

IN THE SUPREME COURT OF MISSOURI

NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE
MISSOURI STATE CONFERENCE, et al.,

Appellants,

Case No. SC101541

v.

GOVERNOR MIKE KEHOE, et al.,

Respondents.

**STATE’S OPPOSITION TO APPELLANTS’ MOTION TO EXPEDITE
APPELLATE PROCEEDINGS**

Respondents Governor Mike Kehoe, Attorney General Catherine Hanaway, Cindy O’Laughlin, Jon Peterson, and the State of Missouri (collectively “the State”) have, again and again, complied with the Rules in this litigation and in good faith. Now, nearly a month and a half since judgment was entered and after Appellants lost their bench trial, Appellants ask this Court to substantially restrict the State’s briefing time while declining to reduce their own deadlines whatsoever. Appellants offer no justification for imposing this unequal burden on the State. The Court should therefore deny the motion—for at least two reasons.

First, Appellants’ proposed deadlines are highly prejudicial and inequitable. Appellants seek to reduce the State’s time to develop and submit briefing by *thirty* percent (21 instead of the allotted 30 days) while not reducing their own time for reply at all (they will have 17 days). Mot. ¶ 12. Appellants ask for expedition, but only if *the State* has to bear the burden. By April 10, Mot. ¶ 12, Appellants will have had nearly two months to

prepare opening briefs and then a full 17 days to draft reply briefs. Meanwhile, the State will only be afforded 21 days to digest and respond. This is improper and prejudicial.

Even worse, Appellants' own dilatory approach has delayed the start of briefing on this case. The circuit court entered judgment on February 13, a month and a half ago. Mot. ¶ 3. Appellants waited two weeks to file their notice of appeal. Mot. ¶ 4. Then they waited several more days to file an order to shorten time to finalize the judgment. Mot. ¶ 5. Then, after that order was granted, Appellants waited *another* two weeks to request the legal file. Now, Appellants want the State to shoulder the weight of expedition when Appellants have frittered away weeks. Beyond this profound unfairness, adopting Appellants' proposed schedule would short-circuit the appellate process established in this Court's Rules, inhibit a fulsome response on a key matter of public and constitutional concern, and ultimately waste judicial resources.

Second, Appellants' need for speed has no justification. Appellants cite the June 9 "ballot printing deadline" as necessitating expedition—expedition whose costs fall entirely on the State. Mot. ¶ 9, 12. This deadline is irrelevant. While Appellants' demand "certainty," Mot. ¶ 9, their proposed relief would actually shatter reliance interests statewide in the midst of an ongoing election process predicated on the enacted, constitutional 2025 map. To that end, equitable principles strongly favor denying Appellants' request. It is far too late to change the congressional map for the 2026 elections. Indeed, candidate filing ends in just a few days (March 31, 2026), § 115.349, RSMo, and changing the congressional map after candidate filing is done would impose extraordinary harms on candidates and voters. *See Abbott v. League of United Latin Am.*

Citizens, 146 S. Ct. 418, 419 (2025) (staying injunction under *Purcell* following start of candidate filing period).

Under these circumstances, the *Purcell* principle forecloses a judicial order to use a new congressional map for the 2026 elections. *See id.* The current map has been in effect December 2025. Although litigants filed a series of challenges to the map, *no* court has enjoined its use.¹ Consequently, candidates have been preparing to run under the 2025 map for several months. In the lead-up to candidate filing, candidates made decisions about what congressional district seat to run for, planned their campaign strategies, and have publicly announced their candidacy in reliance on the 2025 map. And as the candidate filing period closes in a few days on March 31, congressional candidates have announced their campaigns in all of Missouri’s congressional districts. By the time this Court rules, any change to the districts will damage voters’ “confidence in the fairness of the election” and sow chaos. *Democratic Nat’l Comm. v. Wis. State Legislature*, 141 S. Ct. 28, 31 (2020) (Kavanaugh, J., concurring in denial of application to vacate stay). Such relief would almost certainly result in candidates running in districts in which they do not actually live, confusing voters and undermining public confidence in the fairness of Missouri’s elections. *See Wis. State Legislature*, 141 S. Ct. at 29 (Gorsuch, J., concurring in denial of application to vacate stay) (highlighting this risk when courts order late changes to election rules).

¹ *See Luther v. Hoskins*, No. SC101412 (Mo. 2025); *Healey et al. v. State*, No. 2516-CV31273 (Jackson Cnty. 2025); *Wise et al., v. State*, No. 2516-CV29597 (Jackson Cnty. 2025); *Maggard et al., v. State*, No. 25AC-CC09120 (Cole Cnty. 2025).

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Appellants’ motion is patently inequitable—a tardy rush to short-circuit the Rules after weeks of Appellants’ self-imposed delays. See *State ex rel. Jones v. Syler*, 936 S.W.2d 805, 808 (Mo. banc 1997) (“[S]auce for the goose is sauce for the gander.”). And, in any case, any relief should not take effect until after the 2026 election, so it would be to the benefit of all parties that this case is carefully briefed and fully considered by this Court. For all these reasons, the State respectfully requests that this Court deny Appellants’ request for an expedited appeal.

Dated: March 28, 2026

Respectfully submitted,

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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 28, 2026.

