

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

JAKE MAGGARD)

and)

GREGG LOMBARDI,)

Plaintiffs,)

v.)

STATE OF MISSOURI)

Serve: Office of the Attorney General)

Supreme Court Building)

207 West High Street)

Jefferson City, Missouri 65102)

Case No. _____

and)

DENNY HOSKINS, in his official capacity as)

Missouri Secretary of State,)

Serve: Office of the Secretary of State)

600 West Main Street)

Jefferson City, Missouri 65101)

Defendants.)

**PETITION FOR DECLARATORY JUDGMENT AND
INJUNCTIVE RELIEF**

1. Plaintiffs ask the Court to declare House Bill 1 (“HB1”)—an act creating new congressional districts in Missouri—suspended until voters approve or reject the legislation through the constitutional referendum process.

2. Plaintiffs further ask the Court to enjoin use of HB1’s congressional map for any primary or general election before that referendum vote.

PARTIES

3. Plaintiff Jake Maggard is a Missouri citizen, resident of Jackson County, taxpayer, and qualified Missouri voter.

4. Mr. Maggard is a resident of the Fifth Congressional District under Missouri's 2022 redistricting map and, under HB1, would reside in the Fourth Congressional District.

5. Mr. Maggard signed the petition to refer HB1 to voters for approval or rejection.

6. Mr. Maggard would be injured if HB1's new map is used in the 2026 congressional elections because it would deny him his constitutional right to approve or reject legislation through referendum.

7. Plaintiff Gregg Lombardi is a Missouri citizen, resident of Jackson County, taxpayer, and qualified Missouri voter.

8. Mr. Lombardi is a resident of the Fifth Congressional District under Missouri's 2022 redistricting map and, under HB1, would reside in the Fourth Congressional District.

9. Mr. Lombardi would be injured if HB1's new map is used in the 2026 congressional elections because it would deny him his constitutional right to approve or reject legislation through referendum.

10. Defendant State of Missouri enforces the boundaries of Missouri's congressional districts.

11. Defendant Denny Hoskins is the Missouri Secretary of State and is sued in his official capacity.

12. Secretary Hoskins is the chief election officer of the State of Missouri, §§ 28.035, 115.136, RSMo, and, among other things, is responsible for managing elections, accepting declarations of candidacy for congressional candidates, and providing local election authorities with certified lists of the candidates running in each district, Mo. Const. art. IV, § 18; §§ 115.353(1), 115.387, 115.401, 115.511, RSMo.

JURISDICTION AND VENUE

13. The Court has jurisdiction over this action pursuant to Article V, Section 14 of the Missouri Constitution and Section 527.010, RSMo.

14. Venue is proper in this Court pursuant to Section 508.010.2(1), RSMo, because the Secretary of State is an officer of the State of Missouri, is sued in his official capacity, and has an office located in Cole County.

BACKGROUND

I. The Referendum Process

15. Article III, Section 49 of the Missouri Constitution provides that “[t]he people . . . reserve power to approve or reject by referendum any act of the general assembly.”

16. Significantly, “[a]ny measure referred to the people shall take effect when approved by a majority of the votes cast thereon, *and not otherwise*.” Mo. Const. art. III, § 52(b) (emphasis added).

17. “[O]nce a referendum petition has received sufficient signatures to be placed on the general election ballot, the referred measure is placed before the people for their consideration as an original proposition; the prior action by the General Assembly and the Governor on the referred measure is suspended or annulled, and has no further legal effect or consequence.” *Stickler v. Ashcroft*, 539 S.W.3d 702, 713 n.9 (Mo. Ct. App. 2017) (citation modified).

18. Accordingly, “the mere lodging of a timely, legal, and sufficient referendum petition with the Secretary of State is all that” must be done to “halt[]” the “law affected”—“regardless of any affirmative act on the part of the Secretary of State or the Attorney General.” *State ex rel. Kemper v. Carter*, 165 S.W. 773, 779 (Mo. banc 1914).

19. Consistent with this authority, prior Secretaries of State and Attorneys General have concluded that the suspension of referred legislation does *not* require the issuance of a certificate of sufficiency by the Secretary of State. *See, e.g.*, Ashley Byrd, *Right to Work Law Appears Headed to a Public Votes as PR Efforts Start to Appear*, Missouri.net (Aug. 29, 2017), <https://bit.ly/3MQs3mD>.

20. Indeed, a request to circumvent this established process for a 1980s referendum on trucking legislation was rejected *by this Court*. *See Kaw Transp. Co. v. Whitmer*, No. CV181-778cc, slip op. at 1–2 (Cole Cnty. Cir. Ct. Sept. 29, 1981).

II. HB1

21. On September 3, 2025, a special session of the General Assembly convened to enact a new congressional map.

22. On September 12, the General Assembly truly agreed to and finally passed HB1, an act “[t]o repeal sections 128.345, 128.346, and 128.348, RSMo, and to enact in lieu thereof twelve new sections relating to the composition of congressional districts.”

23. HB1 did not include an emergency clause affecting the People’s referendum rights.

24. On September 29, Secretary Hoskins received a petition for referendum asking to refer HB1 to voters for approval or rejection, which he denominated 2026-R004. *2026 Referendum Petitions Approved for Circulation in Missouri*, Mo. Sec’y of State, <https://bit.ly/49pbtD6> (last visited Dec. 22, 2025).

25. Secretary Hoskins certified the official ballot title on November 13. *Id.*

26. Because the special session had adjourned on September 12, supporters of 2026-R004 had 90 days—until December 11—to submit approximately 107,000 signatures from 6 of Missouri’s 8 congressional districts. *See* Mo. Const. art. III, § 52(a).

27. On December 9, 2026-R004’s organizers submitted to Secretary Hoskins nearly 3 times that number: 691 boxes of referendum petitions with more than 300,000 signatures. *See, e.g.,* David A. Lieb & Hannah Schoenbaum, *Opponents of Trump-Backed Redistricting in Missouri Submit a Petition to Force a Public Vote*, PBS News, <https://bit.ly/491AIKs> (Dec. 10, 2025).

28. Secretary Hoskins has not issued a certificate of insufficiency for 2026-R004 under Section 116.150(2), RSMo.

29. In a federal-court complaint challenging the constitutionality of the HB1 referendum, Attorney General Catherine Hanway cited Article III, Section 52(b) of the Missouri Constitution to explain that, “[i]f a referendum petition gains enough signatures to qualify for a vote before the people, the challenged law is frozen pending the public vote. Thus, the General Assembly loses its authority over redistricting pending that public vote.” Complaint ¶ 48, *Mo. Gen. Assembly v. Von Glahn*, No. 4:25-cv-01535-ZMB (E.D. Mo. Oct. 15, 2025), ECF No. 1 (citation modified).

30. In that same lawsuit, the Director of Elections explained that, if 2026-ROO4’s organizers “succeed in collecting the necessary signatures, the Missouri Constitution will prevent the new map from taking effect until a referendum occurs.” Declaration of Chrissy Peters in Support of Plaintiffs’ Motion for a Preliminary Injunction ¶ 20, *Mo. Gen. Assembly*, No. 4:25-cv-01535-ZMB (E.D. Mo. Oct. 15, 2025), ECF No. 3-1.

III. The Present Controversy

31. On December 11, 2025, HB1 was prematurely codified as Sections 128.345, 128.346, 128.348, 128.471, 128.472, 128.473, 128.474, 128.475, 128.476, 128.477, 128.478, and 128.479, RSMo. *See Chapter 128 Election of Electors and Electoral Districts—Congressional Districts*, Revisor of Mo., <https://bit.ly/4qnoAY3> (last visited Dec. 22, 2025).

32. Secretary Hoskins has indicated his intent to use HB1’s new congressional map in the 2026 primary and general elections.

33. Secretary Hoskins's ostensible justification is that, contrary to decades of practice and Attorney General Hanaway's earlier assertion, the suspension of HB1 will not take effect unless and until his office certifies the sufficiency of the signatures submitted in support of the referendum. *See, e.g.,* Alisa Nelson, *When Does Missouri's New Congressional Map Take Effect? That Depends on Who You Ask*, MissouriNet (Dec. 10, 2025), <https://bit.ly/4apTGwH>.

34. Confoundingly, Secretary Hoskins is reportedly relying on an (unspecified and incorrect) opinion from Attorney General Hanaway that appears to directly contradict her position—and the sworn declaration from the Director of Elections—in the federal-court litigation described above. *Supra* ¶¶ 29–30; *see also* Nelson, *supra* (quoting Secretary Hoskins: “The Attorney General’s Office just came out with an opinion that says that the referendum does not go into effect until the signatures have been certified by the Secretary of State’s office.”).

35. Attorney General Hanaway has repeated this new position in public statements. *See, e.g.,* Lieb & Schoenbaum, *supra* (“Republican Attorney General Catherine Hanaway issued a statement saying the new House districts took effect Tuesday and will remain in place unless Hoskins determines the referendum petition is constitutional and contains sufficient signatures.”).

36. Given that the filing period for congressional candidates begins on February 24, 2026, *see* § 115.349(2), RSMo, this is a transparent ploy to force the use of HB1’s new congressional map by delaying certification of the referendum’s

signatures (and, in Secretary Hoskins's erroneous view, suspension of HB1) until it is too late to change the congressional map for the 2026 midterms.

37. Secretary Hoskins is (wrongly) interpreting the referendum laws to reach an unconstitutional result: denying Missourians their right to approve or reject HB1 at the ballot box.

COUNT I

Violation of Article III, Sections 49, 52(a), and 52(b) of the Missouri Constitution

38. Plaintiffs incorporate by reference all preceding paragraphs.

39. Under the Missouri Constitution's referendum provisions, HB1 was suspended upon the December 9, 2025, submission of the 2026-RO04 referendum petition.

40. Secretary Hoskins nevertheless intends to use HB1's new congressional map in the 2026 midterm elections, violating longstanding practice and the People's referendum rights.

41. Although Secretary Hoskins has until July 2026 to "issue a certificate setting forth that the petition contains a sufficient number of valid signatures," § 116.150, RSMo, that deadline does not impact the suspension of HB1 effectuated by the submission of the HB1 referendum petition.

42. To the extent Section 116.150 or 116.130, RSMo, permits the Secretary of State to delay suspension of a referred law until the issuance of a certificate of sufficiency—and thus allows a referred law to go into effect—those statutes conflict

with Article III, Sections 49, 52(a), and 52(b) of the Missouri Constitution, at least as applied to the facts here, and are unconstitutional.

43. Plaintiffs are entitled to declaratory relief that HB1 is suspended until voters approve or reject it through the constitutional referendum process.

44. Plaintiffs are further entitled to injunctive relief prohibiting the use of HB1's new congressional map before voters approve or reject it.

45. Plaintiffs will suffer irreparable harm absent injunctive relief because "being subject to an unconstitutional statute, for even minimal periods of time, unquestionably constitutes irreparable injury." *Rebman v. Parson*, 576 S.W.3d 605, 612 (Mo. banc 2019) (citation modified).

46. Plaintiffs lack an adequate remedy at law to protect their interests.

RELIEF REQUESTED

WHEREFORE, Plaintiffs pray this Court:

A. Declare HB1 suspended until voters approve or reject it through the constitutional referendum process;

B. Enjoin Defendants, including their officers, agents, servants, employees, attorneys, and all those persons in active concert or participation with them, from using HB1's congressional map until voters approve or reject it through the constitutional referendum process; and

C. Allow to Plaintiffs such other and further relief as the Court deems just and equitable.

Respectfully submitted,

**AMERICAN CIVIL LIBERTIES UNION
OF MISSOURI FOUNDATION**

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**Pro hac vice forthcoming*