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IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI

PEOPLE NOT POLITICIANS, *et al.*,

Plaintiffs,

v.

MISSOURI SECRETARY OF STATE DENNY HOSKINS,

Defendant.

Case No. 25AC-CC07128

DEFENDANT'S OPPOSITION TO PLAINITTFS' MOTION TO END ABEYANCE AND RENDER JUDGMENT

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INTRODUCTION

Plaintiffs' motion for this Court to lift its December abeyance order is long on gripes but short (once again) on substance. This Court wisely recognized that it need not resolve a hypothetical case. Nothing Plaintiffs say shows any more concrete basis for deciding this case now than was true in December. Indeed, Plaintiffs proclaim (at 8): "[T]he local election authorities have validated vastly more signatures than necessary for qualification in five congressional districts." That's exactly why this Court put this case on ice—a decision here may be entirely unnecessary. The fact that Plaintiffs are upset with irrelevant developments in other cases provides no basis for this Court to hasten a premature decision.

For starters, the Court properly decided to hold this 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." Order at 1 (Dec. 12, 2025). Neither of those events have happened, so this case remains unfit for resolution. *See Mo. Soybean Ass'n v. Mo. Clean Water Comm'n*, 102 S.W.3d 10, 26 (Mo. banc 2003). Signature verification is ongoing and totals remain preliminary—the potential for an unnecessary decision on a delicate question of law remains just as true today as in December. *See Graves v. Mo. Dep't of Corr., Div. of Prob. and Parole*, 630 S.W.3d 769, 773 (Mo. banc 2021).

Additionally, Plaintiffs cannot show that they face any hardship from having *this case* paused until signature validation is complete. *See id.* Their argued hardship is entirely speculative and hypothetical based on a chain of possibilities that *could* happen *if* the Secretary of State denies their referendum for insufficient

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signatures. And they root their complaints of hardship in matters currently being litigated in *other cases*. *See, e.g.*, Pls. Mot. at 16–17 (complaining about the *Purcell* Principle"). Mere tangential convenience for seeing this case decided provides no warrant for this Court to rule upon an abstract legal dispute based on future contingent events. Nor is this Court the proper forum for hearing issues pending before other courts.

Moreover, Plaintiffs' contentions that the Court must decide this matter now or risk potentially preventing litigation later rings hollow. The statute plainly answers when Plaintiffs can challenge signature decisions: "After the secretary of state certifies a petition as sufficient or insufficient . . . ." *See* Mo. Rev. Stat. § 116.200.1. This statutory-directed method to challenge a determination and court review provides Plaintiffs the exact "remedy" for this kind of dispute. *ACLU of Mo. v. Ashcroft*, 577 S.W.3d 881, 897 (Mo. App. W.D. 2019). And Plaintiffs have not contested the constitutional application of this statute. That Plaintiffs have chosen to bring this dispute prematurely and outside this statute neither entitles them to judicial relief nor shows they face a hardship absent relief. This Court should continue to hold this case in abeyance per its December 12 Order.

BACKGROUND

Plaintiffs filed a Petition challenging the Secretary of State's rejection of their referendum petitions submitted before H.B. 1 was enacted and the Secretary's decision not to count signatures collected prior to the referendum petition's approval as to form. *See generally* First Am. Pet. The Court held trial on December 8, 2025.

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The day after trial, Plaintiffs submitted their referendum petition to the Secretary of State's office. Plaintiffs submitted over 300,000 signatures. *See* Pls. Memo. on Status of Signature Verification Ex. A (Jan. 5, 2026). This Court ordered this case held in abeyance pending verification and counting of signatures. Order at 1 (Dec. 12, 2025).

The Secretary of State is currently conducting the signature verification as directed by statute. *See* Mo. Rev. Stat. § 116.130. The Secretary chose not to count signatures collected prior to his approval as to form of the referendum petition. Pls. Memo. on Status of Signature Verification Ex. C (Jan. 5, 2026); *see* Mo. Rev. Stat. § 116.332.1. This Court held a hearing on January 13, 2026 at which it decided to continue holding this case in abeyance.

The Secretary's signature verification is well underway with local election authorities counting signatures. The Secretary has made no determination as to the validity of any signatures. The numbers cited by Plaintiffs are merely preliminary counts—made *before* several mandatory steps in the statutory process. *See* Pls. Mot. to End Abeyance Ex. D (Mar. 6, 2026) (showing sufficient number of preliminarily validated signatures in only five of the necessary congressional districts). Among other things, before signatures can be finally deemed valid, local election authorities must still investigate any duplicate signatures or irregular signatures before certifying the total number of signatures to the Secretary of State. *See* 15 C.S.R. § 30-15.020. And once signatures are returned to the Secretary of State, steps remain in

the process. *See* Mo. Rev. Stat. § 116.140. Thus, the labor-intensive process of validating and counting signatures remains ongoing.

ARGUMENT

This Court should (once again) reject Plaintiffs' bid for a premature ruling in this case. Missouri 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 v. Mo. Dep't of Corr., Div. of Prob. & Parole*, 630 S.W.3d 769, 773 (Mo. banc 2021). Plaintiffs' claims meet neither of these conditions, so this Court should reject their effort to obtain a premature judgment.

I. The number of signatures is still outstanding such that this controversy is not fit for judicial resolution.

A. The predicates of this Court's order remain unmet.

This Court ordered this case be held 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." Order (Dec. 12, 2025). Plaintiffs acknowledge that neither of these triggers has been met. *See* Pls. Mot. at 8–9 (interpreting preliminary numbers as reflecting enough signatures for ballot qualification in "five congressional districts" and stating that the referendum petition "will clear the signature threshold in [sixth congressional district] when counting is complete"); *see also* Mo. Const. art. III, § 52(a) (requiring referendum petition to meet signature threshold "in each of two-thirds of the congressional

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districts"). Thus, if Plaintiffs are proven correct, deciding whether Plaintiffs are entitled to have the signatures disputed here counted will become unnecessary.

Tellingly, Plaintiffs never squarely address the thresholds set in this Court's order. Instead, they attempt to get around the order by (oddly) suggesting that they will prevail in the final count and that they want the disputed signatures counted too as mere insurance against speculative challenges to individual signatures. *See* Pls. Mot. at 8–9 (arguing that the signatures in the sixth congressional district "*will* clear the signature threshold . . . when counting is complete" (emphasis added)); *id.* at 16 (raising concern about challenges to signature validity). But these are the very future contingent events that make this dispute "speculative and hypothetical." *Graves*, 630 S.W.3d at 773. That all of Plaintiffs' reasons for wanting a decision today rely on an "if" tells this Court everything it needs to know. *See* Pls. Mot. at 14–17.

Moreover, the signature counts that Plaintiffs reference are preliminary. Plaintiffs' Exhibit D shows the initial signature counts for each local election authority where the signatures are checked "against voter registration records and annotate[d]." 15 C.S.R. § 30-15.020(1). This step is still ongoing. *See* Pls. Mot. at 9 (listing "total number of valid signatures *(so far)*" (emphasis added)). The next step in this process is noting "duplicate signature[s]" and notifying the Secretary of State. 15 C.S.R. § 30-15.020(2). Notably, the preliminary signature totals list *zero* duplicate signatures for any local election authority. *See* Pls. Ex. D. Local election authorities must also review signatures for any other "apparent irregularities" and alert the Secretary of State of any such irregularities. 15 C.S.R. § 30-15.020(4). Only after

this is done will the local election authority "certify to the secretary of state . . . the total" of qualified signatures. 15 C.S.R. § 30-15.020(5). And after that, the Secretary still has the statutory authority to check the signatures. *See* Mo. Rev. Stat. § 116.140. Therefore, the total number of countable validated signatures for each congressional district is still nowhere close to being determined.

B. Plaintiffs' arguments to the contrary have already been considered and rejected by this Court.

Plaintiffs never attempt to address the factual thresholds of this Court's December 12 Order. Instead, Plaintiffs continue to make the same arguments they made at trial and in their Supplemental Brief in Support of Issuing Final Judgment (filed Jan. 12, 2026). As the Secretary detailed in his Status Hearing Brief (filed Jan. 12, 2026), Plaintiffs' arguments remain unavailing. This Court has already considered these arguments, and there is no need for this Court to reconsider (or re-reconsider) them now.

Plaintiffs argue that the Secretary is "actively violating" Section 116.030.1(1) because he has not sent out nearly 17,000 signature pages collected before his approval as to form—making this "a ripe dispute." Pls. Mot. at 13. But for all their handwringing, the Secretary has not made a final decision on pre-approval as to form signatures—the only final decision occurs when the Secretary issues a certificate respecting sufficiency per Section 116.150.[1] Moreover, no impact has been "felt in a

[1] The Secretary has preserved all referendum petition signatures filed in accordance with this Court's order.

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concrete way" by Plaintiffs. *Mo. Soybean Ass'n v. Mo. Clean Water Comm'n*, 102 S.W.3d 10, 26 (Mo. banc 2003). Simply put, there have been no legal "effects" stemming from the Secretary's action, so it remains completely "hypothetical or speculative" whether these separated signatures are necessary for Plaintiffs to meet the signature threshold. *See id.* at 25–26. And Plaintiffs all but state that the signatures sent to local election authorities are enough to "clear the signature threshold[s]." Pls. Mot. at 8–9. Therefore, adjudication of this issue continues to be "premature" and risks deciding an abstract legal question without real-world consequences. *Mo. Soybean Ass'n*, 102 S.W.3d at 26.

Moreover, the question of signature validity is not "appropriate for judicial resolution." *Id.* at 27 (citing *Abbott Labs. v. Gardner*, 387 U.S. 136, 149 (1967)). An issue so qualifies when the determination is "final," presents a "purely legal" question, and "no further . . . proceedings [are] contemplated." *Id.* Again, there is no final decision—the Secretary has not issued a certificate as to sufficiency or insufficiency. *See* Mo. Rev. Stat. § 116.150. But even assuming (contrary to Missouri law) that treatment of the disputed signatures qualifies as "final" and granting that whether those signatures are valid given their collection date presents a "purely legal" question, the statutory scheme for referendum petitions specifies "further . . . proceedings." *Mo. Soybean Ass'n*, 102 S.W.3d at 27. Specifically, challenges to signature sufficiency or insufficiency occur "[a]fter the secretary of state certifies a petition." Mo. Rev. Stat. § 116.200.1. And Plaintiffs readily acknowledge the possibility of such challenges here. *See* Pls. Mot. at 16. These further proceedings

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illustrate why this issue is not currently fit for judicial resolution (to say nothing of the General Assembly's judgment about when challenges like this should happen).

II. Plaintiffs show no new hardship meriting revisiting this Court's Abeyance Order.

A. Plaintiffs' future hypothetical harm in other cases does not qualify as a hardship.

Delaying a decision not fit for judicial review does not qualify as a hardship—even if such delay may have downstream impacts on how Plaintiffs litigate other cases. A hardship occurs when plaintiffs face a "dilemma" to "comply or take a potentially more costly alternative of risking serious penalties." *Mo. Ass'n of Nurse Anesthetists, Inc. v. State Bd. of Registration for Healing Arts*, 343 S.W.3d 348, 355 (Mo. banc 2011) (quotation omitted). Plaintiffs have identified no such "dilemma." Instead, Plaintiffs complain about what could happen "*[i]f* the Secretary issues a certificate of insufficiency due to an insufficient number of valid signatures." Pls. Mot. at 15 (emphasis added). Again, this is entirely "speculative and hypothetical." *Graves*, 630 S.W.3d at 773. Plaintiffs compound this hypothetical with a chain of future events. *See* Pls. Mot. at 15–16 (detailing "possibilities" that could happen). And they especially worry about speculative impacts on litigating positions in cases involving what map must be used in the coming election. *See id.* at 16–17. But "more certain consequences" are required to show an actual hardship on Plaintiffs. *Graves*, 630 S.W.3d at 776. That the Secretary's rejection of pre-approval signatures may cause Plaintiffs difficulty in the future is not a "hardship."

Moreover, Plaintiffs undermine any claim to facing a hardship by their insistence that they "will have more than enough signature [sic] to qualify" for the

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ballot. Pls. Mot. at 15. If this is true, then there is no effectual relief that this Court can offer here.

Realizing their hardship arguments do not bear out, Plaintiffs shift to arguing about legal matters in other cases. They especially complain about the State invoking the *Purcell* principle in other proceedings. *See* Pls. Mot. at 16–17. But which congressional map is in place for the 2026 elections is an entirely separate issue from whether the Secretary properly rejected signatures gathered prior to approval—this case's dispute. *See* First Am. Pet. (challenging rejection of referendum petition sample sheets, not which congressional map is in effect). Just as "[a] declaratory judgment is not a general panacea for all real and imaginary legal ills," *Graves*, 630 S.W.3d at 773 (quoting *Mo. Soybean Ass'n*, 102 S.W.3d at 25), it likewise is not a mechanism for providing an "assist" to the pro-referendum position in other cases.

B. There is no hardship for channeling Plaintiffs' challenge into the statutory scheme.

The General Assembly has provided Missourians a statutory scheme for referendum petition proponents to challenge the Secretary's sufficiency determination—including signatures. *See* Mo. Rev. Stat. § 116.200.1. Plaintiffs face no hardship from being made to comply with the statutory scheme.

After the referendum petition is submitted to the Secretary, he "makes a determination on the sufficiency of the petition." *Id.* § 116.150.1. But before the Secretary makes that final decision as to certifying a referendum petition itself, he must determine if the threshold signature requirement is met. *See id.* §§ 116.120–.140. Only after this verification process is complete and the Secretary declines to

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certify a petition may "any citizen may apply to the circuit court of Cole County to compel [the Secretary] to reverse his decision." *Id.* § 116.200.1. Requiring litigation to await the Secretary's final determination as to a petition's sufficiency ensures that courts (and dark-moneyed special interests) will not try to micromanage how the Secretary reviews a petition. *See ACLU of Mo. v. Ashcroft*, 577 S.W.3d 881, 893 (Mo. App. W.D. 2019) (describing how the statutes "reflect a calculated intent by the general assembly to balance procedural oversight of the referendum process with the people's ability to meaningfully exercise the power of referendum").

Therefore, the statutory scheme directs when and how the Plaintiffs may challenge the acceptance (or rejection) of signatures. This scheme provides a legal "remedy" to "compel the secretary of state to reverse a petition certification decision." *Id.* at 897. There can be no disputing that the Secretary has not yet decided the referendum petition's validity. *See* Mo. Rev. Stat. § 116.150. This Court may not use the request for declaratory relief as a "substitute for existing remedies." *Charron v. State*, 257 S.W.3d 147, 153 (Mo. App. W.D. 2008) (quotation omitted). Therefore, the existence of this legal remedy illustrates that "further . . . proceedings [are] contemplated" and that Plaintiffs face no hardship by having their legal challenge comply with this statutory scheme. *Mo. Soybean Ass'n*, 102 S.W.3d at 27.

III. This Court should continue to hold this dispute in abeyance.

Plaintiffs request that if this Court does not believe this matter is ripe, that this Court dismiss that matter so they can seek appellate review. *See* Pls. Mot. at 18–20. But because the lawsuit is premature, this Court "may either dismiss the lawsuit without prejudice *or may allow the lawsuit to pend until ripe for*

adjudication." *Brinson v. Whittico*, 793 S.W.2d 632, 634 (Mo. App. E.D. 1990) (emphasis added). Given the ongoing signature review, it preserves judicial resources to have this Court continue holding this matter in abeyance until the matter is fit for resolution.

Plaintiffs also briefly aver that this case qualifies for the public interest exception to mootness. *See* Pls. Mot. at 20–21. First, this issue has already been thoroughly briefed for this Court. *See* Def. Pretrial Br. at 14–18 (filed Oct. 31, 2025); Pls. MTD Opp'n at 1–4 (filed Dec. 4, 2025). Second, Plaintiffs' threadbare recital of the public interest exception elements here would not survive a motion to dismiss, much less convince the Court that its previous ruling was in error.

CONCLUSION

For the foregoing reasons, the Court should continue to hold this case in abeyance.

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Dated: March 16, 2026

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CERTIFICATE OF SERVICE

I hereby certify that, on March 16, 2026, the foregoing was filed on the Missouri CaseNet e-filing system, which will send notice to all counsel of record.

/s/ William J. Seidleck
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