

IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI

JAKE MAGGARD, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 25AC-CC09120
)	
STATE OF MISSOURI, <i>et al.</i> ,)	
)	
Defendants,)	
)	
and)	
)	
PUT MISSOURI FIRST,)	
)	
Intervenor.)	

INTERVENOR’S PROPOSED ORDER AND JUDGMENT

This matter came before the Court on the Motions to Dismiss filed by the State of Missouri and Missouri Secretary of State Denny Hoskins ("State Defendants") and the Motion to Dismiss filed by Intervenor Put Missouri First.

All parties appeared before this Court on January 20, 2026, and arguments were made by counsel.

The Court, having considered the motions, supporting memoranda, replies, oral arguments of counsel, and being fully advised in the premises, the court hereby grants the State’s and Intervenor’s Motions to Dismiss.

FINDINGS OF FACT

Parties

1. Plaintiff Jake Maggard is a Missouri citizen, resident of Jackson County, taxpayer, and qualified Missouri voter. Petition, ¶3.
2. Mr. Maggard signed the petition to refer HB1 to voters for approval or rejection. Petition, ¶5.

3. Plaintiff Gregg Lombardi is a Missouri citizen, resident of Jackson County, taxpayer, and qualified Missouri voter. Petition, ¶7.

4. Defendant State of Missouri creates and maintains the boundaries of Missouri's congressional districts. Petition, ¶10.

5. Defendant Denny Hoskins is the Missouri Secretary of State and is the chief election officer of the State of Missouri, §§ 28.035, 115.136, RSMo. Petition, ¶¶11-12.

6. Intervenor, Put Missouri First, is a political action committee, organized under Chapter 130, RSMo, and Article VIII, Section 23 of the Missouri Constitution for the purpose of opposing the proposed referendum at issue and thereby supporting the implementation of HB 1.

House Bill 1

7. HB1 was enacted by the Missouri General Assembly and creates new congressional district boundaries. Petition, ¶22.

8. Referendum Petition 2026-R004 was submitted to the Missouri Secretary of State on December 9, 2025, with signatures collected by the organization People Not Politicians ("PNP") and the proponent Richard Von Glahn. Petition, ¶27.

9. HB1 became effective and was codified in Missouri law on December 11, 2025. Petition, ¶31.

Duties of the Secretary of State

10. Pursuant to §116.150.3, RSMo, the Secretary of State has until August 4, 2026 (the date of the primary election) to issue a certificate determining whether the referendum petition contains sufficient valid signatures.

11. The Secretary of State has not yet issued a certificate of sufficiency or insufficiency regarding Referendum Petition 2026-R004. Petition, ¶28.

Procedural History

12. On December 23, 2025, Plaintiffs Jake Maggard and Gregg Lombardi filed a Petition for Declaratory Judgment and Injunctive Relief seeking relief concerning the suspension and enforcement of House Bill 1 ("HB1"), which enacted a new congressional redistricting map for Missouri.

13. The State Defendants filed their Motion to Dismiss on January 7, 2026, arguing that Plaintiffs' claims are not justiciable because they lack standing and are not ripe for adjudication.

14. Put Missouri First was granted leave to intervene on January 8, 2025, and filed its Motion to Dismiss on January 13, 2026. Intervenors argued that: (a) Plaintiffs lack standing because (i) their asserted interest is not directly and adversely affected by the outcome of the litigation; (ii) their alleged injury is remote and conjectural; and (iii) Plaintiffs' injury is generalized rather than personal; and (b) the matter is not ripe for adjudication; (c) the petition presents non-justiciable political questions; and (d) declaratory judgment is improper when other adequate statutory remedies are available.

Plaintiffs' Petition

15. Plaintiff's Petition alleges Maggard signed Referendum Petition 2026-R004. Petition, ¶5.

16. Plaintiffs' sole allegation regarding injury claims Plaintiffs' "*would be* injured if HB1's new map is used in the 2026 congressional elections because it would deny [them their] constitutional right[s] to approve or reject legislation through referendum." Petition, ¶¶6, 9.

17. Plaintiffs allege the Secretary State "has indicated his *intent*" (and "*intends* to use") HB 1's new congressional map in the 2026 midterm elections. Petition, ¶¶32, 40.

18. Plaintiffs seek: (a) a declaratory judgment that HB1 is suspended

until voters approve or reject it through the constitutional referendum process; and (b) an injunction prohibiting Defendants from using HB1's congressional map until voters approve or reject it through the constitutional referendum process. Petition, p. 9.

CONCLUSIONS OF LAW

I. STANDARD OF REVIEW

“A motion to dismiss for failure to state a claim on which relief can be granted is solely a test of the adequacy of the petition.” *Tuttle v. Dobbs Tire & Auto Centers, Inc.*, 590 S.W.3d 307, 310 (Mo. banc 2019) (quoting *Cope v. Parson*, 570 S.W.3d 579, 583 (Mo. banc 2019)). In its consideration of the motion to dismiss, the Court “considers the grounds raised in the defendant’s motion to dismiss and does not consider matters outside the pleadings.” *Gray v. Mo. Dep’t of Corr.*, 577 S.W.3d 866, 867 (Mo. App. W.D. 2019). Missouri is a fact-pleading state, therefore, to survive a motion to dismiss, plaintiffs must allege facts supporting each element of their claim. *ITT Commercial Fin. Corp. v. Mid-Am. Marine Supply Corp.*, 854 S.W.2d 371, 376–77 (Mo. banc 1993). Legal conclusions — bare recitations of the required elements—are to be disregarded. *Whipple v. Allen*, 324 S.W.3d 447, 449–50 (Mo. App. E.D. 2010).

II. PLAINTIFFS LACK STANDING

“Prudential principles of justiciability, to which this Court has long adhered, require that a party have standing to bring an action. Standing requires that a party have a personal stake arising from a threatened or actual injury.” *Schweich*, 408 S.W.3d at 774 (quoting *State ex rel. Williams v. Mauer*, 722 S.W.2d 296, 298 (Mo. banc 1986)). The parties seeking relief bear the burden of establishing that they have standing. *Corozzo v. Wal-Mart Stores, Inc.*, 531 S.W.3d 566, 572 (Mo. App. W.D. 2017). As the Western District has

explained:

“The requirement that the plaintiff have a threatened or real injury concerns whether the plaintiff suffered an injury in fact.” *Mathews v. FieldWorks, LLC*, 696 S.W.3d 382, 392 (Mo. App. W.D. 2024). “To establish injury in fact, a plaintiff must show that he or she suffered ‘an invasion of a legally protected interest’ that is ‘concrete and particularized’ and ‘actual or imminent, not conjectural or hypothetical.’” *Courtright*, 604 S.W.3d at 700 (quoting *Spokeo, Inc. v. Robins*, 578 U.S. 330, 339, 136 S.Ct. 1540, 194 L.Ed.2d 635 (2016)). “An injury is ‘particularized’ if it ‘affect[s] the plaintiff in a personal and individual way.’” *Mathews*, 696 S.W.3d at 392 (quoting *Spokeo*, 578 U.S. at 339, 136 S.Ct. 1540).

Howland v. Truman Med. Ctr., Inc., 719 S.W.3d 98, 105 (Mo. App. W.D. 2025).

The Court concludes that Plaintiffs lack standing because Plaintiffs’ asserted injury is not personal but generalized, in that Plaintiffs have failed to demonstrate how the challenged conduct affects them in any manner distinct from the public at large.¹ Plaintiffs assert an interest in exercising their constitutional right to referendum that applies equally to every Missouri voter. This undifferentiated interest is insufficient to invoke judicial relief. “[T]he generalized interest of all citizens in constitutional governance’ does not invoke standing.” *Mo. Coal. for Env’t v. State*, 579 S.W.3d 924, 927 (Mo. banc 2019).

The Court also concludes that Plaintiffs lack standing because Plaintiffs’ asserted injury is consequential, remote and conjectural. *See Prentzler*, 366 S.W.3d at 564; *Allred v. Carnahan*, 372 S.W.3d 477, 488 (Mo. App. W.D. 2012). Plaintiffs’ asserted harm—that they may be unable to approve or reject the measure at the ballot box—depends on contingencies that may never occur.

¹ This Court notes that the Proponent, Richard Von Glahn, and the committee supporting the referendum petition, People Not Politicians, could show a direct, particular, and personalized injury. *See, Allred v. Carnahan*, 372 S.W.3d 477 (Mo. App. W.D. 2012). However, neither is a Plaintiff in this action and thus their respective interests are not before this Court.

Even if this Court were to grant Plaintiffs' requested relief, the referendum could still fail for lack of sufficient signatures.

The Court further concludes that Plaintiffs lack standing because their asserted interest as citizens, voters, and/or signatories of Referendum Petition 2026-R004 is not directly and adversely affected by the outcome of this litigation.

The relief sought by Plaintiffs—a declaration suspending HB1 and an injunction barring use of the HB1 congressional map—does not bear on Plaintiffs' claimed harm of denial of their “constitutional right[s] to approve or reject legislation through referendum.”

Regardless of whether this Court grants or denies the requested relief, Plaintiffs will retain the ability to vote on HB1 if the referendum is certified by the Secretary of State. The dispositive question is whether the outcome of this case bears on the claimed harm, and it does not. As in *Prentzler v. Carnahan*, 366 S.W.3d 557, 563-64 (Mo. App. W.D. 2012), the claimed harm and the relief sought are untethered, and the asserted interest is therefore not implicated by this litigation.

Plaintiffs have failed to allege sufficient facts to establish standing.

III. THE CLAIMS ARE NOT RIPE FOR ADJUDICATION

Even if Plaintiffs had standing, the Court concludes that Plaintiffs' claims are not ripe for judicial determination.

Ripeness is determined by whether “the parties' 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.” *Schweich*, 408 S.W.3d at 774 (citing *Mo. Health Care Ass'n*, 953 S.W.2d at 621). Plaintiffs' claimed injury rests upon contingent future events that may not occur at all.

Plaintiffs allege the Secretary State “has indicated his intent” (and “intends to use”) HB 1’s new congressional map in the 2026 midterm elections. Petition, ¶¶32, 40. Allegations directed at an elected official’s intent to act, present no justiciable controversy until the official action has occurred. *Schweich*, 408 S.W.3d at 779

The Secretary of State is required to determine the sufficiency of form and compliance and to either issue a certificate of sufficiency or a certificate stating the reason for insufficiency. §116.120, RSMo; §116.150, RSMo.² The Secretary of State has not yet determined whether Referendum Petition 2026-R004 contains sufficient valid signatures to qualify for the ballot. Plaintiffs’ alleged injury therefore “rests upon contingent future events that may not occur as anticipated, or indeed may not occur at all.” *Geier v. Mo. Ethics Comm’n*, 474 S.W.3d 560, 569 (Mo. banc 2015).

Until the Secretary of State completes the certification process and issues a certificate of sufficiency or insufficiency, the controversy presented by Plaintiffs is not ripe.

IV. THE PETITION PRESENTS NON-JUSTICIABLE POLITICAL QUESTIONS

By asking this Court to declare that HB1 has been suspended by an unverified referendum petition, Plaintiffs seek to have the Court preempt the statutory certification process and substitute its own judgment for that of the Secretary of State. The General Assembly has entrusted the Secretary of State with the responsibility to determine whether a referendum petition contains sufficient valid signatures pursuant to §§116.120-116.200 RSMo.

Until that administrative determination is made, judicial intervention

² When that Certification is issued, any voter may bring an action to challenge the Certification within ten (10) days. Section 116.200, RSMo.

would constitute an independent resolution of a political question reflecting a lack of respect for the roles assigned to the legislative and executive branches.

Under the doctrine articulated in *Baker v. Carr*, 369 U.S. 186, 217 (1962), this case presents non-justiciable political questions that are properly left to the executive and legislative branches.

V. DECLARATORY JUDGMENT IS IMPROPER WHEN ADEQUATE STATUTORY REMEDIES EXIST

The Court concludes that declaratory judgment is an improper vehicle for this action because adequate statutory remedies are available. "The lack of an adequate remedy at law is a prerequisite to relief via declaratory judgment." *City of Kansas City, Mo. v. Chastain*, 420 S.W.3d 550, 555 (Mo. banc 2014).

Missouri law provides a specific statutory mechanism for challenging the Secretary of State's certification decisions. Section 116.200 RSMo, provides that after the secretary of state certifies a petition as sufficient or insufficient "any citizen may apply to the circuit court of Cole County to compel [the Secretary of State] to reverse his decision." Section 116.200, RSMo, *Missourians to Protect the Initiative Process v. Blunt*, 799 S.W.2d 824, 829 (Mo. banc 1990). If, and only if, the Secretary of State deems Referendum Petition 2026-R004 insufficient, Plaintiffs can bring an action under §116.200.

Where the legislature provides a method of review, that procedure is exclusive and must be used, or the court acts without jurisdiction. *Nash v. Dir. of Rev.*, 856 S.W.2d 112, 113 (Mo. App. E.D. 1993).

Plaintiffs' use of declaratory judgment as a vehicle to subvert the requirements of Chapter 116 is improper and constitutes an attempt to bypass the statutory framework established by the General Assembly.

Because Plaintiffs lack standing, Plaintiffs' claims are not ripe,

Plaintiffs' Petition presents a nonjusticiable political question, and Plaintiffs have an adequate remedy at law, the court grants the State's and Intervenor's Motions to Dismiss. All other motions and claims for relief are hereby denied.

SO ORDERED this ____ day of _____ 2026.

Honorable Brian K. Stumpe
Judge, Division 1

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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 January 22, 2026 on all parties of record.

/s/ Stephanie S. Bell