SC101581

SUPREME COURT OF MISSOURI

JAKE MAGGARD, ET AL.

Plaintiffs/Appellants

v.

STATE OF MISSOURI, ET AL.

Defendants/Respondents

Appeal from the Circuit Court of Cole County, Missouri, Case No. 25AC-CC09120

BRIEF OF *AMICI CURIAE* ST. CHARLES COUNTY DIRECTOR OF ELECTIONS KURT BAHR, IN HIS PERSONAL CAPACITY, THE AMERICAN REDISTRICTING PROJECT, AND RESTORING INTEGRITY AND TRUST IN ELECTIONS IN SUPPORT OF DEFENDANTS-RESPONDENTS

Filed by Consent

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INTEREST OF AMICI CURIAE

Amicus Curiae Kurt Bahr is the St. Charles County Director of Elections. Director Bahr is the local election official responsible for ensuring the orderly administration of elections in St. Charles County, including the August 2026 congressional primary election. Director Bahr has a vested interest in this case because he must meet statutory deadlines and accomplish certain tasks in advance of the primary election. Director Bahr's interest is especially strong because his jurisdiction—St. Charles County—would significantly change if there was a reversion from HB1 to the 2022 map. Under HB1, all of St. Charles County is in one congressional district. But under the 2022 map, St. Charles County is split between multiple districts. Therefore, if the Court afforded Plaintiffs-Appellants the relief they seek, Director Bahr, along with the rest of his office, would face significant hurdles in meeting the statutory deadlines.

Amicus Curiae the American Redistricting Project ("ARP") is a "nonpartisan, nonprofit organization working to strengthen our republic by supporting constitutional redistricting, election transparency, and accountable government through education, litigation, and research." *About Us*, THE AM. REDIST. PROJ., https://perma.cc/5ECK-48NF. ARP has a vested interest in this case because it is committed to ensuring clear maps and limiting voter confusion in advance of the 2026 congressional election.

Amicus Curiae Restoring Integrity and Trust in Elections ("RITE") "supports litigation to stop a well-funded network of activists from using the courts to undermine elections and democracy. RITE's work protects democratically enacted election laws from attack and abuse by partisan actors and officials working to threaten or dilute the right of

qualified citizens to vote." *Our Mission*, RESTORING INTEGRITY & TRUST IN ELECS., https://perma.cc/UL25-C94B. As such, RITE has an interest in protecting the Missouri General Assembly's duly enacted redistricting map from collateral attack in this case.[1]

AUTHORITY FOR BRIEF OF AMICI CURIAE

"A brief may be filed by amicus curiae in cases before this Court on the merits." MO. SUP. CT. R. 84.05(f)(2). "The brief shall only be filed with the consent of all parties or upon order of this Court." *Id*. *Amici*, by and through counsel, reached out to counsel for all parties to obtain consent to file. Appellants Jake Maggard and Gregg Lombardi consent. Respondents State of Missouri and Denny Hoskins consent. Intervenor-Respondent Put Missouri First consents. Accordingly, *Amici* have authority to file this Brief. *Id*. Furthermore, this Brief in Support of Respondents is timely because it has been filed "within the time allowed for the filing of the brief of the party supported." *Id*.

SUMMARY OF ARGUMENT

This Court has long held that, regardless of the merits of the underlying action, the Court cannot impose a new redistricting map in advance of an imminent election when the "election machinery already is in operation" and it would be "inequitable and impracticable to attempt" such a shift. *Hadley v. Junior College Dist. of Metro. Kan. City*, 460 S.W.2d 1, 3 (Mo. banc 1970). But that's exactly the relief Plaintiffs-Appellants seek. Specifically,

[1] Counsel acknowledges the research assistance of Harvard Law School students Tasha Dambacher and Evan Clausner, who contributed research for this Brief under the supervision of undersigned counsel. Counsel assumes full responsibility for the contents of this Brief.

they seek to impose the 2022 Missouri congressional redistricting map by staying the use of the 2025 map ("HB1") through the 2026 congressional election.

But HB1 has been the congressional redistricting law for Missouri since September 2025—seven months ago. *Luther v. Hoskins*, 730 S.W.3d 567, 570 (Mo. banc 2026). Election officials have already begun implementing the HB1 map and must do so in advance of May 26, 2026—the statutorily mandated certification deadline. *Cf. Hadley*, 460 S.W.2d at 3. Election officials certainly will have incurred significant expenses in advance of this Court's oral argument on May 12, 2026, to meet the May 26 deadline. *Cf. id*. It would require "substantial additional expense[s]" to change from the HB1 map to the 2022 map, and it would be virtually impossible to do in advance of the May 26 deadline. *Cf. id*.

The "election machinery already is in operation" for candidates as well. *Id*. The candidate filing period has closed, and candidates have already begun raising money and campaigning for the hotly contested primary election nominations. *Cf. id*. Candidates would face significant prejudice if they suddenly were redistricted out of the congressional districts where they filed or had to shift their campaigns to address new groups of voters weeks before the primary.

Finally, voters expect the HB1 map to remain in place. The map has been widely publicized since enactment in September 2025, and any change now would result in mass chaos and confusion. *Peters v. Johns*, 489 S.W.3d 262, 275 (Mo. banc 2016) (noting the State has an interest in "ensuring that election processes are efficient, and avoiding voter confusion").

The "overriding public interest in the orderly operation" of the impending August 4 primary election requires adherence to the law on which election officials, candidates, and voters have come to rely—HB1. *Hadley*, 460 S.W.2d at 3. This Court should affirm.

ARGUMENT

I. It Is Too Late to Implement the Previous Redistricting Plan.

A. The Election Is in Full Swing Under the New Map.

It is too late to afford Plaintiffs-Appellants the relief they seek: imposition of the old, repealed 2022 congressional districting map in advance of the 2026 congressional primary election. Voters and candidates have already relied on the widely publicized HB1 map and expect it to be in effect for the August 4 primary election—just over three months away.

Many of Missouri's mandatory statutory deadlines for the primary have already passed. For example, candidate filing, which is statutorily mandated, closed on March 31, 2026—almost a month ago. *2026 Missouri Election Calendar*, MO. SEC'Y OF STATE, https://perma.cc/ZXM4-XLR3 [hereinafter "*2026 Missouri Election Calendar*"]; § 115.349, RSMo. ("[N]o candidate's name shall be printed on any official primary ballot unless the candidate has filed a written declaration of candidacy in the office of the appropriate election official by 5:00 p.m. on the last Tuesday in March immediately preceding the primary election."); *State ex inf. Stipp ex rel. Stokes Mound Sch. Dist. No. 7 v. Colliver*, 243 S.W.2d 344, 350 (Mo. Div. 1 1951) ("[W]here the date of an election is not left to the determination of officials, but is unequivocally fixed by statute, the provision is regarded as mandatory and the election officials have no authority to change the date."

(quotation omitted)). And weeks or months before the March deadline, candidates, their families, and their supporters had already relied on the congressional districting map in effect (HB1) to make critical decisions about whether to run and whom to support.

With the election now underway, 63 candidates are campaigning for congressional office. *UNOFFICIAL Candidate Filing List: 2026 Primary Election*, MO. SEC'Y OF STATE, https://perma.cc/267V-H2MN [hereinafter "*Candidate Filing List*"]. Primary races have been in full swing for a month. Many candidates have already raised significant funds. *See, e.g.*, Kalli Fowler, *Here Is What Missouri Candidates Have Raised Ahead of November's Election*, COLUMBIA MISSOURIAN (Apr. 18, 2026), https://perma.cc/Q26W-WU2E; *Missouri – House District 1*, FED. ELEC. COMM'N, https://perma.cc/NY36-G4ZA (showing one candidate in District 1 raised almost $2 million before March 31, 2026, and another candidate raised nearly $1 million before March 31, 2026).[2] And they are already spending those funds on communications targeted to voters in their new districts. *See, e.g.*, Cori Bush, *Cori Bush Announces Campaign for U.S. Congress in Missouri's 1st District*, YOUTUBE (Oct. 3, 2025), https://perma.cc/ZP7G-W7SJ; *Meet Wesley Bell*, WESLEY BELL FOR CONGRESS, https://perma.cc/D62D-X477; *Meet Chris Stigall*, STIGALL FOR CONGRESS, https://perma.cc/QLJ6-AE8V. Those include attack ads aimed at other candidates. Nathan Hall Willett (@ForTheNorthland), X, (Apr. 10, 2026, 11:00 AM),

[2] Information on money raised for all congressional candidates before March 31, 2026, can be found on the Federal Election Commission website. *See 2026 Missouri Elections*, FED. ELEC. COMM'N, https://perma.cc/KR3K-E83E. Given that March 31, 2026, was the cutoff date, and some candidates did not file until that very day, the numbers for some candidates have certainly increased exponentially in the past month. *Candidate Filing List*, *supra*.

https://perma.cc/ER5Q-D76R (posting attack ad); The Chris Stigall Show, *FACT CHECK: Chris Stigall Endorsed President Trump – TRUE.*, YOUTUBE (Apr. 15, 2026), https://perma.cc/B9UE-CZRG (responding to attack ad).

And multiple primary races across the State are hotly contested. *See id.*; Jason Rosenbaum, *7 Takeaways from the End of Candidate Filing for Missouri's August Primary*, ST. LOUIS PUB. RADIO (Mar. 31, 2026), https://perma.cc/D33P-6HXT. For example, in the Sixth District, long-time Republican incumbent Representative Sam Graves, who will have held the seat for 26 years by the time his term ends, announced that he is not running for reelection. Rosenbaum, *supra*; *see also* Leah Rainwater, *Missouri Sees Significant U.S. Representative Filings Ahead of August Primaries*, KQ2 ST. JOSEPH (Mar. 31, 2026), https://perma.cc/792Q-LC3T. As a result, five Republican candidates and three Democratic candidates are now vying for a spot on the general election ballot. *Candidate Filing List*, *supra*.

Likewise, in the First District, a rematch of the 2024 election between former Representative Cori Bush and Representative Wesley Bell is brewing and will be very expensive—just as the 2024 primary was. Rosenbaum, *supra*.

And, in the newly drawn Fifth District, there is a six-way contest in the Republican primary, where the winner will face off against long-time incumbent Representative Emanuel Cleaver. *Candidate Filing List*, *supra*. Any reversion to the 2022 map would certainly upset the race and put candidates like Taylor Burks and Brad Patty far outside the district's boundaries. *Id*. Likely frontrunner Rick Brattin would also be outside the district. *Id*.

Not only would implementation of the 2022 map move many candidates outside the districts where they filed, but it would also force them to undergo a mid-campaign shift to target new voters, costing exorbitant new sums and requiring revamped fundraising strategies. In sum, a change to the districts now would work severe prejudice to candidates.

B. Election Officials Are About to Begin Entering the New Districts into the Databases Used for the Primary and General Elections.

In several large Missouri counties that undergo new intra-county splits when the congressional district boundaries shift from the 2022 to the 2025 map and back again, there is insufficient time to accurately implement new districts. The need for substantial time for programming these district boundaries traces back to the Missouri Centralized Voter Registration System ("MCVR"). MCVR is a statewide database of every single registered Missouri voter. Although overseen and managed by the Secretary of State, its data is entered—and later, used—by each local election authority. Local election authorities are usually county clerks, elections directors, or election boards, and (except for those in St. Louis City and Kansas City) they have jurisdiction over an entire county. They are responsible for keeping accurate voter registration records in MCVR, which includes an accurate residential address for each voter. Local election authorities then use MCVR to determine who votes in each district and election, to ensure that every poll list is accurate, and to ensure that every voter's ballot has exactly the right races—from congressional races all the way down to small, specialized districts and ward elections.

It is vital that MCVR data contains precise information on each of these overlapping districts. However, MCVR does not have an automatic integration with Geographic

Information Systems ("GIS") tools that can map spatial data (*i.e.*, district lines) onto demographic data. This means that local election officials must "draw" district lines into the "address book" feature of MCVR, often by manually assigning precincts, streets, or even houses to each type of election district—including congressional districts. This is a laborious process. It can take weeks to perform correctly and then check for errors. Errant data must be avoided at all costs because mistakes are potentially irremediable or at best, very difficult to unwind. When voters' ballots reflect the wrong elections, mass confusion and suspicion of intentional election irregularities will interfere with election integrity, risk post-election litigation, and can even dampen voter participation.

Adding to the pressure, election authorities must engineer these meticulous adjustments under a ticking clock. That's because local election authorities cannot access MCVR to enter new district lines at just any time of year. For lengthy stretches of time, MCVR is necessarily "locked" to protect against structural districting changes. This lockout lasts for a period before and after each election while ballots are printed and mailed, poll lists are compiled, voting occurs, votes are canvassed, and returns are certified. For example, MCVR will have been locked from January 27, 2026, until the last week of April 2026 to allow for certification—that is, the closing out—of the April 2026 "municipal" elections. Last August, county election authorities published a letter explaining these timing issues. *See* Letter from Sherry Parks, Livingston County Clerk, President MACCEA, to Hon. Jonathan Patterson, Speaker of the House (Aug. 27, 2025), *in* Matthew Pilger, *Missouri's New Congressional Map Could Complicate Midterm Voting, Clerks Warn*, MISSOURINET (Sept. 15, 2025), https://perma.cc/X7KD-USZ6 [hereinafter "County

Letter"]. Only after this "closing out" can districting changes be made in MCVR. But the new districts must be meticulously entered and then checked before May 26, 2026, when ballots are certified and MCVR is locked again. *See 2026 Missouri Election Calendar*, *supra*; § 115.125-1, RSMo. ("Not later than 5:00 p.m. on the tenth Tuesday prior to any election . . . the officer or agency calling the election shall notify the election authorities responsible for conducting the election.").

The May 26 certification deadline itself is uncomfortably close to the August 4 primary considering all the intermediate steps that must still occur. Local election authorities must "know the specific political subdivisions, by name, that will be on the ballot." *See* County Letter, *supra*, at 1. Next, "election authorities create every unique ballot type necessary to represent the correct political subdivisions for every registered voter's address of residence." *Id*. Finally, "[t]hese ballots must be proofed, ordered, and printed in time for absentee voting and for voters on Election Day." *Id*. This includes mailing to uniformed and overseas voters at least 45 days before the primary election, or June 20, 2026. All of these steps must therefore be completed without error in just three weeks. May 26, 2026, is a real deadline.

Prudent election authorities, then, have already made plans to ensure they meet the May 26 deadline: they have either entered the new HB1 districts into MCVR before the April election "lock out" period, or they have ensured that they will be entered immediately after MCVR unlocks within the next few days. This is not easy. There is barely sufficient time to finish that process diligently and carefully before May 26, with all the necessary proofing and checking. In larger districts that have to change their congressional district

splits, there would simply not be time for the entry of the HB1 districts to be halted sometime in early to mid-May, and then for the old 2022 congressional district lines to be entered back into MCVR. In short, even if this Court ordered the reimposition of the 2022 districts from the bench at oral argument on May 12, 2026, it would be too late for election officials to reverse course and change the data by the May 26 statutory deadline—a mere two weeks later. As such, it is impossible to hold the August primary elections under the prior map.

II. Missouri Courts Should Not Intervene in the Ongoing Election to Implement the Previous Plan.

A. Missouri Courts Historically Do Not Interfere in Elections.

Missouri courts have long been reticent to interfere in the electoral and political processes, especially close to an election. In fact, this Court has declined to do so in very similar circumstances to this case. In *Hadley v. Junior College District of Metropolitan Kansas City*, 460 S.W.2d 1 (Mo. banc 1970), the Court confronted changes to election districts on the eve of an election. On review of the State's apportionment of voters into districts to elect trustees to junior colleges, the U.S. Supreme Court concluded that the State's districting was unconstitutional. But because the U.S. Supreme Court issued its decision too close to the election, this Court "concluded that the overriding public interest in the orderly operation" of the elections required operation of the old—albeit unconstitutional—laws. *Id*. at 3.

This Court noted that local election officials had already undertaken significant tasks: "Absentee ballots for that election are now being printed and other preparations,

including necessary adjustments of voting machines, are in progress." *Id*. This Court found that there was "not sufficient time" to change the districts in advance of the election, any changes would involve "[s]ubstantial expense[s]," and therefore, "it would be wholly inequitable and impracticable" to attempt such changes. *Id*. at 2-3.

Critically, this Court found there was insufficient time even though the candidate filing period *was still open*. *Id*. at 2. Specifically, the U.S. Supreme Court issued its opinion on February 25, this Court issued its opinion in *Hadley* on March 5, and the candidate filing period did not close until March 7. *Id*. This Court noted, nonetheless, that any change to the election procedures would work prejudice to candidates: "Five candidates have filed for the office, and the election machinery already is in operation." *Id*. at 3. As a result, this Court held "that the imminence of these elections" made it "unwise for this court hastily to attempt to implement" a new apportionment plan. *Id*. at 2.

Missouri courts have since abided by these principles. For example, this Court has since recognized that the State has "a legitimate, even compelling, interest in protecting the integrity of [its] electoral systems from frivolous candidacies, ensuring that election processes are efficient, and avoiding voter confusion." *Peters v. Johns*, 489 S.W.3d 262, 275 (Mo. banc 2016) (citation omitted). And this Court has reaffirmed the U.S. Supreme Court's concerns that "some sort of order, rather than chaos, [should] accompany the democratic processes." *Id*. (quoting *Buckley v. Am. Const. L. Found., Inc*., 525 U.S. 182, 187 (1999)). When election rules change too close to an election, that creates chaos and confusion for election administrators, candidates, and voters.

Likewise, courts of appeals have recognized the importance of "maintain[ing] the order, speed, and integrity of the election process." *State ex rel. Bushmeyer v. Cahill*, 575 S.W.2d 229, 234 (Mo. App. St. Louis 1978). For example, in a recent decision, one Missouri Court of Appeals recognized "serious questions" about whether the courts "had the ability to afford . . . any meaningful relief, even if [it] had found merit in [the] claims" on the eve of an election, given "potential logistical difficulties" identified by local election officials in changing the rules for the election. *Chastain v. Kan. City Mo. City Clerk*, 337 S.W.3d 149, 155 n.3 (Mo. App. W.D. 2011).

B. Missouri Courts Look to the U.S. Supreme Court for Guidance.

Critically, in *Hadley*, the Court fundamentally relied on equitable principles elucidated by the U.S. Supreme Court in reaching its conclusion. For example, this Court noted:

> [U]nder certain circumstances, such as 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. 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. With respect to the timing of relief, a court can reasonably endeavor to avoid a disruption of the election process which might result from requiring precipitate changes that could make unreasonable or embarrassing demands on a State in adjusting to the requirements of the court's decree.

Hadley, 460 S.W.2d at 2 (quoting *Reynolds v. Sims*, 377 U.S. 533, 585 (1964)). And this Court noted that in *Lucas v. Forty-Fourth General Assembly of the State of Colorado*, 377

U.S. 713, 739 (1964), "the Supreme Court recognized that there is a need to determine whether the decision shall be made applicable to an imminent election." *Hadley*, 460 S.W.2d at 2. The U.S. Supreme Court's equitable doctrines were paramount to this Court's stay of a new rule close to the election. And this Court recognized and affirmed those doctrines for Missouri.

And since the time of *Reynolds* and *Lucas*, the U.S. Supreme Court has only provided more guidance on how courts should exercise judicial restraint in altering the rules for quickly approaching elections.[3] The U.S. Supreme Court has expressed concerns that "late-breaking, court-ordered rule changes can result in voter confusion and consequent incentive to remain away from the polls, and thus undermine the [c]onfidence in the integrity of our electoral processes . . . . essential to the functioning of participatory democracy." *Bost v. Ill. State Bd. of Elecs.*, 607 U.S. ----, 146 S. Ct. 513, 521 (2026) (quotation omitted). As Justice Kavanaugh has put it, and as *Amicus* Director Bahr's experience confirms:

> The [U.S. Supreme] Court's precedents recognize a basic tenet of election law: When an election is close at hand, the rules of the road should be clear and settled. That is because running a statewide election is a complicated endeavor. Lawmakers initially must make a host of difficult decisions about how best to structure and conduct the election. Then, 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. And at every step, state and local officials must communicate to voters how, when, and where

[3] Today, this doctrine is also known as the *Purcell* doctrine based on the decision *Purcell v. Gonzales*, 549 U.S. 1 (2006).

> they may cast their ballots through in-person voting on election day, absentee voting, or early voting.
>
> Even seemingly innocuous late-in-the-day judicial alterations to state election laws can interfere with administration of an election and cause unanticipated consequences. If a court alters election laws near an election, election administrators must first understand the court's injunction, then devise plans to implement that late-breaking injunction, and then determine as necessary how best to inform voters, as well as state and local election officials and volunteers, about those last-minute changes.

Democratic Nat'l Comm. v. Wis. State Legislature, 141 S. Ct. 28, 31 (2020) (Mem) (Kavanaugh, J., concurring). "[J]udicial restraint" in this area "not only prevents voter confusion but also prevents election administrator confusion—and thereby protects the State's interest in running an orderly, efficient election and in giving citizens (including the losing candidates and their supporters) confidence in the fairness of the election." *Id.* (citation omitted).

Based on these principles, the U.S. Supreme Court has also rejected challenges to congressional redistricting maps enacted in advance of the 2024 and 2026 congressional elections.[4] For example, in *Abbott v. League of United Latin American Citizens*, 607 U.S. ----, 146 S. Ct. 418 (2025), the U.S. Supreme Court granted Texas' request to stay a lower court's order that would require Texas to revert to its old congressional redistricting map

[4] The U.S. Supreme Court noted: "With an eye on the upcoming 2026 midterm elections, several States have in recent months redrawn their congressional districts in ways that are predicted to favor the State's dominant political party. Texas adopted the first new map, then California responded with its own map for the stated purpose of counteracting what Texas had done. North Carolina followed suit, and other States are also considering new maps." *Abbott*, 146 S. Ct. at 419. Missouri certainly falls in this category.

because of the impending 2026 election. *Id*. at 419-20. The Court did so even though it was only December 2025, even though the candidate filing period for the 2026 election had yet to close, and even though the primary election was about four months away. *League of United Latin Am. Citizens v. Abbott*, 809 F. Supp. 3d 502, 598, 600 (W.D. Tex. 2025), *summarily reversed*, *Abbott v. LULAC*, No. 25-845, 2026 WL 1127246 (Apr. 27, 2026) (Mem) (noting the district court issued its November 18, 2025, ruling "well before the candidate-filing deadline of December 8" and "about four months" from the primary election on March 3, 2026).

In granting the stay, the U.S. Supreme Court in *Abbott* also rejected the lower court's argument that any expedited timeline was the State's fault—not the challengers'—and therefore the equities weighed in the challengers' favor. 146 S. Ct. at 419 (reversing lower court's determination and holding that Texas "made a strong showing . . . that the equities and public interest favor it"); *League of United Latin Am. Citizens*, 809 F. Supp. 3d at 600 (arguing that the equities favored the challengers because of the State's intentional actions close to the election). This same rejected argument is one the Plaintiffs-Appellants make here.

Likewise in *Merrill v. Milligan*, 142 S. Ct. 879 (2022) (Mem), the U.S. Supreme Court stayed a district court's January 24, 2022, preliminary injunction of a congressional redistricting map. *Id*. The district court declined to stay the order because "the primary election [would not] occur [until] May 24, 2022, approximately four months" later. *Singleton v. Merrill*, No.: 2:21-cv-1291-AMM, No.: 2:21-cv-1530-AMM, 2022 WL

272636, at *11 (N.D. Ala. Jan. 27, 2022). But the Supreme Court rejected this argument when it stayed the case. *Merrill*, 142 S. Ct. 879; *see also id*. (Kavanaugh, J., concurring).

Finally, and most starkly, in *Callais v. Landry*, 732 F. Supp. 3d 574 (W.D. La. 2024), the district court permanently enjoined a congressional redistricting map as unconstitutional *over six months* before the open primary election, and *over two months* from the date the candidate qualifying period even opened. *2024 Elections Calendar*, LA. SEC'Y OF STATE, https://perma.cc/4VPB-HWY3. Still, the Supreme Court stayed issuance of the order for the 2024 election, citing these same principles. *Robinson v. Callais*, 144 S. Ct. 1171 (2024) (Mem).

Here, by contrast, the State is on a more compressed timeline. The primary election is on August 4, 2026—which is just over three months away and closer than the elections in *Callais*, *Abbott*, and *Merrill*. *See 2026 Missouri Election Calendar*, *supra*. Unlike the deadlines in those recent Supreme Court cases, the statutory deadline for the candidate filing period has already passed. *Id*. Primary election campaigns are already well underway. The final certification date is quickly approaching. *Id*. And as noted, election officials have very little time to prepare everything in advance of that deadline. *See supra* Part I.B. In short, "the election machinery already is in operation." *Hadley*, 460 S.W.2d at 3. And here, unlike in *Callais*, *Abbott*, *Merrill*, or *Hadley*, the challengers do not suggest, nor has any court decided, that the law in any way violates a party's fundamental political rights under the Fourteenth Amendment or Voting Rights Act. Rather, the challengers seek to impose a stay in advance of a statewide vote. This case presents an even stronger argument for the Court to decline to intervene than recent Supreme Court decisions and this Court's own

decision in *Hadley*. Accordingly, this Court should not impose any changes to the election machinery in advance of the August primary.

C. The Court Should Reject Plaintiff-Appellants' *Amici's* Arguments.

Amicus People Not Politicians ("PNP") primarily argues that these equitable principles do not apply because the new statute enacting the congressional redistricting map is a bill, not a law. Amicus PNP Brief at 33-34. *Amicus* claims whether HB1 is a bill or a law is "a legal question for the court to decide." *Id*. at 34 (citation omitted). But this Court conclusively answered this question just one month ago in a case where *Amicus* PNP's attorneys represented the plaintiffs-appellants. There, this Court held that HB1 became a law when it was signed by the governor. *Luther v. Hoskins*, 730 S.W.3d 567, 570 (Mo. banc 2026) ("In September 2025, the Missouri General Assembly enacted HB 1. HB 1 repealed the congressional districts established in 2022 and established new congressional districts without the certification of a new census to the governor. The governor signed HB 1 into law."); *id*. at 572-73 (discussing that HB1 is a "statute"). And there, this Court repeatedly affirmed "the General Assembly's plenary legislative power to enact HB 1." *Id*. at 574; *see also id*. at 569 (affirming the "the General Assembly's plenary power to legislate congressional districts").

Furthermore, just one month before the attorneys for *Amicus* PNP submitted their brief in this case, those same attorneys represented the *Luther* plaintiffs-appellants and argued that HB1 was unconstitutional. *Id*. at 569. But by their own logic, if HB1 was just a bill, they never could have raised that argument in *Luther*. Courts do not opine on the constitutionality of proposals that have yet to become laws. *See, e.g.*, *Missourians to*

Protect the Initiative Process v. Blunt, 799 S.W.2d 824, 827 (Mo. banc 1990) ("Courts do not sit in judgment on the wisdom or folly of proposals. Neither will courts give advisory opinions as to whether a particular proposal would, *if adopted*, violate some superseding fundamental law, such as the United State Constitution." (citation omitted)); *Calzone v. Ashcroft*, 559 S.W.3d 32, 35 (Mo. App. W.D. 2018) (holding that there is "no justiciable controversy ripe for adjudication" until a proposal "becomes law" (citation omitted)). And yet, this Court conclusively determined that HB1 is a law, reached the merits of the declaratory judgment action, and held that HB1 is constitutional without flagging any concerns about ripeness or an advisory opinion. *See generally Luther*, 730 S.W.3d 567. Attorneys for *Amicus* PNP cannot now change their tune simply because they lost their prior challenge.

And this Court's decision in *Luther* comports with the Missouri Constitution. The one Missouri constitutional provision that discusses congressional redistricting says:

> When the number of representatives to which the state is entitled in the House of the Congress of the United States under the census of 1950 and each census thereafter is certified to the governor, the general assembly shall by law divide the state into districts corresponding with the number of representatives to which it is entitled, which districts shall be composed of contiguous territory as compact and as nearly equal in population as may be.

MO. CONST. ART. III, § 45. It never says the law only goes into effect upon approval by referendum. And the Constitution further provides:

> Every bill which shall have passed the house of representatives and the senate shall be presented to and considered by the governor, and, within fifteen days after presentment, he shall return such bill to the house in which it originated endorsed

> with his approval or accompanied by his objections. **If the bill be approved by the governor it shall become a law.**

MO. CONST. ART. III, § 31 (emphasis added). As such, the moment the Governor signed HB1, it became law—just as this Court determined a couple weeks before *Amicus* PNP filed its brief in this case. *Luther*, 730 S.W.3d at 570.

Finally, the principles from *Hadley* and *Purcell* are not just concerned with enjoining election statutes. For example, *Hadley*, *Callais*, *Abbott*, and *Merrill* all stayed *court orders*—not statutes. And some of those court orders were preliminary, meaning they were not final judgments. *See, e.g.*, *Merrill*, 142 S. Ct. at 879 (staying preliminary injunction order); *Abbott*, 146 S. Ct. at 419-20 (same).

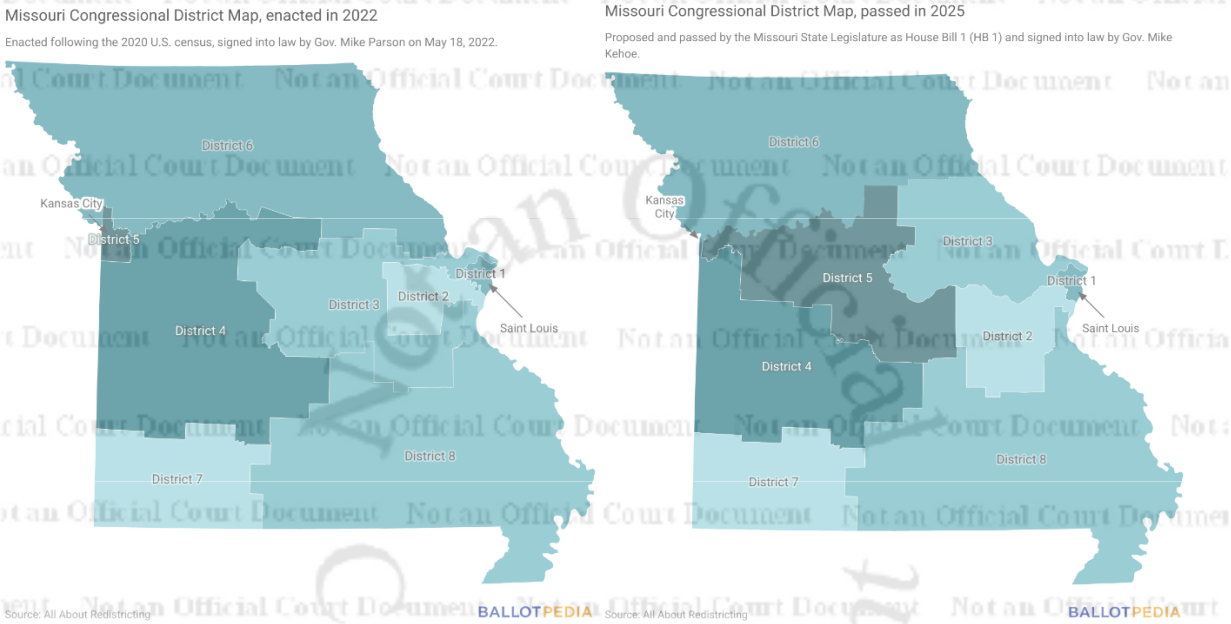
Amicus PNP also argues that the issue in this case "is one of general applicability – does submission of a referendum prevent a referred bill from going into effect? It has *nothing* to do with 'election law.'" Amicus PNP Brief at 32. But Plaintiffs-Appellants cannot evade these principles of equity by styling their complaint in the broadest terms possible. This challenge affects the orderly administration of a federal election, plain and simple, so the same principles apply. The equities that concerned this Court in *Hadley*, for example, had nothing to do with either the merits or the cause of action. This Court accepted that the U.S. Supreme Court was right on the merits but nonetheless determined that the equities counseled in favor of abiding by the prior redistricting plan for the next election. *Hadley*, 460 S.W.2d at 2. And the Court did not evaluate the underlying cause of action in doing so. Rather, it determined "that the overriding public interest in the orderly operation of respondent and other junior college districts in Missouri require[d], and this

court so order[ed], that the elections of trustees of said districts scheduled in April, 1970, be held under the present provisions" of law. *Id*. at 3 (emphasis added). Accordingly, in considering whether these principles apply, this Court should not concern itself with whether the cause of action qualifies as an election law challenge or not. Rather, it should look to the timeline and refrain from imposing any rule that would upend the orderly administration of the August 2026 primary election.

Amicus PNP also contends that the State's argument that "it is already too late for a judicial order changing Missouri's congressional map before the 2026 elections," has no weight because this emanates from the *Purcell* principle, which per *Amicus* "has zero relevance or application to state courts deciding matters of state law." Amicus PNP Brief at 32. But as discussed above, this idea does not just emanate from *Purcell*, but from Missouri law—including this very Court's decision in *Hadley*, and this Court's stated reliance on Supreme Court precedent in this area. *See supra* Part II.A-B.

Finally, *Amicus* PNP notes that in 2022, the candidate filing period closed before the General Assembly delivered the redistricting plan to the Governor to undermine concerns about the administration of the election. Amicus PNP Brief at 32. But in 2022, the changes between the newly enacted map and the previous map were not as dramatic as they are here. And everyone knew that the map enacted after the 2010 census could not constitutionally be used for the 2022 election due to the recent census, which was certified to the Governor in August 2021. MO. CONST. ART. III, § 45 (requiring General Assembly to redistrict after census is certified); *Luther*, 730 S.W.3d at 569-70. By contrast, as demonstrated by a side-by-side comparison of the maps below, the changes that Plaintiffs-

Appellants ask local election officials to undertake on short notice are unanticipated and substantial for several districts, and reverting to those old maps would create chaos throughout the State.



Redistricting in Missouri after the 2020 census, BALLOTPEDIA, https://perma.cc/2NHF-SHMY. Voters and candidates have come to rely on HB1 (the 2025 map) and have tailored their behavior and campaigns accordingly.

As even *Amicus* Brianna Lennon notes, a stay of Missouri's current law in advance of the August primary "will result in chaos, confusion, and unnecessary expense." Amicus Brianna Lennon Brief at 7; *see also id*. at 14 (noting that administration of the prior map "will be complicated and costly"); *id*. at 16 ("Last minute changes in how elections are administered can themselves cause confusion and chaos that allows election mis- and disinformation to metastasize." (footnote omitted)). Her concerns about voter confusion now would be greatly magnified if the entire map shifted so close to the election,

considering that HB1 has been on the books since September 2025. *Cf. id*. at 14-15. Even if 300,000 voters expect to vote under the previously enacted map, HB1 is the current law and, even under Plaintiffs-Appellants' calculation, there are nearly 4 million other voters who did not sign the referendum and therefore do not have that same expectation. As such, this Court should decline to impose such a stay.

D. Missouri Courts Should Not Change the Congressional Map Between the Primary and General Elections.

This Court should also resist any suggestion to change or allow the map to change between the primary and general elections. *See* Amicus Brianna Lennon Brief at 14 (suggesting "the Secretary could allow HB1 to remain in effect through the primary and then suspend it before the general"). Such action would create a new constitutional violation. The Fourteenth Amendment bestows each citizen with the "right . . . to have his vote weighted equally with those of all other citizens in the election." *Reynolds*, 377 U.S. at 576; *see also id*. at 555 ("[T]he right of suffrage can be denied by a debasement or dilution of the weight of a citizen's vote just as effectively as by wholly prohibiting the free exercise of the franchise."). If a State gives some classes of voters a privilege and "den[ies] the privilege to other classes of otherwise qualified voters in similar circumstances, without affording a comparable alternative means to vote," the State engages in "arbitrary discrimination violative of the Equal Protection Clause." *Am. Party of Tex. v. White*, 415 U.S. 767, 795 (1974). A citizen's Fifteenth Amendment right to vote and Fourteenth Amendment right receive equal treatment as other voters apply during primary elections—or any other "[v]oting at the nomination stage." *Morse v. Republican Party of Va*., 517 U.S.

186, 211, 218-19 (1996). Thus, excluding voters from the primary election essentially eliminates their right to vote. *Id*. at 211, 218-19.

If shortly after the primary election, the State reassigned voters to districts where they had no say in choosing the nominees for the general election, their votes would carry less weight. One group of voters (those who did not change districts between the primary and general elections) would have had the opportunity to nominate their preferred candidates for the general election. Another group (those who changed districts between the primary and general elections) would have had no such opportunity. This arbitrary, discriminatory treatment thereby would not provide citizens "equal protection of the laws." U.S. CONST. AMEND. XIV; *see also Bush v. Gore*, 531 U.S. 98, 105 (2000) (holding that states have a constitutional "obligation to avoid arbitrary and disparate treatment of the members of its electorate"); *Org. for Black Struggle v. Ashcroft*, 493 F. Supp. 3d 790, 802 (W.D. Mo. 2020) (holding that "different treatment" of voters under Missouri procedural rule, even when it did not pose a "particularly arduous or severe burden," likely violated the Equal Protection Clause). And it may deprive those citizens of the right to vote. *Morse*, 517 U.S. at 211, 218-19.

Moreover, all the aforementioned concerns about voter confusion, election administration, and fairness to candidates that plague the imposition of a new map in advance of the primary elections would be even worse if the Court imposed a new map between the primary and general elections. The primary elections are set for August 4, 2026. *2026 Missouri Election Calendar*, *supra*. The general election is set for November 3, 2026, less than three months later. *Id*. And the final certification date for the general

election is August 25, 2026—just three weeks after the primary election date. *Id*. That gives election administrators barely any time. It would be practically impossible for these local officials to effectuate this massive change. Plus, the risk of voter confusion would be almost certain given the unusual circumstances. Additionally, the statutory deadline of July 27, 2026, for new party and independent candidates for districts to submit their petitions to the Secretary of State would have already passed. *Id*.; § 115.329, RSMo. There's a risk that candidates, who filed to run in districts where they resided for the primary election, would no longer live in their new districts for the general election. And candidates who receive nominations via primary elections and qualify to run in the general election, would have to target entirely new voters. In short, any changes to the districts between the elections would create complete chaos.

CONCLUSION

For the foregoing reasons, this Court should affirm.

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Respectfully submitted,

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CERTIFICATION

I, Edward D. Greim, hereby certify:

(1) This brief includes the information required by Missouri Supreme Court Rule 55.03.

(2) A true and correct copy of the foregoing was served on opposing parties through the Missouri e-Filing system, which serves all registered attorneys of record. MO. SUP. CT. R. 103.08(a).

(3) The foregoing brief complies with the limitations contained in Missouri Supreme Court Rule 84.06(b).

(4) There are 7,565 words in this brief, excluding the cover, any certificate required by Missouri Supreme Court Rule 84.06(c), signature block, and appendix. MO. SUP. CT. R. 84.06. The undersigned relied on the word count of the word-processing system used to prepare the brief.

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