

IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI

NATIONAL ASSOCIATION FOR)
THE ADVANCEMENT OF)
OF COLORED PEOPLE MISSOURI)
STATE CONFERENCE, et al.,)

Case No. 25AC-CC06724

Plaintiffs,)

GOVERNOR MIKE KEHOE, et al.,)

Defendants.)
)

JUDGMENT

On December 15, 2025, this court held a bench trial on plaintiffs' First Amended Petition for declaratory judgment. The parties submitted proposed judgments by December 23, 2025. Plaintiffs seek declaratory relief asking the court to find that Governor Kehoe did not have the constitutional authority to proclaim the September, 2025 extraordinary session of the general assembly. If granted, that relief would invalidate House Bill 1 ("HB1") which created a new congressional redistricting map and enacted initiative petition ballot reforms.

At trial, factual stipulations were received into evidence and arguments were heard. Having considered the extensive briefings along with the evidence and arguments presented at trial, this court issues the following findings of fact and conclusions of law:

FACTUAL BACKGROUND

On August 29, 2025, Governor Kehoe issued a proclamation calling the Missouri General Assembly to convene on September 3, 2025. Pursuant to the proclamation, the

General Assembly convened on September 3, 2025 and considered the designated matters relating to congressional redistricting and generally ballot measure reform. The General Assembly truly agreed and passed two pieces of legislation: 1) HB1 enacting a new congressional map for Missouri; and 2) House Joint Resolution 3 (“H.J.R. 3”) submitting to the qualified voters of Missouri a proposed amendment to Article III of the Missouri Constitution adopting one new section relating to ballot measures. The General Assembly adjourned *sine die* on September 12, 2025, and Governor Kehoe signed H.B.1 on September 28, 2025.

DISCUSSION

The sole issue in this case is whether Governor Kehoe had the constitutional authority under Article IV, Section 9, of the Missouri Constitution, to call an extraordinary session of the General Assembly. Of note, this provision serves as the exclusive and sole authority for the governor to call an extraordinary legislative session. Also, to this court’s knowledge, this issue has never been addressed by Missouri courts.

Under these circumstances, Missouri courts look to the words of the constitutional provision, itself. “Words used in constitutional provisions are interpreted to give effect to their plain, ordinary, and natural meaning.” *Faatz v. Ashcroft*, 685 S.W.3d 388, 400 (Mo. banc 2024) (internal citations omitted).

That said, in its entirety, Article IV, Section 9 states:

The governor shall, at the commencement of each session of the general assembly, at the close of his term of office, and at such other times as he may deem necessary, give to the general assembly information as to the state of the government, and shall recommend to its consideration such measures as he shall deem necessary and expedient. On

extraordinary occasions he may convene the general assembly by proclamation, wherein he shall state specifically each matter on which action is deemed necessary.

(emphasis added).

In pertinent part, Article IV, Section 9 provides, “on extraordinary occasions, [the governor] *may* convene the general assembly... .” (emphasis added). That sentence goes on to say that the governor shall state specifically each matter on which action is “deemed” necessary, to address the issues raised by the proclamation. This language is subjective and implicitly grants Missouri governors the constitutional discretion to decide what constitutes “extraordinary occasions.”

Plaintiffs argue that the governor’s proclamation to convene an extraordinary legislative session under these circumstances did not meet the definition of “extraordinary occasions” as prescribed by Article IV, Section 9. On the other hand, defendants argue Article IV, Section 9 gives subjective constitutional discretion to the Governor to decide what constitutes an extraordinary occasion, among other legal defenses.

Specifically, Plaintiffs’ call attention to other extraordinary sessions, that were called by Missouri governors when arguably more pressing extraordinary occasions existed, such as a State of Emergency or other perceived dire circumstances. By comparison, defendants argue that Missouri governors have proclaimed extraordinary circumstances under conceivably far less emergency-like examples offered by plaintiffs. However, none of these examples cited by plaintiffs or defendants were ever challenged in Missouri courts.

Regardless, these examples and comparisons do not matter. As long as the basic requirements for the proclamation are met,¹ the governor has the constitutional discretion to decide whether an extraordinary occasion exists, to decide whether or not to proclaim an extraordinary session of the legislature, and then to decide what action is deemed necessary to address it.

In addition, despite the novelty of this issue for Missouri courts, similar if not identical constitutional challenges have been addressed by numerous other states.² For example, this court directs attention to a ruling by the Supreme Court for the State of Kansas. See *Farrelly v. Cole*, 56 P. 492 (Kan. 1899).

¹ The governor "...shall state specifically each matter on which action is deemed necessary" in the proclamation, itself. Article IV, Section 9.

² See *State v. Fair*, 76 P. 731, 732 (Wash. 1904) ("it was the exclusive province of the governor, under the Constitution, to determine whether an occasion existed of sufficient gravity to require an extra session of the Legislative, and his conclusion in that regard is not subject to review by the courts.") (citing *Farrelly*, 56 P. 492); *Jaksha v. State*, 385 N.W.2d 922, 927 (Neb. 1986) (holding that the Nebraska Constitution "permits the Governor to determine when an extraordinary occasion exists, necessitating convention of a special session of the Nebraska Legislature.") (citing Neb. Const. art. IV, § 8); *In re Governor's Proclamation*, 33 P. 530, 531 (Colo. 1894) ("The governor is thus invested with extraordinary powers. He alone is to determine when there is an extraordinary occasion for convening the legislature. . . ."); *People ex rel. Carter v. Rice*, 20 N.Y.S. 293, 296 (Gen. Term), *aff'd*, 135 N.Y. 473, 31 N.E. 921 (N.Y. 1892) ("This article gave the governor power to convene the legislature in extraordinary session, and from the very nature of this provision he must be the judge as to what constitutes the extraordinary occasion."). In briefing and at trial Plaintiffs did not identify any contrary authority where a court has enjoined a state legislature from meeting, or invalidated subsequent, duly-passed legislation because it found that gubernatorial powers to call such a session were restricted or that "extraordinary occasion" imposed an external limitation on the exercise thereof. During trial, both Plaintiffs and Defendants addressed one Kentucky case, *Beshear v. Acree*, 615 S.W.3d 780 (Ky. 2020), in particular. In *Beshear*, the Kentucky Supreme Court interpreted the meaning of § 80 of the Kentucky Constitution which reads, "He [the Kentucky Governor] may, on extraordinary occasions, convene the General Assembly at the seat of government, or at a different place, if that should have become dangerous from an enemy or from contagious diseases." Ky. Const. § 80. As the Defendants pointed out, *Beshear* case aligns with fully discretionary gubernatorial powers. The Kentucky Supreme Court observed that "Section 80 contains the permissive 'may . . . convene' as opposed to the mandatory 'shall . . . convene.' Even in times when the Commonwealth is confronted with something extraordinary, to include enemies and contagious diseases, the decision to convene the General Assembly in a special session is solely the Governor's." *Beshear*, 615 S.W.3d at 806.

In *Farrelly*, the issue of what constitutes an “extraordinary occasion” was challenged when an extraordinary session of the legislature was called by the Kansas Governor. In that case, the court noted that the Kansas Constitution provides (and still provides): “The governor may, on extraordinary occasions, call the legislature into special session by proclamation... .” Kan. Const. art. I, § 5. In its decision, the Kansas Supreme Court expressly rejected the same challenge at issue in this case, finding that:

This is a power the exercise of which the framers of the constitution have seen fit to intrust to the chief executive officer of the state alone. As they have not defined what shall be deemed an extraordinary occasion for this purpose, nor referred the settlement of the question to any other department or branch of the government, the governor must necessarily be himself the judge, or he cannot exercise the power.

Farrelly v. Cole, 56 P. at 498.. As previously discussed, this court has applied similar reasoning to the case at bar, and holds Missouri governors have the constitutional discretion to determine what constitutes an “extraordinary occasion” under Article IV, Section 9, of the Missouri Constitution.

Finally, while the political doctrine question has never been raised with the specific challenge presented here, this court agrees with other Missouri courts that have declined to address such matters. This court also concludes that this issue is one of a political question to be properly determined by the sitting governor of the State of Missouri, and not the courts.³

³ See generally, *Faatz v. Ashcroft*, 685 S.W.3d 388, 400 (Mo. banc 2024) (“This Court will not interfere with the political process by finding a redistricting map unconstitutional unless the plaintiff proves that it clearly and undoubtedly contravenes the constitution.... the Court asks only if the constitutional requirements were followed, not whether a redistricting commission acted reasonably or prudently”) (internal quotations and citations omitted).

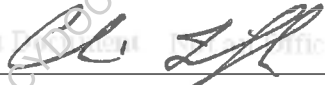
CONCLUSION

Because the governor has the constitutional discretion to decide what constitutes an extraordinary occasion, this court denies plaintiffs' claims for relief. All other pending matters, motions, and claims for relief are hereby denied.

Plaintiffs' Request for Declaratory Judgment and Injunctive Relief is hereby DENIED, and final judgment is entered in favor of Defendants.

SO ORDERED, ADJUDGED, AND DECREED.

Dated: 2/13/2026



Hon. Christopher K. Limbaugh
Circuit Judge, 19th Judicial Circuit
State of Missouri