

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY

TERRENCE WISE, et al.,

Plaintiffs,

Case No. 2516-CV29597

Division 15

STATE OF MISSOURI, et al.,

Defendants.

ELIZABETH HEALEY, et al.,

Plaintiffs,

Case No. 2516-CV31273

Division 15

STATE OF MISSOURI, et al.,

Defendants.

HEALEY PLAINTIFFS' PRETRIAL BRIEF

On May 18, 2022, following certification of the 2020 Census results, Governor Mike Parson signed into law House Bill 2902 (“the 2022 Map”). He publicly praised the map as one that “meets our constitutional requirements.” Plaintiffs’ Exhibits (“PX”) 50. Throughout the 2022 redistricting process, lawmakers likewise described the proposed configuration of congressional districts as “fair and constitutional” with “common-sense boundaries that everyday Missourians can recognize,” drawn in careful compliance with both Missouri and federal law. PX 45.

But just three years later, the General Assembly—at Governor Kehoe’s urging, PX 30–32—took the extraordinary and unprecedented step of redrawing the state’s congressional district lines mid-decade. The resulting enactment—House Bill 1 (“the 2025 Map”)—dramatically reconfigures the Kansas City area, which for decades had been largely contained in one district,

by dividing the region across three congressional districts. The result: long-standing urban communities have been fractured and haphazardly combined with far-flung, rural areas of the state that, in some instances, lie hundreds of miles away. Compared to the 2022 Map, the new districts are virtually unrecognizable and represent a stark departure from the Missouri Constitution's compactness requirement.

These are not merely abstract lines on a page. Members of these affected communities will testify at trial that these lines inexplicably cut through neighborhoods, school campuses, and church properties. They will describe how residents who once shared cohesive representation in Congress must now compete for attention in districts that lump together communities with little connection or similarity to one another. And the *Healey* Plaintiffs' expert will describe that, by every relevant measure, the 2025 Map disrupts closely united territory in ways that are unexplained by other redistricting factors or considerations.

Taken together, Plaintiffs' evidence will show that the 2025 Map is undeniably unconstitutional and must be enjoined.

I. Statement of the Case

On September 28, 2025, the day that the 2025 Map was signed into law by Governor Mike Kehoe, Plaintiffs Elizabeth Healey, Giselle Anatol, Marques Bussey, Mary Sapp, Louie Wright, Sarah Beagle, Kyle Heard, Tom Self, Janet Sorrells, Margaret Wolf Freivogel, Sorin Nastasia, Morton Todd, Colleen Coble, Beverly Rollings, Lane Nichols-Elliott, and Randal McCallian (collectively, the "*Healey* Plaintiffs") filed this lawsuit against the State of Missouri and the Secretary of State Denny Hoskins (collectively, the "*State Defendants*"), as well as the Jackson County Board of Election Commissioners and their commissioners and directors, and the Kansas City Board of Election Commissioners and their commissioners and directors (collectively "the

Board Defendants”).¹ The *Healey* Plaintiffs allege that the 2025 Map violates Article III, Section 45 of the Missouri Constitution as both an unlawful mid-decade redistricting map (Count I) and a violation of constitutional compactness requirements (Count II). Following a decision by the Cole County Circuit Court, this Court stayed all proceedings on Count I on the ground that the claim being litigated in Cole County—and now on appeal to the Missouri Supreme Court—is virtually identical. *See Order, Healey v. Missouri*, No. 2516-CV31273 (Dec. 10, 2025).

The parties are now scheduled to appear before this Court for a bench trial on Count II from February 17–20, 2026. Plaintiffs’ witnesses in their case in chief include: expert witness Dr. Johnathan Rodden, Plaintiffs Giselle Anatol, Louie Wright, and Marques Bussey, and fact witnesses Reverend Mindy Fugarino and Mary Esselman.² As described below, Plaintiffs will prove at trial that the 2025 Map violates the state’s constitutional compactness requirement as set forth in Section 45 and explicated by the Missouri Supreme Court in *Pearson v. Koster*. *See Pearson v. Koster*, 367 S.W.3d 36, 40, 48 (Mo. banc 2012) (“*Pearson IP*”). At the conclusion of trial, Plaintiffs will respectfully request that this Court declare the 2025 Map unconstitutional and permanently enjoin Defendants and those acting in concert with them from enforcing the 2025 Map for any future elections.

II. This Court has jurisdiction over this case.

A. Plaintiffs have standing to bring their compactness claim.

Plaintiffs—sixteen eligible, registered Missouri voters across the state—have standing to challenge the constitutionality of the 2025 Map. In order “[f]or an issue to be decided in our Missouri courts, a justiciable controversy must exist—one in which the party seeking relief has a

¹ The Missouri Republican State Committee moved to intervene as a Defendant five weeks later and was granted intervention on December 10, 2025.

² Plaintiffs reserve the right to also call witnesses in rebuttal in response to Defendants’ presentation of evidence.

legally protected interest at stake and in which a substantial controversy with genuinely adverse interests exists between the parties to the litigation.” *Nicholson v. State*, --- S.W.3d. ----, No. SC 101308, 2026 WL 202013, at *3 (Mo. banc. Jan. 23, 2026). These elements of justiciability are encompassed by the concept of “standing.” *Schweich v. Nixon*, 408 S.W.3d 769, 774 (Mo. banc 2013). Standing requires a plaintiff, as the party seeking relief from the courts, “to have a personal stake in the litigation arising from a threatened or actual injury.” *Nicholson*, 2026 WL 202013, at *3.

The Missouri Supreme Court has previously held that “[a] claim that a district lacks compactness following redistricting is justiciable.” *Pearson v. Koster*, 359 S.W.3d 35, 39 (Mo. banc 2012) (“*Pearson I*”); see also *State ex rel. Teichman v. Carnahan*, 357 S.W.3d 601, 603 n.1 (Mo. banc 2012) (noting redistricting is “a justiciable issue upon which an aggrieved citizen whose right to vote has been impaired may resort to the courts for relief”) (quoting *Armentrout v. Schooler*, 409 S.W.2d 138, 142 (Mo. banc 1966)). In order to have standing to challenge a redistricting map, the plaintiff must be “an eligible Missouri voter who sustains an individual injury by virtue of residing in a district that exhibits the alleged violation, and whose injury is remedied by a differently drawn district.” *Faatz v. Ashcroft*, 685 S.W.3d 388, 395 (Mo. banc 2024), *reh’g denied* (Apr. 2, 2024).

As the parties have stipulated, each of the *Healey* Plaintiffs is a U.S. citizen and taxpayer who resides in and is registered to vote in Missouri. See PX 5–20; Joint Stips. ¶¶ 1, 3. Each of the *Healey* Plaintiffs is a qualified voter pursuant to Article VIII, § 2 of the Missouri Constitution, has previously voted in the 2022 and 2024 general elections, and intends to vote in future congressional elections in Missouri. The *Healey* Plaintiffs include Missouri residents and voters from each of

Missouri's eight congressional districts under the 2025 Map. *See, e.g.*, PX 5, 6, 7, 13, 14, 16, 19, 20.

The Plaintiffs' compactness claim centers on Districts 4, 5, and 6 under the 2025 Map. Plaintiff Giselle Anatol, who resides in District 4 under the 2025 Map, will testify at trial about her community in South Hyde Park, Kansas City, which is two blocks from the new dividing line between Districts 4 and 5. In particular, Ms. Anatol will testify to her community's density and diversity, which distinguish it from the rural areas over 200 miles away in the south-central part of Missouri that will also be part of the new District 4. Plaintiff Louie Wright, who resides in District 6 under the 2025 Map, will testify regarding the community he has lived in, where he has served as a forty-year veteran of the Kansas City Fire Department and former Commissioner of the Kansas City Area Transit Authority. He will testify to the negative effects the 2025 Map will have on union members and city residents who will be deprived of a representative in Congress with a deep investment in and understanding of issues that disproportionately affect urban areas, including labor issues and public transit funding, as his new congressional district will stretch from the urban core of Kansas City all the way to the Illinois border. And Plaintiff Marques Bussey, who resides in District 5 under the 2025 Map, will testify about his community in Kansas City, which the 2025 Map fractures across districts, such that he now lives in a different district than his child's school, his local library, and other community institutions.

Based on the information contained in the *Healey* Plaintiffs' sworn affidavits, as well as the testimony to be offered at trial by residents of the new Districts 4, 5, and 6, it is indisputable that Plaintiffs will be injured by "virtue of residing in a district" drawn in violation of the Missouri Constitution's compactness requirement, and that injury would be "remedied by a differently drawn district." *Faatz*, 685 S.W.3d at 395; *see infra* Section IV. The *Healey* Plaintiffs thus have

standing to seek a declaratory judgment that the 2025 Map violates Section 45 of the Missouri Constitution and a permanent injunction of the 2025 Map.³

B. The Board Defendants are proper parties in this case.

This Court previously rejected Defendants' attempts to dismiss Plaintiffs' case on the grounds that the Board Defendants are not proper parties to this case. *See Order Denying Mot. Dismiss, Healey v. Missouri*, No. 2516-CV31273 (Dec. 10, 2025) (Dec. 10, 2025). At trial, Plaintiffs will provide direct testimonial evidence from the Board Defendants that only further affirms the Court's conclusion that the Board Defendants were properly named.

The Board Defendants play a critical role in implementing Missouri's congressional maps, and an injunction preventing the Board Defendants from implementing the 2025 Map would provide Plaintiffs with the relief they seek. As the Board Directors stated in deposition, the Jackson County and Kansas City Boards of Election Commissioners are the sole local election authorities responsible for conducting elections within their jurisdictions, which together encompass all of Jackson County. *See* Pls.' Deposition Designations (Brown Dep. Tr. 17:20–18:3; Kieffer Dep. Tr. 14:17–20). The Boards' mandatory responsibilities include assigning voting precincts to each congressional district and conducting "all public elections." *See, e.g.*, §§ 115.027, 115.045, 115.079, 115.099, 115.113, 115.115, 115.127, 115.163, 115.247, 115.389, 115.393, 115.499, RSMo; Pls.' Deposition Designations (Zorich Dep. Tr. 39:1–40:13; Ealom Dep. Tr. 16:6–18:12). And, as the Directors acknowledged, the Boards are required by statute to complete the task of assigning voters to congressional districts in the Missouri Centralized Voter Registration system ("MCVR"); no other party is charged with that task under state law and, to their knowledge, no

³ Additionally, because the *Healey* Plaintiffs are all Missouri taxpayers, *see* PX 5-20, they also have taxpayer standing, as their "interest in the litigation ultimately derives from the need to ensure that government officials conform to the law." *Nicholson*, 2026 WL 202013, at *4.

other party has ever undertaken that task. Pls.’ Deposition Designations (Brown Dep. Tr. 42:2–43:18; Zorich Dep. Tr. 40:18–41:15; Kieffer Dep. Tr. 40:9–14). Because of their critical role in implementing any congressional map in Missouri, the named Board Defendants are proper defendants to this lawsuit.

III. The 2025 Map is not as “compact . . . as may be” and is thus unconstitutional.

Article III, Section 45 of the Missouri Constitution requires that after each decennial census, the General Assembly shall divide the state into congressional districts that are as “compact . . . as may be.” Mo. Const. art. III, § 45. This requirement of compactness is not simply aspirational—it is “mandatory” and “must be satisfied.” *Pearson II*, 367 S.W.3d at 41, 48. The purpose of this requirement is “to guard, as far as practicable, under the system of representation adopted, against a legislative evil, commonly known as ‘gerrymander.’” *Pearson I*, 359 S.W.3d at 38 (citing *State ex rel. Barrett v. Hitchcock*, 146 S.W. 40, 61 (1912)).

The 2025 Map—specifically Districts 4, 5, and 6—fails to meet this constitutional compactness requirement. Under the “totality of the evidence” standard articulated in *Pearson II*, 367 S.W.3d. at 48, the defects of the 2025 Map are clear. Plaintiffs will offer expert testimony, as well as testimony from several plaintiffs and other fact witnesses from the Kansas City community, that will illustrate how these new district lines carve through neighborhoods, communities, schools, and churches, and throw the urban residents of this newly fractured region together with rural residents living hundreds of miles away in the far reaches of the state. This extraordinary restructuring of Missouri’s congressional map has resulted in three districts that no longer consist of “closely united territory,” *id.*, and the composition of these districts cannot be explained by familiar redistricting factors and considerations, *id.* at 49–50.

A. The Missouri Supreme Court has carefully laid out the constitutional compactness standard.

The term “compact” in the Missouri Constitution is defined as “closely united territory, a phrase not necessarily limited to physical dimensions.” *Pearson II*, 367 S.W.3d at 48; *see also State ex rel. Barrett v. Hitchcock*, 146 S.W. 40, 61 (1912) (“[I]t was evidently the intention of the people, in adding the requirement of compactness in the Constitution of 1870, . . . to require the Legislature to form districts, not only of contiguous, but of compact or closely united, territory.”).

The modifier “as may be” in Section 45, in turn, recognizes that compactness “cannot be achieved with absolute precision” and must be measured against several “recognized” factors. *Pearson II*, 367 S.W.3d at 49. These factors include the two other express redistricting criteria contained in Section 45—district contiguity and population equality—as well as practical factors “inherent[.]” in the redistricting process: “population density; natural boundary lines; the boundaries of political subdivisions, including counties, municipalities, and precincts; and the historical boundary lines of prior redistricting maps.” *Id.* at 49–50.

Pearson thus establishes a functional test for compactness. The question is not whether a district is perfectly shaped but whether it departs from the principle of closely united territory and, if so, whether those deviations are justified by other recognized redistricting factors. In other words, where a district reflects departures from closely united territory without any reasonable justification, it fails the constitutional command that districts be drawn as “compact . . . as may be” and thus is unconstitutional. *Id.* at 48, 51.

In defining the constitutional standard for “compactness,” the *Pearson* Court was equally clear about what the inquiry does *not* require. First, the Court rejected any suggestion that the test has more than one part or prong to it. Instead, compactness presents “a single inquiry as to whether, under the totality of the evidence, the challenged district is ‘as compact . . . as may be.’” *Id.* at 48.

Second, the Court made clear that whether a district is compact does not turn on its physical shape, size, or visual observation of district lines. *Id.* at 48–49. “[A]lthough relevant,” these aspects are “not . . . decisive factor[s] in determining whether a district departs from the principle of compactness.” *Id.* at 49; *see also id.* at 49 n.10 (noting that statistical measures of compactness are not “completely irrelevant” but “alone do not demonstrate that a map is or is not compact”). Finally, in keeping with prior Missouri Supreme Court precedent, the Court affirmed that the Constitution sets “an objective standard,” *id.* at 46, that “require[es] no proof of the subjective intent of the [mapdrawer],” *Johnson v. State*, 366 S.W.3d 11, 30 (Mo. banc 2012); *see also Pearson I*, 359 S.W.3d at 40 (compactness requirement is “mandatory and objective, not subjective”); *Faatz*, 685 S.W.3d at 404 (holding that plaintiffs “must objectively prove that [the] constitutional requirement . . . has not been met”).

B. Plaintiffs’ expert Dr. Jonathan Rodden will demonstrate that the 2025 Map unjustifiably departs from the principle of “closely united territory.”

With the *Pearson* Court’s framework in mind, the *Healey* Plaintiffs’ expert, Dr. Johnathan Rodden, will offer testimony at trial on two central issues relevant to the Court’s compactness analysis.⁴ First, Dr. Rodden will demonstrate how Districts 4, 5, and 6 in in the 2025 Map—which carve up the Kansas City and Jackson County area—depart from the constitutional principle of closely united territory. Second, Dr. Rodden will show that these departures cannot be justified by the factors recognized by the Supreme Court in *Pearson*. Finally, Dr. Rodden will offer a rebuttal to the analyses put forth by Defendants’ experts, which focuses largely on metrics that the *Pearson*

⁴ The parties have stipulated to the admission of Dr. Rodden’s expert reports, *see* PX 27, 28; Joint Stips. ¶ 96(g), (h), and to Dr. Rodden’s expertise in redistricting, political, economic, and social geography, applied statistics, geographic information systems, political science, quantitative methods, Joint Stips. ¶ 97(d).

Dr. Rodden’s functional analysis of compactness also examines where people live and work. For instance, renters and homeowners likely have distinctive preferences about policies such as property taxes, land use, school finance, and rent control. But while Kansas City’s community of renters was largely contained in District 5 under the 2022 Map, the 2025 Map scatters that population across Districts 4, 5, and 6. *Id.* at 21–22. The 2025 Map also splits Kansas City’s biotechnology research and manufacturing institutions across different districts, while shifting workers in the knowledge economy from District 5 to District 4, altering the character of both districts. *Id.* at 23. As a result, Districts 4 and 5 combine workers concentrated in professional, scientific, and management industries with work sectors focused on natural resources (including agriculture), construction, and maintenance. *Id.* at 23–26. District 6, once centered around corn and soybean producers, now absorbs parts of Kansas City’s urban core. *Id.* at 27. As a result, some of those core corn and soybean-producing counties have been added to District 3, an area increasingly defined by the growing St. Louis metropolitan area bearing little connection to agricultural production. *Id.* at 27–29.

Finally, Dr. Rodden examines “district sprawl,” a metric designed to assess how far the median population center of a district is from its furthest geographic extent. *Id.* at 31. Because *Pearson* makes clear that traditional compactness metrics are not dispositive, Dr. Rodden developed this measure to quantify whether districts keep geographically proximate voters together or instead combine them with faraway populations—an inquiry central to whether a district is “closely united” as discussed by the Supreme Court. *Id.* at 30–31. These district sprawl metrics show that under the 2025 Map, the furthest reaches of Districts 4 and 5 are nearly 150 miles away from the population center of each district—far greater than the 2022 versions of each district. *Id.* at 31–32.

Importantly, Defendants do not challenge Dr. Rodden’s methodologies or his conclusions across these key analyses. *See* DX 101 (Trende Rep.); IX 201 (Hood Rep.). Dr. Rodden’s opinions concerning the fragmentation of the Kansas City area and the resulting departures from compactness are therefore undisputed.

Unexplained deviations from compactness. Dr. Rodden will also testify that the 2025 Map’s clear deviations from the “closely united territory” standard are neither minimal nor practically required, and thus cannot be explained by the factors recognized in *Pearson*.

To begin, Dr. Rodden will testify that the 2025 Map’s deviations from compactness cannot be justified by efforts to draw contiguous districts with equal populations. *See Pearson II*, 367 S.W.3d at 49–50. The same geography and population data was used to draw the 2022 Plan—which undisputedly satisfied both criteria—while simultaneously keeping most of Kansas City’s closely united territory together within a single district. PX 27 (Rodden Rep.) at 33–34. Nor can the 2025 Map’s deviations be explained by compliance with federal law. Dr. Rodden will testify that the Voting Rights Act does not justify the fracturing of the Kansas City region because no minority group in that area is large enough to form a majority of eligible voters in a congressional district. *Id.* at 34–35; *see also* Joint Stips. ¶¶ 69–72.

Natural boundaries likewise fail to explain the 2025 Map’s configuration; to the contrary, the map disregards natural boundaries that prior congressional maps have generally respected. *Id.* at 35. For instance, the Missouri River has long been the dividing line between Districts 5 and 6, but in the 2025 Map, District 6 dips across the Missouri River to extract parts of Kansas City south of the river for the first time in Missouri history. *Id.* The 2025 Map also subdivides the Lake of the Ozarks recreation area, whereas previous plans had kept surrounding Morgan County together with other recreation-dependent counties in District 5. *Id.* at 35–36.

Finally, the 2025 Map's violations of closely united territory cannot be explained by a desire to follow political subdivision boundaries, as the new district lines introduce splits of political subdivisions at multiple levels of government. For instance, the 2025 Plan splits more state senate and house districts across the state than the 2022 Map. *Id.* at 38–39. The same is true for city council districts. While the 2022 Plan split city council districts in Clay County, it did not split any of the four city council districts in Jackson County. *Id.* The 2025 Plan does the opposite: while it does not split the two Clay County districts, it splits all four of the Jackson County districts. *Id.* at 39. In fact, two city council districts are each subdivided into three different congressional districts. *Id.* The 2025 Map also splits several school districts in Jackson County, carving the Kansas City school district across three congressional districts. *Id.* at 40. Finally, the 2025 Map carves up the historic heart of Kansas City, fracturing nearly two dozen neighborhoods that have historically been included in a single district—in some instances cutting right through school campuses, hospitals, parking lots, and school buildings. *Id.* at 41.

Rebutting State Defendants' and Intervenor's experts. *State* Defendants' and Intervenor's experts, Dr. Sean Trende and Dr. M.V. Hood III, focus narrowly on a set of traditional compactness metrics and contend that the 2025 Plan falls within the range of past congressional district scores. But as Dr. Rodden will explain at trial, when the full historical context is considered, District 5 is one of least compact Missouri congressional districts in the last 50 years. PX 28 (Rodden Rebuttal Rep.) at 1, 2–8 (attached as Exhibit B). Additionally, while Dr. Trende and Dr. Hood merely tally the number of county and municipality splits across the map, Dr. Rodden examines how consequential these splits are by accounting for the number of residents impacted by the new lines. *Id.* at 10–12. Viewed through this lens, the locality splits in the 2025 Map impact far more residents than under the 2022 Map. *Id.* Finally, Dr. Rodden rebuts Dr. Trende's claim that the 2025 Map is

justified by an effort to preserve state senate districts' boundaries. The evidence shows the opposite. Not only does the new District 5 introduce more than twice as many senate district fragments in the region, but the number of individuals affected by split senate district lines in Districts 4 and 5 under the 2025 Map is nearly *four times* greater than the comparable number under the 2022 Map. *Id.* 12–18.

C. The Healey Plaintiffs' lay witness testimony will further demonstrate how the 2025 Map fractures Missouri communities.

Dr. Rodden's expert testimony will be reinforced by testimony from Plaintiffs and fact witnesses who will describe the practical, personal impact of the 2025 Map's division of long-standing communities. For instance, Plaintiff Louie Wright has actively served his community for decades. He is a forty-year veteran of the Kansas City Fire Department, served a twenty-year tenure as president of the International Association of Fire Fighters' Local 42, and remains the current president emeritus and board member of the Local 42. Mr. Wright will testify to the distinctive needs and issues facing urban first responders in the Kansas City Fire Department and the negative effect that splitting Kansas City will have on the labor interests of union members. He will also testify to his experience as a former Commissioner of the Kansas City Area Transit Authority and the responsiveness of Kansas City's current representatives to public transit funding and labor issues.

Plaintiff Giselle Anatol, who lives only a few blocks west of Troost Avenue—the dividing line between the new Districts 4 and 5 under the 2025 Map—will testify to her experience of Kansas City as a unified community that values diversity and shares needs and interests that are specific to urban environments. Ms. Anatol will further testify to the harm she believes she will experience being separated from her Kansas City neighbors and placed into districts with rural Missourians who reside hundreds of miles away and who do not have personal investment in the

local concerns that affect her daily life, like public transportation and public safety in Kansas City.

Plaintiff Marques Bussey, who lives just a few blocks east of Troost Avenue, will also testify to the effect of the 2025 Map on his community. His testimony will detail how the new map places him in a different congressional district than community institutions like his son's school, his local library, public transportation networks, and local businesses.

The *Healey* Plaintiffs will also present testimony from Reverend Mindy Fugarino, who leads the Independence Boulevard Christian Church. The church is uniquely situated right at the intersection of the new Districts 4, 5, and 6, with the church property itself split between Districts 4 and 5. Reverend Fugarino will explain how the historic northeast Kansas City community that her church serves—which arises out of a long, shared history of discrimination, redlining, and economic divestment—is filled with residents who come from similar immigrant and refugee backgrounds, and who now share many of the same daily concerns and struggles around poverty, food insecurity, lack of affordable or accessible housing, and access to other critical health and social services. Reverend Fugarino will further speak to her church's role in working with other partners and neighborhood initiatives in the area to jointly support this community's unique needs.

Finally, Plaintiffs will present testimony from Mary Esselman, who is the President and CEO of Operation Breakthrough, one of Kansas City's largest Head Start and Early Head Start providers. Under the 2025 Map, Operation Breakthrough's headquarters are split in half between Districts 4 and 5. Ms. Esselman will testify to the shared characteristics and challenges faced by the children and families that Operation Breakthrough serves from across the Kansas City metropolitan area, and how they compare to challenges faced by children and families in rural areas. Ms. Esselman will also testify about the challenges that the 2025 Map will present for her organization and others like it, which will have to invest time and energy in building relationships

with and educating multiple congressional representatives on the needs and interests of the families they serve.

IV. Requested Relief

Plaintiffs have requested two forms of relief: first, a declaratory judgment that the 2025 Map violates the compactness requirement of Section 45 of the Missouri Constitution, and second, a permanent injunction preventing State and Board Defendants from implementing the unconstitutional map. Plaintiffs also respectfully request that this relief be granted in time to ensure that constitutional district lines are in place for the 2026 congressional primary.

A. The Court should declare that the 2025 Map Violates the Compactness Requirement of Article III, Section 45.

Plaintiffs will demonstrate at trial that they are entitled to a declaratory judgment asserting that the 2025 Map violates the compactness requirement of Article III, Section 45. “A declaratory judgment action has been found to be a proper action to challenge the constitutional validity of a statute or ordinance.” *Tupper v. City of St. Louis*, 468 S.W.3d 360, 368 (Mo. banc 2015). A plaintiff seeking declaratory relief as to the constitutionality of a statute must show: (1) “a justiciable controversy that presents a real, substantial, presently-existing controversy admitting of specific relief, as distinguished from an advisory decree upon a purely hypothetical situation”; (2) “a controversy ripe for judicial determination”; (3) “a legally protectable interest at stake, consisting of a pecuniary or personal interest directly at issue and subject to immediate or prospective consequential relief”; and (4) “an inadequate remedy at law.” *Id.* Plaintiffs will show that all four elements are satisfied here.

First, Plaintiffs have established that a justiciable controversy—a real, substantial, and presently existing controversy—exists here. “A justiciable controversy involving the constitutionality of a statute exists between [a] plaintiff and the state official charged with the duty

to enforce that law.” *Baker v. Crossroads Acad.-Ctr. St.*, 648 S.W.3d 790, 799 (Mo. App. W.D. 2022) (quotation omitted); *see also Schweich*, 408 S.W.3d at 773 (articulating the justiciable controversy requirements). As Plaintiffs here have sued the state and local officials charged with enforcing statutory provisions that Plaintiffs assert are unconstitutional, the instant action is clearly a justiciable controversy. This case does not present a hypothetical situation, but a concrete controversy that requires specific relief.

Second, this action presents a controversy ripe for judicial adjudication. “Ripeness is determined by whether the parties’ dispute is developed sufficiently to allow the court to make an accurate determination of the facts, to resolve a conflict that is presently existing, and to grant specific relief of a conclusive character.” *Schweich*, 408 S.W.3d at 774 (internal quotations omitted). Plaintiffs filed this lawsuit challenging the 2025 Map the day it was signed into law, and they seek to protect their right to vote in lawfully-configured congressional districts guaranteed by the Missouri Constitution. “[G]iven the upcoming August and November elections, their claims are ripe for judicial determination.” *Mo. State Conf. of NAACP v. State*, 601 S.W.3d 241, 247 (Mo. banc 2020).

Third, as discussed extensively above, *see supra* §§ II.A, III.C, Plaintiffs have shown that they have legally protectable interests at stake.

Finally, no adequate remedy at law exists here—that is, the 2025 Map’s infringement of the *Healey* Plaintiffs’ constitutional rights cannot be adequately remedied by monetary damages. Damages would not “adequately compensate” them for the injury of being subject to an unconstitutional congressional map. *City of Kansas City v. New York-Kansas Bldg. Assocs., L.P.*, 96 S.W.3d 846, 855 (Mo. App. W.D. 2002). As courts have recognized, “once [an] election occurs, there can be no do-over and no redress.” *League of Women Voters of N.C. v. North Carolina*, 769

F.3d 224, 247 (4th Cir. 2014); *see, e.g., Martin v. Kemp*, 341 F. Supp. 3d 1326, 1340 (N.D. Ga. 2018) (“[A] violation of the right to vote cannot be undone through monetary relief”) (collecting cases).

Having established all four elements of a declaratory judgment action, Plaintiffs are entitled to a judgment declaring that the 2025 Plan violates Article III, Section 45 of the Missouri Constitution and may not be enforced.

B. The Court should permanently enjoin implementation of the 2025 Map.

A permanent injunction is necessary in this case. To be entitled to a permanent injunction, “a party must demonstrate: 1) no adequate remedy at law; and 2) irreparable harm will result if the injunction is not granted.” *State ex rel. Schmitt v. Zill, Inc.*, 603 S.W.3d 327, 332–33 (Mo. App. W.D. 2020). As discussed above, *see supra* § IV.A, it is beyond dispute that Plaintiffs have no adequate remedy at law to compensate them for the constitutional violation. For similar reasons, Plaintiffs face irreparable harm if the 2025 Map is not enjoined. Missouri law is unequivocal: “[B]eing subject to an unconstitutional statute, ‘for even minimal periods of time, unquestionably constitutes irreparable injury.’” *Rebman v. Parson*, 576 S.W.3d 605, 612 (Mo. banc 2019) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). Because the 2025 Map violates the compactness requirements of Section 45, *see supra* § III, Plaintiffs will suffer irreparable harm for as long as that unconstitutional map remains in effect.

C. This Court can and should resolve this case in time for the 2026 congressional elections.

Plaintiffs and Defendants alike require resolution of this case in time for upcoming congressional elections. Based on existing election deadlines, local election officials require a final decision on which map will govern the 2026 congressional elections before the end of May in

order to ensure the appropriate map is in place for the August 4 primary.

Contrary to State Defendants' and Intervenor's suggestions in the case currently pending before the Missouri Supreme Court, *see* Br. of Resp. Denny Hoskins at 54–59, *Luther v. Hoskins*, No. SC101412 (Feb. 9, 2026) (“SOS Luther Br.”); Br. of Intervenor-Respondents at 22–26, *Luther v. Hoskins*, No. SC101412 (Feb. 9, 2026) (“Intervenor Luther Br.”), it is not too late to enjoin the 2025 Map and ensure constitutional district lines govern the 2026 congressional elections. Both State Defendants and Intervenor invoke the so-called *Purcell* doctrine, but their reliance on it fails for two reasons. First, *Purcell* is a doctrine that governs federal courts. *See Republican Nat’l Comm. v. Democratic Nat’l Comm.*, 589 U.S. 423, 424 (2020) (“[F]ederal courts should ordinarily not alter the election rules on the eve of an election.”) (citing *Purcell v. Gonzalez*, 549 U.S. 1 (2006)). State Defendants and Intervenor are unable to point to *any* Missouri Court that has adopted the *Purcell* doctrine for elections—much less applied it to prevent implementation of remedies related to redistricting. Instead, both rely exclusively on federal precedent, *see* Intervenor Luther Br. at 22–26, or vaguely cite decisions in other states that generally caution against judicial actions that might create electoral disruption, without addressing the procedural posture or proximity to an upcoming election, *see* SOS Luther Br. at 56–57.

Second, even if the *Purcell* doctrine applied in Missouri state court, the principle is rooted in preserving the status quo and not creating confusion for voters and election administration. *See Am. Encore v. Fontes*, 152 F.4th 1097, 1121 (9th Cir. 2025) (“*Purcell* prevents the uncertainty engendered by judicial disruptions to the status quo in the midst of elections [that] can and often will cause eligible voters to remain away from the polls.”) (internal quotation omitted). But not only has the 2022 Plan governed the last two congressional elections in Missouri—the 2022 Plan *remains* operative to this day. The Jackson County Board Defendants testified in deposition that,

as of early January, no one from the SOS's office had sent them the 2025 map files at all, the first step to actually implementing any new congressional map. *See, e.g.*, Pls.' Deposition Designations (Brown Dep. Tr. 45:10–21). And as of January 13, 2026, the Board Defendants had not reassigned any voters in MCVR to new districts based on the 2025 Map. *See* Joint Stips. ¶ 14. In other words, any suggestion from the State Defendants that an injunction of the 2025 Map would disrupt election preparations for 2026 is belied by election officials' failure to even begin implementing the 2025 Map more than four months after its enactment.

And while it appears State Defendants have sent the 2025 Map files to local election boards since the January depositions took place, the Board Defendants cannot even begin to implement that map until the end of April. According to the Board Defendants, Missouri's voter registration system, MCVR, prevents local election authorities from adjusting congressional district lines in the weeks leading up to and during local and municipal elections. *See, e.g.*, Pls.' Deposition Designations (Brown Dep. Tr. 34:8–16, 57:15–20; Zorich Dep. Tr. 48:17–50:3; Ealom Dep. Tr. 23:24–24:10; Kieffer Dep. Tr. 24:13–20). And because of municipal elections taking place in February and April 2026, the Board Defendants will not have the capability to update congressional district lines until the end of April, after the conclusion and certification of the April elections. *Id.* (Brown Dep. Tr. 34:8–20; Ealom Dep. Tr. 24:18–25:1). Thus, absent an injunction, any implementation of the 2025 Map will take place in the window between certification of the April election and the final certification day for the August 2026 primary elections, which is **May 26, 2026**. *Id.* (Brown Dep. Tr. 34:12–35:1).⁵

⁵ The State Defendants and Intervenors also argue that relief is too late because the candidate filing window has opened in Missouri, *see* SOS Luther Br. at 55; Intervenor Luther Br. at 22, but that is of no moment. There is no requirement in Missouri that a congressional candidate reside in the district he or she seeks to represent. Joint Stips. ¶ 45. And in fact, after the 2020 Census, the state did not enact its congressional district map until May 18, 2022—about two months after the *close*

In short, the 2022 Map remains the status quo for Missouri voters and election officials alike. An injunction against the 2025 Plan would require no further action by state and local election officials in preparation for the 2026 elections. To the contrary, it would relieve them of the obligation of reassigning voters to new districts mid-decade, significantly lightening their administrative load. And while this Court can and should resolve this case quickly to ensure that constitutional districts *remain* in place for the 2026 elections, there is sufficient time to do so based on the existing election calendar.

V. Conclusion

For all of these reasons, Plaintiffs respectfully request that the Court declare that the 2025 Map—and specifically Congressional Districts 4, 5, and 6—violates the compactness requirement in Article III, Section 45 of the Missouri Constitution, and permanently enjoin Defendants, their officers, agents, servants, employees, and successors in office, from implementing, enforcing, or giving any effect to the 2025 Map.

of the candidate filing window and three months before the primary elections were scheduled to take place. *Id.* ¶¶ 33, 36–37.

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Respectfully submitted,

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