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IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI

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PEOPLE NOT POLITICIANS, *et al.*,
Document Not an Official Court Document Not an Official Court Document Not an Official

Plaintiffs, Case No. 25AC-CC07128
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V. Not an Official Court Document Not an Official Court Document Not an Official Court Document
MISSOURI SECRETARY OF STATE
DENNY HOSKINS,

Defendant.

DEFENDANT'S STATUS HEARING BRIEF

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INTRODUCTION

The Court properly decided to hold 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.” Order at 1 (Dec. 12, 2025). Neither of those events have yet occurred, so this case remains unripe. *See Mo. Soybean Ass’n v. Mo. Clean Water Comm’n*, 102 S.W.3d 10, 26 (Mo. banc 2003). Although the Secretary of State has rejected signatures collected prior to his approval as to form, the legal effects of this decision are not concrete as they do not impose an immediate hardship on Plaintiffs. Thus, the Court should avoid this abstract dispute and continue to wait until the rejection of pre-approval signatures has prevented Plaintiffs from meeting their required signature threshold.

Additionally, although this Petition presents a pure legal question, the referendum-statutory scheme contemplates post-sufficiency determination challenge. *See* Mo. Rev. Stat. § 116.200.1. This statutory-directed method to challenge a determination and court review provides Plaintiffs the exact “remedy” for this kind of dispute. *ACLU of Mo. v. Ashcroft*, 577 S.W.3d 881, 897 (Mo. App. W.D. 2019). This further warrants the Court’s either holding this matter in abeyance or dismissing the claim regarding the signatures as unripe.

Background

Plaintiffs filed a Petition challenging the Secretary of State's rejection of their referendum petitions submitted before H.B. 1 was enacted and his decision to reject signatures collected prior to his approval of the referendum petition. *See generally* First Am. Pet. The Court held trial on December 8, 2025.

The day after trial, Plaintiffs submitted their referendum petition to the Secretary of State's office. Plaintiffs submitted over 300,000 signatures. *See* Pls. Memo. on Status of Signature Verification Ex. A (Jan. 5, 2026). This Court ordered this case held in abeyance pending verification and counting of signatures. Order at 1 (Dec. 12, 2025). The Secretary of State is currently conducting the signature verification as directed by statute. *See* Mo. Rev. Stat. § 116.130. As part of that signature verification, the Secretary of State rejected signatures collected prior to his approval of the referendum petition. Pls. Memo. on Status of Signature Verification Ex. C; *see also* Mo. Rev. Stat. § 116.332.1. This Court requested a hearing.

ARGUMENT

This case is still not ripe for review. As this Court correctly ordered, this case should be held 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.” Order at 1 (Dec. 12, 2025). Neither of those events have yet occurred, so whether signatures gathered before the Secretary’s approval as to form can be properly rejected remains an “abstract disagreement[.].” *Mo. Soybean Ass’n v. Mo. Clean Water Comm’n*, 102 S.W.3d 10, 26 (Mo. banc 2003) (quoting *Abbott Labs., Inc. v. Gardner*, 387 U.S. 136, 148 (1967)).

The Secretary has separated the signatures collected before his approval. *See* Pls. Memo. on Status of Signature Verification Ex. C at 1. Specifically, signatures collected on or before October 13, 2025 “will be in separate folders and placed in separate boxes and scanned in separately for processing.” *Id.* To begin with, there is

no final decision on these signatures yet—the only final decision occurs when the Secretary issues a certificate respecting sufficiency per Section 116.150. Moreover, no impact has been “felt in a concrete way” by Plaintiffs. *Mo. Soybean Ass’n*, 102 S.W.3d at 26. Simply put, there have been no legal “effects” stemming from the Secretary’s action, so it remains completely “hypothetical or speculative” whether these separated signatures will prevent Plaintiffs from meeting the signature threshold. *See id.* at 25–26. “Ripeness does not exist when the question rests solely on a probability that an event will occur.” *Buechner v. Bond*, 650 S.W.2d 611, 614 (Mo. banc 1983). Therefore, this Court should continue to avoid “premature” adjudication. *Mo. Soybean Ass’n*, 102 S.W.3d at 26.

Additionally, the question of signature validity is not “appropriate for judicial resolution.” *Id.* at 27 (citing *Abbott Labs.*, 387 U.S. at 149). An issue is appropriate for judicial resolution when the determination is “final,” the issue presents a “purely legal” question, and “no further . . . proceedings [are] contemplated.” *Id.* Again, there is no final decision—the Secretary has not issued a certificate as to sufficiency or insufficiency. *See Mo. Rev. Stat. § 116.150*. But even assuming (contrary to Missouri law) that treatment of the disputed signatures qualifies as “final” and granting that whether those signatures are valid given their collection date presents a “purely legal” question, the statutory scheme for referendum petitions specifies “further . . . proceedings.”

After the referendum petition is submitted to the Secretary, he “makes a determination on the sufficiency of the petition.” *Id.* § 116.150.1. But before the

Secretary makes that final decision as to certifying a referendum petition, he has wide latitude regarding how he goes about verifying signatures. *See id.* §§ 116.120–.140. Only after this verification process is complete and the Secretary declines to certify a petition may “any citizen may apply to the circuit court of Cole County to compel [the Secretary] to reverse his decision.” *Id.* § 116.200.1. Requiring litigation to await the Secretary’s final determination as to a petition’s sufficiency ensures that courts (and outside special interests) will not attempt to micromanage how the Secretary reviews a petition. *See ACLU of Mo. v. Ashcroft*, 577 S.W.3d 881, 893 (Mo. App. W.D. 2019) (describing how the statutes “reflect a calculated intent by the general assembly to balance procedural oversight of the referendum process with the people’s ability to meaningfully exercise the power of referendum”).

Therefore, the statutory scheme directs the when and how the Plaintiffs may challenge the acceptance (or rejection) of signatures. This scheme provides a legal “remedy” to “compel the secretary of state to reverse a petition certification decision.” *Id.* at 897. There can be no disputing that the Secretary has not yet decided the referendum petition’s validity. *See Mo. Rev. Stat. § 116.150.* This Court may not use the request for declaratory relief as a “substitute for existing remedies.” *Charron v. State*, 257 S.W.3d 147, 153 (Mo. App. W.D. 2008). Therefore, the existence of this legal remedy illustrates that “further . . . proceedings [are] contemplated” and this case is not fit for judicial review. *Mo. Soybean Ass’n*, 102 S.W.3d at 26.

This case remains not ripe for adjudication.

Court Document Not an Official Court Document CONCLUSION

Official For the foregoing reasons, the Court should continue to hold this case in abeyance.

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Dated: January 12, 2026 Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on January 12, 2026, the foregoing was filed on the Missouri CaseNet e-filing system, which will send notice to all counsel of record.

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William J. Seidleck, #77794

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