



SUPREME COURT OF MISSOURI
en banc

MISSOURI STATE CONFERENCE)
OF THE NATIONAL ASSOCIATION)
FOR THE ADVANCEMENT OF)
COLORED PEOPLE, ET AL.,)
)
Appellants,)
)
v.)
)
STATE OF MISSOURI, ET AL.,)
)
Respondents.)

Opinion issued March 24, 2026

No. SC100965

APPEAL FROM THE CIRCUIT COURT OF COLE COUNTY
The Honorable Jon E. Beetem, Judge

Two organizations – the Missouri State Conference of the National Association for the Advancement of Colored People (“Missouri NAACP”) and the League of Women Voters of Missouri (“LWVMO”) – and three individuals – D. Rene Powell, Kimberly Morgan, and John O’Connor (“Individual Appellants”) – (collectively, “Appellants”) filed a petition in circuit court against the State of Missouri and secretary of state (collectively, “the State”) alleging House Bill No. 1878 (“HB 1878”) unconstitutionally burdens the right to vote and violates equal protection guarantees. After a bench trial, the circuit court entered a judgment against Appellants, finding both organizations and all three individuals

lacked standing to challenge HB 1878 and, even if they had standing, Appellants failed to establish that HB 1878 was unconstitutional. Appellants appeal this judgment. This Court, concluding Appellants lack standing, affirms that part of the judgment concluding Appellants failed to establish standing but reverses the part of the judgment alternatively concluding Appellants’ constitutional claims lack merit because, after correctly determining Appellants lacked standing, the circuit court no longer had before it any justiciable controversy to resolve on the merits.¹

Factual and Procedural Background²

A. The Provisions at Issue

In 2022, the Missouri General Assembly passed and the governor signed into law HB 1878. Upon enactment, HB 1878 amended sections 115.427 and 115.277 of the Revised Statutes of Missouri.³

As amended, the law requires individuals who wish to vote to present either one of the required forms of personal photo identification or cast a provisional ballot. *See* section

¹ Because the Court agrees with that part of the judgment concluding Appellants failed to establish standing, the Court’s analysis ends there. This opinion does not reach or address the merits of Appellants’ underlying claims.

² Prior to oral argument, Appellants filed a motion to strike from the record an affidavit the State submitted as an exhibit on appeal and several media articles cited in the State’s brief. Appellants argue the affidavit and articles constitute new evidence that was neither introduced nor considered by the circuit court, which cannot be included in the record on appeal. Indeed, “[a] party may not supplement the record on appeal with documents never presented to the [circuit] court and to which the opposing party has had no opportunity to respond.” *State v. Tokar*, 918 S.W.2d 753, 762 (Mo. banc 1996). This Court sustains Appellants’ motion to strike, and the State’s affidavit and media articles were not considered for the Court’s opinion.

³ All statutory citations are to RSMo Supp. 2024, unless otherwise noted.

115.427.1. Prior to being amended, the law permitted individuals appearing to vote without photo identification to vote using an array of other documents after attesting they do not possess the forms of personal identification approved for voting. *See* section 115.427.2, RSMo Supp. 2020. Now, voters without a compliant form of photo identification may cast only a provisional ballot. *See* section 115.427.2. For a voter’s provisional ballot to count, the voter must “return[] to the polling place” while it is open and “provide[] a form of” valid photo identification or “[t]he election authority verifies the identity of the individual by comparing that individual’s signature to the signature on file with the election authority and determines that the individual was eligible to cast a ballot at the polling place where the ballot was cast.” Section 115.427.4(1). HB 1878 applies these same photo identification requirements for in-person absentee voting. *See* section 115.427.1.⁴

B. Appellants Challenge HB 1878

In November 2022, Appellants filed a petition challenging the constitutionality of HB 1878, alleging the law’s photo identification requirements burden Missourians’ constitutional right to vote and violate Missouri’s equal protection clause. Appellants sought a declaratory judgment from the circuit court declaring HB 1878 unconstitutional for these reasons and a permanent injunction enjoining the State from enforcing the law’s

⁴ Although not germane to Appellants’ constitutional challenge, HB 1878 also authorizes no-excuse early in-person voting up to two weeks prior to election day. *See* section 115.277.1. Before HB 1878’s enactment, no-excuse early voting was not permitted in Missouri. HB 1878, however, contains a non-severability clause providing the provisions allowing no-excuse early in-person voting “shall [be] invalidate[d]” if any provision requiring a photo identification is deemed invalid. *Id.*

photo identification requirements. The State sought to dismiss Appellants' petition, alleging Appellants lacked standing to bring their constitutional claims.⁵

The circuit court held a five-day bench trial. Following this trial, the circuit court entered judgment in the State's favor, finding Appellants lacked standing. The circuit court also concluded, even if they did have standing, Appellants' constitutional challenge to HB 1878 lacked merit.

C. Individual Appellants' Trial Testimony

Individual Appellants testified at trial or via deposition about their voting experience after HB 1878's enactment.

Powell is a registered voter and member of LWVMO. Her non-driver photo identification expired in 2021. Powell suffers from a chronic seizure disorder that renders her unable to drive. She averred she has no need for a renewed photo identification except to vote.

Powell testified that, as a result of her disability, she feels unsafe walking or using the bus. She is reluctant to ask for rides from others. Powell does, however, walk distances up to a mile via "pedestrian friendly" routes and will otherwise use the bus, rideshare services, or rides from others to travel. She stated she is unable to walk the entire distance to her nearest license office but admitted she is familiar with a bus route that would deliver

⁵ The circuit court sustained the State's motion to dismiss but allowed Appellants to file an amended petition and attempt to establish standing. Appellants filed a first amended petition adding O'Connor as a plaintiff. The State moved to dismiss this first amended petition, again for lack of standing. The circuit court took up this motion during the subsequent bench trial.

her within walking distance of that office. Powell testified her polling place is “a couple of blocks” from where she lives and she walks there to vote.

At trial, Powell stated she typically walked to her polling place to vote because voting in person is important to her. Powell voted in the 2022 federal election using her expired non-driver photo identification.

Powell intends to vote by provisional ballot moving forward, though she testified she felt hesitant to do so because her seizure disorder affects her ability to sign her name, which she believes could affect the appearance of her signature. Powell expressed concern that, if she casts a provisional ballot, an election official reviewing the signature on her ballot and comparing it to her signature on file will incorrectly invalidate her vote. Powell voted by provisional ballot in a 2023 municipal election and stated she knew this ballot was counted. Powell also testified she knew Missouri’s permanently disabled voting list provides an additional avenue by which she may vote, but she had not applied to be placed on that list.⁶

The circuit court found Powell had not established standing to challenge HB 1878 because there was insufficient evidence the law would prevent her from voting. The circuit court noted Powell lacked compliant photo identification but could obtain one by renewing

⁶ HB 1878 did not amend section 115.284, which provides that persons with a permanent disability may apply for placement on a permanently disabled voter list. Election authorities must provide voters on this list with an absentee ballot application in advance of an election. *See* section 115.284.5. Those who complete and return this application are provided with an absentee ballot. *Id.* There are no fees or charges associated with placement on this list or receiving and casting an absentee ballot. *See generally* section 115.284.

her expired non-driver photo identification because she possesses the documents necessary for her to do so. The circuit court also found Powell was aware of Missouri's permanently disabled voting list and would qualify for placement if she applied, which would permit her to vote without photo identification. Based on these findings, the circuit court concluded any burdens Powell may suffer with respect to obtaining a qualifying photo identification for use in future elections are speculative based on her testimony and evidence in the record.

Morgan is registered to vote in Missouri. Morgan's voter registration card spells her legal first name as "Kimberly," which she testified is the correct spelling. Morgan possesses a non-expired, non-driver photo identification. This identification, however, spells her name as "Kimberley," copying the incorrect spelling on her birth certificate.

Before HB 1878 passed, Morgan voted with her voter registration card. Morgan testified she voted in person in the 2022 federal election after HB 1878 passed. Morgan stated she has not attempted to vote thereafter for fear of "being mistaken for voting fraudulently or turned away" at the polls because the first name on her non-driver photo identification does not match the name on her voter registration. The circuit court, however, found the misspelling on Morgan's non-driver photo identification does not legally prevent her from using it to vote because the name on this identification substantially conforms to her name as it appears in her voter registration.

The circuit court also found nothing prevents Morgan from voting provisionally. While she stated she is aware she can vote via provisional ballot, she has not done so for fear an election authority would determine the signature on her ballot does not match the

one on her voter registration and her vote would not be counted.

O'Connor, who died during the pendency of this appeal, was a LWVMO member and registered to vote in Missouri. O'Connor testified via deposition. He stated he typically voted at a polling location within walking distance of his home using his voter registration card. O'Connor's driver's license expired in 2016. At the time of trial, O'Connor possessed a non-expiring photo identification that permanently satisfied the requirements of HB 1878.

O'Connor obtained this photo identification in order to vote in person after HB 1878 took effect. To obtain his identification, O'Connor and his wife gathered underlying documentation, and O'Connor spent about an hour at his local department of motor vehicles office. O'Connor was not required to pay for this identification.

The circuit court found O'Connor's deposition testimony regarding his alleged injuries not credible "due to his combative responses to reasonable questions and refusals to answer certain questions." Even if O'Connor's testimony had been found credible, the circuit court went on to find O'Connor could, and had, voted since HB 1878's enactment using his non-expiring photo identification and any burdens O'Connor bore in obtaining his non-expiring photo identification did not establish standing to challenge HB 1878.

D. Organizational Appellants' Testimony

At trial, Missouri NAACP and LWVMO (collectively, "Organizational Appellants") contended HB 1878 impacted their organizations' activities and members.

Missouri NAACP is a statewide membership organization and the state affiliate of the National Association for the Advancement of Colored People. The NAACP's mission

is to call attention to injustices and inequities suffered by Black Americans. Missouri NAACP testified it advances this mission in myriad ways, including educating individuals on their voting rights and assisting participation in elections.

LWVMO is a statewide membership organization and a state chapter of the National League of Women Voters. The National League of Women Voters was founded out of the women's suffrage movement, and part of its mission is to ensure its members who are eligible to vote are able to do so. LWVMO's mission is to "empower voters" and "defend[] democracy." One way LWVMO promotes this mission is by informing voters about how they may cast their ballot and encouraging them to do so with "get out the vote" efforts.

Representatives for both organizations testified at trial regarding their organization's activities in response to HB 1878. Nimrod Chapel Jr., Missouri NAACP's president, testified his organization's work on voting rights "intensified a lot" as a result of HB 1878. After the law passed, Missouri NAACP produced information and resources for its members and the public regarding the law's voter identification provisions. Chapel testified Missouri NAACP diverted grant funds it would typically expend on voter engagement and education toward educating the public about the new photo identification requirements HB 1878 imposes.

Marilyn McLeod, LWVMO's president, testified her organization altered how it expended resources to educate voters about the effects of HB 1878. McLeod testified LWVMO used funds it would otherwise use on "get out the vote" efforts to instead buy radio advertisements and produce informational materials regarding HB 1878. McLeod also averred LWVMO redirected non-monetary resources to inform the public about how

HB 1878 changed voting requirements and procedure. McLeod testified LWVMO staff and volunteers worked on disseminating information regarding HB 1878 rather than working on “get out the vote” efforts.

The circuit court found Organizational Appellants’ “expenditure of resources” were “not incurred as a result of the challenged provisions in HB 1878.” The circuit court concluded Organizational Appellants’ “diversion of resources” theory did not establish they had standing to challenge HB 1878.

Organization Appellants also testified about how HB 1878 impacted their members. Chapel claimed several Missouri NAACP members were unable to vote for lack of compliant photo identification. Chapel claimed one member was turned away at the polls during the 2022 federal election and denied a provisional ballot but could not provide specific details regarding this claim. When questioned regarding these members’ voter-registration status, Chapel could not provide a foundation for his belief the members were even registered to vote.

McLeod recounted the experiences of two LWVMO members, both of whom she claimed were unable to vote in person because they did not have compliant photo identification. McLeod did not testify whether these members cast provisional ballots and could not name any other LWVMO member who was unable to vote because of HB 1878.

The circuit court found both organizations’ representatives could not proffer any specific factual allegations regarding HB 1878’s impact on specific members. Accordingly, the circuit court found Chapel and McLeod were unable to offer a sufficient foundation for their assertions their members were unable to vote as a result of HB 1878.

Based on this finding, the circuit court concluded Organizational Appellants had not established associational standing.

After finding all Appellants lacked standing to bring their challenge to HB 1878 and reaffirming its ruling dismissing the case, the circuit court went on to address the merits of Appellants' constitutional claims. The circuit court found HB 1878 to be constitutional, finding the new law did not violate Missourians' right to vote or the Missouri Constitution's equal protection clause. The circuit court entered judgment against Appellants on all counts, denying their requests for declaratory and injunctive relief.

Appellants now appeal to this Court, arguing the circuit court erred in finding they failed to establish standing and further erred in finding their constitutional challenge to HB 1878 lacked merit.⁷ Because the Court finds Appellants lack standing to challenge HB 1878, the Court affirms that part of the judgment concluding Appellants failed to establish standing but reverses the part of the judgment finding Appellants' constitutional claims lacked merit.

Standard of Review

“This Court reviews the issue of standing *de novo*.” *Mo. Coal. for Env't v. State*, 579 S.W.3d 924, 926 (Mo. banc 2019). However, “[w]hen there is contested evidence, this Court will affirm the circuit court’s factual findings unless there is no substantial evidence to support the finding or the finding is against the weight of the evidence.” *Faatz v. Ashcroft*, 685 S.W.3d 388, 400 (Mo. banc 2024) (footnote omitted). “In reviewing a court-

⁷ This Court has exclusive appellate jurisdiction over cases involving the validity of state statutes or constitutional provisions. Mo. Const. art. V, sec. 3.

tried case, this Court accepts all evidence and inferences therefrom in the light most favorable to the prevailing party and disregards all contrary evidence.” *MC Dev. Co. v. Cent. R-3 Sch. Dist. of St. Francois Cnty.*, 299 S.W.3d 600, 602 (Mo. banc 2009). “Great deference must be given to the [circuit] court’s resolution of conflicts in evidence, and this Court gives due regard to the court’s opportunity to have judged the credibility of the witnesses before it.” *Id.* (internal quotation omitted).

Thus, this Court reviews *de novo* the circuit court’s application of the law with respect to standing but defers to the circuit court’s factual findings and credibility determinations.

Standing

“Before a case may be heard by Missouri courts, a plaintiff must present a justiciable controversy.” *City of St. Louis v. State*, 682 S.W.3d 387, 398 (Mo. banc 2024). “Justiciability is a ‘prudential’ rather than a jurisdictional doctrine.” *Schweich v. Nixon*, 408 S.W.3d 769, 773 (Mo. banc 2013). “A justiciable controversy exists where [1] the plaintiff has a legally protectable interest at stake, [2] a substantial controversy exists between parties with genuinely adverse interests, and [3] that controversy is ripe for judicial determination.” *Id.* (alterations in original) (internal quotation omitted). “The first two elements of justiciability are encompassed jointly by the concept of ‘standing.’” *Id.* at 774.

“To bring an action in a Missouri court, a party must have standing.” *Byrne v. Jones Enters., Inc. v. Monroe City R-1 Sch. Dist.*, 493 S.W.3d 847, 851 (Mo. banc 2016) (internal quotation omitted). “Standing is a threshold issue and a prerequisite to a court’s authority

to address substantive issues.” *Id.* (internal quotation omitted). “Standing is a necessary component of a justiciable case that must be established prior to adjudication of a case’s merits.” *Id.* “Moreover, standing is an antecedent to the right to relief.” *Id.* (internal quotations, citations, and alterations omitted).

“Standing requires that a party have a personal stake arising from a threatened or actual injury.” *Schweich*, 408 S.W.3d at 774. A party’s speculation that a challenged action may adversely impact that party is insufficient to establish a threatened or actual injury. *See Mo. Coal. for Env’t*, 579 S.W.3d at 927. Appellants bear the burden to establish they have standing based on the evidence or record before the circuit court. *Schweich*, 408 S.W.3d at 774.

I. Individual Appellants Did Not Establish Standing

Appellants argue the circuit court erred in finding Individual Appellants lack standing because HB 1878 infringed upon Powell, Morgan, and O’Connor’s ability to vote.

Considering the evidence presented at trial in the light most favorable to the prevailing party and disregarding all contrary evidence, Individual Appellants did not establish HB 1878’s voter identification requirements actually infringed on their ability to vote, and their fears the law may do so in the future are merely speculative. For these reasons, Individual Appellants lack standing.

a. Powell Did Not Establish a Threatened or Actual Injury

Powell’s testimony did not establish HB 1878 interfered with her ability to vote. Powell voted twice after HB 1878 went into effect: once with her expired photo

identification and, in a subsequent election, by provisional ballot. HB 1878 has not impacted Powell's ability to vote.

Powell asserts, however, that HB 1878 nonetheless infringes on her ability to vote because she will face additional burdens to obtain compliant photo identification. Evidence adduced at trial shows Powell can renew her photo identification at any time for free and she has renewed her license in the past despite her disability. While her disability makes travel more challenging, the evidence shows Powell walks to locations up to a mile from her house and, for traveling longer distances, utilizes the bus, rideshare services, or rides from others. This evidence shows Powell can obtain compliant photo identification and, if she chooses not to, she can cast a provisional ballot.

Powell fears any provisional ballot she casts may be rejected due to a signature mismatch. Appellants introduced no evidence Powell has had her signature rejected while voting. The State, however, introduced testimony from election officials explaining signatures on provisional ballots are reviewed with a presumption of validity, and, indeed, evidence shows officials counted the provisional ballot Powell cast after HB 1878 took effect.

Affording the circuit court's evidentiary findings the deference they are due under the standard of review, the circuit court did not err in determining Powell lacked standing due to the absence of a threatened or actual injury as a result of HB 1878's voting requirements. Powell has voted twice since HB 1878's enactment, and her vote has been counted each time. Powell speculates she may face challenges renewing her photo identification so she can vote by her preferred method, but this speculation cannot amount

to a threatened or actual injury. *See Mo. Coal. for Env't*, 579 S.W.3d at 927. Powell's fears that future ballots she casts may not be counted are also speculative. Considering all this evidence and the inferences drawn therefrom in the light most favorable to the State and disregarding all contrary evidence, the circuit court did not err in finding Powell failed to meet her burden to show a threatened or actual injury caused by HB 1878 and concluding that Powell lacked standing to challenge the law's voting restrictions.

b. Morgan Did Not Establish a Threatened or Actual Injury

Morgan possesses compliant photo identification but has not attempted to vote since the law went into effect. Morgan testified she voted in the 2022 federal election after HB 1878's enactment using her non-driver photo identification, despite the fact the first name on this identification deviates from the name on her voter registration by one letter. She has not cast a provisional ballot because she is concerned her vote will be rejected by an election official reviewing her signature.

Morgan has successfully voted in person since HB 1878 took effect. This evidence does not support Morgan's speculation that HB 1878 may impact her ability to vote in the future. Further, Morgan's fears she may be turned away from voting in person or her provisional ballot may not be counted are speculative. Accepting all evidence and inferences drawn therefrom in the light most favorable to the State and disregarding all contrary evidence, the circuit court did not err in finding Morgan failed to meet her burden to show a threatened or actual injury attributable to HB 1878 and, therefore, lacked standing to challenge HB 1878.

c. O'Connor Did Not Establish Standing and His Claim Is Moot

At the time of trial, O'Connor had obtained a free, non-expiring photo identification and used it to vote after HB 1878 passed. O'Connor's deposition testimony centered on the burdens he alleged he and his wife faced to obtain this identification. But, despite these burdens, he did obtain compliant identification and vote. More importantly, the circuit court found O'Connor's deposition testimony not credible due to his combative demeanor and refusal to answer questions. Even if the circuit court had not discounted his testimony, the circuit court also found O'Connor overcame the burdens he testified to and was able to obtain compliant identification. Viewing the evidence and inferences drawn therefrom in the light most favorable to the State and disregarding all contrary evidence, the circuit court did not err in finding O'Connor failed to meet his burden to show a threatened or actual injury resulting from HB 1878 and, therefore, lacked standing to challenge HB 1878.

Even if O'Connor had standing at the time of trial, he has since died, so his claim is moot. A claim becomes moot when an event "makes a court's decision unnecessary or makes granting effectual relief by the court impossible." *D.C.M. v. Pemiscot Cnty. Juv. Off.*, 578 S.W.3d 776, 780 (Mo. banc 2019) (internal quotation omitted). With O'Connor's death, this Court's decision could not grant him effectual relief even if he had suffered a threatened or actual injury.⁸

⁸ Appellants contend this Court should consider O'Connor's claim under the public-policy exception to mootness. When a claim is moot, this Court may exercise its discretion to decide the claim "when the issue raised is one of general public interest and importance, recurring in nature, and will otherwise evade appellate review." *D.C.M.*, 578 S.W.3d at 780 (internal quotations omitted). Appellants, pointing to demographic data regarding the

II. The Organizational Appellants Lack Standing

Appellants contend Missouri NAACP and LWVMO established standing to challenge HB 1878 even if the three named individuals do not. First, Appellants claim NAACP and LWVMO diverted organizational resources to address the voter identification requirements imposed by HB 1878. Appellants claim this diversion of resources established standing for both organizations. Alternatively, Appellants argue Organizational Appellants established associational standing because at least one of NAACP's or LWVMO's members would have standing to challenge HB 1878 in their own right. Because both arguments lack merit, Organizational Appellants also lack standing to challenge HB 1878.

a. Appellants' "Diversion of Resources" Theory Did Not Establish Standing

Relying on *Havens Realty Corp. v. Coleman*, 455 U.S. 363 (1982), Appellants argue Organizational Appellants had standing in their own right because both organizations diverted resources they would typically use for other activities to educate their members about HB 1878's voter identification requirements. Missouri courts have not adopted *Havens*' "diversion of resources" theory, however, and this Court need not do so now.

For organizations, like individuals, "[s]tanding requires that [the organization] have a personal stake arising from a threatened or actual injury." *Schweich*, 408 S.W.3d at 774.

mortality rates of males of O'Connor's age, argue O'Connor's alleged injury will evade review unless this Court opts to take up O'Connor's moot claim. This data, however, does not show elderly males such as O'Connor will inevitably die in the course of litigation. Appellants do not argue no other litigant could bring this claim and have not established the claim will evade review unless this Court applies the public-policy exception to mootness.

An organization's speculation that legislation may adversely impact the organization is insufficient to establish a threatened or actual injury. *See Mo. Coal. for Env't*, 579 S.W.3d at 927. Further, an organization's "generalized interest . . . in constitutional governance" does not, on its own, confer standing. *Id.* (internal quotation omitted). Non-implementation of an organization's preferred policy cannot constitute an actual injury for establishing standing. *See, e.g., Mo. Coal. for Env't v. Joint Comm. on Admin. Rules*, 948 S.W.2d 125, 132 (Mo. banc 1997). As with individuals, an organization bears the burden of showing it is adversely affected by the challenged legislation. *Mo. Coal. for Env't*, 579 S.W.3d at 927.

Applying these basic principles, Organizational Appellants did not establish a threatened or actual injury stemming from HB 1878. Organizational Appellants assert HB 1878 adversely affected them because they "reacted to the passage of [HB 1878] by diverting resources from ballot education and get out the vote efforts to education, volunteer training, and outreach related to the [HB 1878's] voter [identification] requirements." Indeed, Organizational Appellants presented evidence at trial that each organization expended resources to educate voters about the effects of HB 1878. While Organizational Appellants claim these expenditures diverted resources from "mission critical work," both organizations' presidents testified their organizations advance their respective missions by educating individuals and facilitating voters' participation in elections. Organizational Appellants' decision to focus their efforts on educating voters on HB 1878 *is*, in fact, ballot education that aids organization members and the public in getting out to vote. Organizational Appellants are free to pursue their respective missions

by whatever means they so choose, but their decision to alter the information and methods they use to promote voter education and turnout is not a threatened or actual injury attributable to HB 1878. Organizational Appellants merely decided to employ different methods to achieve their respective missions.

Based on the evidence presented at trial, the circuit court found Organizational Appellants' expenditure of resources were "not incurred as a result of the challenged provisions in HB 1878." Viewing the evidence and inferences drawn therefrom in the light most favorable to the State and disregarding all contrary evidence, the circuit court did not err in making this finding and concluding that Organizational Appellants' diversion of resources theory did not establish they had standing to challenge HB 1878.

Organizational Appellants' diversion of resources theory also fails because – if such diversions constitute an injury at all – it is premised on Organization Appellants' own, independent decision to alter their activities in response to HB 1878. HB 1878 did not force Organizational Appellants to alter how they further their respective missions, and these two organizations cannot manufacture standing by shifting how they educate their members and public with respect to voting rights and procedures. Finally, Organizational Appellants' general interest in the constitutional governance of voting rights and their opposition to the policy embodied by HB 1878's provisions cannot establish standing.

b. Organizational Appellants Did Not Establish Associational Standing

Organizational Appellants assert, if they did not have standing in their own right, they nevertheless established associational standing by identifying at least one of their members who would otherwise have standing to sue in his or her own right.

Citing *Hunt v. Washington State Apple Advertising Commission*, 432 U.S. 333, 343 (1977), this Court has held “[a]n association that itself has not suffered a direct injury from a challenged activity nevertheless may assert ‘associational standing’ to protect the interests of its members if certain requirements are met.” *St. Louis Ass’n of Realtors v. City of Ferguson*, 354 S.W.3d 620, 623 (Mo. banc 2011). In *City of Ferguson*, the Court recognized Missouri has “adopted the *Hunt* framework for analyzing associational standing.” *Id.* “*Hunt*’s three-factor test for standing allows Missouri courts to ensure that an actual controversy exists between persons whose interests are adverse and that those who stand to benefit from the litigation have a legally protectable interest at stake.” *Id.* (internal quotation omitted).

Under *Hunt*, an association has standing to sue on behalf of its members if:

(a) its members would otherwise have standing to bring suit in their own right; (b) the interests it seeks to protect are germane to the organization’s purpose; and (c) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit.

Mo. Outdoor Advert. Ass’n, Inc. v. Mo. State Highways & Transp. Comm’n, 826 S.W.2d 342, 344 (Mo. banc 1992) (quoting *Hunt*, 432 U.S. at 343). To satisfy the first prong of *Hunt*, an organization claiming associational standing must demonstrate at least one of its members is suffering a threatened or actual injury that would establish individual standing for that member. *See City of Ferguson*, 354 S.W.3d at 623.

Organizational Appellants first point to Powell and O’Connor as identifiable members of LWVMO who have standing in their own right as a basis for establishing associational standing. As explained above, neither of these Individual Appellants

established standing, and Organizational Appellants cannot rely on their testimony to establish associational standing.

Alternatively, Organizational Appellants point to the testimony of Missouri NAACP's and LWVMO's presidents, who testified regarding other members' voting experiences after HB 1878 took effect. The circuit court discounted this evidence, finding both organizations' presidents failed to provide a sufficient foundation for their testimony regarding members the presidents alleged were unable to vote due to HB 1878. Organizational Appellants challenge this finding, alleging that, from their presidents' testimony, at least one organization member can be identified as having standing to sue in his or her own right.⁹

Missouri NAACP's president claimed his members were unable to vote because they could not obtain compliant identification but, when questioned about this claim, could not establish a foundation for his belief these members were registered voters or provide additional details regarding these members' experiences. Whether these members were registered to vote is essential to establishing whether HB 1878 could have impacted their ability to vote. Accordingly, the circuit court found Missouri NAACP did not identify a single member whose ability to vote was impacted by HB 1878.

⁹ The circuit court deemed the presidents' testimony hearsay, and the parties debate whether an organizational designee's testimony about a member's experience is hearsay. This Court need not decide this issue because, as explained below, the circuit court did not err in discounting this evidence and finding neither president could identify a member whose ability to vote was impacted by HB 1878.

Similarly, LWVMO's president testified two members could not vote in person due to HB 1878's photo identification requirements but did not speak about whether these members voted by provisional ballot. LWVMO's president could not point to any other members who claimed they were unable to vote due to HB 1878. The circuit court found this testimony did not provide a sufficient foundation to establish HB 1878 affected a LWVMO member's ability to vote.

Viewing the evidence and inferences drawn therefrom in the light most favorable to the State and disregarding all contrary evidence, the circuit court did not err in finding Organizational Appellants failed to identify a single individual member who would have standing to challenge HB 1878 in his or her own right. Pursuant to this finding, Organizational Appellants cannot satisfy the first prong of the *Hunt* test; accordingly, the circuit court did not err in concluding Organizational Appellants lacked associational standing to challenge HB 1878.

III. Because Appellants Lacked Standing, the Circuit Court's Merits Determination Must Be Reversed

As explained above, Appellants did not establish they have standing to challenge HB 1878 on any proffered theory. Despite determining Appellants lacked standing to sue, the circuit court in its judgment alternatively concluded Appellants' constitutional claims lacked merit even if Appellants had standing.¹⁰

¹⁰ The Court appreciates the circuit court likely reached the merits of Appellants' claims in the interest of judicial economy despite finding Appellants lacked standing. In other cases in which a circuit court has dismissed a case for lack of standing and alternatively resolved the merits, this Court has exercised its discretion to review the merits after concluding

Appellants assert, if they do not have standing, then this Court should vacate any decision on the merits and dismiss the case without prejudice for lack of standing.¹¹ “Standing is a necessary component of a justiciable case that must be shown to be present prior to adjudication on the merits.” *Schweich*, 408 S.W.3d at 774. “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).

The circuit court correctly concluded Appellants failed to establish standing, which then eliminated any remaining justiciable case and requires this Court to reverse that part of the judgment alternatively resolving Appellants’ constitutional claims on the merits.

Conclusion

Appellants do not have standing to challenge HB 1878. After correctly determining Appellants failed to establish standing, the circuit court had before it no justiciable

standing had been established. *See, e.g., Mercy Hosps. E. Cmtys. v. Mo. Health Facilities Rev. Comm.*, 362 S.W.3d 415, 418 (Mo. banc 2012).

¹¹ In requesting the Court dismiss the lawsuit without prejudice, Appellants misunderstand the procedural posture of this case and ignore the opportunity they had to replead to establish standing. In 2022, the circuit court concluded the plaintiffs lacked standing, dismissed the case without prejudice, and granted the plaintiffs 30 days to replead. Appellants filed their first amended petition. In its judgment, the circuit court concluded the first amended petition suffered from the same defects as the original petition and reaffirmed its ruling from 2022 dismissing the case. Because the judgment did not specify the dismissal due to lack of standing was with prejudice, it was without prejudice. Rule 67.03. Because Appellants chose to stand on the allegations of their first amended petition and appeal, the judgment is final for purposes of appeal. *See Goodman v. Saline Cnty. Comm’n*, 699 S.W.3d 437, 439 n.4 (Mo. banc 2024) (“When a party elects to stand on the original pleadings, a dismissal without prejudice is considered a final judgment for purposes of appeal.”). The appropriate remedy is for the Court to affirm that portion of the judgment concluding Appellants lacked standing.

controversy, requiring this Court to reverse that part of the judgment alternatively rejecting Appellants' constitutional claims on the merits.

Accordingly, the Court affirms the part of the judgment concluding Appellants failed to establish standing and reverses the part of the judgment alternatively rejecting Appellants' claims on the merits.

W. Brent Powell, Chief Justice

Broniec, Gooch, and Russell, JJ., concur;
Fischer, J., concurs in result only in separate
opinion filed; Ransom and Wilson, JJ.,
concur in opinion of Fischer, J.



SUPREME COURT OF MISSOURI
en banc

MISSOURI STATE CONFERENCE)
OF THE NATIONAL ASSOCIATION)
FOR THE ADVANCEMENT OF)
COLORED PEOPLE, ET AL.,)
)
Appellants,)
)
v.)
)
STATE OF MISSOURI, ET AL.,)
)
Respondents.)

No. SC100965

OPINION CONCURRING IN RESULT ONLY

In my view, the parties pleaded and proved organizational standing, and I would affirm the circuit court's judgment on the merits concluding House Bill No. 1878 does not violate the Missouri Constitution in the manner alleged. Therefore, I concur in result only of the principal opinion.

Zel M. Fischer, Judge