SUPREME COURT OF MISSOURI
en banc

JAKE MAGGARD, et al.,	)	
	)	
Appellants,	)	
	)	
v.	)	No. SC101581
	)	
STATE OF MISSOURI, et al.,	)	***Opinion issued May 12, 2026***
	)	
Respondents.	)	

APPEAL FROM THE CIRCUIT COURT OF COLE COUNTY
The Honorable Brian K. Stumpe, Judge

Jake Maggard and Gregg Lombardi ("Appellants") appeal the circuit court's judgment concluding 2026-R004, a referendum petition filed on December 9, 2025 (the "referendum petition"), did not automatically suspend House Bill No. 1 ("HB 1") under article III, sections 49, 52(a), or 52(b) of the Missouri Constitution. Because the circuit court correctly concluded the filing of the referendum petition did not automatically suspend HB 1 as of December 9, this Court affirms the circuit court's judgment.

Factual Background and Procedural History

In September 2025, the Missouri General Assembly enacted HB 1. HB 1 was codified as sections 128.345, 128.346, 128.348, and 128.471 through 128.479, with an

effective date of December 11, 2025.[1] Once in effect, HB 1 would repeal congressional districts established in 2022 and establish new congressional districts even though there had been no certification of a new census to the governor.[2]

Appellants, two qualified Missouri voters who signed the referendum petition and who each would reside in a new congressional district under HB 1, filed a single-count petition for declaratory judgment and injunctive relief alleging HB 1 was automatically suspended under article III, sections 49, 52(a), and 52(b) of the Missouri Constitution upon the December 9 referendum petition filing with the secretary of state (the "secretary"). Appellants further alleged, to the extent sections 116.130 or 116.150 permit the secretary to delay suspension of a referred law until issuance of a certificate of sufficiency, those statutes conflict with article III, sections 49, 52(a), and 52(b), at least as applied to the facts here, and are unconstitutional. Appellants sought a declaration HB 1 is suspended until voters approve or reject it through the referendum process. Appellants also sought an injunction preventing use of HB 1's congressional map until voters approve the map through the referendum process.[3]

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[1] Unless otherwise noted, all statutory references are to RSMo 2016 and all rule references are to Missouri Court Rules (2026).

[2] In *Luther v. Hoskins*, 730 S.W.3d 567, 569 (Mo. banc 2026), this Court held HB 1 does not violate article III, section 45 of the Missouri Constitution "because article III, section 45 obligates the General Assembly to redistrict when the United States census is certified to the governor but does not otherwise expressly limit the General Assembly's plenary power to legislate congressional districts."

[3] The circuit court permitted Put Missouri First, a political action committee, to intervene in defense of HB 1. *See* Rule 52.12.

The circuit court held a bench trial on joint stipulated facts and exhibits. The parties stipulated the General Assembly truly agreed to and finally passed HB 1 on September 12, 2025;[4] the referendum petition organizers submitted a referendum petition form to the secretary on September 29, 2025; the secretary certified the official ballot title for the referendum petition and approved the petition for circulation on November 13, 2025; the referendum petition organizers submitted 691 boxes of referendum petitions to the secretary on December 9, 2025, and received a "box receipt" and a "referendum receipt form" from the secretary that same date; HB 1 was codified at various statutory sections, all with an effective date of December 11, 2025; and the secretary has not yet issued a "certificate" addressing the sufficiency of the referendum petition under section 116.150.

The circuit court entered judgment against Appellants, dismissing their petition for lack of standing and, alternatively, dismissing their petition for lack of ripeness, for presenting a nonjusticiable political question, and for seeking a declaratory judgment when an adequate statutory remedy exists. The circuit court alternatively reached the merits and declared HB 1 was not automatically suspended as of December 9 when the referendum petition was filed. Appellants appealed.[5]

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[4] The governor signed HB 1. *Luther*, 730 S.W.3d at 570.

[5] Because of the general interest and importance of the legal issue involved in this case, this Court, on its own motion, grants discretionary transfer of this case under Rule 83.01 and article V, section 10 of the Missouri Constitution and does not address whether this Court would have had exclusive appellate jurisdiction absent transfer. *See Cass Cnty. v. Dir. of Revenue*, 550 S.W.3d 70, 72 n.2 (Mo. banc 2018).

Standard of Review

This Court will affirm a declaratory judgment "unless there is no substantial evidence to support it, unless it is against the weight of the evidence, unless it erroneously declares the law, or unless it erroneously applies the law." *Luther*, 730 S.W.3d at 570 (internal quotation omitted). "Because the facts are stipulated, this Court's review is limited to determining whether the circuit court properly declared and applied the law." *Id.* "Questions of law involving constitutional interpretation are reviewed *de novo*." *Id.* Likewise, "[c]onstitutional challenges to a statute are reviewed *de novo*." *Nicholson v. State*, No. SC101308, 2026 WL 202013, at *5 (Mo. banc Jan. 23, 2026) (internal quotation omitted).

Analysis

Appellants claim HB 1 was automatically suspended under article III, sections 49, 52(a), and 52(b) of the Missouri Constitution when the referendum petition was filed on December 9. Appellants assert sections 116.130 and 116.150 are unconstitutional to the extent they permit the secretary to delay the effective date of the referendum suspension of a referred law until issuance of a certificate of sufficiency.[6] Appellants "do *not* challenge the [s]ecretary of [s]tate's refusal to certify a referendum" and "do not dispute that the certification process is statutorily delegated to the [s]ecretary of [s]tate, and nothing in [Appellants'] requested relief seeks to interfere with that process."

[6] Because this Court's analysis under article III, sections 49, 52(a), and 52(b) is dispositive of all issues raised in this appeal, this Court does not address the remaining claims (and any defenses thereto). *Nicholson*, 2026 WL 202013, at *6 n.5.

[Appellants'] Combined Suggestions in Opposition to Motions to Dismiss at 1 (internal quotation omitted). Instead, they assert this case presents the single, narrow, purely legal issue of "the status of HB[ ]1 *in the meantime*, while the signatures are being verified[.]" Brief of Appellants at 11.

The Missouri Constitution sets out the right of referendum. Article III, section 49 provides: "The people … reserve power to approve or reject by referendum any act of the general assembly, except as hereinafter provided."[7] Article III, section 52(a) further provides:

> A referendum may be ordered … either by petitions signed by five percent of the legal voters in each of two-thirds of the congressional districts in the state, or by the general assembly, as other bills are enacted. Referendum petitions shall be filed with the secretary of state not more than ninety days after the final adjournment of the session of the general assembly which passed the bill on which the referendum is demanded.

The 90-day referendum petition filing deadline in article III, section 52(a) is not arbitrary because article III, section 29 provides "no law passed by the general assembly, except an appropriation act, shall take effect until 90 days after the adjournment of the session … at which it was enacted."[8]

[7] No party contends HB 1 is excepted from the right of referendum, so this opinion presupposes without deciding HB 1 is subject to the right of referendum. *See* Mo. Const. art. III, sec. 52(a) (excepting from the right of referendum "laws necessary for the immediate preservation of the public peace, health or safety, and laws making appropriations for the current expenses of the state government, for the maintenance of state institutions and for the support of public schools").

[8] Article III, section 29 also addresses the effective date of laws containing emergency clauses, but HB 1 has no emergency clause.

Finally, article III, section 52(b) provides:

> The veto power of the governor shall not extend to measures referred to the people. All elections on measures referred to the people shall be had at the general state elections, except when the general assembly shall order a special election. Any measure referred to the people shall take effect when approved by a majority of the votes cast thereon, and not otherwise. This section shall not be construed to deprive any member of the general assembly of the right to introduce any measure.

This Court need look no further than the plain language of article III, sections 49, 52(a), and 52(b) to resolve the question Appellants present. *See Luther*, 730 S.W.3d at 570-71 ("[T]his Court does not utilize canons of construction when the language of a constitutional provision is plain and unambiguous." (internal quotation omitted)). Nothing in article III, sections 49, 52(a), or 52(b) provides the filing of a referendum petition alone automatically suspends the act of the General Assembly at issue in the petition.[9] Had the drafters intended a referendum petition filing to automatically suspend any act of the General Assembly at issue in the referendum petition, they would have so stated. Article III, sections 49, 52(a), and 52(b) do not use the words "suspend" or "suspension" or any other like word or phrase. Instead, section 52(a) provides to the contrary, stating "[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[.]"

[9] Although not at issue in this case, article III, section 53 provides:

> The total vote for governor at the general election last preceding the filing of any … referendum petition shall be used to determine the number of legal voters necessary to sign the petition. In submitting the same to the people the secretary of state and all other officers shall be governed by general laws.

Accepting Appellants' argument that the December 9 referendum petition filing automatically suspended HB 1 would require this Court to ignore the explicit signature requirement in section 52(a).[10]

Appellants do not dispute section 52(a) contains a signature requirement and, as set out above, do not dispute the statute tasks the secretary with the certification process. *See* secs. 116.120-.150; *see also* Mo. Const. art. IV, sec. 14 (providing the secretary "shall be custodian of such records, and documents and perform such duties in relation thereto, and in relation to elections and corporations, as provided by law, but no duty shall be imposed on him by law which is not related to his duties as prescribed in this constitution"). The General Assembly enacted the statutory initiative and referendum certification process in chapter 116 in 1980, effective January 1, 1981, after then secretary of state, James Kirkpatrick, proposed a statutory certification process. *See Off. Manual of the State of Mo.* 14 (James C. Kirkpatrick & Kenneth M. Johnson eds., 1982).

[10] Appellants assert HB 1 was automatically suspended on December 9 because that is the date on which the referendum petition organizers submitted 691 boxes of referendum petitions to the secretary. Appellants offered no evidence the secretary could have determined, or did determine, compliance with the signature requirement in article III, section 52(a) on December 9. Under Appellants' argument, the suspension is automatic, regardless of whether the boxes contained petitions consisting only of invalid signatures, signatures of unregistered voters, or even blank pieces of paper. Appellants' argument would permit legislation truly agreed to and finally passed by a majority of Missouri citizens' elected representatives to be automatically suspended based on nothing more than the delivery of boxes purporting to contain signed referendum petitions complying with article III, section 52(a). This is not a reasonable reading of the plain language of article III, section 52(a). *See State ex rel. Dep't of Health & Senior Servs. v. Slusher*, 638 S.W.3d 496, 500 (Mo. banc 2022) ("Courts should avoid constructions of the Missouri Constitution that are unreasonable or would lead to absurd results." (internal quotation omitted)).

Chapter 116 sets out a detailed process for review of referendum petitions. Section 116.120.1 provides the secretary "shall examine the petition to determine whether it complies with the Constitution of Missouri and with this chapter [116]." The secretary may rely on the circulator's affidavit found on each page of the petition as required by sections 116.080 and 116.130.1, or the secretary may verify the petition signatures by use of random sampling. Sec. 116.120.1. Based on this sampling, the secretary can approve or reject the petition signatures or proceed to a verification of all the signatures. Sec. 116.120.2-.4. With or without a sampling, the secretary has discretion to order the local election authorities to verify all the signatures. Sec. 116.130. The secretary has authority not to count signatures "which are, in his opinion, forged or fraudulent signatures." Sec. 116.140.

Section 116.150.3 requires the secretary to issue a certificate of sufficiency or insufficiency as to the referendum petition "not later than 5:00 p.m. on the thirteenth Tuesday prior to the general election or two weeks after the date the election authority certifies the results of a petition verification pursuant to subsection 2 of section 116.130, whichever is later." After the secretary certifies a petition as sufficient or insufficient, any citizen may sue in the Cole County circuit court within 10 days after the certification decision to reverse the decision, and any such suit "shall be advanced on the court docket and heard and decided by the court as quickly as possible." Sec. 116.200.1. "If the court decides the petition is sufficient, the secretary of state shall certify it as sufficient and attach a copy of the judgment." Sec. 116.200.2. "If the court decides the petition is insufficient, the court shall enjoin the secretary of state from certifying the measure and

all other officers from printing the measure on the ballot." Sec. 116.200.2. "Within ten days after a decision is rendered, any party may appeal it to the supreme court." Sec. 116.200.3.[11]

The parties stipulated the secretary has not issued a certificate of sufficiency or insufficiency as to the referendum petition and agree the statutory deadline for certificate issuance has not passed.[12]

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[11] This Court has indicated in case law, *see Missourians to Protect the Initiative Process v. Blunt*, 799 S.W.2d 824, 826 n.1 (Mo. banc 1990), that section 116.200.3 does not confer appellate jurisdiction in this Court because it is not one of the enumerated grounds for this Court's exclusive appellate jurisdiction under article V, section 3 of the Missouri Constitution.

[12] The parties represented to the circuit court (and acknowledge on appeal) the statutory deadline (meaning the last possible date) for issuance of the certificate of sufficiency or insufficiency is August 4, 2026.

Despite repeatedly asserting they do not seek to interfere with the secretary's certification process, Appellants at the same time point to material outside the record to assert the secretary already has information to determine the referendum petition contains sufficient signatures to satisfy the signature requirement in article III, section 52(a). Appellants presented no record evidence supporting this assertion and, even if they had presented such record evidence, it would be contrary to their position they are not challenging the secretary's certification process and would have no bearing on the lone argument they raise that the December 9 referendum petition filing automatically suspended HB 1. Similarly, in their petition, Appellants assert: "Secretary Hoskins is (wrongly) interpreting the referendum laws to reach an unconstitutional result: denying Missourians their right to approve or reject [HB 1] at the ballot box." Petition for Declaratory Judgment and Injunctive Relief at 8. But, again, Appellants explicitly represented to the circuit court they do not challenge the secretary's refusal to certify a referendum, and they likewise represented to the circuit court they do not dispute the certification process is statutorily delegated to the secretary and that their requested relief does not seek to interfere with that process. Appellants presented no record evidence of how the secretary's compliance with the statutory scheme will deny Appellants the right of referendum. The statutory scheme contemplates the referendum election will occur at the November general election unless the General Assembly designates another date. *See* secs. 116.010(3); 116.030; *see also* Mo. Const. art. III, sec. 52(b) ("All elections on

While acknowledging the signature requirement in article III, section 52(a), Appellants, nonetheless, assert the December 9 referendum petition filing automatically suspended HB 1 because, otherwise, the following language in article III, section 52(b) is rendered meaningless: "Any measure referred to the people shall take effect when approved by a majority of the votes cast thereon, *and not otherwise*." (Emphasis added). Appellants' interpretation of article III, section 52(b) ignores that article III, section 52(b) applies only to "[a]ny measure referred to the people[.]" Under article III, section 52(a), a "referendum may be ordered … either by petitions signed by five percent of the legal voters in each of two-thirds of the congressional districts in the state, or by the general assembly, as other bills are enacted." Under the plain language of article III, sections 52(a) and 52(b), no measure is referred to the people until the signature requirement is satisfied, and Appellants insist they do not challenge the signature verification process itself. While article III, section 52(b) addresses when "[a]ny measure" takes effect after having been referred to the people, it does not provide the mere filing of a referendum petition automatically suspends the act of the General Assembly at issue.

Appellants acknowledge "[a] proposed referendum can proceed to a vote *only if* its organizers collected the requisite number of valid signatures[,]" but contend article III, section 52(b) requires automatic suspension upon delivery of signed referendum petitions because, if the secretary deems the referendum petition insufficient under chapter 116, then the referendum was not properly "referred to the people" under article III, section

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measures referred to the people shall be had at the general state elections, except when the general assembly shall order a special election.").

52(b) and the automatic suspension can be lifted, allowing the law to go into effect. Brief of Appellants at 38-39. Appellants' argument ignores the plain language of article III, sections 52(a) and 52(b), which does not provide for a "proper" referral to the people and does not provide for automatic suspension upon delivery of signed referendum petitions irrespective of the signature requirement in section 52(a). Instead, article III, section 52(a) sets out when "[a] referendum may be ordered[,]" which is only, as relevant here, "by petitions signed by five percent of the legal voters in each of two-thirds of the congressional districts in the state[.]" Then, under article III, section 52(b), "[a]ny measure referred to the people shall take effect when approved by a majority of the votes cast thereon, and not otherwise."

In addition to Appellants' interpretation of article III, sections 52(a) and 52(b) having no support in the plain language of those provisions, Appellants offered no evidence the secretary could have determined, or did determine, compliance with the constitutional signature requirement on December 9 when the referendum petition was filed. Appellants stipulated the secretary has not issued a certificate of sufficiency under section 116.150. Further, stipulated Exhibits 2 and 3, a "box receipt" and a "referendum receipt form," both reflect a submission date of December 9, with Exhibit 2 indicating the secretary received "691 boxes of referendum petition pages" and Exhibit 3 indicating by county the number of "pages submitted as reported by petitioner." Exhibit 2, signed by the referendum petitioner organizer, states: "Acceptance of this referendum and issuance of this receipt does not constitute a determination by the [s]ecretary [ ] that the petition was submitted in accordance with Chapter 116, RSMo." Exhibit 3, also signed by the

referendum petitioner organizer, states: "Acceptance of this petition does not constitute a determination by the [s]ecretary [ ] that the petition was submitted in accordance with Chapter 116 RSMo." The record does not reflect that anything occurred on December 9 that could be construed as the secretary certifying compliance with the signature requirement in article III, section 52(a).

Appellants rely heavily on *State ex rel. Kemper v. Carter*, 165 S.W. 773, 779 (Mo. banc 1914), in which this Court concluded:

> [A]ll acts of the Legislature, touching which the referendum may be properly invoked, are suspended by the filing of a legal, sufficient, and timely petition for the submission of such acts to a vote of the people for their approval or rejection, and that all such acts take effect when and only after a vote of the people has approved them at an election in which a majority of the votes are cast in favor of such act.

While it is true this Court in *Kemper* held "the filing of a legal, sufficient, and timely [referendum] petition" suspends any act of the General Assembly at issue in the petition, *Kemper* does not resolve the legal issue presented here because it involved "an admittedly sufficient [referendum] petition[.]" *Id.* As this Court noted, "relator does not contend that there were not sufficient petitioners, or that the names contained thereon were not those of legally qualified signers[.]" *Id.* Further, in *Kemper*, this Court did not hold mere physical delivery of referendum petitions automatically suspends the act of the General Assembly; instead, this Court noted a "legal, sufficient, and timely" referendum petition is required. *Id.* Here, there is no admission or agreement as to the referendum petition's sufficiency. In fact, Appellants do not dispute the secretary is engaging in the statutory signature verification process, a statutory process that did not exist when

Kemper was decided, the lack of which process this Court noted in *Kemper*. *Id.* at 781 ("[T]here is no specific statute requiring the [s]ecretary … to perform any other duty … at any fixed time[.]").[13] As discussed previously, chapter 116 went into effect in January 1981. The current version of section 116.130 has been in effect since 2003. *See* sec. 116.130, RSMo Supp. 2003. The current version of section 116.150 has been in effect since 1999. *See* sec. 116.150, RSMo Supp. 1999. Simply put, *Kemper* did not consider or decide the precise legal issue presented in this case.[14]

[13] *Kemper* involved article IV, section 57 of the 1875 Missouri Constitution, as amended in 1908. 165 S.W. at 777. This action concerns the current Missouri Constitution, with article III, sections 49, 52(a), and 52(b) first adopted in the 1945 Missouri Constitution. This distinction is of little import because the 1908 constitutional provisions and 1945 constitutional provisions are substantially similar.

[14] The same is true of other authorities on which Appellants rely. *See No Bans on Choice v. Ashcroft*, 638 S.W.3d 484, 486, 491 (Mo. banc 2022) (holding sections 116.180 and 116.334.2 facially unconstitutional as in direct conflict with article III, sections 49 and 52(a) of the Missouri Constitution when "the full signature-collection period for a referendum on a measure passed on the last day of the legislative session is only 90 days, and sections 116.180 and 116.334.2 permit the government to take away 51 of those days" (internal quotation omitted)); *State ex rel. Barrett v. Dallmeyer*, 245 S.W. 1066, 1069 (Mo. banc 1922) (predating the current constitution and chapter 116 and concluding, with no discussion of the constitutional signature requirement or the referendum petition's sufficiency, the filing of referendum petitions had the effect of postponing a legislative act pending the outcome of the referendum); *Kæsser v. Becker*, 243 S.W. 346, 352 (Mo. banc 1922) (predating the current constitution and chapter 116 but affirming a decision enjoining the secretary from placing a referendum petition on the ballot due to lack of compliance with the signature requirement and indicating, in referendum, "a solemn legislative act is sought to be set aside"); *State ex rel. Drain v. Becker*, 240 S.W. 229, 232-33 (Mo. banc 1922) (predating the current constitution and chapter 116 and concluding, with no discussion of the constitutional signature requirement or the referendum petition's sufficiency, the legislature could not repeal a bill pending the outcome of the referendum); *Kaw Transp. Co. v. Whitmer*, No. CV181-778cc, slip op. at 1-2 (Cole Cnty. Cir. Ct. Sept. 29, 1981) (rejecting the plaintiffs' argument the effective date of Senate Substitute for House Bill 695 was not suspended and stayed when the secretary had announced "his 'cursory' examination of the

Appellants also point to examples of former secretaries of state publicly stating a bill was suspended after referendum petition signatures were filed. Appellants assert automatic suspension as of December 9 must occur or their right to referendum will be lost. But this misunderstands how chapter 116 interacts with article III, sections 49, 52(a), and 52(b). In the examples Appellants cite, the former secretaries of state assumed the referendum petition was "legal, sufficient, and timely[.]" Here, the secretary has chosen to do the exact opposite. The secretary has assumed the referendum petition is not "legal, sufficient, and timely" and has chosen to move forward with his statutory review process under the assumption HB 1 was not referred to the people and went into effect on December 11, 2025.

The secretary's assumption the referendum petition filed on December 9 was not "legal, sufficient, and timely" does not affect the right of referendum in article III, sections 49, 52(a), and 52(b), which the people reserved to themselves in the Missouri Constitution long before chapter 116 went into effect in January 1981, nor does it decide whether HB 1 did (or did not) go into effect on December 11, even though the chapter 116 certification process was ongoing. In chapter 116, the General Assembly set out a detailed procedure for the secretary to certify, subject to challenge and court review, whether a "legal, sufficient, and timely" referendum petition was filed, as required by article III, sections 49, 52(a), and 52(b), but chapter 116 does not override the Missouri

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referendum petition indicated that the effective date of the legislation in question should be stayed[,]" and the circuit court "presume[d] that the [secretary] has complied with the criteria set forth in [s]ection 116.120 and that he found that the petitions in question complied with the Constitution [ ] and with the provisions of [s]ection 116").

Constitution. *See State ex rel. Nixon v. Blunt*, 135 S.W.3d 416, 420 (Mo. banc 2004) (concluding the secretary cannot exercise official duties in a manner to frustrate constitutional provisions).

Only when the chapter 116 certification process is final (i.e., when the secretary has issued a certificate of sufficiency or insufficiency under section 116.150 and the judicial review of that certificate the General Assembly authorized in section 116.200 is complete) can it be determined whether the referendum petition was "legal, sufficient, and timely" (or not) when it was filed on December 9.

If the December 9 referendum petition filing is ultimately determined to be insufficient, HB 1 became the law on December 11 under article III, section 29 because no "legal, sufficient, and timely" referendum petition was filed before expiration of the 90-day period in article III, section 52(a). *See State ex rel. Moore v. Toberman*, 250 S.W.2d 701, 703, 705-07 (Mo. banc 1952) (affirming a circuit court judgment concluding a law took effect 90 days after recess of the session in which it was enacted under article III, section 29 when only an insufficient referendum petition had been filed before the 90 days expired because the referendum petition deficiencies could not be remedied by a supplemental filing beyond the time limits in article III, sections 29 and 52(a)).

If, however, the December 9 referendum petition filing is ultimately determined to be sufficient, article III, section 52(b) applies. In that case, because a "legal, sufficient, and timely" referendum petition was filed on December 9—*before* HB 1 went into effect on December 11—HB 1 did not take effect on December 11, HB 1 was "referred to the

people" as of December 9, and HB 1 "shall take effect when approved by a majority of the votes cast thereon, and not otherwise." Mo. Const. art. III, sec. 52(b).[15]

Because the secretary's certification process under chapter 116 is ongoing and has not been finally determined, it is impossible to say as of this opinion whether the December 9 referendum petition filing was "legal, sufficient, and timely" and, therefore, whether HB 1 went into effect on December 11 or whether HB 1 was referred to the people as of December 9 and can only go into effect when approved by a majority of the votes cast thereon.

Appellants also assert sections 116.130 and 116.150 are unconstitutional as in conflict with article III, sections 49, 52(a), and 52(b), at least as applied to these facts, to the extent those statutes permit the secretary to delay suspension of a referred law until issuance of a certificate of sufficiency. As set out above, nothing in article III, sections

[15] The state asserts Appellants conceded only the secretary refers legislation to the people. Interpretation of a constitutional provision is an issue of law subject to this Court's *de novo* review and not subject to admission or concession by any party. *Luther*, 730 S.W.3d at 570. The state's position only the secretary can refer legislation to the people for a referendum vote is inconsistent with the plain language of article III, section 52(a), which says: "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[.]" Section 52(a) provides only that referendum petitions shall be filed with the secretary. *See also State v. Jenkins*, 931 N.W.2d 851, 879 (Neb. 2019) ("We conclude that upon the filing of a referendum petition appearing to have a sufficient number of signatures, operation of the legislative act is suspended so long as the verification and certification process ultimately determines that the petition had the required number of valid signatures.") (rejecting the argument the legislative act took effect and was suspended only months later when the Nebraska secretary of state finished verifying signatures and certified the petition as sufficient and holding, instead, the secretary's certification *relates back to the date on which the petition was filed* such that the legislative act never took effect and would not do so until approved by the voters).

49, 52(a), or 52(b) provides a referendum petition filing automatically suspends the act of the General Assembly at issue. Article III, section 52(a) precludes such a construction because it sets out a signature requirement that must be met for a measure to be referred to Missouri citizens. There is no conflict between article III, sections 49, 52(a), and 52(b) and sections 116.130 and 116.150 on the facts alleged because only when the secretary's review along with any judicial review is complete will the question be decided of whether HB 1 went into effect on December 11 or was referred to the people on December 9 before HB 1 went into effect. *See Kemper*, 165 S.W. at 781 (holding the acts of the secretary "relate back to" the date the referendum petition was filed).

Because there is no conflict on these facts between article III, sections 49, 52(a), and 52(b) and sections 116.130 and 116.150 as to Appellants' argument the December 9 referendum petition filing automatically suspended HB 1, this Court rejects Appellants' as-applied challenge to the constitutional validity of sections 116.130 and 116.150.

Conclusion

The circuit court correctly concluded the December 9 referendum petition filing did not automatically suspend HB 1 under article III, sections 49, 52(a), or 52(b) of the Missouri Constitution. This Court affirms the circuit court's judgment. No Rule 84.17 motions are permitted.

Ginger K. Gooch, Judge

All concur.