

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 INTERROGATORIES**

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 Set of Interrogatories, pursuant to Missouri Supreme Court Rule 57.01.

OBJECTIONS RELEVANT TO EACH REQUEST

Much of the information sought is not relevant to any party's claim or defense in this case. 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. Missouri courts, however, 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).

INTERROGATORIES

INTERROGATORY NO. 1: Identify every person who participated in drafting, reviewing, editing, approving, or certifying the Ballot Title and describe each person’s role, responsibilities, and the nature of their contributions.

RESPONSE:

Defendant objects to Interrogatory Number 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 persons involved in drafting, reviewing, editing, approving, and certifying the Ballot Title, their responsibilities, and the nature of their contributions are not relevant to the legal analysis of insufficiency and unfairness. *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.”).

INTERROGATORY NO. 2: Describe in detail the process used to draft, review, and approve the Ballot Title, including timelines, versions, internal or external consultations, and all criteria or guidance applied to ensure the statement was “a true and impartial statement” and not “intentionally argumentative” or likely to create prejudice.

RESPONSE:

Defendant objects to Interrogatory Number 2 as irrelevant and not reasonably calculated to lead to admissible evidence. The process undertaken by the Secretary of State in drafting, reviewing, and approving the Summary Statement has no bearing on whether the Summary Statement’s final language is insufficient and unfair. *See State ex rel. Kander*, 462 S.W.3d at 849; *see also State ex rel. Humane Soc’y of Mo. v. Beetem*, 317 S.W.3d 669, 673 (Mo. App. W.D. 2010). Moreover, the Defendant’s analysis of whether the Summary Statement is “a true and impartial statement” and not “intentionally argumentative” or “likely to create prejudice” only speaks to the Defendant’s subjective views which are irrelevant to the legal issue. *See State ex rel. Kander*, 462 S.W.3d at 847.

Defendant further objects to Interrogatory Number 2 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 a Summary Statement is insufficient or unfair. *Hill v. Ashcroft*, 526 S.W.3d 299, 308 (Mo. App. W.D. 2017). This request calls for information related to the drafting, review, and approval processes undertaken “to ensure the statement was ‘a true and impartial statement’ and ‘not intentionally argumentative’ or likely to create prejudice.” But Plaintiffs, not Defendant, bear the burden of

proving these issues. *Id.* Defendant need not provide external evidence related to the language of the Ballot Title.

Defendant also objects to Interrogatory Number 2 as impermissibly seeking information protected under the Executive Privilege and Deliberative Process Privilege. *See, e.g., Missouri Prot. & Advoc. Servs. v. Allan*, 787 S.W.2d 291, 294–95 (Mo. Ct. App. 1990). The process of drafting, reviewing, approving, and otherwise assessing information in the Summary Statement would include confidential 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.

Additionally, Defendant objects to the extent that Interrogatory Number 2 encompasses two different questions. Pursuant to Rule 57.01(a), Plaintiffs only have 25 interrogatories. Plaintiffs have attempted to remain within the limit by packing two questions into one interrogatory. First, Plaintiffs ask about the process of drafting the Ballot Title along with a description of the timeline, versions, and consultations related to the drafting process. Second, Plaintiffs ask about the criteria or guidance applied to ensure the statement was “a true and impartial statement” and not “intentionally argumentative” or likely to create prejudice.

Subject to and without waiving the foregoing objections, Defendant states that the Summary Statement fully complied with all statutory requirements, including, but not limited to, all of the statutory requirements contained in §§ 116.334 and 116.190, RSMo.

INTERROGATORY NO. 3: State all facts and identify all data, analyses, documents, or communications that you contend support the Ballot Title’s statement that the 2022 Congressional Plan was “gerrymandered.”

RESPONSE:

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. That burden never shifts to the Defendant. Rather, it falls to Plaintiffs to show that the Ballot Title is insufficient and unfair based on a comparison of the summary's language to the referendum.

To that end, Defendant also objects to Interrogatory 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 facts, data, analyses, documents, or communications used when drafting the statement are irrelevant to the fairness or sufficiency of the final language. *See State ex rel. Kander*, 462 S.W.3d at 849.

Moreover, Defendant objects to Interrogatory Number 3 to the extent it impermissibly seeks information protected by Executive Privilege or the Deliberative Process privilege. *See, e.g., Allan*, 787 S.W.2d at 294–95. Disclosure of the analyses and communications made by Defendant in preparing the Summary Statement, to the extent any such events occurred, would include privileged communications amongst executive officials related to their official functions. This includes but is not limited to advice, recommendations, and opinions that are part of the decision making process of the government.

Defendant further objects to the extent Interrogatory 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 reviews Ballot Title language and any information or communications pursuant to such inquiry are privileged. Additionally, attorneys in the Attorney General’s Office represent Defendant in this action and in numerous actions challenging the recently enacted congressional plan. 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.

Subject to and without waiving the foregoing objections, Defendant states that the 2022 Congressional Plan supports the Ballot Title’s use of “gerrymandered.”

INTERROGATORY NO. 4: State all facts and identify all data, analyses, documents, or communications that you contend support the implication in the Ballot Title that HB 1’s congressional districts are not “gerrymandered.”

RESPONSE:

Defendant objects to Interrogatory Number 4 as irrelevant and not reasonably calculated to lead to admissible evidence. The request rests on a theory of what

Plaintiffs believe the ballot title implies. The question in front of the Court, however, is whether the language of the Summary Statement is unfair and insufficient. *Brown*, 370 S.W.3d at 653–54. The information sought does not relate to language contained in the Ballot Title and is not relevant to whether the language of the Ballot Title is unfair or insufficient. *State ex rel. Kander*, 462 S.W.3d at 849.

Defendant also objects to this request as irrelevant to the extent it requests information relating to Defendant’s opinion on the meaning of the Ballot Title. The Secretary’s subjective interpretation of the Ballot Title is irrelevant to the question of whether the Summary Statement is inadequate and unfair when compared to the provisions of the referendum. *State ex rel. Kander*, 462 S.W.3d at 849; *State ex rel. Humane Soc’y of Mo.*, 317 S.W.3d at 673.

Defendant further objects to the extent Interrogatory Number 4 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 others challenging the new congressional map. Attorneys within the Attorney General’s Office also provide legal advice to state agencies when requested. Any communications, analyses, or documents created pursuant to that representation would be privileged.

Finally, Defendant objects to Interrogatory Number 6 to the extent it impermissibly seeks information protected by Executive Privilege or the Deliberative Process Privilege. *See, e.g., Allan*, 787 S.W.2d at 294–95. Disclosure of the analyses and communications made by Defendant in preparing the Summary Statement, to the extent any such events occurred, would include privileged communications amongst executive officials related to their official functions and the decision making process of the Missouri government.

INTERROGATORY NO. 5: State all facts and identify all data, analyses, documents, or communications that you contend support the Ballot Title’s statement that the 2022 Congressional Plan “protects incumbent politicians.”

RESPONSE:

Defendant objects to Interrogatory Number 5 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.

Defendant also objects to Interrogatory Number 5 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 facts, data, analyses, documents, or communications relied on by Defendant to determine why to include “protects incumbent politicians” only speak to Defendant’s subjective rationale for the language and are irrelevant to the ultimate legal question. *State ex rel. Kander*, 462 S.W.3d at 849.

Additionally, Defendant objects to Interrogatory Number 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 analyses and communications made by Defendant in preparing the Summary Statement, to the extent any such events occurred, would include privileged communications amongst executive officials related to their official functions as well as the decision making process of the government.

Defendant further objects to Interrogatory 5 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 others related to Missouri’s mid-decade redistricting. Attorneys within the Attorney General’s Office also provide legal advice to state agencies when requested. Any communications, analyses, or documents created pursuant to that representation would be privileged.

Subject to and without waiving the foregoing objections, Defendant states that this language is supported by the 2022 Congressional Plan.

INTERROGATORY NO. 6: Describe the analytical methods used, if any, to determine that the new congressional boundaries enacted by HB 1 “keep more cities and counties intact,” including the baseline used for comparison, the specific metrics applied, and the results.

RESPONSE:

Defendant objects to Interrogatory Number 6 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 of demonstrating that the final

language of the Summary Statement is insufficient or unfair. *Hill*, 526 S.W.3d at 308. Defendant need not provide external evidence related to the language of the Ballot Title.

Moreover, Defendant objects to Interrogatory Number 6 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 analytical methods used by Defendant, to the extent any such methods were used, to prepare the language for the Summary Statement are not relevant to the determination of whether the Summary Statement is unfair or inadequate. *State ex rel. Kander*, 462 S.W.3d at 849.

Defendant also objects to Interrogatory Number 6 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 multiple legal actions related to redistricting; this includes litigation where Plaintiffs are parties. Attorneys within the Attorney General’s Office also provide legal advice to state agencies when requested. Any communications or analyses made pursuant to that representation would be privileged.

Finally, Defendant objects to Interrogatory Number 6 as impermissibly seeking information protected by Executive Privilege or Deliberative Process Privilege. Disclosure of the methods used by Defendant preparing the Summary Statement, to the extent any such evaluation occurred, would include privileged communications amongst executive officials related to their official functions and related to the decision making process of government.

Subject to and without waiving the foregoing objections, Defendant states that HB 1, the congressional map formed by HB 1, the 2022 Congressional Map support the challenged language.

INTERROGATORY NO. 7: Identify and describe all facts, metrics, methodologies, and

analyses you contend support the assertion that HB 1 creates districts that “are more compact,” including which compactness measures were used (e.g., Polsby-Popper, Reock,

Schwartzberg, perimeter-to-area, convex hull, or others), how they were calculated, and how they compare to the 2022 Congressional Plan.

RESPONSE:

Defendant objects to Interrogatory 7 as irrelevant and not reasonably calculated to lead to admissible evidence. The facts, metrics, methodologies, and analyses used by Defendant, if any, in drafting the Summary Statement are not relevant to the determination of the Summary Statement's fairness or adequacy. *See State ex rel. Kander*, 462 S.W.3d at 849. The ultimate question is whether the final language of the Summary Statement is unfair and insufficient. *Brown*, 370 S.W.3d at 653–54. Information related to the drafting process is irrelevant to the legal question at issue. *See State ex rel. Kander*, 462 S.W.3d at 850.

Defendant objects to Interrogatory Number 7 to the extent it purports to shift the burden of proof for Plaintiffs' challenge to the Summary Statement onto Defendant. The burden of proof in ballot title cases rests on Plaintiffs to prove that the statement is unfair and insufficient. *Hill*, 526 S.W.3d at 308. At no point must Defendant establish the accuracy and sufficiency of the Summary Statement through extrinsic evidence.

Additionally, Defendant objects to Interrogatory Number 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 in the Attorney General's Office represent Defendant in this action and others related to redistricting. Attorneys within the Attorney General's Office also provide legal advice to state agencies when requested. Any communications made pursuant to that representation would be privileged.

Defendant also objects to Interrogatory Number 7 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. A discussion of the facts, metrics, methodologies, and analyses used by Defendant in drafting the Summary Statement, to the extent used, 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.

INTERROGATORY NO. 8: Identify and describe all facts, methodologies, metrics, and analyses you contend support the assertion that HB 1 “better reflects statewide voting patterns,” including the definition of “statewide voting patterns,” the elections considered, any partisan performance or responsiveness metrics used (e.g., partisan bias, efficiency gap, mean-median difference, declination, proportionality), and the comparative results versus the 2022 Congressional Plan.

RESPONSE:

Defendant objects to Interrogatory Number 8 to the extent it shifts the burden of proof for Plaintiffs 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 and unfair. *Hill*, 526 S.W.3d at 308.

Defendant also objects to Interrogatory Number 8 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 facts, metrics, methodologies, and analyses used by Defendant, if any, in drafting the specific language of the Summary Statement are not relevant to this determination. *State ex rel. Kander*, 462 S.W.3d at 849–50. Moreover, the Defendant’s subjective understanding of the phrase “statewide voting patterns” is irrelevant. *Id.*; *State ex rel. Humane Soc’y of Mo.*, 317 S.W.3d at 673. Instead, the meaning of “statewide voting patterns” is established by its plain and ordinary meaning. *Id.*

Additionally, Defendant objects to the extent that Interrogatory Number 8 encompasses two different questions. Pursuant to Rule 57.01(a), Plaintiffs only have 25 interrogatories. Plaintiffs have consolidated two separate inquiries into a single interrogatory. First, Plaintiffs ask Defendant to describe the “facts, methodologies, metrics, and analyses [Defendant] contend[s] support the assertion that HB 1 ‘better reflects statewide voting patterns,’” Second, Plaintiffs ask Defendant to define “statewide voting patterns.” These are separate questions that should have been stated in separate interrogatories.

Defendant further objects to Interrogatory Number 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 or any work prepared by the General Counsel in anticipation of, or in

response to, litigation. Attorneys in the Attorney General's Office represent Defendant in this action and others, including some related to redistricting. Attorneys within the Attorney General's Office also provide legal advice to state agencies when requested. Any communications made pursuant to that representation would be privileged.

Defendant also objects to Interrogatory Number 8 as impermissibly seeking information protected under the Executive Privilege or Deliberative process privilege. *See, e.g., Allan*, 787 S.W.2d at 294–95. The facts, metrics, methodologies, and analyses, used by Defendant in drafting 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.

Subject to and without waiving the foregoing objections, Defendant states that the 2022 Congressional Map, HB 1, and the congressional map formed by HB 1 support the challenged assertion.

INTERROGATORY NO. 9: Identify any outside experts, consultants, academics, advocacy organizations, or government entities (including the National Republican Redistricting Trust, Fair Lines America, Put Missouri First, the General Assembly, legislative staff, or the Attorney General's Office) consulted regarding the Ballot Title's language or the factual assertions in the Ballot Title, and describe the substance of each consultation.

RESPONSE:

Defendant objects to Interrogatory Number 9 as irrelevant. This request is not reasonably calculated to lead to admissible evidence because 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 drafting or assessing the Ballot Title, to the extent any such consultation occurred, are entirely irrelevant to determining whether the language itself is unfair or insufficient. *See State ex rel. Kander*, 462 S.W.3d at 849–50.

Defendant further objects to Interrogatory Number 9 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 other related to redistricting. Attorneys within the Attorney General's Office also provide legal advice to state agencies when requested. Any communications made pursuant to that representation would be privileged.

Defendant further objects to Interrogatory Number 11 to the extent it seeks information protected by Legislative Privilege. Legislative privilege is not limited to communications among legislators, but includes third party communications. See *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); see also *La Union Del Pueblo Entero v. Abbott*, 68 F.4th 228, 236 (5th Cir. 2023). Interrogatory Number 9 impermissibly seeks information that would be part of a legitimate aspect of legislative activity.

INTERROGATORY NO. 10: Describe all steps taken to evaluate whether each statement in the Ballot Title was impartial and not argumentative or prejudicial, including any internal standards, templates, training materials, or legal memoranda applied to the drafting.

RESPONSE:

Defendant objects to the extent Interrogatory Number 10 attempts to shift the burden of proof to Defendant. Interrogatory Number 10 is designed to require Defendant to prove that the Summary Statement is "impartial and not argumentative or prejudicial," but Defendants do not bear this burden. Plaintiffs at all times bear the burden to demonstrate that the Summary Statement is *unfair* and *insufficient*. *Hill*, 526 S.W.3d at 308.

Defendant further objects to Interrogatory Number 10 as irrelevant and not reasonably calculated to lead to admissible evidence. The Defendant's evaluation of the Ballot Title's fairness and sufficiency is irrelevant to the question of whether the final language of the Summary Statement is actually insufficient and unfair. *State ex rel. Kander*, 462 S.W.3d at 850. Section 116.334 "does not refer to the subjective intent of anyone involved in the drafting process," and therefore, the mental impressions of the drafter are irrelevant to the legal question. *Id.*; *State ex rel. Humane Soc'y of Mo.*, 317 S.W.3d at 673

Additionally, Defendant objects to the extent this request seeks information protected by Executive Privilege or Deliberative Process Privilege. *See, e.g., Allan*, 787 S.W.2d at 294–95. An analysis of the drafting or review process of the Ballot Title would include information between 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.

And Defendant objects to the extent this request 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. Attorneys in the Attorney General's Office represent Defendant in this action and others. Any communications made pursuant to that representation would be privileged.

INTERROGATORY NO. 11: Describe all communications with the General Assembly or its members, staff, or agents regarding HB 1's intended effects on compactness, municipal/county splits, incumbent protection, or partisan performance, including dates, participants, and the substance of the communications.

RESPONSE:

Defendant objects to this request as overly broad, not reasonably specific, vague, unduly burdensome, and irrelevant. Plaintiffs challenge only the fairness and sufficiency of the Ballot Title, yet this request asks Defendant to describe *all* communications with the General Assembly related to HB 1's compactness, municipal/county splits, incumbent protection, or partisan performance, with no regard as to whether Defendant or his staff were even participants.

HB 1 is the subject of a significant amount of litigation. This request stretches far beyond the needs of this case. The narrow question at issue in this case is whether the Ballot Title is unfair or 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. *State ex rel. Kander*, 462 S.W.3d at 849. Conversations 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.

Moreover, because Interrogatory Number 11 is so broad, it calls for information which may not be within the Defendant's custody, possession or control. This request asks for "*all* communication with the General Assembly." (emphasis added). However, all of the General Assembly's communications related to this subject are not relevant to this case, much less in are the Defendant's possession.

Defendant further objects to Interrogatory Number 9 to the extent it seeks information protected by Legislative Privilege. Legislative privilege is not limited to communications among legislators; it 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. Communications related to the effects of a bill are part of a legitimate and important aspect of legislative activity and are therefore covered by the privilege.

INTERROGATORY NO. 12: Identify all facts and documents supporting any contention that HB 1 reduces the number of municipal or county splits as compared to the 2022 Congressional Plan, including a list of each city and county that is split under each plan.

RESPONSE:

Defendant objects to Interrogatory Number 12 as overly broad, vague, and not proportional to the needs of the case. "[A]ny contention" is not narrowly constructed to obtain admissible evidence. Plaintiffs challenge the Ballot Title for the Referendum, not HB 1 itself. The request that Defendant identify information related to *any* contention made related to HB 1 and its effect on municipal or county splits stretches far beyond the scope of this case.

Defendant also objects to Interrogatory Number 6 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 facts or documents used by Defendant when determining what language to include in the Summary Statement are irrelevant to whether the Summary Statement is insufficient or unfair. *State ex rel. Kander*, 462 S.W.3d at 849.

Moreover, Defendant objects to the extent it calls for information that is publicly available or otherwise equally accessible to the Plaintiffs or that are within the control of third parties, including independent officers of the State of Missouri, who are not parties to this litigation and whose documents, communications, and deliberations are not within Defendant's custody, possession, or control.

Defendant further objects to Interrogatory Number 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 multiple suits related to redistricting. Attorneys within the Attorney General's Office also provide legal advice to state agencies when requested. Any communications made pursuant to that representation would be privileged.

INTERROGATORY NO. 13: Identify all facts and documents supporting any contention that HB 1's districts are more compact than the 2022 Congressional Plan, including district-by-district compactness scores under each metric used for both plans.

RESPONSE:

Defendant objects to this request as overly broad and needlessly duplicative. Interrogatory Number 7 already requests information related to HB 1's compactness. This request is duplicative. And to the extent Interrogatory 13 requests information related to "any contention," it is overly broad, stretching beyond the needs of the case which is focused on whether the plain language of the Ballot Title and its comparison to the Referendum is unfair and insufficient. *See Brown*, 370 S.W.3d at 653–54. Interrogatory Number 13 does not even frame the request within the context of the ballot title challenge.

To that end, Defendant objects to Interrogatory Number 13 as irrelevant and not reasonably calculated to lead to admissible evidence. The facts and documents used by Defendant, if any, in drafting the Summary Statement are not relevant to the determination of the Summary Statement's fairness or adequacy. *See State ex rel. Kander*, 462 S.W.3d at 849. Information related to formulating the statements in the Ballot Title is irrelevant as it has no bearing on whether the final language of the Ballot Title is unfair and insufficient. *See State ex rel. Kander*, 462 S.W.3d at 850. Additionally contentions of the nature contained in Interrogatory 13 that fall outside of the ballot title context are necessarily irrelevant.

Defendant further objects to Interrogatory Number 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. Attorneys in the Attorney General's Office represent

Defendant not only in this action but in many suits, challenging the legality of 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 would be privileged.

Defendant also objects to Interrogatory Number 13 to the extent it seeks information protected by the Executive Privilege or the Deliberative Process Privilege. *See, e.g., Allan*, 787 S.W.2d at 294–95. The facts, metrics, methodologies, and analyses, used by Defendant in drafting the Summary Statement, to the extent used, 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.

INTERROGATORY NO. 14: Identify all facts and documents supporting any contention that HB 1 better reflects statewide voting patterns than the 2022 Congressional Plan, including the elections analyzed, the vote shares used, the seat-vote relationships modeled, and any sensitivity analyses.

RESPONSE:

Defendant objects to Interrogatory Number 14 as overly broad, vague, and unnecessarily duplicative. Interrogatory Number 8 already seeks information related to statewide voting patterns. It is unclear how this request differs other than Plaintiffs decision to expand beyond the language of the Ballot Title and ask for information related to “any contention that HB1 better reflects statewide voting patterns.” This fishing expedition is clearly beyond the scope of the ballot title challenge.

Defendant also objects to Interrogatory Number 14 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. Interrogatory Number 14 seeks information irrelevant to this legal analysis. *See State ex rel. Humane Soc’y of Mo.*, 317 S.W.3d at 673. The facts and documents used by Defendant, if any, in determining what the specific language of the Summary Statement would be are not relevant to the whether the Summary Statement is unfair or insufficient. *State ex rel. Kander*, 462 S.W.3d at 849–50.

Defendant further objects to Interrogatory Number 14 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 attorneys within the Attorney General's Office also provide legal advice to state agencies when requested. Any communications made pursuant to that representation would be privileged.

Defendant also objects to Interrogatory Number 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. The facts and documents, used by Defendant in drafting the Summary Statement, to the extent used, 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.

INTERROGATORY NO. 15: Identify all persons who communicated with any member of the public, media, or advocacy organization regarding the Ballot Title, and describe the content and purpose of each such communication.

RESPONSE:

Defendant objects to Interrogatory Number 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. To the extent this request asks for Defendant's communications, it seeks 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 the referendum. *State ex rel. Humane Soc'y of Mo.*, 317 S.W.3d at 673; *State ex rel. Kander*, 462 S.W.3d at 849–50. And Defendant's communications with the public do not impact the fairness or sufficiency of the language of the Summary Statement.

Defendant further objects to Interrogatory Number 15 as overly broad, beyond the scope of the case, and not in Defendant's care, custody, and control. Defendant cannot possibly obtain every communication, from all persons—which includes third parties that the Defendant may or may not have control over—with the public, media, or advocacy organizations relating to the Ballot Title.

INTERROGATORY NO. 16: If you contend any statement in the Petition is inaccurate, identify the statement and state with particularity all facts, documents, and witnesses supporting your contention.

RESPONSE:

Defendant objects to Interrogatory Number 16 as seeking evidence that is improper at this stage of the litigation. Interrogatory Number 16 asks for information that will properly be disclosed in Defendant's pre-trial brief and has been disclosed in Defendant's Answer.

Subject to and without waiving the foregoing objection, Defendant does not plan to call any witnesses or introduce any documents, as is customary in ballot title challenges.

INTERROGATORY NO. 17: Identify each person you expect to call as an expert witness at hearing, regardless of whether such person is a retained or non-retained expert. For each person state:

- a. The person's name, address, occupation, and place of employment;
- b. The subjects on which you expect such expert to testify;
- c. The person's qualifications to give an opinion on such matters; and
- d. The person's hourly deposition fee.

RESPONSE:

Defendant does not expect to call an expert witness at the hearing. The question of whether the summary statement is unfair and insufficient is a legal question and expert testimony on the subject would be irrelevant and unnecessary.

INTERROGATORY NO. 18: Identify all policies, procedures, or written guidance of the Secretary of State's Office governing the drafting of ballot titles including the date of adoption and any revisions.

RESPONSE:

Defendant objects to Interrogatory Number 17 as irrelevant and unlikely to lead to admissible evidence. The Defendant's process in preparing a Ballot Title is irrelevant to the question of whether the final language of the Summary Statement is insufficient and unfair. *State ex rel. Kander*, 462 S.W.3d at 850.

Defendant further objects to Interrogatory Number 17 as impermissibly seeking information protected under the Executive Privilege. 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.

Defendant also objects to Interrogatory Number 17 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.

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

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Counsel for the Defendant

VERIFICATION

STATE OF MISSOURI)
COUNTY OF Cole) ss.

I Chrissy Peters, of lawful age, being first duly sworn on my oath, states that I am an officer, agent or employee of MO - Secretary of State, that I am duly authorized to sign these interrogatory answers on behalf of MO - Secretary of State, that I have read the above and foregoing interrogatory answers and that the answers are true and correct according to my best knowledge, information and belief.

By: Chrissy Peters

Subscribed and sworn to before me, a notary public, this 22nd day of December, 2025.

Kathy Roush
Notary Public

My commission expires: 9/8/2028



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:

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/s/Madeline S. Lansdell

Assistant Solicitor General