

**IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI**

PEOPLE NOT POLICIANS;
RICHARD VON GLAHN,

Plaintiffs,

v.

Case No. 25AC-CC08724

DENNY HOSKINS, in his official
Capacity as the Missouri Secretary
of State

Defendant.

**DEFENDANT HOSKINS’S OBJECTIONS AND RESPONSES TO PLAINTIFFS
FIRST SET OF REQUESTS FOR PRODUCTION**

Defendant Missouri Secretary of State Denny Hoskins, in his official capacity (“Defendant”), by and through counsel, hereby serves the following Objections and Responses to Plaintiffs People Not Politicians and Richard von Glahn’s (“Plaintiffs”) First Requests for Production, pursuant to Missouri Supreme Court Rule 58.01.

OBJECTIONS RELEVANT TO EACH REQUEST

The Plaintiffs seek information related to the drafting process of the Ballot Title as well as information related to the Secretary of State’s position on the meaning of the Ballot Title. However, Missouri courts clearly state the irrelevance of this kind of discovery in a Ballot Title challenge. *See State ex rel. Kander v. Green*, 462 S.W.3d 844, 849–50 (Mo. App. W.D. 2015); *State ex rel. Humane Soc’y of Mo. v. Beetem*, 317 S.W.3d 669, 673–74 (Mo. App. W.D. 2010). In fact, Missouri courts have stated that discovery is “rarely”

relevant to such a challenge. *State ex rel. Kander* at 852. This is because the question at issue is narrow and is ultimately a question of law rather than fact. *Id.* In ballot title challenges, the Plaintiff bears the burden of demonstrating that the language of the Summary Statement is “unfair and insufficient.” *State ex rel. Humane Soc’y of Mo*, 317 S.W.3d at 673; § 116.190.3, RSMo. The Defendant need not provide external evidence related to the language of the Ballot Title.

“[I]nsufficient means inadequate; especially lacking adequate power, capacity, or competence’ and ‘unfair means to be marked by injustice, partiality, or deception.’ *Brown v. Carnahan*, 370 S.W.3d 637, 654 (Mo. banc 2012) (quoting *State ex rel. Humane Soc’y of Mo*, 317 S.W.3d at 673). Consequently, this involves a review of the plain language of a ballot title and a comparison of the ballot title to the provisions of the referendum. *State ex rel. Kander* at 849. An analysis of the process or information used by the Secretary in drafting, reviewing, or certifying the Ballot Title is, therefore, irrelevant. *Id.* Ultimately, “the trial judge . . . is able to determine . . . whether the Secretary's summary [employs language that is intentionally argumentative, or is otherwise unfair or insufficient] without having to resort to discovery reflecting a Secretary's support for, or opposition to, the Petition.” *Id.* at 852 (second and third alterations in original) (quoting *State ex rel. Humane Soc’y of Mo*, 317 S.W.3d at 674).

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: All drafts of the Ballot Title for 2026-R004, including redlines, tracked changes, comments, and embedded metadata.

RESPONSE:

Defendant objects to Request for Production 1 as irrelevant and not reasonably calculated to lead to admissible evidence. The relevant question before the Court is whether the final language used in the Summary Statement is insufficient and unfair. *Brown v. Carnahan*, 370 S.W.3d 637, 653–54 (Mo. banc 2012). The drafts of the Ballot Title are wholly irrelevant to this inquiry. *See State ex rel. Kander v. Green*, 462 S.W.3d 844, 849 (Mo. App. W.D. 2015) (“[A] court’s review of a [ballot title] challenge involves a review of the language of the ballot summary and a comparison of the summary’s language to the provisions of the initiative; it does not require any foray into the state of mind of the summary’s drafters.”).

Defendant further objects to Request for Production 1 as impermissibly seeking information protected under the Executive Privilege or the Deliberative Process Privilege. *See, e.g., Missouri Prot. & Advoc. Servs. v. Allan*, 787 S.W.2d 291, 294–95 (Mo. Ct. App. 1990). Drafts of the Ballot Title, including comments would include privileged communications amongst executive officials related to their official functions, as well as advice, recommendations, and opinions that are part of the decision making process of the government.

Defendant also objects to Request for Production 1 to the extent information protected under the Attorney-Client-Communication Privilege or the Attorney-Work-Product Privilege. The scope of this privilege includes, but is not limited to, any communications with the Missouri Secretary of State’s General Counsel or any work prepared by the General Counsel in anticipation of, or in response to, litigation. The General Counsel’s office would be involved in parts of the drafting, reviewing, editing, approving, or certification stages of the Ballot Title and any drafts pursuant to that representation would be privileged.

REQUEST FOR PRODUCTION NO. 2: All documents and communications concerning the drafting, review, approval, or certification of the Ballot Title including internal memoranda, notes, meeting agendas, minutes, and calendars.

RESPONSE:

Defendant objects to Request for Production 2 as irrelevant and not reasonably calculated to lead to admissible evidence. The question before the Court is whether the final language used in the Summary Statement is insufficient and unfair. *Brown*, 370 S.W.3d at 653–54; *see also State ex rel. Humane Soc’y of Mo. v. Beetem*, 317 S.W.3d 669, 673 (Mo. App. W.D. 2010). The documents used and communications related to drafting, reviewing, and approving the Summary

Statement are not relevant to the question of whether the final language used in the Summary Statement is insufficient and unfair. *See State ex rel. Kander*, 462 S.W.3d at 849.

Defendant also objects to Request for Production 2 as impermissibly seeking information protected under the Executive Privilege or the Deliberative Process Privilege. *See, e.g., Allan*, 787 S.W.2d at 294–95. The requested documents and communications would include privileged communications amongst executive officials related to their official functions, as well as advice, recommendations, and opinions that are part of the decision making process of the government.

Defendant further objects to the extent Request for Production 3 seeks information protected under the Attorney-Client-Communication Privilege or the Attorney-Work-Product Privilege. The scope of this privilege includes, but is not limited to, any communications with the Missouri Secretary of State’s General Counsel or any work prepared by the General Counsel in anticipation of, or in response to, litigation. The General Counsel’s office would be involved in parts of the drafting, reviewing, editing, or approval stages of the ballot title process and any communications pursuant to that representation would be privileged. Additionally, attorneys in the Attorney General’s Office represent Defendant in this action and others. This includes multiple lawsuits related to redistricting, where Plaintiffs are parties. Any communications made pursuant to that representation and any analyses and documentation created by such attorneys would be privileged.

REQUEST FOR PRODUCTION NO. 3: All documents, data, analyses, and communications that support, refer, or relate to the Ballot Title’s statement that the 2022 Congressional Plan was “gerrymandered,” including any partisan performance analyses, ensemble analyses, district-by-district evaluations, or expert materials.

RESPONSE:

Defendant objects to Request for Production 3 as irrelevant and not reasonably calculated to lead to admissible evidence. The question before the court is whether the ballot title is unfair and insufficient. *Brown*, 370 S.W.3d at 653–54; *see also State ex rel. Humane Soc’y of Mo.*, 317 S.W.3d at 673. The documents, data, analyses, documents, or communications used when drafting the statement are irrelevant to the ultimate question of unfairness and insufficiency. *See State ex rel. Kander*, 462 S.W.3d at 849. Moreover, any documents, data, analyses, or communications reflecting the Defendant’s position on the phrase “gerrymandered” are not relevant to the question of law that is at issue. *Id.*

Defendant further objects to the extent Request for Production 3 seeks information protected under the Attorney-Client-Communication Privilege or the Attorney-Work-Product Privilege. The scope of this privilege includes, but is not limited to, any communications with the Missouri Secretary of State's General Counsel or any work prepared by the General Counsel in anticipation of, or in response to, litigation. Additionally, attorneys from the Attorney General's Office represent Defendant in this action and in numerous actions challenging the recently enacted congressional plan. Any communications made or documents created pursuant to that representation and any analyses and documentation created by such attorneys would be privileged.

Defendant also objects to Request for Production 3 as overly broad, not reasonably specific, and not proportional to the needs of the case. This request asks Defendant to produce all documents, data, analyses and communications that "refer, or relate" to the challenged assertion. Without additional parameters, that requires Defendant, and later counsel, to search, identify, and review voluminous emails and documents unrelated to the underlying controversy to determine responsiveness and privilege. For a ballot title challenge, which focuses on a legal rather than a factual question, this is unduly burdensome and beyond the needs of the case.

Additionally, Defendant objects to Request for Production 6 as impermissibly seeking information protected by Executive Privilege or the Deliberative Process Privilege. Disclosure of the information used by Defendant preparing the Summary Statement would include privileged communications amongst executive officials related to their official functions, including but not limited to advice, recommendations, and opinions that are part of the decision making process of the government.

Moreover, Defendant objects to the extent that this request calls for the production of documents that are publicly available or otherwise equally accessible to the Plaintiffs.

REQUEST FOR PRODUCTION NO. 4: All documents, data, analyses, and communications that support, refer, or relate to the Ballot Title's assertion that the 2022 Congressional Plan "protects incumbent politicians," including any incumbency protection metrics, pairing analyses, or election performance comparisons.

RESPONSE:

Defendant objects to Request for Production 4 as irrelevant and not reasonably calculated to lead to admissible evidence. The relevant inquiry is

whether the final language of the Summary Statement is unfair and insufficient. *Brown*, 370 S.W.3d at 653–54. Any documents, data, analyses, documents, or communications relied on by Defendant while drafting the Summary Statement are irrelevant. *See State ex rel. Kander*, 462 S.W.3d at 849.

Defendant further objects to Request for Production 4 as overly broad, not reasonably specific, and not proportional to the needs of the case. This request asks Defendant to produce all documents, data, analyses and communications that “refer, or relate” to the challenged assertion. Without additional parameters, that requires Defendant, and later counsel, to search, identify, and review voluminous emails and documents unrelated to the underlying controversy to determine responsiveness and privilege. For a ballot title challenge, which centers around a legal rather than a factual question, this is unduly burdensome and beyond the needs of the case.

Defendant also objects to Request for Production 4 to the extent it seeks information protected under the Attorney-Client-Communication Privilege or the Attorney-Work-Product Privilege. The scope of this privilege includes, but is not limited to, any communications with the Missouri Secretary of State’s General Counsel or any work prepared by the General Counsel in anticipation of, or in response to, litigation. The scope of the privilege also includes communications with attorneys from the Attorney General’s Office who represent Defendant in this action and numerous additional actions relating to the recently enacted congressional plan. Any documents, analyses, and data created pursuant to that representation would be privileged.

Additionally, Defendant objects to Request for Production 6 as impermissibly seeking information protected by Executive Privilege or the Deliberative Process Privilege. *See, e.g., Allan*, 787 S.W.2d at 294–95. Disclosure of the information used by Defendant preparing the Summary Statement would include privileged communications amongst executive officials related to their official functions, as well as advice, recommendations, and opinions that are part of the decision making process of the government.

Moreover, Defendant objects to the extent that this request calls for the production of documents that are publicly available or otherwise equally accessible to the Plaintiffs.

REQUEST FOR PRODUCTION NO. 5: All documents, data, analyses, and communications that support, refer, or relate to the Ballot Title’s assertion that HB 1 “keep[s] more cities and counties intact,” including lists of municipal or county splits for HB 1 and for the 2022 Congressional Plan, comparative tables, and the methodology used.

RESPONSE:

Defendant objects to Request for Production 5 as irrelevant and not reasonably calculated to lead to admissible evidence. In ballot title challenges, the pertinent question is whether the final language of the Ballot Title is unfair and insufficient. *Brown*, 370 S.W.3d at 653–54. The documents, data, analyses, and communications used by Defendant, to the extent any such methods were used, in determining what language should be included in the Summary Statement are not relevant—because they do not help Plaintiffs meet their burden to demonstrate that as a matter of law, the Summary Statement is unfair and insufficient. *State ex rel. Kander*, 462 S.W.3d at 849.

Defendant further objects to Request for Production 5 as overly broad, not reasonably specific, and not proportional to the needs of the case. This request asks Defendant to produce all documents, data, analyses and communications that “refer, or relate” to the challenged assertion. Without additional parameters, that requires Defendant, and later counsel, to search, identify, and review voluminous emails and documents unrelated to the underlying controversy to determine responsiveness and privilege. Ballot title challenges involve a legal, rather than a factual question. And discovery is rarely appropriate. This request is unduly burdensome and beyond the needs of the case.

Moreover, Defendant objects to the extent that this request calls for the production of documents that are publicly available or otherwise equally accessible to the Plaintiffs.

Defendant also objects to the extent Request for Production 6 seeks information protected under the Attorney-Client-Communication Privilege or the Attorney-Work-Product Privilege. The scope of this privilege includes, but is not limited to, any communications with the Missouri Secretary of State’s General Counsel or any work prepared by the General Counsel in anticipation of, or in response to, litigation. Additionally, attorneys from the Attorney General’s Office represent Defendant in this matter and in numerous matters related to the recently enacted congressional plan. Any documents, data, analyses, and communications pursuant to that relationship would be privileged.

Additionally, Defendant objects to Request for Production 6 as impermissibly seeking information protected by Executive Privilege or the Deliberative Process Privilege. *See, e.g., Allan*, 787 S.W.2d at 294–95. Disclosure of the information used by Defendant preparing the Summary Statement, to the extent such information was used, would include privileged communications amongst executive officials related to their official functions.

REQUEST FOR PRODUCTION NO. 6: All documents, data, analyses, and communications that support, refer, or relate to the Ballot Title's assertion that HB 1's districts "are more compact," including compactness scores for each district under each metric used for HB 1 (e.g., Polsby-Popper, Reock, Schwartzberg, perimeter-to-area, convex hull, or others) and the 2022 Congressional Plan, and all methodological documentation and software outputs.

RESPONSE:

Defendant objects to Request for Production 6 as irrelevant and not reasonably calculated to lead to admissible evidence. The ultimate question is whether the final language of the Summary Statement is unfair and insufficient. *Brown*, 370 S.W.3d at 653–54. The documents, data, analyses, and communications used by Defendant, if any, in drafting the Summary Statement's language are not relevant to whether the *final* language of the Summary Statement is unfair and insufficient. *See State ex rel. Kander*, 462 S.W.3d at 849.

Defendant further objects to Request for Production 6 as overly broad, not reasonably specific, and not proportional to the needs of the case. This request asks Defendant to produce all documents, data, analyses and communications that "refer, or relate" to the challenged assertion. This requires Defendant, and later counsel, to search, identify, and review voluminous emails and documents tangential to the Ballot Title and ultimately unrelated to this controversy to determine responsiveness and privilege. The ultimate question in any ballot title challenge is legal rather than factual. Accordingly, this request is unduly burdensome and beyond the needs of the case.

To that end, Defendant also objects to Request for Production 6 as vague, lacking specificity, and unreasonably broad to the extent it requests "all methodological documentation and software outputs." It is unclear how this relates to the underlying controversy. Nor is it clear to what this request refers. Defendant cannot determine what Plaintiffs are seeking without additional parameters.

Defendant also objects to the extent that this request calls for the production of documents that are publicly available or otherwise equally accessible to the Plaintiffs.

Defendant objects to the extent Request for Production 6 seeks information protected under the Attorney-Client-Communication Privilege or the Attorney-

Work-Product Privilege. The scope of this privilege includes, but is not limited to, any communications with the Missouri Secretary of State's General Counsel or any work prepared by the General Counsel in anticipation of, or in response to, litigation. Additionally, attorneys from the Attorney General's Office represent Defendant in this matter and in others related to the new congressional map. And this privilege extends to communications, documents data, and analyses prepared in connection with that relationship.

Defendant also objects to Request for Production 6 to the extent it seeks information protected by Executive Privilege or the Deliberative Process Privilege. *See, e.g., Allan*, 787 S.W.2d at 294–95. The documents, data, analyses, and communications, used by Defendant in creating the Summary Statement, to the extent used, would include privileged communications amongst executive officials related to their official functions, as well as advice, recommendations, and opinions that are part of the decision making process of the government.

REQUEST FOR PRODUCTION NO. 7: All documents, data, analyses, and communications that support, refer, or relate to the Ballot Title's assertion that HB 1 "better reflects statewide voting patterns," including definitions of "statewide voting patterns," election results relied upon, seat-vote models, partisan fairness metrics, sensitivity analyses, and related outputs.

RESPONSE:

Defendant objects to Request for Production 7 as irrelevant and not reasonably calculated to lead to admissible evidence. The relevant inquiry is whether the Summary Statement is unfair and insufficient. *Brown*, 370 S.W.3d at 653–54. The information used by Defendant in drafting the specific language of the Summary Statement is not relevant to the determination of whether the final language of the Summary Statement is unfair and inadequate. *State ex rel. Kander*, 462 S.W.3d at 849–50.

Moreover, documents, data, analyses, and communications connected to Defendant's definition of the phrase "statewide voting patterns" are irrelevant. The relevant inquiry is whether the plain language of the statute is unfair or insufficient. *See State ex rel. Humane Soc'y of Mo.*, 317 S.W.3d at 673. And Defendant's subjective views on the meaning of the Summary Statement have no impact on this question of law. *See State ex rel. Kander*, 462 S.W.3d at 849.

Defendant also objects to Request for Production 7 as overly broad, not reasonably specific, and not proportional to the needs of the case. This request asks Defendant to produce all documents, data, analyses and communications that “refer, or relate” to the challenged assertion. This requires Defendant, and later counsel, to search, identify, and review voluminous emails and documents tangential to the Ballot Title and ultimately unrelated to this controversy to determine responsiveness and privilege. The ultimate question in any ballot title challenge is legal rather than factual. Accordingly, this request is unduly burdensome and beyond the needs of the case.

Defendant further objects to Request for Production 7 to the extent it seeks information protected under the Attorney-Client-Communication Privilege or the Attorney-Work-Product Privilege. The scope of this privilege includes, but is not limited to, any communications with the Missouri Secretary of State’s General Counsel or any work prepared by the General Counsel in anticipation of, or in response to, litigation. Additionally, attorneys from the Attorney General’s Office represent Defendant in this matter and in other matters related to the newly enacted congressional map. This privilege extends to communications, documents data, and analyses prepared in connection with that relationship.

Defendant also objects to Request for Production 7 as impermissibly seeking information protected under the Executive Privilege or the Deliberative Process Privilege. *See, e.g., Allan*, 787 S.W.2d at 294–95. The information used by Defendant in drafting the Summary Statement would include communications amongst executive officials related to their official functions, as well as advice, recommendations, and opinions that are part of the decision making process of the government.

Moreover, Defendant objects to the extent that this request calls for the production of documents that are publicly available or otherwise equally accessible to the Plaintiffs.

REQUEST FOR PRODUCTION NO. 8: All communications with outside experts, consultants, academics, advocacy organizations, or other government entities regarding the Ballot Title, HB 1, or the factual assertions in the Ballot Title, including any engagement letters, draft reports, presentations, or correspondence.

RESPONSE:

Defendant objects to Request for Production 8 as irrelevant and not reasonably calculated to lead to admissible evidence. The question before the Court

is whether the final language used in the Summary Statement was insufficient and unfair. *Brown*, 370 S.W.3d at 653–54. Discussions with third parties related to the drafting or merits of the Ballot Title, to the extent any such consultation occurred, are irrelevant to determining whether the language of the Summary Statement is unfair or insufficient. *See State ex rel. Kander*, 462 S.W.3d at 849–50.

Defendant further objects to Request for Production 8 as overly broad and stretching far beyond the scope of the case. Request for Production 8 amounts to a fishing expedition for information held by Defendant related to HB 1. Defendant is currently engaged in multiple lawsuits related to HB 1 and asking for “all communications . . . regarding . . . HB 1” encompasses far more information than is relevant to this case and that would privileged in any event. This case is a challenge to the Ballot Title for the Referendum, it is not a challenge to HB 1.

Defendant also objects to Request for Production 8 to the extent it seeks information protected under the Attorney-Client-Communication Privilege or the Attorney-Work-Product Privilege. The scope of this privilege includes, but is not limited to, any communications with the Missouri Secretary of State’s General Counsel; any work prepared by the General Counsel in anticipation of, or in response to, litigation; any communications with the Missouri Attorney General’s Office; or any work prepared by the Missouri Attorney General in anticipation of, or in response to, litigation. Attorneys in the Attorney General’s Office represent Defendant in this action and in other matters related to the new congressional map. Attorneys within the Attorney General’s Office also provide legal advice to state agencies when requested. Any communications made pursuant to that representation and any analyses and documentation created by such attorneys would be privileged.

Defendant further objects to Request for Production 8 to the extent it seeks information protected by Legislative Privilege. Legislative privilege is not limited to communications among legislators, but includes communications with third parties who are “brought . . . into the [legislative] process.” *La Union Del Pueblo Entero v. Abbott*, 68 F.4th 228, 236 (5th Cir. 2023); *see also In re N.D. Legislative Assembly*, 70 F.4th 460, 464 (8th Cir. 2023), *cert. granted sub nom. Turtle Mountain Band of Chippewa Indians v. N.D. Legislative Assembly*, 144 S. Ct. 2709 (2024). Request for Production 8 impermissibly seeks information that is part of a legitimate aspect of legislative activity.

REQUEST FOR PRODUCTION NO. 9: All software outputs, scripts, settings, configuration files, and input datasets used to evaluate compactness, municipal/county

splits, or partisan performance for HB 1 or for the 2022 Congressional Plan, including GIS files, shapefiles, census data extracts, and election returns.

RESPONSE:

Defendant objects to Request for Production 9 to the extent it calls for information used by Defendant while drafting the Summary Statement as irrelevant and unlikely to lead to admissible evidence. When evaluating ballot title challenges, courts look to the plain language of the Summary Statement to determine if it is unfair and insufficient. *Brown*, 370 S.W.3d at 653–54; *see also State ex rel. Humane Soc’y of Mo.*, 317 S.W.3d at 673. Plaintiffs request for information relied on by Defendant in evaluating HB 1 and the 2022 Congressional Plan speaks to Defendant’s subjective mindset which is irrelevant to the legal determination of insufficiency and unfairness. *State ex rel. Kander*, 462 S.W.3d at 849–50.

Moreover, Defendant objects to Request for Production 9 as overly broad and not tailored to the needs of this case. Once again, Plaintiffs request information related to HB 1 and the 2022 Congressional Plan, neither of which are challenged in this lawsuit. The scope of this lawsuit is narrow. It is a challenge to the Ballot Title for the Referendum. Consequently, this request—which does not even address the Ballot Title—is unduly burdensome, and far beyond the needs of this case. Especially since much of the information Plaintiffs seek is publicly available.

Defendants also object to the extent this request seeks information protected under the Attorney-Client-Communication Privilege or the Attorney-Work-Product Privilege. Attorneys from the Attorney General’s Office represent Defendant in this matter as well as other matters related to HB 1. These privileges extend to any information, documents, or communications pursuant to that relationship.

INTERROGATORY NO. 10: All comparisons, reports, presentations, briefing materials, or talking points that contrast HB 1 with the 2022 Congressional Plan on compactness, municipal/county splits, incumbency effects, or partisan characteristics.

RESPONSE:

Defendant objects to Request for Production 10 as irrelevant and not reasonably calculated to lead to admissible evidence. The Defendant’s evaluation of HB 1’s relationship to the 2022 Congressional Plan is not relevant to the question of whether the final language of the Summary Statement is insufficient and unfair. *See Brown*, 370 S.W.3d at 653–54; *State ex rel. Kander*, 462 S.W.3d at 850.

Moreover, Defendant objects to this request as overly broad and not proportional to the needs of the case. Request for production 10 stretches far beyond the Ballot Title and asks Defendant to produce all comparisons, reports, presentations, briefing materials, or talking points that contrast HB 1 with the Congressional Plan. Even with the parameters set, this reaches beyond the ballot title challenge and fishes for information that is not relevant to whether the Ballot Title is insufficient and unfair.

Defendant further objects to Request for Production 10 as impermissibly seeking information protected by Executive Privilege or the Deliberative Process Privilege. *See, e.g., Allan*, 787 S.W.2d at 294–95. Inquiry into the reports, presentations, briefing materials, and talking points contrasting HB 1 with the 2022 Congressional Plan, to the extent that such information exists, would involve communications amongst executive officials related to their official functions.

Defendants also object to the extent this request seeks information protected under the Attorney-Client-Communication Privilege or the Attorney-Work-Product Privilege. Attorneys from the Attorney General’s Office represent Defendant in this matter as well as other matters related to HB 1. Thus, the scope of the Attorney-Client-Communication Privilege and the Attorney-Work-Product Privilege extend to any information, documents, or communications pursuant to that relationship.

REQUEST FOR PRODUCTION NO. 11: All communications with the General Assembly, its members, staff, or agents concerning HB 1’s intended or expected effects on compactness, municipal/county splits, incumbents, or partisan performance, including any provision of data or analyses to or from such purposes.

RESPONSE:

Defendant objects to Request for Production 11 as irrelevant and not reasonably calculated to lead to admissible evidence. Plaintiffs must prove that the final language of the Summary Statement is unfair and insufficient. *Brown*, 370 S.W.3d at 653–54. This is an objective inquiry focused on the plain language of the Ballot Title and a comparison of the Summary Statement’s language to the provisions of the Referendum. *See State ex rel. Kander*, 462 S.W.3d at 849. Communications with the General Assembly, to the extent such events occurred, have no bearing on the fairness or sufficiency of the language of the Summary Statement. *See State ex rel. Humane Soc’y of Mo.*, 317 S.W.3d at 673 (“The motives and political strategies of initiative proponents are not relevant to the court’s analysis of the Secretary’s summary statement.”); *State ex rel. Kander*, 462 S.W.3d at 849–50.

This request also seeks irrelevant documents that are not related to the Ballot Title. Plaintiffs do not challenge any provision of HB 1 in their petition. Their petition focuses narrowly on the Summary Statement prepared by Defendant. Yet this request seeks information connected to HB 1 regardless of its relevance to the Ballot Title challenge.

Defendant further objects to Request for Production 11 to the extent it seeks information protected by Legislative Privilege. Legislative privilege is not limited to communications among legislators, but includes communications with third-parties who are “brought . . . into the [legislative] process.” *La Union Del Pueblo Entero*, 68 F.4th at 237; *see also In re N.D. Legislative Assembly*, 70 F.4th at 464. Interrogatory Number 11 impermissibly seeks information that is part of a legitimate aspect of legislative activity.

REQUEST FOR PRODUCTION NO. 12: All documents reflecting research, analysis, or guidance concerning the Secretary of State’s authority to draft or certify a summary statement for a referendum petition.

RESPONSE:

Defendant objects to Request for Production 12 to the extent it seeks information protected under the Attorney-Client-Communication Privilege or the Attorney-Work-Product Privilege. The scope of this privilege includes, but is not limited to, any communications with the Missouri Secretary of State’s General Counsel or any work prepared by the General Counsel in anticipation of, or in response to, litigation. Additionally, attorneys in the Attorney General’s Office represent Defendant in this action and in numerous actions challenging the recently enacted congressional plan. Any communications made pursuant to that representation and any analyses and documentation created by such attorneys would be privileged.

Subject to and without waiving the foregoing objection, Defendant will produce the following responsive documents that we have identified: a copy of Section 116.334, RSMo and the official ballot title for 2022-R002. Defendant is conducting a diligent search for responsive documents and will produce non-privileged documents and communications responsive to this request within a reasonable time of this response if they exist and to the extent they are not withheld based upon any of the foregoing privileges or objections.

REQUEST FOR PRODUCTION NO. 13: All prior instances, if any, in which the Secretary of State used the term “gerrymandered” in an official ballot title, including the associated documents supporting its use and any legal or factual analysis.

RESPONSE:

Defendant objects to Request for Production 13 as irrelevant and not reasonably calculated to lead to admissible evidence. The question at issue is whether of the final language of the Summary Statement is unfair and insufficient. *Brown*, 370 S.W.3d at 653–54. This is a legal question answered by the plain language of the statute and a comparison with HB 1. *See State ex rel. Kander*, 462 S.W.3d at 850. Prior instances of the use of the term “gerrymandered” in official ballot titles, to the extent there are any, have no bearing on whether this Ballot Title is unfair or insufficient. Even more so, documents associated with previous uses of the term “gerrymandered” have no relevance to the present controversy because the Defendant’s mental impressions are irrelevant to the question at issue. *Id.*

Defendant further objects to Request for Production 13 to the extent it seeks information protected under the Attorney-Client-Communication Privilege or the Attorney-Work-Product Privilege. The scope of this privilege includes, but is not limited to, any communications with the Missouri Secretary of State’s General Counsel or any work prepared by the General Counsel in anticipation of, or in response to, litigation. Any legal analysis pursuant to the drafting of any prior summary statements that include the term “gerrymandered,” to the extent they exist, prepared by the General Counsel or by attorneys from the Attorney General’s Office in connection with representation would be privileged.

Defendant also objects to Request for Production 13 to the extent it seeks information protected by Executive Privilege or the Deliberative Process Privilege. *See, e.g., Allan*, 787 S.W.2d at 294–95. Associated documents related to the past use of the term “gerrymandered,” to the extent such documents exist, would include confidential communications amongst executive officials related to their official functions, as well as advice, recommendations, and opinions that are part of the decision making process of the government.

REQUEST FOR PRODUCTION NO. 14: All public communications, press releases, social media content, speeches, media talking points, or correspondence concerning the Ballot Title or its factual assertions, including drafts and approvals.

RESPONSE:

Defendant objects to Request for Production 15 as irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Communications with the media and public have no bearing on the legal question at issue, whether the Ballot Title is unfair or insufficient. *See Brown*, 370 S.W.3d at 653–54. Plaintiffs seek to uncover the Defendant’s subjective understanding of the Summary Statement, but the Defendant’s mental impressions have no bearing on whether the Summary Statement is actually unfair or insufficient when compared to HB 1. *State ex rel. Kander*, 462 S.W.3d at 849–50.

Defendant further objects to Request for Production 14 as impermissibly seeking information protected under the Executive Privilege or the Deliberative Process Privilege. *See, e.g., Allan*, 787 S.W.2d at 294–95. Any analysis of the drafting of the requested documents would include confidential communications amongst executive officials related to their official functions, as well as advice, recommendations, and opinions that are part of the decision making process of the government.

Defendant also objects to the extent Request for Production 14 calls for the production of publicly available documents or documents otherwise equally accessible to the Plaintiffs.

REQUEST FOR PRODUCTION NO. 15: All documents reflecting or relating to any polling, testing, focus groups, message testing, or audience research concerning potential ballot title language, including vendor contracts, methodologies, questionnaires, reports, datasets, and results.

RESPONSE:

Defendant objects to Request for Production 15 as irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. The requested information does not establish the unfairness or insufficiency of the final language of the Ballot Title. *See Brown*, 370 S.W.3d at 653–54. Potential ballot title language or any feedback on potential ballot title language, to the extent it exists, has no bearing on the legal question at issue, whether the *final* language is unfair or insufficient.

Defendant further objects to Request for Production 14 as impermissibly seeking information protected under the Executive Privilege or the Deliberative Process Privilege. *See, e.g., Allan*, 787 S.W.2d at 294–95. Any analysis of the

drafting of the requested documents would include confidential communications amongst executive officials related to their official functions.

REQUEST FOR PRODUCTION NO. 16: All versions of HB 1's district boundary files and all versions of the 2022 Congressional Plan boundary files used or referenced by your office, including associated metadata indicating source and date.

RESPONSE:

Defendant objects to Request for Production 16 as overbroad and lacking specificity. Plaintiffs broadly worded statement requests information beyond the scope of this case. Request for Production 16 asks for "[a]ll versions of HB 1's district boundary files and all versions of the 2022 Congressional Plan boundary files used or referenced by your office," but it fails to specify what Defendant's office used or referenced this information for. Defendant is engaged in multiple lawsuits related to HB 1 and this request, untethered to the underlying controversy, seeks information far beyond the scope of the case.

In the event Plaintiffs intend to ask for "[a]ll versions of HB 1's district boundary files and all versions of the 2022 Congressional Plan boundary files used or referenced by your office" for the purpose of drafting the Ballot Title, Defendant objects to Request for Production 16 as irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. The question before the Court is whether the Summary Statement is unfair and insufficient. *See Brown*, 370 S.W.3d at 653–54. The drafting process and any information relied upon therein, to the extent the Secretary relied on any information beyond HB 1, is not relevant because it seeks to uncover the Defendant's motivations which are not relevant to the legal determination of fairness and sufficiency. *State ex rel. Kander*, 462 S.W.3d at 849–50.

REQUEST FOR PRODUCTION NO. 17: All district-by-district or statewide spreadsheets, tables, or reports comparing HB 1 and the 2022 Congressional Plan on any measure of compactness, municipal/county integrity, incumbency, or partisan performance.

RESPONSE:

Defendant objects for Production 17 as overly broad, irrelevant, and not proportional to the needs of the case. Plaintiffs do not challenge HB 1 or the 2022

Congressional Plan. They only challenge the Ballot Title prepared for the Referendum. Yet this request calls for documents comparing “HB 1 and the 2022 Congressional Plan on *any* measure of compactness, municipal/county integrity, incumbency, or partisan performance.” This broad request would require Defendant, and later counsel, to search, identify, and review voluminous emails and documents unrelated to the ballot title’s language to determine responsiveness and privilege. The burden of conducting this examination defies sense in this situation. Ballot title challenges rarely call for evidence beyond the language of the ballot title and the related petition. *State ex rel. Kander*, 462 S.W.3d at 852. And Plaintiffs’ request is not reasonably calculated to lead to admissible information. Nor is it relevant to the ultimate legal question—whether the Ballot Title is insufficient and unfair. *See Brown*, 370 S.W.3d at 653–54.

REQUEST FOR PRODUCTION NO. 19:¹ All communications with members of the public, media, or advocacy organizations concerning the Ballot Title, including inquiries, responses, and any explanatory materials provided.

RESPONSE:

Defendant objects to Request for Production 15 as irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Communications with the media and public have no bearing on the legal question at issue, whether the Ballot Title is unfair or insufficient. *See Brown*, 370 S.W.3d at 653–54. Whether a statement is unfair and insufficient does not depend on the Secretary’s views on the Ballot Title—public or private. *State ex rel. Kander*, 462 S.W.3d at 852. Rather, “[t]he appropriate inquiry involves both a review of the ballot summary to ensure that it does not use language that is intentionally argumentative and a comparison of the summary to the provisions of the ballot measure to ensure that the summary fairly and adequately summarizes the proposed measure.” *Id.* at 850.

REQUEST FOR PRODUCTION NO. 20: All training materials, templates, checklists, or guidance documents used by the Secretary of State’s Office for drafting ballot titles including any revisions and the dates of adoption.

¹ Defendant notes that Plaintiffs’ Requests for Production do not contain a Request for Production 18.

RESPONSE:

Defendant objects to Request for Production 20 as irrelevant and not reasonably calculated to lead to admissible evidence. The relevant question is whether the final language of the Ballot Title is unfair or insufficient. *Brown*, 370 S.W.3d at 653–54. And the Defendant’s process for drafting a Ballot Title and materials used throughout that process are irrelevant to the question of whether the final language of the Summary Statement is insufficient and unfair. *See State ex rel. Kander*, 462 S.W.3d at 850.

Defendant further objects to Request for Production 20 as impermissibly seeking information protected under the Executive Privilege or the Deliberative Process Privilege. *See, e.g., Allan*, 787 S.W.2d at 294–95. Any analysis of the process of drafting the Summary Statement, to the extent such process exists, would include confidential communications amongst executive officials related to their official functions, as well as advice, recommendations, and opinions that are part of the decision making process of the government.

Defendant also objects to Request for Production to the extent it seeks information protected under the Attorney-Client-Communication Privilege or the Attorney-Work-Product Privilege. The scope of this privilege includes, but is not limited to, any communications with the Missouri Secretary of State’s General Counsel or any work prepared by the General Counsel or in anticipation of, or in response to, litigation. And the General Counsel is involved in the drafting process. Attorneys within the Attorney General’s Office also provide legal advice to state agencies when requested. Any communications made pursuant to that representation and any analyses and documentation created by such attorneys would be privileged.

REQUEST FOR PRODUCTION NO. 21: All calendars, meeting invitations, agendas, and notes for meetings at which the Ballot Title or any of its factual assertions were discussed.

RESPONSE:

Defendant objects to Request for Production 21 as irrelevant and unlikely to lead to admissible evidence. The relevant question is whether the final language of the Ballot Title is unfair or insufficient. *Brown*, 370 S.W.3d at 653–54. Defendant’s discussions relating to the Ballot Title and its factual assertions are utterly irrelevant to determining whether the final language of the Ballot Title is insufficient and unfair. *See State ex rel. Kander*, 462 S.W.3d at 850. Missouri courts specifically recognize that Section 116.334 challenges “do[] not refer to the subjective intent of anyone involved in the drafting process.” *Id.* Subsequent discussions of the Ballot Title are also irrelevant as they only speak to the

Defendant's views on the language—and the Defendant's views “have no relevance to the question” of “whether the Secretary's ballot summary is insufficient or unfair.” *Id.* at 852.

Defendant further objects to Request for Production 21 as impermissibly seeking information protected under the Executive Privilege or the Deliberative Process Privilege. *See, e.g., Allan*, 787 S.W.2d at 294–95. An analysis of the discussions related to the Summary Statement would include confidential communications amongst executive officials related to their official functions, as well as advice, recommendations, and opinions that are part of the decision making process of the government.

Defendant also objects to Request for Production to the extent it seeks information protected under the Attorney-Client-Communication Privilege or the Attorney-Work-Product Privilege. The scope of this privilege includes, but is not limited to, any communications with the Missouri Secretary of State's General Counsel or any work prepared by the General Counsel or in anticipation of, or in response to, litigation. Additionally, attorneys in the Attorney General's Office represent Defendant in this action and in other actions related to the recently enacted congressional plan. Any communications made pursuant to that representation and any analyses and documentation created by such attorneys would be privileged.

REQUEST FOR PRODUCTION NO. 22: All documents reflecting any reliance on external data sources, including but not limited to the U.S. Census Bureau, Missouri election authorities, academic repositories, or third-party vendors, to support any factual assertion in the Ballot Title.

RESPONSE:

Defendant objects to Request for Production 22 as irrelevant and not reasonably calculated to lead to admissible evidence. The question before the court is whether the ballot title is unfair and insufficient. *Brown*, 370 S.W.3d at 653–54; *see also State ex rel. Humane Soc'y of Mo.*, 317 S.W.3d at 673. Documents relied on by the Secretary of State in crafting the language of the Ballot Title are not relevant to this question of law and to how fair or . *See State ex rel. Kander*, 462 S.W.3d at 849.

Moreover, Defendant objects to Interrogatory Number 3 to the extent it purports to shift the burden of proof for any challenge to the Summary Statement onto Defendant. Plaintiffs at all times bear the burden of proof to demonstrate that the final language of the Summary Statement is insufficient or unfair. *Hill*, 526 S.W.3d at 308. This request flips the inquiry in an attempt to place the burden on Defendant to prove the fairness and sufficiency of the Ballot Title.

REQUEST FOR PRODUCTION NO. 23: All documents you may use to support any defense in this action.

RESPONSE:

Defendant objects to Request for Production 23 to the extent it prematurely asks for Defendant's to produce its exhibit list. Neither the parties nor the Court have set a date for when this disclosure is required. That said, Defendants have identified and will produce the following documents that may be referenced in support of the challenged Summary Statement: a certified copy of the Ballot Title, HB 1, the Congressional 2022 Plan, map variations of HB 1, and the official ballot titles for 2022-R002, 2020-R001, and 2018-R002. Defendants do not reasonably anticipate relying on any other document during trial but will update its production should any be later identified.

Date: December 22, 2025

Respectfully submitted,

CATHERINE L. HANAWAY

Missouri Attorney General

Kathleen T. Hunker, admitted *pro hac vice*
Principal Deputy Solicitor General

/s/ Madeline S. Lansdell

Madeline S. Lansdell, #78538

Assistant Solicitor General

Office of the Attorney General

815 Olive Street, Suite 200

St. Louis, MO 63101

Tel. (573) 644-2424

Fax (573) 751-0774

Kathleen.Hunker@ago.mo.gov

Madeline.Lansdell@ago.mo.gov

Counsel for the Defendant

CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2025, a true and accurate copy of the foregoing was sent by electronic mail to counsel of record for all parties as follows:

Charles W. Hatfield
Alexander C. Barrett
Alixandra S. Cossette
Greta M. Bax
Stinson LLP
230 West McCarty Street
Jefferson City, MO 63139
(573) 636-6263 Phone
(573) 636-6231 Fax
Chuck.Hatfield@stinson.com
Alexander.Barrett@stinson.com
Alix.Cossette@stinson.com
Greta.Bax@stinson.com

/s/Madeline S. Lansdell
Assistant Solicitor General