

Court Document **IN THE CIRCUIT COURT OF COLE COUNTY** Court Document Not an Official Court Document

STATE OF MISSOURI

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PEOPLE NOT POLITICIANS, et al., }
Not an Official Court Document Not an Official Court Document Not an Official Court Document
Plaintiffs, }
Document Not an Official Court Document Not an Official Court Document Not an Official Court Document
vs. } Case No: 25AC-CC07128

MISSOURI SECRETARY OF STATE
DENNY HOSKINS,

an Official Court Defendant. Not an Official Court Document Not an Official Court Document
Defendant. Not an Official Court Document Not an Official Court Document
} Not an Official Court Document Not an Official Court Document Not an Official Court Document

**PLAINTIFFS' SUPPLEMENTAL BRIEF IN SUPPORT OF ISSUING
FINAL JUDGMENT**

The matter before the Court has been fully briefed and argued and is ready for a final judgment. The Court held this case in abeyance until “the requisite number of signatures have been certified or up until enough signatures have been rejected so as to prevent plaintiffs’ referendum from appearing on the ballot.” Dec. 8, 2025 Order. But rather than reviewing individual signatures, the Secretary has now decided that a third of the signature pages submitted are categorically invalid and will *not* be counted by the local election authorities. *See* Memorandum on Status of Signature Verification, Ex. B. This is a significant number of signatures and may ultimately affect whether the measure appears on the ballot. The Secretary has made a decision regarding validity of tens of thousands of signatures. *Id.* This case is ripe for the issuance of a final judgment.

Even if this matter was not ripe for adjudication prior to the Secretary’s decision on the invalidity of certain signature pages (it was), it is certainly ripe now. Here, a judgment “will declare a fixed right and accomplish a useful

purpose.” *Local Union 1287 v. Kansas City Transp. Auth.*, 848 S.W.2d 462, 463 (Mo. banc 1993). Regardless of whether this Court decides that the Secretary must count signatures collected prior to October 14, it is without doubt that the Secretary has engaged in self-help and declared such signatures categorically invalid. Now that the Secretary has made his choice, it is up to the Court to make its own choice. It is no longer “premature to render a judgment” because the situation Plaintiffs sought to prevent has occurred.

The Law Requires the Secretary to send “all pages” of the referendum to the Local Officials for verification

The Secretary does not have the option of simply declaring swaths of signatures invalid. The statutes specify when the Secretary may declare a signature invalid: 1) if the signature is on a page circulated by someone not properly registered, § 116.120.1 RSMo. 2) If it is on a page where the official ballot title was not affixed (not applicable here), *Id.* 3) If the signature is forged or fraudulent. § 116.140. Absent any of those alleged defects, the law gives the Secretary only two options: Random sampling of all petition pages (§ 116.120) or sending “all pages” of the petition to the local election authorities for verification (§ 116.130). The Secretary has chosen to send only “some” pages to local election authorities, which is directly contrary to the mandates of the statute. This Court should enter Judgment telling the Secretary to follow the mandates of the law.

Count II remains Ripe

And that is just on Count II. Count I has been ripe for adjudication from the moment this lawsuit was filed. The Secretary made a final decision that certain referendum petitions were invalid. Plaintiffs have an absolute right under the Missouri Administrative Procedures Act and the Declaratory Judgment Act to a judicial review and final judgment on the Secretary's decision.

Section 536.150 establishes a right to judicial review when "any administrative officer or body existing under the constitution or by statute...shall have rendered a decision which is not subject to administrative review, determining the legal rights, duties or privileges of any person[.]" The Secretary made a decision regarding the validity of Plaintiffs' referendum sample sheets which affect Plaintiffs rights and privileges related to the validity of their referendum petition. The Secretary's decision also affects the rights and privileges of the tens of thousands of Missourians who signed the referendum petition prior to October 14. Their constitutional right to petition their government is threatened by the Secretary's decision.

Declaratory Judgment is a flexible tool, appropriate here

Under the Declaratory Judgment Act, this Court has the "power to declare rights, status, and other legal relations whether or not further relief is or could be claimed." Sect. 527.010, RSMo. Plaintiffs have asked this Court to declare their right to (1) have lawfully gathered signatures counted and deemed valid/invalid by the Secretary of State and (2) have the sample sheets submitted certified as

lawful. The Court has the authority to make decisions on those two questions right now and declare the rights of Plaintiffs.

Plaintiffs do not seek to hide the ball here—a final judgment in this matter will help to resolve lingering confusion regarding the status of the referendum petition. It is the opposition's desire (both in court and out) to inject doubt into the referendum process. They've so far done that quite successfully. The longer the litigation about the referendum petition drags on, the easier it is for the Secretary and Attorney General to willfully ignore Missourians and their desire to vote on House Bill 1.

Therefore, Plaintiffs urge this Court to issue a final judgment in this matter and declare the Secretary's decision that Plaintiffs referendum sample sheets were invalid was unlawful and directing the Secretary that he must determine the validity of all signatures submitted, regardless of the date the petition was signed.

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Respectfully submitted,

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/s/ *Charles W. Hatfield*

Charles W. Hatfield, MO No. 40363
Alexander C. Barrett, MO No. 68695
Alixandra S. Cossette, MO No. 68114
Greta M. Bax, MO No. 73354 Document
230 West McCarty Street
Jefferson City, Missouri 65101
573.636.6263 (Telephone)
573.636.6231 (Facsimile)
chuck.hatfield@stinson.com
alexander.barrett@stinson.com
alix.cossette@stinson.com
greta.bax@stinson.com Document Not

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was filed
electronically via the Missouri Case.net e-filing system, which notified all counsel
of record on this 12th day of January, 2026.

/s/ *Charles W. Hatfield*

Attorney for Plaintiffs

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