

**IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI**

RICHARD VON GLAHN,)

Plaintiff,)

v.)

Case No. 26AC-CC00440

DENNY HOSKINS, in his official)

capacity as Missouri Secretary of)

State,)

Defendant.)

**SECRETARY OF STATE'S ANSWER TO THE PETITION AND
AFFIRMATIVE DEFENSES**

Defendant Denny Hoskins, in his official capacity as Missouri Secretary of State, hereby answers the allegations in Plaintiff's Petition and asserts affirmative defenses as follows:

1. Admit.

2. Admit.

3. Admit.

4. Admit that paragraph 4 quotes from Missouri Constitution Article III, Section 49. That constitutional provision speaks for itself. Defendant denies any remaining allegations in paragraph 4.

5. Admit that paragraph 5 quotes from Missouri Constitution Article III, Section 52(a). That constitutional provision speaks for itself. Defendant denies any remaining allegations in paragraph 5.

6. Admit that paragraph 6 quotes from Missouri Constitution Article III, Section 52(a). That constitutional provision speaks for itself. Defendant denies any remaining allegations in paragraph 6.

7. Admit that paragraph 7 cites a document prepared by the Secretary of State's Office. That document speaks for itself. Defendant denies any remaining allegations in paragraph 7.

8. Admit.

9. Deny.

10. Admit.

11. Deny.

12. Admit.

13. Deny.

14. Admit.

15. Admit that Defendant's lawsuit discussed in paragraph 15 related to Plaintiff's referendum petition. Defendant's papers in that lawsuit speak for themselves. Defendant denies any remaining allegation in paragraph 15.

16. Deny.

17. Paragraph 17 purports to make a direct quotation to Exhibit 3 of the Petition. That Exhibit speaks for itself. Defendant denies any remaining allegations in paragraph 17.

18. Admit that Defendant's lawsuit discussed in paragraph 18 related to Plaintiff's referendum petition. Defendant's papers in that lawsuit speak for themselves. Defendant denies any remaining allegation in paragraph 18.

19. Admit that Defendant's lawsuit discussed in paragraph 19 related to Plaintiff's referendum petition. Defendant's papers in that lawsuit speak for themselves. Defendant denies any remaining allegation in paragraph 19.

20. Admit.

21. Admit.

22. Admit.

23. Admit.

24. Admit.

25. Deny.

26. Deny.

27. Admit that paragraph 27 quotes § 116.120.1, RSMo. That provision speaks for itself. Defendant denies any remaining allegations in paragraph 27.

28. Paragraph 28 appears to quote from *Maggard v. State*, 733 S.W.3d 411, 416 (Mo. banc 2026). That decision speaks for itself. Defendant denies any remaining allegations in paragraph 28.

29. Paragraph 29 appears to quote from *Maggard v. State*, 733 S.W.3d 411, 416 (Mo. banc 2026). That decision speaks for itself. Defendant denies any remaining allegations in paragraph 29.

30. Paragraph 30 appears to quote from *Maggard v. State*, 733 S.W.3d 411, 416 (Mo. banc 2026). That decision speaks for itself. Defendant denies any remaining allegations in paragraph 30.

31. Deny because Chapter 116 authorizes requires review of the “referendum petition,” §§ 116.120, 116.150, not “the Referendum.”

32. The deadline in § 116.150.3, RSMo speaks for itself. To the extent that paragraph 32 is inconsistent with § 116.150.3, RSMo, paragraph 32 is denied.

33. Admit to the extent that Plaintiff uses the term “the Referendum” to refer to his referendum petition. Paragraph 33 is otherwise denied.

34. Admit.

35. Admit that paragraph 35 quotes § 116.150.2, RSMo. That provision speaks for itself. Defendant denies any remaining allegations in paragraph 35.

36. Admit that paragraph 36 makes a representation about Exhibit 5. Exhibit 5 speaks for itself. Defendant denies any remaining allegations in paragraph 36.

37. Admit that paragraph 37 makes a representation about § 115.125.3, RSMo. That provision speaks for itself. Defendant denies any remaining allegations in paragraph 37.

38. Admit.

39. Admit.

40. Deny.

41. Deny.

42. Deny.

43. Deny.

44. Admit that the Secretary's duty is to follow the law. Paragraph 44 is otherwise denied.

45. Deny.

46. Defendant incorporates the preceding answers as if set forth fully herein.

47. Admit that paragraph 47 quotes Missouri Constitution Article III, Section 52(a). That provision speaks for itself. Defendant denies any remaining allegations in paragraph 47.

48. To the extent that Plaintiff uses the term "the Referendum" to refer to his referendum petition, admit the referendum petition was signed by at least 5% of registered voters in two-thirds of Missouri's congressional districts. Deny that any of these signatures are valid because the referendum petition is itself unconstitutional.

49. Admit to the extent that Plaintiff uses the term "the Referendum" to refer to his referendum petition.

50. Defendant's certificate of insufficiency speaks for itself. Defendant denies any allegation in paragraph 50 to the extent it conflicts with the certificate.

51. Deny.

52. Admit that paragraph 52 makes a representation about Missouri Constitution Article III, Section 52(a). That provision speaks for itself. Defendant denies any remaining allegations in paragraph 52.

53. Deny.

54. Deny.

55. Deny.

56. Admit that paragraph 56 quotes *Moore v. Harper*, 600 U.S. 1 (2023). That decision speaks for itself. Paragraph 56 is otherwise denied.

57. Admit that paragraph 57 quotes *Moore v. Harper*, 600 U.S. 1 (2023). That decision speaks for itself. Paragraph 57 is otherwise denied.

58. Admit that paragraph 58 quotes *Moore v. Harper*, 600 U.S. 1 (2023). That decision speaks for itself. Paragraph 58 is otherwise denied.

59. Deny.

60. Deny.

61. Deny.

Deny that Plaintiffs are entitled to any of the relief requested in the “WHEREFORE” clause following paragraph 61, including the relief requested in paragraphs a–c, or any relief whatsoever.

AFFIRMATIVE DEFENSES

1. Plaintiff’s claims are foreclosed by the U.S. Constitution’s Elections Clause. See U.S. Const. art. I, § 4.

2. Plaintiff’s claims are foreclosed by the Missouri Constitution, including but not limited to Article III, Sections 1, 45, 49, and 52(a).

3. The U.S. Constitution’s Elections Clause, U.S. Const. art. I, § 4, invalidates Article III, Section 52(b) of the Missouri Constitution as applied.

4. The U.S. Constitution's Guarantee Clause, U.S. Const. art. IV, § 4, invalidates Article III, Section 52(b) of the Missouri Constitution as applied.

5. Plaintiff's demanded relief is unlawful under the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20302.

6. Plaintiff's demanded relief is unlawful under Article I, Section 2 of the U.S. Constitution.

7. Plaintiff's demanded relief is unlawful under the Equal Protection Clause of the U.S. Constitution.

8. Plaintiff's demanded relief is foreclosed by the *Purcell-Hadley* principle. See *Purcell v. Gonzalez*, 549 U.S. 1 (2006); *Hadley v. Junior Coll. Dist. of Metro. Kansas City*, 460 S.W.2d 1 (Mo. banc 1970).

Date: August 18, 2026

Respectfully submitted,

CATHERINE L. HANAWAY
ATTORNEY GENERAL

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CERTIFICATE OF SERVICE

I hereby certify that on August 18, 2026, the foregoing was served on counsel for Plaintiffs via the Court's electronic filing service.

/s/J. Michael Patton