

No. SC101572

IN THE SUPREME COURT OF MISSOURI

TERRENCE WISE, et al.,

Plaintiffs-Appellants,

vs.

STATE OF MISSOURI, et al.,

Defendants-Respondents.

**BRIEF OF THE LEAGUE OF WOMEN VOTERS OF MISSOURI
AS AMICUS CURIAE IN SUPPORT OF APPELLANTS**

FILED WITH THE CONSENT OF ALL PARTIES

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INTEREST OF AMICUS CURIAE

For over a century, the League of Women Voters of Missouri (“LWVMO”) has worked to create an informed and representative Missouri democracy. LWVMO strives to protect every citizen’s right to vote and to ensure that Missouri’s electoral processes are accurate, accountable, and uniform. LWVMO believes that fair representation is protected by a faithful application of Missouri’s Constitutional requirements—compactness, contiguity, and equal population.

For those reasons, LWVMO has been a driving force behind statewide initiatives to combat partisan gerrymandering. Most recently, LWVMO worked tirelessly to gather signatures for the ballot initiative to veto the General Assembly’s mid-cycle map. LWVMO’s interest in this case’s outcome is rooted in the deleterious effects the new map will have on Missouri’s democracy.¹

¹ No party or party’s counsel authored this brief in whole or in part and no party or party’s counsel contributed money that was intended to fund the preparation or submission of this brief. No person other than Amicus, its members, or its counsel made a monetary contribution to its preparation or submission. Amicus and the Washington University School of Law’s Appellate Clinic do not represent or act on behalf of the University. Furthermore, the University was not involved in the decision to submit this amicus brief, nor was it involved in the preparation of this brief.

STATEMENT OF CONSENT

This brief is filed with the consent of all parties.

JURISDICTIONAL STATEMENT

Amicus adopts the jurisdictional statement as set forth in Appellants' brief.

STATEMENT OF FACTS

Amicus adopts the statement of facts as set forth in Appellants' brief.

ARGUMENT

This Court should reverse the judgment below. Article III, § 45 of the Missouri Constitution was enacted “to guard . . . against a legislative evil, commonly known as ‘gerrymander.’” *Pearson v. Koster* (“*Pearson I*”), 359 S.W.3d 35, 38 (Mo. banc 2012) (cleaned up); Mo. Const. art. III, § 45. The 7-1 2025 Map at issue in this case undermines that Constitutional purpose because it is a blatant example of unabashed partisan gerrymandering—the very evil our Constitution is designed to prevent.

The 2025 Map also undermines the Constitution’s maxim that government must represent the will of the people and serve “the good of the whole”—not the good of a single political party. Mo. Const. art. I, § 1.

And the people of Missouri have repeatedly made clear that partisan gerrymandering is inconsistent with our welfare.

Accordingly, for multiple reasons, this Court should reverse the judgment below.

I. The 2025 Map violates Missouri’s Constitutional repudiation of partisan gerrymandering.

A. Section 45’s redistricting requirements are designed to prevent partisan gerrymandering.

This Court has squarely recognized that the very “purpose” of Article III, § 45 “is to guard . . . against a legislative evil, commonly known as ‘gerrymander.’” *Pearson I*, 359 S.W.3d at 38 (cleaned up). Section 45 requires that Congressional districts “shall be composed of contiguous territory as compact and as nearly equal in population as may be.” Mo. Const. art. III, § 45. As this Court has repeatedly acknowledged, those three requirements “work together to guard against the evil of gerrymandering.” *Johnson v. State*, 366 S.W.3d 11, 24 (Mo. banc 2012); accord *Preisler v. Doherty*, 284 S.W.2d 427, 435 (Mo. banc 1955); *State ex rel. Barrett v. Hitchcock*, 146 S.W. 40, 65 (Mo. banc 1912). Conversely, failing to enforce those Constitutional requirements amounts to “little more than an open invitation to partisan gerrymandering.” *Pearson v.*

Koster (“*Pearson II*”), 367 S.W.3d 36, 50 (Mo. banc 2012) (quoting *Reynolds v. Sims*, 377 U.S. 533, 579 (1964)).

The Constitution’s concern for preserving a representative democracy and avoiding partisan gerrymandering makes sense, because this Court has also recognized that “[n]o right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live.” *Pearson I*, 359 S.W.3d at 39 (cleaned up); *see also Barrett*, 146 S.W. 40 at 65 (explaining that the “meaning of our Constitution and laws” requires “put[ting] aside party feeling” because inequality of representation is “repugnant to and inconsistent with the American idea of government and true citizenship”).

True, § 45’s requirements “cannot be achieved with absolute precision,” and so the precise way to balance the compactness, contiguity, and equal-population requirements is “predominately a political question.” *Pearson I*, 359 S.W.3d at 39. But that in no way supports any reading of the Constitution that requires Missourians to abide “the evil of gerrymandering,” *Johnson*, 366 S.W.3d at 24, the very thing § 45 was enacted to prevent, *Pearson I*, 359 S.W.3d at 38.

And regardless whether there is legal authority for a standalone cause of action for partisan gerrymandering, *Pearson I*, 359 S.W.3d at 40–41, the Constitutional purpose of avoiding that legislative evil must inform this Court’s application of § 45’s requirements. *Pearson II*, 367 S.W.3d at 51 (explaining that such factors are not separate considerations, but rather are built into § 45’s Constitutional requirements under the words “as may be”). That is why an analysis of whether a redistricting plan comports with § 45 requires a “totality of the evidence” approach. *Id.* at 48.

Accordingly, this Court should consider the reality (as explained below) that the 2025 Map is the direct and unabashed result of partisan gerrymandering, which is abhorrent to Missouri’s Constitution.

B. The history of the 2025 Map reveals that it is a blatant exercise in political gerrymandering to benefit a national political party at the cost of normal legislative debate and public feedback.

In 2022, a bipartisan supermajority of the Missouri General Assembly rejected a 7-1 map in the normal course, rightfully considering such a map to constitute partisan gerrymandering. Three years later, the General Assembly did an about-face and enacted the 7-1 2025 Map currently before the Court.

What changed? The 2025 Map was the direct result of a pressure campaign from President Trump's administration to redraw maps to maximize Republican-favoring districts. In other words, what changed was a newfound willingness to resort to brazen partisan gerrymandering.

1. In 2022, free from undue pressure from the federal government on behalf of a national political party, the Missouri General Assembly rejected a 7-1 map on the grounds that it would not serve Missourians.

Only three years ago, several legislators, including Defendant Denny Hoskins, attempted to advocate for a map similar to the 2025 Map at issue in this case.² Like the 2025 Map, the map Hoskins and others proposed then would have created seven presumably Republican Congressional districts and one Democratic district, or a "7-1 map." But

² See, e.g., Denny Hoskins, *Sen. Denny Hoskins' Capitol Report for Week of Jan 24, 2022*, Mo. Senate (Jan. 27, 2022), [https://www.stltoday.com/life-entertainment/local/wellness/article_dc5d4d20-cc8f-5b7e-8d81-224f39c86968.html](https://web.archive.org/web/20250421084802/https://www.senate.mo.gov/22web/senator-denny-hoskins-capitol-report-for-week-of-jan-24-2022/#:~:text=I%20have%20serious%20concerns%20about,by%20one%20member%20of%20Congress; Jack Suntrup, Bipartisan Coalition Keeps '6-2' Congressional Map Alive in Missouri Senate, St. Louis Post-Dispatch (Jan. 26, 2022), <a href=).

in 2022, Hoskins and other proponents of the 7-1 map were unsuccessful. Instead, the General Assembly enacted a 6-2 map.³

The General Assembly enacted the 6-2 2022 Map in the normal course of redistricting. In 2021, following the certification of the 2020 United States Census, the Missouri legislature was tasked with redrawing congressional districts to reflect intrastate population movement. *Luther v. Hoskins*, No. SC101412, 2026 WL 815813, at *1 (Mo. banc Mar. 24, 2026); 13 U.S.C. § 141(a); U.S. Const. art. I, § 2; Mo. const. art. III § 45.

Within the first week of the redistricting effort, the Missouri House of Representatives had initially approved a 6-2 map, but final approval was delayed as several representatives pushed instead for a 7-1 map.⁴ Still, multiple Republican Representatives went on record to oppose a 7-1 map, including because any 7-1 map would require congressional districts to connect dissimilar communities.⁵ For instance,

³ Suntrup, *supra* note 2.

⁴ Tessa Weinberg, *Missouri House Votes Down 7-1 Congressional Map During Redistricting Debate*, Mo. Indep. (Jan. 18, 2022), <https://missouriindependent.com/2022/01/18/missouri-house-votes-down-7-1-congressional-map-during-redistricting-debate/>.

⁵ *Id.*

Representative Ann Kelley, a Republican from Lamar, argued the 7-1 map would improperly lump together areas that are “not the same” and “have different views,” like Kansas City and rural Barton County.⁶ Republican Representative Dan Shaul agreed, noting that he “d[idn’t] see how Branson has any connection with downtown Kansas City,” which could have been lumped together in the 7-1 map some were proposing.⁷ In the end, the House handily rejected the 7-1 map with a bipartisan vote of 120 to 23, ultimately adopting the 6-2 map, and sending it to the Missouri Senate.⁸

In that chamber, a small coalition of Senators delayed the adoption of the House’s 6-2 map for months, trying to revive the 7-1 map the House

⁶ *Id.*

⁷ Jason Hancock, *Senate Committee Advances ‘6-2’ Missouri Congressional Map*, Mo. Indep. (Jan. 25, 2022), <https://missouriindependent.com/2022/01/25/senate-committee-advances-6-2-missouri-congressional-map/>.

⁸ Rudi Keller, *Bipartisan Commission Approves New Missouri House Districts*, Mo. Indep. (Jan. 20, 2022), <https://missouriindependent.com/2022/01/20/bipartisan-commission-approves-new-missouri-house-districts/>; Tessa Weinberg, *Missouri House Sends Congressional Map to Senate Without an Emergency Clause*, Mo. Indep. (Jan. 19, 2022), <https://missouriindependent.com/2022/01/19/missouri-house-sends-congressional-map-to-senate-without-an-emergency-clause/>.

had rejected.⁹ The hardline Conservative Caucus led by Senators Bob Onder, Bill Eigel, and Denny Hoskins opposed both Republican and Democratic Senators in railing against the House-approved 6-2 map, instead supporting a 7-1 map that would split U.S. Representative Emanuel Clever's district around Kansas City.¹⁰ Then-Senator Hoskins made clear his reasons for supporting a 7-1 map: he wanted to maximize Republican representation in Congress, regardless of voting trends in Missouri.¹¹ Recent statewide elections suggested a 60-40 Republican-Democrat split among Missouri voters,¹² but Senator Hoskins opposed even a 6-2 map.¹³ He explained, "we could and should create a 7-to-1 map, and actually increase the number of conservative representatives

⁹ Rudi Keller, *Missouri Senate Adjourns Early After Passing Congressional Redistricting Map*, Mo. Indep. (May 12, 2022), <https://missouriindependent.com/2022/05/12/missouri-senate-adjourns-early-after-passing-congressional-redistricting-map/> (noting the Missouri Senate took until May to approve a congressional redistricting map).

¹⁰ Jake Kroesen, *Missouri's Map War May Return*, Mo. Times (Aug. 4, 2025), <https://themissouritimes.com/missouris-map-war-may-return/>.

¹¹ Hoskins, *supra* note 2.

¹² *Presidential Election in Missouri, 2020*, Ballotpedia, https://ballotpedia.org/Presidential_election_in_Missouri,_2020; see also Mo. Sec'y of State, Election Results (2020 General Election), https://www.sos.mo.gov/CMSImages/ElectionResultsStatistics/November3_2020GeneralElection.pdf.

¹³ Hoskins, *supra* note 2.

Missouri sends to Washington. This is vitally important given the close partisan margins in Congress.”¹⁴

The Conservative Caucus was clear that its efforts to push a 7-1 map were driven by a desire to maximize Republican Congressional districts. Along the way, they used every procedure available to drag out approving the 6-2 map. At one point, the debate over a Senate map resulted in a 31-hour-long filibuster, at the time one of the longest in Missouri Senate history.¹⁵ While only seven Senators made up the Conservative Caucus, Missouri Senate rules providing for unlimited debate allowed the small faction of Representatives supporting the 7-1 map to stall any progress on the 6-2 map most Senators supported.¹⁶

Eventually, after months of debate, a bipartisan coalition majority in the Missouri Senate passed the House’s 6-2 map with minimal changes.¹⁷ Governor Parson approved the redistricting bill and the 6-2

¹⁴ *Id.*

¹⁵ Kroesen, *supra* note 10.

¹⁶ *Sen. Barbara Anne Washington’s Legislative Column for the Week of Feb. 7, 2022, Mo. Senate (Feb. 12, 2022),* <https://www.senate.mo.gov/Media/newsDetails?id=464#:~:text=Week%20of%20Feb.-,7%2C%202022,with%20any%20proposed%20congressional%20map.>

¹⁷ Jason Rosenbaum & Rachel Lippmann, *Missouri Senate Passes 6-2 Republican Majority Congressional Map, Ending Melodrama*, St. Louis

map took effect for the 2022 election.¹⁸ Hoskins's and others' efforts to push through a 7-1 map to maximize Republican districts had failed.

Instead, the General Assembly enacted the 2022 Map as a 6-2 map, including because Republican representatives saw it as “accurately reflect[ing] the state of Missouri and the districts.”¹⁹ And because it was “the right thing to do.”²⁰

2. Less than three years later, the Missouri General Assembly reversed its position from 2022 and redrew congressional districts to revive the rejected 7-1 map after pressure from the Trump administration to maximize Republican districts.

Fast-forward to the 2025 Map currently before the Court, which bears a striking resemblance to the very map the General Assembly handily rejected only a few years ago. What changed? Nothing that would normally trigger redistricting. Until now, Missouri has redrawn

Pub. Radio (May 12, 2022), <https://www.stlpr.org/government-politics-issues/2022-05-12/missouri-senate-passes-6-2-republican-majority-congressional-map-ending-melodrama>.

¹⁸ *Missouri*, All About Redistricting <https://redistricting.ills.edu/state/missouri/?cycle=2020&level=Congress&startdate=2025-09-29>.

¹⁹ Jason Rosenbaum, *Missouri GOP Congressional Redistricting Plan Bolsters Wagner and Spares Cleaver*, St. Louis Pub. Radio (Dec. 30, 2021), <https://perma.cc/XDH3-YVHL> (quoting Representative Shaul, chair of the House's redistricting committee).

²⁰ *Id.*

congressional districts only following new Census data or when a court has found statutory issues with current maps.²¹ But no new census data has been published. And while there was a single challenge to the 2022 Map, the challenge was unsuccessful, and the case was dismissed with no finding that there were any issues with the 2022 Map. *Berry v. Ashcroft*, No. 4:22-CV-00465, 2022 WL 2643504 (E.D. Mo. July 8, 2022).

What changed between the 2022 Map and the 2025 Map's about-face was pressure from out-of-state political actors to maximize Republican districts: in other words, to engage in partisan gerrymandering.

In 2025, in anticipation of the 2026 midterm elections, President Trump's administration began attempting to pressure Texas officials to redraw that state's Congressional maps to "create[] more Republican seats and protect[] that party's vulnerable majority." *Abbott v. League of*

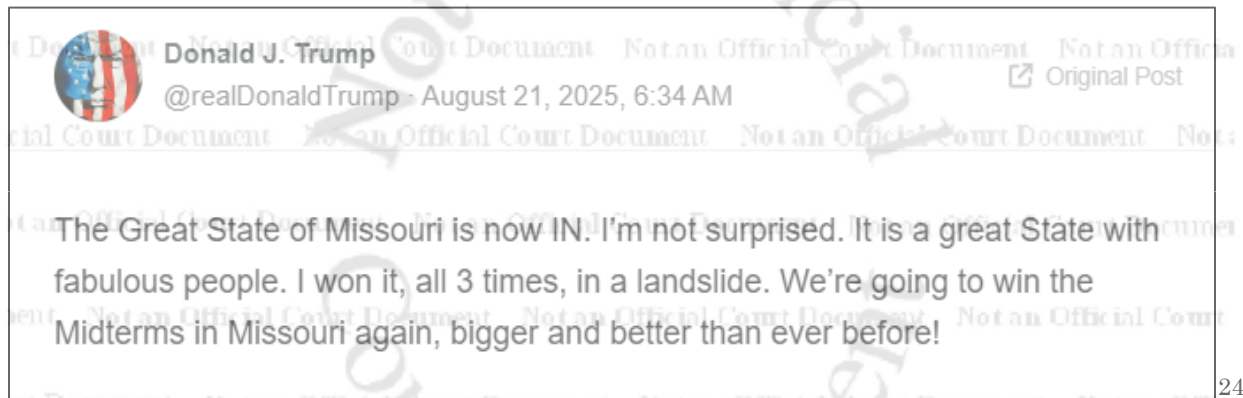
²¹ Press Release, Emanuel Cleaver II, U.S. Representative, Rep. Cleaver Condemns Passage of Mid-Decade Redistricting by Missouri Legislature (Sept. 12, 2025), <https://cleaver.house.gov/media-center/press-releases/rep-cleaver-condemns-passage-mid-decade-redistricting-missouri> (noting mid-decade redistricting was an "unprecedented step"). As of August 2025, the United States had not conducted a new census. Petition for Declaratory Judgment and Injunctive Relief, *NAACP Mo. State Conf. v. Kehoe*, No. 25AC-CC06724, at 9 (Mo. Cir. Ct., Cole Cnty. Sept. 3, 2025).

United Latin Am. Citizens, 146 S. Ct. 418, 421 (2025) (Kagan, J., dissenting). When an initial pressure campaign did not result in redistricting, the administration doubled down on its efforts, and the Department of Justice’s Civil Rights Division sent the Texas Governor and Attorney General a letter stating the administration’s position that the map Texas had in place at the time violated the Voting Rights Act and the Fourteenth Amendment. *Id.* at 421–22. Texas officials acquiesced to the pressure and redrew the state’s Congressional districts, resulting in up to five new Republican Congressional seats. *Id.* at 422.

Following Texas’s redistricting, states across the country—red and blue alike—have since engaged in mid-cycle redistricting, at times explicitly for the purpose of increasing the representation of a particular political party.²²

²² Laurel Rosenhall, *Newsom Signs California Redistricting Plan to Counter Texas Republicans*, N.Y. Times (Aug. 21, 2025), <https://www.nytimes.com/2025/08/21/us/politics/california-newsom-redistricting-texas.html> (“We’re responding to what occurred in Texas,” Mr. Newsom said before signing the bills [enacting mid-cycle redistricting]. “We’re neutralizing what occurred”); Caroline Vakil, *Hochul Vows to Explore ‘Every Option’ to Redraw NY House Maps*, The Hill (Aug. 4, 2025), <https://thehill.com/homenews/5435101-new-york-redistricting-texas-hochul/> (“[A]s I’ve said . . . All’s fair in love and war. That’s why I’m exploring with our leaders every option to redraw our

Here in Missouri, the administration set out to replicate its success in Texas to gerrymander more Republican districts, calling Governor Kehoe and individual members of the General Assembly.²³ By late August 2025, the Trump administration's pressure was public, with President Trump posting on social media that "Missouri is now IN" on redistricting:



state congressional lines as soon as possible,' [Governor Hochul continued").

²³ Julie Bosman, *Missouri Unveils Redistricting Plan, Aiming to Add a Republican Seat*, N.Y. Times (Aug. 29, 2025), <https://www.nytimes.com/2025/08/29/us/missouri-governor-redistricting-maps.html>.

²⁴ Savannah Hawley-Bates & Emily Younker, *Missouri Governor Begins Redistricting Process After Trump Pressure. Kansas City is The Target* (Aug. 29, 2025), [https://www.kcur.org/politics-elections-and-government/2025-08-29/missouri-redistricting-special-session-kehoe-cleaver?](https://www.kcur.org/politics-elections-and-government/2025-08-29/missouri-redistricting-special-session-kehoe-cleaver?;); Donald J. Trump (@realDonaldTrump), Trump's Truth (Aug. 21, 2025, 6:34 AM) <https://trumpstruth.org/statuses/32669> (archived Truth Social post).

Like Texas's Governor Abbott, Governor Kehoe acquiesced to the pressure from the Trump administration, calling an emergency session for the General Assembly to redraw congressional districts—in the middle of the decade and without new Census data—calling on the General Assembly to enact his proposed “Missouri First Map.”²⁵ The “Missouri First” moniker references “America First,” a slogan that has become closely associated with President Trump's campaigns and politics.²⁶ Governor Kehoe's “Missouri First” map was a 7-1 map that split Kansas City and attached the new Kansas City districts to rural, Republican-leaning areas—the very proposal a bipartisan supermajority of the General Assembly had rejected in 2022.²⁷

²⁵ Press Release, Mike Kehoe, Mo. Governor, Governor Kehoe Announces Special Session on Congressional Redistricting and Initiative Petition Reform (Aug. 29, 2025), <https://governor.mo.gov/press-releases/archive/governor-kehoe-announces-special-session-congressional-redistricting-and#:~:text=Governor%20Mike%20Kehoe%20has%20called%20for%20a%20Wednesday%2C%20September%203%2C%202025%2C%20at%2012:00%20p.m.>

²⁶ See, e.g., Lily Rothman, *The Long History Behind Donald Trump's 'America First' Foreign Policy*, Time (Mar. 28, 2016), <https://time.com/4273812/america-first-donald-trump-history>.

²⁷ See *Missouri First Map*, Mike Kehoe, Mo. Governor, <https://web.archive.org/web/20250831174252/https://governor.mo.gov/media/pdf/missouri-first-map>.

Beyond the abnormal timing of the 2025 redistricting, Governor Kehoe's "Missouri First" map was also unusual in that it came from the Governor, and not from the General Assembly. The Missouri Constitution tasks the General Assembly—and not the Governor—with “divid[ing] the state into districts.” Mo. Const. art. III, § 45; *see also Pearson I*, 359 S.W.3d at 37 (“It is the responsibility of the Missouri General Assembly to draw new congressional election districts.”). Missouri’s Constitution bars the Office of the Governor from exercising the powers of another branch, such as the General Assembly’s power to draw new Congressional Districts. Mo. Const. art. II, § 1.

Governor Kehoe’s special legislative session was also plagued by procedural abnormalities driven by a relentless push to speed up the adoption of the so-called Missouri First map. In the Missouri House, only two dozen members of the 159-member chamber were present at the start of the session, raising questions about whether a quorum existed.²⁸ And lawmakers were asked to vote on the new maps without any demographic

²⁸ Kurt Erickson, *Trump-Backed Redistricting Plan Begins Trek Through Missouri’s Republican Legislature*, St. Louis Post-Dispatch (Sept. 3, 2025), <https://archive.is/T5F6e>.

information about the new districts.²⁹ Instead, they were told that the information would be “made available in the coming days.”³⁰ The Missouri Senate utilized a rarely used motion to shut off debate and ensure the Senate voted on the redistricting bill before any other legislation.³¹

Both Republicans and Democrats in the Missouri Senate expressed concern about the way that the Missouri First map appeared to be the product of undue pressure from outside political groups. Republican Senator Mike Moon complained that legislators were being essentially told “this [map] is all you’re going to get, and you vote yes, sit down and shut up.”³² Democratic Senator Maggie Nurrenbern of Kansas City noted the large political pressure to pass the new map, which she saw was the

²⁹ Kurt Erickson & Josh Renaud, *Republicans Defend New Congressional Maps as Residents Push Back*, St. Louis Post-Dispatch (Sept. 5, 2025), <https://archive.is/er9PW>.

³⁰ *Id.*

³¹ Rudi Keller, *After Hearing from Trump, Missouri GOP Muscle Gerrymandered Map Forward in State Senate*, Mo. Indep. (Sept. 10, 2025), <https://missouriindependent.com/2025/09/10/after-hearing-from-trump-missouri-gop-muscle-gerrymandered-map-forward-in-state-senate/>.

³² Jason Hancock, *Missouri Lawmakers Pass Gerrymandered Congressional Map, Initiative Petition Limits*, Mo. Indep. (Sept. 12, 2025), <https://missouriindependent.com/2025/09/12/gerrymandered-congressional-map-initiative-petitions-limits-sent-to-missouri-governor/>.

result of “[s]omebody in D.C.” making decisions about where to draw district lines.³³

It was no secret that the Missouri First map was attributable to pressure from the Trump administration. When the Missouri House had approved the map but the Senate was still debating it, President Trump again took to social media to demand “[t]he Missouri Senate must pass this Map now, AS IS, to deliver a gigantic Victory for Republicans in the ‘Show Me State,’ and across the Country.”³⁴ He personally called into the Senate Republicans’ caucus meetings to encourage them to pass the map as quickly as possible.³⁵

Ultimately, the pressure campaign to approve the new map as quickly as possible was successful. In both the House and the Senate, the Missouri First map passed within two weeks.³⁶ In the Senate, two

³³ *Id.*

³⁴ Keller, *supra* note 31; David A. Lieb, *Missouri Senate Passes Trump-Backed Redistricting Plan that Could Give Republicans Another U.S. House Seat*, PBS (Sept. 12, 2025), <https://www.pbs.org/newshour/politics/missouri-senate-passes-trump-backed-redistricting-plan-that-could-give-republicans-another-u-s-house-seat>.

³⁵ Keller, *supra* note 31.

³⁶ *Id.*

Republicans joined the nine Democratic senators in opposing the map.³⁷

Seemingly in response to his failure to toe the party line, Senator Lincoln Hough, one of the Republican Senators who had voted against the 2025 Map, was removed from his committee appointments later that week.³⁸

On September 28, less than a month after acquiescing to the Trump administration's pressure to call a special redistricting session, Governor Kehoe approved the 2025 Map.³⁹ The new map complies with President Trump's desire to pack Kansas City residents in the same district as voters as far out as Boone County, all to ensure that another seat in Congress is occupied by a Republican representative.⁴⁰ In other words, after resoundingly rejecting a 7-1 map in the normal course, only a few years later, the General Assembly reversed its position and gerrymandered a new Republican district at the behest of President Trump.

³⁷ Hancock, *supra* note 32.

³⁸ *Id.*

³⁹ Press Release, Mike Kehoe, Mo. Governor, Governor Kehoe Signs Missouri First Map into Law (Sept. 28, 2025), <https://governor.mo.gov/press-releases/archive/governor-kehoe-signs-missouri-first-map-law>.

⁴⁰ *2025 Landscape Maps by District*, Office of Administration <https://budplan.oa.mo.gov/media/pdf/2025-landscape-maps-district>.

Ultimately, the 2025 Map is the shameless product of partisan gerrymandering—the very “evil” Missouri’s constitution is designed to prevent. *Pearson I*, 359 S.W.3d at 38. Accordingly, this Court should reverse the judgment below and apply § 45’s requirements in accordance with their purpose.

II. The 2025 Map violates Missouri’s Constitutional guarantee of popular sovereignty.

Partisan gerrymandering like the 2025 Map offends Missouri’s Constitution beyond § 45. Were there any doubt, the entirety of Missouri’s Constitution opens with an appeal to popular sovereignty. Article I, § 1 of the Missouri Constitution provides that “all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.” Mo. Const art. I, § 1. To reiterate the point, Article I, § 2 states that “all constitutional government is intended to promote the general welfare of the people.” Mo. Const. art. I, § 2. Even the State’s motto is “*Salus populi suprema lex esto*,” or “the welfare of the people shall be the supreme law.” RSMo § 10.060.

These opening provisions are more than just “extremely important and meaningful language.” *Pearson I*, 359 S.W.3d at 42. In fact, they

“shape the Missouri Constitution” and must “guide the branches of government in passing, interpreting and applying effective law.” *Id.*; see also *Armentrout v. Schooler*, 409 S.W.2d 138, 143 (Mo. 1966) (citing these provisions in striking down a redistricting plan).

A government that is representative of and accountable to all Missourians is undeniably implicit in Missouri’s Constitutional design. *Barrett*, 146 S.W. at 65 (“In a republican form of government, each citizen should have an equal voice in the enactment of the laws, their interpretation, and execution.”). And for good reason: when national political parties direct the creation of district lines, they entrench “incumbent complacency,” the “dilution of minority votes,” and “the polarization and increased hostility of American politics.”⁴¹

Accordingly, Missourians have continually been called to defend the simple proposition that electors should choose their elected

⁴¹ Deven Kirschenbaum, *A Turn to Process: Partisan Gerrymandering Post-Rucho*, 98 N.Y.U. L. Rev. 2111, 2118 (2023); see also Samuel Issacharoff, *Gerrymandering and Political Cartels*, 116 Harv. L. Rev. 593, 615–16 (2002) (“Representatives remain faithful to the preferences of the electorate and responsive to shifts in preferences so long as they remain accountable electorally.”); Richard L. Hasen, *Race or Party, Race as Party, or Party All the Time: Three Uneasy Approaches to Conjoined Polarization in Redistricting and Voting Cases*, 59 Wm. & Mary L. Rev

representatives—and not the other way around. For instance, in 2018, Missourians approved Amendment 1, commonly known as “Clean Missouri,” with 62% of the vote following a grassroots initiative in which Missouri citizens gathered more than 346,000 signatures to place the measure on the ballot.⁴²

Before 2018, Missouri had relied on two politically influenced commissions—one for the House and one for the Senate—to draw legislative-district maps.⁴³ This system frequently produced uncompetitive elections and outcomes that did not reflect voter preferences. Specifically, by 2016, nearly 60% of Missouri House races

1837 (2018) (discussing how political justifications for districts mask underlying unconstitutional practices).

⁴² Mo. Sec’y of State, Official Results of the General Election (Nov. 6, 2018), <https://www.sos.mo.gov/CMSImages/ElectionResultsStatistics/ActualResults-November62018-FINAL.pdf>; see also *Clean Missouri Submits 346K Signatures for Initiative Petition Dealing with Ethical Issues in Legislature*, Mo. Times (May 3, 2018), <https://themissouritimes.com/clean-missouri-submits-346k-signatures-for-initiative-petition-dealing-with-ethical-issues-in-legislature/>.

⁴³ *Overview: Missouri Redistricting Reform Proposal (Clean Missouri)*, Brennan Ctr. for Just. (Oct. 12, 2018), <https://www.brennancenter.org/our-work/policy-solutions/overview-missouri-redistricting-reform-proposal-clean-missouri>.

lacked a major-party opponent.⁴⁴ In 2018, one party received approximately 57% of the statewide vote for the Missouri House but won 71% of the seats.⁴⁵ These disparities reflected a significant efficiency gap and demonstrated that district lines caused votes to translate unevenly into representation.⁴⁶

In response to these disparities, Missouri voters approved Amendment 1 in 2018, a constitutional reform designed to address perceived imbalances in legislative representation.⁴⁷ The amendment's purpose was to reduce partisan influence in redistricting by establishing a nonpartisan state demographer to draw state-legislative-district maps. And although certain components of those reforms were modified following the adoption of Amendment 3 in 2020, those changes do not

⁴⁴ David A. Lieb, *AP Analysis Shows More Unopposed Missouri Races, GOP Edge*, AP News (June 25, 2017), <https://apnews.com/house-elections-united-states-house-of-representatives-aaacba54b957450e9d0f79255d204c9c>.

⁴⁵ David A. Lieb, *Missouri First to Adopt Fairness Test Against Gerrymandering*, AP News (Dec. 2, 2018), <https://apnews.com/article/c49a2cf375894f539ca4aad5aafc6a74>.

⁴⁶ *Id.*

⁴⁷ *Overview: Missouri Redistricting Reform Proposal (Clean Missouri)*, *supra* note 43.

reflect an informed rejection of Missouri voters' consistent commitment to fair redistricting.⁴⁸

Recent events further underscore that Missourians repudiate partisan gerrymandering. In 2025, thousands of Missourians gathered at the State Capitol to oppose legislative efforts to redraw congressional district lines and to restrict the citizen initiative process.⁴⁹ Protesters expressed concern that the Missouri First map would divide established communities and undermine political representation.⁵⁰ The scale and intensity of these protests demonstrate significant public engagement with redistricting issues and reflect widespread opposition to the map.⁵¹

That engagement is further reflected in Missouri voters' use of the referendum process to challenge the same 2025 Map. Opponents

⁴⁸ Yuri Rudensky & Julia Kirschenbaum, *Redistricting Reform Under Threat*, Brennan Ctr. for Just. (Aug. 26, 2020), <https://www.brennancenter.org/our-work/analysis-opinion/redistricting-reform-under-threat>; see also *Pippens v. Aschroft*, 606 S.W.3d 689 (Mo. App. W.D. 2020) (striking down original ballot language for Amendment 3 in 2020 as misleading).

⁴⁹ Savannah Hawley-Bates, *Thousands Pack Missouri Capitol to Protest Gerrymandering: 'They can't win, so they cheat,'* KCUR (Sept. 10, 2025), <https://www.kcur.org/politics-elections-and-government/2025-09-10/missouri-redistricting-protest-gerrymandering-capitol>.

⁵⁰ *Id.*

⁵¹ *Id.*

submitted more than 300,000 petition signatures—nearly three times the number required—to secure a statewide vote.⁵² Notably, these efforts proceeded despite multiple legal and procedural challenges, including disputes over the validity of petition signatures, litigation contesting whether redistricting measures are subject to referendum, and challenges to the accuracy of the ballot summary, underscoring the extent of public engagement on this issue.⁵³ To date, organizers continue to pursue litigation to require review of excluded signatures.⁵⁴

* * *

When extreme pressure from a single national party directs the exercise of state political processes, the legislature is not acting “for the good of the whole.” Mo. Const. art I, § 1. A national party directing a

⁵² The Associated Press, *Opponents of Redistricting in Missouri Submit Petition to Force Public Vote*, KCTV5 (Dec. 9, 2025), <https://www.kctv5.com/2025/12/09/opponents-redistricting-missouri-submit-petition-force-public-vote/>.

⁵³ *Id.*

⁵⁴ See Rudi Keller, *Missouri Redistricting Referendum is Close to Ballot Goal, Despite 100,000 Signatures in Limbo*, KCUR (Mar. 18, 2026), <https://www.kcur.org/politics-elections-and-government/2026-03-18/missouri-anti-redistricting-referendum-signatures>; see also David A. Lieb, *Voters Sue to Suspend Missouri’s New Congressional Map Until A Referendum*, AP News (Dec. 23, 2025), <https://apnews.com/article/redistricting-congress-voting-map-congress-missouri-trump-62d7b1c08c52a0af026a1ee43917476f>.

state's legislature to effectuate a particular electoral result turns the "extremely important and meaningful language" of Article I, § 1 on its head. *Pearson I*, 359 S.W.3d at 42. Blatant political gerrymandering at the behest of a powerful political party creates a government that originates from the party, is founded upon the party's will only, and is instituted solely for the good of the party.

Not only does this twist the vision of Missouri's Constitution, but also the delicate balance of federalism envisioned by the Founders. Indeed, the very purpose of granting to states the authority to set the times, places, and manners of elections in Article I, § 4, cl. 1 was to prevent a national government from "mould[ing] their regulations as to favor the candidates they wished to succeed." U.S. Const. art. 1, § 4, cl. 1; *Notes of James Madison (May 31, 1787)*, in 1 *The Records of the Federal Convention of 1787* (Max Farrand ed., 1911). The elective democracy envisioned by the Founders requires elected representatives to have "an habitual recollection of their dependence on the people," *The Federalist* No. 57, at 350 (J. Madison) (Clinton Rossiter ed., 1961), and be "compelled to anticipate the moment" when their "exercise of [power] is to be

reviewed.” The Federalist Nos. 52, 57 at 124, 155 (J. Madison) (J. & A. McLean eds., 1788).

Missouri’s Constitution incorporates the same principles of participatory democracy and federalism. Article III, § 45 provides a limit on the legislature’s ability to artificially manufacture districts to elect their chosen candidates at the expense of Missouri’s democracy. *Pearson I*, 359 S.W.3d at 38. Especially when read in light of the guiding language of Article I, § 2, the compactness, contiguity, and equal-population requirements are not ends unto themselves, but mechanisms “in aid of securing a nearer equality of representation.” *Barrett*, 146 S.W. at 61. And the very reason that the United States Constitution vests Missouri with the authority to regulate elections is so that the interests of Missourians are represented, not the interests of national parties.

When the political process ceases to meaningfully check the political branches, “[t]he courts alone . . . can save the rights of the people, and give to them a fair kind of equality of representation.” *Barrett*, 146 S.W. at 57 (cleaned up). Accordingly, this Court should respect the supreme law, the welfare of the people, and reverse the judgment below.

CONCLUSION

The 2025 Map cannot be reconciled with Missouri's Constitutional order. Article III, § 45 reflects a deliberate and controlling Constitutional judgment to reject partisan gerrymandering through the compactness, contiguity, and equal-population requirements. The 2025 Map is a blatant exercise in partisan gerrymandering, enacted contrary to the will of Missourians. In both design and effect, the 2025 Map entrenches unrepresentative partisan advantages, contravening the Constitution's commitment to fair and representative democracy. Missourians have made it clear that they reject partisan gerrymandering, and their general welfare is not advanced by attempts to undermine participatory democracy. Because the 2025 Map constitutes partisan gerrymandering that undermines the purposes of Missouri's Constitutional requirements, the Court should reverse the judgment below.

Date: April 16, 2026

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

The undersigned certifies that this brief includes the information required by Rule 55.03 and complies with the limitations contained in Rule 84.06(b). Relying on the word count of Microsoft Word, the undersigned certifies that this brief contains a total of 6,252 words, excluding the cover, certificates required by Rule 84.06(c), and signature block.

/s/ Steven J. Alagna

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 16, 2026, I electronically filed the foregoing Brief of the League of Women Voters of Missouri as Amicus Curiae in Support of Appellants with the Clerk of the Court using the Court's electronic filing system, which will send a notice of electronic filing to all counsel of record.

/s/ Steven J. Alagna