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

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| PEOPLE NOT POLITICIANS, et al.<br><br>*Plaintiffs*,<br><br>v.<br><br>MISSOURI SECRETARY OF STATE,<br><br>*Defendant*. | ) | Case No. 25AC-CC08724 |

**DEFENDANT SECRETARY OF STATE'S MOTION TO QUASH OR, IN THE ALTERNATIVE, A MOTION FOR A PROTECTIVE ORDER**

Defendant Missouri Secretary of State, by and through counsel, moves to quash the notices of depositions of Ms. Chrissy Peters and of a corporate designee for the Secretary of State's office. In the alternative, Defendant, by and through counsel, moves for a protective order preventing Plaintiffs from asking questions related to the preparation, communication, methodologies, and bases of the summary statement for H.B. 1 or any other summary statement as well as questions related to the signature counting efforts, the Secretary's position on the referendum, or any topic related to other cases pending between the parties to this proceeding. In support, Defendant's counsel states:

## SUMMARY

A summary statement serves to inform voters of what the referred measure would accomplish. The Secretary of State is responsible for preparing the statement and its language must be fair and sufficient. *See* §§ 116.190, 116.334, RSMo.[1] "The critical test is 'whether the language fairly and impartially summarizes the purposes of the measure so that voters will not be deceived or misled.'" *Cures Without Cloning v. Pund*, 259 S.W.3d 76, 81 (Mo. App. W.D. 2008) (quotation omitted). The Court evaluates this challenge under an objective standard that focuses on an inquiry into the *language* of the ballot summary and a comparison of that language to the provisions of the underlying measure. *See State ex rel. Kander v. Green*, 462 S.W.3d 844, 852 (Mo. App. W.D. 2015). Accordingly, Missouri courts have found that discovery is "rarely" relevant to such a challenge. *Id.*

In this ballot summary litigation—where the Secretary has conceded that the summary statement is unfair—Plaintiffs seek to take the depositions of two employees of the Secretary of State's Office: Director of Elections Ms. Chrissy Peters and the Secretary of State's corporate designee. These depositions seek information into *how* the summary

[1] All statutory references are to the 2024 version of the Revised Statutes of Missouri, unless otherwise noted.

statement was crafted and the Secretary of State's *subjective* understanding of the summary statement's language, which is in no way relevant to the question presented to the Court. Again, "the *language* of the ballot summary is the relevant consideration." *Id.* And Missouri courts clearly reject the relevance of any inquiry into the Secretary's subjective beliefs. *See, e.g.*, *id.* at 849; *State ex rel. Humane Soc'y of Mo. v. Beetem*, 317 S.W.3d 669, 673 (Mo. App. W.D. 2010). Because of this, the depositions are not reasonably calculated to lead to admissible evidence and should be quashed. At the very least, the Court should quash Ms. Peters's notice as she has no part in preparing the language of summary statements and has no responsive information.

In the alternative, the Court should enter a protective order preventing Plaintiffs from deposing Ms. Peters and the corporate designee about matters related to the preparation of the summary statement or matters related to ongoing litigation between the parties to this case. As stated, the Court objectively evaluates summary statements. So an inquiry into the preparation of the summary statement is wholly irrelevant. Two other reasons provide good cause. *First*, the parties entered into a joint stipulation resolving a discovery dispute and Plaintiffs seek an end run around of this agreement by deposing people about these very same matters. *Second*, ongoing litigation between these parties advises against

allowing Plaintiffs to use these depositions to inquire into other cases in which they and the Secretary are involved. That need is particularly acute here, as Plaintiffs have intimated that the impetus for taking these depositions is not to elicit relevant evidence but defend against an accusation that they and counsel secured a litigation win through a false concession in a federal case.

## BACKGROUND

On September 12, 2025, the General Assembly passed House Bill 1, which provides for new congressional districts. The Governor signed the bill into law on September 28. Plaintiffs soon after began circulating a referendum petition challenging the new map.[2] While Plaintiffs were circulating their referendum petition, the Secretary of State certified the official ballot title on November 13. Plaintiffs brought this action contending that the Secretary of State's prepared summary statement for the H.B. 1 referendum was insufficient and unfair. And Plaintiffs submitted their referendum petition to the Secretary of State on December

[2] The question of when the Secretary had to approve the referendum petition as to form and whether signatures gathered prior to that approval are valid is subject to another challenge by Plaintiffs. *See People Not Politicians v. Hoskins*, No. 25AC-CC07128 (Mo. 19th Cir. Ct. Sept. 18, 2025). The Lawsuit is currently being held in abeyance while the Secretary of State verifies submitted signatures. *See* Order (Dec. 12, 2025).

11.[3]

At the beginning of this case, Plaintiffs served the Secretary with 18 interrogatories and 23 requests for production. The Secretary timely provided responses to relevant inquiries and objected to the remaining requests on relevance grounds, and Plaintiffs moved to compel responses on a select number of interrogatories relating to how and why the Secretary prepared the summary statement. *See* Mot. to Compel (Jan. 2, 2026). The parties resolved their discovery dispute through an agreement: the Secretary of State agreed not to introduce evidence outside of five agreed upon exhibits, including calling any witnesses, at trial, *see* Joint Stipulation ¶¶ 3–4 (Jan. 6, 2026), and Plaintiffs agreed not to pursue their Motion to Compel, *see* Ex. A (Email (January 2, 2026, 2:10 p.m.)) and Ex. B (Email January 2, 2026, 2:13 p.m.)). Because Plaintiffs' Motion to Compel remains on file, the Secretary timely filed his opposition to preserve his objections. Opp. to Mot. to Compel (Jan. 12, 2026).

Despite the agreement reached between the parties related to discovery and the use of evidence at trial, Plaintiffs served two notices of

[3] The Missouri General Assembly and Secretary of State challenged the constitutionality of Plaintiffs' referendum in federal court. However, the court found that the State lacked standing. *See Missouri General Assembly v. von Glahn*, No. 4:25-cv-01535-ZMB, 2025 WL 3514277 (E.D. Mo. Dec. 8, 2025). Although judgment has been entered, there are two motions pending before that Court: a motion for sanctions and a motion to alter the judgment. *See* Sanctions Mot., Dkt. No. 41; Rule 59 Mot, Dkt. No. 46.

depositions on January 22, 2026. Plaintiffs seek to depose Ms. Peters, the director of elections at the Secretary of State's office, and a corporate designee.

On January 28, 2026, the Secretary filed a motion for leave to amend his answer. Mot. for Leave to File Am. Answer (Jan. 28, 2026). Attached to this motion is the Secretary's amended answer which concedes, among other things, that the summary statement as drafted is unfair. *See, e.g.*, Am. Answer at ¶¶ 21, 37. The amended answer, along with the Secretary's assertion at the January 9, 2026, hearing that he no longer intended to contest the summary statement's fairness, entitles Plaintiffs to complete relief.

## LEGAL STANDARD

Courts have "broad discretion" to control and manage discovery. *Hancock v. Shook*, 100 S.W.3d 786, 795 (Mo. banc 2003). Under Rule 56.01(c), courts may enter protective orders prohibiting discovery "to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense," including "that discovery not be had." *Accord State ex rel. Ford v. Messina*, 71 S.W.3d 602, 607 (Mo. banc 2002) ("A protective order should issue if annoyance, oppression, and undue burden and expense outweigh the need for discovery."). The party or person seeking a protective order has the burden of showing "good cause" to limit

discovery, which may include a limitation that "certain matters not be inquired into, or that the scope of the discovery be limited to certain matters." Rule 56.01(c).

## ARGUMENT

### I. The Secretary's full, clear, and unequivocal admission of no-contest negates the need for these depositions.

The Secretary of State, through judicial admissions, has conceded the fairness of the summary statement. Am. Answer ¶ 21, 26, 27, 36, 37. These admissions "remove[] the proposition in question from the field of disputed issues in the case." *Meekins v. St. John's Reg'l Helth Ctr.*, 149 S.W.3d 525, 531 (Mo. App. S.D. 2004). And "obviate any need for evidence on that issue." *Custom Constr. Sols., LLC v. B&P Contr., Inc.*, 684 S.W.3d 148, 162 (Mo. App E.D. 2023). Plaintiffs' deposition requests seek to obtain discovery into an issue that is no longer disputed. This alone should justify the motion to quash.

### II. Depositions into the Secretary of State's Office's preparation of the summary statement is not relevant to whether the summary statement is fair and sufficient.

Even if the Secretary's admissions were not sufficient to "obviate the need for discovery," these depositions are simply not relevant to this case. *Id.* "Relevant," as defined by Rule 56.01(b), includes material "reasonably calculated to lead to the discovery of admissible evidence." *State ex rel. Stecher v. Dowd*, 912 S.W.2d 462, 464 (Mo. banc 1995) (quoting Rule

56.01(b)(1)). Plaintiffs' primary count charges that the Secretary's summary statement was "unfair and insufficient," Pet. ¶¶ 17–37, and in such a challenge, "*the* issue is whether 'the *language* was insufficient and unfair,'" *State ex rel. Kander*, 462 S.W.3d at 852 (quoting *Bergman v. Mills*, 988 S.W.2d 84, 92 (Mo. App. W.D. 1999)) (first emphasis added). Said alternatively, "the *language* of the ballot summary is the relevant consideration." *Id.* at 850 Courts have "unanimously" so indicated. *Id.* But Plaintiffs' deposition requests depart from this "unanimous[]" understanding. *Id.* Plaintiffs' requests to depose individuals from the Secretary of State's office are simply unprecedented in ballot title cases.

A summary statement must be sufficient and fair and summary statement challengers have the burden of showing why the statement is "insufficient or unfair." *See* § 116.190.3; *see also Sedey v. Ashcroft*, 594 S.W.3d 256, 263 (Mo. App. W.D. 2020). These are separate inquiries. *See* § 116.190.3; *see also Seay v. Jones*, 439 S.W.3d 881, 888 n.4 (Mo. App. W.D. 2014). Thus, a determination of either insufficiency or unfairness supports a finding in favor of Plaintiffs.

"'[I]nsufficient means inadequate; especially lacking adequate power, capacity, or competence' and 'unfair means to be marked by injustice, partiality, or deception.'" *Brown v. Carnahan*, 370 S.W.3d 637, 654–55 (Mo. banc 2012) (quoting *State ex rel. Humane Soc'y of Mo. v. Beetem*, 317

S.W.3d 669, 673 (Mo. App. W.D. 2010)). Both are *objective* standards that require examining the language of the summary statement and the underlying measure.

Beginning with fairness, the Court must decide "only if the summary is fair in the context of whether the language is likely to create prejudice." *State ex rel. Humane Soc'y*, 317 S.W.3d at 673; *see also* § 116.334.1 (the summary statement shall use "neither intentionally argumentative [language] nor [language] likely to create prejudice"). In evaluating the language, neither the "subjective intent of anyone involved in the drafting process," *State ex rel. Kander*, 462 S.W.3d at 850, nor "[t]he motive[] and political strategy[y] of initiative [or referendum] proponents" is relevant, *State ex rel. Humane Soc'y*, 317 S.W.3d at 673. Thus, the standard is purely objective and focuses on the final language of the summary statement. *See id.* The Court, "who is educated and skilled in the English language, is able to determine as a matter of law whether the Secretary's summary is prejudicial." *Id.* at 672. There is no need to examine the subjective motivations, intent, or understanding, so there is no information that can aid this Court's analysis from deposing Ms. Peters or a corporate designee.

Moving to sufficiency, the Court evaluates whether the "summary language []accurately describes" the referred measure. *See State ex rel. Humane Soc'y*, 317 S.W.3d at 673. This inquiry involves a comparison of

the summary to the referred measure. *See State ex rel. Kander*, 462 S.W.3d at 850. The ultimate goal is to inform the voter; in other words, does the statement "give[] the voter a sufficient idea of what the [referred measure] would accomplish"? *Sedey*, 594 S.W.3d at 263 (quoting *Billington v. Carnahan*, 380 S.W.3d 538, 595 (Mo. App. W.D. 2012)) (first alteration in original). Once again, the intent or understanding of the preparer is not relevant to this inquiry. So these depositions are not reasonably calculated to lead to admissible evidence.

The lack of relevance is further evidenced by Plaintiffs' sufficiency challenge. *See, e.g.*, Pet. ¶ 31 (alleging that the "[summary statement] is inaccurate, unfair, insufficient to describe House Bill 1 as enacting 'new congressional boundaries that keep more cities and counties intact'"); ¶ 33 (alleging that "summary statement inaccurately describes House Bill 1 as enacting new congressional districts that 'are more compact' and 'better reflect[] statewide voting patterns'" (alterations in original)). These statements can be objectively tested for accuracy (or inaccuracy). *See, e.g.*, *Faatz v. Ashcroft*, 685 S.W.3d 388, 406 (Mo. banc 2024) (the constitutional requirement of compactness "is determined ***objectively***, requiring no proof of the subjective intent" (quoting *Johnson v. State*, 366 S.W.3d 11, 30 (Mo. banc 2012) (emphasis in original))). And to the extent that any of these phrases cannot lend themselves to an objective analysis, an inquiry into

the state of mind or rationale of the drafter is still not relevant. *See Sedey*, 594 S.W.3d at 263 (statement must "give the *voter* a sufficient idea of what the [referred measure] would accomplish" (emphasis added)).

Therefore, the depositions of Ms. Peters and a corporate designee from the Secretary of State are not relevant nor are they calculated to obtain relevant evidence and this Court should quash the notices of depositions.

## III. Ms. Peters, as director of elections, does not and did not prepare or participate in the preparation of the summary statement.

Even if this Court were to rule that the preparation of the summary statement were relevant to an objective inquiry into its language, Ms. Peters takes no part in the preparation of summary statements.[4] The Elections Division's role is to administratively create documents *after* receiving the summary statement from the legal/executive level division at the Secretary of State's Office. And her role in the H.B. 1 referendum summary statement was no different. Ex. C (Peters's Affidavit). Therefore, deposing her will provide no relevant information into the fairness and sufficiency of the summary statement.

[4] Ms. Peters submitted a declaration in *Missouri General Assembly v. von Glahn*. *See* Decl. Peters, Dkt. No. 3-1. She mentioned that the Secretary of State will need to prepare the ballot language citing to Missouri statutes but not that she had a role in that process. *Id.* ¶ 17.

## IV. In the alternative, the Court should issue a protective order.

The Court should "declin[e] [Plaintiffs'] invitation to pull [the Court] into what promises to be a fishing expedition." *See State ex rel. Kander*, 462 S.W.3d at 852. Even ignoring that the information Plaintiffs seek is not relevant, two reasons provide "good cause" for the Court to issue a protective order. *See* Rule56.01(c). *First*, the spirit of the parties agreement to enter into joint stipulations was to forgo presentation of evidence at trial and these deposition notices violate the spirit of that agreement. *Second*, other pending cases between these parties warrant limiting Plaintiffs' depositions to information relevant for this case. Therefore, this Court should limit the scope of depositions and prevent Plaintiffs' counsel from asking questions related to the preparation, communication, methodologies, and bases of the summary statement for H.B. 1 or any other summary statement.

*First*, after the Secretary timely objected to Plaintiffs' discovery requests, Plaintiffs moved to compel responses relating to how and why the Secretary prepared the summary statement. *See* Mot. to Compel (Jan. 2, 2026). After a discussion between the parties about the discovery dispute, the Secretary of State agreed not to introduce evidence outside of five

agreed upon exhibits, including calling any witnesses, at trial. *See* Joint Stipulation ¶¶ 3–4 (Jan. 6, 2026); *see also* Ex. A; Ex. B. The Secretary entered into this stipulation under an agreement that Plaintiffs would not to pursue their Motion to Compel and thus not pursue further discovery. Plaintiffs have not (yet) honored their agreement as their Motion to Compel remains on file.

Weeks after this agreement between the parties, Plaintiffs turned around and served the Secretary with deposition notices. Notably, Plaintiffs' ostensibly seek the same information they agreed to forgo in their agreement through these depositions. *Compare* Notice of Deposition of Corp. Designee ¶¶ 3–7 (Jan. 22, 2026), *with* Mot. to Compel. Thus, Plaintiffs' notices are nothing more than an end run around of their agreement. It would be inequitable to allow a party to sandbag opponents into agreeing not present evidence only to turn around and conduct depositions over this exact *same* information. Therefore, this Court should enforce the agreement between the parties and enter a protective order against these depositions. Alternatively, the Court should release the parties from their obligations under the joint stipulation filed on January 6th.

*Second*, other litigation between these parties exacerbates the risk that discovery will be used not to develop facts for this case but to probe for

information relevant to other cases. Outside of this suit, there are currently two other lawsuits between Plaintiffs and the Secretary. *See People Not Politicians v. Hoskins*, No. 25AC-CC07128 (Mo. 19th Cir. Ct. Sept. 18, 2025) (challenging rejection of the initial sample sheet); *See Missouri General Assembly v. von Glahn*, No. 4:25-cv-01535-ZMB, 2025 WL 3514277 (E.D. Mo. Dec. 8, 2025) (challenging constitutionality of referendum petition).[5] If Plaintiffs want discovery into either of those cases, they can seek discovery in *those* cases. *Cf. State ex rel. Ford Motor Co. v. Manners*, 239 S.W.3d 583, 588–89 (Mo. banc 2007) ("The discovery process is primarily designed to facilitate an orderly and efficient resolution of individual lawsuits, not to provide a national database.").

The risk that discovery may be used in this case as a backdoor into these other cases is even more acute where the State has regrettably had to move for sanctions against Plaintiffs' counsel in one of them. *See* Sanctions Mot., *Missouri General Assembly v. von Glahn*, No. 4:25-cv-01535-ZMB (E.D. Mo. Dec. 12, 2025), Dkt. No. 41. Here, Plaintiffs now seeks a deposition into whether the Secretary has "disavow[ed] in public statements that there is anything insufficient about the ballot summary in

[5] The Secretary requests that the Court take judicial notice of these proceedings. *See In the Interest of J.H.B. v. J.E.B.*, 721 S.W.3d 903 (Mo. App. S.D. 2025) (""A court may take judicial notice of . . . the records of other cases when justice so requires." (quoting *Vogt v. Emmons*, 158 S.W.3d 243, 247 (Mo. App. E.D. 2005)).

spite of what [Plaintiffs] understood his position to be to the court and to [Plaintiffs]." Ex. D (Email (Jan. 23, 2026, 9:07 p.m.)).

To the knowledge of counsel, the Secretary has not made public statements related to his position on this case. At the January 9th hearing, the Secretary offered to concede the issue of the summary statement's fairness in order to provide Plaintiffs with relief. As the transcript will demonstrate, the Secretary believes the statement is defensible, but offered to improve the statement through a rewrite—the appropriate remedy at the time of the hearing.

Moreover, as explained above, the *Secretary's* personal opinions on the statement simply are not relevant to the legal question at issue: whether the language is sufficient and fair. For these reasons, there is heightened concern that a deposition in this case will be used not for the present dispute but to advance another case.

Therefore, in the event the Court does not quash the deposition notices, the Court should enter a protective order preventing Plaintiffs' counsel from asking questions related to the preparation, communication, methodologies, and bases of the summary statement for H.B. 1 or any other summary statement as well as questions related to the Secretary's position on the referendum, the signature counting efforts, or any topic related to other cases pending between the parties to this proceeding.

## CONCLUSION

For the foregoing reasons, the Court should quash the notices of deposition or, in the alternative, enter a protective order over these depositions.

Dated: January 28, 2026

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I hereby certify that on January 28, 2026, a true and accurate copy of the foregoing was electronically filed by using the Court's CM/ECF system to be served via operation of the Court's electronic filing system upon all counsel of record.

*/s/ Madeline S. Lansdell*