



Mark F. (Thor) Hearne, II

Partner

314.296.4000 – office

314.229-5512 – cell

Thor@truenorthlawgroup.com



Thor Hearne has earned a national reputation for his work in complex federal and state litigation and appeals, in matters involving property rights, constitutional law and election law. Thor is one of the nation's preeminent political and election law attorneys.

In addition to his election law practice, Thor is one of the nation's foremost attorneys representing landowners in property rights and eminent domain and has represented owners and property rights organizations in cases defending private property rights in the United States Supreme Court, most of the federal courts of appeal and the Florida, Michigan Kansas and Missouri state supreme courts.

Thor's election law practice includes being,

- President Bush's national election counsel in the 2004 presidential re-election campaign where he oversaw more than seventy-five different lawsuits in state and federal court, including appeals to the US Supreme Court, various state supreme courts, and federal courts of appeal.
- Lead counsel for the leadership of United States Senate and House of Representatives (Senators Mitch McConnell, Robert Bennett, Christopher S. "Kit" Bond and United States Representatives Roy Blunt, Lamar Smith and Vernon Ehlers) as amici curiae before the United States Supreme Court in support of Indiana election officials on issues of federal preemption and the federal Help America Vote Act. *Crawford v. Marion County Election Board*, 553 U.S. 181 (2008).
- Advisor to the Carter-Baker Commission on Federal Election Reform and has testified on election law matters before the US Senate, US House of Representatives, US Commission on Civil Rights, and the US Election Assistance Commission. Thor was legal advisor to former Secretary of State James A. Baker, III.

- Lead trial and appellate counsel in *Lee, et al. v. Virginia State Board of Elections*, 188 F. Supp.3d 577 (E.D. Va. 2016), *affirmed* 843 F.3d 592 (4th Cir. 2016). Thor was appointed by Virginia's Democrat Attorney General Mark Herring as special counsel for the Commonwealth of Virginia to defend the state's photo-voter ID law. As lead trial and appellate counsel Thor successfully defended Virginia's election law in a two-week trial in the Eastern District of Virginia and then successfully defended the Commonwealth on appeal in the Fourth Circuit.
- Lead counsel in *Harris v. Arizona Independent Redistricting Commission*, 136 S.Ct. 1301 (2016). Thor represented Arizona citizens and voters in a U.S. Supreme Court challenge of the 2012 redistricting plan for Arizona state legislative districts. Thor argued this case before the Supreme Court and Arizona Attorney General Mark Brnovich joined Thor, arguing on behalf of the Secretary of State against the redistricting plan.
- Lead trial and appellate counsel for Missouri Lt. Governor Peter Kinder in *Kinder v. Geithner*, 695 F.3d 772 (8th Cir. 2012) challenging provisions of the Patient Protection and Affordable Care Act (Obamacare).
- Counsel for citizens seeking to uphold Missouri's election law requiring photo identification. Thor argued the case before the Missouri Supreme Court. *Weinschenk v. State of Missouri*, 203 S.W.3d 201 (Mo. 2006).
- Lead counsel for President Bush's campaign in *Bush-Cheney, 2000, Inc. v. Baker*, 34 S.W.3d 410 (Mo. Ct. App. 2000) that won an emergency appeal overturning a trial court order holding polls open in only the City of St. Louis. This decision established a precedent that has been relied upon in similar poll-closing cases and the court's reliance upon the Equal Protection Clause was a predecessor to the *Bush v. Gore* decision
- Lead counsel in *Corbett v. Sullivan*, 202 F. Supp. 2d 972 (E.D. Mo. 2002) for individuals including minority plaintiffs challenging the unconstitutional apportionment of St. Louis County Council. Thor worked closely with the local NAACP to achieve a successful reapportionment of St. Louis County government. Counsel for the NAACP said, "[Mr. Hearne carried] the burden of a substantial amount of the NAACP's case.... [Mr. Hearne] provided great help to counsel for the NAACP during this fast-paced redistricting litigation. [And Mr. Hearne took] the leading role in this action and in incorporating the NAACP's objectives."
- Lead counsel for *amicus curiae* before Michigan Supreme Court in support of constitutionality of Michigan election law. *In re Request for Advisory Opinion Regarding Constitutionality of 2005 PA 71*, 740 N.W.2d 444 (Mich. July 18, 2007).
- Lead counsel for a coalition of agricultural groups including Missouri Farmers Care in *Shoemaker v. Kander*, 464 S.W.3d 171 (Mo. 2015) that successfully

defended Missouri's Constitutional Amendment 1, the "Right to Farm Amendment" in a statewide recount and state supreme court election contest.

- Lead counsel for U.S. Congressman Akin in *McNary v. Akin*, Cause No. 00CC-002969, (*Cir. Ct. St. Louis Cty, Div. 10, 2000*) a successful defense of primary election recount challenge. This was one of the first election contests to litigate the issues of hanging chad.

Thor has also testified before the United States Commission on Civil Rights (voter fraud and voter intimidation, October 10, 2006), U.S. Senate Judiciary Committee, Subcommittee on Constitution, Civil Rights and Property Rights, July 2006, U.S. House Administration Committee (on the Help America Vote Act and the 2004 Presidential Election March 21, 2005), and the Federal Election Assistance Commission, December 7, 2006.

Many state and federal officials, including governors, members of the United States Senate and House have engaged Thor as their legal counsel on election and political matters. Thor was counsel to Missouri Governor Matt Blunt and to the National Republican Senatorial Committee and the Republican National Committee. Thor has represented many federal, state, and local candidates in successful election contests and recounts and the related litigation.

Bar and Court Admissions

U.S. Supreme Court

U.S. Court of Federal Claims

U.S. Court of Appeals, Federal Circuit

U.S. Court of Appeals, Second Circuit

U.S. Court of Appeals, Fourth Circuit

U.S. Court of Appeals, Sixth Circuit

U.S. Court of Appeals, Seventh Circuit

U.S. Court of Appeals, Eighth Circuit

U.S. Court of Appeals, Eleventh Circuit

District of Columbia Bar

Missouri Supreme Court

Michigan Supreme Court

Florida Supreme Court – admitted pro hac vice to argue *Rogers v. United States*.

Kansas Supreme Court – admitted pro hac vice to argue *Biery et. al v. United States*.

Education

Washington University School of Law, JD, 1986

Washington University in St. Louis, BA, 1983