

IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI

PEOPLE NOT POLITICIANS, *et al.*,)
)
 Plaintiffs,)
)
 v.) Case No. 25AC-CC07128
)
 MISSOURI SECRETARY OF STATE,)
)
 Defendant.)

INTERVENOR PUT MISSOURI FIRST'S ANSWER TO FIRST AMENDED PETITION FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF

Intervenor Put Missouri First hereby states for its Answer to First Amended Petition for Declaratory Judgment and Injunctive Relief as follows:

PARTIES

Plaintiff People Not Politicians

1. Plaintiff People Not Politicians is a campaign committee organized under the laws of the State of Missouri and subject to the regulation of the Missouri Ethics Commission.

ANSWER: Intervenor is without knowledge or information sufficient to form a belief as to the truth of Paragraph 1 and, therefore, denies the same.

2. People Not Politicians is the committee supporting the campaign for the referendum petitions submitted by Plaintiff von Glahn.

ANSWER: Intervenor is without knowledge or information sufficient to form a belief as to the truth of Paragraph 2 and, therefore, denies the same.

Plaintiff Richard von Glahn

3. Plaintiff Richard von Glahn is a Missouri citizen, resident of St.

Louis County, a taxpayer, and qualified voter in the State of Missouri.

ANSWER: Intervenor is without knowledge or information sufficient to form a belief as to the truth of Paragraph 3 and, therefore, denies the same.

4. Plaintiff is the proponent of the referendum petitions that are the subject of this action.

ANSWER: Intervenor is without knowledge or information sufficient to form a belief as to the truth of Paragraph 4 and, therefore, denies the same.

5. Attached as **Exhibit A** are true and correct copies of the referendum petitions submitted by Plaintiff.

ANSWER: Intervenor is without knowledge or information sufficient to form a belief as to the truth of Paragraph 5 and, therefore, denies the same.

6. Plaintiffs seek review of the Secretary of State's decision rejecting as to form the referendum sample sheets. § 536.150 RSMo.

ANSWER: Paragraph 6 is a legal conclusion to which no answer is required; if an answer is required, Intervenor denies the same.

7. No other law or process allows a hearing or other review of the Secretary's decision.

ANSWER: Paragraph 7 is a legal conclusion to which no answer is required; if an answer is required, Intervenor denies the same.

8. Plaintiffs also seek a declaration of their rights, status, or other legal relations. § 527.010 RSMo.

ANSWER: Paragraph 8 is a legal conclusion to which no answer is required; if an answer is required, Intervenor denies the same.

9. Plaintiffs also request the court award costs which are equitable

and just. § 527.100 RSMo.

ANSWER: Paragraph 9 is a legal conclusion to which no answer is required; if an answer is required, Intervenor denies the same.

Secretary of State Denny Hoskins

10. Defendant Denny Hoskins is the Missouri Secretary of State.

ANSWER: Intervenor admits the allegations of Paragraph 10.

11. When the sample sheet for a referendum petition is submitted to him, Hoskins must “review the petition for sufficiency as to form and approve or reject the form of the petition, stating the reasons for rejection, if any.” §116.332.1, RSMo.

ANSWER: §116.332.1, RSMo speaks for itself. To the extent a response is required, Intervenor denies the allegations in Paragraph 11.

12. Within 15 days of submission, Hoskins must “make a final decision as to the approval or rejection of the form of the petition” and “send written notice to the person who submitted the petition sheet” of his decision. §116.332.4, RSMo.

ANSWER: §116.332.4, RSMo speaks for itself. To the extent a response is required, Intervenor denies the allegations in Paragraph 12.

13. The Secretary of State is also required to “make a determination on the sufficiency of the petition” and “issue a certificate setting forth that the petition contains a sufficient number of valid signatures to comply with the Missouri Constitution and with [chapter 116].” §116.150, RSMo.

ANSWER: §116.150, RSMo speaks for itself. To the extent a response is required, Intervenor denies the allegations in Paragraph 13.

STATEMENT OF FACTS

14. Missourians reserved to themselves the “power to approve or reject by referendum *any act of the general assembly*[.]” Mo. Const. art. III, § 49 (emphasis added).

ANSWER: Mo. Const. art. III, § 49 speaks for itself. To the extent a response is required, Intervenor denies the allegations in Paragraph 14.

15. 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).

ANSWER: Mo. Const. art. III, § 52(a) speaks for itself. To the extent a response is required, Intervenor denies the allegations in Paragraph 15.

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

ANSWER: Intervenor admits the allegations of Paragraph 16.

17. The Constitution guarantees *at least* ninety days for a referendum proponent to gather signatures.

ANSWER: Paragraph 17 is a legal conclusion to which no answer is required; if an answer is required, Intervenor denies the same.

18. Signed referendum petitions must be submitted “not more than ninety days after the final adjournment of the session of the general assembly which passed the bill on which the referendum is demanded.” *Id.*

ANSWER: Mo. Const. speaks for itself. To the extent a response is required, Intervenor denies the allegations in Paragraph 18.

¹ https://www.sos.mo.gov/CMSImages/Elections/Petitions/MakeYourVoiceHeard_02.07.2025.pdf

19. Prior to gathering signatures, statute requires a referendum proponent to submit a sample of the petition form to the Secretary of State to review and approve as to form. § 116.332, RSMo.

ANSWER: Paragraph 19 is a legal conclusion to which no answer is required; if an answer is required, Intervenor denies the same.

20. The statute gives the Secretary fifteen days to approve or reject a referendum sample sheet as to form. § 116.332.4, RSMo.

ANSWER: Paragraph 20 is a legal conclusion to which no answer is required; if an answer is required, Intervenor denies the same.

21. Section 116.332 does not prohibit a proponent from circulating the petition awaiting the Secretary's decision, and contains no provision addressing the validity of signatures gathered prior to such decision.

ANSWER: Paragraph 21 is a legal conclusion to which no answer is required; if an answer is required, Intervenor denies the same.

House Bill 1

22. On August 29, 2025, Governor Mike Kehoe issued a proclamation to convene the General Assembly for a special session to pass legislation designating new congressional districts.

ANSWER: Intervenor admits the allegations of Paragraph 22.

23. Governor Kehoe prepared and provided to the General Assembly the new congressional districts and accompanying map.

ANSWER: Intervenor admits the allegations of Paragraph 23.

24. The General Assembly convened on September 3, 2025 for the special session.

ANSWER: Intervenor admits the allegations of Paragraph 24.

25. On September 12, 2025, the General Assembly truly agreed and finally passed House Bill 1 titled: "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."

ANSWER: House Bill 1 speaks for itself. To the extent a response is required, Intervenor admits the allegations in Paragraph 25.

26. House Bill 1 is an act of the general assembly.

ANSWER: Paragraph 26 is a legal conclusion to which no answer is required; if an answer is required, Intervenor denies the same.

27. Attached as Exhibit B is a true and correct copy of House Bill 1.

ANSWER: Intervenor admits the allegations of Paragraph 27.

28. On September 12, 2025, the General Assembly adjourned the second extraordinary session of the first regular session of the 103rd General Assembly.

ANSWER: Intervenor admits the allegations of Paragraph 28.

29. Despite the Governor serving as the de facto sponsor of the legislation, the Governor spent two weeks reviewing House Bill 1.

ANSWER: Intervenor denies the allegations of Paragraph 28.

30. On September 25, 2025, the Governor publicly announced his intention to sign House Bill 1.

ANSWER: Intervenor is without knowledge or information sufficient to form a belief as to the truth of Paragraph 30 and, therefore, denies the same.

31. On September 28, 2025, the Governor signed House Bill 1.

ANSWER: Intervenor admits the allegations of Paragraph 31.

Plaintiffs' Referendum Petition

32. On September 12, 2025, Plaintiff Richard von Glahn submitted to Hoskins referendum petition sample sheets asking to refer House Bill 1 to voters.

ANSWER: Intervenor is without knowledge or information sufficient to form a belief as to the truth of Paragraph 32 and, therefore, denies the same.

33. Plaintiff von Glahn's submission occurred after both the House and Senate had voted for the same version of House Bill 1, making it a truly agreed and finally passed act of the General Assembly.

ANSWER: Intervenor is without knowledge or information sufficient to form a belief as to the truth of Paragraph 33 and, therefore, denies the same.

34. After von Glahn submitted his sample sheets, Hoskins sent a letter to Plaintiff stating "the petitions today cannot be *accepted for processing*." (emphasis added).

ANSWER: Exhibit B speaks for itself. To the extent a response is required, Intervenor denies the allegations in Paragraph 34.

35. Attached as **Exhibit C** is a true and correct copy of the September 12, 2025 letter the Secretary of State sent to Plaintiff.

ANSWER: Intervenor admits the allegations of Paragraph 35.

36. Hoskins claimed the petition sample sheets cannot be processed because the Governor has not signed House Bill 1. *Id.*

ANSWER: Intervenor is without knowledge or information sufficient to form a belief as to the truth of Paragraph 36 and, therefore, denies the same.

37. Two days later, Hoskins sent Plaintiff another letter purporting to

supersede the September 12 letter.

ANSWER: Intervenor is without knowledge or information sufficient to form a belief as to the truth of Paragraph 37 and, therefore, denies the same.

38. Attached as **Exhibit D** is a true and correct copy of the September 14, 2025 letter the Secretary of State sent to Plaintiff.

ANSWER: Intervenor admits the allegations of Paragraph 38.

39. That letter states that “[b]ecause the statutory review process is still pending, the Secretary of State has not yet made a final determination whether your referendum petition may be accepted for processing or circulation.”

ANSWER: Exhibit D speaks for itself. To the extent a response is required, Intervenor denies the allegations in Paragraph 39.

40. Hoskins’ letter further says that Plaintiff’s “submission has been formally transmitted to the Attorney General in accordance with §116.332, and the statutory timeline for review is now running.”

ANSWER: Exhibit C speaks for itself. To the extent a response is required, Intervenor denies the allegations in Paragraph 40.

41. Secretary Hoskins had until September 27, 2025 to approve or reject the September 12 referendum sample sheets as to form.

ANSWER: Paragraph 41 is a legal conclusion to which no answer is required; if an answer is required, Intervenor denies the same

42. On September 15, 2025, Plaintiff submitted another referendum petition sample sheet.

ANSWER: Intervenor is without knowledge or information sufficient to form a belief as to the truth of Paragraph 42 and, therefore, denies the same.

43. That day Secretary Hoskins sent a third letter to Plaintiff.

ANSWER: Intervenor is without knowledge or information sufficient to form a belief as to the truth of Paragraph 43 and, therefore, denies the same.

44. Attached as **Exhibit E** is a true and correct copy of the September 15, 2025 letter the Secretary sent to Plaintiff.

ANSWER: Intervenor admits the allegations of Paragraph 44.

45. The letter states that “the Secretary of State has not yet made a final determination whether your referendum petition may be accepted for processing and circulation” and that the “statutory review process is still pending.”

ANSWER: Exhibit E speaks for itself. To the extent a response is required, Intervenor denies the allegations in Paragraph 45.

46. In addition, the letter states that “[o]nce the Attorney General’s opinion and the Auditor’s fiscal note are received and reviewed, this office will issue a written decision either approving the form of the petition for circulation or rejecting it with stated reasons.”

ANSWER: Exhibit E speaks for itself. To the extent a response is required, Intervenor denies the allegations in Paragraph 46.

47. Secretary Hoskins had until September 30, 2025 to approve or reject the September 15, 2025 referendum sample sheet as to form.

ANSWER: Paragraph 47 is a legal conclusion to which no answer is required; if an answer is required, Intervenor denies the same.

48. On September 16, 2025, Plaintiffs advised the Secretary that he may not reject referendum sample sheets for *any reason* other than a reason of form found in Section 116.030, RSMo.

ANSWER: Intervenor is without knowledge or information sufficient to form a belief as to the truth of Paragraph 48 and, therefore, denies the same.

49. Attached as **Exhibit F** is a true and correct copy of the September 16, 2025 letter sent by Plaintiffs' counsel to Secretary of State Hoskins.

ANSWER: Intervenor is without knowledge or information sufficient to form a belief as to the truth of Paragraph 49 and, therefore, denies the same.

Secretary's Rejection of Plaintiff von Glahn's Referendum Sample Sheets

50. Plaintiff von Glahn's sample sheets substantially comply with the requirements of Section 116.030, RSMo.

ANSWER: Intervenor denies the allegations of Paragraph 50.

51. On September 26, 2025, the Secretary of State sent Plaintiff von Glahn three identical letters rejecting the referendum sample sheets (submitted on September 12 and 15) as to form.

ANSWER: Intervenor is without knowledge or information sufficient to form a belief as to the truth of Paragraph 51 and, therefore, denies the same

52. Attached as **Exhibit G** are true and correct copies of the September 26, 2025 letters.

ANSWER: Intervenor denies the allegations of Paragraph 52.

53. The September 26 letters purport to rely on the Attorney General's opinion that the referendum petitions may not be approved as to form because "HB 1 has not been signed by Governor Kehoe. Nor has time to return HB 1 expired.

ANSWER: Exhibit G speaks for itself. To the extent a response is required, Intervenor denies the allegations in Paragraph 53.

54. The Secretary rejected the referendum sample sheets for a reason other than form.

ANSWER: Intervenor denies the allegations in Paragraph 54

55. A rejection of the sample sheets also threatens to cast doubt on the validity of any signatures gathered on those forms.

ANSWER: Intervenor denies the allegations in Paragraph 55

56. On information and belief, the Secretary intends to declare any signatures gathered before the governor signed House Bill 1 invalid.

ANSWER: Intervenor is without knowledge or information sufficient to form a belief as to the truth of Paragraph 56 and, therefore, denies the same

57. To date, Plaintiffs' campaign has gathered more than 20,000 signatures of Missouri voters supporting the referendum on House Bill 1.

ANSWER: Intervenor is without knowledge or information sufficient to form a belief as to the truth of Paragraph 57 and, therefore, denies the same

58. These and any other signatures must be counted if the referenda substantially comply with the form specified by the statute.

ANSWER: Intervenor denies the allegations of Paragraph 58.

59. A rejection of the referenda sample sheets hinders Plaintiffs' right to place a referendum before the voters.

ANSWER: Intervenor denies the allegations of Paragraph 59.

60. The Secretary's decision to reject Plaintiff von Glahn's sample sheets is not subject to administrative review which determines the rights and privileges of the Plaintiffs to engage in the referendum process.

ANSWER: Paragraph 59 is a legal conclusion to which no answer is required; if an answer is required, Intervenor denies the same

61. Other than this action there is no other provision for judicial inquiry or review of the Secretary's decision.

ANSWER: Paragraph 61 is a legal conclusion to which no answer is required; if an answer is required, Intervenor denies the same

62. The Secretary's decision was unlawful and/or involves an abuse of discretion as discussed herein.

ANSWER: Intervenor denies the allegations in Paragraph 62.

COUNT I

Violation of Section 116.030, RSMo

63. Plaintiffs incorporate by reference all preceding paragraphs.

ANSWER: In response to Paragraph 63, Intervenor adopts and incorporates its answers to preceding paragraphs as fully stated herein.

64. The Secretary of State's review and approval or rejection as to form of a referendum petition is limited to what is described in Section 116.030.

ANSWER: Intervenor denies the allegations of Paragraph 64.

65. "That statute "addresses the required form of a referendum petition sample sheet, and includes an exemplar form." *American Civil Liberties Union v. Ashcroft*, 577 S.W.3d 881, 890 (Mo. App. 2019).

ANSWER: § 116.030, RSMo speaks for itself. To the extent a response is required, Intervenor denies the allegations in Paragraph 65.

66. If the form of the referendum petition sample sheet "is followed substantially and the requirements of section 116.050 and section 116.080 are met, it shall be sufficient, disregarding clerical and merely technical errors."

Id.; §116.030, RSMo

ANSWER: § 116.030, RSMo speaks for itself. To the extent a response is required, Intervenor denies the allegations in Paragraph 66.

67. Plaintiffs submitted referendum sample sheets after the General Assembly passed House Bill 1, but prior to the Governor signing House Bill 1.

ANSWER: Intervenor is without knowledge or information sufficient to form a belief as to the truth of Paragraph 67 and, therefore, denies the same.

68. The Governor signed House Bill 1 two days after the Secretary of State rejected the referendum petitions “as to form.

ANSWER: Intervenor is without knowledge or information sufficient to form a belief as to the truth of Paragraph 68 and, therefore, denies the same.

69. The only reason the Secretary of State rejected Plaintiffs’ referendum sample sheets is because the Governor had not yet signed House Bill 1. *See* Ex. F.

ANSWER: Intervenor is without knowledge or information sufficient to form a belief as to the truth of Paragraph 69 and, therefore, denies the same.

70. Whether the Governor has signed the bill prior to the referendum sample sheet submission is not a matter of form.

ANSWER: Intervenor denies the allegations of Paragraph 70.

71. The Secretary of State exceeded his authority by rejecting Plaintiffs’ referendum sample sheets because the Governor had not yet signed House Bill 1.

ANSWER: Intervenor denies the allegations of Paragraph 71.

72. The Secretary's decision was unlawful because the sample sheets substantially followed the form mandated by statute.

ANSWER: Intervenor denies the allegations of Paragraph 72.

73. Plaintiffs are entitled to a declaratory judgment that the Secretary of State may not reject a referendum petition sample sheet because the governor has not signed the bill upon which the referendum is being requested.

ANSWER: Intervenor denies the allegations of Paragraph 73.

74. Plaintiffs are also entitled to a declaratory judgment that their referendum sample sheets are valid as to form because they substantially comply with the requirements of Section 116.030, RSMo.

ANSWER: Intervenor denies the allegations of Paragraph 74.

75. Plaintiffs seek an injunction prohibiting the Secretary of State and anyone acting in concert with him from rejecting Plaintiffs' referendum petition sample sheets on the basis that the Governor has not signed House Bill 1.

ANSWER: Intervenor denies the allegations of Paragraph 75.

76. Plaintiffs also seek an injunction prohibiting the Secretary of State and anyone acting in concert with him from taking any other actions with respect to the referendum petition on the basis that it does not comply with the form proscribed by statute.

ANSWER: Intervenor denies the allegations of Paragraph 76.

77. If an injunction does not issue, Plaintiffs will suffer irreparable harm because "delays in the State's performance of its obligations in the pre-signature collection stage of the referendum process can have the practical

effect of foreclosing meaningful exercise of the power of referendum.” 577 S.W.3d at 890.

ANSWER: Intervenor denies the allegations of Paragraph 77.

78. Plaintiffs lack an adequate remedy at law to protect their interests.

ANSWER: Intervenor denies the allegations of Paragraph 78.

COUNT II

The Constitution and Statutes Do Not Require Approval as to Form to Gather Valid Signatures

79. Plaintiffs incorporate by reference all preceding paragraphs.

ANSWER: In response to Paragraph 79, Intervenor adopts and incorporates its answers to preceding paragraphs as fully stated herein.

80. The Constitution requires only that “[r]eferendum petitions [are] filed with the secretary of state not more than ninety days after the final adjournment of the session of the general assembly which passed the bill on which the referendum is demanded.” Mo. Const. art. III, §52(a).

ANSWER: Paragraph 80 is a legal conclusion to which no answer is required; if an answer is required, Intervenor denies the same.

81. Statute only requires that before a referendum petition “may be circulated for signatures, a sample sheet must be submitted to the secretary of state in the form in which it will be circulated.” § 116.332.1, RSMo.

ANSWER: Paragraph 81 is a legal conclusion to which no answer is required; if an answer is required, Intervenor denies the same.

82. The Constitution does not authorize the Secretary of State to reject signatures because they were gathered before a referendum is approved as to

form.

ANSWER: Paragraph 82 is a legal conclusion to which no answer is required; if an answer is required, Intervenor denies the same.

83. The statute does not authorize the Secretary of State to reject signatures because they were gathered before a referendum is approved as to form.

ANSWER: Paragraph 83 is a legal conclusion to which no answer is required; if an answer is required, Intervenor denies the same.

84. Plaintiffs submitted sample sheets prior to gathering signatures on the referendum on HB 1. See Ex. A. Plaintiffs therefore complied with all requirements.

ANSWER: Intervenor is without knowledge or information sufficient to form a belief as to the truth of Paragraph 84 and, therefore, denies the same.

85. Plaintiffs are entitled to a declaratory judgment that that approval as to form is not required to gather signatures.

ANSWER: Intervenor denies the allegations of Paragraph 85.

86. Plaintiffs are also entitled to a declaratory judgment that signatures are not *per se* invalid because they were gathered prior to the Secretary of State approving the referendum petition sample sheet as to form.

ANSWER: Intervenor denies the allegations of Paragraph 86.

WHEREFORE, having fully answered, Intervenor Put Missouri First moves the Court for dismissal of the Petition, that Plaintiffs take nothing thereby, and that Intervenor be awarded the costs and expenses incurred in the action, including attorney fees, and for such other and further relief as is just and proper.

DEFENSES AND AFFIRMATIVE DEFENSES

- A. The Petition fails to state a claim as a matter of law.
- B. The Plaintiffs have shown no individual harm and are thus have no interest, aside from a purely conjectural interest, in the claims and therefore have no standing to bring the action.
- C. The Plaintiffs claims are purely speculative as to the effect of the Defendant's future actions with respect to the referendum petition and thus such claims are not ripe for adjudication.
- D. The Petition raises nonjusticiable questions that this Court has no jurisdiction to address.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served via the Court's electronic filing system on November 12, 2025 on all parties of record.

/s/ Marc H. Ellinger