

**IN THE CIRCUIT COURT OF JACKSON COUNTY
STATE OF MISSOURI**

TERRENCE WISE, *et al.*,

Plaintiffs,

v.

Case No. 2516-CV29597

STATE OF MISSOURI, *et al.*,

Defendants.

**STATE DEFENDANTS' REPLY TO LIST OF CASES SHOWING ALL
PREVIOUS STATEWIDE REDISTRICTING CHALLENGES HAVE BEEN
BROUGHT IN COLE COUNTY**

The State provided this Court a list of cases, which brought a redistricting challenge to a statewide plan in state court on November 26, 2025. The *Wise* and *Healey* Plaintiffs provided their responsive lists of cases on December 2. State Defendants provide this brief reply.¹

ARGUMENT

Plaintiffs suggest that the cases provided by the State offer no support for the State's argument that a challenge to a statewide redistricting challenge must be filed in Cole County because these cases "do not contain any rulings" on venue or whether

¹ State Defendants understood this Court's instruction as a request for a list of cases the Parties reviewed when researching venue and jurisdiction rules governing a challenge to a state-wide redistricting map, and tailored their November 26 filing accordingly. The *Wise* Plaintiffs, however, took the Court's request as an opportunity to re-brief their opposition to State Defendants' motion. Their December 2 filing includes four pages of new argument and analysis that State Defendants have not had a chance to rebut. As such, the State Defendants file this reply.

local election authorities are proper defendants in statewide challenge. *Wise Pls'*. Resp. at 5. But venue of Cole County and the Secretary of State as the sole proper defendant are obviously proper. *See State ex rel. Missouri Dep't of Nat. Res. v. Roper*, 824 S.W.2d 901, 903 (Mo. banc 1992) (venue); *Faatz v. Ashcroft*, 685 S.W.3d 388, 406 (Mo. banc 2024) (Secretary of State as proper defendant). The State has readily conceded as much. These listed cases confirm the State's argument.

As for Plaintiffs' suggestion that redistricting cases have been filed outside of Cole County, the cases listed by Plaintiffs have no bearing on the current dispute. First, this dispute is about whether Cole County is the proper venue—not about whether this case could have been brought as an original writ in the Missouri Supreme Court. These cases dealing with an original writ lend no support to Plaintiffs. Excluding the writ cases, Plaintiffs only *state* cases challenging statewide officers were under previous constitutional provisions when these districts were entirely under the purview of local election authorities. *See, e.g., Preisler v. Doherty*, 265 S.W.2d 404, 406 (Mo. banc 1954) (plaintiff challenge state senate districts in St. Louis after “the then Board of Election Commissioners of the city of St. Louis divided that city into seven senatorial districts”). Thus, the challenge was limited to the confines of the city, and the local election board *could* offer complete relief. This is not true in the present case.

Plaintiffs only state case touching on a statewide plan filed outside of Cole County is *State ex rel Mathewson v. Board of Election Commissioners of St. Louis County*, 841 S.W.2d 633 (Mo. banc 1992). However, *Mathewson* dealt with whether

a special election for state senator in St. Louis County should be run on the “old” or the newly reapportioned state senate map; it has nothing to do with redistricting. *Id.* at 635. Again, as the senate district (either new or old) was entirely within St. Louis County, and resolution of the case would have no impact on adjacent districts, the St. Louis County Board of Election Commissioners was the proper defendant—no statewide relief was necessary. This is *the* “material distinction” between *Mathewson* and the present case. *See Wise Pls.’ Br.* at 7.

Tellingly, Plaintiffs turn to federal cases to find any support for redistricting challenges being brought outside of Cole County and against local election authorities. First, these federal cases have no bearing on the venue for this state action. *See Igoe v. Dep’t of Labor and Indus. Rel. of State of Mo.*, 152 S.W.3d 284, 288 (Mo. banc 2005).

If Plaintiffs want to be in federal court, they are welcome to dismiss this petition and bring this action (with a federal claim) in federal court. They chose to bring this action in state court.

Second, Plaintiffs’ assertion that these cases—and specifically *Jonas v. Hearn*, 236 F. Supp. 699 (W.D. Mo. 1964)—support bringing an action against local election authorities is unfounded. *See Wise Pls.’ Resp.* at 3 n.1, 6. Like the other suits to which Plaintiffs point, *Jonas* was brought against local election authorities when these counties and cities “divide[d] the county into districts.” 236 F. Supp. at 703 (quoting Mo. Const. art. III, § 3 (1945)); *see also* Mo. Const. art. III, § 8 (1945) (same). Thus, these local boards could provide meaningful relief without possibly

disenfranchising other citizens from being able to cast a meaningful ballot or creating one person, one vote violations. This local relief also disqualifies all of the federal cases Plaintiffs list in Part I.5.

The only other federal case highlighted by Plaintiffs with local election authorities as defendants, *African-American Voting Rights Legal Defense Fund, Inc. v. State of Missouri*, 994 F. Supp. 1105 (E.D. Mo. 1997), is even more inapposite. In *African-American Voting Rights*, Plaintiffs challenged judicial districts and retention elections under the Missouri Plan. *Id.* at 1121. Judicial districts are not subject to apportionment challenges. *See id.* at 1122 (dismissing apportionment claim); *see also Reynolds v. Sims*, 377 U.S. 533, 562 (1964) (“Legislators represent people, not trees or acres.” (emphasis added)).² And even if somehow this challenge to judicial districts were akin to representative democracy, Plaintiffs challenged the local retention elections for the “trial courts in the City of St. Louis, St. Louis County, and Jackson County.” *Afr.-Am. Voting Rights*, 994 F. Supp. at 1123. Thus, these local election authorities could offer meaningful relief here. And again, based on these being judicial districts not representative elections, there was little possibility that this local relief could disrupt a statewide map.

Lastly, Plaintiffs argue that cases brought against local election boards prove that the Jackson County and Kansas City boards can provide complete relief. None of Plaintiffs’ cases listed in Part I.4 illustrates this point. Although these cases are

² Jackson County is in one judicial circuit (16th) with a population greatly exceeding Cole County which is also one judicial circuit (19th). St. Louis County is also a single circuit (22nd) and has more population than any other district in the state.

related to statewide elections, they do not deal with a redistricting challenge. A redistricting challenge implicates uniquely statewide interests based on needing to “achieve almost complete numerical equality.” *Kirkpatrick v. Preisler*, 394 U.S. 526, 532 (1969). Therefore, adjusting one congressional district necessitates adjusting other to balance the populations. This relief can only be offered on a statewide level—local election authorities cannot provide this relief.

More devastating, none of the cases cited by Plaintiffs address the capability of local election authorities providing relief, so they provide no support to Plaintiffs. “[J]udicial decisions must be construed with reference to the facts and issues of the particular case, and that the authority of the decision as a precedent is limited to those points of law which are raised by the record, considered by the court, and necessary to a decision.” *Parker v. Bruner*, 683 S.W.2d 265, 265 (Mo. banc 1985) (per curiam) (quoting *State ex rel. Baker v. Goodman*, 274 S.W.2d 293, 297 (Mo. banc 1954)).

All of these cases are readily further distinguished from the present case. As already mentioned, this case is not about the propriety of an original writ, so *State ex rel. King v. Walsh*, 484 S.W.2d 641 (Mo. 1972), and *State ex rel. Bates v. Remmers*, 30 S.W.2d 609 (Mo. banc 1930), are out. And in the remaining cases, local relief was possible. See *State ex rel. Forestel v. Higgins*, 46 S.W. 423 (Mo. 1898) (call and hold a primary election in the various wards and parts of wards of the city of St. Louis); *State ex rel. Hill v. Travers*, 602 S.W.2d 856, 858–59 (Mo. App. E.D. 1980) (Plaintiffs claimed election irregularities in the conduct of the election and part of Plaintiffs’

requested relief was “to order the voting machines, tally sheets and signature cards impounded for inspection” and local election authorities control voting machines); *Stocke v. Edwards*, 244 S.W. 802, 802 (Mo. banc 1922) (law passed by General Assembly only created an “election of an assessor in cities now having, or which may hereafter have, a population of 500,000 inhabitants or more” so the election was to be entirely within St. Louis County); *Bates*, 30 S.W.2d at 610 (printing name of state senate candidate on ballot when “[t]he Thirty–Second senatorial district lies wholly within the limits of the city of St. Louis.) Therefore, Plaintiffs have not provided any cases suggesting that this Court is the proper venue and that this court has jurisdiction over Plaintiffs’ claims brought against the Kansas City and Jackson County election boards.

CONCLUSION

For the foregoing reasons and reasons stated in State Defendants’ motion to dismiss, State Defendants respectfully request that the Court dismiss the Petition, or in the alternative, transfer the Petition to the circuit court in Cole County.

Dated: December 4, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on December 4, 2025, the foregoing was filed on the Missouri CaseNet e-filing system, which will send notice to all counsel of record.

/s/ Graham D. Miller

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