

IN THE CIRCUIT COURT OF JACKSON COUNTY  
STATE OF MISSOURI

TERRENCE WISE, et al.,  
*Plaintiffs,*  
v.  
STATE OF MISSOURI, et al.,  
*Defendants.*

Case No. 2516-CV29597

and  
ELIZABETH HEALEY, et al.,  
*Plaintiffs,*  
v.  
STATE OF MISSOURI, et al.,  
*Defendants.*

Case No. 2516-CV31273

**STATE DEFENDANTS' PRETRIAL BRIEF**

TABLE OF CONTENTS

TABLE OF CONTENTS..... 2

TABLE OF AUTHORITIES..... 4

INTRODUCTION ..... 9

LEGAL STANDARD..... 15

FACTS..... 16

    I. *Wise v. State* procedural history..... 17

    II. *Healey v. State* procedural history..... 18

    III. Consolidated case procedural history..... 19

ARGUMENT..... 20

    I. Plaintiffs filed their suit in the wrong venue..... 20

    II. The 2025 Plan is constitutional..... 23

        A. The 2025 Plan is presumed constitutional..... 24

        B. Constitutional sufficiency is determined objectively. The Court should disregard Plaintiffs’ attempts to distract from that question..... 25

        C. The 2025 Plan’s districts are constitutionally compact..... 26

            1. The 2025 Plan performs better on the key *Johnson* factors for compactness..... 30

                a. The 2025 Plan has fewer county splits..... 30

                b. The 2025 Plan has fewer municipal splits..... 34

                c. The 2025 Plan respects natural boundaries..... 36

            2. The 2025 Plan performs better than prior maps on quantitative metrics for compactness..... 36

                a. The 2025 Plan performs better under the Reock compactness measurement..... 38

                b. The 2025 Plan performs under the Polsby-Popper measurement..... 40

c. The 2025 Plan performs better under the Convex Hull measurement than any map since at least 1972..... 41

d. The 2025 Plan performs better under the IKIWISI measurement than the 2012 or 2022 Plans..... 41

e. The 2025 Plan performs better on the Schwartzberg measure..... 42

D. The 2025 Plan’s districts are contiguous and equal in population..... 43

1. *Plaintiffs have misread H.B.1.* ..... 44

2. *Wise Claims III and IV are not ripe because Plaintiffs plead mere allegations of prospective misinterpretation.* ..... 46

III. The *Purcell* principle cautions against voiding the 2025 Plan. .... 47

CONCLUSION..... 52

Certificate of Service..... 54

TABLE OF AUTHORITIES

Cases	Page(s)
<i>Abbott Labs., Inc. v. Gardner</i> , 387 U.S. 136 (1967).....	47
<i>Abbott v. League of United Latin Am. Citizens</i> , 146 S. Ct. 418 (2025).....	14, 47, 50, 51
<i>Alexander v. S.C. State Conf. of NAACP</i> , 602 U.S. 1 (2024).....	14
<i>All. for Retired Americans v. Sec’y of State</i> , 240 A.3d 45 (Maine 2020).....	49
<i>Armentrout v. Schooler</i> , 409 S.W.2d 138 (Mo. 1966).....	29
<i>Asbury v. Lombardi</i> , 846 S.W.2d 196 (Mo. banc 1993).....	45
<i>Ashley Creek Properties, LLC v. Timchak</i> , 649 F. Supp. 2d 1171 (D. Idaho 2009).....	20
<i>Bennett v. Mallinckrodt, Inc.</i> , 698 S.W.2d 854 (Mo. App. E.D. 1984).....	9
<i>Bethman v. Faith</i> , 462 S.W.3d 895 (Mo. App. E.D. 2015).....	22
<i>Bray v. Lee</i> , 620 S.W.3d 278 (Mo. App. E.D. 2021).....	46
<i>Buechner v. Bond</i> , 650 S.W.2d 611 (Mo. banc 1983).....	46, 47
<i>Chi. Bar Ass’n v. White</i> , 898 N.E.2d 955 (Ill. App. Ct. 2008).....	50
<i>Democratic Nat’l Comm. v. Wis. State Legislature</i> , 141 S. Ct. 28 (2020).....	48, 49

*Faatz v. Ashcroft*,  
685 S.W.3d 388 (Mo. banc 2024) ..... Passim

*Fay v. Merrill*,  
256 A.3d 622 (Conn. 2021)..... 50

*Franklin Cnty. ex rel. Parks v. Franklin Cnty. Comm’n*,  
269 S.W.3d 26 (Mo. banc 2008) ..... 15

*Green v. Lebanon R-III Sch. Dist.*,  
13 S.W.3d 278 (Mo. banc 2000) ..... 22

*In re Care and Treatment of Coffman*,  
225 S.W.3d 439 (Mo. banc 2007) ..... 45

*Johnson v. State*,  
366 S.W.3d 11 (Mo. banc 2012) ..... Passim

*Karcher v. Daggett*,  
462 U.S. 725 (1983)..... 42

*Kirkpatrick v. Preisler*,  
394 U.S. 526 (1969)..... 27

*League of United Latin Am. Citizens v. Abbott*,  
--- F. Supp.3d ---, EP-21-CV-00259-DCG-JES-JVB, 2025 WL 3215715 (W.D. Tex.  
Nov. 18, 2025) ..... 51

*Liddy v. Lamone*,  
919 A.2d 1276 (Md. 2007) ..... 49, 50

*Merrill v. Milligan*,  
142 S. Ct. 879 (Mem.) ..... 14, 48, 51

*Metro. St. Louis Sewer Dist. v. City of Bellefontaine Neighbors*,  
476 S.W.3d 913 (Mo. banc 2016) ..... 20

*Mo. Health Care Ass’n v. Att’y Gen.*,  
953 S.W.2d 617 (Mo. banc 1997) ..... 47

*Mo. Soybean Ass’n v. Mo. Clean Water Comm’n*,  
102 S.W.3d 10 (Mo. banc 2003) ..... 47

*Mo. State Conf. of Nat'l Ass'n for the Advancement of Colored People v. State*,  
633 S.W.3d 843 (Mo. App. W.D. 2021) ..... 46

*Moore v. Lee*,  
644 S.W.3d 59 (Tenn. 2022)..... 49

*Murrell v. State*,  
215 S.W.3d 96 (Mo. banc 2007) ..... 45

*Murthy v. Missouri*,  
603 U.S. 43 (2024)..... 21

*Ohio Democratic Party v. LaRose*,  
257 N.E.2d 130, 137 (Ohio 2024)..... 50

*Pearson v. Koster*,  
359 S.W.3d 35 (Mo. banc 2012) ..... Passim

*Pearson v. Koster*,  
367 S.W.3d 36 (Mo. banc 2012) ..... Passim

*Pender Cnty. v. Bartlett*,  
649 S.E.2d 364 (N.C. 2007)..... 50

*Ports Petroleum Co., Inc. v. of Ohio v. Nixon*,  
37 S.W.3d 237 (Mo. banc 2001) ..... 47

*Progress Mo., Inc. v. Mo. Senate*,  
494 S.W.3d 1 (Mo. App. W.D. 2016) ..... 9

*Purcell v. Gonzalez*,  
549 U.S. 1 (2006)..... 14, 47, 48

*Republican Nat'l Comm. v. Democratic Nat'l Comm.*,  
589 U.S. 423 (2020)..... 14

*Reynolds v. Sims*,  
377 U.S. 533 (1964)..... 48, 52

*Riley v. Kennedy*,  
553 U.S. 406 (2008)..... 48

*St. Louis Cnty. v. State*,  
424 S.W.3d 450 (Mo. banc 2014) ..... 21

Court Document Not an Official Court Document Not an Official Court Document Not an Official Court Document

*State ex rel. Bank of Am. N.A. v. Kanatzar*,  
413 S.W.3d 22 (Mo. App. W.D. 2013) ..... 22

*State ex rel. City of Kansas City v. Harrell*,  
575 S.W.3d 489 (Mo. App. W.D. 2019) ..... 20, 21

*State ex rel. Ellis v. Creech*,  
259 S.W.2d 372 (Mo. banc 1953) ..... 47

*State ex rel. McDonald’s Corp. v. Midkiff*,  
226 S.W.3d 119 (Mo. banc 2007) ..... 22, 23

*State ex rel. Toberman v. Cook*,  
281 S.W.2d 777 (Mo. banc 1955) ..... 11, 23

*State ex rel. Wulfin v. Mooney*,  
247 S.W.2d 722 (Mo. banc 1952) ..... 22

*State v. Stokely*,  
842 S.W.2d 77 (Mo. banc 1992) ..... 15

*State v. Vaughn*,  
366 S.W.3d 513 (Mo. banc 2012) ..... 15

**Statutes**

Mo. Const. art. III, § 3(j) ..... 11

Mo. Const. art. III, § 45 ..... Passim

U.S. Const. art. I ..... 11

§ 115.021, RSMo ..... 22

§ 115.349, RSMo ..... 14, 51

§ 115.387, RSMo ..... 21

§ 115.401, RSMo ..... 21

§ 130.126, RSMo ..... 32

§ 478.461, RSMo ..... 32

Court Document Not an Official Court Document Not an Official Court Document Not an Official Court Document  
§ 508.010, RSMo ..... 22  
Not an Official Court Document Not an Official Court Document Not an Official Court Document

**Rules**

Not an Official Court Document Not an Official Court Document Not an Official Court Document  
Mo. Sup. Ct. Rule 51.045..... 21, 22, 23  
Document Not an Official Court Document Not an Official Court Document Not an Official

al Court Document Not an Official Court Document Not an Official Court Document Not an  
an Official Court Document Not an Official Court Document Not an Official Court Document  
nt Not an Official Court Document Not an Official Court Document Not an Official Court D  
t Document Not an Official Court Document Not an Official Court Document Not an Official  
cial Court Document Not an Official Court Document Not an Official Court Document Not  
ot an Official Court Document Not an Official Court Document Not an Official Court Docum  
ent Not an Official Court Document Not an Official Court Document Not an Official Court  
ut Document Not an Official Court Document Not an Official Court Document Not an Offi  
ficial Court Document Not an Official Court Document Not an Official Court Document Not  
ot an Official Court Document Not an Official Court Document Not an Official Court Docum  
ment Not an Official Court Document Not an Official Court Document Not an Official Cou  
urt Document Not an Official Court Document Not an Official Court Document Not an Offi  
fficial Court Document Not an Official Court Document Not an Official Court Document N  
Not an Official Court Document Not an Official Court Document Not an Official Court Docu



## INTRODUCTION

On September 12, 2025, the Missouri General Assembly passed House Bill 1 (H.B. 1), designating a new congressional map for Missouri: the Missouri First Plan (“2025 Plan”). Joint Stipulation ¶¶ 52–59. The new 2025 Plan is an improvement on its predecessors, Missouri’s 2022 and 2012 Plans. It is more compact. It splits fewer political boundaries than its forerunners. And, qualitatively and quantitatively, the 2025 Plan not only meets the Missouri Constitution’s requirements, but exceeds the 2022 and 2012 Plans on key metrics.

Plaintiffs’ narrative disregards all these facts. Instead, Plaintiffs ask this Court to nullify the 2025 Plan, duly-passed by the General Assembly in accordance with the Missouri and U.S. Constitutions, and revive the 2022 Plan. Why? Because the 2025 Plan allegedly shows insufficient deference to Kansas City. Plaintiffs contort this *political* objection into *legal* allegations that the 2025 Plan and its Kansas City districts do not comply with Article III, § 45’s contiguity, compactness, and equality-of-population requirements. Their arguments are meritless. On every level, Plaintiffs and their experts cannot show that the 2025 Plan “clearly and undoubtedly contravene[s] the constitution.” *Johnson v. State*, 366 S.W.3d 11, 20 (Mo. banc 2012) (quotations omitted).

Ultimately, the root of Plaintiffs’ quarrel with the 2025 Plan is partisan, not constitutional. And “[p]olitical questions are immune from judicial review.” *Progress Mo., Inc. v. Mo. Senate*, 494 S.W.3d 1, 5 (Mo. App. W.D. 2016) (quoting *Bennett v. Mallinckrodt, Inc.*, 698 S.W.2d 854, 864 (Mo. App. E.D. 1984)). To Plaintiffs’ chagrin, the 2025 Plan does not privilege one city—Kansas City—with its own congressional

district to the detriment of Missouri's counties and other municipalities. In truth, the 2025 Plan appropriately balances statewide interests recognized by Missouri courts. *See Johnson*, 366 S.W.3d at 28. And Kansas City is arguably better served through three federal representatives rather than being packed into one congressional district.

In any case, whatever political complaints Plaintiffs insinuate about the 2025 Plan's legislative origins are irrelevant, suited for the halls of the State Capitol, not the courts. *See Johnson*, 366 S.W.3d at 30–31 (stating that “the issue of whether the constitutional requirements are satisfied is determined objectively, requiring no proof of the subjective intent of the redistricting commission”). Here, only three things matter: The 2025 Plan's districts “be composed of [1] contiguous territory [2] as compact and [3] as nearly equal in population as may be.” Mo. Const. art. III, § 45; *Pearson v. Koster*, 367 S.W.3d 36, 47 (Mo. banc 2012) [*Pearson II*] (citing same). That is the entirety of the inquiry. *See Pearson v. Koster*, 359 S.W.3d 35, 38 (Mo. banc 2012) [*Pearson I*]. After all, Article III, § 45 of Missouri's Constitution directs the General Assembly to enact a congressional map for *Missouri* not just Kansas City. The 2025 Plan easily satisfies Article III's requirements.

Even before reaching the merits, the Plaintiffs' Petitions suffer from the threshold defect of being brought in the wrong court. Plaintiffs clearly tried to manufacture venue in this court by adding local election board defendants—not as a statewide class—even though the Secretary of State is the only official who can offer “[c]omplete relief.” *Faatz v. Ashcroft*, 685 S.W.3d 388, 406 (Mo. banc 2024). Because

the Secretary is the only appropriate defendant in this case, Plaintiffs must bring this lawsuit in Cole County, where venue against the Secretary exists. *See State ex rel. Toberman v. Cook*, 281 S.W.2d 777, 780 (Mo. banc 1955) (“[T]he venue of actions against executive heads of departments of state government lies generally in the county in which their offices are located and their principal official duties are performed.”); *see also*, Mo. Const. art. III, § 3(j) (“Any action expressly or implicitly alleging that a redistricting plan violates this Constitution . . . shall be filed in the circuit court of Cole County.”).

On the merits, both qualitative and quantitative data demonstrate that the 2025 Plan not only complies with § 45’s compactness, contiguity, and equality-of-population requirements, but actually improves upon prior congressional maps, including the 2022 Plan which Plaintiffs want to re-impose on Missouri. Plaintiffs have a heavy burden to jettison the 2025 Plan—legislation Missouri courts “assume [is] constitutional.” *Faatz*, 685 S.W.3d at 396 (quoting *Johnson*, 366 S.W.3d at 20). They fall far short. Conversely, the General Assembly enjoys significant latitude, consistent with the textual commands of § 45 and the federal Elections Clause, to redistrict. U.S. Const. art. I, § 4. The General Assembly may draw redistricting maps “in multiple ways, all of which meet the constitutional requirements” enumerated in § 45. *Pearson I*, 359 S.W.3d at 39. And, consistent with appropriate deference due to a coordinate branch tasked with redistricting responsibilities, the Missouri Constitution orders courts to “respect” the General Assembly’s “political” discretion in redistricting. *Id.*

*First*, the 2025 Plan is constitutionally compact. Not only does it respect specific compactness factors identified by the Missouri Supreme Court, *see Johnson*, 366 S.W.3d at 28, but it splits 44 percent fewer counties and 58 percent fewer municipalities than the 2022 Plan.<sup>1</sup> *See* Trende Rep. at 19; Cervas Rep. at 7, 14; Hood Rep. at 11–12. Therefore, it would be absurd to find the 2025 Plan insufficiently compact when it is *more compact* than the preexisting map, which the Plaintiffs want restored. Quantitative data also bear this out, with H.B. 1 achieving superior compactness scores to all prior enactments going all the way back to before 1972. Trende Rep. at 18.

In addition, to the extent Plaintiffs challenge Districts 4, 5, and 6 specifically, these districts are constitutionally compact. They adhere to the *Johnson* compactness factors and respect county, municipal, and natural boundaries. Granularly, the data also demonstrate Districts 4, 5, and 6’s compactness, with scores superior to analogous districts under the 2022 or 2012 Plans or well within historical ranges for congressional and state legislative districts.

Plaintiffs’ attempt to obfuscate these objective metrics by importing political discussions or insinuating legislative motivations. But these subjective motivations are irrelevant. Moreover, Missouri law neither requires a “perfect” map, *Faatz*, 685 S.W.3d at 395 (quoting *Johnson*, 366 S.W.3d at 25), nor requires sacrificing compactness across the entire State to shoehorn a four-county city—Kansas City—

---

<sup>1</sup> The 2022 Plan split nine counties; the 2025 Plan splits 5 (44% reduction). The 2022 Plan split 31 municipalities; the 2025 Plan splits 13 (58% reduction). *See* Trende Rep. at 19; Cervas Rep. at 7, 14; Hood Rep. at 11–12.

into one district. Plaintiffs' four putative experts fail to rebut the presumption of compactness. Their analyses, suffering from misapprehensions of Missouri law and methodological faults, provide no basis for striking down the 2025 Plan.

*Second*, the 2025 Plan complies with Missouri's contiguity and equality-of-population requirements. *See* Mo. Const. art. III, § 45. *Wise* Counts III and IV assert that the 2025 Plan fails on the sole grounds that two voter tabulation districts ("VTDs") have the same VTD designation—VTD KC 811—even though they have different geographic IDs (GEOIDs). The *Wise* Petition assumes that this must mean a "double assignment of VTD 811," *Wise* Pet. ¶ 206; *see also id.* ¶ 214 (same). And, Plaintiffs then contend that such "double assignment" necessarily violates § 45's contiguity and equal population requirements. This assumption, however, is clearly wrong. Indeed, in spite of their earlier pleadings, Plaintiffs now admit that the VTDs are separate and distinct, assigned to two equipopulous and contiguous districts—Districts 4 and 5. Joint Stipulation ¶¶ 79–95. And the evidence that will be presented at trial confirms what common sense suggests: Missouri election officials will appropriately interpret the 2025 Plan to place these two VTDs in separate districts, thus avoiding any equal population problem. *See* Kieffer Dep. 31:2–8, 32:7–18; *cf.*, Ealom Dep. 57:9–17. Therefore, *Wise* Counts III and IV are not only unsupported but suffer from ripeness problems as well. Either way, they provide no basis for voiding the 2025 Plan.

Finally, the late hour of this litigation, due in part to Plaintiffs' dilatoriness and failure to seek immediate preliminary relief on Counts II, III, and IV of the *Wise*

Petition and Count II of the *Healey* Petition, raises serious *Purcell* principle concerns. See *Purcell v. Gonzalez*, 549 U.S. 1 (2006) (per curiam); *Republican Nat'l Comm. v. Democratic Nat'l Comm.*, 589 U.S. 423, 424 (2020) (per curiam). Disturbing Missouri's congressional map now, as the 2026 midterm elections approach, threatens significant injury to congressional candidates, Missouri voters, and the "State's extraordinarily strong interest in avoiding late, judicially imposed changes to its elections laws and procedures." *Merrill v. Milligan*, 142 S. Ct. 879, 881 (Mem.) (2022) (Kavanaugh, J., concurring in grant of applications for stays). Notably, the candidate filing period for the 2026 elections is mere days away, see § 115.349.2, RSMo. Under nearly identical factual circumstances, the U.S. Supreme Court applied the *Purcell* principle to prohibit changes to Texas's federal congressional map for the 2026 elections. *Abbott v. League of United Latin Am. Citizens*, 146 S. Ct. 418, 419–20 (2025). Merits notwithstanding, the *Purcell* principle alone forecloses any judicial order to use a new congressional map for the 2026 elections.

In election-law cases, courts "must be wary of plaintiffs who seek to transform . . . courts into weapons of political warfare that will deliver victories that eluded them in the political arena." *Alexander v. S.C. State Conf. of NAACP*, 602 U.S. 1, 11 (2024) (cleaned up). This Court should reject Plaintiffs' attempt to do precisely that, deny Plaintiffs' request for declaratory and injunctive relief, and enter judgment in favor of State Defendants.

LEGAL STANDARD

“In a case challenging a reapportionment plan,” Missouri courts “review[] the plan under identical standards for review of a statute.” *Faatz*, 685 S.W.3d at 396 (quoting *Johnson*, 366 S.W.3d at 19). “The plan ‘is assumed to be constitutional and will not be held unconstitutional unless the plaintiff proves that it *clearly and undoubtedly* contravenes the constitution.’” *Id.* at 396 (emphasis added) (quoting *Johnson*, 366 S.W.3d at 20). Missouri courts will uphold the Plan “unless it plainly and palpably affronts fundamental law embodied in the constitution, and doubts will be resolved in favor of the constitutionality of the plan.” *Id.* at 396–97 (quoting *Johnson*, 366 S.W.3d at 20). Plaintiffs bear the “burden of proving” that the 2025 Plan “clearly and undoubtedly violates the constitutional limitations.” *Franklin Cnty. ex rel. Parks v. Franklin Cnty. Comm’n*, 269 S.W.3d 26, 29 (Mo. banc 2008). “[I]f it is at all feasible to do so, statutes must be interpreted to be consistent with the constitutions.” *State v. Vaughn*, 366 S.W.3d 513, 517 (Mo. banc 2012) (alteration in original) (quoting *State v. Stokely*, 842 S.W.2d 77, 79 (Mo. banc 1992)).

## FACTS

On August 29, 2025, Governor Mike Kehoe issued a Proclamation convening a special session of the Missouri General Assembly to consider congressional redistricting and ballot measure reform. Joint Stipulation ¶ 51. The General Assembly convened on September 3, and considered the two designated matters. The Governor released a congressional map—the Missouri First Map—introduced into the General Assembly as H.B. 1. *Id.* ¶ 52.

On September 12, 2025, the Missouri General Assembly truly agreed and finally passed H.B. 1. Joint Stipulation ¶ 59. H.B. 1 established new congressional district boundaries for Missouri, and repealed the previous congressional map adopted in 2022. Governor Kehoe signed H.B. 1 on September 28, announcing that the 2025 Plan improved upon the 2022 Plan on traditional redistricting metrics.<sup>2</sup> The 2025 Plan featured 769,364 persons in each district (with one more in District 7), established contiguous districts, split fewer counties, split fewer municipalities, and contained improved statistical metrics on compactness statewide. *See* Hood Rep. at 5–6, 10, 14; Rodden Rep. at 30; Cervas Rep. at 7, 14; Trende Rep. at 19, 25. The 2025 Plan features two voter tabulation districts (“VTDs”) labeled “KC 811” with GEOID designations of 29095K16811 and 29095000484, Joint Stipulation ¶¶ 82, 84, the former of which is assigned to District 4 and the latter to District 5. *Id.* ¶¶ 92, 95.

---

<sup>2</sup> Available at <https://governor.mo.gov/press-releases/archive/governor-kehoe-signs-missouri-first-map-law>.

**I. *Wise v. State* procedural history.**

On September 12, the *Wise* Plaintiffs filed their petition (*Wise* Pet.) in this Court seeking injunctive and preliminary relief against (1) the State of Missouri and Secretary of State Denny Hoskins (“the State” or “State Defendants”) and (2) the Jackson County Board of Election Commissioners, including the individual directors in their official capacities, and the Kansas City Board of Election Commissioners including the individual directors thereof in their official capacities (“Board Defendants”). *Wise* Pet. ¶¶ 16–32. The *Wise* Plaintiffs alleged four claims for relief.

Their first count (“*Wise* Count I”) alleges that the new map was unconstitutional because the General Assembly lacked the power to congressionally redistrict mid-decade under Article III, § 45 of the Missouri Constitution. *See Wise* Pet. ¶¶ 177–188. Their second count (“*Wise* Count II”) alleges that the 2025 Plan violated § 45’s compactness requirement; their argument focuses specifically on Congressional Districts 4 and 5. *See id.* ¶¶ 189–203. Their third count (“*Wise* Count III”) alleged that the 2025 Plan violated § 45’s equal population requirement because of the alleged “double assignment” of VTD KC 811. *See id.* ¶¶ 204–210. Their fourth count returns to the alleged double counting of VTD KC 811, arguing that the 2025 Plan violated § 45’s contiguity requirement. *See id.* ¶¶ 211–215.

The *Wise* Plaintiffs ask that this Court declare that the 2022 Plan is Missouri’s “lawful congressional map.” *Wise* Pet. at 45 (prayer for relief G). The *Wise* Plaintiffs asked that the 2025 Plan be declared unconstitutional for each of their four counts and that all Defendants be preliminarily and permanently enjoined from “enforcing,

implementing, using, or conducting any election under the congressional districts enacted under H.B. 1.” *Id.* at 44–45 (prayer for relief A–E).

That same day, September 12, the *Wise* Plaintiffs filed a motion for preliminary injunction and consolidation of trial on Count I with a preliminary injunction hearing. *See* PI Mot. On September 19, State Defendants filed a motion to dismiss the *Wise* Petition. On November 8, Intervenor-Defendant Missouri Republican State Committee filed a motion to intervene in the suit. *See* Motion to Intervene.

## II. *Healey v. State* procedural history.

On September 28, the *Healey* Plaintiffs filed their petition (*Healey* Pet.) in this Court seeking injunctive and preliminary relief against (1) State Defendants and (2) Board Defendants. *Healey* Pet. ¶¶ 10–34. The *Healey* Plaintiffs allege two claims. Their first count (“*Healey* Count I”), like *Wise* Count I, alleges that the new map was unconstitutional because the General Assembly lacked the power to congressionally redistrict mid-decade under Article III, § 45 of the Missouri Constitution. *Id.* ¶¶ 92–104. Their second count (“*Healey* Count II”) alleges that the 2025 Plan violates § 45’s compactness requirement. *Id.* ¶¶ 105–119. Slightly different than *Wise* Count II, the *Healey* Plaintiffs focus their compactness claim against Congressional Districts 4, 5, and 6. *Id.* ¶ 115. The *Healey* Plaintiffs ask that the 2025 Plan be declared unconstitutional based on both counts and that all Defendants be preliminarily and permanently enjoined from “conducting any congressional elections under HB 1.” *Id.* at 31 (prayer for relief A–C).

On September 29, the *Healey* Plaintiffs filed a motion for preliminary injunction and consolidation of trial on Count I with preliminary injunction hearing. On October 17, State Defendants filed a motion to dismiss the *Healey* Petition. On November 17, Intervenor-Defendant Missouri Republican State Committee filed a motion to intervene in the suit.

### III. Consolidated case procedural history.

On December 9, the Circuit Court of Cole County had ruled in another mid-decade redistricting challenge, *Luther v. Hoskins* (Cole County Case No. 25AC-CC06964), that the General Assembly “had the plenary authority to enact House Bill 1, the second redistricting legislation.” *Luther*, Judgment Order at 6 (Dec. 9, 2025). The next day, Judge Otto denied Defendants’ Motion to Dismiss. Additionally, *Healey* was transferred to Division 15, joining *Wise* and *Healey* for any future hearings or trials; Judge Otto also granted Missouri Republican State Committee’s intervention in both cases. Addressing the outstanding *Wise* and *Healey* motions for preliminary relief on their mid-decade redistricting claims, Judge Otto stayed proceedings due to the ruling in *Luther*.

On January 7, 2026, Intervenor-Defendant Missouri Republican State Committee filed an application for change of judge. On January 12, these cases were transferred to Division 11 and assigned to this Court. *See* Order (Jan. 12, 2026). On January 20, this Court scheduled a bench trial for February 17 on *Wise* Counts II, III, and IV and *Healey* Count II.

ARGUMENT

This Court should enter judgment for Defendants, denying Plaintiffs' attempt to invalidate Missouri's duly-enacted 2025 Plan. *First*, Plaintiffs filed their suits in the wrong venue, improperly naming Board Defendants despite their inability to offer Plaintiffs complete and effective relief. *On the merits*, Plaintiffs utterly fail to demonstrate that the 2025 Plan "clearly and undoubtedly contravene[s]" Missouri's Constitution. *Johnson*, 366 S.W.3d at 20. *Finally*, even if this Court entertains Plaintiffs' arguments, the *Purcell* principle strongly supports delaying any changes to the 2025 Plan until after the 2026 election.

**I. Plaintiffs filed their suit in the wrong venue.**

To start, Plaintiffs filed their suit in the wrong venue.<sup>3</sup> Both Petitions improperly name the Jackson County and Kansas City election boards and their

<sup>3</sup> Plaintiffs' suit also suffers from two other justiciability flaws. *First*, not all of the named plaintiffs even have standing to bring their claims. In order to have standing to bring a redistricting challenge, a plaintiff must live within the allegedly disadvantaged district. *Faatz*, 685 S.W.3d at 395. But here, Plaintiffs allege problems only with Districts 4, 5, and 6. *E.g. Wise Pet.* ¶ 6; *Healey Pet.* ¶ 115. Thus, all the plaintiffs who live outside those congressional districts lack standing for Claims II, III, and IV. *See Faatz*, 685 S.W.3d at 395. Plaintiffs Beagle (District 1); Heard (District 1); Sorrells (District 1); Freivogel (District 2); Nastasia (District 2); Coble (District 3); Todd (District 3); Nichols-Elliott (District 7); and McCallian (District 8) reside outside the challenged districts and therefore lack standing. Plaintiff Lakin (District 6), a *Wise* plaintiff, must be dismissed too. The mere consolidation of cases does not, by itself, create standing. *See, e.g., Ashley Creek Properties, LLC v. Timchak*, 649 F. Supp. 2d 1171, 1180 (D. Idaho 2009) ("Consolidation does not make those who are parties in one suit parties in another.").

*Second*, Plaintiffs improperly name the State of Missouri as a defendant despite the State's sovereign immunity. *Metro. St. Louis Sewer Dist. v. City of Bellefontaine Neighbors*, 476 S.W.3d 913, 914 (Mo. banc 2016). Plaintiffs bear the burden of proving some exception to, or waiver of, sovereign immunity. *State ex rel. City of*

officials as defendants. See *Wise* Pet. ¶¶ 20–32; *Healey* Pet. ¶¶ 29–34. The Boards of Election Commissioners of Jackson County and Kansas City cannot offer Plaintiffs’ requested relief, so the Court should dismiss them as defendants. With these improper defendants dismissed, venue does not exist in this Court. The appropriate course is thus to transfer these cases to Cole County, where venue lies. Rule 51.045.

Plaintiffs must prove standing to sue each particular named defendant. See, e.g., *Murthy v. Missouri*, 603 U.S. 43, 61 (2024) (“[P]laintiffs must demonstrate standing for each claim that they press against each defendant, and for each form of relief they seek.” (cleaned up)). Particularly relevant here, Plaintiffs must prove each named defendant *caused* their injury and that each named defendant can *redress* their injury if the Court so orders. *St. Louis Cnty. v. State*, 424 S.W.3d 450, 453 (Mo. banc 2014).

Here, Plaintiffs cannot prove causation or redressability with respect to the Jackson County and Kansas City election boards. To start, those boards played no role in *causing* Plaintiffs’ alleged injuries. Those boards did not draw the challenged maps—the General Assembly did—and only implement the map after receiving lists of candidates from the Secretary of State. It is the Secretary of State who implements the districts enacted by the General Assembly. See §§ 115.387, 115.401, RSMo; *Faatz*, 685 S.W.3d at 406 (holding that “[c]omplete relief can be granted by the Secretary [of State]” in state redistricting challenge). As Plaintiffs acknowledge, the commissions’

---

*Kansas City v. Harrell*, 575 S.W.3d 489, 492 (Mo. App. W.D. 2019). They have not even tried to do this, and so the State must be dismissed as a defendant.

only involvement in redistricting is that they will be required to “assign[]” a precinct to different congressional districts and “to reconfigure their precincts.” *Wise Pet.* ¶¶ 121, 165. These are ministerial acts which the election boards are required to “perform[] ‘upon a given state of facts, in a prescribed manner, in obedience to the mandate of the legal authority.’” *Bethman v. Faith*, 462 S.W.3d 895, 905 (Mo. App. E.D. 2015) (quoting *Green v. Lebanon R-III Sch. Dist.*, 13 S.W.3d 278, 284 (Mo. banc 2000)); see also *State ex rel. Wulfin v. Mooney*, 247 S.W.2d 722, 726 (Mo. banc 1952) (“[T]he board of election commissioners were complying with the applicable statutes and were therefore acting in a ministerial capacity.”).

Likewise, Plaintiffs’ claimed injuries cannot be redressed by court orders against the board defendants. As Plaintiffs acknowledge, those boards only have duties within their respective jurisdictions. *Wise Pet.* ¶¶ 20, 27. Yet Plaintiffs ask only for statewide remedies. *Wise Pet.* at 44–45 (prayer for relief); *Healey Pet.* at 30–31 (prayer for relief). The election boards, however, cannot be bound statewide because they only have power within their local jurisdictions. § 115.021, RSMo. Therefore, Plaintiffs’ injuries are not redressible by the election boards, and Plaintiffs thus lack standing to sue them.

With the Board Defendants properly removed from the case, there is no basis for venue in Jackson County. § 508.010, RSMo; see also *State ex rel. Bank of Am. N.A. v. Kanatzar*, 413 S.W.3d 22, 26–27 (Mo. App. W.D. 2013) (“Venue in Missouri is determined solely by statute.” (quoting *State ex rel. McDonald’s Corp. v. Midkiff*, 226 S.W.3d 119, 122 (Mo. banc 2007))). Under these circumstances, pursuant to Rule

51.045(a) this Court should transfer Plaintiffs' Petitions to Cole County. *See State ex rel. Toberman*, 281 S.W.2d at 780 (“[T]he venue of actions against executive heads of departments of state government lies generally in the county in which their offices are located and their principal official duties are performed.”).

## II. The 2025 Plan is constitutional.

The 2025 Plan and its districts comply with § 45. As a threshold matter, Missouri courts must presume that the 2025 Plan is constitutional. *Faatz*, 685 S.W.3d at 396 (quoting *Johnson*, 366 S.W.3d at 20). And the Missouri Supreme Court has instructed that—consistent with Article III’s compactness—a range of lawful maps can be enacted “in multiple ways, all of which meet the constitutional requirements,” *Pearson I*, 359 S.W.3d at 39, and that courts must “respect” the General Assembly’s “political” judgments. *Id.* This determination of constitutional sufficiency is an objective inquiry, shorn of any collateral political considerations or the presentation of hypothetical alternatives, despite Plaintiffs’ lengthy disquisitions. *See* *Trende Report* at 16–17.

With that deferential standard in mind, Plaintiffs’ Counts II, III, and IV easily fail. *First*, the 2025 Plan and its challenged districts are constitutionally compact under Missouri law, resting on strong qualitative and quantitative foundations. *See* Mo. Const. art. III, § 45. *Second*, the 2025 Plan complies with § 45’s contiguity and equality-of-population requirements. *See id.*

For these reasons, the 2025 Plan is constitutional.

**A. The 2025 Plan is presumed constitutional.**

Plaintiffs “must prove that any minimal and practical deviation from population equality or compactness in a district does not result from application of recognized factors that may have been important considerations in the challenged map.” *Johnson*, 366 S.W.3d at 30. Here, the General Assembly clearly followed “recognized factors” in enacting the 2025 Plan because it is—by any fair measure—*more* compact statewide than the preexisting map. The 2025 Plan splits far fewer counties and municipalities than the prior plan. It would thus be absurd to declare the 2025 Plan unconstitutional on compactness grounds.

Plaintiffs’ primary response is to ignore statewide and regional effects. Instead, they hyper-focus on how *Kansas City* is allegedly disadvantaged under the 2025 Plan. *See, e.g., Wise* Pet. ¶¶ 55–65. There is *zero* constitutional authority requiring courts to privilege the representation of one particular sub-region to the detriment of the rest of the State. That sub-region cannot be viewed in isolation, nor can any of its congressional districts. To the contrary, the Missouri Supreme Court has recognized that “the district boundaries for every district are interrelated and . . . some districts must be drawn less compactly because of the shape of neighboring districts.” *Pearson II*, 367 S.W.3d at 54.

More broadly, as Plaintiffs appear to forget, the Missouri Constitution does not demand one perfect map, but merely constitutional compliance, with flexibility for the General Assembly: “Because multiple district configurations can meet the constitutional requirements, there is no perfect map.” *Johnson*, 366 S.W.3d at 25. And within that wide range of acceptable maps, the Missouri Supreme Court has

instructed courts to “respect” the General Assembly’s redistricting decisions. *Pearson I*, 359 S.W.3d at 39.

**B. Constitutional sufficiency is determined objectively. The Court should disregard Plaintiffs’ attempts to distract from that question.**

Bizarrely, Plaintiffs spill extensive ink speculating about the General Assembly’s supposedly nefarious subjective intent in enacting the 2025 Plan. See *Wise Pet.* ¶¶ 89–104; *Healey Pet.* ¶¶ 49–73. But all this speculation is patently irrelevant. “[T]he issue of whether the constitutional requirements are satisfied is determined *objectively*, requiring *no proof of the subjective intent*” of the enacting entity—here the General Assembly. *Johnson*, 366 S.W.3d at 30–31 (citing *Pearson I*, 359 S.W.3d at 40) (emphasis added). Prying into any political motivations behind the 2025 Plan’s enactment is *ultra vires* and irrelevant to this present controversy.

“[R]edistricting is predominately a political question.” *Faatz*, 685 S.W.3d at 395 (quoting *Pearson I*, 359 S.W.3d at 39). Missouri courts “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.’” *Id.* at 396 (quoting *Johnson*, 366 S.W.3d at 20). Plaintiffs’ repeated statements that the new configuration was not “necessary” are not relevant in any way to the substantive constitutionality of the 2025 Plan. After all, the Missouri Constitution gives the General Assembly—not Plaintiffs—the prerogative to decide whether redistricting is prudent. Mo. Const. art. III, § 45.

Likewise, the fact that the 2025 Plan was passed mid-decade is not germane to Plaintiffs’ unfounded allegations that the 2025 Plan violates Article III, § 45’s

compactness requirement. That question was resolved in the *Luther v. Hoskins* case, and Judge Otto correctly stayed Plaintiffs' Count I claim—a matter not before the Court at this time. *Luther v. Hoskins* (Cole County Case No. 25AC-CC06964). These events are unrelated. They have no bearing on the constitutional sufficiency of the duly-enacted 2025 Plan nor the substantive allegations brought by Plaintiffs before this Court.

### C. The 2025 Plan's districts are constitutionally compact

The evidence will show that 2025 Plan's districts are constitutionally compact. Section 45 commands that Missouri's congressional districts "shall be composed of contiguous territory *as compact . . . as may be.*" Mo. Const. art. III, § 45 (emphasis added).

When the General Assembly draws districts, "as may be" recognizes that 'compactness . . . cannot be achieved with absolute precision.'" *Pearson II*, 367 S.W.3d at 49 (quoting *Pearson I*, 359 S.W.3d at 39). Thus, the Missouri Supreme Court has made clear that the standard of review is deferential. *See Pearson I*, 359 S.W.3d at 39. And, when determining compactness, Missouri courts ask "whether there is a departure from the *principle of compactness* in the challenged district and, if there are minimal and practical deviations, whether the district is nonetheless 'as compact . . . as may be' under the circumstances." *Pearson II*, 367 S.W.3d at 48 (citing Mo. Const. art. III, § 45) (emphasis added).

The 2025 Plan easily satisfies that standard. Not only did the General Assembly draw districts as "compact . . . as may be," Mo Const. art. III, § 45, but as the evidence will show, the 2025 Plan *advances* compactness on both qualitative and

quantitative metrics compared to the 2022 Plan. To the extent any “minimal” or “practical deviations” exist, principally small adjustments in the challenged districts—namely District 5—the districts remain “as compact . . . as may be.” *Pearson II*, 367 S.W.3d at 48.

Moreover, the Missouri Supreme Court has made clear that the General Assembly can sacrifice certain amounts of compactness to advance traditional redistricting principles. As the Missouri Supreme Court stated: “The ‘as may be’ standard also recognizes that there are other recognized factors that affect the ability to draw district boundaries with closely united territory.” *Pearson II*, 367 S.W.3d at 49. Those factors include: “population density; natural boundary lines; the boundaries of political subdivisions, including counties, municipalities, and precincts; and the historical boundary lines of prior redistricting maps.” *Johnson*, 366 S.W.3d at 28 (footnotes omitted). These factors are shared with the U.S. Supreme Court. *Id.* at 29 (citing “recognition of natural boundary lines, recognition of historical district boundary lines, and respect for boundaries of political subdivisions”).

Consideration of those traditional redistricting factors makes this case especially easy. The 2025 Plan performs *far better* than the 2022 Plan in keeping counties and municipalities together both statewide and in the challenged districts. These are perfectly appropriate bases for redistricting under Missouri Supreme Court precedent. *Johnson*, 366 S.W.3d at 28. And under federal precedent too. *See Kirkpatrick v. Preisler*, 394 U.S. 526 (1969). Therefore, this case does not require the Court to identify the precise constitutional line that Article III imposes for

compactness. Plaintiffs' requested remedy is a *less compact* map, *see Wise Pet.* at 45 (prayer for relief G), and the Court obviously cannot grant such a remedy in the name of enforcing Article III's compactness requirement.

Unable to grapple with that basic problem, Plaintiffs seek to distract the Court by engineering their own preferred redistricting factors, outside the scope of review established under Missouri law. *See, e.g., Rodden Rep.* at 2 (remarking that the 2025 Plan created "heterogeneous amalgams of urban and rural interests, renters, and homeowners, and tech workers and farmers"). In Missouri, "maintaining communities of interest and avoiding contests between incumbents" are *not* recognized factors. *Contrast Johnson*, 366 S.W.3d at 30, *with Wise Pet.* ¶ 55 ("The 2022 Map's configuration of CD 5 respects the area's communities of interest.").

Additionally, Plaintiffs' experts inappropriately focus on "population density" to hypothesize about irrelevant voter interests. *See Rodden Rep.* at 16. But the Missouri Supreme Court has instructed that population density is not a freestanding redistricting objective, but merely a necessary element in the balancing calculus between "the overriding objective of [population equality] and the preservation of county lines" in the state legislative redistricting context. *Johnson*, 366 S.W.3d at 28 (alteration in original) (quotation omitted). Therefore, contending that integrating "urban and" "rural" areas, as Plaintiffs repeatedly do, *see Wise Pet.* ¶¶ 6, 55–60, 67, 69, 70–73, 127–29, 131, 137, 157–60, 167, 176, 194; *Healey Pet.* ¶¶ 4, 41, 45, 64, 112; *Cromartie Rep.* at 16, is immaterial to the 2025 Plan's compactness analysis. The Missouri Constitution does not command that congressional districts, or any other

legislative districts, capture a “rural economy” to the exclusion of “an urban/suburban economy.” *Wise* Pet. ¶¶ 58, 70. Socioeconomic stratification may be Plaintiffs’ policy preference, but it is not relevant to this Court and woefully insufficient to invalidate a duly-passed redistricting map. *See Johnson*, 366 S.W.3d at 30 (explicitly rejecting “maintaining communities of interest” and other factors).

Plaintiffs’ Count II fares no better under a quantitative lens. Statewide improvements in average metrics show the 2025 Plan’s superiority to prior redistricting maps. Granularly, the 2025 Plan’s districts are well within historical ranges for these scores, responsive to § 45’s mandatory contiguity and equal population requirements. *See Armentrout v. Schooler*, 409 S.W.2d 138, 144 (Mo. 1966) (discussing Missouri’s constitutional equal population requirement). And, Plaintiffs cannot even establish a consistent narrative that quantitative factors demonstrate any impermissible deviation. *See, e.g.,* Rodden Rep. at 30 (noting how District 4 allegedly became slightly less compact under one measure, but more compact under another).

In the end, Plaintiffs simply cannot demonstrate that the 2025 Plan violates § 45’s compactness requirement. In fact, the 2025 Plan’s statewide and regional compactness improvements and respect for political subdivisions and other recognized compactness elements demonstrate that the 2025 Plan is more constitutionally compliant than its 2012 or 2022 predecessors. That reality makes this a truly easy case.

1. **The 2025 Plan performs better on the key *Johnson* factors for compactness.**

Comparative review of the 2025 Plan against its 2022 predecessor reveals that, again and again, the 2025 Plan performs *better* than the 2022 Plan on the key *Johnson* factors that this Court uses to determine compactness.<sup>4</sup> Changes in the challenged districts from 2022 to 2025 reflect local adjustments within acceptable constitutional parameters to create a superior, more compact map.

a. *The 2025 Plan has fewer county splits.*

The 2025 Plan has fewer county splits and more tightly follows county boundaries than the 2022 Plan. The 2022 Plan split nine counties—Boone, Camden, Clay, Jackson, Jefferson, St. Charles, St. Louis, Warren, and Webster—ten times. *See Cervas Rep.* at 14; *Trende Rep.* at 19. The 2025 Plan only splits five—Boone, Jackson, Jefferson, St. Louis,<sup>5</sup> and Webster—seven times. *See Cervas Rep.* at 14; *Trende Rep.* at 19.

The county-level improvements are especially conspicuous around Kansas City. The U.S. Census Bureau’s designated Kansas City Metropolitan Statistical Area (“KC MSA”) encompasses five counties in Kansas and nine counties in Missouri

<sup>4</sup> For example, Princeton University’s Redistricting Report Card gave the 2025 Plan an “A” for geographic features based on compactness and lack of county splits. *See Redistricting Report Card: Missouri 2025 Congressional – Draft (HB1)*, GERRYMANDERING PROJECT (Sep. 17, 2025), <https://tinyurl.com/bdhcwv7z>. The 2022 Plan earned only a “C” grade for geographic features. *See Redistricting Report Card: Missouri 2022 Congressional – Enacted*, GERRYMANDERING PROJECT (May 28, 2025), <https://tinyurl.com/47bc9xvt>.

<sup>5</sup> Splitting St. Louis County is totally unavoidable since its large population requires distribution over more than one congressional district to comply with Section 45’s equality-of-population requirement.

(Bates, Caldwell, Cass, Clay, Clinton, Jackson, Lafayette, Platte, and Ray).<sup>6</sup> Since the KC MSA is divided between two States, the relevant population is only those residents of the Missouri side. The population of the Missouri portion of the KC MSA was 1,287,264 under the 2020 Census.<sup>7</sup> Notably, Jackson County had 717,204 inhabitants,<sup>8</sup> and the City of Kansas City had 508,090.<sup>9</sup> Thus, Kansas City's population was around 260,000 short of being sufficient to create a congressional district solely encompassing Kansas City. *See Hood Rep.* at 10.

Putting that numbers problem aside, other factors make it imprudent to try to confine Kansas City to its own congressional district. Compared with the compact St. Louis City, Kansas City, is geographically sprawling. Its boundaries are far from neat or quadrangular—the result of 150 years of annexations.<sup>10</sup> Huge swathes of Platte and Clay counties were annexed—including the present location of Kansas City International Airport, and as recently as 2010, Kansas City annexed land in Clay County. Today, the City of Kansas City spans *four* Missouri counties: Jackson,

<sup>6</sup> *Kansas City, MO-KS Metropolitan Statistical Area (MSA)*, MID-AMERICA REGIONAL COUNCIL GEOGRAPHIC INFORMATION SYSTEMS (Oct. 2013), <https://tinyurl.com/28zxtvmp>. The 2020 Census population statistics for these counties are as follows: Bates—16,042; Caldwell—8,815; Cass—107,824; Clay—253,335; Clinton—21,184; Jackson—717,204; Lafayette—32,984; Platte—106,718; Ray—23,158. *Decennial Census*, U.S. CENSUS BUREAU (2026) <https://tinyurl.com/4cruarxs>.

<sup>7</sup> *See id.*

<sup>8</sup> *QuickFacts: Jackson County, Missouri*, U.S. CENSUS BUREAU (2026), <https://tinyurl.com/4xwvzp3v> (April 2020 census population).

<sup>9</sup> *QuickFacts: Kansas City, Missouri*, U.S. CENSUS BUREAU (2026), <https://tinyurl.com/47r3yrf7> (April 2020 census population).

<sup>10</sup> *See Kansas City, Missouri Annexation History*, CITY PLANNING & DEVELOPMENT DEPARTMENT, KANSAS CITY, MO. (2013), <https://tinyurl.com/5e34zpkc>.

Clay, Platte, and Cass. It also crosses natural physical boundaries—namely the Missouri River—with large portions of the City in Clay and Platte counties. Meanwhile, Missouri’s counties, including Jackson, have been fairly static with only some small territorial adjustments to Jackson County latter in 1986. See § 478.461, RSMo.

Drawing a map to precisely follow Kansas City’s municipal borders to the exclusion of non-Kansas City, non-Jackson County municipalities would likely violate § 45’s contiguity requirement. The difficulty in part lies with the City containing several enclaves north of the Missouri River in Clay and Platte counties: North Kansas City, Gladstone, Birmingham, and others. Therefore, crossing county lines to include Kansas City would necessarily require including other municipalities from counties other than Jackson into this hypothetical district—just as the 2022 Plan did. This creates a dilemma for congressional redistricting. Any district attempting to encompass all of Kansas City’s territory would necessarily cross into *four* counties.

The 2025 Plan also pragmatically makes sense. Four different election authorities cover the City of Kansas City: Cass, Clay, and Platte counties as well as the Kansas City Election Board covering the portion of Kansas City in Jackson County. Missouri has made a conscious decision that *county* authorities are the key instruments for the mechanics of elections. See § 130.126, RSMo. As the Kansas City Board of Elections explains: “The Kansas City Election Board serves the Kansas City part of Jackson County. The Jackson County Election Board serves Jackson County residents outside of the Kansas City boundaries. The Cass, Clay and Platte County

election authorities serve Kansas City residents who live in their respective jurisdictions.”<sup>11</sup> The 2025 Plan respects this division of labor by more tightly adhering to county divisions rather than Kansas City’s inapt protrusions.

Plaintiffs’ complaint that the “2025 Plan no longer unites most of the Kansas City metropolitan area in CD 5” as somehow grounds to overturn the 2025 Plan as unconstitutional is thus utterly unpersuasive. *Wise Pet.* ¶ 127. First, “metropolitan areas” are not explicitly noted as one of the *Johnson* factors. To the extent they are at all synonymous with “population density,” the 2025 Plan effectuates an *equal* number of districts—three—for the KC MSA as the 2022 Plan. Second, the 2022 Plan never united “most of the Kansas City metropolitan area in CD 5” in the first place. *See Wise Pet.* ¶ 127. The population of the Missouri portion of the KC MSA was 1,287,264 under the 2020 Census.<sup>12</sup> District 5 under the 2022 Plan only included approximately three-fifths of this number.

Plaintiffs also try to—but cannot—ignore the 2025 Plan’s clear county line improvements elsewhere in Missouri. In the middle of the State, around the Lake of the Ozarks, the 2022 Plan split Camden County between Districts 3 and 4. Now,

---

<sup>11</sup> *FAQ’s*, KANSAS CITY BOARD OF ELECTION COMMISSIONERS (2026), <https://www.kceb.org/newsroom/faq/>.

<sup>12</sup> *Kansas City, MO-KS Metropolitan Statistical Area (MSA)*, MID-AMERICA REGIONAL COUNCIL GEOGRAPHIC INFORMATION SYSTEMS (Oct. 2013), <https://tinyurl.com/28zxtvmp>. The 2020 Census population statistics for these counties are as follows: Bates—16,042; Caldwell—8,815; Cass—107,824; Clay—253,335; Clinton—21,184; Jackson—717,204; Lafayette—32,984; Platte—106,718; Ray—23,158. *Decennial Census*, U.S. CENSUS BUREAU (2026) <https://tinyurl.com/4cruarxs>.

Camden County is entirely within District 4. Moving to the St. Louis metropolitan area, the boundary lines separating Districts 1, 2, and 3 now comport with counties in the area. St. Charles County, a major suburban population center, is no longer divided in half but is positioned squarely within District 3. The only exception is St. Louis County, Missouri's most populous, which was also split in the 2022 Plan because its population exceeds the permissible limit to maintain equal population. However, the 2025 Plan still improves the St. Louis County split by smoothing over the finger-like pattern that separated Districts 1 and 2 in the 2022 Plan. That finger-like pattern in the 2022 Plan was less respectful to municipal and county boundaries than anything in the 2025 Plan, and Plaintiffs give away the game in ignoring that obvious point.

b. *The 2025 Plan has fewer municipal splits.*

Missouri courts consider municipal boundaries as another factor in assessing compactness. *See Johnson*, 366 S.W.3d at 29 & n.13. Plaintiffs are preoccupied with Kansas City. However, a holistic analysis of the 2025 Plan—the proper lens—shows that the 2025 Plan is far more respectful of municipal boundaries than its 2022 predecessor, including in the challenged districts.

Staying in the KC MSA, the 2022 Plan split the City of Independence, one of Jackson County's two county seats—across *three* congressional districts—Districts 4, 5, and 6. Most seriously, the eastern half of Independence was partitioned between these three districts. The 2025 Plan respects Independence's city limits—practically encompassing the entire city—Jackson County's other county seat—within District 5. A very small portion of Independence protrudes into Clay County near the

confluence of the Blue River with the Missouri—but this small region appears to be uninhabited wilderness bottomland area. This area falls under Congressional District 6 under the 2025 Plan, consistent with its respect of county lines.

The 2025 Plan improves respect for municipal boundaries in other parts of the KC MSA. For example, the 2022 Plan split Lee's Summit and Blue Springs, major municipalities on the eastern edge between District 4 and District 5. The division of Blue Springs was especially striking with a Berlin Wall-like district boundary bisecting the city. The straight lines of the 2022 Plan belie a total ignorance of municipal boundaries. The 2025 Plan has fixed these problems. Now, the entirety of Lee's Summit and Blue Springs are contained within District 4. The District 4 boundary neatly follows these municipal boundaries. The 2022 Plan offended small municipalities too. Lake Lotawana—a city in southeastern Jackson County—was split between Districts 4 and 5 in a similar fashion to Blue Springs.

The 2025 Plan's municipal improvements extend beyond the KC MSA. Boone County, Missouri's eighth-most populous county and home to Mizzou, exemplifies how the 2025 Plan more appropriately respects municipal borders than prior congressional maps. The City of Columbia is the focal point of Boone County—its county seat and, by far, most populated municipality. However, the 2022 Plan sliced right through the middle of the city. Conversely, the 2025 Plan follows, almost exactly, the city limits to ensure that the vast majority of Columbia lies within one congressional district. The northern and western portions of Boone County, beyond Columbia's city limits, are assigned to Congressional District 5, which follows along

the Interstate 70 corridor west to Kansas City. Statewide, the 2025 Plan continues to more closely adhere to municipal boundaries than its predecessor, adhering to the “principle of compactness.” *Pearson II*, 367 S.W.3d at 48. Around St. Louis, the 2025 Plan eliminates splits of Warrenton, Wentzville, Lake St. Louis, O’Fallon, Creve Coeur, Glendale, and Webster Groves, to name a few.

*c. The 2025 Plan respects natural boundaries.*

Missouri’s natural contours form a component of the *Johnson* factors. Including these boundaries makes sense. *See Johnson*, 366 S.W.3d at 29. Lakes and rivers form logical demarcation lines, and many of Missouri’s county and municipal boundaries respect these physical divisions. The 2025 Plan demonstrates this respect too. The line between District 6 and Districts 4 and 5 largely follows the Missouri River—one Missouri’s most prominent internal natural boundaries. Previously, District 5 under the 2022 Plan crossed the Missouri River into Clay and Platte counties. The 2025 Plan restores the River boundary *and* the county lines—as the southern boundary of District 6. Similarly, the new line between Districts 3 and 5 follows the Missouri River as well—an improvement over the 2022 Plan.

**2. The 2025 Plan performs better than prior maps on quantitative metrics for compactness.**

Quantitative analysis confirms what the *Johnson* factors show: the 2025 Plan improves on the 2012 and 2022 Plans. Across different measures—Reock, Polsby-Popper, Convex Hull, IKIWISI, and Schwartzberg—the numbers show that the 2025 Plan is, on average, more compact than the 2022 Plan, the 2012 Plan, and decades of prior congressional maps. *See Pearson II*, 367 S.W.3d at 49 (observing that scholars

state that “multiple measures [of compactness] should be used whenever possible” (quoting Richard G. Niemi, et al., *Measuring Compactness and the Role of a Compactness Standard in a Test for Partisan and Racial Gerrymandering*, 52 J. Pol. 1155, 1176–77 (1990))). Under several metrics, Districts 4 and 6 are *more* compact now than under prior maps. Moreover, District 5, to the extent that metrics show any diminution in compactness scores, falls comfortably within the range of prior compactness scores seen in the 2012 and 2022 Plans.

There is no one definitive quantitative measure for compactness. Experts use a variety of measures to capture what is “compact.” Trende Rep. at 6. Each type has its strengths and weaknesses. However, analysis after analysis shows that the 2025 Plan exemplifies the “principle of compactness” statewide. *Pearson II*, 367 S.W.3d at 48. Moreover, Districts 4 and 6 generally perform better than under the 2012 and 2022 Plans. Adjustments to District 5 are minor, reflecting the need to sometimes reduce the compactness of one district to develop a more compact map overall. *Pearson II*, 367 S.W.3d at 54 (Mo. banc 2012) (“[T]he district boundaries for every district are interrelated and . . . some districts must be drawn less compactly because of the shape of neighboring districts.”).

Not only does the 2025 Plan largely outperform the prior two enacted congressional maps, but Dr. Trende’s analysis of previous maps back to 1972 shows that the 2025 Plan is in line with Reock, Polsby-Popper, and Convex Hull scores for the last fifty years. Trende Rep. at 18. Moreover, the 2025 Plan outperforms several of these prior maps across key metrics. *Id.* at 19.

As Dr. Hood pointed out, prior compactness analysis suggests that a composite Reock and Polsby-Popper score of 0.22 is a cutoff for compactness. Hood Rep. at 8 (citing Richard H. Pildes & Richard G. Niemi, *Expressive Harms, 'Bizarre Districts,' Voting Rights: Evaluating Election-District Appearances After Shaw v. Reno*, 92 Mich. L. Rev. 483–587 (1993)). As Dr. Hood explained “[u]nder these specific metrics there is no evidence to categorize the challenged congressional districts as being non-compact.” *Id.* at 8.

*a.* The 2025 Plan performs better under the *Reock* compactness measurement.

The Reock score is the percentage of the smallest circle fully enclosing the district—the “minimum bounding circle”—that the district would fill. Trende Rep. at 6. The Reock score is expressed as a decimal with the score ranging between 0 and 1. Trende Rep. at 6; Hood Rep. at 4. For example, if a district was perfectly circular, it would fill 100 percent of the minimum bounding circle. Trende Rep. at 6–7.

Dr. Hood’s Reock scores for the 2025 Plan also show improvements over the 2022 and 2012 Plans. First, Dr. Hood’s Reock scores using Maptitude demonstrate a substantial improvement. The 2025 Plan’s Reock score is 0.43 for District 4, 0.35 for District 5, and 0.36 for District 6. Hood Rep. at 5. While there are modest changes from the 2022 Plan in Districts 4 and 5 (0.53 to 0.43 in District 4 and 0.37 to 0.35 in District 5), the 2025 Plan performs better overall with a mean Reock score of 0.47 compared to 0.45 for the 2022 Plan and 0.44 for the 2012 Plan. Hood Rep. at 5. As Dr. Hood pointed out, “[f]ive of the eight districts in the 2025 plan have the same or higher Reock scores in 2025 compared to the previous plan.” *Id.* And, some

adjustment is required in districts for the 2025 Plan to perform better statewide. As Dr. Hood stated, “increasing compactness of some districts within a geographically bounded area, in this case the State of Missouri, may cause a diminishment in the compactness scores of surrounding districts.” *Id.*

Dr. Hood also analyzed the maps using Dave’s Redistricting Application (“alternative Reock”), the method favored by Dr. Cervas. The alternative Reock score of District 4 (2025) was 0.39 versus 0.51 in 2022 and 0.41 in 2012. District 5 (2025) was 0.29 versus 0.42 in 2022 and 0.26 in 2012. District 6 improved from 0.25 in 2022 (after 0.24 in 2012) to 0.28 under the 2025 Plan. Overall, the 2025 Plan performed almost equivalently statewide under the alternative Reock mean score to the 2022 and 2012 Plans (0.41 in 2025 versus 0.42 in 2022 and 0.40 in 2012) with identical standard deviation (0.10) to 2022. Using alternative Reock, which utilizes Dave’s Redistricting, Dr. Trende found that District 5 in the 2025 Plan (0.292) still performed better than four districts across the 2022 and 2012 Plans (District 6 (2012) at 0.234; District 6 (2022) at 0.247; District 5 (2012) at 0.261; District 6 (2025) at 0.281). Trende Rep. at 17. Furthermore, District 3 in both the 2022 Plan (0.3) and 2012 Plan (0.295) were within one point of District 5 under the 2025 Plan. *Id.* District 5 performed well compared to state legislative districts too—also subject to compactness requirements. *See Faatz*, 685 S.W.3d at 401. Thirty extant State House districts and seven state senate districts have Reock scores lower than or within one point of District 5 in the 2025 Plan. Trende Rep. at 18.

b. *The 2025 Plan performs under the Polsby-Popper measurement.*

Under the Polsby-Popper approach, the 2025 Plan performs better than its previous maps too. “The Polsby-Popper measure, a perimeter-to-area comparison, calculates the *ratio of the district area to the area of a circle with the same perimeter.*” Hood Rep. at 4 (citing Daniel D. Polsby & Robert D. Popper, *The Third Criterion: Compactness as a Procedural Safeguard Against Partisan Gerrymandering*, 9 Yale L. & Pol’y Rev. 301–35 (1991)) (emphasis added). “[A] ‘smoother’ district will have a higher Polsby-Popper score, while a district with many ‘arms and inlets’ will have lower Polsby-Popper scores.” Trende Rep. at 9.

“[T]he 2025 plan as a whole is more compact than the 2012 or 2022 plans as indicated by the mean values.” Hood Rep. at 6; Trende Rep. at 18; Rodden Rep. at 30; Cervas Rep. at 7. Under Polsby-Popper, the 2012 Plan featured an average compactness score of 0.263, the 2022 Plan was 0.310, and the 2025 Plan scored 0.353. Trende Rep. at 18. Districts 4 and 6 improve from the 2022 Plan to the 2025 Plan with 0.30 to 0.33 for District 4 and 0.30 to 0.36 for District 6. Hood Rep. at 6.

Changes in District 5’s Polsby-Popper score still keep it within historical parameters. District 3 in the 2022 Plan (0.151) and District 4 in the 2012 Plan (0.188) have lower scores than District 5 in the 2025 Plan (0.199). Trende Rep. at 17. District 2 in the 2012 Plan has a Polsby-Popper score within one point of District 5 in the 2025 Plan (0.203). *Id.* In fact, twenty-four State House districts have Polsby-Popper scores lower than or within one point of District 5 in the 2025 Plan. *Id.* at 18.

These data, once again, reveal the wisdom of the *Pearson* Court in recognizing that compactness of districts are “interrelated”—adjusting compactness in one district often will lead to compactness decreases in others. *Pearson II*, 367 S.W.3d at 54. However, once again, Plaintiffs let the hypothetical *best* District 5 override the tangible *good* for the statewide map—a tangible good which actually complies with the constitutional command of § 45. For example, Dr. Cervas lowered the Polsby-Popper score in at least one congressional district in three of his eight alternatives. In other words, to increase District 5’s compactness, Cervas needed to decrease compactness elsewhere.

*c. The 2025 Plan performs better under the Convex Hull measurement than any map since at least 1972.*

The Convex Hull score “looks at the area of a convex polygon that would enclose a district.” Trende Rep. at 11. Dr. Trende’s Convex Hull analysis revealed average compactness improvement from 0.752 for the 2012 Plan to 0.786 for the 2022 Plan to 0.802 for the enacted 2025 Plan. Trende Rep. at 18. In fact, the 2025 Plan is the best performing map, on average, in terms of Convex Hull score since at least before 1972. Trende Rep. at 19. District 5 is more compact than several recent districts too. District 3 in the 2022 Plan (0.637), District 4 in the 2012 Plan (0.677), and District 5 in the 2012 Plan (0.690) have lower Convex Hull scores than District 5’s 0.702 in the 2025 Plan. Trende Rep. at 18.

*d. The 2025 Plan performs better under the IKIWISI measurement than the 2012 or 2022 Plans.*

The IKIWISI (“I know it when I see it”) score asks “judges, redistricting experts, public officials, [and] lawyers” as well as ordinary citizens to define

“compactness,” elements which are then quantified into a score from 1 to 100. Trende Rep. at 12. The 2025 Plan performs better on average than the 2012 or 2022 Plans. The 2012 Plan received an IKIWISI score of 48.8 and the 2022 Plan received a score of 57.2. The 2025 Plan scored 63. Trende Rep. at 18. District 5’s adjustments do not fall outside historical parameters for the IKIWISI score either. District 3 in the 2022 Plan (24) and District 5 in the 2012 Plan (33) have lower scores than District 5 in the 2025 Plan (34). Trende Rep. at 18. That is hardly surprising as District 3 under the 2022 Plan featured a dramatic claw grasping the St. Louis metropolitan area and Districts 1 and 2. In 2012, District 5 featured a hook in Jackson County and broke the natural boundary of the Missouri River.

*e. The 2025 Plan performs better on the Schwartzberg measure.*

“The Schwartzberg measure is a ratio that compares the perimeter of a district to the *perimeter of a circle of equal area*.” Hood Rep. at 4 (emphasis in original). Put another way, this “simple method is to determine the ratio of a figure’s perimeter to the circumference of the smallest possible circumscribing circle, a measurement that is well suited to measuring the degree of indentation.” *Karcher v. Daggett*, 462 U.S. 725, 756 n.19 (1983) (Stevens, J., concurring) (citing Schwartzberg, *Reapportionment, Gerrymanders, and the Notion of Compactness*, 50 Minn. L. Rev. 443–52 (1966)). “[L]ower values on the Schwartzberg measure denote increasing compactness.” Hood Rep. at 4. The Schwartzberg scores reveal that the 2025 Plan scores *better* than either the 2022 Plan or the 2012 Plan. The 2025 Plan has a mean score of 1.71 whereas the 2022 Plan has a mean score of 1.84 and the 2012 Plan has a mean score of 1.98. Hood

Rep. at 7. The 2025 Plan has a narrower standard deviation than its predecessors as well: 0.26 under the 2025 Plan versus 0.32 under the 2022 Plan and 0.27 under the 2012 Plan. *Id.* This demonstrates that not only are the districts more compact under the 2025 Plan—performing better overall under the Schwartzberg measure—but they perform better *in more equal regard to one another*.

As Dr. Hood points out, the 2025 Plan improves District 4’s Schwartzberg measure from 1.82 in 2022 to 1.74 now. Hood Rep. at 7. Similarly, the 2025 Plan improves District 6 from 1.82 to 1.68 now. *Id.* The 2025 Plan significantly improved District 3’s Schwartzberg compactness from 2.52 in 2022 to 1.65 now. *Id.* District 5 saw a small reduction in its Schwartzberg compactness from 1.62 in 2022 to 2.22 now. However, this still improves on District 5’s score of 2.27 in 2012. *Id.* Plaintiffs would have this Court ignore the substantial statewide performance improvements of the 2025 Plan to focus on District 5 alone. This is improper. The 2025 Plan performs better statewide on the Schwartzberg measure than its predecessors. Moreover, District 5 still performs better now under the 2025 Plan than it did under the 2012 Plan.

**D. The 2025 Plan’s districts are contiguous and equal in population.**

The 2025 Plan and each of its districts comply with § 45’s equal population and contiguity requirements. Plaintiffs’ contiguity and population equality noncompliance allegations stem from an initial misapprehension of how voter tabulation districts (“VTDs”) work. In the *Wise* Petition, Plaintiffs claimed that one VTD—KC 811—in Kansas City was double-assigned. Plaintiffs conjure a host of contiguity and population equality defects in Districts 4 and 5 stemming from this

supposed double assignment. However, the evidence will show that Plaintiffs' reading of H.B.1 is incorrect.

1. ***Plaintiffs have misread H.B.1.***

Unfortunately for Plaintiffs, VTD KC 811 is *not* double assigned. There are two, distinct, and separate VTDs in Kansas City with the same *label* but which exist as independent, separate districts. See Joint Stipulation ¶¶ 79–88. The map makes this quite clear.<sup>13</sup> There is a VTD in Kansas City labeled “KC 811” with a GEOID from the 2020 Census of 29095K16811 with a listed total population of 32. *Id.* ¶¶ 81–83. There is another, separate VTD in Kansas City labeled “KC 811” with a GEOID from the 2020 Census of 29095000484. *Id.* ¶¶ 84–86.

Again, these are *distinct* and *separate* VTDs. First, VTD KC811 (29095K16811), bounded by a portion of Rockhill Road, by a portion of East 69th Street, and by a portion of Oak Street, *id.* ¶ 83, is assigned to Congressional District 4. Second, VTD KC 811 (29095000484), bounded by a portion of East 70th Street, by a portion of Troost Avenue, by a portion of East 75th Street, and by a portion of Holmes Road, *id.* ¶ 86, is assigned to Congressional District 5. These assignments

---

<sup>13</sup> This replication of names happens all the time—it is not grounds to invalidate duly-passed state laws. The United States has 34 Springfields, including Missouri's third-largest city and Lincoln's home across the Mississippi River in Illinois. There is a Portland, Maine and a Portland, Oregon. George Washington's name graces a State, our federal capital city, a Missouri county, a city in Franklin County, and an assemblage of political subdivisions throughout the Republic. Jefferson's name is ubiquitous too, including Missouri's capital city. Repetition of names—from counties to cities to streets to voting districts—does not imply uniqueness or singularity. We look to other clues: *e.g.*, Springfield, *Missouri* versus Springfield, *Illinois* to distinguish. In the context of elections, election boards look to GEOIDs to distinguish one VTD from another, such as VTD KC 811 (GEOID 29095K16811) from VTD KC 811 (GEOID 29095000484).

render the Districts “contiguous and equipopulous,” *Trende Rep.* at 16, and are in fact the assignments of the VTDs in the shapefiles that the Secretary transmitted to the local election authorities for implementation. *Id.* 90–95.

Plaintiffs’ claim depends on the implausible assumption that election officials will defy the shapefiles and assign these two separate VTDs into the same district to *create* a constitutional problem. *See Wise Pet.* ¶¶ 118–19. However, the evidence at trial will show that the Kansas City Board of Elections seeks to interpret legislation in a manner that complies with the federal and state constitutions. Moreover, the evidence will show that the Kansas City Board of Elections relies on shapefiles transmitted from the Secretary of State to assign voters their district, and that the shapefiles consign each VTD KC 811 to its proper congressional district. In fact, officials with the Kansas City Board of Elections already investigated this issue and determined that one of the VTDs is merely mislabeled. *Kieffer Dep.* 31:2–8, 327–18. With this in mind, Plaintiffs have no grounds to speculate that the Board Defendants will misapply the new map.

It is this Court’s task to read the 2025 Plan in “a manner consistent with the constitution whenever possible.” *In re Care and Treatment of Coffman*, 225 S.W.3d 439, 442 (Mo. banc 2007) (citing *Murrell v. State*, 215 S.W.3d 96, 102 (Mo. banc 2007); *Asbury v. Lombardi*, 846 S.W.2d 196, 199 (Mo. banc 1993)). The Missouri Supreme Court adopted the plain and ordinary meaning of definition of “contiguous,” meaning “[t]ouching or connected throughout.” *Johnson*, 366 S.W.3d at 31 (quoting Webster’s Third New Int’l Dictionary 492 (1993)). Districts 4 and 5 comply with this “absolute

requirement” and equally distribute population in compliance with § 45. The State’s commonsense reading renders the map perfectly contiguous and equal in population, and so the Court must adopt that reading. *Id.*

**2. Wise Claims III and IV are not ripe because Plaintiffs plead mere allegations of prospective misinterpretation.**

The *Wise* Plaintiffs’ Claims III and IV, complaining that the two VTD KC 811s violate § 45’s contiguity and equal population requirements, are not ripe because the alleged injury—confusion for the election officials—has not materialized. In fact, Plaintiffs, who now freely admit that the two VTDs do not create contiguity or equality-of-population defects in Districts 4 and 5, do not and cannot plead, beyond superficial speculation, that the “KC 811” label with separate GEOIDs will lead to any constitutional violation. A mere allegation that a government agency may confuse implementation of a non-penal law is simply not a ripe controversy to preemptively render duly-passed legislation unconstitutional.

In Missouri, “[a] justiciable controversy exists where (1) the plaintiff has a legally protectable interest, (2) a substantial controversy exists between genuinely adverse parties, and (3) that controversy is ripe for judicial determination.” *Mo. State Conf. of Nat’l Ass’n for the Advancement of Colored People v. State*, 633 S.W.3d 843, 847 (Mo. App. W.D. 2021) (quoting *Bray v. Lee*, 620 S.W.3d 278, 282 (Mo. App. E.D. 2021)). Plaintiffs’ Claims III and IV fail the final prong: they are not controversies “ripe for judicial determination.” *Id.*

Plaintiffs do not establish ripeness because the “question rests solely on a probability that an event will occur.” *Buechner v. Bond*, 650 S.W.2d 611, 614 (Mo.

banc 1983). “A ‘ripe controversy’ is one of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.” *Ports Petroleum Co., Inc. v. of Ohio v. Nixon*, 37 S.W.3d 237, 241 (Mo. banc 2001) (quoting *Mo. Health Care Ass’n v. Att’y Gen.*, 953 S.W.2d 617, 621 (Mo. banc 1997)). Since Plaintiffs had admitted that there is no double assignment of VTD KC 811 in the shapefiles, allegations that the assignment of the two VTD KC 811s would somehow confuse the election board defendants is entirely speculative and hypothetical. Therefore, this Court should continue to avoid “premature adjudication” and dismiss *Wise* Counts III and IV as unripe. *Mo. Soybean Ass’n v. Mo. Clean Water Comm’n*, 102 S.W.3d 10, 26 (Mo. banc 2003) (quoting *Abbott Labs., Inc. v. Gardner*, 387 U.S. 136, 148 (1967) (overruled on other grounds)).

### III. The *Purcell* principle cautions against voiding the 2025 Plan.

With the 2026 midterm elections approaching, a judicial order to implement a new congressional map for those elections would cause chaos and be inequitable. *See State ex rel. Ellis v. Creech*, 259 S.W.2d 372, 374 (Mo. banc 1953) (highlighting that injunctive relief is discretionary and is “to be exercised in accordance with well settled equitable principles”). If this case were in federal court, the *Purcell* principle would apply and require any injunction in favor of Plaintiffs to apply only *after* the 2026 elections. *See Abbott v. League of United Latin Am. Citizens*, 146 S. Ct. 418, 419–20 (2025) (staying lower district court injunction issued after candidate filing for primary had started).

This Court should follow the lead of the federal courts—and other state courts—and adopt the *Purcell* principle. *See Purcell*, 549 U.S. at 4–5 (“Court orders

affecting elections, especially conflicting orders, can themselves result in voter confusion and consequent incentive to remain away from the polls.”). Doing so prevents chaotic disruption to candidates planning their campaigns, state and local election officials running elections, and Missourians as they prepare to vote.

As the U.S. Supreme Court recognized long ago, “where an impending election is imminent and a State’s election machinery is already in progress, equitable considerations might justify a court in withholding the granting of immediately effective relief in a legislative apportionment case, even though the existing apportionment scheme was found invalid.” *Reynolds v. Sims*, 377 U.S. 533, 585 (1964). “In awarding or withholding immediate relief, a court is entitled to and should consider the proximity of a forthcoming election and the mechanics and complexities of state election laws, and should act and rely upon general equitable principles.” *Id.* Such “considerations” exist here, where many Missourians have already initiated campaigns for the duly-enacted congressional districts and candidate filing deadlines approach. See § 115.349, RSMo. In such circumstances the U.S. Supreme Court “has recognized that ‘practical considerations sometimes require courts to allow elections to proceed despite pending legal challenges.’” *Merrill*, 142 S. Ct. at 882 (Kavanaugh, J., concurring) (quoting *Riley v. Kennedy*, 553 U.S. 406, 426 (2008)). This is the “*Purcell* principle.” See *Purcell*, 549 U.S. at 1.

*Purcell* derives from a universal, “basic tenet of election law: When an election is close at hand, the rules of the road should be clear and settled.” *Democratic Nat’l Comm. v. Wis. State Legislature*, 141 S. Ct. 28, 31 (2020) (Kavanaugh, J., concurring

denial of application to vacate stay). Statewide elections are complex, and stability is important to several groups of people. First, candidates need to know what congressional map governs so that they can plan their campaigns; doing so, after all, requires fundraising, hiring, and other substantial planning. Second, “thousands of state and local officials and volunteers must participate in a massive coordinated effort to implement the lawmakers’ policy choices on the ground before and during the election, and again in counting the votes afterwards.” *Id.* Third, voters need to know who their candidates will be, which is why alterations during elections damages voters’ “confidence in the fairness of the election.” *Id.* Allowing last-minute litigation challenges to congressional districts undermines all these reliance interests. *Id.* (“Even seemingly innocuous late-in-the-day judicial alterations to state election laws can interfere with administration of an election and cause unanticipated consequences.”).

This Court should apply the *Purcell* principle to prevent electoral chaos. State courts around the country have done so. *See, e.g., Moore v. Lee*, 644 S.W.3d 59, 65–66 (Tenn. 2022) (holding that a state analogue to the *Purcell* principle called for “restraint when asked to enjoin the effectiveness of constitutionally suspect reapportionment plans” and vacating a lower court injunction impacting “the electoral process in the state”); *All. for Retired Americans v. Sec’y of State*, 240 A.3d 45, 50 (Maine 2020) ((discussing *Purcell* and noting that “when challenges to election laws are lodged on the eve of an election it is imperative that plaintiffs act as expeditiously as possible in their pursuit of relief”); *Liddy v. Lamone*, 919 A.2d 1276,

1288 (Md. 2007); *Chi. Bar Ass'n v. White*, 898 N.E.2d 955, 961 (Ill. App. Ct. 2008). Other States have adopted a similar principle, if not explicitly referring to *Purcell*. See *Pender Cnty. v. Bartlett*, 649 S.E.2d 364, 376 (N.C. 2007) (observing that since “candidates have been preparing for the 2008 election in reliance upon the districts as presently drawn” and “to minimize disruption to the ongoing election cycle, the remedy explained above shall be stayed until after the 2008 election”); *Fay v. Merrill*, 256 A.3d 622, 638 n. 21 (Conn. 2021) (discussing how enforcing a declaratory judgment close to an election “presumably would implicate the factors identified by the United States Supreme Court in *Purcell v. Gonzalez* . . .”). As the Ohio Supreme Court explained, *Purcell*’s wisdom applies to state courts. *State ex rel. Ohio Democratic Party v. LaRose*, 257 N.E.2d 130, 137 (Ohio 2024) (“While built primarily on the principles of federalism, *Purcell* also stands ‘for the common-sense principle that judges—novices in election administration—should not meddle in elections at the last minute, . . . because when they do, they are more likely to do more harm than good.’ (cleaned up)).

Thus, even if the Court agrees with Plaintiffs’ merits arguments, it should hold that *Purcell* bars state courts from ordering Missouri to alter its election map until after the 2026 elections. Doing so is necessary to prevent courts from “improperly insert[ing] [themselves] into an active primary campaign.” *Abbott*, 146 S. Ct. at 419. The gears of state and local government are turning to facilitate the upcoming 2026 midterm election. For example, the first day for candidate filing for the August 4,

2026 primary election is February 24, 2026.<sup>14</sup> *See also* § 115.349, RSMo (designating the “last Tuesday in February” as the start of declaring candidacy for nomination). Unsurprisingly, candidates have already been planning and organizing their campaigns based on the duly-passed congressional map.<sup>15</sup> *See also Merrill*, 142 S. Ct. at 880 (Kavanaugh, J., concurring) (“Filing deadlines need to be met, but candidates cannot be sure what districts they need to file for.”). That is why, under nearly identical factual circumstances, the U.S. Supreme Court barred courts from altering Texas’s congressional map during the 2026 congressional elections. *See Abbott*, 146 S. Ct. at 419. There, a three-judge district court found that Texas’s map was an unconstitutional racial gerrymander on November 18, 2025. *See League of United Latin Am. Citizens v. Abbott*, --- F. Supp. 3d ---, EP-21-CV-00259-DCG-JES-JVB, 2025 WL 3215715 (W.D. Tex. Nov. 18, 2025). That was ten days after the opening of candidate filing for the primary election, and the U.S. Supreme Court declared that “[t]he District Court improperly inserted itself into an active primary campaign, causing much confusion and upsetting the delicate federal-state balance in elections.” *Id.* Here, the candidate filing season will be well underway by the time this Court decides this case, § 115.349.2 (candidate filing opens “the last Tuesday in February”),

<sup>14</sup> *2026 Missouri Election Calendar*, MO. SEC’Y OF STATE (2026), <https://www.sos.mo.gov/elections/calendar/2026cal>.

<sup>15</sup> In each of Missouri’s eight congressional districts, candidates are already fundraising and organizing. *See generally U.S. House Elections*, FED. ELECTION COMM’N (2026), <https://www.fec.gov/data/elections/house/>. The FEC provides data on fundraising for each Missouri district. For example, in Missouri’s 4th Congressional District candidate financial totals already exceed \$1 million. *See Missouri – House District 04*, FEC (2026), <https://www.fec.gov/data/elections/house/MO/04/2026/>.

so this Court should refrain from upsetting election rules by court decision and thus “improperly insert[ing] itself into an active primary campaign.”

For all these reasons, if the Court contemplates Plaintiffs’ arguments, it should not displace the current map until after the upcoming election. *See Reynolds*, 377 U.S. at 586 (holding that lower court “acted wisely” in maintaining existing map for upcoming elections even after entering final judgment finding that existing map was illegal).

**CONCLUSION**

The 2025 Plan is presumed constitutional and Plaintiffs consistently fail to demonstrate otherwise. Not only do they fail to show that the 2025 Plan underperforms compared to prior Missouri congressional maps, but the 2025 Plan, in fact, outperforms these maps across a range of compactness metrics. Plaintiffs’ § 45 contiguity and equal population claims similarly fail. Entirely founded on a baseless misapprehension of VTD KC 811, Plaintiffs’ claims collapse since the two VTD KC 811s are properly assigned to two different congressional districts, fully compliant with § 45.

For all these reasons, the Court should render judgment in favor of Defendants.

Dated: February 11, 2026

Respectfully submitted,

**CATHERINE L. HANAWAY**

ATTORNEY GENERAL

/s/ Joseph Kiernan

Louis J. Capozzi III, #77756

*Solicitor General*

Kathleen T. Hunker, *adm. pro hac vice*

*Principal Deputy Solicitor General*

Patrick Sullivan, #42968

*Deputy Solicitor General*

Joseph Kiernan, #77798

*Assistant Solicitor General*

Madeline S. Lansdell, #78538

*Assistant Solicitor General*

Matthew J. Tkachuk, #74874

*Assistant Attorney General*

Office of the Attorney General

Old Post Office Building

815 Olive St, Suite 200

St. Louis, MO 63101

Office: (314) 340-3413

[louis.capozzi@ago.mo.gov](mailto:louis.capozzi@ago.mo.gov)

[kathleen.hunker@ago.mo.gov](mailto:kathleen.hunker@ago.mo.gov)

[patrick.sullivan@ago.mo.gov](mailto:patrick.sullivan@ago.mo.gov)

[joseph.kiernan@ago.mo.gov](mailto:joseph.kiernan@ago.mo.gov)

[madeline.lansdell@ago.mo.gov](mailto:madeline.lansdell@ago.mo.gov)

[matthew.tkachuk@ago.mo.gov](mailto:matthew.tkachuk@ago.mo.gov)

*Counsel for State Defendants.*

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was filed and served electronically on all counsel of record via the Court's e-filing system on February 11, 2026.

/s/ Joseph Kiernan  
*Assistant Solicitor General*

