

IN THE SUPREME COURT OF MISSOURI

JAKE MAGGARD et al.,

Appellants,

v.

STATE OF MISSOURI et al.,

Respondents.

Case No. SC101581

MOTION TO EXPEDITE APPELLATE PROCEEDINGS

Appellants Jake Maggard and Gregg Lombardi respectfully seek an expedited briefing and argument schedule and final resolution of this appeal no later than **May 26, 2026**, to enable election officials’ timely compliance with statutory requirements. Appellants, Respondents State of Missouri and Secretary of State Denny Hoskins (together, the “State”), and Intervenor-Respondent Put Missouri First (“PMF”) have exchanged proposed expedited schedules, but the parties have not come to agreement on which schedule will best facilitate the Court’s resolution of this appeal before May 26.*

Appellants have good cause to request expedition. This matter involves the People’s right to referendum, which Appellants allege is currently being violated by the State’s actions—imposing a concrete, ongoing injury on Appellants and all Missouri voters. Additionally, this appeal will determine which congressional districts

* Appellants note that the transcript of the underlying half-day bench trial has not yet been filed. Appellants understand, however, that the transcript of the trial has now been requested by multiple parties and will likely be completed and filed very soon.

are used in Missouri’s upcoming primary and general elections, for which key administrative deadlines are fast approaching.

Specifically, Appellants maintain that, consistent with decades of past practice and precedent, House Bill 1 (“HB1”)—an act creating new congressional districts—was suspended upon the submission of signed referendum petitions and remains suspended until the constitutional referendum process is completed. The State, however, claims that HB1 remains in effect until Secretary Hoskins issues a certificate of sufficiency under Section 116.150, RSMo—even though local election officials have already verified that the referendum received sufficient signatures to qualify for the November ballot. Given that 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” the HB1 map, D225 p. 2, the State’s position presents the very real possibility that an unlawfully effective congressional map will be used in the 2026 midterms before voters have an opportunity to exercise their referendum right.

The Circuit Court ruled in the State’s favor, but this Court’s precedent forecloses such a result because it would vitiate the constitutional referendum power by allowing legislation to go into effect before the People have their say. And given the unique timing issues at play here, this appeal must be resolved as expeditiously as possible: Voters, candidates, and Appellants alike have an urgent need to know the operative district boundaries, and so the public interest weighs heavily in favor of expediting this appeal.

In support of their motion, Appellants state as follows:

1. On September 12, 2025, the General Assembly truly agreed and finally passed HB1, an act “to enact ... twelve new sections relating to the composition of congressional districts.” 103d Gen. Assemb., 1st Reg. Sess., 2d Extraordinary Sess. (Mo. 2025); *see also* D175.

2. On September 29, 2025, 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. D174 ¶ 13.

3. On December 9, 2025, 2026-R004’s organizers submitted 691 boxes containing 49,773 pages of referendum petitions to the Secretary of State’s office. *Id.* ¶ 15; D175; D176.

4. 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 purported effective date of December 11, 2025. D174 ¶ 18.

5. On December 23, 2025, Appellants filed this lawsuit, asking the Circuit Court to declare that HB1 is currently suspended and enjoin use of its new congressional map until completion of the constitutional referendum process. D124.

6. On February 10, 2026, the Circuit Court held a bench trial on joint stipulated facts and exhibits.

7. As of March 26, 2026, the Secretary of State’s office reported that, based on verification by local election officials, 2026-R004 received sufficient 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>; *see also*

Mo. Const. art. III, § 52(a) (“A referendum may be ordered ... by petitions signed by five percent of the legal voters in each of two-thirds of the congressional districts in the state[.]”).

8. On March 27, 2026, the Circuit Court issued its findings of fact, conclusions of law, and final judgment, dismissing Appellants’ petition on standing and (alternatively) ripeness, political-question, and procedural grounds and further concluding on the merits that HB1 is not suspended. D238.

9. On March 30, 2026, Appellants filed their notice of appeal. D239.

10. This matter was tried before the Circuit Court on limited stipulated facts and exhibits, and this appeal presents a pure question of law amenable to prompt resolution.

11. Moreover, the parties have repeatedly briefed and argued the issue presented in recent months and are thus well-suited to brief and argue this appeal on an expedited basis.

12. This Court has routinely expedited briefing and argument in cases related to referenda and elections. *See, e.g., Coleman v. Ashcroft*, No. SC100742 (Mo. Sept. 8, 2024); *Mo. NAACP v. Ashcroft*, No. SC98536 (Mo. May 22, 2020).

13. Upcoming election-related deadlines require prompt resolution of this appeal to confirm Missouri’s operative congressional map. *See, e.g.,* § 115.125, RSMo (requiring “the officer or agency calling the election [to] notify the election authorities responsible for conducting the election” by “5:00 p.m. on the tenth Tuesday prior to” August 4 primary—which is to say, May 26); § 115.127, RSMo (additional obligations for local election officials triggered by May 26 notice date); 2026

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Missouri Election Calendar, Mo. Sec’y of State, <https://bit.ly/4t8cfMx> (last visited Apr. 2, 2026) (listing May 26 as final certification date for August 4 primary).

14. Given the need to brief, argue, and decide this appeal sufficiently in advance of May 26, Appellants proposed the following briefing deadlines to the State and PMF:

- Appellants’ Brief: **April 8, 2026**
- Respondents’ Brief(s): **April 20, 2026**
- Reply Brief: **April 24, 2026**

15. The State and PMF proposed the following alternative deadlines:

- Appellants’ Brief: **April 10, 2026**
- Respondents’ Brief(s): **April 28, 2026**
- Reply Brief: **May 4, 2026**

16. Appellants appreciate the State’s and PMF’s willingness to expedite these proceedings but believe their own proposed schedule will best facilitate final resolution of this appeal in advance of May 26.

WHEREFORE, Appellants respectfully move the Court for entry of an order expediting the briefing and final resolution of this appeal and for any such other relief as the Court deems proper.

Respectfully submitted,

AMERICAN CIVIL LIBERTIES UNION OF

MISSOURI FOUNDATION

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was filed and served electronically on all counsel of record via the Court's electronic filing system on April 3, 2026.

/s/ Tori Schafer

