

IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI

JAKE MAGGARD, *et al.*

Plaintiffs,

v.

STATE OF MISSOURI, *et al.*,

Defendants.

Case No. 25AC-CC09120

VERIFIED MOTION TO INTERVENE OF PUT MISSOURI FIRST

Put Missouri First, a Missouri political action committee, respectfully moves this Court for leave to intervene as a defendant by consent of all parties in the above-captioned action, pursuant to Missouri Rule of Civil Procedure 52.12. In support of this Motion, Movant states as follows:

I. Parties

1. Intervenor, Put Missouri First, is a political action committee, organized under Chapter 130, RSMo, and Article VIII, Section 23 of the Missouri Constitution. Put Missouri First has filed its Statement of Organization with the Missouri Ethics Commission, which is attached as Exhibit A hereto.

2. Intervenor engages in (1) raising and expending funds to support or oppose ballot measures through independent expenditures and coordinated campaign efforts; (2) developing and disseminating public messaging and advertising to inform voters of the legal, fiscal, and policy implications of proposed initiatives; (3) forming and participating in coalitions with allied organizations, trade associations, and community stakeholders to coordinate opposition efforts; (4) engaging in legal and regulatory advocacy, including monitoring the initiative process, challenging ballot titles and summaries, and

ensuring compliance with campaign-finance and election laws; (5) conducting voter education and outreach programs to provide analytical information regarding ballot propositions; and (6) strategically organizing campaign activities and communications to ensure timely and effective opposition to initiatives that may adversely affect the public interest or existing law.

3. In the litigation at issue Intervenor is an opponent to the proposed referendum.

4. Plaintiffs Maggard and Lombardi purport to have signed the referendum petitions as registered voters of Missouri.

5. Defendant State of Missouri is named purely for relief purposes in that Plaintiffs seek to stop legislation from going forward.

6. Defendant Hoskins is the Secretary of State and is responsible for administering the verification process for a referendum petition and for issuing a final decision as to the sufficiency of the referendum petition.

II. Background

7. During an Extraordinary Session held from September 3 to September 12, 2025, the General Assembly passed House Bill 1 which was promptly signed by Governor Michael Kehoe on September 28, 2025.

8. Richard Von Glahn filed proposed referendum petitions with Defendant Hoskins. Richard Von Glahn is not a party to this action.

9. Defendant Hoskins ultimately approved one of Plaintiff Von Glahn's petitions.

10. On December 9, 2025, Richard Von Glahn submitted signature pages to Defendant Hoskins.

11. Plaintiffs allege that they signed one or more of those referendum

petition signature pages.

12. Plaintiffs filed this action on December 23, 2025, asserting that once a referendum petition with signatures is submitted to Defendant Hoskings the underlying legislation is “suspended” unless and until such a referendum petition is found insufficient or, if sufficient, voters approve the same.

13. Plaintiffs’ position fails to account for the verification process for the requisite number of signatures under Article III, Section 49 of the Missouri Constitution and subverts the legislative power of the General Assembly based upon nothing but naked assertions that the referendum petition will qualify.

14. Plaintiffs are not entitled to relief unless and until the verification process is completed and Defendant Hoskins certifies the sufficiency or insufficiency of the referendum petitions.

IV. Intervention as of Right under Rule 52.12

15. Intervention generally should “be allowed with considerable liberality.” *Johnson v. State*, 366 S.W.3d 11, 20 (Mo. 2012) (internal citation omitted).

16. “The proposed intervenor carries the burden of establishing the presence of all three elements required for intervention as a matter of right. When an applicant satisfies these elements, however, the right to intervene is absolute and the motion to intervene may not be denied.” *State ex rel. Nixon v. American Tobacco Co.*, 34 S.W.3d 122, 127 (Mo. 2000) (internal citations omitted).

17. The elements of intervention as a matter of right under 52.12(a)(2), are: “(1) an interest relating to the property or transaction which is the subject

of the action; (2) that the applicant's ability to protect the interest is impaired or impeded; and (3) that the existing parties are inadequately representing the applicant's interest.” *Id.* (internal citations omitted).

18. “The Rule ‘should be liberally construed to permit broad intervention’ and that even the requirement of a pleading may be excused.” *Allred v. Carnahan*, 372 S.W.3d 477, 482 (Mo.App. W.D. 2012) (quoting *State ex rel. St. Joseph, Mo. Ass'n of Plumbing, Heating and Cooling Contractors, Inc. v. City of St. Joseph*, 579 S.W.2d 804, 806 (Mo.App. W.D.1979)).

19. “An interest, for purposes of intervention as of right, means a concern, more than mere curiosity, or academic or sentimental desire. An interest necessary for intervention as a matter of right does not include a mere, consequential, remote or conjectural possibility of being affected as a result of the action but must be a direct claim upon the subject matter such that the intervenor will either gain or lose by direct operation of judgment.” *Allred v. Carnahan*, 372 S.W.3d 477, 484-85 (Mo. App. W.D. 2012) (internal citations omitted).

A. Intervenor’s Interest Directly Relates to the Subject of the Action

20. Movant has substantial interests in the subject of this case sufficient to warrant intervention as of right. As the Missouri Supreme Court stated:

‘Interest’ generally means a concern which is more than a mere curiosity, or academic or sentimental desire. One interested in the action is one who is interested in the outcome and result thereof because he has a legal right which will be directly affected thereby or legal liability which will be directly and largely diminished by the judgment or decree in such action.

In the Matter of Trapp, 593 S.W.2d 193, 204 (Mo. banc 1980).

21. Intervenor is a registered political action committee with the

purpose of opposing the proposed referendum at issue and thereby supporting the implementation of HB 1.

22. Intervenor’s formation, reporting obligations, and expenditures are governed by Missouri’s campaign-finance statutes, which directly tie its activities to the implementation of HB 1 and to the life cycle of the referendum petition in this case.

23. Intervenor, to date, has raised and expended nearly three million (\$3,000,000.) dollars in its campaign against the referendum petition and intends to continue its actions going forward if the referendum petition is ultimately certified for the November, 2026 ballot.

24. The effective date of the referendum petition directly affects when and how Intervenor may conduct its core operations as the critical element to Intervenor is the implementation of the Missouri First redistricting plan as contained in House Bill 1 (“HB 1”). Any delay in the implementation of HB 1 would detrimentally affect the Intervenor’s core mission and would negatively impact its ability to raise funds for its purpose.

25. Further, any determination that HB 1 is “suspended” directly governs whether Intervenor must initiate statewide campaign operations, undertake additional reporting obligations, and deploy financial and organizational resources in opposition to the measure.

26. Intervenor’s fundraising, communications, and expenditure decisions are triggered by the implementation of HB 1 and the final determination if the referendum petition is sufficient or insufficient.

27. The legality of that determination directly affects when and how Intervenor may conduct its core operations.

28. Any determination that HB 1's implementation is suspended directly governs whether Intervenor must initiate statewide campaign operations, undertake additional reporting obligations, and deploy financial and organizational resources in opposition to the measure.

29. Intervenor's interest is not abstract or ideological, but immediate and concrete.

30. Finally, Intervenor has already invested resources to educate voters, coordinate coalition opposition, and communicate the legal and policy defects of the proposal and to support the implementation of HB 1.

31. Accordingly, Intervenor has "a direct claim upon the subject matter such that the intervenor will either gain or lose by direct operation of judgment." *State ex rel. Nixon v. Am. Tobacco Co.*, 34 S.W.3d 122, 128 (Mo. 2000).

B. Intervenor's Ability to Protect Their Interest Will be Practically Impaired as a Direct Result of this Litigation

32. If this Court were to suspend the implementation of HB 1, Intervenor would be required to immediately deploy substantial financial and organizational resources to oppose the measure.

33. Such financial and organizational resource mobilization are significant and unavoidable expenditures—including fundraising, media advertising, voter outreach, and coalition coordination—requiring the diverting funds, personnel, and strategic focus from other ongoing operations.

34. Conversely, if the implementation of HB 1 continues, those expenditures and diversions would be significantly reduced in the near term and likely overall.

35. Therefore, the outcome of this litigation directly determines the

extent of Intervenor’s financial and operational obligations.

36. A judicial determination that nullifies the implementation of HB 1 would negate or materially diminish the value of those past expenditures and undermine the efficacy of Intervenor’s advocacy efforts.

C. The Existing Parties are Inadequate to Protect Intervenor’s Interest

37. “[O]nce a proposed intervenor establishes an interest in the underlying litigation and that such an interest may be impaired or impeded if intervention is not permitted, the third element is satisfied upon a ‘minimal showing’ that there is a divergence of interest between the proposed intervenor and the party.” *Allred*, 372 S.W.3d at 486.

a. The State’s Institutional Role Differs Fundamentally from Intervenor’s Advocacy Interests.

38. The Secretary of State and Attorney General are defending the validity of the State’s administrative statement through their institutional obligation to represent the interests of the State as a sovereign—not the interests of private citizens or organizations that support the outcome of that determination.

39. The State’s interest is limited to ensuring that its procedures were lawful, that its officials acted within their statutory authority, and that the integrity of the election process is maintained.

40. By contrast, Intervenor’s interests are political, operational, and mission-specific: seeing a prompt implementation of HB 1 and opposing the referendum because its enactment would adversely affect the policy and regulatory landscape Intervenor seeks to preserve.

41. Intervenor’s opposition stems not merely from procedural concerns, but from substantive policy consequences of the referendum’s

passage.

42. The State neither shares nor represents that substantive objective.

43. Therefore, there is “a divergence of interest between the proposed intervenor and the party” sufficient to show inadequate representation may exist. *Merch. v. Grand Lodge of Ancient Free & Accepted Masons*, 685 S.W.3d 455, 464 (Mo. App. W.D. 2024), reh'g and/or transfer denied (Jan. 30, 2024), transfer denied (Apr. 2, 2024).

b. The State’s Defense Is Limited to Procedural Integrity, Not the Broader Policy Impact.

44. In this action, the State’s primary objective is to support its internal decisions regarding HB 1 and the referendum petitions.

45. Even if the State prevails, its arguments will likely focus on process integrity.

46. Intervenor, by contrast, has a direct and practical interest in ensuring that HB 1 is implemented and that the referendum does not advance.

47. This is because its passage would undermine policies that Intervenor, its contributors, and affiliated organizations seek to preserve.

48. That difference matters.

49. The State may choose not to raise arguments concerning the substantive harm of the referendum, the costs of reversal to interested parties, or the broader electoral implications—all of which are central to Intervenor’s mission.

50. Because the State’s defense does not encompass those substantive dimensions, its representation cannot be deemed adequate under Rule 52.12(a)(2). *Ainsworth v. Old Sec. Life Ins. Co.*, 694 S.W.2d 838, 841 (Mo.App.

W.D. 1985) (holding inadequate representation exists where a party may come short of an Intervenor's single-minded purpose in litigation).

c. The State's Broader Public Obligations May Lead to Strategic or Policy Divergences.

51. The State must balance competing interests, including neutrality toward referendum proponents and adherence to statutory duties.

52. It cannot, for instance, engage in advocacy that could be perceived as partisan or policy-driven.

53. Intervenor is under no such constraint.

54. Intervenor's sole purpose is the implementation of HB 1 and to prevent the referendum from appearing on the ballot.

55. As such, Intervenor can assert positions, marshal evidence, and pursue arguments that the State—due to its governmental neutrality—may decline to advance.

56. Furthermore, if the litigation proceeds to appeal or settlement discussions, the State might elect to narrow its defense, stipulate to certain facts, or refrain from further review for institutional reasons unrelated to Intervenor's objectives.

57. Because a different approach to the conduct of litigation is present between the State and Intervenor, the State cannot adequately protect Intervenor's interests. *Trbovich v. United Mine Workers of Am.*, 404 U.S. 528, 539, 92 S. Ct. 630, 637, 30 L. Ed. 2d 686 (1972) (holding inadequate representation existed when a differing approach to litigation between a party and Intervenor exists).

IV. Permissive Intervention Should be Granted.

58. In the alternative, and without waiving any of the arguments

about regarding Intervention as of Right, Intervenor should be granted permissive intervention pursuant to Rule 52.12(b), which authorizes the Court to allow intervention where, as here, a proposed intervenor filed a timely motion and the intervenor's claim and/or defense have a question of law or fact in common with the existing litigation.

59. By filing three (3) days after the filing of this action, Intervenor has timely filed their Motion to Intervene. *Robinson v. Mo. Dep't of Health & Senior Servs.*, 672 S.W.3d 224, 233 (Mo. banc 2023) (Timeliness for a Motion to Intervene considers "how far the litigation has progressed when intervention is sought, the reason for the delay, and prejudice that other parties will suffer as a result of additional delay") (quoting *McClain v. Wagner Elec. Corp.*, 550 F.2d 1115, 1120 (8th Cir. 1977)).

60. As discussed *supra*, Intervenor's defenses have questions of fact and law in common with this case. Without belaboring the point or restating facts from above, this Verified Motion contains dozens of factual statements related to the questions of law and fact in common with this case. The underlying matter involves referendum petitions that Intervenor has been expending resources to oppose and the implementation of HB 1, which Intervenor has been expending resources to support. The result of this case would directly impact Intervenor causing additional expenses and reporting requirements if Relators prevail. The questions of law and fact that are presented in this case directly affect Intervenor's interests.

61. For these reasons, this Court should grant permissive intervention if it does not grant intervention as a matter of right.

62. No hearings have been conducted in the docket thus far.

63. The intervention will not delay or impede adjudication of this case.

64. Accordingly, Intervenor seeks to intervene in accordance with Missouri Supreme Court Rule 52.12(a) and (b)(3).

65. Defendant has consented to Intervention. Plaintiff's have not consented to Intervention.

66. In accordance with Supreme Court Rule 52.12 (c), Intervenor has attached their responsive pleadings hereto as Exhibit 1.

WHEREFORE, Movant Put Missouri First respectfully requests this Court grant its Motion to Intervene and for such other relief as this Court deems appropriate.

Respectfully submitted,

ELLINGER BELL LLC

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Put Missouri First

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 December 26, 2025 on all parties of record.

/s/ Marc H. Ellinger

VERIFICATION

State of Missouri)
) ss
County of ST. LOUIS)

I, Matt Belz, the Treasurer of Put Missouri First, hereby appear under oath and verify that I have personal knowledge of the facts in the above Verified Motion to Intervene of the Put Missouri First and that they are true and accurate.

[Handwritten Signature]

Matt Belz

Subscribed and sworn to before me, the undersigned, a Notary Public in and for the county and state aforesaid, on this 26 day of December 2025.

[Handwritten Signature]

Notary Public

My Commission Expires:

JENESA MAGGART
Notary Public - Notary Seal
State of Missouri
Commissioned for St. Louis County
My Commission Expires: June 16, 2027
Commission Number: 15413314