

IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI

RICHARD VON GLAHN,

and

PEOPLE NOT POLITICIANS,

Plaintiffs,

v.

CATHERINE HANAWAY, in her official capacity as Attorney General, Serve: Catherine Hanaway Supreme Court Building 207 W. High Street Jefferson City, MO 65102

Case No. _____

and

DENNY HOSKINS, in his official Capacity as Secretary of State Serve: Denny Hoskins 600 W. Main St. Jefferson City, MO 65101

Defendants.

VERIFIED PETITION FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiffs Richard von Glahn and People Not Politicians for their Verified Petition for Declaratory and Injunctive Relief, allege and state as follows.

INTRODUCTION

1. Approximately nine months ago, Plaintiffs submitted a referendum petition form to Defendant Hoskins, starting the process of referring House Bill 1 (“HB 1”) to the people for an up or down vote.

2. Defendant Hoskins, in what would become a theme of this campaign, refused to do his job and approve the referendum petition form.

3. Eventually, Defendant Hoskins approved the petition form.

4. Regardless, Plaintiffs began the arduous process of collecting hundreds of thousands of signatures from voters across the state of Missouri.

5. More than six months ago, Plaintiffs submitted more than 300,000 valid signatures of registered voters to Defendant Hoskins in support of a referendum on HB 1, which were supported by signed circulator affidavits.

6. Nearly two months ago, local election authorities in six of Missouri's eight congressional districts advised Defendant Hoskins that Plaintiffs submitted more than the constitutionally required number of signatures in support of the referendum.

7. No later than March 23, 2026, Defendant Hoskins had all the information he needs to certify the referendum as timely, legal, and sufficient (which it is).

8. As of today, local election authorities have advised Defendant Hoskins the referendum has more than 130% of the signatures needed in six of eight of Missouri's congressional districts.

9. Local election officials on both sides of the political spectrum have requested Defendant Hoskins to promptly issue a certification under Section 116.150, so the courts can conclusively determine what congressional districts will govern the 2026 elections and prevent electoral chaos.

10. Defendant Hoskins has refused to do his job.

11. Instead, Defendant Hoskins, with the aid of Defendant Hanaway, has blatantly misrepresented the Supreme Court of Missouri's unanimous decision in *Maggard v. State*; has threatened criminal action against election officials just trying to do their jobs; and has attempted to implement the HB 1 map by executive fiat, despite the Missouri Supreme Court making clear that only the courts can decide whether HB 1 is in effect *after* Defendant Hoskins complies with his statutory duty.

12. He is intentionally delaying completion of his statutory duties in order to implement HB 1 without judicial review.

13. Because Defendant Hoskins has abdicated his duties, Plaintiffs bring this suit to force him to do them, ensure that Plaintiff von Glahn and countless other Missourians are able to cast legal votes in the correct congressional districts, and restore sanity and decorum to Missouri's electoral process.

THE PARTIES

14. Plaintiff Richard von Glahn is a Missouri citizen, resident of St. Louis County, a taxpayer, and qualified voter in the State of Missouri.

15. Plaintiff von Glahn is the proponent of the referendum that is the subject of this action.

16. Under the congressional districts the General Assembly enacted in 2022, Plaintiff von Glahn will cast his vote for the upcoming primary and general elections in Congressional District 2.

17. Under the congressional districts set forth in HB 1, Plaintiff will cast his vote for the upcoming primary and general elections in Congressional District 1.

18. Plaintiff People Not Politicians (“PNP”) is a campaign committee organized under the laws of the State of Missouri and subject to the regulation of the Missouri Ethics Commission.

19. PNP is the committee supporting the campaign for the referendum submitted by Plaintiff von Glahn.

20. Defendant Catherine Hanaway is the Attorney General for the State of Missouri. Her principal office is in Cole County, Missouri.

21. Defendant Denny Hoskins is the Secretary of State for the State of Missouri. His principal office is in Cole County, Missouri.

THE REFERENDUM POWER

22. Missourians reserved to themselves the “power to approve or reject by referendum any act of the general assembly, except as hereinafter provided.” Mo. Const. art. III, § 49.

23. Article III, Section 52(a) of the Constitution identifies the sole exceptions to the people’s referendum right: (i) “laws necessary for the immediate preservation of the public peace, health or safety” and (ii) “laws making appropriations for the current expenses of the state government, for the maintenance of state institutions and for support of public schools.” Mo. Const. art. III, § 52(a).

24. To place a referendum petition before voters, a proponent must gather signatures of “five percent of the legal voters in each of two-thirds of the congressional districts in the state[.]” Mo. Const. art. III, § 52(a).

25. For an election taking place in 2026, a proponent must gather 106,384 signatures across six congressional districts.¹

HOUSE BILL 1

26. On September 12, 2025, the General Assembly truly agreed and finally passed—during a special session—House Bill 1 (“HB 1”) titled: “An Act To repeal sections 128.345, and 128.348, RSMo, and to enact in lieu thereof twelve new sections relating to the composition of congressional districts.”

27. Attached as **Exhibit 1** is a true and correct copy of HB 1.

28. HB 1 is an act of the General Assembly.

29. HB 1 is not a law necessary for the immediate preservation of the public peace, health, or safety.

30. HB 1 is not a law making appropriations for the current expenses of the state government, for the maintenance of state institutions, or for support of public schools.

¹ See

https://www.sos.mo.gov/CMSImages/Elections/Petitions/MakeYourVoiceHeard_02.07.2025.pdf

SUBMISSION OF SIGNATURES

31. In September 2025, Plaintiff von Glahn submitted a referendum petition sample sheet seeking a referendum on HB 1 (the “Referendum”) to Defendant Hoskins.

32. A referendum petition sample sheet “shall be [in] substantially the form” as provided in Section 116.030, RSMo.

33. That form requires that each referendum petition include a “circulator’s affidavit” in which a circulator must affirm, under oath, that the signers of the petition page

signed this page of the foregoing petition, and each of them signed his or her name thereto in my presence; I believe that each has stated his or her name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and _____ County. FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT AND THAT I HAVE NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY TO ANY OFFENSE INVOLVING FORGERY.

34. On October 14, 2025, Defendant Hoskins approved the referendum petition sample sheet as to form.

35. In a letter to Plaintiff von Glahn, Defendant Hoskins stated the approval as to form “signifies that the petition complies with the technical requirements of Chapter 116 governing petition format, page layout, and affidavit language.”

36. Attached as **Exhibit 2** is a true and correct copy of the October 14, 2025 Approval as to Form.

37. On October 15, 2025, Defendant Hoskins, the “General Assembly” and the State of Missouri—all represented by Defendant Hanaway’s office—filed a lawsuit against Plaintiffs in federal court, denominated *Missouri General Assembly v. von Glahn*, No. 25-cv-01535 (E.D. Mo.). That lawsuit sought to prevent Plaintiffs from turning in signatures on the Referendum.

38. Attached as **Exhibit 3** is a copy of the Complaint filed in the federal action.

39. Among other things, Defendants claimed Plaintiffs should not be permitted to turn in signatures—thereby triggering Defendant Hoskins’ statutory obligation to verify them—because initiating a referendum on a redistricting bill would “violate[] both the U.S. and Missouri Constitutions.” Ex. 3 at 2.

40. Defendant Hoskins truthfully represented to the Federal Court his position that the referendum would violate the Missouri Constitution regardless of the number of signatures submitted.

41. Defendant Hoskins truthfully represented to the Federal Court his position that the referendum would violate the U.S. Constitution regardless of the number of signatures submitted.

42. Following expedited litigation, including Defendants seeking a preliminary injunction, the federal court issued a decision dismissing the federal lawsuit on December 8, 2025.

43. Attached as **Exhibit 4** is a copy of the decision in the federal action.

44. The federal court observed that “Plaintiff Denny Hoskins has the authority as Secretary of State to reject [the referendum] petition as unconstitutional during post-submission review and to defend that decision based on the very same constitutional arguments the State advances in this case.” Ex. 4 at 1.

45. The federal court further reasoned that “absent a successful court challenge, this determination would obviate the need for signature verification, publication, or a vote.” *Id.*

46. It reasoned: “ Given the State’s position that PNP’s referendum violates the Missouri Constitution itself, that finding alone is sufficient for decertification.” *Id.* at 7 n.4 (citations omitted).

47. On December 9, 2025, Plaintiffs submitted more than 300,000 signatures in support of the Referendum to the Secretary’s Office.

48. The Secretary accepted the Referendum for filing and issued PNP a receipt for 691 boxes of signatures.

49. Attached as **Exhibit 5** is a true and correct copy of the box receipt provided to PNP by Defendant Hoskins.

50. Each referendum petition page Plaintiffs submitted to Defendant Hoskins was identical to the form approved by the Secretary on October 14, 2025.

51. Each referendum petition page submitted to Defendant Hoskins included a completed and signed circulator’s affidavit.

52. Attached as **Exhibit 6** are true and correct copies of examples of signed referendum pages Plaintiffs submitted to Defendant Hoskins on December 9, 2025. Plaintiffs will submit all signature pages at trial.

DEFENDANTS' INTENTIONAL DELAYS

53. When Plaintiffs submitted signatures, Defendant Hanaway immediately claimed the HB 1 maps would “remain in place unless [Defendant Hoskins] determines the referendum petition is constitutional and contains sufficient signatures.”²

54. Before attempting to validate a single signature, Defendant Hoskins “promised a ‘slow and steady’ review of the signatures” and indicated he “isn’t likely” to complete that process until late July 2026.³

55. The Secretary of State also pledged “to do everything I can to protect” the map in HB 1.⁴

56. The Attorney General declared: “As long as the status quo is the new maps, **delay works in our favor.**”⁵

² <https://www.pbs.org/newshour/politics/opponents-of-trump-backed-redistricting-in-missouri-submit-petition-with-thousands-of-signatures-to-force-a-public-vote>.

³ *Id.*

⁴ *Id.*

⁵ <https://www.kansascity.com/news/politics-government/article314249251.html> (emphasis added); see also <https://omny.fm/shows/newstalk-stl/missouri-attorney-general-catherine-hanaway>.

SIGNATURE VALIDATION

57. Despite Defendants' assertions in federal court that the Referendum violates the U.S. and Missouri Constitutions, Defendant Hoskins *did not* promptly issue a certificate of insufficiency.

58. Instead, Defendant Hoskins sent only two-thirds of the signatures Plaintiffs submitted to local election authorities ("LEAs") to be checked for validity.⁶

59. As the LEAs have checked signatures, they have provided status reports on the progress of their work to Defendant Hoskins.

60. Defendant Hoskins has posted "Preliminary Petition Signature County Reports" to his website documenting the number of signatures LEAs have validated as belonging to registered voters and, thus, being valid signatures in support of the Referendum.

61. Attached as **Exhibits 7-19** are copies of the Preliminary Petition Signature County Reports Defendant Hoskins posted to his website between March 10, 2026 and May 12, 2026.

⁶ Defendant Hoskins declined to send approximately one-third of the signatures to the LEAs for validation because he claimed those signatures are *per se* invalid because they were gathered prior to the form of the referendum being approved as to form. That issue is currently being litigated in *People Not Politicians, et al. v. Hoskins*, Case No. 25AC-CC07128. The case was tried in December 2025, but the trial court has held the matter in abeyance pending Defendant Hoskins' certification decision.

62. As of March 23, 2026, LEAs had validated sufficient signatures in six of Missouri's eight congressional districts to qualify the Referendum for the November 2026 ballot.

63. As of the date of filing of this Verified Petition, LEAs have validated tens of thousands of signatures beyond the minimum number of signatures needed to qualify the Referendum for the ballot.

64. As of the date of filing of this Verified Petition, LEAs have validated more than 130% of the minimum number of signatures needed to qualify the Referendum in six of Missouri's eight congressional districts.

DEFENDANT HOSKINS' AUTHORITY UNDER CHAPTER 116

65. On May 13, 2026, the Supreme Court of Missouri issued its decision in *Maggard v. State*, No. SC1015891. A true and correct copy of that decision is attached hereto as **Exhibit 20**.

66. By statute, Defendant Hoskins is required to "examine the [Referendum] to determine whether it complies with the Constitution of Missouri and with this chapter [116]." § 116.120.1, RSMo.

67. In doing so, Defendant Hoskins "may rely on the circulator's affidavit found on each page of the petition as required by section 116.080 and 116.130.1, or [he] may verify the petition signatures by use of random sampling." Ex. 20 at 8.

68. "Based on this sampling, [Defendant Hoskins] can approve or reject the petition signatures or proceed to a verification of all the signatures." *Id.*

69. “With or without sampling, [Defendant Hoskins] has discretion to order the local election authorities to verify all the signatures.” *Id.*

70. Chapter 116 requires Defendant Hoskins to issue a certificate deeming the Referendum sufficient or insufficient, which decision is subject to review by the courts. *Id.*

71. Chapter 116 gives Defendant Hoskins until August 4, 2026 to issue such certificate. *Id.* at 8, 9 n.12.

72. The courts are the final arbiters of whether the Referendum is sufficient or insufficient and will direct Defendant Hoskins whether to place the Referendum on the ballot. *Id.* at 8-9.

73. Defendant Hoskins has chosen to “assume[] the [Referendum] is not legal, sufficient, and timely.”

74. While Hoskins 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,” that assumption **does not** “decide whether HB 1 did (or did not) go into effect on December 11.” *Id.* at 14.

75. Defendant Hoskins’ position is that HB 1 is currently in effect regardless of whether sufficient signatures have been submitted on the Referendum.

THE MAGGARD DECISION

76. On May 13, 2026, the Supreme Court unequivocally held that it was presently “**impossible** to say . . . 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.” *Id.* at 16.

77. The Supreme Court also unequivocally held that if “the December 9 referendum petition filing is ultimately determined to be sufficient, article III, section 52(b) applies,” meaning that “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.” *Id.* at 15-16 (emphasis added).

78. Finally, the Supreme Court unequivocally rejected “[t]he state’s position [that] only the secretary can refer legislation to the people for a referendum vote” because it “is inconsistent with the plain language of article III, section 52(a).” *Id.* at 16 n.15.

MAGGARD’S AFTERMATH

79. Following the Supreme Court’s decision in *Maggard*, the Boone County Clerk sent a letter to Defendant Hoskins advising him she would “not be redrawing districts until your office issues a determination on the sufficiency of the referendum petition filed with your office on December 9, 2025.” A true and correct copy of this letter is attached hereto as **Exhibit 21**.

80. She advised Defendant Hoskins that, in light of the pending certification deadline for the August primaries and the looming deadline to send absentee ballots for such primaries, Defendant Hoskins’ refusal to issue a certificate of sufficiency or insufficiency “compromises both the administration

and integrity of the election and, worse, breeds public distrust in the process.” Ex. 21.

81. The Boone County Clerk “implore[d]” Defendant Hoskins “to resolve this legal confusion” by issuing a certificate under Section 116.150. *Id.*

82. In response to the Boone County Clerk’s letter, Defendant Hanaway asserted the Clerk was “defying the ruling of the Missouri Supreme Court” and that her office would be exploring civil and criminal penalties against officials who exercise their statutory and constitutional prerogative to make decisions about what maps to use for the primaries in light of Defendant Hoskins’ refusal to issue a certificate.⁷

83. Two days after the Supreme Court issued its decision in *Maggard*, Defendant Hoskins sent a letter to all LEAs. A true and correct copy of that letter is attached as **Exhibit 22**.

84. Defendant Hoskins’ letter claimed the Supreme Court had “affirm[ed] the . . . legal effectiveness of House Bill 1.” Ex. 22.

85. Defendant Hoskins claimed: “As of May 12, 2026, House Bill 1 remains in full force and effect until a determination and certification of sufficiency or insufficiency has been issued under the referendum process.” *Id.*

⁷ [Catherine Hanaway talks Suprem... - Wake Up Missouri On Demand - Apple Podcasts](#); [Missouri AG threatens legal action over new congressional map | Kansas City Star](#); <https://x.com/RGreggKeller/status/2054953154697986137>.

86. Defendant Hoskins included with his letter an “advisory opinion” from Defendant Hanaway. A true and correct copy of Defendant Hanaway’s advisory opinion is attached hereto as **Exhibit 23**.

87. Defendant Hanaway advised that the Supreme Court had “definitively resolved” the question of “whether Missouri officials should enforce House Bill 1.” Ex. 23 at 1.

88. The Supreme Court did not say **anything** about whether election officials should enforce HB 1 and, to the contrary, made clear it is impossible to say whether HB 1 is even in effect.

89. Defendant Hanaway’s opinion further stated that “the Secretary of State’s Office—and all of Missouri’s local election authorities—**must** continue enforcing HB 1 unless [Defendant Hoskins] make[s] a finding of sufficiency as to petition 2026-RO04 under § 116.150, RSMo.” *Id.* (emphasis added).

90. Both Defendants Hoskins and Hanaway take the position that “HB 1 is in effect right now and will remain in effective (*sic*)—unless [Hoskins] certif[ies] referendum petition 2026-004 under § 116.150, RSMo.” *Id.* at 3.

91. Defendant Hanaway asserted “the HB 1 map is in effect and will govern the 2026 primary elections unless you exercise your statutory discretion to certify the referendum before they occur. State and local election official **must** take all appropriate steps to ensure the HB 1 map is fully implemented in advance of the 2026 primary elections” and that “[f]ailure to do so is a clear violation of the law.” *Id.* at 4 (emphasis added).

92. Defendant Hanaway cited zero law that requires officials to take these actions or that would be violated if they did not. *Id.*

93. Defendant Hanaway concluded her “advisory opinion” with the assertion that “election official must operate on the basis that HB 1 will govern the 2026 **general** elections.” *Id.* (emphasis added).

94. That same day, Defendant Hoskins posted a press release to his website insisting “the Missouri First Map remains in effect following a recent decision by the Supreme Court of Missouri” and that the map “will be fully enforced.”⁸

95. That press release further confirmed Defendant Hoskins was “directing all local election authorities to follow the letter of the law and proceed under the provisions of House Bill 1.”⁹

96. On May 14, 2026, Defendant Hanaway informed the public the Supreme Court of Missouri had “confirmed that the Missouri FIRST Map is the governing congressional map.”¹⁰

97. She then insisted that “[p]ublic officials who choose to ignore state law will be held accountable and could be subject to civil and criminal liability.”¹¹

⁸ <https://www.sos.mo.gov/default.aspx?PageId=10637>.

⁹ *Id.*

¹⁰ <https://x.com/AGCHanaway/status/2055079937271284041>.

¹¹ <https://x.com/AGCHanaway/status/2055083731891712337>.

98. On May 15, 2026, Defendant Hoskins held a press conference in the Missouri Capitol Building, during which he stated that as the “highest election officer in the state of Missouri” he was saying “the Missouri First Map is in effect.”

99. Defendants are attempting to bully and intimidate local election officials into implementing congressional districts that—per the Missouri Supreme Court’s opinion and the evidence—should be deemed suspended as of December 9, 2025.

100. If Defendants succeed, this will result in an invalid election.

101. Plaintiff von Glahn desires to cast his vote for the upcoming primary and general elections in the correct Congressional District (*i.e.*, those created in 2022).

102. Defendants’ actions threaten to force Plaintiff von Glahn to cast his vote at the upcoming primary election in the wrong Congressional District for candidates he is not entitled to vote for.

COUNT I
DEFENDANT HOSKINS HAS UNLAWFULLY DECIDED THE
REFERENDUM IS INSUFFICIENT WITHOUT ISSUING A
CERTIFICATE OF INSUFFICIENCY UNDER § 116.200

103. Plaintiffs incorporate the foregoing allegations as if set forth fully herein.

104. Defendant Hoskins is statutorily obligated to issue a certificate of sufficiency or insufficiency on the Referendum once he has decided the Referendum is sufficient or insufficient. § 116.150.1 (“After the secretary of state

makes a determination on the sufficiency of the petition and if the secretary of state finds it sufficient, the secretary of state **shall issue a certificate** setting forth that the petition contains a sufficient number of valid signatures to comply with the Constitution of Missouri and with this chapter.”); § 116.150.2 (“If the secretary of state **finds the petition insufficient**, the secretary of state **shall** issue a certificate stating the reason for the insufficiency.”).

105. Plaintiff von Glahn has an absolute statutory right to challenge Defendant Hoskins’ determination as to the sufficiency of the Referendum but can do so only once Secretary Hoskins has issued the required certificate. § 116.200.1, RSMo.

106. Defendant Hoskins’ public statements and actions illustrate that he has made a determination that the Referendum is insufficient.

107. Indeed, Defendant Hoskins publicly proclaimed—in a federal lawsuit—that the Referendum violated the Missouri and United States Constitutions **in October 2025**.

108. As the federal court noted in dismissing Defendants’ lawsuit: “Given the State’s position that PNP’s referendum violates the Missouri Constitution itself, that finding alone is sufficient for decertification.” Ex. 4 at 7 n.4.

109. Defendant Hoskins has never disavowed the position he took seven months ago.

110. Further, the Supreme Court of Missouri clearly stated on May 12, 2026 that it is **impossible** to determine whether HB 1 was suspended as of

December 9, 2025 or currently in effect until Defendant Hoskins completes his statutory duties and issues a certificate of sufficiency or insufficiency and such certificate is subjected to judicial review. Ex. 20 at 15-16.

111. Yet, Defendant Hoskins—aided and abetted by Defendant Hanaway—immediately began declaring that HB 1 **is currently in effect** and **must** be used to conduct elections or official will be subjected to criminal penalties.

112. It cannot simultaneously be true that it is “impossible to know” whether HB 1 is in effect and for HB 1 to be in effect and its use by election officials mandated by law.

113. It is abundantly clear Defendant Hoskins has “ma[de] a determination” on the sufficiency of the Referendum and has determined the Referendum is insufficient, as he told the federal court seven months ago.

114. Yet, Defendant Hoskins has refused to issue a certificate of insufficiency, thus preventing Plaintiff von Glahn (and other citizens) from obtaining judicial review and a final judicial determination on the sufficiency of the Referendum.

115. While Defendant Hoskins purports to claim he is still taking some unknown steps to validate signatures submitted in support of the Referendum and that HB 1 will remain “in effect” only until he issues a certificate of sufficiency, that assertion disregards the Supreme Court’s conclusion that Defendant Hoskins does not get to decide when or if a matter is referred to the people (and, thus, whether a law is suspended or in effect). Ex. 20 at 16 n.15.

116. Defendant Hoskins' actions violate Sections 116.150 and 116.200.

117. Because Defendant Hoskins has made a determination on the sufficiency of the Referendum, he is statutorily obligated to issue a certificate under Section 116.150 formally setting forth that decision.

118. Defendant Hoskins' refusal to do so is depriving Plaintiff von Glahn of his statutory right to obtain judicial review of the determination Defendant Hoskins unquestionably has made.

119. Defendant Hoskins' decision that the Referendum is insufficient and that HB 1 should immediately be implemented without issuing a certificate of insufficiency under Section 116.150 is a final administrative decision for which Plaintiffs lack a right to administrative review, entitling Plaintiffs to challenge the decision under Section 536.150, RSMo.

120. Plaintiff von Glahn has no adequate remedy at law to address this violation.

121. Defendant Hoskins should be ordered to immediately issue a certificate concerning the sufficiency of the Referendum under Section 116.150, so Plaintiff von Glahn may obtain judicial review thereof.

COUNT II
DECLARATORY JUDGMENT THAT HB 1 IS NOT THE LAW

122. Plaintiffs incorporate the foregoing allegations as if fully set forth fully herein.

123. Defendant Hoskins has not issued a certificate of sufficiency or insufficiency concerning the referendum on HB 1.

124. The Missouri Supreme Court has held it is impossible to know whether HB 1 is in effect until Defendant Hoskins issues a certificate and the judicial review process is complete.

125. Defendant Hoskins nevertheless claims HB 1 is in effect.

126. Defendant Hoskins has directed clerks to use HB 1 in conducting the upcoming elections.

127. HB 1 is not the law at this time.

128. Because it is impossible to know whether HB 1 is the law, it is not lawful for Defendant Hoskins to direct that it be used to conduct the primary elections for Congress.

129. Defendant Hoskins' actions threaten forcing Plaintiff von Glahn to cast his vote in an unlawful primary for candidates he is not entitled to vote for and risk having to cast his vote again in the future.

130. Plaintiffs have no adequate remedy at law to remedy Defendant Hoskins' lawless actions.

COUNT III
SECTIONS 116.120, 116.130, 116.140, AND 116.150
ARE UNCONSTITUTIONAL AS APPLIED TO PLAINTIFFS

131. Plaintiffs incorporate the foregoing allegations as if set forth fully herein.

132. Insofar as Defendants claim Defendant Hoskins has not made a determination concerning the Referendum's sufficiency and the Court concludes that to be the case, Sections 116.120, 116.130, 116.140, and 116.150—as applied to Plaintiffs—are unconstitutional.

133. Under the Missouri Constitution, the Secretary of State's sole role in the referendum process is to receive referenda for filing. Mo. Const. art. III, § 52(a).

134. The Constitution does not contain or mandate a verification process for signatures submitted in support of a referendum.

135. Instead, the General Assembly enacted a verification process for such signatures.

136. That statutory process vests significant discretion in the Secretary of State – the Secretary is given discretion to determine the sufficiency of signatures by relying on the circulator affidavits, by random sampling, or by having LEAs conduct laborious manual review. *See* Ex. 20 at 8.

137. The Secretary may select among these options without regard to timing of a bill's passage or time sensitivities as to its implementation.

138. Plaintiffs submitted the Referendum to Defendant Hoskins for statutory review on December 9, 2025.

139. Plaintiffs submitted circulator affidavits for all, or nearly all, of the 300,000 signatures they turned in (a number substantially exceeding the constitutional minimum needed to qualify for the ballot).

140. Those circulator affidavits are legally sufficient to prove the validity of the signatures submitted.

141. Defendant Hoskins could have determined compliance with the signature requirement in article III, section 52(a) on December 9, 2025, or shortly thereafter.

142. Alternatively, if Defendant Hoskins truly believed the Referendum violates the Missouri and U.S. Constitutions, he could immediately have issued a certificate of insufficiency on December 9, 2025, as the federal court instructed him he should do.

143. Instead, Defendant Hoskins chose to send signatures to LEAs for validation (without using random sampling).

144. Had Defendant Hoskins issued a certificate of insufficiency in December 2025, Plaintiffs could and would have sought judicial review of Defendant Hoskins' certificate and the courts would conclusively have determined whether or not HB 1 was suspended well before candidate filing opened in March 2026.

145. By March 23, 2026, the LEAs had validated enough signatures to qualify the referendum for the ballot, despite Defendant Hoskins refusing to send them nearly one-third of the signatures Plaintiffs submitted for validation.

146. Defendant Hoskins could have issued a certificate of sufficiency or insufficiency at that point, or any time thereafter.

147. Again, Plaintiffs would have promptly sought judicial review of any certificate of insufficiency issued, thus obtaining a final judicial resolution on whether or not HB 1 was in effect well in advance of the August primaries.

148. Defendant Hoskins could also issue a certificate of insufficiency **right now**, given that he clearly believes the Referendum is insufficient, as illustrated by his repeated public declarations that, not only is it “possible” to determine whether HB 1 is in effect, it is a crime to do anything other than implement HB 1.

149. Instead—consistent with Defendants’ public proclamations in December 2025—Defendant Hoskins is intentionally delaying issuance of a certificate under Section 116.150 as long as possible in order to intimidate LEAs into conducting the primary elections under the HB 1 maps.

150. Insofar as Defendant Hoskins claims to be evaluating signatures for fraud or forgery under Section 116.140, his authority to reject signatures LEAs have validated under that provision is limited. *Bradshaw v. Ashcroft*, 559 S.W.3d 79, 86 (Mo. App. W.D. 2018).

151. This limitation is necessary because if the Secretary of State were granted broad authority to countermand the LEAs’ validity determinations, “the people’s [referendum] power could be impeded by valid votes being later declared invalid by the secretary of state.” *Sweeney v. Ashcroft*, 652 S.W.3d 711, 736 (Mo. App. W.D. 2022).

152. Defendant Hoskins and Defendant Hanaway are actively instructing LEAs they are legally required to conduct primary elections under a law the Supreme Court just said it is impossible to know whether is in effect and that, if the Referendum is sufficient, is unquestionably **not** in effect.

153. The Supreme Court made clear the only thing preventing a final judicial determination of the sufficiency of the Referendum—and, thus, the effectiveness of HB 1—is Defendant Hoskins’ refusal to issue a certificate of sufficiency or insufficiency.

154. Defendant Hoskins—aided and abetted by Defendant Hanaway through her “advisory opinion” and other actions—is intentionally abusing whatever discretion he has under Chapter 116 to prevent orderly certification and judicial review of the Referendum, and sowing chaos into Missouri’s electoral process, because they politically oppose Plaintiffs’ referendum effort.

155. They are also unconstitutionally burdening and interfering with Plaintiffs’ referendum rights.

156. Statutory provisions relative to the initiative and referendum must be construed “to make effective the people’s reservation of that power.” *Missourians to Protect the Initiative Process v. Blunt*, 799 S.W.2d 824, 827 (Mo. banc 1990).

157. Plaintiffs have a constitutional right to request a referendum on HB 1 and to have their fellow citizens vote whether HB 1 shall ever become the law.

158. The Referendum was timely, legal and sufficient because it was submitted prior to December 11, 2025 and—as illustrated by the circulator

affidavits and the LEAs' review—it is supported by vastly more valid signatures than necessary.

159. Thus, as the Supreme Court made clear, HB 1 was suspended on December 9, 2025 and never went into effect.

160. HB 1 can only go into effect if approved by voters in November. Mo. Const. art. III, § 52(b).

161. By nonetheless implementing HB 1 and insisting that other state and local officials do so on pain of criminal punishment, Defendants are nevertheless treating HB 1 as being in effect and intend to use it to conduct illegal primary elections.

162. Implementing and enforcing a law that was suspended (or that, at a minimum, it is “impossible to know” the legal effectiveness of) is a burden on and interference with Plaintiffs’ constitutional rights under Article III, Sections 49, 52(a), and 52(b).

163. Interpreting Sections 116.120, 116.130, 116.140, and 116.150 to permit Defendants to do this would frustrate, rather than make effective, the people’s reservation of the referendum power.

164. A confluence of factors render the validation process and Defendants’ actions unconstitutional as applied to Plaintiffs and the facts of this case:

- a. HB 1 purports to redraw Missouri’s congressional districts for elections to be conducted in August and November 2026;
- b. The General Assembly passed HB 1 at a special session in September 2025, rather than its regular session, thus pushing

the statutory review process closer to the elections that may potentially be governed by that bill;

c. Despite Defendant Hoskins having the ability to certify the Referendum as sufficient or insufficient the day it was filed (or shortly thereafter), and further receiving confirmation from LEAs no later than March 23, 2026 that the Referendum has enough valid signatures, he has elected to abuse his statutory discretion by delaying issuance of a certificate as long as possible;

d. Defendants have simultaneously elected to proceed with implementation of HB 1 for the August primaries, despite ample and conclusive evidence that HB 1 has far in excess of the constitutionally required number of signatures, rather than the common-sense approach of not trying to enforce HB 1.

165. The Court need not declare Sections 116.120, 116.130, 116.140, and 116.150 unconstitutional on their face.

166. The statutory scheme generally works when state officials act in good faith and conduct expeditious review with attention to the exigencies around implementation of a given piece of legislation.

167. But, because Defendants are not acting in good faith and are instead intentionally delaying issuance of a certification decision in the hopes of conducting elections under maps they know are not, and cannot be, in legal effect, Chapter 116 is unconstitutional as applied.

168. Plaintiffs have no adequate remedy at law.

169. The Court should issue preliminary and permanent injunctions ordering Defendant Hoskins to issue a certificate under Section 116.150 and

ordering Defendants from taking any further action to require state and local officials to use HB 1 to conduct the primary elections.

WHEREFORE, Plaintiffs pray that this Court:

- Declare that Defendant Hoskins has made a determination on the sufficiency of HB 1 and violated his statutory obligation to issue a certificate under Section 116.160;
- Order Defendant Hoskins to immediately issue a certificate regarding the sufficiency of HB 1 pursuant to Section 116.150 so that Plaintiff von Glahn may seek immediate judicial review;
- Declare that Sections 116.120, 116.130, 116.140, and 116.150 are unconstitutional as applied to Plaintiffs and the facts and circumstances of this course;
- Restrain Defendants from taking any further steps to implement or mandate the use of HB 1 until such time as he has issued a certificate of sufficiency or insufficiency and the courts have conclusively resolved the sufficiency of HB 1 and whether it was suspended on December 9, 2025;
- Award Plaintiffs their reasonable attorneys' fees pursuant to Section 527.100; and
- Grant such other and further relief as the Court deems just and proper.

Respectfully submitted

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Attorneys for Plaintiffs

VERIFICATION

I, Richard von Glahn, in my personal capacity and as Executive Director for People Not Politicians, being of lawful age and duly sworn, state that I have read the foregoing Verified Petition for Declaratory and Injunctive Relief and attest that the facts contained therein are true and correct to the best of my memory, knowledge, information, and belief.


Richard von Glahn

Subscribed and sworn to me this 18th day of May, 2026.


Notary Public

My Commission Expires:

MAY 6th
2029

