

IN THE SUPREME COURT OF MISSOURI

Richard von Glahn,

)

Appellant,

)

v.

)

Case No. SC101805

Denny Hoskins, Secretary of State,

)

Respondent.

)

EMERGENCY APPLICATION FOR ORDER HOLDING SECRETARY OF STATE IN CONTEMPT

Secretary of State Denny Hoskins has announced that he intends to violate this court's Judgment and Order of September 3, 2026, which "restrained and enjoined [him] from implementing, using, or mandating the use of the congressional redistricting in HB 1 for the November 2026 general election or at any other time thereafter." The Attorney General also claims that state officials must use the HB 1 maps in November.

Earlier today, the Honorable Brett Kavanaugh declined the state's request for a stay of this Court's Judgment. Immediately thereafter, a federal court in the Eastern District of Missouri entered a temporary restraining order saying "Secretary of State Hoskins- as well as his officers, agents, employees, and attorneys- from implementing, using, publishing, distributing, or mandating the use of any congressional district map other than the HB 1 map for the November 3, 2026 general election." 4:26-cv-01424-SRC Onder et al v. State of Missouri et al (E.D. Mo.). The order does not purport to overrule this court's injunction and does NOT mandate the Secretary to use HB1, although on its face it enjoins the use of any map other than HB 1.

Although nothing in that order requires the Secretary to use the HB 1 maps, he immediately announced that he intends to do so. He sent the following email to Missouri's Election officials:

Sent: Tuesday, September 8, 2026 6:19 PM

Subject: NEW DEVELOPEMENT - Temporary Restraining Order

CAUTION: This email originated outside of boonemo.gov. ONLY use links and attachments which are familiar.

The Eastern District has issued a Temporary Restraining Order, requiring the use of the CD25 Missouri First Map.

CD25 candidates are already in the Election Management module.

Information provided by the litigation team is that the federal court's ruling, based on federal law, takes precedence over the Missouri Supreme Court's order, which is based on state law. This is in accordance with the U.S. Constitution's Supremacy Clause.

This order is attached.

Thank you!

Elections Division

Office of the Missouri Secretary of State Denny Hoskins

Kirkpatrick State Information Center

600 West Main Street, Jefferson City, MO 65101

elections@sos.mo.gov

Office Phone: 573-751-2301 / 1-800-669-8883

The Missouri Attorney General also issued the following statement:

FOR IMMEDIATE RELEASE

September 8, 2026

Email: press@ago.mo.gov

Missouri Attorney General Hanaway Releases Statement Following TRO Ruling in Congressional Maps Case

JEFFERSON CITY, Mo. – Today, Missouri Attorney General Catherine Hanaway released the following statement after Chief Justice Clark granted the plaintiff's request for a temporary restraining order in *Onder v. Missouri*:

"Missouri is prepared to follow and comply with Chief Judge Clark's order that binds the state to using the Missouri First map for the November General Election. We appreciate Judge Clark's support of the rights of Missouri voters, and intend to comply with this federal ruling. We maintain that changing the congressional map in between the primary and general elections is simply not feasible and profoundly unjust to Missouri voters," said General Hanaway.

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Of course, nothing in the actual text of the federal order is "requiring the use of the CD25 Missouri First Map [aka HB 1]" as the Secretary says, nor does the language of the federal order "bind the state to using the Missouri First map for the November General Election." And the federal court has no authority to overrule the Missouri Supreme Court's determination that HB 1 is not and has never been the law. Nor does anything in the federal court's order claim to "take precedence over the Missouri Supreme Court's order."

"District courts may not review state court decisions, even if those challenges allege that the state court's action was unconstitutional, because federal jurisdiction to review most state court judgments is vested exclusively in

the United States Supreme Court." *Ballinger v. Culotta*, 322 F.3d 546, 548 (8th Cir. 2003).

The Secretary's direction to local election authorities to use HB 1 is a direct violation of this court's injunction. He should be ordered to immediately show cause and be held in contempt. This Court should make clear that regardless of other orders (except from the United States Supreme Court) the Missouri Secretary of State must comply with this court's injunction. The Court should instruct all local election authorities that HB 1 is not the law and has never been the law.

Respectfully submitted,

/s/ *Charles W. Hatfield*

Charles W. Hatfield #40363
230 W. McCarty St.
Jefferson City, MO 65101
Chuck.hatfield@stinson.com

Attorney for Appellants