

**IN THE NINETEENTH JUDICIAL CIRCUIT COURT
COLE COUNTY, MISSOURI**

KATE DENNIS and CURRY SPRAY, each)
individually and on behalf of all other)
similarly situated individuals,)
Plaintiffs,)

v.)

Case No. _____

DENNY HOSKINS, in his individual capacity)
and his official capacity as)
Missouri Secretary of State,)

JURY TRIAL DEMANDED

Serve at: Denny Hoskins)
600 West Main Street)
Jefferson City, MO 65101)
Defendant.)

CLASS ACTION PETITION

COME NOW Plaintiffs Kate Dennis and Curry Spray, each individually and on behalf of all similarly situated individuals, and for their causes of action for damages against Defendant Denny Hoskins, in his individual capacity and his official capacity, state as follows:

INTRODUCTION

This is an action to hold Defendant Denny Hoskins accountable for his actions and inactions related to referendum petition 2026-R004 (the “Referendum”) that deprived thousands of Missourians of their right to cast a vote in the August 4, 2026 Primary Election (the “Primary”) to nominate candidates of their choice for the November 3, 2026 General Election (the “General Election”).

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff Kate Dennis is a resident of Jackson County, Missouri.
2. Plaintiff Curry Spray is a resident of Clay County, Missouri.

3. Defendant Denny Hoskins is the duly elected and serving Secretary of State of the State of Missouri who resides in Johnson County, Missouri.

4. This Court has subject matter jurisdiction over this action under Mo. Const. art. V, § 14 and § 478.070, RSMo.

5. This Court has personal jurisdiction over Defendant Hoskins because the acts or omissions giving rise to these causes of action took place in Missouri.

6. Venue is proper in this Court under § 508.010, RSMo because Defendant Hoskins performs his official duties principally in Cole County, Missouri.

The 2022 Map and the HB 1 Map

7. House Bill 2909 set out a congressional district map for Missouri based on the 2020 U.S. Census, was signed by Governor Mike Parson on May 18, 2022, and went into effect on the same day due to an emergency clause (the “2022 Map”).

8. From May 18, 2022 to the present, the 2022 Map has been the only lawful and effective congressional district map for Missouri.

9. On September 12, 2025, the Missouri General Assembly passed House Bill 1, which if it came into effect, would displace the 2022 Map and establish new congressional districts in Missouri (the “HB 1 Map”).

10. If in effect, the HB 1 Map would change the congressional voting district for approximately 1.4 million Missourians.

11. Defendant has long advocated for the HB 1 Map and others like it that are commonly understood to draw congressional district lines that create seven presumably republican districts and one presumably democrat district, commonly referred to as a “7-1 map”.

12. Defendant advocated for a 7-1 map when he was a Missouri State Senator and

continued to do so as Missouri Secretary of State, even advocating for an 8-0 map as recently as May of 2026.

The Referendum

13. On December 9, 2025, the proponents of referendum petition 2026-R004 submitted to Defendant 691 boxes containing more than 300,000 signatures in support of the Referendum on the HB 1 Map.

14. If sufficient, the Referendum would put to the voters of Missouri in the General Election the question of whether the HB 1 Map should go into effect.

15. Defendant's receipt of the Referendum and Referendum Signatures triggered certain duties under §§ 116.010, RSMo, et seq., and the Missouri Constitution pertaining to procedural matters, such as signature verification.

16. These duties do not include an independent and unilateral duty or power to declare the substance of the Referendum unconstitutional.

17. Pursuant to the duties enjoined on him by law, Defendant chose to request verification each Referendum Signature, which set a verification deadline of July 28, 2026.

18. Presuming the Referendum Signatures were verified by the statutory deadline, Defendant knew at least by July 28, 2026 that the Referendum was sufficient and should be placed on the General Election ballot.

19. Defendant was therefore statutorily enjoined to issue a certificate of sufficiency by 5 p.m. on August 4, 2026.

20. Defendant failed to do so.

Tactical Delay

21. Instead, Defendant waited until the very last hour to issue a certificate of

insufficiency for the Referendum (the “Certificate”) solely because “the Missouri Constitution does not authorize a referendum on congressional redistricting plans passed by the General Assembly.”

22. Despite waiting until August 4, 2026 to issue the Certificate, on information and belief, Defendant knew as early as December 2025 that he would declare the Referendum in conflict with the Missouri Constitution and insufficient.

23. On December 8, 2025, Judge Bluestone of the United States District Court for the Eastern District of Missouri noted Defendant’s “position that [the Referendum] violates the Missouri Constitution itself . . .” and that “there is no apparent reason why [Defendant] would incur the significant cost of signature verification given his stated belief that the petition is constitutionally deficient.” *Missouri Gen. Assembly v. Von Glahn*, No. 4:25-CV-1535-ZMB, 2025 WL 3514277, at *2 n.2, *4 n.4 (E.D. Mo. Dec. 8, 2025).

24. Additionally, the Missouri Supreme Court on May 12, 2026 noted Defendant’s position that the Referendum was unconstitutional and advised him of the consequences of the Referendum ultimately being determined sufficient, namely that “HB 1 [would] 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.” *Maggard v. State*, 733 S.W.3d 411, 420, 420 n.15 (Mo. 2026).

25. Defendant had ample time to test his position that the Referendum conflicted with the Missouri Constitution and that he had the power to keep the Referendum off the General Election ballot on that ground, and to do so before undertaking the cost and effort to verify each Referendum Signature.

26. But instead, despite being duly apprised of the consequences of such delay by

multiple courts, Defendant waited until August 4, 2026 to issue the Certificate, causing Missouri to hold its Primary under the HB 1 Map.

27. However, because the Referendum was legal, sufficient, and timely, the HB 1 Map never went into effect—exactly as the Missouri Supreme Court cautioned in *Maggard*.

28. Defendant thus caused the Primary to be held using a congressional district map that was never in effect.

29. Moreover, the General Election will be held according to the only Missouri congressional map legally in effect from May 18, 2022 to present, the 2022 Map.

30. Thousands of Missourians who cast a ballot in the Primary in one congressional district, will vote in the General Election in a different congressional district.

31. These voters have been deprived of their right to cast a ballot in the Primary to nominate candidates of their choice for the General Election.

32. Plaintiffs are two such voters.

Plaintiffs

33. Plaintiff Kate Dennis resides and is registered to vote in Jackson County, Missouri.

34. Under the 2022 Map, Plaintiff Dennis resides in the Fifth Congressional District (the “Fifth District”), but under the HB 1 Map, her residence falls in the Fourth Congressional District (the “Fourth District”).

35. Plaintiff Dennis cast her Primary ballot in the Fourth District but will cast her General Election ballot in the Fifth District.

36. Plaintiff Curry Spray resides and is registered to vote in Clay County, Missouri.

37. Under the 2022 Map, Plaintiff Spray resides in the Fifth District, but under the HB 1 Map, his residence falls in the Sixth Congressional District (the “Sixth District”).

38. Plaintiff Spray cast his Primary ballot in the Sixth District but will cast his General Election ballot in the Fifth District.

39. Defendant's actions and inactions caused Missouri to hold the Primary using the HB 1 Map, which deprived Plaintiffs and similarly situated individuals of their right to vote to nominate candidates for whom they will vote in the General Election.

40. As a result, Plaintiffs and similarly situated individuals will cast their General Election vote for candidates whom they had no role in nominating.

CLASS ACTION ALLEGATIONS

41. This case is brought and can be properly maintained as a Class Action represented by Plaintiffs pursuant to Missouri Rule of Civil Procedure 52.08.

42. Plaintiffs seek to certify and represent the following Class:

All registered Missouri voters who cast a ballot in the August 4, 2026 primary election in a congressional district as drawn under the HB 1 Map and who are assigned to a different congressional district under the 2022 Map governing the November 3, 2026 general election.

43. As the Class consists of Primary voters reassigned between the HB 1 and 2022 congressional maps, it likely numbers in the tens of thousands to hundreds of thousands such that joinder is impracticable.

44. Questions of law and fact common to the Class are many and case-determinative, including: whether Defendant neglected to perform legally required acts; whether Defendant acted contrary to law, without authorization, or with malice, bad faith, or intent to injure; and whether Defendant caused those subject to his control to perform unauthorized services or expend unauthorized time or money.

45. Plaintiffs' claims are typical of the claims of the Class because Plaintiffs, like each member of the Class, cast a ballot in the Primary in a certain congressional district under the HB

1 Map, but will cast a ballot in the General Election in a different congressional district under the 2022 Map.

46. Plaintiffs will fairly and adequately protect the interests of the Class, have no interests antagonistic to the Class, and have retained counsel experienced in complex and class litigation.

47. The common questions identified above all turn on Defendant's conduct and predominate over any individual questions, and a class action is superior to other available methods for the fair and efficient adjudication of this controversy, particularly given the fixed, modest per-person statutory penalty that makes individual litigation impracticable.

48. Accordingly, this action is appropriate under Missouri Rule of Civil Procedure 52.08.

COUNT I
Action Under § 28.200, RSMo Against Defendant Hoskins in His Individual Capacity

49. Plaintiffs incorporate the foregoing paragraphs by reference.

50. § 28.200, RSMo provides: "If the secretary of state shall at any time neglect or refuse to perform any of the duties enjoined on him by law, he shall pay to the person aggrieved a sum not less than one hundred dollars nor more than five hundred dollars, to be recovered by civil action."

51. Defendant was enjoined by law to verify the sufficiency and veracity of Referendum, and if sufficient, issue a certificate of sufficiency by 5 p.m. on August 4, 2026 to allow the Referendum to be voted on by the people in the General Election.

52. Defendant neglected or refused to perform duties enjoined on him by law at least by failing to issue a certificate of sufficiency for the Referendum by 5 p.m. on August 4, 2026 and delaying issuing the Certificate, despite knowing he would do so nearly eight months prior

and being advised by multiple courts of the consequences of this delay.

53. Defendant's actions were taken in bad faith, were malicious, and were intended to injure Missouri voters, including Plaintiffs and the Class.

54. Defendant's actions and inactions caused Missouri to hold its Primary under the HB 1 Map, which was never legally in effect.

55. Accordingly, Plaintiffs and the Class are aggrieved at least because they voted in a congressional district in the Primary different from the district in which they will vote in the General Election, depriving them of their right to cast a ballot in the Primary to nominate the candidates on which they will vote in the General Election.

WHEREFORE, Plaintiffs and Class respectfully request this Court enter Judgment in favor of Plaintiffs and the Class in the amount of \$500 per aggrieved person pursuant to § 28.200, RSMo, as well as all relief sought in the Request for Relief set forth at the end of this Petition and any other relief this Court deems just and proper.

COUNT II

In the Alternative, Action Under § 28.200, RSMo Against Defendant Denny Hoskins in His Official Capacity as Secretary of State

56. Plaintiffs incorporate the foregoing paragraphs by reference.

57. Plaintiffs bring this Count in the alternative against Defendant Denny Hoskins in his official capacity as Secretary of State of Missouri, which office he held at all relevant times.

58. Defendant was enjoined by law to verify the sufficiency and veracity of the Referendum Signatures, and if sufficient, issue a certificate of sufficiency by 5 p.m. on August 4, 2026 to allow the Referendum to be voted on by the people in the General Election.

59. Defendant neglected or refused to perform duties enjoined on him by law at least by failing to issue a certificate of sufficiency for the Referendum by 5 p.m. on August 4, 2026

and delaying issuing the Certificate, despite knowing he would do so nearly eight months prior and being advised by multiple courts of the consequences of this delay.

60. Defendant's actions were taken in bad faith, were malicious, and were intended to injure Missouri voters, including Plaintiffs and the Class.

61. Defendant's actions and inactions caused Missouri to hold its Primary under the HB 1 Map, which was never legally in effect.

62. Accordingly, Plaintiffs and the Class are aggrieved at least because they voted in a congressional district in the Primary different from the district in which they will vote in the General Election, depriving them of their right to cast a ballot in the Primary to nominate the candidates on which they will vote in the General Election.

WHEREFORE, Plaintiffs and Class respectfully request this Court enter Judgment in favor of Plaintiffs and the Class in the amount of \$500 per aggrieved person pursuant to § 28.200, RSMo, as well as all relief sought in the Request for Relief set forth at the end of this Petition and any other relief this Court deems just and proper.

COUNT III

Action Under § 105.230, RSMo Against Defendant Hoskins in His Individual Capacity

63. Plaintiffs incorporate the foregoing paragraphs by reference.

64. § 105.230, RSMo provides:

If any civil or military officer of this state shall, by any official act, cause any person or persons, subject to his order or control, to render services or to expend time or money in the performance of any service not authorized by the laws of the land, the officer directing, ordering or compelling the performance of such unauthorized service shall be liable to the person or persons performing such service for the amount of all expenses they may incur or time lost in the performance of the same, and shall also be liable to any person, body politic or corporate, for any injury which may be sustained in consequence of such unlawful or unauthorized procedure; and the same shall be recoverable before any magistrate or other court having competent jurisdiction. Nothing contained in sections 105.010 or 105.210 to 105.240 shall extend to judicial officers when acting judicially.

65. Among other things, Defendant's failure to timely issue a certificate of sufficiency for the Referendum and delay in issuing the Certificate caused Missouri to hold the Primary under the HB 1 Map, which was never lawfully in effect and caused persons under his control to expend unauthorized time and money.

66. Such actions were undertaken in bad faith, maliciously, and with intent to injure Missouri voters, including Plaintiffs and the Class.

67. Plaintiffs and the Class were injured by Defendant's actions, at least by depriving them of their right to cast a ballot in the Primary to nominate the candidates on which they will vote in the General Election.

WHEREFORE, Plaintiffs and Class pray for the relief requested in the Request for Relief set forth at the end of this Petition.

COUNT IV

In the Alternative, Action Under § 105.230, RSMo

Against Defendant Hoskins in His Official Capacity as Secretary of State

68. Plaintiffs incorporate the foregoing paragraphs by reference.

69. Plaintiffs bring this Count in the alternative against Defendant Denny Hoskins in his official capacity as Secretary of State of Missouri, which office he held at all relevant times.

70. § 105.230, RSMo provides:

If any civil or military officer of this state shall, by any official act, cause any person or persons, subject to his order or control, to render services or to expend time or money in the performance of any service not authorized by the laws of the land, the officer directing, ordering or compelling the performance of such unauthorized service shall be liable to the person or persons performing such service for the amount of all expenses they may incur or time lost in the performance of the same, and shall also be liable to any person, body politic or corporate, for any injury which may be sustained in consequence of such unlawful or unauthorized procedure; and the same shall be recoverable before any magistrate or other court having competent jurisdiction. Nothing contained in sections 105.010 or 105.210 to 105.240 shall extend to judicial officers when acting judicially.

71. Among other things, Defendant's failure to timely issue a certificate of sufficiency for the Referendum and delay in issuing the Certificate caused Missouri to hold the Primary under the HB 1 Map, which was never lawfully in effect and caused persons under his control to expend unauthorized time and money.

72. Such actions were undertaken in bad faith, maliciously, and with intent to injure Missouri voters, including Plaintiffs and the Class.

73. Plaintiffs and the Class were injured by Defendant's actions, at least by depriving them of their right to cast a ballot in the Primary to nominate the candidates on which they will vote in the General Election.

WHEREFORE, Plaintiffs and Class pray for the relief requested in the Request for Relief set forth at the end of this Petition.

REQUEST FOR RELIEF

WHEREFORE, as to each Count, and all Counts, Plaintiffs Kate Dennis and Curry Spray pray for:

- A. An order certifying the Class and appointing the undersigned as class counsel;
- B. Judgment in favor of themselves and the Class Members and against Defendant Denny Hoskins;
- C. An award of \$500 to each named Plaintiff and \$500 for each Class Member pursuant to § 28.200, RSMo;
- D. Compensatory damages in an amount to be determined at trial;
- E. Interest on the above sums as allowed by law;
- F. Any further relief this Court deems just and proper.

Dated: September 16, 2026

Respectfully submitted,

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