

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

CONGRESSMAN ROBERT “BOB”
ONDER, RICHARD “RICK”
BRATTIN, PATRICIA “PAT”
THOMAS, and DEBRA HAVENS,

Plaintiffs,

v.

STATE OF MISSOURI and DENNY
HOSKINS, in his official Capacity
as Missouri Secretary of State,

Defendants.

Case No. _____

COMPLAINT

Plaintiffs Congressman Bob Onder, Rick Brattin, Pat Thomas, and Debra Havens for their Complaint against the State of Missouri and Denny Hoskins, in his official capacity as Missouri Secretary of State, allege as follows.

Parties and Background

1. Plaintiff Robert “Bob” Onder is the duly elected United States Representative in Congress for Missouri’s third Congressional district. He is a

resident of St. Charles County, Missouri and is a registered voter in St. Charles County and the State of Missouri.

2. Congressman Onder is the Republican Nominee for congress in the Third Congressional District as adopted by the Missouri General Assembly in House Bill 1 (“HB 1”) in 2025.

3. Congressman Onder has an interest in a fair and accurate election process. *Bost v. Illinois State Bd. of Elections*, 607 U.S. 71, 77 (2026).

4. Plaintiff Richard “Rick” Brattin is the Republican Nominee for congress in the Fifth Congressional district as adopted in HB 1.

5. Plaintiff Brattin is a resident of Cass County and is a registered voter in the State of Missouri.

6. Brattin has an interest in a fair and accurate election process. *Bost v. Illinois State Bd. of Elections*, 607 U.S. 71, 77 (2026).

7. Plaintiff Patricia “Pat” Thomas is a registered Missouri voter living in Cole County, Missouri.

8. Thomas has an interest in a fair and accurate election process. *Anderson v. Celebrezze*, 460 U.S. 780, 789 (1983).

9. Plaintiff Debra Havens is a registered Missouri voter living in Maries County, Missouri.

10. Havens has an interest in a fair and accurate election process. *Anderson v. Celebrezze*, 460 U.S. 780, 789 (1983).

11. Defendant State of Missouri is a sovereign State of the United States of America.

12. Defendant Denny Hoskins is the Missouri Secretary of State.

13. Defendant Secretary of State is charged with administering Missouri's elections process, as well as approving or rejecting referendum petitions submitted to him (including the referendum petition at issue here).

14. Plaintiffs bring this action to prevent Defendants from unconstitutionally usurping the General Assembly's vested authority to reapportion the State of Missouri's congressional districting plan.

Background

15. On September 12, 2025, the Missouri General Assembly convened in a special session and passed HB 1, which redraws Missouri's eight Congressional districts

16. Missouri's prior Congressional district map was enacted by the General Assembly in 2022.

17. Under those 2022 districts, Thomas and Havens would cast a congressional vote in the Third Congressional district. Under the new map established by HB1, Thomas and Havens would cast a vote in the Fifth Congressional district.

18. On December 9, 2025, a group called People Not Politicians,

through its executive director Richard von Glahn, submitted a referendum petition on HB1 to Defendant Secretary of State. The petition sought to suspend the effectiveness of HB1 until it was subject to a statewide public vote.

19. On May 13, 2026, the Missouri Supreme Court issued its unanimous decision in *Maggard v. State*. That Court held that mere submission of the referendum petition to the Secretary did not suspend HB 1 or preclude the State from implementing the congressional plan it enacted

20. The statutory deadline for the Secretary of State to issue a certificate of sufficiency or insufficiency on the referendum petition was August 4, 2026, the same date as the Congressional primary elections.

21. The August 4, 2026 Congressional primaries were held using the HB1 map.

22. More than 1.2 million Missourians voted in the August 4 congressional primaries under the HB 1 map and selected nominees in each of Missouri's eight districts.

23. Congressman Onder stood for and won the Republican nomination for the third Congressional district from voters casting ballots under the HB1 map.

24. Thomas and Havens both voted in the August 4 primary for candidates in the Fifth Congressional district.

25. Also on August 4, Defendant Secretary of State issued his

certificate of insufficiency, finding that “the referendum petition is insufficient under the Missouri Constitution because the Missouri Constitution does not authorize a referendum on congressional redistricting plans passed by the General Assembly.”

26. People Not Politicians and von Glahn challenged Defendant Secretary of State’s decision in state court.

27. The affidavit of Tammy Brown, Missouri election official, explains that implementing a new congressional map requires local election officials to transfer hundreds of thousands of individual voters in the MCVR system. See Exhibit 1.

28. Further, that is a meticulous process involving careful analysis of printed maps and multiple rounds of proofreading. *Id.*

29. The MCVR system locks shortly before absentee ballots are distributed and remains locked until an election is certified two weeks after election day. *Id.*

30. Even the state trial court found this evidence to be compelling. See, *von Glahn v. Hoskins*, No. 26AC-CC00440 (Cole County, Missouri), Final Judgment, Exhibit 2.

31. The MCVR system will remain locked until at least mid-November because of an ongoing Jackson County special election.

32. The state trial court concluded, therefore, that it would be

“impossible” for election officials to administer the 2026 congressional general election under any plan other than the HB 1 plan.

33. On September 3, 2026, the Missouri Supreme Court nonetheless ordered Defendants to use the 2022 Congressional district map instead of the HB 1 map for the November 3, 2026 general election. *von Glahn v. Hoskins*, No. --- S.W.3d --- (Mo. banc Sep. 3, 2026).

34. The Missouri Supreme Court did not address, much less overturn, the state trial court’s finding that it is “impossible” for election officials to administer the general election other than under the HB 1 plan.

35. As a result of the Missouri Supreme Court’s decision in *von Glahn*, the State must now do the “impossible” and administer Missouri’s November 3 general election using different maps than the maps used in the primary elections for the same offices.

36. Also, as a result of *von Glahn*, hundreds of thousands of registered voters who voted in the August 4 primary in the districts under HB 1 will be moved into different districts for the November 3 general election under the decision in *Von Glahn*.

37. Likewise, Congressman Onder and Rick Brattin won nominations by advocating to a particular set of voters in their respective HB1-designated districts. Under *von Glahn*, they must now run in the general election in districts which include many voters to whom they did not campaign in the

primary.

38. Thomas and Havens wish to vote in the general election in the Fifth Congressional district as they did in the primary but must now educate themselves about new candidates and issues because they are forced to vote in the general election for the Third Congressional district and for nominees whom they was not given a chance to vote for or against.

39. Cole and Maries Counties are in the Fifth Congressional District under HB 1 but are in the Third Congressional District under the 2022 plan.

40. Voters in Cole and Maries Counties voted in the Fifth Congressional District in the August 4 primary election but, under *Von Glahn*, will now vote in the Third Congressional District in the November 3 general election.

41. Thomas and Havens face the prospect of losing their fundamental right to vote in upcoming elections, including but not limited to the November 3, 2026 general election, if Defendants continue in the course of action ordered by *von Glahn*.

42. The entire State of Missouri has now been plunged into legal and electoral uncertainty over which Congressional maps govern Missouri's 2026 general election and which candidates represent whom. This Court should issue all appropriate relief without haste to ensure free and fair elections in November.

43. On September 3, 2026, the Attorney General applied to the Missouri Supreme Court for a stay of its decision in *von Glahn*.

44. On September 4, 2026, the Supreme Court denied that Application for Stay.

Jurisdiction and Venue

45. This Court has subject matter jurisdiction over the federal claims under 28 U.S.C. § 1331 because a provision of the U.S. Constitution and 42 U.S.C. § 1983 govern the disposition of this case.

46. This Court has supplemental jurisdiction over the state-constitutional claim under 28 U.S.C. § 1367.

47. This Court has the authority to issue the requested declaratory relief under 28 U.S.C. §§ 2201-2202 and this Court's inherent equitable authority.

48. This Court has personal jurisdiction over Defendants because each is either a state agency or sued in their official capacity as a state official, and the violations complained of concern their conduct in such capacities.

49. Venue is proper in this judicial district under 28 U.S.C. § 1391(b) respecting Defendant State of Missouri because Plaintiffs allege said Defendant has undertaken efforts to carry out an unlawful Congressional election within this District and Division and moreover Congressman Onder is

a resident of St. Charles County and Havens is a resident of Maries County both of which are in this judicial district.

CAUSES OF ACTION

Violation of the Elections Clause

U.S. CONST. Art. I, § 4, cl. 1

50. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.

51. An actual controversy exists within this Court's jurisdiction that would be resolved by a declaration of the rights and other legal relations of the parties in this action – namely, that *von Glahn*'s suspension of the General Assembly's duly enacted HB 1 plan and authorization of a referendum seeking to overturn HB 1 violates the Elections Clause of the U.S. Constitution.

52. The Constitution delegates and conveys the authority to prescribe the times, places, and manner of congressional elections only to "the Legislature" of "each State." U.S. CONST. art. I, § 4, cl. 1. Yet in Missouri, Defendants have been ordered not to use the General Assembly's duly enacted HB 1 for the ongoing 2026 general election. This unprecedented act violates both the U.S. and Missouri Constitutions.

53. Just two years ago, the U.S. Supreme Court reaffirmed the core

authority of state legislatures to draw congressional districts for the U.S. House of Representatives. The court emphasized how other state-governmental actors “do not have free rein” to transgress state legislatures’ authority to apportion congressional districts. *Moore v. Harper*, 600 U.S. 1, 34 (2023).

54. Despite that constitutional language, some state constitutions have expressly transferred authority over federal redistricting from state legislatures to other entities – like independent redistricting commissions. *See, e.g., Arizona State Legislature v. Arizona Independent Redistricting Comm’n*, 576 U.S. 787, 796–98 (2015). Jurists have disagreed on whether such delegations are constitutional. *See id.* at 826 (Roberts, C.J., dissenting).

55. This case does not require this Court to revisit that debate. Where the U.S. Constitution expressly vests authority in a particular actor, that authority cannot be taken away without a clear and express statement. *See Moore*, 600 U.S. at 34–36. In *Arizona State Legislature*, for example, the Arizona Constitution did “directly and immediately” transfer the Arizona’s Legislature’s authority over redistricting to another entity. 576 U.S. at 801. And in *State of Ohio ex rel. Davis v. Hildebrandt*, concluded that state law “ma[de] it clear” that the legislature had been partially divested of its authority over federal redistricting. 241 U.S. 565, 567-68 (1916) (holding it was “obvious” that state law was “conclusive” on that point).

56. The U.S. Constitution forecloses the holding of *von Glahn*. By vesting authority in the state legislature, the Elections Clause made a “compromise” that ensures a measure of deliberation, but in a representative body close to the people. *Ariz. State Leg.* at 837 (Roberts, C.J., dissenting).

57. The U.S. Constitution does not provide for a citizen veto of the legislature’s approved map. “*Hildebrant* in no way suggested that the state legislature could be displaced from the redistricting process, and *Hildebrant* certainly did not hold—as the majority today contends—that “the word [‘Legislature’ in the Elections Clause] encompassed a veto power lodged in the people.” *Ante*, at 2666. *Hildebrant* simply approved a State’s decision to employ a referendum *in addition to* redistricting by the Legislature. See 241 U.S., at 569, 36 S. Ct. 708. The result of the decision was to send *the Ohio Legislature* back to the drawing board to do the redistricting.” *Ariz. State Leg.* at 840 (J. Roberts Dissent)

58. In choosing to specifically entrust state legislatures with authority over federal congressional redistricting, the Framers of the U.S. Constitution ensured that such power would be exercised by officials “accountable by the people for the rules they write or fail to write.” *Democratic Nat’l Comm. v. Wis. State Leg.*, 141 S. Ct. 28, 29 (2020) (Gorsuch, J., concurring in denial of application to vacate stay). They also ensured that redistricting decisions would reflect “the collective wisdom of the whole people” – as expressed

through the people's elected representatives. *Id.*

59. Nor does the Elections Clause leave dissatisfied individuals without recourse. They are free to take their concerns to Congress itself, which can reset the reapportionment rules under the Elections Clause. *See Wise v. Circosta*, 978 F.3d 93, 112 (4th Cir. 2020) (en banc) (Wilkinson and Agee, JJ., dissenting) (emphasizing “the brilliance” of giving Congress the authority to check state legislatures).

60. Absent a clear statement in the Missouri Constitution transferring the apportionment power from the General Assembly to a ballot referendum, Defendants cannot proceed as directed by *von Glahn*. The General Assembly's “vested authority is not just the typical legislative power exercised pursuant to a state constitution. Rather, when a state legislature enacts statutes governing [federal] elections, it operates ‘by virtue of a direct grant of authority’ under the United States Constitution.” *Carson v. Simon*, 978 F.3d 1051, 1060 (8th Cir. 2020) (per curiam).

61. While the U.S. Supreme Court has recognized that express state constitutional amendments can divest legislatures of their apportionment power, the court has never held that a general referendum provision can curtail the legislature's exercise of that authority. *See Ariz. State Leg.*, 576 U.S. at 814 (holding that a State can adopt an express constitutional provision transferring the legislature's apportionment authority to an independent

commission).

62. Because the Framers of the Federal Constitution made “a deliberate choice” to vest reapportionment power in state legislatures, other state actors cannot use the vagaries of state law to transfer that power elsewhere. *Moore*, 600 U.S. at 34. Hence, state law must plainly delineate the legislature’s federal congressional-apportionment authority. *Cf. id.* at 34–36 (holding that state “courts do not have free rein” to intrude upon the legislature’s apportionment power absent “a fair reading” of state law limiting the power); *Carson*, 978 F.3d at 1060 (discussing how state officials cannot “override” the state legislature’s exercise of power under the Elections Clause).

63. Moreover, serious constitutional doubt persists about whether state-ballot initiatives can ever divest state legislatures of their congressional-apportionment authority. The “text, structure, or history of the Constitution” plainly show that Article I, Section 4 deliberately vests “the ‘Legislature,’” not “the people” with the power to reapportion congressional representation. *Ariz. State Leg.*, 576 U.S. at 825 (Roberts, C.J., dissenting). “Direct lawmaking by the people was ‘virtually unknown when the Constitution of 1787 was drafted.’” *Id.* at 793 (majority opinion). And the U.S. Supreme Court has never upheld the use of a ballot referendum to nullify a legislature’s congressional reapportionment against an Elections Clause challenge. *See id.* at 840 (Roberts, C.J., dissenting) (explaining how the only instance where the

Supreme Court considered the use of such a referendum did not involve Elections Clause challenge to state law in *Hildebrandt*).

64. Such clear-statement rules are fixtures of American constitutional law because they ensure that the relevant governmental actors actually intended to push the boundaries and potentially upset the careful balances struck by the U.S. Constitution's Framers. *See West Virginia v. EPA*, 597 U.S. 697, 736-37 (2022) (Gorsuch, J., concurring); Amy Coney Barrett, *Substantive Canons and Faithful Agency*, 90 B.U. L. REV. 109, 166-67 (2010). For example, even though the Constitution vests legislative power in Congress, courts allow Congress to delegate major policy decisions to the Executive Branch – but only if Congress provides a clear statement of authority. *West Virginia*, 597 U.S. at 723; *id.* at 746-49 (Gorsuch, J., concurring); *Paul v. United States*, 140 S. Ct. 342, 342 (2019) (statement of Kavanaugh, J., respecting denial of certiorari). Similarly, courts demand a clear statement before assuming Congress intended to legislate in areas of traditional state authority – to protect the U.S. Constitution's commitment to federalism. *See Sackett v. EPA*, 598 U.S. 651, 679-80 (2023); *Gregory v. Ashcroft*, 501 U.S. 452, 460 (1991).

65. Given its novelty and lack of textual support, *von Glahn* contravenes the United States Constitution's vesting of redistricting authority in the General Assembly. The Missouri Constitution's referendum provision does not expressly say that a referendum can overturn the exercise of the

General Assembly's federal redistricting decisions, and "state courts may not transgress the ordinary bounds of judicial review such that they arrogate to themselves the power vested in state legislatures to regulate federal elections." *Moore*, 600 U.S. at 36.

66. To the contrary, the Missouri Constitution specifically recognizes the General Assembly's power to divide the State into congressional districts. *See* MO. CONST. art. III, § 45 (stating General Assembly "shall" perform this function). Given these provisions, Missouri has not made a deliberate and clear choice to override the Elections Clause's vesting the General Assembly with congressional apportionment authority. *See Ariz. State Leg.*, 576 U.S. at 817 (emphasizing how the State had made the deliberate choice of reallocating that authority to an independent commission).

67. And Missouri should have a chance to make that knowing choice before this unprecedented effort proceeds. Subjecting Missouri's congressional redistricting to ballot referenda will invite chaos. If opponents of a Congressional map succeed in using the referendum, every apportionment decision going forward could now become subject to a referendum. In effect, this could create apportionment paralysis – where the General Assembly is unable to implement a congressional map because successive referendum efforts nullify them. This threatens to wreak havoc on the General Assembly's basic obligations to reapportion congressional districts after each census.

68. The problem runs even deeper than that. Under *von Glahn*, nothing would stop a voter from proposing the federal congressional map in the first instance – thus entirely cutting the General Assembly out of the redistricting process. The provision of the Missouri Constitution governing citizen-proposed statutory initiatives is worded – in all material respects – identically to the referendum provision. See MO. CONST. art. III, §§ 49–53. That provision just generally refers to “laws” – without any specific reference to federal redistricting bills. See *id.* So, under the logic of *von Glahn*, voters can wield an absolute veto over the General Assembly’s duties under the Elections Clause.

69. Finally, no history in Missouri supports a reading like *von Glahn*. While a closely divided Missouri Supreme Court upheld the use of referenda for apportionment of seats in the General Assembly, see *State ex rel. Gordon v. Becker*, 49 S.W.2d 146, 149 (Mo. 1932), that case is inapt. In 1945, the Framers of Missouri’s current Constitution specifically overrode *Gordon*. See MO. CONST. art. III, § 7(h). The Missouri Constitution now provides in unqualified terms that “[n]o redistricting plan shall be subject to the referendum.” *Id.*; see also *id.* art. III, § 3(i).

70. Additionally, *Gordon* addressed federal and state legislative apportionment, which are governed by separate provisions in the Missouri Constitution. MO. CONST. art. IV, § 7 (Constitution of 1875); see MO. CONST. art.

III, §§ 3, 7, 10 (state legislative) and MO. CONST. art. III, § 45 (congressional). *Gordon* never considered whether, per the Elections Clause, the General Assembly retained sole authority to apportion congressional districts. Because the authority to set federal congressional districts is a power delegated by the U.S. Constitution, federal congressional reapportionment implicates uniquely federal interests not reflected in state-legislative reapportionment. *See Moore*, 600 U.S. at 34 (“As in other areas where the exercise of federal authority or the vindication of federal rights implicates questions of state law, we have an obligation to ensure that state court interpretations of that law do not evade federal law.”); *Carson*, 978 F.3d at 1060 (emphasizing how setting federal elections occurs “‘by virtue of a direct grant of authority’ under the United States Constitution”).

71. If anything, *Gordon* casts further doubt on Defendants’ legal theory. Chief Justice Atwood, in dissent, carefully analyzed Missouri constitutional history and concluded that the Missouri Constitution was not originally understood to extend the referendum even to state legislative apportionment. *See Gordon*, 49 S.W.2d at 152–57 (Atwood, C.J., dissenting) (contending that construction of prior Missouri constitutional provisions did not support the practice). And if such doubt exists for state legislative districting, it is hard to see how Defendants could satisfy the U.S. Constitution’s clear-statement rule applicable to federal congressional

redistricting efforts.

72. Defendants cannot identify any language that “makes it clear” that the Missouri Constitution transfers authority over federal redistricting away from the General Assembly. *Hildebrandt*, 241 U.S. at 568. While Missouri has chosen to allow voters to revisit legislation passed by the General Assembly, nothing in the Missouri Constitution expressly says that federal congressional reapportionment may be subjected to a referendum. See MO. CONST. art. III, §§ 49, 52(a). In other words, the people of Missouri have never made the conscious choice to undermine the Framers’ decision to vest this State’s legislature with the reapportionment authority.

73. With no express authority bestowed on the referendum process to overturn federal congressional apportionments, Defendants’ efforts – compelled by *von Glahn* – to revisit the General Assembly’s exercise of its authority under the Elections Clause are unlawful. Plaintiffs are entitled to a judgment declaring Defendants’ actions unlawful under the Elections Clause of the U.S. Constitution. The Court should grant appropriate declaratory and injunctive relief.

Violation of Article I, Section 2

42 U.S.C. § 1983; U.S. CONST. Art. I, § 2

74. Plaintiffs incorporate by reference all preceding paragraphs as if

fully set forth herein.

75. Holding a general election under a different congressional map than the one used in the August 4 primary would violate Article I, Section 2 of the U.S. Constitution.

76. That provision guarantees that “[t]he House of Representatives shall be composed of Members chosen every second Year by the People of the several States.” U.S. Const. art. I, § 2.

77. The Supreme Court has long recognized that “[w]here the state law has made the primary an integral part of the procedure of choice,” then “the right of the elector to have his ballot counted at the primary[] is likewise included in the right protected by Article I, § 2.” *United States v. Classic*, 313 U.S. 299, 318 (1941).

78. Missouri law makes the primary integral: “all candidates for elective office shall be nominated at a primary election,” § 115.339, RSMo, and “[t]he person receiving the greatest number of votes at a primary election as a party candidate for an office shall be the only candidate of that party for the office at the general election,” § 115.343, RSMo. More than 1.2 million Missourians voted in the August 4 congressional primaries under the HB 1 map and selected nominees in each of Missouri’s eight districts.

79. *Von Glahn* ignores those votes, stripping the nominees of the mandate in their respective districts which their voters conferred.

80. Article I, Section 2 forbids this result.

81. Changing the congressional map reassigns hundreds of thousands of voters to entirely different districts, with different boundaries, different candidates, and different opponents—none of whom those voters ever had the chance to evaluate in the primary.

82. It is the wholesale dismantling of the election those voters already participated in.

83. *Von Glahn* does not even attempt to explain how State and local officials could reverse course and implement some entirely new map, how nominees selected by voters in one set of districts would campaign in different ones, or how voters would make sense of a last-minute overhaul of the districts they just voted in.

84. The Supreme Court has long recognized that primary and general elections are not separate events but a unified process.

85. In *Smith v. Allwright*, the Court described “[t]he fusing . . . of the primary and general elections into a single instrumentality for choice of officers.” 321 U.S. 649, 660 (1944).

86. Because the primary and general election constitute a “single instrumentality for choice of officers,” *id.*, then changing the districts between those two stages does not merely alter the ballot; it fractures the instrumentality itself. *See also Storer v. Brown*, 415 U.S. 724, 735 (1974)

(describing the primary as “not merely an exercise or warm-up for the general election but an integral part of the entire election process, the initial stage in a two-stage process by which the people choose their public officers”).

Violation of the Equal Protection Clause

42 U.S.C. § 1983; U.S. CONST. amend. XIV, § 1

87. Holding a general election under a different congressional map than the one used in the primary would violate the Equal Protection Clause. U.S. Const. amend. XIV, § 1.

88. The Supreme Court has held that primary-election procedures constitute “‘state action’ within the meaning of the Fourteenth Amendment” and “must be exercised in a manner consistent with the Equal Protection Clause.” *Bullock v. Carter*, 405 U.S. 134, 140-41 (1972).

89. The Supreme Court has also made clear that “[o]nce the geographical unit for which a representative is to be chosen is designated, all who participate in the election are to have an equal vote . . . wherever their home may be in that geographical unit.” *Gray v. Sanders*, 372 U.S. 368, 379 (1963). Defendants are and have been acting under color of law.

90. By requiring Thomas and Havens to vote in a general election without allowing them to cast a ballot for the candidates in a primary for such election, *von Glahn* commands Defendants to violate Thomas’s and Havens’s

fundamental right to equal protection under the law.

91. The congressional map change in *Von Glahn* between the primary and general elections, forces hundreds of thousands of Missourians to vote in a district different from the one in which they cast their primary ballots.

92. Those voters would possess materially less voting power than voters whose district remained the same because the former group would have to select from candidates they never had the opportunity to evaluate, support, or oppose in the primary.

93. They would thus be denied the right to choose their own representative through the integrated primary and general elections.

94. Meanwhile, voters who happened to remain in the same district would retain the full benefit of their primary vote.

95. The order in *Von Glahn* which changes the congressional map thus creates two classes of voters—those who had the opportunity to select their general election candidate and those who did not—in direct violation of the Equal Protection Clause.

96. Thomas and Havens face the prospect of losing their fundamental right to vote in upcoming elections, including but not limited to the November 3, 2026 general election, if Defendants continue in the course of action ordered by *von Glahn*.

97. At the time *von Glahn* was decided, Missouri election officials,

candidates, political parties, and other advocates had already begun preparing for the general election under the HB1 Congressional map. Early voting and absentee-ballot distribution are imminent.

98. The order in *von Glahn* constitutes a judicial alteration of state election law “in the period close to an election.” *Purcell v. Gonzalez*, 549 U.S. 1 (2006).

99. As the Supreme Court has repeatedly recognized, “[l]ate judicial tinkering with election laws can lead to disruption and to unanticipated and unfair consequences for candidates, political parties, and voters.” *Merrill v. Milligan*, 142 S. Ct. 879, 881 (2022) (Kavanaugh, J., concurring).

100. It is well-established that states have less say in regulating federal elections than “statewide and local elections.” *See Anderson*, 460 U.S. at 789.

101. The standard four-factor stay test does not govern this Court’s review of the order in *von Glahn*. Where, as here, the Missouri Supreme Court has ordered a change to state election law “close to an election,” the “traditional test for a stay does not apply (at least not in the same way) in election cases when a lower court has issued an injunction of a state’s election law in the period close to an election.” *Merrill*, 142 S. Ct. at 880; *La Union*, 119 F.4th at 408.

102. Chief among those considerations is the potential for a last-minute order “to confuse voters, unduly burden election administrators, or otherwise

sow chaos or distrust in the electoral process.” *Robinson v. Ardoin*, 37 F.4th 208, 228 (5th Cir. 2022).

103. Congressional redistricting is among the most complex and disruptive election changes a court can order. Implementing new district boundaries between the primary and general elections requires, at minimum: publishing new district maps; updated the Missouri Consolidated Voter Registration system in 117 separate local election authorities, re-notifying all affected voters of changed district assignments; reprinting and redistributing ballots statewide; and retraining election officials across dozens of counties – all within a window of 15 days before military ballots go out and 18 days before absentee voting begins.

104. Altering voters’ choices mid-election further harms the interests of the voters themselves, especially those such as Thomas and Havens, who were not permitted to vote in the primary: “It is to be expected that a voter hopes to find on the ballot a candidate who comes near to reflecting his policy preferences on contemporary issues.” *Lubin v. Panish*, 415 U.S. 709, 716 (1974).

105. The redistricting mandate in *von Glahn* is incredibly complex and disruptive, and cannot constitutionally be implemented between the primary and general elections (if ever).

106. First, the underlying merits were not “entirely clearcut” in favor of

the party seeking a new map. The Missouri Supreme Court’s own prior decision in *Maggard* acknowledged that it was “impossible” to determine with certainty whether the HB1 map had gone into effect. Legal questions that the state’s highest court itself found irresolvable cannot satisfy the “entirely clearcut” standard.

107. Second, irreparable harm will result from *von Glahn*. Congressional candidates who prevailed in primary elections under the existing district boundaries face substantial harm – including disruption of campaign infrastructure, wasted resources, and educating and advocating to new voters in a truncated post-primary period – if those boundaries are altered before the general election.

108. Third, implementing a full congressional remap between the primary and general elections is not feasible without significant cost, confusion, and hardship to voters, candidates, and election administrators alike – as the scale of administrative disruption described above makes plain.

109. Because none of the conditions identified in *Merrill* are satisfied, the order in *von Glahn* compels Defendants to violate Plaintiffs’ rights under the United States Constitution.

PRAYER FOR RELIEF

Brattin, Congressman Onder, Thomas, and Havens pray that this Court:

A. Declare, adjudge, and decree that the actions detailed herein are unlawful under Article I, § 4, cl. 1, Article I, § 2, and Amend. XIV, § 1 of the U.S. Constitution;

B. Issue declaratory relief stating that Defendants' failure to use the HB1 Congressional maps – as ordered by *von Glahn* – is unconstitutional;

C. Issue temporary, preliminary, and permanent injunctive relief to prevent Defendants from using any Congressional map other than the HB1 map until amended by the Missouri General Assembly; and

D. Award all other relief this Court deems equitable and just.

Respectfully submitted,

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AFFIDAVIT OF TAMMY BROWN

Affiant first being duly sworn, on her oath attests:

1. I served as a local election official for 25 years in Jackson County, Missouri. I was a Commissioner on the Jackson County Election Board from 2001 to 2008, and then I was the Republican Director of the Board from 2009 until my retirement in July 2026.

2. During my tenure as a Commissioner and the Republican Director, I helped facilitate over 100 elections in Jackson County, Missouri. The Jackson County Election Board serves about 270,000–280,000 registered voters who reside within our jurisdiction.

3. During my 25 years at the Board, I assisted with implementing new congressional maps three different times: in 2012, in 2022, and then in 2026 for the implementation of the House Bill 1 map.

4. I personally assisted with implementing Missouri's new congressional map in 2026. I also helped prepare ballots for absentee and military voters for the August primary election. The primary election was held on August 4, 2026. Under Missouri law, that election must be certified by August 18, 2026.

5. I am aware that there is a lawsuit seeking to change Missouri's congressional map after the August 2026 primary election. I have never heard of a lawsuit like this before.

6. Based on my 25 years of experience as a local election official, I believe that it is literally impossible to change Missouri's 2026 congressional map after the primary election and before the general election on November 3, 2026. In my view, changing the congressional map after the primary election would put the entire election at risk.

7. Implementing a new congressional map is an arduous, time-intensive duty for local election authorities. It involves manually reassigning precincts to a new congressional

district in the Missouri Centralized Voter Registration (“MCVR”) database. This is a step-by-step, meticulous process that involves printing maps, proofing lines, assigning each precinct to the correct congressional district, and ensuring that each voter is placed in the correct district. This requires the assistance of every member of our office and usually takes 2 weeks to complete. If pressed for overtime and weekend work, I estimate that the Jackson County Election Board could implement a new map in the MCVR database in 7–10 days. I do not know how long it would take other local election authorities to implement a new congressional map in the MCVR database.

8. During any ongoing election, the MCVR database prevents us from moving any voters from one district to another. This makes congressional district lines impossible to change during any election—whether or not the election is congressional in nature. The database locks 8 to 10 weeks before any election because of military voters and absentee voters who need to receive mail ballots before election day. The MCVR database remains locked at least until the election is certified, which must occur within 2 weeks after election day under State law.

9. Jackson County is holding a recall election on September 1, 2026, for an Independence City Council member. Absentee voting for that recall election began on July 21, 2026, and no excuse absentee voting will begin on August 18, 2026. The Jackson County Election Board will then have until September 14, 2026, to certify the results of that recall election. During that timeframe, the MCVR database will remain locked and cannot be changed.

10. Meanwhile, the certification date for Missouri’s general election is August 25, 2026, under state law. At that time, the congressional district lines will already be set up in the MCVR database, and the database cannot be changed. Thus, there is no time window to change

the congressional district lines in the MCVR database between now and the general election on November 3, 2026.

11. Changing a congressional map before an election also involves more than just altering the district assigned to each voter in MCVR. After a map is changed in MCVR, local election authorities must design and test ballots to ensure that the ballots are tabulating correctly. This process usually takes about 2 weeks. Local election authorities also need an additional week to send ballots for printing after we finish designing ballots.

12. Local election officials must comply with federal law that requires them to send mail ballots to military voters no later than 45 days before the election. This federal law is known as the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA").

13. Under State law, local election officials must also prepare ballots for absentee voters no later than 42 days before an election.

14. To comply with these deadlines, local election officials start preparing military and absentee ballots 10 weeks before an election. At that time, we design, proofread, and test the ballots. Then, we send the military and absentee ballots for printing 8 weeks before the election.

15. I am aware that the Missouri Secretary of State can request a waiver from UOCAVA's deadlines in some circumstances where it is impossible to comply with the 45-day deadline for sending mail ballots to military voters. However, I have never heard of Missouri requesting a waiver or receiving a waiver under UOCAVA. Also, even if we obtained a waiver under UOCAVA, state law would still require us to send ballots to absentee voters 42 days before the election. Thus, even if we could obtain a waiver, that would only provide an additional 3 days to prepare and send ballots to absentee voters.

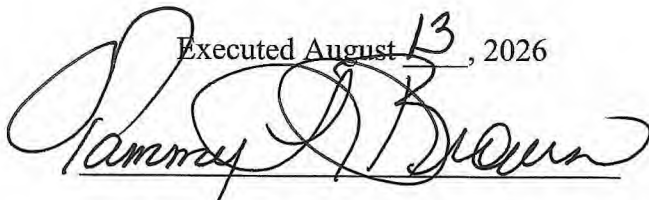
16. I have never heard of a State changing its congressional map after completing its primary election. I cannot imagine how a State could justify forcing voters to vote in different districts for a primary and general election.

17. I was provided the opportunity to review the affidavit of Brianna Lennon, the County Clerk and Election Authority of Boone County. Ms. Lennon states that 2022 congressional district has not been overwritten in MCVR. Ms. Lennon also states that no additional work would be needed to re-implement the 2022 congressional districts.

18. Ms. Lennon's representation is wrong as to Jackson County. In Jackson County, we exclusively implemented the HB 1 congressional map in the MCVR database for the 2026 congressional election. Reverting to the 2022 map would require us to reopen the MCVR database and to manually adjust each precinct's and each voter's congressional district back to the 2022 map. As far as I am aware, there is no "magic button" that would suddenly allow us to revert to the 2022 congressional districts.

19. For these reasons, I believe that is impossible to change Missouri's congressional map after the 2026 primary election. The MCVR database will remain locked between now and the General Election in November 2026. Also, even if the database somehow opened, changing the congressional map, preparing ballots, and sending mail ballots to overseas and absentee voters would take weeks that local election officials do not have.

20. I declare under penalty of perjury that the foregoing is true and correct.

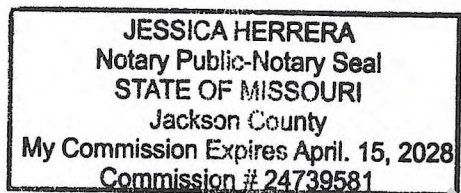
Executed August 13, 2026

Affiant, Tammy Brown

State of Missouri
County of Jackson

In witness whereof, I have hereunto subscribed my name and affixed my official seal.
Subscribed and sworn before me this 13th day of August in the year 2026.

Jessica Herrera
Notary Public

My commission expires: April 15, 2028



IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI

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

JUDGMENT

All parties appeared before this Court on August 19, 2026, and arguments were made by counsel. The Court has considered the pleadings, the evidence in the form of the Joint Stipulation of Facts and Exhibits filed August 18, 2026, the pre-trial briefs, and argument of counsel. Being duly advised, the Court now issues its Judgment in this matter.

FINDINGS OF FACT

1. The General Assembly enacted House Bill 1 (HB 1) on September 12, 2025. HB 1 repealed Missouri's prior congressional districting plan and established new boundaries for Missouri's eight congressional districts.

2. HB 1 passed by a margin of 21 to 11 in the Senate and 90 to 65 in the House of Representatives. *See* Mo. Senate J. 25–26 (2d Extra. Sess., 103d Gen. Assembly, Sept. 12, 2025); Mo. House J. 37–38 (2d Extra. Sess., 103d Gen. Assembly, Sept. 9, 2025).

3. Governor Michael L. Kehoe signed HB 1 into law on September 28, 2025.

4. A group called People Not Politicians (“PNP”) launched a

referendum campaign to challenge the HB 1 map. PNP eventually submitted a referendum petition to the Secretary of State on December 9, 2025, invoking the referendum provisions in Article III of the Missouri Constitution.

5. Under Article III, Section 52(a), “[a] referendum may be ordered . . . by petitions 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). Article III’s referendum provisions are silent regarding congressional redistricting. *See id.* art. III, §§ 49, 52(a)-(b).

6. PNP’s submission triggered the Secretary’s statutory duty to review the referendum petition. *See Maggard v. State*, 733 S.W.3d 411, 416 (Mo. banc 2026).

7. That review encompasses the timeliness, legality, and sufficiency of the petition, as well as the sufficiency of the signatures offered in support of the petition. *See* §§ 116.120–116.140, RSMo.

8. “After” review, “if the secretary of state finds [the petition] sufficient, the secretary of state shall issue a certificate setting forth that the petition contains a sufficient number of valid signatures to comply with the Constitution of Missouri and with this chapter.” § 116.150.1, RSMo.

9. But “[i]f the secretary of state finds the petition insufficient, the secretary of state shall issue a certificate stating the reason for the insufficiency.” § 116.150.2, RSMo.

10. The Secretary was required to complete this extensive review “not later than 5:00 p.m. on the thirteenth Tuesday prior to the general election or two weeks after the date the election authority certifies the results of a petition verification pursuant to subsection 2 of section 116.130, whichever is later.”

§ 116.150.3, RSMo.

11. The thirteenth Tuesday prior to this year's general election fell on Tuesday, August 4, the date of the State's primary elections.

12. While the Secretary and Missouri's local election officials were reviewing PNP's submission, two plaintiffs separately challenged HB 1's effectiveness, seeking a declaratory judgment and an injunction preventing use of the HB 1 map until voters approved it through the referendum process. *See Maggard*, 733 S.W.3d at 413.

13. The Missouri Supreme Court unanimously rejected their claims, holding that "the December 9 referendum petition filing did not automatically suspend HB 1 under article III, sections 49, 52(a), or 52(b) of the Missouri Constitution." *Id.* at 421. The Missouri Supreme Court also went out of its way to emphasize that its decision should not be read as endorsing referenda on congressional maps. *See id.* at 414 n.7 ("[T]his opinion presupposes without deciding HB 1 is subject to the right of referendum.").

14. Following the Supreme Court's ruling, the Attorney General released an opinion letter requiring "State and local election officials" to "take all appropriate steps to ensure the HB 1 map is fully implemented in advance of the 2026 primary elections." Mo. Att'y Gen., Op. Letter 03-2026 (May 13, 2026). Local election officials then implemented the HB 1 map in Missouri's Centralized Voter Registration ("MCVR") system, transferring hundreds of thousands of voters to the new districts. Stipulated Ex. 26 ¶ 7; Stipulated Ex. 29 at 109. After implementation, state and local officials prepared ballots and conducted the August 4 primary elections under the HB 1 map.

15. A total of 1,206,871 Missourians voted in the State's congressional primary elections under the HB 1 map. *See State of Missouri Election Results*

– Primary Election August 4, 2026, *available at* <https://enr.sos.mo.gov/> (last visited Aug. 17, 2026).

16. Prior to 5 p.m. on August 4, the last day to vote in the primary elections, Secretary Hoskins announced that he was issuing a certificate finding PNP’s petition insufficient. *See* Stipulated Ex. 5.

17. The Secretary’s certificate identified as “the reason for the insufficiency,” § 116.150.2, RSMo., that the Missouri Constitution does not permit referenda on congressional maps, *see* Stipulated Ex. 5. The Secretary’s certificate relied upon a letter from the Attorney General explaining that insufficiency. *See id.*

18. Plaintiff filed this suit later that evening. Plaintiff alleges that “he is entitled to the immediate suspension of the use and implementation of HB 1.” Pet. ¶¶ 42-43; *see also id.* at 8. He also alleges that the Court should “restrain[] the Secretary from taking further steps to implement or use the congressional districts in HB 1 to ensure that . . . the correct congressional districts are utilized to conduct the 2026 general congressional election.” *Id.* ¶ 45; *see also id.* at 8.

19. Plaintiff’s Petition does not identify what he believes to be “the correct congressional districts . . . to conduct the 2026 general congressional election.” *Id.* ¶ 45.

20. To the extent Plaintiff asks the Court to revert Missouri to the plan the General Assembly repealed in HB 1, such an action would move hundreds of thousands of voters into different districts for the imminent 2026 general election compared to the districts in which they cast their ballots in the August primary elections just two weeks ago. *See, e.g.,* Order and Judgment, Findings 27, 30, 40-46, *Wise v. State*, No. 2516-CV29597 (Jackson Cty. Cir. Ct. Mar. 12,

2026); Stipulated Ex. 26 ¶ 7; Stipulated Ex. 29 at 109.

CONCLUSIONS OF LAW

I. Legal Standard

21. The General Assembly “has the power to do whatever is necessary to perform its functions *except as expressly restrained by the Constitution.*” *Luther v. Hoskins*, 730 S.W.3d 567, 571 (Mo. banc 2026) (quotations omitted) (emphasis added).

22. “Deference due the General Assembly requires that doubt be resolved against nullifying its action if it is possible to do so by . . . any reasonable construction of the Constitution.” *State v. Clay*, 481 S.W.3d 531, 537 (Mo. banc 2016) (quotations omitted).

23. This case also implicates federal law. The U.S. Constitution provides that “[t]his Constitution, and the Laws of the United States which shall be made in Pursuance thereof . . . shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.” U.S. Const. art. VI.

24. The Missouri Constitution enforces this principle, declaring that “Missouri is a free and independent state, subject only to the Constitution of the United States.” Mo. Const. art. I, § 4.

25. Thus, federal law controls over any contrary provision of the Missouri Constitution or law.

26. The Secretary has the authority to apply the U.S. Constitution.

27. The Secretary must apply and adhere to the U.S. Constitution—

the supreme law of the land—in every action he undertakes. *See* U.S. Const. art. VI; Mo. Const. art. I, § 4. No statute or state constitutional provision can override that obligation. *See* U.S. Const. art. VI. In fact, the Secretary of State’s oath *requires* that he “support the Constitution of the United States and this state.” Mo. Const. art. VII, § 11.

II. Missouri’s Referendum Provisions Do Not Apply To Congressional Redistricting.

A. Article III Does Not Subject Congressional Redistricting To The Referendum.

28. Article III expressly directs that “the general assembly shall by law divide the state into [congressional] districts.” Mo. Const. art. III, § 45. This is the *only* constitutional provision addressing congressional redistricting—and it recognizes the General Assembly’s authority and mandate over that task. *Luther*, 730 S.W.3d at 571.

29. When the General Assembly conducts congressional redistricting, it acts not only under this express state constitutional command but also under an express federal constitutional grant of authority.

30. The Elections Clause provides that the “Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof,” subject to laws enacted by Congress. U.S. Const. art. I, § 4.

31. The General Assembly’s power to conduct congressional redistricting, therefore, is a uniquely robust legislative authority—emanating from a dual mandate prescribed by both the state and federal constitutions—layered on top of its plenary power to do whatever is necessary to perform its functions “except as expressly restrained by the Constitution.” *Luther*, 730

S.W.3d at 571 (quotations omitted).

32. Given the General Assembly's unique authority over congressional redistricting, this Court will not lightly infer that the Missouri Constitution elsewhere divested that authority absent a **clear statement**.

33. Missouri courts interpret the Constitution to effectuate its "plain, ordinary, and natural meaning," and any provision must be "considered as a whole with the primary objectives of the provision in issue in mind." *Id.* (quotations omitted); *see also Mo. Prosecuting Att'ys v. Barton Cty.*, 311 S.W.3d 737, 741 (Mo. banc 2010) (explaining that "due regard is given to the primary objectives of the provision at issue as viewed in harmony with all related provisions, considered as a whole") (quotations omitted).

34. Applying those principles here, the Missouri Constitution states that congressional redistricting belongs to the General Assembly. *See Mo. Const. art. III, § 45.*

35. This expectation of clarity is not novel in Missouri law. Missouri courts apply it across multiple doctrinal areas, each reflecting that where the law establishes a settled default, courts do not presume it has been silently displaced.

36. For example, Missouri courts presume that statutes apply only within the State's borders unless the General Assembly clearly says otherwise. *Tuttle v. Dobbs Tire & Auto Centers, Inc.*, 590 S.W.3d 307, 311 (Mo. banc 2019). In addition, Missouri courts presume the State cannot be sued unless the General Assembly expressly waives the State's immunity. *Ramirez v. Mo. Prosecuting Att'ys*, 694 S.W.3d 432, 436 (Mo. banc 2024). And Missouri courts presume that statutes operate prospectively unless the legislature's intent for

retroactive application “clearly appears from the express language of the act or by necessary or unavoidable implication.” *Lincoln Credit Co. v. Peach*, 636 S.W.2d 31, 34 (Mo. banc 1982).

37. In each context, the principle is the same: A reasonable reader knows the baseline under Missouri law and expects clarity before concluding it has been changed.

38. That principle also animates the Missouri Supreme Court’s substantial deference to the General Assembly’s exercise of its plenary legislative power recognized by the Missouri Constitution.

39. Missouri law’s baseline expectation that the General Assembly can exercise any and all legislative power is so strong that the Missouri Supreme Court refuses to nullify legislative acts under the Missouri Constitution if “it is possible to do so by . . . any reasonable construction of the Constitution” or by resolving any “doubt . . . against nullifying its action.” *Clay*, 481 S.W.3d at 537.

40. If anything, the expectation of clarity applies even more strongly here because congressional redistricting represents the rare circumstance where the General Assembly wields a dual mandate under the State and U.S. Constitutions. *See* Mo. Const. art. III, § 45; U.S. Const. art. I, § 4.

41. In other words, because an express restraint is necessary to limit the General Assembly’s legislative authority recognized by the Missouri Constitution, such a restraint at a minimum is required to limit the General Assembly’s exercise of its congressional redistricting authority both recognized by the Missouri Constitution *and* granted by the U.S. Constitution. *See Luther*, 730 S.W.3d at 571.

42. Against that backdrop, Plaintiff points only to the generic referendum provision in Article III, Section 49, which provides that “[t]he people reserve power . . . to approve or reject by referendum any act of the general assembly.” Mo. Const. art. III, § 49; *see* Petition ¶ 4.

43. But that provision at most merely *raises*, but does not *answer*, the question whether the referendum power extends to congressional redistricting, a domain Article III and the U.S. Constitution separately and specifically assign to the General Assembly.

44. A generic provision that says nothing about congressional redistricting cannot do the work of divesting the General Assembly of the dual mandate the Missouri and U.S. Constitutions assign to it.

45. Because Section 49 does not “expressly restrain[]” the General Assembly’s authority over congressional redistricting, it cannot limit, let alone oust, the General Assembly’s exercise of that authority. *Luther*, 730 S.W.3d at 571 (quotations omitted). And any doubt on that score must be resolved in favor of the General Assembly, not against it. *See Clay*, 481 S.W.3d at 537.

B. The Missouri Constitution’s Specific Redistricting Provisions Override The Generic Referendum Power.

46. Even if Section 49’s generic language could be read to encompass congressional redistricting, a more specific constitutional provision resolves the question. Article III, Section 7(h) provides: “No redistricting plan shall be subject to the referendum.” Article III, Section 3 similarly provides: “No reapportionment shall be subject to the referendum.”

47. By its plain text, Section 7(h) covers all redistricting. It is not limited to Senate redistricting or redistricting conducted by a commission. Nor

is Section 3 limited to House redistricting. The “plain, ordinary, and natural meaning” of these provisions exempts congressional redistricting from the referendum. *Luther*, 730 S.W.3d at 571.

48. To be sure, Section 7(h) and Section 3 appear among other provisions which address state redistricting. But that placement reflects the impetus for these provisions: undoing the Missouri Supreme Court’s decision subjecting Senate redistricting to the referendum in *State ex rel. Gordon v. Becker*, 49 S.W.2d 146 (Mo. banc 1932). That placement, however, does not delineate the scope of Section 7(h) or Section 3, neither of which expresses any limitation on its scope.

49. In all events, the construction that Section 7(h) and Section 3 cover congressional redistricting is at least reasonable, so any “doubt” on this question must be resolved in favor the General Assembly and against subjecting HB 1 to nullification through the referendum. *Clay*, 481 S.W.3d at 537.

C. Context Confirms That Congressional Redistricting Is Not Subject To The Referendum.

50. Context reinforces that a congressional redistricting statute duly enacted by the General Assembly cannot be subjected to the referendum process. Three features of Missouri’s legal landscape reinforce this conclusion.

51. *First*, in the more than eighty years since Missouri ratified its current Constitution in 1945, no referendum petition directed at a congressional redistricting plan has ever reached the ballot.

52. The lone attempt before *Maggard* occurred in 1952, when a group

filed referendum petitions against the congressional map, but the petitions were held untimely because the statute had already taken effect. *See State ex rel. Moore v. Toberman*, 250 S.W.2d 701, 705-06 (Mo. banc 1952).

53. The complete absence of any successful referendum on a congressional map over eight decades of practice underscores that Missouri never deliberately chose to extend the referendum power to this domain.

54. Indeed, given the relative ease of collecting 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)—and the charged political stakes involved in redistricting—one would expect that political opponents of the majority party in the General Assembly would have forced a referendum on a congressional redistricting plan long ago if Missouri law provided a viable path to do so. But no such thing has occurred.

55. *Second*, the 1945 Constitution itself repudiated the only Missouri Supreme Court decision that had ever sanctioned a referendum on legislative redistricting of any kind.

56. In *State ex rel. Gordon v. Becker*, 49 S.W.2d 146 (Mo. banc 1932), a divided court permitted a referendum challenging state senate redistricting.

57. The Constitutional Convention responded by inserting Article III, Section 7(h)—the very provision discussed above—which expressly declares that “[n]o redistricting plan shall be subject to the referendum.” Mo. Const. art. III, § 7(h) (1945).

58. The Convention thus eliminated referenda in the only redistricting context in which any Missouri court had approved such a referendum. *See*

Debates of the 1943–1944 Constitutional Convention of Missouri 7016 (2008). That deliberate rejection only confirms the Missouri Framers’ distrust of referenda in the redistricting sphere.

59. *Third*, Chapter 116, the statutory “framework for exercising the right of referendum” the General Assembly enacted in 1980, *see No Bans on Choice v. Ashcroft*, 638 S.W.3d 484, 487 (Mo. banc 2022), is incompatible with referenda on congressional maps.

60. Two features are particularly telling. As an initial matter, Chapter 116 restricts the ballot summary for any referendum measure to a mere hundred words and makes no provisions for visual aids such as maps. *See* § 116.334, RSMo. Congressional redistricting is a uniquely complex undertaking involving considerations of population, compactness, geography, and communities of interest. *See generally Healey v. State*, 732 S.W.3d 827 (Mo. banc 2026). It is difficult to see how voters could meaningfully evaluate competing redistricting plans based solely on a hundred-word description.

61. Had the General Assembly contemplated that Chapter 116 would govern referenda on congressional maps, it would have written it to furnish voters with far more information so they could make an informed choice regarding that complex issue.

62. Most telling, Chapter 116 sets the presumptive deadline for the Secretary’s certification decision on the very same day as the August primary elections. *See* § 116.150.3, RSMo. It is difficult, if not impossible, to fathom that the General Assembly would impose a certification timeline that extends to—or past—primary election day if it believed that a referendum could displace the congressional map under which the very primary was conducted.

63. These points merely confirm what the text already establishes: Missouri has never—by constitutional provision, by statute, or by practice—subjected congressional redistricting to the referendum. At every turn where the question might have been addressed, Missouri’s framers and legislators either remained silent or affirmatively rejected referenda on redistricting.

D. The Referendum Provisions Themselves Exempt Congressional Maps From Their Coverage.

64. In addition, the text of Article III’s referendum provisions themselves underscore that they exempt congressional redistricting from their reach.

65. Article III, Section 52(a) carves out from the referendum process “laws necessary for the immediate preservation of the public peace, health or safety.” Mo. Const. art. III, § 52(a). Legislation qualifies for this exception when there is “a crisis or emergency which requires immediate or quick legislative action for the preservation of the public peace, property, health, safety, or morals.” *State ex rel. Tyler v. Davis*, 443 S.W.2d 625, 631 (Mo. banc 1969).

66. Missouri courts have explained that this standard is satisfied when federal law imposes a deadline that the State must meet through prompt legislation.

67. For example, in *Osage Outdoor Advertising, Inc. v. State Highway Commission*, 687 S.W.2d 566, 569-70 (Mo. App. 1984), the federal Highway Beautification Act required Missouri to enact effective billboard-control legislation before a set date or lose ten percent of its federal highway appropriation. After the General Assembly passed the required statute, the court upheld it as emergency legislation, explaining that “[t]his sequence of

events demonstrates the necessity for immediate action by the legislature and prompt enactment of the law.” *Id.* at 569.

68. The same rationale applies here with greater force. Federal law requires each State’s Legislature to prescribe the times, places, and manner of holding congressional elections. *See* U.S. Const. art. I, § 4. Federal law also imposes several constitutional and statutory mandates with which Missouri must comply, including a nationwide federal general election day on the first Tuesday in November of even-numbered years, 3 U.S.C. § 1; 2 U.S.C. §§ 1, 7, and a strict 45-day ballot transmission requirement prior to any federal primary or general election, 52 U.S.C. § 20302(a)(8). HB 1 is the legislation through which Missouri satisfies those federal requirements for congressional elections.

69. Just as the billboard statute in *Osage* was necessary to avoid the loss of federal highway funds, HB 1 is necessary to avoid a far graver consequence: the inability to hold a constitutionally valid election.

70. “[T]he political franchise of voting” has long been recognized as “preservative of all rights.” *Harper v. Va. State Bd. of Elections*, 383 U.S. 663, 667 (1966) (quotations omitted), and legislation that makes a federal election possible is plainly necessary to preserve the public peace. It cannot be suspended at the behest of a small minority of voters who prefer a different redistricting plan—particularly when that minority seeks to impose on the public a different plan in the weeks between a primary and a general election.

III. Federal Law Independently Confirms That Missouri Has Not Ousted The General Assembly’s Redistricting Authority.

71. Although Missouri law alone requires dismissal of the Petition, this Court’s conclusion is independently supported by federal law.

72. As explained, when the General Assembly conducts congressional redistricting, it wields authority expressly granted it by the U.S. Constitution's Elections Clause. *See* U.S. Const. art. I, § 4. Federal law, in turn, imposes its own **clear statement** requirement before this federal legislative authority can be displaced. Missouri's referendum provisions do not satisfy that requirement for the same reasons they fail it under Missouri law: They say nothing about congressional redistricting.

A. Clear Statement Rules Protect and Uphold The U.S. Constitution's Express Delegations of Authority.

73. Enforcing constitutional boundaries ranks among courts' most vital duties. Given the tendency of institutions to encroach on each other's powers, *see* THE FEDERALIST No. 51 (James Madison) (C. Rossiter ed., 1961), courts must serve as a "bulwark[]" against those incursions, THE FEDERALIST No. 78 (Alexander Hamilton) (C. Rossiter ed., 1961).

74. Consistent with that role, courts will not lightly infer a significant restructuring of a constitutional allocation of power. Where the Constitution assigns authority to a specific actor, that power cannot be divested absent a **clear statement**. (Emphasis added) *See West Virginia v. EPA*, 597 U.S. 697, 735 (2022) (Gorsuch, J., concurring) (explaining that clear-statement rules "operate[] to protect foundational constitutional guarantees").

75. Courts deploy an array of clear statement rules to safeguard the prerogatives of each branch of the federal government in its proper sphere. For example, Article I of the Constitution delegates responsibility "to make the laws that govern us" to "the people's elected representatives." *Nat'l Fed'n of Indep. Bus. v. OSHA*, 595 U.S. 109, 124 (2022) (Gorsuch, J., concurring).

76. To protect Article I's grant of authority, courts will not infer that Congress delegated to executive agencies the power to resolve major policy questions absent a clear statement. *FDA v. Brown & Williamson Tobacco Corp.*, 529 U.S. 120, 159-60 (2000).

77. This expectation of clarity reflects and reinforces the constitutional structure. *See West Virginia*, 597 U.S. at 723 (explaining that the major questions doctrine rests on "both separation of powers principles and a practical understanding of legislative intent").

78. "Because the Constitution vests Congress with 'all legislative Powers,' a reasonable interpreter would expect it to make the big-time policy calls itself, rather than pawning them off to another branch." *Biden v. Nebraska*, 600 U.S. 477, 515 (2023) (Barrett, J., concurring) (citation omitted). Accordingly, the clear statement rule keeps the legislative power "where . . . it belongs." *Nat'l Fed'n of Indep. Bus.*, 595 U.S. at 124 (Gorsuch, J., concurring).

79. Clear statement rules likewise protect the President's constitutional prerogatives in Article II. It is axiomatic that "[t]he President is the sole organ of the nation in its external relations, and its sole representative with foreign nations." *United States v. Curtiss-Wright Export Corp.*, 299 U.S. 304, 319 (1936) (quotations omitted). So "unless there is the affirmative intention of the Congress clearly expressed to give a statute extraterritorial effect," courts will presume it does not apply extraterritorially. *Morrison v. Nat'l Australia Bank Ltd.*, 561 U.S. 247, 255 (2010) (cleaned up).

80. In this context, the clear statement rule reflects the structural principle that Congress does not ordinarily intend to intrude on the President's

authority to conduct foreign relations. See *RJR Nabisco, Inc. v. European Community*, 579 U.S. 325, 348 (2016).

81. Underscoring the point, federal courts routinely employ clear statement rules to protect their Article III authority. Federal courts will not imply a repeal of their jurisdiction in “the absence of clear congressional language mandating” that result. *McNary v. Haitian Refugee Ctr., Inc.*, 498 U.S. 479, 483-84 (1991); see also *Goncalves v. Reno*, 144 F.3d 110, 122 (1st Cir. 1998) (applying “the long-standing rule disfavoring repeal of jurisdictional provisions by implication”).

82. For example, the U.S. Supreme Court has long required that if Congress intends to make exceptions to the Supreme Court’s appellate jurisdiction it must do so with unmistakable clarity, not “by mere implication.” *Ex parte Yerger*, 75 U.S. 85, 106 (1869). This principle ensures that any retrenchment of federal courts’ core functions occurs, if at all, only by Congress speaking with the clarity the Constitution’s separation of powers demands.

83. Clear statement rules also help police the “constitutional balance of federal and state powers.” *Gregory v. Ashcroft*, 501 U.S. 452, 460 (1991). The Constitution’s structure, including the Tenth Amendment’s reservation of powers, counsels restraint in inferring federal limitations on state authority.

84. Hence, “if Congress intends to alter the usual constitutional balance between the States and the Federal Government, it must make its intention to do so unmistakably clear in the language of the statute.” *Will v. Michigan Dep’t of State Police*, 491 U.S. 58, 65 (1989) (cleaned up).

85. This clear statement rule governs attempts to displace state sovereign immunity, see *Seminole Tribe v. Florida*, 517 U.S. 44, 55 (1996)

(“unequivocal[] express[ion]” required “to abrogate the immunity”) (quotations omitted), to preempt state legislation, *Rice v. Santa Fe Elevator Corp.*, 331 U.S. 218, 230 (1947) (courts will assume state police powers not superseded “unless that was the clear and manifest purpose of Congress”), to impose conditions on states accepting federal funds, see *Pennhurst State Sch. & Hosp. v. Halderman*, 451 U.S. 1, 17 (1981) (“unambiguous[]” language required to “impose a condition on the grant of federal moneys”), and to criminalize conduct traditionally regulated by the states, *Bond v. United States*, 572 U.S. 844, 857 (2014) (absent “clear indication,” courts will not read statutes to “intrude[] upon traditional state criminal jurisdiction”) (quotations omitted).

86. In short, across multiple doctrinal settings, clear statement rules serve as a structural safeguard ensuring that only a deliberately expressed choice—not ambiguity or implication—can recalibrate the Constitution’s usual balance of shared authorities among competing actors.

B. The Elections Clause Requires A Clear Statement To Displace The State Legislature’s Redistricting Authority.

87. The Elections Clause, no less than other enumerated delegations, requires a clear statement before courts may determine that a state has reallocated power over redistricting from the state legislature.

88. This clear statement rule flows from the Elections Clause itself, which expressly provides that “[t]he Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations” U.S. Const. art. I, § 4 (emphasis added).

89. This delegation reflects a reasoned constitutional settlement. The Framers recognized “electoral districting problems and considered what to do

about them,” and they “settled on a characteristic approach, assigning the issue to the state legislatures, expressly checked and balanced by the Federal Congress.” *Rucho v. Common Cause*, 588 U.S. 684, 699 (2019). Courts “must respect” the Constitution’s “deliberate choice” to “expressly vest[] power” to conduct congressional redistricting “in ‘the Legislature’ of each State.” *Moore v. Harper*, 600 U.S. 1, 34 (2023).

90. As with other express delegations in the U.S. Constitution, courts require a **clear statement** before concluding that a state has displaced its legislature’s authority over congressional redistricting.

91. It is well established that Congress must employ “positive and clear statutes” in order to override a state legislature’s prerogative to regulate federal elections. *United States v. Gradwell*, 243 U.S. 476, 485 (1917); *see also* *United States v. Oregon*, 828 F. Supp. 3d 1092, 1095-96 (D. Or. 2026) (same, citing *Gradwell*, 243 U.S. at 485); *United States v. Caldwell*, No. CV 26-2025 (ZNQ) (JTQ), 2026 WL 2186515, at *3 (D.N.J. July 29, 2026) (same, citing *Gradwell*, 243 U.S. at 485).

92. Because Congress—the sole actor the Elections Clause empowers to supersede state legislative regulations—may do so only through unmistakable, affirmative enactments, any contention that some state actor or process has displaced the state legislature’s redistricting role must at a minimum rest on equally explicit and unequivocal language.

93. The U.S. Supreme Court’s Elections Clause cases confirm the point. In *State of Ohio ex rel. Davis v. Hildebrant*, the U.S. Supreme Court considered whether a constitutional referendum could displace the Ohio General Assembly’s authority to redistrict. 241 U.S. 565, 566-67 (1916). The

U.S. Supreme Court concluded that it could only because state law “conclusive[ly]” “ma[d]e[] it clear that . . . the referendum constituted a part of the state Constitution and laws” applicable to congressional redistricting. *Id.* at 568.¹

94. More recently, in *Arizona State Legislature v. Arizona Independent Redistricting Commission*, the U.S. Supreme Court weighed whether Arizona could create an independent commission to draw congressional districts. 576 U.S. 787, 792-93 (2015). The U.S. Supreme Court sustained that arrangement because Arizona’s Constitution expressly “remove[d] congressional redistricting authority from the State Legislature.” *Id.* at 796-97. In both cases, no doubt existed that the state had deliberately overridden the legislature’s authority.

95. The U.S. Supreme Court’s decision in *Davis v. Hildebrant* is not controlling here for several additional reasons.

96. *First*, the provision at issue in *Hildebrant* did not involve a provision like Article III, Section 7(h) of the Missouri Constitution exempting redistricting from the referendum. Ohio’s referendum provision applied broadly to “any law, section of any law or any item in any law . . . passed by the General Assembly.” *State ex rel. Davis v. Hildebrant*, 94 Ohio St. 154, 158-59 (1916). Missouri’s Constitution, by contrast, contains an express exemption:

¹ *Hildebrant* is also inapposite because it pre-dated the U.S. Supreme Court’s one-person, one-vote jurisprudence and other subsequent legal developments that require states to conduct congressional elections in equipopulous single-member districts. *See, e.g., Kirkpatrick v. Preisler*, 394 U.S. 526 (1969). Thus, at the time of *Hildebrant*, extending a referendum process to a legislature’s duly enacted congressional districting plan did not place the state in peril of violating the one-person, one-vote mandate or other federal requirements that foreclose Plaintiffs’ claim and requested relief here. *See, e.g., infra* Parts IV-V. Moreover, *Hildebrant* arose in a non-election year, not between a primary and general election in the same year. *See, e.g., infra* Parts V-VI.

“No redistricting plan shall be subject to the referendum.” Mo. Const. art. III, § 7(h).

97. *Second*, the U.S. Supreme Court in *Hildebrant* did not address whether the Ohio referendum provision comported with the Elections Clause. Instead, it addressed only whether an act of Congress at issue in that case comported with the Elections Clause. *See* 241 U.S. at 567-68.

98. *Third*, *Hildebrant* arose in a non-election year. The referendum was conduct in 1915—not between a primary and a general election. *See id.* It therefore did not present the concerns at issue here regarding disruption to an ongoing election cycle.

99. *Fourth*, *Hildebrant* pre-dated the U.S. Supreme Court’s one-person, one-vote jurisprudence and other subsequent legal developments that require states to conduct congressional elections in equipopulous single-member districts. *See, e.g., Kirkpatrick v. Preisler*, 394 U.S. 526 (1969). At the time of *Hildebrant*, extending a referendum process to a legislature’s duly enacted congressional districting plan did not place the state in peril of violating the one-person, one-vote mandate or other federal requirements that foreclose Plaintiffs’ claim and requested relief here.

C. Missouri’s Referendum Provisions Do Not Provide A Clear Statement Displacing The General Assembly’s Authority.

100. The Missouri Constitution does not supply *any* statement—let alone a clear one—reallocating authority over congressional redistricting away from the General Assembly to a referendum process.

101. “Article III, section 45 is the only provision of the Missouri Constitution directly addressing congressional redistricting,” *Luther*, 730

S.W.3d at 571, and it mandates that “the *general assembly* shall by law divide the state into [congressional] districts,” Mo. Const. art. III, § 45 (emphasis added).

102. Plaintiff directs this Court’s attention to the generic referendum provision in Article III, Section 49, which provides that “[t]he people reserve power . . . to approve or reject by referendum any act of the general assembly.” Mo. Const. art. III, § 49; *see* Petition ¶ 4.

103. This is a textbook example of a broad, undifferentiated clause that does not provide a **clear statement** overriding the U.S. Constitution’s express grant of authority over congressional redistricting to the General Assembly. *See Spector v. Norwegian Cruise Line Ltd.*, 545 U.S. 119, 139 (2005) (plurality opinion) (“[C]lear statement rules ensure [the state] does not, by broad or general language, legislate on a sensitive topic inadvertently or without due deliberation.”).

104. Section 49 gives no indication that Missouri “specifically considered” whether to displace the General Assembly’s federally assigned authority over redistricting and “intentionally legislated on the matter.” *Sossamon v. Texas*, 563 U.S. 277, 290 (2011).

105. Accordingly, it does not provide a “conclusive” statement divesting the General Assembly of its Elections Clause authority over congressional redistricting, much less vesting that authority in the referendum process. *Hildebrant*, 241 U.S. at 568.

106. Lacking any **clear statement** in Missouri law to support his claim, Plaintiff’s Petition fails.

IV. The U.S. Constitution Invalidates Article III, Section 52(B) As Applied To A Congressional Map Enacted By The Legislature.

107. Even if Missouri's referendum provisions could somehow be read to encompass congressional redistricting, the U.S. Constitution would not permit it. *See* U.S. Const. art. VI; Mo. Const. art. I, § 4. Both the Elections Clause and the Guarantee Clause forbid the application of Article III, Section 52(b) to a congressional map enacted by the General Assembly.

108. As discussed, the Elections Clause vests redistricting authority squarely in the state legislature. *See* U.S. Const. art. I, § 4. Indeed, the U.S. Supreme Court recently cautioned that state law may not be wielded to “arrogate” the “power vested in state legislatures to regulate federal elections.” *Moore*, 600 U.S. at 29.

109. That is what would happen if Article III, Section 52(b) applies to congressional maps.

110. Section 52(b) provides that legislation subject to a referendum is suspended once a sufficient petition is filed. Mo. Const. art. III, § 52(b); *see also Maggard*, 733 S.W.3d at 418. A referendum petition is sufficient if signed by merely “five percent of the legal voters in each of two-thirds of the congressional districts in the state.” Mo. Const. art. III, § 52(a).

111. On Plaintiffs' theory, a small fraction of voters can freeze a congressional map duly enacted by the General Assembly before any majority of Missourians has voted for or against it—and even *after* that map has been used to conduct primary elections.

112. That theory inverts the constitutional design. The Elections Clause guarantees that the People’s elected representatives control the time, place, and manner of federal elections, not that a small, unelected minority can wield effective veto power over the General Assembly’s redistricting decisions.

113. HB 1 passed overwhelmingly in both chambers of the General Assembly and was signed by the Governor. *See* Mo. Senate J. 25–26 (2d Extra. Sess., 103d Gen. Assembly, Sept. 12, 2025); Mo. House J. 37–38 (2d Extra. Sess., 103d Gen. Assembly, Sept. 9, 2025). Yet Plaintiff claims that a small minority of voters can suspend the map months before the election without any statewide vote.

114. The Elections Clause forbids any arrangement that would so thoroughly “annihilate” the General Assembly’s redistricting authority. *Hildebrant*, 241 U.S. at 569.

115. The Guarantee Clause compels the same conclusion.

116. That clause provides that “[t]he United States shall guarantee to every State in this Union a Republican Form of Government.” U.S. Const. art. IV, § 4. It also “necessarily implies a duty on the part of the States themselves to provide” a republican form of government. *Minor v. Happersett*, 88 U.S. 162, 175 (1874).

117. It is clear that disputes under the Guarantee Clause are nonjusticiable political questions. But the Secretary reasoned in part that the referendum is invalid under the Guarantee Clause as part of his independent obligation to uphold the Constitution. *See Minor*, 88 U.S. at 175. That reasoning is sufficient to support the Secretary’s action—and Plaintiff asserts that the very question is nonjusticiable. If Guarantee Clause questions are

political questions confined to the political branches, and the legislature is one political branch and the Secretary of State is another, then courts cannot override the Secretary's determination and must defer to the judgment of those elected branches.

118. A republican government is one in which "the scheme of representation takes place"—that is, the people govern through elected representatives who enact laws on their behalf. *THE FEDERALIST* No. 10 (Madison) (C. Rossiter ed., 1961).

119. "[T]he distinguishing feature of that form is the right of the people to choose their own officers for governmental administration, and pass their own laws in virtue of the legislative power reposed in representative bodies, whose legitimate acts may be said to be those of the people themselves." *Duncan v. McCall*, 139 U.S. 449, 461 (1891); accord *Madden v. Missouri Pac. Ry. Co.*, 192 S.W. 455, 458 (Mo. banc 1917) (Woodson, J., concurring in the judgment).

120. The result Plaintiff seeks is inconsistent with a republican form of government. On his theory, a small minority of voters can nullify a congressional map enacted by the People's elected representatives without any majority vote. See *THE FEDERALIST* No. 22 (Hamilton) (C. Rossiter ed., 1961); *THE FEDERALIST* No. 58 (Madison) (C. Rossiter ed., 1961) ("it would no longer be the majority that would rule: the power would be transferred to the minority").

121. The "immediate suspension" of HB 1, Pet. ¶¶ 42-43, would leave Missouri with no congressional map whatsoever for the imminent general election.

122. Permitting a sliver of the electorate to void the “legitimate acts . . . of the people themselves” cannot be squared with Missouri’s constitutional duty to maintain a republican form of government. *Duncan*, 139 U.S. at 461.

V. Federal Law Forecloses Any Alteration to Missouri’s Congressional Map At This Late Stage Of The Electoral Process.

123. Federal law also prohibits Plaintiff’s requested relief: “immediate suspension of the use and implementation of HB 1.” Pet. ¶¶ 42-43; *see also id.* at 8.

124. More than 1.2 million Missourians have *already* voted under the HB 1 map in the primary elections. *See* State Of Missouri Election Results – Primary Election August 4, 2026, *available at* <https://enr.sos.mo.gov/> (last visited Aug. 17, 2026).

125. Plaintiff asks the Court to nullify those votes and adopt some other congressional map for the imminent general election. Doing so would violate federal law in multiple respects.

126. *First*, UOCAVA protects the voting rights of military servicemembers and citizens living abroad by requiring state election officials to transmit absentee ballots no fewer than 45 days before any federal election. *See* 52 U.S.C. § 20302(a)(8); *see also* § 115.914, RSMo.

127. That requirement applies independently to each federal election, including a primary.

128. Accordingly, if this Court were to suspend the use of HB 1, UOCAVA would require ballot transmission to military and overseas voters 45 days before any primary under the new map. Missouri law would then require a three-day waiting period after the primary before the results could be certified. *See* §§ 115.920.1, 115.508, RSMo. And UOCAVA would again

require ballot transmission 45 days before the subsequent general election on November 3, 2026. 3 U.S.C. § 1; 2 U.S.C. §§ 1, 7.

129. Accordingly, the State needs 93 days minimum before the general election on November 3, 2026, to comply with the federal election day statute and UOCAVA.

130. That deadline has already passed. *See Foster v. Love*, 522 U.S. 67, 74 (1997) (holding that a State may not conduct federal elections in conflict with congressionally mandated timing under 2 U.S.C. § 7).

131. An injunction against HB 1 would therefore require state officials to violate federal law. And UOCAVA is enforceable by the U.S. Attorney General in federal court, 52 U.S.C. § 20307(a), meaning that Plaintiffs requested relief would expose Missouri officials to an adverse federal injunction.

132. The Court concludes that the Secretary correctly avoided that result by declining to certify the referendum petition. *See* Stipulated Ex. 5 at 9-10.

133. *Second*, holding a general election under a different congressional map than the one used in the August 4 primary would violate Article I, Section 2 of the U.S. Constitution.

134. That provision guarantees that “[t]he House of Representatives shall be composed of Members chosen every second Year by the People of the several States.” U.S. Const. art. I, § 2.

135. The U.S. Supreme Court has long recognized that “[w]here the state law has made the primary an integral part of the procedure of choice,” then “the right of the elector to have his ballot counted at the primary[] is

likewise included in the right protected by Article I, § 2.” *United States v. Classic*, 313 U.S. 299, 318 (1941).

136. Missouri law makes the primary integral: “all candidates for elective office shall be nominated at a primary election,” § 115.339, RSMo., and “[t]he person receiving the greatest number of votes at a primary election as a party candidate for an office shall be the only candidate of that party for the office at the general election,” § 115.343, RSMo.

137. A candidate may be replaced only if he or she dies, is disqualified, or voluntarily withdraws. *See* § 115.363.3(1)-(3), .4, RSMo.

138. The Missouri Supreme Court has thus confirmed that “primary elections have constitutional stature” and serve as an “*integral* part of [the State’s] election machinery.” *State ex rel. McClellan v. Kirkpatrick*, 504 S.W.2d 83, 86 (Mo. banc 1974) (emphasis added).

139. Plaintiff’s requested relief plainly violates the right of Missouri voters to have their ballot counted. More than 1.2 million Missourians voted in the August 4 congressional primaries under the HB 1 map and selected nominees in each of Missouri’s eight districts. Plaintiff asks this Court to ignore those votes, *see* Pet. ¶¶ 42-43; *see also id.* at 8, stripping the nominees of the mandate their voters conferred. Article I, Section 2 forbids this result.

140. The U.S. Supreme Court has long recognized that primary and general elections are not separate events but a unified process. In *Smith v. Allwright*, the Court described “[t]he fusing . . . of the primary and general elections into a single instrumentality for choice of officers.” 321 U.S. 649, 660 (1944).

141. Because the primary and general election constitute a “single instrumentality for choice of officers,” *id.*, then changing the districts between those two stages does not merely alter the ballot; it fractures the instrumentality itself. *See also Storer v. Brown*, 415 U.S. 724, 735 (1974) (describing the primary as “not merely an exercise or warm-up for the general election but an integral part of the entire election process, the initial stage in a two-stage process by which the people choose their public officers”).

142. *Third*, an order requiring a general election under a different congressional map than the one used in the primary would violate the Equal Protection Clause. U.S. Const. amend. XIV, § 1.

143. The U.S. Supreme Court has held that primary-election procedures constitute “state action” within the meaning of the Fourteenth Amendment” and “must be exercised in a manner consistent with the Equal Protection Clause.” *Bullock v. Carter*, 405 U.S. 134, 140-41 (1972).

144. The Supreme Court has also made clear that “[o]nce the geographical unit for which a representative is to be chosen is designated, all who participate in the election are to have an equal vote . . . wherever their home may be in that geographical unit.” *Gray v. Sanders*, 372 U.S. 368, 379 (1963).

145. If the congressional map changes between the primary and general elections, it would force hundreds of thousands of Missourians to vote in a district different from the one in which they cast their primary ballots.

146. Those voters would possess materially less voting power than voters whose district remained the same because the former group would have to select from candidates they never had the opportunity to evaluate, support, or oppose in the primary.

147. They would thus be denied the right to choose their own representative through the integrated primary and general elections. Meanwhile, voters who happened to remain in the same district would retain the full benefit of their primary vote. An order changing the congressional map would thus create two classes of voters—those who had the opportunity to select their general election candidate and those who did not—in direct violation of the Equal Protection Clause.

148. In sum, federal law precludes this Court from ordering the State to use a different congressional map than the one under which Missouri conducted the 2026 primary elections.

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VI. The Court Will Not Enter Any Changes To The General Assembly's Duly Enacted Map For The Ongoing 2026 Election.

149. In all events, the Court will not order any changes to the General Assembly's duly enacted 2025 Plan for the ongoing 2026 election. *See, e.g., Purcell v. Gonzalez*, 549 U.S. 1, 4-5 (2006).

150. Missouri has already completed its August 4 primary elections, in which over 1.2 million Missourians selected nominees who are now the only candidates of their respective parties for the general election, *see* § 115.343, RSMo., which will be completed in only eleven weeks from now.

151. Any judicially ordered changes to the map at this late juncture would “result in voter confusion and consequent incentive to remain away from the polls” and erode the “[c]onfidence in the integrity of our electoral processes . . . essential to the functioning of our participatory democracy.” *Purcell v. Gonzalez*, 549 U.S. 1, 4-5 (2006), *accord Hadley v. Junior Coll. Dist. of Metro. Kansas City*, 460 S.W.2d 1, 2 (Mo. banc 1970).

152. Months ago, the U.S. Supreme Court stayed a three-judge federal district court's order enjoining use of Texas's 2025 congressional redistricting plan and requiring the State to revert to its 2022 plan. *Abbott v. League of United Latin American Citizens*, 607 U.S. ----, 146 S. Ct. 418, 419 (2025).

153. The district court issued its injunction shortly after the opening of candidate filing, approximately four months before the primary, and eleven months before the November 2026 general election. *See League of United Latin Am. Citizens v. Abbott*, 809 F. Supp. 3d 502 (W.D. Tex. 2025).

154. The U.S. Supreme Court issued the stay because the district court had “improperly inserted itself into an active primary campaign, causing much confusion” with its late-breaking injunction. *Abbott*, 146 S. Ct. at 419; *see*

Robinson v. Ardoin, 37 F.4th 208, 228-29 (5th Cir. 2022) (per curiam), *stay issued sub nom.*, *Ardoin v. Robinson*, 142 S. Ct. 2892, 2892-93 (June 28, 2022) (staying injunction of congressional redistricting plan issued five months before primary elections); *Callais v. Landry*, 732 F. Supp. 3d 574, 613-14 (W.D. La. Apr. 30, 2024), *stay issued sub nom.*, *Robinson v. Callais*, 144 S. Ct. 1171 (May 15, 2024) (staying injunction of congressional redistricting plan issued more than six months before the next election).

155. It is a “basic tenet of election law” that “[w]hen an election is close at hand, the rules of the road should be clear and settled.” *Democratic Nat’l Comm. v. Wis. State Legislature*, 141 S. Ct. 28, 31 (2020) (mem.) (Kavanaugh, J., concurring). “[L]ate-breaking, court-ordered rule changes can ‘result in voter confusion and consequent incentive to remain away from the polls,’ and thus undermine the ‘[c]onfidence in the integrity of our electoral processes . . . essential to the functioning of our participatory democracy.’” *Bost v. Ill. State Bd. of Elections*, 607 U.S. ----, 146 S. Ct. 513, 521 (2026) (quoting *Purcell*, 549 U.S. at 4-5); *see also Abbott*, 146 S. Ct. at 419.

156. After all, “running a statewide election is a complicated endeavor,” involving “a host of difficult decisions about how best to structure and conduct the election.” *Democratic Nat’l Comm.*, 141 S. Ct. at 31 (Kavanaugh, J., concurring). And those decisions must then be communicated to the “state and local officials” tasked with implementing them, who in turn “must communicate to voters how, when, and where they may cast their ballots through in-person voting on election day, absentee voting, or early voting.” *Id.*

157. When a “court alters election laws near an election,” *id.*, candidates, voters, and even officials are left scrambling to understand the

court-imposed alteration, “inviting confusion and chaos and eroding public confidence in electoral outcomes,” *id.* at 30 (Gorsuch, J., concurring).

158. These considerations counsel judicial restraint and deference to the democratic process on the eve of an election. The General Assembly is responsible for redrawing the State’s congressional districts. *See* Mo. Const., art. III, § 45; U.S. Const. art. I, § 4, cl. 1; *see also* *Ariz. State Legis. v. Ariz. Ind. Redistricting Comm’n*, 576 U.S. 787, 808 (2015).

159. This allocation makes practical sense. Legislatures “enjoy far greater resources for research and factfinding” than courts, and “make policy and bring to bear the collective wisdom of the whole people when they do, while courts dispense the judgment of only a single person or a handful.” *Democratic Nat’l Comm.*, 141 S. Ct. at 29 (Gorsuch, J., concurring).

160. “It is one thing for state legislatures to alter their own election rules in the late innings and to bear the responsibility for any unintended consequences. It is quite another thing for a . . . court to swoop in and alter carefully considered and democratically enacted state election rules when an election is imminent.” *Id.* at 31 (Kavanaugh, J., concurring).

161. Missouri’s own precedent reinforces these principles. In *Hadley v. Junior College District of Metropolitan Kansas City*, the Missouri Supreme Court confronted a remand after the U.S. Supreme Court found that junior college trustee districts violated the one-person, one-vote principle. *See* 460 S.W.2d at 1. By the time the Missouri Supreme Court addressed the case, the State’s election machinery was already in motion. Five candidates had filed for office, officials had begun printing absentee ballots and adjusting voting machines, and the State had already incurred substantial expense. *Id.* at 2-3.

Moreover, the candidate-filing deadline fell just two days away and the election itself loomed one month out. *Id.*

162. In light of these considerations, the Missouri Supreme Court held that “it would be wholly inequitable and impracticable to attempt at this late date to apply the principles enunciated” by the U.S. Supreme Court, and ordered the election to proceed under the existing apportionment. *Id.*

163. In other words, even a *proven* violation of the U.S. Constitution could not justify disrupting an ongoing election. As the Missouri Supreme Court explained, “a court is entitled to *and should* consider the proximity of a forthcoming election and the mechanics and complexities of state election laws, and should act and rely upon general equitable principles.” *Id.* at 2 (emphasis added) (quoting *Reynolds v. Sims*, 377 U.S. 533, 585 (1964)).

164. This case presents the scenario *Hadley* and *Purcell* were designed to prevent. If courts cannot change a congressional map four months before a primary, *see Abbott*, 146 S. Ct. at 419, this Court certainly will not do so *after* the primary has already occurred and mere weeks before the general election.

165. Candidate filing closed months ago. Over 1.2 million Missourians voted in the August 4 primary. Nominees have been selected. Campaigns for the general election are underway. Plaintiff has not demonstrated how State officials could reverse course and implement some entirely new map, how nominees selected by voters in one set of districts would campaign in different ones, or how voters would make sense of a last-minute overhaul of the districts they just voted in.

166. The disruption Plaintiff seeks would exceed anything contemplated in *Abbott*, *Ardoin*, or *Callais*—and the U.S. Supreme Court stayed all of those injunctions as impermissible.

167. Missouri election officials are not aware of any precedent, in Missouri or any other State, in which a court has changed a congressional map between a State's primary and general elections. Stipulated Ex. 26 ¶¶ 5, 16.

168. On the contrary, courts have rejected attempts to change district boundaries after a primary. In *Terrazas v. Slagle*, 821 F. Supp. 1154 (W.D. Tex. 1992), after Texas held its primary elections under court-ordered interim state senate redistricting plans, the Secretary of State issued a directive attempting to switch the general election to entirely different senate districts under a new plan. The three-judge federal court enjoined the directive and explained that “[p]rimary elections for offices chosen by the electorate in separate geographical districts obviously make no sense unless the districts are the same for the ensuing general election as for the primary.” *Id.* at 1159. The court agreed with the Justice Department's undisputed assertion that the State had “never held or sought to hold a general election under a redistricting plan different from the plan used for the preceding primary election.”

169. In fact, courts have refused to change maps even when the existing districts are unconstitutional. In *Covington v. North Carolina*, 316 F.R.D. 117 (M.D.N.C. 2016), the court had found that the state legislature had engaged in one of the most extensive unconstitutional racial gerrymanders ever encountered by a federal court, affecting nearly 70% of House and Senate districts. *See Covington v. North Carolina*, 270 F. Supp. 3d 881, 892, 896 (M.D.N.C. 2017). Yet with “the 2016 primary elections already held under the challenged maps and Election Day less than three months away,” the court concluded that immediate injunctive relief was “impractical” and allowed the general election to proceed under the unconstitutional maps. *Id.* at 887, 892; *see also Covington*, 316 F.R.D. at 177.

170. In fact, changing the maps at this late juncture is not just “impractical,” it is impossible. As one election official explained, implementing a new congressional map requires local election officials to transfer hundreds of thousands of individual voters in the MCVR system. *Id.* ¶ 7; *see also* Stipulated Ex. 29 at 109. That is a meticulous process involving careful analysis of printed maps and multiple rounds of proofreading; it ordinarily takes more than two weeks, and at least 7-10 days even under emergency conditions. Stipulated Ex. 26 ¶ 7.

171. But even that timeline is academic here, because the MCVR system locks shortly before absentee ballots are distributed and remains locked until an election is certified two weeks after election day. *Id.* ¶ 8. This year, the system will remain locked until at least mid-November because of a Jackson County special election in September 2026. *Id.* ¶¶ 9-10. The Court declines to order an unprecedented remedy that is impossible to implement. *See Hadley*, 460 S.W.2d at 3 (refusing to alter districts where doing so would be “wholly inequitable and impracticable”).

WHEREFORE, this Court hereby issues its Judgment and Order in favor of Defendant Denny Hoskins and Intervenor Republican National Committee, National Republican Congressional Committee, and Missouri Republican State Committee and against Plaintiff on Plaintiff’s Petition for Declaratory Judgment and Injunctive Relief and further ORDERS, DECLARES, and ADJUDGES that:

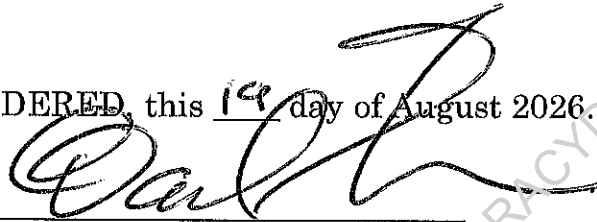
- A. Missouri’s referendum provisions in Article III, Sections 49 and 52 of the Missouri Constitution do not apply to congressional redistricting enacted by the General Assembly pursuant to Article III, Section 45;
- B. The Secretary of State’s decision to not certify the referendum petition directed at HB 1 was lawful;

- C. HB 1 remains in full force and effect for the 2026 general election;
- D. The Petition is dismissed and judgment is entered for Defendant;
- E. The parties are to bear their own costs.
- F. As soon as a notice of appeal is filed, if any, this

Court relinquishes its jurisdiction over this matter and deems this Judgment final for purposes of appeal.

See Rule 81.045

So ORDERED, this 14 day of August 2026.

A handwritten signature in black ink, appearing to read 'Daniel Green', is written over a horizontal line.

Daniel Green
Circuit Court Judge



Supreme Court of Missouri

en banc

SC101805

Richard von Glahn,

Appellant,

v.

Denny Hoskins, in His Official Capacity,
et al.,

Respondents.

FILED

SEP 03 2026

CLERK, SUPREME COURT

Appeal from the Cole County Circuit Court
The Honorable Daniel R. Green, Judge

Overview

This case involves a straightforward question of law: Does the Missouri Constitution permit a referendum on a congressional redistricting act passed by the General Assembly? There is no dispute the referendum petition (2026-R004) seeking a referendum on House Bill 1 (“HB 1”) was timely filed.¹ Likewise, there is no dispute the referendum petition has the number of signatures required by the Missouri Constitution. The only issue is whether the Missouri Constitution authorizes the referendum petition as a matter of law. About one hour before the statutory deadline of 5:00 p.m. on August 4, 2026, Missouri Secretary of State Denny Hoskins

¹ H.B. 1, 103d Gen. Assembly, 2d Extraordinary Sess. (2025).

held a press conference and issued a “Certificate of Insufficiency of Petition” finding “the referendum petition is insufficient under the Missouri Constitution because the Missouri Constitution does not authorize a referendum on congressional redistricting plans passed by the General Assembly.” The secretary directed the referendum petition should not be placed on the November 2026 general election ballot.

Because the plain language of article III, section 49 of the Missouri Constitution authorizes a referendum as to “any act of the general assembly” and no exception applies, the referendum petition was legal, sufficient, and timely. This Court reverses the circuit court’s judgment. Pursuant to Rule 84.14, this Court enters judgment ordering the secretary to issue a certificate of sufficiency as to the referendum petition (2026-R504) (attaching a copy of this opinion thereto), to place the referendum petition on the November 2026 general election ballot, and to take any and all additional steps necessary to place the referendum petition on the ballot at that election before September 8, 2026. The secretary and all of those acting in concert with him are restrained and enjoined from implementing, using, or mandating the use of the congressional redistricting in HB 1 for the November 2026 general election or at any other time thereafter unless and until HB 1 is approved by the voters at the November 2026 general election and takes effect 30 days thereafter. Mo. Const. art. XII, sec. 2(b).

Factual Background and Procedural History

The circuit court held a bench trial on the following joint stipulated facts and exhibits. On September 12, 2025, the General Assembly passed HB 1, which, if it becomes effective, will repeal the congressional districts established in 2022 and establish new congressional districts. On September 29, organizers submitted a referendum petition form to the secretary. The secretary approved the referendum petition for circulation. On December 9, the organizers

submitted to the secretary 691 boxes purporting to contain more than 300,000 signatures in support of the referendum petition.

The December 9 filing triggered several obligations of the secretary. First, the secretary had to “examine the petition to determine whether it complies with the Constitution of Missouri and with this chapter [116].” Sec. 116.120.1.² Second, the secretary had to issue a certificate of sufficiency or insufficiency as to the petition within the statutory timeframe. Sec. 116.150.1-.3. There is no dispute the secretary could have issued his certificate any time after the December 9 filing but had to issue it by August 4 at 5:00 p.m. At about 4:00 p.m. on August 4, the secretary issued a “Certificate of Insufficiency of Petition” finding “the referendum petition is insufficient under the Missouri Constitution because the Missouri Constitution does not authorize a referendum on congressional redistricting plans passed by the General Assembly.” The secretary directed the referendum petition should not be placed on the November 2026 general election ballot.

On the same day, Richard von Glahn timely sued under section 116.200.1 in the Cole County circuit court, seeking reversal of the secretary’s certification decision and an injunction restraining the secretary from using, implementing, or mandating the use of the congressional redistricting in HB 1. Von Glahn is one of the referendum petition proponents, a Missouri

² All statutory references are to RSMo 2016, and all rule references are to Missouri Court Rules (2026).

citizen, a St. Louis County resident, a taxpayer, and a qualified Missouri voter.³ The circuit court upheld the secretary's insufficiency certification. Von Glahn appealed.⁴

Standard of Review

"This Court will affirm a declaratory judgment unless there is no substantial evidence to support it, unless it is against the weight of the evidence, unless it erroneously declares the law, or unless it erroneously applies the law." *Maggard v. State*, 733 S.W.3d 411, 413-14 (Mo. banc 2026) (internal quotation omitted). "Because the facts are stipulated, this Court's review is limited to determining whether the circuit court properly declared and applied the law." *Id.* at 414 (internal quotation omitted). "Questions of law involving constitutional interpretation are reviewed *de novo*." *Id.* (internal quotation omitted).

³ The circuit court permitted the Republican National Committee, the National Republican Congressional Committee, and the Missouri Republican State Committee to intervene in defense of HB 1. *See* Rule 52.12. Von Glahn challenges this ruling, citing *Committee for Educational Equality v. State*, 294 S.W.3d 477, 487 (Mo. banc 2009) (holding the circuit court abused its discretion in allowing permissive intervention when the intervenors merely repeated the state's arguments and failed to show the state could not defend its interests adequately), and *Toder v. Hoskins*, 730 S.W.3d 129, 135-37 (Mo. App. 2026) (holding the circuit court erred in granting intervention because the intervenor would not lose by direct operation of the judgment and offered only defenses already asserted by the secretary). Because von Glahn prevails on other grounds, this Court declines to address this issue.

⁴ Because of the general interest and importance of the legal issue involved, this Court, on its own motion, granted discretionary transfer of this case under Rule 83.01 and article V, section 10 of the Missouri Constitution. As a result, this Court need not decide whether any defense asserted by the secretary invokes this Court's exclusive appellate jurisdiction, as von Glahn contends.

Analysis

The secretary's sole basis for declaring the referendum petition insufficient is that the Missouri Constitution does not authorize a referendum on congressional redistricting passed by the General Assembly.⁵

The secretary correctly limited his analysis to the Missouri Constitution because both: (1) under section 116.120.1 the secretary's review is limited to "examin[ing] the petition to determine whether it complies with the Constitution of Missouri and with this chapter [116]" and

⁵ The secretary attached to his certificate a seven-page "opinion" signed by the attorney general. In his certificate, the secretary states: "The grounds for insufficiency are more fully articulated in the attached opinion ..., which is incorporated by reference into this certificate." This does not comply with section 116.150.2, which provides the secretary "shall issue a certificate stating the reason for the insufficiency[.]" and does not authorize the secretary to delegate his statutory duty by attaching and incorporating by reference a document prepared and signed by another person or entity. Sec. 116.150.2. See *Mesker Bros. Indus. Inc. v. Leachman*, 529 S.W.2d 153, 158 (Mo. 1975 (noting it is well-settled "an opinion of the Attorney General is not binding upon the courts or the citizenry")). The secretary must state in his certificate "the reason for the insufficiency." *Id.* In this case, the secretary stated a single reason: "the Missouri Constitution does not authorize a referendum on congressional redistricting plans passed by the General Assembly." As a matter of law, this is the only reason preserved for this Court's review, and this Court considers only the single reason set out in his certificate. Therefore, to the extent the secretary, by attaching the attorney general's "opinion" or through subsequent briefing, has attempted to raise other arguments beyond those set out in his certificate, those arguments have been waived and abandoned. This includes claimed federal law violations and whether the congressional redistricting in HB 1 should or must remain in place through the 2026 election cycle, which are also outside the scope of the secretary's authorized statutory review in section 116.120.1. In raising hypothetical scenarios and arguments wholly unrelated to whether the Missouri Constitution authorizes a referendum as to congressional redistricting passed by the General Assembly, the secretary also requests an advisory opinion, which this Court lacks the authority to issue. *Graves v. Mo. Dep't of Corr., Div. of Prob. & Parole*, 630 S.W.3d 769, 774 (Mo. banc 2021). Likewise, by failing to include in his certificate any reason for insufficiency related to the filing deadline or signature requirement for referendum petitions, the secretary has waived and abandoned any argument as to noncompliance with either requirement and has conceded the referendum petition was timely filed and contained at least the minimum number of signatures required under article III, section 52(a) (requiring the petition be filed "not more than ninety days after" the General Assembly adjourns the session and be signed by "five percent of the legal voters in each of two-thirds of the congressional districts in the state"). In fact, the secretary concedes in his answer the petition met the signature requirement in article III, section 52(a).

does *not* extend to whether the referendum petition complies with the United States Constitution or other federal laws; and (2) the United States Supreme Court has held on multiple occasions the United States Constitution permits a state to authorize a referendum as to legislation drawing new congressional districts. *See Ohio ex rel. Davis v. Hildebrandt*, 241 U.S. 565, 569 (1916) (rejecting as “plainly without substance” the argument that a state constitution’s authorization of a referendum as to legislation drawing new congressional districts violates the Elections Clause)⁶; *see also Hawke v. Smith*, 253 U.S. 221, 230-31 (1920) (noting *Hildebrandt* held “the referendum provision of the state [c]onstitution, when applied to a law redistricting the state with a view to representation in Congress, was not unconstitutional”); *Ariz. State Legislature v. Ariz. Indep. Redistricting Comm’n*, 576 U.S. 787, 805 (2015) (“In upholding the state court’s decision [in *Hildebrandt*], we recognized that the referendum was part of the legislative power in Ohio, legitimately exercised by the people to disapprove the legislation creating congressional districts.” (internal citation and quotation omitted)); *id.* at 840 (Roberts, C.J., dissenting) (“*Hildebrandt* simply approved a [s]tate’s decision to employ a referendum *in addition to* redistricting by the Legislature. The result of the decision was to send *the Ohio Legislature* back to the drawing board to do the redistricting.” (internal citation omitted)); *Luther v. Hoskins*, 730 S.W.3d 567, 582 n.7, 583 (Mo. banc 2026) (Wilson, J., dissenting) (noting the United States Supreme Court has approved the use of both the referendum process and a gubernatorial veto for

⁶ The Ohio constitutional provision at issue in *Hildebrandt* provided:

[T]he people reserve to themselves the power to propose to the General Assembly laws and amendments to the Constitution, and to adopt or reject the same at the polls on a referendum vote as hereinafter provided. They also reserve the power to adopt or reject any law ... passed by the General Assembly, except as hereinafter provided[.]

State ex rel. Davis v. Hildebrant, 114 N.E. 55, 56 (Ohio 1916) (quoting Ohio Const. art. II, sec. 1, as amended Sep. 3, 1912).

legislative acts purporting to draw new congressional districts, with Missouri using the former in 1922 and the latter in 1932).

A mere three years ago, the Supreme Court reaffirmed *Hildebrandt* and again rejected the argument the Elections Clause prohibits a state referendum as to legislation drawing new congressional districts. *Moore v. Harper*, 600 U.S. 1, 25-26 (2023) (concluding “redistricting is a legislative function, to be performed in accordance with the [s]tate’s prescriptions for lawmaking, which may include the referendum and the Governor’s veto” and rejecting “the contention that the Elections Clause vests state legislatures with exclusive and independent authority when setting the rules governing federal elections” (internal quotation omitted)). The Supreme Court affirmed: “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 (internal quotation omitted).

The secretary asserts the Missouri Constitution does not permit a referendum as to HB 1 because the Missouri Constitution has no plain, clear statement subjecting legislation drawing new congressional districts to a referendum. But this ignores article III, section 49, which provides: “The people ... reserve power to approve or reject by referendum *any act of the general assembly*, except as hereinafter provided.” Mo. Const. art. III, sec. 49 (emphasis added). The language in article III, section 49 subjects “any act of the general assembly” to a referendum as the default. This Court has held congressional redistricting by the General Assembly “is a legislative act.” *State ex rel. Carroll v. Becker*, 45 S.W.2d 533, 537 (Mo. banc 1932). HB 1 is an act of the General Assembly. There is no meaningful difference between article III, section 49 and the Ohio constitutional provision the Supreme Court upheld in *Hildebrandt* in 1916. See *supra* note 6.

This Court has recognized in *dicta* that the right of referendum applies to legislation drawing new congressional districts. *See Preisler v. Hearnese*, 362 S.W.2d 552, 557 (Mo. banc 1962) (upholding congressional redistricting dividing the state into 10 districts and noting: “the people of this state have a remedy for even valid redistricting, which they do not like, through our initiative and referendum provisions”); *State ex rel. Moore v. Toberman*, 250 S.W.2d 701, 703, 706 (Mo. banc 1952) (noting, in the context of considering whether a referendum petition as to congressional redistricting could be supplemented outside of the constitutional time periods, “[i]t seems clear that the intendment of the framers of the Constitution was that all laws, except those declared non-referable, should be subject to referendum if petitions to refer them were duly filed before their effective date” and noting the circuit court had held the redistricting was subject to the referendum provisions of the Missouri Constitution).

This Court holds that the referendum and initiative petition power in article III, section 49, like the Governor’s veto power in article III, section 31, is an essential part of the state’s lawmaking process under the Missouri Constitution.

The secretary next asserts even if legislation drawing new congressional districts might otherwise be subject to a referendum under article III, section 49, one of the exceptions in article III, section 52(a) applies. Article III, section 52(a) excepts from referendum “laws necessary for the immediate preservation of the public peace, health or safety, and laws making appropriations for the current expenses of the state government, for the maintenance of state institutions and for the support of public schools[.]”

First, the secretary asserts in his brief, with no supporting authority, that “the immediate preservation of the public peace” exception “exempts election laws, such as the HB 1 map, from referendum challenges.” HB 1 did not have an attached emergency clause as required for the

“immediate preservation” exception. Mo. Const. art. III, sec. 29; *Maggard*, 733 S.W.3d at 414 n.8; *Inter-City Fire Prot. Dist. of Jackson Cnty. v. Gambrell*, 231 S.W.2d 193, 199-200 (Mo. banc 1950) (noting the emergency clause requirement applies to article III, sections 29 and 52 and, even with an emergency clause, “[w]hether or not the act is one necessary for the immediate preservation of the public peace, health or safety is a judicial question”). Further, the plain language of article III, section 52(a) does not support the secretary’s argument. This Court cannot rewrite the Missouri Constitution to substitute “all election laws” for “the immediate preservation of the public peace[.]” The secretary’s argument is even less persuasive in this case, involving an optional, mid-decade redistricting in no way necessary for “the immediate preservation of the public peace” because the 2022 congressional districts established by the General Assembly remain in place unless and until repealed by HB 1.

Second, the secretary asserts, with no supporting authority, that suffrage is a state institution, congressional redistricting is required by the state and federal constitutions, and congressional redistricting is necessary to maintain the suffrage right as populations change, invoking the “for the maintenance of state institutions” exception. The secretary’s argument ignores that this exception applies only to “laws making appropriations ... for the maintenance of state institutions[.]” See *Heinkel v. Toberman*, 226 S.W.2d 1012, 1013, 1016 (Mo. banc 1950) (concluding it was unnecessary to decide whether the state highway system is a “state institution” under the exception in article III, section 52(a) after determining the bill at issue did not make an appropriation); *State ex rel. Harvey v. Linville*, 300 S.W. 1066, 1068 (Mo. 1927) (concluding “the provision relating to laws making appropriations for the current expenses of the state government, for the maintenance of state institutions, and for the support of public schools, means that the word ‘appropriation’ applies to each of those conditions[.]” and “it must be an act

making appropriations for the support of public schools, which are excluded from the referendum, not merely any act which tends to support public schools”). Even if the exception were to apply absent an appropriation, applying the right of referendum to congressional redistricting passed by the General Assembly does not eliminate suffrage generally or the General Assembly’s right to redistrict. Instead, if by referendum vote the voters reject the new redistricting in HB 1, the General Assembly’s prior redistricting in 2022 remains in effect. The General Assembly also remains free to go “back to the drawing board to do [new] redistricting.” *Ariz. Indep. Redistricting Comm’n*, 576 U.S. at 840 (Roberts, C.J., dissenting).

That the broad language in article III, section 49 subjecting “any act of the general assembly” to referendum applies to legislation drawing new congressional districts is even more obvious when one considers article III, sections 3(i) and 7(h), which explicitly exclude redistricting plans proposed by independent bipartisan citizens commissions drawing new *state* representative districts and new *state* senate districts, respectively, from the right of referendum. Because no such explicit exception for legislation drawing new congressional districts is found anywhere in the Missouri Constitution, the broad default language in article III, section 49 subjecting “any act of the general assembly” to referendum applies.⁷

⁷ The secretary contends article III, sections 3(i) and 7(h), each of which provide that “[n]o redistricting plan shall be subject to the referendum,” apply to HB 1. This argument ignores that the phrase “redistricting plan” appears 13 times in section 3 and 12 times in section 7 and, therefore, refers solely to commission-drawn redistricting plans for state house and state senate districts. The phrase “redistricting plan” does not appear in article III, section 45, however, and this omission is significant. Section 45 provides “the general assembly shall *by law* divide the state into [congressional] districts.” Mo. Const. art. III, sec. 45 (emphasis added). By “law” and not by “plan.” This language takes an act of the general assembly purporting to draw new congressional districts out of the ambit of article III, sections 3(i) and 7(h), and places it squarely within the provision in article III, section 49 allowing for a referendum on “any act of the general assembly[.]” The secretary’s argument also ignores the plain language of article III, section 49 subjecting to referendum “any act of the general assembly, except as hereinafter provided.”

The secretary also asserts the Missouri Constitution must not permit a referendum on congressional redistricting passed by the General Assembly because this year the *last* date on which he could make his certification decision under chapter 116 was August 4, the day of the primary election. Section 116.150.3, the statute setting out the certification deadline, took effect in June 1999, more than 50 years *after* adoption of the 1945 Missouri Constitution setting out current article III, section 49 and more than 90 years *after* Missouri voters first adopted a constitutional amendment setting out a right of referendum. *No Bans on Choice v. Ashcroft*, 638 S.W.3d 484, 486 (Mo. banc 2022). This Court need not speculate about why the General Assembly chose the statutory deadline or whether the statute is valid in every case because a later-enacted statute has *no* bearing on the constitution's plain language. The plain language of the constitution permits a referendum as to "any act of the General Assembly" regardless of any statutory deadlines set by the General Assembly decades later. Mo. Const. art. III, sec. 49.

Having concluded the Missouri Constitution authorizes a referendum on congressional redistricting passed by the General Assembly, this Court need look no further than *Maggard*, in which it explained in May of this year what result would follow if the referendum petition was deemed sufficient after the secretary issued his certificate and any judicial review authorized by the General Assembly in section 116.200 had occurred:

If, however, the December 9 referendum petition filing is ultimately determined to be sufficient, article III, section 52(b) applies. In that case, because a "legal, sufficient, and timely" referendum petition was filed on December 9—*before* HB 1 went into effect on December 11—HB 1 did 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." Mo. Const. art. III, sec. 52(b).

Article III, sections 3(i) and 7(h) precede article III, section 49 and do not appear "hereinafter." Accordingly, the secretary's argument is rejected.

Maggard, 733 S.W.3d at 420 (footnote omitted); *see also NAACP Mo. State Conf. v. Kehoe*, 734 S.W.3d 338, 341 n.4 (Mo. banc 2026) (noting *Maggard* held “if the December 9, 2025 referendum petition is sufficient after any judicial review—HB 1 never went into effect and will not go into effect unless and until approved by the voters, but—if the petition is insufficient after such review—HB 1 went into effect on December 11, 2025, and remains so”).⁸

⁸ The secretary devotes a significant portion of his briefing to discussing the confusion, expense, and practical difficulties that may result from not utilizing the congressional redistricting in HB 1 for the November 2026 election. Besides being irrelevant to the secretary’s sole basis for declaring the referendum petition insufficient, these arguments are particularly misplaced given the secretary’s delay created the confusion, expense, and practical difficulties of which he complains. In December 2025, a federal district court advised the secretary and the state that, if the referendum petition is sufficient, “the new map will be frozen until after the referendum, which could significantly disrupt the 2026 elections.” *Mo. Gen. Assembly v. Von Glahn*, No. 4:25-CV-1535-ZMB, 2025 WL 3514277, at *2 (E.D. Mo. Dec. 8, 2025). At the same time, the federal district court noted the secretary had the ability to declare the petition insufficient based on his argument in the federal litigation—identical to his argument now—that the Missouri Constitution does not permit a referendum as to congressional redistricting passed by the General Assembly. *Id.* at *4. “[T]here is no apparent reason why [the secretary] would incur the significant cost of signature verification given his stated belief that the petition is constitutionally deficient.” *Id.* at *2 n.2. In two separate cases in May, this Court stated it could not determine whether the congressional redistricting in HB 1 was in effect until the secretary issued his certification and the judicial review authorized by the General Assembly was complete. *Maggard*, 733 S.W.3d at 419-20; *NAACP*, 734 S.W.3d at 341 n.4. Despite this clear guidance from the federal district court and this Court, the secretary chose to delay his certification until the last possible day—August 4—and, in the meantime, utilized the congressional redistricting in HB 1 while incurring the time and expense of signature verification despite having represented to the federal district court he believed the referendum petition was constitutionally deficient. The secretary also chose to request verification of every signature, making the signature verification deadline July 28, when he could have chosen random sampling verification, with a deadline of not more than 30 days from the date the election authority received the petition from the secretary. *See* sec. 116.130.2. The secretary delayed certification until the last possible date and chose not to seek resolution of the constitutional question despite having been told at least as early as December 2025 he had the unique ability as secretary to do so under Missouri statutes. Given these undisputed facts, the secretary’s arguments about confusion, expense, and practical difficulties are wholly unpersuasive.

Perhaps worse, these arguments fundamentally misunderstand the status of HB 1 pending the referendum vote. HB 1 is not the law and has never been the law. There is only one valid congressional redistricting in effect—the congressional redistricting the General Assembly established in 2022. Under article III, section 52(b), HB 1 “shall take effect when approved by a majority of the votes cast thereon, and not otherwise.” Unless and until the voters approve HB 1

In summary, this Court reaffirms *Maggard*. Because the referendum petition was legal, sufficient, and timely, HB 1 never took effect and was referred to the voters as of December 9, 2025. The congressional districts the General Assembly established in 2022 remain in full force and effect for the November 2026 general election, and HB 1 will not take effect unless and until approved by the voters at the November 2026 general election.

Conclusion

This Court reverses the circuit court's judgment. The referendum petition was legal, sufficient, and timely, and the secretary incorrectly concluded otherwise. HB 1 did not go into effect and will not go into effect unless and until approved by the voters. The congressional redistricting the General Assembly established in 2022 remains in full force and effect for the November 2026 general election.

Pursuant to Rule 84.14, this Court enters judgment ordering the secretary to issue a certificate of sufficiency as to the referendum petition (2026-R004) (attaching a copy of this opinion thereto), to place the referendum petition on the November 2026 general election ballot, and to take any and all additional steps necessary to place the referendum petition on the ballot at that election before September 8, 2026. The secretary and all of those acting in concert with him are restrained and enjoined from implementing, using, or mandating the use of the congressional redistricting in HB 1 for the November 2026 general election or at any other time thereafter

at the November 2026 general election, HB 1 is of no force and effect and did not take effect on December 11 because it is subject to a sufficient referendum petition filed on December 9. Regardless of any confusion, expense, or practical difficulties caused by the secretary's delay and incorrect assumption about whether the referendum petition would be deemed sufficient, simply continuing to utilize the congressional redistricting in HB 1 does not comport with the Missouri Constitution because the 2022 map is the only map in effect.

unless and until HB 1 is approved by the voters at the November 2026 general election and takes effect 30 days thereafter. Mo. Const. art. XII, sec. 2(b).⁹ No Rule 84.17 motions are permitted.

A handwritten signature in black ink, appearing to read 'Ginger K. Gooch', is written over a horizontal line.

Ginger K. Gooch, Judge

All concur.

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⁹ The ballot summary statement to be used is set out in *People Not Politicians v. Hoskins*, 736 S.W.3d 518, 535 (Mo. App. 2026).

JS 44 (Rev. 03/24)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Congressman Robert "Bob" Onder, Richard "Rick" Brattin
Pat Thomas, and Debra Havens

(b) County of Residence of First Listed Plaintiff Saint Charles County
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Ellinger Bell LLC, 308 East High Street Suite 300, (573)
750-4100

DEFENDANTS

State of Missouri and Denny Hoskins, in his official capacity
as Missouri Secretary of State

County of Residence of First Listed Defendant Cole County
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Missouri Attorney General's Office

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability LABOR ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Injury Product Liability ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 88 ☐ 690 Other ☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☒ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement	☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. Section 1983

VI. CAUSE OF ACTION

Brief description of cause:

Missouri has swapped Congressional District Maps from the HB1 map used in the primary to the 2022 map to be used in the General Election

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE Zachary M. Bluestone

DOCKET NUMBER 4:25-CV-1535-ZMB

DATE

SIGNATURE OF ATTORNEY OF RECORD

09Sep2026

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

Congressman Robert "Bob"
Onder, Richard "Rick"
Brattin, Pat Thomas, and
Debra Havens

Complaint for a Civil Case

(Write the full name of each plaintiff
who is filing this complaint. If the
names of all the plaintiffs cannot fit in
the space above, please write "see
attached" in the space and attach an
additional page with the full list of
names.)

Case No.
(to be assigned by Clerk of
District Court)

Plaintiff requests trial by jury:

☐ Yes ☒ No

v.

State of Missouri and Denny
Hoskins, in his official
Capacity as Missouri
Secretary of State

(Write the full name of each defendant.
The caption must include the names of
all of the parties. Fed. R. Civ. P. 10(a).
Merely listing one party and writing "et
al." is insufficient. Attach additional
sheets if necessary.)

CIVIL COMPLAINT

NOTICE:

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date, the full name of a person known to be a minor, or a complete financial account number. A filing may include only: the last four digits of a social security number, the year of an individual's birth, a minor's initials, and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed without prepaying fees or costs.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Congressman Robert "Bob" Onder
Street Address	2025 Zumbahl #35
City and County	Saint Charles, Saint Charles County
State and Zip Code	Missouri, 63303
Telephone Number	(314) 753-6180
E-mail Address	Robertonderjr@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	State of Missouri
Job or Title	Attorney General
Street Address	207 W. High Street, P.O. Box 899
City and County	Jefferson City, Cole County
State and Zip Code	Missouri, 65102
Telephone Number	(573) 751-3321
E-mail Address	agomains@ago.mo.gov

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant. If you are suing for violation of your civil rights, you must state whether you are suing each defendant in an official capacity, individual capacity, or both.)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Richard "Rick" Brattin
Street Address	P.O. Box 11513
City and County	Kansas City, Jackson County
State and Zip Code	Missouri, 64138
Telephone Number	(816) 695-9907
E-mail Address	Rbrattinjr@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	Denny Hoskins
Job or Title	Secretary of State
Street Address	600 W. Main Street
City and County	Jefferson City, Cole County
State and Zip Code	Missouri, 65101
Telephone Number	(573) 751-4936
E-mail Address	sosmain@sos.mo.gov

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant. If you are suing for violation of your civil rights, you must state whether you are suing each defendant in an official capacity, individual capacity, or both.)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Pat Thomas
Street Address	3444 Hobbs Lane
City and County	Jefferson City, Cole County
State and Zip Code	Missouri, 65109
Telephone Number	(573) 473-6454
E-mail Address	Pat@patthomas.us

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	_____
Job or Title	_____
Street Address	_____
City and County	_____
State and Zip Code	_____
Telephone Number	_____
E-mail Address	_____

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant. If you are suing for violation of your civil rights, you must state whether you are suing each defendant in an official capacity, individual capacity, or both.)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Debra Havens
Street Address	12556 Highway 28 West
City and County	Vienna, Maries County
State and Zip Code	Missouri, 65582
Telephone Number	(573) 308-5817
E-mail Address	dhavens57@aol.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	_____
Job or Title	_____
Street Address	_____
City and County	_____
State and Zip Code	_____
Telephone Number	_____
E-mail Address	_____

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant. If you are suing for violation of your civil rights, you must state whether you are suing each defendant in an official capacity, individual capacity, or both.)

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only three types of cases can be heard in federal court. Provide the information for this case. *(Include all information that applies to your case)*

A. Federal question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

United States Constituion Article 1, Section 4, Clause 1;
42 U.S.C. Section 1983; United States Constitution Article
1, Section 2; and, United States Constitution Amendment 14,
Section 1.

B. Suit against the Federal Government, a federal official, or federal agency

List the federal officials or federal agencies involved, if any.

C. Diversity of Citizenship

These are cases in which a citizen of one State sues a citizen of another State or nation, and the amount at stake is more than \$75,000. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

1. The Plaintiff(s)

The plaintiff, *(name)* _____, is a citizen of the
State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

If the defendant is an individual

The defendant, *(name)* _____, is a citizen
of the State of *(name)* _____ Or is a citizen
of *(foreign nation)* _____.

If the defendant is a corporation

The defendant, *(name)* _____.
is incorporated under the laws of the State of *(name)* _____
_____, and has its principal place of
business in the State of *(name)* _____ Or
is incorporated under the laws of the State of *(foreign nation)* _____
_____, and has its principal place
of business in *(name)* _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy----the amount the plaintiff(s) claims the defendant(s) owes or the amount at stake----is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Type, or neatly print, a short and plain statement of the **FACTS** that support your claim(s). For every defendant you have named in this complaint, you must state what he or she personally did to harm you. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Do not make legal arguments, or cite court cases or statutes. You may attach additional pages if necessary.

Your statement of claim must include all of the following information:

1. What happened to you?
2. When did it happen?
3. Where did it happen?
4. What injuries did you suffer?
5. What did each defendant personally do, or fail to do, to harm you?

On September 12, 2025, the Missouri General Assembly passed House Bill 1 ("HB1"), which replaced Missouri's 2022 congressional-district map. Under the 2022 map, Cole County is in the Third Congressional District; under HB1, it is in the Fifth Congressional District.

On December 9, 2025, People Not Politicians submitted a referendum petition concerning HB1 to Defendant, the Missouri Secretary of State. On August 4, 2026, Defendant declared the petition insufficient.

Missouri Conducted its August 4, 2026 primary elections using the HB1 districts. More than 1.2 million Missourians voted under that map. Plaintiffs Thomas and Havens both voted in the Fifth Congressional district. Plaintiff Onder won the Republican nomination for the Third Congressional District, and Plaintiff Brattin won the Republican nomination of the Fifth Congressional District after campaigning to voters in the HB1 Fifth District.

On September 3, 2026, the Missouri Supreme Court ordered Missouri's November 3, 2026 general election to be conducted under the 2022 districts rather than the HB1 districts used in the primary. Defendant is responsible for administering the election and, unless restrained, will conduct and certify the general election using the 2022 map. Continued on Extra Page.

IV. Relief

State briefly and precisely what damages or other relief you want from the Court. Do not make legal arguments.

Declare that Defendants' failure to use the HB1 Congressional maps in the general election is unconstitutional. Issue temporary, preliminary, and permanent injunctive relief to prevent Defendants from using any Congressional Map other than the HB1 map.

Do you claim the wrongs alleged in your complaint are continuing to occur now?

Yes ☒ No ☐

Do you claim actual damages for the acts alleged in your complaint?

Yes ☐ No ☒

Do you claim punitive monetary damages?

Yes ☐ No ☒

If you indicated that you claim actual damages or punitive monetary damages, state the amounts claimed and the reasons you claim you are entitled to recover these damages.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this _____ day of _____, 20____.

Signature of Plaintiff(s) _____

Consequently, Missouri will use different congressional districts for the primary and general elections for the same offices. Hundreds of thousands of voters will be placed in different districts for the general election than the districts in which they voted during the primary. Cole county voters, including Thomas and Havens, voted in the Fifth District Primary but will be required to vote in the Third District in the General Election.

Thomas's and Havens's primary vote helped select the Fifth District nominees, but she will not be permitted to vote for or against those nominees in the general election. Instead, she must vote among Third District nominees whom she had no opportunity to support or oppose in the primary.

Onder and Brattin won their nominations by campaigning to the voters assigned to their respective districts under HB1. They must now campaign before materially different electorates, including voters whom they did not have an opportunity to address during the primary, and must expend additional time and campaign resources because of the change.

By administering the November 3 election under different districts from those used in the August 4 primary, Defendant will prevent Thomas from completing the election process in the district in which she cast her primary vote and will require Onder and Brattin to stand for election before electorates materially different from those that selected them as nominees.

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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

CONGRESSMAN ROBERT “BOB”
ONDER, RICHARD “RICK”
BRATTIN, and PAT THOMAS,

Plaintiffs,

v.

STATE OF MISSOURI and DENNY
HOSKINS, in his official Capacity
as Missouri Secretary of State,

Defendants.

Case No. _____

**Disclosure
Statement**

Pursuant to Local Rule 2.09, and Fed. R. Civ. P. 7.1 or Fed. R. Crim. P. 12.4, the undersigned discloses the following information about Plaintiffs Congressman Robert “Bob” Onder, Richard “Rick” Brattin, Patricia “Pat” Thomas and Debra Havens:

1. If the subject is a nongovernmental corporation that is a party, intervenor, or proposed intervenor in a civil or criminal case,
 - a. Whether it is publicly traded, and if it is, on which exchange(s):

N/A
 - b. Its parent companies or corporations (if none, state “none”):

N/A
 - c. Subsidiaries that are not wholly owned by the subject (if none, state “none”):

N/A
 - d. Any publicly held company or corporation that owns five percent (5%) or more of the subject’s stock (if none, state “none”):

N/A

2. If the subject is a party, intervenor, or proposed intervenor in an action in which jurisdiction is based on diversity under 28 U.S.C. § 1332(a), the name and citizenship of every individual or entity whose citizenship is attributed to that party or intervenor, including all members, sub-members, general and limited partners, and corporations:

N/A

3. If the subject is an organizational victim in a criminal case,

a. The victim's identity N/A _____

- b. If the victim is a corporation,

1. Whether it is publicly traded, and if it is, on which exchange(s):

N/A

2. Its parent companies or corporations (if none, state "none"):

N/A

3. Subsidiaries that are not wholly owned by the subject (if none, state "none"):

N/A

4. Any publicly held company or corporation that owns five percent (5%) or more of the subject's stock (if none, state "none"):

N/A

By signing this form, counsel acknowledges that “if any required information changes,” and/or “if any later event occurs that could affect the court’s jurisdiction under 28 U.S.C. § 1332(a),” counsel will file a Disclosure Statement promptly, which means no later than seven (7) days of the change or event. E.D.Mo. L.R. 2.09(A)(2) and (B)(2); Fed. R. Civ. P. 7.1(a)(2)(B) and (b)(2); Fed. R. Crim. P. 12.4(b)(2).

ELLINGER BELL LLC

By: /s/ Marc H. Ellinger
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Attorneys for Plaintiffs

Certificate of Service

I hereby certify that a true copy of the foregoing Disclosure Statement was served by email on counsel for all parties on: September 4, 2026.

/s/ Marc H. Ellinger
Marc H. Ellinger
Counsel for Plaintiff

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

CONGRESSMAN ROBERT "BOB" ONDER
, RICHARD "RICK" BRATTIN, PAT
THOMAS, AND DEBRA HAVENS

Plaintiff,

v.

STATE OF MISSOURI AND
DENNY HOSKINS AS MISSOURI
SECRETARY OF STATE

Defendant,

Case No.

ORIGINAL FILING FORM

THIS FORM MUST BE COMPLETED AND VERIFIED BY THE FILING PARTY
WHEN INITIATING A NEW CASE.

☐ THIS SAME CAUSE, OR A SUBSTANTIALLY EQUIVALENT COMPLAINT, WAS
PREVIOUSLY FILED IN THIS COURT AS CASE NUMBER _____
AND ASSIGNED TO THE HONORABLE JUDGE _____.

☒ THIS CAUSE IS RELATED, BUT IS NOT SUBSTANTIALLY EQUIVALENT TO ANY
PREVIOUSLY FILED COMPLAINT. THE RELATED CASE NUMBER IS 4:25-CV-1535-ZMB AND
THAT CASE WAS ASSIGNED TO THE HONORABLE Zachary M. Bluestone. THIS CASE MAY,
THEREFORE, BE OPENED AS AN ORIGINAL PROCEEDING.

☐ NEITHER THIS SAME CAUSE, NOR A SUBSTANTIALLY EQUIVALENT
COMPLAINT, HAS BEEN PREVIOUSLY FILED IN THIS COURT, AND THEREFORE
MAY BE OPENED AS AN ORIGINAL PROCEEDING.

The undersigned affirms that the information provided above is true and correct.

Date: 4 Sep 2026


Signature of Filing Party