

**IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI**

RICHARD VON GLAHN, *et al.*,

*Plaintiffs,*

v.

DENNY HOSKINS, *et al.*,

*Defendants.*

Case No.: 26AC-CC00248

**PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION AND COMBINED SUGGESTIONS IN SUPPORT**

Plaintiffs Richard von Glahn and People Not Politicians (“Plaintiffs”) respectfully move this Court for a preliminary injunction enjoining Defendant Denny Hoskins, in his official capacity as Secretary of State (“Secretary Hoskins” or “the Secretary”), from mandating use of the congressional map set forth in House Bill 1 (“HB 1”)—or any congressional district map—until: (1) he has issued a certificate of sufficiency or insufficiency with respect to HB 1 pursuant to Section 116.150, RSMo; and (2) Missouri courts have resolved whether HB 1 was validly suspended on December 9, 2025. *See* Rule 92.02(c).

The Missouri Supreme Court unanimously held that it is presently “impossible to say” whether HB 1 is in effect or whether it was suspended by a valid referendum petition on December 9, 2025. *Maggard v. State*, No. SC101581, slip op. at 16 (Mo. banc May 12, 2026) (“Maggard”) (Ex. 20). Yet Secretary Hoskins, aided by Attorney General Catherine Hanaway, has directed all local election authorities to implement the HB 1 congressional map for the 2026 primary elections—threatening criminal penalties against any official who declines to do so—while simultaneously refusing to issue the certificate of sufficiency or insufficiency that is the sole prerequisite to judicial resolution of HB 1’s legal status. The Secretary’s actions are an extraordinary abuse of his ministerial duties designed to implement a law whose effectiveness remains legally indeterminate,

deny Plaintiffs their statutory right to judicial review, and sow chaos into Missouri's electoral process.

Plaintiffs submitted more than 300,000 signatures of registered voters in support of a referendum on HB 1 on December 9, 2025—two days before HB 1's scheduled effective date. Verified Petition ("Pet.") ¶¶ 47-48. As of the date Plaintiffs filed suit, local election authorities had validated more than 130% of the constitutionally required number of signatures in six of Missouri's eight congressional districts. Pet. ¶ 64. The Secretary has all information necessary to issue a certificate under Section 116.150. The signature-counting process overseen by the Secretary shows there are tens of thousands more signatures than required to qualify the referendum, as the Secretary has posted on his own official website. And a federal court concluded in *December* that the Secretary and Attorney General had functionally conducted all the legal research necessary to issue a certificate, "given that the State has completed an exhaustive analysis in briefing this case." Ex. 4 at 7. Yet the Secretary refuses to issue such certificate, because—as Attorney General Hanaway candidly stated—"delay works in [their] favor." Pet. ¶ 56.

All four *Gabbert* factors weigh decisively in Plaintiffs' favor. Plaintiffs are likely to succeed on their claims. Plaintiffs face irreparable harm to their voting rights and to the integrity of Missouri's electoral process if the HB 1 map is implemented before these questions are resolved. The balance of harms and the public interest strongly favor maintaining the status quo—which is that it is "impossible to say" which congressional district map is in effect—until the Secretary discharges his ministerial duty and the courts resolve HB 1's legal status.

## FACTS<sup>1</sup>

### I. **House Bill 1 and the Referendum Power**

1. Missourians reserved the “power to approve or reject by referendum any act of the general assembly, except as hereinafter provided.” Mo. Const. art. III, § 49; Pet. ¶ 22.

2. HB 1 is not exempt from the referendum power. It is neither a law necessary for the immediate preservation of the public peace, health, or safety, nor a law making appropriations. Mo. Const. art. III, § 52(a); Pet. ¶¶ 29-30.

3. On September 12, 2025, the General Assembly truly agreed and finally passed HB 1 during a special session. Pet. ¶ 26; Ex. 1.

4. To place a referendum petition before voters, a proponent must gather signatures of “five percent of the legal voters in each of two-thirds of the congressional districts in the state.” Mo. Const. art. III, § 52(a). For an election taking place in 2026, a proponent must gather 106,384 signatures across six congressional districts. Pet. ¶¶ 24-25.

5. In September 2025, Plaintiff von Glahn submitted a referendum petition sample sheet seeking a referendum on HB 1 (the “Referendum”) to Secretary Hoskins. Pet. ¶ 31. On October 14, 2025, Secretary Hoskins approved the Referendum as to form. Pet. ¶ 34; Ex. 2.

6. On October 15, 2025—one day after approving the petition form—Secretary Hoskins, the General Assembly, and the State of Missouri filed suit against Plaintiffs in federal court seeking to prevent Plaintiffs from submitting signatures on the Referendum. Pet. ¶¶ 37-39; Ex. 3. In that lawsuit, Defendants represented the referendum would violate the Missouri and U.S. Constitutions regardless of the number of signatures submitted. Pet. ¶¶ 40-41.

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<sup>1</sup> Plaintiffs incorporate by reference the facts and exhibits set forth in their Verified Petition. Rule 55.12. Plaintiffs provide the below recitation of facts for the Court’s convenience.

7. By submitting this filing, the State’s lawyers—pursuant to Federal Rule of Civil Procedure 11(b)(2)—were representing that their claims and legal contentions were “warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law.”

8. On December 8, 2025, the federal court dismissed the lawsuit, observing that Secretary Hoskins “has the authority as Secretary of State to reject [the referendum] petition as unconstitutional during post-submission review.” Ex. 4 at 1. The court further reasoned: “Given the State’s position that PNP’s referendum violates the Missouri Constitution itself, that finding alone is sufficient for decertification.” *Id.* at 7 n.4.; Pet. ¶¶ 42-46.

9. The federal court also reminded Secretary Hoskins that he “has an independent obligation flowing from his oath of office ‘to support the Constitution of the United States and of [Missouri],’” if he believed that the Referendum violated either. Ex. 4 at 7 n.4.

10. No later than December 8, 2025, Secretary had all the legal analysis needed to certify the Referendum as sufficient or insufficient, in terms of whether it complies with the Constitution.

11. On December 9, 2025, Plaintiffs submitted more than 300,000 signatures of registered voters in support of the Referendum to the Secretary’s Office. The Secretary accepted the Referendum for filing and issued Plaintiffs a receipt for 691 boxes of signatures. Pet. ¶¶ 47-49; Ex. 5.

12. Each referendum petition page submitted was identical to the form the Secretary approved on October 14, 2025, and each included a completed and signed circulator’s affidavit. Pet. ¶¶ 50-51; Ex. 6.

13. HB 1’s scheduled effective date was December 11, 2025—two days after Plaintiffs submitted the Referendum. Pet. ¶ 26; Ex. 20 at 1-2.

## **II. Secretary Hoskins’ Intentional Delays and Refusal to Certify**

14. Rather than promptly reviewing the Referendum, on December 10, 2025, Secretary Hoskins “promised a ‘slow and steady’ review of the signatures”

and indicated he was not likely to complete the process until late July 2026. Pet. ¶ 54.

15. Secretary Hoskins also pledged “to do everything I can to protect” the HB 1 map. Pet. ¶ 55.

16. Attorney General Hanaway declared: “As long as the status quo is the new maps, delay works in our favor.” Pet. ¶ 56.

17. Despite asserting in federal court that the Referendum violates the Constitution, Secretary Hoskins did not promptly issue a certificate of insufficiency. Pet. ¶ 57.

18. Instead, he sent only two-thirds of the signatures to local election authorities (“LEAs”) to be checked for validity. Pet. ¶ 58.

19. Secretary Hoskins has posted Preliminary Petition Signature County Reports to his website documenting the number of signatures LEAs have validated. Pet. ¶¶ 60-61; Exs. 7-19.

20. As of March 23, 2026, LEAs had validated sufficient signatures in six of Missouri’s eight congressional districts to qualify the Referendum for the November 2026 ballot. Pet. ¶ 62; *see also* Ex. 10.

21. As of the date of the Petition, LEAs have validated more than 130% of the minimum number of signatures needed in six of eight congressional districts. Pet. ¶ 64.

22. No later than March 23, 2026, Secretary Hoskins had all the information he needed to certify the Referendum as timely, legal, and sufficient. Pet. ¶ 7.

23. On information and belief, as of May 21, 2026, LEAs had completed their verification work.

24. Despite this, Secretary Hoskins has not issued a certificate of sufficiency or insufficiency under Section 116.150. Pet. ¶ 123.

### III. The *Maggard* Decision and Its Aftermath

25. On May 12, 2026, the Supreme Court of Missouri unanimously decided *Maggard v. State*, No. SC101581, holding that the filing of the referendum petition did not automatically suspend HB 1 as of December 9, 2025. Pet. ¶ 65; Ex. 20.

26. Critically, however, the Supreme Court held: “Because the secretary’s certification process under chapter 116 is ongoing and has not been finally determined, it is impossible to say as of this opinion whether the December 9 referendum petition filing was ‘legal, sufficient, and timely’ and, therefore, whether HB 1 went into effect on December 11 or whether HB 1 was referred to the people as of December 9 and can only go into effect when approved by a majority of the votes cast thereon.” Ex. 20 at 16. Pet. ¶ 76.

27. The Supreme Court further held that if “the December 9 referendum petition filing is ultimately determined to be sufficient, article III, section 52(b) applies,” meaning “HB 1 did not take effect on December 11, HB 1 was ‘referred to the people’ as of December 9, and HB 1 ‘shall take effect when approved by a majority of the votes cast thereon, and not otherwise.’” Ex. 20 at 15-16. Pet. ¶ 77.

28. The Supreme Court also rejected “[t]he state’s position [that] only the secretary can refer legislation to the people for a referendum vote” as “inconsistent with the plain language of article III, section 52(a).” Ex. 20 at 16 n.15. Pet. ¶ 78.

29. Secretary Hoskins *still* has not formally completed the certification process under Chapter 116, and he therefore does not know if HB 1 is in effect or was suspended on December 9, because he has not done the one step explicitly required of him by the Supreme Court for *anyone* to know if HB 1 is in effect or was suspended.

30. Yet, Defendants have repeatedly insisted in public statements following the *Maggard* decision that HB 1 is in effect. Pet. ¶¶ 82-87; Exs. 22, 23.

31. Following the *Maggard* decision, the Boone County Clerk sent a letter to Secretary Hoskins advising that she would “not be redrawing districts until your office issues a determination on the sufficiency of the referendum petition.” Ex. 21.

32. She “implore[d]” the Secretary “to resolve this legal confusion” by issuing a certificate under Section 116.150. Pet. ¶ 81.

33. In response, Attorney General Hanaway asserted the Boone County Clerk was “defying the ruling of the Missouri Supreme Court” and threatened civil and criminal penalties against officials who exercised their own judgment about which maps to use. Pet. ¶ 82.

34. Two days after the Supreme Court issued its decision, Secretary Hoskins sent a letter to all LEAs claiming the Supreme Court had “affirm[ed] the . . . legal effectiveness of House Bill 1.” Ex. 22. Pet. ¶¶ 83-85.

35. Secretary Hoskins included with his letter an “advisory opinion” from Attorney General Hanaway directing that “the Secretary of State’s Office—and all of Missouri’s local election authorities—must continue enforcing HB 1” and that “[f]ailure to do so is a clear violation of the law.” Ex. 23 at 1, 4. Pet. ¶¶ 86-91.

36. Attorney General Hanaway cited no law that requires officials to take these actions or that would be violated if they did not. Pet. ¶ 92. Her opinion concluded that “election officials must operate on the basis that HB 1 will govern the 2026 general elections.” Ex. 23 at 4. Pet. ¶ 93.

37. As the Attorney General’s *own* website states: “Attorney General opinions cannot decide factual disputes and are non-binding. Neither issuance nor publication of Attorney General opinions constitutes the provision of legal advice, the establishment of an attorney-client relationship, or the formation of any other right or obligation, either to the addressed recipient of the opinion or to any member or members of the general public.”<sup>2</sup>

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<sup>2</sup> <https://ago.mo.gov/other-resources/ag-opinions/>

38. Secretary Hoskins posted a press release insisting that “the Missouri First Map remains in effect” and that he was “directing all local election authorities to follow the letter of the law and proceed under the provisions of House Bill 1.” Pet. ¶¶ 94-95.

39. As set forth in the Verified Petition, Defendants have made many other public statements to this effect.

40. It cannot simultaneously be true that it is “impossible to know” whether HB 1 is in effect (as the Supreme Court unanimously held) and for HB 1 to be in effect and its use by election officials mandated by law (as Defendants claim). Pet. ¶ 112.

#### **IV. Plaintiffs Will be Harmed Without a Preliminary Injunction**

41. Plaintiff von Glahn is a citizen and qualified voter of Missouri, residing in St. Louis County. Pet. ¶ 14.

42. Under the 2022 congressional districts, Plaintiff von Glahn would cast his vote in Congressional District 2; under HB 1, he would be reassigned to Congressional District 1. Pet. ¶¶ 16-17.

43. Implementation of HB 1 thus directly threatens his right to cast his vote in the correct congressional district and for the correct candidates.

44. Plaintiff People Not Politicians (“PNP”) is a campaign committee organized under the laws of the State of Missouri and is the campaign committee supporting the campaign for the Referendum. Pet. ¶¶ 18-19.

45. Implementation of HB 1 directly threatens PNP’s engagement in the referendum process.

46. Secretary Hoskins’ insistence on forcing county clerks to use HB 1—a map of explicitly unresolved legal status—impacts the entire manner of conducting elections in this state.

47. As required by Section 115.121, RSMo, Missouri will conduct its primary election on August 4, 2026 – the absolute deadline for the Secretary to issue a certificate under Section 116.150.

48. Prior to that date, election authorities across the state must prepare ballots.

49. Critically, Missouri law requires absentee ballots to be printed and made available no later than the sixth Tuesday *prior to* the election and must be “in the same form as the official ballots for the election.” § 115.281.2, RSMo.

50. The sixth Tuesday before August 4, 2026, is Tuesday, June 23, 2026.

51. Secretary Hoskins’ refusal to issue a certificate of sufficiency or insufficiency for the referendum throws the entire primary election into chaos.

52. Plaintiff von Glahn’s right to engage in free and fair elections and participate in the referendum process are unconstitutionally burdened because of Secretary Hoskins’ failure to issue a certificate for the referendum.

### ARGUMENT

“When considering a motion for a preliminary injunction, a court should weigh the movant’s probability of success on the merits, the threat of irreparable harm to the movant absent the injunction, the balance between this harm and the injury that the injunction’s issuance would inflict on other interested parties, and the public interest.” *State ex rel. Dir. of Revenue v. Gabbert*, 925 S.W.2d 838, 839 (Mo. banc 1996). A petitioner need only “make some showing of probability of success on the merits before a preliminary injunction will be issued.” *Id.*

Additionally, the purpose of a preliminary injunction is to “preserve the subject of the controversy” and “maintain the existing . . . status until the controversy is decided.” *State ex inf. McKittrick v. Am. Ins. Co.*, 173 S.W.2d 51, 52 (Mo. banc 1943). The status quo to be preserved is “the last actual, peaceable, noncontested status which preceded the pending controversy.” *Id.* Here, nothing has changed since the Supreme Court issued the *Maggard* decision. At that time, Secretary Hoskins had not completed the certification process for the referendum. Thus, the status quo is that “it is impossible to say” which congressional district map is in effect. All four *Gabbert* factors weigh in favor of issuing a preliminary injunction.

## I. Plaintiffs Are Likely to Succeed on the Merits

Plaintiffs are likely to prevail on each of their claims. Secretary Hoskins has violated his statutory duty to issue a certificate of sufficiency or insufficiency. HB 1 cannot lawfully be implemented while its legal status is indeterminate. The Secretary's conduct unconstitutionally burdens the people's reserved referendum power.

### A. Plaintiffs Are Likely to Prevail on Count I Because Secretary Hoskins Has Violated His Statutory Duty to Issue a Certificate Under Section 116.150

Plaintiffs are likely to prevail on Count I of their Petition because Secretary Hoskins is in active violation of Section 116.150. He has unquestionably made a determination that the Referendum is insufficient, but he refuses to issue the certificate required by Section 116.150. Section 116.150.1 provides that “[a]fter the secretary of state makes a determination on the sufficiency of the petition and if the secretary of state finds it sufficient, the secretary of state shall issue a certificate” accordingly. Section 116.150.2 imposes the same obligation if the Secretary finds the petition insufficient. Pet. ¶ 104.

The record makes clear Secretary Hoskins has already reached a determination on the Referendum's sufficiency. To begin, he publicly proclaimed in the October 2025 federal lawsuit that violated *both* the Missouri and U.S. Constitutions—a position he has never disavowed. Pet. ¶¶ 107, 109. If he—and his lawyers—did not really believe that, then they violated Federal Rule of Civil Procedure 11(b). And, if they do believe it, then the Secretary made a determination of insufficiency before Plaintiffs even turned in the Referendum.

As the federal court observed, “[g]iven the State's position that PNP's referendum violates the Missouri Constitution itself, that finding alone is sufficient for decertification.” Ex. 4 at 7 n.4. Pet. ¶ 108. Following *Maggard*, the Secretary immediately began declaring HB 1 “in effect” and directing LEAs to implement it—actions that are consistent only with a determination that the Referendum is insufficient. Pet. ¶¶ 111-113. That is the only logical conclusion – it cannot be that

it's simultaneously "impossible" to tell whether HB 1 is in effect and for Defendants to insist that it conclusively *is* in effect and must be used to conduct the upcoming primary elections.

Yet, Secretary Hoskins refuses to issue a certificate—whether of sufficiency or insufficiency—thereby depriving Plaintiff von Glahn (and all Missouri citizens) of the statutory right to judicial review under Section 116.200. Pet. ¶¶ 105, 114, 118. As the Supreme Court made clear in *Maggard*, "[o]nly when the chapter 116 certification process is final . . . can it be determined whether the referendum petition was 'legal, sufficient, and timely.'" Ex. 20 at 15. The Secretary cannot simultaneously refuse to complete that process and act as though the outcome is already determined.

The fact that Section 116.150.3 imposes an outer deadline (here, August 4) for the Secretary to issue such certificate does not change the analysis. Subsections 1 and 2 of the statute require the Secretary to issue a certificate once he has made a determination on the sufficiency of the Referendum (which the evidence makes clear has occurred). Subsection 3 merely identifies the last possible date the Secretary can issue such certificate. It certainly does not *require* the Secretary to wait the full time. Nor does it override the clear command in subsections 1 and 2 that the certificate is to be issued once a determination has been made.

This interpretation of the statute is compelled by the principle that statutory provisions relative to the initiative and referendum must be construed "to make effective the people's reservation of that power." *Missourians to Protect the Initiative Process (MPIP) v. Blunt*, 799 S.W.2d 824, 827 (Mo. banc 1990). Secretary Hoskins' deliberate delay in issuing a certificate frustrates rather than effectuates that reservation. The Secretary cannot exercise his official duties "in a manner to frustrate constitutional provisions." *State ex rel. Nixon v. Blunt*, 135 S.W.3d 416, 420 (Mo. banc 2004); *see also* Ex. 20 at 15. That is what he is doing.

Further, the evidence demonstrates that the Referendum has well over the minimum number of signatures required by the Constitution. Despite the many

lawsuits surrounding the Referendum and Defendants' numerous public assertions, Secretary Hoskins has never offered *any* factual or legal basis that would justify invalidating the *thousands* of signatures that would be necessary to render the Referendum insufficient. That is because there is no such justification, as the LEAs' validation efforts have demonstrated. At this point, the only conceivable basis for the Secretary to claim the Referendum is insufficient is his erroneous contention that the Referendum violates the Missouri and U.S. Constitutions.

But the Secretary took that position in legal filings in October 2025. As the federal court noted, that assertion would provide a basis for *immediately* deeming the Referendum insufficient and not counting a single signature. More recently, Secretary Hoskins has suggested he has "concerns" about the legality of the Referendum and is "looking into" them. But he was confident enough to ask a federal court to enjoin submission of signatures on that basis seven months ago. In any event, the necessary legal research isn't a heavy lift. The Missouri Constitution says, in plain English, which acts of the General Assembly are exempted from the referendum power, and redistricting bills are not identified. And the United States Supreme Court confirmed just three years ago that the Elections Clause of the U.S. Constitution does not preclude subjecting redistricting bills to a popular referendum. *Moore v. Harper*, 600 U.S. 1, 23-26 (2023). Secretary Hoskins has everything he needs to make a decision, has made a decision, and needs to issue a certificate under Section 116.150.

**B. Plaintiffs Are Likely to Prevail on Count II Because HB 1 Cannot Lawfully be Implemented While Its Legal Status is Indeterminate**

Likewise, Plaintiffs are likely to prevail on Count II because the Supreme Court has *unequivocally* held that it is "impossible to say" whether HB 1 is in effect. Ex. 20 at 16. The Supreme Court's decision emphasized that the status of HB 1 was patently indeterminable *until* the Secretary "finally determine[s]" the "certification process." *Id.* Yet, Secretary Hoskins continues to take public positions that are

plainly inconsistent with the Court's holding. Despite the *Maggard* decision, Secretary Hoskins claims HB 1 *is in effect*, has directed LEAs to use it to conduct the upcoming primary elections, and has threatened criminal penalties against officials who exercise independent judgment. Pet. ¶¶ 125-126, 161. Until the Secretary issues a certificate of sufficiency or insufficiency, and any subsequent judicial process is completed, the legal status of HB 1 is wholly unknown.

C. Plaintiffs are Likely to Prevail on Count III Because Secretary Hoskins' Conduct Unconstitutionally Burdens the Referendum Power

Plaintiffs are also likely to prevail on Count III because Defendants' actions—as applied to the facts of this case—render the Chapter 116 review process unconstitutional. Secretary Hoskins could have determined compliance with the signature requirement on December 9, 2025, or shortly thereafter, using the circulator affidavits as expressly permitted under Section 116.120. Ex. 20 at 8; Pet. ¶¶ 136-141. Instead, he chose the most time-consuming method of review—manual verification of each signature by LEAs (Pet. ¶ 143)—while simultaneously implementing HB 1 as if no referendum petition had ever been filed. Even so, the Secretary knew by March 23, 2026—at the absolute latest—that there were enough valid signatures to qualify the Referendum for the ballot. Pet. ¶ 145; Ex. 10.

A confluence of factors renders the Secretary's actions unconstitutional as applied. HB 1 purports to redraw congressional districts for elections to be conducted in August and November 2026. The General Assembly passed HB 1 at a special session in September 2025, pushing the statutory review process closer to those elections. Despite having the ability to certify the Referendum—and further receiving confirmation from LEAs no later than March 23, 2026, that the Referendum has enough valid signatures—the Secretary has elected to delay issuance of a certificate as long as possible. Pet. ¶¶ 164(a)-(d). Meanwhile, the Secretary has simultaneously proceeded with implementation of HB 1, rather than the common-sense approach of not trying to enforce a law whose legal status is indeterminate. Pet. ¶ 164(d).

The statutory scheme generally works when state officials act in good faith and conduct expeditious review. Pet. ¶ 166. But because Defendants are not acting in good faith and are instead intentionally delaying issuance of a certification decision in the hopes of conducting elections under maps they know are not, and cannot be, in legal effect, Chapter 116 is unconstitutional as applied. Pet. ¶ 167.

There can be no serious dispute that Defendants' interference with the referendum power has been intentional. They have publicly declared their preference for the congressional districts in HB 1. They sued to prevent submission of signatures in the first place. Before reviewing a single signature, Secretary Hoskins publicly asserted his intention to take the full time possible under Chapter 116. Attorney General Hanaway publicly declared a strategy of delay worked in Defendants' favor. After the Supreme Court of Missouri unequivocally held it is "impossible to know" whether HB 1 is in effect, Defendants began immediately insisting HB 1 is in effect. Secretary Hoskins has had everything he needs to issue a certificate for months. The *sole* explanation for his otherwise inexplicable refusal to issue a certificate under Section 116.150 is the one Defendants publicly declared last year: intentional delay.

Had Secretary Hoskins issued a certificate of insufficiency in December 2025—as the federal court instructed him he should do—Plaintiffs could and would have sought judicial review and the courts would conclusively have determined whether HB 1 was suspended well before candidate filing opened in March 2026. Pet. ¶ 144. Had the Secretary issued a certificate at any point after March 23, 2026, the courts likewise would have resolved the matter well in advance of the August primaries. Pet. ¶¶ 146-147. Instead, the Secretary is trying to intentionally run out the clock. It is time for his games to end.

## **II. A Preliminary Injunction Will Preserve the Status Quo as Articulated in the Supreme Court's *Maggard* Decision**

The last peaceable, noncontested status is set forth in the *Maggard* decision, which emphasized that "it is impossible to say" whether HB 1 is in effect. It is still

impossible to say because Secretary Hoskins *still* has not formally completed the certification process, which would allow the courts to conclusively determine HB 1's legal status (as the Supreme Court held they must). Secretary Hoskins' unilateral directive to implement HB 1—a law the Supreme Court has said may never have gone into effect—upends that settled status quo. A preliminary injunction would preserve the status quo by preventing implementation of the HB 1 map until the Secretary discharges his statutory duty and the courts resolve HB 1's legal effectiveness.

If the HB 1 map is implemented and elections are conducted under it—only for the Referendum later to be certified as sufficient, retroactively suspending HB 1—the resulting electoral chaos would be irreversible, absent a *second* primary election (at taxpayers' expense). Voters, including Plaintiff von Glahn, would have cast ballots in the wrong congressional districts. Pet. ¶ 129. Candidates would have run in districts that never legally existed. Preserving the status quo is particularly urgent here because the primary election is fast approaching and ballots must be printed well in advance of the primary election date.

### **III. Plaintiffs Will be Irreparably Harmed Absent a Preliminary**

#### **Injunction**

Plaintiffs will be irreparably harmed absent the issuance of a preliminary injunction. “Irreparable harm is established if monetary remedies cannot provide adequate compensation for improper conduct.” *Minana v. Monroe*, 467 S.W.3d 901, 907 (Mo. App. 2015). No amount of money can compensate for the harm Plaintiffs face here. And money is not available from Defendants anyway, sovereign immunity being what it is.

First, implementation of the HB 1 map will directly injure Plaintiff von Glahn's voting rights. Under the 2022 map, he resides in Congressional District 2; under HB 1, he would be reassigned to Congressional District 1. Pet. ¶¶ 16-17. If the HB 1 map is used for the primary elections and the Referendum is subsequently certified as sufficient, Plaintiff von Glahn will have been forced to cast his vote in

an unlawful primary for candidates he is not entitled to vote for and risk having to cast his vote again in the future. The right to vote is “fundamental,” and injuries to that right are “irreparable” by their nature. *Reynolds v. Sims*, 377 U.S. 533, 555 (1964).

Second, being subjected to the enforcement of a law whose legal status is indeterminate constitutes irreparable harm. “The United States Supreme Court has held being subject to an unconstitutional statute, for even minimal periods of time, unquestionably constitutes irreparable injury.” *Rebman v. Parson*, 576 S.W.3d 605, 612 (Mo. banc 2019) (citing *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). Here, it is, at minimum, “impossible to say” whether HB 1 is the law. That said, the evidence demonstrates that the Referendum has more than enough signatures, it is constitutionally permissible to subject congressional redistricting to the referendum, and the Supreme Court made clear in *Maggard* that HB 1 is, therefore, suspended. Forcing compliance with a law of indeterminate legal status—and threatening criminal penalties against officials who question its validity—constitutes precisely the kind of irreparable injury that preliminary injunctions are designed to prevent.

Third, Secretary Hoskins’ conduct irreparably harms Plaintiffs’ constitutional right to referendum. The Missouri Constitution reserves to the people the power to approve or reject legislation by referendum. Mo. Const. art. III, § 49. The Secretary’s deliberate delay in issuing a certificate—combined with his simultaneous implementation of HB 1—is designed to moot that right by conducting elections under the HB 1 map before the courts can determine whether the map was lawfully suspended. There are two options here: (1) compel the Secretary to do his job by completing the certification process so HB 1’s legal status can be finally determined, and the primary election can proceed smoothly, or (2) conduct two primary elections after the illegal one Secretary Hoskins intends to conduct is declared invalid. The choice is clear.

#### **IV. A Preliminary Injunction Will Not Harm Secretary Hoskins**

There will be no harm to Secretary Hoskins if this Court grants Plaintiffs' requested relief. The injunction does not prevent Secretary Hoskins from continuing his review of the Referendum petition or from issuing a certificate under Section 116.150—in fact, it would require him to do so. The only conduct that would be enjoined is the premature implementation and enforcement of a congressional map whose legal status remains indeterminate. Secretary Hoskins has no legally cognizable interest in implementing a law that the Supreme Court has said may not be in effect.

Further, granting the requested relief would then enable the courts to conclusively resolve which map is in effect. If Secretary Hoskins' position on the legality of the referendum were to prove correct, he would then be free to use the HB 1 map. It is in his interest to have this matter resolved.

#### **V. The Public Interest Overwhelmingly Favors Entry of a**

##### **Preliminary Injunction**

The public interest strongly favors enjoining implementation of a congressional map whose legal validity is disputed and that has not been determined to be legally effective. Missouri voters have a profound interest in casting their ballots in the correct congressional districts, for the correct candidates. The Boone County Clerk warned Secretary Hoskins that his refusal to issue a certificate “compromises both the administration and integrity of the election and, worse, breeds public distrust in the process.” Ex. 21.; Pet. ¶ 80. The public also has a strong interest in not being required to vote in primaries a second time (or pay for those primaries<sup>3</sup>) when the courts finally determine what is readily apparent – HB 1 was suspended on December 9, 2025.

The public also has a paramount interest in the orderly exercise of the referendum power the people reserved to themselves in the Missouri Constitution.

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<sup>3</sup> In addition, counties have an interest in not being forced to pay for a second election that was not requested nor required. See §115.065, RSMo.

Statutory provisions relative to the initiative and referendum must be construed “to make effective the people’s reservation of that power.” *MPIP*, 799 S.W.2d at 827. Allowing Secretary Hoskins to circumvent that power by implementing HB 1 before the certification and judicial review process is complete would undermine a foundational feature of Missouri’s democratic system.

Finally, the public interest is served by requiring elected officials to comply with the law. Missouri’s Supreme Court has already held that it is “impossible” to determine whether HB 1 is in effect. Permitting Secretary Hoskins to direct election officials to implement a law of indeterminate legal status—on pain of threatened criminal penalties—undermines the rule of law and public confidence in the electoral process.

## **VI. A Minimal Bond is Appropriate in this Matter**

A preliminary injunction may not issue without a bond. That bond shall be in such a sum “sufficient to secure the amount or other matter to be enjoined, and all damages that may be occasioned by such injunction.” Rule 92.02(d). There is no monetary amount at issue in this matter and no damages that will accrue to Secretary Hoskins from maintaining the status quo. Due to this, Plaintiffs request this Court set the amount of the bond at \$100.

## **CONCLUSION**

Plaintiffs are likely to succeed on the merits of their claims and face irreparable harm to their voting rights, their constitutional referendum rights, and the integrity of Missouri’s electoral process. Secretary Hoskins faces no cognizable harm from a preliminary injunction requiring maintenance of the status quo—under which it is “impossible” to know the legal status of HB 1—while he completes his statutory duty and the courts resolve the legal effectiveness of HB 1. The public interest strongly favors preventing the implementation of a congressional map whose legal validity is indeterminate and that has not been certified as effective. Plaintiffs respectfully request this Court enter a preliminary injunction enjoining Secretary Hoskins from implementing, using, or mandating the use of the HB 1

congressional map, or any other congressional map, until: (1) he has issued a certificate of sufficiency or insufficiency with respect to HB 1 pursuant to Section 116.150; and (2) Missouri courts have conclusively resolved whether HB 1 was validly suspended on December 9, 2025; and for such other relief as the Court deems just and proper.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on May 22, 2026, the foregoing was filed with the Clerk of the Court and served on all parties via Special Process Server.

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Attorney for Plaintiffs