

In the Supreme Court of the United States

PEOPLE NOT POLITICIANS, ET AL.,
Applicants,

v.

CONGRESSMAN ROBERT “BOB” ONDER, ET AL.,
Respondents.s

**BRIEF OF AMICI CURIAE FLORIDA, TEXAS, AND 20 OTHER
STATES IN OPPOSITION TO APPLICANT’S EMERGENCY
MOTION TO CLARIFY AND APPLICATION FOR STAY**

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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 20 other States, respectfully submit this brief as *amici curiae* in support of the Respondents.

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 a court—here, the Missouri Supreme Court—orders sweeping, last-minute changes to the election process, chaos and confusion follow. Amici therefore have 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 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, the presumptive 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.

The district court properly recognized as such when it held that without a temporary restraining order, “the public would suffer,” as “many Missouri voters would have to cast their general-election votes for candidates whom they had no role in nominating.” App. 61a–62a. Applicants did not agree, filing emergency motions in

the Eighth Circuit. The Eighth Circuit unanimously rejected Applicants’ bid. Applicants then sought a stay before this Court, which was granted. After briefing on the merits, the Eighth Circuit unanimously held that the Missouri Supreme Court’s command “to use the [earlier] map in the November 2026 general election violates the Constitution,” affirmed the district court, and remanded for entry of a permanent injunction.¹ App. 3a. The Eighth Circuit explained that reverting to the previous map would force millions of Missouri voters to choose between candidates selected by *different* Missouri voters. App. 24a. That violated Article I, Section 2 of the Constitution. App. 27a. The panel stayed the permanent injunction to ensure that this Court would have an opportunity to review the merits. App. 35a.

The Court should deny the Applicants’ emergency application and allow Missouri’s voters, candidates, and election officials to administer the election for which they prepared for nearly a year.

ARGUMENT

I. The equities overwhelmingly disfavor a stay.

When considering an application for a stay, 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

¹ Judge Stras agreed that reverting to the earlier map would violate Article I, Section 2 of the Constitution but would have dismissed the appeal on standing grounds. App. 36a.

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 disfavor a stay. Whether viewed through the *Purcell* principle governing elections specifically or through general principles of equity, the result remains the same—the Eighth Circuit’s ruling should be affirmed.

A. The *Purcell* principle disfavors 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). Affirming the Eighth Circuit’s decision, on the other hand, “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).

In light of these concerns, 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)).

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).

None of this changes with the unique procedural posture of this case. As the Eighth Circuit noted, the status quo is the 2025 map set by the Missouri General Assembly. App. 30a. Relying on that map, “[m]ore than 60 congressional candidates filed,” “[c]andidates and their supporters invested countless hours and millions of

dollars implement primary and general election strategies,” and “[m]ore than 1.2 million Missourians voted.” *Id.* The alternative map that the Missouri Supreme Court imposed would “upset” the status quo. *Id.*

The Court should deny Applicants’ attempt to stay the restraint on the Missouri Supreme Court’s eleventh-hour overhaul of the Missouri maps 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”).

B. General equitable principles further disfavor a stay.

Applicants’ stay request should be denied pursuant to *Purcell* and the election-specific caselaw from this Court. But general principles of equity also counsel in favor of denying the stay. 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 denying Applicants’ stay. 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. App. 6a. Despite all this, Applicants 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). The lower federal court found that Respondents were likely to succeed on the merits its claim that reverting to the earlier map would violate Article I, Section 2 by “disenfranchis[ing] voters of their votes in the primary election,” “effectively nullifying their votes,” as well as violate the Equal Protection Clause by divesting candidates and voters who did not happen to remain in same district in both maps of “their fundamental electoral rights” by “foisting new candidates on [Missouri voters] on the eve of the election.” App. 66a–67a. That same court found that absent a temporary restraining order, “many Missouri voters would have to cast their general-election votes for candidates whom they had no role in nominating,” and that “the public would suffer.” App. 61a–62a. The Eighth Circuit affirmed on the grounds that a reversion to the earlier map would violate Article I, Section 2.² App.

² The panel did not reach the Equal Protection Clause issue despite finding the district court’s analysis “compelling.” App. 28a.

27a. The panel also held that restraining the use of the earlier map “will lead to the least amount of confusion for voters subject to a string of changes this month,” because for “approximately one year, Missouri operated under the 2025 map,” during which “Missourians filed to run for Congress, met candidates, watched campaign advertisements, received campaign mail, and voted.” App. 32a. 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 the continued restraint 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 deny Applicants’ application.

Dated: September 23, 2026

Respectfully submitted,

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