

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

TERRENCE WISE, *et al.*, )  
Plaintiffs, )  
v. ) Case No. 2516-CV29597  
STATE OF MISSOURI, *et al.*, )  
Defendants. )

**REPLY IN SUPPORT OF MOTION TO INTERVENE OF MISSOURI  
REPUBLICAN STATE COMMITTEE**

The Missouri Republican State Committee ("MRSC") respectfully submits this reply in support of its Motion to Intervene.

**INTRODUCTION**

Plaintiffs' opposition fundamentally mischaracterizes both the nature of MRSC's interests and the legal standards governing intervention. Plaintiffs claim this case is "not about" the electoral fortunes of any political party, yet they simultaneously acknowledge that H.B. 1 was enacted with partisan objectives and that invalidating the map would affect which candidates get elected and from which districts. Plaintiffs cannot have it both ways. Either redistricting has real-world electoral consequences that political parties have standing to protect, or it does not.

Missouri law and common sense confirm the former. Indeed, MRSC's right to intervene in suit like this is so obvious that the plaintiffs in a Cole County case bringing the same mid-decade redistricting challenge to H.B. 1 as Plaintiffs here did not even object to MRSC's intervention. *See Luther v. Hoskins*, 25AC-CC06964.

According to the Missouri Supreme Court, "Intervention generally should 'be allowed with considerable liberality.'" *Johnson v. State*, 366 S.W.3d

11, 20 (Mo. banc 2012) (citing *In re Liquidation of Prof'l Med. Ins. Co.*, 92 S.W.3d at 778; *Eakins v. Burton*, 423 S.W.2d 787, 790 (Mo. 1968) (noting that the intervention rule should be construed liberally to permit broad intervention)).

Plaintiffs' arguments fail on each element of Rule 52.12(a). MRSC has a legally protectable interest in redistricting that directly affects its statutory functions and organizational mission. That interest will be impaired if MRSC is excluded from defending the map under which it must organize and campaign. And the State Defendants—government entities with institutional constraints and broader responsibilities—cannot adequately represent MRSC's focused interest in ensuring Republican representation in Congress. At minimum, MRSC has established grounds for permissive intervention.

Plaintiffs' real concern appears to be delay. But that concern is unfounded and cannot override MRSC's right to participate in litigation that will directly determine the playing field for the 2026 congressional elections. MRSC is prepared to proceed expeditiously and has no interest in prolonging this case. The motion to intervene should be granted.

## BACKGROUND

### I. The Missouri State Republican Committee (MRSC).

MRSC is the duly established state committee for the Missouri Republican Party pursuant to Section 115.603, RSMo and a federal registered “State Committee” of the Republican Party as defined by 52 U.S.C. §20101(15).

MRSC has been selected and serves in the role of representing and acting for the Missouri Republican Party in the interim between party conventions pursuant to Section 115.605, RSMo.

Each established political party must maintain a congressional district committee for each congressional district in the state. § 115.603. The composition of a congressional district committee depends on the district's

geographic makeup. For districts with one or more whole counties (or whole counties plus parts of counties), the committee "shall consist of the county committee chair and vice chair of each county within the district and the committeeman and committeewoman of each legislative district committee within the district." § 115.619(2). For districts consisting of parts of counties or cities not within a county, the committee "shall consist of the committeemen and committeewomen of the precinct, ward, or township included in whole or in part of the district and the chair and vice chair of each legislative district committee within the district in whole or in part." § 115.619(3).

Congressional district committees must meet "at some place and time within the district, to be designated by the current chair of the committee, not earlier than five weeks after each primary election but in no event later than the sixth Saturday after each primary election." § 115.621(3). At this meeting, the committee must organize by electing a chair, vice chair, secretary and treasurer. § 115.621(3).

MRSC's general purpose is to promote and assist Republican candidates who seek election or appointment to partisan federal, state and local office in Missouri. MRSC —on behalf of itself, its committees, its voters, and its candidates—has an interest in ensuring Republican candidates win elections to offices across the state, including in the United States House of Representatives. To accomplish this purpose and in furtherance of its interest, MRSC devotes substantial resources to educating, mobilizing, assisting, and turning out voters in Missouri, including in support the election of Republican candidates to the United States House of Representatives. MRSC makes significant contributions and expenditures in support of Republican candidates up and down the ballot in Missouri in the past many election cycles and will do so again in the 2026 elections and beyond.

## II. Procedural History.

Plaintiffs filed this lawsuit against Defendant Secretary of State Hoskins on September 12, 2025. Plaintiffs filed a Motion for Scheduling Order on September 19, 2025. The Secretary filed a Motion to Dismiss on September 26, 2025.

On November 8, 2025, MRSC filed its Motion to Intervene and Proposed Answer. On November 18, 2025, Plaintiffs filed Suggestions in Opposition to the Motion to Intervene.

The Court intends to hear the State's Motion to Dismiss and the Plaintiffs' Motion for Scheduling Order on November 24, 2025.

## ARGUMENT

### I. MRSC HAS A LEGALLY PROTECTABLE INTEREST SUFFICIENT FOR INTERVENTION AS OF RIGHT.

Plaintiffs err in characterizing MRSC's interest as merely "political" or "ideological." MRSC's interest is far more concrete and legally cognizable than Plaintiffs suggest.

#### A. MRSC's interest flows directly from Missouri statute and constitutional structure.

MRSC has a clear interest relating to the subject matter of this action. Both as a representative of their candidates and voters and as an organization in its own right, MRSC has an interest in getting Republican candidates elected to office. The Missouri Republican Party is composed of numerous organizations and committees that work toward the common goal of electing Republicans in all corners of the state.

MRSC has a cognizable interest in preventing "impediments to [its] activities and mission." *Rukavina v. Pawlenty*, 684 N.W.2d 525, 533 (Minn.

Ct. App. 2004). Courts around the country routinely recognize that political parties have an interest in election-related suits.<sup>1</sup>

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<sup>1</sup> See, e.g., *Pa. State Conf. of the NAACP v. Chapman*, No. 1:22-cv-00339-SPB (W.D. Pa. Jan. 6, 2023) (granting intervention of right to the RNC, National Republican Congressional Committee, and the Republican Party of Pennsylvania); *La Union Del Pueblo Entero v. Abbott*, 29 F.4th 299 (5th Cir. 2022) (granting intervention of right to county party committees, Republican National Committee, National Republican Senatorial Committee, and National Republican Congressional Committee); *United States v. Georgia*, No. 1:21-cv-2575 (N.D. Ga. July 12, 2021) (granting intervention to the RNC, NRSC, and Georgia Republican Party); *Concerned Black Clergy of Metro. Atlanta, Inc. v. Raffensperger*, No. 1:21-cv-1728 (N.D. Ga. June 21, 2021) (granting intervention to the RNC, NRSC, NRCC, and Georgia Republican Party); *Coalition for Good Governance v. Raffensperger*, No. 1:21-cv-02070 (N.D. Ga. June 21, 2021) (same); *New Georgia Project v. Raffensperger*, No. 1:21-cv-1229, 2021 WL 2450647 (N.D. Ga. June 4, 2021) (same); *Ga. State Conf. of the NAACP v. Raffensperger*, No. 1:21-cv-1259 (N.D. Ga. June 4, 2021) (same); *Sixth Dist. of the African Methodist Episcopal Church v. Kemp*, No. 1:21-cv-1284 (N.D. Ga. June 4, 2021) (same); *Asian Ams. Advancing Justice-Atlanta v. Raffensperger*, No. 1:21-cv-1333 (N.D. Ga. June 4, 2021) (same); *VoteAmerica v. Raffensperger*, No. 1:21-cv-1390 (N.D. Ga. June 4, 2021) (same); *Wood v. Raffensperger*, No. 1:20-cv-5155 (N.D. Ga. Dec. 22, 2020) (granting intervention to the DSCC and Democratic Party of Georgia); *Alliance for Retired American's v. Dunlap*, No. CV-20-95 (Me. Super. Ct. Aug. 21, 2020) (granting intervention to the RNC, NRSC, and Republican Party of Maine); *Mi Familia Vota v. Hobbs*, Doc. 25, No. 2:20-cv-1903 (D. Ariz. June 26, 2020) (granting intervention to the RNC and NRSC); *Ariz. Democratic Party v. Hobbs*, Doc. 60, No. 2:20-cv-1143-DLR (D. Ariz. June 26, 2020) (granting intervention to the RNC and Arizona Republican Party); *Swenson v. Bostelmann*, Doc. 38, No. 20-cv-459-wmc (W.D. Wis. June 23, 2020) (granting intervention to the RNC and Republican Party of Wisconsin); *Edwards v. Vos*, Doc. 27, No. 20-cv-340-wmc (W.D. Wis. June 23, 2020) (same); *League of Women Voters of Minn. Ed. Fund v. Simon*, Doc. 52, No. 20-cv-1205 ECT/TNL (D. Minn. June 23, 2020) (granting intervention to the RNC and Republican Party of Minnesota); *Issa v. Newsom*, 2020 WL 3074351, at \*4 (E.D. Cal. June 10, 2020) (granting intervention to the DCCC and Democratic Party of California); *Nielsen v. DeSantis*, Doc. 101, No. 4:20-cv-236-RH (N.D. Fla. May 28, 2020) (granting intervention to the RNC, NRCC, and Republican Party of Florida); *Priorities USA v. Nessel*, 2020 WL 2615504, at \*5 (E.D. Mich. May 22, 2020) (granting intervention to the RNC and Republican Party of Michigan); *Thomas v. Andino*, 2020 WL 2306615, at \*4 (D.S.C. May 8, 2020) (granting intervention to the South Carolina Republican Party); *Corona v. Cegavske*, Order Granting Mot. to Intervene, No. CV 20-OC-644-1B (Nev. 1st Jud. Dist. Ct. Apr. 30, 2020) (granting intervention to the RNC and Nevada Republican Party); *League of Women Voters of Va. v. Va. State Bd. of Elections*, Doc. 57, No. 6:20-cv-24-NKM (W.D. Va. Apr. 29, 2020) (granting intervention to the Republican Party of Virginia); *Paher v. Cegavske*, 2020 WL

MRSC is the duly established state committee for the Missouri Republican Party pursuant to Section 115.603, RSMo.<sup>6</sup> The Missouri Republican Party is composed of numerous organizations and committees that work toward the common goal of electing Republicans in all corners of our state. The Missouri Republican Party maintains “a congressional district committee for each congressional district in the state.” Section 115.603, RSMo. MRSC—on behalf of itself, its committees, its voters, and its candidates—has an interest in ensuring Republican candidates win elections to offices across the state, including in the United States House of Representatives.

MRSC has expended substantial resources to support the election of Republican candidates to the United States House of Representatives, and to educate and turn out Republican voters, in the past many election cycles and will do so again in the 2026 elections and beyond. MRSC as a political party committee, has substantial interests in the election of Republican candidates to the United States House of Representatives, educating and turning out voters to support Republican candidates for those offices, and the expenditure of its own resources to carry out those activities.

Accordingly, MRSC has substantial interests in the constitutionality of House Bill 1, which sets the boundaries of Missouri's congressional districts in which Republican candidates will seek election and Republican voters will cast their ballots. MRSC's support of Republican candidates, voter education and turnout activities, and expenditure of resources all will be affected by the

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2042365, at \*2 (D. Nev. Apr. 28, 2020) (granting intervention to four Democratic Party entities); *Democratic Nat'l Comm. v. Bostelmann*, 2020 WL 1505640, at \*5 (W.D. Wis. Mar. 28, 2020) (granting intervention to the RNC and Republican Party of Wisconsin); *Gear v. Knudson*, Doc. 58, No. 3:20-cv-278 (W.D. Wis. Mar. 31, 2020) (same); *Lewis v. Knudson*, Doc. 63, No. 3:20-cv-284 (W.D. Wis. Mar. 31, 2020) (same); *see also Democratic Exec. Cmte. of Fla. v. Detzner*, No. 4:18-cv-520-MW-MJF (N.D. Fla. Nov. 9, 2018) (granting intervention to the NRSC).

outcome of this litigation. Because the primary election is to be held on August 3, 2026, and the general election is November 5, 2026, MRSC needs certainty of the congressional districts to recruit, support and fund candidates for those elections.

Further, MRSC is not simply a group of partisan activists expressing a political preference. It is the statutorily recognized state committee of the Republican Party under § 115.603, RSMo, charged with specific organizational functions tied directly to Missouri's congressional districts. As alleged in the motion to intervene, MRSC must maintain a congressional district committee for each of Missouri's congressional districts. The configuration of those districts—including their boundaries, populations, and partisan composition—directly affects MRSC's ability to fulfill its statutory role.

This organizational interest is distinct from a generalized desire to see Republicans win elections. The boundaries drawn in H.B. 1 determine where MRSC must organize committees, where it must recruit candidates, how it must allocate resources, and which voters it must mobilize in each district. If the map is invalidated and redrawn, MRSC will need to reorganize its entire congressional district committee structure, potentially multiple times if interim and final maps differ. These are concrete, particularized burdens that flow directly from the litigation's outcome.

Missouri courts recognize that organizational interests of this nature are sufficient for intervention. In *Allred v. Carnahan*, the Western District held that Missouri Jobs with Justice had a sufficient interest to intervene where it had "undertaken the requisite statutory steps" in the initiative process and would need to "reorganize" its efforts if the petition was invalidated. 372 S.W.3d 477, 485 (Mo. App. W.D. 2012). The same logic applies here. MRSC has undertaken (and continues to undertake) the organizational steps required by Missouri statute to operate within the congressional district structure

established by law. Invalidating H.B. 1 would require MRSC to reorganize those efforts.

### **B. Plaintiffs' attempt to distinguish *Allred* fails.**

Plaintiffs contend that *Allred* is distinguishable because MJJ had "drafted, circulated, financed, and formally submitted" the initiative petitions at issue. Pls.' Opp. at 4-5. But this reading of *Allred* is far too narrow. The key inquiry in *Allred* was whether the proposed intervenor had a concrete interest that would be directly affected by the litigation—not whether it had literally drafted the legal instrument being challenged.

Here, MRSC has concrete interests that will be directly affected. It has already begun organizing for the 2026 election cycle under H.B. 1's district lines. It is recruiting candidates to run in those districts. It is planning resource allocation based on those boundaries. And it faces looming deadlines—the filing period opens in late February 2026—that require certainty about the map under which the election will be conducted. These are not abstract or future injuries; they are present, ongoing organizational burdens that depend entirely on whether H.B. 1 is upheld or invalidated.

Moreover, courts routinely allow partisan intervenors in redistricting cases precisely because they have direct organizational and electoral interests at stake. *See, e.g., Johnson v. State*, 366 S.W.3d 11, 20 (Mo. 2012) (in suit by citizens to challenge the legislative reapportionment plan, Republican candidates allowed to intervene); *Berry v. Kander*, 191 F. Supp. 3d 982, 988 (E.D. Mo. 2016) ("The Court notes that [Candidate] could have moved to intervene to challenge the 2011 Congressional Redistricting Plan."); *Preisler v. Doherty*, 284 S.W.2d 427, 430 (1955) (proponents of the validity of the redistricting permitted to intervene); *Lucas v. Forty-Fourth Gen. Assembly of State of Colo.*, 377 U.S. 713, 716, (1964) (where voters challenged the constitutionality of the state's apportionment, and proponents of an

apportionment scheme intervened); *Koenig v. Flynn*, 285 U.S. 375, 379 (1932) (Chairman of Democratic State Committee intervened in suit involving reapportionment); *Bethune-Hill v. Virginia State Bd. of Elections*, 580 U.S. 178 (2017) (state legislative officials permitted to intervene in state legislative redistricting case).

These cases recognize what Plaintiffs refuse to acknowledge: redistricting directly affects political parties' ability to organize, campaign, plan election efforts, expend funds in support of their mission, and fulfill their functions in the electoral process.

### **C. *Prentzler* is inapposite and supports MRSC's position.**

Plaintiffs' reliance on *Prentzler v. Carnahan* is misplaced. 366 S.W.3d 557 (Mo. App. W.D. 2012). In *Prentzler*, the court denied intervention to individual citizens who had merely signed an initiative petition and wanted to defend its validity. The court found they had no direct legal interest beyond their generalized support for the initiative. *Id.* at 564. That case is easily distinguishable.

First, the proposed intervenors in *Prentzler* were individual petition signers with no organizational role or statutory function. They claimed only a "political agreement" with one side. *Id.* Here, MRSC is a statutory entity with defined responsibilities under Missouri law that are directly tied to congressional districts and further has a particularized economic interest related to their planned election efforts, including interests in preventing delay and uncertainty and in avoiding unnecessary expenditures of time and resources.

Second, and more fundamentally, *Prentzler* actually supports MRSC's position. The court in *Prentzler* distinguished *Allred* on the ground that MJJ in *Allred* had "actual participated" in creating and promoting the initiative and faced "frustrat[ion]" of its organizational efforts if the petition was invalidated.

*Id.* at 564. MRSC similarly has actual participation in organizing within congressional districts and will face frustration of those efforts if H.B. 1 is invalidated.

Third, *Prentzler* emphasized that petition signers had no "legal right" that would be affected by the outcome. *Id.* at 563. Indeed, petition signers have no "right to have their signatures counted." "Nothing prevents the proponents or petitioners of an initiative petition from withdrawing the initiative petition before the submission deadline" or prevents the Secretary of State from rejecting the petition "if the petitioner of an initiative petition fails to meet the submission deadline or fails to file the signed petitions in accordance with the procedures set out in § 116.100." The court found petition signers' interest was "too remote and attenuated for purposes of intervention as a matter of right." *Id.* at 563.

But MRSC does have legal rights at stake—specifically, its statutory right to organize congressional district committees under § 115.603 and its organizational interest in operating within a stable, lawful district structure. MRSC has made significant contributions and expenditures in support of Republican candidates for elections in federal, state, and local elections in Missouri in many election cycles, and intend to do so again in 2024. This includes educating, mobilizing, and assisting voters who support Republican candidates. *Id.* See also *Eu v. S.F. Cnty. Democratic Cent. Comm.*, 489 U.S. 214, 222–23 (1989) (recognizing political parties are expressive associations under the First Amendment). The disposition of this case will directly affect MRSC's ability to exercise those rights.

#### **D. The nature of redistricting claims and *Johnson v. State* confirms MRSC's direct interest**

Plaintiffs assert that Missouri's redistricting requirements exist "to protect voters—not political parties' electoral preferences." Pls.' Opp. at 4. This

is a false dichotomy. Of course redistricting requirements protect voters—and that includes Republican voters. In addition, those requirements operate by regulating how districts are drawn, which in turn determines how political parties organize and compete. Political parties are the primary organizational vehicles through which voters participate in elections. The two interests are intertwined, not mutually exclusive.

Plaintiffs cite *Gill v. Whitford* for the proposition that courts are not responsible for "vindicating generalized partisan preferences." 585 U.S. 48, 72 (2018). But *Gill* addressed Article III standing to bring partisan gerrymandering claims under the federal Constitution, not intervention rights in state constitutional redistricting cases.

The better analogy is to cases like *Johnson v. State*, where Missouri's Supreme Court permitted legislators to intervene in redistricting challenges because they had "specific and personal" interests in the validity of the districts from which they were elected. 366 S.W.3d 11, 20-21 (Mo. banc 2012). There the court held where intervenors have "economic interests related to their planned [ ]election efforts, including interests in preventing delay and uncertainty and in avoiding unnecessary expenditures of time and resources" that intervention is appropriate. *Id.* at 21. See also *McLinko v. Commonwealth*, 270 A.3d 1278, 1282 (Pa. Commw. 2022) ("In sum, a candidate has an interest beyond the interest of other citizens and voters in election matters.").

MRSC's organizational interest in recruiting, supporting, and electing candidates from specific districts is analogous. They have economic interests in planned election efforts, including interests in preventing delay and uncertainty and in avoiding unnecessary expenditures of time and resources. MRSC has a direct interest in the validity of the district structure within which it must operate.

### **E. MRSC's interest is not merely consequential or remote.**

Plaintiffs contend MRSC's interest is "consequential, remote, or conjectural." Pls.' Opp. at 3. This characterization is simply wrong. The filing period for congressional candidates begins in approximately three months. MRSC must recruit candidates, organize district committees, and allocate resources now based on the current map. These are immediate, concrete activities that depend on knowing which map will govern the 2026 elections. Far from being "remote," MRSC's interest could hardly be more immediate or direct.

Moreover, if H.B. 1 is invalidated, MRSC will then face the immediate burden of reorganizing its congressional district committees to conform to whatever replacement map is adopted. This burden is certain, not speculative. And it will be borne by MRSC directly, not merely as an incidental consequence of a judgment affecting others.

In sum, MRSC has established a legally protectable interest in this litigation. That interest arises from its statutory role, its organizational imperatives, and the direct impact the litigation will have on its ability to fulfill its functions. Plaintiffs' arguments to the contrary rest on an artificially narrow view of what constitutes a legal interest in redistricting cases.

### **II. MRSC'S ABILITY TO PROTECT ITS INTEREST WILL BE IMPAIRED ABSENT INTERVENTION.**

Plaintiffs argue that MRSC's interests are not impaired because it "retains full freedom to endorse, fund, and support its preferred candidates" regardless of this litigation's outcome. Pls.' Opp. at 6. This argument misses the point entirely. The question is not whether MRSC can engage in political activity in the abstract; the question is whether its ability to protect its specific interest in this litigation is impaired by its absence. There can be no question that MRSC's interest may be impaired absent intervention.

### **A. Impairment does not require a complete prohibition on MRSC's activities.**

Plaintiffs set up a straw man by suggesting that impairment requires MRSC to be legally prohibited from engaging in political activity. But that is not the standard. Rule 52.12(a)(2) requires only that "the disposition of the action may as a practical matter impair or impede the movant's ability to protect that interest." The rule recognizes practical impairment, not just legal prohibition.

Here, the disposition of this case will directly and practically impair MRSC's ability to protect its interest in organizing within a stable district structure for the 2026 elections. If MRSC is not a party, it will have no ability to present evidence, cross-examine witnesses, brief legal issues, or otherwise participate in the proceedings that will determine the map under which it must organize. That is quintessential impairment under Rule 52.12(a)(2).

### **B. MRSC's organizational imperatives confirm practical impairment.**

If successful, Plaintiffs' suit would impair MRSC's activities and force it to divert resources away from its core mission of electing Republican candidates.

As Plaintiffs themselves acknowledge, MRSC has stated it "needs certainty of the congressional districts to recruit, support and fund candidates" for the 2026 primary. Pls.' Opp. at 7. Plaintiffs dismiss this as merely an "asserted need for 'certainty'" that does not show impairment. *Id.*<sup>2</sup> But this betrays a fundamental misunderstanding of how political parties operate.

MRSC cannot effectively recruit candidates, organize volunteers, allocate resources, or plan campaign strategy without knowing which map will govern the election. The filing period opens in late February. Candidates need

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<sup>2</sup> Again, the court in *Johnson v. State*, upheld intervention on the basis of interests "in preventing delay and uncertainty." 366 S.W.3d 11, 21 (Mo. 2012)

to know now which district they will run in, which voters they will represent, and what the political landscape looks like. MRSC needs to know now where to focus its organizational efforts. Every day of uncertainty impedes MRSC's ability to prepare for the election.

Plaintiffs suggest that "certainty will be facilitated by expedient resolution of this case, an interest that Plaintiffs are advocating for already." Pls.' Opp. at 7. But that simply restates the problem. Plaintiffs control their own litigation strategy; MRSC does not. If Plaintiffs decide to pursue extensive discovery, seek multiple rounds of briefing, or otherwise extend the litigation, MRSC will have no voice in those decisions unless it is a party. And given that Plaintiffs have every incentive to prolong the case past the filing deadline (which would benefit their challenge), MRSC's exclusion from the proceedings creates a real risk that its interests will be subordinated to Plaintiffs' strategic choices.

### **III. THE STATE DEFENDANTS DO NOT ADEQUATELY REPRESENT MRSC'S INTERESTS.**

Plaintiffs devote significant attention to arguing that the State Defendants adequately represent MRSC's interests. This argument fails for multiple reasons.

#### **A. The presumption of adequate representation is rebuttable and weak.**

Plaintiffs invoke a "presumption" that government entities adequately represent citizens' interests at large, citing *Underwood*. Pls.' Opp. at 8. They then note that federal courts also invoke a presumption when two parties have the same "ultimate objective." No Missouri Court has adopted the "ultimate objective" presumption. Instead, the same case cited by Plaintiffs, explains "[i]n Missouri, the general rule has always been that the [intervention rule] should be liberally construed to permit broad intervention." *Underwood v. St.*

*Joseph Bd. of Zoning Adjustment*, 368 S.W.3d 204, 211 (Mo. App. 2012) (citing *State ex rel. St. Joseph, Mo. Ass'n of Plumbing, Heating and Cooling Contractors, Inc. v. City of St. Joseph*, 579 S.W.2d 804, 806 (Mo. App. W.D.1979)).

Even federal courts have held that the presumption weakens significantly when the proposed intervenor's interests diverge from the government's, even though both share an ultimate objective. *See Trbovich v. United Mine Workers*, 404 U.S. 528, 538 n.10 (1972) ("[T]he requirement of the Rule is satisfied if the applicant shows that representation of his interest 'may be' inadequate; and the burden of making that showing should be treated as minimal.").

MRSC has easily met this minimal burden here.

### **B. MRSC and the State Defendants have divergent interests and incentives.**

While MRSC and the State Defendants both seek to uphold H.B. 1, their interests and incentives diverge in critical respects, as described below.

#### ***First, MRSC has a direct electoral interest that the State lacks.***

MRSC exists to elect Republicans to office, including to Congress. The State, by contrast, has a generalized interest in defending its enactments but no partisan stake in who gets elected. This difference matters. MRSC will advocate vigorously for legal positions that maximize the likelihood that H.B. 1 is upheld because MRSC believes the map is favorable to Republican candidates. Courts across the country have "often concluded that governmental entities do not adequately represent the interests of aspiring intervenors." *Fund for Animals, Inc. v. Norton*, 322 F.3d 728, 736 (D.C. Cir. 2003).

#### ***Second, the State's institutional interests may diverge from MRSC's.***

Representing the State in this action, the Attorney General, represents all Missourians, not just Republicans. If the Attorney General concludes that a particular legal argument, while potentially helpful to Republicans, would set a bad precedent or conflict with other state interests, she may decline to make it. MRSC has no such constraint and can advocate single-mindedly for upholding H.B. 1.

Moreover, the Secretary's generalized interest in enforcing the law is "different" from the MRSC's interests. *See Intralot, Inc. v. Director, Ohio Dept. of Adm. Servs.*, Franklin C.P. No. 17-CV-1669, 4 (Mar. 22, 2019); *Utah Assn. of Counties v. Clinton*, 255 F.3d 1246, 1255–1256 (10th Cir. 2001). For one thing, the Secretary has no interest in electing particular candidates. *Cf. Sierra Club v. Glickman*, 82 F.3d 106, 110 (5th Cir. 1996) (per curiam). For another, he must consider a "broad spectrum of views." *Clinton* at 1256. These may include the "expense of defending" the current laws, *Clark v. Putnam Cty.*, 168 F.3d 458, 461–462 (11th Cir. 1999); the "social and political divisiveness of the election issue," *Meek v. Metro. Dade Cty., Fla.*, 985 F.2d 1471, 1478 (11th Cir. 1993) (per curiam), abrogated on other grounds by *Dillard v. Chilton Cty. Comm.*, 495 F.3d 1324 (11th Cir. 2007) (per curiam); and the interests of opposing parties, *In re Sierra Club*, 945 F.2d 776, 779–780 (4th Cir. 1991).

MRSC's ultimate "interest" in this action is "winning []election[s]" for the Republican Party. *Shays*, 414 F.3d at 86. In his official capacity, the Secretary does not share that interest *at all*. Recognizing the proposed committee intervenors were "partisan," the 5<sup>th</sup> Circuit has explained "Neither the State nor its officials can vindicate such an interest while acting in good faith." *La Union del Pueblo Entero v. Abbott*, 29 F.4th 299, 309 (5th Cir. 2022).

***Third, MRSC and the State may have different appetites for litigation risk.***

The Attorney General must balance this case against dozens of other

priorities and limited resources. MRSC, by contrast, views this case as central to its mission and is prepared to devote whatever resources are necessary to defend H.B. 1. This difference in commitment can lead to different litigation strategies. These divergences are sufficient to overcome any presumption of adequate representation.

### **C. Plaintiffs' reliance on political statements is unavailing.**

Plaintiffs note that Governor Kehoe and the Republican-controlled legislature supported H.B. 1 for partisan reasons and suggest this shows alignment between the State and MRSC. Pls.' Opp. at 9. But this argument proves too much. The fact that elected Republicans supported the map does not mean the State's institutional defense will adequately represent MRSC's partisan interests going forward.

Moreover, Plaintiffs' own argument highlights why MRSC's intervention is appropriate. If, as Plaintiffs allege, H.B. 1 was enacted with partisan objectives, then MRSC has a direct interest in defending it. Plaintiffs cannot simultaneously argue that the map is partisan and that MRSC has no interest in defending it.

### **D. *Yazzie* is distinguishable and unpersuasive, instead this Court should follow *Trbovich*.**

Plaintiffs cite *Yazzie v. Hobbs*, 2020 WL 8181703 (D. Ariz. Sep. 16, 2020), for the proposition that Republican parties' "partisan goals" do not overcome the "presumption" of adequate representation. Pls.' Opp. at 10.

In Arizona, "[w]here the party and the proposed intervenor share the same 'ultimate objective,' a presumption of adequacy of representation applies, and the intervenor can rebut that presumption only with a 'compelling showing' to the contrary." *Yazzie*, 2020 WL 8181703 (D. Ariz. Sep. 16, 2020) at \*3. In contrast, Missouri courts have held "the fact that two parties are on the same side of the dispute [or share an ultimate objective] is not enough, in

and of itself, to preclude intervention.” *Allred v. Carnahan*, 372 S.W.3d 477, 486 (Mo. App. 2012). Rather than rebutting a presumption with a compelling showing as was required in *Yazzie*, in Missouri, proposed intervenors need only make a “minimal showing” that representation “may be” inadequate. *Id.*

Further, *Yazzie* addressed a ballot-receipt deadline challenge, not redistricting. The interests at stake are fundamentally different. In ballot-deadline cases, the state’s interest in orderly election administration closely aligns with political parties’ interest in certainty. In redistricting cases, by contrast, the configuration of districts has direct and differential effects on different parties, creating a much stronger case for party intervention.

The U.S. Supreme Court’s decision in *Trbovich*, which is the source of the “minimal” burden standard for inadequacy of representation, confirms that intervention is appropriate here. See 404 U.S. at 538 n.10. *Trbovich* involved a motion to intervene by a voting union member in a suit filed by the Secretary of Labor to set aside a union election in which the rights of voting members had allegedly not been respected. *Id.* at 529–30. The Supreme Court held the Secretary’s representation was inadequate given his “duty to serve two distinct interests”: to vindicate the “rights” of “individual union members” and “assuring free and democratic union elections that transcends the narrower interest of the complaining union member.” *Id.* at 538–39. These two functions “may not always dictate precisely the same approach to the conduct of the litigation.” *Id.* at 539. So “[e]ven if the Secretary is performing his duties, broadly conceived, as well as can be expected, the union member may have a valid complaint about [his] performance,” which is “sufficient to warrant ... intervention” as of right. *Id.* So too here, the Secretary has duties relating to the conduct of election that transcend the “narrower interest” of MRSC, giving it sufficient grounds to intervene. *Id.*

## IV. PERMISSIVE INTERVENTION IS APPROPRIATE IN THE ALTERNATIVE.

Even if the Court finds that MRSC has not satisfied all three elements for intervention as of right, permissive intervention is appropriate under Rule 52.12(b).

### A. MRSC's defenses and the main action share common questions of law and fact.

MRSC's proposed Answer raises numerous defenses to Plaintiffs' claims, including standing, failure to state a claim, and the justiciability of Plaintiffs' redistricting challenges. These defenses turn on the same legal questions as the main action: whether Plaintiffs have adequately alleged violations of Article III, Section 45; whether the mid-decade timing of H.B. 1 is constitutionally permissible; and whether Plaintiffs have shown that the map violates compactness and contiguity requirements. These are quintessential common questions of law and fact sufficient to support permissive intervention.

### B. MRSC will not cause undue delay.

Plaintiffs' primary objection to permissive intervention is that MRSC will cause "undue delay." Pls.' Opp. at 11-12. This concern is unfounded for several reasons.

#### *First, MRSC has moved to intervene promptly.*

The case was filed in September 2025, and MRSC moved to intervene in November 2025. To date, this Court has issued no rulings on the merits. No discovery has taken place. No scheduling order has been issued. This case remains in its infancy, so the participation of MRSC in it cannot prejudice any existing party or cause any delay. See *Pius v. Boyd*, 857 S.W.2d 238, 242 (Mo. App. 1993) ("[I]f an application to intervene as of right is made before trial, leave to intervene is rarely denied[.]").

***Second, MRSC is prepared to adhere to the court ordered schedule.***

Although no scheduling order has been issued to date, MRSC is prepared to proceed expeditiously and according to any court ordered schedule. In fact, MRSC's participation may expedite resolution by ensuring that all relevant defenses are presented efficiently in a single proceeding rather than through amicus briefs or subsequent collateral challenges.

***Third, the alleged urgency is overstated.***

Plaintiffs claim that the filing period opens in "late February—three months from now" and suggest any delay will irreparably harm voters. Pls.' Opp. at 12. But courts routinely resolve redistricting challenges on expedited schedules even with multiple parties. Adding one additional defendant will not meaningfully delay the proceedings. And if Plaintiffs are genuinely concerned about timing, they can seek expedited discovery and briefing schedules—measures that are far more effective than excluding a party with a direct interest in the outcome.

**C. MRSC offers unique perspectives and will aid the Court's resolution.**

Contrary to Plaintiffs' assertions, MRSC does bring unique perspectives that will aid the Court. MRSC can provide evidence and testimony about the real-world effects of different district configurations on party organizing, candidate recruitment, and voter turnout. MRSC can also offer expert analysis of redistricting criteria and how they were applied in H.B. 1. This evidence and testimony will supplement the State's more general institutional defense and provide the Court with a fuller picture of the practical implications of its ruling.

**D. The risk of additional intervenors is speculative and manageable.**

Plaintiffs warn that allowing MRSC to intervene will "invite other partisan actors to intervene and cause further delay." Pls.' Opp. at 12. This is

pure speculation. No other party has moved to intervene, and Plaintiffs identify no reason to believe others will do so. The possibility of future motions to intervene is not a valid reason to deny MRSC's timely motion.

#### **E. An amicus role is inadequate.**

Plaintiffs suggest that MRSC should participate as amicus rather than as a party. Pls.' Opp. at 2, 13. But amicus participation is a poor substitute for party status. An amicus cannot present evidence, cross-examine witnesses, conduct discovery, or participate fully in motion practice. An amicus also has no right to appeal. If MRSC's interests are sufficient to warrant participation in the case—and they are—then it should be allowed to participate as a party with full procedural rights.

#### **F. Permissive intervention is within the Court's discretion and warranted here.**

Permissive intervention lies within the Court's sound discretion. MRSC has satisfied the threshold requirement of common questions of law and fact. It has demonstrated that its participation will not cause undue delay or prejudice. And it has shown that its unique perspectives and direct interests warrant party status. The Court should exercise its discretion to grant permissive intervention.

The crux of Plaintiffs' suit and their own partisan interests are set forth in their Petition:

[The new map's] effect and intent are instead to transform what has long been a seat anchored in the Democratic-leaning Kansas City metropolitan area into a district dominated by rural, Republican-leaning counties...[and] directly endangers Rep. Cleaver's reelection[.]

Plaintiffs' Petition, ¶176. As other courts have recognized, granting partisan entities permissive intervention in election-related cases brought by opposing partisan entities is appropriate because the entities are "direct counterparts" and, thus, "are uniquely qualified to represent the 'mirror-image' interests of"

those entities. *Democratic Natl. Commt. v. Bostelman*, 2020 WL 1505640, \*5 (W.D.Wis. Mar. 28, 2020), quoting *Builders Assn. of Greater Chicago v. City of Chicago*, 170 F.R.D. 435, 440 (N.D.Ill. 1996).

Finally, granting intervention would promote the legitimacy of the Court's decision-making process. Election-law cases have a unique potential to cause controversy and to undermine confidence in our system of government because they involve judges determining the rules under which the democratic process will take place. Regardless of the final outcome, members of the public of all political stripes can more readily accept a court's decision as the fair and impartial application of the law when all sides of the political spectrum have had a chance to make their case. The Court should not decide an important question about the lawfulness of this State's redistricting plan without at least hearing the views of one of the State's and the country's two major political parties.

## CONCLUSION

MRSC has a direct, legally protectable interest in this redistricting litigation. Its ability to protect that interest will be impaired if it is excluded from the proceedings. And the State Defendants, with their broader institutional responsibilities and different incentives, cannot adequately represent MRSC's focused interest in ensuring that H.B. 1 is upheld. At minimum, MRSC has established grounds for permissive intervention. The motion to intervene should be granted.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served via the Court's electronic filing system on November 23, 2025 on all parties of record.

*/s/ Marc H. Ellinger*