

IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI

MERRIE SUZANNE LUTHER, et al.,)

Petitioners,)

v.)

Case No. 25AC-CC06964

SECRETARY OF STATE DENNY)
HOSKINS,)

Respondent.)

DEFENDANT'S ANSWERS

Come now Respondent Secretary of State Denny Hoskins ("Respondent"), by and through undersigned counsel, and, for his Answer to Petitioners Merrie Suzanne Luther, Kim Randolph Davis, Rebeca Amezuca-Hogan, and Kenneth Lawrence Chumbley's Petition for Declaratory Judgment and Injunctive Relief, states as follows:

1. Respondent admits that Petitioners' Petition for Declaratory Judgment and Injunctive Relief asks that this Court issue a declaratory judgment that House Bill 1 (H.B. 1) is unconstitutional and issue an injunction barring Respondent Secretary of State Hoskins from using H.B. 1's map to conduct any congressional election, denies that Petitioners are entitled to any relief whatsoever, and denies any remaining allegations and characterizations contained in Paragraph 1.

PARTIES

2. Respondent lacks sufficient knowledge to admit or deny the allegations contained in Paragraph 2, and therefore denies the same.

3. Respondent lacks sufficient knowledge to admit or deny the allegations contained in Paragraph 3, and therefore denies the same.

4. Respondent lacks sufficient knowledge to admit or deny the allegations contained in Paragraph 4, and therefore denies the same.

5. Respondent lacks sufficient knowledge to admit or deny the allegations contained in Paragraph 5, and therefore denies the same.

6. Respondent lacks sufficient knowledge to admit or deny the allegations contained in Paragraph 6, and therefore denies the same.

7. Respondent lacks sufficient knowledge to admit or deny the allegations contained in Paragraph 7, and therefore denies the same.

8. Respondent lacks sufficient knowledge to admit or deny the allegations contained in Paragraph 8, and therefore denies the same.

9. Respondent lacks sufficient knowledge to admit or deny the allegations contained in Paragraph 9, and therefore denies the same.

10. Respondent lacks sufficient knowledge to admit or deny the allegations contained in Paragraph 10, and therefore denies the same.

11. Paragraph 11 contains a legal conclusion to which no response is required. To the extent a response is required, Respondent denies the allegations and characterizations contained in Paragraph 11.

12. Paragraph 12 contains a legal conclusion to which no response is required. To the extent that a response is required, Respondent asserts that the text of Article III, § 45 speaks for itself as to its contents and denies any allegation inconsistent therewith.

13. Respondent admits that Petitioners' Petition for Declaratory Judgment and Injunctive Relief asks that this Court permanently enjoin the Respondent and anyone acting in concert with him from using the map enacted by H.B. 1 for any congressional primary or general election.

14. Respondent admits the allegations contained in Paragraph 14.

15. Respondent admits the allegations contained in Paragraph 15.

16. Respondent admits the allegations contained in Paragraph 16.

17. Respondent admits the allegations contained in Paragraph 17.

FACTUAL BACKGROUND

18. Respondent denies all allegations contained in Paragraph 18 because it mischaracterizes how the decennial census functions. The census does not count temporary sojourners.

19. Respondent denies all allegations contained in Paragraph 19.

20. Respondent admits the allegations contained in Paragraph 20.

21. Respondent admits the allegations contained in Paragraph 21.

22. Respondent admits the allegations contained in Paragraph 22.

23. Respondent admits the allegations contained in Paragraph 23.

24. Respondent admits the allegations contained in Paragraph 24.

25. Paragraph 25 contains a legal conclusion to which no response is required. To the extent a response is required, Respondent asserts that Article III, § 45 speaks for itself and denies all allegations inconsistent therewith.

26. Respondent admits all allegations contained in Paragraph 26.

27. Respondent admits all allegations contained in Paragraph 27.

28. Respondent admits all allegations contained in Paragraph 28.

29. Respondent admits all allegations contained in Paragraph 29.

30. Respondent admits all allegations contained in Paragraph 30.

31. Respondent admits all allegations contained in Paragraph 31.

32. Respondent denies all allegations contained in Paragraph 32.

33. Respondent admits all allegations contained in Paragraph 33.

COUNT I

34. Respondent restates and re-incorporates by reference his answers to all allegations of the preceding paragraphs as if fully set forth herein.

35. Paragraph 35 contains a legal conclusion to which no response is required. To the extent a response is required, Respondent asserts that the text of Article III, § 45 speaks for itself as to its contents and denies any allegation inconsistent therewith.

36. Paragraph 36 contains a legal conclusion to which no response is required. To the extent a response is required, Respondent asserts that the text of Article III, § 45 speaks for itself as to its contents and denies any allegation inconsistent therewith.

37. Respondent denies all allegations contained in Paragraph 37 because Article I, § 4 of the U.S. Constitution also governs congressional redistricting.

38. Paragraph 38 contains a legal conclusion to which no response is required. To the extent a response is required, Respondent asserts that the text of Article III, § 45 speaks for itself as to its contents and denies any allegation inconsistent therewith.

39. Respondent admits all allegations contained in Paragraph 39.

40. Paragraph 40 contains a legal conclusion to which no response is required. To the extent a response is required, Respondent asserts that the text of Article III, § 45 speaks for itself as to its contents and denies any allegation inconsistent therewith.

41. Paragraph 41 contains a legal conclusion to which no response is required. To the extent a response is required, Respondent asserts that the text of Article III, § 45 speaks for itself as to its contents and denies any allegation inconsistent therewith.

42. Paragraph 42 contains a legal conclusion to which no response is required. To the extent a response is required, Respondent asserts that the text of H.B. 1 and the text of Article III, § 45 speak for themselves as to their contents and denies any allegation inconsistent therewith.

43. Paragraph 43 contains a legal conclusion to which no response is required. To the extent a response is required, Respondent asserts that the text of

Article III, § 45 speaks for itself as to its contents and denies any allegation inconsistent therewith.

44. Paragraph 44 contains a legal conclusion to which no response is required. To the extent a response is required, Respondent denies any allegations in Paragraph 44.

45. Paragraph 45 contains a legal conclusion to which no response is required. To the extent a response is required, Respondent denies any allegations in Paragraph 45.

46. Respondent admits that Petitioners seek an injunction.

47. Paragraph 47 contains a legal conclusion to which no response is required. To the extent a response is required, Respondent denies any allegations in Paragraph 47.

48. Paragraph 48 contains a legal conclusion to which no response is required. To the extent a response is required, Respondent denies any allegations in Paragraph 48.

49. Paragraph 49 contains a legal conclusion to which no response is required. To the extent a response is required, Respondent denies any allegations in Paragraph 49.

PRAYER FOR RELIEF

Petitioners' wherefore clauses contain allegations to which no response is required. To the extent a response is required, Respondent denies all allegations contained in Petitioners' wherefore clauses. Respondent denies each and every

allegation contained in Petitioners' Petition not specifically and expressly admitted above. Respondent requests that the Court deny Petitioners' Petition with prejudice, at Petitioners' cost, and that the Court provide Respondent with all other relief that is proper.

AFFIRMATIVE DEFENSES

In pleading the following additional and affirmative defenses, Respondent reserves his position that Petitioners retain the burden of proof on all matters necessary to state the claims Petitioners attempt to bring forth in their Petition.

1. Petitioners' Petition fails to state a claim upon which relief can be granted.

2. Petitioners lack standing to assert Count I of their Petition because they have not alleged sufficient facts that they are affected or will be imminently affected in an adverse way by H.B. 1. Any allegations of Petitioners' injuries are not only unduly speculative, those speculative injuries are not directly attributable let alone fairly traceable to any actions of Respondent.

3. Petitioners' Petition raises a non-justiciable controversy because it asks this Court to violate Missouri's political question doctrine reserving discretionary political questions to the coordinate political branches of the state government.

4. Petitioners' claims are barred by federal preemption through Article VI, Article I, § 4 of the U.S. Constitution, which gives state legislatures discretion as to

redistricting—including the option to redistrict mid-decade. Petitioners’ requested relief would violate the U.S. Constitution.

Date: October 14, 2025

Respectfully submitted,

CATHERINE L. HANAWAY
ATTORNEY GENERAL

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Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was filed and served electronically on all counsel of record via the Court's e-filing system on October 14, 2025.

/s/Louis J. Capozzi, III

Solicitor General

Counsel for Defendant

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