

STATE OF CONNECTICUT
SUPREME COURT

PETITION OF REAPPORTIONMENT
COMMISSION, EX REL.

DONALD WILLIAMS (CO-CHAIR)
LAWRENCE CAFERO (CO-CHAIR)
JOHN MCKINNEY
BRENDAN SHARKEY
MARTIN LOONEY
LEONARD FASANO
SANDY NAFIS
ARTHUR O'NEILL
KEVIN JOHNSTON

DECEMBER 2, 2011

PETITION

Pursuant to Article third, § 6 of the Connecticut constitution, as amended by articles XII, XVI, XXVI and XXX of the amendments to the Connecticut constitution, the members of the Reapportionment Commission hereby petition this Court to grant them until December 21, 2011, to complete their work as a Commission by submitting a plan of districting for the state's congressional districts to the Secretary of the State by that date. In support of this petition, they represent as follows:

CHIEF CLERK
SUPREME COURT
APPELLATE COURT
2011 DEC 2 PM 3 08
231 CAPITOL AVENUE
HARTFORD, CT 06106

I. FACTUAL AND LEGAL GROUNDS RELIED UPON

1. Article third, § 6 of the Connecticut constitution, as amended by articles XII, XVI, XXVI and XXX of the amendments to the constitution, requires a decennial reapportionment of General Assembly and Congressional districts.

2. Pursuant to this requirement, and in accordance with those provisions, the Governor appointed a commission to devise a reapportionment plan in accordance with the 2010 census data.

3. The Commission members are: Donald Williams, Co-Chair, Lawrence Cafero, Co-Chair, John McKinney, Brendan Sharkey,¹ Martin Looney, Leonard Fasano, Sandy Nafis, Arthur O'Neill and Kevin Johnston.

4. Each of the Commission members is a registered voter.

5. Article third, §6 of the constitution, as amended by articles XII, XVI, XXVI and XXX of the amendments to the constitution, requires the Commission to submit a plan of districting for congressional districts to the Secretary of the State by November 30, 2011.

6. As the Secretary of the State has certified to the Chief Justice, the Reapportionment Commission did not submit a plan of districting for the state's congressional districts by November 30, 2011.

7. Article Third, §6(d) of the constitution, as amended by articles XII, XVI, XXVI and XXX of the amendments to the constitution, vests original jurisdiction in the Supreme Court upon petition of any registered voter if the districting plan is not submitted by the required date.

Specifically, the first sentence of Article Third, §6(d) provides:

¹ Speaker of the House Christopher Donovan was a member of the Commission, but on November 30, 2011, designated Representative J. Brendan Sharkey for the Governor to appoint in his place. On December 1, 2011, the Governor appointed Representative Sharkey as a replacement member of the Commission. (see attached letter).

Original jurisdiction is vested in the supreme court to be exercised on the petition of any registered voter whereby said court may compel the commission, by mandamus or otherwise, to perform its duty or to correct any error made in its plan of districting, or said court may take such other action to effectuate the purposes of this article, including the establishing of a plan of districting if the commission fails to file its plan of districting by the thirtieth day of November as said court may deem appropriate. (emphasis supplied)

This provision clearly authorizes this Court to permit the Commission more time to work toward finalizing a plan.

II. RELIEF

Accordingly, the petitioners respectfully pray that this Court issue an order, pursuant to article third, § 6(d) of the constitution, as amended by articles XII, XVI and XXVI and XXX of the amendments to the constitution, remanding the matter to the commission to resume its consideration of the alteration of the congressional districts until December 21, 2011, in accordance with the principles and requirements set forth in those same constitutional provisions. The Court granted the commission similar relief in December, 2001 (see attached order) when it was similarly unable to meet the deadline for reapportioning the state's congressional districts.

In December of 2001, the Court's order of remand included the following sentence: "This Court may request an appropriate interim report." (see attached). The petitioners suggest that the Court include similar language as part of its order.

The Reapportionment Commission shall endeavor to submit a plan of districting to the Secretary of the State by December 21, 2011. No plan shall be submitted to the Secretary of the State unless it is certified by at least five members of the Reapportionment Commission. Upon receiving such plan, the Secretary of the State shall publish it, and upon publication, the plan of districting shall have the full force of law.

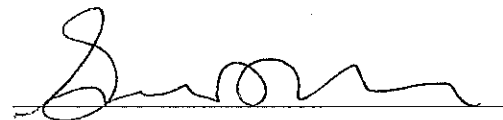
If the Reapportionment Commission does not file a plan with the Secretary of the State by the date determined by this Court, the Secretary of the State shall forthwith so notify the Chief Justice of the Court. In that event, this Court shall take other such action to effectuate the purposes of Article third, § 6 of the constitution, as amended by articles XII, XVI, XXVI and XXX of the amendments to the constitution, including the establishment of a plan of districting.

Dated this 2nd day of December, 2011.

REAPPORTIONMENT
COMMISSION

GEORGE JEPSEN
ATORNEY GENERAL

BY:



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A
SUPREME COURT
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STATE OF CONNECTICUT

NO. SC 16635

IN RE ESTABLISHMENT OF
CONGRESSIONAL DISTRICTS
OF THE STATE OF CONNECTICUT

NO. SC 16642

IN RE PETITION OF
REAPPORTIONMENT
COMMISSION EX REL.

: DECEMBER 7, 2001

ORDER

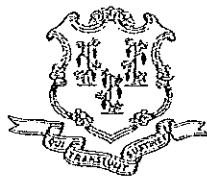
THE PETITION OF THE REAPPORTIONMENT COMMISSION IS GRANTED AND THE COURT REMANDS THE MATTER TO SAID COMMISSION TO RESUME ITS CONSIDERATION OF THE ALTERATION OF THE CONGRESSIONAL DISTRICTS IN ACCORDANCE WITH THE PRINCIPLES AND REQUIREMENTS SET FORTH IN ARTICLE THIRD, § 6, OF THE CONNECTICUT CONSTITUTION UNTIL 12:00 NOON, DECEMBER 21, 2001. THIS COURT MAY REQUEST AN APPROPRIATE INTERIM REPORT.

IN LIGHT OF THE ACTION TAKEN ON THE REAPPORTIONMENT COMMISSION'S PETITION, NO ACTION IS REQUIRED ON THE PETITION OF PAUL MUNNS AT THIS TIME.

BY THE COURT,


CHIEF CLERK

NOTICE SENT: DECEMBER 7, 2001
GREGORY T. D'AUZIA, ASSOCIATE ATTORNEY GENERAL
ELIOT D. PRESCOTT, ASSISTANT ATTORNEY GENERAL
JOSEPH ZDONCZYK
LYNCH, TRAUB, KEEFE & ERRANTE, P.C.
NORMAN S. PRIMUS
GESMONDE, PIETROSIMONE, SGRIGNARI & PINKUS, LLC



Dannel P. Malloy

GOVERNOR
STATE OF CONNECTICUT

December 1, 2011

The Honorable Brendan Sharkey
Legislative Office Building
Room 4100
Hartford, Connecticut 06106

Dear Representative Sharkey:

Pursuant to Section 6.b. of Article Third of the Constitution of the State of Connecticut, as amended by Article XXVI, it is my pleasure and privilege to appoint you as a member of the Reapportionment Commission, in succession of the Honorable Christopher G. Donovan, to serve until the commission is discharged.

Sincerely,

A handwritten signature in black ink, appearing to read "Dannel P. Malloy".

Dannel P. Malloy
Governor

cc: Honorable Denise Merrill, Secretary of State
cc: Honorable Kevin Lembo, Comptroller
cc: Messrs. John Geragosian and Robert Ward, Auditors of Public Accounts
cc: D'Ann Mazzocca, Executive Director, Office of Legislative Management
cc: Honorable Donald E. Williams, Jr., Senate President Pro Tempore
cc: Honorable Christopher G. Donovan, Speaker of the House of Representatives
cc: Honorable John McKinney, Senate Minority Leader
cc: Honorable Lawrence F. Cafero, Jr., House Minority Leader