



Supreme Court of Missouri

en banc

SC101806

Claire Harris, et al.,

Appellants,

v.

Denny Hoskins, in His Official Capacity
as the Missouri Secretary of State,

Respondent.

Opinion issued September 3, 2026

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

Overview

This case shares similarities with *Von Glahn v. Hoskins*, No. SC101805, __ S.W.3d __ (Mo. banc Sep. 3, 2026). About one hour before the statutory deadline of 5:00 p.m. on August 4, 2026, Missouri Secretary of State Denny Hoskins held a press conference and issued a “Certificate of Insufficiency of Petition” for Initiative Petition 2026-106. In this case, the secretary found “the petition is insufficient under the Missouri Constitution[.]” The secretary directed the petition should not be placed on the November 2026 ballot. In his certificate, the secretary also vacated the petition’s ballot title and issued a new ballot title.

Because his certificate fails to identify *any* reason the petition is insufficient under the Missouri Constitution, it does not comply with section 116.150.2 and preserves nothing for this Court’s review.¹ Even if the secretary had preserved his claims, nearly all assert constitutional violations that may or will occur if the petition is approved. These hypothetical claims are not ripe for review. The two pre-election claims—violation of the single-article and single-subject requirements in article III, section 50—lack merit. Finally, the secretary lacks statutory authority to revoke his approval of the ballot title and issue another.

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 Initiative Petition 2026-106 (attaching a copy of this opinion thereto), to place the initiative petition on the November 2026 general election ballot with the original ballot title certified in September 2025, and to take any and all additional steps necessary to place the initiative petition on the ballot at that election before September 8, 2026.

Factual Background and Procedural History

The circuit court held a bench trial on the following joint stipulated facts and exhibits. On July 18, 2025, Jamie Howard submitted a sample sheet for an initiative petition (2026-106) to the secretary. On July 31, the Missouri Attorney General notified the secretary of the attorney general’s approval of the form of the petition. The same day, the secretary sent Howard a letter providing notice of “final approval to the form of your petition ... following the Attorney General’s approval.” The letter also provided:

Following the Attorney General’s review of the fiscal note, fiscal note summary and summary statement of the measure, our office will certify the official ballot

¹ All statutory references are to RSMo 2016, and all rule references are to Missouri Court Rules (2026).

title and forward a copy to you. At that time you may begin circulation of the petition with the official ballot title affixed to each petition page.

On September 9, the secretary certified the ballot title for the petition. The secretary's letter to Howard provided:

Please be advised that the Secretary of State, pursuant to Section 116.180, RSMo, has certified the official ballot title for the initiative petition you submitted on July 18, 2025. The ballot language is as follows:

Shall the Missouri Constitution be amended to:

- expand the initiative and referendum petition process by making it a fundamental right;
- allow courts to revise ballot summaries through lawsuits;
- prohibit the legislature from weakening initiative or referendum powers;
- prohibit the legislature from changing or repealing laws enacted through the initiative process, or passing laws similar to those rejected by referendum, without approval from at least 80% of both chambers; and
- preserve existing majority vote and signature requirements for initiative and referendum petitions?

State and local governmental entities estimate no costs or savings.

The approval of this ballot title follows review by the Attorney General of the summary statement submitted by this office and the fiscal note summary statement prepared by the State Auditor.

Following the secretary's certification of the official ballot title, petition supporters circulated the petition and gathered signatures using the certified ballot title. On May 3, 2026, petition supporters submitted to the secretary 69,757 pages purporting to contain more than 300,000 signatures in support of the petition.

The May 3 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. 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 May 3 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 petition is insufficient under the Missouri Constitution[.]” The secretary directed the petition should not be placed on the November 2026 general election ballot. The secretary also vacated his certification of the original ballot title and set out a new ballot title for use in the event a court ordered the petition be placed on the ballot.

On August 6, Howard, Claire Harris, and Eric Bronner timely sued under section 116.200.1 in the Cole County circuit court, seeking reversal of the secretary’s certification decision and a court order directing the petition be placed on the November 2026 general election ballot with the official ballot title the secretary certified in September 2025. Howard, Harris, and Bronner are Missouri citizens, qualified Missouri voters, and each signed the petition. The circuit court upheld the secretary’s insufficiency certification. Howard, Harris, and Bronner appealed.²

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*, 733 S.W.3d at 413-14 (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).

² 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 even though section 116.200.3 does not confer exclusive appellate jurisdiction in this Court. *Maggard v. State*, 733 S.W.3d 411, 416 n.11 (Mo. banc 2026). As a result, this Court need not decide whether any defense asserted by the secretary invokes this Court’s exclusive appellate jurisdiction.

Analysis

The secretary's certificate of insufficiency identifies *no* reason the petition is insufficient under the Missouri Constitution. Instead, his certificate states only: "I find the petition is insufficient under the Missouri Constitution and shall not be placed on the ballot[.]" This does not comply with chapter 116. Section 116.120.1 provides the secretary "shall examine the petition to determine whether it complies with the Constitution of Missouri and with this chapter [116]." Sec. 116.120.1. If the secretary finds the petition insufficient, then section 116.150.2 states the secretary "shall issue a certificate stating the reason for the insufficiency." Sec. 116.150.2. The secretary failed to comply with section 116.150.2 by failing to identify in his certificate *any* reason the petition is insufficient under the Missouri Constitution.³ If this Court held otherwise, the secretary could always declare a petition insufficient under the Missouri Constitution and disregard his statutory duty in section 116.150.2, with any citizen seeking to

³ The secretary attached to his certificate a six-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." As this Court explained in *Von Glahn*, this does not comply with section 116.150.2, which 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; *Von Glahn*, No. SC101805, ___ S.W.3d ___, slip op. at 5-6. To the extent the secretary has attempted to raise other arguments, whether by attaching the attorney general's "opinion" or through subsequent briefing, those arguments have been waived and abandoned. This includes claimed federal constitutional violations, such as a claimed Guarantee Clause violation, which are also outside the scope of the secretary's authorized statutory review in section 116.120.1. *See Von Glahn*, No. SC101805, ___ S.W.3d ___, slip op. at 5-6. Likewise, by failing to include in his certificate any reason for insufficiency related to the filing deadline or signature requirement for initiative petitions, the secretary has waived and abandoned any argument as to noncompliance with either requirement and has conceded the initiative petition was timely filed and contained at least the minimum number of signatures required by article III, section 50 (requiring petitions proposing constitutional amendments be filed not less than six months before the election and be signed by "eight 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 50.

challenge the secretary’s decision in the expedited statutory timeframe of 10 days from the certification decision left to guess at the reasons for the secretary’s decision. Sec. 116.200.1. As a matter of law, because the secretary failed to state *any* reason in his certificate for his insufficiency determination, he failed to comply with section 116.150.2 and preserved nothing for this Court’s review.

Even if the secretary had included his reasons for finding the petition insufficient in his certificate itself, those reasons—set forth in the secretary’s briefing—do not support the secretary’s insufficiency finding. Almost all the secretary’s unpreserved arguments concern potential constitutional violations that may or will occur *only if* the voters adopt the proposed amendment.⁴ Even assuming these hypothetical constitutional claims were preserved, they are not ripe for review pre-election and are not a basis for finding the petition itself insufficient. *See Boeving v. Kander*, 496 S.W.3d 498, 511 (Mo. banc 2016) (holding “[c]hallenges to whether the effect of a proposed constitutional amendment (if approved) will or might violate ... the Missouri Constitution (or a substantive restriction imposed by the federal constitution) are premature unless and until the amendment has been approved by the voters and taken effect”); *Brown v. Carnahan*, 370 S.W.3d 637, 645 (Mo. banc 2012) (noting “courts will not sit in judgment on the wisdom or folly of the initiative petition proposal presented, nor will this Court

⁴ For example, the secretary asserts the petition, *if approved*, would violate various constitutional guarantees of anti-entrenchment and a republican form of government by preventing future legislatures from proposing amendments to substantial parts of the Missouri Constitution without a supermajority vote. The secretary further asserts the petition, *if approved*, would cause the Missouri Constitution to run afoul of the United States Constitution, violating article I, section 3 of the Missouri Constitution, which provides:

That the people of this state have the inherent, sole and exclusive right to regulate the internal government and police thereof, and to alter and abolish their constitution and form of government whenever they may deem it necessary to their safety and happiness, provided such change be not repugnant to the Constitution of the United States.

issue an advisory opinion as to whether a particular proposal, if adopted, would violate a superseding law of this state or the United States Constitution”). Further, at least some of the secretary’s constitutional arguments appear to amount to nonjusticiable political questions to be decided by Congress, not by the secretary or this Court. *See, e.g., Pac. States Tel. & Tel. Co. v. Oregon*, 223 U.S. 118, 151 (1912) (dismissing the case for lack of jurisdiction because the scope of a republican form of government is a political question for Congress exclusively). The secretary’s review under section 116.120.1 is ministerial only and is limited to review of the petition itself to determine whether it complies with the Missouri Constitution and chapter 116, which does *not* include a determination of whether the proposed amendment, *if approved*, will or might lead to constitutional violations.⁵

The only proper pre-election claims the secretary raises in his briefing—although not in his certificate—are claims the petition violates article III, section 50 because it has multiple subjects and amends multiple articles.⁶ Both of these claims lack merit.⁷

⁵ The secretary essentially argues his certification decision is immune from judicial review because cases concerning “ripeness” do not apply to his statutory authority to review the petition’s sufficiency, so he was free to consider the constitutional validity of the proposed amendment, *if it is approved*. This Court declines to adopt the secretary’s argument, which is directly contrary to the judicial review the General Assembly authorized in section 116.200 and directly contrary to the plain language of section 116.120.1, setting out the scope of his review. Further, the secretary is no more permitted to rely on a hypothetical issue not ripe for review than any other litigant. A certificate of insufficiency must be based on a defect in the petition, not on any perceived flaws in the proposal made by the petition because the petition may never be approved by the voters, making any perceived flaw hypothetical only.

⁶ Article III, section 50 provides: “Petitions for constitutional amendments shall not contain more than one amended and revised article of this constitution, or one new article which shall not contain more than one subject and matters properly connected therewith[.]” *See also* Mo. Const. art. XII, sec. 2(b) (same). The secretary’s briefing conflates the single-subject and single-article challenges, but precedent and the constitutional text show them to be distinct.

⁷ This opinion assumes, without deciding, the secretary had the right to raise single-subject and single-article violations as grounds for insufficiency under section 116.150.2 even though these

On its face, the petition complies with the single-article requirement because it purports to revise only article III by adding six new sections. To the extent the secretary contends multiple constitutional provisions will be amended, he asserts this would occur because the effect of the amendment will be to alter every constitutional provision adopted by initiative petition from January 1, 2010, forward. But, as the secretary acknowledges, any potential impact on other articles will occur only if—and because—the voters approve the petition. Whatever its effect if adopted, the petition does not contain amendments to multiple articles and, therefore, does not violate article III, section 50. *See Boeving*, 496 S.W.3d at 509 (“By its terms, article III, section 50 is concerned only with what a proposed constitutional amendment ‘contains,’ not with what a proposed constitutional amendment will or might do if the voters approve it.”).

The petition also complies with the single-subject requirement because all the petition provisions relate to the single overarching subject of “protecting Missouri citizens’ constitutionally reserved lawmaking power” (*i.e.*, protecting the process and results of the constitutional right to initiative and referenda). *Comm. for a Healthy Future, Inc. v. Carnahan*, 201 S.W.3d 503, 511 (Mo. banc 2006) (“When reviewing a single subject challenge to an initiative petition, this Court must liberally and non-restrictively construe the petition in such a way that the provisions connected with or incident to the central purpose of the proposal are harmonized and not treated as separate subjects.”). This is evident in the official ballot title the secretary prepared and certified in September 2025, which explained to voters in separate bullet points the proposed changes, each of which relates to the single subject of protecting Missouri citizens’ constitutionally reserved lawmaking power. The secretary now asserts the petition does

claimed violations arguably are matters of form under sections 116.050.2(3) and 116.332.4 and should have been raised before the secretary approved the form of the petition in July 2025.

not comply with the single-subject requirement because some of the provisions work to defeat instead of protect the citizens' lawmaking power, but this argument ignores that even a provision hindering citizens' lawmaking power nonetheless relates to the single subject of citizens' lawmaking power.

In his certificate, the secretary also vacated the official ballot title *he, himself, prepared and certified* in September 2025 and certified a new official ballot title, claiming the new ballot title “accurately advises voters on what [the petition] would do.”⁸ In a document attached to his certificate and titled, “Vacatur of Previous Ballot Title and Certification of New Ballot Title,” the secretary indicated “the previously approved ballot title did not adequately inform the petition’s signers of the dramatic consequences that would follow from this proposed constitutional amendment.”

The secretary lacked authority to vacate the ballot title certified in September 2025 and certify a new official ballot title. Section 116.180 requires the secretary to certify the official ballot title within three days after receiving the official summary statement, the approved fiscal note summary, and the fiscal note. Section 116.190.1 authorizes any citizen who wishes to challenge the official ballot title to do so by suing in the Cole County circuit court within 10 days after the secretary certifies the official ballot title. No citizen filed a challenge. Under the plain

⁸ The current secretary certified the ballot title in September 2025 after receiving the then-attorney general’s approval. To the extent any secretary or attorney general is dissatisfied with approval or certification decisions made by their predecessors in office, they are still bound by those decisions under chapter 116. *See Coleman v. Ashcroft*, 696 S.W.3d 347, 356 (Mo. banc 2024) (noting the secretary is not “entitled to re-assess matters of form he had already approved”).

language of chapter 116's statutory scheme, the secretary has one opportunity to certify an official ballot title and, in doing so, must comply with a strict statutory deadline.⁹

Conclusion

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 Initiative Petition 2026-106 (attaching a copy of this opinion thereto), to place the initiative petition on the November 2026 general election ballot with the original ballot title certified in September 2025, and to take any and all additional steps necessary to place the initiative petition on the ballot at that election before September 8, 2026. No Rule 84.17 motions are permitted.

Ginger K. Gooch, Judge

All concur.

⁹ The General Assembly set out an exception in section 116.115, which requires the secretary to vacate the official ballot title certification within three days of receiving a written notice of withdrawal of the petition. There is no dispute section 116.115 does not apply here.