

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.	)	

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

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

1. Plaintiffs ask the Court to declare House Bill 1 (“HB1”)—an act creating new congressional districts in Missouri—suspended until voters approve or reject the legislation through the constitutional referendum process.

**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. Plaintiffs further ask the Court to enjoin use of HB1’s congressional map for any primary or general election before that referendum vote.

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

**PARTIES**

3. Plaintiff Jake Maggard is a Missouri citizen, resident of Jackson County, taxpayer, and qualified Missouri voter.

**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. Mr. Maggard is a resident of the Fifth Congressional District under Missouri's 2022 redistricting map and, under HB1, would reside in the Fourth Congressional District.

**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. Mr. Maggard signed the petition to refer HB1 to voters for approval or rejection.

**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. Mr. Maggard would be injured if HB1's new map is used in the 2026 congressional elections because it would deny him his constitutional right to approve or reject legislation through referendum.

**ANSWER: Intervenor denies all allegations in Paragraph 6.**

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

**ANSWER: Intervenor is without knowledge or information sufficient to form a belief as to the truth of Paragraph 7 and, therefore, denies the same.**

8. Mr. Lombardi is a resident of the Fifth Congressional District under Missouri's 2022 redistricting map and, under HB1, would reside in the Fourth Congressional District.

**Intervenor is without knowledge or information sufficient to form a belief as to the truth of Paragraph 8 and, therefore, denies**

the same.

9. Mr. Lombardi would be injured if HB1's new map is used in the 2026 congressional elections because it would deny him his constitutional right to approve or reject legislation through referendum.

**ANSWER: Intervenor denies all allegations in Paragraph 9.**

10. Defendant State of Missouri enforces the boundaries of Missouri's congressional districts.

**ANSWER: Intervenor is without knowledge or information sufficient to form a belief as to the truth of Paragraph 10 and, therefore, denies the same.**

11. Defendant Denny Hoskins is the Missouri Secretary of State and is sued in his official capacity.

**ANSWER: Intervenor admits the allegations of Paragraph 11.**

12. Secretary Hoskins is the chief election officer of the State of Missouri, §§ 28.035, 115.136, RSMo, and, among other things, is responsible for managing elections, accepting declarations of candidacy for congressional candidates, and providing local election authorities with certified lists of the candidates running in each district, Mo. Const. art. IV, § 18; §§ 115.353(1), 115.387, 115.401, 115.511, RSMo.

**ANSWER: Paragraph 12 is a legal conclusion to which no answer is required; if an answer is required, Intervenor denies all allegations in Paragraph 12.**

**JURISDICTION AND VENUE**

13. The Court has jurisdiction over this action pursuant to Article V, Section 14 of the Missouri Constitution and Section 527.010, RSMo.

**ANSWER: Paragraph 13 is a legal conclusion to which no answer**

**is required; if an answer is required, Intervenor denies all allegations in Paragraph 13.**

14. Venue is proper in this Court pursuant to Section 508.010.2(1), RSMo, because the Secretary of State is an officer of the State of Missouri, is sued in his official capacity, and has an office located in Cole County.

**ANSWER: Paragraph 14 is a legal conclusion to which no answer is required; if an answer is required, Intervenor denies all allegations in Paragraph 14.**

**BACKGROUND**

**I. The Referendum Process**

15. Article III, Section 49 of the Missouri Constitution provides that “[t]he people . . . reserve power to approve or reject by referendum any act of the general assembly.”

**ANSWER: Mo. Const. art. III, § 49 speaks for itself. To the extent a response is required, Intervenor denies the allegations in Paragraph 15.**

16. Significantly, “[a]ny measure referred to the people shall take effect when approved by a majority of the votes cast thereon, and not otherwise.” Mo. Const. art. III, § 52(b) (emphasis added).

**ANSWER: Mo. Const. art. III, § 52(b) speaks for itself. To the extent a response is required, Intervenor denies the allegations in Paragraph 16.**

17. “[O]nce a referendum petition has received sufficient signatures to be placed on the general election ballot, the referred measure is placed before the people for their consideration as an original proposition; the prior action by the General Assembly and the Governor on the referred measure is suspended or annulled, and has no further legal effect or consequence.” *Stickler v. Ashcroft*, 539 S.W.3d 702, 713 n.9 (Mo. Ct. App. 2017) (citation modified).

**ANSWER: Paragraph 17 is a legal conclusion to which no answer is required; if an answer is required, Intervenor denies all allegations in Paragraph 17.**

18. Accordingly, “the mere lodging of a timely, legal, and sufficient referendum petition with the Secretary of State is all that” must be done to “halt[]” the “law affected”—“regardless of any affirmative act on the part of the Secretary of State or the Attorney General.” *State ex rel. Kemper v. Carter*, 165 S.W. 773, 779 (Mo. banc 1914).

**ANSWER: Paragraph 18 is a legal conclusion to which no answer is required; if an answer is required, Intervenor denies all allegations in Paragraph 18.**

19. Consistent with this authority, prior Secretaries of State and Attorneys General have concluded that the suspension of referred legislation does not require the issuance of a certificate of sufficiency by the Secretary of State. *See, e.g., Ashley Byrd, Right to Work Law Appears Headed to a Public Votes as PR Efforts Start to Appear*, Missouri.net (Aug. 29, 2017), <https://bit.ly/3MQs3mD>.

**ANSWER: Paragraph 19 is a legal conclusion to which no answer is required; if an answer is required, Intervenor denies all allegations in Paragraph 19.**

20. Indeed, a request to circumvent this established process for a 1980s referendum on trucking legislation was rejected by this Court. *See Kaw Transp. Co. v. Whitmer*, No. CV181-778cc, slip op. at 1–2 (Cole Cnty. Cir. Ct. Sept. 29, 1981).

**ANSWER: Paragraph 20 is a legal conclusion to which no answer is required; if an answer is required, Intervenor denies all allegations in Paragraph 20.**

**II. HB1**

21. On September 3, 2025, a special session of the General Assembly convened to enact a new congressional map.

**ANSWER: Intervenor admits the allegations of Paragraph 21.**

22. On September 12, the General Assembly truly agreed to and finally passed HB1, an act “[t]o repeal sections 128.345, 128.346, 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 and no other response is required.**

23. HB1 did not include an emergency clause affecting the People’s referendum rights.

**ANSWER: House Bill 1 speaks for itself and no other response is required.**

24. On September 29, Secretary Hoskins received a petition for referendum asking to refer HB1 to voters for approval or rejection, which he denominated 2026-R004. *2026 Referendum Petitions Approved for Circulation in Missouri*, Mo. Sec’y of State, <https://bit.ly/49pbtD6> (last visited Dec. 22, 2025).

**ANSWER: 2026-R004 speaks for itself and no other response is required.**

25. Secretary Hoskins certified the official ballot title on November 13. *Id.*

**ANSWER: Intervenor admits the allegations of Paragraph 25.**

26. Because the special session had adjourned on September 12, supporters of 2026-R004 had 90 days—until December 11—to submit

approximately 107,000 signatures from 6 of Missouri's 8 congressional districts. See Mo. Const. art. III, § 52(a).

**ANSWER: Paragraph 26 is a legal conclusion to which no answer is required; if an answer is required, Intervenor denies all allegations in Paragraph 26.**

27. On December 9, 2026-R004's organizers submitted to Secretary Hoskins nearly 3 times that number: 691 boxes of referendum petitions with more than 300,000 signatures. See, e.g., David A. Lieb & Hannah Schoenbaum, *Opponents of Trump-Backed Redistricting in Missouri Submit a Petition to Force a Public Vote*, PBS News, <https://bit.ly/491AIKs> (Dec. 10, 2025).

**ANSWER: Intervenor is without knowledge or information sufficient to form a belief as to the truth of Paragraph 27 and, therefore, denies the same.**

28. Secretary Hoskins has not issued a certificate of insufficiency for 2026-R004 under Section 116.150(2), RSMo.

**ANSWER: Intervenor is without knowledge or information sufficient to form a belief as to the truth of Paragraph 28 and, therefore, denies the same.**

29. In a federal-court complaint challenging the constitutionality of the HB1 referendum, Attorney General Catherine Hanway cited Article III, Section 52(b) of the Missouri Constitution to explain that, “[i]f a referendum petition gains enough signatures to qualify for a vote before the people, the challenged law is frozen pending the public vote. Thus, the General Assembly loses its authority over redistricting pending that public vote.” Complaint ¶ 48, *Mo. Gen. Assembly v. Von Glahn*, No. 4:25-cv-01535-ZMB (E.D. Mo. Oct. 15, 2025), ECF No. 1 (citation modified).

**ANSWER: Intervenor is without knowledge or information sufficient to form a belief as to the truth of Paragraph 29 and,**

therefore, denies the same.

30. In that same lawsuit, the Director of Elections explained that, if 2026-R004's organizers "succeed in collecting the necessary signatures, the Missouri Constitution will prevent the new map from taking effect until a referendum occurs." Declaration of Chrissy Peters in Support of Plaintiffs' Motion for a Preliminary Injunction ¶ 20, *Mo. Gen. Assembly*, No. 4:25-cv-01535-ZMB (E.D. Mo. Oct. 15, 2025), ECF No. 3-1.

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

### III. The Present Controversy

31. On December 11, 2025, HB1 was prematurely codified as Sections 128.345, 128.346, 128.348, 128.471, 128.472, 128.473, 128.474, 128.475, 128.476, 128.477, 128.478, and 128.479, RSMo. *See Chapter 128 Election of Electors and Electoral Districts—Congressional Districts*, Revisor of Mo., <https://bit.ly/4qn0AY3> (last visited Dec. 22, 2025).

**ANSWER: Intervenor admits that HB1 was properly codified on or about December 11, 2025, as the referenced statute numbers and denies all remaining allegations of Paragraph 31.**

32. Secretary Hoskins has indicated his intent to use HB1's new congressional map in the 2026 primary and general elections.

**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. Secretary Hoskins's ostensible justification is that, contrary to decades of practice and Attorney General Hanaway's earlier assertion, the suspension of HB1 will not take effect unless and until his office certifies the sufficiency of the signatures submitted in support of the referendum. *See, e.g.,*

*Alisa Nelson, When Does Missouri's New Congressional Map Take Effect? That Depends on Who You Ask*, MissouriNet (Dec. 10, 2025), <https://bit.ly/4apTGwH>.

**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. Confoundingly, Secretary Hoskins is reportedly relying on an (unspecified and incorrect) opinion from Attorney General Hanaway that appears to directly contradict her position—and the sworn declaration from the Director of Elections—in the federal-court litigation described above. *Supra* ¶¶ 29–30; *see also* Nelson, *supra* (quoting Secretary Hoskins: “The Attorney General’s Office just came out with an opinion that says that the referendum does not go into effect until the signatures have been certified by the Secretary of State’s office.”).

**ANSWER: Intervenor is without knowledge or information sufficient to form a belief as to the truth of Paragraph 34 and, therefore, denies the same.**

35. Attorney General Hanaway has repeated this new position in public statements. *See, e.g.*, Lieb & Schoenbaum, *supra* (“Republican Attorney General Catherine Hanaway issued a statement saying the new House districts took effect Tuesday and will remain in place unless Hoskins determines the referendum petition is constitutional and contains sufficient signatures.”).

**ANSWER: Intervenor is without knowledge or information sufficient to form a belief as to the truth of Paragraph 35 and, therefore, denies the same.**

36. Given that the filing period for congressional candidates begins on February 24, 2026, *see* § 115.349(2), RSMo, this is a transparent ploy to force the use of HB1’s new congressional map by delaying certification of the

referendum's signatures (and, in Secretary Hoskins's erroneous view, suspension of HB1) until it is too late to change the congressional map for the 2026 midterms.

**ANSWER: Intervenor denies the allegations of Paragraph 36.**

37. Secretary Hoskins is (wrongly) interpreting the referendum laws to reach an unconstitutional result: denying Missourians their right to approve or reject HB1 at the ballot box.

**ANSWER: Intervenor denies all allegations in Paragraph 37.**

**COUNT I**

**Violation of Article III, Sections 49, 52(a), and 52(b) of the Missouri Constitution**

38. Plaintiffs incorporate by reference all preceding paragraphs.

**ANSWER: In response to Paragraph 38, Intervenor adopts and incorporates its answers to preceding paragraphs as fully stated herein.**

39. Under the Missouri Constitution's referendum provisions, HB1 was suspended upon the December 9, 2025, submission of the 2026-R004 referendum petition.

**ANSWER: Intervenor denies all allegations in Paragraph 39**

40. Secretary Hoskins nevertheless intends to use HB1's new congressional map in the 2026 midterm elections, violating longstanding practice and the People's referendum rights.

**ANSWER: Intervenor admits Secretary Hoskins should properly utilize HB 1 and denies all allegations in Paragraph 37**

41. Although Secretary Hoskins has until July 2026 to "issue a certificate setting forth that the petition contains a sufficient number of valid

signatures,” § 116.150, RSMo, that deadline does not impact the suspension of HB1 effectuated by the submission of the HB1 referendum petition.

**ANSWER: Paragraph 41 is a legal conclusion to which no answer is required; if a answer is required, Intervenor denies all allegations in Paragraph 41.**

42. To the extent Section 116.150 or 116.130, RSMo, permits the Secretary of State to delay suspension of a referred law until the issuance of a certificate of sufficiency—and thus allows a referred law to go into effect—those statutes conflict with Article III, Sections 49, 52(a), and 52(b) of the Missouri Constitution, at least as applied to the facts here, and are unconstitutional.

**ANSWER: Paragraph 42 is a conclusion of law, not an averment of fact, to which no answer is required. To the extent a response is required, Intervenor denies the allegations in Paragraph 42.**

43. Plaintiffs are entitled to declaratory relief that HB1 is suspended until voters approve or reject it through the constitutional referendum process.

**ANSWER: Intervenor denies the allegations of Paragraph 43.**

44. Plaintiffs are further entitled to injunctive relief prohibiting the use of HB1’s new congressional map before voters approve or reject it.

**ANSWER: Intervenor denies the allegations of Paragraph 44.**

45. Plaintiffs will suffer irreparable harm absent injunctive relief because “being subject to an unconstitutional statute, for even minimal periods of time, unquestionably constitutes irreparable injury.” *Rebman v. Parson*, 576 S.W.3d 605, 612 (Mo. banc 2019) (citation modified).

**ANSWER: Intervenor denies the allegations of Paragraph 45.**

46. Plaintiffs lack an adequate remedy at law to protect their

interests.

**ANSWER: Intervenor denies the allegations of Paragraph 46.**

**WHEREFORE**, having fully answered, Intervenor Missouri Republican State Committee 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 to interest, aside from a purely conjectural interest, in the claims and therefore have no standing to bring the action.
- C. The Plaintiffs do not have standing to raise claims as mere signers of a referendum petition.
- D. The Petition raises political questions and this Court has no jurisdiction to address political questions.
- E. The Petition raises nonjusticiable questions that this Court has no jurisdiction to address.
- F. Intervenor reserve the right to raise additional defenses and affirmative defenses as may be developed.

Respectfully submitted,

**ELLINGER BELL LLC**

By: /s/ Marc H. Ellinger

Marc H. Ellinger, #40828

Stephanie S. Bell, #61855

308 East High Street, Suite 300

Jefferson City, MO 65101

Telephone: (573) 750-4100

Facsimile: (314) 334-0450

E-mail: mellinger@ellingerlaw.com

E-mail: sbell@ellingerlaw.com

*Attorneys for Intervenor*

*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