

IN THE SUPREME COURT OF MISSOURI

No. SC101801

PEOPLE NOT POLITICIANS, *et al.*,
Appellants,

v.

SECRETARY OF STATE DENNY HOSKINS, *et al.*,
Respondents.

Appeal from the Circuit Court of Cole County
The Honorable Christopher K. Limbaugh

APPELLANTS' APPENDIX

STINSON LLP

Charles W. Hatfield, No. 40363

Jeremy A. Root, No. 59451

Alexander C. Barrett, No. 68695

Alixandra S. Cossette, No.

68114

Greta M. Bax, No. 73354

230 W. McCarty Street

Jefferson City, Missouri 65101

573.636.6263 (phone)

573.636.6231 (fax)

chuck.hatfield@stinson.com

jeremy.root@stinson.com

alexander.barrett@stinson.com

alixandra.cossette@stinson.com

greta.bax@stinson.com

Attorneys for Appellants

INDEX

Final Judgment A-1

RSMo § 116.030 A-29

RSMo § 116.332 A-32

RSMo § 116.334 A-34

Mo. Const. Art. III § 49 A-36

Mo. Const. Art. III § 52(a) A-37

No Bans on Choice v. Ashcroft, 638 S.W.3d 484 (Mo. banc 2022) A-38

Am. Civil Liberties Union of Missouri v. Ashcroft, 577 S.W.3d 881 (Mo. App. 2019) A-50

Maggard v. State, 733 S.W.3d 411 (Mo. banc 2026) A-70

Coleman v. Ashcroft, 696 S.W.3d 347 (Mo. banc 2024) A-81

**IN THE CIRCUIT COURT OF COLE COUNTY
19TH JUDICIAL CIRCUIT
STATE OF MISSOURI**

PEOPLE NOT POLITICIANS, *et al.*,

Plaintiffs,

v.

**MISSOURI SECRETARY OF STATE
DENNY HOSKINS,**

Case No. 25AC-CC07128

Defendant,

and,

PUT MISSOURI FIRST,

Intervenor.

ORDER AND JUDGMENT

This matter came before the Court on a bench trial on December 8, 2025. The case was then held in abeyance pending the Secretary of State's decision on accepting or rejecting signatures. A decision has now been made by the Secretary regarding the initiative petitions at issue in this case allowing for this court to issue its order and judgment. Having been duly advised of the premises, this Court finds and concludes as follows:¹

¹ To the extent a finding of fact is more properly characterized as a conclusion of law, it is adopted and incorporated as such by reference. To the extent a conclusion of law is more properly characterized as a finding of fact, it is adopted and incorporated as such by reference.

FINDINGS OF FACT

I. Procedural Background

1. Plaintiffs People Not Politicians and Richard von Glahn initiated this action on September 18, 2025, by way of Petition for Declaratory Judgment and Injunctive Relief against Defendant Missouri Secretary of State.

2. On September 29, Plaintiffs filed the operative Amended Petition for Declaratory and Injunctive Relief against the State Defendant.

3. The parties entered into joint stipulations and a bench trial was scheduled for November 3. However, the November 3 trial was continued at no fault of either party. The bench trial was rescheduled for November 13.

4. On November 12, Intervenor Put Missouri First moved to intervene.

5. On November 13, the Court granted Intervenor's motion over Plaintiffs' objection. The Court denied Intervenor's motion to continue the case to allow for receipt of discovery. The Intervenor then presented the Court with an application for change of judge, which the Court granted. The trial was continued, and a new judge assigned.

6. All parties (including Intervenor) entered into an amended joint stipulation of facts on December 3.

7. On December 4, the Court heard motions in this case. The Court denied Plaintiffs' motions to reconsider intervention and to strike. On reciprocal motions, the Court denied Plaintiffs' motion for protective order and granted

Intervenor's motion to compel pursuant to a protective order. The Court took the State Defendant's and Intervenor's motions to dismiss under advisement.

8. The Court held a bench trial on December 8.

9. The Court orally ordered the parties to file proposed orders and judgments to the Court by December 10 at 5:00, p.m.

II. Factual Determinations

A. Stipulated Facts

10. People Not Politicians is a campaign committee organized in the State of Missouri.

11. Richard von Glahn is a Missouri citizen, resident of St. Louis County, a taxpayer, and qualified voter in the State of Missouri.

12. Richard von Glahn is the proponent of the referendum petitions 2026-R001; 2026-R002; 2026-R003; and 2026-R004.

13. Denny Hoskins is the Missouri Secretary of State.

14. Exhibit 1 is a true and correct copy of Make Your Voice Heard: Missouri's Initiative Petition Process, published by the Missouri Secretary of State.

15. On September 12, 2025, the Missouri General Assembly "truly agreed and finally passed" House Bill 1.

16. Exhibit 2 is a true and correct copy of House Bill 1 (2025).

17. Exhibit 3 is a true and correct copy of the Journal of the Senate from Friday, September 12, 2025.

18. Richard von Glahn submitted two referendum petition sample sheets (2026-R001 and 2026-R002) to the Secretary of State's Office on September 12, 2025.

19. Exhibit 4 is a true and correct copy of the referendum petition sample sheet 2026-R001.

20. Exhibit 5 is a true and correct copy of referendum petition sample sheet 2026-R002.

21. On September 12, 2025, the Secretary of State's Office sent a letter to Richard von Glahn regarding said sample sheets (2026-R001 and 2026-R002).

22. Exhibit 6 is a true and correct copy of the September 12, 2025 letter sent from the Secretary of State's Office to Richard von Glahn.

23. On September 14, 2025, the Secretary of State sent another letter to Richard von Glahn regarding the referendum petition sample sheets (2026-R001 and 2026-R002).

24. Exhibit 7 is a true and correct copy of the September 14, 2025 letter sent from the Secretary of State's Office to Richard von Glahn.

25. Richard von Glahn submitted a third referendum petition sample sheet (2026-R003) to the Secretary of State's Office on September 15, 2025.

26. Exhibit 8 is a true and correct copy of referendum petition sample sheet 2026-R003.

27. On September 15, 2025, the Secretary of State's Office sent a letter to Richard von Glahn regarding the referendum petition sample sheet (2026-R003).

28. Exhibit 9 is a true and correct copy of the September 15, 2025 letter sent from the Secretary of State's Office to Richard von Glahn.

29. Richard von Glahn's counsel sent a letter to the Secretary of State and the Attorney General dated September 15, 2025.

30. Exhibit 10 is a true and correct copy of the letter dated September 15, 2025 sent from Charles Hatfield to the Secretary of State and the Attorney General.

31. On September 26, 2025, the Secretary of State rejected Richard von Glahn's referendum petition sample sheets (2026-R001, 2026-R002, and 2026-R003) as to form.

32. Exhibit 11 are true and correct copies of the September 26, 2025 letters rejecting Richard von Glahn's referendum petition sample sheets as to form.

33. Governor Mike Kehoe signed House Bill 1 (2025) on September 28, 2025.

34. On September 29, 2025, Richard von Glahn submitted a fourth referendum petition sample sheet (2026-R004) to the Secretary of State's Office.

35. Exhibit 12 is a true and correct copy of referendum petition sample sheet 2026-R004.

36. On October 14, 2025, the Secretary of State approved the fourth referendum petition sample sheet as to form (2026-R004).

37. Exhibit 13 is a true and correct copy of the October 14, 2025 letter approving the referendum petition sample sheet as to form.

38. The Secretary of State stated in an October 15, 2025 press release that "[u]nder Missouri law, no signatures gathered before this approval date are valid."

39. Exhibit 14 is a true and correct copy of the October 15, 2025 press release from the Secretary of State regarding referendum petition sample sheet 2026-R004.

40. Exhibit 15 is a true and correct copy of the October 16, 2025 press release from the Secretary of State regarding referendum petitions.

41. Referendum petitions on House Bill 1 have been circulated for signatures.

42. As of the time of trial, no signed referendum petitions have been submitted to the Secretary of State regarding House Bill 1.²

B. Non-Stipulated Factual Findings

43. Between September 15, 2025 and September 28, 2025, Plaintiffs collected approximately 32,600 signatures in support of the referendum petition. *See* Ex. 17, ¶ 29.

44. Between September 29, 2025 and October 14, 2025, Plaintiffs collected approximately 70,200 signatures in support of the referendum petition. *See id.* ¶ 32.

45. In their operative First Amended Petition, Plaintiffs did not allege specific facts speaking to irreparable harm faced by any Plaintiff absent injunctive relief. First Am. Pet. ¶¶ 32–62.

46. Plaintiffs likewise submitted no evidence and offered no testimony at trial respecting irreparable harm absent an injunction. *See* Trial Tr. 18:1–23:18.

47. Plaintiffs publicly claim to have collected over 300,000 signatures. *See Missouri Congressional Maps on Hold*, Mo. Voter Prot. Coal., <https://mailchi.mp/movpc/mo-congressional-maps-on-hold?e=d63e233fc0>.³

² Plaintiffs submitted their referendum petition to the Secretary of State on December 9, 2025.

³ The Court has no reason to doubt Plaintiffs' own public representations and therefore can take judicial notice of the amount of signatures that

48. All factual findings and credibility determinations not expressly made herein are found in accordance with the Court's ruling. See *Prosecuting Attorney, 21st Judicial Circuit ex rel. Williams v. State*, 696 S.W.3d 853, 862–63 (Mo. banc), *cert. denied*, 145 S. Ct. 114 (2024).

CONCLUSIONS OF LAW

The Secretary of State rightly rejected Plaintiffs' previously filed petitions because House Bill 1 was not yet a law. Until Governor Kehoe signed House Bill 1 on September 28, 2025, it was merely a bill, not a law. Referendum petitions can only challenge enacted laws, not bills. Mo. Const. art. III, § 49 (“The people . . . reserve power to approve or reject by referendum any act of the general assembly . . .”). Hence, the Secretary correctly rejected the first three referendum petitions submitted as to form.

Second, because the first three petitions were invalid, any signatures collected on those petitions are likewise invalid. Missouri law is clear that there must be a valid petition before a referendum proponent can commence collecting signatures. § 116.332.1, RSMo; see also *ACLU of Mo.*, 577 S.W.3d at 890 (describing review under § 116.332 as “during the ‘pre-signature collection stage’ of the referendum process”). Hence, Plaintiffs' attempts to force the Secretary to accept signatures collected prior to a valid petition must fail.

Plaintiffs claim to have collected. See *Whitmoor Realty, LLC v. Beckerle*, 588 S.W.3d 573, 579 (Mo. App. E.D. 2019) (recognizing that courts may notice information from a “credible source”).

A. Count I—referendum petitions can only be had on enacted laws, so Plaintiffs’ challenge fails as a matter of law.

1. Referendum petitions may only challenge enacted laws.

All relevant provisions governing the referendum process make clear that a referendum petition can only be initiated against enacted laws, not bills. As the Missouri Supreme Court has long held, “the intendment of the framers of the [Missouri] Constitution was that all *laws*, except those declared non-referable, should be subject to referendum.” *State ex rel. Moore v. Toberman*, 250 S.W.2d 701, 706 (Mo. banc 1952) (emphasis added). The form for submitting a referendum petition—specifically codified by statute—reflects this law requirement. It limits referendum petitions to “any law passed by the general assembly of the State of Missouri.” § 116.030, RSMo. Indeed, procedurally, in filing a referendum petition, the petitioner must cite “all sections of existing law or of the constitution which would be repealed by the measure.” *Id.* § 116.050.2(2). Bills, of course, are not “existing law” and they cannot be “repealed”—they have not yet been enacted.

Even putting common-sense syllogisms aside, the statute’s precise language serves a purpose. The statute’s use of “law” (as opposed to “bill”) is no accident, and courts must construe the statute to give effect to the legislature’s chosen words. *See State ex re. Bailey v. Fulton*, 659 S.W.3d 909, 912 (Mo. banc 2023) (“The primary goal of statutory interpretation is to give effect to legislative intent, which is most clearly evidenced by the plain text of the statute.” (quoting *State ex rel. Goldsworthy v. Kanatzar*, 543 S.W.3d 582, 585 (Mo. banc 2018))). “Law” has a specific meaning—a bill signed by the Governor (or not acted on by the Governor within his

constitutionally allotted period). Mo. Const. art. III, § 31; *see also id.* § 21 (“No law shall be passed except by bill . . .”). As the Missouri Supreme Court has explained, under the current Missouri Constitution, “passage of a bill by the general assembly plus its approval by the governor produces a validly enacted law.” *Brown v. Morris*, 290 S.W.2d 160, 166 (Mo. banc 1956).

Giving full construction to the statutes governing the referendum petition leads to a straightforward conclusion—only an enactment signed by the Governor can be challenged by a referendum. Hence, no petition filed prior to September 28, 2025, when Governor Kehoe signed House Bill 1, *see* Ex. 16, ¶ 24, could comport with statutory requirements.

Ultimately prevailing here requires Plaintiffs to articulate that the statute’s requirement for a submitted form to seek a referendum on “any law,” § 116.030, RSMo, “interfere[s] with or impede[s]” the constitutional right to a referendum, *No Bans on Choice*, 638 S.W.3d at 489 (quoting *Rekart v. Kirkpatrick*, 639 S.W.2d 606, 608 (Mo. banc 1982)). They fail at this task.

Beginning with the constitutional right of referendum, “restrictions on the people’s power of [referendum] must be found in the constitution.” *Coleman v. Ashcroft*, 696 S.W.3d 347, 352 (Mo. banc 2024). “Legislation to implement the referendum process is presumed to be constitutionally valid.” *No Bans on Choice*, 638 S.W.3d at 489. Ultimately, the statutory requirements that a proposed referendum challenge an enacted law pose no such impediment—they straightforwardly apply the Missouri Constitution itself.

The Missouri Constitution reserves to the people the power to “approve or reject by referendum *any act* of the general assembly.” Mo. Const. art. III, § 49 (emphasis added). This dispute boils down to whether an “act” of the legislature is a bill or a law. To answer this question, the Court must interpret Section 49 of the Missouri Constitution.

“This Court’s primary goal in interpreting Missouri’s constitution is to ascribe to the words of a constitutional provision the meaning that the people understood them to have when the provision was adopted.” *C.S. v. Mo. Highway Patrol Crim. Just. Info. Serv.*, 716 S.W.3d 264, 267 (Mo. banc 2025) (quoting *State v. Honeycutt*, 421 S.W.3d 410, 414–15 (Mo. banc 2013)). The initiative and referendum provisions of the Missouri Constitution, Article III, §§ 49–53, are derived from the initiative and referendum provision of the 1875 Missouri Constitution, Article IV, § 57 adopted in 1908. “This single-paragraph section [was] broken down in the present Constitution into five separate sections, numbered 49 to 53, inc[lusive].”⁴ The referendum provisions, Sections 49, 52(a), and 52(b), contain a few clarifying words but otherwise are identical to the original provision.⁵

⁴ *The Constitution of the State of Missouri: Adopted by the People on February 27, 1945, with Annotations and Appendix Comparing the Provisions Therein with the Provisions in the Constitution of 1875, as Amended and in Force on That Date* 55 (Lester G. Seacat, ed., 1945), https://scholarship.law.missouri.edu/mo_constitutions_race/6/.

⁵ *Id.* at 55–57. Section 49: “The people reserve power to propose and enact or reject laws and amendments to the Constitution by the initiative, independent of the general assembly, and also reserve power to approve or reject by referendum any act of the general assembly, except as hereinafter provided.” (changes underlined). Section 52(a): no changes. Section 52(b): “The veto power of the governor shall not extend to measures referred to the people. All elections on measures referred to the

Beginning with the text of Section 49, it states that “[t]he people reserve power to propose and enact or reject laws and amendments to the Constitution by the initiative, independent of the general assembly, and also reserve power to approve or reject by referendum any act of the general assembly, except as hereinafter provided.” The first part of this provision explicitly allows the people to “reject laws.” Although this refers to the initiative, traditionally “the initiative allows the electorate to *adopt* positive legislation.” *Ariz. State Leg. v. Ariz. Indep. Redistricting Comm’n*, 576 U.S. 787, 794 (2015) (emphasis added). Conversely, the referendum is the “negative check”—allowing voters to approve or reject legislation. *Id.* It would make little sense to allow for the rejection of only laws by initiative while allowing the rejection of bills by referendum. Rather, because the referendum is the people’s tool to reject laws, *see id.*, it makes more sense to use “reject[ing] laws” to inform the construction of an “act of the general assembly.”

At the very least, Section 49’s use of both “reject laws” and “reject . . . any act” creates an ambiguity. It certainly does not compel, as Plaintiffs assert, that an unenacted bill qualifies as an “act.” *See* Trial Tr. 106:6–14. And sure enough, any potential ambiguity of Section 49 is resolved by Missouri Supreme Court decisions contemporaneous with the adoption of this initiative and referendum provision. *Cf.*

people shall be had at the general state elections, except when the general assembly shall order a special election. Any measure referred to the people shall take effect when approved by a majority of the votes cast thereon, and not otherwise. This section shall not be construed to deprive any member of the general assembly of the right to introduce any measure.” (change underlined). None of these changes have any bearing on the question of what may be challenged by a referendum.

Edwards' Lessee v. Darby, 25 U.S. (12 Wheat.) 206, 210 (1827) (extolling “the construction of a doubtful and ambiguous law” by an authoritative body).

Specifically, these decisions show that an “act of the general assembly” is an enacted law, not a bill. As one case explained, the original referendum provision “preserved” the Governor’s veto “in the matter of enacting or defeating laws.” *State ex rel. Lashly v. Becker*, 235 S.W. 1017, 1022 (Mo. banc 1921). Thus, it followed that a “legislative act[] so referred [to the people] . . . include[d] the approval and veto power of the Governor.” *Id.* at 1023; *see also id.* (noting that “all legislative authority was vested in a given legislative forum (including the General Assembly and the Governor)”). As another case made clear, this understanding of what constituted a legislative act extended to the referendum: “This law is an act of the Legislature, and under [the referendum provision] of the Constitution is subject to the referendum.” *Fahey v. Hackmann*, 237 S.W. 752, 762 (Mo. banc 1922). So, historically construed, an “act” is not an unenacted bill. *See Moore*, 250 S.W.2d at 704 (“No one will contend that when the phrase in [an] old [constitutional provision] was brought forward into [the] present [provision] a different meaning was given in.”).

Plaintiffs rely on *State ex rel. Moore v. Toberman* to argue that the Governor’s signature is not required for a referendum. But, in that case, the Missouri Supreme Court was interpreting “[t]he phrases ‘law passed by the general assembly’ and ‘laws previously passed.’” 250 S.W.2d at 704 (quoting Mo. Const. art. III, § 29) (emphasis added). This both is a separate constitutional provision and lacks the same words and language of Section 49. Worse for Plaintiffs, *Moore* supports State Defendant’s

interpretation of “act of the general assembly” based on historical precedent. *See id.* (“No one will contend that when the phrase in [an] old [constitutional provision] was brought forward into [the] present [provision] a different meaning was given in.”).

If that were not enough, the surrounding constitutional text in the referendum provisions also reinforces this understanding. Like statutes “passed in the same legislative session as part of the same legislative act, this Court must attempt to harmonize” these referendum provisions, which were all simultaneously adopted in 1945 Constitution. *State ex rel. T.J. v. Cundiff*, 632 S.W.3d 353, 357 (Mo. banc 2021). And the referendum provisions are materially the same as the original referendum and initiative provision adopted in 1908. *See The Constitution of the State of Missouri*, *supra* note 5, at 55–57. None of the other referendum provisions use “act,” so the meaning of “act” cannot be readily taken from these provisions. *See* Mo. Const. art. III, §§ 52–53. However, the meaning of “act” can be discerned from “harmoniz[ing]” Section 49 with its implementing provisions. *State ex rel. T.J.*, 632 S.W.3d at 357. Notably, in detailing the referendum exceptions and procedures, Section 52(a) uses both “law[]” and “bill.” (None of the other provisions use either these terms in context.⁶) Examining how Section 52(a) uses these terms shows that an “act” can only be a law.

Section 52(a) establishes the procedure for how to refer a law to the people: the signature requirements and the timing. But in doing so, it excepts “laws” dealing

⁶ Article III, Section 53 uses “laws,” but it is not in reference to the subject of a referendum petition.

with public emergencies and appropriations—not “bills.” *Id.* This word choice is telling. The exception is for the substance of enacted laws. If a public-emergency or appropriations provision—once enacted into law—will ultimately be exempted from a referendum, then it would be absurd and contradictory to allow a referendum petition to proceed before that bill has been signed by the Governor (or has become law if the Governor failed to act within the allotted time). Any other reading—allowing for an unenacted bill to get referred—would disharmonize the meaning of this constitutional provision. Instead, the plain meaning of this provision confirms that a referendum may only be initiated on an enacted law.

“Bill” is used in the timing sentence of Section 52(a): “Referendum petitions shall be filed with the secretary of state not more than ninety days after the final adjournment of the session of the general assembly which passed the bill on which the referendum is demanded.” Unlike with “law” in the first sentence, “bill” is not used in reference to the subject of the referendum. Instead, it is part of the restrictive clause (“which passed the bill on which the referendum is demanded”) giving essential information about the time requirements. As the timing provision links filing the referendum petition with the “adjournment of the session of the general assembly,” it stands to reason that the Constitution would link the time with general assembly’s part of the legislative action—“pass[ing] the bill.” *See* Mo. Const. art. III, § 31 (“Every bill which shall have passed the house of representatives and the senate . . .”). So Section 52(a)’s “bill” does not give meaning to an “act” of the General Assembly.

Finally, the Missouri Supreme Court has recently recognized that the referendum can only be had on a bill “signed [into law] by the governor.” *See No Bans on Choice*, 638 S.W.3d at 491 (determining that a referendum campaign benefitted when “the challenged legislation [was] signed by the governor . . . 113 days before the final adjournment of the legislative session”). All told, statutory and constitutional text, history, precedent, and common sense show that the Missouri Constitution did not grant a right to pursue referenda against uncoded bills. *Cf. Cummings v. Missouri*, 71 U.S. (1 Wall.) 277, 325 (1866) (“The Constitution deals with substance, not shadows.”). Because only a codified law can predicate a referendum, the Secretary properly concluded that the first three referendum petitions could not proceed. Hence, the Secretary correctly rejected Plaintiffs’ referendum petitions submitted before House Bill 1 was signed into law.

2. Because the first three petitions did not challenge an enacted law, the Secretary properly rejected the petitions as to form.

Under the governing statute, the Secretary could not approve the first three petitions as to form because they challenged bills, not enacted laws. As previously explained, the form codified in Section 116.030 requires a “law.” *See* § 116.030, RSMo (“on any law passed by the general assembly”); *id.* (form has a blank for “title of law”). “Though the phrase ‘sufficiency as to form’ in section 116.332 is not afforded an express statutory definition, section 116.030 effectively serves as the definition for the phrase” *ACLU of Mo.*, 577 S.W.3d at 890. The Secretary of State’s review

under Section 116.332 is “limited to determining whether the sample sheet is substantially in the form required by section 116.030.” *Id.* at 892.

Part of this review is ensuring “compliance” over the “insertion of required or requested information” in “blank spaces.” *Id.* at 891. One of these blank spaces is for the “title of law.” § 116.030, RSMo. The statute also requires that the referendum proponent attach to the form “all sections of *existing law* . . . which would be repealed by the measure.” *Id.* § 116.050.2(2) (emphasis added). The first three referendum petitions were not for an enacted law and did not “[i]nclude all sections of existing law . . . which would be repealed by the measure,” so the Secretary of State properly rejected these sample sheets. *Id.* Said differently, there was no “law” with a “title” capable of meeting the form’s requirements prior to the Governor’s signing House Bill 1. *Id.* § 116.030.

Confirming that a petition is sufficient as to form is not a mere clerical act. It helps ensure that “the constitutional requirements [for placing a measure on the ballot] have been met.” *Mo. Elec. Coops. v. Kander*, 497 S.W.3d 905, 913–14 (Mo. App. W.D. 2016) (alteration in original) (quoting *Missourians to Protect the Initiative Process v. Blunt*, 799 S.W.2d 824, 828 (Mo. banc 1990)). The Secretary’s review of the petition is limited as to form. Specifically, the Secretary cannot reject as to form a petition whose aim may not be lawful. *See ACLU of Mo.*, 577 S.W.3d at 891 (explaining that “the plain and ordinary dictionary meaning of the word ‘form’” precluded substantive legal review of the referendum’s aim); *accord id.* at 891 (reasoning that “the qualifier ‘as to form’ would be rendered unnecessary and

superfluous if review of a sample sheet for ‘sufficiency’ extended to all matters, including substantive and constitutional matters”). Plaintiffs therefore try to pigeonhole the denials of the first three sample sheets as rejections rooted in substantive legal concerns.

But finding obvious deficiencies from noncompliance with the rules of the statutory form (like attaching an unsigned bill rather than a “law”) are not judgments based substantive legal considerations—and the Secretary need not approve forms with basic deficiencies. *See ACLU of Mo.*, 577 S.W.3d at 891 (citing a definition of “form” as a “procedure according to rule or rote” (quoting WEBSTER’S THIRD NEW INTERNATIONAL 892 (1993))). Allowing a referendum petition on a bill would not comport with the statutory meaning of “law.” § 116.030, RSMo. Meanwhile, correctly construing “law” does not render any provision “unnecessary and superfluous.” *ACLU of Mo.*, 577 S.W.3d at 891.

Plaintiffs’ only effort to grapple with the text of Section 116.030 is their assertion that the “language says nothing about the governor signing [the bill] nor requires that a proponent wait to submit a referendum sample sheet until the governor signs a bill.” Plaintiffs’ Opp. MTD at 9; *see also* Plaintiffs’ Pretrial Br. at 4. But including a reference in the statute to the Governor’s signature would be odd, and even problematic. The statute requires that the petition seek to refer “any law.” § 116.030, RSMo. Legislation only becomes enacted law after either the Governor signs the bill or the time for the Governor to act on the bill expires. Mo. Const. art. III, § 31. So a statutory reference to the Governor’s signature would be both

superfluous and potentially confusing given that a bill can become law through the Governor's inaction. *See id.* ("If any bill shall not be returned by the governor within the time limits prescribed by this section it shall become law in like manner as if the governor had signed it."). Hence, contrary to Plaintiffs' suggestions, the Secretary acted in accordance with his role in denying as to form petitions that did not comply with the form prescribed by the statute itself. So the Secretary did not exceed his authority under Section 116.332.1 when he rejected the first three referendum petitions as to form.

And beyond labels, rejecting the sample sheets as to form complies with the Constitution. In their effort to prevail, Plaintiffs place a lot of emphasis on an absolute right to ninety days to collect signatures. *See* Trial Tr. 98:17–99:19 (arguing that waiting for the Governor's signature eats into this time). But nothing supports an unqualified right to that timeframe. *See infra* ¶¶ 100–01.

"The legislature inherently has the power to reduce the time to circulate a referendum petition on any particular piece of legislation by delaying the passage of that legislation until the end of the legislative session." *No Bans on Choice*, 638 S.W.3d at 491. The Legislature passing the bill and the Governor signing it are both part of the legislative process. Mo. Const. art. III, § 31. Even though Governor Kehoe did *not* use all allotted time to sign the redistricting bill, the Missouri Supreme Court has recognized that the governor has the practical ability to wait before signing a bill and thus "reduce the time to circulate a referendum petition." *See No Bans on Choice*, 638 S.W.3d at 491.

This is not a mere “procedural formalit[y].” *See id.* at 492. A referendum petition seeking to challenge a bill before this lawmaking process ends is simply not a valid form that the Secretary can approve. Therefore, the Secretary of State correctly rejected as to form Plaintiffs’ referendum petitions submitted before the Governor had signed House Bill 1 into law without creating an unnecessary impediment on the ability to bring a referendum petition. *See id.*; *see also* Trial Tr. 118:16–119:1.

The facts of this case also demonstrate that waiting for the Governor’s signature did not impede the referendum effort. *See supra* ¶¶ 46–47.

The Court accordingly awards judgment to Defendant on Count I.

B. Count II—Missouri law does not permit gathering signatures prior to a valid referendum petition, so Plaintiffs’ challenge fails as a matter of law.

Plaintiffs’ efforts to force the Secretary to accept signatures gathered prior to the existence of a valid referendum petition must also fail. As discussed above, Plaintiffs submitted three referendum petitions before House Bill 1 was signed into law by the Governor. The Secretary of State properly rejected these petitions as to form. Because these petitions were invalid, all signatures collected in support of them occurred “during the ‘pre-signature collection stage’ of the referendum process.” *ACLU of Mo.*, 577 S.W.3d at 890 (emphasis added). Section 116.332.1 specifically requires that a petitioner have submitted a valid sample sheet to the Secretary of State “[b]efore . . . a referendum petition may be circulated for signatures.” If a valid sample sheet must be submitted to allow signature gathering, signatures collected on

a sample sheet rejected as to form are *per se* invalid. Hence, under the statute and because no valid referendum petition yet existed, the Court cannot order the Secretary to count any signatures gathered prior to September 28, 2025.

And because the rejection of referendum petitions as to form did not “interfere with or impede a right conferred by the constitution,” not counting those signatures can no more “interfere with or impede” the constitutional right of the referendum. *See No Bans on Choice*, 638 S.W.3d at 489 (quoting *Rekart*, 639 S.W.2d at 608). Nothing in Missouri law prohibits requiring that a proponent submit a valid referendum petition before collecting signatures. The Missouri Supreme Court has held that the signature-circulation time periods under Section 116.332.1 for an initiative are “established by Mo. Const. art. III, § 50.” *State ex rel. Upchurch v. Blunt*, 810 S.W.2d 515, 517 (Mo. banc 1991). Section 50 is the form-and-procedure provision for initiative petitions, and its only explicit time requirement is that the initiative petition be “filed . . . not less than six months before the election.” Mo. Const. art. III, § 50; *see also Upchurch*, 810 S.W.2d at 517. Nonetheless, the Supreme Court held it “clear” that the time period was “framed by reference to general elections” and initiative petition sample sheets could only be submitted “after one general election.” *Upchurch*, 810 S.W.2d at 517.

Article III, Section 52(a) of the Missouri Constitution is the referendum-provision analog to Section 50. Section 52(a) also only has one explicit time requirement: Referendum petitions must be “filed . . . not more than ninety days after the final adjournment of the session.” Like with Section 50, Section 52(a)’s time

period is equally “clear.” See *Upchurch*, 810 S.W.2d at 517. Here, the time period is properly framed by reference to “laws.” See Mo. Const. art. III, § 52(a) (excepting emergency and appropriations “laws”). “Although the authority is not semantically explicit, the constitutional provision[] [is] nonetheless plain in meaning.” See *Upchurch*, 810 S.W.2d at 517. Therefore, Section 52(a) permits submission of sample referendum petitions to the Secretary of State from any time after enactment until ninety days after the final adjournment of the session.

This point is illustrated by *State ex rel. Basinger v. Ashcroft*, 677 S.W.3d 562 (Mo. App. W.D. 2023), which operationalized *Upchurch*. There, a petitioner had filed his sample initiative petition for 2024 election two months before 2022 election and thus was outside the time period proscribed by Section 50 as interpreted by *Upchurch*. *Id.* at 567. As a result, the Secretary of State’s obligation to process the initiative petition “did not arise until” after the election. *Id.* Allowing the petitioner in *Basinger* to have counted any signatures collected in the meantime would have defeated the court’s ruling. Besides a different constitutional time period, referendum petitions are no different. Hence, the Missouri Constitution does not allow the Secretary of State to count signatures collected before the enactment of House Bill 1.

Plaintiffs’ only effort to engage with Section 52(a) is to say that the “plain language” requires that a referendum proponent have “at least ninety days to gather signatures.” Plaintiffs’ Pretrial Br. at 9–10; see also Plaintiffs’ Opp. MTD at 15 (“Plaintiffs have *at least* ninety days to gather signatures.”). This position disregards

the actual text, harmonizing constitutional provisions, and precedent. First, the “plain language” does not grant proponents a right to a firm ninety-day signature-gathering window. Section 52(a) only sets a due date for petitions to “filed.” Mo. Const. art. III, § 52(a) (emphasis added). Nothing in the text creates a right to ninety days to collect signatures. Finding such a right would require reading out “not more than ninety days” and changing it to “at least ninety days.” *See id.* Even ignoring Plaintiffs’ effort to convert Section 52(a)’s language from “not more than” to “at least” ninety days, it is likewise nonsensical to suggest that the words “be filed” means “gather signatures.” *See id.*

Second, because no law (except for an appropriation act) can “take effect until ninety days after the adjournment,” *id.* § 29, Section 52(a)’s requirement that a referendum petition be filed within ninety days after adjournment is “consistent” with Section 29. *See ACLU of Mo.*, 577 S.W.3d at 888–89; *see also Upchurch*, 810 S.W.2d at 516 (“This Court is required to give due regard to the primary objectives of the constitutional provision under scrutiny, as viewed in harmony with all related provisions.”). Finding a novel right to ninety days for a proponent to collect signatures would break this harmony.

Third, Plaintiffs suggest that this “situation is different” because House Bill 1 was passed on the last day of the legislative session. Plaintiffs’ Pretrial Br. at 10; *see also* Plaintiffs’ Opp. MTD (“Depending on when the General Assembly passes the legislation, a proponent of a referendum may have more than ninety days to gather signatures.”). But “delaying the passage of that legislation until the end of the

legislative session” does not alter when a petition is due—constitutionally reducing Plaintiffs’ time to collect signatures. *No Bans on Choice*, 638 S.W.3d at 491. And “[t]he fact that the governor did not approve the bill until after the beginning of the recess does not arrest” the constitutional deadline for submitting a referendum petition. *Moore*, 250 S.W.2d at 704. Plaintiffs’ aspirational interpretation of Section 52(a), see Trial Tr. 98:21–99:4, must give way to the provision’s plain meaning.

As for signatures collected on the fourth referendum petition before the Secretary of State’s approval, these too are invalid. In *No Bans on Choice*, the Missouri Supreme Court held that the statutory “prohibition on collecting referendum petition signatures prior to the Secretary’s certification of the official ballot title ‘interferes with and impedes’ the constitutional right of referendum.” 638 S.W.3d at 492. The Secretary of State proceeds to certifying the ballot title only after the referendum petition is deemed sufficient as to form, see § 116.334, RSMo, but while this ballot title certification is ongoing, the petitioner has an approved referendum petition, see *No Bans on Choice*, 638 S.W.3d at 492. But unlike certifying the ballot title, the Secretary’s approval of the referendum petition “occur[s] at the beginning of the process.” *Coleman*, 696 S.W.3d at 351. This approval is vitally “important” to protecting the “citizens’ constitutional power of [referendum] petition.” See *id.* at 351–52. It allows the Secretary of State to correct an error in form “with minimum disruption.” *Id.* at 351.

Permitting petitioners to collect signatures on a referendum petition before approval as to form will sow confusion. For example, a voter wanting to sign a referendum petition could (as here) sign an invalid referendum petition. But when later approached with a valid referendum petition over the same law, he might not sign it believing he had already signed a previously valid petition. In this way, his signature could go uncounted. In other words, signatories may have never realize that they signed an invalid petition. Alternatively, one could imagine a situation where the first petition were valid. But the voter, believing the first petition was invalid, signed a second petition and unwittingly exposed himself to liability for ballot fraud. See § 116.090.1(1), RSMo. Providing basic ground rules to keep overzealous proponents from gathering signatures on invalid petitions does not “interfere with or impede” the citizens’ right of referendum. See *No Bans on Choice*, 638 S.W.3d at 489. The Secretary’s approval as to form provides a clear line of demarcation to voters for when they can safely sign a referendum petition and have their voice heard, and this Court cannot order the Secretary to count any signatures prior to his approval as to form.

Therefore, this Court enters judgment for Defendant on Count II.

III. Denial of Injunctive Relief

Given the legal deficiencies in all Counts, Plaintiffs’ requests for permanent-injunctive relief necessarily fail. See *Est. of Hutchison*, 494 S.W.3d at 608 (explaining that “at the permanent injunction stage, the trial court must finally determine the merits of the claims” (citation omitted)). The merits favor the Defendant here—and so do the equities.

Plaintiffs have not articulated any harm warranting a mandatory injunction. *See, e.g., Rebman v. Parson*, 576 S.W.3d 605, 612 (Mo. banc 2019) (finding irreparable harm based on a record of how the governmental action impacted the plaintiff). Plaintiffs failed to allege any inability to collect the requisite signatures—even if their pre-enactment and pre-approval signatures are rejected—within the constitutional time period. *See generally* First Am. Pet.; *see also Suppes*, 613 S.W.3d at 847 (“To be entitled to an injunction, a party must demonstrate: 1) no adequate remedy at law; and 2) irreparable harm will result if the injunction is not awarded.” (citation omitted)).

And in litigating this case, Plaintiffs have never articulated an inability to meet the signature thresholds if their pre-approval signatures are not counted. *See supra* ¶¶ 45–46. Plaintiffs have therefore failed to carry their burden of showing a harm warranting a permanent injunction. *See Suppes*, 613 S.W.3d at 847 (citation omitted); *see also Trump v. CASA, Inc.*, 606 U.S. 831, 854 (2025) (“[I]n equity, ‘the broader and deeper the remedy the plaintiff wants, the stronger the plaintiff’s story needs to be.’” (citation omitted)).

Moreover, Plaintiffs failed to request injunctive relief for their Count II, only requesting an injunction to prohibit the Secretary from rejecting signatures in their prayer for relief. *See* First Am. Pet. ¶¶ 79–86; *id.* at 12 (prayer for relief). But “[g]enerally, the prayer for relief is not considered part of the petition.” *City of Greenwood v. Martin Marietta Materials, Inc.*, 311 S.W.3d 258, 264 (Mo. App. W.D. 2010). “This rule is particularly applicable in equitable proceedings.” *Id.* (citation

omitted). Courts can grant unrequested relief only if it resolves “issues raised by the allegations in the cause pleaded”; courts cannot “decid[e] an *unpleaded* factual issue.” *Id.* (citation omitted).

Therefore, Plaintiffs are not entitled to injunctive relief for their Count II because they have neither requested it nor “fully supported [it] by facts” that “were either pleaded or tried by consent.” *Id.* at 264–65 (citation omitted).

ORDER AND JUDGMENT

Now, therefore, this Court rules as follows:

- a. The Court enters judgment in favor of the State and Intervenor on all counts of the First Amended Petition for Declaratory Judgment and Injunctive Relief.
- b. The Court **DENIES** all relief requested in the First Amended Petition.
- c. To the extent any motions or claims for relief remain outstanding and are not addressed herein, those motions or claims for relief are **DENIED**.
- d. All prior rulings are **INCORPORATED HEREIN BY REFERENCE** to the extent necessary to create a final and appealable order.
- e. This is the final order and judgment of this Court.

SO ORDERED on this 17 day of August, 2026.



The Honorable Christopher K. Limbaugh