



DENNY HOSKINS, CPA

SECRETARY OF STATE
STATE OF MISSOURI

August 4, 2026

Richard von Glahn
9 Wilshire Terrace
Webster Groves, MO 63119

Re: Referendum Petition circulated by Richard von Glahn (2026-R004)

Dear Mr. von Glahn:

Please find enclosed the certificate of insufficiency of your referendum petition.

If we can be of further assistance, please feel free to contact our office at (573) 751-2301.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Miller".

Director of Elections

Enclosures



STATE OF MISSOURI

Office of Secretary of State

CERTIFICATE OF INSUFFICIENCY OF PETITION

STATE OF MISSOURI

ss.

SECRETARY OF STATE

I, Denny L. Hoskins, Secretary of State of Missouri, do hereby certify that my office has examined for compliance with the Missouri Constitution and Chapter 116, RSMo, Referendum Petition 2026-R004 submitted by Richard Von Glahn and People Not Politicians. I find 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 grounds for insufficiency are more fully articulated in the attached opinion by Missouri Attorney General Catherine Hanaway, which is incorporated by reference into this certificate. For the reasons more fully discussed in the attached opinion, Referendum Petition 2026-R004 shall not be placed on the ballot at the November 3, 2026 General Election.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the seal of my office in the City of Jefferson, State of Missouri, on this 4th day of August 2026.



Denny Hoskins

Secretary of State



ATTORNEY GENERAL OF MISSOURI
CATHERINE L. HANAWAY

August 4, 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:

To assist in your determination about the sufficiency of People Not Politicians's ("PNP") referendum petition, you asked whether the Missouri Constitution permits referenda of congressional maps. You also asked whether the U.S. Constitution allows a referendum petition to void a congressional map until the referendum vote. The answer, to both questions, is "no."

Especially when read to avoid conflicts with the U.S. Constitution, the Missouri Constitution does not allow referenda against congressional redistricting plans. Also, allowing a small minority of Missouri voters to void a duly enacted congressional map—before a majority vote disapproving a map—would violate the U.S. Constitution. Federal law also requires Missouri to use the House Bill 1 ("HB 1") map during the November 2026 General Election.

I.

PNP's referendum petition challenging HB 1 is insufficient because the Missouri Constitution does not authorize referenda on congressional maps. In order to authorize such referenda, the Missouri Constitution would need to speak through a clear statement divesting the legislature of its authority under the U.S. Constitution's Election Clause. But the Missouri Constitution includes no such clear statement. See Mo. Const. art. III, §§ 49, 52(a), 52(b).

A.

The Elections Clause of the U.S. Constitution 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." U.S. Const. art. I, § 4 (emphasis

added). Thus, U.S. Constitution seems to prohibit divesting the General Assembly of its federal redistricting authority. See *Arizona State Legislature v. Arizona Indep. Redistricting Comm’n*, 576 U.S. 787, 824–27 (2015) (Roberts, C.J., dissenting). If the Missouri Constitution permitted a referendum on congressional redistricting plans passed by the General Assembly, the Missouri Constitution would likely be preempted by the U.S. Constitution on that point.

However, I need not reach that question because the Missouri Constitution itself cannot be read to authorize a referendum on congressional redistricting plans passed by the General Assembly. The U.S. Constitution informs this analysis. Federal law makes clear that the Missouri Constitution cannot be interpreted to strip the General Assembly of its authority over redistricting absent a clear statement. See *United States v. Gradwell*, 243 U.S. 476, 485 (1917).

Courts have long looked for a clear statement before finding a state legislature’s redistricting authority abrogated under the Elections Clause. For example, if Congress wishes to displace state legislative authority, it must “do[] so by positive and clear statutes.” *Gradwell*, 243 U.S. at 485. If Congress—the body with textual authority to override state legislatures under the Elections Clause—must act with clear statements, then so too must other actors. The purpose of a clear statement rule is to ensure lawmakers made the intentional choice to depart from the default rules set by the U.S. Constitution. See *Gregory v. Ashcroft*, 501 U.S. 452, 460–61 (1991). If Missouri is going to make the radical choice to subject congressional redistricting plans to referenda, there must be evidence that Missourians *knowingly* made this choice. It is not enough to point to broad, vague language that might *accidentally* depart from the U.S. Constitution’s design.

The U.S. Constitution’s framers made a deliberate choice to vest redistricting power in state legislatures. The vagaries of broad language in state law cannot transfer that power in ways that the framers of state law did not intend.

B.

Although the Elections Clause requires a clear statement to divest the General Assembly of its redistricting authority, no such clear statement exists in the Missouri Constitution. “Article III, section 45 is the only provision of the Missouri Constitution directly addressing congressional redistricting.” *Luther v. Hoskins*, 730 S.W.3d 567, 571 (Mo. banc 2026). And Article III, Section 45 contemplates only that “the *general assembly* shall by law divide the state into [congressional] districts.” Mo. Const. art. III, § 45 (emphasis added). Article III, Section 45 makes no mention of redistricting by initiative or referendum. The Missouri Constitution also contains three referendum provisions, Mo. Const. art. III, §§ 49, 52(a), 52(b), and not one of these provisions mentions congressional redistricting.

The lack of a clear statement is illustrated by the statutory procedures that the General Assembly enacted in Chapter 116, RSMo. As the Missouri Supreme Court has recognized, Chapter 116 is the General Assembly’s “framework for exercising the right of referendum” in Missouri. *No Bans on Choice v. Ashcroft*, 638 S.W.3d 484, 487 (Mo. banc 2022). But Chapter 116 is not designed for referenda on congressional maps—which reinforces the lack of a clear statement in the Missouri Constitution. This is observed in at least three ways.

First, Chapter 116 limits a referendum’s summary statement in a manner that makes it impossible to meaningfully apprise voters about the referendum’s effect. “Electoral districting is a most difficult subject for legislatures,” *Miller v. Johnson*, 515 U.S. 900, 915 (1995), and it involves “a number of sensitive considerations” that are extremely complex, *Pearson v. Koster*, 359 S.W.3d 35, 39 (Mo. banc 2012). Chapter 116, however, requires referendum summary statements to contain just 50 words, § 116.334, RSMo, and there is no provision for photographs to accompany summary statements, *id.* Thus, Chapter 116 is obviously not designed for referenda on congressional maps. Indeed, under Chapter 116, many voters would vote on competing congressional maps without even viewing the maps themselves. The fifty-word limit would also produce impossibly vague summary statements—as seen in the summary statement that the Western District Court of Appeals recently approved for PNP’s referendum here:

Do the people of the state of Missouri approve the act of the General Assembly entitled “House Bill No. 1 (2025 Second Extraordinary Session),” which repeals Missouri’s existing congressional plan, and replaces it with new congressional boundaries that keep more counties intact?

People Not Politicians v. Hoskins, 736 S.W.3d 518, 535 (Mo. App. W.D. 2026). No voter can make an adequately informed decision based on so little language.

Second, Chapter 116’s timeline for the review of referendum petitions makes little sense in the context of a congressional map. Chapter 116 dictates that the Secretary must complete review of a referendum petition for sufficiency or insufficiency no later than “the thirteenth Tuesday prior to the general election.” § 116.150.3, RSMo. But that deadline is on the same day as primary day for congressional candidates in Missouri. § 115.121.1–2, RSMo. If the General Assembly believed that referenda could apply to congressional maps, it would not set the deadline for certification under Chapter 116 on the same day as primary day.

Third, the suspension of legislation upon the filing of a referendum petition makes no sense in the context of congressional redistricting. The General Assembly must redistrict Missouri’s congressional map at least every ten years. Mo. Const. art. III, § 45. The prior decade’s map is discarded, and Article III, Section 45 requires the General Assembly to enact a new map in its place. *Luther*, 730 S.W.3d at 571. A

referendum is especially ill-suited to this context. Indeed, if a referendum can freeze duly enacted law on a certification of sufficiency for the referendum, *see Maggard v. State*, 733 S.W.3d 411, 420 (Mo. banc 2026), then that means that Missouri elections might have *no* lawful congressional map. The prior decade's map would be unlawful, Mo. Const. art. III, § 45, and the new congressional map would be suspended through the filing of an adequate referendum petition, *Maggard*, 733 S.W.3d at 420. Neither the framers of the Missouri Constitution nor the drafters of Chapter 116 ever envisioned this result.

Moreover, if a referendum petition can suspend a congressional map for an election cycle, then Missouri's operative congressional map will *not* be decided according to democratic principles. Rather, each time a congressional map is enacted by the General Assembly, a small, well-funded group with signatures from a small fraction of Missouri's voters could suspend Missouri's congressional map for an entire election. In this age of out-of-state, dark-money donors, one could easily expect this to happen every time the General Assembly passes a congressional map. That is not self-government; it is tyranny of the minority. Neither the Missouri Constitution's framers nor the General Assembly anticipated this bizarre result. That all goes to the lack of a clear statement in Missouri law.

II.

Even without considering the U.S. Constitution's requirements, the Missouri Constitution does not subject congressional redistricting to the referendum. The Missouri Supreme Court has never addressed this question directly. Yet in *Maggard v. State*, the Supreme Court carefully noted that its decision should *not* be read to permit referenda of congressional maps. *See* 733 S.W.3d at 414 n.7.

The Missouri Supreme Court was right to reserve that question: Congressional maps are not subject to the referendum under Sections 49, 52(a), and 52(b) of Article III. If it were otherwise, fulfilling the General Assembly's duties under Article III, Section 45 would be impossible. "Article III, section 45 is the only provision of the Missouri Constitution directly addressing congressional redistricting." *Luther*, 730 S.W.3d at 571. Article III, section 45 provides that after "each census," "the *general assembly shall* by law divide the state into districts corresponding with the number of representatives to which it is entitled." Mo. Const. art. III, § 45 (emphasis added). Fulfilling this obligation would be impossible, however, if all redistricting legislation could be suspended by a mere referendum petition. *Maggard* held that if a referendum petition's "filing is ultimately determined to be sufficient," then the challenged legislation never went into effect under Article III, Section 52(b). 733 S.W.3d at 420. This would have disastrous consequences in the context of a congressional map. And it would be particularly problematic after each decennial census, when the Missouri Constitution nullifies the

prior decade's congressional map and *requires* the General Assembly to enact a new map. See Mo. Const. art. III, § 45.

Thus, reading the Missouri Constitution's referendum provisions to apply to the congressional-redistricting provision necessarily creates a collision. *Compare* Mo. Const. art. III, § 45, *with* art. III, §§ 49, 52(a), 52(b). In these circumstances, a faithful interpreter of the law must prioritize the specific provision over the more general provision. See *City of Aurora v. Spectra Commc'ns Grp., LLC*, 592 S.W.3d 764, 788 (Mo. banc 2019); Scalia & Garner, *Reading Law* 184–85 (2012) (citing *McCallister v. McCallister*, 809 S.W.2d 423 (Mo. App. S.D. 1991)). Here, the more specific provision is Article III, Section 45.

Additionally, even setting aside the general/specific canon, congressional-redistricting legislation falls under exceptions to referenda outlined in Article III, Section 52(a). That section excepts “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.” Mo. Const. art. III, § 52(a). Congressional redistricting falls under these exceptions. As an example, suffrage is a fundamental state institution, and congressional redistricting is necessary to maintain the suffrage right as populations shift over time. Furthermore, post-census redistricting is not only required by the Missouri Constitution, Mo. Const. art. III, § 45; it is also functionally required by virtue of the U.S. Constitution's “one person, one vote” rule, *Wesberry v. Sanders*, 376 U.S. 1 (1964); *Reynolds v. Sims*, 377 U.S. 533 (1964). Thus, redistricting legislation also falls under the exceptions outlined in Article III, § 52(a).

III.

Even if the Missouri Constitution authorizes referenda on congressional maps, the Elections Clause and the Guarantee Clause of the U.S. Constitution would nonetheless require Missouri to implement the HB 1 map for the 2026 election.

The U.S. Constitution's Elections Clause expressly vests redistricting authority in Missouri's General Assembly. U.S. Const. art. I, § 4. And the U.S. Supreme Court has *never* suggested that a small percentage of a state's population can usurp this authority. It is one thing to say that a *majority* of voters can overrule the General Assembly. See *Arizona Indep. Redistricting Comm'n*, 576 U.S. at 819–20. But allowing a small fraction of Missourians to override the General Assembly and force a vote under a different congressional map is profoundly at odds with the Elections Clause. “The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof,” U.S. Const. art. I, § 4, and a small band of citizens cannot rip that power away merely by filing a referendum petition.

Holding otherwise would also violate the U.S. Constitution's Guarantee Clause, which 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. The Guarantee Clause is also a mandate for state governments because "[t]he guaranty necessarily implies a duty on the part of the States themselves to provide such a government." *Minor v. Happersett*, 88 U.S. 162, 175 (1874).

There is no mystery about what is a "Republican Form of Government." See U.S. Const. art. IV, § 4. "All the States had governments when the Constitution was adopted. In all the people participated to some extent, through their representatives elected in the manner specially provided." *Minor*, 88 U.S. at 175. "Thus we have unmistakable evidence of what was republican in form, within the meaning of that term as employed in the Constitution." *Id.* at 176. The right of the people to enact legislation through elected representatives is bedrock in our Republic.

As to HB 1, Missourians have spoken overwhelmingly. HB1 passed 21 to 11 in the Senate and 90 to 65 in the House of Representatives. See Mo. S. Journal, 2d Extra. Sess., 103d Gen. Assembly, 25–26 (Sept. 12, 2025); Mo. H. Journal, 2d Extra. Sess., 103d Gen. Assembly, 37–38 (Sept. 9, 2025). Even if "five percent of the legal voters in each of two-thirds of the congressional districts" signed PNP's referendum petition, Mo. Const. art. III, § 52(a), the Guarantee Clause forbids the State of Missouri from allowing that fraction of five percent to override the People's representatives before a majority vote. Until a majority of Missourians vote against the HB 1 map, the will of the People must remain in effect.

IV.

Finally, throwing out the HB 1 map before the imminent 2026 General Election is impracticable and prohibited by federal law.

Today, Missouri completed its Primary Election for selecting congressional candidates. See § 115.121.2, RSMo. The General Election is now thirteen weeks (or 91 days) away. See § 115.121.1, RSMo. The 2026 General Election therefore must proceed under the same maps created for the Primary. As just one example, consider the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA"). See 52 U.S.C. §§ 20301, 20302; §§ 115.900–.936, RSMo (implementing UOCAVA into state election chapter). UOCAVA requires local election authorities to transmit ballots "not later than forty-five days before the election" to military and overseas voters, § 115.914, RSMo; 52 U.S.C. § 20302(a)(8), and prevents the certification of election results for three days after an election, see §§ 115.920.1, 115.508, RSMo. These requirements apply to both primary and general elections for congressional seats. § 115.904(1), RSMo. Thus, to satisfy UOCAVA in the event of a newly-ordered primary, there would need to be a minimum 93 days required to rerun the primary and then host a general election. This is greater than the 91 days between August 4

and November 3, 2026. And that is assuming that local election officials could instantly transmit a new congressional map into the Missouri Centralized Voter Registration system; instantly print and test the requisite absentee ballots; and instantly transmit all the necessary absentee ballots to military and overseas voters. These tasks would be impossible.

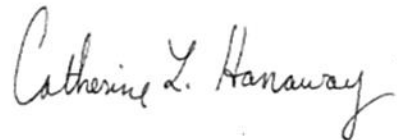
Missouri also cannot discard the HB 1 map for the November General Election now that the HB 1 map was used for the August Primary Election. Doing so would violate Article I, Section 2 of the U.S. Constitution, which provides: “The House of Representatives shall be composed of Members chosen every second Year *by the People of the several States*, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.” U.S. Const. art. I, § 2 (emphasis added). If Missouri forced hundreds of thousands of Missourians to consider a slate of candidates that they never voted on in the primary, the State would deprive “the People” of the right to choose their representatives under Article I, Section 2. Rather, millions of Missourians would consider a slate of candidates in the General Election that they never considered in the Primary Election.

Thus, even if it is ultimately determined that a referendum on congressional redistricting is constitutionally permissible, the 2026 general election must go forward under the HB 1 map.

V.

PNP’s referendum petition is unconstitutional. Additionally, setting aside the petition’s unconstitutionality, the U.S. Constitution and federal law require Missouri election officials to enforce House Bill 1 during the November 2026 election. The filing of a referendum petition, signed by only five percent of the State’s voters, cannot displace the will of the people.

Very truly yours,

A handwritten signature in cursive script that reads "Catherine L. Hanaway". The signature is written in dark ink and is positioned above the printed name.

CATHERINE L. HANAWAY
Missouri Attorney General