IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI

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

MOTION TO END ABEYANCE AND RENDER JUDGMENT

Plaintiffs move the Court to cease holding this case in abeyance and render judgment for one party or the other within 14 days. The Court's December 12, 2025 decision to hold this case in abeyance and its subsequent decisions to continue holding the case in abeyance are erroneous.

This case was, and is, ripe for adjudication. All facts necessary to resolve Plaintiffs' claims are fully developed (indeed, the parties stipulated to them). And, all else aside, the Secretary's violation of his statutory duty to send all signatures to the local election authorities for processing is an immediate, concrete dispute. Further, denying relief is creating hardship for Plaintiffs and the hundreds of thousands of Missourians whose interests they represent. *See Graves v. Mo. Dep't of Corr., Div. of Probation & Parole*, 630 S.W.3d 769, 773 (Mo. banc 2021). The longer the Court continues to hold this case in abeyance, the more dire such prejudice will become. As explained below, withholding relief now creates substantial risk of this case running into Missouri's statutory

deadline for altering ballots, as well as risk that Defendants will argue it is too late to make such changes even if statutorily permitted. § 115.125, RSMo ("No court shall have the authority to order an individual or issue be placed on the ballot less than eight weeks before the date of the election.").

And, *even if* this case were not ripe (which it is), the proper course would not be to hold it in abeyance. Rather, it would be to dismiss the case for lack of a justiciable controversy. Such order would be immediately appealable. If the Court believes the case is not ripe, it should dismiss the case so Plaintiffs can appeal and ask the Court of Appeals to consider that issue and—if it concludes the matter *is* ripe—proceed to address the straightforward legal merits of this case.

The Court's original abeyance order indicates the Court is holding the case in abeyance not for want of a ripe controversy, but rather because future events "could . . . moot[] the issues presented." 12/12/2025 Order. But virtually any case can be rendered moot by the passage of time. This case is not presently moot, so there is a justiciable controversy the Court should resolve. Plaintiffs are aware of no authority authorizing a trial court to hold a case in abeyance based on the possibility that it may eventually become moot.

In sum, there is a justiciable controversy. This matter was fully tried more nearly three months ago. All that remains is for the Court to render judgment (whether on the merits or for want of a justiciable controversy) so the aggrieved party can appeal. Continuing to hold this case in abeyance is prejudicial and an abuse of discretion. Plaintiffs request that the Court promptly render a decision.

BACKGROUND

A. Plaintiffs File Suit and Seek Prompt Trial Setting

Plaintiffs initially filed suit on September 18, 2025. They sought declaratory relief concerning the Secretary's violation of the sunshine law and rejection of Plaintiffs' referendum petitions for circulation due to the lack of the Governor's signature.

Plaintiffs amended their petition on September 29. Count I challenges the Secretary's refusal to approve Plaintiffs' original referendum petition on the basis that the Governor had not yet signed HB1. Count II seeks a declaration that the Secretary is not authorized to reject signatures solely because they were gathered before the referendum had been approved as to form. Plaintiffs did not ask this Court to assess the validity of any signatures.

On October 14, the Secretary answered. On October 15, Judge Green set the case for trial on October 28. On October 28, the parties filed joint stipulations and appeared for trial. Because Judge Green was ill, the trial was continued to November 13.[1]

[1] As of October 28, Intervenor Put Missouri First did not legally exist. *See* https://mec.mo.gov/Scanned/PDF/2025/173449.pdf. The only reason Put Missouri First was able to intervene in this case at all was due to Judge Green being ill on the originally scheduled trial date.

B. Put Missouri First Is Improperly Allowed to Intervene and Delay Trial

On November 12, Put Missouri First moved to intervene. On November 13, the parties appeared for trial. But, after Put Missouri First was granted intervention, it promptly took a change of judge and then served discovery. The case was immediately reassigned to Judge Walker, who set the case for trial on November 21. Then, the Secretary requested a change of judge, and the case was again reassigned. The Court set the matter for trial on December 8.

C. Plaintiffs Seek Relief from the Court of Appeals

On December 8, Plaintiffs sought a writ of prohibition from the Court of Appeals concerning the decisions to allow intervention and require Plaintiffs to respond to discovery. On December 9, Intervenor moved for sanctions (including striking Plaintiffs' claims) in connection with certain discovery disputes. After ordering Intervenor to respond to the writ petition (and address both the propriety of intervention and its discovery requests), the Court of Appeals issued an order on December 22, 2025 staying the writ petition while retaining jurisdiction and directing the parties to advise it "when and if the underlying litigation resumed."[2]

[2] The Court of Appeals subsequently issued its decision in another election-related case making clear that it was error to allow Put Missouri First to Intervene here. *See Toder v. Hoskins*, No. WD88585, at 9-11 (concluding trial court abused its discretion by allowing someone politically opposed to a ballot measure to intervene).

D. This Court Places the Matter in Abeyance

Meanwhile, this Court held a bench trial on December 8, 2025. The parties submitted proposed judgments on December 10. All parties requested that the Court render a decision. Plaintiffs requested entry of judgment in their favor. **Exhibit A**. The Secretary and Intervenor both asked the Court to dismiss for lack of a justiciable controversy or, alternatively, for judgment on the merits. **Exhibits B-C**.[3] No one asked the Court to hold the matter in abeyance.

On December 12, the Court entered an order holding the case in abeyance "until the requisite number of signatures have been certified or up until enough signatures have been rejected so as to prevent plaintiffs' referendum from appearing on the ballot." 12/12/2025 Order.

E. Plaintiffs Request a Final Judgment

On January 5, 2026, Plaintiffs submitted a memorandum concerning the status of signature verification efforts. As Plaintiffs explained—with documentary support—the Secretary deemed 16,695 pages of signatures to be invalid and refused to submit them to local election authorities for further validation on the basis that the signatures were gathered before the Secretary's approval as to form. 1/5/2026 Memo. & Exhibits.[4]

[3] Previously, the Secretary and Intervenor had filed motions to dismiss, arguing the Court should dismiss the case, not hold it in abeyance.

[4] Plaintiffs and the Secretary agree that Plaintiffs gathered approximately 100,800 signatures before October 14, 2025. Oct. 28. 2025 Jt. Stips. ¶¶ 29, 32.

On January 12, 2026, Plaintiffs and the Secretary submitted briefs on the status of the case. Plaintiffs advised the Court this matter was undoubtedly ripe after the Secretary deemed numerous signatures invalid (the very thing Plaintiffs seek a declaration he cannot do), and was "ready for a final judgment." Pls. 1/12/2026 Supp. Brief. The Secretary argued the Court properly decided to hold the case in abeyance because "this case remains **unripe**." Ds. 1/12/2026 Status Hearing Brief at 4 (emphasis added). He contended the Court should either continue to hold the case in abeyance or dismiss it. *Id.* The Court elected to continue holding the case in abeyance and set a status conference for February 17.

On February 17, the parties appeared for another status conference. During that conference, Plaintiffs asked the Court to render a judgment for one party or the other. Plaintiffs advised that if the Court believed the case was not ripe, then it should dismiss in response to the Secretary's motion to dismiss. Instead, the Court again elected to continue holding the matter in abeyance and set the case for a further status conference on March 17.

F. The Secretary and Intervenor Are Already Arguing it is Too Late to Effectuate the Referendum

While this case has been held in abeyance, several other cases related to HB1 and the referendum have been working their way through the court system. As this Court is aware, *Luther v. Hoskins* challenges the enactment of HB1 in the first place. That case is currently with the Missouri Supreme Court and is

scheduled for oral argument on March 10. This argument date was set after all parties *agreed* resolution was time-sensitive and the Supreme Court entered an expedited briefing schedule.

Yet, on February 9, the Secretary filed his respondent's brief, in which he argued the Court should adopt the so-called "*Purcell* Principle" and conclude it is *already* too close to the election to order the Secretary to require this year's congressional election to be held under the 2022 congressional map. *See Luther v. Hoskins*, No. SC101412, 2/9/2026 Resp. Br. at 54-59. According to the Secretary, any "judicial order to implement a new congressional map for those elections would cause chaos." *Id.* at 54. He is wrong about that, but the fact that he is making such an argument **in February** illustrates why it is an abuse of discretion for this Court to refuse to resolve the dispute in this case until the Secretary decides to finish validating some of the signatures Plaintiffs submitted.

Another case concerning the referendum is *Maggard v. State*, which asks this Court to decide whether People Not Politicians' submission of signatures suspended the effectiveness of HB1. That case was tried before Judge Stumpe on February 10. Put Missouri First was also allowed to intervene there. And, on February 9, Put Missouri First filed a trial brief similarly arguing that—under the "*Purcell* Principle"—this Court should refuse to conclude the submission of the referendum suspended HB1. *See Maggard v. State*, No. 25AC-CC09120, Intervenor Tr. Br. at 17-21. Again, Intervenor's willingness to make such

arguments at this early juncture illustrates the problem with holding this case in abeyance.[5]

G. Status of Signatures

The Secretary decided to send *some* of the signatures Plaintiffs submitted to local election authorities for validation of individual signatures (*i.e.*, not by random sampling). By law, the local election authorities have until July 27, 2026 to complete that process. § 116.130.2, RSMo. The Secretary, however, has until at least August 4, 2026 to issue a certificate of sufficiency or insufficiency. § 116.150.3, RSMo. He may have until as late as August 10, depending on when the local election authorities complete their work. *Id.* By law, no changes can be made to ballots after September 8, 2026. § 115.125.3, RSMo.

Through open records requests, Plaintiffs have obtained information the local election authorities have provided to the Secretary reflecting that Plaintiffs' referendum will qualify for the ballot. A copy of the underlying data is attached hereto as **Exhibit D**. Based on the latest data, the local election authorities have validated vastly more signatures than necessary for qualification in five congressional districts. And the referendum will clear the signature threshold in

[5] The State and Missouri Republican State Committee have likewise raised *Purcell* as a barrier to relief in several cases concerning HB1 pending in Jackson County. *See Wise v. State*, No. 2516-CV29597, 2/11/2026 State Tr. Br. at 47-52; *Healey v. State*, No. 2516-CV31273, 2/11/2026 Intervenor Tr. Br. at 29-33.

Congressional District 7 when counting is complete. The following chart summarizes the data:

CD	Valid Sigs Needed	Total number of valid signatures (so far)	Sigs not yet verified (only calculated for CDs not yet at 100%)	Progress to Certification
1	15,596	24,711		158%
2	21,570	28,454		132%
3	20,062	27,795		139%
4	18,544	22,640		122%
5	16,700	24,025		144%
7	18,599	18,124	7.5K	97%

Yet, the Secretary claims this data is merely "preliminary" and he intends to take some unknown amount of time for "quality control and review."[6]

He previously "promised a 'slow and steady' review of signatures."[7] He stated that the local election authorities have until July 28 to complete their work and "he isn't likely to determine the measure's constitutionality until that's done."[8] He promised: "I'm going to do everything I can to protect Gov. (Mike) Kehoe's Missouri First Map."[9] And the Attorney General, who—of course—represents the Secretary in this case, agrees with this strategy. During an interview in January, after the Court held this case in abeyance, Attorney General

[6] Mo. redistricting referendum backers push Sec. of State

[7] Opponents of Trump-backed redistricting in Missouri submit a petition to force a public vote | PBS News

[8] *Id.*

[9] *Id.*

Hanaway asserted: "As long as the status quo is the new maps, **delay works in our favor**."[10]

ARGUMENT

I. This Case Is Ripe for Adjudication

A. Ripeness Standards

The Secretary has contended the Court should continue holding the case in abeyance (or dismiss it) because it is not ripe. "[T]he question of ripeness turns on whether the facts are sufficiently developed to permit a conclusive adjudication of the issue presented." *Newman v. City of Warsaw*, 129 S.W.3d 474, 478 (Mo. App. 2004). Courts "employ[] a two-fold test in ascertaining whether a controversy is ripe for judicial determination: (1) whether the issues presented are fit for judicial resolution, and (2) whether denying relief would create hardship for either party." *Graves*, 630 S.W.3d at 773. Fitness for judicial resolution turns on whether the "dispute is developed sufficiently to allow the court to make an accurate determination of the facts, to resolve a conflict that is presently existing, and to grant specific relief of a conclusive character." *Id.* (quotations omitted). Here, all these standards lead to but one conclusion: there is a ripe controversy.

[10] Is Missouri GOP delaying redistricting before election? | Kansas City Star (emphasis added); *see also* Missouri Attorney General, Catherine Hanaway - Live at the Capitol - NewsTalkSTL - Omny.fm

B. No Further Factual Development is Needed

This case presents two straightforward legal questions: (1) whether the lack of the Governor's signature on a bill is a "matter of form" that allows the Secretary to reject a referendum petition and (2) whether signatures on a referendum petition can be rejected **solely** on the basis that they were gathered before the Secretary's approval of the referendum as to form. These are not difficult questions. Indeed, controlling case law conclusively answers both.

As to the first question, "the secretary of state's authority to review a referendum petition sample sheet for sufficiency as to form does not extend to substantive matters including, without limitation, determining compliance with the Missouri Constitution." *ACLU v. Ashcroft*, 577 S.W.3d 881, 892 (Mo. App. 2019). Review of a referendum petition for compliance with the Constitution may occur only after signatures have been submitted. *Id.* The Secretary's conclusion (in September 2025) that Plaintiffs were not permitted to initiate a referendum on a bill that had not been signed by the Governor is a matter of substance, not form. It was clear error for the Secretary to reject Plaintiffs' original referendum petition sample sheets (which were *identical* to the one the Secretary later approved) on that basis.

As to the second question, nothing in the Constitution requires approval as to form for signatures to be considered valid. Nothing in the statutes requires this either. Section 116.332.1 merely requires that a referendum sample sheet be

submitted to the Secretary before circulation. It says nothing about requiring approval as to form before signatures may be gathered.

While Sections 116.180 and 116.334 *did* contain such a requirement, the Supreme Court invalidated it as an unconstitutional interference with the people's right to the referendum. *No Bans on Choice v. Ashcroft*, 638 S.W.3d 484, 492 (Mo. banc 2022). And it has been nearly a decade since the Supreme Court held that signatures were not invalid simply because the petition did not include the *statutorily* required ballot title (due to its revision by the courts). *Boeving v. Kander*, 496 S.W.3d 498, 505 (Mo. banc 2016).

The law is clear. So, the only question is whether the Court has before it sufficient facts to permit application of that law to this dispute. It does. The parties stipulated to all relevant facts. The Court has HB1, the sample sheets, and the Secretary's written decisions. The parties stipulated to all relevant dates concerning Plaintiffs' submissions and the Secretary's decisions. Nothing else is needed to apply clear, binding Missouri case law and invalidate the Secretary's unlawful decisions.

C. There Is a Presently Existing Controversy the Court Can Conclusively Resolve

There is also present controversy between Plaintiffs and the Secretary, and the Court can resolve that controversy and "grant specific relief of a conclusive character." *Graves*, 630 S.W.3d at 773. With respect to Count I, the Secretary undeniably rejected Plaintiffs' original sample sheets based on an issue of

substance, not form, on September 28, 2025. Plaintiffs are presently being harmed by that erroneous decision because it forms the entire basis for the Secretary's decision to deem invalid tens of thousands of signatures gathered before October 14, 2025. *See* 1/5/2026 Memo. & Exhibits.

There is likewise a presently existing controversy as to Count II. At the time of trial, the Secretary had made clear he would not consider any signatures gathered prior to October 15, 2025 to be valid. 12/3/2025 Am. Jt. Stips. ¶ 29. He also had issued public statements designed to dissuade signature gathering, claiming that gathering signatures before approval as to form was a crime. Jt. Ex. 14. This gave rise to a real, legitimate, resolvable controversy.

But, even if it hadn't, there has undoubtedly been a controversy between the parties since early January, when the Secretary made clear he would not send nearly 17,000 pages of signature pages to local election authorities for validation because they were gathered before his approval as to form. 1/5/2026 Memo. & Exhibits. As Plaintiffs previously explained, the Secretary is statutorily obligated to send **all** signature pages to local election authorities for validation. Where, as here, the Secretary elects to have local election authorities individually validate signatures, "[c]opies of all pages from not less than one petition shall be received in the office of the election authority not later than two weeks after the petition is filed in the office of the secretary of state." § 116.130.1(1), RSMo. The Secretary is actively violating this statute. There is a ripe dispute.

And the Court can conclusively resolve these disputes. It can order the Secretary to comply with the law and send **all** signatures Plaintiffs submitted to local election authorities for validation. Contrary to Defendants' suggestions, Plaintiffs are **not** asking the Court to conclude that any particular signature **is** valid. They are simply asking the Court to require the Secretary to comply with his statutory obligations and to refrain from deeming swaths of signatures invalid based on the date they were collected. It will remain for the local election authorities to further validate those signatures.

As explained below, withholding relief on this matter is causing significant prejudice to Plaintiffs. And the fact that the passage of time may render this dispute moot is not a valid basis to hold the case in abeyance. Beyond that, however, hypothetical future developments are also legally irrelevant to whether there is a ripe dispute *right now*. There is, for all the reasons discussed.

D. Withholding Relief Is Causing, and Will Continue to Cause, Hardship for Plaintiffs

The second prong of the ripeness inquiry asks "whether denying relief would create hardship for either party." *Graves*, 630 S.W.3d at 773. Here, the answer to that question is unequivocally "yes."

Resolution of this case is of critical importance to Plaintiffs, all Missourians, and the integrity of the State's election processes. Plaintiffs have, from day one, attempted to obtain swift resolution, so that all signatures gathered can be validated. The case should have been tried in November but was delayed

due to the erroneous decision to allow a political action committee formed *after* the original trial date to intervene, take a change of judge, and serve irrelevant discovery. This is the type of oppressive intervention the Court of Appeals condemned in *Toder* and *Prentzler v. Carnahan,* 366 S.W.3d 557 (Mo. App. 2012).

Now, resolution of the case is being further delayed by the Court's decision to hold the matter in abeyance. All three parties asked the Court to render a decision (either on justiciability grounds or the merits). *See* Exs. A-C. That is what the Court should do.

As explained above, the Secretary and Attorney General have made clear they intend to delay issuing a decision on Plaintiffs' signatures for as long as possible (because "delay works in [their] favor"). Under the statutory timelines, that decision could come as late as August. As Plaintiffs have explained, however, there are tens of thousands of signatures the Secretary has not sent out for validation. While information provided by the local election authorities reflects that Plaintiffs will have more than enough signature to qualify, the Secretary may take a different view. If the Secretary issues a certificate of insufficiency due to an insufficient number of valid signatures (or on some other ground) in August, the Court will *then* have to decide the questions tried back in December. Even assuming the Court promptly rules for Plaintiffs (which it should, under the clear holdings in *ACLU* and *No Bans on Choice*), the Secretary will **then** have to undertake validation of tens of thousands of additional signatures.

And delaying validation will likely cause problems even if the Secretary issues a certificate of *sufficiency*. Any citizen can challenge the validity of signatures. *See* § 116.200, RSMo. Such a challenge is likely to occur here. When it does, these tens of thousands of signatures will come into play. For any number of signatures that are challenged, People Not Politicians will seek to prove additional signatures are valid. Having to first ask the local election authorities review these tens of thousands of signatures before any litigation moves forward will hold up the process and make it harder to swiftly resolve any signature challenge.

Given that the statutory deadline for altering ballots is September 8, there is substantial risk that this additional counting cannot be completed before the deadline arrives. Or, if the Court rules *against* Plaintiffs at that juncture, Plaintiffs will then have to take an appeal and, if successful, return to this Court for further proceedings regarding validation of additional signatures. All of these possibilities are highly untenable and coupnsel in favor of deciding this ripe controversy now.[11]

There is more. As explained above, the Secretary and Intervenor are already telling courts it is too late to require use of the 2022 congressional map

[11] The Supreme Court has expressed concern with the Secretary delaying decisions in a way that threatens the ability of the courts to carefully consider election cases. *Coleman v. Ashcroft*, 696 S.W.3d 347, 353 (Mo. banc 2024). Lower courts should not add to these complications by holding time-sensitive cases in abeyance.

under the "*Purcell* Principle." While Plaintiffs believe that is wrong, and that the appellate courts will agree, allowing this dispute to simmer until August or later creates risk that Defendants will successfully invoke that principle, even if ballots can be altered in compliance with Section 115.125.

For all of these reasons, withholding relief works severe hardship on Plaintiffs. *Graves*, 630 S.W.3d at 773. All such hardship can be avoided by simply deciding the case, as all parties requested the Court to do.

E. No One Asked the Court to Hold the Case in Abeyance

Finally, Plaintiffs wish to emphasize that before entry of the Court's December 12 Order, all three parties requested a dispositive ruling on the issues raised. *See* Exs. A-C. No one asked the Court to hold the case in abeyance. Even now, the Secretary has argued the case is not ripe and should be dismissed. As discussed in the next section, dismissal is the outcome Missouri law mandates if the Court thinks the case is not ripe.

There is little Missouri case law discussing the power of a trial court to hold a case in abeyance. There is no rule of procedure authorizing an open-ended, indefinite abeyance of proceedings. The case law Plaintiffs can locate regarding abeyances is limited to narrow circumstances involving appellate remands and partial verdicts in the trial court. *See, e.g.*, *G & S Masonry, Inc. v. MJC Constructors, Inc.*, 164 S.W.3d 530, 533 (Mo. App. 2005); *State v. Anderson*, 580 S.W.2d 553, 554 (Mo. App. 1979); *Brickner v. Normandy Osteopathic Hosp., Inc.*, 687 S.W.2d 910, 913-14 (Mo. App. 1985).

Assuming, however, the Court has inherent, discretionary authority to place a case in abeyance to control its docket, doing so here is an abuse of discretion. For all the reasons discussed above, it is against the logic of the circumstances, unreasonable, arbitrary, and shocks the sense of justice to hold a time-sensitive election case in an unappealable state of abeyance, when all parties have previously asked the Court to render a decision. *See Hanshaw v. Crown Equip. Corp*, 2026 WL 512824, at *2 n.2 (Mo. banc Feb. 24, 2026) (discussing abuse of discretion standard).

II. If The Case Is Not Ripe, The Court Must Dismiss It

For the reasons discussed, this case is ripe. But if the Court disagrees, the proper thing to do is to dismiss the case, not hold it in abeyance. Refusing to dismiss the case—so that Plaintiffs can seek appellate review—is improper.

"Prior to addressing the merits of a case, a court must determine whether a case meets the requirements for a justiciable controversy." *Mo. State Conf. of Nat'l Ass'n for the Advancement of Colored People v. State*, 633 S.W.3d 843, 848 (Mo. App. 2021). Standing is an element of justiciability. *Id.* If a "matter is not ripe for adjudication, the trial court should dismiss the matter without prejudice." *Bettis v. Potosi R-III Sch. Dist.*, 51 S.W.3d 183, 189 (Mo. App. 2001) (remanding case and "direct[ing] the trial court to dismiss the [plaintiff's] claim" if it concluded the claim was not ripe).

Stated differently, if there is no justiciable controversy, there is nothing for the Court to do but dismiss. There is no reason for the Court to hold the case in

abeyance based on the possibility that the case may eventually "become ripe." This is so for a number of reasons.

Among other things, Plaintiffs believe this case *is* ripe and dismissing the case without prejudice will enable Plaintiffs to seek immediate review. "Where . . . the effect of the dismissal is to resolve plaintiff's claim and not merely the pleading of that claim, the judgment entered is final and appealable." *State ex rel. Henderson v. Asel*, 566 S.W.3d 596, 600 n.6 (Mo. banc 2019) (quotations omitted). Courts routinely entertain appeals regarding dismissals on ripeness grounds. *See, e.g.*, *Claymont Dev., LLC v. City of Wildwood*, 718 S.W.3d 430, 432 (Mo. App. 2025) (considering and reversing dismissal on ripeness grounds); *Newman*, 129 S.W.3d at 480 (same); *Strack Excavating, LLC v. Mo. Dep't of Nat. Res., Land Reclamation Comm'n*, 459 S.W.3d 439, 443 (Mo. App. 2015) (considering and affirming dismissal on ripeness grounds).

For the reasons discussed above in Section I.D, the Court's refusal to render judgment is prejudicing Plaintiffs. The appellate courts have previously had to redress comparable issues. In *Henderson*, the trial court entered an order dismissing the plaintiff's claims for lack of jurisdiction. 566 S.W.3d at 598. But the trial court did not denominate its order as a judgment. *Id.* When the trial court refused to do so, the plaintiff appealed. *Id.* The Supreme Court dismissed the appeal for lack of jurisdiction. *Id.* When the trial court again refused to enter an appealable judgment, the Supreme Court was forced to issue a writ of mandamus compelling the trial court to do so. *Id.* at 599-600.

Plaintiffs would prefer to avoid having to pursue such recourse here. But, for all the reasons discussed herein, the Court's refusal to render judgment is causing extreme hardship to Plaintiffs and threatens to deprive them of any remedy whatsoever. Plaintiffs respectfully request that—if the Court believes this matter is not ripe—it enter an order dismissing this case for lack of a justiciable controversy so that Plaintiffs can seek appellate review.

III. The Fact That This Case Might Become Moot at Some Point Does Not Authorize the Court to Refuse to Decide a Live Controversy

As noted, the Secretary has argued the Court should continue the state of abeyance because the case is not ripe. The Court's December 12 Order, however, indicates the case is being held in abeyance because the Secretary might eventually validate enough signatures gathered after October 14, 2025 to "moot[] the issues presented in the case at bar." 12/12/2025 Order. This is not a basis to hold the case in abeyance.

Nearly any case *could* be rendered moot by the passage of time. That fact does not counsel in favor of the Court refusing to act. To the contrary, the ravages of mootness counsel in favor of dispensing swift, meaningful relief. That is particularly true here because—for all the reasons discussed above—the passage of time threatens to work a grave injustice on Plaintiffs and the hundreds of thousands of Missourians who signed the referendum.

Perhaps this dispute would be mooted if the Secretary certifies enough valid signatures. But probably not. The issues presented here are (i) of general

public interest, (ii) will recur, and (iii) and will likely continue to evade review in live cases (particularly if cases are to be held in abeyance while the controversy is live). *See Asher v. Carnahan*, 268 S.W.3d 427, 431 (Mo. App. 2008) (discussing exception to mootness doctrine). This is the second time in the last several years the Secretary's pre-circulation review activities have interfered with signature-gathering efforts. *See No Bans on Choice*, 638 S.W.3d 484. The Supreme Court reviewed that issue in 2022 after finding the dispute was "squarely within the mootness exception of 'capable of repetition, yet evading review." *Id.* at 489 n.9. Waiting is unlikely to moot this dispute.

And even if it might, Plaintiffs are aware of no authority supporting an abeyance based on the possibility that a case might become moot. Here, the countervailing considerations (discussed at length above) vastly outweigh whatever judicial efficiency/restraint considerations might arguably support abeyance.

CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Court end the abeyance in this matter and enter a judgment by March 20, 2026.

Respectfully Submitted,

STINSON LLP

/s/ Alexander C. Barrett
Charles W. Hatfield, MO No. 40363
Alixandra S. Cossette, MO No. 68114
Alexander C. Barrett, MO No. 68695
Greta M. Bax, MO No. 73354
230 W. McCarty Street
Jefferson City, Missouri 65101
Phone: (573) 636-6263
Facsimile: (573) 636-6231
chuck.hatfield@stinson.com
alix.cossette@stinson.com
alexander.barrett@stinson.com
greta.bax@stinson.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was filed electronically via the Missouri Case.net e-filing system, which notified all counsel of record on this 6th day of March, 2026.

/s/Alexander C. Barrett
Attorney for Plaintiffs