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IN THE SUPREME COURT OF MISSOURI

JAKE MAGGARD, et al.,	)	
	)	
Appellants,	)	
	)	
v.	)	No. SC101581
	)	
STATE OF MISSOURI, et al.,	)	
	)	
Respondents.	)	

STATE'S RESPONSE TO APPELLANTS' MOTION TO EXPEDITE

The State has accommodated Appellants' urgency at every step of this case. In less than two months, the State briefed and argued a motion to dismiss, conducted discovery (including four depositions), and participated in a bench trial. The State is again willing to agree to a reasonable expedited briefing schedule—even though resolution of this appeal by May 26 is unnecessary. To that end, the State proposes the following schedule, which would allow the Court to hold argument in May (as in *Wise v. Missouri*) if it wishes:

- Appellants' Brief: **April 10, 2026**
- Respondents' Brief: **April 28, 2026**
- Reply Brief: **May 4, 2026**

Comparatively, Appellants' proposal needlessly compresses deadlines—even on the assumption that this Court will choose to hear argument in May.

The State's proposed schedule is especially reasonable in light of this Court's scheduling orders in other cases challenging House Bill 1. For example, in *Luther v. Hoskins*, No. SC101412, Appellants requested (and the State consented to) a schedule allowing for resolution of the *Luther* appeal before February 25, 2026. But this Court

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scheduled a March 10 oral argument date and rendered its decision on March 24, 2026. *See* Scheduling Order, *Luther v. Hoskins*, No. SC101412 (Jan. 9, 2026).

Likewise, there is no need to expedite judicial proceedings here. Appellants highlight "[u]pcoming election related deadlines" on May 26, 2026. *See* Mot. to Expedite, ¶ 13 (filed April 3, 2026) (citing §§ 115.125, 115.127, RSMo). But it is already too late for a judicial order changing Missouri's congressional map before the 2026 elections. The candidate filing period has *already closed*, and the *Purcell* principle thus forecloses a judicial order enjoining the HB1 map for the 2026 elections. *See Abbott v. League of United Latin Am. Citizens*, 146 S. Ct. 418, 419 (2025) (applying the *Purcell* principle even *during* the candidate filing period in Texas). Remarkably, this is the first time that Appellants have argued that the May 26 deadlines are even relevant. In the circuit court, Appellants demanded expedition by conceding that the *Purcell* principle would foreclose relief when the candidate filing period opened. Appellants stated:

> [T]ime is of the essence: The filing period for congressional candidates begins on February 24, 2026, *see* § 115.349(2), RSMo, meaning the contours of Missouri's operative congressional map must be clarified—and Defendants' erroneous interpretation of the referendum laws must be corrected—*as soon as possible*. Otherwise, the People's referendum rights will be subject to another legal impediment: "the *Purcell* principle," which "requires courts to favor the status quo in a legal dispute during the lead-up to an election." MTD 17 (footnote omitted) (citing *Purcell v. Gonazalez*, 549 U.S. 1 (2006) (per curiam)).

D140, p. 16 (emphasis in original). Appellants were right about *Purcell* the first time. Thus, there is no need to expedite this appeal.

The Court should also disregard Appellants' claim that "local election officials have already verified that the referendum received sufficient signatures to qualify for the

November ballot." Mot. to Expedite at 2. Appellants fail to cite record evidence supporting this claim, which is factually incorrect. Even if this Court could consider material outside the record, the March 26, 2026 report cited by Appellants is a "Preliminary" report, and it emphasizes that "the figures contained in this report do not represent final counts and remain subject to change as the review process continues." *See* Mot. to Expedite, ¶ 7; *Preliminary Petition Signature County Reports*, Mo. Sec'y of State (Mar. 26, 2026), http://bit.ly/4bUCxdo. Indeed, Missouri's referendum statutes and regulations still create further procedures for review by both local election officials and the Secretary that have yet to be completed. *See, e.g.*, §§ 116.120, 116.140, RSMo; 15 C.S.R. §§ 30-15.010, 30-15.020; *see also e.g.* § 116.140 ("Notwithstanding certifications from election authorities under section 116.130, the secretary of state shall have authority not to count signatures on initiative or referendum petitions which are, in his opinion, forged or fraudulent signatures."). And, until the Secretary completes his review, it is outside the province of the judiciary to review Secretary's findings. *See* § 116.120.1, RSMo (It is only "*[a]fter* the secretary of state certifies a petition as sufficient or insufficient" that "any citizen may apply to the circuit court of Cole County to compel him to reverse his decision." (emphasis added)); *cf. Missourians to Protect the Initiative Process v. Blunt*, 799 S.W.2d 824, 828–29 (Mo. banc 1990) (This issue becomes "ripe for judicial determination when the Secretary of State makes a decision to submit, or refuse to submit, an initiative issue to the voters." (discussing §§ 116.120, 116.150, 116.200, RSMo)).

Finally, the Court should disregard Appellants' allegation that the State is delaying the processing of the referendum. The State has cooperated in litigating this case

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extraordinary quickly—all while local election officials throughout the state speedily process hundreds of thousands of signatures. Unsurprisingly, Appellants made the same allegation below, but the Circuit Court appropriately did not credit it. *Compare* Petition, D124, ¶ 36, *with* Order and Final Judgment, D241. At every step, the Secretary has abided by applicable procedures and deadlines. He will continue to do so in accordance with the law. *See, e.g.*, § 116.150.3, RSMo.

* * *

Accordingly, this Court should deny Appellants' motion to expedite, and impose the more reasonable timeline proposed by the State of Missouri and the Secretary of State.

Dated: April 3, 2026

Respectfully submitted,

CATHERINE L. HANAWAY
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CERTIFICATE OF SERVICE

I hereby certify that on April 3, 2026, the above motion was filed electronically through the Court's electronic filing system to be served electronically on all counsel of record.

/s/ *Louis J. Capozzi*

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