down in steps.

9 A. Okay.

10 Q. So when a person brings a proposed signature where --
11 can we use referendum petitions for this purpose?

12 A. --

13 Q. -- brings a proposed referendum petition to your
14 office, what steps do you follow initially with that?

15 A. So we will accept it, and then we have a couple days
16 before we send it over to the AG's office for approval to form.

17 Q. Okay.

18 A. And then after that step is complete, then we also --
19 we send that out to the auditor for a fiscal note impact. And
20 then in the meantime, as those things -- as correspondence and
21 things get approved, we are communicating with the individual
22 who submitted to our office, information and correspondence
23 until we get through to the point where we have ballot
24 language, we have approved ballot language, and the Secretary
25 of State approves it for circulation at that time.

1 Q. So I think you said you accept it when they first
2 bring it to you.

3 A. Correct. It would be filed.

4 Q. Okay. And then you go through this process with the
5 Attorney General's office to get approval as to form.

6 A. That's the first, yes.

7 Q. Okay. Does sometimes the Attorney General reject
8 petitions as to form?

9 A. Yes.

10 Q. And what's the role of your office in the event that
11 the Attorney General rejects the petition as to form?

12 A. We will notify the -- the filer of the information
13 that was provided to our office from the Attorney General's
14 office, and then we will issue a correspondence letter saying
15 that it was rejected as to form.

16 Q. Just so I'm clear, when you say correspondence
17 letter, what do you mean?

18 A. It's just like a cover letter that will summarize
19 what the Attorney General's office has stated, but additionally
20 we attach the Attorney General's letter.

21 Q. Okay. And does the -- to the best of your knowledge,
22 do you defer to the decisions of the Attorney General in that
23 case?

24 A. Yes.

25 Q. Okay. So after you do the processing to prove as to

1 form -- and I think you said you're involved in the ballot
2 title and the fiscal note summary too. Right?

3 A. Correct.

4 Q. Okay. I don't think that's at issue in this case, so
5 we won't waste any --

6 A. Okay.

7 Q. -- time. At some point presumably, sometimes these
8 petitions are submitted with signatures. Is that right?

9 A. So once we approve the initiative petition for
10 circulation, then they can gather signatures. And yes, there
11 will be a time when people will submit petitions with
12 signatures to our office.

13 Q. Okay. What's the process that you follow when
14 someone submits those signed initiative -- or referendum
15 petitions?

16 A. So the processes is we will coordinate with them on
17 logistics, but we will work with petitioner, and they will have
18 to submit all of their signature pages with full ballot
19 language, to our office. It has to be organized by county and
20 folders, and it's typically a large volume because this is a
21 usually statewide initiative, so we will work with them. Once
22 we have received all of the boxes into our office, we will then
23 work with them to issue a box receipt at that point to make a
24 determination of how many boxes they have submitted, when the
25 official box receipt has been issued, and then that is when it

1 becomes in our possession, and we will then start processing
2 the steps for next steps. Do you want me to talk about that
3 or --
4 Q. No. Since you said processing, why don't you explain
5 what the next steps are?
6 A. Processing next steps so that typically there is a --
7 there is an opportunity where an initiative petition signature
8 page will be attached to full ballot language. We have to prep
9 that for processing with our scanning team. And so there are
10 several things that we look for. We look for that the
11 circulator affidavit is complete and we make sure that the
12 ballot language is attached. If either one of those are not
13 something that is in place, we set those to the side because
14 they would be not valid; and then the rest we just separate the
15 signature page in itself, maintain the folders that they are
16 submitted to, and prep it for our scanning team. Our scanning
17 team now then will scan those documents into our statewide
18 petition database. And once they scan those, they scan it in
19 by county and they receive a Bates number that is issued by
20 our -- by our technology. And then once that is in place, then
21 we -- if we have one petition filed -- one to two petition
22 files, we have two weeks to get that out to the local election
23 authorities -- the local election authorities to help verify if
24 the individuals who signed the petition are registered voters,
25 not registered voters, so on and so forth.

1 Q. Okay. You send these scans. Is that a fair
2 statement?

3 A. Yes, they get scanned in.

4 Q. You send these scans to local election authorities.

5 What's the process of the Secretary of State's office that the
6 elections division does after those scans go out to the local
7 election authorities?

8 A. So the scans, because of technologies and
9 efficiencies we've built into the Secretary of State's
10 office -- so scans are the -- they -- they live in the
11 database. They live in the statewide petition database. So we
12 turn on that statewide petition pages for local election
13 authorities and line by line review if an individual is
14 registered to vote or not registered to vote, and then we -- we
15 can track their progress and we can review each individual
16 county's process.

17 Now another thing that the technology allows for us
18 to do, is determine how many signatures are submitted by a
19 county. And so we have found ourselves in the past to be
20 mindful of people's resources and time, if there is not a
21 sufficient number of signatures collected in a particular
22 congressional district to begin with, that they don't even meet
23 the threshold by law, then we would not send out the signature
24 for verification to those particular counties in a particular
25 congressional district to -- to be mindful of resources and

1 time.

2 Q. Okay. And then you mentioned that you -- you turn on
3 the system, I think was the term you used.

4 A. That's correct. We'll turn it on so that the local
5 election authorities can view. And when they log in with their
6 credentials, they will see the pages assigned to their county
7 as the county user.

8 Q. Is that the first point at which the database -- I
9 don't know if that's the right term -- of all the scans, is
10 complete and available when you turn it on for the local
11 election authorities?

12 A. Yes. I would say that that's when it's -- it's ready
13 to go.

14 Q. Okay.

15 A. Yes.

16 Q. Okay. And so can any average person access that
17 database?

18 A. No.

19 Q. So then the election -- the local election
20 authorities -- you might explain what the local election
21 authorities are.

22 A. So a local election authority, we have 116 in our
23 state, most of them are elected as the County Clerk. But in
24 our larger jurisdictions, they would be a board of elections
25 that appoints both a Democratic and a Republican director, and

1 they are the election authority for those particular larger
 2 jurisdictions. But the -- for the majority it is County
 3 Clerk's County.

4 Q. And in years past, you -- actual physical photocopies
 5 would have gone to those local election authorities. Right?

6 A. Those -- yes, that did happen in the past.

7 Q. Under the current system, do the local election
 8 authorities have physical copies of signature pages?

9 A. They do not.

10 Q. Okay. So at -- what happens -- well, what do the
 11 local election authorities report back to you?

12 A. So the local election authorities, when they log into
 13 the system and they select the petition that they're working
 14 on, it serves as a line by line review of everything that is
 15 scanned in for that county. So in the event that a page has
 16 four signatures within blank lines and/or crossed out lines --
 17 like we're going to process each line on that page; but
 18 essentially, they're going to look at the data that's provided
 19 on the signature line for name, address, and a combination of,
 20 to do a search in our statewide system; and then the state --
 21 the statewide system -- the Missouri statewide system will pull
 22 up the most three recent signatures that are on file so that
 23 they can do a signature verification to determine if that
 24 person is registered to vote and if their signature matches;
 25 and then they mark it to move on to the next line. And that is

1 just a continuous process until there is no more lines left to
 2 process. And it is designed so that multiple users can be in
 3 the system in a county. And with the new technology, even
 4 state users can assist -- state -- the Secretary of State's
 5 office can assist.

6 Q. Okay. And then do you get something back from the
 7 local election authority?

8 A. We do get notification back from the local election
 9 authority when they have completed their work. And so then
 10 what the system does is generates a summary report that will
 11 tell us how many signatures were registered, not registered; if
 12 you -- if you have a county that's in a split congressional
 13 district; how many of those are assigned to one particular
 14 congressional district; and then if there were invalid
 15 signatures, duplicates, if there was -- I'm trying to think of
 16 what the -- how it lines -- how it lines out. But anyways,
 17 it's a report that is generated once they are complete with
 18 their process on their side.

19 Q. And does that report kind of generally follow your
 20 regulations in the talk about processing signatures?

21 A. Yes.

22 Q. Okay. So after all the LEA's have completed their
 23 process, what's the next step for your office?

24 A. So because we are serving 116 local election
 25 authorities, we will track the progress by congressional

1 district. And as we compile that data and that information, we
 2 also do -- if -- if time allows, we also do a quality control
 3 process to ensure that the work on the County Clerk's side is
 4 consistent with what we are seeing statewide. The quality
 5 control has been a -- a -- a blessing for making sure that we
 6 are certifying information and data accurately to reflect
 7 what's being collected and sent to our office.

8 Q. Okay. And then do you issue something formally?

9 A. So once all of that is complete, there would be a
 10 certificate of sufficiency or a certificate of insufficiency.

11 MR. ELLINGER: Okay. Judge, can I approach the
 12 witness, please?

13 THE COURT: Continuing permission granted.

14 BY MR. ELLINGER:

15 Q. I'm handing you what's been marked as intervenor's --
 16 excuse me, Exhibit INT-A. Do see that?

17 A. Yes.

18 Q. Do you recognize this document?

19 A. So this is a certificate of sufficiency of a petition
 20 that was issued on August 13th of 2024, for an initiative
 21 petition.

22 Q. And what's the process internally that you guys go
 23 through to come up with these two pieces of paper after you get
 24 the local election returns?

25 A. So the second page is because we have to track things

1 by congressional. You know, we do have a spreadsheet that we
 2 track progress as things come in from local election
 3 authorities. And we will show the number of signatures needed,
 4 which is determined after an election, and -- determined on 5
 5 percent, and then the signatures verified in that district and
 6 the number of valid signatures from the number of signatures
 7 that are verified. So this is all going to be -- reflect our
 8 internal tracking by congressional district of signatures
 9 verified as they come back from the local election authorities.

10 Q. Okay. What about the first page?

11 A. The first page is a certificate of sufficiency of
 12 petition that will simply talk about the official ballot title,
 13 which of course in the previous process before we approve it
 14 for circulation, the official ballot title will already have
 15 been determined. So then we are just addressing the petition
 16 is going to -- the sufficient number of valid signatures; and
 17 therefore, it will be placed on the ballot for that particular
 18 election.

19 MR. ELLINGER: Okay. Judge, I move for the admission
 20 of intervenor's Exhibit A.

21 THE COURT: Any objection?

22 MR. HATFIELD: None from plaintiff.

23 THE COURT: A will be admitted.

24 (Exhibit A admitted into evidence.)

25 BY MR. ELLINGER:

1 Q. Then you mention something called the certificate of
2 insufficiency.

3 A. Correct.

4 Q. What's the certificate of insufficiency?

5 A. So in our analysis, if we determine that there was
6 not enough signatures collected in congressional districts,
7 then our office's position would be to certify an insufficiency
8 of the petition, and that would not go on the ballot.

9 Q. I'm showing you what's been marked as intervenor's
10 Exhibit B.

11 MR. HATFIELD: No objection to the admission of
12 Exhibit B.

13 THE COURT: Are you moving to --

14 MR. ELLINGER: -- Not an Official Court Document Not an Offi

15 THE COURT: -- admission?

16 MR. ELLINGER: I'll move Exhibit B then.
17

18 THE COURT: All right, B will be admitted.
(Exhibit B admitted into evidence.)

19 BY MR. ELLINGER:

20 Q. Do you recognize this document?

21 A. Yes.
22

23 Q. Okay. And what role do you play with respect to
preparing this document?

24 A. So if this is -- so if we're going to issue a
25 certificate of insufficiency, the same process works as far as

1 creating the certificate of insufficiency for the Secretary to
2 sign and pretty much has the same official ballot title on it,
3 but then it goes on to say since it was insufficient, it will
4 not be placed on the ballot. We also give them a breakdown
5 again, of the results of the verification of the signatures and
6 the process, and then just a cover letter that myself as the
7 director of elections would sign to go with that --
8 Q. Okay.
9 A. Correspondence.
10 Q. And I'm turning to the last page of intervenor's
11 Exhibit B. Is this that tracking by various counties?
12 A. Correct. This is the compilation of our tracking of
13 the results by each congressional district internally, as the
14 process goes through.
15 Q. And I noticed on the second page, the one that has
16 the pretty seal on it, really the biggest difference is that it
17 says, "I certify that this petition does not contain enough."
18 So basically it's the number of valid signatures.
19 A. Correct.
20 Q. Is that basically the difference between them?
21 A. Well, that is the difference. Right? One is going
22 to go -- a sufficient is going to go on the -- on the ballot
23 for voting, and the insufficient will not make the threshold
24 for it to go on the ballot.
25 Q. So looking at intervenor's Exhibit A, which is a

1 certificate of sufficiency --

2 A. Yes.

3 Q. Can that certificate be issued until the verification
4 process for signatures is done?

5 A. Right. We -- we do the certificate of sufficiency
6 and insufficiency after we complete the review of the
7 verification signatures.

8 Q. And who makes the final decision to certify if a
9 petition is sufficient?

10 A. We utilize the information provided by our local
11 election authorities, perform quality control, and then the
12 Secretary will make that determination based on the information
13 the elections division will provide.

14 Q. Do you know of anyone else in the office that could
15 issue the certificate if the secretary didn't want to?

16 A. I am not aware.

17 Q. And with respect to intervenor's Exhibit B, the
18 certificate of insufficiency, who makes the final decision to
19 sign for that document?

20 A. That would be the Secretary as well.

21 Q. So you're aware that there are some referendum
22 petitions in question is the reason you're here today.

23 A. Yes.

24 Q. Okay. And were you involved in the initial
25 processing for lack of a better term of those proposed

1 referendum petitions?

2 A. Yes. In my normal course of business, that would be
3 part of our role in the elections division, yes.

4 Q. And do you recall -- do you recall when the first
5 petition is filed?

6 A. Yes.

7 Q. When was that?

8 A. Oh you want a date. Not off of the top of my head.

9 MR. ELLINGER: Judge, inside the stipulation -- the
10 amended joint stipulation, there are a number of documents. I
11 guess they're exhibits technically. I don't know what the most
12 convenient way of handling this is because this has all been
13 filed inside the system.

14 MR. HATFIELD: You don't have to, Marc, but --

15 MR. ELLINGER: That's okay. I can provide the whole
16 book to her, or I can pull parts out. How would you like it?
17 You have it on your computer so.

18 THE COURT: It's up to you.

19 BY MR. ELLINGER:

20 Q. I'm going to hand you --

21 MR. ELLINGER: What number was this? Did we decide
22 this was 16?

23 THE COURT: The amended stipulation is 16.

24 BY MR. ELLINGER:

25 Q. I'm going to hand you -- well, it hasn't been marked,
40

1 but it's been admitted as Exhibit 16.

2 A. Okay.

3 Q. Okay.

4 A. Okay.

5 Q. And we'll flip through this real quickly.

6 A. Okay.

7 Q. Can you take a look at the tab for Exhibit 4?

8 A. Okay.

9 Q. Do you recognize what the exhibit that Exhibit 4 is?

10 A. This is the petition cover sheet, statement of
11 committee organization, and the proposed referendum signature
12 page, and the full one.

13 Q. Okay. And is this the petition that was denominated,
14 2026-R001?

15 A. Yes.

16 Q. And can you tell by looking at Exhibit 4, what day it
17 was filed?

18 A. It was filed on September 12th.

19 Q. Okay. Then I would ask you to flip to the tab that
20 is Exhibit 5.

21 A. Okay.

22 Q. Okay. What is Exhibit 5?

23 A. It will be the second one filed on September 12th as
24 well.

25 Q. Okay. And is this the one known as 2026-R002?

1 A. That is correct.

2 Q. Then could you flip to Exhibit 8?

3 A. Okay.

4 Q. And what is Exhibit 8?

5 A. It is the initiative petition, submission and cover

6 page, the committee of organization, the signature -- sample

7 signature page and the full ballot language submitted on

8 September 15, 2025.

9 Q. Okay. And is that the one designated as 2026-R003?

10 A. That's correct.

11 Q. Okay. And then I'd ask you to flip to Exhibit 12.

12 A. Okay.

13 Q. Do you recognize Exhibit 12?

14 A. Yes. So this would be submitted on September 29th.

15 It is the petition cover page, the committee of organization,

16 the signature -- the sample signature page, and the full ballot

17 language.

18 Q. Okay. And is this the referendum petition known and

19 marked -- designated as 2026-R002 -- referendum petition

20 identified as 2026-R004?

21 A. That's correct.

22 Q. Okay. And each of these are separate referendum

23 petitions. Correct?

24 A. They were filed separately.

25 Q. Okay. All right. Could you turn to Exhibit 11,

1 please?

2 A. Okay.

3 Q. Do you recognize Exhibit 11?

4 A. Yes.

5 Q. Okay. Who prepared this document?

6 A. This document was prepared in our normal course of
7 business with legal executive and elections division.

8 Q. And what is this letter?

9 A. This is a rejection of the first proposed referendum
10 petition.

11 Q. Okay. And there's a -- if you flip the next page --

12 A. Yes.

13 Q. What is this?

14 A. That's the opinion letter issued by the Attorney
15 General's office in respect to our -- well, the first petition
16 filed -- or the first referendum filed with the Secretary of
17 State's office.

18 Q. Okay. And if you'll flip back two more pages,
19 there's another letter. In that same exhibit, just continue

20 going.

21 A. Oh. In the same exhibit --

22 Q. In the same exhibit, yup.

23 A. I'm going to -- okay.

24 Q. Okay. Do you see another letter there?

25 A. Yes.

1 Q. And what is that?

2 A. So that's also the rejection of the second proposed

3 referendum petition from our office.

4 Q. Okay. And then there's an Attorney General's opinion

5 attached to that too.

6 A. That's correct.

7 Q. Okay. And you all rely on the Attorney General's

8 opinion?

9 A. That's --

10 Q. -- and rejection.

11 A. That's correct.

12 Q. Okay. And then if you'll flip a couple more pages,

13 there's another letter.

14 A. Okay. Rejection of third proposed referendum

15 petition, sent by our office.

16 Q. Okay. And is that -- that also has an Attorney

17 General's opinion attached to it.

18 A. That is correct.

19 Q. Okay. And I think you said this is done in the

20 normal course of business.

21 A. Yes.

22 Q. Okay. And how often have you had to send rejection

23 letters for various initiative petitions?

24 A. There are several times in an initiative petition

25 process that there are going to be rejection letters sent,

1 based on the information provided by the Attorney General's
 2 office. We -- the Secretary of State's office can sometimes
 3 also reject it to form in the process that I'm aware.

4 Q. And if you look at these letters -- and you're
 5 familiar with them.

6 A. Yes.

7 Q. Do they reject any signatures?

8 A. No. They -- no.

9 Q. Okay. Let me ask you to flip to Exhibit 13.

10 A. Okay.

11 MR. ELLINGER: Judge, if you need physical copies, I
 12 can provide those to you.

13 THE COURT: I've got it pulled up.

14 MR. ELLINGER: Okay.

15 THE COURT: Thank you.

16 BY MR. ELLINGER:

17 Q. Do you recognize this letter?

18 A. Yes.

19 Q. Okay. And what -- what is this letter?

20 A. So this letter was issued on October 14th, and is the
 21 approval to form, the referendum petition 2026-R004.

22 Q. Okay. And what does it mean when you approve a
 23 petition for circulation?

24 A. So this was an approval to form only.

25 Q. Okay.

1 A. This letter was an approval to form, based on the
2 information provided by the AG's opinion, and then issued to
3 the petitioner.

4 Q. Okay. And why is it important to send them a letter
5 that it's been approved?

6 A. It is part of the process. It's part of our
7 deadlines, and it's just to let them know that -- you know, we
8 have approved them to form. There are other steps that still
9 take place, but that's the first step for us to continue with
10 the ballot title language and the auditor's response.

11 Q. Okay. And is this a document that you would normally
12 send an approval as to form letter to --

13 A. An approval as to form letter is a normal document
14 that we would send in the initiative petition process, yes.

15 Q. Okay. So I'd like you to take a look at the
16 next-to-last paragraph. That's the paragraph that begins,
17 "Consistent with No Bans on Choice." Do you see that
18 paragraph?

19 A. Yes.

20 Q. And I'd like you to kind of go down a few lines to
21 the line that says, "However," do you see that?

22 A. (No response.)

23 Q. However, after circulation --

24 A. Yes.

25 Q. So tell me what that line says.

1 A. "So however, after circulation and a consummation of
 2 signatures, the Secretary of State's -- the Secretary of State
 3 must examine the petition to determine whether it complies,"
 4 quote, "with the Constitution, and with this chapter," end
 5 quote, referencing 116.120.1 RSMo. Do you want me to continue?

6 Q. Yes, please.

7 A. If statutory or constitutional deficiencies become
 8 apparent during verification or before certification; such as
 9 failure to meet signature thresholds, improper timing under
 10 Article 3, Section 52(a), or defects affecting the validity of
 11 the referendum, the Secretary may decline to certify the
 12 petition for placement on the ballot. Any such determination
 13 remains subject to a judicial review.

14 Q. Okay. So has the Secretary of State rejected this
 15 referendum petition from appearing on the ballot in November?

16 A. No.

17 Q. Does this letter make any determination as to whether
 18 a referendum petition will or won't be on the ballot in
 19 November?

20 A. No.

21 Q. What actions have to be done by your office, and I
 22 guess by the proponents, before we get to a determination as to
 23 whether a referendum would appear on the ballot?

24 A. So once the petition -- or the referendum is filed
 25 with signatures for verification, I spoke to earlier all of the

1 processes that take place through our office under the local
 2 election authorities verification, and then we track
 3 sufficiency and insufficiency based on information provided by
 4 local election authorities. We have to perform quality
 5 control, and then we would issue a certificate of insufficiency
 6 or sufficiency at that time.

7 Q. And sometimes initiative petitions that are approved
 8 as to form, they're never -- they're never signature submitted.
 9 Right?

10 A. Well, yes. Yes. That -- yes. A lot of times we
 11 will approve for circulation or to form, and the petitions are
 12 not circulated, and they are not --

13 Q. So -- so the failure to file within the timeliness
 14 windows that are laid out in the Constitution would be an
 15 example of a reason it would not appear on the ballot.

16 A. If they do not turn them in, that is correct.

17 Q. Okay. Similarly if they failed to meet the signature
 18 threshold, would it appear on the ballot?

19 A. If it was determined that the number of signatures
 20 were insufficient, then we would issue that certificate of
 21 insufficiency and it would not be on the ballot.

22 Q. Okay. And I guess there could be other defects
 23 related to the petition that might occur. A determination will
 24 be made after the verification of signatures.

25 A. Right. So we do review for making sure that the full

1 ballot language is attached, making sure that we are -- the
 2 affidavit and the circulator is -- is complete. Those types of
 3 things are also reviewed. If signatures are collected on those
 4 types of pages, then they would not be valid signatures.

5 Q. And is that --

6 A. It's all part of that process, yes.

7 Q. And then I'll call your attention to the last line
 8 that -- that's a paragraph, "Any such determination remains
 9 subject to judicial review." Did I read that right?

10 A. Yes.

11 Q. So if there is a rejection for some reason after and
 12 a certificate of insufficiency issue, what does the proponent
 13 have the opportunity to do?

14 A. So after we determine sufficiency or insufficiency,
 15 anybody has the opportunity -- I mean it might not be anybody,
 16 but there can be a challenge to that filed with the petition to
 17 the courts within ten days after our sufficiency or
 18 insufficiency certification.

19 Q. Okay. Has the Secretary issued a certificate of
 20 sufficiency or insufficiency with respect to any of the four
 21 referendum petitions?

22 A. No.

23 Q. Okay. Does this letter reject any signatures?

24 A. No.

25 Q. Speaking of, what happens after a certificate of

1 insufficiency? Have there been judicial actions brought in the
2 past?

3 A. Yes.
4 Q. And have some of those measures appeared on the

5 ballot?
6 A. Yes.

7 Q. So there is -- you can go to court and get relief.
8 A. Yes.

9 Q. Speaking to the current referendum petitions, have
10 any signed referendum petitions been submitted to the Secretary
11 of State's office as of today?

12 A. Not as of today.

13 Q. Okay. And you would know if they were submitted.

14 A. Unless it's happening now, yes. I would know.

15 Q. You would probably get a message if it was happening
16 now. Wouldn't you?

17 A. Oh yes.

18 Q. Has the Secretary of State's office processed any
19 signature pages for any referendum petitions this cycle?

20 A. No.

21 Q. Has any final decision about the sufficiency or
22 insufficiency been made by the Secretary of State's office on
23 any of the referendum petitions in this cycle?

24 A. No.

25 Q. If signature pages are submitted in the future, will
50

1 your office follow that process that you addressed earlier?

2 A. Yes.

3 Q. And after that process is completed, who decides to
4 issue the certificate of sufficiency or insufficiency?

5 A. The Secretary of State.

6 Q. And since you've been at the Secretary's office, has
7 a certificate of sufficiency or insufficiency ever been issued
8 before the signature verification process was completed?

9 A. No.

10 Q. Do you have any knowledge of when the proponents
11 began collecting signatures?

12 A. Just might what I -- what I might have read in media
13 articles.

14 Q. No one from the proponents came to you and said, "I'm
15 out circulating signatures today."

16 A. No. I am aware that signatures are being collected,
17 yes. Yes.

18 Q. But not what day they started.

19 A. I don't. I'm not aware of what day they started.

20 Q. Okay. Between September 15 and September 28, within
21 that window --

22 A. Okay.

23 Q. -- were there any signatures on referendum petitions
24 submitted to your office?

25 A. No.

1 Q. Okay. Do you know if there were any signatures on
2 initiative -- or excuse me -- referendum petitions had been
3 collected at that point in time?

4 A. I mean based on articles that I had read in my -- my
5 course of business, I would have known that they were
6 collecting signatures.

7 Q. Do you know how many they collected in that time
8 period?

9 A. I'm not aware of -- I -- I can't recall any numbers I
10 may or may not have seen.

11 Q. Okay. And between September 29th and October 14th,
12 have there been -- were there any signatures submitted for the
13 referendum petitions?

14 A. Not first-hand knowledge, just -- just what would
15 have been read in --

16 Q. Let me rephrase that.

17 A. Okay.

18 Q. Okay. So that -- for that window --

19 A. Yes.

20 Q. -- of September 29, 2025, through October 14th of
21 this year, were there any signed signature pages submitted to
22 the Secretary of State's office for the referendum petitions?

23 A. No.

24 Q. Okay. And do you know how many signatures the
25 proponents may have gathered in that window of time?

1 A. I would not have first-hand knowledge of that, no.

2 Q. Is there anyone in your office who would have that
3 knowledge -- have the actual knowledge of that?

4 A. No.

5 MR. HATFIELD: Judge, calls for speculation.

6 THE COURT: She can answer to the best of her
7 personal knowledge.

8 You can answer.

9 BY MR. ELLINGER:

10 A. Not that I'm aware of.

11 MR. ELLINGER: No further questions, Judge.

12 THE COURT: Does the other respondent have any
13 questions for this witness?

14 MR. SEIDLECK: No questions, Your Honor.

15 THE COURT: Okay, cross.

16 (CROSS-EXAMINATION.)

17 BY MR. HATFIELD:

18 Q. Since the Judge went to Mr. Seidleck, is Mr. Ellinger
19 your attorney?

20 A. No.

21 Q. Okay. You were -- you were very smooth there in your
22 presentation, as you usually are. You -- you talked to

23 Mr. Ellinger about what you were going to say today. Right?

24 A. There -- at normal course of prep, yes.

25 Q. Yeah. In other words, the intervenor and you talked,

1 and you -- he told you what you were -- he was going to ask
2 you, and you told him what you were going to say.

3 A. Yes. I would have discussed -- you know, what my
4 knowledge is of questions that he would be asking.

5 Q. And to your knowledge, did anybody at the Secretary
6 of State notify the Plaintiffs that you were having these
7 conversations with intervenor's counsel?

8 A. To my knowledge, I do not know.

9 Q. Okay. Nobody from any -- was anybody from the AG's
10 office there when you had this conversation with Mr. Ellinger?

11 A. No.

12 Q. Just you and Mr. Ellinger talking about what you were
13 going to say today. Right?

14 A. With discussion with -- with the Secretary of State's
15 counsel.

16 Q. Okay. All right. Fair enough. I'm going to be a
17 little less organized --

18 A. Okay.

19 Q. -- because I haven't had the pleasure. Ms. Peters,
20 you are aware of a case called Missouri General Assembly versus
21 Von Glahn and People Not Politicians in federal court?

22 A. Am I aware of that that? Yes, in general.

23 Q. Well, you filed an affidavit in that case. Correct?

24 A. That is correct.

25 Q. You filed an affidavit in support of the Attorney

1 General's request for preliminary injunction in that case.

2 Right?

3 A. An affidavit speaking to information that I could
4 attest to, yes.

5 Q. Right. And what you want there, is you want the
6 federal court to order that my client cannot turn in any of
7 these initiatives. Right? Or these referendums I should say.

8 A. (No response.)

9 Q. If -- if -- you can answer yes or no. I'm not -- I
10 mean whatever your answer is, it will be. But what you're
11 asking the federal court, is for an injunction to prohibit my
12 client from submitting referendum petitions. Is that right or
13 wrong?

14 MR. ELLINGER: I'm going to object, Judge. I think
15 it calls for a legal conclusion, and she's neither a lawyer or
16 a party to that case. She just filed some testimony.

17 THE COURT: Are you asking whether she has a position
18 on the lawsuit or a personal position?

19 MR. HATFIELD: I'm asking if she has knowledge as the
20 deputy -- are you the deputy secretary still or did they change
21 your title?

22 THE WITNESS: No --

23 MR. HATFIELD: As the director of elections, does she
24 have knowledge of what the Secretary of State asked the federal
25 court for in a case where she filed an affidavit.

1 THE COURT: Okay. Yes, ask that question. The
2 objection is overruled.

3 THE WITNESS: Okay.

4 BY MR. HATFIELD:

5 Q. That's my question.

6 A. I am aware of the affidavit in which I signed. The
7 other portion of that particular process is not something that
8 I have been involved in, other than signing the affidavit --

9 Q. Okay.

10 A. -- and attesting to that.

11 Q. Well, okay. Then what was the point of the
12 affidavit? I'll just let you -- rather than me dribbling this
13 out -- what -- what was the point you were trying to make to
14 the federal court when you filed this affidavit, under oath, in
15 federal court?

16 MR. ELLINGER: To provide information from the
17 position of our legal counsel, and the position of the
18 responsibilities or documents that have been filed in the
19 process of this referendum.

20 Q. Okay. I don't mean to draw this out, but I need to
21 make sure I understand what you're saying. Was the affidavit
22 your knowledge and words, or was it your legal counsel's?

23 A. No. It was -- it was reviewed -- it was reviewed --

24 Q. Sure.

25 A. -- and signed by me, yes.

1 Q. Right.

2 A. With information -- I -- the affidavit -- it's
3 been -- it's been a while, so -- since I signed the affidavit,
4 so I would have to view specific things on that affidavit in
5 order for me to speak details to them.

6 Q. Your affidavit essentially -- tell me if I'm wrong --
7 told the federal court that there would be harm or whatever
8 word you want to use, problems for the Secretary of State if my
9 client actually turned in the referendum. Fair?

10 A. I think it would be, at this point, fair for me to
11 review the affidavit before I can specifically speak to the
12 details of it.

13 Q. Okay.

14 A. I just -- I recall it talking about documents that
15 have been filed with our office.

16 Q. Well, we're going to do that. One of the things that
17 you said in that affidavit -- if you can remember, and if you
18 can't, that's okay, tell the Judge.

19 A. Okay.

20 Q. Is that there -- you would have to devote a lot of
21 resources and people to review any signatures.

22 A. Okay. That is correct.

23 Q. That is correct.

24 A. Yes.

25 Q. And in that affidavit, you assumed that there are

1 going to be signatures turned in.

2 A. That is correct, yes.

3 Q. And -- and you assumed that you were going to have
4 extra administrative burdens because the Plaintiffs are in fact
5 going to turn in signatures.

6 A. There will be resources you -- at our -- at our
7 office and for local election authorities, that is correct.

8 Q. And based on your experiences, it was a reasonable
9 assumption based on all you know about this referendum, that
10 there are going to be signatures turned in.

11 A. That is my understanding, yes.

12 Q. And in -- and in fact, you have reason to believe
13 that signatures will be turned in tomorrow.

14 A. Tomorrow, Wednesday or Thursday, yes.

15 Q. And you have made arrangements for my clients to
16 actually turn in the signatures.

17 A. That's correct. We're still working through details,
18 but there is -- yes. There has been conversations about
19 logistics. That is correct.

20 Q. You've told them where to go, you've told them where
21 you're going to put the signatures, you've sent them a form to
22 fill out when they turn in the signatures.

23 A. Right, that's correct.

24 Q. And that's because you fully expect signatures to be
25 turned in.

1 A. That is correct.

2 Q. All right. Now I'm going to work backwards. Mr.

3 Ellinger talked to you through a little bit. He had some

4 questions about timeframes; were any signatures submitted

5 during this period, were any signatures submitted during that

6 period.

7 A. Correct.

8 Q. And you said no.

9 A. Correct.

10 Q. The position of the Secretary of State is that my

11 clients have to wait and turn in all the signatures at once.

12 Correct?

13 A. For a referendum or initiative petition, that is

14 correct. The Secretary of State's office requires that all

15 signatures be submitted at one time.

16 Q. Yeah. I said my client just to bring it --

17 A. Sure.

18 Q. -- home, but this isn't a special rule. The

19 Secretary of State's position is, you can't do it in dribs and

20 drabs. I can't turn in my November signatures, and then later

21 turn in my December signatures.

22 A. That is correct.

23 Q. That is correct. So we got to wait till the end and

24 turn them all in at the same time. Right?

25 A. Yes.

1 Q. All right. Now I think we got this covered, but Mr.

2 Ellinger talked about whether you were aware that people are

3 out there collecting, and you said -- tell me again.

4 A. I --

5 Q. Were you aware?

6 A. -- mean I am aware that people were out there

7 collecting. I think I talked about media articles, but even

8 social media --

9 Q. Sure.

10 A. I am aware.

11 Q. And -- and you've received a text from the Republican

12 Party warning you about this. Right?

13 A. I have received that text.

14 Q. Yeah.

15 A. Yes.

16 Q. Saying that there are people out there gathering and

17 that people should not give their personal information out.

18 Right?

19 A. That text, yes, I received.

20 Q. And -- and did you do anything to check as to whether

21 people were out there gathering?

22 A. Did I -- say that again.

23 Q. Did you do anything to investigate that text or the

24 information you learned through that text?

25 A. Not -- not whether to confirm if people were

1 gathering signatures.

2 Q. All right. You are aware that the Missouri Attorney
3 General has announced that there are folks that she suspects to
4 be illegal aliens or undocumented immigrants gathering
5 signatures. Correct?

6 MR. ELLINGER: Judge, I'm going to object. This is
7 well beyond the scope of direct examination.

8 THE COURT: He -- he can cross-examine the witness on
9 any issue that may be pertinent to the case or for impeachment
10 purposes. The objection is overruled.

11 BY MR. HATFIELD:

12 Q. Are -- are you aware that the Attorney General has
13 made an announcement that she is investigating or reviewing
14 whether undocumented folks are out there gathering signatures?

15 A. I feel like I have seen this on a social media
16 platform just in passing.

17 Q. All right. As director of elections for the
18 Secretary of State, is that all you know about this reported
19 allegation is that illegal people are gathering signatures in
20 the referendum process?

21 A. That is all that I know at this time, yes.

22 Q. All right. Nobody has ever brought it to your
23 attention.

24 A. No.

25 Q. All right. Again, I'm kind of going backwards.

1 A. Sure.

2 Q. Let's talk about certificate of insufficiency. Are
3 you familiar with an initiative petition submitted by somebody
4 named Mark Johnson (spelled phonetically)?

5 A. There has been initiative petitions submitted by Mark
6 Johnson, yes.

7 Q. And I can't remember. Were you upstairs in Judge
8 Walker's courtroom for some litigation on the Mark Johnson
9 petition?

10 A. I don't think I was in that courtroom, no.

11 Q. Okay. You agree that in that case, the Secretary of
12 State rejected Mr. Johnson's petition as insufficient before he
13 submitted signatures. Correct?

14 A. That is correct.

15 Q. And that -- that was done through a letter from
16 someone named Reinhardt (spelled phonetically). Right?

17 A. Yes.

18 Q. So when you told Mr. Ellinger that only the Secretary
19 of State could issue a certificate of insufficiency, do -- do
20 you agree that Mr. Johnson does not have a certificate of
21 insufficiency?

22 A. I would have to review that particular letter, but I
23 don't think that that was -- a certificate of sufficiency or
24 insufficiency is based on the review of the signatures --

25 Q. Right.

1 A. -- to determine if something can be put on the
2 ballot. And again, I probably have to review the letter that
3 we're discussing to -- to speak to it in detail.

4 Q. Okay. Do you agree that that one was rejected
5 because it contained multiple subjects?

6 A. That is what I do recall in general.

7 Q. And you agree that doesn't have anything to do with
8 whether the signatures submitted count.

9 A. That is correct.

10 Q. And -- and this one. When we look at the exhibits
11 that Mr. Ellinger showed you, particularly Exhibit 11, if you
12 need to look at that. You rejected this one, not because of
13 anything that is wrong with any signature. Right?

14 A. (No response.)

15 THE COURT: And we're on Exhibit 11.

16 MR. HATFIELD: We're on Exhibit 11.

17 THE WITNESS: Exhibit 11, okay.

18 BY MR. HATFIELD:

19 Q. Here in Exhibit 11, he rejected a particular
20 initiative petition sample sheet. Right?

21 A. A rejection of the first proposed referendum
22 petition. That is correct.

23 Q. And -- and tell us why he rejected it.

24 A. The petition is not in the form prescribed by Section
25 116.030; and then we attached for specific details as to this

1 insufficiency in form, you may consult an enclosed opinion
2 letter.

3 Q. What was wrong with the form?

4 A. Do you want me to read the opinion letter?

5 Q. No. I want you to tell me as the director of
6 elections and as the person that signed the letter, what was
7 wrong with the form?

8 A. We would base the information provided from the
9 Attorney General's office.

10 Q. Okay. So on the last page of the Attorney General's
11 opinion where Ms. Hanaway's signature appears -- are you there?

12 A. Yes.

13 Q. She writes in the last sentence, "Pursuant to Section
14 116.332.4 RSMo the Secretary of State is authorized to review
15 this opinion," and, quote, "Make a final decision as to the
16 approval or rejection to the form of the petition." Do you
17 agree with the Attorney General on that?

18 A. That would be correct.

19 Q. So at the end of the day, it's the Secretary's
20 decision as to whether to reject as to form. Correct?

21 A. It would be -- it would be something that we then
22 issue to the petitioner.

23 Q. All right.

24 A. Yes.

25 Q. So tell me what was wrong with the form. Consult

1 whatever you need to do, and then tell me what it is about the
2 form of the petition you rejected that was wrong.

3 A. So I'm -- I'm going to say that our office rejected
4 this -- and yes, I did sign the letter.

5 Q. Okay.

6 A. And the petition is not in the form prescribed by
7 Section 116.030.

8 Q. Okay. What was wrong with the form?

9 A. Again, I -- I can only speak to -- I mean without --
10 this is -- this is in conjunction, not only with the elections
11 division, but as mentioned before with both executive and legal
12 staff.

13 Q. Sure.

14 A. So it was the determination of the Office that the
15 petition is not in the form prescribed by Section 116.030.

16 Q. Okay.

17 A. And I know that I don't have an answer to the
18 question that you just asked.

19 Q. Okay. So as director of elections, as the person who
20 took responsibility for signing this letter to my client, you
21 can't tell me what was wrong with the form. Is that fair?

22 A. So if I were to look at the letter by the Attorney
23 General, I can read to you what the Attorney General is

24 advising our office. And I mean, sure. It does say that we

25 have the final say that you just asked me to read, but it would

1 be based off of the information provided by the Attorney

2 General's office.

3 Q. Okay.

4 A. Do you want me to read this?

5 Q. No.

6 A. Okay.

7 Q. If I do --

8 A. Okay.

9 Q. -- I'll -- I'll -- yeah. So Mr. Ellinger asked you

10 that too. You relied -- you relied on that letter.

11 A. That would be the position of our office is to rely

12 on the letter.

13 Q. Okay. So you're here telling the Judge that part of

14 the reason you made the decision was in reliance on the advice

15 of the Attorney General.

16 A. In our normal course of business, we receive an

17 opinion -- an opinion from the Attorney General's office, and

18 that is the process that we take, yes.

19 Q. All right. Did you receive any other letters from

20 the Attorney General that are not included in Exhibit 11 about

21 this form?

22 A. Not that I am aware.

23 Q. Any other communications with the Attorney General

24 about this form?

25 A. Not that I am aware.

1 Q. So you just sent it over. Are you generally aware of
2 how that process works, communicating with the Attorney
3 General's office?

4 A. So yes. In a normal --

5 Q. Okay. So --

6 A. Okay.

7 Q. -- you just sent it over, and then did you hear
8 anything else until you got back this letter from the Attorney
9 General?

10 A. Not that I am aware, specifically as the director of
11 elections.

12 Q. Would you flip back and look at Exhibit 10? Exhibit
13 10 is a letter dated September 15th, which as the evidence
14 shows is about -- is that 11 days before Exhibit 11?

15 A. (No response.)

16 Q. Have you ever seen Exhibit 10 before?

17 A. So if I -- so if I had seen this letter, it would
18 have -- it would have been given to the legal and executive
19 staff.

20 Q. Okay.

21 A. Okay.

22 Q. Did you know when you signed Exhibit 11, counsel for
23 the submitter had sent a letter specifically discussing what
24 the Attorney General had advised and why the Secretary
25 should -- should not accept that advice?

1 A. So when I sign letters as the director of elections
 2 division, I am in conjunction with our legal and executive
 3 staff. So if it was at the direction of the legal and
 4 executive staff that we are rejecting or accepting as to form,
 5 that is the process that I would be taking in my normal course
 6 of business.

7 Q. I don't understand. Can -- can we read back my
 8 question? I'm sorry.

9 THE COURT: Can you read back the question?

10 COURT REPORTER: Yes, absolutely.

11 MR. HATFIELD: Sorry, Judge. I didn't mean to -- I
 12 apologize for that.

13 (Court reporter reads the question back off-the-record.)

14 THE COURT: Okay. We're back on-the-record.

15 BY MR. HATFIELD:

16 Q. All right. So other than sort of -- you've told me a
 17 couple of times you can read me the letter -- you've read the
 18 letter.

19 A. Which letter are we talking about?

20 Q. I'm sorry, good point.

21 A. Okay.

22 Q. In Exhibit 11 there is a letter from you, Chrissy
 23 Peters. Right?

24 A. Yes.

25 Q. You're familiar with that letter.

1 A. Yes.

2 Q. And then there's a letter from the Attorney General.

3 A. Yes.

4 Q. And you've read that letter.

5 A. Yes.

6 Q. And -- and then there are a couple other letters from
7 you and letters for the Attorney General, but they're sort of
8 all of the same thing. Right?

9 A. Correct.

10 Q. So you tell me, by being familiar with those letters,
11 is it fair to say that those rejection letters in Exhibit 11
12 are because -- the reason for the rejection I should say, are
13 because the Governor had not yet signed House Bill 1 at the
14 time my clients submitted their referendum sample sheets?

15 A. That is my understanding.

16 Q. Is there any other reason, other than that, that they
17 were rejected?

18 A. Without putting in record, like me reading this

19 information, that is part of my understanding; but I feel like
20 there is more information in this opinion letter provided to us
21 by the Attorney General's office.

22 Q. Okay. And -- and we can all read that.

23 A. Okay.

24 Q. Are you -- you're not familiar with anything else,
25 other than what that letter says.

1 A. Correct.

2 Q. All right. Fair enough. Mr. Ellinger showed you
3 intervenor's A and B I believe.

4 A. Yes.

5 Q. And you said you're familiar with those.

6 A. Yes.

7 Q. And tell me which petition A was. That is
8 sufficient. Right?

9 A. Hold on. Exhibit A is a certificate of sufficiency
10 of petition, that's correct.

11 Q. Okay. Let's talk about B.

12 A. Okay.

13 Q. B is a certificate of insufficiency for an
14 initiative, submitted by Anna Fitz-James.

15 A. Initiative petition certified by Greta Bax.

16 Q. I'm sorry. Let me ask you about that one then.

17 A. Okay.

18 Q. You said that was insufficient and it turns out you
19 were wrong about that. Right?

20 A. We issued a certificate of insufficiency, and then
21 within ten days there was a petition to the courts. There was
22 a certificate of sufficiency that was then provided after a
23 review of quality control --

24 Q. Okay.

25 A. -- brought to our attention, yes.

1 Q. And -- and you and I know each other, and I'm sorry
2 to do this to you, but --
3 A. Yeah.
4 Q. -- there were some passive voice things in there.
5 After hearing the information, the Secretary decided to issue a
6 certificate of sufficiency. Correct?
7 A. Say that again.
8 Q. You weren't ordered to issue a certificate of
9 sufficiency. You decided to go ahead and issue one. Correct?
10 A. I -- I think that there was some legal actions, and I
11 think that there was a joint stipulation, if I'm remembering
12 correctly, that we all agreed to. It was determined to be
13 sufficient, if I'm remembering correctly.
14 Q. Fair enough.
15 A. Okay.
16 Q. Well, which one was that again -- which exhibit?
17 A. This --
18 Q. Which --
19 A. -- one is Exhibit B.
20 Q. Okay. Let's look at A.
21 A. Okay.
22 Q. Who submitted the initiative in A?
23 A. Submitted the initiative in A, Tori Schafer.
24 Q. All right. And are you familiar with that particular
25 initiative petition?

1 A. Yes.

2 Q. And that particular petition -- petition, also
3 resulted in some litigation. Right?

4 A. It did, but not about sufficiency. I don't

5 Q. Right.

6 A. -- recall the details, but I -- I don't recall this
7 being about the --

8 Q. You -- you know who Ms. Schafer is.

9 A. She's the one that submitted the petition, yes.

10 Q. And -- and the litigation was a case called ACLU
11 versus Ashcroft. Correct?

12 A. Yes.

13 Q. And are you, as the director of elections, generally
14 do you think you have an understanding of what ACLU versus
15 Ashcroft instructed you to do in the future?

16 A. Not that I can recall details --

17 Q. Okay.

18 A. -- answering questions about at this point.

19 Q. Is -- is it your understanding that the Secretary's
20 role when it comes to approving initiative petition sample
21 sheets, is ministerial?

22 A. That is my understanding.

23 Q. And is it your understanding that the Secretary's
24 role when it comes to reviewing initiative petition sample
25 sheets, is not to determine the constitutionality of the

1 proposed referendum?

2 A. That is my understanding.

3 Q. Okay. And with respect then to -- let me just move
4 on here a little bit. All right. Again, kind of bouncing

5 around to little bit. Mr. Ellinger had you look at Exhibits 8
6 and I think 12. I'm going to skip the other ones as well. In
7 Exhibit 8, when the Court looks at this there's a cover letter,
8 and there's some stuff, and then there's --

9 A. --

10 Q. -- what -- what I call a sample sheet --

11 A. Yup. A sample sheet, a signature sample sheet.

12 Q. Okay. And Exhibit 8 -- well, let's talk about that.
13 Exhibit 12 is kind of parallel; it's the same set of documents.

14 Right?

15 A. Yes.

16 Q. And you rejected Exhibit 8, and you approved Exhibit
17 12. Right?

18 A. (No response.)

19 Q. We can help you with numbers if you need us to.

20 A. Yeah. What was Exhibit 12? Is that --

21 Q. I'm going to say yes.

22 A. Yes.

23 Q. Okay.

24 A. That was the one that --

25 Q. I'm --

1 A. Yes.

2 Q. -- got to come back to Exhibit 8 and 12 --

3 A. Okay.

4 Q. -- but let's talk about these R's.

5 A. Okay.

6 Q. The R001, R002, R003, R004. The submitter, in this
7 case Mr. Von Glahn, did he choose those numbers?

8 A. No. Those are systematic numbers provided in our
9 process.

10 Q. And they just have to do with when it's filed.
11 Right?

12 A. That -- I mean that is correct.

13 Q. The letters like Exhibit 8 and 12, they don't mention
14 anything about R whatever. Like Exhibit 8 doesn't say R003,
15 Exhibit 8 doesn't say R004. Right?

16 A. I do not recall seeing that --

17 Q. Well, take a look.

18 A. --

19 Q. I -- I just want make sure -- maybe I should ask you
20 a better question. These letters are typical in that they
21 don't actually use those R numbers.

22 A. Oh. So 8 and 12 is really just the submittal from
23 the coversheet.

24 Q. Okay.

25 A. Like we don't --

1 Q. You're right.

2 A. Okay.

3 Q. Exhibit 11 doesn't use that R number --

4 A. Exhibit 11 --

5 Q. -- which is the rejection.

6 A. -- talks about a first proposed referendum petition

7 in --

8 Q. Okay.

9 A. -- that --

10 Q. --

11 A. -- proposed.

12 Q. When you communicate with the proponent, you don't

13 use those R's. Right?

14 A. Can I look real quick?

15 Q. Sure.

16 A. Just one second. Because we -- it is not showing

17 that we used the R's in any of the communications, except for

18 on Exhibit 13. We do reference -- we do reference 2026-R004 --

19 Q. Gotcha.

20 A. -- on the subject line.

21 Q. Gotcha. Okay. Let me go back to Exhibits 8 and 12

22 since I took a circle there.

23 A. Okay.

24 Q. In some pleadings that have been filed in this case,

25 your counsel has told the Court that the form that's contained

1 in Exhibit 8 -- the -- the petition -- the sample petition --

2 A. Okay.

3 Q. -- is identical to the form in Exhibit 12. Do you

4 agree?

5 A. I did not personally do the analysis, but from my
6 understanding, our office did and there was no difference in
7 the form.

8 Q. Right.

9 A. Okay.

10 Q. Then why did you reject 8 and not 12 if they're
11 identical?

12 A. I think we've already discussed that; because it was
13 rejected as to form based on an opinion for the Attorney
14 General's office, and then on-the-record we talked about
15 because it wasn't signed by the Governor.

16 Q. Okay. All right. A couple of cleanup questions just
17 to make sure I've got our record straight. When you were doing
18 the first part of your direct with Mr. Ellinger, you mentioned
19 the counting of signatures.

20 A. --

21 Q. -- and you said something about crossed out
22 signatures. Right?

23 A. Right.

24 Q. Do you agree that submitters can cross out
25 signatures. Right?

1 A. Yes. That's correct.

2 Q. And -- and --

3 A. The submitters can.

4 Q. Yeah.

5 A. Like if they come to us and it's already crossed out,

6 we have a way to indicate that it was crossed out.

7 Q. Okay. And so the ones that are submitted, you are

8 never going to even consider those crossed out ones. Right?

9 A. That is correct.

10 Q. Okay. All right. Okay. Now so we know that Mr. Von

11 Glahn submitted some initiative petitions -- some --

12 A. Right.

13 Q. -- referendum petitions, very different than

14 initiative petitions, and you rejected some of those. Right?

15 A. That is correct.

16 Q. And you approved one of those.

17 A. That is correct.

18 Q. So turn to Exhibit 14, please. So this has already

19 been admitted in the record as part of the stipulation, and

20 here the Secretary of State's office submitted a press release,

21 likely drafted by Ms. --

22 A. --

23 Q. Do you agree?

24 A. Getting there. I'm sorry.

25 Q. I withdraw that question. The Secretary of State did

1 a press release. Right?

2 A. Okay.

3 Q. Is that right?

4 A. That's what I see, yes.

5 MR. ELLINGER: Judge, I'm going to object again.

6 It's way beyond the scope of what her examination was. There
7 was no inquiry about press releases, she never testified about
8 press releases. She only testified about the fact that she
9 signed letters for the process petition were signed.

10 THE COURT: The objection is overruled.

11 BY MR. HATFIELD:

12 Q. All right. And this is about the approval of the
13 referendum that we've been talking about today. Right?

14 A. Yes.

15 Q. In the second paragraph, the Secretary of State
16 letterhead says, "The Secretary's approval authorizes the
17 sponsor to begin collecting signatures from registered Missouri
18 voters." Is that the position of the Secretary of State's
19 office?

20 A. That is the position of the Secretary of State's
21 office.

22 Q. All right. The next sentence says, "Under Missouri
23 law, no signatures gathered before this approval date are
24 valid." Is that the position of the Secretary of State's
25 office?

1 A. That is the position of the Secretary of State's
2 office.

3 Q. And the next sentence says, "And doing so constitutes
4 a misdemeanor election offense." Is that the position of the
5 Secretary of State's office?

6 A. That is the position of the Secretary of State's
7 office.

8 Q. All right. So you have determined that if signatures
9 are turned in and they're dated before approval, they are
10 invalid. Correct?

11 A. That is the position of our office, yes.

12 Q. All right. So just to be clear then, if somebody
13 turns in an initiative petition page that I happen to sign down
14 here on High Street before you approved it, and I'm a
15 registered voter, I comply with all of your counting

16 requirements -- do you know what I mean when I say I get an R
17 next to my name?

18 A. Yes.

19 Q. Right?

20 A. (No response.)

21 Q. That's not going to count. Right?

22 A. That is the position of our office.

23 Q. All right. And then turn to -- well, let me just ask
24 you. And it -- it is your position that if I sign the
25 initiative twice, I've committed another crime. Right?

1 A. That is the position of our office.

2 Q. Okay. So if my first one doesn't count, but I've
3 already signed it, then there's no way I can sign again, unless
4 I want to expose myself to answering to the Judge on a
5 misdemeanor charge. Right?

6 A. That is the position of the office.

7 Q. Gotcha. So we think all of these signatures are
8 going to be turned in this week.

9 A. Okay.

10 Q. Made arrangements to do it. What is your plan?
11 What -- what are you going to do if you get signature pages
12 with signatures that are dated prior to the October 15th
13 approval letter, Exhibit 11?

14 A. Okay. So what our office will do in our portion of
15 quality control is we will examine the petition pages for the
16 dates in which the letters -- or the signatures were collected,
17 and there will be a separation. So those that were collected
18 prior to the August -- I need to make sure I'm getting my dates
19 correctly here.

20 Q. Date of approval was October 15.

21 A. All right. So date of approval was October 15, so
22 anything prior to that will be processed and put in a separate
23 area to be scanned in later for preservation; and then those
24 that have valid dates would then be scanned in and sent to the
25 local election authorities for verification.

1 Q. Okay. So if somebody signed the initiative petition
2 before October 15th --

3 A. Okay.

4 Q. --you're not even going to check to see if they're a
5 registered voter.

6 A. We will scan them in and preserve them for review.

7 And I don't know what that review looks like at this time, sir.

8 I just will -- we will just have it also scanned in for review.

9 But at this point, the ones that we are sending to the local
10 election authorities for verification during this time we will
11 be processing, will be the ones that have -- from our office's
12 position, been determined to be collected on a valid date.

13 Q. Got it. So just to make sure I got it, the ones that
14 you're talking about -- did you say segregated?

15 A. Separated.

16 Q. Separated.

17 A. Separated --

18 Q. Much better word.

19 A. Separated and still scanned in for preservation.

20 Q. Sure.

21 A. Okay.

22 Q. Good to know. So the ones that you separated will
23 not be sent to the local election authorities.

24 A. The ones that would have a date of a signature
25 collected prior to October 15th, based on our office's position

1 that they're not valid, would be separated and not scanned in
2 with the group that will be sent to the local election
3 authorities for verification.
4 Q. Okay. So if there are registered voter signatures on
5 those ones that are separated and there are different
6 registered voters -- same -- same idea though, they're both
7 registered voters, what is your reason for treating those two
8 people differently?
9 A. Based on the office's position of the valid dates
10 versus the invalid date is a purpose for making a separation,
11 but still being scanned in for a later determination.
12 MR. HATFIELD: Okay. One moment, Judge. Okay. I
13 don't have any further questions, Judge. Thank you.
14 THE COURT: Okay. Any redirect?
15 MR. ELLINGER: Yes, Judge.
16 (Redirect.)
17 BY MR. ELLINGER:
18 Q. I'm going to try to work a little bit backwards so
19 it's fresher in your memory.
20 A. Okay.
21 Q. Pardon me. So let's start with the position of the
22 Secretary of State with respect to -- I think he said
23 misdemeanor offenses. Do you recall his worries about that?
24 A. Yes.
25 Q. Does the Secretary of State have some type of

1 independent prosecutorial power that allows them to bring in
2 criminal cases related to signatures?

3 A. From the best of my understanding, the Secretary of
4 State's office if determined an election offense has been
5 committed, has -- has the authority to issue a probable cause
6 statement to the local prosecuting attorney.

7 Q. So local prosecutor makes the decision as to whether
8 anything occurs.

9 MR. HATFIELD: I'm going to object. Calls for
10 speculation and lack of foundation by this witness --

11 MR. ELLINGER: Well --

12 MR. HATFIELD: -- as you can tell from the look on
13 her face.

14 THE COURT: Overruled.

15 BY MR. ELLINGER:

16 A. I don't -- I mean I'm not -- the probable cause
17 statement is issued to the local prosecuting attorney. The
18 local prosecuting attorney is the one that would take next
19 steps.

20 Q. And in fact do you understand, has the Jackson County
21 prosecuting attorney taken a position on that?

22 A. I have seen a -- something in the media specifically
23 about a statement that the Jackson County prosecuting attorney
24 had stated in general, yes.

25 Q. Do you recall what that was?

1 MR. HATFIELD: Objection, it calls for hearsay.

2 THE COURT: Any response?

3 MR. ELLINGER: She's indicated she's seen a
4 statement. She's familiar with it. I think that allows her to
5 answer what the contents of the statement she saw was.

6 THE COURT: I'll let her answer. I'll decide what
7 weight to give it.

8 BY MR. ELLINGER:

9 A. That they would not prosecute anybody who had signed
10 the referendum twice.

11 Q. Do you -- do you recall opposing counsel asked you
12 some questions about rejecting R003 but approving R004, and
13 those specific questions?

14 A. Yes.

15 Q. And I think he asked you to indicate if they were the
16 same, the texts of them were the same in the two referendum
17 petitions. Do you recall that?

18 A. They were the same to the best of our analysis, yes.

19 Q. Okay. Do you recall in the past where a petition has
20 been rejected, and then at a later date it was resubmitted in
21 the group?

22 A. Rejected as to form.

23 Q. Yes.

24 A. Yes, that can happen.

25 Q. Do you recall an initiative petition that was

1 submitted in August of 2022, that the Secretary rejected?

2 A. Not off the top of my head.

3 Q. Mr. Basinger (spelled phonetically) filed an
4 initiative petition.

5 A. It's sounding familiar.

6 Q. And -- and ultimately the Court said he couldn't file
7 in that period of time because it was after the deadline to
8 file sample pages for the upcoming November election.

9 A. I do recall this, yes.

10 Q. Okay. And do you recall whether the Court allowed
11 him -- said that he could file for the next election cycle?

12 A. If I remember correctly, that would be the remedy
13 that was provided.

14 Q. And if he filed the same form, would it be approved
15 at that point if it didn't have -- if it was just filed in a
16 timely manner?

17 A. That would be correct.

18 Q. Opposing counsel asked you some questions about
19 striking out names and how you wouldn't accept -- wouldn't
20 review those signatures. Do you remember that?

21 A. Yes.

22 Q. Who has -- do you know who has control over what
23 signatures are submitted to the Secretary of State's office?

24 A. The individual or group that is submitting the
25 signatures to our office would be the ones that determines what

1 is submitted to our office.

2 Q. They're the ones that can strike out signatures in
3 advance.

4 A. That is what we've seen in the past, yes.

5 Q. They can choose not to submit some pages.

6 A. I'm assuming that that would be something that they
7 could do in their course of organization.

8 Q. They can choose not to submit at all.

9 A. Yes.

10 Q. That's entirely up to their discretion. Correct?

11 A. Yes.

12 Q. Okay.

13 A. Yes.

14 Q. Is it common for people to file multiple versions of
15 a petition with the Secretary of State's office?

16 A. We can see multiple versions of a petition filed with
17 our office at a given time. That is -- that is common.

18 Q. Sometimes they have very little change in them.

19 A. That's my understanding, yes.

20 Q. It's possible they would have nothing changed.

21 A. That is possible, yes.

22 Q. What's important is that the full text of the
23 measures is attached.

24 A. That is -- yes. That is a requirement.

25 Q. But each of those petitions would be separate

1 petitions.

2 A. That would be correct.

3 Q. So you talked about the process where you were going
4 to segregate signatures for --

5 MR. HATFIELD: Separate.

6 THE WITNESS: Separate.

7 BY MR. ELLINGER:

8 Q. My apologies, separate petitions that were signed
9 prior to your approval date. Do you recall those questions?

10 A. Yes.

11 Q. Is that because signatures before your approval date
12 would have to be on a different petition?

13 A. No.

14 Q. Well, if they were signed on R001 -- which was
15 rejected. Right?

16 A. That is correct.

17 Q. Those signatures would not be counted. Correct?

18 A. So because there is no -- because there is no

19 identifying difference between R001, 2, 3 and 4, we would not
20 have a way to turn determine which one it would be signed on.

21 So therefore, our -- when we are reviewing these petition -- or
22 referendum pages with signatures, we will be reviewing the date
23 in which the petitioner -- or the signature is signed at that
24 point is -- is the best that we will be able to review at that
25 time.

1 Q. Well, if you look at Exhibit 12 --

2 A. Okay.

3 Q. -- that's R004. Correct?

4 A. Exhibit 12 from my understanding is R004, yes.

5 Q. Then -- and what is the date that was filed?

6 A. It was filed September 29th.

7 Q. So the other petitions had already been rejected at

8 that point. Correct?

9 A. (No response.)

10 Q. If you need to, take a look at Exhibit 11.

11 A. That's correct.

12 Q. So R004 would be the first petition that was approved

13 at this point. Correct?

14 A. That is correct.

15 Q. And that was on October 14th. Correct? That's on

16 Exhibit 13.

17 A. That is correct.

18 Q. So presumably signatures on R004, collected after

19 October 15th, would be accepted.

20 A. On October 15th.

21 Q. Yes.

22 A. Yes. They would be accepted and moving forward -- or

23 they would be determined to be valid and processed and sent to

24 local election authorities for review.

25 Q. Not valid as in, they are actual signatures of

1 registered voters, just --

2 A. Valid as in the date in which they were collected.

3 Q. And if it turns out after processing all the
4 signatures and getting the returns from the local election

5 authorities that there aren't enough signatures, what action
6 would the Secretary of State's office take?

7 A. At this time I would -- I would not know at this time
8 what the action would be. I -- that's just -- we will have to

9 see where we -- you know, where we're at and I would confer
10 with legal executive staff.

11 Q. And that's because no final decision has been made.
12 Has it?

13 A. No.

14 MR. ELLINGER: No further questions, Judge.

15 THE COURT: Any recross?

16 MR. HATFIELD: Two -- two things.

17 (RE CROSS.)

18 BY MR. HATFIELD:

19 Q. Number one, there has been a final decision on
20 whether the petitions comply as to form of the statute.

21 A. With that letter.

22 Q. Yes.

23 A. Yes.

24 Q. Okay. And number two, when I was doing my --

25 MR. HATFIELD: Sorry, Judge.

1 BY MR. HATFIELD:

2 Q. When I was doing my cross, I said approval of the
3 15th. Mr. Ellinger is correct. Approval was on the 14th--

4 A. The 14th.

5 Q. But just to be clear -- you go. You started to say.

6 A. The 14th is when you have your approval to form --

7 Q. Yes.

8 A. Yeah. So the signatures collected on the 14th -- I

9 think we did say on-the-record the 15th, but on the 14th,
10 moving forward would be what is -- is considered valid based on

11 our office's position. They will be processed in the group

12 that will be sent to the local election authorities for

13 verification that they're registered to vote.

14 Q. All right. I'm going to say it again for the folks
15 in the back --

16 A. Okay.

17 Q. -- just to make sure that we've got this down.

18 A. Yes.

19 Q. What you're going to do, is if a signature is dated
20 October 14th, that will go to the LEA's and be processed.

21 A. The 14th moving forward.

22 Q. And it will -- it will not be rejected, solely
23 because of the approval time.

24 A. Solely because of the date in which it was signed,
25 that may be.

1 Q. Right.

2 A. But prior to our approval to form on October 14th.

3 Q. But a signature that was taken on October 13th will
4 be rejected, solely because of the approval time.

5 A. It is going to be separated and scanned in for review
6 at a later time, but not sent --

7 Q. So you are --

8 A. -- out --

9 Q. So you are going to review it.

10 A. It will be separated later for review at a separate
11 time, not sent out to the local election authorities for
12 verification if they're registered to vote or not registered to
13 vote. So at this point, I can just say it's going to be
14 separated and scanned in for review later.

15 Q. So when the Secretary said in the press releases, you
16 said it's your position that anything gathered before approval
17 is invalid, are you sticking to that?

18 A. Which is why we're not sending them out for the local
19 election authorities to --

20 Q. Got it.

21 A. -- to review for verification of registered to vote
22 or not registered to vote.

23 MR. HATFIELD: Got it. Thank you. No other
24 questions, Judge.

25 THE COURT: May this witness be excused?

1 MR. ELLINGER: Yes, Judge.

2 THE COURT: You can step down, thank you.

3 THE WITNESS: Okay.

4 THE COURT: You're free to say or free to go if you'd

5 like.

6 (Witness steps down from the stand.)

7 MR. ELLINGER: Judge, we've been going for a couple

8 hours. Can we take a five minute break?

9 THE COURT: I think that's a good idea. Okay. Let's

10 take a ten minute recess. We are in recess, thank you.

11 MARSHAL: All rise.

12 (Brief recess.)

13 THE COURT: We are back on-the-record. Any further

14 evidence for intervenor?

15 MR. ELLINGER: Real quick, Judge, can I confirm

16 intervenor's Exhibit A and B were both admitted? I think they

17 were, but I just want to make sure.

18 THE COURT: Yes, that's my recollection.

19 MR. HATFIELD: There's no admission -- no objection

20 to the admission.

21 THE COURT: If they weren't already, they are now.

22 MR. ELLINGER: And, Judge, at this time I would renew

23 my objection to the admission of the joint stipulation of facts

24 from October 28th, in particular reference to paragraphs 23, 29

25 and 32, which have to do with the signature numbers. As we

1 discussed earlier, there is no evidence to support that.

2 THE COURT: Which exhibits within the exhibit are we
3 talking about?

4 MR. ELLINGER: They're not exhibits within the
5 exhibit. They're actually --

6 THE COURT: Oh --

7 MR. ELLINGER: --

8 THE COURT: I'm sorry.

9 MR. ELLINGER: And to that extent, I would say
10 there's no evidence in the record reflecting when they started
11 gathering signatures or the amounts of signatures which they
12 have gathered. Those are those three paragraphs in general.
13 The best evidence of that would be either the petition pages
14 themselves -- would be the petition pages themselves, the ones
15 that have not been produced and we've already discussed with
16 respect to the motion for sanctions. And on that basis, there
17 is no evidence to reflect those stipulations, and we would
18 again renew our objection to those stipulations.

19 THE COURT: Any response?

20 MR. HATFIELD: Well, Judge, just briefly, just
21 because I'm not sure we really talked about it. On Thursday
22 you heard arguments on the motions to compel. Attached to
23 those motions to compel are plaintiffs responses to
24 interrogatories about these numbers that -- that Mr. Ellinger
25 has just raised, stipulation paragraphs 23, 29 and 32. And as

1 we say in the answers to interrogatories, the reasons those
 2 were in that stipulation that says we all agree they're
 3 necessarily relevant or necessary because Mr. Seidleck sent me
 4 an e-mail and asked if the Plaintiffs would tell them how many
 5 signatures had been gathered at those times, and we -- and we
 6 did. So I kind of feel like I'm being punished now for trying
 7 to cooperate with the Attorney General's office and agreed to
 8 send numbers that we weren't even sure were necessary to the
 9 case. So that's why those numbers are in there. They are
 10 something the Secretary agreed to stipulate to, and we think
 11 it's proper to have them in the record, but that's all I can
 12 offer on that, Judge.

13 THE COURT: So could you restate your objection?

14 MR. ELLINGER: I object to the admission of the joint
 15 stipulation of facts of October 28, 2025. It's --

16 THE COURT: With regard to which paragraphs?

17 MR. ELLINGER: I was going to say in particular with
 18 respect to paragraphs 23, 29 and 32.

19 THE COURT: I'm going to overrule the objection. I'm
 20 going to decide what weight to give those specific paragraphs.

21 MR. ELLINGER: Thank you, Judge. With that,
 22 intervenor would rest his case.

23 (Intervenor rests.)

24 THE COURT: Okay. Any further evidence for -- or
 25 well, is there any rebuttal evidence?

1 MR. HATFIELD: There is not, Judge.

2 THE COURT: Okay. And for the record, we have
3 concluded with evidence. We will now proceed to arguments from
4 the parties. Are we ready to proceed on that note?

5 MR. HATFIELD: We are, Judge.

6 THE COURT: Okay. Petitioner may go first.

7 MR. HATFIELD: Thank you, Judge, given the time and
8 the temperature of the room, I will do my best.

9 THE COURT: You know how these old courthouses get.

10 (Argument on behalf of plaintiffs.)

11 MR. HATFIELD: I have demonstrative PowerPoint, which
12 I have distributed to the other counsel as well. I will let
13 the Court know that I'm going to go through these in order.

14 So the page that has number two at the bottom of it,
15 you simply have some dates for Your Honor to see what the
16 stipulated evidence already shows. So as you can see from
17 that, this is what happened: On Friday September 12th,
18 the General Assembly truly agreed and finally passed House

19 Bill 1. That is a stipulated fact, that happened. On
20 that day, my clients, specifically Richard Von Glahn,
21 submitted referendum petitions, two of them, the -- at
22 different times during the day. The Secretary of State
23 has assigned those numbers for what I would consider
24 administrative purposes R001 and R002.

25 We are not here about those because in spite of the

1 Secretary's position, they are not the same as the others.
 2 Numbers one and two are slightly different, so that's not
 3 the issue. On Monday September 15th, we submitted what
 4 they call our three, which is -- I believe Exhibit -- oh
 5 it's on there, Exhibit 8. So that's what we kind of
 6 talked about. That's the one -- one of the ones that was
 7 rejected. And so we then, after this correspondence Your
 8 Honor has seen --

9 THE COURT: Just to be clear, as to R001 and R002,
 10 that's not -- they're not part of the referendum petitions that
 11 you reference to in plural in your amended petition. Correct?

12 MR. HATFIELD: So technically it probably says all of
 13 them, but I'm telling the Court --

14 THE COURT: I don't know that it does.

15 MR. HATFIELD: Okay.

16 THE COURT: I think it just says referendum
 17 petitions, but I could be wrong. I was trying to read through
 18 that earlier and I --

19 MR. HATFIELD: Well, just to be clear again, numbers
 20 001 and number 002 are not identical to numbers 003 and 004.

21 And we are not asking Your Honor to do anything about numbers
 22 001 and 002.

23 THE COURT: So as to your amended petition, we're
 24 just focused on 003 and 004.

25 MR. HATFIELD: That's correct.

1 THE COURT: All right.

2 MR. HATFIELD: That's correct.

3 THE COURT: All right. That was a question that I've

4 been kind of chewing on for a couple of days. I appreciate

5 that clarity.

6 MR. HATFIELD: Yup.

7 THE COURT: Okay. I'm sorry. Go ahead.

8 MR. HATFIELD: So I'm going to talk about in the next

9 two slides what we call the 90 days that the petitioner has to

10 gather signatures on a referendum. I'm going to explain that

11 to you, but on this chart -- so the 90 days, I'll explain to

12 you why, starts on September 12th. That gives you until

13 December 11th, which is later this week. Under the Secretary's

14 statements and positions as we just went over with the witness,

15 the office's position, if we have to wait until approval on

16 October 14th for any signature to be counted valid, that takes

17 you down to 58 days is all you've got left to gather

18 signatures. Now we say that we had from September 15th, the

19 day we submitted the second referendum -- that's that second

20 orange box, that Monday. That would give us 87 days.

21 So there are a couple of issues that I'm going to

22 circle back to at the very end that you have to decide.

23 So do we have 58 days together, do we have 87 days

24 together? In the middle of that, there's a little bit of

25 a dispute about whether you can count a signature on a

1 form that is dated the day the form was submitted or do
2 you have to wait the two weeks for the approval. I've got
3 a slide on that at the end to help clarify.
4 All right. So slide 3, Article 3, Section 52(a),
5 I've highlighted their referendum petitions, "shall be
6 filed not more than 90 days," so when you heard the
7 motions to dismiss, somebody argued, I don't remember who,
8 well, that doesn't really say you have 90 days to gather.
9 That just says that you have to turn it in at 90 days, but
10 that's okay. The Supreme Court has talked to us about
11 that on the next slide, which is slide 4.
12 No Bans on Choice versus Ashcroft. I don't remember
13 exactly where Your Honor was during this time, but this
14 was when the -- I believe the Attorney General refused to
15 certify the auditor. I'm going from memory here --
16 THE COURT: I was here.
17 MR. HATFIELD: You -- you were on the bench. So
18 there was No Bans on Choice versus Ashcroft that came to the
19 circuit court. I believe this was Judge Beetem's case. The
20 Missouri Supreme Court said in 2022, the full signature
21 collection period is only 90 days. And then they said at the
22 end in that case, these statutes have changed, but if there's a
23 statute that shortens your 90 days, it's unconstitutional and
24 you've got to find it unconstitutional. We're not asking you
25 to do that. You don't need to declare any statutes

1 unconstitutional here, but we are asking you to consider No
 2 Bans on Choice and interpret all of the statutes in a way that
 3 gives us 90 days. Avoid any questions of unconstitutional --
 4 unconstitutional -- unconstitutionality.

5 The State's position and the Intervenor's position is
 6 apparently that the politicians can dicker around with
 7 their decisions, and deny you part of your 90 days.
 8 That's contrary to ACLU, and my client -- Peoples'
 9 position is that that is not the case and you should
 10 follow the Supreme Court. This case is a great example of
 11 why their position cannot be true. Your Honor may know
 12 that generally the Governor has 90 days of a session to
 13 sign a bill. We also have 90 days to gather signatures.
 14 If the Governor decides to wait and not sign the bill,
 15 their position would be that we don't have any days to
 16 gather signatures because, as you just heard, their
 17 position is that until the Governor signs the bill, you
 18 can't do a referendum. So it's just complete nonsense to
 19 suggest that we have to wait.

20 I'm going to tell you more about that. Okay. On
 21 page 5, this is all a bunch of stuff we talked about on
 22 Thursday. Count 1 simply asked you -- this is -- this is
 23 a cut and paste from our petition -- to declare the
 24 plaintiff referendum sample sheets -- I don't know if this
 25 is what you were talking about, but we weren't precise

1 there -- are valid as to form because they substantially
2 comply with the requirements of Section 116.230.

3 THE COURT: And to be specific, whenever you say
4 plaintiffs' referendum sample sheets, you're talking about R003
5 and R004.

6 MR. HATFIELD: Correct, correct. So all you gotta do
7 there, is look at the joint exhibits, compare that page in
8 Exhibit 8 to that page in Exhibit 12. The witness just
9 testified, as you will find when you review the evidence,
10 they're identical and you can't tell them apart. The
11 Secretary's brief on at page 15 appropriately agrees to that.
12 The referendum petition sample sheet submitted before the
13 governor signed House Bill 1, and the one approved as to form
14 October 14th of 2025, are identical, and they tell you to
15 compare, and then they've got 8 and 12 in there. Again, with
16 respect to -- they happen to be wrong about 004 and 005, but it
17 doesn't matter anymore. So -- but 8 and 12 are identical and
18 they've admitted that.

19 So that is what we're asking you to do; declare it
20 complied as to form. The first thing is Secretary of
21 State has already said they're identical, and they
22 approved 12 as to form. That decision was correct. On
23 the next slide, you'll see the statute that governs this.
24 It says, "The following shall be substantially the form of
25 each page of referendums. If this form is followed

1 substantially in the requirements of Section 050 and 080
2 are met, it shall be sufficient. Disregarding clerical
3 and merely technical errors." Now the ellipsis -- those
4 are ellipsis, those little dots, that's just a picture of
5 the form. And when Your Honor compares the picture of the
6 form that's in 116.030 and the forms that we've got,
7 they're identical.
8 So the statutes lay it out. That's what my clients
9 used; the forms, both 3 and 4, needed to be approved.
10 Exhibit 8 was not approved as to form, and we want a
11 declaration under 536.150, the non-contested case rules,
12 that it should have been, and we want Your Honor to say it
13 complied.
14 THE COURT: And to be clear, Exhibit 8 is with regard
15 to R003.
16 MR. HATFIELD: Correct.
17 THE COURT: And to be clear that these arguments
18 pertain to Count 1 of your amended petition.
19 MR. HATFIELD: Correct. And now Count 2, page 8. In
20 Count 2, the relief requested at the end, declared that
21 signatures may be gathered once a sample sheet is submitted to
22 the Secretary of State. And it said, "Signatures may not be
23 rejected because they were gathered prior to the Secretary
24 issuing an approval of the sample sheet." So in other words,
25 you're -- if you gather a signature on a date on which -- or

1 right after you've given it to the Secretary, you could -- that
2 signature is valid, even if it takes Secretary 15 days to
3 approve it. So that is what C says.
4 And then D, "Prohibit the Secretary or anyone acting
5 in concert with him from rejecting the referendum petition
6 sheets on the basis that the Governor had not signed House
7 Bill 1." So they can reject them on any other basis. I
8 mean obviously if you have signatures from folks who
9 aren't registered to vote, we're not asking for
10 declarations on that. There's no evidence -- there's
11 nothing to consider there. All we can consider is whether
12 the fact that these petition pages were not approved when
13 they should have been, invalidates the signatures.
14 All right. Page 9, just to be clear and you heard
15 the testimony, it is the position of the Secretary of
16 State, and I -- I -- Judge, you heard some arguments on
17 Thursday about this. I went back and I looked at the
18 nurse anesthetist case, and then I looked at the
19 Department of Corrections case that someone, I don't
20 remember who, claims somehow modifies that decision. It
21 certainly doesn't overturn that decision, it never says
22 that it does. Missouri Nurse Anesthetists is good law.
23 The issue in that Corrections case is, was it really a
24 final decision? Had they really thought about it and made
25 a determination or was it still sort of in process and

1 they had to really settle?

2 I mean Your Honor is going to have to decide, but we

3 have a live dispute under the declaratory judgment act.

4 The Secretary's statements have been extremely clear, and

5 you heard from the witness that that is the position of

6 the Office. There's no evidence that the Secretary have

7 changed his mind from the press releases that he put out,

8 and today -- you heard his position as of -- as of today.

9 And by the way, if he has changed his mind and he is

10 going to count the signatures, that would be great. I

11 would love to hear that evidence, and then the case would

12 be moot. We have presented a prima facie case that this

13 is his position, and I don't think there's any dispute

14 about that.

15 The record is his position is that no signatures

16 before the approval date are valid, and that's wrong.

17 And -- and --

18 THE COURT: The approval date being October 14th.

19 MR. HATFIELD: That -- yes, the day before this press

20 release that you're seeing on this slide. So his -- his press

21 release says the referendum has been approved, and no

22 signatures before that approval can be counted as well. And

23 then in Exhibit -- the next day, so the 15th, he said, "By the

24 way, it's a crime to sign twice," which is another reason that

25 we have a live dispute here that we need Your Honor to -- so

1 substantively page 10, before a constitutional amendment
2 petition, a statutory initiative petition or a referendum
3 petition -- petition may be circulated for signatures, a sample
4 sheet must be submitted. That is all that is required. It
5 says, "Before you circulate for signatures, submit a sample
6 sheet." That implies on its face that once you do it, you may
7 be -- you may circulate for signatures. But more than just
8 imply, there is no statute that says to the contrary. All it
9 says is you submit the sample sheet, and then the petition may
10 be circulated for signatures. So that is why their decision
11 was wrong.

12 Next on page 11, if there's any doubt, under ACLU
13 versus Ashcroft, the Secretary had no authority to reject
14 on the basis that the witness just explained to you, they
15 used for their rejection. There was nothing wrong with
16 these forms. When you look at Exhibit 12, that's clear;
17 same as Exhibit 8. There's nothing wrong with these
18 forms. The rejection was based solely on this idea that
19 the Governor had not yet signed. Under Ashcroft, "We
20 conclude that the Secretary of State's authority to review
21 a referendum petition sample sheet for sufficiency is
22 limited to determine whether the sample sheet," that's an
23 important phrase by the way. Statutes sometimes use
24 petition pages interchangeably, "but with a sample sheet
25 is a substantially form required, and if it is, shall be

1 deemed sufficient." If there's any doubt about how that
2 applies to this case, on the next page 12, the -- the
3 Missouri Court of Appeals Western District said, "A
4 declaratory judgment is entered in favor of the -- and
5 against the Secretary of State and the Attorney General."
6 The next sentence, "Neither the Secretary of State nor the
7 Attorney General had the authority to reject the sample
8 sheet on constitutional grounds." Now I'm a little
9 unclear under -- over who the Secretary claims made this
10 decision. The statute is pretty clear that it's their
11 decision, not the Attorney General's, but it doesn't
12 matter. Neither one of them have the authority to reject
13 it on constitutional grounds. And when you read the
14 Attorney General's letter that are part of Exhibit 11 --
15 11, you'll see that that's why it's being rejected.
16 THE COURT: And you're making this argument for the
17 proposition that signatures that began to be collected after
18 the submission of sample sheets for R003 and R004, you want me
19 to declare that they should be counted --
20 MR. HATFIELD: That's correct.
21 THE COURT: -- once submitted.
22 MR. HATFIELD: Yes. That's correct because it should
23 have been approved. The only reason that it was not approved,
24 as the Attorney General says, which apparently the Secretary
25 has adopted, is that petitions, quote, "must conform to the

1 provisions of Article 3, Section 50 of the Missouri
2 Constitution." And -- and so they can't do that under ACLU
3 versus Ashcroft, and they're just wrong. Even if they could do
4 it, they're just completely wrong, which is kind of the debate
5 that has been going on outside of this courtroom sometimes.
6 Article 3, Section 49, "The people reserve power to
7 propose or reject laws and amendments to the constitution
8 by the initiative." There it uses laws. Then notice the
9 "or" which I hopefully put in red, and then the next
10 phrase says, "Reject by referendum any," what? Not law,
11 using a different phrase, "Act of the General Assembly
12 except as hereinafter provided." Page 14 I'd rather
13 cheekily point out that the bill says it's an act of the
14 General Assembly.
15 On page 15, you see the statute again that we've
16 already talked about. "Referendum petition may be
17 circulated for signatures, sample sheet must be
18 submitted," that happened. And then we've given you a
19 little bit more law under United Labor versus Kirkpatrick,
20 which is a very old case from 1978. The uppermost
21 question is whether or not the statute makes a specific
22 irregularity fail. In other words, if the state cannot
23 point to the statute that says these signatures do not
24 count, they count. So I've got a statute that says,
25 "Before you gather, you submit to the secretary." That's

1 all I need. They need to point to a statute that says
2 these signatures don't count for some reason. And there
3 are statutes that say fraudulent signatures shall not be
4 counted, signatures gathered -- I'm sorry, signatures of
5 folks who are not registered voters cannot be counted.
6 There are even some things about circulator registration
7 that are likely unconstitutional, but those shall not be
8 counted.
9 So on the next page, I just want to break this down a
10 little bit for Your Honor because there are some nuances
11 to this. So our position is -- what -- whatever we've
12 labeled it at the top -- option one. We don't need the
13 Governor's signature on something to seek a referendum on
14 it, nor do we need the Secretary of State's approval to
15 gather signatures. That means a declaration at the page
16 submitted on September 15th complied as to form, and
17 the -- that the Secretary of State may not declare
18 signatures invalid, solely because they can take
19 signatures on or after that date, September 15th.
20 Option two is that the Governor's signatures is not
21 required, so you agree with us on the constitutional
22 issue, but that the Secretary's approval is required on
23 the form, and that they can shave 15 days off by taking
24 the full 15 days to approve, which they did. If that's
25 true, then on our option two, signatures gathered on or

1 after September 26th, the date the Secretary should have
2 approved what we call R003. All right. Then you get the
3 Governor's signature.
4 Then their position -- well, their position is that
5 the Governor's signature is required, so we've submitted
6 new sheets, R004 they call it, after the Governor's
7 signature because we wanted to be safe. And if that's
8 true, then we believe that -- if it would require the
9 Governor's signature, then we believe that every signature
10 gathered on September 29th or later should be counted.
11 And under their position, we need both the Governor's
12 approval list -- signature on the bill, and approval as to
13 form; and that means that no signatures can be counted
14 unless they were gathered on October 14th or later; which
15 again cuts us down, going back to the first principle, to
16 50 something days to --
17 THE COURT: To 58 days.
18 MR. HATFIELD: To 58 days. So we'd like you to
19 declare the September 26th rejection as unlawful; deem that the
20 sample sheets submitted on the 15th, sometimes called R001 or
21 Exhibit 8, is approved as to form -- should have been approved
22 as to form on that date; and then enjoin the Secretary of State
23 from invalidating signatures gathered after September 15th --
24 on or after September 15th, solely because they were collected
25 prior to the Secretary's approval.

1 And, Judge, to the extent we haven't been clear, I
2 would recommend that your order make extremely clear that
3 you are not making judgments on whether the Secretary may
4 reject a signature for any other reason at all. All we're
5 talking about here is this "as to form" sample sheet
6 thing. So you're not validating any signatures, you're
7 not saying anything about other criteria the Secretary
8 uses. You may get to weigh in on some of those some other
9 day, but all we're asking you to do is make declarations
10 about these approvals, and declare that my client doesn't
11 need the approval of the government in order to exercise
12 their First Amendment right and gather lawful and valid
13 signatures.

14 THE COURT: Let me ask you about the relief you are
15 asking for in Count 1 again. Are you asking for me to declare
16 -- I mean R004 -- I mean really I said Count 1 applies to
17 really R003 and R004, but really it just applies to R003.

18 MR. HATFIELD: Yeah. That's right. That's --
19 that's -- that's fair.

20 THE COURT: Okay. Because R004 had the Governor's
21 signature prior to the --

22 MR. HATFIELD: Right.

23 THE COURT: -- sample sheet was filed. So you're
24 asking for that declaratory relief as to R003 that the sample
25 sheet is valid --

1 MR. HATFIELD: Right.

2 THE COURT: -- for the purposes of them being able to

3 count the signatures --

4 MR. HATFIELD: Right.

5 THE COURT: -- for that referendum. Okay.

6 MR. HATFIELD: And then where R004 comes into play --

7 you're -- you're absolutely right. I agree with everything you

8 just said. Where R004 comes into play, their play is their

9 position -- petition -- position is that two weeks between when

10 we submitted and when they approved, those don't count either.

11 THE COURT: Right.

12 MR. HATFIELD: And so --

13 THE COURT: Between September 29th and October 14th.

14 MR. HATFIELD: Bingo.

15 THE COURT: Or September 30th -- well, one of the

16 two. I'm tracking.

17 MR. HATFIELD: Yes, sir. It's September 29th and

18 October 14th. You are correct. You're tracking. Whatever it

19 is, it is. That's all I have. I'm happy to answer any

20 questions.

21 THE COURT: Just give me one second here.

22 MR. HATFIELD: Of course.

23 THE COURT: So the declaratory relief you're asking

24 all one of the declaratory relief, you're asking -- well, one

25 of the declaratory reliefs, you're asking -- or as to R004, is

1 that the signatures can start to be counted from the date that
2 the sample sheet was filed?

3 MR. HATFIELD: Correct.

4 THE COURT: Another part of the declaratory relief
5 for R004 and potentially R003, should I find that the sample
6 sheet was valid is that R003 signatures can start to be counted
7 whenever the sample sheet was filed.

8 And then you want declaratory relief as to R003 and
9 R004, should I find R003 to be a valid sample sheet. You
10 want me to declare that the Secretary cannot reject
11 signatures within that specific time period because of
12 that time period. Furthermore, you want me to declare
13 that the Secretary cannot reject signatures because they
14 may or may not be a crime.

15 MR. HATFIELD: I mean if you give the -- you
16 described the first part 100 percent.

17 THE COURT: Okay.

18 MR. HATFIELD: If you give the first judgment -- I'm
19 not asking you to make declarations about crimes. I'm -- I'm
20 telling you that the reason we need a declaration about whether
21 those count -- I mean I gave a hypothetical that isn't that
22 hypothetical. I -- I might have signed during the period --
23 you know, that -- that they now say they won't count my
24 signature. So the reason that I'm suggesting we need that
25 judgment is so that people know whether they can sign again.

1 THE COURT: So how I had it at first, without going
2 into the --
3 MR. HATFIELD: Yes.
4 THE COURT: -- crime part, that sums up everything.
5 MR. HATFIELD: That is -- it is.
6 THE COURT: Okay.
7 MR. HATFIELD: That sums it up. You -- you nailed
8 it, Judge.
9 THE COURT: All right.
10 MR. HATFIELD: I should have done a slide just like
11 you said.
12 THE COURT: No. We all have our own ways of
13 explaining things. No. I just want to make sure that I've got
14 my head fully wrapped around the -- the relief that you want
15 for which things, and what type of relief for which things that
16 are contingent upon other rulings.
17 MR. HATFIELD: We do.
18 THE COURT: Okay.
19 MR. HATFIELD: Thank you, Judge.
20 THE COURT: Great. Thank you. All right. Which
21 respondent would like to go first?
22 (Argument on behalf of defendant.)
23 MR. SEIDLECK: I'll go first. Thank you. May I
24 please the Court?
25 Before beginning, I would just like to say for the

1 record that the state stands by its earlier filed pretrial
 2 brief. Regardless of procedural posture of the exact
 3 nature of the record as we determined it turns out, the
 4 merits favor judgment for the defendant.

5 Once again, we are here because the Plaintiffs claim
 6 that the Secretary's actions are obstructing their
 7 referendum efforts, but what this case is really about is
 8 plaintiffs' failure to follow well established rules and
 9 systems, designed to ensure an orderly referendum process.

10 We're effectively discussing the state version School
 11 House Rock: What's a bill versus a law?

12 Article briefs, Section 49, and it's implementing
 13 provisions make clear that referenda are for rejecting
 14 laws. The Court should therefore reject plaintiffs'

15 claims if it indeed reaches the merits. There are --
 16 there is also still the pending motions for dismissal and
 17 judgment on the pleadings. For plaintiffs' Count 1, which
 18 claims that the Secretary illegally rejected their sample
 19 sheets, we continue to believe that is moot. For Count 2,

20 which argues that the Secretary must count signatures
 21 collected prior to approval of the referendum sample
 22 sheet, we again believe that that is not ripe. And
 23 plaintiffs, as I mentioned, their claims should fail on
 24 the merits under the Missouri Constitution. You can only
 25 have a referendum on an enacted law. We'd submit that

1 there's no law without the Governor's signature. Thus,
2 the Secretary properly rejected premature sample sheets
3 and no signatures can be counted before there was a valid
4 referendum petition.

5 Beginning quickly with mootness. When the Secretary
6 proved as to form, plaintiffs most recently submitted
7 sample sheet on October 14th, this case became moot. As
8 plaintiffs admit in their pretrial brief on page 6, this
9 petition is identical to previously submitted sample
10 sheets. Plaintiffs further admit on page 6 of their
11 pretrial brief that this is no longer an issue.

12 Plaintiffs have their requested relief, they have an
13 approved -- approved as to form petition, and there is no
14 more effectual relief that this Court can offer. So any
15 decision here is unnecessary.

16 In arguing against dismissal, plaintiffs put a lot of
17 emphasis on the possibility of a case like this recurring.

18 Plaintiffs are referring to the so called public interest
19 exception to mootness. For that exception to apply, the

20 issue must: One, be of general public interest and
21 importance; two, will reoccur; and three, will evade
22 appellate review in future live controversies. This
23 public interest exception however does not apply here.

24 Assuming that this issue is of general public importance,
25 plaintiffs have not shown that this issue will reoccur.

1 As the Western District said in the Jackson County board
2 of election commissioners ex rel. Brown versus City of
3 Lee's Summit case, plaintiffs must, I quote, "Point to
4 circumstances, which take the possibility of recurrence
5 out of the realm of pure speculation," end quote.

6 Plaintiffs say the disputes about referendum
7 petitions are common. That's certainly true, but that
8 inflates the test beyond the Secretary's argument. Our
9 specific point is that there's no non-speculative reason
10 to believe that future proponents will be so brazen as to
11 submit a referendum petition on an unsigned bill.

12 Plaintiffs haven't carried their burden in showing that
13 this is a common legal quagmire that needs redressing.

14 Even then, plaintiffs have not shown this controversy is
15 of such limited duration, that it will evade appellate
16 review and future controversies. For example, in ACLU
17 versus Ashcroft, both this Court and the Western District
18 issued rulings within 32 days of the ACLU filing its
19 petition. This is less than the 45 days that the Governor
20 has to sign a bill for adjournment. Additionally the ACLU
21 had noted, quote, "the urgency of time," in that case,
22 allowing for review of this election related controversy
23 on an expedited basis. The plaintiffs here have never
24 requested anything like a temporary restraining order, an
25 agreement to submit this case on the papers, or other

1 means of ensuring that this case could get at least
2 preliminarily decided rapidly. So it would be
3 incongruence to allow them to now proceed under the theory
4 that this controversy would evade appellate review.

5 Turning to ripeness and the signatures. Plaintiffs
6 claim is not ripe. Plaintiffs have not filed their
7 referendum petition with the Secretary of State, so any
8 fear about future signatures turns on a hypothetical
9 future injury. Any number of things could happen;
10 plaintiffs could fail to gather the required number of
11 signatures; they could also gather -- gather a sufficient
12 number of signatures, after the Secretary's approval, such
13 that any signatures gathered beforehand would be necessary
14 and therefore relevant -- unnecessary and therefore,
15 irrelevant; and plaintiffs' referendum could be ruled a
16 violation of the US Elections Clause in a federal pending
17 case; or plaintiffs could submit signatures gathered
18 before approval, and need them to meet -- excuse me --
19 they could meet -- they could meet the constitutional
20 threshold as I mentioned, without needing the signatures
21 contested here. Thus, we again for the reasons stated in
22 our brief, submit that plaintiffs claim on Count 2 is
23 moot.

24 Turning to the merits in Count 1. Even if this Court
25 disagrees and decides plaintiffs' claims are justiciable,

1 plaintiffs' claims do not succeed on the merits.

2 Beginning with plaintiffs' claim that the Secretary

3 improperly rejected the three sample sheets he submitted

4 before the Governor signed House Bill 116 into law, the

5 Missouri Constitution and statutes only allow a referendum

6 on laws, not on un-enacted bills. Statutes implementing

7 the referendum process are presumed to be constitutionally

8 valid; that comes from the No Bans on Choice case. As the

9 Missouri Supreme Court has long held, a statute is only

10 unconstitutional if it, quote, "Interferes with or

11 impedes," end quote, a right to a referendum. That again

12 is from No Bans on Choice.

13 Starting with the statute, both sides agree that

14 Section 116.030 is the relevant statute. It, quote,

15 "Effectively defines what was sufficient as to form."

16 Section 116.030 explicitly codifies that it only permits a

17 referendum on a, quote, "law." This is -- and this

18 appears in two places: First, it permits a referendum on,

19 and I quote, "any law passed by the General Assembly," end

20 quote. Two, in filling out the form, there is a blank

21 spot for the petitioner to supply the, and I quote, "title

22 of the law," end quote. This Court must give effects to

23 the General Assembly's chosen words. My friends on the

24 other side argue that nowhere does section 116.030,

25 reference the Governor's signature, and that comes from

1 the pretrial brief. He is correct about that, but when
 2 the Governor signs a bill, it becomes a law. It would be
 3 nonsensical for the General Assembly to have explicitly
 4 written the Governor's signature as required, into the
 5 statute. Moreover, a bill can also become law if the
 6 Governor fails to act on it within a constitutionally
 7 allotted time. So it makes sense that the General
 8 Assembly accounted for the Governor's signature or his
 9 failing to act by deliberately referencing a law.

10 Other statutory clues also reinforce the requirement
 11 that the referendum is only on a law, and not a bill.
 12 Section 116.050 requires a petitioner in filling out his
 13 referendum petition to, quote, "Include all sections of
 14 existing law which would be repealed," end quote. A bill
 15 is not yet enacted law, so it cannot be repealed.

16 As the statutory text of Section 116.030 requires a
 17 law, the only way for my friend on the other side to win,
 18 is by showing that this statute, quote, "Interferes with
 19 or impedes," end quote, the right to a referendum. Again,
 20 No Bans on Choice. This he cannot do. One quick point,
 21 my friend said that the Governor can take 90 days to sign
 22 a bill and run out the referendum clock. That is
 23 incorrect. The Governor has only 45 days under Article 3,
 24 Section 31.

25 MR. HATFIELD: Judge, I accept that, apologies. I --
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1 I accept what he just said.

2 THE COURT: Okay. Thank you.

3 MR. SEIDLECK: And as -- as we've explained in our
4 briefs, the Courts have recognized that the Governor's actions
5 can shorten the window for starting a referendum.

6 Beginning with the right of a referendum under
7 Section 3 -- under Article 3, Section 49, it says that
8 with a couple of exceptions, the people reserves the power
9 to approve or reject a referendum on any act of the
10 General Assembly, as my friend pointed out. So
11 essentially then this dispute boils down to whether an
12 act, as used in Section 49, is a bill or a law. My friend
13 on the other side suggests that it cannot be a law because
14 Section 49 reserves, and I quote, "The power to reject
15 laws by initiative," whereas the referendum language, as
16 he pointed out, is to reject acts. But the initiative
17 provides the people with the power to adopt legislation,
18 while the referendum is the negative check on the General
19 Assembly, the peoples' power to reject laws. So it would
20 make little sense to allow for the rejection of only laws
21 by the initiative petition, while allowing for the
22 rejection of bills by the referendum.

23 However, even if plaintiffs are correct because the
24 difference between an act and a law in Article 3, Section
25 49 -- his -- his slide shows, is meaningful and still does

1 not mean as he suggests, that an act is a bill. He
2 attempts to get to that conclusion, by suggesting that
3 Article 3, Section 52(a)'s use of bill is synonymous with
4 act in Section 49. But as the Missouri Supreme Court said
5 in State ex rel. Upchurch v Blunt cited in our brief,
6 quote, "Crucial words must be viewed in context," end
7 quote. Section 42(a) provides two clues that the right to
8 a referendum is limited only to enacted laws. First,
9 Section 42(a)'s use of bill makes sense in context. Bill
10 is used in the second sentence, when a referendum petition
11 must be filed, quote, "90 days after final adjournment of
12 the session of the General Assembly, which passed the bill
13 on which the referendum is demanded," end quote. Bill is
14 part of the restrictive clause, quote, "Which passed the
15 bill on which the referendum is demanded," end quote,
16 giving essential information about the timely
17 requirements.

18 THE COURT: Excuse me.

19 MR. SEIDLECK: Yes, bless you.

20 It stands to reason that the Constitution would limit
21 the time of submission with the General Assembly's part of
22 its legislative action, that is passing the bill.

23 Second, the first sentence of Section 52(a), which my
24 friend on the other side has ignored, establishes how a
25 law can be referred to the people. A submitted petition

1 with significant signatures or a referral from the General
2 Assembly. But notably it excerpts, and I quote, "Laws
3 necessary for the immediate preservation of public health
4 or safety, and laws making appropriations," end quote.
5 The use of laws is meaningful here. It would make no
6 sense to only exempt public emergency or appropriations
7 laws from the referendum, but allow for a referendum to
8 proceed on an emergency or appropriations bill, prior to
9 that bill becoming law. Only permitting a referendum on a
10 law itself, harmonizes Section 52(a) and Section 49.
11 Plain text -- so as we've been going over, plain text
12 answers the question here. But as -- as explained in our
13 brief, precedent from prior -- from prior -- from prior
14 cases interpreting both the current and prior
15 constitutions also support us as well. My friend places a
16 lot of emphasis on how a law only becomes effective 90
17 days after the Governor's signature, but that ignores the
18 fact that the bill has still become law. It is still
19 susceptible to being repealed, either by the General
20 Assembly or of course having a referendum against them.
21 Finally, my friends' suggestions opposing that the
22 Secretary's motion for judgment on the pleadings
23 referenced the Secretary's discussion of the initiative
24 petition process, the Secretary's motion brief was not
25 mistaken in saying that the initiative petition process is

1 the proper vehicle for citizens to preempt enacted laws.
2 Initiatives, not referenda, do indeed serve the purpose.
3 I agree with my friend that the two processes are indeed
4 not the same. And it would be absurd to conclude that both
5 the initiative and referendum petitions can be used for
6 the same functional purpose of affording unenacted bills.
7 Referenda ultimately can be used against enacted laws;
8 therefore, an act of the General Assembly means an enacted
9 law, and the Secretary of State properly rejected
10 plaintiffs' referendum petitions submitted before the
11 enactment of House Bill 1.
12 And then turning to Count 2, shifting to signatures.
13 Plaintiffs' second claim fares no better on the merits. I
14 will divide these preapproval signatures into the two
15 groups that we have been discussing; the preenactment
16 group and the post-enactment, but still preapproval --
17 preapproved signatures -- preapproval signatures I meant.
18 Beginning with the preenactment signatures, my friend
19 on the other side argues that the plain language of
20 Section 52(a) requires the referendum petition proponents
21 have at least 90 days to gather signatures. He also
22 suggests that this reading would harmonize the timing with
23 the Governor's allotted time to act on a bill in Section
24 31. He is wrong for three reasons: One, that is not what
25 the plain language of Section 52(a) says. Section 52(a)

1 says, and I quote, "Referendum petitions shall be filed
2 with the Secretary of State, not more than 90 days after
3 the final adjournment," end quote. So my friend has not
4 only -- excuse me. So my friend has not only flipped, and
5 I quote, "Not more than 90 days," end quote, to "At least
6 90 days," but he has also changed Section 52(a)'s language
7 of "Be filed," to "Gather signatures."
8 Second, plaintiffs' harmonization reading also falls
9 flat. Besides having an allotted number of days in
10 Section 31, the 90 days in Section 52(a), there is no
11 rational -- there's no rationale to link these two
12 provisions. Rather, the Western District in ACLU of
13 Missouri v Ashcroft, harmonized Section 52(a)'s 90 day
14 filing deadline with Article 3, Section 29, which prevents
15 any law, except the emergency laws that had been noted
16 previously from, quote, "Taking effect until 90 days after
17 adjournment," end quote. As the Western District says,
18 these time requirements are, and I quote, "consistent,"
19 end quote, with one another. This harmonizes the
20 constitutional provisions.
21 Third the General assembly passed House Bill 1 on the
22 last day of the legislative session. As the Missouri
23 Supreme Court recognized in No Bans, quote, "Delaying the
24 passage of legislation until the end of the legislative
25 session," end quote, does not alter when a petition is

1 due. Plaintiffs aspirational interpretation of 52(a) must
2 give way to the provisions actual plain meaning. In
3 Upchurch versus Blunt, the Missouri Supreme Court held
4 that even though Section 50 -- Section 52(a)'s
5 correspondence, which is Section 52(a)'s corresponding
6 initiative petition provision, did not have an explicit
7 time requirement when an initiative could be filed. It
8 was clear that the time period was, quote, "Framed by,"
9 end quote, its reference to general elections. As the
10 Supreme Court said, quote, "Although the authority is not
11 semantically explicit, the constitutional provision is
12 nonetheless, plain in meaning," end quote. The same
13 analysis governed Section 52(a). It too only has an
14 explicit requirement for when petitions must be filed.
15 And like Section 50, Section 52(a)'s front and timing is
16 framed by reference to laws; therefore, petitioners are
17 only allowed to submit sample sheets after the enactment.
18 That is 90 days after filing the adjournment.
19 Turning to the other preapproval signatures, these
20 two are invalid. My friend on the other side relies
21 almost exclusively on No Bans on Choice, but in that case
22 the Missouri Supreme Court held that the statutory
23 prohibition on collecting referendum petition signatures
24 prior to the Secretary's certification of the official
25 ballot title was unconstitutional, but here the

1 certification of the ballot title is not at issue. What
2 is at issue is the Secretary's approval as to form.
3 Section 116.332 provides the filing and signature
4 requirements for a referendum petition. It states that
5 before a referendum petition may be circulated for
6 signatures, quote, "The sample sheet must be submitted to
7 the Secretary of State," end quote. Logic dictates that
8 this means that petitioners must have a valid sample sheet
9 on which to collect signatures. The Western District in
10 ACLU of Missouri versus Ashcroft has called this time --
11 this period of time when Secretary is reviewing as to form
12 under Section 116.332, the, and I quote, "fee
13 pre-signature collection stage," end quote. This makes
14 sense because unlike ballot title certification, the
15 Secretary's approval of the referendum petition occurs at
16 the beginning of the process. As the Missouri Supreme
17 Court recognized in Coleman versus Ashcroft, this review
18 is important for correcting any errors at the beginning of
19 the process. This early review allows for, and I quote,
20 "Correction with minimal disruption to the citizens'
21 constitutional power," end quote.
22 Finally, and I quote the Moore case, quote, "The fact
23 that the government did not approve the bill until after
24 the beginning of the recess, does not arrest," end quote,
25 the constitutional deadline for submitting a referendum

1 petitions. The Secretary's approval as to form provides a
2 clear line of demarcation, a holding to the contrary could
3 sow confusion on behalf of Missourians seeking to sign or
4 even sign this referendum petition. For example, as we've
5 been discussing today, a voter may sign an invalid
6 referendum petition such as any of the first three
7 petitions submitted by this plaintiff -- by the plaintiffs
8 here, but when the later -- but then when later approached
9 with a valid petition, she may -- she may not sign it,
10 believing that she already had signed the petition. Her
11 signature would therefore go uncounted; or alternatively,
12 a voter believing that the petition he had signed to be
13 invalid, could later sign a second valid petition,
14 potentially exposing himself to liability; but also
15 potentially undermining petitioners' efforts to get their
16 measure on the ballot, due to not being able to rely on
17 duplicated signatures.

18 Therefore, this Court should rule that the Secretary
19 cannot count any signatures collected before his approval.

20 Finally, plaintiffs are not entitled to a mandatory
21 injunction. A key part of Missouri's Constitution is the
22 ability of the citizens to hold the General Assembly
23 accountable through the referendum process.

24 Constitutional and statutory rules, none of which
25 plaintiffs challenge here, preserve the integrity of this

1 process, ensuring that only those issues the people of
2 Missouri passionately care about, fairly make the ballot.
3 Allowing partisan's special interest organizations to flat
4 these rules and rewrite what it means to hold a
5 referendum, defiles Missouri's referendum -- referendum
6 process.
7 As Justice Barrett in the last spring Trump v CASA
8 case regarding that nationwide injunctions, quote, "In
9 equity, the broader and deeper the remedy the plaintiff
10 wants, the stronger the plaintiff's story needs to be,"
11 end quote. Plaintiffs have told no such story here. They
12 are wrong on the law and as explained in our brief and in
13 the first joint stipulation with the plaintiffs,
14 plaintiffs had not shown that they will be incapable of
15 meeting the necessary signature thresholds with the
16 signatures at issue here; yet, it's plaintiffs' burden to
17 establish irreparable harm and it can't just be assumed
18 and the state can't be made to disprove it. In short,
19 plaintiffs haven't proven irreparable harm entitling them
20 to an injunction, mandating that the state accept
21 signatures gathered prior to the petition's approval as to
22 form.
23 Unless the Court has any questions, the state thanks
24 them.
25 THE COURT: I don't have any questions.

1 Mr. Ellinger.

2 (Argument on behalf of intervenor.)

3 MR. ELLINGER: Thank you, Judge. I think the state
4 did a very admirable job of going through all the law in this.

5 I might try to take it up from a slightly different angle.

6 Not too long ago when we were in Court, I seem to
7 remember somebody talking about Air Bud the movie. Maybe
8 not a movie I've ever seen, so I can't really speak
9 intelligently about it, but I think maybe this case is a
10 little bit more like -- oh maybe Pulp Fiction. So anybody
11 who has seen Pulp Fiction knows that you start watching
12 the movie and you realize you're not actually at the
13 beginning of the movie, you're somewhere later in the
14 movie; but then later in the movie, you are somewhere back
15 at the beginning of the movie. It makes for great
16 entertainment, but it really doesn't make for a very good
17 process as a matter of law and governmental effectiveness.
18 There is a statutory process, so let's not jump to the

19 end, which is where the plaintiffs want to be in this
20 case. Let's start from the beginning where process is.

21 So you submit a form to the Secretary of State's office.

22 The Secretary of State in conjunction with the Attorney
23 General approved that as to form.

24 There were four petitions in this case; three of
25 those were not approved as to form, one of those was.

1 Then you circulate your petitions for signatures. I don't
2 think there's any dispute based on everything that the
3 plaintiffs have said. And for purposes of argument, we'll
4 assume that it's true that they have circulated petitions,
5 and they have obtained signatures. That's -- that's their
6 position. After you circulate petitions and you get those
7 signature, you turn them in to the Secretary of State's
8 office, and then the Secretary of State's office goes
9 through a verification process; and then at the end of
10 that process, that's when a decision gets made.
11 If I can approach, Judge, I'm going to hand you just
12 a copy of Section 116.120. This is what occurs after the
13 petition has been submitted and after the signatures are
14 verified. When an issue of referendum petition is
15 presented to the Secretary of State, he shall examine the
16 petition to determine whether it complies with the
17 Constitution of Missouri and with this chapter. And then
18 it talks about the -- the signature process. We don't
19 have a determination on sufficiency. We don't have a
20 determination of insufficiency. We are at the beginning
21 of the movie, but the answer that's being asked for is at
22 the end of the movie. Well, we haven't gotten to the end
23 of the movie. There's a lot of steps along the way before
24 the end of the movie. As counsel for the state pointed
25 out, they might not get the signatures. They just might

1 not have enough signatures. They might have problems with
 2 affidavits; they might have other issues; they might have
 3 a provisional -- a measure that doesn't comply with the
 4 Constitution. Those are decisions that are made at a
 5 later date, and not today.

6 What the plaintiffs are asking you to do is to jump
 7 forward. Instead of waiting to make that decision at the
 8 end, they're asking you to make that decision today. They
 9 have a process because if they don't like the sufficiency
 10 determination of the Secretary of State, guess what they
 11 get to do. They get to express judicial review. It's
 12 expressed in Section 116.200 that they get judicial
 13 review. Not only is it a judicial review, it's expedited
 14 judicial review.

15 So why are we here in December, when we don't even
 16 have the knowledge as to whether they have enough
 17 signatures or not? You certainly heard no testimony they
 18 have enough signatures. Ironically -- you know, the other
 19 thing you didn't hear any testimony about is any harm
 20 whatsoever to them from the actions that occurred. They
 21 have purported in their pleadings to say that they are
 22 collecting signatures and that they're going to turn them
 23 in tomorrow or the next day or the day after that,
 24 depending on what day they choose to do so. Where's the
 25 harm? If they got -- if they got signatures, then they

1 make the ballot. If they don't the signatures, they don't
2 make the ballot.
3 They are seeking an injunction to compel the
4 Secretary of State to take an action that is not yet even
5 potentially in front of them. You know, they could have
6 shown harm. They could have waited maybe. They could
7 have waited until the -- until October 14th when the 004
8 was approved; and then at that point, they could have
9 moved forward, then they could have alleged that there was
10 some harm if they didn't make it. But they didn't do that
11 like any -- any good person would do. They hark into the
12 words of Admiral Farragut and said, "Damn the torpedoes
13 straight ahead," and they plowed forward.
14 Now what they're trying to do is they're trying to
15 get an answer on signatures as to their validity. Let's
16 not be fooled, that's the only thing they're really asking
17 for is validity of signatures. They're trying to get an
18 answer on validity of signatures before the statutory
19 process is completed. And that by definition is an Offi
20 advisory opinion, and one that this Court should not take.
21 If what they're saying is the Secretary's actions under
22 116.120 are inappropriate or wrong, well, they can file an
23 action to determine that 116.120 is unconstitutional.
24 They've expressly said they're not seeking the
25 unconstitutionality of any statute. They could -- which

1 I'm actually quite surprised they didn't ask for -- they
2 could simply ask for the Secretary to, as I think the
3 testimony said, separate the signatures that might be in
4 question and just ask the Court to order the Secretary to
5 process those, but keep them separate. Then at the end of
6 the game, guess what. We can make a decision. They might
7 have enough signatures without it, they might not, they
8 might need those signatures, and then this issue would be
9 ripe. We're not at any of these points yet.

10 The other thing we don't know is which version
11 they're circulating. Is it 003 or 004 or is it 001 or is
12 it 002? Those are issues that we can adjudicate at a
13 later time and date, but not today.

14 In -- in turning to -- I think the one issue on the
15 merits that I wanted to quickly address here is the issue
16 of the Governor's signature. This is a really important
17 issue, and one that I think -- you know, it is one that
18 ought to be determined at a later date when we have more
19 facts to back up the other issues; but with respect to a
20 matter of law, there are two operative constitutional
21 provisions. There's Article 3, Section 49, which I
22 believe they've already provided you in your packet, but
23 I'm happy to give you a stand alone copy if you'd like,
24 Judge. Do you want more paper?

25 THE COURT: No, thank you.

1 MR. ELLINGER: But I will give you a copy of Article
2 3, Section 52(a). Article 3, Section 52(a) kind of reinforces
3 the point that you have to have a law to go to a referendum.
4 And -- and I think the way you see that is because you read the
5 language of these two provisions together. One is the power to
6 do a referendum, one is the exceptions to referendums. And --
7 and it brings to light why the Secretary's role in potentially
8 rejecting forms of petitions and sufficiency determinations is
9 so important. And I'm going to focus on the sufficiency
10 determination because I think that's what's really important
11 here for this; and that is that, imagine if this referendum
12 wasn't on a redistricting bill, it was on an appropriation for
13 public education. That's an exclusion -- that's an express
14 exclusion under Article 3, Section 52(a). That referendum is
15 dead from the second it's filed. Now under the plaintiff's
16 theory, if you applied it to this case, not only would the
17 Secretary of State have to approve that as to form, but he
18 would have to count those signatures on a dead petition that
19 was -- it was dead at birth; void ab initio. But what if there
20 was an emergency clause on this? Same thing, can't do it, it's
21 barred. Now if they want to spend their money and go collect
22 signatures and then throw them all away, they're most welcome
23 to do that, but you can't do that. It's because you're talking
24 about laws, and until the Governor signs the bill, there is no
25 law.

1 They reference the term act. And you know, I thought
2 act is such an interesting word, Judge, because it's the
3 doing of a thing. It's real simple. It's just a doing of
4 a thing. There's a lot of definitions, but it's the doing
5 of a thing. So they -- they have this nice pretty picture
6 in their PowerPoint. I love getting to use their
7 PowerPoint. And if you look at it, it says, "An act,"
8 this is the introduced version of a bill.

9 MR. HATFIELD: No it's not.

10 MR. ELLINGER: When a bill is introduced, it says,
11 "An act."

12 MR. HATFIELD: Oh okay. Fair enough.

13 MR. ELLINGER: An introduced version of a bill says,
14 "An act," but it's not an act. It's a nothing, it's a bill,
15 it's a proposal; yet, based upon their argument that because
16 this bill says "An act," on the top of the first page, that
17 that makes it something that can be subject to a referendum.
18 It simply can't be the case. We talked about it the last time
19 we were here, Judge. You can't really get a referendum on a
20 bill -- you can't really get a referendum on a bill that's
21 passed one house and not the other. You can only get a
22 referendum on law, and a law requires a Governor's signature.
23 And if you're circulating petitions, prior to having a
24 Governor's signature, you're doing something that's void ab
25 initio. You're trying to get a referendum, not on a law.

1 You're trying to get a referendum on a bill. There's no
2 authority in the Constitution to do that.
3 Finally, Judge, I will point out that there was some
4 discussion about the ACLU case. The legislature, after
5 the ACLU case, went and amended statutes. I think my
6 opposing counsel has recently argued to say that the bill
7 that did that was unconstitutional, but there -- there is
8 a -- there is an amendment of Bill 22 that basically said
9 if the ballot titles change, don't lose any signatures
10 because that is what the Court was talking about was
11 signatures on -- they were with an official ballot title.
12 They weren't talking about form and they weren't talking
13 about the constitutionality of -- of the action.
14 And then finally, Judge, and I'm just going to
15 reinstate -- restate what I said a moment ago. To get an
16 injunction -- now we have to prevail in the merits, which
17 I think they failed that. But to get an injunction, you
18 have to show actual harm, and I have yet to hear any
19 actual harm. So they're asking for an advisory opinion.
20 They're asking to put the cart before the horse. They're
21 wrong on the facts, and they're wrong on the law. The net
22 effect is -- and I would restate the facts that we have
23 motions to dismiss on this, and I would urge you to rule
24 on those or rule on the merits and deny all of their
25 relief.

1 Thank you. And I can answer any questions, Judge.

2 THE COURT: I don't have any. Thank you.

3 Okay. The case has been submitted to the Court. The
4 Court will take this matter under advisement. The Court
5 will also leave the motion for sanctions under advisement.

6 Is there anything else we need to put on the --
7 actually, let's just go off-the-record for one moment.
8 (Brief conversation held and adjourned off-the-record.)

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REPORTER'S CERTIFICATE

I, Candice Perez, Certified Court Reporter, hereby
certify that I am the official court reporter for Division
4 of the Cole County Circuit Court, that on the 8th of
December 2025, I was present and reported all of the
proceedings in PEOPLE NOT POLITICIANS v DENNY HOSKINS. I
further certify that the foregoing *137 pages contain a
true and accurate reproduction of the ordered portions of
the proceedings transcribed.

Transcript completed by: December 09, 2025

/s/ Candice Perez
Candice Perez, C.C.R.
Official Court Reporter, Div. 4