IN THE SUPREME COURT OF MISSOURI

TERRENCE WISE, et al.,

Appellants,

v.

Case No. SC101572

STATE OF MISSOURI, et al.,

Respondents.

APPELLANTS' REPLY IN SUPPORT OF MOTION TO EXPEDITE APPELLATE PROCEEDINGS AND CONSOLIDATE APPEALS

Appellants write to reply in brief to two points raised by State and Intervenor Respondents' opposition to Appellants' Motion to Expedite Appellate Proceedings and Consolidate Appeals.

First, State Respondents claim that Appellants "made a strategic decision not to expedite proceedings at the beginning of the lawsuit." That is incorrect. Appellants have sought to expedite since the inception of these proceedings and at every turn. Indeed, Appellants filed suit as soon as the General Assembly passed H.B. 1 in *Wise* and when the Governor signed the bill in *Healey*. Appellants immediately sought preliminary relief on the purely legal claim (Count I) and requested an expedited trial on the remaining more fact-dependent claims. The State *refused* to respond to Appellants' request for preliminary relief pending resolution of a motion to dismiss. And the first time the parties were called to a scheduling conference by the Circuit Court—the first of any hearing in the case—was not until November 24, 2025, more than ***2 months*** after Appellants filed suit and requested

a status conference. (D5-7) Only thereafter did the State respond to Appellants' preliminary injunction motion. At that point, the Circuit Court set a January 2025 trial date, and the parties proceeded to discovery in accordance with that date. But that was not before State Respondents sought a 3-week continuance of trial, which was denied. Intervenor Respondent then waited until 28 days after intervention and just weeks before the scheduled trial to apply for a change of judge—forcing reassignment and the three-week delay the State had originally sought. Appellants are understanding of the inconvenience arising from expedition—but any compression of time for proceedings on this end of the litigation is a direct result of State and Intervenor Respondents' delay at the outset of these cases.

Second, Respondents' contention that it is too late under the so-called *Purcell* principle to conduct appellate review and, if necessary, enjoin H.B. 1, is also wrong. No steps have yet been taken by local election authorities (LEAs) to implement H.B. 1, so the administrative status quo remains the 2022 Plan. In fact, as of trial in late February, the Kansas City Board of Election had received orders from the Secretary of State to "hold" on implementing the new 2025 Plan.

Furthermore, *Purcell* has no application here. The *Purcell* principle is animated by federalism concerns that counsel against a federal court altering state election rules on the eve of an election. *See Republican Nat'l Comm. v. Democratic Nat'l Comm.*, 589 U.S. 423, 424 (2020) (citing *Purcell v. Gonzalez*, 549 U.S. 1 (2006)). This case is brought in state court under state law, making *Purcell* inapplicable. Nor do *Purcell*-like election timing concerns bear on this case. In Missouri, candidates do not have to live in the congressional

districts in which they are running, and candidates regularly declare and begin campaigning before the district lines are set. Therefore, any court order enjoining H.B. 1 and reverting to the 2022 Map would not impact candidates' eligibility to run in the district(s) for which they filed. Such was the case in 2022; the candidate filing period ran from February 22 to March 29. New congressional districts were not enacted until May 11, 2022, and the LEAs implemented those districts in time for the August primary election without any harm to candidates or the public. Thus, any changes to district lines that may follow from an appeal in this case would be well within the reasonable timeframe for congressional map implementation in Missouri—if the appellate proceedings proceed swiftly enough to conclude with enough time for implementation before the May 26, 2026 certification deadline for the primary election. Appellants respectfully request such a schedule.

Finally, while Appellants have sought to propose a compressed schedule to allow this Court to hold oral argument during its existing argument dates, if the Court is amenable to holding a special sitting, Appellants would propose an alternative schedule where Appellants file their briefs on March 31, 2026; Respondents file their briefs on April 20, 2026; and Appellants file their reply briefs[1] on April 24, 2026, with oral argument to be held in late April.

[1] While there are two sets of parties on both sides of this case, *Wise* Appellants intend to file only **one** reply brief that jointly responds to **both** Respondents' response briefs. *Healey* Appellants will do the same.

Dated: March 27, 2026

Respectfully submitted,

/s/ *Kristin M. Mulvey*

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** Pro hac vice motion forthcoming*

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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 27, 2026.

/s/ Kristin M. Mulvey