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IN THE MISSOURI SUPREME COURT

JAKE MAGGARD, *et al.*	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. SC101581
	)	
STATE OF MISSOURI, *et al.*,	)	
	)	
Defendants.	)	

RESPONDENT/INTERVENOR PUT MISSOURI FIRST'S RESPONSE TO APPELLANTS' JURISDICTIONAL STATEMENT

Pursuant to this Court's Order of April 2, 2026, Respondent/Intervenor Put Missouri First, by and through counsel, submits its Response to Appellants' Jurisdictional Statement.

Jurisdiction Lies with This Court

After a careful review of the Appellants' Jurisdictional Statement and the pleadings in the trial court in this matter, Respondent/Intervenor finds that the appeal raises the validity of two statutes: Sections 116.150 and 116.130, RSMo. As a result, this Court has original jurisdiction of this appeal pursuant to Article V, Section 3 of the Missouri Constitution.

Discussion

Appellants filed their appeal of the underlying final judgment entered by the Honorable Brian Stumpe of the Cole County Circuit Court in this Court. Appellants filed their Petition for Declaratory Judgment and Injunctive Relief on December 23, 2025. D174:P1. That Petition contains a number of allegations and legal claims, most salient of which for purposes of this Response is paragraph 42, which states:

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> 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 allow 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.

D174:P8-9.

This allegation squarely places the validity of a statute (or in this case two statutes) in question in the underlying matter. Appellants briefed this point in their Pre-Trial Brief.D212:P10-11, n. 3.

Article V, Section 3 of the Missouri Constitution vests exclusive appellate jurisdiction in this Court for all cases "involving the validity of…a statute or constitutional provision of this state." As this Court has explicitly stated: "this Court's exclusive appellate jurisdiction is invoked when a party asserts that a state statute directly violates the constitution either facially or as applied." *McNeal v. McNeal-Sydnor*, 472 S.W.3d 194, 195 (Mo. banc 2015) (citing *Alumax Foils, Inc. v. City of St. Louis,* 939 S.W.2d 907, 912 (Mo. banc 1997)).

Here, Appellants have raised both facial and as applied challenges to the validity of Sections 115.150 and 116.130, RSMo. Under this Court's precedent those allegations and challenges are substantial and vest jurisdiction with this Court.[1]

For these reasons, and for the reasons addressed in Appellants' Jurisdictional Statement, jurisdiction of this appeal properly lies in this Court.

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[1] If the Court has some question as to its jurisdiction, this Court can exercise its discretion to transfer the case from the Court of Appeals on its own motion. Rule 83.01 ("This Court on its own motion…may transfer to this Court from the court of appeals a case in which there has been no disposition. The transfer shall be for any of the reasons stated in Rule 83.02…"). This is particularly appropriate where there is "general interest or importance of a questions involved in the case or for the purpose of reexamining existing law." Rule 83.02.

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Conclusion

WHEREFORE, Respondent/Intervenor, for the reasons set forth above, in accordance with this Court's order, responds to Appellants' Jurisdictional Statement and agrees with Appellants that this appeal falls within the exclusive appellate jurisdiction of the Missouri Supreme Court.

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 April 3, 2026 on all parties of record.

/s/ Marc H. Ellinger