

IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI

CLAIRE HARRIS, *et al.*

Plaintiffs,

v.

Case No. 26AC-CC00446

DENNY HOSKINS, in his official
Capacity as the Missouri Secretary
of State

Defendant.

JUDGMENT

This matter arises out of the Secretary of State's finding of insufficiency for Initiative Petition 2026-106. On June 18, 2026, the case was tried via stipulated facts and exhibits. Having considered the stipulations and the parties' oral and written arguments, this Court finds that the Secretary had the authority to reject Initiative Petition 2026-106 for violating the Missouri Constitution. For the reasons below, the Court hereby enters judgment for the Secretary and against Plaintiffs.

Section 116.120 charges the Secretary with the responsibility to review initiative petitions for compliance with the Missouri Constitution and Chapter 116. This includes a requirement that Secretary review a petition for compliance with Article III, Section 50. *Missourians to Protect the Initiative Process v. Blunt*, 799 S.W.2d 824, 828 (Mo. banc 1990). The Secretary did so

here and determined that Initiative 2026-106 violates the single-subject and single-article guarantees. This Court concurs in that determination.

Instead of addressing a single subject, tied to a single article in the Missouri Constitution, Initiative 2026-106 makes sweeping reforms affecting multiple provisions of the Missouri Constitution.

Nor is there a single-controlling purpose that harmonizes the disparate provisions of the Initiative. *Coleman v. Ashcroft*, 696 S.W.3d at 369. Plaintiffs suggest that the purpose of Initiative 2026-106 is to “protect and strengthen citizen law-making power.” However, Initiative 2026-106 includes various subjects unrelated to strengthening or protecting citizens’ law-making power and, in at least one significant instance, undercuts this purported purpose.

Section 56 of the Initiative prohibits the legislature from directly changing any citizen-initiated law or amendment. It bars the General Assembly from directly passing or proposing any law or amendment similar in effect to one rejected by a referendum petition; it then goes one step further to prohibit the General Assembly from even referring any such law or amendment to the people for a vote absent an unprecedented eighty percent vote of each chamber. This curtails the most straightforward mechanism for getting a question before the people—i.e., a legislative referral.

Moreover, Section 56.3 of the Initiative extends the prohibitions of Section 56.1 to any citizen-led law, amendment, or referendum veto from

January 1, 2010 onwards. That backward looking provision regulates a wide range of subjects—including Medicaid expansion, right to work, marijuana, and others. The text of the measure does not even alert voters to these substantial changes.¹

Initiative 2026-106 thus contains unrelated and conflicting provisions. This prevents voters from having an understanding of the probable effects of the proposed amendment. *Buchanan v. Kirkpatrick*, 615 S.W.2d 6, 11–12 (Mo. banc 1981). It also violates the principle that an amendment “must pass or fail on its own merits.” *Blunt*, 799 S.W.3d at 830. This Court finds that Initiative 2026-106 violates Article III, Section 50 of the Missouri Constitution and upholds the Secretary’s rejection on this ground.

Additionally, the Court also upholds the Secretary’s decision to reject the Initiative under Article I, Section 3 of the Missouri Constitution. This issue is a matter of first impression in Missouri.

This Court finds that the plain text of Section 116.120 authorizes the Secretary to review the constitutionality of an initiative petition. § 116.120. Nothing in the text of Section 116.120 prohibits the Secretary’s review of a petition for compliance with Article I, Section 3. Therefore, this Court finds

¹ The Court is cognizant of the recent ruling in *Coleman v Ashcroft* 696 S.W.3d 347 (Mo. 2024) wherein the Court ruled that Section 116.050 does not require initiative petitions to list all statutory provisions that might be deemed incompatible with the measure if enacted. However, the facts and circumstances of this case seem to mesh more readily with the dissenting opinion.

that the Secretary did not exceed his authority in citing Article I, Section 3 as grounds to reject Initiative 2026-106.

Additionally, Article I, Section 3 prohibits any alteration to the Missouri Constitution repugnant to the U.S. Constitution. Mo. Const. art I, § 3. It is a fundamental principle of republican government that a current legislature cannot bar a future legislature from legislating on a particular subject. *See, e.g., Fletcher v. Peck*, 10 U.S. 87, 135 (1810) (Marshall, C.J.); *Manigault v. Springs*, 199 U.S. 473, 486–87 (1905); 1 W. Blackstone, *Commentaries on the Laws of England* 90 (1765) (“Acts of parliament derogatory from the power of subsequent parliaments bind not.”). As Chief Justice John Marshall explained in 1810, “one legislature cannot abridge the power of a succeeding legislature.” *Fletcher*, 10 U.S. at 135. Constitutional scholars concur on this point. *See, e.g.,* Michael J. Klarman, *Majoritarian Judicial Review: The Entrenchment Problem*, 85 Geo. L.J. 491, 509 (1997).

The plain language of Initiative 2026-106 violates this U.S. Constitution anti-entrenchment rule. *See Fletcher*, 10 U.S. at 135; *accord* U.S. Const. art. IV, § 4. Initiative 2026-106 impermissibly constricts the people’s ability to reconsider laws and amendments passed by initiative or vetoed by referendum. Today’s voters have the right to consider amendments proposed by the General Assembly; today’s voters cannot strip that right from future voters to insulate the current majority’s policy preferences from future reconsideration. Holding

otherwise would sanction a radical alteration of Missouri's government that undermines the republican guarantee.

The Secretary has a duty under the U.S. Constitution to ensure Missouri maintains a republican form of government. *See Baker v. Carr*, 369 U.S. 186, 222 n.48 (1962). This Court finds that the Secretary acted within his authority in rejecting Initiative 2026-106 for violating Article I, Section 3 of the Missouri Constitution.

WHEREFORE, the Court finds the Secretary of State's finding of insufficiency for Initiative Petition 2026-106 to be valid and hereby issues Final Judgment FOR Defendant on all Counts and AGAINST Plaintiff.

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 19 day of August, 2026



Daniel R. Green,
Circuit Judge