

IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI

RICHARD VON GLAHN, and PEOPLE)
NOT POLITICIANS)

Plaintiffs,)

v.)

Case No: 26AC-CC00248

CATHERINE HANAWAY, in her official)
capacity as Missouri Attorney General,)
and DENNY HOSKINS, in his official)
capacity as Missouri Secretary of State)

Defendants.)

STATE DEFENDANTS' SUGGESTIONS IN SUPPORT OF MOTION TO
DISMISS OR, IN THE ALTERNATIVE, FOR JUDGMENT ON THE
PLEADINGS

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INTRODUCTION

On May 12, 2026, the Missouri Supreme Court definitively held that H.B. 1, Missouri's enacted congressional map, was *not* automatically suspended by the December 9, 2025 filing of a referendum petition. *Maggard v. State*, --- S.W.3d ---, 2026 WL 1361506, at *8 (Mo. banc May 12, 2026). The *Maggard* Court also held that §§ 116.130 and 116.150, which confer authority on the Secretary of State to review the petition for statutory sufficiency until August 4, 2026, do not conflict with the Missouri Constitution. *Id.* at *4 n.12, *8.

Across the 169 paragraphs of Plaintiffs People Not Politicians and Richard von Glahn's Petition, one thing is clear: Plaintiffs' lawsuit is a last-ditch, dilatory, and meritless attempt to reverse the Missouri Supreme Court's holding that H.B. 1 is currently in effect. Relying on factual allegations from *last fall* or March, Plaintiffs waited to file this lawsuit until *late May*—with the consequence that voting has already started. Nevertheless, Plaintiffs now demand that this Court simply ignore *Maggard* and Missouri's statutory referendum review process.

The Court should dismiss this doomed case—for several reasons. First, laches and the *Hadley* principle bar any relief the Plaintiffs could achieve. Voting begins in just a couple days. Deadlines have passed while Plaintiffs sat on their suit for months. Second, Plaintiffs simply lack a cause of action to challenge the timing of the Secretary's certification decision; their attempt to fashion a bizarre quasi-mandamus action applicable to *discretionary* government prerogatives fails. Third, Plaintiffs' claims are unripe because Secretary Hoskins has not yet filed his certification—he has until August 4 under the plain terms of § 116.150.3. Fourth,

Courts II and III are clearly foreclosed by *Maggard*—which unambiguously held that House Bill 1 is in effect. And, finally, Plaintiffs impermissibly split claims when the proper vehicle to voice their concerns is the pending case of *People Not Politicians v. Hoskins*, No. 25AC-CC07128 (Cole Cnty. Cir. Ct.), before Judge Limbaugh in this Circuit. For all these reasons, this Court should dismiss, or, in the alternative, grant judgment on the pleadings in favor of the State on all counts.

LEGAL STANDARDS

I. Preliminary and permanent injunctive relief.

“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.” *State, ex rel. Schmitt v. Zill, Inc.*, 603 S.W.3d 327, 332–33 (Mo. App. W.D. 2020) (quoting *Zoological Park Subdist. of the Metro. Park Museum Dist. v. Smith*, 561 S.W.3d 893, 896 (Mo. App. E.D. 2018)). “A permanent injunction should be granted sparingly in clear cases only, and the decree should be framed to afford relief to which complainant is entitled and not to interfere with legitimate and proper action by those against whom it is directed.” *Bates v. Webber*, 257 S.W.3d 632, 636 (Mo. App. S.D. 2008) (internal citation omitted).

II. Declaratory judgment.

“[I]n order to maintain a declaratory judgment action, a petitioner must satisfy four requirements.” *Northgate Apartments, L.P. v. City of North Kansas City*, 45 S.W.3d 475, 479 (Mo. App. W.D. 2001). “First, the petitioner must demonstrate a justiciable controversy exists which presents a real, substantial, presently-existing controversy as to which specific relief is sought, as distinguished from an advisory decree offered upon a purely hypothetical situation.” *Id.* (citing *City of St. Louis v. Milentz*, 887 S.W.2d 709, 711 (Mo. App. E.D. 1994)). “Second, the petitioner must demonstrate a legally protected interest consisting of a pecuniary or personal interest directly at issue and subject to immediate or prospective consequential relief.” *Id.* “Third, the question presented by the petition must be ripe for judicial determination.” *Id.* And, finally, “[a] petitioner who satisfies all three of these

elements must also demonstrate that he or she does not have an adequate remedy at law.” *Id.*

ARGUMENT

I. Plaintiffs' own delay bars their suit under laches and the *Hadley* doctrine.

At this late hour, when candidate filing and final certification are completed, judicial interference with ballots is prohibited, and any hearings on this motion and subsequent motions will occur *after* voting has already begun—laches and the *Hadley* doctrine clearly bar any relief sought by Plaintiffs' suit. *See Hadley v. Junior Coll. Dist. of Metro. Kansas City*, 460 S.W.2d 1, 2–3 (Mo. banc 1970).

A. Plaintiffs' claims are barred by laches in light of their inexcusable delay.

"Laches may be invoked where a party 'knew of the facts giving rise to [their] rights and delayed assertion of [their] rights for an excessive amount of time, and that the [other party] suffered legal detriment as a result.'" *Lin v. Clark*, 666 S.W.3d 270, 278 n.10 (Mo. App. W.D. 2023) (third alteration in original) (citation omitted). Laches fits this case like a glove.

To start, as Plaintiffs' own Petition makes clear, they could have brought this suit in mid-December 2025. Plaintiffs' theory is that Secretary Hoskins plans to reject the proposed referendum on constitutional grounds. Pet. ¶¶ 40–41. But their basis for that theory is a federal lawsuit filed by Secretary Hoskins on October 15, 2025. Indeed, the Secretary did state his belief that the proposed referendum violates the Missouri and U.S. Constitutions back in October, *see* Pltfs. Ex. 3, Compl., ¶¶ 64–74, *Mo. Gen. Assembly v. von Glahn*, No. 4:25-CV-1535-ZMB (E.D. Mo. Oct. 15, 2025), ECF No. 1. And the Secretary and the Attorney General publicly stated that H.B. 1 was effective in December 2025. *See* Ex. 2, David A. Lieb & Hannah Schoenbaum,

PBS News, *Opponents of Trump-backed redistricting in Missouri submit a petition to force a public vote* (Dec. 10, 2025).¹

Therefore, Plaintiffs could have brought this lawsuit in December 2025. In fact, several other litigants did just that in the *Maggard* case. See Pet., ¶¶ 36–37, *Maggard v. State*, No. 25AC-CC09120 (Cole Cnty. Cir. Ct. Dec. 23, 2025) (discussing allegations of the Secretary “delaying” the referendum certification). Meanwhile, PNP did not sue. It continued to litigate another closely related lawsuit before Judge Limbaugh. See *People Not Politicians v. Hoskins*, No. 25AC-CC07128 (Cole Cnty. Cir. Ct. Sept. 18, 2025) (hereafter *PNP v. Hoskins*); *infra* at 20. And it objected repeatedly in the court of public opinion—saying that the map’s implementation pre-certification was unlawful. On December 9, for example, a PNP press release stated that “[i]f the Secretary of State refuses to certify the referendum or attempts to put HB1 into effect prematurely, People Not Politicians is prepared to take immediate action in state court.” Ex. 1, Press Release, *People Not Politicians* (Dec. 9, 2025).²

Despite these public declarations, PNP never filed suit or moved to intervene in ongoing litigation. At the latest, Plaintiffs could have brought suit immediately following March 23, 2026, when Plaintiffs allege that “LEAs had validated enough signatures to qualify the referendum for the ballot.” Pet. ¶ 145.

¹ <https://www.pbs.org/newshour/politics/opponents-of-trump-backed-redistricting-in-missouri-submit-petition-with-thousands-of-signatures-to-force-a-public-vote>.

² <https://peoplenotpoliticiansmo.org/missouri-voters-mobilize-in-defense-of-core-democratic-rights-with-historic-referendum-submission-halting-missouris-super-gerrymander/>.

Instead, Plaintiffs dithered, waiting to file until May 18, 2026—*months* after the close of candidate filing and just days before the May 26, 2026, deadline for election officials to implement the map for the August primary election. §§ 115.125, 115.387, 115.401, 116.240, RSMo. Critically, the statutory deadline for courts to alter the ballot for the August primary—June 9, 2026—has now passed. § 115.125.3, RSMo. The law reads: “No court shall have the authority to order an individual or issue be placed on the ballot less than eight weeks before the date of the election.” *Id.* Finally, under federal (and Missouri) law, absentee ballots are transmitted to “absent uniformed services voter[s] and overseas voter[s] . . . not later than 45 days before the election.” 52 U.S.C. § 20302(a)(8)(A); *accord* § 115.914.1, RSMo.

Under these extraordinary circumstances, Plaintiffs filed this lawsuit far too late. *See Lin*, 666 S.W.3d at 278 n.10. Indeed, Plaintiffs do not even offer a reason for waiting so long to file this case. The State can think of only one: Plaintiffs thought that other lawsuits—like the *Maggard* case or their own lawsuit in front of Judge Limbaugh—had a better chance of succeeding than this one. And for good reason. The whole crux of Plaintiffs’ case depends on the notion that Secretary Hoskins is somehow violating the law in following a clear statutory deadline. *See* Pet. ¶¶ 67–71 (stating that Secretary Hoskins wields discretionary review authority and has an August 4, 2026 deadline to issue a certificate deeming the referendum sufficient or insufficient). Although it is understandable why Plaintiffs were not eager to tee up such a weak lawsuit, they certainly cannot do so at the absolute last minute only after other more serious challenges failed.

B. The State—and Missouri voters—will suffer extraordinary harm if this Court allows Plaintiffs to derail the election after Plaintiffs’ own delay.

Here, Plaintiffs’ delay “work[ed] to the disadvantage and prejudice of the defendant.” *Metro. St. Louis Sewer Dist. v. Zykan*, 495 S.W.2d 643, 656–57 (Mo. 1973). Their dilatoriness means that—right now—it would be practically impossible for the State to displace the H.B. 1 map with voting beginning in just a couple days. Ballots for military and overseas absentee voters must go out on June 18, 2026. 52 U.S.C. § 20302(a)(8)(A); § 115.914, RSMo. Absentee voting begins on June 23, 2026. § 115.281, RSMo. For months, state and local election officials have diligently prepared for the imminent start of voting under the H.B. 1 map. Entertaining Plaintiffs’ tardy request to alter the governing congressional map would wreak havoc with the reliance interests of millions of Missourians.

First, state and federal law prohibit Plaintiffs’ twilight gambit. To comply with federal law, ballots for the August primary election need to be printed and tested prior to being mailed out at least forty-five days ahead of the primary election—June 18, 2026.³ 52 U.S.C. § 20302(a)(8)(A); § 115.914, RSMo. Furthermore, the Missouri Centralized Voter Registration (“MCVR”) system requires local election authorities manually adjust districts on a street-by-street and house-by-house basis when a new district map is implemented, a time-intensive process before local election authorities can start creating and assigning ballots. That is why the Secretary completed the

³ Forty-five days before the election falls on a Saturday. The prior day is Friday, June 19, 2026, a state and federal holiday, so the next prior business day—June 18—is the deadline.

final certification of the sample ballot to election authorities by May 26, 2026, §§ 115.125, 115.387, 115.401, 116.240, RSMo. Moreover, directly barring Plaintiffs' suit, Missouri statutory law prohibits changes to the ballots for the August primary election after June 9, 2026—which has already passed. § 115.125.3, RSMo.

Federal law also prevents Plaintiffs' desired relief. Missouri must comply with the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301 *et seq.*, ("UOCAVA"). Under UOCAVA, local election authorities must transmit ballots "not later than forty-five days before the election" to military and overseas voters and prevents certification of election results before three days following the election under §§ 115.914, 115.920.1, 115.508, RSMo. These UOCAVA requirements apply to both the primary (August 4, 2026) and general (November 3, 2026) elections for congressional seats under § 115.904(1). For the primary election, forty-five days is June 18, 2026. § 115.914, RSMo. And, at this late hour, this Court cannot alter the ballots. *See* § 115.125.3, RSMo.

Beyond legal and practical impossibility of awarding Plaintiffs' sought relief, their belated demands would injure millions of Missourians. More than nine months have passed since the new map was enacted. And, again and again, the Missouri Supreme Court has upheld the constitutionality of the map, *see generally Luther v. Hoskins*, 730 S.W.3d 567, 574 (Mo. banc 2026); *Healey v. State*, 732 S.W.3d 827, 852 (Mo. banc 2026); *Maggard*, --- S.W.3d ---, 2026 WL 1361506, at *8 (Mo. banc May 12, 2026); *Nat'l Ass'n for the Advancement of Colored People Mo. State Conf. v. Kehoe*, --- S.W.3d ---, 2026 WL 1492715, at *5 (Mo. banc May 27, 2026). Therefore, it is no

surprise that candidates have already spent millions of dollars relying on the new map.⁴ It is also unsurprising that the wider public reasonably expects to vote under the enacted 2025 map. And, given the last-minute nature of this lawsuit, any “legal confusion” concerning the map is a result of Plaintiffs’ own dilatory tactics. Pet. ¶ 81.

This Court should apply laches and bar Plaintiffs’ suit.

C. The *Hadley/Purcell* doctrine strongly favors staying relief until the upcoming 2026 elections are concluded.

Even if this Court did not dismiss Plaintiffs’ suit for its myriad fatal defects, well-established Missouri equitable principles would foreclose any relief Plaintiffs sought. And, since this case will become immediately moot after the Secretary’s certification decision by August 4, *Hadley* de facto bars any declaratory or injunctive relief Plaintiffs seek, warranting dismissal or, in the alternative, judgment on the pleadings for the State.

Aversion to judicial interference during ongoing elections is old soil in Missouri. In 1970, this Court applied the rule that federal courts would subsequently call the *Purcell* principle. On February 25, 1970, in *Hadley*, this Court received a mandate on remand after the U.S. Supreme Court found that districts for electing school officials were unconstitutionally apportioned. 460 S.W.2d at 2. As of that date, the candidate filing period was scheduled to end in a few days. *Id.* at 3. Under those circumstances, this Court “concluded that the imminence of these elections is such that it would be unwise for this court hastily to attempt to implement the February

⁴ See, e.g., Federal Election Commission, *Campaign Finance Data: Missouri – House District 5* (last accessed June 17, 2026), <https://www.fec.gov/data/elections/house/MO/05/2026/#candidate-financial-totals>.

25, 1970, decision of the Supreme Court of the United States with respect to those elections.” *Id.* Relying on *Reynolds v. Sims*, 377 U.S. 533, 585 (1964), also the key basis for *Purcell*, this Court held that “the overriding public interest in the orderly operation of respondent and other junior college districts in Missouri requires, and this court so orders, that the elections of trustees of said districts scheduled in April, 1970, be held under the *present* provisions of Chapter 178, V.A.M.S.” *Id.* at 2–3.

Hadley makes this is an *a fortiori* case. Whereas candidate filing was *ongoing* when the Missouri Supreme Court declined to alter election districts for an upcoming election in *Hadley*, candidate filing in Missouri closed on March 31, 2026. § 115.349.1, RSMo. As in *Hadley*, “the election machinery already is in operation,” 460 S.W.2d at 3, and critical statutory deadlines have passed—including the deadline by which any changes to the August primary ballot must be made, § 115.125, RSMo. This Court should apply *Hadley* here and decline to award relief displacing the imminent 2026 elections.

Indeed, if this case was in federal court, the *Purcell* principle would obviously apply under these circumstances, requiring any injunction in favor of Plaintiffs to be stayed until after the 2026 elections, at which point Plaintiffs’ suit will be moot. *See Abbott v. League of United Latin Am. Citizens*, 146 S. Ct. 418, 419–20 (2025) (staying lower district court injunction issued during candidate filing period); *see generally Purcell v. Gonzalez*, 549 U.S. 1 (2006) (per curiam). When elections are near-at-hand, federal courts have “recognized that ‘practical considerations sometimes require courts to allow elections to proceed despite pending legal challenges.’” *Merrill v.*

Milligan, 142 S. Ct. 879 (Mem.), 882 (Kavanaugh, J., concurring) (quoting *Riley v. Kennedy*, 553 U.S. 406, 426 (2008)). This is the “*Purcell* principle.” *See id.*

In *Abbott*, for example, the U.S. Supreme Court applied the *Purcell* principle and barred changes to Texas’s congressional map made in November 2025, before Texas’s candidate filing deadline in December. This case, of course, is far easier than *Abbott*. Whereas candidate filing was ongoing in that case, it closed months ago in Missouri. Actual voting will begin when military and overseas absentee ballots are transmitted on June 18, 2026. § 115.914, RSMo. In other words, this case would be quickly disposed of in a federal court. *See, e.g., Republican Nat’l Comm. v. Democratic Nat’l Comm.*, 589 U.S. 423, 425 (2020) (per curiam) (applying *Purcell* and staying district court order extending absentee ballot mailing deadline); *Merrill*, 142 S. Ct. 879 (Mem.) (staying district court injunction where mail voting would begin seven weeks later).

Plaintiffs could have filed their suit in December, but they declined. They could have filed their suit in March, but they declined. Meanwhile, deadline after deadline has passed, including candidate filing and the statutory deadline to alter the ballot. Voting begins on June 18, 2026. This Court should apply the Missouri Supreme Court’s decision in *Hadley* and dismiss.

II. Count I should be dismissed because Plaintiffs have no cause of action.

Count I of the Petition seeks to force Secretary Hoskins to make a certification decision *before* Chapter 116’s statutory deadline. Pet. ¶ 121. However, Plaintiffs have no cause of action for Count I, which must therefore be dismissed.

A. Plaintiffs improperly seek mandamus to compel a discretionary duty.

To get around what they view as an inconvenient statutory deadline, Plaintiffs implicitly invoke the mandamus writ. *See* Pet. at 28 (“Order Defendant Hoskins to immediately issue a certificate regarding the sufficiency of HB 1 pursuant to Section 116.150 . . .”). But courts can only issue mandamus writs for ministerial duties—not discretionary ones. *See Jones v. Carnahan*, 965 S.W.2d 209, 212–13 (Mo. App. W.D. 1998) (“Mandamus will issue to compel the performance of a ministerial duty but not to compel the performance of a discretionary duty.”). And here, Secretary Hoskins’s review of the proposed referendum under Chapter 116 is deeply discretionary—not ministerial. Chapter 116 gives Secretary Hoskins substantial discretion on *how* and *when* to review the proposed referendum. *See* §§ 116.150, 116.200, RSMo. At the end of the process, he must make a legal decision based on both facts (e.g., whether there are enough signatures) and law (whether the proposed referendum is constitutional). §§ 116.120–116.150, 116.200, RSMo; *Mo. Gen. Assembly v. von Glahn*, No. 4:25-CV-1535-ZMB, 2025 WL 3514277, at *1 (E.D. Mo. Dec. 8, 2025) (“After the timely submission of a final petition, the Secretary of State must ‘examine the petition to determine whether it complies with the Constitution of Missouri and with [Chapter 116]’ and verify whether there are enough valid signatures to trigger a statewide vote. § 116.120, RSMo. If the Secretary finds that the petition satisfies both requirements, see § 116.150, RSMo., the challenged law is displaced and will only ‘take effect when approved by a majority of the votes cast thereon,’ Mo. Const. art. III, § 52(b).” (alteration in original)). Where, as here, a

decision, “involves a determination of facts or a combination of facts and law, a discretionary act rather than a ministerial act is involved, and this discretion cannot be coerced by the courts.” *Jones*, 965 S.W.2d at 213.

Therefore, Plaintiffs cannot bring a covert mandamus action, and this Court should dismiss Count I.

B. Plaintiffs have no cause of action under § 536.150.

Unable to pursue mandamus, Plaintiffs retreat, citing § 536.150 as their basis to challenge the illusory “decision” that Secretary Hoskins deemed the referendum insufficient. Pet. ¶ 119. The relevant portion of § 536.150 allows for judicial review for “determining the legal rights, duties or privileges of any person,” by injunction among other forms, when “any administrative officer or body existing under the constitution or by statute or by municipal charter or ordinance shall have rendered a decision which is not subject to administrative review. . . .”

But § 536.150 does not provide a cause of action for Count I. To start, Plaintiffs simply fail to allege that Secretary Hoskins has made a final administrative decision at all. They use ambiguous language about a supposed decision he made regarding the purported constitutionality of the referendum. Pet. ¶¶ 38–40. This was not “render[ing] a decision” in administrative terms. § 536.150, RSMo. The relevant decision is the *certification* under Chapter 116—a specific document containing a formal and final decision. § 116.150, RSMo.

And, in any case, even if Secretary Hoskins had made a determination about *some* questions of sufficiency, that does not mean that *all* questions of sufficiency have been finally resolved. After all, almost certainly, the Secretary’s decision will

be subject to judicial review. It is his duty to see—comprehensively—whether the petition is sufficient. If there are multiple grounds for determining insufficiency, for example, it is the Secretary’s *duty* to identify them. § 116.150, RSMo. Otherwise, providing Plaintiffs’ alleged, partial justification for certification of insufficiency would preclude comprehensive judicial review of the Secretary’s decision.

Finally, § 536.150 cannot apply here because Chapter 116 provides a specific statutory review process that controls this case. All lawyers know that the specific controls the general. *See City of Aurora v. Spectra Commc’ns Grp., LLC*, 592 S.W.3d 764, 788 (Mo. banc 2019) (“[A] specific statute will control over a general statute. ‘[W]here one statute deals with the subject in general terms and the other deals in a specific way, to the extent they conflict, the specific statute prevails over the general statute.’” (quoting *Turner v. Sch. Dist. of Clayton*, 318 S.W.3d 660, 668 (Mo. banc 2010)) (second alteration in original)); *see also Knight v. Carnahan*, 282 S.W.3d 9, 20–21 (Mo. App. W.D. 2009) (reiterating “the principle of *lex specialis derogat legi generali*”). Here, the General Assembly has created an intricate regime for the Secretary’s review of referendum petitions. Sections 116.150 and 116.200 are tailored to ensure thorough review of these petitions. They provide for a specific *form* of final decision—a certificate of sufficiency or insufficiency—and a *deadline*. § 116.150.1, RSMo. (“the secretary of state shall issue a certificate”); § 116.150.3, RSMo. (August 4 deadline). These 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.” *ACLU of Mo. v. Ashcroft*, 577

S.W.3d 881, 893 (Mo. App. W.D. 2019). Importantly, this statute provides the appropriate legal “remedy” to “compel the secretary of state to reverse a petition certification decision.” *Id.* at 897 (quotation omitted).

Plaintiffs’ invocation of the general § 536.150 cannot defeat the special review process of §§ 116.150 and 116.200 delineated specifically for referendum petitions.

* * *

The law is simple in this case. Chapter 116 gives Secretary Hoskins a deadline by which to make a decision. § 116.150.3, RSMo. All agree he has until August 4 to make that decision. Once the decision is made, Chapter 116 gives Plaintiffs ten days to challenge that decision. § 116.200.1, RSMo. That is the lawsuit Plaintiffs may file—not this one.

C. Count I is unripe because it attempts to impermissibly interfere with Chapter 116’s review process.

As independent, adequate grounds to dismiss, Count I is not ripe. *See Geier v. Mo. Ethics Comm’n*, 474 S.W.3d 560, 569 (Mo. banc 2015) (“Even when a party has standing, however, the claims must also be ripe.”). Missouri law could not be clearer. Section 116.200 states that *after* certification, “any citizen may apply to the circuit court of Cole County to compel him to reverse his decision. The action must be brought within ten days after the certification is made.” *Id.*

Here, Plaintiffs flagrantly ignore this timing requirement. In fact, they even admit that they are improperly invading the Chapter 116 review process. *See* Pet.

¶ 105 (“Plaintiff von Glahn has an absolute statutory right to challenge Defendant Hoskins’ determination as to the sufficiency of the Referendum but can do so only

once Secretary Hoskins has issued the required certificate. § 116.200.1, RSMo.”). This Court should not endorse Plaintiffs’ attempt to evade Chapter 116’s review timeline, especially since Plaintiffs must concede that the key triggering provision for judicial review, the actual certification of sufficiency or insufficiency, has *not yet occurred*. Their gambit to avoid this obvious fact—improper compulsion of a discretionary review process—does not render this count ripe.

III. Counts II and III are clearly foreclosed by *Maggard*.

Plaintiffs’ Count II asks for a “declaratory judgment that HB 1 is not the law.” Pet. ¶¶ 122–30. Count III requests this Court declare “[s]ections 116.120, 116.130, 116.140, and 116.150 . . . unconstitutional as applied to plaintiffs.” Pet. ¶¶ 131–69. These claims would be deeply familiar to Judge Stumpe or the Missouri Supreme Court because these are the *same claims* rejected in *Maggard*. For example, compare Paragraphs 43 and 44 of the *Maggard* Petition:

43. Plaintiffs are entitled to declaratory relief that HB1 is suspended until voters approve or reject it through the constitutional referendum process.
 44. Plaintiffs are further entitled to injunctive relief prohibiting the use of HB1’s new congressional map before voters approve or reject it.
- Maggard* Pet. ¶¶ 43, 44, with:

Restrain Defendants from taking any further steps to implement or mandate the use of HB 1 until such time as [Secretary Hoskins] has issued a certificate of sufficiency or insufficiency and the courts have conclusively resolved the sufficiency of HB 1 and whether it was suspended on December 9, 2025.

Pet. at 28. And, also, compare Paragraph 42 of the *Maggard* Petition:

To the extent Section 116.150 or 116.130, RSMo, permits the Secretary of State to delay suspension of a referred law until the issuance of a certificate of sufficiency—and thus allows a referred law to go into effect—those statutes

conflict with Article III, Sections 49, 52(a), and 52(b) of the Missouri Constitution, at least as applied to the facts here, and are unconstitutional.

Maggard Pet. ¶ 42, with:

Insofar as Defendants claim Defendant Hoskins has not made a determination concerning the Referendum’s sufficiency and the Court concludes that to be the case, Sections 116.120, 116.130, 116.140, and 116.150—as applied to Plaintiffs—are unconstitutional.

Pet. ¶ 132. As is clear, Plaintiffs are seeking the same combination of declaratory and injunctive relief—asking this Court declare Missouri’s congressional map de facto *suspended*, and, in the alternative, asking that Chapter 116 is unconstitutional as applied to PNP’s referendum petition.

Although the Missouri Supreme Court rejected the *exact same* claims Plaintiffs bring now, Plaintiffs home in on a single, solitary sentence from *Maggard*:

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.

Maggard, 2026 WL 1361506, at *8. From this statement, Plaintiffs seemingly think that H.B. 1 *was suspended*, and that Missouri has *no congressional map*, until the Secretary issues a certification decision on their referendum. *See* Pet. ¶ 110.

But Plaintiffs badly misread that sentence. Read in conjunction with the Court’s clear holding that the December 9 referendum petition “did not automatically suspend HB 1,” *Maggard*, 2026 WL 1361506, at *8, all this sentence means that suspension will take effect only if the Secretary issues a certification of sufficiency.

And *if* the Secretary certifies the referendum, the suspension will activate retroactively from December. *See id.*

Contrary to Plaintiffs' strange belief, that does not mean H.B. 1 is suspended *now*. If it was, then H.B. 1 would be suspended upon the mere submission of unverified signature petitions, exactly the position which the *Maggard* Court rejected:

Under Appellants' argument, the suspension is automatic, regardless of whether the boxes contained petitions consisting only of invalid signatures, signatures of unregistered voters, or even blank pieces of paper. Appellants' argument would permit legislation truly agreed to and finally passed by a majority of Missouri citizens' elected representatives to be automatically suspended based on nothing more than the delivery of boxes purporting to contain signed referendum petitions complying with article III, section 52(a). This is not a reasonable reading of the plain language of article III, section 52(a).

Maggard, 2026 WL 1361506, at *3 n.10. If Plaintiffs are correct that H.B. 1 cannot be treated as presumptively effective until the Secretary's certification decision, then the *Maggard* opinion contradicts itself.

Plaintiffs also allege that the *Maggard* decision made it "clear that only the courts can decide whether HB 1 is in effect *after* Defendant Hoskins complies with his statutory duty." Pet. ¶ 11 (emphasis in original). But this is directly at odds with the Supreme Court's holding:

Appellants assert automatic suspension as of December 9 must occur or their right to referendum will be lost. But this misunderstands how chapter 116 interacts with article III, sections 49, 52(a), and 52(b). In the examples Appellants cite, the former secretaries of state assumed the referendum petition was "legal, sufficient, and timely[.]" Here, the secretary has chosen to do the exact opposite. The secretary has assumed the referendum petition is not "legal, sufficient, and timely" and has chosen to move forward with his statutory review process under the assumption HB 1 was not referred to the people and went into effect on December 11, 2025.

Maggard, 2026 WL 1361506, at *7. Plaintiffs’ contorted reading yields other distortions. In their world, all suits challenging H.B. 1 would be unripe because the law would not be in effect yet. This conflicts with the consistent treatment of H.B. 1 by Missouri’s courts as a live controversy. *See generally Luther*, 730 S.W.3d at 571 (“This Court will not hold HB 1 unconstitutional ‘unless it clearly contravenes a constitutional provision.’” (quoting *City of St. Louis v. State*, 682 S.W.3d 387, 396 (Mo. banc 2024))); *Healey*, 732 S.W.3d at 837.

Plaintiffs’ lawsuit demonstrates the hazard of isolating individual sentences in judicial opinions and ripping them out of context. Although that is sometimes fair game for lawyers, Plaintiffs’ attempt to do so here necessarily fails where their interpretation contradicts *Maggard*’s holding. The Court should dismiss.

IV. Plaintiffs have improperly split their claims.

This is not Plaintiffs’ first lawsuit to compel Secretary Hoskins to adhere to their preferred method of processing the referendum. On September 18, 2025, in this Circuit Court, Plaintiffs PNP and von Glahn filed suit against Secretary Hoskins in *PNP v. Hoskins*. There, PNP and von Glahn—the same Plaintiffs in this suit—challenged the same defendant’s—Secretary Hoskins’s—handling of the same referendum petition. The plaintiffs alleged statutory violations of Missouri law under §§ 116.030 as well as constitutional violations. *See PNP v. Hoskins*, Amended Pet. ¶¶ 63–86. That lawsuit is still ongoing before Judge Limbaugh, currently held in abeyance, “pending Defendant Hoskins’ certification decision.” Pet. at 10, n.6.

Missouri law bars Plaintiffs from bringing a *new* lawsuit when their claims should have been added to their preexisting suit against Secretary Hoskins. “A single

cause of action may not be split and filed or tried piecemeal.” *G.B. v. Crossroads Acad.-Cent. Street*, 618 S.W.3d 581, 591 (Mo. App. W.D. 2020) (citing *Roy v. MBW Constr., Inc.*, 489 S.W.3d 299, 305 (Mo. App. W.D. 2016)); see also *Jeschke AG Serv., LLC v. Bell*, 652 S.W.3d 305, 313 (Mo. App. W.D. 2022) (“The defense of claim splitting is closely intertwined with the defense of res judicata, and Missouri courts have characterized the defense of claim splitting as a form or aspect of *res judicata* . . .”).

“[T]he test for determining whether a cause of action is single and cannot be split is: 1) whether separate actions brought arise out of the same act, contract or transaction; 2) or whether the parties, subject matter and evidence necessary to sustain the claim are the same in both actions.” *G.B.*, 618 S.W.3d at 591–92 (quoting *Roy*, 489 S.W.3d at 305). Missouri courts define “transaction” broadly. See *Steinbach v. Marion Wheels Sedalia LLC*, 637 S.W.3d 493, 502 (Mo. App. W.D. 2021) (“The word ‘transaction’ has a broad meaning and includes all the facts and circumstances out of which an injury arose.” (citation omitted)).

Here, the bar against claim splitting applies—the “causes of action” are *not* “separate and distinct.” *Id.* at 503. Both suits arise out of the same continuous series of acts relating to PNP’s referendum. See *Steinbach*, 637 S.W.3d at 504 (noting that “acts which though occurring over a period of time were substantially of the same sort and similarly motivated the events constitute but one transaction or a connected series” (cleaned up) (quoting Restatement (2d) of Judgments, § 24, cmt. D)). In both suits, Plaintiffs’ objectives are the same: PNP and von Glahn aim to compel the

Secretary of State to review the referendum at their desired pace using their desired procedures.

Both suits involve the same parties: PNP, von Glahn, Secretary Hoskins, and Intervenor Put Missouri First. To the extent that Plaintiffs contend that the inclusion of Attorney General Hanaway avoids the prohibition against claim splitting, sufficient privity between Secretary Hoskins and Attorney General Hanaway exists. “Privity connotes those who are so connected with the party to the judgment as to have an identity of interest that the party to the judgment represented the same legal right.” *Clements v. Pittman*, 765 S.W.2d 589, 591 (Mo. banc 1989) (citing *Drainage Dist. No. 1 Reformed v. Matthews*, 234 S.W.2d 567, 574 (Mo. 1950)). While both State Defendants do not enjoy privity by simple virtue of their status as state officers, they are sued in their official capacities wherein they share an interest in the execution of the State’s election and referendum laws. Thus, Plaintiffs should not be allowed to improperly split their claims merely because they added an additional, nominal defendant.

Missouri’s claim-splitting doctrine “applies to actions pending simultaneously,” such as in this suit and *PNP v. Hoskins*. *Steinbach*, 637 S.W.3d at 510 (quoting *G.B.*, 618 S.W.3d at 591 n.8). Here, Plaintiffs’ improper bifurcation of their claims—waiting until this late hour to file this suit—creates exactly the type of “vexatious and costly” “fragmented litigation” that Missouri courts abjure. *G.B.*, 618 S.W.3d at 592. For these reasons, this Court should dismiss Counts I, II, and III as improper claim splitting.

CONCLUSION

For these reasons, this Court should dismiss Plaintiffs' petition, or, in the alternative, grant judgment on the pleadings in favor of State Defendants.

Dated: June 17, 2026.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was filed and served electronically on all counsel of record via the Court's e-filing system on June 17, 2026.

/s/Louis J. Capozzi III

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