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

PEOPLE NOT POLICIANS; )
RICHARD VON GLAHN, )
)
*Plaintiffs*, )
)
v. ) Case No. 25AC-CC08724
)
DENNY HOSKINS, in his official )
Capacity as the Missouri Secretary )
of State )
)
*Defendant*. )

**SECRETARY OF STATE'S PRE-TRIAL BRIEF**

Defendant Missouri Secretary of State Denny Hoskins, in his official capacity, by and through counsel provides the following pre-trial brief for the Court's consideration in advance of the bench trial set for January 9, 2026 in this matter.

## I. Introduction

In September 2025, the General Assembly adopted House Bill 1 at a special session convened by Governor Mike Kehoe. Pet. ¶ 10, 12; *see also*, Governor's Proclamation (Aug. 29, 2025).[1] House Bill 1 establishes new congressional districts for Missouri that better reflect the "values of Missourians" and address legal concerns that made the prior map vulnerable to legal challenges.

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[1] https://governor.mo.gov/proclamations/governor-kehoe-convenes-second-extraordinary-session-first-regular-session-one

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Governor's Proclamation (Aug. 29, 2025). Along with adopting House Bill 1, and because congressional redistricting bills are commonly understood by the maps they create, the Missouri House of Representatives published a visual depiction of the congressional district lines alongside the map.

This new congressional redistricting plan, implemented by House Bill 1, replaces the congressional plan that was enacted by the General Assembly in 2022 through House Bill 2909. The new congressional plan made numerous changes to congressional boundaries. Relevant here, the districts created by these changes are more compact than the 2022 redistricting plan. House Bill 1 also splits fewer counties and fewer municipalities to ensure that voters may form impactful coalitions.

On September 29, 2025, Plaintiff von Glahn submitted a referendum sample sheet requesting that House Bill 1 be referred to voters. Pet. ¶ 14. The Secretary labeled the referendum 2026-R004 (the "Referendum") and in accordance with Section 116.334, RSMo,[2] prepared and certified the official ballot title for the Referendum. Displeased with the Secretary's description of the measure, Plaintiffs filed a petition challenging the fairness and sufficiency of the Secretary's summary statement in its entirety under Section 116.190. Pet. ¶ 21, 22, 37. Likely sensing weakness in their comprehensive challenge,

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



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Plaintiffs included an alternative, novel claim challenging the Secretary's authority to prepare the summary statement for referendum petitions. Pet. ¶ 39–41.

In response to Plaintiffs' challenge, the Secretary reviewed the summary statement for the Referendum and identified areas that came close to the line of being argumentative and likely to create prejudice. In an effort to ensure voters receive a fair and sufficient summary statement, the Secretary offered to rewrite the summary statement to produce a fair and sufficient statement that would be subject to Plaintiffs' briefing and judicial review. Plaintiffs' refused this offer. *See* Mot. for Judgment, Ex. G, Ex. H (filed Jan. 28, 2026).

In light of Plaintiffs' refusal, the Secretary amended his answer to ensure that the areas he identified as unfair would be addressed in the Court's judgment and amended for voters. In his amended answer, the Secretary admitted that the following **bolded** phrases are unfair:

> Do the people of the state of Missouri approve the act of the General Assembly entitled "House Bill No. 1 (2025 Second Extraordinary Session)," which repeals Missouri's existing **gerrymandered** congressional plan **that protects incumbent politicians**, and replaces it with *new congressional boundaries that keep more cities and counties intact, are more compact, and better reflects statewide voting patterns*?

Am. Answer ¶¶ 26, 27 (emphasis added). With these issues removed from contention, the issues before the Court are statements related to the central features of the map (indicated in italics).

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The remaining features of the congressional boundaries enacted by House Bill 1 described by the Secretary's summary statement are observations recognizable by voters or lay people. These features are elements integral to the constitutionality of redistricting plans. *See* Mo. Const. Art. III, § 49. And the summary statement informs voters of these elements in a fair and sufficient manner.

## II. Legal Standard

### A. Statutory Interpretation

"The primary rule of statutory interpretation is to give effect to the General Assembly's intent as reflected in the plain language of the statute at issue." *Ben Hur Steel Worx, LLC v. Dir. of Revenue*, 452 S.W.3d 624, 626 (Mo. banc 2015) (citing *Porktown Imports, Inc. v. Audi of Am., Inc.*, 278 S.W.3d 670, 672 (Mo. banc 2009)). Missouri courts resort to "canons of statutory interpretation only when the meaning of a statute 'is ambiguous or would lead to an illogical result that defeats the purpose of the legislation.'" *Id.* (quoting *Ivie v. Smith*, 439 S.W.3d 189, 202 (Mo. banc 2014)). And courts do not interpret statutes in a "hyper-technical" manner, "but instead, [in a manner that] is reasonable and logical and gives meaning to the statute." *Id.*

The plain language of a statute is informed by its context. *Hershey v. Curators of Univ. of Mo.*, 719 S.W.3d 915, 919 (Mo. App. E.D. 2025). But if consideration of the statute alone does not clarify the meaning of a provision,

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"a court should interpret the meaning of the statute in *pari materia* with other statutes dealing with the same or similar subject matter.'" *Doe v. St. Louis Cmty. Coll.*, 526 S.W.3d 329, 336 (Mo. App. E.D. 2017) (quoting *Union Elec. Co. v. Dir. of Revenue*, 425 S.W.3d 118, 122 (Mo. banc 2014)). Ultimately, courts are instructed to adopt reasonable interpretations of statutes and constructions that "lead to absurd results" should be disregarded. *Id.* at 337.

**B. Ballot Title Challenges**

Under Chapter 116, the Secretary of State must prepare a summary statement for referendum measures that does not exceed 100 words. § 116.334.1, RSMo. This statement must be composed using "language neither intentionally argumentative nor likely to create prejudice either for or against the proposed measure." *Id.* And "[t]he party challenging the language of the summary statement bears the burden to show that the language is insufficient or unfair." *Hill v. Ashcroft*, 526 S.W.3d 299, 308 (Mo. App. W.D. 2017) (citing *Archey v. Carnahan*, 373 S.W.3d 528, 532 (Mo. App. W.D. 2012)); *see* § 116.334.1. Insufficient and unfair mean "to inadequately and with bias, prejudice, deception, and/or favoritism state the . . . consequences of the [initiative]." *Hancock v. Secretary of State*, 885 S.W.2d 42, 49 (Mo. App. W.D. 1994).

When reviewing the official ballot title, courts afford deference to the summary statement prepared by the Secretary, recognizing that "ten different



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writers would produce ten different versions" and "there are many appropriate and adequate ways of writing the summary ballot language." *Asher v. Carnahan*, 268 S.W.3d 427, 431–32 (Mo. App. W.D. 2008). Thus, "[t]he applicable question is not whether the summary drafted is the *best* summary, 'but whether [it] gives the voter a *sufficient idea* of what the proposed amendment would accomplish, without language that is intentionally unfair or misleading.'" *Pippens v. Ashcroft*, 606 S.W.3d 689, 702 (Mo. App. W.D.. 2020) (emphasis added) (alteration in original) (quoting *Sedey v. Ashcroft*, 594 S.W.3d 256, 263 (Mo. App. W.D. 2020)).

A summary statement "is intended to give notice to voters of the subject of the [referendum] so that he or she may make an informed choice on whether to investigate the matter further." *Hill*, 526 S.W.3d at 319 (quoting Pr*otect Consumers' Access To Quality Home Care Coal., LLC v. Kander*, 488 S.W.3d 665, 671 (Mo. App. W.D. 2015)). Consequently, the summary statement should convey the "purpose" of the referred measure. *Archey v. Carnahan*, 373 S.W.3d 528, 533 (Mo. App. W.D. 2012). The Secretary's summary statement should also "accurately reflect both the legal and probable effects of the proposed initiative." *Shoemyer v. Mo. Sec'y of State*, 464 S.W.3d 171, 174 (Mo. banc 2015).

Because the Secretary cannot identify every detail of a ballot measure in 100 words or less, courts consistently hold that the summary statement must

address simply the "central features" of the measure. *Pippens*, 606 S.W.3d at 701—02. The Secretary may use "broad language" when "express[ing] a proposal's central features." *McCarty v. Mo. Sec'y of State*, 710 S.W.3d 507, 518 (Mo. banc 2025). And the summary statement may "encompass matters not included in the measure so long as it is not deceptive, misleading, or argumentative." *Id.* (quoting *Hill*, 526 S.W.3d at 308).

Ultimately, the purpose of the referendum's official ballot title "is to give interested persons notice of the subject of a proposed [law] to prevent deception through use of misleading titles." *Missourians Against Human Cloning*, 190 S.W.3d 451, 456 (Mo. App. W.D. 2006) (alteration in original) (quoting *Union Elec. Co. v. Kirkpatrick*, 606 S.W.2d 658, 660 (Mo. banc 1980)). "If the title gives adequate notice, the requirement is satisfied." *Id.* The Secretary should describe these effects in a manner that is "fair and impartial so that the voters are not deceived or misled." *Hill*, 526 S.W.3d at 320.

## III. The Secretary is tasked with drafting the official ballot title for referendum petitions.

By its plain language, Section 116.334 tasks the Secretary with drafting the summary statement for referendum and initiative measures. There is no logical interpretation that narrows this directive to initiative measures alone. Consequently, Plaintiffs' novel claim that the statute "does not authorize or



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allow the Secretary to draft a summary statement for a referendum" falls flat. Pet. ¶ 39.

Section 116.334 unambiguously requires that the Secretary draft the summary statement for referendum measures. When determining whether the language of a statute is "clear and unambiguous," courts "look to whether the terms would be plain and clear to one of ordinary intelligence." *State v. Owen*, 216 S.W.3d 227, 229 (Mo. App. W.D. 2007). In relevant part, Section 116.334.1 states that "[i]f the petition form is approved . . . . Within twenty-three days of receipt of such approval, the secretary of state shall prepare and transmit to the attorney general a summary statement of the measure." § 116.334.1. Without limiting language, this provision plainly applies to petition forms for both referendum and initiative petitions and requires that the Secretary prepare the summary statement for both referendum measures and initiative measures.

Plaintiffs' theory that Section 116.334 limits the authority of the Secretary to drafting the summary statement for initiative measures and not referendum measures requires reading in a qualifier that does not exist in the statute. Section 116.334 neither explicitly nor implicitly limits the type of measures that the Secretary must prepare the summary statement to *initiative* measures. Rather, the statute requires that the Secretary "prepare and transmit to the attorney general a summary statement of *the measure*."



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§ 116.334.1 (emphasis added). Although the term "measure" is not explicitly defined by statute, the legislature refers to both referendum and initiatives as measures throughout Chapter 116. *E.g.*, § 116.190.1 ("initiative or referendum measure"). This Court must decline Plaintiffs' offer that it add words to Section 116.334. *State ex rel. Young v. Wood*, 254 S.W.3d 871, 873 (Mo. banc 2008) ("A court may not add words by implication to a statute that is clear and unambiguous." (quoting *Asbury v. Lombardi*, 846 S.W.2d 196, 202 n.9 (Mo. banc 1993))).

Similarly, Section 116.334 does not limit the category of petition forms that give rise to the need for a summary statement to merely *initiative* petition forms. Instead, the statute refers to "petition form" generally which indicates application to *both* referendum and initiative petition forms. *See* § 116.332 (describing the process for approval of petition form for "constitutional amendment petition[s], statutory initiative petition[s], or referendum petition[s].").

While the Court need not look beyond the statute to determine the legislature's intent to include referendum petitions in the process described in Section 116.334.1, a review of the statutory scheme supports this interpretation. Section 116.334 is preceded by Section 116.332 which describes the process for obtaining approval to circulate a "constitutional amendment petition, statutory initiative petition, or referendum petition." § 116.332.1.



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The entire section is dedicated to describing the process for approving all three categories of "petition[s]"—also referred to as "proposed measure[s]"—as to form. *See* § 116.332.2. Section 116.334 describes the next step in the process after a referendum, statutory initiative or constitutional amendment petition is approved as to form. *See No Bans on Choice v. Ashcroft*, 638 S.W.3d 484, 487 (Mo. banc 2022) (describing the referendum process and citing Section 116.332 and 116.334). Nothing in the language of § 116.334 suggests that the General Assembly suddenly intended to refer only to initiative petitions. Instead, Section 116.334 is intended to be a continuation of Section 116.332. It would be illogical to interpret Section 116.334.1 as applying only to initiative petitions. *See Ben Hur Steel Worx, LLC*, 452 S.W.3d at 626 ("Court[s] interpret[] statutes in a way that . . . is reasonable and logical.").

In addition to ignoring Section 116.334's plain meaning and context, Plaintiffs' suggested interpretation defies prior judicial interpretations of Section 116.334. *See Sun Aviation, Inc. v. L-3 Commc's Avionics Sys., Inc.*, 533 S.W.3d 720, 723 (Mo. banc 2017) (encouraging courts to review case law interpreting the statute). Courts have consistently interpreted Sections 116.334 as applying to summary statements prepared by the Secretary for referendum petitions. *See, e.g.*, *ACLU of Mo. v. Ashcroft*, 577 S.W.3d 881, 890 (Mo. App. W.D. 2019) ("If a *referendum* petition sample sheet is approved . . . . the secretary of state is required to 'prepare and transmit to the

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attorney general a summary statement of the measure' . . . ." (emphasis added) (quoting §116.190)); *No Bans on Choice*, 638 S.W.3d at 487 (describing the preparation of the summary statement by the Secretary as part of the referendum process).

Accepting Plaintiffs' premise that Section 116.334.1 applies only to initiative petitions leads to an absurd result. *See Doe*, 526 S.W.3d at 337 ("[C]ourt[s] should . . . disregard[] constructions that would lead to absurd results"). If Section 116.334 applies only to initiative petitions, then there is a statutory process for the approval as to form for referendum petitions, Section 116.332, but no process for creating the official ballot title for these petitions. And referendum measures must have an official ballot title. § 116.010(4) (defining "official ballot title" as "the summary statement . . . prepared for all statewide ballot measures *in accordance with the provisions of [Chapter 116]* which shall be placed on the ballot and, when applicable, shall be the petition title for initiative or *referendum* petitions." (emphasis added)); *see also*, § 116.190 (describing the process for challenging the official ballot title for "referendum measures").

If the Secretary does not prepare the official ballot title for referendum petitions—which includes preparation of the summary statement—Chapter 116 is left without a provision guiding the process for preparing the official ballot title. This is an absurd result. § 116.010(4) (defining "official ballot title"

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as "the summary statement . . . prepared for *all* statewide ballot measures *in accordance with the provisions of [Chapter 116]*" (emphasis added)). Chapter 116 contains three sections that address the preparation of a summary statement, Sections 116.155, 116.160, and 116.334. Sections 116.155 and 116.160 apply to measures referred to by the legislature. And only Section 116.334 could be interpreted as applying to citizen referendum petitions. The ultimate result of Plaintiffs' request that this Court artificially narrow Section 116.334 to apply only to initiative petitions is that referendum petitions, though required to have an official ballot title, would be left without a statutory directive for preparing such ballot title.

The Court should decline to accept Plaintiffs' request and should find that the Secretary has the statutory authority under Section 116.334 to prepare and certify the official ballot title (and summary statement) for referendum petitions.

**IV. The remaining elements of the summary statement are fair and sufficient**

The Secretary previously admitted that two phrases in the summary statement were unfair because they came too close to the line of being argumentative and likely to create prejudice. *See supra* at 3. The Secretary amended his answer to reflect this position and acknowledged both in his revised pleadings and in open court that Plaintiffs were entitled to relief on



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this point. Because these actions constitute binding judicial admissions, the Secretary's concessions "remove[d] the proposition in question from the field of disputed issues in the case." *Meekins v. St. John's Reg'l Health Ctr.*, 149 S.W.3d 525, 531 (Mo. App. S.D. 2004); *see also Peace v. Peace*, 31 S.W.3d 467, 471 (Mo. App. W.D. 2000) (describing circumstances that create a judicial admission). This Court need not consider further evidence to issue a partial judgment in favor of Plaintiffs and order that the phrases "gerrymandered" and "protects incumbent politicians" be eliminated or reworked before certifying the summary statement. *See Custom Constr. Sols., LLC v. B&P Contr., Inc.*, 684 S.W.3d 148, 162 (Mo. App E.D. 2023).

Barring these two phrases, the summary statement prepared by the Secretary for the Referendum fully complies with §§ 116.334.1 and 116.190. It describes in neutral, everyday language the "primary objective" of the referendum: namely, the referendum seeks voter approval of an act passed by the Missouri General Assembly during the 2025 Second Extraordinary Session, which repealed Missouri's earlier congressional plan with new congressional boundaries. *Archey*, 373 S.W.3d at 533. The summary statement then identifies the central features that distinguish the new congressional plan with the one House Bill 1 repealed. In their Petition, Plaintiffs appeared to contest each of these assertions. However, at the February 4, 2026 hearing, and in the briefing Plaintiffs submitted in advance

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of that hearing, Plaintiffs clarified that they do not oppose the Secretary's statement that voters ratifying House Bill 1 would repeal and replace Missouri's existing congressional plan. *See*, *e.g.*, Suggestions in Opp'n to Mot. to Quash at 4 (filed Jan. 30, 2026). Accordingly, Plaintiffs only contest the Secretary's decision to include and describe House Bill 1's central features.

Neither fact nor law supports Plaintiffs' argument that the Secretary's characterization of House Bill 1 is unfair and insufficient. A basic comparison of the summary statement with the two congressional plans affected by House Bill 1 establish that the Secretary accurately described the changes made to the congressional boundaries. The new plan is more compact overall; it keeps more counties and cities together; and it better reflects statewide voting patterns. All of this can be confirmed by a combination of visibly inspecting the maps as well as basic, well-known information about the state's geography and population density. Moreover, the Secretary highlighted central features that align with redistricting requirements stipulated in Article III, § 45 of the Missouri Constitution. Taken together, the summary statement gives voters notice of the subject of the referendum and its legal effect so that they might make an informed choice on whether to investigate further. *See Hill*, 526 S.W.3d at 319.

## A. The 2025 Congressional Plan is more compact.

The Secretary's summary statement accurately and fairly observes that the congressional plan created by the House Bill 1 is more compact than the plan it replaces. In the context of redistricting, the term compactness often refers to a district's size and shape. *See* Kurtis A. Kemper, *Annotation, Application of Constitutional "Compactness Requirement" to Redistricting*, 114 A.L.R.5th 311 (2003). Compact districts, "[i]n general . . . are those which are square, rectangular, or hexagonal in shape to the extent permitted by natural or political boundaries." *Faatz v. Ashcroft*, 685 S.W.3d 388, 394 (Mo. banc 2024), reh'g denied (Apr. 2, 2024). The Missouri Supreme Court has also referred to compact districts as a "closely united territory" and has endorsed multiple metrics by which map drawers and courts may measure compactness, such as visual observations, mathematical tests, and an assessment of whether the districts comply with certain recognized factors. *Pearson v. Koster*, 367 S.W.3d 36, 48–49 (Mo. banc 2012). The recognized factors are of particular importance when it appears on the surface that a district may deviate from the goal of creating a closely united territory. If a deviation occurs as a result of these factors, then Missouri courts may still deem the district as compact as may be. *See* Mo. Const. art. III, § 45 (stating that congressional "districts shall be composed of contiguous territory as compact and as nearly equal in population as may be").



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The congressional plan formed by House Bill 1 performs better on multiple compactness metrics than the 2022 plan—the most obvious being a visual comparison. District 3 in the 2022 plan, for example, has an extreme claw-like configuration that all but swallows Districts 2 and 1. These narrow appendages not only depart from traditional geometric shapes, but the northern tentacle ignores traditional redistricting criteria, such as abiding by city or county lines. The irregular shape significantly reduces the district's compactness and cannot be explained by natural boundaries. District 4 has a similar claw-like configuration in the 2022 plan, albeit less dramatic. The district pinches the northern and southern boundaries of District 3, thereby departing from the typical square, rectangular, or hexagonal shapes that define compactness in everyday parlance. District 2, meanwhile, is partially compact in the 2022 plan, but it too contains a thin appendage that juts across the southern half of St. Louis County that undermines its closely united appearance. The appendage runs straight through a cluster of cities that adjoin the St. Louis metropolitan area and pays little heed to county and municipal lines. As with the other districts, its shape cannot be explained by the recognized factor that Missouri Supreme Court identified in *Pearson v. Koster*, 367 S.W.3d at 53, and *Johnson v. State*, 366 S.W.3d 11, 28 (Mo. 2012).

The 2025 congressional plan, in contrast, minimizes and, in many cases, eliminates the physical features of the prior map that reduced its overall

compactness. Gone are the limbs and appendages that wrap around or protrude into other districts. Instead, the districts more closely resemble conventional geometric shapes, and deviations more often correspond to county and city lines. As an example, the boundary lines separating Districts 1, 2, and 3, now comport with counties in the area. The only exception is St. Louis County, which was also split in the 2022 plan because of its net population which exceeds the permissible limit to maintain equal population. Even there, the plan created by House Bill 1 smooths over the finger-like pattern that separated Districts 1 and 2 in the 2022 plan, which improves the 2025's plan's compactness by comparison. As a consequence, Districts 1, 2, and 3 all have boxier and smoother appearances that better align with the colloquial understanding of compactness.

The remaining districts tell a similar story. Because of the changes made to District 3, District 6 in the 2025 plan shrinks in size and loses a county split. District 4, likewise, covers a smaller area. It loses two county splits, as well as the hook shape configuration along its eastern border that reduced its compactness. Indeed, the only district to grow in size the western half of the state is District 5. However, even there, the boundaries track county lines except in high density areas like Jackson County, where the boundaries track municipal lines instead. The combination means that the 2025 plan overall has more a pleasing appearance than the prior plan and performs better on the



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compactness metrics that voters can recognize and comprehend without specialized knowledge.

Plaintiffs have not indicated in their Petition or subsequent briefing the evidence they intend to present at trial to argue that the Secretary's description of the relative compactness of the two plans is inaccurate. However, based on the February 6 hearing, Plaintiffs will likely call an expert witness to provide commentary about the map. This commentary will presumably include an assessment of how each map performs under mathematical metrics, such as Reock, Polsby-Popper, and Convex Hull, among others. To the extent this testimony is offered, the Court should be aware of its limitations. *First and foremost*, it does not align with how voters understand compactness or redistricting plans. When voters examine and compare two redistricting plans, most do not rely on computations. They perform visible inspections to see if the districts align with simple geometric shapes and natural boundaries like rivers or county and city lines. *Second*, each mathematical metric emphasizes different aspects of a district's shape. Only relying on one or two could give a distorted perspective.

The other argument Plaintiffs are likely to raise is that even if accurate, highlighting the 2025 plan's improved compactness is argumentative and likely to create prejudice among voters. But this misunderstands Sections 116.334.1 and 116.190 as well as the law governing Missouri redistricting. A

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summary statement must address a law's "central features" and effects. *Pippens*, 606 S.W.3d at 701–02. Here, one of House Bill 1's central features is the comparative compactness of the plan House Bill 1 enacts to the plan House Bill 1 repeals. The Missouri Constitution demands that all congressional districts to be "as compact . . . as may be." Mo. Const. art. III, § 45. Compactness is one of three substantive requirements each plan must meet. How the 2025 map compares therefore has legal significance, as it indicates compliance with the Missouri Constitution. Nor does the assertion suddenly become argumentative and prejudicial merely because it can be classified as a positive attribute. The proper inquiry is whether the summary statement fairly describes House Bill 1, including its central features and probable and legal effects. Stating that the new plan is "more compact" satisfies that criteria.

**B. The 2025 Congressional Plan splits fewer counties than the 2022 Congressional Plan.**

Visual observation of the two plans also confirms that the Secretary's assertion that the 2025 congressional plan has fewer split counties is both fair and accurate. As explained above, the boundary lines separating Districts 1, 2, and 3 in the previous plan cut across a number counties near the St. Louis metropolitan area, including St. Louis County, St. Charles County, and Warren County. House Bill 1 alters that configuration such that only St. Louis

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County remains split. In addition, House Bill 1 eliminates the county split in Camden County between Districts 3 and 4 near the Lake of the Ozarks, as well as the county split that existed in Clay County between Districts 5 and 6. All told, the congressional plan formed by House Bill 1 contains five split counties, while the prior map contains nine. Based on sheer number, the 2025 plan keeps counties more intact than the prior arrangement.

The language used in the summary statement describes this characteristic with neutral language. *See Stickler v. Ashcroft*, 539 S.W.3d 702, 715 (Mo. App. W.D. 2017) (holding that employing "everyday, colloquial language" is neither unfair nor insufficient). It makes no value judgment but instead merely informs voters about a central feature of the underlying measure. To the extent Plaintiffs object to calling split counties a central feature, the case law works against them. Missouri Courts have recognized that "counties are important governmental units, in which the people are accustomed to working together." *Preisler v. Hearnes*, 362 S.W.2d 552, 556 (Mo. banc 1962). Accordingly, "it has always been the policy of this state . . . to have [districts] composed of entire counties." *Id.* (citing Mo. Const. art. III, § 5). Furthermore, keeping counties united within a single districts is a recognized factor that is incorporated into the constitutional requirement of compactness. *See Johnson*, 366 S.W.3d at 28. It plays a significant role in determining whether a redistricting plan complies with the law. As such, the

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question of counties splits is of public concern. By highlight it, the summary statement helps voters make an informed choice on whether to investigate the subject further.

### C. The 2025 Congressional Plan splits fewer municipalities than the 2022 Congressional Plan.

A visual comparison of the two maps published by the General Assembly demonstrates that the same physical features responsible for the 2022 plan having more split counties than the 2025 plan is also responsible for it having more split cities. Specifically, the claw-like configuration of District 3 in 2022 congressional plan cuts through the cities situated west of St. Louis, particularly along the Interstate 70 corridor. This includes cities like Warrenton, Wentzville, Lake St. Louis, and O'Fallon to name a few. The boundary line separating Districts 1 and 2 likewise cuts through small municipalities in St. Louis County like Creve Coeur, Glendale, and Webster Groves. The 2025 plan enacted by House Bill 1 eliminates these splits. It moves the boundary line separating Districts 2 and 3 further south alongside the Missouri River so that it avoids these cities in their entirety. It also softens the edges protruding from District 1 so that border is less intrusive to cities. Turning west, the 2022 plan replaced by House Bill 1 sacrificed a number of small—and medium—sized cities to keep a larger portion of Kansas City together. As a result, Independence, Blue Springs, Sugar Creek, Lake

Lotawana, and others were split. The 2025 plan enacted by House Bill 1 makes a different choice. By splitting Kansas City in a different spot, it is able to keep the surrounding cities together.

Because of these changes, the new congressional map divides approximately 20 fewer cities than its predecessor. Or to quote the summary statement, "the new congressional boundaries keep more cities . . . intact." This is an accurate description about House Bill 1's probable effects, as it reflects the comparative number of cities split in each congressional plan. It is also a fair description. The statement uses neutral, everyday language to highlight how to the two maps adhere to a recognized factor that helps determine whether a redistricting plan complies with constitutional requirements—compactness, in particular. *See Johnson*, 366 S.W.3d at 28. What's more, as will be explained in the next subsection, keeping cities intact has an impact on voters' ability to form effective voting blocs. It therefore has a bearing on Missourians' voting power. Accordingly, how the two plans perform is a central feature. Highlighting it in the summary statement provides voters with notice so that they can make an informed choice on whether to learn more about measure.



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### D. The 2025 Congressional Plan better reflects statewide voting patterns.

The Secretary's assertion that the new congressional plan "better reflects statewide voting patterns" accurately describes the characteristics and probable effects of House Bill 1. To understand how, it is helpful to become acquainted with the concepts of "cracking" and "packing." A "cracked" district is a district in which a specific population is divided among multiple districts, so that they fall short of a majority in each. *See generally*, *Rucho v. Common Cause*, 588 U.S. 684, 693 (2019) (explaining the concept "cracking"). For smaller populations, such as in a small or mid-size city or county, cracking can minimize, if not nullify, the population's ability to exercise any influence over a district and advance shared interests. This is true even if the population could never constitute a majority of the district. "Packing" is the opposite phenomenon. A "packed" district is a district in which a specific population is over-concentrated so that the population wastes votes and has influence over fewer seats. *Rucho*, 588 U.S. at, 693 (explaining the concept "packing"). It too can dilute a group's voting power and inhibit effective voting blocs.

Because of its treatment of county and city lines, the congressional plan repealed by House Bill 1 cracked voters in a number of small and mid-size political subdivisions around the St. Louis and Kansas City areas. For example, the claw-like configuration of District 3 in the 2022 plan divided a



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number of cities around the Interstate 70 corridor, including Warrington, Wentzville, Lake St. Louis, and O'Fallon. *See supra* at 21. The boundary lines separating Districts 1 and 2 in the 2022 plan, similarly, ran through numerous communities in St. Louis County, while the boundary line separating Districts 4, 5, and 6 on the other side of the state, not only split Clay County, but the districts pay little heed to political subdivisions in the vicinity. *Id.* In each of these localities, the configuration cracked voters, thereby impairing their ability to influence their district and project their full political might. The congressional plan formed by House Bill 1 addresses this issue, as abovementioned, *supra* at 19–22, and ensures that the map reflects voting patterns from these communities.

In addition, the 2022 congressional plan packed Kansas City voters into District 5, diminishing that population's political effectiveness. House Bill 1 addresses this issue as well. Kansas City is the largest city in Missouri by population. The surrounding region constitutes the second largest metropolitan area in the state. Yet, despite these numbers, the Kansas City area only exerted significant influence over a single district in the 2022 congressional plan. The greater St. Louis area, in contrast, influenced three. The congressional plan formed by House Bill 1 moves District 5's boundary lines. In doing so, it not only keeps the small and medium sized cities orbiting Kansas City intact, but it unpacks the district so that voters in the

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metropolitan area exert political power over multiple seats, commiserate with their population size. This is another way that the 2025 plan better reflects voting patterns.

In their petition, Plaintiffs also argue that the assertion regarding voting patterns is argumentative and likely to create prejudice. Not so. The assertion accurately describes a probable effect of the new law. Adjusting district lines to better trace political subdivisions has an effect on voters' ability to form effective voting blocs along shared interests. That change is a central feature. Missouri law favors keeping counties and cities intact because they constitute important units of government that facilitate cooperation and shared identity. *Preisler*, 362 S.W.2d at 556; *see also Pearson*, 359 S.W.3d at 40. Highlighting the effect the new congressional plan has on statewide voting patterns notifies voters how the plan compares with respect to advancing the goals of longstanding state policy. And even if it were not a central feature, the summary statement may "encompass matters not included in the measure so long as it is not deceptive, misleading, or argumentative." *Id.* (quoting *Hill*, 526 S.W.3d at 308).

**E. House Bill 1 must be described as more than a list of Voting Tabulation Districts to avoid voter confusion.**

The Secretary's description of House Bill 1 provides voters with accurate information about the effects of the measure and should not be deemed unfair



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or insufficient because it describes the map effected by the bill. While the text of House Bill 1 is a list of counties, voting tabulation districts ("VTDs"), and tract-blocks, redistricting bills are commonly understood as plans and maps. And to describe the bill as nothing more than a list of counties, VTDs, and blocks—as Plaintiffs' insinuate, Pet. ¶ 23—would not provide voters with the information necessary to make an informed decision about the measure. To the contrary, it would deceive voters to fail to describe the bill as a plan or district boundaries

To fulfill his duty, the Secretary is required to create a summary statement that ensures voters understand what they are voting on. *Hill*, 526 S.W.3d at 315 ("The ballot title is sufficient if it 'makes the subject evident with sufficient clearness to give notice of the purpose to those interested or affected by the proposal'" (quotation omitted)). And describing the bill within the context of the map it creates is far from abnormal. *See e.g., Brown v. Carnahan*, 370 S.W.3d 637, 654 (Mo. banc 2012) ("Sometimes it is necessary for the secretary of state's summary statement to provide a context reference that will enable voters to understand the effect of the proposed change."); *Boeving v. Kander*, 493 S.W.3d 865, 874 (Mo. App. W.D. 2016) (same).

Even if this Court finds that it is not absolutely necessary to describe the bill as a map and discuss the central features of that map, doing so does not render the summary statement unfair and insufficient. Courts "will not find a

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summary statement insufficient or unfair simply because, in the opinion of the court, it could have been drafted better." *Hill*, 526 S.W.3d at 318. Moreover, summary statements have been struck down for not providing enough information to put voters on notice. *See, e.g.*, *Protect Consumers' Access*, 488 S.W.3d at 671–72; *Fitz-James v. Ashcroft*, 678 S.W.3d 194, 204 (Mo. App. W.D. 2023). Summary statements have not and should not be struck down because they include a broader swath of information than is strictly necessary to describe the measure. *Hill*, 526 S.W.3d at 318; *McCarty*, 710 S.W.3d at 518. Describing House Bill 1 broadly by its district boundaries and configurations rather than providing a technical summary of the precise text provides voters with an accurate, fair summary of the measure and its effects.

## V. Conclusion

Section 116.334 requires that the Secretary draft the summary statements for referendum measures. Accordingly, this Court should find for the Secretary on Count II of Plaintiffs' petition.

The summary statement drafted by the Secretary for the Referendum is fair and sufficient to the extent that it discusses compactness, county splits, municipality splits, and voting patterns. However, the Secretary has admitted that the language "gerrymandered" and "protects incumbent politicians" is unfair because it is argumentative and likely to create prejudice. Accordingly, Plaintiffs are entitled to a "different summary statement." § 116.190. To

inform its judicial rewrite, this Court should enter a partial judgment in favor of Plaintiffs and order both parties to present competing statements to the Court to remedy the legal flaws presented by the language in the statute that the Court identifies as unfair. *See Omohundro v. Hoskins*, No. WD 88567, 2026 WL 233297 at *2 n.3 (Mo. App. W.D. Jan. 29, 2026).

Date: February 9, 2026

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I hereby certify that on February 9, 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*
Madeline S. Lansdell

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