

IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI

RICHARD VON GLAHN)

Plaintiff,)

v.)

Case No. 26AC-CC00248

DENNY HOSKINS, in his official
capacity,)

Defendant,)

and)

PUT MISSOURI FIRST,)

Intervenor-Defendant.)

**ANSWER TO PETITION FOR DECLARATORY JUDGMENT AND
INJUNCTIVE RELIEF UNDER SECTION 116.200 OF INTERVENORS
REPUBLICAN NATIONAL COMMITTEE, NATIONAL REPUBLICAN
CONGRESSIONAL COMMITTEE, AND MISSOURI REPUBLICAN
STATE COMMITTEE**

Intervenors Republican National Committee, National Republican Congressional Committee, and Missouri Republican State Committee hereby state for their Answer to Petition for Declaratory Judgment and Injunctive Relief under Section 116.200 as follows:

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

ANSWER: Intervenors are without knowledge or information sufficient to form a belief as to the truth of Paragraph 1 and, therefore, deny the same.

2. Plaintiff von Glahn is the proponent of the referendum that is the

subject of this action.

ANSWER: Intervenors are without knowledge or information sufficient to form a belief as to the truth of Paragraph 2 and, therefore, deny the same.

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

ANSWER: Intervenors admit the allegations of Paragraph 3.

4. 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.

ANSWER: Mo. Const. art. III, § 49 speaks for itself. To the extent a response is required, Intervenors deny the allegations in Paragraph 4.

5. 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).

ANSWER: Mo. Const. art. III, § 52(a) speaks for itself. To the extent a response is required, Intervenors deny the allegations in Paragraph 5.

6. 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).

ANSWER: Mo. Const. art. III, § 52(a) speaks for itself. To the extent a response is required, Intervenors deny the allegations in Paragraph 6.

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

ANSWER: Intervenors admit the allegations of Paragraph 7.

8. 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.”

ANSWER: House Bill 1 speaks for itself. To the extent a response is required, Intervenors admit the allegations in Paragraph 8.

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

ANSWER: Exhibit 1 speaks for itself. To the extent a response is required, Intervenors admit the allegations in Paragraph 9.

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

ANSWER: Intervenors admit the allegations of Paragraph 10.

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

ANSWER: HB 1 speaks for itself. To the extent a response is required, Intervenors deny the allegations of Paragraph 11.

12. The General Assembly did not attach an emergency clause to HB 1.

ANSWER: HB 1 speaks for itself. To the extent a response is required, Intervenors deny the allegations of Paragraph 12.

13. 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.

ANSWER: HB 1 speaks for itself. To the extent a response is required, Intervenor deny the allegations of Paragraph 13.

14. On October 15, 2025, Defendant Hoskins, the “General Assembly” and the State of Missouri filed a lawsuit against Plaintiff in federal court, denominated Missouri General Assembly v. von Glahn, No. 25-cv-01535 (E.D. Mo.).

ANSWER: Intervenor admit the allegations of Paragraph 14.

15. That lawsuit sought to prevent Plaintiff from turning in signatures on the Referendum.

ANSWER: Defendant’s lawsuit speaks for itself. To the extent a response is required, Intervenor deny the allegations of Paragraph 15.

16. Attached as Exhibit 2 is a copy of the Complaint filed in the federal action.

ANSWER: Intervenor admit the allegations of Paragraph 16.

17. Defendant claimed Plaintiff should not be permitted to turn in signatures because initiating a referendum on a redistricting bill would “violate[] both the U.S. and Missouri Constitutions.” Ex. 3 at 2.

ANSWER: Defendant’s lawsuit speaks for itself. To the extent a response is required, Intervenor admit the allegations of Paragraph 17.

18. Defendant Hoskins’ position in his filings was that the referendum would violate the Missouri Constitution regardless of the number of signatures submitted.

ANSWER: Defendant’s lawsuit speaks for itself. To the extent a response is required, Intervenor admit the allegations of Paragraph 18.

19. Defendant Hoskins' position in his filings was that the referendum would violate the U.S. Constitution regardless of the number of signatures submitted.

ANSWER: Defendant's lawsuit speaks for itself. To the extent a response is required, Intervenor's admit the allegations of Paragraph 19.

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

ANSWER: Intervenor's admit the allegations of Paragraph 20.

21. Attached as Exhibit 3 is a copy of the decision in the federal action.

ANSWER: Intervenor's admit the allegations of Paragraph 21.

22. On December 9, 2025, Plaintiff submitted more than 300,000 signatures in support of the Referendum to the Secretary's Office.

ANSWER: Intervenor's are without knowledge or information sufficient to form a belief as to the truth of Paragraph 22 and, therefore, deny the same.

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

ANSWER: Intervenor's admit the allegations of Paragraph 23.

24. Each referendum petition page Plaintiff submitted to Defendant Hoskins was identical to the form approved by his office on October 14, 2025.

ANSWER: Intervenor's are without knowledge or information sufficient to form a belief as to the truth of Paragraph 24 and, therefore, deny the same.

25. Attached hereto as Exhibit 4 is a true and correct copy of the

October 14, 2025 approval of the referendum petition as to form.

ANSWER: Intervenors are without knowledge or information sufficient to form a belief as to the truth of Paragraph 25 and, therefore, deny the same.

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

ANSWER: Intervenors are without knowledge or information sufficient to form a belief as to the truth of Paragraph 26 and, therefore, deny the same.

27. 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.

ANSWER: The statute speaks for itself. To the extent a response is required, Intervenors admit the allegations in Paragraph 27.

28. 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."

ANSWER: The statute speaks for itself. To the extent a response is required, Intervenors admit the allegations in Paragraph 28.

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

ANSWER: The statute speaks for itself. To the extent a response is required, Intervenors admit the allegations in Paragraph 29.

30. "With or without sampling, [Defendant Hoskins] has discretion to order the local election authorities to verify all the signatures."

ANSWER: The statute speaks for itself. To the extent a response

is required, Intervenors admit the allegations in Paragraph 30.

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

ANSWER: The statute speaks for itself. To the extent a response is required, Intervenors deny the allegations in Paragraph 31.

32. Chapter 116 gave Defendant Hoskins until August 4, 2026 to issue such certificate.

ANSWER: The statute speaks for itself. To the extent a response is required, Intervenors admit the allegations in Paragraph 32.

33. On August 4, 2026, Defendant issued a certificate of insufficiency for the Referendum pursuant to § 116.150, RSMo.

ANSWER: Intervenors admit the allegations of Paragraph 33.

34. Attached as Exhibit 5 is a copy of Defendant Hoskins' certificate of insufficiency.

ANSWER: Intervenors admit the allegations of Paragraph 34.

35. Defendant Hoskins is required to "stat[e] the reason for the insufficiency." § 116.150.2, RSMo.

ANSWER: The statute speaks for itself. To the extent a response is required, Intervenors admit the allegations in Paragraph 35.

36. The only reason for insufficiency identified in Defendant Hoskins' certificate is his assertion that the referendum violates the Missouri and U.S. Constitutions. See Ex. 5.

ANSWER: Exhibit 5 speaks for itself. To the extent a response is required, Intervenors deny the allegations in Paragraph 36.

37. By law, no changes can be made to the November general election

ballots after September 8, 2026. See § 115.125.3, RSMo.

ANSWER: The statute speaks for itself. To the extent a response is required, Intervenor's admit the allegations in Paragraph 37.

38. Plaintiff filed this Petition within 10 days of Defendant Hoskins issuing the certificate of insufficiency.

ANSWER: Intervenor's admit the allegations of Paragraph 38.

39. Plaintiff's challenge to that certificate is therefore timely. § 116.200.1, RSMo.

ANSWER: Paragraph 39 is a legal conclusion to which no answer is required. To the extent an answer is required, Intervenor's deny the allegations of Paragraph 39.

PLAINTIFF IS ENTITLED TO AN INJUNCTION

40. Plaintiff has no adequate remedy at law.

ANSWER: Intervenor's deny the allegations of Paragraph 40.

41. Plaintiff will face irreparable harm absent an order enjoining the Secretary of State from further implementing or using the congressional districts contained in HB 1.

ANSWER: Intervenor's deny the allegations of Paragraph 41.

42. Plaintiff is the proponent of the referendum petition and he is entitled to the immediate suspension of the use and implementation of HB 1.

ANSWER: Intervenor's deny the allegations of Paragraph 42.

43. Plaintiff's referendum right will be undermined if the Secretary is allowed to further implement or make use of HB 1.

ANSWER: Intervenor's deny the allegations of Paragraph 43.

44. The Secretary faces no harm because the his duty is to carry out

the election laws of Missouri and he should have no preference for which congressional districts are used.

ANSWER: Intervenors deny the allegations of Paragraph 44.

45. The public interest is served by restraining the Secretary from taking further steps to implement or use the congressional districts in HB 1 to ensure that the referendum right is fully realized and that the correct congressional districts are utilized to conduct the 2026 general congressional election.

ANSWER: Intervenors deny the allegations of Paragraph 45.

**COUNT I:
THE REFERENDUM IS SUFFICIENT**

46. Plaintiff incorporates the preceding allegations as if set forth fully herein.

ANSWER: In response to Paragraph 46, Intervenors adopt and incorporate its answers to preceding paragraphs as fully stated herein.

47. The Missouri Constitution requires that referendum petitions be “signed by five percent of the legal voters in each of two-thirds of the congressional districts in the state.” Mo. Const. art. III, § 52(a).

ANSWER: Mo. Const. art. III, § 52(a) speaks for itself. To the extent a response is required, Intervenors deny the allegations in Paragraph 47.

48. The Referendum was signed by the constitutionally required number of legal voters in each of two-thirds of Missouri’s congressional districts.

ANSWER: Intervenors are without knowledge or information sufficient to form a belief as to the truth of Paragraph 26 and,

therefore, deny the same.

49. Defendant Hoskins did not identify the number of signatures gathered as a reason for deeming the Referendum insufficient. See Ex. 5.

ANSWER: Intervenors are without knowledge or information sufficient to form a belief as to the truth of Paragraph 26 and, therefore, deny the same.

50. Defendant Hoskins instead contends the Missouri and U.S. Constitutions prohibit subjecting a redistricting bill to the referendum.

ANSWER: Intervenors deny the allegations of Paragraph 50.

51. They do not.

ANSWER: Intervenors deny the allegations of Paragraph 51.

52. The Missouri Constitution identifies only two categories of bills exempt from the referendum: (1) bills addressing specified emergencies and (2) specified appropriations bills. Mo. Const. art. III, § 52(a).

ANSWER: Mo. Const. art. III, § 52(a) speaks for itself. To the extent a response is required, Intervenors deny the allegations in Paragraph 52.

53. HB 1 falls into neither of those categories.

ANSWER: HB 1 speaks for itself. To the extent a response is required, Intervenors deny the allegations in Paragraph 53.

54. The Referendum does not violate the Missouri Constitution and it is sufficient.

ANSWER: Intervenors deny the allegations of Paragraph 54.

55. Like the Missouri Constitution, the U.S. Constitution does not prohibit a state from subjecting a redistricting bill to the referendum.

ANSWER: Intervenors deny the allegations of Paragraph 55.

56. Just three years ago, the Supreme Court “embraced the core principle espoused in Hildebrant and Smiley that redistricting is a legislative function, to be performed in accordance with the State’s prescriptions for lawmaking, which may include the referendum and the Governor’s veto.” *Moore v. Harper*, 600 U.S. 1, 25 (2023) (quotations omitted).

ANSWER: *Moore v. Harper* speaks for itself. To the extent a response is required, Intervenor’s deny the allegations in Paragraph 56.

57. The Court squarely “rejected the contention that the Elections Clause vests state legislatures with exclusive and independent authority when setting the rules governing federal elections.” *Id.* at 26.

ANSWER: *Moore v. Harper* speaks for itself. To the extent a response is required, Intervenor’s deny the allegations in Paragraph 57.

58. Put simply: “A state legislature may not create congressional districts independently of requirements imposed by the state constitution with respect to the enactment of laws.” *Id.* at 26 (quotations omitted).

ANSWER: *Moore v. Harper* speaks for itself. To the extent a response is required, Intervenor’s deny the allegations in Paragraph 58.

59. All laws, except for emergency laws and appropriations, are subject to the referendum under the Missouri Constitution.

ANSWER: Intervenor’s deny the allegations of Paragraph 59.

60. The Referendum does not violate the U.S. Constitution and it is sufficient.

ANSWER: Intervenor’s deny the allegations of Paragraph 60.

61. Plaintiff is entitled to an order reversing Defendant Hoskins’

certification decision.

ANSWER: Intervenors deny the allegations of Paragraph 61.

WHEREFORE, having fully answered, Intervenors Republican National Committee, National Republican Congressional Committee, the Missouri Republican State Committee move the Court for dismissal of the Petition, that Plaintiff takes nothing thereby, and that Intervenors be awarded the costs and expenses incurred in the action, including attorney fees, and for such other and further relief as is just and proper.

DEFENSES AND AFFIRMATIVE DEFENSES

The Petition fails to state a claim as a matter of law.

Plaintiff has shown no individual harm and thus has no interest, aside from a purely conjectural interest, in the claims and therefore has no standing to bring the action.

Plaintiff's claims are purely speculative as to the effect of the Defendant's actions with respect to the referendum petition and thus such claims are not ripe for adjudication.

The Petition raises nonjusticiable political questions that this Court has no jurisdiction to address.

The Petition rests on erroneous statements of law and/or fact.

The Petition seeks relief foreclosed by Missouri and/or federal law.

The Petition seeks relief foreclosed *Purcell v. Gonzalez*, 549 U.S. 1 (2006).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served via the Court's electronic filing system on August 7, 2026 on all parties of record.

/s/ Marc H. Ellinger