IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE MISSOURI STATE CONFERENCE
111 W HIGH
JEFFERSON CITY, MO 65102

PATRICIA A. JONES
6022 BROOKLYN
KANSAS CITY, MO 64130

TRACI. L. WILSON KLEEKAMP
2905 GREENBRIAR DR.
COLUMBIA, MO 65203

Plaintiff,

v.

MICHAEL KEHOE in his official capacity as Governor of Missouri

Serve: Office of the Governor
State Capitol, Rm. 216
201 W Capitol Ave.
Jefferson City, MO 65101

ANDREW BAILEY in his official capacity as Attorney General of Missouri

Serve: Office of the Attorney General
227 East High St.
Jefferson City, MO 65101

CINDY O'LAUGHLIN in her official capacity as State Senator and President Pro Tem of the Senate

Serve: Office of the Pro Tem
State Capitol, Rm. 326
201 W Capitol Ave.
Jefferson City, MO 65101

Case No.

REQUEST FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

JON PATTERSON, in his official capacity as State Representative and Speaker of the House

Serve: Office of the Speaker
State Capitol, Rm. 308
201 W Capitol Ave.
Jefferson City, MO 65101

Defendants

VERIFIED PETITION FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF

Comes now Plaintiffs the National Association for the Advancement of Colored People Missouri State Conference ("NAACP MO"), Patricia A. Jones ("Jones"), and Traci Wilson-Kleekamp ("Wilson-Kleekamp") by and through undersigned counsel and for their Petition against Defendants State of Missouri ("State"), Governor Mike Kehoe ("Governor"), Attorney General Andrew Bailey ("Attorney General"), Senator and President Pro Tem of the Senate Cindy O'Laughlin ("Pro Tem"), and Representative and Speaker of the House Jon Patterson ("Speaker"), states as follows:

I. INTRODUCTION

Plaintiffs bring this Verified Petition for Declaratory Judgment and Injunctive Relief, challenging the constitutionality of the Proclamation issued by the Governor on August 29, 2025, ("Proclamation") (Attached as Exhibit A) calling the legislature into an extraordinary session. The Proclamation purportedly was issued under the authority of Article IV, Section 9 of the Missouri Constitution and contains two general topic areas of consideration for the General Assembly – a new Congressional Map drafted under Article III, Section 45 and new laws relating to initiative petitions. The Governor also issued a Press Release (Attached as Exhibit B) to explain his

Proclamation which included a proposed new Congressional Map (Attached as Exhibit C) and included reasoning for the special session different than that stated in the Proclamation.

This appears to be a case of first impression in Missouri. Article IV, Section 9 of the Missouri Constitution grants the Governor authority to convene the legislature "on extraordinary occasions." Although the question of what an "extraordinary occasion" under the Missouri Constitution has not been tested in the Courts, no governor has ever before convened the legislature based on similar facts.

Neither of the matters designated in the Proclamation reach the level of extraordinary occasion required by Article IV, Section 9. Additionally, neither Article IV, Sec. 9 nor Article III, Section 45 expressly grant the Governor the authority to request a new Congressional Map from the General Assembly without action from Congress.

Allowing an extraordinary session of the legislature when the constitutionality of the Proclamation is in doubt creates irreparable harm in that the additional costs attributable to the legislative session is in excess of $25,000 per day based on the per diem and mileage payments authorized by Sections 21.140 and 21.145. Additional irreparable harms would be created by the undue burden on interested parties to travel to Jefferson City for the public hearings and to participate in the legislative process outside of the usual timeframe, uncertainty in the district boundaries both for constituents and anyone interested in filing for office, and the undue burden on legislators created by an early return to Jefferson City.

Plaintiffs seek a declaratory judgment that the Governor's Proclamation is unconstitutional and a temporary restraining order and preliminary and permanent injunctions against the convening of the legislature for an extraordinary session based upon said Proclamation.

II. PARTIES

1. Plaintiff National Association for the Advancement of Colored People Missouri State Conference ("NAACP MO") is an affiliate of the National Association for the Advancement of Colored People, a Delaware nonprofit corporation in good standing that conducts business in Missouri through its Missouri State Conference. The National Association for the Advancement of Colored People is the oldest and largest civil rights organization in the nation.

2. NAACP MO has members in over 35 of its Units across Missouri. The mission of the NAACP is to achieve equity, political rights, and social inclusion by advancing policies and practices that expand human and civil rights, eliminate discrimination, and accelerate the well-being, education, and economic security of Black people and all persons of color.

3. Plaintiff Patricia A. Jones is a natural person, a resident and citizen of Jackson County, Missouri, and these United States.

4. Plaintiff Traci. L. Wilson Kleekamp is a natural person, a resident and citizen of Jackson County, Missouri, and these United States.

5. The Honorable Michael Kehoe is a natural person, the duly elected and currently serving Governor of Missouri, sued in his official capacity as a constitutional officer of the State of Missouri, whose official office is in Cole County.

6. The Honorable Andrew Bailey is a natural person, the duly elected and currently serving Attorney General of Missouri, sued in his official capacity as a constitutional officer of the State of Missouri, whose official office is in Cole County.

7. The Honorable Cindy O'Laughlin is a natural person, the duly elected and currently serving President Pro Tem of the Missouri Senate, sued in her official capacity as a constitutional officer of the State of Missouri, whose official office is in Cole County.

8. The Honorable Jon Patterson is a natural person, the duly elected and currently serving Speaker of the Missouri House, sued in his official capacity as a constitutional officer of the State of Missouri, whose official office is in Cole County.

III. JURISDICTION AND VENUE

9. The Court has jurisdiction over this action pursuant to Article V, Section 14 of the Missouri Constitution and Section 527.010, RSMo.

10. Venue is proper in this Court pursuant to Section 508.010.2(1), RSMo, because Defendants officers of the State of Missouri sued in their official capacities whose offices are located in Cole County, Missouri.

IV. FACTS COMMON TO ALL COUNTS

11. In April 2021, the US Census Bureau published the results of the decennial census and its reapportionment calculations, starting the process of reapportionment and redistricting in all 50 States.

12. Missouri's Congressional Redistricting is governed by Article III, Section 45 of the Missouri Constitution and requires the General Assembly to pass a law dividing the state into districts composed of contiguous territory as compact and as nearly equal in population as may be.

13. On March 1, 2022, then Representative Dan Shaul introduced redistricting legislation, House Bill 2909 entitled "AN ACT To repeal sections 128.345, 128.346, and 128.348, RSMo, and to enact in lieu thereof twelve new sections relating to the composition of congressional districts, with an emergency clause." (Truly Agreed and Finally Passed Version Attached as Exhibit D).

14. On May 9, 2022, House Bill 2909 was passed by the Missouri House by a vote of 101 Ayes to 47 Noes. The Emergency Clause was adopted by a vote of 114 Ayes to 34 Noes.

15. On May 11, 2022, House Bill 2909 was Truly Agreed and Finally Passed by the Senate by a vote of 22 Ayes to 11 Noes. The Emergency Clause was adopted by a vote of 29 Ayes to 4 Noes.

16. On May 18, 2022, House Bill 2909 was delivered to the Governor and was signed into law by the Governor on the same day.

17. House Bill 2909 went into effect on May 18, 2022, and applied to the 118th Congress election which was to be held in November 2022.

18. On November 8, 2022, an election for US Representatives was held with the district boundaries being those described in House Bill 2909.

19. On November 5, 2024, an election for US Representatives was held with the district boundaries being those described in House Bill 2909. This was the second election using that district maps approved by the legislature and signed into law by the Governor.

20. On August 29, 2025, the Governor issued a Press Release announcing a Proclamation convening an extraordinary session of the legislature under Article IV, Section 9 for the purpose of enacting legislation establishing revised congressional districts and amending the state's initiative petition process.

21. The Press Release contained several reasons for the Proclamation including "to ensure our districts and Constitution truly put Missouri values first."

22. The Press Release also contained a proposed "Missouri First Map" outlining a new set of Congressional Districts.

23. The "Missouri First Map" is substantially different than the districts passed into law by House Bill 2909.

24. The Proclamation convening the legislature into an extraordinary session lays out eleven "whereas" statements justifying the reasoning for the Proclamation.

"WHEREAS, the General Assembly has adjourned its regular legislative session without having enacted new congressional district boundaries; and

WHEREAS, Article III, Section 45 of the Missouri Constitution authorizes the General Assembly to divide the state into districts for the United States House of Representatives; and

WHEREAS, the State of Missouri's current congressional district map may be vulnerable to a legal challenge under the Voting Rights Act and the Fourteenth Amendment, due to a lack of compactness in certain districts; and

WHEREAS, our congressional delegation should reflect the values of Missourians; and

WHEREAS, congressional candidate filing for the 2026 election cycle begins on February 24, 2026; and

WHEREAS, legislation to establish new congressional districts for the State of Missouri cannot be accomplished in the 2026 Regular Session; and

WHEREAS, the failure to establish new congressional districts constitutes an extraordinary occasion that warrants immediate legislative action; and

WHEREAS, the swift and efficient resolution of this matter is necessary to prepare for the upcoming election cycle and to provide certainty for voters; and

WHEREAS, a fair and transparent initiative petition process is essential for the citizens of the State of Missouri to propose and enact laws; and

WHEREAS, the current initiative petition process may be vulnerable to foreign and out of-state influence; and

WHEREAS, certain ballot initiatives can be confusing to voters and lead to unintended consequences; and"

(Exhibit A, P. 1)

25. The "whereas" statements generally include the adjournment of the General Assembly without passage of new congressional district boundaries (although no new congressional maps are required until after the 2030 census) and the speculation that the current congressional district map may be vulnerable to a legal challenge from unnamed persons for unexplained reasons.

26. Other "whereas" statements generally relate to the need for a "fair and transparent" initiative petition process free from unspecified influence from unnamed foreign sources.

27. Together these eleven statements provide the official justification that an extraordinary occasion exists.

28. The Proclamation then convenes the legislature beginning at Noon on Wednesday, September 3, 2025, for two purposes:

1. To enact legislation to establish new congressional districts for the State of Missouri.
2. To enact legislation to amend the state's initiative petition process as follows:
    a. To ban foreign nationals from contributing to committees for or against a statewide ballot measure; and

b. To establish a criminal election offense for fraudulently signing or gathering signatures for a statewide ballot measure; and

c. To provide that a statewide ballot measure be passed only if a majority of voters statewide and a majority of voters in each congressional district vote to adopt the proposed measure; and

d. To require that before a statewide ballot measure is certified for signatures to be gathered, there shall be an opportunity for public comment; and

e. To require that the full text of a statewide ballot measure be printed and available to voters at all election sites and polling places.

(Exhibit A P. 2)

29. The US Census Bureau has not issued new apportionment calculations since the April 2021 publication.

30. On information and belief, the Governor has not received certified numbers from the House of the Congress of the United State triggering the processes of Article III, Section 45 after May 18, 2022, when the current district boundaries when into effect with House Bill 2909.

31. On information and belief, only two challenges to the district boundaries passed in House Bill 2909 have been filed, and neither was pursued to conclusion by the plaintiffs. See *Berry v. Ashcroft*, U.S. District Court for the Eastern District of Missouri, St. Louis Division - No. 4:22-cv-465; *Thomas v. Missouri*, Missouri Circuit Court, Cole County - No. 22AC-CC00222.

32. On December 1, 2024, then Senator Ben Brown introduced Senate Bill 152 entitled "AN ACT To amend chapter 130, RSMo, by adding thereto six new sections relating to campaign finance." (Truly Agreed and Finally Passed Version Attached as Exhibit E).

33. On March 27, 2025, Senate Bill 152 was passed by the Missouri Senate by a vote of 28 Ayes to 2 Noes.

34. On May 15, 2025, Senate Bill 152 was Truly Agreed and Finally Passed by the House by a vote of 94 Ayes to 47 Noes.

35. On July 9, 2025, Senate Bill 152 was signed into law by the Governor.

36. Senate Bill 152 went into effect on August 28, 2025.

37. Senate Bill 152 contained several provisions which restricted donations from foreign nationals and the use of foreign funds for the purposes of ballot measures.

38. Missouri statutes make it a crime to fraudulently gather signatures for an initiative petition under Section 116.090 RSMo. This section was amended in 2013.

39. Missouri provides an opportunity for public comment on every initiative petition filed with the Secretary of State under Section 116.153 and 116.334 RSMo. These sections were amended in 2014 and 2025 respectively.

40. Missouri requires copies of the full text of each statewide ballot measure to be made available at each polling place under Section 116.290 RSMo. This section was amended in 1983.

41. All but one of the actions deemed necessary by the Governor in the Proclamation appear to have already occurred.

42. The only matter designated by the proclamation which has not already been enacted is in part 2 subsection c of the proclamation and is “To provide that a statewide ballot measure be passed only if a majority of voters statewide and a majority of voters in each congressional district vote to adopt the proposed measure...”

43. There has been ample time for potential challenges to the district boundaries established by House Bill 2909 and none has been forthcoming.

V. CAUSES OF ACTION

COUNT I – DECLARATORY JUDGEMENT THE GOVERNOR'S PROCLAMATION FAILS TO STATE AN EXTRAORDINARY OCCASSION AS REQUIRED BY ARTICLE IV SECTION 9.

44. Plaintiff incorporates by reference all proceeding paragraphs of this Petition as if fully set forth herein.

45. Plaintiff is requesting a declaratory judgment under Sections 527.010 and 527.020 RSMo.

46. Article IV, Section 9 of the Missouri Constitution provides:

> The governor shall, at the commencement of each session of the general assembly, at the close of his term of office, and at such other times as he may deem necessary, give to the general assembly information as to the state of the government, and shall recommend to its consideration such measures as he shall deem necessary and expedient. *On extraordinary occasions he may convene the general assembly by proclamation, wherein he shall state specifically each matter on which action is deemed necessary.* (Emphasis added).

47. Since 1944, there have been at least 33 extraordinary sessions convened by the Governor.

48. The matters designated by the Governor for these extraordinary sessions range from emergency appropriations to motor vehicle sales tax.

49. Article, IV, Section 9 requires an "extraordinary occasion" before the Governor can convene the legislature.

50. The definition of and parameters around the term "extraordinary occasion" is a question of first impression for this Court.

51. Where there is no specific definition of a legislative or Constitutional term, the ordinary meaning canon of legislative interpretation applies.

52. The term "extraordinary" in common usage means:

a. Out of the ordinary; exceeding the usual, average, or normal measure or degree; beyond or out of the common order, method or rule; not usual, regular, or of a customary kind; remarkable; uncommon; rare; employed for an exceptional purpose or on a special occasion. (Black's Law Dictionary Sixth Edition)

b. Beyond what is common or usual: remarkable. (Webster's II Revised Edition)

53. The term "occasion" in common usage means:

a. That which provides an opportunity for the causal agency to act. Meaning not only particular time but carrying idea of opportunity, necessity or need, or even cause in a limited sense. Condition of affairs; juncture entailing need; exigency; or juncture affording ground or reason for something. (Black's Law Dictionary Sixth Edition)

b. An event, especially a notable event. The time at which something occurs. A favorable moment: opportunity. Something that brings on an event. A need created by particular circumstances. (Webster's II Revised Edition)

54. Taken together the phrase "extraordinary occasion" would appear to mean a set of circumstances that require action or bring about an event.

55. Nothing in the Governor's Proclamation indicates a change in Missouri's circumstances that requires action.

56. In fact, all but one of the matters designated by the Proclamation are already law and have already been acted upon by the General Assembly. Thus, the Proclamation fails because,

none of the actions are "necessary" as required by Article, IV, Section 9. Nothing sought in the Proclamation is required for the next election for US Representatives to take place in 2026.

57. The Governor references the potential for litigation over the constitutionality of the congressional boundaries but provides no support for this claim. Furthermore, the mere threat of litigation would not require redrawing district maps. Such action would be "necessary" only if a litigant actually initiated a lawsuit, prevailed against the State, and Missouri was ordered by a court to redraw district lines. None of that has transpired. There also is no allegation by anyone that the maps as they exist violate the one-person one-vote principal. Thus, there is no legitimate threat to the constitutionality of the current maps.

58. A review of the history of extraordinary sessions after the 1971 move to annual legislative sessions will likely show a trend away from the original purpose of emergency spending and interim changes to Federal requirements.

59. The Governor in recent years has begun calling extraordinary sessions on a regular basis to designate matters the legislature addressed but failed to pass during their regular session. That is not the case here. The last time the legislature addressed drawing district lines was when it was required to do so after the results of the 2020 Census.

60. Broad discretion given to the Governor under the doctrine of separation of powers does not need to be limitless.

61. The separation of powers doctrine does not, for example, require the Courts to allow the executive to act without legislative authority or in violation of the Constitution.

62. In this instance, the Court should require a minimum showing of some set of circumstances or events outside of the normal course of business to justify the convening of the legislature in an extraordinary session under Art. IV Sec. 9.

WHEREFORE, Plaintiffs respectfully request the Court:

A. Enter judgment declaring the Governor's Proclamation to be insufficient under Article IV, Section 9;

B. Grant a permanent injunction prohibiting Defendants Pro Tem and Speaker from calling the legislature into session based on the Proclamation;

C. An award of costs under Section 527.100; and

D. Such other relief as is just and proper.

COUNT II – DECLARATORY JUDGEMENT
ARTICLE III SECTION 45 DOES NOT GRANT AUTHORITY TO CREATE NEW CONGRESSIONAL BOUNDARIES WITHOUT A DECENNIAL CENSUS CERTIFICATION.

63. Plaintiff incorporates by reference all proceeding paragraphs of this Petition as if fully set forth herein.

64. Plaintiff is requesting a declaratory judgment under Sections 527.010 and 527.020 RSMo.

65. Article III, Section 45 of the Missouri Constitution provides:

> When the number of representatives to which the state is entitled in the House of the Congress of the United States under the census of 1950 and each census thereafter is certified to the governor, the general assembly shall by law divide the state into districts corresponding with the number of representatives to which it is entitled, which districts shall be composed of contiguous territory as compact and as nearly equal in population as may be.

66. As stated above, the Missouri General Assembly followed the procedure required by Article III, Section 45 and passed a set of congressional boundaries which went into effect on May 18, 2022.

67. No new census has been conducted, nor has any reapportionment bill been passed by the United States Congress.

68. The population calculation and the apportionment of representatives to which Missouri is entitled is exactly the same as it was in 2022.

69. Two elections have now occurred based on the congressional boundaries passed in House Bill 2909.

70. No one has sustained a challenge to the congressional boundaries based on either Constitutional or Voting Rights Act claims.

71. A Court has not invalidated the existing congressional boundaries.

72. There is no indication that any change in circumstance has prompted the Governor to designate this matter for an extraordinary session under Article IV, Section 9.

73. Absent a condition outlined in Article III, Section 45 or some other operation of law, the General Assembly is not authorized to designate new congressional boundaries.

WHEREFORE, Plaintiffs respectfully request the Court:

A. Enter judgment declaring the Governor does not have the authority to designate the matter of redrawing congressional boundaries to the General Assembly under Article IV, Section 9;

B. Enter judgment declaring the General Assembly does not have the authority to act to draw new congressional boundaries outside of the provisions of Article III, Section 45;

C. Grant a permanent injunction prohibiting Defendants Pro Tem and Speaker from calling the legislature into session based on the Proclamation;

D. An award of costs under Section 527.100; and

E. Such other relief as is just and proper.

COUNT III – REQUEST FOR PRELIMINARY INJUNCTION

THE PROCLAMATION ISSUED BY THE GOVERNOR ON AUGUST 29, 2025 IS INSUFFICIENT AND THE GENERAL ASSEMBLY MAY NOT CONVENE PURSUANT TO ITS PROVISIONS.

74. Plaintiff incorporates by reference all proceeding paragraphs of this Petition as if fully set forth herein.

75. Plaintiff is requesting a preliminary injunction pursuant to section 526.030 RSMo.

76. Injunctions may be granted by the Court under Section 526.030 RSMo in cases where other remedies would not be adequate.

77. A temporary injunction may be granted when it appears the plaintiff is entitled to relief, there is a likelihood of action during pending litigation, and irreparable harm would result, Section 526.050 RSMo.

78. There is no reason to believe that Plaintiffs will not succeed in their claims after full briefing and argument.

79. The Plaintiffs in this case has clearly laid out a series of questions of first impression properly before the Court.

80. There is a certainty of action being taken during the pendency of this case absent an injunction.

81. The legislature has already posted notice of its intent to convene on Wednesday, September 3, 2025, at Noon in accordance with the Governor's Proclamation.

82. Irreparable harm in the form of costs to the taxpayers and undue burden to participants in the process will result absent an injunction.

83. Costs of an extraordinary session are expected to exceed $25,000 per day based upon the per diem and mileage allowances given to the members of the General Assembly.

84. Additional harms include non-monetary harms such as the undue burden on interested parties to travel to Jefferson City for the public hearings and to participate in the legislative process outside of the usual timeframe, uncertainty in the district boundaries both for constituents and anyone interested in filing for office, and the undue burden on legislators created by an early return to Jefferson City.

85. The costs associated with each day of the legislature's convening cannot be recovered by the taxpayers through any means.

86. The non-monetary harms caused by the legislature's convening cannot be remedied by monetary damages.

87. Absent injunctive relief, Plaintiffs, as taxpayers, will suffer immediate and irreparable harm in the form of additional costs and confusion.

WHEREFORE, Plaintiffs respectfully request the Court:

A. Issue a preliminary injunction prohibiting Defendants Pro Tem and Speaker from calling the legislature into session based on the Proclamation;

C. An award of costs under Section 527.100; and

D. Such other relief as is just and proper.

Respectfully Submitted,

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