

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

TERRENCE WISE, et al.,

Plaintiffs,

v.

STATE OF MISSOURI, et al.,

Defendants.

Case No. 2516-CV29597

Division 15

**PLAINTIFFS' RESPONSE TO STATE DEFENDANTS' LIST OF
STATEWIDE REDISTRICTING CHALLENGES BROUGHT IN COLE COUNTY**

In accordance with the Court's instructions at the hearing on November 24, 2025, Plaintiffs submit this response to Defendants State of Missouri and Secretary of State's ("State Defendants") list of cases purporting to show that all previous challenges involving statewide districting schemes have been brought in Cole County Circuit Court. *See* Defs.' Post-Hearing Br. at 1.

None of the State Defendants' cases supports their position that this case must be filed in Cole County. Rather, the cases identified by Plaintiffs in this case and the *Healey* case as well as those identified by the State Defendants confirm the basic rule that state officials may be sued in a venue outside of Cole County if there is a non-Cole County co-defendant. These cases also establish that the Jackson County and Kansas City Boards of Election Commissioners—who affirmatively acknowledged their active role in implementing the challenged congressional districts at the November 24 hearing—can provide relief to Plaintiffs and are therefore proper parties to the case. This Court should therefore deny the State Defendants' motion to dismiss or transfer.

I. RELEVANT CASES

State Defendants contend that all prior statewide redistricting challenges have been brought in Cole County Circuit Court, but they selectively exclude relevant examples from their definition of “[c]hallenges to a statewide plan.” *See* Defs.’ Post-Hearing Br. at 1 (creating categories (2) through (4) to house contrary examples). Plaintiffs respectfully propose that the Court consider the cases as categorized below (with * denoting additional authorities identified by Plaintiffs):

1. Challenges related to state or federal districts, filed in a state court other than Cole County Circuit Court:

- a. *State ex rel. Mathewson v. Board of Election Commissioners of St. Louis County*, 841 S.W.2d 633, 634 (Mo. banc 1992) (case filed in St. Louis County Circuit Court, against the St. Louis County Board of Election Commissioners, regarding state senate districts).
- b. *Preisler v. Doherty*, 265 S.W.2d 404, 406 (Mo. banc 1954) (case filed in City of St. Louis Circuit Court, against the City of St. Louis Board of Election Commissioners, regarding state senate districts); *see also Preisler v. Doherty*, 284 S.W.2d 427 (Mo. banc 1955) (same).
- c. *State ex rel. McNary v. Mooney*, 247 S.W.2d 726, 727 (Mo. banc 1952) (original writ proceeding in Missouri Supreme Court, filed against the St. Louis County Board of Election Commissioners, regarding state house districts).
- d. *State ex rel. Davis v. Ramacciotti*, 193 S.W.2d 617, 618 (Mo. banc 1946) (original writ proceeding in Missouri Supreme Court, filed against the City of St. Louis Board of Election Commissioners, regarding state senate districts).
- e. *State ex rel. Lashly v. Becker*, 235 S.W. 1017 (Mo. banc 1921) (original writ proceeding in Missouri Supreme Court regarding state senate districts).
- f. *State ex rel. Barrett v. Hitchcock*, 146 S.W. 40, 40 (Mo. 1912) (original writ proceeding in Missouri Supreme Court regarding state senate districts).

2. Challenges related to state or federal districts, filed in Cole County Circuit Court:

- a. *Luther v. Hoskins*, 25AC-CC06964 (Cir. Ct. Cole Cnty. filed Sept. 12, 2025) (challenge to congressional districts, with state official as sole defendant)
- b. *Faatz v. Ashcroft*, 685 S.W.3d 388, 393 (Mo. banc 2024) (challenge to state senate districts, with state officials as sole defendants).

- c. *Pearson v. Koster*, 367 S.W.3d 36, 42 (Mo. banc 2012) (challenge to congressional districts, with state officials serving as sole defendants); *Pearson v. Koster*, 359 S.W.3d 35, 38 (Mo. banc 2012) (same).
- d. *Johnson v. State*, 366 S.W.3d 11, 16 (Mo. 2012) (challenge to state house districts, with state officials serving as sole defendants).
- e. *Preisler v. Kirkpatrick*, 528 S.W.2d 422, 422-23 (Mo. 1975) (challenge to state senate districts, with state official serving as sole defendant).
- f. *Preisler v. Hearnnes*, 362 S.W.2d 552, 553 (Mo. banc 1962) (challenge to congressional districts, with state officials serving as sole defendants).

3. Challenges related to federal or state districts, filed in federal court:

- a. **Jonas v. Hearnnes*, 236 F. Supp. 699, 701, 708-09 (W.D. Mo. 1964) (case against Kansas City Board of Election Commissioners, challenging state senate and house districts).¹
- b. **Afr.-Am. Voting Rts. Legal Def. Fund, Inc. v. State of Mo.*, 994 F. Supp. 1105, 1110-11, 1023 (E.D. Mo. 1997) (case against Jackson County and St. Louis Boards of Election Commissioners, challenging the state's failure to create judicial districts for retention elections), *aff'd sub nom.*, *Afr.-Am. v. State of Mo.*, 133 F.3d 921 (8th Cir. 1998).
- c. **Berry v. Kander*, 191 F. Supp. 3d 982, 984 (E.D. Mo. 2016) (challenge to congressional districts).
- d. **Shayer v. Kirkpatrick*, 541 F. Supp. 922, 924 (W.D. Mo.) (challenge against state's failure to enact congressional districts), *aff'd sub nom.*, *Schatzle v. Kirkpatrick*, 456 U.S. 966 (1982).
- e. **Preisler v. Sec'y of State of Missouri*, 238 F. Supp. 187, 187-88 (W.D. Mo. 1965) (challenge to congressional districts enacted in 1961).
- f. **Preisler v. Sec'y of State of Missouri*, 257 F. Supp. 953, 955 (W.D. Mo. 1966) (challenge to congressional districts enacted in 1965).

¹ Federal cases such as *Jonas*, which name a board of election commissioners as a defendant, could have been filed in state court in the county where the board resides. *See Shapiro v. Columbia Union Nat. Bank & Tr. Co.*, 576 S.W.2d 310, 316 (Mo. banc 1978) (holding that state circuit courts are courts of concurrent jurisdiction as to federal claims).

g. **Preisler v. Sec'y of State of Missouri*, 279 F. Supp. 952, 955-56 (W.D. Mo. 1967) (challenge to congressional districts enacted in 1967), *aff'd sub nom.*, *Kirkpatrick v. Preisler*, 394 U.S. 526 (1969).

h. **Preisler v. Sec'y of State of Missouri*, 341 F. Supp. 1158, 1160 (W.D. Mo.) (challenge to congressional districts enacted in 1969), *aff'd sub nom.*, *Danforth v. Preisler*, 407 U.S. 901 (1972).

4. Other cases seeking relief from boards of election commissioners related to implementation of state or federal elections or statewide legislation:

a. **State ex rel. King v. Walsh*, 484 S.W.2d 641, 642 (Mo. 1972) (original writ proceeding in Missouri Supreme Court, filed against a respondent class of boards of election commissioners, represented by the St. Louis County Board of Election Commissioners, to prohibit such boards from printing the name of a candidate for governor on the ballot).

b. **State ex rel. Forestel v. Higgins*, 46 S.W. 423 (Mo. 1898) (case filed in City of St. Louis Circuit Court, seeking to compel City of St. Louis Board of Election Commissioners to hold a primary election for congressional district).

c. **State ex rel. Hill v. Travers*, 602 S.W.2d 856, 857-58 (Mo. App. E.D. 1980) (case filed in City of St. Louis Circuit Court, against City of St. Louis Board of Election Commissioners, seeking to redo a congressional primary election due to alleged irregularities in election administration).

d. **Stocke v. Edwards*, 295 Mo. 402, 244 S.W. 802, 802 (Mo. banc 1922) (case filed in City of St. Louis Circuit Court, against City of St. Louis Board of Election Commissioners, seeking to enjoin the implementation of an election mandated by an allegedly unconstitutional state statute).

e. **State ex rel. Bates v. Remmers*, 30 S.W.2d 609, 611-12 (Mo. banc 1930) (original proceeding in Missouri Supreme Court, against City of St. Louis Board of Election Commissioners, seeking to prevent the printing of ballots containing the name of a state senatorial candidate unlawfully qualified by the Secretary of State).

5. Challenges related to local districts, filed in federal court:

a. **Corbett v. Sullivan*, 202 F. Supp. 2d 972, 974, 990 (E.D. Mo. 2002) (case against St. Louis County Board of Election Commissioners, challenging county council districts).

b. **Fletcher v. Golder*, No. 91-2314C(7), 1992 WL 105910, at *1 (E.D. Mo. Feb. 24, 1992) (case against St. Louis County Board of Election Commissioners, challenging county council districts), *aff'd*, 959 F.2d 106 (8th Cir. 1992).

- c. **Missouri State Conf. of the Nat'l Ass'n for the Advancement of Colored People v. Ferguson-Florissant Sch. Dist.*, 201 F. Supp. 3d 1006, 1016-17 (E.D. Mo. 2016) (case against St. Louis County Board of Election Commissioners, regarding creation of school districts), *aff'd*, 894 F.3d 924 (8th Cir. 2018).
- d. **Bowman v. Chambers*, 586 F. Supp. 3d 926, 928 (E.D. Mo. 2022) (case against St. Louis County Board of Election Commissioners, challenging county council districts).
- e. **Stenger v. Kellett*, No. 4:11-CV-2230, 2012 WL 601017, at *1 (E.D. Mo. Feb. 23, 2012) (case against St. Louis County Board of Election Commissioners, regarding county council districts).
- f. **Afr. Am. Voting Rts. Legal Def. Fund, Inc. v. Villa*, 54 F.3d 1345, 1347 (8th Cir. 1995) (challenge to City of St. Louis alderman districts).
- g. **Preisler v. Mayor of City of St. Louis, Mo.*, 303 F. Supp. 1071, 1072-73 (E.D. Mo. 1969) (challenge to City of St. Louis alderman districts).
- h. **Clay v. Bd. of Educ. of City of St. Louis*, 896 F. Supp. 929, 931-32 (E.D. Mo. 1995) (challenge regarding City of St. Louis board of education districts), *aff'd*, 90 F.3d 1357 (8th Cir. 1996).

II. DISCUSSION

The foregoing cases confirm that venue is proper in this Court for several reasons.

First, while State Defendants cite six instances of redistricting cases that have been filed in Cole County in the history of Missouri, *see supra* Part I.2, nothing in those opinions suggests that *this case must* be filed in Cole County Circuit Court. Those decisions, which represent a fraction of redistricting cases, do not contain any rulings on venue, abatement, or a plaintiff's ability to seek relief from boards of election commissioners.² Rather, all six cases were filed solely against state defendants, whose residence is in Jefferson City, Cole County. Mo. Const. art. IV, § 20.

² The only mention of venue is in *Faatz*, in which the Missouri Supreme Court noted that cases challenging state senate districts must be filed in Cole County Circuit Court, under the current version of Article III, Section 7(i) of the Missouri Constitution. 685 S.W.3d at 405. The Court was clear that Section 7 applies only to redistricting of "the state Senate," not congressional districts. *Id.* at 394.

Those cases are therefore silent as to venue under the factual circumstances of this case, in which Plaintiffs are seeking relief from both state and non-state defendants.

At best, those six cases provide historical support for a basic rule of venue: “[W]hen a state agency is the *sole defendant*, [the venue statute] requires that the action be brought in Cole County.” *State ex rel. Missouri Dep’t of Nat. Res. v. Roper*, 824 S.W.2d 901, 903 (Mo. banc 1992) (emphasis added). But “[t]here is no basis in law for a special rule protecting the state from being joined with another party in a suit outside Cole County.” *Id.* at 903-04 (“[I]f venue is proper to a codefendant, it is also proper to a state agency.”). None of the six cases purports to create any redistricting exception to the venue statute, which allows the state to be sued in any county where a co-defendant resides. § 508.010.2(2), RSMo. (“When there are several defendants, and they reside in different counties, the suit may be brought in any such county.”). The fact that redistricting cases—including those affecting districts for state office—have been filed outside of Cole County Circuit Court refutes State Defendants’ suggestion of a default rule that all redistricting cases must be filed there. *See supra* Part I.1.

Second, the fact that some litigants in some past cases have opted not to sue election boards does not preclude Plaintiffs from doing so. Notably, voters in other redistricting cases have successfully sued local election officials, including obtaining relief against the Kansas City Board of Election Commissioners in a case challenging statewide redistricting plans. *See supra* Parts I.1, I.3, I.5; *e.g.*, *Jonas*, 236 F. Supp. at 701 (granting relief in state redistricting suit brought against Kansas City Board of Election Commissioners and other defendants). And given the statements made by counsel for the Jackson County and Kansas City Boards of Election Commissioners at the November 24, 2025 hearing—that their clients may need as many as four weeks to implement the congressional district lines in this case—there can be no dispute that the Jackson County and

Kansas City defendants play an important role in implementing the new congressional districts and can redress Plaintiffs' injuries if ordered to do so. The State Defendants themselves have repeatedly conceded the Board defendants' role in implementing the challenged districts,³ confirming that they are proper defendants.

Indeed, the Missouri Supreme Court has foreclosed State Defendants' argument that Plaintiffs lack standing to sue the Jackson County and Kansas City defendants. In *Mathewson*, the Court held that voters "clearly have standing to challenge the [St. Louis County Election] Board's" implementation of a senate district under a statewide map that was not lawfully in effect. *Mathewson*, 841 S.W.2d at 634, 636; *see also State ex rel. Holland v. Moran*, 865 S.W.2d 827, 831 (Mo. App. W.D. 1993) (describing *Mathewson* as a dispute "between electors and the appropriate election authorities"). State Defendants attempt to distinguish *Mathewson* on the basis that it involved a special election, *see* Defs.' Post-Hearing Br. at 4, but that is not a material distinction—an election board has the duty to implement *all* districts and elections in its jurisdiction. *See* § 115.023, RSMo. ("[E]ach election authority shall conduct all public elections within its jurisdiction."). The relevant statutory duties of the Kansas City and Jackson County defendants, as detailed in Plaintiffs' Petition,⁴ do not vary depending on the type of district line being

³ *See* State Defs.' Suggestions ISO Motion to Dismiss at 8 ("These election boards . . . merely implement the districts enacted by the State."); State Defs.' Reply Suggestions ISO Motion to Dismiss at 13 ("[T]hese local election boards implement the applicable redistricting statute.").

⁴ *See* Petition ¶¶ 20, 27 (alleging that board of election commissioners "is responsible for the administration of all elections in its jurisdiction, including congressional elections. §§ 115.023, 115.043. Its responsibilities include, *inter alia*, establishing precinct boundaries, designating polling places, identifying the persons eligible to vote in each precinct, processing voter registrations, appointing and directing poll workers, notifying the public of elections and candidates, printing and delivering ballots, and announcing the results of elections held within its jurisdiction. *See* §§ 115.113, 115.115, 115.079, 115.099, 115.127, 115.163, 115.247, 115.389, 115.393, 115.499").

implemented or the fact of a special election. *E.g.*, § 115.247, RSMo. (“Each election authority shall provide all ballots for every election within its jurisdiction.”); § 115.113 (“In each jurisdiction, precinct boundaries shall be established by the election authority.”). Nor do the relevant duties of the Secretary of State, as described by the State Defendants. *See* State Defs.’ Suggestions ISO Motion to Dismiss at 10 (citing §§ 115.387, 115.401, RSMo. as basis for the Secretary’s role in implementing the challenged districts).

Finally, contrary to State Defendants’ suggestion that election boards cannot provide statewide relief, plaintiffs have repeatedly sought relief from local election boards in cases involving statewide elections or the implementation of state statutes. *See supra* Parts I.1, I.3, I.4. Plaintiffs maintain that the Jackson County and Kansas City boards can provide complete relief, particularly with a declaratory judgment from this Court that the challenged districts are unlawful, because congressional elections cannot go forward without assigning the voters and precincts in those jurisdictions to a congressional district, and election officials can only lawfully implement the district lines that existed prior to H.B. 1.⁵ But to the extent that the Court concludes that the Jackson County and Kansas City defendants provide inadequate geographic coverage to remedy Plaintiffs’ injuries, Plaintiffs can add additional defendants as needed or move to certify a defendant class, consisting of all boards of election commissioners in Missouri—as was done in

⁵ As to State Defendants’ argument that Kansas City and Jackson County residents could somehow be left without the ability to vote while the rest of the state participates in congressional elections, that would violate numerous constitutional provisions and federal statutes, including by unlawfully burdening the federal constitutional right to vote, *Burdick v. Takushi*, 504 U.S. 428, 433-34 (1992), and contravening the state constitution’s requirement of free and open elections and prohibition against interference with the right of suffrage, Mo. Const. art. I, § 25. *See also* 52 U.S.C. § 10307(a) (“No person acting under color of law shall fail or refuse to permit any person to vote who . . . is otherwise qualified to vote.”).

Walsh, 484 S.W.2d at 642 (case seeking to prohibit class of boards of election commissioners from printing ballots containing the name of an allegedly ineligible candidate for governor).

In any event, any inability to provide *complete* relief is not a basis for dismissing a defendant from a case. Even “the ability ‘to effectuate a partial remedy’ satisfies the redressability requirement.” *Uzuegbunam v. Preczewski*, 592 U.S. 279, 291 (2021) (quoting *Church of Scientology of Cal. v. United States*, 506 U.S. 9, 13 (1992)). A similar standard exists under the permissive joinder statute and rule, which allow defendants to be added if they can provide partial or alternative relief. § 507.040, RSMo. (“All persons may be joined in one action as defendants if there is asserted against them jointly, severally, or in the alternative, any right to relief A plaintiff or defendant need not be interested in obtaining or defending against all the relief demanded.”); Rule 52.05 (same). The Kansas City and Jackson County defendants are therefore appropriate defendants and venue is proper in this Court.

CONCLUSION

For the foregoing reasons, Defendants’ motion to dismiss and transfer venue should be denied.

December 2, 2025

Respectfully submitted,

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Certificate of Service

I certify that, on December 2, 2025, the foregoing was filed on the Missouri CaseNet e-filing system, which will send notice to all counsel of record.

/s/ Gillian R. Wilcox