



SUPREME COURT OF MISSOURI
en banc

SEAN SOENDKER NICHOLSON,)
)
 Appellant/Cross-Respondent,)
)
v.)
)
STATE OF MISSOURI, ET AL.,)
)
 Respondents/Cross-Appellants.)

Opinion issued January 23, 2026

No. SC101308

APPEAL FROM THE CIRCUIT COURT OF COLE COUNTY
The Honorable Daniel R. Green, Judge

After the Missouri General Assembly enacted Senate Bill No. 22 (“SB 22”) in 2025, Sean Soendker Nicholson initiated this lawsuit seeking a declaration from the circuit court that SB 22 was unconstitutional. Nicholson alleged SB 22 was enacted in violation of the original purpose, single subject, and clear title provisions of the Missouri Constitution. After conducting a trial on the issues, the circuit court entered judgment declaring the enactment of SB 22 violated none of the Missouri Constitution’s procedural limitations – the original purpose, single subject, and clear title provisions. Nicholson appeals from this judgment. This Court reverses the circuit court judgment and finds SB 22 violated the

Missouri Constitution’s original purpose requirement. Having found SB 22 was unconstitutionally enacted, SB 22 is invalidated in its entirety.

Factual and Procedural Background

In January 2025, the Senate introduced SB 22, with the original title “[t]o repeal section 116.160, RSMo, and to enact in lieu thereof one new section **relating to ballot summaries** prepared by the general assembly.” (Emphasis added). The bill added a subsection to section 116.160, amending the process for judicial review of ballot summary statements and allowing the secretary of state or the General Assembly to revise the statement if a court finds it insufficient or unfair. The bill subsequently landed in the Senate Committee on Local Government, Elections, and Pensions, which adopted a Senate committee substitute (“Senate Substitute 1”). Senate Substitute 1 retained the original amendment to section 116.160 but also amended other statutory provisions found in chapter 116 related to ballot summaries. Senate Substitute 1 increased the word limit for official summary statements. It also limited the authority of the judiciary to rewrite insufficient or unfair ballot summary statements and gave the secretary of state more of this authority.

In February 2025, Senate Substitute 1 was withdrawn, and Senate Substitute 2 was offered. Senate Substitute 2 retained some of the original amendments to chapter 116 but added an amendment providing a summary statement adopted by the General Assembly shall appear on the ballot unless the summary statement is successfully challenged in court.

After, SB 22 was brought to the Senate floor. The Senate adopted two floor amendments to Senate Substitute 2. The first amendment modified another provision in

chapter 116 to provide that signatures gathered in support of ballot initiative petitions whose titles are found to be insufficient or unfair are not invalidated solely because the court ordered the title to be changed. The second amendment modified a statute unrelated to ballot summaries – section 526.010, RSMo. The modifications to section 526.010 authorized the attorney general to appeal a preliminary injunction entered by a circuit court that enjoins the state or a statewide official from “implementing, enforcing, or otherwise effectuating any provision of the Constitution of Missouri, any Missouri statute, or any Missouri regulation.” Such appeals were not previously permitted. This amendment also changed SB 22’s title from “relating to ballot summaries” to “relating to judicial proceedings.”

The Senate passed the amended version of SB 22. The bill proceeded to the House of Representatives, which made no changes and voted to truly agree and pass SB 22. The Governor signed SB 22 on April 24, 2025, and the provisions of SB 22 became law. As enacted, SB 22 modified five statutes:

- **Section 116.155** now allows for official summary statements prepared by the General Assembly to be up to 100 words instead of the previous 50.
- **Section 116.160** now specifies that, if the General Assembly includes an official summary statement in an adopted joint resolution, the summary statement must appear on the ballot unless successfully challenged pursuant to section 116.190.
- **Section 116.190** continues to authorize challenges to ballot summaries if brought within 10 days of certification of the ballot title, but the statute now requires challenges to statewide ballot measures to be brought no later than the

twenty-second Tuesday before the general election at which the measure will appear. Further, section 116.190 now requires a court to allow the secretary of state the opportunity to rewrite and improve the ballot summary if the court finds that the original summary statement is insufficient or unfair. It also requires any challenge brought under section 116.190 to be fully resolved at least 70 days prior to the election.

- **Section 116.334** now provides that signatures may be collected in support of a ballot initiative while ballot title litigation is pending, and those signatures gathered shall not be invalidated based on a court-ordered change to the ballot title.
- **Section 526.010** now empowers the attorney general to appeal a preliminary injunction enjoining the state or a statewide official from “implementing, enforcing, or otherwise effectuating any provision of the Constitution of Missouri, any Missouri statute, or any Missouri regulation.”

On April 25, 2025, Nicholson, a Missouri resident and taxpayer, petitioned the circuit court, seeking a declaration that SB 22 was procedurally and substantively unconstitutional. Nicholson argued SB 22 as enacted by the General Assembly violated the original purpose, single subject, and clear title requirements of article III, sections 21 and 23 of the Missouri Constitution. Nicholson also claimed the amendment to section 526.010 violated the equal protection provision of article I, section 2 of the Missouri Constitution.

The named defendants, the State of Missouri, the attorney general, and the secretary of state (collectively, “the State”), moved to dismiss Nicholson’s petition, alleging Nicholson lacked standing to challenge SB 22. The circuit court overruled the motion.

The circuit court tried the case on stipulated facts and testimony from Nicholson. Nicholson testified he works on ballot campaigns for a living. He also testified he has plans to file ballot initiative petitions in the future, and he believed SB 22 would delay the initiative petition process, making it more expensive to put initiative petitions on the ballot. Nicholson also presented evidence the attorney general had utilized its new appellate authority under section 526.010. Specifically, Nicholson introduced an exhibit evidencing a notice of appeal the attorney general filed immediately following the enactment of SB 22, seeking review of a preliminary injunction entered against the state prohibiting the enforcement of certain Missouri laws. At trial, Nicholson argued SB 22 violated the original purpose, single subject, and clear title requirements of the Missouri Constitution, as well as its equal protection guarantees. The State argued SB 22 satisfied all of article III’s procedural requirements and did not violate the Missouri Constitution’s equal protection provision.

The circuit court found SB 22 violated none of the Missouri Constitution’s procedural limitations – the original purpose, single subject, or clear title provisions. The circuit court found SB 22’s amendment to section 526.010, however, violated equal protection by denying plaintiffs the same opportunity as the attorney general to appeal the circuit court’s denial of a preliminary injunction. The circuit court severed section 526.010 from the remainder of SB 22, determining the unconstitutionality of section 526.010 did

not affect the legality and enforcement of the remaining portions of the bill related to ballot summaries.

Nicholson appeals, arguing the circuit court erred in finding SB 22 complied with the Missouri Constitution's original purpose, single subject, and clear title provisions. The State cross-appeals, contending the circuit court erred in finding Nicholson had standing to bring his constitutional challenges to SB 22 and erred in finding section 526.010 violated equal protection.¹

Standing

“To bring an action in a Missouri court, a party must have standing. Standing is a threshold issue and a prerequisite to a court's authority to address substantive issues.” *Byrne & Jones Enters., Inc. v. Monroe City R-1 Sch. Dist.*, 493 S.W.3d 847, 851 (Mo. banc 2016) (internal quotations and citations omitted). “Regardless of an action's merits, unless the parties to the action have proper standing, a court may not entertain the action.” *E. Mo. Laborers Dist. Council v. St. Louis Cnty.*, 781 S.W.2d 43, 45-46 (Mo. banc 1989).

Standing requires a party seeking relief from the courts of this state to have a personal stake in the litigation arising from a threatened or actual injury. *Schweich v. Nixon*, 408 S.W.3d 769, 774 (Mo. banc 2013). For an issue to be decided in our Missouri courts, a justiciable controversy must exist – one in which the party seeking relief has a legally protected interest at stake and in which a substantial controversy with genuinely adverse interests exists between the parties to the litigation. *Id.* at 773. The party seeking

¹ This Court has exclusive appellate jurisdiction over cases involving the validity of state statutes or constitutional provisions. Mo. Const. art. V, sec. 3.

relief has the burden of establishing standing based on the evidence or record before the circuit court. *Id.* at 774; *Mo. Coal. for Env't v. State*, 579 S.W.3d 926-27 (Mo. banc 2019). On appeal, this Court reviews the issue of standing *de novo*. *Mo. Coal. for Env't v. State*, 579 S.W.3d at 926.

The State argues in its cross-appeal Nicholson did not have direct standing to pursue any of his claims challenging the constitutional validity of SB 22. Specifically, the State argues Nicholson has not established a sufficient harm or injury to confer standing to contest the constitutional validity of SB 22. Nicholson, on the other hand, asserts SB 22 would purportedly cause added delay, costs, and uncertainty to the ballot initiative process. Nicholson argues the changes adopted in SB 22 have the effect of making his ballot initiative advocacy work more expensive, directly impacting his professional livelihood and therefore, his pecuniary interest. As a result, he asserts he has direct standing to bring his claims.

Even in the absence of his alleged personal injuries or losses from SB 22 that Nicholson alleges gives him direct standing, he claims he has standing as a taxpayer and Missouri resident to bring his constitutional challenges to SB 22. This Court agrees. Nicholson has taxpayer standing.²

This Court has repeatedly held taxpayers have “a legally protectable interest in the proper use and expenditure of tax dollars.” *Lebeau v. Comm'rs of Franklin Cnty., Mo.*, 422 S.W.3d 284, 288 (Mo. banc 2014). A taxpayer’s interest does not arise from any direct,

² In reaching this conclusion, the Court does not consider whether Nicholson has direct standing to pursue this litigation.

personal loss but rather the expenditure of tax dollars. *Id.* Even if the taxpayer would not have standing otherwise, the public interests in preventing the unlawful expenditure of tax revenue give rise to standing for taxpayers. *Id.* at 289. “The taxpayer’s interest in the litigation ultimately derives from the need to ensure that government officials conform to the law.” *Id.* at 288.

But, as Nicholson concedes, simply being a taxpayer and resident of Missouri does not in itself establish taxpayer standing. Instead, the Court has held “taxpayer standing requires direct expenditure of funds generated through taxation, defined as a sum paid out, without any intervening agency or step, of money or other liquid assets that come into existence through the means by which the state obtains the revenue required for its activities.” *Mo. Coal. for Env’t*, 579 S.W.3d at 926-27 (internal quotation omitted).

This Court has recognized taxpayer standing as a mechanism to enforce procedural requirements in the Missouri Constitution, including the original purpose provision Nicholson raises in this case. *Lebeau*, 422 S.W.3d at 289. The procedural requirements of the Missouri Constitution, including the original purpose provision, “are designed to assist the citizens of Missouri by providing legislative accountability and transparency” and “also serve to defeat surprise within the legislative process.” *Id.* (internal quotation omitted). “These provisions also ensure that the public and members of the legislature are apprised of the subject matter of pending legislation.” *Id.*

Nicholson alleged and established he is a taxpayer and Missouri resident with a legally protectable interest in the proper use and expenditure of tax dollars, and he further alleged and established any appeal taken under section 526.010 requires the expenditure of

tax dollars. At trial, he introduced as an exhibit a notice of appeal the State filed immediately after SB 22 passed challenging the entry of a preliminary injunction entered against the State. Nicholson argued the notice of appeal showed an appeal under section 526.010 had occurred and necessarily involved the expenditure of tax dollars.

On appeal, the State alleges Nicholson has failed to establish a direct expenditure of funds because the notice of appeal reflects on its face the State did not have to pay a filing fee to appeal, and any other monies spent on an appeal under SB 22 were part of the State's normal operating expenses and required no additional expenditure of tax dollars. The State's narrow reading of "direct expenditure" is inconsistent with the important public interests served by taxpayer standing and with this Court's precedent concerning "direct expenditure."

In *Eastern Missouri Laborers District Council v. St. Louis County*, this Court first articulated the standard for Missouri taxpayer standing. 781 S.W.2d at 47. The Court, citing a Delaware Supreme Court case, observed "[a] taxpayer has a direct interest in the proper use and allocation of tax receipts. That interest gives the taxpayer a sufficient stake in the outcome of the suit to allow him to challenge improper uses of tax funds." *Id.* The Court went on to hold: "Absent fraud or other compelling circumstances, to have standing a taxpayer must be able to demonstrate a direct expenditure of funds generated through taxation, or an increased levy in taxes, or a pecuniary loss attributable to the challenged transaction of a municipality." *Id.* The Court observed: "Public policy demands a system of checks and balances whereby taxpayers can hold public officials accountable for their acts. Even though an expenditure might produce a net gain, if the expenditure is not

contemplated by the enabling legislation, it is illegal and should be enjoined.” *Id.* The Court noted it had recently held taxpayers had standing to challenge the legality of expenditures made by the Missouri State Lottery Commission “even though money would probably be added to, rather than taken from, the state treasury[,]” and the Court held taxpayers had standing “when they challenged the expenditure of public funds for parochial schools, although no private pecuniary injury was alleged.” *Id.* at 46 (citing *Tichenor v. Mo. State Lottery Comm’n*, 742 S.W.2d 170, 172 (Mo. banc 1988); *Beghorn v. Reorg. Sch. Dist. No. 8*, 260 S.W.2d 573, 581 (Mo. 1953)).

It is true, however, “the showing of an expenditure is mandatory.”³ *Airport Tech Partners, LLP v. State*, 462 S.W.3d 740, 745 (Mo. banc 2015); *see also Lebeau*, 422 S.W.3d at 289 n.3; *Cope v. Parson*, 570 S.W.3d 579, 584 (Mo. banc 2019). This Court has held an expenditure is “a sum paid out.” *Airport Tech Partners*, 462 S.W.3d at 745. (alteration omitted) (internal quotation omitted). The Court rejects the State’s argument no sum will be paid out because the attorney general will pursue any appeals under section 526.010 as part of its normal operating expenses.⁴ In connection with the attorney

³ This Court has found no taxpayer standing when there is no evidence of an expenditure paid out. *See Mo. Coal. for Env’t*, 579 S.W.3d at 927 (“Because there is no evidence or record before the Court that any provision of HB 1713 would result in the direct expenditure of tax revenues, the [appellant] has failed to establish it has taxpayer standing.”).

⁴ The State points to a series of court of appeals cases holding “general operating expenses which [an agency] incurs regardless of the allegedly illegal activity are not ‘direct’ expenditures, and are insufficient to establish taxpayer standing.” *State ex rel. Mo. Auto. Dealers Ass’n v. Mo. Dep’t of Revenue*, 541 S.W.3d 585, 593 (Mo. App. 2017) (alteration in original) (internal quotation omitted) (collecting cases). As set out above, this Court finds Nicholson has established direct expenditure of public funds beyond normal

general’s appeal of a preliminary injunction filed after passage of SB 22, tax dollars necessarily have been spent on the pursuit of that appeal when no appeal was previously allowed. This expenditure establishes taxpayer spending. Therefore, Nicholson has sufficiently alleged and proven he has taxpayer standing to pursue his constitutional claims.

Original Purpose

“Constitutional challenges to a statute are reviewed *de novo*.” *Legends Bank v. State*, 361 S.W.3d 383, 386 (Mo. banc 2012) (internal quotation omitted). “A statute is presumed valid[;] . . . [h]owever, if an act of the legislature clearly and undoubtedly violates a constitutional procedural limitation, this Court will hold it unconstitutional.” *Id.* (internal citation omitted). Nicholson, as challenger, bears the burden of establishing the bill is unconstitutional. *Calzone v. Interim Comm’r of Dep’t of Elementary & Secondary Educ.*, 584 S.W.3d 310, 315 (Mo. banc 2019).

Article III, section 21 of the Missouri Constitution provides that “no bill shall be so amended in its passage through either house as to change its original purpose.” This limitation “function[s] in the legislative process to facilitate orderly procedure, avoid surprise, and prevent ‘logrolling,’ in which several matters that would not individually command a majority vote are rounded up into a single bill to ensure passage.” *Ass’n of Club Execs. v. State*, 208 S.W.3d 885, 888 (Mo. banc 2006). “The original purpose of a bill is established by the bill’s ‘earliest title and contents’ at the time the bill is introduced.”

operating expenses in proving the State filed a notice of appeal in a category of cases for which no right to appeal existed prior to passage of SB 22. *Missouri Automobile Dealers Ass’n* and related cases are not at issue in this case, and this Court does not address those cases.

Legends Bank, 361 S.W.3d at 386 (internal quotation omitted). “[P]urpose means the general purpose of the bill, not the mere details through which and by which that purpose is manifested and effectuated.” *Calzone*, 584 S.W.3d at 317 (alteration in original) (internal quotation omitted). “The general purpose is often interpreted as an overarching purpose.” *Id.*

The original purpose “restriction is against the introduction of matters not germane to the object of the legislation or unrelated to its original subject.” *Akin v. Dir. of Revenue*, 934 S.W.2d 295, 302 (Mo. banc 1996). “Alterations that bring about an extension or limitation of the scope of the bill are not prohibited, provided the changes are germane.” *Calzone*, 584 S.W.3d at 317 (alteration omitted) (internal quotation omitted). Simply put, to pass constitutional muster, the Court must look to the original version of the bill and compare it with the final version. There must be some logical connection between the original purpose of the bill and all of the final provisions in the bill to satisfy the original purpose requirements of article III, section 21 of the Missouri Constitution.

SB 22 as enacted violated its original purpose. The addition of section 526.010, vesting the attorney general with the power to appeal preliminary injunctions, is not germane with the original title and contents of SB 22. The power section 526.010 grants to the attorney general goes beyond SB 22’s initial purpose related to ballot summaries. The State argues the overarching purpose of SB 22 at the time it was introduced was to amend the process for judicial review of state laws proposed or enacted by the General Assembly. The State contends the original version of SB 22 amending section 116.160 affects the finality of a circuit court’s holding that a summary statement is insufficient or

unfair and is germane to the amendment to section 526.010 that affects the finality of a circuit court's entry of a preliminary injunction. This argument stretches the boundaries of logic. The original purpose of the amendment to section 116.160 as introduced by SB 22 was not to affect the finality of a circuit court's ruling related to any state law proposed or enacted by the General Assembly; rather, its purpose was to modify the process for judicial review of a ballot summary.

In fact, the State admits SB 22 as introduced amended the procedures used in the judicial review of ballot summaries. The State also admits the final version of SB 22 empowered the attorney general to appeal an entry of a preliminary injunction unrelated to the judicial review of a ballot summary. Because the amendment to section 526.010 is not germane to the review of ballot summaries, Nicholson has established SB 22 as enacted violated the original purpose requirement of article III, section 21 of the Missouri Constitution. The circuit court erred by finding otherwise.⁵

Severance

Having declared SB 22 unconstitutional for violating the original purpose provision in article III, section 21, the Court turns its attention to whether the offending amendment to section 526.010 may be severed from SB 22 to remedy this constitutional violation and allow the enforcement of the remaining amendments to chapter 116 related to ballot summaries. “[W]hen evaluating a procedural constitutional violation, the doctrine of

⁵ Because this Court's analysis under article III, section 21 is dispositive to the issues raised in this appeal, the remaining constitutional claims of error raised by Nicholson and the State are moot and need not be addressed. *See Rizzo v. State*, 189 S.W.3d 576, 581 (Mo. banc 2006).

judicial severance is applied and severance is only appropriate when this Court is ‘convinced beyond a reasonable doubt’ that the legislature would have passed the bill without the additional provisions and that the provisions in question are not essential to the efficacy of the bill.” *Mo. Roundtable for Life, Inc. v. State*, 396 S.W.3d 348, 353 (Mo. banc 2013) (emphasis and footnote omitted). “Both of these inquiries seek to assure the Court that, beyond a reasonable doubt, the bill would have become law – and would remain law – even absent the procedural violation.” *Id.* at 353-54. The party seeking judicial severance has the burden of establishing sufficient grounds for severance. *City of De Soto v. Parson*, 625 S.W.3d 412, 418 n.7 (Mo. banc 2021).

There is no basis to conclude beyond a reasonable doubt the General Assembly would have passed SB 22 without the amendment to section 526.010. The State has not alleged sufficient facts to convince this Court that SB 22 would have been enacted absent the offending provision of section 526.010; therefore, the State has not met its burden to show severance is appropriate. Based on the record before this Court, SB 22 did not include a proposed amendment to section 526.010 until the second floor amendment to Senate Substitute 2. Only after this amendment did the Senate pass the bill. Because SB 22 was passed only after amending section 526.010, what has rung true in many of this Court’s past cases rings true here as well. “[T]here is simply no basis for inferring – with the high degree of certainty required by this Court’s prior cases – that this is what *would* have happened.” *Byrd v. State*, 679 S.W.3d 492, 497 (Mo. banc 2023) (quoting *City of De Soto*, 625 S.W.3d at 419). While it remains possible the General Assembly would have passed

SB 22 without the amendment to section 526.010, this mere possibility is not enough for this Court to save the non-offending provisions of SB 22.

Conclusion

For the reasons set forth above, this Court holds SB 22 violated the original purpose requirement of article III, section 21 of the Missouri Constitution. Finding the offending provision may not be severed, this Court reverses the circuit court's judgment and enters judgment invalidating SB 22 in its entirety.⁶

W. Brent Powell, Chief Justice

All concur.

⁶ Any Rule 84.17 motion shall be filed on or before 5 p.m. on Monday, January 26, 2026. The clerk of the Court is instructed to issue the mandate immediately if no motion is filed by this deadline.