



Supreme Court of Missouri

en banc

SC101801

People Not Politicians, et al.,

Appellants,

v.

Missouri Secretary of State Denny
Hoskins, et al.,

Respondents.

FILED

SEP 03 2026

CLERK, SUPREME COURT

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

Per Curiam

Overview

People Not Politicians and Richard von Glahn (“Proponents”) appeal from the circuit court’s judgment in favor of defendant Missouri Secretary of State Denny Hoskins and intervenor Put Missouri First. Because the issues presented in this case became moot August 4, 2026, when the secretary’s certificate of insufficiency regarding the referendum petition on

House Bill 1 (“HB 1”)¹ was *not* based on a lack of signatures, *see Von Glahn v. Hoskins*, No.

¹ The General Assembly passed HB 1 in September 2025 during an extraordinary legislative session. If the voters approve HB 1 at the 2026 general election, it will “repeal congressional

SC101805, ___ S.W.3d ___, slip op. at 5 & n.5 (Mo. banc Sep. 3, 2026) (holding “the secretary has ... conceded the referendum petition was timely filed and contained at least the minimum number of signatures under article III, section 52(a)”), the circuit court should not have entered judgment on the merits. The circuit court’s judgment, therefore, is vacated, and, pursuant to Rule 84.14, this Court enters the judgment the circuit court should have given, dismissing this case as moot.

Factual and Procedural Background

From September 12 to 15, 2025, Proponents submitted to the secretary three referendum petition sample sheets, each of which proposed a referendum on HB 1. On September 26, the secretary rejected these samples on the ground the governor had not yet signed HB 1 and took the position signatures gathered prior to the governor’s signature would not be verified or counted. On September 28, the governor signed HB 1, and, the next day, Proponents submitted to the secretary a fourth sample sheet in substantially the same form as the prior three. The secretary did not approve this form until October 14 and, again, took the position signatures gathered before his approval would not be verified or counted.

On September 18, before the secretary had rejected any of the petition sample sheets, Proponents filed this action seeking declaratory and injunctive relief. They claimed a referendum petition in proper form may be circulated prior to the governor’s signature on the challenged act or the secretary’s approval of the petition’s form and the secretary cannot refuse to verify or count signatures collected during those times. Proponents had gathered approximately 32,600 signatures prior to the governor’s signature on September 28 and approximately 70,200

districts established in 2022 and establish new congressional districts.” *Maggard v. State*, 733 S.W.3d 411, 412-13 (Mo. banc 2026).

additional signatures before the secretary approved the petition as to form on October 14 for a total of 102,800 disputed signatures (“the disputed signatures”).

On December 8, a bench trial was held. On December 12, the circuit court entered an order *sua sponte* declaring the case would be held “in abeyance” until further court order. This ruling was not based on any concern Proponents’ claims were not ripe. Instead, the circuit court noted Proponents had submitted a petition to the secretary on December 9 containing more than 300,000 signatures and, “[c]onceivably, this could be enough signatures to place the referendum on the ballot *thereby moot*ing the issues present in the case at bar.” (Emphasis added). In other words, the circuit court refused to rule on the case because it believed Proponents’ claims might become moot if the secretary ultimately validated so many signatures that the validity of the disputed signatures would make no difference.

On August 4, the secretary issued a certificate of insufficiency with respect to the HB 1 referendum petition. The secretary did not base his insufficiency determination on the sufficiency of the number of signatures collected but, rather, on the basis the referendum petition was constitutionally deficient on other grounds. Despite the secretary’s decision, the circuit court, on August 17, proceeded to enter judgment on the merits, finding the secretary had the authority to reject the referendum petition sample sheets and to refuse to verify or count the signatures collected thereon before the governor signed HB 1 and before the secretary approved the HB 1 referendum petition as to form. The circuit court’s judgment did not address the effect of the secretary’s insufficiency certificate on the issues presented. Proponents appeal.

The Case Is Moot

Proponents raise five points of error on appeal, including challenges to the merits of the circuit court’s judgment, the matter being held in abeyance, and the intervention of Put Missouri First. But this Court must first address the threshold issue of mootness. *State ex rel. Reed v.*

Reardon, 41 S.W.3d 470, 473 (Mo. banc 2001). “When an event occurs that makes a court’s decision unnecessary or makes granting effectual relief by the court impossible, the case is moot and generally should be dismissed.” *Id.*

When the secretary certified the referendum petition as insufficient on grounds other than the number of signatures, he conceded Proponents’ petition contained a constitutionally sufficient number of signatures. The secretary’s decision, therefore, rendered moot any further litigation over the disputed signatures’ validity, as the circuit court could no longer issue any effectual relief to Proponents regarding the disputed signatures. Despite holding the case in abeyance *sua sponte* for nine months in the hopes the secretary would render the dispute moot by not challenging the signatures, the circuit court did not dismiss the case as moot when the secretary did so. Instead, the circuit court proceeded to enter judgment on the merits. This was error. The circuit court should have dismissed this case. *See id.*

Proponents argue this Court should review the circuit court’s decision on the merits even though the secretary no longer challenges the disputed signatures’ validity. They insist proponents of future referenda (and the secretary) need to know that signatures may be gathered on a referendum petition in proper form regardless of whether: (a) the governor has signed (or vetoed) the general assembly’s act being challenged; or (b) the secretary has approved the form of the petition. Proponents fear that, if this Court does not decide these issues now, the issues will continue to be used to impair or impede future proponents’ referendum rights while escaping any appellate review. *See No Bans on Choice v. Ashcroft*, 638 S.W.3d 484, 490 n.9 (Mo. banc 2022) (holding, even if the claim was “rendered moot once the deadline to submit signatures to the secretary came to pass, the time-sensitive nature of the referendum process would place the

claim squarely within the mootness exception of capable of repetition, yet evading review” (internal quotation omitted)).

The Court is not persuaded there is harm to future proponents that will evade appellate review because they can circulate their petitions without waiting for the governor’s signature or the secretary’s approval (as Proponents did here) and, if necessary, litigate the validity of the signatures gathered in those periods in a section 116.200 challenge (which was unnecessary here because the secretary conceded there were sufficient signatures). In addition, future proponents may have remedies Proponents did not pursue. Such avenues make it sufficiently unlikely these issues will be used to impede future proponents’ constitutional right to circulate referendum petitions.

Conclusion

Accordingly, the circuit court’s judgment is vacated, and, under Rule 84.14, this Court enters judgment dismissing the case as moot. No Rule 84.17 motions are permitted.

All concur.