

IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI

RICHARD VON GLAHN)

Plaintiff,)

v.)

Case No. 26AC-CC00248

DENNY HOSKINS, in his official)
capacity,)

Defendant.)

**PETITION FOR DECLARATORY JUDGMENT AND INJUNCTIVE
RELIEF UNDER SECTION 116.200**

Plaintiff Richard von Glahn for his Petition, alleges and states as follows:

1. Plaintiff Richard von Glahn is a Missouri citizen, resident of St. Louis County, a taxpayer, and qualified voter in the State of Missouri.

2. Plaintiff von Glahn is the proponent of the referendum that is the subject of this action.

3. Defendant Denny Hoskins is the Secretary of State for the State of Missouri. His principal office is in Cole County, Missouri.

4. Missourians reserved to themselves the “power to approve or reject by referendum any act of the general assembly, except as hereinafter provided.”

Mo. Const. art. III, § 49.

5. Article III, Section 52(a) of the Constitution identifies the sole exceptions to the people’s referendum right: (i) “laws necessary for the immediate preservation of the public peace, health or safety” and (ii) “laws making appropriations for the current expenses of the state government, for the

maintenance of state institutions and for support of public schools.” Mo. Const. art. III, § 52(a).

6. 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).

7. For an election taking place in 2026, a proponent must gather 106,384 signatures across six congressional districts.¹

8. On September 12, 2025, the General Assembly truly agreed and finally passed—during a special session—House Bill 1 (“HB 1”) titled: “An Act To repeal sections 128.345, and 128.348, RSMo, and to enact in lieu thereof twelve new sections relating to the composition of congressional districts.”

9. Attached as **Exhibit 1** is a true and correct copy of HB 1.

10. HB 1 is an act of the General Assembly.

11. HB 1 is not a law necessary for the immediate preservation of the public peace, health, or safety.

12. The General Assembly did not attach an emergency clause to HB 1.

13. HB 1 is not a law making appropriations for the current expenses of the state government, for the maintenance of state institutions, or for support of public schools.

¹ See

https://www.sos.mo.gov/CMSImages/Elections/Petitions/MakeYourVoiceHeard_02.07.2025.pdf

14. On October 15, 2025, Defendant Hoskins, the “General Assembly” and the State of Missouri filed a lawsuit against Plaintiff in federal court, denominated *Missouri General Assembly v. von Glahn*, No. 25-cv-01535 (E.D. Mo.).

15. That lawsuit sought to prevent Plaintiff from turning in signatures on the Referendum.

16. Attached as **Exhibit 2** is a copy of the Complaint filed in the federal action.

17. Defendant claimed Plaintiff should not be permitted to turn in signatures because initiating a referendum on a redistricting bill would “violate[] both the U.S. and Missouri Constitutions.” Ex. 3 at 2.

18. Defendant Hoskins’ position in his filings was that the referendum would violate the Missouri Constitution regardless of the number of signatures submitted.

19. Defendant Hoskins’ position in his filings was that the referendum would violate the U.S. Constitution regardless of the number of signatures submitted.

20. Following expedited litigation, including Defendant seeking a preliminary injunction, the federal court issued a decision dismissing the federal lawsuit on December 8, 2025.

21. Attached as **Exhibit 3** is a copy of the decision in the federal action.

22. On December 9, 2025, Plaintiff submitted more than 300,000 signatures in support of the Referendum to the Secretary’s Office.

23. The Secretary accepted the Referendum for filing and issued a receipt for 691 boxes of signatures.

24. Each referendum petition page Plaintiff submitted to Defendant Hoskins was identical to the form approved by his office on October 14, 2025.

25. Attached hereto as **Exhibit 4** is a true and correct copy of the October 14, 2025 approval of the referendum petition as to form.

26. Each referendum petition page submitted to Defendant Hoskins included a completed and signed circulator's affidavit.

27. By statute, Defendant Hoskins is required to "examine the [Referendum] to determine whether it complies with the Constitution of Missouri and with this chapter [116]." § 116.120.1, RSMo.

28. In doing so, Defendant Hoskins "may rely on the circulator's affidavit found on each page of the petition as required by section 116.080 and 116.130.1, or [he] may verify the petition signatures by use of random sampling."

29. "Based on this sampling, [Defendant Hoskins] can approve or reject the petition signatures or proceed to a verification of all the signatures."

30. "With or without sampling, [Defendant Hoskins] has discretion to order the local election authorities to verify all the signatures."

31. Chapter 116 requires Defendant Hoskins to issue a certificate deeming the Referendum sufficient or insufficient, which decision is subject to review by the courts.

32. Chapter 116 gave Defendant Hoskins until August 4, 2026 to issue such certificate.

33. On August 4, 2026, Defendant issued a certificate of insufficiency for the Referendum pursuant to § 116.150, RSMo.

34. Attached as **Exhibit 5** is a copy of Defendant Hoskins' certificate of insufficiency.

35. Defendant Hoskins is required to "stat[e] the reason for the insufficiency." § 116.150.2, RSMo.

36. The *only* reason for insufficiency identified in Defendant Hoskins' certificate is his assertion that the referendum violates the Missouri and U.S. Constitutions. *See* Ex. 5.

37. By law, no changes can be made to the November general election ballots after September 8, 2026. *See* § 115.125.3, RSMo.

38. Plaintiff filed this Petition within 10 days of Defendant Hoskins issuing the certificate of insufficiency.

39. Plaintiff's challenge to that certificate is therefore timely. § 116.200.1, RSMo.

PLAINTIFF IS ENTITLED TO AN INJUNCTION

40. Plaintiff has no adequate remedy at law.

41. Plaintiff will face irreparable harm absent an order enjoining the Secretary of State from further implementing or using the congressional districts contained in HB 1.

42. Plaintiff is the proponent of the referendum petition and he is entitled to the immediate suspension of the use and implementation of HB 1.

43. Plaintiff's referendum right will be undermined if the Secretary is allowed to further implement or make use of HB 1.

44. The Secretary faces no harm because the his duty is to carry out the election laws of Missouri and he should have no preference for which congressional districts are used.

45. The public interest is served by restraining the Secretary from taking further steps to implement or use the congressional districts in HB 1 to ensure that the referendum right is fully realized and that the correct congressional districts are utilized to conduct the 2026 general congressional election.

**COUNT I:
THE REFERENDUM IS SUFFICIENT**

46. Plaintiff incorporates the preceding allegations as if set forth fully herein.

47. The Missouri Constitution requires that referendum petitions be "signed by five percent of the legal voters in each of two-thirds of the congressional districts in the state." Mo. Const. art. III, § 52(a).

48. The Referendum was signed by the constitutionally required number of legal voters in each of two-thirds of Missouri's congressional districts.

49. Defendant Hoskins did not identify the number of signatures gathered as a reason for deeming the Referendum insufficient. *See* Ex. 5.

50. Defendant Hoskins instead contends the Missouri and U.S. Constitutions prohibit subjecting a redistricting bill to the referendum.

51. They do not.

52. The Missouri Constitution identifies only two categories of bills exempt from the referendum: (1) bills addressing specified emergencies and (2) specified appropriations bills. Mo. Const. art. III, § 52(a).

53. HB 1 falls into neither of those categories.

54. The Referendum does not violate the Missouri Constitution and it is sufficient.

55. Like the Missouri Constitution, the U.S. Constitution does not prohibit a state from subjecting a redistricting bill to the referendum.

56. Just three years ago, the Supreme Court “embraced the core principle espoused in *Hildebrant* and *Smiley* that redistricting is a legislative function, to be performed in accordance with the State’s prescriptions for lawmaking, which may include the referendum and the Governor’s veto.” *Moore v. Harper*, 600 U.S. 1, 25 (2023) (quotations omitted).

57. The Court squarely “rejected the contention that the Elections Clause vests state legislatures with exclusive and independent authority when setting the rules governing federal elections.” *Id.* at 26.

58. Put simply: “A state legislature may not create congressional districts independently of requirements imposed by the state constitution with respect to the enactment of laws.” *Id.* at 26 (quotations omitted).

59. All laws, except for emergency laws and appropriations, are subject to the referendum under the Missouri Constitution.

60. The Referendum does not violate the U.S. Constitution and it is sufficient.

61. Plaintiff is entitled to an order reversing Defendant Hoskins' certification decision.

WHEREFORE, Plaintiff prays that this Court:

- a. Enter judgment in favor of Plaintiff and reversing Defendant Hoskins' certification decision;
- b. Restrain Defendant and those acting in concert with him from taking any further steps to implement or mandate the use of HB 1; and
- c. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

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