

IN THE SUPREME COURT OF MISSOURI

ELIZABETH HEALEY, et al.,

Appellants,

v.

Case No. SC101570

STATE OF MISSOURI, et al.,

Respondents.

MOTION TO EXPEDITE APPELLATE PROCEEDINGS AND CONSOLIDATE APPEALS

Appellants move this Court for an Order (1) consolidating this appeal with the appeal of *Wise v. State*, Case No. SC101572, so that while each set of appellants shall file separate briefs, both appeals may be briefed, argued, and decided on a common schedule, and (2) expediting all proceedings in the consolidated appeal. In support, Movants state:

1. This matter involves Appellants’ challenge to the constitutionality of House Bill 1 (2025) (“H.B. 1”) purporting to put in place a new congressional map for the 2026 election.

2. The *Wise* Appellants filed their claims the same day the General Assembly adopted H.B. 1, on September 12, 2025, and the *Healey* Appellants filed their claims the same day the Governor signed H.B. 1, on September 28, 2025. The *Wise* Appellants’ claims alleged H.B.1 violates Article III, § 45 of the Missouri Constitution’s prohibition on mid-decade redistricting (Count I), and that Congressional Districts 4 and 5 violate Article III, § 45’s compactness requirement (Count II), equal population requirement (Count III), and

contiguity requirement (Count IV). The *Healey* Appellants' claims alleged H.B. 1 violates Article III, § 45 of the Missouri Constitution's prohibition on mid-decade redistricting (Count I), and that Congressional Districts 4, 5, and 6 violate Article III, § 45's compactness requirement (Count II).

3. On December 10, 2025, by Order of the Circuit Court, proceedings on Count I in both the *Wise* and *Healey* cases were stayed pending resolution of a similar claim that was pending before the Missouri Supreme Court in *Luther v. Hoskins*, Case No. SC101412. On that same date, the Circuit Court also granted the Missouri Republican State Committee's ("Intervenor-Appellant") motion to intervene as a defendant in both cases.

4. On January 7, 2026, Intervenor-Appellant applied for a change of judge under Rule 51.05(b), twenty-eight days after its intervention was granted and less than three weeks before a joint bench trial on Counts II through IV of the *Wise* Appellants' Petition and on Count II of the *Healey* Appellants' Petition was set to begin in front of the judge the change was taken from. As a result, the matter was reassigned and the trial delayed.

5. From February 17 to 20, 2026, a bench trial on Counts II through IV of the *Wise* Appellants' Petition and Count II of the *Healey* Appellants' Petition was held in front of the Circuit Court judge to whom the case was reassigned. By agreement of the parties and order of the Circuit Court, the evidence presented at trial constitutes a single, joint record applicable to both matters.

6. On March 12, 2026, the Circuit Court entered an Order and Judgment denying the *Wise* Appellants' request for relief on Counts II through IV and the *Healey*

Appellants' request for relief on Count II and entering judgment in favor of Defendants. In that Order and Judgment, the Court stated that Count I in both cases remained stayed pending a decision in *Luther*.

7. On March 16, 2026, the *Wise* and *Healey* Appellants filed notices of voluntary dismissal of their respective Counts I, making the Court's March 12, 2026 Order and Judgment a final judgment resolving all claims in each case. *See State ex rel. Henderson v. Asel*, 566 S.W.3d 596, 599 n.2 (Mo. banc 2019).

8. On March 19, 2026, *Wise* Appellants filed a Notice of Appeal of the March 12, 2026 Order and Judgment. The *Healey* Appellants filed a Notice of Appeal of the same order and judgment on March 20, 2026.

9. Appellants in both cases also filed Motions to Shorten Time pursuant to Rule 81.045, to permit expedited appellate review of the final Order and Judgment, which the Circuit Court granted on March 20, 2026.

10. Appellants now respectfully request expedited proceedings in this Court.

11. Appellants have good cause to request an expedited appellate schedule because the final outcome of this litigation will determine which congressional map governs the upcoming elections, Appellants will be prejudiced absent expedition, and there is a strong public interest in establishing certainty and constitutionality of the state's congressional lines before the August 4, 2026 primary elections.

12. As the evidence at trial established, the congressional map enacted in 2022 remains the operative map in the Missouri Centralized Voter Registration System. The local election authorities ("LEAs") for Kansas City and Jackson County anticipate that the

earliest they would be able to begin implementation of H.B. 1's newly enacted congressional districts is in late April, and under the current schedule, May 24, 2026, is the final certification date for the August primary election. LEAs have testified that any implementation of H.B. 1's newly enacted congressional districts must occur prior to the certification date and typically takes approximately two weeks. In order to allow for timely resolution of this case and minimize any disruption to election administration, the appellate process should not be delayed.

13. Absent an expedited appeal, Appellants risk being denied a meaningful opportunity to appeal the Circuit Court's ruling in time for the upcoming primary elections. They, along with hundreds of thousands of other voters, face the prospect of voting under a congressional map this Court could ultimately recognize as unconstitutional.

14. No other party will be prejudiced by consolidation of the appeals or an expedited schedule and resolution. In fact, it is in the best interest of all parties involved to resolve this litigation expeditiously.

15. Appellants respectfully request that the Court adopt a briefing and submission schedule reflecting the need to resolve this matter expeditiously. To that end, Movants suggest that Appellants file their briefs on March 31, 2026; Respondents file their briefs on April 9, 2026, and Appellants file their reply brief on April 13, 2026. Movants further request that the Court schedule this matter for oral argument on April 15, 2026, or within ten days thereafter.

16. Appellants have conferred with State and Intervenor Respondents. They each seek four weeks to file their response briefs. This position indicates that they do not agree

in expediting the appeal, as 30 days to respond is the normal timeframe for any appeal in this Court. Such delay in this case is untenable, given the State's choice to enact H.B. 1 mid-decade and in an emergency session of the General Assembly, and the rapidly approaching election deadlines, namely the May 26 certification date for the August primary elections. Appellants are preparing their appellate briefs with all deliberate speed and propose a schedule that would allow this Court to resolve this matter without disturbance to these deadlines. Respondents' proposed four-week allowance for response briefs would run this Court right up against those deadlines and is contrary to this Court's repeated recognition that election deadlines and precedent provide "compelling reasons for [it] to promptly hear and rule on cases having effect on elections in view of the short timetables involved." *State ex rel. Teichman v. Carnahan*, 357 S.W.3d 601, 604 (Mo. banc 2012). Respondents' proposal is also in tension with their contention below (and in *Luther*) that it is too late for a Court to enjoin the use of the 2025 map in advance of upcoming elections. This is false: as noted above, the administrative status quo is the 2022 map. Election officials may not even begin to implement the 2025 map until late April at the earliest, and there is sufficient time for the parties to brief and argue this case to minimize disruption to the August primary election calendar.

17. Even as an equitable matter, Respondents cannot claim it is too late to adjudicate Appellants' claims while prolonging the appellate briefing schedule without just cause—particularly given that Respondents have consistently sought to delay the Circuit Court proceedings at every stage, including by moving for a last-minute change of judge less than three weeks before trial was originally scheduled to begin. Moreover, all parties

have thoroughly briefed the legal claims in this case multiple times below. Having manufactured delay, Respondents cannot now invoke the resulting time pressure as a shield against meaningful appellate review.

18. Appellants respectfully request that the Court shorten the response deadline for this Motion to three days and allow one day for any reply. Prompt resolution of this Motion is necessary to allow sufficient time for the parties to brief and argue the merits and for this Court to issue its decision in advance of upcoming primary election deadlines.

WHEREFORE, Appellants respectfully request this Court enter its order consolidating this appeal with *Wise v. State* for proceedings before this Court, expediting appellate proceedings in this matter, adopting an expedited briefing and final resolution timeline, and for any such other relief as the Court deems proper.

Dated: March 24, 2026

Respectfully submitted,

/s/ J. Andrew Hirth
J. Andrew Hirth, #57807
TGH LITIGATION LLC
28 N. 8th St., Suite 200
Columbia, MO 65201
Telephone: (573) 256-2850
andy@tghlitigation.com

Kristin M. Mulvey, MO #76060
Jonathan D. Schmid, MO #74360
ACLU OF MISSOURI FOUNDATION
906 Olive Street, Suite 1130
St. Louis, MO 63101
Telephone: (314) 652-3114
kmulvey@aclu-mo.org
jschmid@aclu-mo.org

Abha Khanna*
ELIAS LAW GROUP LLP
1700 Seventh Avenue, Suite 2100
Seattle, WA 98101
(206) 656-0177
akhanna@elias.law

Gillian R. Wilcox, MO #61278
Jason Orr, MO #56607
ACLU OF MISSOURI FOUNDATION
406 W. 34th Street, Suite 420
Kansas City, MO 64111

Harleen Kaur Gambhir*
Tina Meng Morrison*
Julianna D. Astarita*
ELIAS LAW GROUP LLP
250 Massachusetts Ave. NW, Suite 400
Washington, D.C. 20001
Telephone: 202-968-4490
hgambhir@elias.law
tmengmorrison@elias.law
jastarita@elias.law

* *Pro hac vice motion forthcoming*

Attorneys for Healey Plaintiffs

Telephone: (816) 470-9938
gwilcox@aclu-mo.org
Jorr@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
Telephone: (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
Telephone: (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
Telephone: (212) 549-2500
mcheung@aclu.org
dcampbell-harris@aclu.org
slakin@aclu.org

Attorneys for Wise Plaintiffs

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 March 24, 2026.

/s/ J. Andrew Hirth

