

IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI

ANNA FITZ-JAMES,)
)
Petitioner,)
)
Case No. 25AC-CC05427)
)
SECRETARY OF STATE)
DENNY HOSKINS, et al.,)
)
Respondents.)

ORDER

All parties appeared before this Court for a trial on Petitioner's Petition on August 27, 2025. Petitioner submitted additional evidence, which the Court received and considered. Both Petitioners and Respondents submitted additional briefing to the Court on September 2, 2025. Having considered all of the evidence, the parties' arguments, and the law, the Court issues its Order and Partial Judgment in this matter.

The General Assembly passed House Joint Resolution 73 ("HJR 73") for placement on the November 2026 general election ballot. HJR 73 submits to the voters a proposed constitutional amendment repealing Article I, Section 36 of the Missouri Constitution and adopting a new section in its place relating to reproductive healthcare. The General Assembly drafted a summary statement for HJR 73, and the Secretary of State drafted Fair Ballot Language for HJR 73.

Petitioner's Petition raises three counts: (1) Count I alleged that HJR 73 violated Article XII, Section 2(B) of the Missouri Constitution; (2) Count II alleged that HJR 73's summary statement as drafted by the legislature was insufficient and unfair in violation of

§ 116.155, RSMo.; and (3) Count III alleged that HJR 73's fair ballot language statement was insufficient and unfair in violation of § 116.025.

The Court rules in favor of Respondents on Count I of Petitioner's Complaint. Article XII, Section 2(b) of the Missouri Constitution states that proposed constitutional amendments "shall not contain more than one subject and matters properly connected therewith." The Court finds that HJR 73 meets the constitutional requirements of Article XII, Section 2(b), as HJR 73 does not contain more than one subject and matters properly connected therewith. In particular, the Court finds HJR 73's provision generally prohibiting gender-transition treatments for children closely related to reproductive healthcare. *See United States v. Skrmetti*, 145 S. Ct. 1816, 1835 (2025); HJR 73's provisions governing litigation against reproductive healthcare statutes are also closely related to the single subject of reproductive healthcare. *See, e.g., Coleman v. Ashcroft*, 696 S.W.3d 347, 369 (Mo. banc 2024).¹

On Count II, however, the Court finds that the summary statement for HJR 73 is insufficient and unfair and therefore rules in favor of Petitioner. Where a proposed constitutional amendment seeks to amend a prior amendment established by an initiative petition, the Western District Court of Appeals in *Pippens v. Ashcroft* held it insufficient and unfair for a summary statement to fail to **"alert voters to that change in some**

¹ In *dicta*, this Court takes Judicial Notice that the Planned Parenthood – Greater Columbia Area Website lists as services provided both Abortion and "Gender Affirming Care." The Court notes that one provider offering both these actions lend credence to the finding that they encompass a "single subject."

fashion.” 606 S.W.3d 689, 700 (Mo. App. W.D. 2020). (Emphasis Added) The Court finds that the current summary statement for HJR 73 fails to adequately alert voters that the proposed constitutional amendment would eliminate Article I, section 36 of the Missouri Constitution, which voters recently approved. *Cf. id.*

On Count III, the Court similarly finds that the fair ballot language for HJR 73 is insufficient and unfair, and therefore rules in favor of Petitioner. “[T]he same sufficiency and fairness standard applies” to Petitioner’s challenge to HJR 73’s fair ballot language as to Petitioner’s challenge to HJR 73’s summary statement. *Fitzpatrick v. Ashcroft*, 640 S.W.3d 110, 125 (Mo. App. W.D. 2022). The Court finds the fair ballot language insufficient and unfair for similar reasons as stated in Count II. The fair ballot language for HJR 73, like the summary statement, fails to adequately alert voters that the proposed constitutional amendment would eliminate Article I, section 36 of the Missouri Constitution, which voters recently approved. *Cf. Pippens*, 606 S.W.3d at 700.

Because this Court found the summary statement insufficient and unfair, Mo. Rev. Stat. § 116.190.4(2)(a) governs the remedy in this case. Consequently, the summary statement for HJR 73 is transmitted to the Secretary of State for revision. The Secretary of State shall draft a first revised summary statement for HJR 73 that is sufficient and fair, and submit a first revised summary statement to the Court within seven days of the date of this Order. At such point, the parties are each directed to submit briefing to the Court within 3 days following the Secretary of State’s submission of a first revised summary statement to advise the Court on each party’s position on the fairness and sufficiency of the first revised summary statement.

The fair ballot language statement for HJR 73 is similarly transmitted to the Secretary of State for revision. Mo. Rev. Stat. § 116.025 provides that “fair ballot statements may be challenged in accordance with Section 116.190.” Under § 116.190, the appropriate remedy to any statutory challenge to any part of the ballot title is to allow the Secretary of State (or, in the case of a challenge to the fiscal note or fiscal note summary, the Auditor) the opportunity to revise the challenged language. As such, the Court similarly transmits the fair ballot language for HJR 73 to the Secretary of State for revision. The Secretary of State shall draft a first revised fair ballot language statement for HJR 73 that is sufficient and fair, and submit a first revised fair ballot language statement to the Court within seven days of the date of this Order. At such point, the parties are each directed submit briefing to the Court within 3 days following the Secretary of State’s submission of a first revised summary statement to advise the Court on each party’s position on the fairness and sufficiency of the first revised fair ballot language statement.

Until such time as the Court either rules that the summary statement and fair ballot language are sufficient or fair or else ultimately drafts its own summary statement or fair ballot language, “the case shall remain open.” § 116.190.4(2)(e).

So ordered and adjudged this 19 day of Sept, 2025.



Honorable Daniel R. Green