

IN THE CIRCUIT COURT OF
COLE COUNTY, MISSOURI

JAKE MAGGARD et al.,)
Plaintiffs,)
v.) Case No. 25AC-CC09120
STATE OF MISSOURI et al.,)
Defendants.)

JURISDICTIONAL STATEMENT

Pursuant to Rule 81.08(a), Plaintiffs Jake Maggard and Gregg Lombardi submit this explanation of the trial court’s judgment to show that jurisdiction of the appeal is in the Missouri Supreme Court.

Article V, Section 3 of the Missouri Constitution provides that “[t]he supreme court shall have exclusive appellate jurisdiction in all cases involving the validity of ... a statute ... of this state.” This case squarely addresses the “validity” of Missouri statutes—in particular, the sections of Chapter 128, RSMo, that were amended by House Bill 1 (“HB1”) with a purported (and premature) effective date of December 11, 2025.

On September 12, 2025, the General Assembly truly agreed and finally passed HB1 “to enact ... twelve new sections relating to the composition of congressional districts.” 103d Gen. Assemb., 1st Reg. Sess., 2d Extraordinary Sess. (Mo. 2025). HB1 redrew Missouri’s congressional map, with the new districts to be “[e]ffective with the election of the 120th Congress.” *Id.* After the special session that enacted HB1 adjourned on September 12, the Secretary of State’s office

received a petition for referendum asking to refer HB1 to voters for approval or rejection, which was denominated 2026-R004. *Referendum for House Bill 1, 2026-R004*, Mo. Sec’y of State, <https://bit.ly/49pbtD6> (last visited Mar. 30, 2026). Supporters of 2026-R004 had until December 11—90 days after the special session’s adjournment—to submit approximately 107,000 signatures from 6 of Missouri’s 8 congressional districts. *See* Mo. Const. art. III, § 52(a). On December 9, the Secretary of State’s office received 691 boxes of referendum petitions for HB1. *See* 128.345. *Definitions.*, Revisor of Mo., <https://bit.ly/451HbUG> (last visited Mar. 30, 2026). Local election officials have since submitted confirmation to the Secretary of State’s office that 2026-R004 received the requisite number of valid signatures to qualify for the general-election ballot. *See* *Preliminary Petition Signature County Reports*, Mo. Sec’y of State (Mar. 26, 2026), <http://bit.ly/4bUCxdo>.

Under longstanding and well-settled authority, HB1 was suspended upon submission of signed referendum petitions—and remains suspended today. The Missouri Constitution instructs that “[a]ny measure referred to the people shall take effect when approved by a majority of the votes cast thereon, *and not otherwise.*” *Id.* art. III, § 52(b) (emphasis added). Accordingly, “once 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. App. W.D. 2017) (emphasis added) (citation modified).

The automatic suspension of legislation is a necessary and essential facet of the referendum process because it ensures that legislation is not effective before the People exercise their fundamental right to approve or reject it, reflecting that the referendum power is meant “to serve as a check on the legislature.” *No Bans on Choice v. Ashcroft*, 638 S.W.3d 484, 489 (Mo. banc 2022). If referred legislation were allowed to take effect before completion of the constitutional referendum process, then the referendum right would be significantly undermined (if not vitiated altogether) because the “[p]urpose of referendum is to suspend or annul a law which *has not gone into effect* and to provide the people a means of giving expression to a legislative proposition, and require their approval before it become operative as a law; and its purpose does not intend to invalidate a law already operative.” *State ex rel. Moore v. Toberman*, 250 S.W.2d 701, 706 (Mo. banc 1952) (emphasis added) (citation modified). Consequently, laws are “subject to referendum”—and thus *must* be suspended—“if petitions to refer them were duly filed before their effective date.” *Id.*; see also *State ex rel. Kemper v. Carter*, 165 S.W. 773, 778 (Mo. banc 1914) (explaining that “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” (emphasis added)).

Notwithstanding this consistent precedent, Defendants State of Missouri and Secretary of State Denny Hoskins (together, the “State”) have taken the position that HB1 took effect on December 11, 2025, and remains in effect until Secretary Hoskins issues a certificate of sufficiency for the referendum under Section 116.150, RSMo. The trial court ultimately agreed, concluding that “[u]ntil the Secretary issues a sufficiency determination—and until any judicial review of that determination is complete under Section 116.200—HB1 remains effective under Article III, Section 31 of the Missouri Constitution.” Findings of Fact & Conclusion of Law & Final J. 17. But Secretary Hoskins has “promised a ‘slow and steady’ review of the signatures” and told the Associated Press that he is “going to do everything [he] can to protect Gov. [] Kehoe’s Missouri First Map—the map the General Assembly passed.” Pls.’ Ex. 10. The State’s position thus presents the very real possibility that an unlawfully effective congressional map will be used in the 2026 midterms.

Given the State’s position and the fact that HB1 was 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, with a premature effective date of December 11, 2025, this appeal addresses the “validity” of those statutes—specifically, whether they are actually effective in advance of the election during which the referendum is put to a vote of the People. Additionally, Plaintiffs have maintained that, to the extent the State is correct and the Secretary of State’s review process under Chapter 116, RSMo, allows legislation subject to the

referendum process to take effect before the People have their say, “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.” Pet. for Declaratory J. & Injunctive Relief ¶ 42.

This appeal therefore “involv[es] the validity of ... a statute ... of this state” and falls within the exclusive appellate jurisdiction of the Missouri Supreme Court. Mo. Const. art. V, § 3.

Respectfully submitted,

**AMERICAN CIVIL LIBERTIES UNION
OF MISSOURI FOUNDATION**

/s/ Tori Schafer

Tori Schafer, No. 74359

Jonathan D. Schmid, No. 74360

906 Olive Street, Suite 1130

St. Louis, Missouri 63101

(314) 652-3114

tschafer@aclu-mo.org

jschmid@aclu-mo.org

PERKINS COIE LLP

Kevin J. Hamilton*

Matthew P. Gordon*

Jonathan P. Hawley*

1301 Second Avenue, Suite 4200

Seattle, Washington 98101

(206) 359-8000

KHamilton@perkinscoie.com

MGordon@perkinscoie.com

JHawley@perkinscoie.com

Counsel for Appellants

**Pro hac vice*