

IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI

RICHARD VON GLAHN, *et al.*,)
)
 Plaintiffs,)
)
 v.) Case No. 26AC-CC00248
)
 CATHERINE HANAWAY, *et al.*,)
)
 Respondents.)

ORDER GRANTING MOTION TO INTERVENE OF PUT MISSOURI FIRST AND THE REPUBLICAN NATIONAL COMMITTEE

This matter comes before the Court on the Verified Motion to Intervene filed by Put Missouri First, a Missouri political action committee, and the Republican National Committee (collectively, “Intervenors.”) The Court has reviewed the Motion and the accompanying Answer.

I. INTERVENTION AS OF RIGHT IS ESTABLISHED UNDER RULE 52.12(A)(2)

Intervenor Put Missouri First is a Missouri political action committee organized under Chapter 130, RSMo, and Article VIII, Section 23 of the Missouri Constitution. Put Missouri First has intervened in the prior case filed by the Plaintiffs in this case, *People Not Politicians and Richard Von Glahn v. Missouri Secretary of State*, No. 25AC-CC07128, and continues to actively participate in that case. Put Missouri First has also intervened in *Maggard v. State of Missouri*, No. SC101581 (appeal from Judge Stumpe in case number 25AC-CC09120), which contains the same issues raised in this case.

Intervenor Republican National Committee (“RNC”) is a national committee as defined by 52 U.S.C. § 30101. It manages the Republican Party’s business at the national level, supports Republican candidates for public office

at all levels and all states—including in Missouri, coordinates fundraising and election strategy, and develops and promotes the national Republican platform. The RNC regularly encourages registered Republicans to vote in Missouri. The RNC thus has an interest in ensuring that Missouri elections are conducted in a safe and secure manner and in accordance with law. Missouri will have a Republican on the 2026 midterm election ballots for each of Missouri's Congressional seats. The RNC has a substantial interest in the implementation of HB1 and the outcome of this litigation, as the congressional districts established by HB1 directly affect the RNC's ability to support and elect Republican candidates in Missouri to the United States House of Representatives.

In this litigation, Intervenor is a supporter of the congressional map lawfully passed by HB1 and currently in effect, and they oppose the unprecedented relief sought by Plaintiffs. Intervenor filed their Motion to Intervene on May 28, 2026 – ten days after Petitioner initiated this action, thus the Motion is timely. See *Robinson v. Mo. Dep't of Health & Senior Servs.*, 672 S.W.3d 224, 233 (Mo. banc 2023) (timeliness for a Motion to Intervene considers “how far the litigation has progressed when intervention is sought, the reason for the delay, and prejudice that other parties will suffer as a result of additional delay”) (quoting *McClain v. Wagner Elec. Corp.*, 550 F.2d 1115, 1120 (8th Cir. 1977))

Intervention “generally should be allowed with considerable liberality.” *Johnson v. State*, 366 S.W.3d 11, 20 (Mo. banc 2012). Where an applicant satisfies all three elements of Rule 52.12(a)(2), “the right to intervene is absolute and the motion to intervene may not be denied.” *State ex rel. Nixon v. American Tobacco Co.*, 34 S.W.3d 122, 127 (Mo. banc 2000). The three required elements are: (1) an interest relating to the property or transaction that is the

subject of the action; (2) that the applicant's ability to protect that interest is impaired or impeded; and (3) that existing parties are inadequately representing the applicant's interest. *Id.* The Court finds that Intervenor has established all three elements.

An interest sufficient to support intervention "means a concern which is more than a mere curiosity, or academic or sentimental desire" and requires "a direct claim upon the subject matter such that the intervenor will either gain or lose by direct operation of judgment." *In the Matter of Trapp*, 593 S.W.2d 193, 204 (Mo. banc 1980); *Allred v. Carnahan*, 372 S.W.3d 477, 484–85 (Mo. App. W.D. 2012).

Intervenor's interest in the subject matter of this litigation is direct, immediate, and concrete. Put Missouri First is a registered political action committee with the purpose of supporting the HB1 map. Put Missouri First's formation, reporting obligations, and expenditures are governed by Missouri's campaign-finance statutes, which directly tie its activities to the validity and enforceability of HB1 and to the life cycle of the resolution in this case. Further, the Secretary of State's determination that the petition is insufficient directly governs whether Intervenor must initiate statewide campaign operations, undertake additional reporting obligations, and deploy financial and organizational resources in opposition to the measure. The RNC has an interest in spending resources effectively to achieve its mission. Given their inherent and intense interest in elections, usually "[n]o one disputes" that political parties "meet the impaired interest requirement for intervention as of right." *Citizens United v. Gessler*, No. 14-cv-2266, 2014 WL 4549001, *2 (D. Col. 2014) (unpublished opinion). Both the Democratic and Republican Parties have successfully intervened in numerous election cases. See, e.g., *La Union del Pueblo Entero v. Abbott*, 29 F.4th 299, 306 (5th Cir. 2022); *Bost v. Ill. State*

Bd. of Elections, 75 F.4th 682, 687 (7th Cir. 2023); *Mi Familia Vota v. Hobbs*, No. 2:21-cv-1423, 2021 WL 5217875 (D. Ariz. 2021) (unpublished opinion). The RNC has a “direct and substantial interest” in this case because the outcome will “affect” its “ability to participate in and maintain the integrity of the election process” in Missouri. *La Union del Pueblo*, 29 F.4th at 306. Further, voter confidence has “independent significance,” *Crawford*, 553 U.S. at 197, because it “is essential to the functioning of our participatory democracy,” *Purcell v. Gonzalez*, 549 U.S. 1, 4, 127 S. Ct. 5, 166 L.Ed.2d 1 (2006). Voter confidence has a direct effect on voter turnout, *see id.*, which is key to the RNC’s mission to elect Republican candidates. Intervenor’s interests are not abstract or ideological, but immediate and concrete.

Furthermore, Intervenor Put Missouri First was a party in *Maggard* and is currently a party in *Von Glahn I*. Intervenor Put Missouri First has expended time, funds, and efforts to uphold and implement HB1 in those cases, and judges in each case have concurred that Intervenor Put Missouri First has an interest that directly relates to the subject of the current action. 60. Accordingly, Intervenor has “a direct claim upon the subject matter such that the intervenor will either gain or lose by direct operation of judgment.” *State ex rel. Nixon v. Am. Tobacco Co.*, 34 S.W.3d 122, 128 (Mo. 2000).

Intervenor is not aligned with either the Petitioner—who seeks to invalidate HB1—or with the Defendants, whose position on the summary statement diverges from Intervenor’s own proposed language. The outcome of this action will directly determine whether HJR 173 proceeds on a ballot title that is fair and sufficient to the measure’s supporters. Accordingly, Intervenor has “a direct claim upon the subject matter such that the intervenor will either gain or lose by direct operation of judgment.” *State ex rel. Nixon*, 34 S.W.3d at 128.

The outcome of this case directly determines the extent of Intervenor's financial and operational obligations. If this Court retains the existing ballot language or adopts language favorable to Petitioner, Intervenor would be compelled to immediately deploy significant financial and organizational resources—including fundraising, media advertising, voter outreach, and coalition coordination—to support a ballot title that Intervenor contend is insufficient and unfair. The practical impairment of Intervenor's ability to protect their interests absent participation in this litigation is clear.

If this Court were to declare that Secretary Hoskins has already made a determination on the sufficiency of the referendum, or to order him to immediately issue a certificate in accordance with that determination, Intervenor would be required to immediately alter their campaign, legal, and organizational strategies in response to a judicially imposed change in the statutory referendum timelines. Such an order would require significant and unavoidable expenditures of time, money, personnel, and strategic focus. Intervenor would be required to reassess the referendum's legal posture, prepare for immediate judicial review of any certificate issued, coordinate with counsel regarding the effect of accelerated certification, revise voter-facing communications, adjust fundraising timelines, and determine whether expanded campaign operations must begin immediately rather than after completion of the ordinary statutory process. Further, if this Court were to restrain Respondent from taking any further steps to implement the HB1 map, or mandate the usage of the old map, until a certificate were issued, Intervenor would be required to immediately deploy substantial financial, legal, and organizational resources in an attempt to protect HB1's implementation during the ensuing delay. Such a restraint would impose significant and unavoidable expenditures because Intervenor would be

required to respond to a judicially created interruption in HB1's implementation. Intervenor would need to revise public messaging concerning whether HB1 remains operative, coordinate voter education regarding the effect of the order, expend funds on media and outreach to prevent confusion concerning the governing congressional map, coordinate with allied organizations and stakeholders affected by the delay, and devote additional legal resources to monitoring and responding to the continued litigation over HB1's sufficiency and alleged suspension. Furthermore, the relief sought by Plaintiffs would negate the opinion of the Supreme Court in *Maggard*, in which Put Missouri First was a party and an active participant at all levels. The relief sought by Plaintiffs in this case would also harm Intervenor's interests in *Von Glahn I*. Therefore, the outcome of this litigation directly determines the extent, timing, and urgency of Intervenor's legal, financial, and operational obligations. A judicial determination that HB1's map may not be implemented or mandated would materially diminish the value of Intervenor's past expenditures and undermine the efficacy of Intervenor's advocacy efforts in support of HB1.

The Secretary of State and Attorney General are defending the validity of the State's administrative action through their institutional obligation to represent the interests of the Respondents in their official capacities as elected officials, not the interests of private citizens or organizations that support the passage and implementation of the HB1 map. The State's interest is limited to ensuring that its procedures were lawful, that its officials acted within their statutory authority, and that the integrity of the election process is maintained. Plaintiffs' interest is in striking down HB1 and, in the alternative, withholding the effects of it from impacting this year's election cycle. By contrast, Intervenor's interests are operational and mission-specific: to support

and see the implementation of HB1 while simultaneously opposing and preventing the referendum from adversely affecting the policy and regulatory landscape. Intervenor's position stems not merely from procedural concerns, but from substantive policy consequences of enjoining the HB1 map and speeding up the statutory deadlines. Neither Plaintiffs nor the Respondents share or represent those substantive objectives of Intervenor. This divergence of interest is sufficient to satisfy the third element. *Merch. v. Grand Lodge of Ancient Free & Accepted Masons*, 685 S.W.3d 455, 464 (Mo. App. W.D. 2024). Moreover, inadequate representation exists where, as here, a party "may come short of an Intervenor's single-minded purpose in litigation." *Ainsworth v. Old Sec. Life Ins. Co.*, 694 S.W.2d 838, 841 (Mo. App. W.D. 1985). The Court finds that existing parties are inadequate to protect Intervenor's interests.

II. PERMISSIVE INTERVENTION IS ALTERNATIVELY WARRANTED UNDER RULE 52.12(b)

Even if intervention as of right were not established, the Court would grant permissive intervention under Rule 52.12(b). The Motion is timely. Intervenor's claims and defenses share substantial questions of law and fact with the existing litigation. Intervenor's defenses have questions of fact and law in common with this case. Their Verified Motion contains dozens of factual statements related to the questions of law and fact in common with this case. Intervenor has dedicated and will continue to dedicate resources to support the implementation of the HB1 map, which is the underlying matter in this case. The result of this case will thus directly impact Intervenor and will impose additional expenses and reporting requirements on Intervenor if Plaintiffs or Respondents prevail. The underlying dispute concerns the fairness and sufficiency of HB1—issues as to which Intervenor has directly invested resources and intend to assert legal positions. This Court has broad

discretion to grant permissive intervention where the claim or defense and the main action have a question of law or fact in common, and permissive intervention is granted in the alternative.

III. ORDER

For the foregoing reasons, the Verified Motion to Intervene of Put Missouri First and the Republican National Committee is hereby granted as a matter of right and, in the alternative, permissively. Intervenors are granted intervention as Intervenors in this action pursuant to Missouri Rule of Civil Procedure 52.12. The Answer filed contemporaneously with the Motion is deemed properly filed as of the date of this Order.

IT IS SO ORDERED.

Date: 6/2/16



Honorable Daniel R. Green
Judge