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IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI

RICHARD VON GLAHN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 26AC-CC00440
	)	
DENNY HOSKINS, in his official capacity,	)	
	)	
Defendant.	)	

REPLY SUGGESTIONS IN SUPPORT OF MOTION TO INTERVENE

Intervenors Republican National Committee ("RNC"), National Republican Congressional Committee ("NRCC"), and Missouri Republican State Committee ("the State Committee") (collectively, "Intervenors") respectfully submit these Reply Suggestions in Support of Motion to Intervene. In support, Intervenors state:

I. Introduction

Plaintiff's Suggestions in Opposition to Motion to Intervene ("Opposition") treat this case as though it were nothing more than a dispute over the wording of a ballot title. It is not. Plaintiff's own Petition asks this Court to do two things: (1) reverse the Secretary's certificate of insufficiency, and (2) "[r]estrain Defendant and those acting in concert with him from taking any further steps to implement or mandate the use of HB 1." Pet. WHEREFORE ¶ b; see also Pet. ¶¶ 41-45 (seeking an order "enjoining the Secretary of State from further implementing or using the congressional districts contained in HB 1"). By law, no changes may be made to the November

2026 general election ballot after September 8, 2026. §115.125.3, RSMo; Pet. ¶ 37.

Plaintiff is therefore asking this Court, before that deadline, to change the congressional map on which the November 2026 general election for Missouri's eight congressional seats will be held.

That is a fundamentally different kind of case than *Toder v. Hoskins*, 730 S.W.3d 129 (Mo. App. W.D. 2026), the decision on which Plaintiff's entire Opposition is built. *Toder* involved a challenge under §116.190, RSMo, to the fairness and sufficiency of a ballot title's wording for a proposed constitutional amendment -- nothing about the underlying measure's validity or effect was at issue, only whether the Secretary's summary description of it was fair. *Toder*, 730 S.W.3d at 136.

Here, by contrast, the continued use of HB 1's congressional district lines for the 2026 election cycle are squarely presented for decision. That distinction is not academic -- it is the very distinction *Toder* itself drew between the ballot-title case before it and *Johnson v. State*, 366 S.W.3d 11 (Mo. banc 2012), where legislator-intervenors with a direct stake in the underlying redistricting were properly permitted to intervene. *Toder*, 730 S.W.3d at 136 ("The issue in [*Johnson*] was not the propriety of a ballot title, but rather the constitutionality of the proposed legislation itself, to which the intervenors had a direct economic interest."). *Id.* This case mirrors *Johnson* and not *Toder*.

II. This Case Is Governed by *Johnson*, Not *Toder*, Because the Map Itself -- Not Merely a Title's Wording -- Is at Stake

In *Toder*, Rebecca Uccello sought to intervene in a §116.190 action to defend the Secretary's proposed ballot title for an education-related

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constitutional amendment. *Toder*, 730 S.W.3d at 132-33. Uccello's asserted interest was that her daughter's scholarship *might* be affected if the amendment passed -- an interest the trial court found, and the Court of Appeals agreed, was "speculative." *Id.* at 137. The Court of Appeals held that Uccello's real interest was "in the proposed amendment itself, not in the fairness and sufficiency of the Secretary's title summary, which is the issue in that case." *Id.* at 136.

The Court of Appeals expressly distinguished that posture from *Johnson*, explaining that *Johnson* was different because it concerned "the constitutionality of the proposed legislation itself, to which the intervenors had a direct economic interest," and because the legislator-intervenors in *Johnson* "were not making the same arguments as the defendant." *Id.* (citing *Johnson*, 366 S.W.3d at 21).

This action arises under §116.200, RSMo, not §116.190. Plaintiff does not merely ask this Court to police the Secretary's wording of a ballot summary. He asks this Court to hold that HB 1 -- the General Assembly's congressional redistricting act -- is subject to referendum and to enjoin the Secretary from implementing or mandating HB 1's map while that referendum is litigated and, if certified, put to a vote. Pet. ¶¶ 8-13, 52-59, WHEREFORE ¶ b. Thus, in other words, if Plaintiff's requested relief is granted, HB 1 would *immediately* be set aside and could not be used in the 2026 general election. *See id.* The relief Plaintiff seeks would directly affect the boundaries of the eight congressional districts in which Intervenors' candidates are presently campaigning for the November 2026 election. Mot. ¶¶ 16-23, 37-41. Such relief, in other words, is tantamount to a rejection of "the constitutionality of [HB 1] itself" for the 2026 election—an issue in which Intervenors indisputably

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have a "direct . . . interest" not represented by Defendant. *Toder*, 730 S.W.3d at 132-33 (citing *Johnson*, 366 S.W.3d at 21); *see also* Mot. ¶¶ 16-23, 37-41.

Nor is this simply a case about whether a measure appears on the ballot for voters to decide at some future date. Paragraph 41 of the Petition asks this Court to find that "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." Pet. ¶ 41 (emphasis added). Paragraph 42 goes further, asserting that Plaintiff "is entitled to the immediate suspension of the use and implementation of HB 1." Pet. ¶ 42 (emphasis added); see also Pet. WHEREFORE ¶ b (requesting an order restraining the Secretary "from taking any further steps to implement or mandate the use of HB 1"). That relief does not merely let the referendum proceed to a future vote while HB 1 remains in effect in the meantime -- it asks this Court to immediately revert Missouri to its pre-HB 1 congressional map for the November 2026 general election, by court order, regardless of whether the referendum is ever certified, placed on the ballot, or approved by the voters. This is a request to change the map now, not a request to let the voters decide later whether to change it.

In all events, even if Plaintiff could escape the force of his own pleading now, *compare* Opp. ¶ 20, intervention still would be warranted. Unlike in *Toder*, it is not "speculative" that adoption of the Plaintiff's proposed referendum would harm Intervenors' interests. *Toder*, 730 S.W.3d at 137. After all, any such adoption would invalidate the HB 1 map and district lines that Intervenors favor and under which they, their candidates, and their voters exercise their constitutional rights to vote and to participate in congressional elections. *See, e.g.*, Mot. ¶¶ 16-23, 37-41.

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Thus, it is unsurprising that Intervenor Missouri Republican State Committee has been granted intervention to participate in a number of the actions related to HB1. See, *Luther v. Hoskins*, 730 S.W.3d 567 (Mo. banc 2026), and *Healey v. State*, 732 S.W.3d 827 (Mo. banc 2026). Additionally, Intervenors have spent funds and organizational efforts to elect Republicans to the United States Congress, particularly in congressional districts 5 and 6, which are particularly impacted any further change in the map. Finally, Intervenors have to make decisions on funding to elect Republicans and a last-minute change to the make-up of districts would dramatically affect those decisions and have direct monetary impact on Intervenors and harm their interests in succeeding in winning congressional races.

That is precisely the kind of "direct economic interest" in "the constitutionality of the proposed legislation itself" that distinguished *Johnson* from *Toder*. *Toder*, 730 S.W.3d at 136. Intervenors' stake in this litigation is not an abstract preference about education policy two steps removed from the question actually presented, as Uccello's was. It is a direct stake in which map governs the very election now underway. Plaintiff cannot simultaneously plead that issue into his merits case and ask the Court to disregard it in Intervenors' intervention motion.

III. Intervenors Satisfy the Standard to Intervene as of Right

Both parties agree that intervention as of right under Rule 52.12(a) requires: (1) an interest relating to the subject of the action; (2) a risk that the litigation will impair that interest; and (3) inadequate representation by the existing parties. Mot. ¶ 26; Opp. at 6, ¶ 11 (both citing *State ex rel. Nixon v. Am. Tobacco Co.*, 34 S.W.3d 122, 127 (Mo. banc 2000)); *see also* Rule 52.12(a)(2) ("the applicant claims an interest relating to the property or transaction that

is the subject of the action and the applicant is so situated that the disposition of the action may as a practical matter impair or impede the applicant's ability to protect that interest, unless the applicant's interest is adequately represented by existing parties") (quoted in *Johnson*, 366 S.W.3d at 20 n.4).

A. Intervenors have a direct, non-speculative interest.

Plaintiff argues that Proposed Intervenors' interest is a "mere, consequential, remote or conjectural possibility of being affected," comparable to Uccello's speculative scholarship concern. Opp. at 5, ¶ 12 (quoting *Prentzler*, 366 S.W.3d at 562); *see also Toder*, 730 S.W.3d at 137. That comparison does not hold. Uccello's asserted harm depended on a chain of contingencies: the amendment would first have to be certified, then placed on the ballot, then adopted by voters, and only then might it affect an existing scholarship program in some undetermined way. *Toder*, 730 S.W.3d at 133, 136-37. Here, the causal chain is immediate: if Plaintiff obtains the relief his Petition requests, the Secretary would be enjoined from further "implementing or using" HB 1's districts. Pet. ¶ 41, WHEREFORE ¶ b. There is no intervening contingency -- unlike Uccello's harm, which depended on voters first approving a measure, the relief Plaintiff requests would revert the map immediately, by court order, regardless of how or whether the referendum is ever decided. Mot. ¶¶ 29-36. And, as noted, here it is not "speculative" that adoption of Plaintiff's proposed referendum would harm Intervenors' interests. *Toder*, 730 S.W.3d at 137; *see also* Mot. ¶¶ 16-23, 37-41.

That immediacy is what distinguishes this case from the speculative harms rejected in *Toder* and *Prentzler*.[1] RNC, NRCC, and the State Committee

[1] This case is materially different from *Prentzler v. Carnahan*, 366 S.W.3d 557 (Mo. App. W.D. 2012). There, the underlying actions concerned only the fairness and sufficiency of ballot titles and fiscal notes, while the proposed intervenors asserted interests in having their petition signatures counted and qualifying the proposed initiative for the

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have already expended, and continue to expend, substantial financial and organizational resources supporting Republican candidates and educating and turning out voters within the eight congressional districts as configured under HB 1. Mot. ¶¶ 4, 9, 15, 31, 37-41. Each Proposed Intervenor's mission -- electing Republican candidates to Congress from Missouri -- has been pursued for this election cycle specifically within HB 1's district lines. Mot. ¶¶ 3-4, 7-9, 14-15. An order reverting the state to its pre-HB 1 map would not create some future, contingent risk to that mission; it would directly and immediately undercut the campaign, turnout, and resource-allocation decisions Intervenors have already made and funded; and it would require Intervenors to expend additional funds and organizational resources to campaign anew under different, reverted district lines for the same November 2026 election. Mot. ¶¶ 37-41. That is a direct, immediate, and quantifiable injury to Proposed Intervenors' organizational missions and finances -- not the generalized policy disagreement or downstream contingency at issue in *Prentzler* and *Toder*.

B. Proposed Intervenors' ability to protect that interest will be impaired.

If the requested relief is granted, Intervenors would be required to redirect substantial financial and organizational resources -- reorganizing campaign efforts, voter turnout programs, and candidate support around districts other than those enacted in HB 1 -- for the election now underway. Mot. ¶¶ 37-41. That is a direct, practical impairment of the kind Rule 52.12(a) is designed to protect against, not the generalized policy disagreement at issue in *Prentzler*.

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ballot. *Id*. at 562. Because those claimed interests were not at issue in the underlying ballot-title litigation, the court concluded that they did not constitute a direct and immediate interest in the subject matter of the action. *Id.*

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C. The Secretary does not adequately represent Proposed Intervenors' interests.

Plaintiff's own Opposition confirms the point that defeats his adequacy argument. He describes the Secretary's role as limited to defending "whether the Secretary correctly applied Section 116.200" -- a legal question about his own process -- rather than the "political question" of "defeating the referendum." Opp. at 3, ¶ 8. Intervenors agree that those are different questions. But that is exactly why the Secretary's defense of his own certification decision does not adequately represent Proposed Intervenors' distinct interest in which map governs the election regardless of the specific legal theory on which the certification is upheld or reversed. Mot. ¶¶ 43-51.

IV. Permissive Intervention Is Also Warranted Because Proposed Intervenors, Like the Legislator-Intervenors in *Johnson*, Have Interests Unique to Themselves

Rule 52.12(b)(2) permits intervention where an applicant's "claim or defense and the main action have a question of law or fact in common." "Intervenors are not entitled to permissive intervention if they simply will reassert the same defenses, but intervention can be appropriate when the intervenors can show interest unique to themselves." *Johnson*, 366 S.W.3d at 21 (emphasis in original).

In *Johnson*, three sitting legislators seeking reelection were permitted to intervene in a constitutional challenge to a House reapportionment plan. The Supreme Court held that permissive intervention was not an abuse of discretion because the legislators "had unique interests at stake in this case that went beyond their interests as taxpayers," including "personal and economic interests related to their planned reelection efforts, including

interests in preventing delay and uncertainty and in avoiding unnecessary expenditures of time and resources." *Id.*

Proposed Intervenors' interests track *Johnson* closely. RNC, NRCC, and the State Committee will be required to deploy -- or refrain from deploying -- substantial financial and organizational resources depending on which congressional map governs the 2026 election cycle. Mot. ¶¶ 37-41. That is a direct, quantifiable, organizational and financial interest, not the diffuse policy disagreement that *Toder* and *Prentzler v. Carnahan*, 366 S.W.3d 557 (Mo. App. W.D. 2012), addressed. *Cf. Toder*, 730 S.W.3d at 137 (citing *Prentzler*, 366 S.W.3d at 564).

Plaintiff's Opposition characterizes Proposed Intervenors' participation as "'me too' briefing" that "simply reassert[s] the same defenses" as the Secretary. Opp. at 1, ¶¶ 5-6. That characterization tracks *Toder*'s treatment of Uccello -- who "advocated for the exact wording the Secretary originally proposed" and had, by her own admission, no defense independent of his. *Toder*, 730 S.W.3d at 135-36. Intervenors are not so situated. The Secretary's institutional obligation, as Plaintiff's own Opposition recognizes, is to defend the lawfulness of *his own certification decision*. Opp. at 6, ¶ 18. Proposed Intervenors' interest is in which map actually governs the election -- an interest the Secretary is neither obligated nor positioned to advance on their behalf. Mot. ¶¶ 43-51. That is the kind of interest "unique to themselves" that supported intervention in *Johnson*. 366 S.W.3d at 21.

V. Plaintiff's Reliance on the *Prentzler* "Floodgates" Concern Is Misplaced

Plaintiff warns that recognizing Proposed Intervenors' interest would "open the floodgates to oppressive intervention" because "every opponent of

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every ballot measure could intervene in every certification challenge." Opp. at 5, ¶ 12 (quoting *Prentzler*, 366 S.W.3d at 564). That concern is answered by the same distinction that separates *Johnson* from *Toder*: a generalized policy preference held by any member of the public is not the same as the organizational and financial stake of the political party committees whose candidates and resources are directly tied to which congressional map is used. *Toder*, 730 S.W.3d at 136 (distinguishing *Johnson*'s "direct economic interest" from Uccello's generalized policy concern). Intervenors are not "every opponent" of this referendum; they are the party committees and congressional campaign committee whose organizational resources and candidates' districts are the direct and immediate subject of the relief requested.

Plaintiff also invokes the principle that courts should maintain "a healthy suspicion of the partisan who would use the judiciary to prevent the initiative process from taking its course." Opp. at 6, ¶ 19. *Toder* itself recognizes a version of that same principle -- quoting *Sedey v. Ashcroft*, 594 S.W.3d 256, 263 (Mo. App. W.D. 2020) -- but frames it as a caution against judicial manipulation of the initiative process in *either* direction, not as a categorical bar on intervention by a party with a direct, cognizable interest under Rule 52.12. *Toder*, 730 S.W.3d at 136 n.5. Intervenors do not ask this Court to block the referendum process; they ask to participate, as parties with a direct stake, in the Court's resolution of whether HB 1's map is subject to referendum and may continue to be used for the 2026 election.

VI. Intervention Will Not Delay This Proceeding

Timeliness of a motion to intervene turns on "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." Mot. ¶ 63 (quoting

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Robinson v. Mo. Dept. of Health & Senior Servs., 672 S.W.3d 224, 233 (Mo. banc 2023)).

No hearings have been held in this case, and no responsive pleadings were due when Intervenors moved to intervene. Mot. ¶ 64. Intervenors filed their proposed Answer concurrently with their Motion, as required by Rule 52.12(c), so intervention adds no delay at the pleading stage. Answer (filed Aug. 9, 2026). Intervenors are prepared to proceed on whatever expedited schedule this Court sets to meet the September 8, 2026, ballot-certification deadline. §115.125.3, RSMo.

Plaintiff notes that Intervenors have not committed to forgo a change of judge. Opp. at 7, ¶ 23. That is a matter on which Intervenors have made no representation one way or the other, and nothing in this Reply should be read as such a representation; it is a separate procedural question from whether the Rule 52.12 standard for intervention is met.

VII. Amicus Status Is Not an Adequate Substitute for the Party Status Rule 52.12 Provides

Plaintiff argues that, if Intervenors have anything useful to contribute, they can do so as amicus curiae. Opp. at 8-9, ¶¶ 27-29. But an amicus cannot file responsive pleadings, participate in discovery, assert its own affirmative defenses, or appeal an adverse judgment. Intervenors have already filed a proposed Answer with independent affirmative defenses, as Rule 52.12(c) requires. Mot. ¶ 68; Answer, Defenses and Affirmative Defenses. Because Intervenors satisfy the standard for both permissive and as-of-right intervention, relegating them to amicus status would deny them the procedural rights Rule 52.12 exists to provide, not merely withhold a discretionary courtesy.

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CONCLUSION

For the foregoing reasons, and for the reasons stated in the Second Amended Motion to Intervene, Intervenors respectfully request that this Court grant their Motion to Intervene.

Respectfully submitted,

ELLINGER BELL LLC

By: /s/ Marc H. Ellinger
Marc H. Ellinger, #40828
Stephanie S. Bell, #61855
Cole D. Bradbury, #62760
308 East High Street, Suite 300
Jefferson City, MO 65101
Telephone: (573) 750-4100
Facsimile: (314) 334-0450
E-mail: mellinger@ellingerlaw.com
E-mail: sbell@ellingerlaw.com
E-mail: cbradbury@ellingerlaw.com

JONES DAY

By: /s/ John M. Gore
John M. Gore (pro hac vice forthcoming)
51 Louisiana Ave., NW
Washington, DC 20001
Telephone: (202) 879-3930
Facsimile: (202) 626-1700
E-mail: jmgore@jonesday.com

Attorneys for Intervenors

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 11, 2026 on all parties of record.

/s/ Marc H. Ellinger