



ATTORNEY GENERAL OF MISSOURI  
CATHERINE L. HANAWAY

May 13, 2026

OPINION LETTER NO. 3-2026

Honorable Denny Hoskins, CPA  
Missouri Secretary of State  
James C. Kirkpatrick State Information Center  
600 West Main Street  
Jefferson City, MO 65101

Dear Secretary Hoskins:

You requested an opinion assessing whether Missouri officials should enforce House Bill 1 (“HB 1”) pending your certification decision as to referendum petition 2026-R004 under § 116.150, RSMo. This opinion letter responds to this question. *See* § 27.040, RSMo (“When required, [the Attorney General] shall give h[er] opinion, in writing . . . to the . . . secretary of state . . . upon any question of law relative to their respective offices or the discharge of their duties.”).

Yesterday, the Missouri Supreme Court definitively resolved this issue in *Maggard v. State of Missouri*, SC101581 (Slip Op.) (Mo. banc 2026). In light of *Maggard*, the Secretary of State’s Office—and all of Missouri’s local election authorities—must continue enforcing HB 1 unless you make a finding of sufficiency as to petition 2026-R004 under § 116.150, RSMo.

HB 1 redistricted Missouri’s eight congressional districts ahead of the 2026 midterm elections. On September 12, 2025, the Missouri General Assembly truly agreed to and finally passed HB 1. *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). Governor Kehoe signed the bill.

Even so, political opponents have tried to use various mechanisms to overturn the People’s will as expressed through their elected representatives. First, opponents tried to improperly use “courts” to “deliver victories that eluded them in the political arena.” *Alexander v. S.C. State Conf. of the NAACP*, 602 U.S. 1, 11 (2024) (internal quotation omitted). However, every Missouri court to hear these challenges has reje-

cted them. Four separate cases made their way to the Missouri Supreme Court, and the Court ruled in favor of HB 1's validity in all four cases. *See Maggard*, SC101581 (Slip Op.); *Wise v. State of Missouri*, SC101572 (Slip Op.) (Mo. banc 2026); *Healey v. State of Missouri*, SC101570 (Slip Op.) (Mo. banc 2026); *Luther v. Hoskins*, 730 S.W.3d 567 (Mo. banc 2026).

HB 1's opponents also turned to a second tactic: a referendum petition. Article III, Section 52(a) provides that "[a] referendum may be ordered . . . either by petitions signed by five percent of the legal voters in each of two-thirds of the congressional districts in the state."<sup>1</sup> Seizing on this provision, HB 1's opponents filed referendum petition 2026-004 on December 9, 2026. They also advanced an unusually aggressive legal argument. They argued that, on the day of petition's *filing*, the Missouri Constitution required immediate suspension of HB 1. They further claimed that the mere filing of an *unverified* petition required this outcome—regardless of your review of the petition for timeliness, sufficiency, and legality under Chapter 116, RSMo.

As you know, we disagreed in light of Chapter 116 and the Missouri Constitution. We announced that we would treat HB 1 as being in effect pending your determination about the sufficiency of referendum petition 2026-004. Accordingly, we treated HB 1 as the governing congressional map during Missouri's candidate filing period, which opened on February 24, 2026, and closed nearly two months ago on March 31, 2026. *See* § 116.349, RSMo.

Meanwhile, your office and Missouri's 116 local election authorities have continued to work expeditiously to verify signatures on referendum petition 2026-004 and to otherwise review the petition for legality and sufficiency under Chapter 116, RSMo. Of course, this process is time intensive, which is why Chapter 116 provides you until August 4, 2026 to make your certification decision.

Predictably, HB 1's referendum opponents disagreed with our decision to enforce HB 1 pending your certification decision under Chapter 116. Thus, they sued in *Maggard v. State of Missouri*, 25AC-CC09120, seeking an injunction prohibiting enforcement of the HB 1 map pending your certification decision. For example, they objected specifically to your enforcement of HB 1 during the "filing period for congressional candidates," which began "on February 24, 2026." Pet. ¶ 36 (filed Dec. 23, 2026). They further alleged that "use" of "HB1's [*sic*] new congressional map" violates "the People's referendum rights" under "Article III, Sections 49, 52(a), and 52(b) of the Missouri Constitution." *Id.*, ¶¶ 40, 42.

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<sup>1</sup> The Secretary has not requested an opinion on whether HB 1 is excepted from the right of referendum. So I assume, without deciding, that HB 1 is subject to the right of referendum. *See Maggard*, SC101581 (Slip Op. at 5 n.7) (same).

The Missouri Supreme Court, the Cole County Circuit Court, and the U.S. District Court for the Eastern District of Missouri have all rejected these arguments. On Tuesday, May 12, the Missouri Supreme Court issued a unanimous opinion just a few hours after oral argument. *See Maggard*, SC101581 (Slip Op.). The *Maggard* opinion confirms the propriety of using the HB 1 map as the governing congressional map pending a certification decision under Chapter 116.

The *Maggard* opinion starts by noting that “Appellants sought a declaration HB 1 is suspended until voters approve or reject it through the referendum process. Appellants also sought an injunction *preventing use* of HB 1’s congressional map until voters approve the map through the referendum process.” (Slip. Op. at 2) (emphasis added). The Cole County Circuit Court rejected this demand and “declared that HB 1 was not automatically suspended as of December 9 when the referendum petition was filed.” (*Id.* at 3.) The Supreme Court then provided extensive, well-reasoned analysis about why the Circuit Court’s judgment was correct.

The Supreme Court explained that “[n]othing in article III, sections 49, 52(a), or 52(b) provides the filing of a referendum petition alone automatically suspends the act of the General Assembly at issue in the petition.” (*Id.* at 6.) Also, accepting the challengers’ “argument that the December 9 referendum petition filing automatically suspended HB 1 would require this Court to ignore the explicit signature requirement in section 52(a).” (*Id.* at 7.) In the Court’s words, the challengers’ argument would permit legislation “passed by a majority of Missouri citizens’ elected representatives to be automatically suspended based on nothing more than the delivery of boxes purporting to contain signed referendum petitions complying with article III, section 52(a).” (*Id.* at 7 n.10.) This would permit suspension “regardless of whether the boxes contained petitions consisting only of invalid signatures, signatures of unregistered voters, or even blank pieces of paper.” (*Id.*) Unsurprisingly, the Court held that this was “not a reasonable reading of the plain language of article III, section 52(a).” (*Id.*)

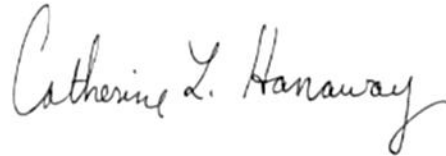
In light of these points, the Court held that “[o]nly when the chapter 116 certification process is final . . . can it be determined whether the referendum petition was ‘legal, sufficient, and timely’ (or not) when it was filed on December 9.” (*Id.* at 15.) The Court also noted that “[b]ecause the secretary’s certification process under chapter 116 is ongoing and has not been finally determined, it is impossible to say as of this opinion whether the December 9 referendum petition filing was ‘legal, sufficient, and timely’ and, therefore, whether HB 1 went into effect on December 11 or whether HB 1 was referred to the people as of December 9 and can only go into effect when approved by a majority of the votes cast thereon.” (*Id.* at 16.) Of course, this understanding is self-evident from the face of statutory and constitutional text. (*Id.* at 6.) This understanding also necessarily means that HB 1 is in effect right now and will remain in effective—unless you certify referendum petition 2026-004 under § 116.150, RSMo. Indeed, that is why Missouri courts unanimously rejected the

*Maggard* challengers' arguments that Article III, Sections 49, 52(a), and 52(b) prohibit the Secretary of State and local election authorities from enforcing HB 1 pending a final certification decision. *See Maggard*, SC101581 (Slip. Op. at 2, 17).

Therefore, the HB 1 map is in effect and will govern the 2026 primary elections unless you exercise your statutory discretion to certify the referendum before they occur. State and local election officials must take all appropriate steps to ensure the HB 1 map is fully implemented in advance of the 2026 primary elections. Failure to do so is a clear violation of the law.

Finally, as a general matter, all legislation passed by the General Assembly and signed by the Governor—like HB 1—is strongly presumed constitutional and valid. *See, e.g., Luther*, 730 S.W.3d at 571. Therefore, election officials must operate on the basis that HB 1 will govern the 2026 general elections.

Very truly yours,

A handwritten signature in cursive script that reads "Catherine L. Hanaway". The signature is written in black ink and is positioned to the right of the typed name.

**CATHERINE L. HANAWAY**  
Missouri Attorney General