

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

TERRENCE WISE, et al.,

Plaintiffs,

v.

STATE OF MISSOURI, et al.,

Defendants.

Case No. 2516-CV29597

Division 15

ELIZABETH HEALEY, et al.,

Plaintiffs,

v.

STATE OF MISSOURI, et al.,

Defendants.

Case No. 2516-CV31273

Division 15

WISE PLAINTIFFS' PRETRIAL BRIEF

TABLE OF CONTENTS

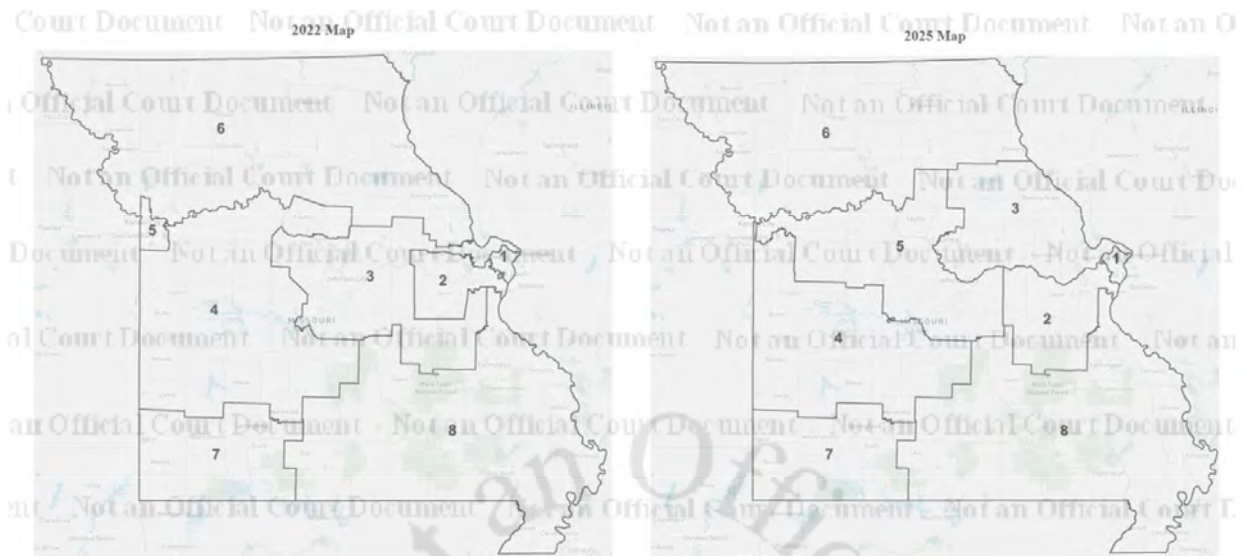
I.	STATEMENT OF THE CASE.....	1
II.	JOINT STIPULATED FACTS & EVIDENCE.....	4
III.	PLAINTIFFS HAVE STANDING.....	4
IV.	PLAINTIFFS WILL PROVE THAT H.B. 1 CLEARLY AND UNDOUBTEDLY VIOLATES THE MISSOURI CONSTITUTION’S COMPACTNESS MANDATE (COUNT II)	5
	A. Legal Standard	6
	B. Plaintiffs Will Satisfy Their Burden at Trial.....	9
	1. H.B. 1’s Reconfiguration of CDs 4 and 5 Departs from Principles of Compactness by Fracturing Closely United Territory	9
	2. H.B. 1’s Departure from Compactness Cannot Be Explained by Any Recognized Factor under Missouri Law	13
	a) Population Equality.....	14
	b) Contiguity	15
	c) Compactness of Other Districts	15
	d) Compliance with Federal Law, Including the Voting Rights Act	16
	e) Population Density.....	17
	f) Respect for Political Subdivisions	19
	g) Natural Boundary Lines.....	22
	h) Historical Boundary Lines of Prior Redistricting Maps	23
	C. Defendants’ Experts Offer No Meaningful Rebuttal to Plaintiffs’ Compactness Showing	25
V.	PLAINTIFFS WILL PROVE THAT H.B. 1 CLEARLY AND UNDOUBTEDLY VIOLATES THE MISSOURI CONSTITUTION’S EQUAL POPULATION AND CONTIGUITY MANDATES (COUNTS III & IV).....	27
VI.	DEFENDANTS’ AFFIRMATIVE DEFENSES FAIL	29
VII.	PLAINTIFFS ARE ENTITLED TO PERMANENT DECLARATORY AND INJUNCTIVE RELIEF BEFORE THE 2026 ELECTION	31

I. STATEMENT OF THE CASE

This case challenges the constitutionality of Missouri's 2025 congressional redistricting map enacted in House Bill 1 ("H.B. 1" or the "2025 Map"). Plaintiffs are Missouri voters who reside in Congressional Districts ("CDs") 4 and 5 as drawn under H.B. 1. Plaintiffs assert various claims under Article III, § 45 of the Missouri Constitution, which governs congressional redistricting. In this trial,¹ Plaintiffs will prove that H.B. 1 clearly and undoubtedly violates Article III, § 45's mandate that congressional districts be "as compact . . . as may be," which Missouri courts define to mean that districts must comprise closely united territory (Count II). The record will also reflect that H.B. 1, by its terms, violates Article III, § 45's equal-population and contiguity mandates by double-assigning certain precincts to both CD 4 and CD 5 (Counts III & IV).

With respect to compactness, Plaintiffs will prove that H.B. 1's reconfiguration of CDs 4 and 5 fractures closely united territory in western Missouri, which was respected in the previously enacted map (the "2022 Map"). As shown below, the 2022 Map kept the cohesive Kansas City metropolitan area largely intact in a mostly urban district (CD 5), while uniting rural western Missouri in a separate district (CD 4). This is consistent with how congressional maps have treated closely united territory in the region for decades. The 2025 Map, by contrast, radically departs from this precedent, fragmenting the Kansas City metropolitan area into three districts that cut through rural territory and reach in highly irregular ways into parts of urban Kansas City.

¹ Count I of Plaintiffs' Petition challenges H.B. 1 for violating Article III, § 45's prohibition on mid-decade redistricting. That claim is presently stayed pending the Missouri Supreme Court's decision in *Luther v. Hoskins*, Case No. SC101412, which will be argued on March 10, 2026. Regardless of how *Luther* is resolved, there is no dispute that the State's decision to redraw its congressional districts in 2025 was optional and not constitutionally compelled, unlike redistricting following the decennial census.



Indeed, it requires little more than cursory knowledge of western Missouri to see what is obvious to residents of the region: H.B. 1 fragments distinct urban and rural communities into sprawling, highly irregular districts that do not reflect closely united territory. However, Plaintiffs will present extensive data and evidence—including the analysis of four highly qualified experts and the testimony of community residents and leaders with personal knowledge and deep roots in the region—to prove that H.B. 1 disregards closely united territory in western Missouri.

Plaintiffs will further establish that this departure was not a minimal or practical deviation necessitated by any recognized factor under Missouri law. No new census required mid-decade redrawing to satisfy population equality. The 2022 Map had no infirmity in contiguity that required correcting. Nor were H.B. 1's dramatic changes to CDs 4 and 5 compelled by permissive factors recognized in Missouri law, such as population density, natural boundaries, respect for political subdivision boundaries, or historical lines. Plaintiffs' experts will present evidence—including multiple alternative maps and tens of thousands of computer-generated configurations—showing that more compact versions of CDs 4 and 5 were readily available while satisfying all the mandatory requirements and permissive considerations recognized in Missouri law. Plaintiffs will

therefore meet their burden to prove that H.B. 1's reconfiguration of CDs 4 and 5 is clearly and undoubtedly not "as compact . . . as may be." Mo. Const. Article III, § 45.

Additionally, Plaintiffs will prove an independent, ongoing violation of Article III, § 45's equal-population and contiguity requirements based on the text of H.B. 1 itself. The statute assigns two non-contiguous Kansas City precincts (also known as voting tabulation districts, or VTDs) named "KC 811" to *both* CD 4 and CD 5. Because H.B. 1 does not identify VTDs by unique census geographic identifiers (GEOIDs), the double assignment of "KC 811" necessarily results in unequal population between the districts and renders one district (CD 5) non-contiguous.

To remedy these constitutional violations, Plaintiffs seek permanent declaratory and injunctive relief in advance of the 2026 primary election to prevent implementation of the unconstitutional districts and restore the lawfully enacted 2022 Map. Plaintiffs' requested relief would be just, practical, and timely. Defendants Kansas City Board of Election Commissioners and Jackson County Board of Election Commissioners (collectively, "Board Defendants") are responsible for implementing new district boundaries, which require reassigning voters to new districts in the Missouri Centralized Voter Registration system ("MCVR"). As of January 13, 2026, that work had not yet begun and cannot occur until at least two weeks after the upcoming municipal elections in late April. In other words, the 2025 Map has not been implemented by local election authorities ("LEAs"). This is consistent with implementation of past congressional maps. The 2022 Map, for instance, was enacted on May 11, 2022, and implemented in time for the August congressional primary election without any need for adjustment to the state's election calendar. In short, ample time remains and justice requires that the 2025 Map be enjoined and the existing lawful 2022 Map be used in the 2026 election.

II. JOINT STIPULATED FACTS & EVIDENCE

Plaintiffs refer to and hereby incorporate the Parties' Joint Stipulation of Facts & Exhibits filed separately with the Court.

As indicated in the stipulation, the parties have agreed to admit into evidence one affidavit per plaintiff setting forth certain biographical facts, including their district of residence under H.B.

1 and the 2022 Map. The affidavits of the *Wise* Plaintiffs have been pre-marked and are attached hereto for the Court's convenience. *See* PX 1 (Terrence Wise Affidavit); PX 2 (Aimee Riederer Gromowsky Affidavit); PX 3 (Cynthia Wrehe Affidavit); PX 4 (Cynthia Kay Lakin Affidavit).²

The Parties have also stipulated to the subject areas in which each expert witness is qualified and have agreed to the admission of all expert reports into evidence, with the understanding that each expert will appear at trial and be subject to cross-examination. The opening and rebuttal reports of the *Wise* Plaintiffs' expert witnesses—Dr. Ari Stern, Dr. Jonathan Cervas, and Dr. John Cromartie—have been pre-marked and are attached hereto for the Court's convenience. *See* PX 21 (Stern 12/30/25 Report); PX 22 (Stern 1/14/26 Rebuttal); PX 23 (Cervas 12/30/25 Report); PX 24 (Cervas 1/14/26 Rebuttal); PX 25 (Cromartie 12/22/25 Report); PX 26 (Cromartie 1/14/25 Rebuttal).

III. PLAINTIFFS HAVE STANDING.

Plaintiffs have standing to challenge the unconstitutional features of the congressional districts enacted under H.B. 1. In redistricting cases challenging state legislative districts, “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, shall have standing.” *Faatz v. Ashcroft*, 685 S.W.3d 388, 395 (Mo. banc 2024) (citing Mo. Const. art.

² Plaintiff Ashley Ball has voluntarily dismissed her claims.

III, § 7(i)). This standing principle applies equally to congressional redistricting challenges, as the Missouri Supreme Court has entertained such suits brought by voters who reside in the challenged districts. *Pearson v. Koster*, 359 S.W.3d 35, 38 (Mo. 2012) (“*Pearson I*”).

Here, Plaintiffs are voters who reside in CDs 4 and 5 under the 2025 Map, which Plaintiffs allege violates the state Constitution’s requirements that districts be compact, equally populated, and contiguous. *See* PX 1 (Terrence Wise Affidavit); PX 2 (Aimee Riederer Gromowsky Affidavit); PX 3 (Cynthia Wrehe Affidavit); PX 4 (Cynthia Kay Lakin Affidavit). There is no serious question that voters like Plaintiffs possess a legally protected interest in their own congressional district being drawn in a manner that complies with Article III, § 45 of the Missouri Constitution. *E.g.*, *Faatz*, 685 S.W.3d at 395; *Pearson v. Koster*, 367 S.W.3d 36, 41 (Mo. banc 2012) (“*Pearson II*”). And Plaintiffs’ injuries would be remedied by an order enjoining the implementation of the unlawful districts and restoring the lawfully enacted 2022 Map.

Plaintiffs also possess standing as taxpayers. In Missouri, taxpayers have “a legally protectable interest in the proper use and expenditure of tax dollars.” *Lebeau v. Comm’rs of Franklin Cnty., Mo.*, 422 S.W.3d 284, 288 (Mo. banc 2014) (citation omitted). As taxpaying voters who reside in Kansas City and Lee’s Summit, Plaintiffs’ “interest in the litigation” also “derives from the need to ensure that government officials conform to the law” when redistricting. *Id.* at 288. This interest applies against Defendants here, who are expending tax dollars mid-decade to unlawfully effectuate H.B. 1. *See* §§ 115.063, 115.075, 115.071, 115.073, 115.022, RSMo.

IV. PLAINTIFFS WILL PROVE THAT H.B. 1 CLEARLY AND UNDOUBTEDLY VIOLATES THE MISSOURI CONSTITUTION’S COMPACTNESS MANDATE (COUNT II).

At trial, Plaintiffs will establish that H.B. 1’s reconfiguration of CDs 4 and 5 clearly and undoubtedly violates Article III, § 45’s compactness mandate.

A. Legal Standard

Article III, § 45 of the Missouri Constitution requires each congressional district to be “as compact . . . as may be.” The test for compliance with this requirement follows from the Missouri Supreme Court’s construction of these terms. While some states define “compact” to refer only to the physical shape or size of districts, the Missouri Supreme Court has adopted a broader definition, holding that compactness means “closely united territory, a phrase not necessarily limited to physical dimensions.” *Pearson II*, 367 S.W.3d at 48. The Court has explained that although a district’s physical shape or size—assessed by “visual observation” or “various statistical measures”—is “relevant” to the compactness inquiry, it is not dispositive. *Id.* at 48-49.³

Courts applying Article III, § 45 have accordingly considered not only the geometry of a district but also the character of its enclosed territory, including whether the district keeps alike areas together and preserves cities and metropolitan regions. In *Pearson II*, the Missouri Supreme Court upheld a trial court’s determination—based on the record before it—that the plaintiffs failed to prove CD 5 in the 2012 map was not “as compact . . . as may be,” despite its irregular shape, because the district could have been “drawn in consideration of the legitimate factor of keeping a greater portion of Kansas City” within the same district. *Id.* at 56. The Court, citing a treatise, recognized that closely united territory may encompass whether a district is “conducive to communication and interaction among representatives and constituents.” *See id.* at 48-49; Kurtis A. Kempter, Annotation, *Appl. of Const. “Compactness Requirement” to Redistricting*, 114 A.L.R. 5th 311, Part II, § 3(b) (2003).

Federal courts applying Missouri law have taken a similar approach. In *Shayer v.*

³ Indeed, the Missouri Supreme Court has identified “flagrant violations” of this standard where districts had irregular shapes or featured a “long narrow strip” or “branches.” *Preisler v. Doherty*, 284 S.W.2d 427, 433 (Mo. banc 1955) (holding senate districts were not as compact as may be).

Kirkpatrick, a three-judge district court, tasked with drawing Missouri's congressional map after the state failed to reapportion following the 1980 census, understood compactness to include how urban and rural areas were distributed among districts. 541 F. Supp. 922, 934 (W.D. Mo. 1982), *aff'd sub nom. Schatzle v. Kirkpatrick*, 456 U.S. 966 (1982). In drawing urban districts centered on the Kansas City area and St. Louis, the court explained that the "grouping of urban interests is to some extent necessary to meet the compactness requirement." *Id.*

Next, the compactness requirement in Article III, § 45 is qualified by the words "as may be," which the Missouri Supreme Court has understood to mean "there are other recognized factors that affect the ability to draw district boundaries with closely united territory." *Pearson II*, 367 S.W.3d at 49. Those factors include the other constitutional mandates of "contiguous territory and population equality," as well as compliance with federal law, like the Voting Rights Act. *Id.* They also include certain "permissive" factors: "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 50. While consideration of permissive factors may justify "minimal and practical deviations" from closely united territory, the state is not free to "disregard" the compactness mandate. *Id.* at 51; *see also Johnson v. State*, 366 S.W.3d 11, 30 (Mo. banc 2012) (holding that "constitutional requirements can[not] be disregarded to consider other factors"); *State ex rel. Barrett v. Hitchcock*, 146 S.W. 40, 53 (Mo. 1912) (describing the state legislature as having "a limited degree of discretion" on compactness in the drawing of state legislative districts).

The Missouri Supreme Court has also noted that the minimal flexibility permitted by the words "as may be" is confined to the recognized factors enumerated in Missouri case law—it does not extend to political or partisan motivations. *See Johnson*, 366 S.W.3d at 28 n.10 ("A definitive

list of factors is found in this Court's precedent[.]"). Indeed, as the Court has recognized for over a century, the very purpose of the compactness requirement is to "guard, as far as practicable, under the system of representation adopted [in the state] *against* a legislative evil, commonly known as 'gerrymander.'" *Pearson I*, 359 S.W.3d at 38 (citing *Hitchcock*, 146 S.W. at 61) (emphasis added).⁴

Thus, based on Article III, § 45's text and purpose, the Missouri Supreme Court has articulated the following standard to decide whether a district is "as compact as may be":

Because the standard for determining whether a district is drawn 'as compact . . . as may be' includes whether any minimal and practical deviations were a result of recognized factors that may affect the district boundaries, Plaintiffs must prove that the boundaries of [the challenged districts] depart from the principles of compactness and that any deviations were not minimal or practical deviations resulting from applying the recognized factors. Accordingly, Plaintiffs' showing must account for any minimal and practical deviations occurring as a result of: (1) the interrelationship in standards for the population equality and compactness requirements; (2) the contiguity requirement; (3) federal laws, including the Voting Rights Act; and (4) the recognized factors of population density, natural boundary lines, boundaries of political subdivisions, and historical boundary lines of prior redistricting maps.

Pearson II, 367 S.W.3d at 53. This is not a two-part test per se, but a "single inquiry as to whether, under the totality of the evidence," the challenged district is "closely united territory with practical and minimal deviations from compactness resulting from application of recognized factors." *Id.* at 48, 55. The test is objective, and Plaintiffs bear the burden of proof. *Id.* at 45-47. Plaintiffs "may

⁴ See also *Hitchcock* 146 S.W. at 65 ("[T]he evident intention of the people of the state, as manifested in said constitutional provision, is that, when counties are combined to form a district, they must not only touch each other, but they must be closely united territory, and thereby guard, as far as practicable, the system of representation adopted in the state against the legislative evil commonly known as the 'gerrymander.'"); *Preisler*, 284 S.W.2d at 435 ("The requirements of contiguity and compactness were placed there for a purpose . . . [n]o doubt they were found to be necessary to the preservation of true representative government"); *Preisler v. Kirkpatrick*, 528 S.W.2d 422, 425 (Mo. banc. 1975) ("Indiscriminate districting, without any regard for political subdivision or natural or historical boundary lines, may be little more than an open invitation to partisan gerrymandering."); *Johnson*, 366 S.W.3d at 24.

satisfy this objective standard by presenting evidence—such as proposed maps—demonstrating the alleged violation was not necessary to achieve the same compliance with other constitutional requirements.” *Faatz*, 685 S.W.3d at 404 n.10. And “[s]o long as the evidence persuades the trial court that the challenged map clearly and undoubtedly contravenes the constitution, the plaintiff will prevail.” *Id.* (quoting *Johnson*, 366 S.W.3d at 31).

B. Plaintiffs Will Satisfy Their Burden at Trial.

Plaintiffs will satisfy this burden at trial. The totality of the evidence will establish that H.B. 1’s redrawing of CDs 4 and 5 departs from compactness by abandoning the coherent territorial distinctions the 2022 Map respected and fracturing closely united urban and rural territory in western Missouri. The record—which includes numerous alternative maps—will also prove that this significant departure from compactness was not necessitated and cannot be explained by any redistricting factor recognized under Article III, § 45.

1. H.B. 1’s Reconfiguration of CDs 4 and 5 Departs from Principles of Compactness by Fracturing Closely United Territory.

Plaintiffs will present expert and lay testimony at trial establishing that, under the totality of the evidence, H.B. 1’s reconfiguration of CDs 4 and 5 fractures closely united territory in western Missouri by producing districts that perform poorly on compactness metrics and lack territorial cohesion, splitting both the closely united Kansas City metropolitan area and rural western Missouri.

Dr. Jonathan Cervas, a political scientist at Carnegie Mellon University with extensive experience as a court-appointed special master and redistricting consultant to state and federal courts, will testify that the challenged districts markedly depart from compactness. PX 23 (Cervas 12/30/25 Report) at 2-4. Using metrics commonly relied on by courts and political scientists, Dr. Cervas will show that H.B. 1’s configuration of CDs 4 and 5 is less compact than in the 2022 Map

and in the eight alternative illustrative maps he drew, and he will confirm that the enacted configuration was not required to satisfy population equality, contiguity, federal law, or any other recognized factor. *Id.* at 5-12 (analyzing Reock and Polsby-Popper scores, which compare a district's area or perimeter to that of a circle); *see also* PX 24 (Cervas 1/14/26 Rebuttal Report) (analyzing other metrics proposed by defense experts) at 4-6, 7-10. He will testify that these quantitative results are consistent with how H.B. 1 fractures closely united territory given population density patterns, the distribution of urban and rural territory, and county and municipal boundaries. PX 23 at 9. His analysis will show that CD 5 was transformed from a coherent district centered on Kansas City's urban core into one that now extends from Kansas City to central Missouri, cutting and meandering through rural territory, while CD 4 was transformed from a district uniting rural western Missouri into one that now splits rural territory and extends into urban Kansas City through a narrow corridor. *Id.* at 10.

Dr. Ari Stern is a mathematician at Washington University in St. Louis with expertise in computational mathematics and geometry and the application of computational mathematics to redistricting analysis. PX 21 (Stern 12/30/25 Report) at 1-2. Dr. Stern will offer computational evidence that H.B. 1's configuration of CDs 4 and 5 departs from compactness and cannot be explained by any recognized factor or permissible consideration. *Id.* at 2, 7-11. To conduct this analysis, Dr. Stern will testify that he programmed an algorithm to generate an ensemble of 100,000 alternative maps by randomly redrawing the boundary between CDs 4 and 5 while leaving the other six districts in H.B. 1 unchanged. *Id.* Dr. Stern will testify that his algorithm redrew the simulated districts to be contiguous and nearly⁵ equipopulous while avoiding county splits and

⁵ Dr. Stern uses the *ReCom* algorithm, which, like other commonly used redistricting algorithms, draws districts that satisfy population equality within a small, specified tolerance.

blind to partisan or racial data.⁶ *Id.* This allows him to compare the enacted districts' compactness and other features to the full range of neutral alternative configurations available to the state. *Id.*

Based on this "ensemble analysis," Dr. Stern will testify that H.B. 1's configuration of CDs 4 and 5 is an extreme outlier that cannot be explained by any recognized redistricting factor. *Id.* at 4-7. In particular, he will explain that H.B. 1's configuration of CDs 4 and 5 splits the population of Jackson County and Kansas City more severely than over 99% of the ensemble maps and splits more municipalities overall than 78.42% of maps in the ensemble. *Id.* at 12-20. Dr. Stern will also testify that H.B. 1's fragmentation of population in Jackson County and Kansas City into three districts is a stark departure from past decades' maps, which, since 1992, have kept a large majority of Jackson County and Kansas City population intact in CD 5, even if small portions of the city and county were included in surrounding districts. H.B. 1, by contrast, moves large portions of the county and city out of CD 5 into CD 4. *See* PX 22 (Stern 1/14/26 Rebuttal) at 2-5. Dr. Stern will also testify that the ensemble overwhelmingly produced one smaller district centered on Jackson County and the Kansas City metropolitan area alongside a separate rural district, whereas H.B. 1 breaks from this neutral pattern by drawing two districts that stretch across the state. *Id.* at 12-14.

Additionally, Dr. Stern will testify that the challenged districts perform poorly compared to the vast majority of ensemble maps on a comprehensive set of compactness metrics, including those not addressed by Dr. Cervas, such as "cut edges," which is a way of measuring the length of a boundary while accounting for population density and natural boundaries. PX 21 (Stern 12/30/25

⁶ One of the Governor's stated objectives for the Missouri First Map (as it was called before its passage as H.B. 1) was to avoid pairing incumbents in the same district. *See* PX 32 (08-29-25 Gov. Kehoe X Map Announcement Video). Although it is not a recognized factor in Missouri, *supra* Part I.A, Dr. Stern produced an ensemble that avoided pairing incumbents to determine whether it had any effect on his conclusions. He found it did not. *See* PX 21 (Stern 12/30/25 Report) at 37-39.

Report) at 20-29. Dr. Stern's analysis and testimony will also prove that the fragmentation of closely united territory in CDs 4 and 5 cannot be explained by any recognized factor, non-recognized objective, or other tradeoffs elsewhere in the map, as explained in greater detail below.

Dr. John Cromartie, a geographer and scholar of rural demography with more than 35 years of service at the U.S. Department of Agriculture's Economic Research Service (USDA-ERS), will testify as to the demographic and geographic qualities of urban and rural communities in western Missouri. PX 24 (Cromartie 12/22/25 Report) at 5-7. Dr. Cromartie will provide a portrait of the rural-urban divide in western Missouri, based on a comparative analysis of demographic trends in metro Kansas City and surrounding areas. *Id.* at 2, 8, 12-15. He will testify that the Kansas City metropolitan area is a cohesive urban territory, distinct from outlying rural areas, which have different needs and challenges owing to differing demographic trends. *Id.* Relying on a rural-urban classification framework he developed at the USDA-ERS, Dr. Cromartie will testify that H.B. 1 produces districts that fracture the Kansas City metro area, combine distinct populations across all categories of the rural-urban continuum in the same districts, and does significantly less than the 2022 Map to keep alike urban and rural areas of western Missouri together. *Id.* at 16-21; *see also* PX 26 (Cromartie 1/14/26 Rebuttal).

Dr. Jonathan Rodden, the expert witness for *Healey* Plaintiffs, is a Stanford University political science professor whose focus is on the analysis of geo-spatial data in the social sciences. PX 27 (Rodden 12/22/25 Report) at 1-3. Dr. Rodden will testify to the various demographic, social, economic, and infrastructural differences between Kansas City's metro area and rural western Missouri that render each a distinct closely united territory deserving of their own dedicated congressional representation. *Id.* at 1. Analyzing past congressional maps, Dr. Rodden finds that the state has treated Kansas City as a closely united territory since the very early days of its

existence. *Id.* at 5-14. Dr. Rodden also examines various indicators that Kansas City should be understood as closely united territory and how the reconfiguration of CDs 4 and 5 in 2025 disregards them, including population density patterns, the extent of the Kansas City area's transit network, the geography of renters vs. homeowners, and the geographic clustering of occupations and industrial sectors, among others. *Id.* at 15-29. Furthermore, in addition to considering the two commonly used measures of geographic compactness (Reock and Polsby-Popper), Dr. Rodden also presents a district-level metric called "district sprawl," or the distance from the median population center of the district to its furthest geographic extent, to help quantify the extent to which H.B. 1 fractures closely united territory. *Id.* at 30-33. He finds that the level of district sprawl in CDs 4 and 5 increased dramatically from 2022 to 2025. *Id.* at 32-33; *see also* PX 28 (Rodden 1/14/26 Rebuttal).

In addition to their expert witnesses, the *Wise* and *Healey* Plaintiffs will call multiple lay witnesses whose testimony will confirm why Kansas City and outlying exurban/rural areas constitute distinct closely united territories, based on their lived experiences, community involvement, political activism, relationships with their congressional representative, and/or personal familiarity with the region. Lay witness testimony will also shed light on the detriments voters face when they are sorted into districts that do not comprise closely united territory as the Missouri Constitution requires. This collective testimony, confirmed by the extensive analysis of four experts, will conclusively establish that H.B. 1's reconfiguration of CDs 4 and 5 departs sharply from principles of compactness.

2. H.B. 1's Departure from Compactness Cannot Be Explained by Any Recognized Factor under Missouri Law.

Plaintiffs will further establish that these departures from compactness are neither minimal nor practically necessary to satisfy population equality, contiguity, compliance with federal law,

or any other recognized factor under Article III, § 45. *Pearson II*, 367 S.W.3d at 53. Rather, the record will show that numerous—and indeed tens of thousands of—materially more compact configurations were readily available that complied with all constitutional and legal requirements, equally or better satisfied permissive factors, and met any legitimate, nonpartisan objectives advanced by the State. *See id.* at 55 (considering alternative maps); *Faatz*, 685 S.W.3d at 404 n.10 (identifying alternative maps as relevant evidence to meet Plaintiffs’ burden of proof).

a. Population Equality

Population equality among congressional districts is mandatory under Article III, § 45 and Article I, § 2 of the U.S. Constitution. *See Karcher v. Daggett*, 462 U.S. 725, 730 (1983) (requiring congressional districts “to achieve population equality as nearly as is practicable” meaning “a good-faith effort to achieve precise mathematical equality”) (internal citations omitted).

This requirement cannot explain H.B. 1’s fragmentation of closely united territory in CDs 4 and 5. The 2022 Map was already precisely equally populated, and no new census had occurred to necessitate redrawing any district in 2025. Dr. Cervas also drew eight illustrative alternative maps that satisfied population equality while significantly improving the compactness of CDs 4 and 5. PX 24 (Cervas 12/30/25 Report) at 7. Likewise, Dr. Stern created two ensembles of 100,000 maps, one that allows populations to deviate from equal population by 1%, and another that allows populations to deviate by 0.1%. PX 21 (Stern 12/30/25 Report) at 37-39, 48-50. The 2025 districts are equally non-compact by comparison to both ensembles, regardless of the difference in population deviation. *Id.* Furthermore, Dr. Stern’s ensembles contain several maps that, by chance, have districts that are perfectly balanced on population, and are also significantly more compact than the 2025 districts. *Id.* at 51. To the extent that the remaining maps in the ensembles have slight population deviations, those deviations can be manually adjusted through minor modifications that

do not alter the compactness of the districts, as shown through Dr. Cervas's adjustment of sample maps generated by Dr. Stern. PX 23 (Cervas 12/30/25 Report) at 2, 24-25.

b. Contiguity

Article III, § 45's contiguity mandate likewise cannot explain H.B. 1's non-compact configuration of CDs 4 and 5. Contiguity simply requires that all parts of each district be physically connected. The contiguity of the 2022 Map is undisputed. In addition, Dr. Stern's ensemble analysis produced 100,000 maps, all of which are contiguous, and the vast majority of them have significantly more compact CDs 4 and 5 than those of H.B. 1. PX 21 (Stern 12/30/25 Report) at 4. Dr. Cervas's alternative maps are also all contiguous while making CDs 4 and 5 more compact. PX 23 (Cervas 12/30/25 Report) at 7.

c. Compactness of Other Districts

Nor can H.B. 1's departures from compactness in CDs 4 and 5 be justified as a necessary tradeoff to improve the compactness or configuration of other congressional districts in the state. Both Dr. Cervas and Dr. Stern tested this possibility. Four of Dr. Cervas's alternative illustrative maps improved the compactness of CDs 4 and 5 while holding the remaining six districts unchanged from H.B. 1. PX 23 (Cervas 12/30/25 Report) at 7-8.⁷ And Dr. Stern's ensemble analysis similarly froze the boundaries of the other six districts while it randomly redrew CDs 4 and 5 into a more compact configuration *tens of thousands of times*. PX 21 (Stern 12/30/25 Report) at 4, 6. These analyses demonstrate that compactness of surrounding districts in the 2025 Map could have been achieved without sacrificing the compactness of CDs 4 and 5.

⁷ Three of Dr. Cervas' alternative maps make minor modifications to CD 6, and one of his maps modifies CD 3 slightly as well—all in a manner that leaves them as or more compact than their counterpart in H.B. 1. *See id.* at 7-8.

d. Compliance with Federal Law, Including the Voting Rights Act

Apart from the U.S. Constitution's equal population mandate discussed above, the primary federal constraints on congressional redistricting are Section 2 of the Voting Rights Act ("VRA") and the Fourteenth Amendment's prohibition on racial gerrymandering. Neither can explain H.B. 1's non-compact reconfiguration of CDs 4 and 5.

When a state invokes the VRA to justify race-conscious redistricting, it must have "'good reasons' for thinking that the Act demanded such steps." *Cooper v. Harris*, 581 U.S. 285, 301 (2017). Specifically, the state must possess "a strong basis in evidence" to conclude that three preconditions are satisfied: (1) a minority group is sufficiently large and geographically compact to constitute a majority in a reasonably configured district; (2) the group is politically cohesive; and (3) the majority votes sufficiently as a bloc to usually defeat the minority's preferred candidate.

Id. at 301-04 (citing *Thornburg v. Gingles*, 478 U.S. 30 (1986)). Absent such a showing, the VRA does not compel race-based line drawing, and the Fourteenth Amendment otherwise prohibits line drawing predominantly based on race without compelling justification.

The State's only discussion of the VRA or the Fourteenth Amendment in the legislative record is in the Governor's proclamation convening the special session, which states only that the prior map "may be vulnerable to a legal challenge under the [VRA] and the Fourteenth Amendment, due to a lack of compactness in certain districts." PX 30 (Governor's Proclamation). It offers no analysis or explanation of which districts may be vulnerable. No such challenge was filed in federal court. Nor is there any evidence that the Governor or General Assembly conducted the requisite *Gingles* analysis, nor any indication that they had any reason—let alone "good reasons" or a "strong basis in evidence"—to believe the VRA or federal law necessitated changes to the 2022 Map or to the configuration of CDs 4 and 5.

State Defendants and Intervenor stipulate that neither of CDs 4 or 5 (nor 6) were districts required to be created by the VRA in either the 2022 or 2025 Map. *See* Joint Stipulation of Facts & Exhibits, ¶¶ 69-73. In briefing before this Court, State Defendants indicate that the alleged concern instead relates to St. Louis-based CD 1. *See* State Defs.' Opp'n to Pls. Mot. for Prelim. Inj. on Count I at 45. But avoidance of race-based considerations in CD 1 cannot explain H.B. 1's non-compact reconfiguration of CDs 4 and 5. Both Dr. Stern and Dr. Cervas created numerous alternative maps without considering race that resulted in more compact configurations of CDs 4 and 5, while freezing in place the state's enacted changes to CD 1 in H.B. 1. *See* PX 23 (Cervas 12/30/25 Report) at 13-14; PX 21 (Stern 12/30/25 Report) at 4-6. Thus, any concerns of the state with respect to CD 1's compliance with federal law are irrelevant and cannot explain the non-compactness of CDs 4 and 5.

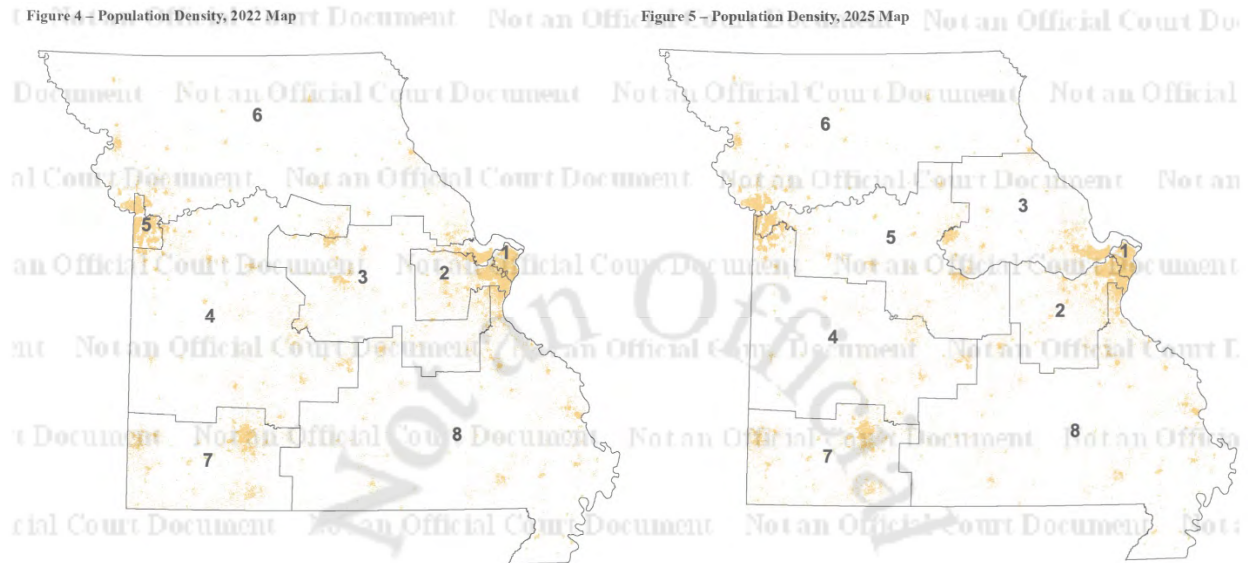
In short, compliance with federal law cannot explain the non-compactness of CDs 4 and 5.

e. Population Density

The first permissive factor that may be considered under *Pearson II* is population density. 367 S.W.3d at 53. Population density does not explain why the 2025 versions of CDs 4 and 5 are not compact. The evidence will show that density patterns in western Missouri support keeping Kansas City intact as a cohesive urban district as it was in the 2022 Map, not fragmenting and combining it with distant rural territory.

Dr. Cervas and Dr. Cromartie will testify, based on multiple sources of federal data, that the Kansas City metropolitan area constitutes a densely populated urban area, distinct from surrounding rural and exurban counties. PX 23 (Cervas 12/30/25 Report) at 16-21; PX 25 (Cromartie 12/22/25 Report) at 4. And a simple side-by-side comparison of Dr. Cervas's

population density maps layered on the 2022 Map (left) and the 2025 Map (right) makes apparent that the 2022 Map took these population density patterns into account, while H.B. 1 does not.



PX 23 (Cervas 12/30/25 Report) at 17-18. Dr. Stern’s ensemble analysis will confirm that when districts are drawn neutrally to comply with constitutional requirements, the natural result is a compact district centered on the dense Kansas City metropolitan area alongside a separate rural district. PX 22 (Stern 1/14/26 Rebuttal) at 2-5. Several of Dr. Stern’s compactness metrics also incorporate considerations of population density and the manner in which population is distributed geographically. Those metrics include cut edges, population circle, and population polygon which, among other measures as well, illustrate that the 2025 CDs 4 and 5 are not as compact as may be. PX 21 (Stern 12/30/25 Report) at 20-29. Dr. Rodden’s historical analysis of past congressional maps will also show that the state has consistently held to this pattern of keeping the densest parts of Jackson County together in CD 5. PX 27 (Rodden 12/22/25 Report) at 16-17. This is because, as Dr. Rodden explains, “[v]oters living in close proximity to one another in a high-density environment are likely to have different interests and make different demands of their legislators than voters living in exurban or rural areas.” *Id.* at 15-16.

Population density therefore cannot explain the enacted configuration of CDs 4 and 5. If anything, this factor compels a configuration akin to the 2022 Map, which preserves closely united urban and rural territories.

f. *Respect for Political Subdivisions*

Respect for “the boundaries of political subdivisions, including counties, municipalities, and precincts” is the next permissive factor under *Pearson II*. 367 S.W.3d at 50. Missouri courts have long recognized that avoiding unnecessary county and municipal splits promotes territorial coherence and guards against arbitrary line drawing. *See Johnson*, 366 S.W.3d at 28 (“[D]istricting, without any regard for political subdivision or natural or historical boundary lines, may be little more than an invitation to partisan gerrymandering.” (quoting *Preisler v. Kirkpatrick*, 528 S.W.2d 422, 425 (Mo. banc 1975))); *Pearson I*, 359 S.W.3d at 40 n.1 (“The Missouri Constitution has historically recognized counties as ‘important governmental units, in which the people are accustomed to working together,’ and has provided for that policy to be considered in the redistricting process.” (quoting *Preisler v. Hearn*, 362 S.W.2d 552, 557 (Mo. banc 1962))).

The evidence at trial will establish that H.B. 1 increases the fragmentation of political subdivisions in western Missouri, and the map’s treatment of political subdivisions cannot justify its departures from compactness in the challenged districts. As Dr. Stern will testify, CDs 4 and 5 in his ensemble maps split the same number of counties, fewer municipalities, and fewer voting districts on average than the 2025 CDs 4 and CD 5, all while being significantly more compact. His ensemble analysis will also provide a clear quantitative demonstration of this point. Dr. Stern will testify that H.B. 1 splits the population of Jackson County and Kansas City more severely than over 99% of the 100,000 alternative maps generated under neutral criteria. PX 21 (Stern 12/30/25

Report) at 12-20. H.B. 1 is also highly unusual in the manner that it cracks the population of Jackson County and Kansas City and combines them with many distant counties. PX 22 (Stern 1/14/26 Rebuttal Report) at 12-14. These findings show that the fragmentation of Jackson County and the Kansas City metropolitan area is not a natural or unavoidable consequence of complying with population equality or contiguity—indeed, it is an extreme departure from respecting closely united territory. Dr. Rodden’s analysis will reinforce the historical significance of this departure. His report explains that for decades Missouri’s congressional maps have treated Kansas City and the denser portions of Jackson County as a closely united territory centered in CD 5. PX 27 (Rodden 12/22/25 Report) at 5-14; *see also Pearson II*, 367 S.W.3d at 57 (Appendix A). Dr. Stern similarly found that, since at least 1992, large majorities of the Kansas City and Jackson County populations were kept in the same district. PX 22 (Stern 1/14/26 Rebuttal Report) at 2-5. H.B. 1 breaks from this pattern by moving substantial portions of Kansas City and Jackson County into CD 4, fracturing the urban population to an unprecedented degree.

To be sure, Defendants’ experts have observed—and it is undisputed—that H.B. 1 splits fewer counties and municipalities and contains fewer total county and municipal splits than the 2022 Map.⁸ But the question under *Pearson II* is whether these “improvements”⁹ can explain or

⁸ Respect for counties and municipal boundaries can be evaluated using two related measures: (1) the number of counties/municipalities that are split and (2) the total number of times any county/municipality is split. The first counts how many counties or municipalities are divided between two or more districts, and the second counts how many times districts lines cross the relevant subdivision boundaries. PX 23 (Cervas 12/30/25 Report) at 14-15. Applied here: H.B. 1 splits 5 counties a total of 7 times, while the 2022 Map split 9 counties a total of 10 times. And H.B. 1 splits 13 municipalities a total of 14 times, while the 2022 Map splits 31 municipalities a total of 33 times. *Id.* at 7.

⁹ Dr. Rodden aptly explains why the raw number of county or municipal splits alone cannot offer a full accounting of how splits affect closely united territory, the operative standard in Missouri: “One type of split might remove a mostly unpopulated tentacle of a small municipality that was annexed at some point to add a park or airport, while another type of split might extract a large urban neighborhood from the core of a city and place it in a sprawling rural district.” This is why

necessitate the degradation of compactness in H.B. 1's CDs 4 and 5. As Dr. Stern's ensemble maps and Dr. Cervas's alternative maps demonstrate, the legislature could have easily achieved the same or fewer county and municipal splits in H.B. 1 while drawing significantly more compact versions of CDs 4 and 5 that do not fragment urban and rural territory. PX 21 (Stern 12/30/25 Report) at 12-18; PX 23 (Cervas 12/30/25 Report) at 5-12. Thus, any effort to reduce county and municipal splits in H.B. 1 did not require sacrificing the compactness and territorial integrity of the districts in western Missouri.

Pearson II also identifies election precincts as relevant political subdivisions entitled to respect in congressional redistricting. Election precincts, also known as voting tabulation districts ("VTDs"), are the smallest geographic unit created by local election authorities for the purpose of administering elections. PX 23 (Cervas 12/30/25 Report) at 15. Avoiding needless precinct splits is important because the more precincts a congressional map splits, the more complicated it becomes for LEAs to administer the map in the next election. Dep. of Tammy Brown, 29:20-30:11; Dep. of Shawn Kieffer, 54:24-55:11. Although H.B. 1 splits one fewer VTD than the 2022 Map, the existing map has already been implemented in elections. Moreover, Dr. Cervas's alternative maps show that the total number of VTD splits in the 2025 Map could have been nearly halved by drawing more compact versions of CDs 4 and 5. PX 23 (Cervas 12/30/25 Report) at 15. All 100,000 of Dr. Stern's alternative maps split fewer VTDs than the 2025 Map. PX 21 (Stern 12/30/25 Report) at 6. Thus, an effort to reduce precinct/VTD splits cannot explain H.B. 1's departure from compactness in CDs 4 and 5.

to assess the impact of a split on closely united territory, "it is useful to identify the largest fragment of the split municipality and count the number of residents who have been placed into another districts or districts," as Dr. Stern does. PX 28 (Rodden 1/14/26 Rebuttal Report) at 11-12; PX 21 (Stern 12/30/25 Report) at 12.

The State's expert Dr. Trende has suggested that the boundaries of CDs 4 and 5 in Jackson County are justified by an effort to follow Missouri Senate district boundaries. But state legislative districts are not among the political subdivisions enumerated in *Pearson II*, which identifies "counties, municipalities, and precincts" as the relevant subdivisions entitled to consideration. 367 S.W.3d at 50. State senate districts are different from counties and municipalities in that they change each decade and are not independent government units in which citizens are "accustomed to working together" in the sense recognized by Missouri precedent. *See id.* at 40 (quoting *Preisler v. Hearnese*, 362 S.W.2d at 557); PX 28 (Rodden 1/14/26 Rebuttal) at 12.

In any event, the evidence will show that respecting state senate district lines did not require degrading the compactness of CDs 4 and 5. Dr. Cervas's analysis shows that H.B. 1 *increased* the number senate district splits compared to the 2022 Map, and his alternative maps show that more compact configurations of CDs 4 and 5 were readily available that would have decreased senate district splits. PX 24 (Cervas 1/14/26 Rebuttal) at 11-12. Dr. Stern's analysis also shows that H.B. 1 splits more senate districts between CDs 4 and 5, and splits them more severely, than approximately 90% of the 100,000 neutral ensemble maps. PX 21 (Stern 12/30/25 Report) at 33. In other words, even under State Defendants' stated objective, H.B. 1 performs worse than the vast majority of available alternatives. Moreover, Dr. Rodden's historical analysis confirms that senate district boundaries have not previously guided the configuration of congressional districts in or around Jackson County; instead, past maps consistently treated Kansas City and the denser portions of Jackson County as closely united territory, regardless of how senate districts were drawn. PX 28 (Rodden 1/14/26 Rebuttal) at 12-18.

g. Natural Boundary Lines

Pearson II recognizes "natural boundary lines" as a permissive factor that may justify

minimal deviations from compactness. 367 S.W.3d at 50. Natural boundaries include geographic features such as rivers, lakes, mountains, or other prominent physical features that affect population distribution and interaction.

H.B. 1 makes an apparent effort to use the Missouri River as a natural boundary between districts throughout the state. PX 23 (Cervas 12/30/25 Report) at 22. But this cannot explain or necessitate H.B. 1's non-compact fragmentation of western Missouri. Dr. Cervas demonstrates that alternative maps were readily available that would have adhered to the Missouri River more consistently while also producing significantly more compact versions of CDs 4 and 5. *Id.* In other words, even if the General Assembly wished to respect the Missouri River as a natural boundary, that objective did not require stretching CD 5 from central Missouri into a fragmented portion of Kansas City. *Id.* Furthermore, Dr. Stern's ensemble analysis relies on cut-edges to measure the length of the CD 4 and 5 boundary, and that metric utilizes census blocks, which incorporate natural geographic features, such as river boundaries. And on cut-edges, the 2025 version of CDs 4 and 5 is extremely noncompact—the boundary between CDs 4 and 5 is more than twice as long as the median ensemble map. PX 21 (Stern 12/30/25 Report). Dr. Rodden demonstrates that H.B. 1 breaches natural boundary lines in other parts of the state as well, noting that H.B. 1's boundary between CDs 4 and 5 splits the “recreation dependent” rural counties that comprise the Lake of the Ozarks recreation area, unlike the 2022 Map, which kept these closely united counties together. PX 27 (Rodden 12/22/25 Report) at 35-36. Natural boundary lines cannot explain—let alone necessitate—H.B. 1's degradation of compactness in CDs 4 and 5.

h. Historical Boundary Lines of Prior Redistricting Maps

Historical boundary lines of prior redistricting maps are another permissive factor expressly recognized in *Pearson II*. 367 S.W.3d at 50. The value underlying this factor is continuity in

representation. As the Missouri Supreme Court explained, this consideration “allows residents to continue any relationships such residents may have established with their elected representatives and to avoid the detriment to residents of having to reestablish relationships when district boundaries change.” *Id.* at 50 n.12.

The evidence will show that H.B. 1 represents an extreme break from past congressional configurations in western Missouri. Dr. Stern analyzed the extent to which H.B. 1 splits the population of prior congressional districts, including those from both the 2012 and 2022 maps. PX 21 (Stern 12/30/25 Report) at 29-30. He found that H.B. 1 splits the population of the prior two congressional plans’ CDs 4 and 5 between its new CDs 4 and 5 more severely than nearly 99% of the 100,000 neutral ensemble maps he generated. *Id.* In other words, nearly every neutral alternative would have preserved more continuity with previous district boundaries than the enacted configuration.

Dr. Cervas’s analysis confirms this departure using the common metric of “core retention,” which measures the percentage of a prior district’s population that remains within the successor district. PX 23 (Cervas 12/30/25 Report) at 22-24. He will testify that the 2022 Map maintained substantially greater continuity with the prior decade’s map than the 2025 Map does. *Id.* All of Dr. Cervas’s alternative maps also have a far greater rate of core retention with the 2012 Map than H.B. 1 has with the 2012 Map. *Id.*

Additionally, Dr. Stern’s and Dr. Rodden’s analyses will demonstrate that H.B. 1’s configuration of CDs 4 and 5 represents an unprecedented departure from the past in its level of fragmentation of Jackson County and Kansas City in particular. PX 22 (Stern 1/14/26 Rebuttal) at 2-5. Dr. Stern found that for decades, congressional maps kept more than 87% of Jackson County’s population and more than 73% of Kansas City’s population intact within a single district. *Id.* By

contrast, H.B. 1 keeps under 52% of Jackson County's population and under 41% of Kansas City's population intact and places the largest intact portions of each into separate districts. *Id.* Dr. Rodden will likewise show that Missouri has consistently unified dense areas of Jackson County with Kansas City in congressional plans, even as surrounding rural districts have evolved over time. PX 27 (Rodden 12/22/25 Report) at 5-14. H.B. 1 breaks from this historical pattern.

Thus, far from being justified by historical boundary lines, H.B. 1's reconfiguration of CDs 4 and 5 significantly undermines this factor. If the State were at all concerned with respect for historical boundaries, it would have retained the 2022 Map and avoided the unsanctioned mid-decade redistricting altogether.

In sum, the totality of the evidence will show that H.B. 1's reconfiguration of CDs 4 and 5 is not the product of minimal or practical deviations from closely united territory explainable by recognized redistricting factors in Missouri. It is instead a marked departure from the compact, closely united configurations that the State has historically used in western Missouri and that the 2022 Map preserved. Accordingly, the evidence at trial will establish that H.B. 1 clearly and undoubtedly contravenes Article III, § 45's compactness mandate.

C. Defendants' Experts Offer No Meaningful Rebuttal to Plaintiffs' Compactness Showing.

State Defendants' and Intervenor's experts—Dr. Sean Trende and Dr. M.V. Hood III—do not dispute the data, methods, or core empirical findings of Plaintiffs' experts. Dr. Hood's report concedes it is "certainly possible" to draw a congressional plan for Missouri that is more compact than the 2025 Map, and Dr. Trende likewise acknowledges that such maps can be generated by computer algorithms. Neither contends that any of Dr. Cervas's alternative maps or Dr. Stern's ensemble maps are infeasible, unlawful, or inconsistent with population equality, contiguity, or

other recognized factors. In fact, Dr. Trende admits that Dr. Cervas’s maps show that CDs 4 and 5 “could have been redrawn” to improve compactness while maintaining core retention and political subdivision splits within the general range of the enacted map—precisely the types of recognized factors Missouri courts have identified as relevant.

Nor do Defendants’ experts analyze—much less refute—any of Plaintiffs’ experts’ analyses supporting the conclusion that H.B. 1 fragments closely united territory in western Missouri. Neither identifies what, if any, closely united territory H.B. 1’s reconfiguration of CDs 4 and 5 respects. In fact, the words “closely united territory” do not appear once in Dr. Hood’s report, and they appear *only* once in Dr. Trende’s when he quotes directly from Dr. Rodden. Both experts depart from the *Pearson II* standard by understanding compactness solely in terms of mathematical compactness metrics. Neither defense expert disputes, however, the validity or accuracy of the compactness metrics reported by Drs. Stern, Cervas, or Rodden.

Instead, Defendants’ experts rely on inapt comparisons and arguments about legislative intent. They compare the compactness scores of CDs 4 and 5 to other districts in H.B. 1; to districts drawn in prior decades under different census data, population distributions, and geographic constraints; and even to state house and senate districts governed by different constitutional standards. As Drs. Stern, Cervas, and Rodden will testify, such cross-decade or cross-chamber comparisons shed little light on whether CDs 4 and 5 comprise closely united territory in 2025. Defendants’ experts’ over-reliance on these limited compactness metrics, without any consideration for the close unity of territory, ignores the Missouri Supreme Court’s instruction that compactness is more than the physical shape of a district. *Pearson II*, 367 S.W.3d at 48-49 (holding that “the word ‘compact’ does not refer solely to physical shape or size” and that physical appearance, “although relevant, is not the decisive factor in determining whether a district departs

from the principle of compactness”).

Defendants’ experts also discount the relevance of alternative map evidence on the basis that experts cannot—and in this case, did not—divine how each individual legislator balanced all possible considerations. But *Pearson II* and subsequent cases applying a similar standard make clear that alternative maps are probative of whether a district is “as compact . . . as may be.” *Pearson II*, 367 S.W.3d at 55; *Faatz*, 685 S.W.3d at 404 n.10. The compactness inquiry is also objective, meaning it does not turn on legislators’ subjective explanations or considerations, but rather on whether the challenged districts’ deviations from closely united territory were minimal and practically necessary in light of recognized factors. *Pearson II*, 367 S.W.3d at 46, 48. On that question, Defendants’ experts largely concede Plaintiffs’ point: more compact, constitutionally compliant alternatives exist, and nothing in their analysis demonstrates that H.B. 1’s fragmentation of western Missouri was compelled by any recognized factor. To the extent Defendants suggest that the legislature’s actual motivations matter, the impetus for mid-decade redistricting is not a mystery and is indeed a matter of public record. And it only underscores the core constitutional concern Article III, § 45’s compactness mandate was designed to guard against: partisan gerrymandering. *See Pearson I*, 359 S.W.3d at 38.

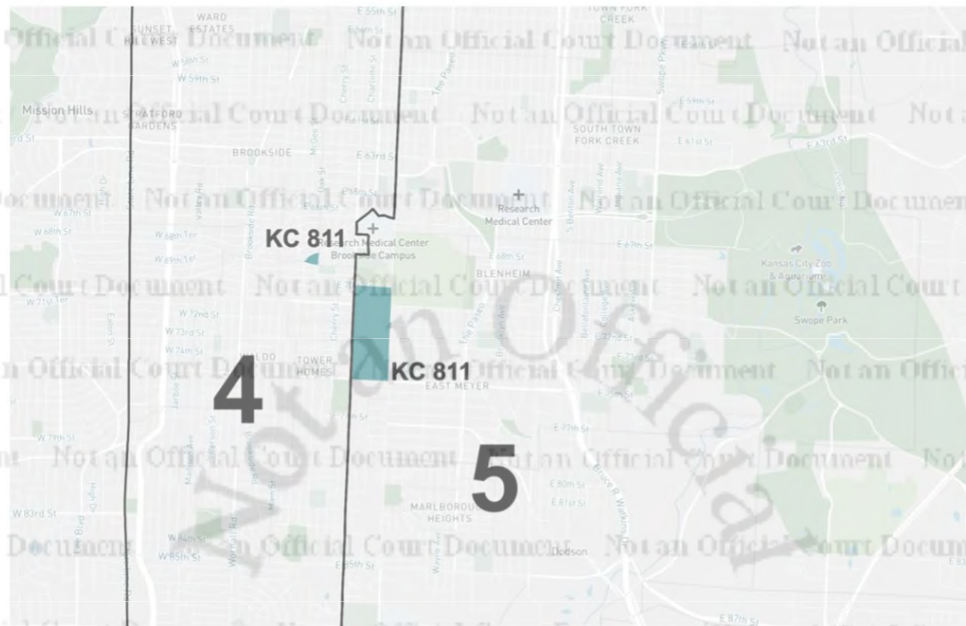
V. PLAINTIFFS WILL PROVE THAT H.B. 1 CLEARLY AND UNDOUBTEDLY VIOLATES THE MISSOURI CONSTITUTION’S EQUAL POPULATION AND CONTIGUITY MANDATES (COUNTS III & IV).

Plaintiffs will also prove that H.B. 1 violates Article III, § 45’s requirements that congressional districts be contiguous and equally populated because the law—by its plain text—double assigns territory to CDs 4 and 5.

The relevant facts are undisputed and set out in the parties’ separately filed stipulations. In short, there are two non-contiguous VTDs within Kansas City named “KC 811” by the U.S. Census

Bureau, one containing 32 people and the other containing 843 people:

Figure 9 – KC 811 VTDs



PX 23 (Cervas 12/30/25 Report) at 25.

The text of H.B. 1 identifies the geographic units that comprise each congressional district. It states that CD 4 “shall be composed of” several geographic units including “VTD: KC 811.” But it also states that CD 5 “shall be composed of” several geographic units including “VTD: KC 811.” The law does not refer to any geographic unit by its unique identifier assigned by the U.S. Census Bureau (known as a GEOID). Thus, H.B. 1 assigns “VTD: KC 811” to CD 4 and CD 5. When a statute defines a term, as H.B. 1 does with its unit-by-unit description of the congressional districts, “that definition is given effect.” *Am. Nat. Life Ins. Co. of Texas v. Dir. of Revenue*, 269 S.W.3d 19, 21 (Mo. banc 2008); *Gross v. Parson*, 624 S.W.3d 877, 884 (Mo. banc 2021) (statutes are interpreted according to their “plain text” read in its “ordinary and usual sense.” (internal citations omitted)).

The plain text of H.B. 1 therefore violates Article III, § 45’s equal population and contiguity mandates. By assigning the “KC 811” VTDs to CD 4, H.B. 1 assigns 843 more people to CD 4

than it should have to maintain equal district populations and to CD 5 843 too few. By assigning those same VTDs to CD 5 as well, H.B. 1 assigns 32 people too many to CD 5 and 32 people too few to CD 4. In either scenario, the districts are not as equipopulous as may be. Because these KC 811 VTDs are not contiguous, their assignment to CD 5 also renders CD 5 non-contiguous. *See* PX 23 (Cervas 12/30/25 Report) at 25-26.

In the absence of any authority or instruction in the legislative text, the Missouri Office of Administration treated the two areas named KC 811 differently, even though H.B. 1 refers to a single KC 811 without distinction. The agency has created a shapefile¹⁰ that assigns the smaller KC 811 to CD 4 and the larger KC 811 to CD 5, which would render both districts equipopulous and contiguous, but an agency cannot rewrite H.B. 1 (or any other legislation) to fix its undeniable constitutional defects. Defendant Hoskins transmitted that shapefile to LEAs on January 9, 2026. As of January 13, 2026, the local board defendants had not begun implementing H.B. 1—neither according to its text nor any such shapefile—and will not complete implementation of H.B. 1 until sometime after the state municipal elections conclude in late April or early May. *See* Dep. of Tammy Brown, 34:12-35:1; Dep. of Sara Zorich, 47:12-16; Dep. of Shawn Kieffer, 60:16-25; Dep. of Lauri Ealom, 35:9-11.

Thus, Plaintiffs will prove an ongoing violation of Article III, § 45's equal population and contiguity mandate.

VI. DEFENDANTS' AFFIRMATIVE DEFENSES FAIL.

Apart from contesting Plaintiffs' standing and their claims on the merits, which are addressed above, Defendants plead other affirmative defenses—all of which lack merit. Plaintiffs address two of these defenses in greater detail here.

¹⁰ A shapefile is a geographic information file that can represent district boundaries in digital form.

First, Defendants' contention that Plaintiffs' Petition raises non-justiciable political questions is directly contradicted by longstanding precedent affirming that "courts have jurisdiction and authority to pass upon the validity of legislative acts apportioning the state into senatorial or other election districts and to declare them invalid for failure to observe non-discretionary limitations imposed by the Constitution." *Preisler v. Doherty*, 284 S.W.2d at 431. *Pearson I* likewise expressly held that a "claim that a district lacks compactness following redistricting is justiciable." *Pearson I*, 359 S.W.3d at 39.

Second, State Defendants contend that venue in Jackson County is improper because neither local election board can provide effective relief. The Court has already rejected this defense. Lawsuits challenging redistricting legislation proceed against election officials charged with their implementation. *See, e.g., Pearson v. Koster*, 359 S.W.3d 35, 38 (Mo. banc 2012); *Preisler v. Doherty*, 284 S.W.2d 427, 436 (Mo. banc 1955); *see also Coal. For Sensible & Humane Sols. v. Wamser*, 771 F.2d 395, 396 (8th Cir. 1985). As previously briefed, the Secretary of State and LEAs each execute different steps of the process of implementing congressional districts enacted by the legislature. *See* Pl. Suggestions in Opp'n to State Defs.' Mot. to Dismiss (Sep. 29, 2025); Pl. Resp. to State Defs.' List of Statewide Redistricting Challenges Brought in Cole County (Dec. 2, 2025). No party disputes that the Secretary, who is Missouri's "chief election officer," is a proper defendant who can provide relief to Plaintiffs. *See* Defs.' Reply to Mot. to Dismiss/Transfer (Oct. 6, 2025) at 13. LEAs are also proper defendants who implement congressional districts by assigning the voters in their jurisdictions to the correct electoral districts and providing them with ballots reflecting the correct candidates. Dep. of Tammy Brown, 39:20-23, 42:2-9; Dep. of Sara Zorich, 39:1-9; Dep. of Shawn Kieffer, 28:5-10, 39:1-17; Dep. of Lauri Ealom, 16:15-17, 17:5-8, 18:2-9; *see also* Joint Stipulation of Facts & Exhibits, ¶¶ 7-13. Enjoining

Defendants from implementing the new congressional districts and declaring the 2022 districts to be the operative districts will prevent unlawful district lines from being used to conduct elections in the districts where Plaintiffs reside. This is sufficient to redress Plaintiffs' injury and enable them to obtain relief in this venue.

VII. PLAINTIFFS ARE ENTITLED TO PERMANENT DECLARATORY AND INJUNCTIVE RELIEF BEFORE THE 2026 ELECTION.

If the Court agrees that H.B. 1 violates Article III, § 45, Plaintiffs respectfully request that the Court immediately enter an order that declares H.B. 1 unconstitutional and void *ab initio*, permanently enjoins its further use, and declares that the 2022 Map is the state's legally operative congressional map.¹¹ Such an order would fully remediate the constitutional violations.

Plaintiffs meet both elements to qualify for a permanent injunction: irreparable harm and lack of adequate remedy at law. *Cnty. of Boone v. Reynolds*, 549 S.W.3d 24, 29 (Mo. App. W.D. 2018) (citing *City of Greenwood v. Martin Marietta Materials, Inc.*, 311 S.W.3d 258, 265 (Mo. App. W.D. 2010)). Plaintiffs face irreparable harm from the 2025 Map, because a violation of constitutional rights—including the right to vote in lawful districts—“unquestionably constitutes irreparable injury.” *Rebman v. Parson*, 576 S.W.3d 605, 612 (Mo. banc 2019) (as modified June

¹¹ Under settled Missouri law, an unconstitutional statute is void from the date of its enactment, meaning it never had lawful effect. *State ex rel. Public Defender Comm'n v. County Court of Greene County*, 667 S.W.2d 409, 413 (Mo. banc 1984); *R.E.J., Inc. v. City of Sikeston*, 142 S.W.3d 744, 746 (Mo. banc 2004); *St. Louis Police Officer's Ass'n v. St. Louis Cnty.*, 670 S.W.3d 86, 91 (Mo. Ct. App. 2023) (citing *State ex rel. Miller v. O'Malley*, 342 Mo. 641, 117 S.W.2d 319, 324 (Mo. banc 1938)). Because H.B. 1 repealed the 2022 Map and “enacted in lieu thereof” the 2025 Map, an order declaring H.B. 1 unconstitutional (i.e., void *ab initio*) and an injunction preventing its enforcement has the effect of negating these provisions. In other words, if the 2025 Map is void, the 2022 Map was not repealed. *See State ex rel. Crouse v. Mills*, 133 S.W. 22, 24 (Mo. 1910) (“[W]here an act expressly repealing another act and providing a substitute therefor is found to be invalid, the repealing clause must also be held to be invalid.” (citation omitted)); *St. Louis Police Officer's Ass'n*, 670 S.W.3d at 91. Thus, by operation of law, the 2022 Map will become the operative congressional map for the state of Missouri, and this Court should so order.

25, 2019) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). And once an election happens, “there can be no do-over and no redress.” *Get Loud Arkansas v. Thurston*, 748 F. Supp. 3d 630, 664 (W.D. Ark. 2024) (quoting *League of Women Voters of N. Carolina v. North Carolina*, 769 F.3d 224, 247 (4th Cir. 2014)). Nor is there any adequate remedy at law—that is, no monetary award could adequately compensate for these deprivations of constitutional rights. *See Glenn v. City of Grant City*, 69 S.W.3d 126, 130 (Mo. App. W.D. 2002) (“Irreparable harm is established if monetary remedies cannot provide adequate compensation for improper conduct.” (internal citation omitted)).

Fully remedying the constitutional violation before the next election is paramount, and importantly, there is no practical reason why this order cannot be entered and take effect in advance of the 2026 election. As a factual matter, the 2025 Map has not yet been implemented by LEAs, meaning that there is no practical barrier to reverting to the 2022 Map. As the LEAs testified in their depositions, as recently as January 13, no steps had yet been taken to implement the 2025 Map, meaning the 2022 Map remained in place. *See* Joint Stipulation of Fact & Exhibits, ¶ 14. The deposition testimony also revealed that because of the functionality of the Missouri Centralized Voter Registration system (MCVR), no changes would occur until at least late April. The MCVR is the state-maintained voter database that LEAs use to assign individual voters to voting districts. *See* Dep. of Lauri Ealom, 20:18-25. When there is an election cycle in progress, the system is “locked” and voters cannot be moved, meaning a new map cannot be implemented in the system. Dep. of Tammy Brown, 57:15-20; Dep. of Shawn Kieffer, 61:8-12. Absent changes to the system, voters must be moved—i.e., a new map must be implemented—in the time periods between election cycles. *See* Dep. of Sara Zorich, 49:2-3; Dep. of Lauri Ealom, 24:3-7. An election cycle begins ten weeks before the election, and runs until certification of the election, 14 days after

election day. Dep. of Lauri Ealom, 24:18-25:8.

As of January 27, 2026, the MCVR system is locked because the April 7 General Municipal Election is in progress. The next window of time during which the MCVR system will not be “locked” begins on April 21 (assuming no recount or other delay) and runs until May 26 (ten weeks before the August 4 primary election). This period between April 21 and May 26 is the period during which any changes to the congressional map must occur. Because of these practical realities, there have been no steps yet taken to implement the 2025 Map, leaving no practical barrier to use of the 2022 Map for the 2026 primary and general elections.

There is also no equitable reason not to grant relief immediately should Plaintiffs prevail. To forestall relief, Defendants may raise the oft-cited *Purcell* principle applied in federal courts, but that principle is animated by federalism concerns that counsel against a federal court altering state election rules on the eve of an election. 549 U.S. 1 (2006) (per curiam). This case is brought in state court under state law, making *Purcell* inapplicable. Nor do *Purcell*-like election timing concerns bear on this case. In Missouri, candidates do not have to live in the congressional districts in which they are running, and candidates regularly declare and begin campaigning before the district lines are set. See Dep. of Lauri Ealom, 56:15-22, 57:2-6. Therefore, any court order altering the district lines would not impact candidates’ eligibility to run in the district(s) for which they filed. Such was the case in 2022: the candidate filing period ran from February 22 to March 29, new congressional districts were not enacted until May 11, 2022, and the LEAs implemented those districts in time for the August primary election. Thus, changes to district lines following a court order entered after this February trial would be well within the typical timeframe for congressional map implementation in Missouri.

Based on the evidence that will be presented at trial, this Court should declare the 2025

Map unconstitutional and void *ab initio*, enjoin its further use, and declare that the 2022 Map is the state's legally operative congressional map.

February 11, 2026

Respectfully submitted,

/s/ Gillian R. Wilcox

Gillian R. Wilcox, MO #61278

Jason Orr, MO # 56607

ACLU of Missouri Foundation

406 W. 34th Street, Suite 420

Kansas City, MO 64111

Phone: (816) 470-9938

Fax: (314) 652-3112

gwilcox@aclu-mo.org

Jorr@aclu-mo.org

Kristin M. Mulvey, MO # 76060

Jonathan D. Schmid, MO # 74360

ACLU of Missouri Foundation

906 Olive Street, Suite 1130

St. Louis, MO 63101

Phone: (314) 652-3114

kmulvey@aclu-mo.org

jschmid@aclu-mo.org

Mark P. Gaber*

Aseem Mulji*

Simone Leeper*

Benjamin Phillips*

Isaac DeSanto*

Campaign Legal Center

1101 14th St NW Suite 400

Washington, DC 20005

Phone: (202) 736-2200

mgaber@campaignlegalcenter.org

amulji@campaignlegalcenter.org

sleeper@campaignlegalcenter.org

bphillips@campaignlegalcenter.org

idesanto@campaignlegalcenter.org

Annabelle Harless*

Campaign Legal Center

55 W. Monroe St., Ste. 1925

Chicago, IL 60603

Phone: (202) 736-2200

aharless@campaignlegalcenter.org

Ming Cheung*

Dayton Campbell-Harris*

Sophia Lin Lakin*

ACLU Foundation

125 Broad Street, 18th Floor

New York, New York 10004

Phone: (212) 549-2500

mcheung@aclu.org

dcampbell-harris@aclu.org

slakin@aclu.org

* *admitted pro hac vice*

CERTIFICATE OF SERVICE

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

/s/ Gillian R. Wilcox