

1 IN THE CIRCUIT COURT OF MISSOURI  
2 19TH JUDICIAL CIRCUIT  
3 Honorable Brian K. Stumpe

4 PEOPLE NOT POLITICIANS, )  
5 Plaintiffs, )  
6 vs. ) Case No. 25AC-CC08724  
7 DENNY HOSKINS, )  
8 Defendants. ) February 9, 2026  
9 Jefferson City, Missouri

10 BENCH TRIAL

11  
12 On February 9, 2026, the above cause came on for a  
13 bench trial before the Honorable Brian K. Stumpe.

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16 JENNY JOHNSON  
17 Certified Court Reporter No. 1041  
18 19th Judicial Circuit of Missouri

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**A P P E A R A N C E S**

**FOR THE PLAINTIFFS:**

CHARLES W. HATFIELD  
 ALIXANDRA S. COSSETTE  
 Attorneys at Law  
 STINSON LAW FIRM  
 230 West McCarty Street  
 Jefferson City, Missouri 65101  
 Telephone: 573-636-6263  
 Email: charles.hatfield@stinson.com  
 alixandra.cossett@stinson.com

**FOR THE DEFENDANT:**

KATHLEEN T. HUNKER  
 MADELINE S. LANSDELL  
 Attorneys at Law  
 MISSOURI ATTORNEY GENERAL'S OFFICE  
 207 West High Street  
 Jefferson City, Missouri 65101  
 Telephone: 573-751-3321  
 Email: kathleen.hunker@ago.mo.gov  
 madeline.lansdell@ago.mo.gov

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## P R O C E E D I N G S

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4 THE COURT: On the record 25AC-CC08724, People  
5 Not Politicians v. Hoskins. We're here for a bench  
6 trial today. I have Madeline Landsell and Kathleen  
7 Hunker for the Defense. And Chuck Hatfield and  
8 Alixandra Cossette for the Plaintiffs.

9 Anything to do before we start the trial?

10 MR. HATFIELD: Are we on the record, Judge?

11 THE COURT: Yes, we are.

12 MR. HATFIELD: Plaintiffs dismiss Count 2.

13 THE COURT: Okay.

14 MS. HUNKER: Just a quick housekeeping matter,  
15 Your Honor. I would request that the parties get equal  
16 time. I do know Mr. Hatfield, I believe, has a witness.  
17 To the extent of the witness and presentation, I just  
18 want to make sure I have time for cross as well as give  
19 my own presentation.

20 THE COURT: I'll give you all the time you need.  
21 I've got no plans for the night.

22 So, Mr. Hatfield, go ahead.

23 MR. HATFIELD: Thank you, Judge.

24 As you know, we're on a ballot summary case. And  
25 I can give just a little overview of what we're doing,

1 but we have witnesses to call and wanted to make sure  
2 that you use the time that you do have today to just  
3 make the proper record for Your Honor and for the Court  
4 of Appeals. So if you don't -- if no one objects, we  
5 just put together, as is our tradition, a little  
6 PowerPoint that has some of the law in it.

7 And I noticed that the State filed a pretrial  
8 brief just a little bit ago. I don't know if that has  
9 come through on Casenet yet, but they did file a  
10 pretrial brief. I have not had a chance to read all the  
11 way through that, but they've also given you some of  
12 their perspective on what Your Honor should be  
13 considering.

14 In our PowerPoint, so on that first page there,  
15 this is just the statute. That -- that's all we have,  
16 these various quotes from the statute. Plaintiff needs  
17 to be a citizen. If they are, they can challenge the  
18 ballot title. Petition states the reasons why the  
19 summary is insufficient or unfair. And the Court shall  
20 hear arguments on the mo-- on the petition and certify  
21 the summary statement portion to the Secretary of State.  
22 So as Your Honor knows from previous discussions,  
23 since Senate Bill 22 was struck down, we're back to what  
24 I call the old system. We're at the end of this whole  
25 process. When you enter a judgment, you'll believe or

1 find that the statement you have in front of you is  
2 sufficient and fair or you will find it is insufficient  
3 and unfair, in which case you will, in your judgment,  
4 certify what the language should be. And that's the  
5 language that would go on the ballot, absent an appeal  
6 that would reverse what you did.

7 By the way, as you know, the Secretary has  
8 already agreed that at least some portions of the  
9 statement are insufficient and unfair, so -- and you're  
10 going to need to enter a judgment at the end of this  
11 that certifies the correct language.

12 And then on the next page, we gave you some case  
13 law from the Court of Appeals last year. Summary  
14 statement should accurately reflect the legal and  
15 probable effects of the proposal. I did read the first  
16 few pages of the pretrial brief. I think we have a  
17 general agreement on what the summary statement is  
18 supposed to show. A nuance in this particular case, I  
19 think, is that second page, which is a quote from Zaidi  
20 versus Ashcroft, that the summary statement needs to  
21 make accurate assertions.

22 You can't tell the people things that are  
23 inaccurate or untrue. And in Zaidi, the Court of  
24 Appeals said that the summary statement was unfair  
25 because it said things that were inaccurate. Then on

1 the next page is the actual summary statement that  
2 you're gonna see in evidence here today, again, but it  
3 includes all of that. So that's just what's gonna be in  
4 evidence.

5 The next page is the slide that you saw last time  
6 we were here. This compares what the Secretary has  
7 already -- I'm sorry -- what we challenge in yellow on  
8 the left. And then on the right, it shows you that the  
9 Secretary has agreed that some of that is insufficient  
10 and unfair. And then there are others that we still  
11 contend are sufficient and fair. And then on the last  
12 page, there's just a little bit of case law about  
13 requested relief and the case law saying that you should  
14 rewrite the portions that are unfair.

15 So that's all that is. And unless you wanna ask  
16 Ms. Hunker to say something about the slide, I -- we're  
17 ready to call witnesses.

18 THE COURT: Ms. Hunker?

19 MS. HUNKER: I'm happy to save my response in my  
20 presentation, Your Honor.

21 THE COURT: Okay. All right. Go ahead.

22 MS. COSSETTE: Plaintiffs would like to call  
23 Richard Von Glahn.

24 (WITNESS SWORN.)

25 THE COURT: Have a seat, please.

1 Will you state his name again, please?

2 MS. COSSETTE: Von Glahn, V-o-n, G-l-a-h-n.

3 May I ask to hand the book? Thank you very much.

4 I won't ask to approach. I'll just come up and  
5 hand it to you, Your Honor.

6 RICHARD VON GLAHN, having been duly sworn, testified as  
7 follows:

8 DIRECT EXAMINATION BY MS. COSSETTE:

9 Q. Can you tell the Court your name, please.

10 A. **My name is Richard Von Glahn.**

11 Q. And what's your title, Mr. Von Glahn?

12 A. **I'm the executive director of People Not  
13 Politicians.**

14 Q. Can you tell us a little bit about what People  
15 Not Politicians is, what it does?

16 A. **Sure. People Not Politicians is an organization  
17 of thousands of Missourians that are fighting for a  
18 democracy that puts people -- people's needs first,  
19 ahead of politicians. So specifically, we've been  
20 working on a referendum against the House Bill 1 passed  
21 in the 2025 special session.**

22 Q. Okay. Thank you. I think we'll see that here in  
23 a minute.

24 Are you a citizen, Mr. Von Glahn?

25 A. **I am.**

1 Q. Okay. Are you a taxpayer in the state of  
2 Missouri?

3 A. **Probably.**

4 Q. Are you a resident of Missouri?

5 A. **I am.**

6 Q. And I think we just talked about this. Did you  
7 submit a referendum petition referring House Bill 1 to  
8 Missouri voters?

9 A. **I did.**

10 Q. I'm going to -- well, you have it in your book.  
11 It's Plaintiff's Exhibit 1. I think that should be 1.  
12 Yeah, it's 1.

13 Can you tell us, Mr. Von Glahn, what is  
14 Plaintiff's Exhibit 1?

15 A. **This looks like the -- what I have is the -- the**  
16 **first page is the cover sheet where people would sign**  
17 **the referendum on House Bill 1, and subsequent pages are**  
18 **what House Bill 1 was.**

19 Q. Okay.

20 A. **It's sort of the referendum.**

21 Q. And you turned this in to the Secretary of State?

22 A. **Correct.**

23 MS. COSSETTE: I'D move the admission of  
24 Plaintiff's Exhibit 1.

25 THE COURT: Any objection?

1 MS. HUNKER: No objection, Your Honor.

2 THE COURT: I admitted without objection.

3 (EXHIBIT NO. 1 WAS RECEIVED INTO EVIDENCE.)

4 MS. COSSETTE: Thank you.

5 BY MS. COSSETTE:

6 Q. Okay. Mr. Von Glahn, there is on the next tab,  
7 Tab 2 -- just want to make sure you're there.

8 Did you receive any document from the Secretary  
9 of State regarding the referendum?

10 A. I did.

11 Q. Okay. When you look at Plaintiff's Exhibit 2,  
12 can you tell us what this is?

13 A. This looks like -- you want me to just look at  
14 the first page of Exhibit 2, or all of the exhibits?

15 Q. Just take a gander and tell us what it is, just  
16 generally.

17 A. Sure. Yeah, this looks like the packet I  
18 received certifying the ballot title for the referendum.

19 Q. Okay. And can you tell us what's on the first  
20 page of the PDF?

21 Sorry. It doesn't have Bates numbers on the  
22 bottom.

23 A. Yeah. This is the letter from Chrissy Peters,  
24 the director of elections from the Secretary of State's  
25 Office, that the Secretary of State has, pursuant to the

1 relevant statute, certified the official ballot title as  
2 follows.

3 Q. Okay. Thank you. And the ballot title is on  
4 this first page, just so we're clear?

5 A. Correct. It is this paragraph that begins, Do  
6 the people of the state of Missouri approve the act of  
7 the General Assembly entitled House Bill 1, which  
8 repeals Missouri's existing gerrymandering congressional  
9 plan that protects incumbent politicians, replaces it  
10 with new congressional boundaries that keep more cities  
11 and counties intact, are more compact and better  
12 reflects statewide voting patterns?

13 Q. Great. Thank you. If you could turn, please, to  
14 the third page of the PDF -- or real-life document.  
15 Sorry.

16 What is this third page showing you?

17 A. This is -- this looks like a copy of a letter  
18 from the Attorney General to the Secretary of State  
19 approving this language.

20 Q. The ballot title language?

21 A. The ballot title that is on page 1.

22 Q. Thank you. Okay. And I think if we flip to  
23 page 9 -- it doesn't have a page number on the bottom,  
24 but it is page 9. And just for everyone following  
25 along, it says: Missouri State Auditor's Office fiscal

1 note at the top, just to make sure we get there.

2 Can you tell us -- I kind of already told her,  
3 but what is this, Mr. Von Glahn?

4 **A. Yeah, this is a letter from the State Auditor to**  
5 **the Attorney General providing a fiscal note to the**  
6 **referendum and a description that voters will approve or**  
7 **reject the statutory change that was House Bill 1.**

8 **Q.** And you agree with the Auditor's characterization  
9 of what the referendum is going to do?

10 **A. I do.**

11 MS. COSSETTE: Okay. I move to admit Plaintiff's  
12 Exhibit 2.

13 THE COURT: Any objection?

14 MS. HUNKER: No, Your Honor.

15 THE COURT: Admitted without objection.

16 (EXHIBIT NO. 2 WAS RECEIVED INTO EVIDENCE.)

17 BY MS. COSSETTE:

18 **Q.** Okay. Can you tell the Court a little bit why  
19 you -- you filed this lawsuit, Mr. Von Glahn?  
20 You're one of the plaintiffs?

21 **A. Yeah. On behalf of People Not Politicians.**

22 **Q.** Can you tell the Court a little bit why you filed  
23 the lawsuit?

24 **A. I mean, I understand that summary statements are**  
25 **to be an accurate description of what the -- what the**

1 vote will be, the impact of the vote will be, and that  
2 they're supposed to be honest and truthful. And I found  
3 sections of the summary statement dishonest and designed  
4 to influence how voters would feel about the measure.

5 And then I found some statements of the summary  
6 statement perfectly fine.

7 Q. Do you want to share with the Court which  
8 statements you're okay with?

9 A. Yeah. I mean, I -- I think the summary statement  
10 is accurate, in that it is asking people in the state of  
11 Missouri to approve an act of the General Assembly  
12 entitled House Bill 1, which repeals Missouri's existing  
13 congressional plan and replaces it with a new  
14 congressional plan. I think that's what the State  
15 Auditor's statement is as well, but that this would  
16 require voters to vote yes if they like House Bill 1,  
17 and no if they don't like House Bill 1.

18 Q. Great. Thank you. So we're here about this  
19 ballot title, of course. Do you have a suggestion to  
20 the Court about how you would like the Court to rewrite  
21 the ballot title?

22 A. I do.

23 Q. Okay. Again, I think in your book you have  
24 Plaintiff's Exhibit 3, and you've seen this before  
25 because it's yours, I think?

1 A. I have.

2 Q. Can you tell the Court what Plaintiff's  
3 Exhibit 3 is?

4 A. Yeah. This is the language that was written by  
5 the Secretary of State and approved by the Attorney  
6 General that I think is a correct description of what  
7 House Bill 1 is and what the referendum would be.

8 Q. So there's -- so the -- just so that we're all  
9 clear, so the language in Plaintiff's Exhibit 3 takes  
10 some of the language from the ballot title as it is  
11 currently, and then there's other the parts that are not  
12 there anymore?

13 A. Correct.

14 Q. Okay. Do you want to just one more time for the  
15 Court, can you read out loud what you suggest the ballot  
16 title should be?

17 A. Yes. Do the people of the state of Missouri  
18 approve the act of the General Assembly entitled House  
19 Bill 1, 2025, second extraordinary session, which  
20 repeals Missouri's existing congressional plan and  
21 replaces it with new congress -- congressional  
22 boundaries.

23 MS. COSSETTE: Thank you. I move the admission  
24 of the Plaintiff's Exhibit 3.

25 THE COURT: Any objection?

1 MS. HUNKER: No objection, Your Honor.

2 MS. COSSETTE: I don't have any further questions  
3 for you, Mr. Von Glahn.

4 THE COURT: Admitted without objection.

5 (EXHIBIT NO. 3 WAS RECEIVED INTO EVIDENCE.)

6 MS. HUNKER: No cross, Your Honor.

7 THE COURT: Step down. Thank you.

8 (WITNESS EXCUSED.)

9 MR. HATFIELD: Plaintiffs call Sean Nicholson.

10 THE COURT: Sean Nicholson. How do you spell  
11 your name, Sean?

12 THE WITNESS: S-e-a-n.

13 (WITNESS SWORN.)

14 SEAN S. NICHOLSON, having been duly sworn, testified as  
15 follows:

16 DIRECT EXAMINATION BY MR. HATFIELD:

17 Q. Good afternoon, sir.

18 A. Hello.

19 Q. Would you tell the Court your name for the  
20 record, please?

21 A. My name is Sean Soendker Nicholson.

22 Q. And, Mr. Nicholson, what is it that you do for a  
23 living?

24 A. I work on issue campaigns, a lot of ballot  
25 campaigns. I've also worked on redistricting issues and

1 matters for almost a decade.

2 Q. And how are you employed?

3 A. I'm a principal at a company called Tables, LLC.

4 Q. So you said you have experience on redistricting.  
5 Could you just describe for the Court what your  
6 experience has been when it comes to redistricting in  
7 Missouri?

8 A. Yes. So in Missouri I have been a consultant. I  
9 have helped draw legislative district lines for both the  
10 House and the Senate. I was not a part of the citizens  
11 commission, but was an advisor and worked with the  
12 Democratic caucus on the House and Senate Commissions.  
13 Some of the lines that I helped draw in 2022 became a  
14 part of the final House redistricting plan that was  
15 adopted unanimously by Republican and Democratic  
16 commissioners. I've also been a part of a number of  
17 efforts to improve general redistricting policy in  
18 Missouri.

19 Q. So in your experience can you explain to the  
20 Court, when we talk about maps, congressional maps,  
21 there's been briefing on this and all of that. What --  
22 can you explain to the Court how maps come into being as  
23 it relates to congressional redistricting?

24 A. Yeah. So the end product of what we colloquially  
25 call maps are actually a list of a bunch of precincts

1 and voting tabulation districts that make up the voting  
2 districts that exist in the real world. So in the House  
3 Bill 1, for instance, it's a combination of county  
4 boundaries and it's a combination of voting tabulations,  
5 district and census blocks. And then maps are drawn  
6 from the actual raw files and practice day to day. It's  
7 done with software where map makers are crafting  
8 potential lines to see if they comport with the law and  
9 what the impacts of those potential lines might be.

10 Q. And so if -- if I or the Judge or anybody wanted  
11 to go in and try to look at a list of districts and draw  
12 a map, are there tools to do that?

13 A. There are. One of the tools that is publicly  
14 available and that is recommended for use and is  
15 generally used by folks across the aisle and across the  
16 country is called Dave's Redistricting app. You can  
17 find a link to it on the Office of Administration's  
18 website. It's something that was both used in a  
19 technical and a public review process in the 2020 cycle.  
20 You can go there now to find the proposed 2025  
21 HB-1 plan. You can also see the congressional district  
22 lines that existed -- that were passed in 2022.

23 Q. And these topics of redistricting and map making  
24 and all of that, have you testified in court on these  
25 topics in the past?

1 A. I have, yes.

2 Q. And when did you do that?

3 A. I testified a couple of years ago in a case  
4 called Faatz versus Ashcroft.

5 Q. F-a-a-t-z?

6 A. Yes. Faatz versus Ashcroft. The Faatz versus  
7 Ashcroft. One of the things that we testified about in  
8 that case was actually the use of Dave's Redistricting  
9 app as a tool, as I recall. And it's something that  
10 both the State's witness and I said was a good tool to  
11 be using for redistricting.

12 Q. I'm going to ask you to slow down just a touch.

13 A. Fair enough.

14 Q. We all tend to speed up.

15 So in the case where you testified, generally,  
16 what were the big issues in that case as it relates to  
17 redistricting?

18 A. So the big issues in that case were on following  
19 constitutional requirements for keeping communities  
20 together.

21 Q. And so did it deal with separating cities and  
22 counties?

23 A. It did. It did. It was about state legislative  
24 plans and specific rules that are in the Constitution  
25 about trying to keep counties and municipalities

1 together when that was possible.

2 Q. And were you called upon to testify about issues  
3 of compactness?

4 A. Yes. One of the subjects, as I recall, was  
5 whether the proposed lines comported with the  
6 constitutional requirements for compactness.

7 Q. And when you offered that testimony in the Faatz  
8 case, did the State object to your being allowed to give  
9 testimony?

10 A. I remember that I was allowed to be an expert. I  
11 don't remember the state -- I don't remember.

12 Q. You do you remember whether Judge Beetem allowed  
13 you --

14 A. Oh, I do remember that. Judge Beetem definitely  
15 allow me to be.

16 Q. All right. All right. So when it comes to the  
17 most recent round of congressional maps --

18 A. Yes.

19 Q. -- which sometimes we call 2025 --

20 A. Uh-huh.

21 Q. -- how were you involved, if at all, in that  
22 process?

23 A. I was involved as a member of the public, and as  
24 an informal advisor to the general progressive interests  
25 trying to stop the plan from being passed in the first

1 place. And then was a part of the referendum campaign.  
2 Have been an advisor to the People Not Politicians  
3 campaign.

4 Q. So prior to the submission of the referendum, had  
5 you been involved in analyzing the plan that we call  
6 House Bill 1?

7 A. I did. It was challenging to analyze it in real  
8 time because of how it was presented and how it made it  
9 through the legislative process, but I did review and  
10 analyze the plan before it was passed by both Chambers.

11 Q. Okay. Let's look at Exhibit 1 that's in your  
12 book there, and the Judge has one up there as well.

13 A. Yup.

14 Q. And before I start that, let me back up. I  
15 turned you to Exhibit 1, but you got just a little bit  
16 ahead of me.

17 A. Okay.

18 Q. Can you tell the Court, you and I have talked  
19 about compactness already?

20 A. Yes.

21 Q. Generally, without looking at any particular  
22 districts or map or whatever, what does that term mean  
23 in redistricting, the compactness?

24 A. It is a general concept that is not very well  
25 defined and so, then, because it's not very well defined

1 in the law, a number of statistical measurements have  
2 been crafted to help come up with different ways to  
3 analyze whether or not a shape of a final district looks  
4 like a circle, does it look like other kinds of normal  
5 polygons?

6 So those are -- there's a number of different  
7 statistical measurements that are used to see if a  
8 district is more compact or less compact than a  
9 different shape.

10 Q. And in the case that you testified on before, are  
11 you aware of how the State's expert analyzed  
12 compactness?

13 A. My recollection is that Sean Trende used  
14 generally applicable measurements like the Reock test  
15 and the Polsby-Popper test for analyzing compactness of  
16 districts.

17 Q. I'm going to go back just a minute. Sean Trende,  
18 T-r-e-n-d-e?

19 A. Yes.

20 Q. Do you know how he spells Sean?

21 A. S-e-a-n.

22 Q. Okay. And the Reock?

23 A. R-e-o-c-k is my recollection.

24 Q. And did you say another one?

25 A. Polsby-Popper, P-o-l-s-b-y, P-o-p-p-e-r.

1 Q. All right. And we may talk about those in a  
2 minute, but are there other statistical measures that  
3 are used when looking at Missouri districts and other  
4 things other than compactness?

5 A. Yeah, you -- there are certainly measurements of  
6 partisan fairness and whether or not districts are  
7 aligned with general electoral patterns and political  
8 preferences of the voters. There are measurements for  
9 demographic groups to see whether or not different  
10 populations may have been broken apart or pulled  
11 together and whether or not the final maps accurately,  
12 represent the demographics of a given jurisdiction.

13 Q. Okay. So now let's look at Exhibit 1.

14 A. Okay. Yeah.

15 Q. Are you famil-- so the first page, as Mr. Von  
16 Glahn explained, is sort of a signature page, is what  
17 folks in the industry call it?

18 A. Yes.

19 Q. And then that second page -- I think we printed  
20 these front the back by the way, so just to save a  
21 little paper. But do you recognize what you're seeing  
22 on that, I guess it would actually be the third page the  
23 way it's printed?

24 A. Yes.

25 Q. What are we looking at there?

1 A. We're looking at HB 1, which if it's -- the way  
2 it's crafted, it says "an act of the General Assembly."  
3 There's a list of old sections of State law that would  
4 be stricken or repealed, and then it's a list of voting  
5 tabulations districts by county assigned to each of the  
6 State's eight congressional districts.

7 Q. So when we look at -- trying to think about how  
8 to describe these pages here. The House Bill, there's a  
9 page number at the top?

10 A. Yes.

11 Q. Which is page 2 of the House Bill?

12 A. Uh-huh.

13 Q. Are you on the same?

14 A. Yes.

15 Q. Yeah. So Section 128.471, see where I am?

16 A. Yup.

17 Q. So can you tell from looking at this what is  
18 128.471? How is it starting out?

19 A. So it says, "the first congressional district  
20 shall be composed of the following." And then it is  
21 a -- it says, "all of the City of St. Louis," which is  
22 listed as a county because St. Louis City is a county.  
23 And then for St. Louis County, the relevant districts,  
24 the voting tabulation districts and then later the  
25 census blocks that are in St. Louis County that are

1 **assigned to Congressional District 1.**

2 **Q.** Can you go back and help us just --

3 **A. Yes.**

4 **Q.** -- do that kind of in layman's terms?

5 So the first congressional district includes how  
6 much of St. Louis City?

7 **A. It contains all of St. Louis City.**

8 **Q.** Okay. It doesn't break it out, is the way you  
9 read the bill?

10 **A. Correct.**

11 **Q.** And then what about St. Louis County?

12 **A. So line 4 says "VTD AP001." And then VTD AP002**  
13 **and this VTD here stands for Voting Tabulation District.**  
14 **And then it's my understanding that the district numbers**  
15 **are assigned either by the Census Bureau or by the local**  
16 **election jurisdiction.**

17 **Q.** Okay. So this is where I should stop and say,  
18 we've been reading 128.471. I notice it's all in bold  
19 and it's underlined. Do you know what that means when  
20 something's in bold and underlined?

21 **A. That means that's what would be added.**

22 **Q.** How do you know that? Is that because the bill  
23 tells you that somewhere.

24 **A. Yes, I think so. I can't rem-- yes, it says at**  
25 **the bottom of page 1 of the bill, it says "matter in**

1 **boldface type in the above bill is the proposed**  
2 **language."**

3 **Q.** All right. Okay. So you might have said it, but  
4 these VTD, do you know what that means, first of all?

5 **A. That's a Voting Tabulation District. So those**  
6 **are sometimes called precincts. They are the individual**  
7 **building block units at the local elections official --**  
8 **or local election agency level of all the voters who are**  
9 **in AP001 and, if this bill becomes law, are gonna vote**  
10 **for a different candidates in the first congressional**  
11 **district.**

12 **Q.** Okay. I notice if we kind of go on through the  
13 bill there on page 4, the bill page No. 4 --

14 **A. Uh-huh.**

15 **Q.** -- we see something where it doesn't say VTD.  
16 Line 74, it says block.

17 **A. Yes.**

18 **Q.** Do you know what that is?

19 **A. It's I believe that's census block.**

20 **Q.** Okay. And then we see block again. And have you  
21 had a chance to look through House Bill 1?

22 **A. I have.**

23 **Q.** And do you see anywhere in the text of  
24 House Bill 1 that we can tell which of these individual  
25 VTDs or blocks are in which cities?

1 A. I cannot. That is not listed.

2 Q. Okay. What about for the counties, can you tell  
3 which of the VTDs are in which county?

4 A. Yes. The VTDs and census blocks are organized by  
5 county. And if I could go back one answer, there are a  
6 small minority of the VTDs that list a city, but that is  
7 more unusual than normal.

8 Q. Got it. Got it. Can you give us an example?

9 A. Yes. So an example, Kansas City. In Kansas  
10 City, inside the voting jurisdiction that are in the  
11 Kansas City Board of Elections, say for a lot of them  
12 are in District 4 and 5. Some are in District 6. It  
13 will say KC and then a number. So KC-811 is one that  
14 has made a lot in the news, so that one comes to mind.  
15 But those are an example of -- those are unusual in that  
16 they list a city while also listing a voting tabulation  
17 district number.

18 Q. Okay. And so this document is already in  
19 evidence. But when the Court looks through this  
20 House Bill 1, is there anywhere you can point us that is  
21 going to show us what the statewide voting patterns are  
22 within House Bill 1?

23 A. No.

24 Q. And is there anybody -- anywhere that's going to  
25 describe to us in this bill how compact a congressional

1 district is?

2 **A. No.**

3 **Q.** Okay. And are you familiar with the summary  
4 statement that was written by the Secretary of State for  
5 this referendum?

6 **A. Yes.**

7 **Q.** So we just introduced it as Exhibit 2.

8 **A. Uh-huh.**

9 **Q.** And there are a couple of different pages you can  
10 use, whichever one you choose, but I just wanted to ask  
11 you some questions about the language there and, based  
12 on your knowledge --

13 **A. Uh-huh.**

14 **Q.** -- what you have to say about this.

15 So, first, it reads "do the people of the state  
16 of Missouri approve the act of the General Assembly  
17 entitled House Bill No. 1"?

18 Do you -- are you able to tie that, just that  
19 phrase back to the language in House Bill 1?

20 **A. That is the name of the act of the General**  
21 **Assembly that is in H -- that is in House Bill 1, yes.**

22 **Q.** Okay. And then when it says "which repeals  
23 Missouri's existing" -- I'm going to skip gerrymandering  
24 and come back to it -- "congressional district," are you  
25 able to tie that language back to House Bill 1?

1 A. Yes. So that clause refers to the existing  
2 congressional district lines that were adopted in 2022.  
3 And that part of the ballot title refers to the  
4 beginning of House Bill 1 that names the sections that  
5 would be repealed if House Bill 1 is adopted.

6 Q. Okay. Now, I skipped a word there, which was  
7 "gerrymandering." In the work that you've done, have  
8 you come across gerrymandered?

9 A. Yes, I have.

10 Q. Does it have a commonly accepted definition?

11 A. Yes.

12 Q. What is it?

13 A. Gerrymandering is the manipulation of the  
14 political boundary line to achieve some sort of  
15 political purpose. The two kinds of litigation that you  
16 often see around gerrymandering are either racial  
17 gerrymandering, which would be manipulating lines to  
18 limit the political power of racial or ethnic  
19 minorities. And then political gerrymandering, which  
20 would be to limit the power of a political party.

21 Q. When you review House Bill 1 itself, Exhibit 1,  
22 is there some way to tell in there how the racial  
23 boundaries have been drawn?

24 MS. HUNKER: Your Honor, I'm going to object on  
25 relevance. The State has already conceded to the point

1 with respect to gerrymander being likely to create  
2 prejudice, as well as being argumentative. It has been  
3 removed from the name of dispute. We've already agreed  
4 to moving to remedy on that point.

5 THE COURT: How is it relevant with the previous  
6 admissions?

7 MR. HATFIELD: Well, first of all, their  
8 interrogatory responses that the State made still  
9 continue to defend it and say that it's fair and  
10 sufficient.

11 Secondly, I think we're entitled to make a record  
12 on the reasoning here. I don't want the State to change  
13 their minds later. They've already changed their mind  
14 once in this case.

15 MS. HUNKER: Your Honor, we've filed an amended  
16 answer that constitutes an initial admission in this  
17 case. According to State court precedence, that removes  
18 this from the proceedings. It is no longer a question  
19 of dispute. Counsel has indicated -- has offered no  
20 evidence that the State could even withdraw their  
21 admission, given the fact that we've not only admitted  
22 the specific points, but we've also moved for judgment  
23 on their behalf on those points.

24 This is something the State has, I believe,  
25 already crossed the line and we've agreed that the State

1 committed error in that particular point.

2 MR. HATFIELD: I don't have any other  
3 gerrymandering question, Judge.

4 THE COURT: Let's move on.

5 BY MR. HATFIELD:

6 Q. What about "protects politicians"? Can your  
7 figure that out from the language of House Bill 1?

8 MS. HUNKER: Objection, Your Honor. Same  
9 objection. This is relevance. This is also a provision  
10 that the State has conceded. It is likely to create  
11 prejudice and is argumentive. We have amended our  
12 answer to reflect that change of position and move for  
13 judgment in favor of Plaintiffs on that point. These  
14 admissions point these claims out of dispute and should  
15 proceed to the remedy and it is, therefore, not relevant  
16 to any of the claims that are currently before the  
17 Court.

18 THE COURT: Mr. Hatfield?

19 MR. HATFIELD: So I understand that the Secretary  
20 drafted language that the Secretary at first represented  
21 to this Court was fair and sufficient. And then the  
22 Secretary said, no, wait, I changed my mind. And  
23 without telling us why or what happened, they've now  
24 said, no, we do agree it's unfair and insufficient.

25 And they certainly have the right to try amend

1 their answer again, if they would like to.

2 THE COURT: Is what you gave me earlier says the  
3 admission? So that is the language.

4 MR. HATFIELD: They have admitted that the phrase  
5 "protect incumbent politicians" is unfair and  
6 insufficient. I don't think that precludes me from  
7 putting on evidence about that topic. So I don't -- I  
8 don't think there's anything that actually precludes  
9 this evidence.

10 I guess the argument is that it's duplicative,  
11 maybe. And if that's the case, then I think you should  
12 hear it anyway.

13 THE COURT: At the last hearing, did we -- wasn't  
14 it decided that we would focus on the yellow and blue at  
15 the end, not the yellow and green in the middle?

16 MR. HATFIELD: I plan to do that. I had  
17 basically one question.

18 THE COURT: I'll let you ask your one question,  
19 and let's move on.

20 BY MR. HATFIELD:

21 Q. All right. So the one question was: Can we tell  
22 from looking at House Bill 1 anything about how the  
23 measure might protect incumbent politician?

24 A. No.

25 Q. All right. So let's talk about the language

1 after that.

2 **A. Uh-huh.**

3 **Q.** So we see "reveals Missouri's existing  
4 gerrymander." Secretary of State now agrees that he  
5 should not have said that. "A plan that protects  
6 incumbent politicians." Now, agrees he should not have  
7 said that and, next sentence, replaces it with new  
8 congressional boundaries.

9 **A. Uh-huh.**

10 **Q.** In looking at House Bill 1, can you see language  
11 that would support that?

12 **A. Yes.**

13 **Q.** What do you find?

14 **A. Yes. Yeah, so the way House Bill 1 is**  
15 **structured, it -- if it's enacted, the first part of**  
16 **House Bill 1 says the sections that were adopted in 2022**  
17 **would go away. That's the plan that exists in law now.**  
18 **And then if HB 1 is adopted, then everything that is in**  
19 **the new list of bolded language is what would become the**  
20 **congressional district.**

21 **Q.** All right. And then it goes on to say that,  
22 **"keep more cities and counties intact." So let's break**  
23 **that down.**

24 **A. Uh-huh.**

25 **Q.** You may have already answered this but, if the

1 Court looks House Bill 1, is there a way to determine  
2 how many cities House Bill 1 keeps intact?

3 **A. No.**

4 **Q.** And is there anything in House Bill 1 that would  
5 tell you how many cities the previous plan kept intact?

6 **A. No.**

7 **Q.** And for counties, is there anything in  
8 House Bill 1 that would tell you how many counties are  
9 kept intact?

10 **A. You could see how many are intact as whole units,**  
11 **but you would not see anything about the existing plan.**

12 **Q.** All right. So in other words, the one that's  
13 being repealed, you couldn't tell?

14 **A. Correct.**

15 **Q.** All right. Oh, I have some exhibits that I  
16 wanted to make sure I talked to you about, so I've got  
17 to go back just a little bit. Apologies to everyone. I  
18 got ahead of myself.

19 When we just talked about the language you agree  
20 with, "do the people of the Missouri approve the act  
21 which repeals Missouri existing gerrymander  
22 congressional plan" --

23 **A. Yeah.**

24 **Q.** -- have you -- have you been involved in prior  
25 referendum where the Secretary of State makes statements

1 like that?

2 **A. Yeah. The one that comes to mind would be the**  
3 **2018 referendum on a so-called right-to-work law.**

4 **Q.** And are these statements that the people are  
5 being asked to vote to repeal the current districts and  
6 replace them with new districts, that's what the vote  
7 does? Is that language that you've heard from the  
8 Secretary of State in the past?

9 **A. I would have to look at the past ballot titles.**

10 **Q.** All right. Let me hand you -- or flip in your  
11 book, sorry, to Exhibit 4. These are documents that  
12 were produced to us by the Secretary of State in  
13 discovery.

14 Do you recognize what Exhibit 4 is?

15 **A. Yes. This is the ballot title for what I just**  
16 **referred to as the so-called right-to-work law that was**  
17 **proposed by the General Assembly. Signatures were**  
18 **submitted to stop it from going into effect, and then**  
19 **voters voted not to adopt it.**

20 MR. HATFIELD: Okay. And so -- well, this is  
21 certified. Let me just move the admission of Exhibit 4,  
22 Judge.

23 THE COURT: Any objection?

24 MS. HUNKER: No objection, Your Honor.

25 THE COURT: Admitted without objection.

1 (EXHIBIT NO. 4 WAS RECEIVED INTO EVIDENCE.)

2 MR. HATFIELD: Thank you.

3 BY MR. HATFIELD:

4 Q. So the language in Exhibit 4, "do the people of  
5 the State of Missouri want to adopt Senate Bill 19,"  
6 does that relate to the language that you see in  
7 Exhibit 2?

8 A. It does. So how I think about these as a voter  
9 is, I'm taking the role of the Governor and signing or  
10 vetoing an act of the General Assembly. So it doesn't  
11 yet take effect, because it's been referred to the  
12 people. And then we, as voters, get to vote it up or  
13 down.

14 MR. HATFIELD: Okay. Judge, there are a couple  
15 more in that document that you have now that have been  
16 admitted into evidence but, in the interest of time, I'm  
17 not going to have him just tell you what it says. It's  
18 in the record.

19 BY MR. HATFIELD:

20 Q. All right. Okay. We were talking cities and  
21 counties.

22 A. Uh-huh.

23 Q. And I hopefully didn't get us too confused by  
24 going backwards.

25 When we were here for the last hearing in front

1 of Judge Stumpe, the Secretary of State attorneys asked  
2 the Judge to take judicial notice of GIS.

3 Do you know what GIS is?

4 **A. Presumably, that's Geographic Information**  
5 **Services. Like, ArcGIS is another tool that the Office**  
6 **of Administration uses to show maps. But it's like**  
7 **saying, are you aware of word processors? Like, yeah.**

8 **Q.** So -- but you're familiar that GIS is, to use a  
9 technical term, a thing in redistricting?

10 **A. It's a thing.**

11 **Q.** And what can one do with GIS that is used for the  
12 redistricting debate?

13 **A. So using a GIS tool, one could see visually, in**  
14 **a -- in a map, we call these often congressional maps**  
15 **where House Bill 1 is a list of voting districts and**  
16 **census blocks and counties, but we'd actually be able to**  
17 **see where those lines are in the real world.**

18 **Q.** And have you used GIS system to do something  
19 similar to what you just described?

20 **A. Yes, I've used GIS tools to do that.**

21 **Q.** And are you familiar with the GIS tools?

22 **A. I'm familiar with ArcGIS, which is a tool that**  
23 **the State uses. And I'm familiar with others as well.**

24 **Q.** In using the GIS system, can you tell how many  
25 cities a congressional plan would split up?

1 A. It depends on what other data you also added to  
2 it and had at your disposal.

3 Q. So with -- without adding any data to it, will  
4 GIS tell you how many cities are divided?

5 A. No.

6 Q. What about counties? Would it tell you how many  
7 counties are divided without any additional data?

8 A. No. I mean, it -- you would add layers, if you  
9 chose to or you had those at your disposal. But if you  
10 didn't, you wouldn't be able to tell.

11 Q. All right. So did you look at House Bill 1 and  
12 try to figure out whether it keeps more cities and  
13 counties intact than the prior plan?

14 A. Yes.

15 Q. And were you able to do that without reference to  
16 anything outside of House Bill 1?

17 A. No. Well, ask that again.

18 Q. I said it in the negative.

19 A. Okay.

20 Q. Let me just say, how'd you do it?

21 A. I used other tools. I also looked at information  
22 that was provided during the legislative debate to see  
23 how proponents and opponents were talking about House  
24 Bill 1.

25 Q. And so when it says in the summary, "keeps more

1 cities intact," were you able to confirm that that's an  
2 accurate statement?

3 **A. No, I -- I was not. I reviewed the -- I looked**  
4 **at what was provided today of the maps of the**  
5 **congressional district lines, and there was not enough**  
6 **detail to be able to make that assessment.**

7 **Q. Okay. And were you able to conclude that it's**  
8 **not correct?**

9 **A. I was not, no.**

10 **Q. Okay. So what about counties? Are you able**  
11 **to -- were you able to do an analysis of were there more**  
12 **counties that are split?**

13 **A. On a district-by-district basis, there certainly**  
14 **some districts where no counties are changed at all. So**  
15 **for those congressional district boundaries, there are**  
16 **no more or fewer cities and counties that are split or**  
17 **not.**

18 **Q. Okay. What about did you look at Jackson County**  
19 **to see how many times Jackson County is split?**

20 **A. I did. I'm a resident of Jackson County, and so**  
21 **that was of personal interest. So it depends on how you**  
22 **count the splits in Jackson County in House Bill 1.**  
23 **There's a particular goofy thing going on in**  
24 **House Bill 1 where there's a Jackson County voting**  
25 **tabulation district that's assigned to two different**

1 congressional districts. And so in Congressional  
2 District 5, there's a non-contiguous portion that is a  
3 chunk of Congressional District 5 that's assigned to  
4 CD-5. And then there are also three separate splits of  
5 Jackson County. So Jackson County is split in brand new  
6 ways in House Bill 1.

7 Q. All right. Okay. Let's talk about "are more  
8 compact" --

9 A. Yeah.

10 Q. -- in the ballot summary. Just let make sure I'm  
11 on the right page.

12 Keep more cities and counties intact, are more  
13 compact, did you look to see if you could make a  
14 determination that the map, or the -- sorry -- districts  
15 in House Bill 1 are more compact than the prior  
16 districts?

17 A. That is not in House Bill 1.

18 Q. So looking at just the -- what we lawyers like  
19 the call the four corners of the House Bill 1, could you  
20 figure it out there?

21 A. No, not in House Bill 1.

22 Q. So we've heard some conversations, the Judge has  
23 some briefing about some maps. Are you familiar with  
24 the various map -- well, withdraw that question.

25 Have you seen maps that purport to be a

1 House Bill 1 and of what the Secretary calls the  
2 existing districts?

3 **A. I've seen those maps.**

4 **Q. Have you ever seen a map that would let you make**  
5 **a conclusion on compactness?**

6 **A. I would not make a determination based on**  
7 **compactness from a visual review. That is why there are**  
8 **a number of different statistical measurements that**  
9 **would try to assess compactness. Those are measurements**  
10 **that I saw in -- that both proponents and opponents of**  
11 **the plan use to see how different districts became more**  
12 **compact and how different districts became less compact**  
13 **and how different districts didn't become more or less**  
14 **compact at all.**

15 **Q. Does GIS have a tool to measure compactness?**

16 **A. Not GIS itself.**

17 **Q. Okay. What are the -- you refer to GIS as like a**  
18 **word processor. What are the other tools like that,**  
19 **that you could use for compactness, if any?**

20 **A. Yeah. So if you were -- in most of the tools --**  
21 **or in some of the tools you could run what's called a**  
22 **compactness report that would produce a variety of**  
23 **compactness scores for different district lines.**  
24 **Generally speaking, looking at a number of them at the**  
25 **same time is useful. They all have their limitations.**

1 But looking at them in general -- or looking at them  
2 together, you can get a directional understanding of, is  
3 this district more or less compact than a different  
4 district?

5 Q. And so you talked a little earlier about the  
6 statistical tools Reock, Polsby-Popper?

7 A. Uh-huh.

8 Q. Have you seen the statistics on House Bill 1 for  
9 the Reock scores?

10 A. Yeah, I saw numbers -- I saw those numbers that  
11 created by the Office of Administration about the --  
12 about the bill.

13 Q. And did you do your own numbers on that?

14 A. I used the State's numbers to -- yes. I used the  
15 State's numbers. I did not run my own.

16 Q. And were you able to -- did you see the State's  
17 numbers on what the previous was?

18 A. Yes.

19 Q. Let me direct your attention to -- I don't know  
20 which one it is, Mr. Nicholson.

21 Is that Exhibit 12 or Exhibit 16?

22 A. Exhibit 12 is the Office Of Administration  
23 analysis.

24 Q. Okay. So is this the analysis you referred to a  
25 minute ago?

1 A. Yes. I obtained this document via a Sunshine Law  
2 request. And on page 3 of this document, it references  
3 two of the different commonly used measures to assess  
4 compactness.

5 MR. HATFIELD: Judge, move for admission of 12.

6 THE COURT: Any objection to 12?

7 MS. HUNKER: One second, Your Honor.

8 THE COURT: What did you call this again, the OA  
9 analysis of what?

10 You talk faster than I can write.

11 THE WITNESS: Yeah, the document is called the  
12 Department Bill Review, so I obtained this from the  
13 Office Of Administration.

14 MS. HUNKER: With the understanding that he  
15 received it from the Office Of Administration, no  
16 objection.

17 THE COURT: Admitted without objection.

18 (EXHIBIT NO. 12 WAS RECEIVED INTO EVIDENCE.)

19 BY MR. HATFIELD:

20 Q. So you were just telling us, what page do we look  
21 at, 3?

22 A. Yep. Page 3, the things that stood out to me  
23 there are just an affirmation these are two generally  
24 used measurements, and then it gives the scores for  
25 House Bill 1.

1 Q. Okay. And so this is the House Bill 1. What  
2 then, the Reock and Polsby score -- yeah. What did you  
3 find significant about the statements here?

4 A. That those are generally applicable, commonly  
5 used measurements. And then I looked -- I reviewed this  
6 along with historical information about the existing  
7 congressional district plan and was able to conclude  
8 that some districts, if HB 1 is adopted, become less  
9 compact, some become more compact, and some are exactly  
10 as compact as they were. As they are under the existing  
11 plan.

12 Q. So did you -- did you reach a conclusion about  
13 what's correct to say that the boundaries are more  
14 compact?

15 A. The way that it's crafted in the ballot summary  
16 is incorrect, because some congressional district  
17 boundaries are less compact and some are neither more or  
18 less compact.

19 Q. All right. And then the last phrase in the  
20 ballot summary is "better reflect statewide voting  
21 patterns."

22 First of all, is statewide voting patterns a  
23 phrase that you immediately understood, based on your  
24 experience in redistricting?

25 A. It wasn't immediately clear what that meant. My

1 guess is, but it wasn't obvious.

2 Q. And what -- I'm going to use the word  
3 "ambiguous." I hear you say it. What's not clear about  
4 that phrase, "statewide voting patterns"?

5 A. So if it's meant to be -- if it's meant to  
6 suggest that there is less partisan bias in the  
7 congressional district plan, if HB 1 is adopted compared  
8 to the current congressional plan, such an assertion  
9 would be laughable. The whole point of House Bill 1 was  
10 to make it more partisan -- to add more partisan bias to  
11 predetermine the outcome. So I don't know what the  
12 Secretary intended to mean there, but it certainly  
13 doesn't mean that there's less partisan bias in House  
14 Bill 1 if it's adopted.

15 Q. Okay. So I probably covered this in other  
16 questions but, just to be clear, so if you're trying to  
17 understand the statewide voting patterns for these  
18 congressional boundaries, can you find that in House  
19 Bill 1 itself?

20 A. No.

21 Q. Can you find that on GIS?

22 A. No.

23 Q. What do you have to look at to find statewide  
24 voting patterns, the way you interpret it?

25 A. So you could do a very simple, common-sense

1 analysis, where you would look at, what does a  
2 Democratic candidate generally get statewide,  
3 historically speaking? That's about forty percent of  
4 the vote in the last couple of statewide elections. It  
5 does say "statewide voting patterns." If House Bill 1  
6 ends up being adopted, it would almost certainly result  
7 in 12-and-a-half percent of the political power in the  
8 congressional district going to a Democratic member of  
9 Congress, compared to the existing plan, which results  
10 in 25 percent of the power going to the Democratic  
11 party.

12 So if you -- in that simple version, that's  
13 certainly not more reflective of statewide voting  
14 patterns. The other thing that I did was look at  
15 measures of partisan bias, and there are a couple of  
16 those, using publicly available tools. And all of those  
17 showed an increase in partisan bias if House Bill 1 is  
18 adopted.

19 Q. Not sure we all know what partisan bias means in  
20 your world, so break that down a little bit. How did  
21 you look at partisan bias?

22 A. Yeah, so general partisan bias in a plan is a way  
23 to measure, does this legislative districting plan  
24 produce results that are generally in line with the  
25 proportion of voters in a given jurisdiction? So a

1 simple version of that, if 40, 45 percent of the voters  
2 preferred Democratic candidates to Republican  
3 candidates, a proportional plan, a plan that doesn't  
4 have a lot of partisan bias would result in legislative  
5 power that roughly approximates that.

6 Q. Okay. Can you look back at Exhibit 12 for a  
7 moment? This was what you referred to as the Office of  
8 Administration bill review.

9 A. Yep.

10 Q. And on page 3, again, right below the  
11 compactness, there's some discussion of comparison of  
12 current congressional districts versus HB 1  
13 congressional districts.

14 A. Yeah.

15 THE COURT: Where are we?

16 MR. HATFIELD: I'm in Exhibit 12.

17 THE COURT: Thank you.

18 MR. HATFIELD: Page 3.

19 THE COURT: Thank you.

20 BY MR. HATFIELD:

21 Q. Would reviewing that section give us any  
22 information about partisan makeup or bias of these  
23 congressional districts?

24 A. Yes. So in the section called comparison of  
25 current -- current congressional district versus HB 1

1 congressional districts, it provides what I believe is  
2 an accurate projection of what would happen if House  
3 Bill 1 never becomes law, to say the Republicans would  
4 win seven of the eight congressional districts. And  
5 then it does a district-by-district breakdown of how  
6 districts become more Democratic or more Republican or  
7 vice versa.

8 Q. Okay. And so just to kind of tie this back, so  
9 this talks about Republicans would win seven of eight  
10 congressional districts. And how did you figure out the  
11 statewide voting percentages?

12 A. I reviewed the statewide election results from  
13 the Secretary of State's website.

14 Q. And what are the general statewide patterns that  
15 you found?

16 A. In the last few statewide elections, Democratic  
17 candidates win about 40 percent of the statewide vote,  
18 total.

19 MR. HATFIELD: Okay. All right. I don't have  
20 any further questions, Judge.

21 CROSS-EXAMINATION BY MS. HUNKER:

22 Q. So is it Mr. Nicholson or Dr. Nicholson?

23 A. Mister.

24 Q. Okay. So you are a political consultant,  
25 Mr. Nicholson?

1 A. Yes.

2 Q. And you are a political consultant specifically  
3 for the campaign to put HB 1 up for referendum?

4 A. I have been, yes.

5 Q. And you're a political consultant for People Not  
6 Politicians?

7 A. Yes.

8 Q. You were hired by People Not Politicians?

9 A. Yes.

10 Q. And you are hired by People Not Politicians?

11 A. Yes.

12 Q. And you were hired by People Not Politicians  
13 specifically to defeat House Bill 1?

14 A. Yes.

15 Q. You opposed House Bill 1 when it was being  
16 considered -- or up for consideration by the

17 Legislature?

18 A. Yes.

19 Q. And you oppose it now. Correct?

20 A. Yes.

21 Q. And did you testify for the Legislature?

22 A. No.

23 Q. And specifically, you oppose the map that's  
24 created by House Bill 1?

25 A. I don't understand the question.

1 Q. Sorry. Let me rephrase.

2 You oppose the congressional plan that was  
3 created by House Bill 1?

4 **A. I oppose the enactment of the voters House**  
5 **Bill 1, yeah -- if voters approve -- I -- my hope is**  
6 **voters will reject it.**

7 Q. House Bill 1, you said, has a list of voting  
8 tabulations districts. Correct?

9 **A. Yes.**

10 Q. And those voting tabulation districts, when  
11 combined, create a congressional district?

12 **A. Yes.**

13 Q. And those -- there are eight congressional  
14 districts in the state of Missouri?

15 **A. Currently, yes.**

16 Q. And the eight congressional districts together  
17 are forming that?

18 **A. You can look at the eight congressional districts**  
19 **as a map. House Bill 1 is a list of voter tabulation**  
20 **districts.**

21 Q. And you worked with the Legislature before on  
22 previous redistricting plans?

23 **A. I -- I worked with the House and Senate citizens**  
24 **redistricting commissions, not the Legislature.**

25 Q. But you were a part of the commission to create a

1 Legislative redistricting plan?

2 **A. I was not a part of the commission.**

3 **Q.** Oh, you were not a part of the commission.

4 What was your role?

5 **A. I was -- I think what I said before was, I was a**  
6 **consultant to the Democratic offices.**

7 **Q.** And you supported the 2022 plan when it was up  
8 for consideration by the Legislature?

9 **A. I don't remember having a position on the**  
10 **existing plan when it was adopted, one way or the other.**

11 **Q.** You are testifying today as a consultant; is that  
12 right?

13 **A. Testifying today as someone who has expertise in**  
14 **redistricting things.**

15 **Q.** But you are not offered as an expert?

16 **A. I'm not sure I follow.**

17 **Q.** Okay. I want to quickly go over what you looked  
18 at prior to your testimony today.

19 **A. Okay.**

20 **Q.** So I believe you said that you looked at what was  
21 provided today. What was provided today that you had  
22 looked at?

23 **A. It's my understanding that the evidence that was**  
24 **going to be at trial today was the bill, and then two**  
25 **visual representations that purport to be the existing**

1 plan that was adopted in 2022, and then the House Bill 1  
2 plan. The maps is what I understand is in the record  
3 before today's hearing.

4 Q. And in forming your opinion today, what else did  
5 you look at?

6 A. I looked at the Office of Administration's bill  
7 review. I looked at public data about the new proposed  
8 plan. I looked at public data about the existing  
9 congressional districting plan.

10 Q. You did not look at -- sorry.  
11 You said you had looked at a map of house -- that  
12 was created by House Bill 1 or purported to be created  
13 by House Bill 1?

14 A. Yes.

15 Q. And you said you did the same for House Bill 2909  
16 which was the 2022 plan?

17 A. Yes.

18 Q. All right. Now, coming into today, did you  
19 specifically look at which counties were split in the  
20 2022 plan?

21 A. Yes.

22 Q. And so we can agree that, in the 2022 plan, Clay  
23 County was split?

24 A. I don't remember a county-by-county breakdown --

25 Q. Okay. And so you don't know --

1 **A. -- off the top of my head.**

2 **Q.** -- sitting here if Clay County was split under  
3 the 2022 plan?

4 **A. I'd be happy to take a look at the map.**

5 **Q.** Give me one moment.

6 **A. Okay.**

7 **Q.** Before I go there, let me quickly ask you about  
8 the Office of Administration. You had said that you  
9 were familiar with the Office of Administration?

10 **A. I'm familiar the Office of Administration exists,**  
11 **yeah.**

12 **Q.** And the Office of Administration has a website  
13 that contains information about redistricting?

14 **A. Some.**

15 **Q.** And you said you used the website to access data  
16 redistricting, I believe.

17 **A. I am aware of the Office of Administration**  
18 **redistricting website link to Dave's Redistricting app.**

19 **That not how I got to the website. I typed in the**  
20 **address directly.**

21 **Q.** You were aware the Office of Administration has  
22 visual depictions maps of redistricting plans on its  
23 website?

24 **A. I am.**

25 **Q.** And you're aware of the ArcGIS website that is

1 hosted by the Office of Administration?

2 **A. Yes.**

3 **Q.** And that plan has data and maps with respect to  
4 redistricting?

5 **A. Yeah. It has the existing congressional plan and**  
6 **it has a visual representation of a close approximation**  
7 **of House Bill 1.**

8 **Q.** And you used the interactive map that the GIS  
9 program offers?

10 **A. I did, yeah.**

11 **Q.** And you're aware that, under the GIS interactive  
12 map, you can click a button that will do an overlay of  
13 the district lines along with county lines?

14 **A. That's a thing you could do, yeah.**

15 **Q.** And you can do the same also for municipalities?

16 **A. I don't know that to be the case or not. I**  
17 **don't -- I don't know one or the other.**

18 **Q.** You have not done that leading up to your  
19 testimony today; is that fair to say?

20 **A. I don't -- I don't recall doing that.**

21 MS. HUNKER: Your Honor, if I could approach the  
22 witness. I'm going to hand him an exhibit.

23 THE COURT: Yes.

24 MS. HUNKER: We'll call it Exhibit 1.

25 THE COURT: Call it A?

1 MS. HUNKER: A. Sorry. A.

2 Now, Your Honor, it could be helpful. I have a  
3 larger blown-up version. If I could put that quickly on  
4 next to the witness, so he could look at the larger  
5 version.

6 THE COURT: That's fine. What is this?

7 MS. HUNKER: I'm about --

8 BY MS. HUNKER:

9 Q. Do you see the map in front of you?

10 A. **Yeah, this is the existing congressional plan.**

11 Q. Yes. You recognize it as the existing  
12 congressional plan?

13 A. **Yeah. That is -- that's the -- that looks like**  
14 **the plan that was adopted it 2022.**

15 Q. Okay. Now, let's take a quick look at Clay  
16 County. Do you see where District 5 protrudes into Clay  
17 County?

18 A. **I do.**

19 Q. And do you see that Clay County also has  
20 District 6 as well?

21 A. **I do.**

22 Q. And can we agree that district is split under the  
23 2022 plan?

24 A. **Can we agree that what is split?**

25 Q. That that county is split under the 2022 plan.

1 **A. Yeah. Clay County has portions of two**  
2 **congressional districts in this plan.**

3 **Q.** And let's go down the boundary line of  
4 Districts 4 and 3.

5 Do you see where it says the county, Camden?

6 **A. Yes.**

7 **Q.** And do you see that a small portion of  
8 District 3 protrudes into Camden County?

9 **A. I do.**

10 **Q.** And Camden County also has District 4. Correct?

11 **A. Yes.**

12 **Q.** And can we agree then that Camden County is split  
13 underneath the 2022 plan?

14 **A. In the existing plan?**

15 **Q.** The existing 2022 plan?

16 **A. Okay. Yeah.**

17 **Q.** And we already addressed -- or you already  
18 address in your testimony that Jackson County -- can you  
19 take a look of where that is in the map?

20 **A. Yes, I can see Jackson County.**

21 **Q.** And do you see how District 5, District 4 and  
22 District 6 are all within Jackson County?

23 **A. I believe that to be the case, yes.**

24 **Q.** And so we can agree that Jackson County was split  
25 under the existing 2022 plan?

1 **A. Jackson County is split in the existing**  
2 **congressional district plan, yeah.**

3 **Q.** And let's move over to Webster County. This is  
4 at the bottom of District 4. Do you see that Webster  
5 County has a dividing line between Districts 4 and 7?

6 **A. I do.**

7 **Q.** And can we agree then that Webster County is  
8 split under this particular plan?

9 **A. Yeah. I believe that Districts 7 and 8 don't**  
10 **change in -- at all in the House Bill 1. And, yes,**  
11 **Webster County is split in the existing plan also.**

12 **Q.** And let's go up to the top of Districts 4 and 3  
13 where they intersect in Boone County.  
14 Do you see that?

15 **A. I do.**

16 **Q.** And so Boone County has portions of District 3  
17 and District 4 in the 2022 plan?

18 **A. Yeah. Boone is currently split, yeah, like that.**

19 **Q.** And let's move over to Lawrence and St. Charles  
20 County.

21 **A. Okay.**

22 **Q.** Do you see the appendage of District 3 that is on  
23 top of District 4?

24 **A. I do.**

25 **Q.** And can we agree that Warren County and

1 St. Charles County are also split?

2 **A. I'm not able to see that from the detail in this**  
3 **plan, but I believe you.**

4 **Q.** And if we go below District 2, this is part of  
5 the District 3 and District 8 where they intersect on  
6 the most eastern part of the state, Jefferson County.

7 Do you see that on the map?

8 **A. I do.**

9 **Q.** And can we agree that Jefferson County is also  
10 split under the existing 2022 map?

11 **A. I do. Jefferson County is currently split in the**  
12 **existing congressional district plan.**

13 **Q.** And finally we have St. Louis County?

14 **A. Uh-huh.**

15 **Q.** St. Louis County is also split in the existing  
16 2022 plan?

17 **A. Yeah. St. Louis County is currently split. And**  
18 **St. Louis County would be split in different ways, but**  
19 **it would still stay split if HB 1 was adopted.**

20 **Q.** And so that puts us at Clay County, Camden  
21 County, Warren County, St. Charles County, St. Louis  
22 County, Jackson County, Jefferson County, Boone County  
23 and Webster County, all those counties are split under  
24 the existing 2022 plan?

25 **A. Okay.**

1 Q. Those are the ones we just addressed?

2 A. **It sounds right.**

3 Q. Okay. And I'm going to put up and hand to you  
4 State's Exhibit B.

5 Okay. Do you have State's Exhibit B in front of  
6 you?

7 A. **Is that this (indicating)?**

8 Q. Yes.

9 A. **Okay. Yes.**

10 Q. And do you recognize this as the map formed by  
11 House Bill 1?

12 A. **I honestly can't tell with level of detail if  
13 it's the correct one.**

14 Q. Do you see on the bottom where it says "prepared  
15 by Office of Administration"?

16 A. **I do.**

17 Q. And do you see where it say "GO spacial  
18 information"?

19 A. **I do see that.**

20 Q. And you agree that the Office of Administration  
21 has maps for House Bill 1 on its website?

22 A. **It does have the -- yeah, it does.**

23 Q. Okay. And so I want to take a look at some  
24 counties we discussed before. Let's look at Clay  
25 County. Clay County is not split under the 2025 plan;

1 is that correct?

2 **A. I can't tell from the map, but I could look at**  
3 **House Bill 1.**

4 **Q. Take a look at House Bill 1.**

5 **A. Okay. Do you know what page Congressional**  
6 **District 6 is on?**

7 **It's on 121. I'm searching here. I'm trying to**  
8 **find the starting of the Congressional District 6.**  
9 **Maybe it starts at 118.**

10 **Okay. Yeah, I do see that Clay County is a whole**  
11 **county in Congressional District 6.**

12 **Q. And so we agree, then, that Clay County was split**  
13 **under the existing 2022 plan, but is not split under**  
14 **House Bill 1?**

15 **A. Yes.**

16 **Q. And let's look at Camden County.**

17 **A. Okay. Camden County does not appear to be split.**

18 **Q. And so we can agree Camden County is split under**  
19 **the 2022 map, but is not split under House Bill 1?**

20 **A. Yes.**

21 **Q. And let's look at Warren County.**

22 **A. Okay.**

23 **Q. Warren County is not split under**  
24 **House Bill 1?**

25 **A. It is not split.**

1 Q. So we can agree that it was split under the 2022  
2 plan, but not split under House Bill 1?

3 A. **Yeah, it's split in the existing plan.**

4 Q. And then let's look at St. Charles County.  
5 St. Charles County is kept intact in House Bill 1?

6 A. **Yes.**

7 Q. So we can agree that St. Charles County is split  
8 under the 2022 plan but not split under House Bill 1?

9 A. **Okay.**

10 Q. Is that a yes?

11 A. **Yes.**

12 Q. And so of the nine counties that were split under  
13 the existing 2022 congressional plan, four of them are  
14 kept intact under House Bill 1?

15 A. **Okay.**

16 Q. Do you agree?

17 A. **I think so, yeah.**

18 Q. You had brought up a discussion about the  
19 compactness.

20 A. **Uh-huh.**

21 Q. Do you recall your discussion with Mr. Hatfield  
22 on that?

23 A. **Generally, yes.**

24 Q. Now, you did not perform your own compactness  
25 analysis?

1 **A. I used the State's and I reviewed other publicly**  
2 **available ones, yeah.**

3 **Q.** And the one you testified, though, is  
4 specifically the one provided by the Office of  
5 Administration, I think you said?

6 **A. Yeah. I looked at the new numbers and the old**  
7 **ones, yeah.**

8 **Q.** And those numbers included the Polsby-Popper  
9 analysis?

10 **A. Yeah. There was a number of -- different numbers**  
11 **and, yeah, the Polsby-Popper were one of them. Yeah.**

12 THE COURT: I'm sorry. How do you spell that?

13 MS. HUNKER: It is P-o --

14 THE COURT REPORTER: They did it earlier.

15 THE COURT: Oh, they did it earlier.

16 BY MS. HUNKER:

17 **Q.** And then this particular analysis also looks at  
18 Reock scores, summary Reock scores.

19 **A. Yeah, that was mentioned in the State's analysis.**

20 **Q.** And that's spelled R-e-o-c-k?

21 **A. Yep.**

22 **Q.** They did not include an average score about the  
23 congressional districts in House Bill 1?

24 **A. Of course not.**

25 **Q.** And they didn't look at the overall compactness

1 score?

2 **A. That's not how compactness is -- Missouri is**  
3 **exactly as compact as it was before. The compactness**  
4 **numbers only make sense about specific districts.**

5 **Q. So you only looked at specific districts. You**  
6 **did not look at overall compactness score?**

7 **A. I know that Missouri's boundaries haven't**  
8 **changed. Missouri is as compact as it was before. Like**  
9 **those measures of compactness only make sense on a**  
10 **district-by-district basis.**

11 **Q. We are talking past each other. You haven't**  
12 **provided an average -- you haven't testified to an**  
13 **average compactness score?**

14 **A. No, because that wouldn't make any sense. Some**  
15 **of districts are less compact, some are more compact and**  
16 **some are exactly as compact as they were before.**

17 **Q. And you didn't look at any of the other metrics**  
18 **for compactness? You didn't look at convex hull?**

19 **A. I did.**

20 **Q. You did not testify to convex hull?**

21 **A. I wasn't asked about convex hull.**

22 **Q. And Schaberg?**

23 **A. I think that was on the stuff that I reviewed,**  
24 **but no.**

25 **Q. What about I know it when I see it?**

1 **A. What does that mean?**

2 **Q.** Well, it's a specific type of compactness metric.  
3 I'm just wondering if you looked at that?

4 **A. I haven't looked at that one, no.**

5 **Q.** What about Population Circle?

6 **A. No.**

7 **Q.** Population Polygon?

8 **A. I don't remember one way or the other on that**  
9 **one.**

10 **Q.** Perimeter in Miles?

11 **A. I don't think so.**

12 **Q.** You had said earlier that you had testified in  
13 the Faatz v. Ashcroft case?

14 **A. Yes.**

15 **Q.** And that was about the Senate map?

16 **A. Yes. The State Senate map.**

17 **Q.** And were you the only expert that testified --  
18 take a step back.

19 You testified on behalf of the plaintiffs?

20 **A. Yes.**

21 **Q.** And you -- were you the only expert who testified  
22 on their behalf?

23 **A. I don't remember.**

24 **Q.** The Court issued an opinion in that case; is that  
25 right?

1 **A. Yeah, and the case was resolved.**

2 **Q.** And the Court stated the testimony of  
3 Mr. Nicholson was not helpful to the Court.

4 **A. Okay.**

5 **Q.** Do you recall them saying that?

6 **A. No.**

7 **Q.** Do you recall the Court saying "Mr. Nicholson  
8 also testified as to how he drew the plaintiffs'  
9 proposed map. His testimony showed that he did not have  
10 extensive experience in evaluating the map with  
11 constitutional requirements relating to redistricting."

12 **A. Is there a question?**

13 **Q.** Do you recall the Court saying that?

14 **A. No.**

15 **Q.** And do you recall if that particular case went up  
16 to the Missouri Supreme Court?

17 **A. Sounds right.**

18 **Q.** And do you recall Missouri Supreme Court saying  
19 "as to appellate's expert, the Circuit Court found he  
20 was not helpful because he could not testify as to how  
21 the computer program on which he relied calculated its  
22 results"?

23 **A. What's the question?**

24 **Q.** Do you recall?

25 **A. No.**

1 MR. HUNKER: No other questions, Your Honor.

2 THE COURT: Mr. Hatfield?

3 MR. HATFIELD: Just a couple of questions.

4 REDIRECT EXAMINATION BY MR. HATFIELD:

5 Q. And I'm just gonna ask if you remember. So one  
6 of the things that you just did a minute ago with  
7 Ms. Hunker was looked at a couple of maps and went  
8 through how many counties were divided.

9 A. Yep.

10 Q. Do you remember what number of counties you got  
11 to on the original -- or the House Bill 29 map that were  
12 divided? I thought I heard a number from her, but I  
13 don't want to be wrong, so I'm going to ask if you  
14 remember.

15 A. Maybe nine. But I don't --

16 Q. Okay. Can you go to Exhibit 12 for us, the OA  
17 analysis?

18 A. Yeah.

19 Q. And just so make sure I'm not messing this up,  
20 Exhibit 12 is an analysis of the new map House Bill 1.  
21 Right?

22 A. Yeah.

23 Q. Is that your understanding?

24 It's in evidence, so it'll be what it is. If  
25 you'd go to page 3.

1 MR. HATFIELD: Judge, are you with me?

2 THE COURT: Almost.

3 MR. HATFIELD: Exhibit 12, page 3, yes, sir.

4 BY MR. HATFIELD:

5 Q. In the second paragraph here, I just wanted to  
6 walk you through this about how the new map works. So  
7 nine divisions in the old map -- or the record is what  
8 it is. But how ever many divisions there were in the  
9 old map?

10 A. Yeah.

11 Q. So where you see districts, that kind of second  
12 paragraph?

13 A. I do.

14 Q. Attachments 1 through 3, through 1 though 9  
15 provide more details regarding each district. The  
16 report shows that the eight districts are all  
17 contiguous, not important in this case.

18 But can you tell the Court what contiguous means  
19 in that context?

20 A. It means that there are no geographic breaks  
21 between a district, a gap, and then another part of the  
22 district. They're all wholly contained.

23 Q. Okay. Let's come back to that.

24 Then the next sentence says that nine counties  
25 are split once. Now, I'm not going to walk you all the

1 way through the new map like she did, but --

2 **A. Yeah.**

3 **Q.** -- do you agree that in the new map nine counties  
4 are split once?

5 **A. That's what the OA analysis says.**

6 **Q.** Do you have any reason to disagree with what OA  
7 said?

8 **A. Not in that part of the sentence, no.**

9 **Q.** Okay. And that Jackson County is split three  
10 times. Do you agree with that?

11 **A. At least three. It really depends on how you**  
12 **count Kansas City 8 to 11.**

13 **Q.** Yeah. And we're going to come back to that.

14 And that the districts are divided by population  
15 as equally as possible.

16 So -- okay. So the new map, they say, splits

17 nine counties once and Jackson County three times. And  
18 remember, we read that it also says that all of the maps  
19 are contiguous?

20 **A. Yes.**

21 **Q.** And as far as -- well, first of all, in order to  
22 orient the Judge to what we're getting ready to talk  
23 about, do you see -- and you've got your own hard copy  
24 here.

25 Do you see this little squiggly line up in here

1 (indicating)?

2 **A. Yes.**

3 **Q.** Have you analyzed what's going on right there  
4 with that little jot that comes all the way up to the  
5 Jackson County? Can you tell us in laymen terms what's  
6 happening there?

7 **A. Yeah. So you can't tell with the level of**  
8 **detail, but it's essentially the west side of Troost and**  
9 **Kansas City is added to Congressional District 4.**

10 **Q.** Okay. And have you looked to see whether the  
11 voting districts, right, those little blocks that we  
12 were talking about, whether there is a contiguous group  
13 of them inside that west of Troost section?

14 **A. I have reviewed the voting districts in Jackson**  
15 **County. I used the State's ArcGIS tool for that.**

16 **Q.** And what did you find when you used ArcGIS to  
17 view the voting districts in Jackson County?

18 **A. So two things. So, one, in the text of**  
19 **House Bill 1, Kansas City 811, the voting tabulation**  
20 **district, is assigned to both Congressional District 4**  
21 **and Congressional District 5. So that is one data**  
22 **point. Another thing that is odd about Kansas City 811**  
23 **is that, when you look at the State's tool, 811 is a**  
24 **non-contiguous voting tabulation district. This is not**  
25 **a problem under the existing plan, because both parts of**

1 the non-contiguous voting district are in the current  
2 Congressional District 5.

3 But in how that squiggly line, to use your word,  
4 is drawn, it cuts right between the two parts of Kansas  
5 City 811.

6 Q. So what you just described in Kansas City 811,  
7 what county is that?

8 A. That's in Jackson County.

9 Q. So when you said depends how you tabulate it, if  
10 811 -- when you take into account how 811 is  
11 distributed, how many times is Jackson County divided?

12 A. Four at least.

13 Q. Let me hand you what we've marked as  
14 Plaintiff's 13. We have not seen it before. I'm going  
15 to go a little slower here, Mr Nicholson, because we  
16 haven't seen this one.

17 Do you recognize, first of all, Exhibit 13?

18 A. Yes. This is a screen shot of the State's ArcGIS  
19 tool that -- has the green line in the middle of this is  
20 and approximation of the boundary between Congressional  
21 District 5 and 4 in House Bill 1.

22 Q. Okay. And is this a screenshot of something that  
23 yourself looked at?

24 A. It is, yes.

25 Q. And is this something that you prepared?

1 A. It is, yes.

2 Q. And so maybe you can just use this. You're going  
3 to have to orient us a little bit --

4 A. Yeah.

5 Q. -- to explain what you're talking about.  
6 Which -- what number am I looking for again here?

7 A. KC-811, so the green line about one third of the  
8 way across the page is the state border, so that's State  
9 Line Road. And as you go east you see a vertical  
10 squiggly line. To the left side is KC 811. There's  
11 also a KC 811 on the right or the eastern side, which is  
12 in a different congressional district.

13 THE COURT: Can you point at that for me?

14 THE WITNESS: Yes. So it's a little triangle  
15 that -- the western part of it, and then there's a  
16 rectangle on the eastern part of it (indicating).

17 BY MR. HATFIELD:

18 Q. So let's do this: On the sheet that you have in  
19 front of you, Mr. Nicholson, can you circle or highlight  
20 both of those?

21 A. (Witness complied.)

22 Yes. I've highlighted the two parts.

23 MS. HUNKER: Your Honor, I'm going to object to  
24 relevance, only because we're talking now about a  
25 specific VTD, and that is not a description that's in

1 the summary statement. And so I'm trying to understand  
2 where Counsel is going and how this is relevant to the  
3 claim.

4 THE COURT: Mr. Hatfield?

5 MR. HATFIELD: We're talking about how many times  
6 the counties are split. And the witness has already  
7 told you that Jackson County is split, actually,

8 multiple times that are not reflected on either of the  
9 maps that Counsel was showing you or on the OA analysis  
10 we see split more times.

11 THE COURT: I'll overrule and I'll allow it to  
12 come in.

13 MR. HATFIELD: Judge, may I hand you what he just  
14 highlighted there?

15 I think you figured it out.

16 BY MR. HATFIELD:

17 Q. So just to be clear, there is two are districts  
18 labeled VTDs 11. Is that -- Mr. Nicholson, is that  
19 where we are?

20 A. Yeah. Yes.

21 MR. HATFIELD: Okay. Yeah.

22 Just to be clear, Judge, I'm not -- I didn't mean  
23 to bring up contiguousness. It was just an aside.  
24 We're not challenging contiguousness in this case.

25 There's a judge in Jackson County Circuit Court,

1 he's dealing with that already.

2 BY MR. HATFIELD:

3 Q. Okay. Ms. Hunker asked you some questions about  
4 the Faatz case?

5 A. Uh-huh.

6 Q. Judge -- I think it was Judge Beetem said you  
7 didn't have certain experience. Do you have more  
8 experience now than you did then?

9 A. I do.

10 MR. HATFIELD: I don't have any further  
11 questions, Judge. Thank you.

12 MS. HUNKER: If I could do recross, Your Honor?

13 THE COURT: Yes, ma'am. Go ahead.

14 RE-CROSS-EXAMINATION BY MS. HUNKER:

15 Q. Can you please pull up Plaintiff's Exhibit 12?  
16 This is the OA assessment.

17 A. Okay. Yes.

18 Q. And Counsel had showed you paragraph 2 where it  
19 says districts?

20 A. Yes.

21 Q. And that reads "Attachments 1 through 3  
22 provide" -- "Attachments No. 1 through 3 through 1  
23 through 9 provide more details regarding each district"?

24 A. Yep.

25 Q. The report shows that eight districts are all

1 contiguous. That nine counties are split once. That  
2 Jackson County is split three times. And the districts  
3 are divided by population as equally as possible.

4 **A. That's what it says.**

5 **Q.** And the attachments are listed in page 7.

6 **A. Okay.**

7 **Q.** With that description, you don't know whether  
8 they're talking about HB 29 09, the 2022 plan or House  
9 Bill 1?

10 **A. I do. On page 1, it says, "department bill  
11 review of HB 1," the second extra section.**

12 **Q.** This also includes a description though of the  
13 2022 plan?

14 **A. Yeah. Farther down in Section F, it talks about  
15 the current congressional districts versus HB1  
16 congressional districts.**

17 **Q.** And if we look though at the attachments, they  
18 also include population data of bill review of House  
19 Bill 1, 2909?

20 **A. Okay.**

21 **Q.** Sitting here, you don't know the specific  
22 counties that were split under House Bill 1?

23 Can you identify the districts that were split  
24 under House Bill 1?

25 **A. Which districts are split under House --**

1 Q. Sorry. Counties. Counties are split under House  
2 Bill 1.

3 A. I think we went through that. We went through  
4 some of them.

5 Q. We went through some of them. Do you know all of  
6 them?

7 A. I could find out. We could figure it out.

8 Q. Do you have any personal knowledge about which  
9 counties are split outside of a visual description of  
10 the map?

11 A. Do I have any personal knowledge?

12 Q. Yes.

13 A. I could go through House Bill 1 and it has all of  
14 the counties that are split.

15 Q. So the bill states whether or not the counties  
16 are split?

17 A. The way that House Bill 1 is crafted, it goes  
18 county by county for each of the eight congressional  
19 districts. And the counties for which there is -- there  
20 are VTDs or blocks listed, those are split counties.

21 Q. Okay. Turning to Plaintiff's Exhibit 13.

22 Counsel referenced KC 811. You've not looked at the  
23 shape files -- shape files for the congressional plan?

24 A. I didn't say that.

25 Q. Have you?

1           **A. Yes.**

2           **Q.** You're not making any testimony, though, about  
3 whether KC 811 or different geographically entities?

4           **A. I'm showing you what the State's own tools say**  
5 **geographically.**

6           **Q.** That's a different question. I'm saying, you are  
7 not testifying today about whether there's any  
8 continuity issues with respect to House Bill 1?

9           **A. I am just showing you what -- the tool that you**  
10 **suggested that we look at shows.**

11           **Q.** And outside of the Faatz case, you haven't  
12 testified in any other court regarding redistricting?

13           **A. I don't think so, no.**

14           MS. HUNKER: Thank you, Your Honor.

15           MR. HATFIELD: Nothing further, Judge. Ask that  
16 this witness be excused.

17           THE COURT: You may step down. Thank you.

18           (WITNESS EXCUSED.)

19           (A BREAK WAS TAKEN.)

20           THE COURT: Back on the record in 25AC-CC08724,  
21 People Not Politicians V. Hoskins. The same parties are  
22 present as before the recess.

23           Mr. Hatfield, go ahead.

24           MR. HATFIELD: Thank you, Your Honor.

25           We served some interrogatories in this case. I'm

1 handing the Court what's been marked as Plaintiff's  
2 Exhibit 5. And there entitled Defendant Hoskins'  
3 objections and responses to Plaintiffs' first set of  
4 interrogatories, and move to their admission into the  
5 record.

6 THE COURT: Any objection?

7 MS. HUNKER: No objection, Your Honor.

8 THE COURT: Admitted without objection.

9 (EXHIBIT NO. 5 WAS RECEIVED INTO EVIDENCE.)

10 MR. HATFIELD: Plaintiff rests.

11 THE COURT: Defense?

12 MS. HUNKER: Thank you, Your Honor.

13 The inception of this proceeding started back in  
14 the summer with the nationwide redistricting debate.  
15 Governor Kehoe brought Missouri specifically into that  
16 debate when he called the second primary session and had  
17 the Legislature consider and ultimately enact  
18 House Bill 1, which created a new congressional plan for  
19 the State of Missouri.

20 This congressional plan would replace House  
21 Bill 2909, which was enacted during the 2022 session.  
22 Because of the general circumstances surrounding the  
23 passage, the bill itself has become very controversial,  
24 and it's very easy to lose sight of what this particular  
25 case is about, given those facts.

1 This is not a case about the merits of the map.  
2 It's not a case about whether or not the Legislature  
3 should have or should not have redistricted mid-cycle.  
4 It's, instead, an objective comparison of the summary  
5 statement provided -- certified by the Secretary of  
6 State with House Bill 1, as well as the congressional  
7 maps/plans that were created by House Bill 1.  
8 Mr. Hatfield started his discussion by stating  
9 that he believed there was a lot of common ground over  
10 the legal standard with respect to summary statements  
11 and ballot titles, and I think that is correct. We  
12 generally agree overall that Chapter 116 of Missouri  
13 code lays out the requirements that the Secretary must  
14 prepare a summary statement for referendum that does not  
15 exceed 100 words, and the statement must be composed  
16 using language that is neither intentionally  
17 argumentative nor likely to create prejudice for or  
18 against the proposed measure.  
19 The question is not whether the Secretary has  
20 provided the best summary statement. A hundred writers  
21 would write a hundred different summary statements. The  
22 question is whether the summary statement certified by  
23 the Secretary gives voters a sufficient idea of what the  
24 proposed amendment would accomplish without language  
25 that is -- that is intentionally unfair or misleading.

1 The point of a summary statement is to give,  
2 again, voters notice so that he or she may make an  
3 informed choice about whether to learn more about the  
4 measure. Because of this, the summary statement  
5 typically has to have certain features or  
6 characteristics. One, it needs to convey the purpose of  
7 the referendum. Two, it needs to state the legal and  
8 probable affects. Third, and this is typically tied  
9 with the first two, it needs to articulate the central  
10 features of the measure. The summary statement can go  
11 beyond that. It can include other information so long  
12 as that is not deceptive, misleading or, again,  
13 argumentative for the voters.

14 In this case, the summary statement fits the  
15 requirements laid out in Chapter 116 of Missouri code.  
16 It provides an overall view -- an overview of what is  
17 the purpose of this -- of the House Bill 1. Namely, it  
18 replaces and repeals the prior congressional boundary  
19 lines and replaces it with a new set of boundary lines,  
20 which we typically are -- typically depict as a map. It  
21 then gives a description of the central features of the  
22 measure, specifically, the probable legal effects that  
23 would occur with the creation of the new map.

24 There is four specific central features that are  
25 challenged by the Plaintiffs, which I will go into.

1 Before I do, I do want to reiterate that the Secretary  
2 has conceded on two points of the summary statement:  
3 Specifically, the language that uses the term  
4 "gerrymandered" and "protects incumbents." The  
5 Secretary agree that was too close to the line of being  
6 argumentative and likely to create prejudice and has,  
7 therefore, amended his answer and requests that the  
8 Court grant judgment -- a partial judgment in favor of  
9 Plaintiffs on those points, specifically.

10 The Secretary, however, does stand by the other  
11 descriptions in the summary statement. I'm going to  
12 start with compactness. In the context of  
13 redistricting, compactness often refers to a district's  
14 size and shape. Compact districts, in general, are  
15 those which are square, rectangular, hexagonal,  
16 traditional geometric.

17 MR. HATFIELD: I know we're kind of doing  
18 opening, but I'm hearing testimony here.

19 MS. HUNKER: You're hearing a specific phrase  
20 from Faatz v. Ashcroft. This is a legal standard that  
21 was applied to the case.

22 THE COURT: I'll allow it to continue.

23 Go ahead.

24 MS. HUNKER: The Missouri Supreme Court has also  
25 referred to compact districts as a closely united

1 territory and had endorsed multiple metrics by which map  
2 drawers and courts may measure compactness. This  
3 includes visual observations, mathematical tests and the  
4 assessment of whether the districts themselves align  
5 with traditional redistricting interior and,  
6 specifically, the recognized factors that are outlined  
7 in Johnson v. State, as well as Pearson v. Koster.

8 The recognized factors are important because, to  
9 the extent that a plan seems to deviate -- or district  
10 seems to deviate from a closely united territory or the  
11 traditional shapes, it can still be considered compact  
12 if it is done for the reasons of preserving one of the  
13 traditional redistricting criteria, recognized factors.  
14 Relevant here, those factors consist of keeping the  
15 cities and counties together. It also consists of equal  
16 population. There are additional factors that, again,  
17 are outlined in Koster v. -- Pearson v. Koster and  
18 Johnson v. State.

19 Your Honor, I would like to move to admit State  
20 Exhibits A and B. A, being the truly agreed to and  
21 finally passed map, House Bill 2909. The map did come  
22 from the Texas Legislature website -- I'm sorry -- the  
23 Missouri Legislature website. And the blown-up version  
24 is depicted for you, and one was handed to you earlier  
25 today.

1 THE COURT: Any objection, Mr. Hatfield?

2 MR. HATFIELD: I'm not sure I followed all of  
3 that. I think she --

4 THE COURT: She wants to admit the colored map  
5 and the white map into evidence.

6 MS. HUNKER: That's right, Your Honor. The first  
7 map comes from the Texas -- the Missouri General  
8 Assembly.

9 THE COURT: I asked him if he had any objection.

10 MR. HATFIELD: I do, because of what she's  
11 getting ready to say. So if we're just admitting these  
12 pieces of paper, that's fine. I don't agree to what  
13 she's saying now about what they are and where they came  
14 from.

15 I asked for a witness to talk about that, and  
16 Your Honor agreed with them they don't have to produce  
17 one. So I'm okay with putting these things in, whatever  
18 they are. But I don't agree to allow counsel to testify  
19 about what they are and how they were created and what  
20 they show, the witnesses talked about and it will be  
21 what it is.

22 MS. HUNKER: Your Honor, I'm going to move for  
23 judicial notice -- sorry.

24 THE COURT: I'm going to show that they're  
25 offered. They're not objected to for what they are.

1 MR. HATFIELD: That's fair.

2 MS. HUNKER: Your Honor, I'm going to request for  
3 judicial notice of -- these are the official State  
4 documents produced and created by State agencies. They  
5 are types of documents that have been accepted by the  
6 courts in the past. The courts have acknowledged maps  
7 and they've acknowledged documents that were created by  
8 State agencies in multiple cases.

9 And to the extent that counsel is worried  
10 authentication, I do have an affidavit that attests to  
11 Ms. Lansdell --

12 THE COURT: I'll let them in.

13 MS. HUNKER: Thank you, Your Honor.

14 THE COURT: Admitted.

15 (EXHIBITS A AND B WERE RECEIVED INTO EVIDENCE.)

16 MS. HUNKER: Your Honor, ballot title cases are  
17 not witness heavy or fact heavy. That they're not  
18 typically evidentiary trials at all. To the extent  
19 Mr. Hatfield has introduced and has witnesses presented  
20 is the exception, not the rule is, in fact, almost never  
21 an issue.

22 I do plan on going through our legal arguments  
23 with the descriptions that you can get from the visual  
24 understanding of that map. The courts are generally  
25 understood to be able to look at maps, understand maps,

1 as well as make general deductions on those facts.  
2 And so I want to start looking, specifically, at  
3 the 2022 congressional plan. And it performs better  
4 with the metric that is most used by voters, and that is  
5 visual metric. You can see with District 3 that there  
6 is a claw -- extreme claw-like shape that almost  
7 swallows Districts 2 and 1. This is an irregular shape  
8 that is not hexagonal, it is not rectangular, it is not  
9 square. It is not part of the traditional geometrical  
10 shape. That reduces compactness, visual compactness of  
11 the map.

12 You have a similar configuration with respect to  
13 District 4. You given have a claw that embraces  
14 District 2, pinches it. This type of configuration,  
15 again, visually diminishes the compactness of those  
16 specific districts. We also have District 2, for  
17 example. District 2, you have relative compactness in  
18 Warren and Franklin County, but then it has an appendage  
19 that sticks out, going here. These small limbs, again,  
20 reduce visual compactness in the aesthetics of the map.

21 On the top of these maps are blown up, zoomed in  
22 depictions of the St. Louis Darea as well as Kansas City.  
23 But I do have, Your Honor, versions for you as well, and  
24 Counsel.

25 MR. HATFIELD: Okay.

1 THE COURT: This is the same thing that's on the  
2 map?

3 MS. HUNKER: That's correct. It's just so you  
4 can see closer up, Your Honor. It is, unfortunately,  
5 small print. You can see with the yellow representing  
6 District 3, it cuts across all the municipalities and  
7 cities. The same is true on the southern portion of  
8 Districts 2 and 3. This configuration is not intended  
9 or was not intended to keep municipalities together. It  
10 is not being done for a recognized factor. You can  
11 also --

12 MR. HATFIELD: I'm just gonna object to the  
13 testimony, again.

14 THE COURT: I'll sustain that. How do we know  
15 it's not meant to -- I'll just sustain the objection.

16 MS. HUNKER: All right. I'll take back the  
17 meant. You can see from physical observation that it  
18 does not -- this particular Districts 2 and 3 cut across  
19 a number of cities along St. Charles County and Franklin  
20 County. You can see the same being done between 1 and 2  
21 in the St. Louis area, specifically with respect to  
22 Ladue, Glendale, Brentwood, the area that is right here,  
23 Your Honor.

24 And again, based on the case law, these are  
25 factors that play into a map's compactness and whether

1 or not a map's compactness may be -- if you take a look  
2 at the 2025 map, the curve or claw-like configurations  
3 of 4 and 3 are eliminated. 2 eliminates or loses the  
4 appendages on the side and, overall, the districts have  
5 boxier appearances. To the extent the districts do not  
6 have boxy appearances, you can see that they are  
7 following county lines.

8 And so, again, underneath the current case law of  
9 what is compact in Missouri, the 2025 map performs  
10 better. It has boxier shapes. It eliminates the  
11 tentacles or appendages that were in 3, 4 and 2. It  
12 also shrinks the size of Districts 6 and 4. And again,  
13 gives them that boxier feel that lines up with the Faatz  
14 court -- Faatz's opinion on what is compact and the  
15 types of shape that they tend to resemble.

16 Turning to county splits, so this I went over a  
17 bit with Mr. Nicholson. HB 2909 splits nine counties,  
18 Clay County, Jackson County -- and Jackson County being  
19 split three ways. It splits Webster County on the  
20 bottom between District 7 and 4. It splits Boone County  
21 between Districts 4 and 3. It also splits Camden County  
22 between Districts 3 and 4.

23 If you go to the eastern portion of the map, it  
24 splits Warren County, St. Charles County, St. Louis  
25 County and Jefferson County. House Bill 1 articulates

1 this specifically, county splits. In House Bill 1, the  
2 map visualization you can see, Jackson County continues  
3 to be split, Boone County continues to be split,  
4 Jefferson County continues to be split, St. Louis County  
5 continues to be split, Webster County continues to be  
6 split. Clay, Camden, Warren and St. Charles are not.

7 Now, I know Mr. Nicholson testified that his  
8 reading of the Office of Administration's assessment  
9 said that House Bill 1 split nine counties. However, I  
10 will refer Your Honor to look at House Bill 1 text,  
11 which actually includes the specific counties that are  
12 split under each -- each district. Page 2, line 3.

13 Page 23, line 5. Page 53, line 4. Line 65 -- page 65,  
14 line 12. Page 87, line 791 are the individual county  
15 splits, the unique county splits that occur within this  
16 map. There are only five. Of the four that I talked  
17 about with Clay, Camden, Warren and St. Charles are not  
18 present.

19 THE COURT: So in the text of HB 1, it lists all  
20 these districts, 1 through X. All right. How do I know  
21 which is in which congressional district?

22 MS. HUNKER: May I approach, Your Honor?

23 THE COURT: That's fine.

24 MS. HUNKER: If you see, it will say on the top  
25 for each district "the first congressional district

1 shall be composed of the following." And it then lists.

2 So this is on page 2.

3 THE COURT: Right. But I don't know, like,  
4 line 82, VDT -- I guess that's Clay County. But 81 VTD  
5 CC 205. Where is VDT C205?

6 MS. HUNKER: So in this case, we're specifically  
7 looking at which counties are intact and which counties  
8 are split. Because that is part of the description of  
9 the summary statement.

10 THE COURT: So I don't know what CC means?

11 MS. HUNKER: If there are any VTDs underneath the  
12 county, that means that that county was split.

13 THE COURT: So county is line 78 in -- I'm sorry.

14 MS. HUNKER: Are you referring to on page 4?

15 THE COURT: Yes.

16 MS. HUNKER: So that would be St. Louis County.

17 THE COURT: So everything from 4 to -- where does  
18 St. Louis County end?

19 I'm sorry.

20 MS. HUNKER: That's okay.

21 THE COURT: I know Sean showed -- Mr. Nicholson.

22 MS. HUNKER: In this case, Your Honor, it would  
23 end on page 23.

24 THE COURT: Okay.

25 MS. HUNKER: You'll see on page 23 it will say

1 County St. Louis ML subtotal and then District 1.

2 THE COURT: What line are you on?

3 MS. HUNKER: I'm on line 791.

4 THE COURT: Thank you. All right.

5 MS. HUNKER: And then if you notice where it  
6 restart the line numbers, that's actually where you get

7 "congressional district shall be" -- "the second

8 congressional district shall be composed of the

9 following."

10 THE COURT: Thank you.

11 MS. HUNKER: The map also shows in this case a

12 number of the cities that are split in the 2022 map, as

13 compared to the 2025 map. And so, again, this is where

14 you look at the blown-up depictions of the two. In the

15 Kansas City area, the purple represents CD 5. The blue

16 represents CD 6 and the green represents CD 4.

17 If you notice Independence, the city of

18 Independence is split three ways with the three

19 different colors. You can see that Blue Springs is cut.

20 You can also see that Lake Lotawana is cut. The same is

21 true of Sugar Creek, which is on the top part of Jackson

22 County and just below part CD 6 and 5. You also see a

23 couple that are split in Clay County such as Pleasant

24 Valley and Lake Jacomo.

25 If you look at the configuration here, it changes

1 the configuration to where you no longer have these  
2 smaller municipalities that are split. There's a  
3 similar cluster that occurs up here in the St. Louis  
4 area where, along the boundary line in two -- in the  
5 2022 map, CDs 2 and 3 go across Foristell, Wentzville,  
6 Wright City, Warrenton, Lake St. Louis, O'Fallon. And  
7 then you have the districts between 2 and 1, a number of  
8 the smaller cities just outside of St. Louis, such as  
9 Glendale, Brentwood, Ladue, Maryland Heights.

10 Again, you have a change in configuration. And  
11 so the line is moved south for CD 3 and these cities are  
12 no longer split. And so you have large clusters of  
13 cities, again, based on -- based on the maps, again,  
14 that are created by House Bill 1 and House Bill 2909,  
15 which was replaced by House Bill 1 that can be  
16 determined as being kept more intact under the new plan,  
17 as opposed to the old plan.

18 Finally, we move on to "the congressional plan  
19 better reflects statewide voting patterns." The  
20 Missouri Supreme Court has noted that keeping counties  
21 and cities together are important governmental units.  
22 And the reason why they are important governmental units  
23 is because, according to the Missouri Supreme Court,  
24 people are accustomed to working together and it helps  
25 promote shared interests. Because the new congressional

1 plan splits fewer counties and splits fewer cities, you  
2 are no longer having these cities and counties able to  
3 vote as a unit, which means they're able to vote along  
4 those shared interests.

5 Typically, in -- the Court has referred to this  
6 as packing and cracking. They are two terms that are  
7 commonly used in redistricting. A cracked district is  
8 where a population is split along multiple districts.

9 Packing is when they overpopulate into a district. The  
10 packing, to the extent, can be seen in the previous map  
11 with District 5. You do have a large portion of Kansas  
12 City that's put together into District 5. This map  
13 actually makes it so that there's a comparable number of  
14 congressional seats between the western and the eastern  
15 part of the state, the tip of the two population centers  
16 in the state.

17 So Jackson County and the Kansas City area now  
18 has significant influence over 6, 5 and 4, whereas  
19 St. Louis also has influence over 1, 3 and 2. So you  
20 have, again, these comparable projections of political  
21 power between the two. And, again, this can be  
22 ascertained by looking at the map, combined with the  
23 precedence of this Court, as well as federal courts as  
24 well.

25 In terms of whether or not these descriptions

1 are, otherwise, fair and sufficient, they are merely  
2 descriptive. And they're descriptive of particular  
3 central features. Compactness in particular is  
4 referenced in Article 3, Section 45 in the Missouri  
5 Constitution as a requirement for congressional seats.  
6 To two maps compared is actually significant legally on  
7 whether or not and how well they comply with the  
8 Constitution. Because Missouri also understands  
9 compactness to include recognized factors which Johnson  
10 and the Pearson case note include keeping cities and  
11 counties together.

12 These two have significant legal -- have legal  
13 significance for ascertaining whether or not the maps  
14 comply and, therefore, constitute central features of  
15 the two. And the language used is every day neutral  
16 language, simply saying more compact. There are,  
17 specifically, the language regarding counties and  
18 cities. Overall, it provides voters with enough  
19 information that they are able to make a choice on  
20 whether to investigate further.

21 And it's, again, discussing the items of the maps  
22 and bill that specifically tie into the legal standard  
23 that is required for congressional maps. So to that,  
24 Your Honor, we do think that they are fair and  
25 sufficient in this case.

1 With respect to a remedy because we did concede  
2 to the gerrymandered and political incumbent language,  
3 following the overturning of SB-22, the Court does have  
4 a choice, does have to certify the new ballot language.  
5 But how it goes about developing that language is up to  
6 the Court. The recommendation we have is that the two  
7 sides present competing proposed statements. The other  
8 one, Your Honor, is, of course, that you can determine  
9 on your own or even refer to the Secretary of State.

10 Unless you have any questions, though, Your  
11 Honor, that concludes my presentation.

12 THE COURT: No questions.

13 MR. HATFIELD: Rebuttal evidence?

14 THE COURT: All right.

15 Mr. Nicholson, I remind you you're still under  
16 oath, sir.

17 REBUTTAL EXAMINATION BY MR. HATFIELD:

18 Q. Mr. Nicholson, you were in the courtroom for the  
19 presentation we just heard?

20 A. Yes.

21 Q. So looking at Exhibit B -- Exhibit B.

22 A. Yes.

23 Q. That is House Bill 1. Have -- you've looked the  
24 this during your testimony?

25 A. Yes.

1 Q. Did you find any cities at all on this map?

2 A. **I don't -- I don't see any municipal lines.**

3 Q. Is there any way that you can ascertain from  
4 Exhibit B to tell how many cities are divided?

5 A. **No.**

6 Q. Okay. Now, with respect to Exhibit A, there was  
7 a blow-up of two different areas. And have you had a  
8 chance to look at the blow-ups in greater detail?

9 A. **I was following along well during the  
10 presentation.**

11 Q. And even in the blow-ups, is there enough detail  
12 to understand which cities are divided?

13 A. **I don't see it. Certainly, in St. Louis County,  
14 where the municipalities are even smaller.**

15 Q. Now, you heard counsel say that, in St. Louis  
16 County, something to the effect of you can tell how many  
17 municipalities are divided just by looking at the two  
18 maps. Can you explain to the Court whether you can do  
19 that based on these two maps?

20 A. **You cannot. I cannot.**

21 Q. And then the only other thing I wanted to ask you  
22 about was, when it comes to the phrase that the  
23 Secretary used "better reflect statewide voting  
24 patterns," when you did your testimony earlier, just  
25 tell the Court how you were interpreting the word

1 statewide?

2 **A. Statewide means all of Missouri.**

3 MR. HATFIELD: Okay. And -- that's all I have,  
4 Judge. Thank you.

5 THE COURT: Any other questions, Ms. Huncker?

6 MS. HUNKER: Of him? No, Your Honor.

7 I'll simply state that the Court can take  
8 judicial notice of geographical locations of cities and  
9 approximate distances between them. And that in  
10 previous courts -- sorry -- previous cases, courts have  
11 demonstrated they understood the basic geography of the  
12 state.

13 THE COURT: I have one question, if I may?

14 MR. HATFIELD: Absolutely.

15 QUESTIONS BY THE COURT:

16 **Q.** You use the term "regular polygon" initially when  
17 you looked at how the maps are drawn. And I am not a  
18 mathematician. I just went to law school. If a regular  
19 polygon, in my remembering ninth grade geometry, has all  
20 straight lines, now, would that be required to be  
21 a polygon even to divide, like, where Lafayette County is  
22 between 4 and 6?

23 Would that be required to be a straight line  
24 there, or to keep the county intact, is a line allowed  
25 to be an irregular polygon?

1 Does that make sense to you?

2 A. I think I understand the question. There's  
3 nothing about how those tests -- the statistical  
4 measurements of compactness, like, they don't require  
5 anything of how maps are crafted, so there are no rules  
6 that say they have to be straight lines. The different  
7 mathematical measurements are simply with an ideal  
8 abstract circle, does this district look like a circle.

9 And since that never happens in the real world,  
10 you don't ever get a perfect, like, one score of this is  
11 a perfectly compact circle. It's the -- the -- there's  
12 nothing about the law that requires the lines to be  
13 straight in that respect.

14 Q. And so if the re -- regular polygon is a shape,  
15 is the compactness based on square miles?

16 A. So I would have to review my notes on the  
17 differences between all of the different measurements,  
18 but the ones we talked about the most today with the  
19 Reock and the Polsby-Popper are different ways of  
20 seeing, how is this district different than a perfect  
21 circle.

22 So, like, if you had a circle perfectly inside or  
23 outside the district, how much area is not in that  
24 circle, or the Polsby-Popper measures how many jagged  
25 lines are there? And a circle has no jagged lines. So

1 those are just different ways -- those are different  
2 tools of analysis, not requirements of the districts  
3 have to be.

4 THE COURT: Thank you.

5 MS. HUNKER: Your Honor, to the extent your  
6 questions actually tipped into legal standard, I would  
7 just want to direct you to a few cases that might be  
8 able to give you clarity. Specifically, Faatz v.  
9 Ashcroft.

10 MR. HATFIELD: Judge, could I have a follow-up  
11 question of the witness before we get to argument?

12 THE COURT: Yeah, you can do that.

13 FURTHER REBUTTAL EXAMINATION BY MR. HATFIELD:

14 Q. Just on what you've said, so I've drawn  
15 something, Mr. Nicholson. So you were talking about a  
16 circle?

17 A. Uh-huh.

18 Q. So on the Reock and the Polsby-Popper, if we  
19 actually had a district that was a circle -- I know we  
20 can't really do that in the United States anywhere --  
21 the Polsby-Popper Reock score would be --

22 A. One.

23 Q. -- 1.0. And so it measures, you were saying, a  
24 district that kind of goes outside the circle. And  
25 somehow in the magic of statistics, how far outside the

1 circle?

2 **A. Yeah, the deviation's from a perfect circle line.**

3 **Q.** And I think I've heard you describe, like, if you  
4 were to put a string or a rubber band around a district.

5 **A. Yeah.**

6 **Q.** So what -- how does that help the Court in its  
7 understanding of the compactness if we talk --

8 THE COURT: It confuses me more.

9 MR. HATFIELD: Does it? Sorry.

10 BY MR. HATFIELD:

11 **Q.** And as you described it, just to the Judge's  
12 question about straight lines and polygons, I mean,

13 because of the geography of the state of Missouri, we do  
14 have a state line, right, for one of these districts,  
15 for several of these districts?

16 But because of the Missouri River, Mississippi  
17 River, we don't have straight lines for a lot of the  
18 other districts. So maybe you can explain the string or  
19 the rubber band or whatever the analogy that I've heard  
20 you use before is.

21 **A. Yeah. So -- so District 2 -- District 2, if you**  
22 **compare the existing lines to the new lines, District 2**  
23 **is one of the districts that becomes more compact. The**  
24 **ballot language -- the reason I did the analysis is the**  
25 **ballot language purports to say that all of the**

1 districts are more compact, some are less compact. So  
2 District 5 was relatively tight in the existing plan  
3 that exists right now.

4 And then, if HB 1 is adopted, it stretches all  
5 the way out to the Lake of the Ozarks from the river and  
6 river mark in Kansas City. So District 5 is an example  
7 of a district that becomes less tight and longer and  
8 less compact. And then the scores for 7 and 8 didn't  
9 change, because they haven't changed in the two pieces  
10 of legislation.

11 Q. Now, you want to talk about rubber bands?

12 A. I'm trying to think of -- I'm sorry.

13 Q. It's okay.

14 THE COURT: That's much more clear. Thank you.

15 MR. HATFIELD: Ms. Hunker, your witness.

16 CROSS-REBUTTAL EXAMINATION BY MS. HUNKER:

17 Q. And you'd agree there's a difference between  
18 Reock and Polsby-Popper?

19 A. Yeah, those are two different measurements.

20 Q. Yes. And so capturing different aspects of  
21 physical shape?

22 A. They are two different measurements of  
23 compactness.

24 Q. And so a district that has one particular Reock  
25 score will not have the exact same Polsby-Popper score?

1           **A. That's certainly possible.**

2           MS. HUNKER: I'm just -- no, Your Honor. I have  
3 no more questions.

4           I do, however, want to refer Your Honor to a few  
5 of the cases that provide an understanding of how  
6 compactness works when hitting, for an example, a county  
7 line or other type of natural boundary. And you can  
8 look at Faatz v. Ashcroft, which is 685 SW 3d 388,  
9 Johnson v. State, which is 366 SW 3d 11, and then  
10 Pearson v. Koster, 359 SW 35.

11           THE COURT: Thank you. You can sit down.  
12 Off the record.

13           (A BREAK WAS TAKEN.)

14           THE COURT: All right. Go ahead.

15           MR. HATFIELD: We have no further rebuttal  
16 evidence.

17           THE COURT: Okay.

18           MS. HUNKER: I only remind this Court of a point  
19 that I had started with, that this is not a case about  
20 the merits of the map but, specifically, looking at the  
21 ballot summary statement and to the extent that an  
22 objective comparison between the two can confirm the  
23 summary statement is both accurate and fair.

24           THE COURT: Off the record.

25           (END OF PROCEEDINGS.)

REPORTER'S CERTIFICATE

I, Jenny Johnson, Certified Court Reporter No. 1041,  
 certify that I am the Official Court Reporter for the  
 19th Circuit of Missouri in Jefferson City; that on  
 February 9, 2026, I was present and reported all of the  
 proceedings in PEOPLE NOT POLITICIANS, Plaintiffs, vs.  
 DENNY HOSKINS, Defendants, Case No. 25AC-CC08724. I  
 further certify that the foregoing 101 pages contain a  
 true and accurate transcription of the proceedings.

JENNY JOHNSON

S/S \_\_\_\_\_