

In the Supreme Court of the United States

DENNY HOSKINS, in his official capacity
as Missouri Secretary of State,
Applicant,

v.

RICHARD VON GLAHN,
Respondent.

**BRIEF OF AMICI CURIAE FLORIDA, TEXAS, AND 18 OTHER
STATES IN SUPPORT OF APPLICANT'S EMERGENCY
APPLICATION FOR STAY**

JAMES UTHMEIER
Attorney General of Florida

DAVID M.S. DEWHIRST
Solicitor General
**Counsel of Record*

JASON J. MUEHLHOFF
Chief Deputy Solicitor General

Office of the Attorney General
PL-01, The Capitol Tallahassee,
FL 32399-1050
(850) 414-3300
david.dewhirst@myfloridalegal.com
jenna.hodges@myfloridalegal.com

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

WILLIAM R. PETERSON
Solicitor General

WILLIAM F. COLE
Principal Deputy Solicitor General

Office of the Texas Attorney General
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548

September 7, 2026

Counsel for Amici States

TABLE OF CONTENTS

TABLE OF AUTHORITIES.....	ii
INTRODUCTION AND SUMMARY OF ARGUMENT	1
ARGUMENT	3
I. The equities overwhelmingly favor a stay.....	3
A. The <i>Purcell</i> principle warrants a stay.	3
B. General equitable principles further favor a stay.....	5
CONCLUSION.....	6
ADDITIONAL SIGNATORIES.....	8

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Abbott v. League of United Latin Am. Citizens</i> , 146 S. Ct. 418 (2025)	5
<i>Allen v. Milligan</i> , 146 S. Ct. 1377 (2026)	5
<i>Bost v. Illinois State Bd. of Elections</i> , 607 U.S. 71 (2026)	3
<i>Buckley v. Am. Constitutional Law Found., Inc.</i> , 525 U.S. 182 (1999)	1
<i>Burson v. Freeman</i> , 504 U.S. 191 (1992)	1
<i>Clingman v. Beaver</i> , 544 U.S. 581 (2005)	8
<i>Democratic Nat’l Comm. v. Wisconsin State Legislature</i> , 592 U.S. 1039 (2020)	5
<i>Eu v. San Francisco County Democratic Central Comm.</i> , 489 U.S. 214 (1989)	1
<i>First Nat’l Bank of Boston v. Bellotti</i> , 435 U.S. 765 (1978)	8
<i>Gray v. Sanders</i> , 372 U.S. 368 (1963)	2
<i>Hollingsworth v. Perry</i> , 558 U.S. 183 (2010)	3
<i>Malliotakis v. Williams</i> , 146 S. Ct. 809 (2026)	6, 7
<i>Merrill v. Milligan</i> , 142 S. Ct. 879 (2022)	2, 4, 6, 7
<i>Purcell v. Gonzalez</i> , 549 U.S. 1 (2006)	3, 4
<i>Republican Nat’l Comm. v. Democratic Nat’l Comm.</i> , 589 U.S. 423 (2020)	5, 6
<i>Vicksburg Waterworks Co. v. City of Vicksburg</i> , 185 U.S. 65 (1902)	8

Statutes

52 U.S.C. §§ 20301-20311	3
--------------------------------	---

Other Authorities

Henry E. Smith, <i>Equity as Meta-Law</i> , 130 Yale L. J. 1050 (2021)	8
---	---

INTEREST OF *AMICI CURIAE*

Pursuant to Supreme Court Rule 37, the Attorneys General of Florida and Texas, on behalf of the State of Florida, the State of Texas, and 18 other States, respectfully submit this brief as *amici curiae* in support of the applicant, Secretary Hoskins.

Amici States “indisputably ha[ve] a compelling interest in preserving the integrity of [their] election process[es].” *Eu v. San Francisco County Democratic Central Comm.*, 489 U.S. 214, 231 (1989). That compelling interest includes “protecting voters from confusion and undue influence.” *Burson v. Freeman*, 504 U.S. 191, 199 (1992). That compelling interest naturally creates a corresponding duty: “States, of course, *must* regulate their elections to ensure that they are conducted in a fair and orderly fashion.” *Buckley v. Am. Constitutional Law Found., Inc.*, 525 U.S. 182, 206 (1999) (emphasis added). Our republican system depends on orderly, administrable, and trustworthy elections. But when, like here, a court orders sweeping, last-minute changes to the election process, chaos and confusion follow. Amici therefore has an interest in ensuring this Court preserves the States’ ability to administer predictable and stable elections.

INTRODUCTION AND SUMMARY OF ARGUMENT

“Running elections state-wide is extraordinarily complicated and difficult.” *Merrill v. Milligan*, 142 S. Ct. 879, 880 (2022) (Kavanaugh, J., concurring in grant of stays). Yet this already difficult task becomes impossible when courts impose sweeping changes to a state’s election landscape at the eleventh hour. That is precisely what the Missouri Supreme Court just did—requiring Missouri to use a

different election map for the general election than it used for the primary election. The result: candidates running in different areas than those where they primaried, voters voting for candidates they took no part in nominating, and state officials scrambling to administer a different election in November than what they did in August. Inevitably, “even heroic efforts likely [will] not be enough to avoid chaos and confusion.” *Id.*

Not only that, but the Missouri Supreme Court’s order ignored the manifold federal constitutional and statutory problems that would arise from substituting a new map at this late date—ranging from basic equal protection violations for Missouri’s voters, *see Gray v. Sanders*, 372 U.S. 368, 379 (1963), to the state’s inability to comply with the September 19, 2026, deadline for the Uniformed and Overseas Citizens Absentee Voting Act, *see* 52 U.S.C. §§ 20301-20311.

Fortunately, well-developed equitable principles exist to remedy the potential violations of federal rights. *Purcell v. Gonzalez*, 549 U.S. 1 (2006), and its progeny caution against “[s]uch late-breaking, court-ordered rule changes.” *Bost v. Illinois State Bd. of Elections*, 607 U.S. 71, 80 (2026). And if there were ever a time to invoke these principles, it is when a court orders a change to the election landscape so radical that the lower court determined it would be “impossible” to implement at this late juncture. App. 52a. The Court should grant the Secretary’s emergency application and allow Missouri’s voters, candidates, and election officials to administer the election for which they prepared.

ARGUMENT

I. The equities overwhelmingly favor a stay.

When seeking a stay pending a petition for a writ of certiorari, this Court will look to, among other things, the “likelihood that irreparable harm will result from the denial of a stay.” *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010). “In deciding whether to grant a stay pending appeal or certiorari, the Court also considers the equities (including the likely harm to both parties) and the public interest.” *Milligan*, 142 S. Ct. at 880 (Kavanaugh J., concurring in grant of stays).

Those equities are lopsided here and overwhelmingly favor a stay. Whether viewed through the *Purcell* principle governing elections specifically or through general principles of equity, the result remains the same—the Missouri Supreme Court’s reckless order requiring an impossible election change must not stand.

A. The *Purcell* principle warrants a stay.

It is a “bedrock tenet of election law” that “[w]hen an election is close at hand, the rules of the road must be clear and settled.” *Milligan*, 142 S. Ct. at 880–81 (Kavanaugh, J., concurring in grant of stays). Conversely, “[c]ourt orders affecting elections, especially conflicting orders, can themselves result in voter confusion and consequent incentive to remain away from the polls.” *Purcell*, 549 U.S. at 4–5. This “risk will increase” as “an election draws closer.” *Id.* That is why “[c]hanges that require complex or disruptive implementation must be ordered earlier than changes that are easy to implement.” *Milligan*, 142 S. Ct. at 881 n.1 (Kavanaugh, J., concurring in grant of stays).

Wittingly or not, the Missouri Supreme Court has steamrolled each and every one of these considerations. It issued a bare-bones injunction requiring the use of a different electoral map without addressing the inevitable chaos that will follow. The court “improperly inserted itself into an active” election and thereby “caus[ed] much confusion.” *Abbott v. League of United Latin Am. Citizens*, 146 S. Ct. 418, 419 (2025). Staying this sweeping ruling “not only prevents voter confusion but also prevents election administrator confusion—and thereby protects the State’s interest in running an orderly, efficient election and in giving citizens (including the losing candidates and their supporters) confidence in the fairness of the election.” *Democratic Nat’l Comm. v. Wisconsin State Legislature*, 592 U.S. 1039, 1044 (2020) (Kavanaugh, J., concurring in denial of vacatur of stay).

No surprise, then, that this Court has previously found a state makes “a strong showing of irreparable harm and that the equities and public interest favor” it when courts “alter the election rules on the eve of an election.” *Allen v. Milligan*, 146 S. Ct. 1377, 1381 (2026) (per curiam) (quoting *Republican Nat’l Comm. v. Democratic Nat’l Comm.*, 589 U.S. 423, 424 (2020)).

Those familiar principles govern here. The Court should grant Missouri’s stay on the *Purcell* principle alone. See *Milligan*, 142 S. Ct. at 880 (Kavanaugh J., concurring in grant of stays) (noting the “traditional test for a stay does not apply (at least not in the same way) in election cases when a lower court has issued an injunction of a state’s election law in the period close to an election”).

And as relevant here, these general principles apply with full force to an

improper order from a state court. While *Purcell* has most often been applied to the orders of “federal courts” that “alter the election rules on the eve of an election,” *Republican Nat’l Comm.*, 589 U.S. at 424, its animating principles—preventing voter confusion and loss of election integrity—apply equally to state court rulings. It is no surprise then that this Court has already stayed state court rulings in this context. *See, e.g., Malliotakis v. Williams*, 146 S. Ct. 809 (2026) (staying a state court order requiring new congressional maps).

B. General equitable principles further favor a stay.

Missouri’s stay request is warranted under *Purcell* and the election-specific caselaw from this Court. So too is a stay warranted under general principles of equity. Members of this Court have repeatedly grounded *Purcell*’s principle within the general equitable framework. *See, e.g., Malliotakis*, 146 S. Ct. at 811 (Alito, J., concurring in grant of stay) (“An injunction is an equitable remedy, and such relief may be inequitable if it is issued shortly before an election, when candidates, election officials, and voters have relied on the rules in place at that time.”); *Milligan*, 142 S. Ct. at 881 (Kavanaugh, J., concurring in grant of stays) (“As I see it, however, the *Purcell* principle is probably best understood as a sensible refinement of ordinary stay principles for the election context . . .”).

General equitable principles further support Missouri’s petition. The Missouri Supreme Court’s order comes only after (1) Missouri legally codified the new map, (2) Missouri defended the map’s legality against numerous lawsuits, and (3) Missouri used the map in the primary election. *See Stay Pet.* at 9–12. Despite all this,

respondent leveraged the *preliminary* stages of a statewide referendum—before any statewide vote has been cast—to invalidate the congressional map. Equity, however, “has always had a special role in combatting opportunism.” Henry E. Smith, *Equity as Meta-Law*, 130 Yale L. J. 1050, 1076 (2021).

And most fundamentally, “it is one of the most valuable features of equity jurisdiction, to anticipate and prevent a threatened injury, where the damages would be insufficient or irreparable.” *Vicksburg Waterworks Co. v. City of Vicksburg*, 185 U.S. 65, 82 (1902). Here, both the state and the lower court found that requiring a new map would be impossible to implement in time for the general election. *See* App. 52a. A hectic and likely flawed election would undermine “the citizen’s confidence in government,” which is an “interest[] of the highest importance.” *First Nat’l Bank of Boston v. Bellotti*, 435 U.S. 765, 787, 789 (1978). And “the denial of the right to vote cannot be cured by the ability to participate in a subsequent or different election.” *Clingman v. Beaver*, 544 U.S. 581, 611 (2005) (Stevens, J., dissenting). Only a stay of the Missouri Supreme Court’s ill-conceived order can ensure that voters, candidates, and the State of Missouri can conduct a proper and lawful election.

CONCLUSION

The Court should grant Missouri’s application to stay.

Dated: September 7, 2026

Respectfully submitted,

JAMES UTHMEIER

Attorney General of Florida

DAVID M.S. DEWHIRST

*Solicitor General
Counsel of Record*

JASON J. MUEHLHOFF

Chief Deputy Solicitor General

Office of the Attorney General PL-01,
The Capitol

Tallahassee, FL 32399-1050

(850) 414-3300

david.dewhirst@myfloridalegal.com

jason.muehlhoff@myfloridalegal.com

jenna.hodges@myfloridalegal.com

Counsel for Amici States

KEN PAXTON

Attorney General of Texas

BRENT WEBSTER

First Assistant Attorney General

WILLIAM R. PETERSON

Solicitor General

WILLIAM F. COLE

Principal Deputy Solicitor General

Office of the Texas Attorney General

P.O. Box 12548, Capitol Station

Austin, Texas 78711-2548

ADDITIONAL SIGNATORIES

STEVE MARSHALL
Attorney General
State of Alabama

LYNN FITCH
Attorney General
State of Mississippi

CORI MILLS
Acting Attorney General
State of Alaska

MICHAEL T. HILGERS
Attorney General
State of Nebraska

TIM GRIFFIN
Attorney General
State of Arkansas

DREW WRIGLEY
Attorney General
State of North Dakota

CHRISTOPHER M. CARR
Attorney General
State of Georgia

ANDY WILSON
Attorney General
State of Ohio

RAÚL R. LABRADOR
Attorney General
State of Idaho

ALAN WILSON
Attorney General
State of South Carolina

THEODORE E. ROKITA
Attorney General
State of Indiana

MARTY JACKLEY
Attorney General
State of South Dakota

BRENNA BIRD
Attorney General
State of Iowa

JONATHAN SKRMETTI
Attorney General
State of Tennessee

RUSSELL COLEMAN
Attorney General
State of Kentucky

DEREK BROWN
Attorney General
State of Utah

LIZ MURRILL
Attorney General
State of Louisiana

JOHN MCCUSKEY
Attorney General
State of West Virginia