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DIVISION 11
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CIRCUIT COURT OF JACKSON COUNTY, MO
BY DCA

IN THE CIRCUIT COURT OF JACKSON COUNTY
AT KANSAS CITY

TERRENCE WISE, et al.,	)	
Plaintiffs,	)	
v.	)	Case No. 2516-CV29597
	)	Division 11
STATE OF MISSOURI, et al.,	)	
Defendants.	)	
and	)	
ELIZABETH HEALEY, et al.,	)	
Plaintiffs,	)	
v.	)	Case No. 2516-CV31273
	)	Division 11
STATE OF MISSOURI, et al.	)	
Defendants.	)	

ORDER AND JUDGMENT

These cases, *Wise v. State* and *Healey v. State*, were joined for trial and came before the Court for a bench trial beginning February 17, 2026. The trial concluded with closing arguments on February 20, 2026. Plaintiffs in both cases request this Court declare the congressional districting plan enacted by the Missouri General Assembly in 2025 ("2025 Plan") unconstitutional, enjoin the implementation of the 2025 Plan, and declare the 2022 congressional districting plan enacted in 2022 ("2022 Plan") is the legally operative map for the 2026 congressional elections in Missouri.

Courts should not "interfere with the political process by finding a redistricting map unconstitutional" unless the plaintiff meets the heavy burden required under Missouri law. *Faatz v. Ashcroft*, 685 S.W.3d 388, 396 (Mo. banc 2024). The Supreme Court of this State succinctly

stated, "[t]hese decisions are political in nature and best left to political leaders, not judges." *Pearson v. Koster*, 359 S.W.3d 35, 39 (Mo. banc 2012) (*Pearson I*). Redistricting maps "could be drawn in multiple ways, all of which might meet the constitutional requirements." *Id*.

Under Missouri law, a plan enacted by the General Assembly is "assumed to be constitutional and will not be held unconstitutional unless the plaintiff proves that it clearly and undoubtedly contravenes the constitution." *Faatz*, 685 S.W.3d at 396 (quoting *Johnson v. State*, 366 S.W.3d 11, 20 (Mo. banc 2012)). Additionally, Plaintiffs must prove a challenged plan "plainly and palpably affronts fundamental law embodied in the constitution." *Pearson v. Koster*, 367 S.W.3d 36, 43 (Mo. banc 2012) (*Pearson II*) (quoting *Mo. Prosecuting Att'ys v. Barton Cnty.*, 311 S.W.3d 737, 740 (Mo. banc 2010)). "All doubts are 'resolved in favor of the constitutionality of the statute.'" *Id*. (quoting *Barton Cnty.*, 311 S.W.3d at 741).

Guided by these standards and after careful consideration of the evidence presented at trial, Plaintiffs failed to meet the heavy burden required under Missouri law. This Court finds and concludes Plaintiffs failed to prove clearly and undoubtedly that the 2025 Plan was not as compact as may be. *See Pearson II*, 367 S.W.3d at 69 (Fischer, J. concurring). This Court finds that the 2025 Plan complies with the constitutional mandate that Missouri's congressional districts be divided into "contiguous territory as compact and as nearly equal in population as may be." Mo. Const. art. III, sec. 45. Accordingly, this Court will respect the political determinations of the General Assembly and it denies the Plaintiffs' requested relief. *See Pearson I*, 359 S.W.3d at 40.

Procedural History

On September 12, 2025, the *Wise* Plaintiffs filed a petition in this Court (case 2516-CV29597) seeking injunctive and preliminary relief against (1) the State of Missouri ("the State") and Secretary of State Denny Hoskins ("the Secretary"), in his official capacity (collectively,

"State Defendants") and (2) the Jackson County Board of Election Commissioners, including the individual directors thereof in their official capacities, and the Kansas City Board of Election Commissioners including the individual directors thereof in their official capacities (collectively, "Board Defendants"). The *Wise* Plaintiffs alleged four claims for relief.

Count I alleges that the 2025 Plan is unconstitutional because the General Assembly lacked the power to congressionally redistrict mid-decade under Article III, section 45 of the Missouri Constitution. Count II alleges that the 2025 Plan violated section 45's requirement that congressional districts be "as compact . . . as may be." Count III alleges that the 2025 Plan violated section 45's equal population requirement because of the purported "double assignment" of Voting Tabulation District ("VTD") KC 811. Count IV alleges the double counting of VTD KC 811 in the 2025 Plan violates section 45's contiguity requirement.

The same day the *Wise* Plaintiffs filed their petition, they filed a motion for preliminary injunction and consolidation of trial on Count I with a preliminary injunction hearing. On September 19, 2025, State Defendants filed a motion to dismiss the *Wise* Petition or, in the alternative, transfer venue of each claim to Cole County. On November 8, 2025, Intervenor-Defendant Missouri Republican State Committee filed a motion to intervene in the suit.

On September 28, 2025, the *Healey* Plaintiffs filed their petition in this Court (2516-CV31273) seeking injunctive and preliminary relief against (1) State Defendants and (2) Board Defendants. The *Healey* Plaintiffs alleged two claims. Count I, like *Wise* Count I, alleges that the 2025 Plan is unconstitutional because the General Assembly lacked the power to congressionally redistrict mid-decade under Article III, section 45 of the Missouri Constitution. Count II alleges that the 2025 Plan and Congressional Districts 4, 5, and 6 in the 2025 Plan, in particular, violate section 45's requirement that congressional districts be "as compact . . . as may be."

On September 29, 2025, the *Healey* Plaintiffs filed a motion for preliminary injunction and consolidation of trial on Count I with preliminary injunction hearing. On October 17, 2025, State Defendants filed a motion to dismiss the *Healey* Petition, or in the alternative, transfer venue of each claim to Cole County. On November 17, 2025, Intervenor-Defendant Missouri Republican State Committee filed a motion to intervene in the suit.

On December 9, 2025, the Circuit Court of Cole County concluded that the General Assembly had plenary authority to enact House Bill 1 and the 2025 Plan in *Luther v. Hoskins*, case number 25AC-CC06964. That case is currently under review by the Supreme Court of Missouri, in case number SC101412. On December 10, 2025, Division 15 of this Court denied Defendants' Motion to Dismiss and granted transfer of the *Healey* case to Division 15 joining *Wise* and *Healey* cases for any future hearings and trials. The Missouri Republican State Committee's request to intervene was granted in both cases. Division 15 stayed proceedings in Count I of the *Wise* and *Healey* cases regarding mid-decade redistricting claims pending the Supreme Court of Missouri's review of *Luther*.

On January 7, 2026, Intervenor filed an application for a change of judge. On January 12, 2026, the *Wise* and *Healey* cases were assigned to Division 11. Both cases were set for a bench trial on February 17, 2026, on *Wise* Counts II, III, and IV, and *Healey* Count II. On February 11, 2026, Plaintiff Ashley Ball dismissed her claims in the *Wise* case without prejudice. The Court held a bench trial from February 17 to February 20, 2026.[1] The Jackson County Board of Election Commissioners and the Kansas City Board of Election Commissioners ("Board Defendants")

[1] Before closing arguments, the Plaintiffs, State Defendants, and Intervenor jointly submitted deposition designation testimony of four witnesses as part of the trial record. The Court has reviewed and considered the testimony in addition to all evidence presented at trial. The Court did not rely on objected to testimony in reaching its judgment.

appeared through counsel before openings statements on February 17, 2026, but otherwise did not participate in the trial. Plaintiffs, State Defendants, and Intervenor submitted proposed judgments on March 2, 2026.

Before opening statements, counsel for Plaintiffs and State Defendants orally requested findings of fact and conclusions of law. Specifically, State Defendants only requested "findings of fact," and the *Healey* Plaintiffs' counsel requested findings of fact "particularly, on the disputed issues of fact here." These general requests do not trigger the Court's duty to make specific findings of fact and conclusions of law under Rule 73.01(c). *See Tolu v. Stientjes*, 703 S.W.3d 619, 634 (Mo. App. E.D. 2024); *Pentecost v. Webster*, 674 S.W.3d 195, 215 (Mo. App. S.D. 2023). *See also Tribus, LLC v. Greater Metro*, *Inc.*, 589 S.W.3d 679, 697 (Mo. App. E.D. 2019) (stating that it is the party's duty to identify the issues to be included if a party desires findings of fact and conclusions of law); *Berlin v. Pickett*, 100 S.W.3d 163, 167 (Mo. App. W.D. 2003) (emphasis added) (stating that "even if a request for findings of fact under Rule 73.01 is made, a trial court need not make findings of fact unless the movant *clearly and unequivocally specifies the controverted fact issues*"). Here, the parties' request did not identify or specify any controverted fact issues. Therefore, the parties' request for findings of fact was "facially deficient." *Berlin*, 100 S.W.3d at 167. The Court also notes that a general request for findings of fact and the submission of proposed findings to assist the trial court are insufficient to require the trial court to make specific findings under Rule 73.01(c). *Tolu*, 703 S.W.3d at 634.

The Court instead views the request as one for a statement of grounds for its decision. *See Berlin*, 100 S.W.3d at 166-67. Nonetheless, the Court has made some factual findings it deems appropriate and has given grounds for its decision under Missouri law. All facts not specifically

found in this judgment should be interpreted as having been found in accordance with the judgment and decision below. *Tribus,* 589 S.W.3d at 697.

Findings of Fact

Statistical Measures of Compactness

1. Both sides' experts relied upon the Reock measure, which is one of the first statistical measures of compactness invented. The Reock measure compares the area of the district to the area of the smallest circle that wholly encompasses the district—also known as the "minimum bounding circle."

2. Both sides' experts also relied upon the Polsby-Popper measure, which calculates the percentage of a circle with the same perimeter as the district that the district would fill.

3. Even Plaintiffs' experts acknowledged that courts have relied on the Reock and Polsby-Popper measures for "decades," and that they are the two measures "that come up most frequently."

4. Both sides' experts agree that the 2025 Plan is more compact statewide than the 2022 Plan on the Polsby-Popper measure.

5. The 2025 Plan is also more compact statewide than the 2022 Plan on the Reock measure as calculated by one common redistricting and mapping software, Maptitude.

6. Every district in the 2025 Plan—including each of the three challenged districts—is more compact than the least compact district in the 2022 Plan on the Reock and Polsby-Popper measures.

7. District 4 is more compact on the Polsby-Popper measure in the 2025 Plan than it was in the 2022 Plan.

8. District 6 is more compact on both the Reock and Polsby-Popper measures in the 2025 Plan than it was in the 2022 Plan.

9. As both sides' experts acknowledge and this Court finds, the 2025 Plan also outperforms the 2012 Plan on statistical measures of compactness which the Supreme Court of Missouri upheld in *Pearson II*.

10. The 2025 Plan scores better as a whole on compactness than the 2012 Plan on both the Reock and Polsby-Popper measures.

11. Even the three districts Plaintiffs challenge are more compact in the 2025 Plan than the versions of those districts in the constitutionally compact 2012 Plan.

12. Districts 5 and 6—which the Supreme Court of Missouri specifically addressed and upheld in the 2012 Plan—are more compact on the Polsby-Popper and Reock measures as calculated by both Maptitude and Dave's Redistricting Application.

13. District 4 is more compact on the Polsby-Popper measure, has the same Reock score according to Maptitude, and has a minimally lower Reock score (.02) according to Dave's Redistricting Application.

14. Each of Districts 4, 5, and 6 in the 2025 Plan are more compact on the Reock and Polsby-Popper measures than the least compact district in the 2012 Plan.

15. The Court finds Dr. Trende credible in his assessment that Districts 4, 5, and 6 in the 2025 Plan "fall within the range of what's been draw[n] in Missouri in fairly recent maps."

16. The 2025 Plan performs better statewide on the Convex Hull score, another compactness measure, versus the 2022 or 2012 maps. In fact, the 2025 Plan is the best performing map, on average, in terms of Convex Hull score since at least before 1972.

17. Dr. Trende found that the 2025 Plan has an average Convex Hull score of 0.802. This compares favorably to an average score of 0.786 for the 2022 Plan and 0.752 for the 2012 Plan. Dr. Trende also compared the 2025 Plan against Missouri's State House and Senate maps' Convex Hull scores. He found that the 2025 Plan outperformed both state legislative maps which scored 0.755 for the House and 0.757 for the Senate. Comparing the 2025 Plan to historical Missouri congressional maps back to 1972, Dr. Trende found that the 2025 Plan's average Convex Hull score is the highest recorded.

18. The Schwartzberg compactness measure "is a ratio that compares the perimeter of a district to the perimeter of a circle of equal area." "A circle would also score a value of one on the Schwartzberg index and less compact shapes are represented by values greater than one." The larger the number, the less compact the district.

19. The 2025 Plan performs better statewide on the Schwartzberg score.

20. The 2025 Plan has a mean Schwartzberg score of 1.71. This compares favorably to a mean score of 1.84 for the 2022 Plan and 1.98 for the 2012 Plan. The 2025 Plan has a narrower standard deviation than its predecessors as well: 0.26 under the 2025 Plan versus 0.32 under the 2022 Plan and 0.27 under the 2012 Plan. This demonstrates the 2025 Plan scores well on compactness and that its district scores within the plan are more equal to one another.

21. IKIWISI, or "I know it when I see it," derive scores from interviewing "judges, redistricting experts, public officials, lawyers and ordinary citizens by showing them various districts, in order to get a sense of what they would consider 'valid.'"

22. The 2025 Plan performs better on the IKIWISI measure.

23. The 2025 Plan has an average IKIWISI score of 63. This compares favorably to an average score of 57.2 for the 2022 Plan and 48.8 for the 2012 Plan.

24. The Court finds that comparing the 2025 Plan's mathematical performance against a mix of previously enacted plans is a helpful but not determinative evaluation of the 2025 Plan's compactness.

25. The Court finds that the quantitative data persuasively shows that the 2025 Plan performs better statewide than enacted congressional and state legislative maps in many categories.

26. The 2025 Plan is not an outlier and is within historical measures of compactness scores. The Court finds that the 2025 Plan is quantitatively compact statewide.

County and Municipality Splits

27. The 2025 Plan reduces the number of county splits to 5 counties 7 times, compared to the 9 counties split 10 times in the 2022 Plan.

28. The four counties the 2025 Plan makes whole are Camden, Clay, St. Charles, and Warren. The 2025 Plan also removes a divide between the northern half of the Kansas City metropolitan area.

29. As Dr. Trende explained, 7 county splits are the practical minimum number of county splits in an 8-district map drawn to precisely equal population, such as the 2025 Plan.

30. It is undisputed that the 2025 Plan reduces the number of municipality splits to 13, compared to 31 municipality splits in the 2022 Plan.

31. Statewide, the 2022 Plan split 22 municipalities contained wholly within a single county, while the 2025 Plan splits only 2 such municipalities.

32. The 2025 Plan reduces the number of split VTDs statewide.

33. The 2022 Plan split the Clay County portion of Kansas City into Districts 5 and 6, but the 2025 Plan places all of Clay County, and the entire Clay County portion of Kansas City, into District 6. The 2025 Plan unifies the Kansas City metropolitan area (and the City of Kansas City) north of the Missouri river.

34. The portion of Kansas City north of the Missouri river accounts for approximately 40% of Kansas City's population.

35. As Dr. Cervas and Dr. Rodden concede, the 2025 Plan also fixes all 8 of the 2022 Plan's municipality splits in Jackson County other than the longstanding split of Kansas City.

36. The 2025 Plan's district lines through Jackson County largely follow the State Senate.

37. The 2025 Plan, like the 2022 Plan and the 2012 Plan, splits Kansas City and Jackson County into Districts 4, 5, and 6.

38. The 2025 Plan draws a district line over a portion of Troost Avenue in Kansas City, which is also used as a district line in the State Senate map and the Kansas City Council map.

39. Despite the notable history of Troost Avenue as a dividing line in Kansas City, Plaintiffs are <u>not</u> alleging the 2025 Plan is racially discriminatory.

40. The 2025 Plan also places a larger share of the populations of Kansas City and Jackson County in Districts 4 and 6 compared to prior plans.

41. Kansas City is the largest municipality by population in Districts 4, 5, and 6, and Jackson County is the largest county by population in Districts 4 and 5.

42. Kansas City's population in District 4 is 126,008, which is almost six times larger than Sedalia (21,725), the largest city in District 4 outside of Kansas City.

43. Kansas City's population in District 5 is 174,515, which is approximately 48,000 more people than Columbia (126,254) which is split between District 5 and District 3, and over four times larger than Jefferson City (43,228).

44. Kansas City's population in District 6 is 207,567, representing the largest portion of Kansas City's population (508,090) across all districts.

45. Jackson County's population in District 4 is 330,299, which is more than three times larger than Cass County (109,638), the next largest county in the district.

46. Jackson County's population in District 5 is 370,868, which is nearly twice the population of Boone County (189,463)—even if all of Boone County were in District 5 (which it is not as Boone County is split between District 5 and District 3)—and approximately five times larger than Cole County (77,278), which is entirely contained within District 5.

47. According to census data in Dr. Cervas's report, District 4 was a majority-rural district in the 2022 Plan, but became majority-urban in the 2025 Plan.

48. According to census data in Dr. Cervas's report, Districts 5 and 6 were majority-urban in the 2022 Plan and remain majority-urban in the 2025 Plan.

Witness Testimony

49. Plaintiffs presented testimony from experts and several community members at trial.

50. These witnesses conceded that they did not speak with any Missouri legislator or any map drawer about the factors the General Assembly considered in enacting the 2025 Plan.

51. They instead testified about their preference for a map that would place Kansas City's urban communities in a single district separate from rural communities, even if doing so sacrificed the map's performance on traditional districting principles statewide.

52. The *Wise* Plaintiffs' expert Dr. Cromartie testified that Kansas City should have a single congressional district because urban and rural communities, including the area he called "Western Missouri," sometimes have different interests.

53. Dr. Cromartie's conclusions were not based on individualized analyses of the

counties in the area he defined as "Western Missouri."

54. Dr. Cromartie did not survey any residents, talk to anyone in the communities, read local newspapers, or individually analyze the specific poverty rates, unemployment rates, or educational attainment of any county in "Western Missouri."

55. In fact, Dr. Cromartie conceded that he has no experience with redistricting, has never published any articles on redistricting, and is unfamiliar with traditional redistricting principles such as contiguity and compactness.

56. Dr. Cromartie instead simply classified counties based exclusively on "rural-urban status"—a definition he formulated only after Plaintiffs' counsel asked him to do so—and made assumptions about such communities in his "Western Missouri" area based on nationwide trends.

57. Dr. Cromartie's exclusion of Platte County from "Western Missouri," one of four major counties in the Kansas City metropolitan area, has no credible explanation and he admittedly did not examine the population of Clay County.

58. Dr. Cromartie conceded that his assumptions may not reflect reality in Western Missouri. For example, although he characterized rural areas as "disadvantaged," he acknowledged that there are wealthy rural areas, poor urban areas, and rural areas with low employment. His report and testimony did not account for such differences between specific Missouri counties.

59. Dr. Cromartie also characterized rural and urban counties as "distant" and "disconnected." He agreed, however, that urban and rural communities often *share* common interests. He did not attempt to identify such common interests.

60. Dr. Cromartie acknowledged that he classified some "micropolitan" areas as "rural," even though these areas have populations of up to 49,999 people and have urban characteristics including commercial districts and town centers.

61. Dr. Cromartie also acknowledged that Kansas City itself has many different communities with different interests, significant economic diversity, and wide income dispersion. In that sense, parts of Kansas City have shared interests with rural counties and defy the binary classification of "urban" or "rural."

62. Dr. Cromartie's conclusions have not been identified as relevant in prior Missouri court reviews of compactness. The Court finds that Dr. Cromartie's conclusions amount to policy preferences best left to the political process and, therefore, the Court gives little weight to his testimony.

63. The Plaintiffs' expert Dr. Rodden conceded that he was not offering a legal opinion, that Missouri courts have not adopted his definition of "closely united territory," and that the courts could reject his definition.

64. Dr. Rodden opined that rural communities are separate and distinct from urban communities because they "have common interests or a set of common issues that are important to them."

65. Dr. Rodden proposed a number of factors for identifying "closely united territory" in the form of a community with "common interests," including "population density," "industrial structure," "occupations," and "transit networks." Dr. Rodden maintained that urban communities like Kansas City tend to share these interests in common.

66. Dr. Rodden's "population density" factor weighed in favor of placing areas of similar population density in the same district and placing areas of dissimilar population densities in different districts.

67. Dr. Rodden did not consider whether Missouri legislators might have wanted to unite areas with different population densities in the same district.

68. Dr. Rodden also did not consider whether spreading more of Kansas City's residents into Districts 4 and 6, and creating 3 majority-urban districts in the Kansas City area, might in fact enhance representation of urban interests.

69. Dr. Rodden conceded that he was unaware that Districts 4, 5, and 6 are all majority-urban districts under the Census Bureau's definition. He did not consider the possibility that the 2025 Plan could result in better representation for Kansas City and Jackson County because, compared to prior plans, a substantial portion of the constituencies of the three challenged districts now reside in Kansas City and/or Jackson County.

70. Dr. Rodden also considered how Kansas City's transit system overlays with

congressional district boundaries.

71. Dr. Rodden conceded that the Supreme Court of Missouri did not mention "transportation networks" as a factor in *Pearson I* or *Pearson II*.

72. Dr. Rodden's "renters vs. homeowners" factor compared the geographic distribution of renters and homeowners to congressional district boundaries.

73. Dr. Rodden conceded that the Supreme Court of Missouri did not mention the distribution of renters or homeowners as a factor in *Pearson I* or *Pearson II*.

74. Dr. Rodden's "occupations and industrial sectors" factor examined the concentration of workers in certain occupations in different congressional districts.

75. Dr. Rodden conceded that the Supreme Court of Missouri did not mention "occupations" or "industrial sectors" as factors in *Pearson I* or *Pearson II*.

76. Dr. Rodden's opinions also relied on a "district sprawl" methodology that he invented for this case, has not been subject to peer review, and has not been accepted by any court.

77. Dr. Rodden defines "district sprawl" as the distance between the median population center of a district and its furthest geographic extent. He uses this metric to measure how far a district extends from where most of its population resides.

78. As Dr. Rodden agreed, District 6 is more compact in the 2025 Plan on his district sprawl metric than it was in the 2022 Plan.

79. Dr. Rodden acknowledged that under his "district sprawl" analysis of the 2025 Plan, Districts 4 and 5 are more compact than District 6.

80. Dr. Rodden also conceded that District 4 covers a smaller geographic area in the 2025 Plan than it did in 2022.

81. Yet under Dr. Rodden's "district sprawl" method, District 4 became "more sprawling" in the 2025 Plan even though it became geographically smaller compared to the 2022 Plan.

82. Dr. Rodden also conceded that District 5 "is more compact on each of the statistical measures than the 2012 version of District 5."

83. Dr. Rodden also acknowledged that "there have been a handful of" districts since 1972 "that were less compact" than the 2025 version of District 5.

84. The Court does not find Dr. Rodden's conclusion, that the 2025 Plan lacks compactness, persuasive. Dr. Rodden used analyses that are without prior use in Missouri courts, and the implied requirement of homogeneity is not and should not be a significant factor in the Court's evaluation of the 2025 plan's compactness.

85. The Court does, however, find Dr. Rodden's historical maps helpful as they demonstrate historical compactness metrics.

86. Dr. Rodden's historical maps also show that in different plans since 1945, Kansas City has been split into multiple districts on prior plans. Six consecutive plans from 1935 to 1982 split the Jackson County portion of Kansas City. Dr. Rodden conceded Kansas City has been split in more than one district since 1935.

87. From 2012 to 2022, District 5 combined the urban core of Kansas City in the same district as rural counties such as Ray, Lafayette, and Saline.

88. The Court finds Dr. Hood's testimony credible and useful in his finding that the 2025 Plan is not an outlier compared to prior Missouri redistricting plans.

89. The Court further finds Dr. Hood's testimony useful that compactness scores need to be compared to something with context in Missouri redistricting history to evaluate a new plan. Comparison against other districts in the 2012 and 2022 plans is useful.

90. Plaintiffs' fact witnesses also testified for their preference to keep urban communities of interest in a congressional district separate from rural communities and their satisfaction with their current representation. Generally, Plaintiffs and lay witnesses called in Plaintiffs' case testified they come from a community with unified interests and they value their current representation.

91. Kansas City Mayor Quentin Lucas testified that his "concern is that [the 2025 Plan is] going to divide communities of interest" in Kansas City. But Mayor Lucas conceded that he signed off on the 2021 City Council map that used Troost Avenue as the same dividing line for city council districts that the 2025 Plan uses for congressional districts. Mayor Lucas also testified

that he did not oppose using Troost Avenue as a dividing line for State Senate districts.

92. Mayor Lucas also testified that the fastest growing area of Kansas City is the portion of the city located in Clay and Platte Counties, an area he identified as the "Northland." Mayor Lucas credibly testified that the "Northland" is connected and self-identifies as a community of interest.

93. The "Northland" was carved in half by the 2022 Plan and the 2025 Plan eliminates the split. In addition to removing the "Northland" split (including the northern half of Kansas City), the 2025 Plan eliminates 2022 Plan splits of Claycomo, Pleasant Valley, Sugar Creek, Blue Springs, Lake Lotawana, Lee's Summit, and Independence (with the exception of unpopulated areas).

94. Independence was split into three districts in the 2022 Plan which is remedied in the 2025 Plan.

95. The split through the center of Columbia in Boone County in the 2022 Plan is vastly reduced by the 2025 Plan which keeps the vast majority of Columbia in a single district.

96. The understandable policy preferences of Plaintiffs' fact witnesses have limited value to the Court's determinations in this case. This Court's role should not be to decide whether it is better to divide Jackson County portions of Kansas City versus other communities such as the "Northland," Independence, Blue Springs, Columbia or other areas that were previously split in the 2022 Plan that have reduced splits or no splits in the 2025 Plan.

97. Portions of the Plaintiffs and fact witnesses' testimony is speculative in that the 2025 Plan would result in representation that is unresponsive to constituents. Additionally, some of the information relies on incidents that have occurred under the 2022 Plan and it is unclear how finding the 2025 Plan unconstitutional would affect the existing policy complaints the witnesses raise. For instance, Reverend Fugarino's testimony included views on immigration enforcement, housing changes, and funding issues. These policy preferences and those stated by Mr. Wise are certainly aligned with their preferences and beliefs, but as they are statements about policy matters existing before the enactment of the 2025 Plan, it has little bearing on an objective review of the constitutionality of the 2025 Plan.

98. This Court finds it is more helpful to engage in an objective review of the 2025 Plan rather than be guided by subjective factors like policy preferences and views of current representation.

99. In their analyses, Plaintiffs' expert witnesses also overlook or minimize the fact that the 2022 Plan split an area in the "Northland" with high population density (a factor relied upon by Dr. Cervas, Dr. Stern, and Dr. Rodden) and that the 2025 Plan removes that split. While the 2025 Plan splits a different area of Kansas City, it is not a new development for a plan to split through a portion of Kansas City with high population density (which was also identified as a connected community of interest by Mayor Lucas).

100. Two of Plaintiffs' experts, Dr. Stern and Dr. Cervas, drew alternative maps.

101. Plaintiffs are not asking the Court to adopt any of the alternative maps as a remedy.

102. Plaintiffs' maps were not before the General Assembly, so the General Assembly never considered them when it passed the 2025 Plan.

103. Plaintiffs' experts conceded that they did not consider all the factors that the General Assembly weighed in enacting the 2025 Plan.

104. Dr. Cervas claimed in his rebuttal report that his plans retained "at least 82%" of the choices the General Assembly made in 2025. But on cross-examination, he admitted this percentage referred to the General Assembly's choices in 2022, not 2025. He therefore did not know what percentage of the General Assembly's choices in the 2025 Plan he retained in his alternative maps.

105. Several of Dr. Cervas's maps split different counties than the 2025 Plan. For example, Cervas 5-8 split Clay County, which the 2025 Plan does not split.

106. Dr. Cervas's maps do not preserve the same municipalities as the 2025 Plan. For instance, Cervas 5 splits Blue Springs, Claycomo, Greenwood, Independence (twice), Lake Lotawana, Lee's Summit, Pleasant Valley, and Sugar Creek, whereas the 2025 Plan splits none of those.

107. Dr. Cervas did not try to minimize the number of municipal splits for municipalities contained wholly within a single county, nor did he assess the number of split municipalities in

any particular county.

108. Dr. Cervas's maps produce absurd results. For example, Cervas 6 splits Cooper County (population approximately 17,000) rather than splitting Jackson County twice, even though Jackson County is more than 40 times larger and has been split in every congressional district plan for decades.

109. Cervas 7 and 8 split Boone County (population approximately 187,000) twice rather than Jackson County (population approximately 700,000) twice, even though Jackson County is more than three times larger.

110. Many of the Cervas maps outperform the 2022 Plan on compactness metrics—which Plaintiffs' request remain in effect. The Court finds this limits their usefulness in a determination of whether the 2025 Plan is unconstitutional. The Court's role is not to find "better" maps.

111. Dr. Cervas's conclusion that the General Assembly could have achieved its apparent goals—while increasing his view of compactness for Districts 4 and 5— is based on a speculative view of the subjective intent of the legislature. If the 2022 Plan also failed in a compactness comparison to the Cervas scores and that is the plan Plaintiffs' request remain in place, the alternative maps should not be the threshold for finding the 2025 Plan unconstitutional.

112. Dr. Stern used an "ensemble analysis" to generate thousands of plans that the General Assembly never considered to assess whether the 2025 Plan is a statistical outlier on compactness.

113. Dr. Stern conceded that most of his "ensemble maps allow a ±1% tolerance in population," while some have a "stricter population tolerance of ±.1%."

114. Dr. Stern therefore acknowledged that the maps in his ensemble could have a population variance across districts of over 15,000 people.

115. Dr. Stern also conceded that he was unaware of the principles the General Assembly used to create the 2025 Plan or how the General Assembly balanced them, so his ensemble could not simulate those principles or that balancing.

116. Moreover, Dr. Stern acknowledged that the algorithm he used to generate his

ensemble inherently favors compact maps over maps that perform better on other traditional principles. This limits the usefulness of his analysis.

117. Dr. Stern's maps do not have strict population requirements, and the lack of change to Districts 4 and 5 in his maps also limit their utility for the Court's analysis.

118. The creation of ensemble maps without details (*e.g.* which municipalities split in the 30 maps with equal population) and control for redistricting principles (no apparent control to avoid splitting municipalities) with a focus on Kansas City only, and a lack of comparison to prior plans (even the 2022 Plan which is what Plaintiffs request remain in place) does little to aid the Court in its evaluation of the 2025 Plan.

Wise Counts III and IV

119. The *Wise* Plaintiffs put on no evidence about their claims in Counts III and IV at trial.

120. No witness testified that the 2025 Plan is not contiguous.

121. No witness testified that the 2025 Plan does not create districts with equal population.

122. No witness testified that VTD KC 811 was double assigned.

123. The only evidence at trial shows the VTDs are assigned to two separate districts (Districts 4 and 5).

124. Two different VTDs in Jackson County are named "KC 811."

125. Each KC 811 VTD has a unique GEOID, a unique alphanumeric identifier, that allows mapping software to assign each separately to the appropriate district.

126. The Secretary of State's office did so when it generated the software file, known as a shapefile, used to implement the 2025 Plan.

127. The shapefile places one VTD 811 into District 4 and the other into District 5.

128. Both District 4 and District 5 in the shapefile are contiguous and have equal population.

129. Plaintiffs' expert Dr. Cervas agreed in his testimony that there are two separate VTD 811s in Kansas City and they were likely assigned by the Census Bureau.

130. Dr. Cervas used the shapefile from the Secretary of State with the VTD KC 811s placed in Districts 4 and 5 resulting in contiguous districts with equal population to conduct the analysis in his expert report.

131. One of the Kansas City Board of Election Commissioners, Shawn Kieffer, credibly explained that it would be impossible to assign voters to two different districts. The Board will assign voters to their respective districts based on the districts in the shapefile.

132. No evidence at trial established that VTD KC 811 was double assigned in the 2025 Plan.

Grounds for Decision

Under Missouri law, the 2025 plan "is assumed to be constitutional and will not be held unconstitutional unless the plaintiff proves that it clearly and undoubtedly contravenes the constitution." *Faatz*, 685 S.W.3d at 396 (quoting *Johnson*, 366 S.W.3d at 20). The Court must uphold a plan enacted by the General Assembly "unless it plainly and palpably affronts fundamental law embodied in the constitution, and doubts will be resolved in favor of the constitutionality of the plan." *Id.* at 396–97 (quoting *Johnson*, 366 S.W.3d at 20). The "standard of review must reflect deference to the predominate role of the General Assembly and the inability of anyone to draw compact districts with numerical precision," while upholding the "mandatory language of the constitution." *Pearson I*, 359 S.W.3d at 39.

Any doubts regarding constitutionality must be resolved in favor of the constitutionality of the statute. *Johnson*, 366 S.W.3d at 20; *see also Liberty Oil Co. v. Dir. of Revenue*, 813 S.W.2d 296, 297 (Mo. banc 1991) ("Deference due the General Assembly requires that doubt be resolved against nullifying its action if it is possible to do so by any reasonable construction of that action or by any reasonable construction of the Constitution."). "Plaintiffs at all times have the burden

of proving the Map is unconstitutional. The burden of persuasion and the burden of production never shift to the defendants." *Pearson II*, 367 S.W.3d at 47. Here, Plaintiffs fail to meet this burden because they have not shown the 2025 Plan including the challenged districts "clearly and undoubtedly contravene[s]," the Missouri Constitution. *Johnson*, 366 S.W.3d at 20 (quotations omitted).

The implicit argument throughout Plaintiffs' attack of the 2025 Plan is that rural voters (particularly those from "far-flung" rural Missouri) do not belong in the same district as voters that live in the Jackson County portion of Kansas City. This argument is inconsistent with the history of Missouri congressional districts. The 2012 Plan which was upheld in *Pearson II*, included Kansas City's central business district (while carving out a significant portion of eastern Jackson County) in the same congressional district as rural municipalities such as Camden and Richmond (Ray County), Higginsville and Concordia (Lafayette County), and Marshall and Slater (Saline County). The 2012 Plan and 2022 Plan combined voters in District 3 from Camden and Miller Counties with voters in the northern and southern portions of the St. Louis metropolitan area extending to the Mississippi River. These combinations of rural and urban voters in the same districts was not unconstitutional as determined by *Pearson II*—it was the result of a policy determination and political process enacted by the General Assembly, which it is entitled to do.

The result of Plaintiffs' position in these cases would be for the Court to make value judgments about *which* communities should be divided in redistricting plans. To be fair, Plaintiffs have shown that the 2025 Plan divides a community of interest in Kansas City. However, as discussed in the factual findings, the 2025 Plan's division of the Jackson County portion of Kansas City did not occur in a vacuum. The 2025 Plan removes the split of the "Northland" portion of Kansas City which is 40 percent of the City's population and its fastest growing area. Plaintiffs

would have this Court hold that it would be *better* to divide the Northland portion of Kansas City, Independence, Lee's Summit and other municipalities than allow the General Assembly's division of Kansas City in the 2025 Plan. The decision of what municipalities to split is a political and policy determination that is properly left in the hands of the General Assembly and Missouri's political processes. These are precisely the type of decisions that are "political in nature and best left to political leaders, not judges." *Pearson I*, 359 S.W.3d at 39. In this case, the Court finds Plaintiffs failed to prove "clearly and undoubtedly" that the map was not "as compact . . . as may be." *Pearson II*, 367 S.W.3d at 69 (Fischer, J. concurring). Accordingly, this Court will not "interfere with the political process" by finding the 2025 Plan unconstitutional. *Faatz*, 685 S.W.3d at 396.

Compactness: Wise and Healey Count II

Article III, section 45 of the Missouri Constitution sets out the requirements for the redistricting of Missouri's representatives in the United States House of Representatives. "[T]he general assembly shall by law divide the state into districts corresponding with the number of representatives to which it is entitled, which districts shall be composed of contiguous territory as compact and as nearly equal in population as may be." Mo. Const. art. III, sec. 45. The "as may be" modifier attached to the compactness mandate grants the General Assembly broad discretion in its compliance with section 45. *Pearson II*, 367 S.W.3d at 48 (quotations omitted).

The Supreme Court of Missouri has "reject[ed] the proposition that 'compact' refers solely to physical shape or size" of a district. *Pearson II*, 367 S.W.3d at 48. While a visual observation of a district's shape is "relevant," it "is not the decisive factor in determining whether a district departs from the principle of compactness." *Id.* at 48-49. The General Assembly's broad discretion to draw districts recognizes the practical realities that "compactness . . . cannot be

achieved with absolute precision." *Id.*at 49 (quotations omitted). Because multiple districts must be created within a state, absolute compactness is not possible. *Id*. As Dr. Hood credibly testified, increasing compactness in some districts may affect the compactness scores of surrounding districts.

The General Assembly may also consider "other recognized factors that inherently are included within the constitutional standards governing the reapportionment process, although not expressly articulated as a separate requirement in the constitution." *Pearson II*, 367 S.W.3d at 49. Those factors include traditional principles like "population density; natural boundary lines; the boundaries of political subdivisions, including counties, municipalities, and precincts; and the historical boundary lines of prior redistricting maps." *Id.* at 50; *see also Pearson I*, 359 S.W.3d at 39 (recognizing the importance of preservation of "the integrity of the existing lines of [Missouri's] various political subdivisions").

The constitutional test of compactness "involves a determination of whether there is a departure from the principle of compactness in the challenged district and, if there are minimal and practical deviations, whether the district is nonetheless 'as compact . . . as may be' under the circumstances." *Pearson II*, 367 S.W.3d at 48. Absent such a showing, courts "shall respect" and uphold the General Assembly's duly enacted map. *Pearson I*, 359 S.W.3d at 40; *see also Johnson*, 366 S.W.3d at 20. After careful consideration of the admissible and credible evidence, the Court finds the 2025 Plan complies with the requirement that "districts shall be comprised of contiguous territory as compact . . . as may be." Mo. Const. art. III, sec. 45.

Plaintiffs must prove the 2025 Plan "depart[s] from the principles of compactness" *and* to the extent that any departures exist, "any deviations were not minimal or practical deviations . . . occurring as a result of: (1) the interrelationship in standards for the population equality and

compactness requirements; (2) the contiguity requirement; (3) federal laws . . . ; and (4) the recognized factors of population density, natural boundary lines, boundaries of political subdivisions, and historical boundary lines of prior redistricting maps." *Pearson II*, 367 S.W.3d at 53. If there is a departure from the principles of compactness, Plaintiffs must prove none of the factors above justified a deviation or departure.

Redistricting experts, including Plaintiffs' experts in these cases, employ "various statistical measures . . . in determining compactness." *Pearson II*, 367 S.W.3d at 49. All of these measures attempt to determine whether the district encompasses "closely united territory." *Id.* The Supreme Court of Missouri has declined to adopt a threshold of compactness under any of these measures and has stated that no single measure "alone" can demonstrate a lack of compactness. *Id.* at 49 n.10. But it has also deemed such measures relevant and even relied on them as part of assessing and rejecting compactness challenges to the 2012 Plan, including in Districts 5 and 6. *See id.* at 49 n.10, 53-57.

Plaintiffs' experts Dr. Cervas and Dr. Rodden and State Defendants' expert Dr. Trende utilized Reock and Polsby-Popper measures. The 2025 Plan's Reock and Polsby-Popper scores do not suggest any departure from the principle of compactness. The 2025 Plan and even the three challenged districts compare favorably to predecessor plans, including the constitutionally compact 2012 Plan. The 2025 Plan is more compact statewide than the 2012 Plan on both the Reock and Polsby-Popper measures. In addition, the three districts Plaintiffs challenge are more compact in the 2025 Plan than the previous versions of those districts, and more compact than the least compact district in the constitutional 2012 Plan. The fact that the challenged districts in the 2025 Plan outperform their historical predecessors in a plan that passed constitutional muster provides a strong indication that the 2025 Plan does not "plainly and palpably" violate the

compactness standard. *See Johnson*, 366 S.W.3d at 20 (quotations omitted).

This Court's factual findings also establish that the 2025 Plan is not unusually non-compact compared to the 2022 Plan that Plaintiffs prefer. In fact, the 2025 Plan is more compact statewide on both the Polsby-Popper measure and the Reock measure as calculated by Maptitude. The three districts Plaintiffs challenge likewise fall within historical measures, outperforming the least compact district in the 2022 Plan on the Reock and Polsby-Popper measures. One of the districts Plaintiffs challenge, District 6, is *more* compact on both the Reock and Polsby-Popper measures in the 2025 Plan than it was in the 2022 Plan.

In addition to Reock and Polsby-Popper, the 2025 Plan measures within the range of historical compactness scores for Convex Hull,[2] IKIWISI and Schwartzberg measures. The 2025 Plan across all those measures is on average more compact than the 2012 Plan and 2022 Plan. Even though District 5 on some measures scores lower than prior plans, it remains within the range of compactness scores in the 2012 and 2022 Plans. Districts 4 and 6—also challenged—are more compact under several measures than prior plans.

The Court finds comparisons to prior maps useful. Dr. Trende's analysis shows the 2025 Plan is similar to, and in some cases better than, prior plans measured by Reock, Polsby-Popper, and Convex Hull since 1972. Bolstered by the fact that Dr. Trende has previously been found credible by a Missouri court for his testimony in redistricting practices, the Court finds this analysis helpful and persuasive. *See Faatz*, 685 S.W.3d at 402. Plaintiffs have not shown that the 2025 Plan or any of the challenged districts "depart[s] from the principle of compactness." *Pearson II*, 367 S.W.3d at 48.

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[2] The Supreme Court has specifically found the use of a Convex Hull score relevant to measuring compactness. *Faatz*, 685 S.W.3d at 402 n. 8.

Even if Plaintiffs could show "a departure from the principle of compactness," their compactness challenges still fail because they cannot show that any of the challenged districts are not "'as compact . . . as may be' under the circumstances." *Pearson II*, 367 S.W.3d at 48. Any "deviations" from compactness in the challenged districts are "practical" and justified by the General Assembly's adherence to other requirements and traditional principles in the 2025 Plan statewide. *Id.* The evidence at trial (as discussed below for *Wise* Counts III and IV) established the 2025 Plan complies with the equal population and contiguity mandates.

The trial record is clear—the 2025 Plan improved county and municipal splits as compared to the 2022 Plan. These are recognized as an important traditional redistricting principle—respecting "the boundaries of political subdivisions, including counties, municipalities, and precincts." *Pearson II*, 367 S.W.3d at 50; *see also Pearson I*, 359 S.W.3d at 40. Compared to the 2022 Plan, the 2025 Plan reduces the number of county splits, the number of municipal splits, and the number of split VTDs statewide. Aside from the Jackson County split of Kansas City at the center of Plaintiffs' case, the 2025 Plan eliminates other county splits in Kansas City and all eight municipal splits in Jackson County other than the longstanding split of Kansas City. The 2025 Plan respects other political subdivisions in Jackson County by tracking the State Senate map almost perfectly. Plaintiffs cannot show that any of these choices violated any districting principle that the Constitution's compactness direction "implicitly permits" the General Assembly to consider. *Pearson II*, 367 S.W.3d at 50.

Statewide, the 2025 Plan reduces county splits from nine in the 2022 Plan to five. The 2025 Plan reduces split municipalities from 31 in the 2022 Plan to 13. The 2025 Plan generally follows state senate boundaries. While perhaps less significant than the municipal and county split considerations, the facts indicate the 2025 Plan better follows these state and local legislative

boundaries. The 2025 Plan adjusted boundaries of Districts 1, 2, and 3 to track county boundaries in that area. The 2025 Plan eliminates the split of the "Northland" in the Kansas City area. In District 4, Camden County is no longer split and that boundary follows county lines. Even if Districts 4, 5, and 6 depart from compactness, the respect for county and municipal boundaries is an "important consideration" which justifies a "minimal and practical deviation." *See Johnson*, 366 S.W.3d at 29-30.

The 2025 Plan performs within the confines of traditional principles and within the broad legislative discretion in congressional redistricting. *See Pearson I*, 359 S.W.3d at 39-40. Even if portions of the challenged districts in this case appear to not be composed of closely united territory (or closely united territory is divided), the 2025 Plan is still "as compact . . . as may be" after considering the 2025 Plan's adherence to the permissive factors discussed above. *See Pearson II*, 367 S.W.3d at 50. Plaintiffs cannot show that any district, including District 4, 5, or 6, is not "'as compact . . . as may be' under the circumstances." *Pearson II*, 367 S.W.3d at 48.

Plaintiffs did not carry their heavy burden to demonstrate that the 2025 Plan "clearly and undoubtedly contravene[s] the constitution." *Johnson*, 366 S.W.3d at 20 (quotations omitted). Plaintiffs attempt to carry the heavy burden on their compactness claims through four expert witnesses and several lay witnesses. As discussed above, the witness testimony does not demonstrate that the 2025 Plan "clearly and undoubtedly contravene[s]" section 45's compactness direction specifically. *Johnson*, 366 S.W.3d at 20 (quotations omitted).

Plaintiffs' experts generally asserted that the General Assembly could have created *better* maps from Plaintiffs' perspective. That is not the standard under Missouri law. *See Pearson I*, 359 S.W.3d at 39 (explaining that "maps [can] be drawn in multiple ways" that comport with section 45); *Pearson II*, 367 S.W.3d at 48-57. Dr. Cervas conceded his "alternative maps" were

more compact than the 2022 Plan. Plaintiffs assert Dr. Cervas's "alternative maps" demonstrate the 2025 Plan violates the Missouri Constitution's compactness mandate. But, using this logic, the 2022 Plan did not maximize compactness and would be unconstitutional.

Several experts (Drs. Stern, Cervas and Trende) all agreed an infinite number of plans can be drawn with redistricting software. Compactness will never be perfect because, as the experts agree, a more compact map can generally always be created. Plaintiffs' experts conceded they do not know which traditional factors the General Assembly considered, how it balanced those various factors, which trade-offs it made among them, and how it decided to make those trade-offs. Their various analyses and opinions cannot account for the policy preferences the General Assembly made throughout the legislative process and the creation of the 2025 Plan.

Plaintiffs also conflate the requirement that districts contain "closely united territory" with their policy preference that districts preserve "communities of interest" in Kansas City. But Missouri law "does not recognize . . . maintaining communities of interest" as a factor for the General Assembly to consider when redistricting. *Johnson*, 366 S.W.3d at 30. The General Assembly therefore could *not* have pursued Plaintiffs' preferred policy of placing urban communities of interest in the same congressional district. *Id.* Dr. Cromartie and Dr. Rodden also offered only legally irrelevant communities of interest analyses. Dr. Cromartie acknowledged he is unfamiliar with important redistricting principles.

Dr. Rodden also focused on uniting communities of interest as opposed to traditional redistricting principles. Dr. Rodden focused on population density. His analysis failed to account for the possibility that Missouri legislators might have wanted to unite areas with *different* population density in the same district. No Missouri precedent prohibits the General Assembly from making that choice. Dr. Rodden conceded that the Supreme Court of Missouri has not

recognized any of his other factors as relevant to the "closely united territory" principle. Dr. Rodden also asserted that the 2025 Plan's spreading of more Kansas City residents into Districts 4 and 6 dilute the representation of Kansas City interests. The Court finds this speculative and unpersuasive. Dr. Rodden did not consider, and it is also possible, that the General Assembly could have reasonably concluded that creating three majority-urban districts in Kansas City would have enhanced Kansas City's representation.

Even if Plaintiffs' communities of interest arguments were supported as a factor under Missouri law, Plaintiffs still fail to meet their burden. As discussed above, Plaintiffs' expert witnesses largely ignore the fact that the 2025 Plan replaces a significant split of the "Northland" which Mayor Lucas identified as a connected community of interest. The 2025 Plan also resolves splits of Claycomo, Pleasant Valley, Sugar Creek, Blue Springs, Lake Lotawana, Lee's Summit, and Independence (with the exception of unpopulated areas). Plaintiffs' experts made the decision to prioritize not splitting the Jackson County portion of Kansas City to avoid splitting up a community of interest. That is a fair policy preference. However, it is not this Court's role to implement that policy preference by finding the 2025 Plan that removes splits from other communities as unconstitutional. *See Faatz*, 685 S.W.3d at 396.

Plaintiffs' experts also advance novel methodologies that have not been recognized by Missouri courts. Dr. Rodden invokes a "district sprawl" methodology that he invented for this case, has not been subject to peer review, and has not been accepted by any court and has little value in comparison to the historically recognized compactness metrics discussed above. Additionally, the population density analysis fails to recognize the "Northland" split resolved with the 2025 Plan as discussed above. Dr. Stern used an "ensemble analysis" to generate thousands of plans that he thought were probative of whether the 2025 Plan is a statistical outlier on

compactness compared to a hypothetical sample of plans. The Court finds the "ensemble analysis" to have limited use as it does not use strict population requirements and it uses impermissible population variance. Dr. Stern's maps favor compact maps but do not recognize permissible redistricting factors discussed above that can form a policy basis for any number of rationales for a redistricting plan under Missouri law. Dr. Stern conceded that he did not consider or weigh all of the factors the General Assembly used to create the 2025 Plan or how the General Assembly balanced them, so his ensemble analysis could not simulate those principles or that balancing.

The alternative maps advanced by Plaintiffs do not prove the 2025 Plan is unconstitutional. Many of the experts in the case agreed, mathematically, there is virtually no limit to the creation of alternative maps that could increase compactness. There is no requirement to maximize compactness under Missouri law. S*ee Pearson I*, 359 S.W.3d at 39 (explaining that "maps [can] be drawn in multiple ways" that comport with section 45). In any event, Plaintiffs do not seek the alternative maps as a remedy, but request the 2022 Plan remain in effect. The alternative maps presented by Plaintiffs focus heavily on District 5 but underplay the possibility that the General Assembly may have had permissibly broader views of redistricting principles in its enactment of the 2025 Plan. "Absolute precision is not required and other factors may affect compactness." *Pearson II*, 367 S.W.3d at 51. With respect to the compactness challenge in Count II of each case, Plaintiffs have not carried their heavy burden of proving that the 2025 Plan "clearly and undoubtedly contravene[s] the constitution." Therefore, their request for relief must be denied. *Johnson*, 366 S.W.3d at 20 (quotations omitted).

Wise Counts III and IV (Equal Population and Contiguity)

The *Wise* Plaintiffs allege the 2025 Plan assigns VTD KC 811 to District 4 and District 5, which violates the equal-population and contiguity requirements of section 45. *See* Mo. Const.

art. III, sec. 45. The *Wise* Plaintiffs put on no evidence at trial to support the Count III and Count IV claims. Based on the evidence before the Court, VTD KC 811 is not assigned to two districts. There are two VTDs called "KC 811," and each has a unique GEOID that allowed the Secretary of State to assign each separately to the appropriate district in the shapefile. Districts 4 and 5 in the shapefile comply with the equal-population and contiguity requirements.

The Kansas City Board of Elections uses shapefiles transmitted from the Secretary of State to assign voters their district. There is no credible basis in the evidence to believe that the Board Defendants will misapply the new map. Plaintiffs' own expert witness Dr. Cervas conceded that the VTDs are separate (likely assigned by the Census Bureau), which eliminates any equal population or contiguity constitutional claim. Dr. Cervas further agreed the shapefiles he reviewed from the 2025 Plan are contiguous and equal in population.

The *Wise* Plaintiffs failed to meet the burden of proving the 2025 Plan "clearly and undoubtedly contravene[s] the constitution" with respect to Counts III and IV. Based on the record before the Court, it finds Districts 4 and 5 and the 2025 Plan is contiguous and equal in population as required by the Missouri Constitution. Mo. Const. art. III, sec. 45. The request for relief in Counts III and IV in the *Wise* case is denied. Judgment is entered in favor of all Defendants on Counts III and IV of the *Wise* case.

Conclusion

Count I of each case (*Wise* and *Healey*) remain stayed pending a decision by the Supreme Court of Missouri in *Luther v. Hoskins*, case number SC101412.

Plaintiffs' request for relief in Count II of each case (*Wise* and *Healey*) is denied. Judgment is entered in favor of all Defendants on Count II of the *Wise* and *Healey* cases.

The request for relief in Counts III and IV in the *Wise* case is denied. Judgment is entered in favor of all Defendants on Counts III and IV of the *Wise* case.

Pursuant to Missouri Supreme Court Rule 74.01(b), the Court finds there is no just reason for delay and this judgment is final for the purposes of appeal. The parties are to bear their own costs. All other relief requested not specifically addressed is denied.

IT IS SO ORDERED.

March 12, 2026
Date

ADAM CAINE, Circuit Judge

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