

IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI

RICHARD VON GLAHN,

Plaintiff,

v.

Case No. 26AC-CC00440

DENNY HOSKINS, in his official
capacity,

Defendant.

**[PROPOSED] FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL
JUDGMENT**

1. This action concerns Plaintiff Richard von Glahn’s referendum petition challenging House Bill 1 (“HB 1”). The General Assembly enacted HB 1 to redistrict Missouri’s eight congressional districts ahead of the 2026 elections. On August 4, 2026, Secretary of State Denny Hoskins issued a certificate of insufficiency as to von Glahn’s petition, and he declared that the HB 1 congressional map was still in effect. Additionally, on August 4, 2026, over a million Missourians selected nominees in a Primary Election under the HB 1 congressional map. Missouri’s General Election is set for November 3, 2026, and election officials have prepared for a General Election under the HB 1 map.

2. Despite these developments, von Glahn seeks two remedies related to his referendum petition and the HB 1 congressional map. First, von Glahn seeks reversal of the Secretary’s certificate of insufficiency and an order requiring a referendum vote on the HB 1 map at the 2026 General Election. Second, von Glahn seeks an order enjoining any enforcement of the HB 1 map for the 2026 elections. For the below reasons, the Court

rejects von Glahn's claims.

FINDINGS OF FACT

3. On September 12, 2025, the General Assembly enacted House Bill 1, which provided for the boundaries of Missouri's eight congressional districts. HB 1 passed by a margin of 21 to 11 in the Senate and 90 to 65 in the House of Representatives. *See* Mo. Senate J. 25–26 (2d Extra. Sess., 103d Gen. Assembly, Sept. 12, 2025); Mo. House J. 37–38 (2d Extra. Sess., 103d Gen. Assembly, Sept. 9, 2025). Governor Kehoe signed HB 1 into law on September 28, 2025.

4. In response, Plaintiff Richard von Glahn initiated a referendum campaign to challenge the HB 1 map. Von Glahn then submitted the referendum petition on December 9, 2025. Von Glahn's petition triggered the Secretary's duty to review the referendum petition for timeliness, legality, and sufficiency under Chapter 116, RSMo.

5. Section 116.150.3, RSMo, required the Secretary to complete the Chapter 116 review process by August 4, 2026—the same day as Missouri's Primary Election.

6. While the Secretary was reviewing von Glahn's referendum petition, the Secretary and the Attorney General announced that HB 1 would go into effect pending the Secretary's ultimate certification decision. HB 1's effectiveness was then challenged in Court, and the Missouri Supreme Court held that “the December 9 referendum petition filing did not automatically suspend HB 1 under article III, sections 49, 52(a), or 52(b) of the Missouri Constitution.” *Maggard v. State*, 733 S.W.3d 411, 421 (Mo. banc 2026).

7. After the Supreme Court's ruling, the Attorney General released an opinion requiring “State and local election officials” to “take all appropriate steps to ensure the

HB 1 map is fully implemented in advance of the 2026 primary elections.” Mo. Att’y Gen., Op. Letter 03-2026 (May 13, 2026). Then, under the Supreme Court’s and the Attorney General’s opinions, Missouri’s local election officials implemented the HB 1 map in Missouri’s Centralized Voter Registration (“MCVR”) database. After implementing the HB 1 map, State and local election officials also prepared ballots under the new map and then completed the August Primary Election.

8. On August 4, 2026, the Secretary of State released his certificate of insufficiency as to PNP’s referendum petition. The Secretary’s certificate identified “the reason for the insufficiency” as the fact that the Missouri Constitution does not permit referenda on congressional maps. The Secretary also attached a letter from the Attorney General to his certificate of insufficiency. In the letter, the Attorney General argued that the U.S. Constitution’s Elections Clause forbids referenda on congressional maps absent a clear statement in the law.

9. Plaintiff von Glahn quickly challenged the Secretary’s certificate of insufficiency. Von Glahn argued that his referendum petition was sufficient, and therefore entitled him to a referendum under Article III, Section 52(a) of the Missouri Constitution. Von Glahn also argued HB 1 should become immediately suspended under Article III, Section 52(b) because of the filing of his sufficient referendum petition. Accordingly, von Glahn alleged that “he is entitled to the immediate suspension of the use and implementation of HB 1.” Pet. ¶¶ 42–43; *id.* at 8. Elsewhere, von Glahn alleged that the Court should “restrain[] the Secretary from taking further steps to implement or use the congressional districts in HB 1 to ensure that ... the correct congressional districts are

utilized to conduct the 2026 general congressional election.” *Id.* ¶ 45.

10. Missouri completed its 2026 Primary Election under the HB 1 map over two weeks ago. Roughly 1.2 million voters participated in the August 4 congressional primaries, and they selected Republican and Democratic nominees in each of Missouri’s eight congressional districts.

11. Missouri’s filing period for congressional candidates closed over four-and-a-half months ago on March 31, 2026.

12. Almost three months ago, Missouri’s local election officials implemented the HB 1 map in the Missouri Centralized Voter Registration (“MCVR”) database. The MCVR database will remain locked at least until the 2026 General Election is certified in mid-November 2026. Thus, it is technically impossible to change Missouri’s congressional map before the 2026 General Election.

13. Even if changing the map in MCVR was somehow possible (it is not), the Court finds that—at this late hour—local election authorities would not have enough time to change the congressional map and prepare ballots before the 2026 General Election.

14. The General Election is less than eleven weeks away.

15. Local election authorities are already preparing and finalizing ballots under the HB 1 map for the 2026 General Election.

16. The August 4 congressional nominees have already raised and/or spent over \$20 million in reliance on the HB 1 map. This money would be wasted if the Court ordered a change in Missouri’s congressional map on this date.

17. The August 4 congressional nominees are already campaigning for

Missouri's General Election on November 3, 2026.

18. Voters are relying on the HB 1 map; 1.2 million Missourians voted in the August 4, 2026 Primary Election.

19. If the Court ordered a change in the map now, hundreds of millions of Missourians would be forced to consider candidates from a different congressional district than the district they considered in the Primary Election. For example, if the Court ordered a change in the map now, every resident of Cole County would vote in Congressional District – 03 for the General Election even though they voted in Congressional District – 05 for the Primary Election.

CONCLUSIONS OF LAW

20. The Court rejects von Glahn's claims for four reasons.

21. First, the Missouri Constitution does not permit referenda on congressional maps. The U.S. and Missouri Constitutions vest authority over federal redistricting solely with the people's elected representatives in the General Assembly. U.S. Const. art. I, § 4. Even assuming *arguendo* the U.S. Constitution allows States to permit referenda against federal election maps, *but see Ariz. State Legislature v. Ariz. Indep. Redistricting Comm'n*, 576 U.S. 787, 824–50 (2015) (Roberts, C.J., dissenting), longstanding precedent requires a “positive and clear” statement in federal laws and state constitutional provisions purporting to divest a state legislature of its redistricting authority, *United States v. Gradwell*, 243 U.S. 476, 485 (1917).

22. The Missouri Constitution contains no such clear statement. “Article III, section 45 is the only provision of the Missouri Constitution directly addressing

congressional redistricting.” *Luther v. Hoskins*, 730 S.W.3d 567, 571 (Mo. banc 2026). And Article III, Section 45 contemplates only that “the *general assembly* shall by law divide the state into [congressional] districts.” Mo. Const. art. III, § 45 (emphasis added). Comparatively, the Missouri Constitution’s referendum provisions make no mention of redistricting. *See* Mo. Const. art. III, §§ 49, 52(a), 52(b). If anything, congressional redistricting legislation is of such importance to maintaining state institutions and to preserving public peace as to fall under the exceptions to referenda enumerated in Article III, Section 52(a).

23. Further illuminating the absence of a clear statement, Missouri law obviously does not envision referenda on redistricting. If it did, local election officials and the Secretary of State would not have until the day of the primary election to make a certification decision. *See* §§ 115.341, 116.150.3, RSMo. Also, voters would not be expected to vote on redistricting plans with only a fifty-word summary statement and no images of the competing maps. *See* § 116.334, RSMo. The idea of holding a referendum on a congressional map under such conditions is preposterous, which reinforces that Missouri never made a “positive and clear” choice to allow such votes. *See Gradwell*, 243 U.S. at 485.

24. Second, even if the Missouri Constitution permits referenda on congressional maps, the U.S. Constitution’s Elections Clause and Guarantee Clause invalidate Article III, Section 52(b) as applied to HB 1. In von Glahn’s proposed world, just 3.3% of Missourians could temporarily suspend a duly-enacted congressional map. That would violate the Elections Clause, which provides that “[t]he Times, Places and Manner of holding

Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof.” U.S. Const. art. I, § 4. The Elections Clause forbids this Court from permitting 3.3% of Missourians to unilaterally suspend congressional map enacted by the General Assembly.

25. Also, von Glahn’s proposed remedy—nullification of HB 1 without a majority vote—would allow a small, unelected fraction of Missourians to control the State’s congressional map for an entire election cycle. This violates the Guarantee Clause. In George Washington’s words, “[I]f the Laws are to be so trampled upon—with impunity—and a minority (a small one too) is to dictate to the majority,” then “there is an end put, at one stroke, to republican government.” *See* Letter from George Washington to Charles Mynn Thruston (Aug. 10, 1794). Thus, Article III, Section 52(b) of the Missouri Constitution is invalidated by the Guarantee Clause as-applied to congressional maps.

26. Third, even if the Article III, Section 52(b) is constitutional as-applied, the *Hadley* principle would foreclose any relief that this Court might otherwise award. *See Hadley v. Junior Coll. Dist. of Metro. Kansas City*, 460 S.W.2d 1 (Mo. banc 1970). *Hadley* instructs that, in fashioning a remedy, “a court is entitled to *and should* consider the proximity of a forthcoming election and the mechanics and complexities of state election laws, and should act and rely upon general equitable principles.” *Id.* at 2 (emphasis added) (internal quotation omitted). Here, *Hadley* requires the Court to reject Plaintiff’s demanded injunction. Changing the HB 1 map is now technically impossible in light of the complexities associated with the MCVR database. Also, even if the map could be changed, the Court would deny an injunction in light of reliance interests. Candidate filing closed

over four months ago. Then, two weeks ago, 1.2 million Missourians voted for congressional nominees. Missouri's local election authorities are also preparing for the General Election—less than eleven weeks away—under the HB 1 map. Local election authorities will also need to transmit absentee ballots in just a few weeks. It is far too late to change the congressional map. *Hadley* thus requires the Court to reject Plaintiff's demanded injunction.

27. Fourth, the U.S. Constitution and federal law forbid changing Missouri's congressional map after the Primary Election. Article I, Section 2 and the Fourteenth Amendment of the U.S. Constitution forbid this Court from rendering pointless the votes of 1.2 million Missourians already cast in the completed Primary Election. Article I, Section 2 protects “the right of the elector to have his [or her] ballot counted at the primary.” *United States v. Classic*, 313 U.S. 299, 318 (1941). The Court cannot simply change the map for the General Election because doing so would force some Missourians to consider different candidates for the Primary and General Elections. This would diminish the voting power of Missourians who are forced to switch districts and would therefore violate the Equal Protection Clause of the Fourteenth Amendment. *Gray v. Sanders*, 372 U.S. 368, 379–80 (1963).

28. Additionally, there simply is not time for a new Primary Election. Federal law requires local election authorities to transmit ballots “not later than 45 days before the election” to military and overseas voters, 52 U.S.C. § 20302(a)(8), § 115.914, RSMo, and Missouri statutes implementing federal law prevent the certification of election results for three days after an election, *see* §§ 115.920.1, 115.508, RSMo. Mathematically, that

requires *at least* 93 days to run a primary and general election by the federally-imposed deadline on November 3, 2026.

29. Therefore, the General Election must proceed under the same congressional map as the map used for the Primary Election on August 4, 2026. The Court therefore rejects Plaintiff's demand for an injunction against enforcement of the HB 1 map.

CONCLUSION AND FINAL JUDGMENT

For the foregoing reasons, Plaintiff's prayer for a judgment reversing the Secretary's certificate of insufficiency is DENIED.

Plaintiff's prayer for an injunction against enforcement of HB 1 as to the 2026 elections is DENIED.

The Court enters FINAL JUDGMENT against Plaintiff Richard von Glahn, and the Court enters FINAL JUDGMENT partially in favor of Missouri Secretary of State Denny Hoskins and Intervenors.

Any remaining pending motions are DENIED as moot.

So ORDERED and ADJUDGED this ____ day of _____, 2026.

Hon. Daniel R. Green, Circuit Judge

Date: August 19, 2026

Respectfully submitted,

CATHERINE L. HANAWAY
ATTORNEY GENERAL

/s/ Louis J. Capozzi III
Louis J. Capozzi III, #77756
Solicitor General

J. Michael Patton, #76490

Deputy Solicitor General

Office of the Attorney General

815 Olive Street, Suite 200

St. Louis, MO 63101

Tel. (573) 645-9662

Fax (573) 751-0774

Louis.Capozzi@ago.mo.gov

Michael.Patton@ago.mo.gov

Counsel for Secretary of State

CERTIFICATE OF SERVICE

I hereby certify that on August 19, 2026, a true and accurate copy of the above was electronically filed by using the Court's CM/ECF system to be served via operation of the Court's electronic filing system upon all counsel of record.

J. Michael Patton