FILED UNDER THE ELECTRONIC BRIEFING RULES

SUPREME COURT

OF THE

STATE OF CONNECTICUT

SC 20661

IN RE PETITION OF REAPPORTIONMENT COMMISSION, EX. REL.

PROCEEDINGS BEFORE SPECIAL MASTER

BRIEF OF THE REAPPORTIONMENT COMMISSION DEMOCRATIC MEMBERS MARTIN LOONEY, BOB DUFF, MATTHEW RITTER, AND JASON ROJAS IN SUPPORT OF CONGRESSIONAL REDISTRICTING PLAN SUBMITTED TO SPECIAL MASTER

ATTORNEYS FOR
REAPPORTIONMENT
COMMISSION
DEMOCRATIC MEMBERS

Aaron S. Bayer
Paul Tuchmann
Wiggin and Dana LLP
265 Church Street
P.O. Box 1832
New Haven, CT 06508-1832
(203) 498-4400
abayer@wiggin.com
ptuchmann@wiggin.com
Juris No. 067700

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Statutes

Other Authorities

I. BACKGROUND

After successfully producing redistricting plans for both the State Senate and House of Representatives, the Reapportionment Commission (the "Commission") was unable to produce a Congressional redistricting plan before its deadline expired. Under the Connecticut Constitution, article third, § 6, the Congressional redistricting task fell to the Connecticut Supreme Court.[1] The Court issued an order on December 23, 2021 appointing Professor Nathaniel Persily to serve as Special Master to prepare and recommend to the Court a Congressional redistricting plan (the "Order," attached as Exhibit 1). The Order also issued instructions to Professor Persily in carrying out his duties as Special Master, including specific directives he must follow in creating a Congressional redistricting plan:

> In developing a plan, Special Master Persily shall modify the existing congressional districts *only to the extent reasonably*

---

[1] The Commission's efforts to complete its redistricting duties were hampered this year by the state having received the census data needed to begin the process more than *five months* later than in previous years (August rather than March). The Commission agreed on a new map for State House districts on November 18, 2021 and a new map for State Senate districts on November 23, 2021. Having focused primarily on discharging those duties, the Commission then turned to Congressional redistricting. Despite good faith efforts, the Commission did not complete that task by the Constitutional deadline of November 30, 2021. On December 6, 2021, the Court remanded to the Commission to continue working on a Congressional redistricting plan until December 21, 2021. When the Commission was unable to meet that deadline, the Court appointed the Special Master to complete the task, but it also told the Commission it should continue working to try to reach agreement on a plan of redistricting.

required to comply with the following applicable legal requirements:

    a. Districts shall be as equal in population as practicable

    b. Districts shall be made of contiguous territory

    c. The plan shall comply with the Voting Rights Act of 1965, as amended, 52 U.S.C. § 1001 et. seq., and any other applicable federal law.

In drafting his plan, Special Master Persily shall not consider either residency of incumbents or potential candidates or other political data, such as party registration statistics or election returns.

In no event shall the plan be substantially less compact than the existing congressional districts, and in no event shall the plan substantially violate town lines more than the existing congressional districts.

Order at 1 (emphasis added).

In other words, the Court directed Special Master Persily to make as few changes to the existing Congressional map as possible in the course of equalizing the population among the five districts and complying with the other, limited requirements of the Order. The Court also made it clear that, in developing a redistricting plan, "Special Master Persily shall not consider either the residency of incumbents or potential candidates or other political data, such as party registration statistics or election returns." Order, p. 1.

These instructions substantially track the instructions the Court issued in 2011 to the Special Master (also Professor Persily) tasked with creating a Congressional redistricting plan. They also comport with the U.S. Supreme Court's recognition that "the reapportionment task . . . is primarily a political and legislative process," *Gaffney v. Cummings,* 412 U.S. 735, 749-50 (1973), and its admonition to courts

involved in redistricting not to substitute their "own reapportionment preferences for those of the state legislature," *Upham v. Seamon,* 456 U.S. 37, 41 (1982) (citing *White v. Weiser,* 412 U.S. 738, 794-95 (1973)), and to limit modifications "to those necessary to cure any constitutional or statutory defect." *Id.* at 43.[2]

The Democratic members of the Commission respectfully submit the proposed Congressional map attached hereto as Exhibit 2 ("the Proposed Plan"), which complies fully with the Order and applicable law.

II. The Proposed Plan Modifies the Existing Districts Only to the Extent Necessary to Comply with the Court's Order and Applicable Law

The Proposed Plan makes minimal revisions to the existing district lines, making the "least changes" necessary to create a map that complies with the Order. Given the 2020 Census data, the five Congressional districts should each have a target population of 721,189.[3] The principal challenge in equalizing the districts requires

---

[2] State courts have embraced the same principle. *See, e.g., Hippert v. Ritchie,* 813 N.W.2d 374, 380 (Minn. 2012) (stating that "[b]ecause courts engaged in redistricting lack the authority to make the political decisions that the Legislature and the Governor can make through their enactment of redistricting legislation, the panel utilizes a least-change strategy where feasible.")

[3] The 2020 Decennial Census reports the population of the state of Connecticut as 3,605,944. To achieve equal population across all five congressional districts, the statewide population must be divisible by five; however, because the statewide population is not divisible by five, the ideal district population would be 721,188.8 persons. Therefore, in

moving people into the Second District, which is underpopulated by 21,288 people, and moving people out of the Fourth District, which is overpopulated by 25,627 people; this challenge is complicated by the fact that these two districts do not border each other.[4]

  The Proposed Plan equalizes the population in the five Congressional districts by moving the district lines in only four towns, all of which are already divided between two districts. It moves no towns to new districts and does not divide any towns that were not already divided. Specifically, the Proposed Plan: a) moves the existing boundary line between the Fourth District and the Third District in Shelton to the west, so 25,627 people in Shelton move from the Fourth District to the Third; b) moves the boundary line dividing the Fifth District and the First District in Torrington slightly to the south, so 5,024 people in Torrington move from the Fifth District to the First; c) moves the boundary line dividing the Second District and the First District in Glastonbury to the west, so 21,287 people in Glastonbury move from the First District to the Second; and d) moves the boundary line dividing the First District from the Third District in Middletown

---

order to allocate all 3,605,944 persons, four districts must have a population of 721,189 and one district must have a population of 721,188.

[4] To equalize all the districts, a net of 3,535 people must be added to the existing First District; a net of 21,288 people must be added to the existing Second District; a net of 5,829 people must be added to the existing Third District; a net of 25,627 people must be subtracted from the existing Fourth District; and a net of 5,024 people must be subtracted from the existing Fifth District.

to the south and east, so 19,798 people in Middletown move from the Third District to the First.[5]

As discussed below in Parts II and III, the Proposed Plan moves only 71,736 people out of their existing districts, amounting to less than 2% of Connecticut's population of 3,605,944. It maintains town integrity by altering existing district lines in only four of the State's 169 towns, and those four towns were already divided between two districts. The Proposed Plan makes no change at all to the only other town currently divided between two districts (Waterbury). The resulting districts also comply with the Voting Rights Act and are not less compact than the existing districts. The Proposed Plan therefore complies with the fundamental goal of this Court's Order – to make only those changes reasonably necessary to comply with the Order's specific requirements and applicable law.

A. The Proposed Plan Complies with the Affirmative Requirements of the Court's December 23rd Order

The Proposed Plan fully complies with the Order, because it complies with the Order's three affirmative requirements:

1) Equal population

The Order requires that the Special Master's recommended plan contain districts "as equal in population as practicable." Under Article I, § 2 of the U.S. Constitution – and article third, § 5 of the Connecticut Constitution, which requires that Congressional districting comply with federal constitutional standards – virtual equality in population in each of the districts is required. *Karcher v. Daggett*, 462 U.S. 725,

---

[5] *See* Ex. 3 for the data file, provided separately in electronic form for the data file for the Proposed Plan. *See* Ex. 4 for the current Congressional map and Ex. 5 for an overlay of the Proposed Plan over the existing Congressional map.

730 (1983). Because there have been only minor population shifts since the last redistricting in 2011, as the chart below reflects,[6] very few changes to existing district lines are required to equalize the population in the districts:

District	Current Population	New Required Population	Change Required	Percent Change Required
1	717,654	721,189	-3,535	-0.49%
2	699,901	721,189	-21,288	-2.95%
3	715,360	721,189	-5,829	-0.81%
4	746,816	721,189	25,627	3.55%
5	726,213	721,189	5,024	0.70%

The Proposed Plan achieves the greatest possible equality of population among the state's five Congressional districts, with a deviation of a single person: The First, Third, Fourth, and Fifth Districts have a population of 721,189 and the Second District has a population of 721,188.

2) Contiguity

As required by the Order, each of the five Congressional districts in the Proposed Plan is comprised of contiguous territory.

3) Voting Rights Act

The Order requires that the Special Master's plan comply with the Voting Rights Act of 1965 ("the Act"). The 2012 Congressional districts, like the 2001 Congressional districts, complied with the Act, and there have been only minor population shifts and changes in the racial composition of the districts since then. As a result, no changes to the existing districts are "reasonably required to comply with" the Act,

---

[6] The figures in this chart are based on the 2020 decennial census of the US Census Bureau.

and because the Proposed Plan makes minimal changes to the existing districts, it too fully complies with the Act.

Section 2 of the Act broadly prohibits any "voting qualification or prerequisite to voting or standard, practice, or procedure… which results in a denial or abridgement of the right… to vote on account of race or color," or on account of a person's membership in a "language minority group." 42 U.S.C. § 1973(a); *id.* § 1973b(f)(2). Corrective action under the Act is required only:

> if, based on the totality of the circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a) of this section in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.

42 U.S.C. § 1973(a). In *Thornburg v. Gingles*, 478 U.S. 30 (1986), the Supreme Court explained that a violation of the Act occurs only if it is shown:

1) that the minority group is sufficiently large and geographically compact to constitute a majority in a single-member district;

2) that the minority group is politically cohesive; and

3) that, in the absence of special circumstances, bloc voting by the white majority usually defeats the minority's preferred candidate.

Id. at 50-51.[7] If these preconditions have been shown to exist, a series of objective factors are then considered to determine whether the

---

[7] *See also Cooper v. Harris*, 137 S. Ct. 1455 (2017) (applying *Gingles* factors and finding that third factor was not present, because minority voters' preferences in a district had been honored for twenty years even

totality of circumstances reveals an impermissible dilution of minority voting strength. *Id.* at 36-37.

Consistent with this controlling precedent, the revised districts in the Proposed Plan create no concerns or potential claims under the Act. As was the case ten years ago, the geographic dispersion of racial minorities in Connecticut makes a compact majority-minority district impossible. More specifically, as in 2001 and 2011, there is no minority group that is sufficiently large and geographically concentrated to constitute a majority of the voting age population in a potential single-member Congressional district, *see League of United Latin Am. Citizens (LULAC) v. Perry*, 548 U.S. 399, 433 (2006) (focus for first *Gingles* prong is compactness of minority population), let alone satisfy all three *Gingles* factors. In these circumstances, the Act does not require a minority distract to be drawn. *See Bartlett v. Strickland*, 556 U.S. 1, 20 (2009) (plurality opinion) (holding that the Act does not require minority district to be drawn where racial and language minorities would make up less than 50 percent of the voting age population); *Pope v. Cty. of Albany*, 687 F. 3d 565, 576-77 (2d Cir. 2012) (affirming the *Bartlett* plurality opinion's "'majority-minority' rule" that "require[s] the minority to show that it [is] at least 50% of the VAP [Voting-Age Population] in the proposed district" in order to require a minority district to be drawn under Section 2 of the Act and the first *Gingles* factor).

As the attached maps and data indicate, Connecticut's minority populations are spread across the geographic areas of the state. *See* Ex. 6, Ex. 7, Ex. 8. Without drawing a geographically contorted district based solely (and impermissibly) on race it is not possible to create a

---

though they were not a majority, showing that the "majority" engaged in "crossover" voting that enabled minority voters to elect a candidate of their choice); *Growe v. Emison*, 507 U.S. 25, 40-41 (1993).

district in which either the Black/African-American or the Hispanic/Latino voting-age population approaches – let alone crosses – the 50 percent threshold.[8] *Bartlett*, 556 U.S. at 20; *see also Bush v. Vera*, 517 U.S. 952, 979 (1996) (creating minority-majority district with tortuous lines is impermissible racial gerrymandering); *cf. LULAC*, 548 U.S. at 433 ("[T]here is no basis to believe a district that combines two far-flung segments of a racial group with disparate interests provides the opportunity that § 2 requires or that the first *Gingles* condition contemplates.")[9]

Thus, the Proposed Plan, like the existing districts upon which it is based, fully complies with the Act and the requirements of the Order.

---

[8] Only one town, Bloomfield, had a Black/African-American voting age population that exceeds 50%, and no town has a Hispanic/Latino population that exceeds 50%. *See* Ex. 8. Thus, it is almost physically impossible to draw a contiguous majority-minority district based on either of these groups.

[9] Minority influence districts – where the minority population is sufficiently large to *influence* an election result, but still too small to *control* the result – are not required under § 2. *See Bartlett v. Strickland*, 556 U.S. 1, 25 (2009) (plurality opinion) ("[T]he lack of such [influence] districts cannot establish a § 2 violation") (citing *LULAC*, 548 U.S. at 446 (opinion of Kennedy, J.)). And, while a plan that has been drawn in order to undermine the voting power of minorities may violate the Equal Protection Clause, *see Miller v. Johnson*, 515 U.S. 900, 915-16 (1995), the Proposed Plan has not been drawn based on racial considerations and effectively preserves the proportional minority population in each Congressional district.

B. The Proposed Plan Complies With the Other Requirements of the Court's Order

In addition to its three affirmative requirements, the Order also requires the Special Master to create a plan that does not: (a) create districts "substantially less compact" than the existing districts; (b) "substantially violate town lines more than the existing congressional districts"; or (c) "consider either the residency of incumbents or potential candidates or other political data, such as party registration statistics or election returns." As explained below, the Proposed Plan fully complies with all of these requirements.

1) The Proposed Plan Does Not Substantially Reduce Compactness

The Proposed Plan follows the Court's directive not to substantially reduce the compactness of the districts. Consistent with Connecticut law, the Order does not direct the Special Master to modify existing districts for the purpose of improving compactness.[10]

---

[10] The Connecticut Constitution does not include compactness as a redistricting requirement or criterion, as some state constitutions do (*see, e.g.,* Md. Const., art. III, § 4; Alaska Const. art. VI, § 6). To the extent it is considered, compactness is not a legal requirement but a policy consideration that the political branches may consider in redistricting deliberations. *See Puerto Rican Legal Defense & Educ. Fund, Inc. v. Gantt,* 796 F. Supp. 681, 687, 691-92 (E.D.N.Y. 1992) ("permissive" redistricting criteria, including compactness, may be considered as part of the redistricting process, but "their enumeration in the case law is simply to guide legislatures as to the criteria that they *may* properly consider in drawing a plan.") (emphasis in original); *Pope v. Cty. of Albany,* 687 F.3d 565, 568 n.1 (2d Cir. 2012) ("The

Rather, it instructs the Special Master to respect and not substantially reduce the compactness agreed to in the political redistricting process in 2001. The Proposed Plan complies with that requirement, as described in Exhibit 9 and the corresponding compactness reports in Exhibits 10 and 11.

Specifically, a visual comparison of the existing Congressional districts with the Proposed Plan (*See* Ex. 5) shows that the Proposed Plan does not create any district that is substantially less compact than the respective existing district; as discussed above, under the Proposed Plan, the five districts hardly change at all. On a more technical level, the attached computer-based analysis, using traditional geometric compactness standards to analyze and compare the compactness of the existing and proposed district lines, similarly shows minimal deviation, i.e., that the proposed districts are substantially as compact as the existing districts. (*See* Ex. 9 (showing that for all five different compactness measures recognized by the Reapportionment Committee software, the five districts in the Proposed Map are, when considered as a group, at least as compact and in four cases more compact than the five existing districts)). The Proposed Plan thus fully complies with the Court's instruction that "in no event shall the plan of the Special Master be substantially less compact than the existing congressional districts[.]"

2) The Proposed Plan Does Not Divide More Municipalities than the Current Map

Under the Proposed Plan, 164 of the 169 municipalities in the state remain within a single Congressional district, as they are in the

---

Supreme Court has recognized that traditional redistricting factors, including 'making districts compact…*may* inform a legislature's redistricting choices" unless doing so otherwise violates the law) (emphasis added).

existing map. And not only do all of those towns remain undivided, they remain in the same district as before. As noted above, the Proposed Plan adjusts the dividing lines only within four of the five municipalities that are already divided between two Congressional districts (Glastonbury, Torrington, Middletown and Shelton) and leaves untouched the line dividing Waterbury.[11] By dividing no more towns that are already divided, the Proposed Plan plainly complies with the Court's instruction not to divide "substantially more" towns than are divided in the existing map.

---

[11] The three most significant shifts in the district lines (though still small) are in Glastonbury, where 21,287 people are moved from the First District to the Second District; in Shelton, where 25,627 people are moved from the Fourth District to the Third District; and Middletown, where 19,798 people are moved from the Third District to the First District. *See* p. 6 above. These changes are necessary to address the only substantial population shifts over the past ten years that changed the equal population of the State's five Congressional districts – the Second District's population loss and the Fourth District's population gain. Those two districts do not border each other, and residents cannot be transferred from the Third District directly to the Second District without moving one or more whole towns to a new district and/or dividing one or more additional towns. Therefore, the adjustments made in the Proposed Plan equalize the districts' populations while modifying the existing district lines "only to the extent reasonably required." Order, at 1. *See* pp. 5-6 above.

3) The Proposed Plan Does Not Consider Any Political Data or Implications

The Proposed Plan does not require the Special Master to "consider either the residency of incumbents or potential candidates or other political data, such as party registration statistics or election returns." Order, p. 1. On the contrary, as a "least changes" map, the Proposed Plan is also a "least political" map. It properly defers to the existing district lines, which reflect a negotiated agreement that was the product of the last successful political redistricting process. In doing so, the Proposed Plan properly limits modifications "to those necessary to cure any constitutional or statutory defect," *Upham,* 456 U.S. at 43, thereby avoiding political considerations and judgments. That is the least political approach to redistricting that the Special Master can follow.

For all these reasons, the Proposed Plan is a "least changes" map that fully complies with the Court's Order and applicable law.

III. CONCLUSION

For the reasons discussed above, the Reapportionment Commission Democratic Members respectfully request that the Special Master recommend the Proposed Plan to the Connecticut Supreme Court.

Respectfully submitted,

REAPPORTIONMENT COMMISSION DEMOCRATIC MEMBERS MARTIN LOONEY, BOB DUFF, MATTHEW RITTER, AND JASON ROJAS

BY: */s/ Aaron S. Bayer*
Aaron S. Bayer
Paul Tuchmann
Wiggin and Dana LLP
265 Church Street
P.O. Box 1832
New Haven, CT 06508-1832
(203) 498-4400
abayer@wiggin.com
ptuchmann@wiggin.com
Juris No. 067700

CERTIFICATIONS

The undersigned hereby certifies, pursuant to Practice Book § 67-2A, that:

(1) A copy of the brief and exhibits have been sent electronically to each counsel of record in compliance with § 62-7, except for counsel of record exempt from electronic filing pursuant to § 60-8, to whom a paper copy of the brief and exhibits have been sent; and

(2) The electronically submitted brief and exhibits were delivered electronically to the last known e-mail address of each counsel of record for whom an e-mail address was provided; and

(3) The electronically submitted brief and exhibits and the filed paper brief and exhibits have been redacted or do not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order, or case law, unless the brief is filed pursuant to § 79a-6; and

(4) The brief and exhibits filed with the appellate clerk are true copies of the brief and exhibits that were submitted electronically; and

(A) The brief has a word count of 3,469, it is filed in compliance with the Practice Book, and either no deviations from the guidelines were requested, or none were approved; and

The brief complies with all provisions of this rule.

Maura Murphy Osborne
Michael K. Skold
Office of the Attorney General
165 Capitol Ave, 5th Flr
Hartford, CT 06106
(860) 808-5020
Maura.murphyosborne@ct.gov
Michael.skold@ct.gov

Proloy K. Das
Murtha Cullina LLP
280 Trumbull Street
Hartford, CT 06103
(860) 240-6000
pdas@murthalaw.com

Dated: January 4, 2022

By: */s/ Aaron S. Bayer*
        Aaron S. Bayer

EXHIBIT INDEX

Exhibit 1: Supreme Court's Order of December 23, 2001 Appointing and Directing Special Master

Exhibit 2: Proposed Plan by the Reapportionment Commission Democrats

Exhibit 3: Data File, Proposed Plan by the Reapportionment Commission Democrats (data provided separately in electronic form)

Exhibit 4: Map, Existing Congressional Districts

Exhibit 5: Map, Overlay of Proposed Plan by the Reapportionment Commission Democrats and Existing Congressional Districts

Exhibit 6: Map, Connecticut Voting Age Minority Overview by Town, Black or African American

Exhibit 7: Map, Connecticut Voting Age Minority Overview by Town, Hispanic or Latino

Exhibit 8: Chart, Connecticut Voting Age Minority Overview by Town

Exhibit 9: Description of Methods of Measuring Compactness and Comparison of Measurements of Existing Congressional Districts and Proposed Plan by the Reapportionment Commission Democrats

Exhibit 10: Compactness Report, Current Congressional Districts

Exhibit 11: Compactness Report, Proposed Plan by the Reapportionment Commission

EXHIBIT 1

SUPREME COURT

STATE OF CONNECTICUT

SC 20661[1]

IN RE PETITION OF REAPPORTIONMENT COMMISSION EX REL.

December 23, 2021

Order Appointing and Directing Special Master

It is hereby ordered that Nathaniel Persily is appointed as a Special Master to assist the Court in resolving this matter.

From December 28, 2021, through January 11, 2022, proceedings will be held before Special Master Persily.

Special Master Persily is empowered and charged with the duty to prepare and recommend to the Court a report, including a proposed congressional redistricting map for the state of Connecticut for adoption by the Court, in accordance with the 2020 federal census information, and all applicable laws.

In developing a plan, Special Master Persily shall modify the existing congressional districts only to the extent reasonably required to comply with the following applicable legal requirements:

a. Districts shall be as equal in population as practicable;
b. Districts shall be made of contiguous territory;
c. The plan shall comply with the Voting Rights Act of 1965, as amended, 52 U.S.C. § 10101 et seq., and any other applicable federal law.

In drafting his plan, Special Master Persily shall not consider either residency of incumbents or potential candidates or other political data, such as party registration statistics or election returns.

In no event shall the plan be substantially less compact than the existing congressional districts, and in no event shall the plan substantially violate town lines more than the existing congressional districts.

---

[1] In re Petition of Reapportionment Commission, ex rel. is now docketed as S.C. 20661. All future filings in this matter must be done in S.C. 20661.

By close of business on January 4, 2022, interested parties or filers shall submit to Special Master Persily, by electronically filing in this matter through E-Services, their proposed redistricting maps, accompanied by supporting documentation, data, and briefs. Thereafter, interested parties or filers shall provide any additional material or information requested by Special Master Persily, including revised or supplemental maps. Interested parties or filers that electronically file a document in these proceedings shall provide their names and addresses.

Special Master Persily shall hold a virtual hearing, at which time interested parties or members of the public may present argument. Special Master Persily shall preside over the public hearing and establish the rules for the hearing. All technical support necessary for the hearing will be provided by the Reapportionment Commission and its staff. Notice of the hearing shall be posted on the Connecticut Judicial Branch website. The hearing will be open to the public through live-streamed video on the Connecticut Judicial Branch YouTube Channel.

A representative from the Office of the Secretary of the State shall be present at the public hearing to answer any questions concerning the relationship of the redistricting process to election administration and drawing of precincts.

There shall be no ex parte communication with Special Master Persily, except as expressly provided herein or otherwise authorized by the Court. Special Master Persily shall not have any communication regarding the redistricting proceedings with any person outside the Court or as provided in this Order.

The Reapportionment Commission shall make available to Special Master Persily all materials, technical resources, and expertise utilized by the Commission during its attempt to formulate a plan of redistricting, including but not limited to population data; statistical information; and material submitted to the Commission, including research and information provided to the Commission by any office or agency related to the work of the Commission.

Special Master Persily is authorized to retain or utilize appropriate assistants and experts as may be reasonably necessary for him to timely complete his work.

On or before January 18, 2022, Special Master Persily shall submit to the Court his plan of redistricting and any associated recommendations, along with a census block equivalency file.

On or before January 24, 2022, the Court will accept amicus curiae submissions addressed to the merits of the plan of redistricting and any associated recommendations submitted by Special Master Persily.

On January 27, 2022, a hearing will be held before the Court, at which time the electors who have filed this petition, through counsel, will be afforded an opportunity to present their views regarding the plan of redistricting and any associated recommendation filed with the Court by Special Master Persily.

By February 15, 2022, the Court will file its plan of redistricting with the Office of the Secretary of the State. The final congressional plan of redistricting submitted by the Court will have the full force of law upon publication.

Special Master Persily will submit to the Court, following completion of his work, an itemization of all fees and costs, including those incurred in connection with the employment or retaining of any associated individuals in these proceedings, related to the foregoing Order. All fees and costs incurred in connection with these proceedings shall be borne by the Commission and/or the Legislature. (See Practice Book §§ 84a-4 (c) and 84a-6).

Because this Court is acting pursuant to the mandate of article third, § 6, of the Connecticut constitution, and under the deadline set therein, the work of the Court must begin immediately. While the foregoing proceedings are ongoing, the Commission should continue working to agree on a plan of redistricting, and this Court maintains hope that action by the Commission will be forthcoming. If, at any time during these proceedings, the Commission achieves a consensus, the Commission shall notify the Court and submit such plan of redistricting to the Court for consideration by it and Special Master Persily.

Keller, J., did not participate in the consideration of or the decision on this matter.

By the Court,

_____/s/_____
Carl D. Cicchetti
Chief Clerk
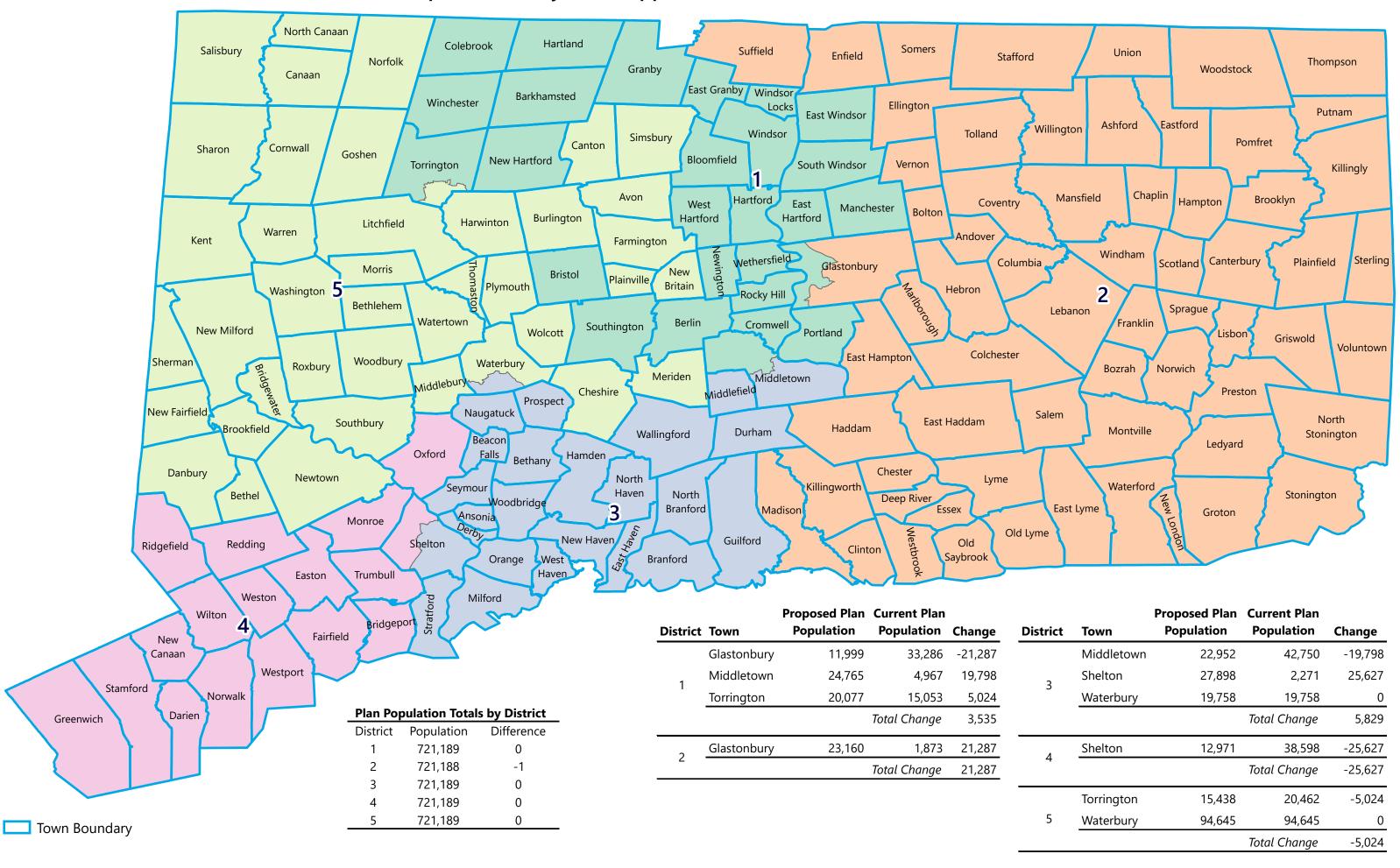
Notice Sent: December 23, 2021
Counsel of Record
Office of the Secretary of the State

210153

EXHIBIT 2

Proposed Plan by the Reapportionment Commission Democrats

Plan Population Totals by District

District	Population	Difference
1	721,189	0
2	721,188	-1
3	721,189	0
4	721,189	0
5	721,189	0

District	Town	Proposed Plan Population	Current Plan Population	Change
1	Glastonbury	11,999	33,286	-21,287
	Middletown	24,765	4,967	19,798
	Torrington	20,077	15,053	5,024
			Total Change	3,535
2	Glastonbury	23,160	1,873	21,287
			Total Change	21,287

District	Town	Proposed Plan Population	Current Plan Population	Change
3	Middletown	22,952	42,750	-19,798
	Shelton	27,898	2,271	25,627
	Waterbury	19,758	19,758	0
			Total Change	5,829
4	Shelton	12,971	38,598	-25,627
			Total Change	-25,627
5	Torrington	15,438	20,462	-5,024
	Waterbury	94,645	94,645	0
			Total Change	-5,024

EXHIBIT 4

Current Congressional Districts (2013 - 2022)

Source: State Supreme Court 02/2012

Town Boundary

EXHIBIT 5

Proposed Plan by the Reapportionment Commission Democrats

Plan Population Totals by District

District	Population	Difference
1	721,189	0
2	721,188	-1
3	721,189	0
4	721,189	0
5	721,189	0

District	Town	Proposed Plan Population	Current Plan Population	Change
1	Glastonbury	11,999	33,286	-21,287
	Middletown	24,765	4,967	19,798
	Torrington	20,077	15,053	5,024
			Total Change	3,535
2	Glastonbury	23,160	1,873	21,287
			Total Change	21,287

District	Town	Proposed Plan Population	Current Plan Population	Change
3	Middletown	22,952	42,750	-19,798
	Shelton	27,898	2,271	25,627
	Waterbury	19,758	19,758	0
			Total Change	5,829
4	Shelton	12,971	38,598	-25,627
			Total Change	-25,627
5	Torrington	15,438	20,462	-5,024
	Waterbury	94,645	94,645	0
			Total Change	-5,024

••••• Current Congressional District Boundary

▭ Town Boundary

EXHIBIT 6

Connecticut Voting Age Diversity Overview by Town

All Black or African American

Voting Age All Black or African American Percent by Congressional District

District	% Voting Age All Black or African American
1	16.6%
2	5.2%
3	15.4%
4	13.1%
5	8.8%

Legend:
- < 5%
- 5% - 10%
- 10% - 20%
- 20% - 30%
- 30% - 55%

Current Congressional District Boundary
Town Boundary

NOTE: Includes all voting age persons who identified themselves as Black or African American in any combination of one or more races.
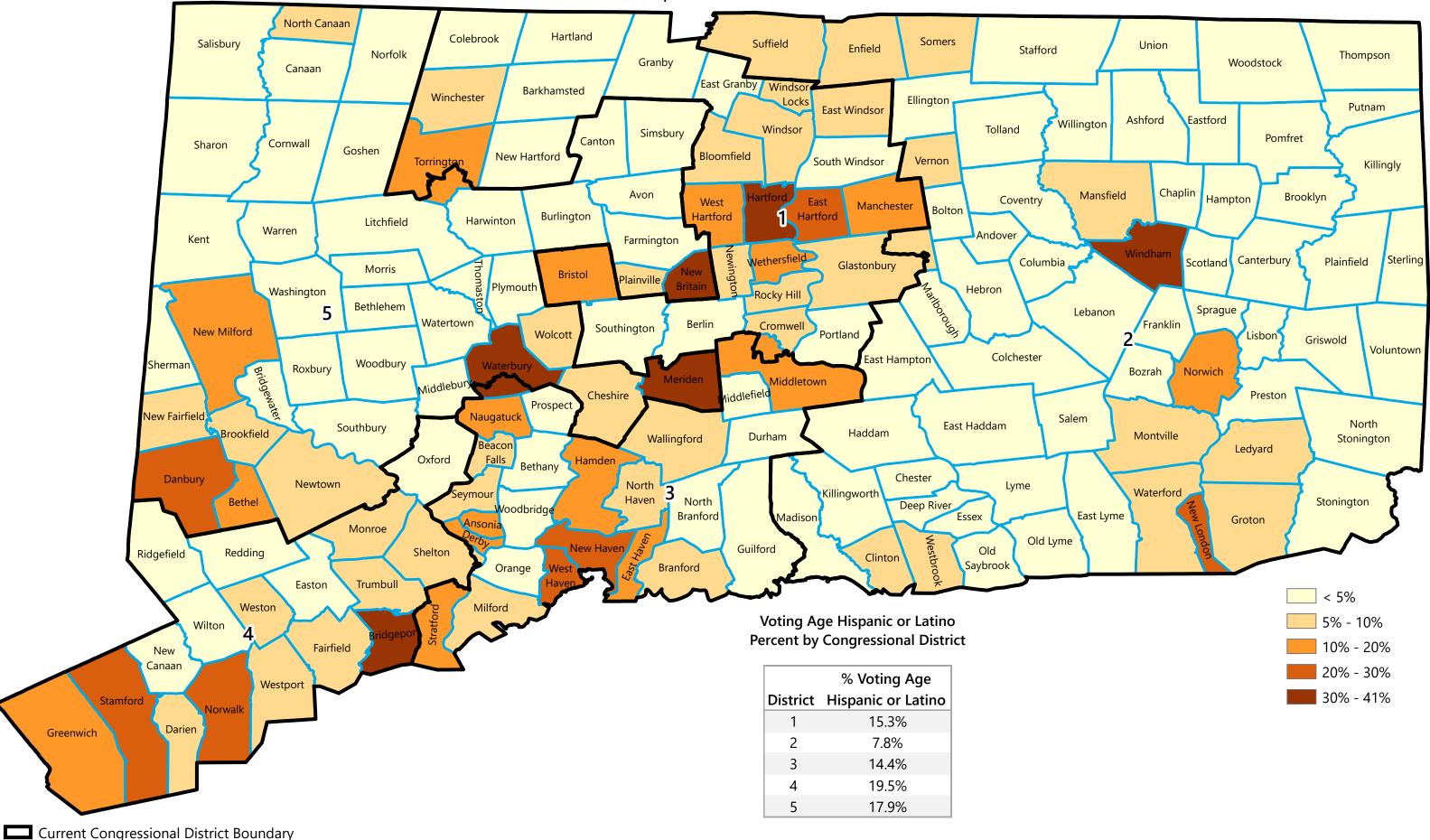
EXHIBIT 7

Connecticut Voting Age Diversity Overview by Town

Hispanic or Latino

Voting Age Hispanic or Latino
Percent by Congressional District

District	% Voting Age Hispanic or Latino
1	15.3%
2	7.8%
3	14.4%
4	19.5%
5	17.9%

Legend:
- < 5%
- 5% - 10%
- 10% - 20%
- 20% - 30%
- 30% - 41%

Current Congressional District Boundary
Town Boundary

EXHIBIT 8

Connecticut Voting Age Diversity Overview by Town

Town	Voting Age Population	Voting Age Hispanic or Latino	% Voting Age Hispanic or Latino	Voting Age All Black or African American	% Voting Age All Black or African American
Andover	2,592	80	3%	52	2%
Ansonia	14,944	2,982	20%	2,206	15%
Ashford	3,426	113	3%	68	2%
Avon	14,584	584	4%	383	3%
Barkhamsted	2,964	56	2%	18	1%
Beacon Falls	4,884	275	6%	126	3%
Berlin	16,467	747	5%	266	2%
Bethany	4,255	130	3%	105	2%
Bethel	15,901	1,715	11%	639	4%
Bethlehem	2,854	63	2%	37	1%
Bloomfield	18,232	1,233	7%	10,043	55%
Bolton	3,902	157	4%	84	2%
Bozrah	2,042	60	3%	54	3%
Branford	24,215	1,311	5%	745	3%
Bridgeport	113,716	44,748	39%	42,667	38%
Bridgewater	1,455	37	3%	18	1%
Bristol	48,804	6,359	13%	3,496	7%
Brookfield	13,824	936	7%	354	3%
Brooklyn	6,739	329	5%	223	3%
Burlington	7,424	258	3%	85	1%
Canaan	898	33	4%	19	2%
Canterbury	4,028	110	3%	66	2%
Canton	7,992	260	3%	154	2%
Chaplin	1,747	87	5%	26	1%
Cheshire	22,743	1,266	6%	1,207	5%
Chester	3,192	98	3%	36	1%
Clinton	10,923	870	8%	205	2%
Colchester	12,291	485	4%	289	2%
Colebrook	1,160	22	2%	15	1%
Columbia	4,328	132	3%	64	1%
Cornwall	1,355	40	3%	17	1%
Coventry	9,763	311	3%	131	1%
Cromwell	11,482	674	6%	634	6%
Danbury	68,248	20,168	30%	6,428	9%
Darien	14,668	797	5%	205	1%
Deep River	3,680	132	4%	67	2%
Derby	9,986	1,771	18%	1,192	12%
Durham	5,704	161	3%	54	1%
East Granby	4,047	173	4%	145	4%

Connecticut Voting Age Diversity Overview by Town

Town	Voting Age Population	Voting Age Hispanic or Latino	% Voting Age Hispanic or Latino	Voting Age All Black or African American	% Voting Age All Black or African American
East Haddam	7,278	222	3%	90	1%
East Hampton	10,180	316	3%	181	2%
East Hartford	39,641	11,821	30%	12,059	30%
East Haven	23,293	3,487	15%	1,308	6%
East Lyme	15,436	711	5%	513	3%
East Windsor	9,356	651	7%	654	7%
Eastford	1,346	39	3%	22	2%
Easton	5,790	289	5%	114	2%
Ellington	12,851	452	4%	389	3%
Enfield	34,582	2,891	8%	2,726	8%
Essex	5,784	177	3%	62	1%
Fairfield	47,703	3,406	7%	1,239	3%
Farmington	21,177	992	5%	821	4%
Franklin	1,531	51	3%	24	2%
Glastonbury	27,436	1,413	5%	869	3%
Goshen	2,607	88	3%	22	1%
Granby	8,552	231	3%	127	1%
Greenwich	47,939	5,654	12%	1,390	3%
Griswold	9,049	342	4%	273	3%
Groton	31,236	3,056	10%	2,512	8%
Guilford	17,617	715	4%	291	2%
Haddam	6,755	183	3%	110	2%
Hamden	50,658	5,608	11%	13,018	26%
Hampton	1,442	34	2%	7	0%
Hartford	93,051	38,477	41%	38,397	41%
Hartland	1,554	23	1%	22	1%
Harwinton	4,371	114	3%	40	1%
Hebron	7,261	219	3%	84	1%
Kent	2,538	110	4%	47	2%
Killingly	14,252	485	3%	354	2%
Killingworth	5,068	142	3%	46	1%
Lebanon	5,773	250	4%	69	1%
Ledyard	11,894	713	6%	575	5%
Lisbon	3,376	110	3%	50	1%
Litchfield	6,859	186	3%	77	1%
Lyme	2,013	44	2%	9	0%
Madison	14,170	418	3%	170	1%
Manchester	47,608	6,861	14%	7,671	16%
Mansfield	23,568	1,882	8%	1,530	6%

Connecticut Voting Age Diversity Overview by Town

Town	Voting Age Population	Voting Age Hispanic or Latino	% Voting Age Hispanic or Latino	Voting Age All Black or African American	% Voting Age All Black or African American
Marlborough	4,867	205	4%	89	2%
Meriden	47,541	15,192	32%	5,891	12%
Middlebury	5,926	209	4%	91	2%
Middlefield	3,486	122	3%	73	2%
Middletown	40,072	4,036	10%	6,242	16%
Milford	43,544	2,895	7%	1,664	4%
Monroe	14,549	975	7%	431	3%
Montville	15,056	1,193	8%	1,156	8%
Morris	1,874	39	2%	18	1%
Naugatuck	24,872	3,135	13%	2,189	9%
New Britain	57,585	22,323	39%	9,818	17%
New Canaan	14,574	685	5%	233	2%
New Fairfield	10,729	765	7%	159	1%
New Hartford	5,413	112	2%	47	1%
New Haven	105,010	28,498	27%	35,313	34%
New London	22,184	6,600	30%	4,634	21%
New Milford	22,380	2,238	10%	726	3%
Newington	24,977	2,449	10%	1,366	5%
Newtown	21,295	1,184	6%	604	3%
Norfolk	1,329	27	2%	14	1%
North Branford	11,085	438	4%	179	2%
North Canaan	2,654	192	7%	40	2%
North Haven	19,771	1,007	5%	869	4%
North Stonington	4,133	110	3%	51	1%
Norwalk	72,682	19,680	27%	10,237	14%
Norwich	31,687	5,020	16%	4,691	15%
Old Lyme	6,283	209	3%	58	1%
Old Saybrook	9,001	370	4%	125	1%
Orange	11,239	452	4%	291	3%
Oxford	10,182	433	4%	153	2%
Plainfield	11,743	501	4%	252	2%
Plainville	14,479	1,317	9%	611	4%
Plymouth	9,619	454	5%	213	2%
Pomfret	3,443	102	3%	66	2%
Portland	7,549	353	5%	224	3%
Preston	3,892	121	3%	92	2%
Prospect	7,583	289	4%	189	2%
Putnam	7,386	314	4%	188	3%
Redding	6,918	287	4%	95	1%

Connecticut Voting Age Diversity Overview by Town

Town	Voting Age Population	Voting Age Hispanic or Latino	% Voting Age Hispanic or Latino	Voting Age All Black or African American	% Voting Age All Black or African American
Ridgefield	18,659	932	5%	300	2%
Rocky Hill	16,891	967	6%	786	5%
Roxbury	1,930	48	2%	23	1%
Salem	3,334	144	4%	90	3%
Salisbury	3,431	138	4%	86	3%
Scotland	1,274	34	3%	13	1%
Seymour	13,486	1,165	9%	679	5%
Sharon	2,338	79	3%	46	2%
Shelton	33,739	2,799	8%	1,681	5%
Sherman	2,925	102	3%	48	2%
Simsbury	18,850	823	4%	533	3%
Somers	8,404	508	6%	614	7%
South Windsor	20,717	1,026	5%	1,058	5%
Southbury	16,530	557	3%	230	1%
Southington	34,800	1,553	4%	748	2%
Sprague	2,324	88	4%	79	3%
Stafford	9,292	287	3%	138	1%
Stamford	108,715	27,527	25%	14,779	14%
Sterling	2,841	74	3%	31	1%
Stonington	15,325	393	3%	258	2%
Stratford	41,976	7,644	18%	8,142	19%
Suffield	12,869	902	7%	1,119	9%
Thomaston	6,083	209	3%	89	1%
Thompson	7,550	169	2%	78	1%
Tolland	11,337	376	3%	245	2%
Torrington	28,966	3,489	12%	1,451	5%
Trumbull	27,767	2,237	8%	1,397	5%
Union	657	16	2%	7	1%
Vernon	24,931	2,219	9%	2,112	8%
Voluntown	2,096	48	2%	19	1%
Wallingford	36,256	3,242	9%	936	3%
Warren	1,106	28	3%	6	1%
Washington	3,033	144	5%	40	1%
Waterbury	86,056	30,304	35%	21,352	25%
Waterford	15,967	1,046	7%	639	4%
Watertown	17,955	896	5%	461	3%
West Hartford	50,732	5,160	10%	4,034	8%
West Haven	45,116	9,264	21%	10,484	23%
Westbrook	5,829	368	6%	126	2%

Connecticut Voting Age Diversity Overview by Town

Town	Voting Age Population	Voting Age Hispanic or Latino	% Voting Age Hispanic or Latino	Voting Age All Black or African American	% Voting Age All Black or African American
Weston	7,470	375	5%	169	2%
Westport	19,943	1,009	5%	412	2%
Wethersfield	21,936	2,379	11%	1,040	5%
Willington	4,698	186	4%	87	2%
Wilton	13,440	579	4%	282	2%
Winchester	8,553	463	5%	232	3%
Windham	19,641	6,996	36%	1,278	7%
Windsor	23,826	2,363	10%	9,110	38%
Windsor Locks	10,389	717	7%	771	7%
Wolcott	13,063	672	5%	428	3%
Woodbridge	6,969	334	5%	269	4%
Woodbury	8,154	330	4%	141	2%
Woodstock	6,412	130	2%	57	1%

EXHIBIT 9

Compactness

The computer software used by the Reapportionment Commission, AutoBound Edge by Citygate GIS, calculates five different measures of compactness, and provides a reference to these measurements at https://fisherzachary.github.io/public/r-output.html. These measures conclude that The Proposed Plan follows the Court's Order that the plan shall not be substantially less compact than the existing congressional districts.

The first compactness measure, Polsby-Popper, is the ratio of the area of a district to the area of a circle whose circumference is equal to the perimeter of the district. Scores fall within the range of 0 to 1, and a score closer to 1 is more compact.[1] In the current plan, the average Polsby-Popper is 0.27; the Proposed Plan's score is one one-hundredth of a point higher at 0.28. Similarly, there are slight differences between the individual districts, with District Five remaining exactly the same (0.23), District Two is lower by 0.02 (0.44 to 0.42), District One is lower by 0.01 (0.18 to 0.17), District Four is higher by 0.01 (0.32 to 0.33), and District Three is higher by 0.03 (0.2 to 0.23).

The Schwartzberg compactness method uses the ratio of the perimeter of the district to the circumference of a circle whose area is equal to the area of the district, with a range of 0 to 1 where scores closer to 1 indicating a more compact district[2]. As

---

[1] Polsby, Daniel D., and Robert D. Popper. 1991. "The Third Criterion: Compactness as a procedural safeguard against partisan gerrymandering." Yale Law & Policy Review 9 (2): 301–353.

[2] Schwartzberg, Joseph E. 1965. "Reapportionment, gerrymanders, and the notion of compactness". In: Minn. L. Rev. 50, 443.

with Polsby-Popper, the average Schwartzberg score in the Proposed Plan is one one-hundredth of a point better than the existing plan (0.51 to 0.52). District Five has no changes to the score (0.48), while Districts One (0.42 to 0.41) and Two (0.66 to 0.65) decrease 0.01 each, District Four increases 0.01 (0.57 to 0.58) and District Three increases 0.03 (0.45 to 0.48).

The next compactness score AutoBound Edge calculates is Reock Score, which is the area of the district to the area of a minimum bounding circle that encloses the district. Scores range from 0 to 1, where the higher the number, the more compact the district[3]. The average Reock score for the Proposed Plan is 0.45, which is the same score as the existing congressional districts. Both Districts Three (0.36) and Five (0.54) have no change to their Reock score; Districts One (0.44 to 0.43) and Four (0.33 to 0.32) see a 0.01 decrease in their scores. District Two increases in compactness by 0.01 (0.57 to 0.58).

The Length-Width Ratio compactness calculation is the ratio of the length to the width of the minimum bounding rectangle, with scores closer to 1 being more compact[4]. The average Length-Width ratio for the Proposed Plan is 0.02 less compact than the existing districts (1.28 to 1.30). Districts One (1.48), Two (1.26), and Five (1.09) have the same Length-Width Ratio as the current plan. District Four has an improved compactness of 0.01 (1.22 to 1.21), while District Three has a decrease of 0.12 (1.34 to 1.46).

[3] Reock, Ernest C. 1961. "A note: Measuring compactness as a requirement of legislative apportionment." Midwest Journal of Political Science 1(5), 70–74.
[4] Harris, Curtis C (1964): "A scientific method of districting". In: Behavioral Science, no. 3, vol. 9, pp. 219–225.

Convex Hull is the final compactness measure calculated by the software. This measure produces a score between 0 and 1, with scores closer to 1 being more compact. The formula is a ratio of the area of the district to the area of the minimum convex shape that completely encloses the district.[5] This measure gives a 0.01 higher average score to the Proposed Plan (0.74) compared to the existing districts (0.73). Districts Four (0.7) and Five (0.75) have identical scores between the two plans. District One (0.67 to 0.66) is the only district with a decreased score of 0.01. District Two has a higher score of 0.01 (0.84 to 0.85), while District Three's compactness score increases 0.04 points by this measure (0.68 to 0.72).
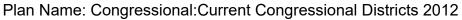
Based on five different compactness measures, the scores show very little change in compactness; the average compactness score increases in three measures by 0.01, is the same in a fourth measure, and is lower in the fifth measure by 0.02. These measures show that the Proposed Plan is not "substantially less compact than the existing congressional districts", consistent with the Order. The slight changes to equalize population only within four towns which are already cut clearly do not impact compactness.

---

[5] Niemi, Richard G., Bernard Grofman, Carl Carlucci, and Thomas Hofeller. 1990. "Measuring compactness and the role of a compactness standard in a test for partisan and racial gerrymandering." The Journal of Politics 52 (4): 1155-1181.

Proposed Plan					
District	Polsby-Popper	Schwartzberg	Reock	Length-Width	Convex Hull
1	0.17	0.41	0.43	1.48	0.66
2	0.42	0.65	0.58	1.26	0.85
3	0.23	0.48	0.36	1.46	0.72
4	0.33	0.58	0.32	1.21	0.70
5	0.23	0.48	0.54	1.09	0.75
Average	**0.28**	**0.52**	**0.45**	**1.30**	**0.74**

Current Congressional Districts					
District	Polsby-Popper	Schwartzberg	Reock	Length-Width	Convex Hull
1	0.18	0.42	0.44	1.48	0.67
2	0.44	0.66	0.57	1.26	0.84
3	0.20	0.45	0.36	1.34	0.68
4	0.32	0.57	0.33	1.22	0.70
5	0.23	0.48	0.54	1.09	0.75
Average	**0.27**	**0.51**	**0.45**	**1.28**	**0.73**

EXHIBIT 10

Autobound EDGE - Compactness Report

Plan Name: Congressional:Current Congressional Districts 2012

Compactness measure: Polsby–Popper

District	District Area (SQM)	Perimeter (Miles)	Area of Circle with Same Perimeter	Perimeter of Circle with Same Area	Compactness Value
1	695	223	3,953	93	0.18
2	2,103	245	4,790	163	0.44
3	497	177	2,493	79	0.20
4	544	145	1,684	83	0.32
5	1,282	267	5,666	127	0.23

Most Compact: 0.44 For District: 2

Least Compact: 0.18 For District: 1

Compactness measure: Schwartzberg

District	District Area (SQM)	Perimeter (Miles)	Area of Circle with Same Perimeter	Perimeter of Circle with Same Area	Compactness Value
1	695	223	3,953	93	0.42
2	2,103	245	4,790	163	0.66
3	497	177	2,493	79	0.45
4	544	145	1,684	83	0.57
5	1,282	267	5,666	127	0.48

Most Compact: 0.66 For District: 2

Least Compact: 0.42 For District: 1

Compactness measure: Reock Score

District	District Area (SQM)	Perimeter (Miles)	Area of Circle with Same Perimeter	Perimeter of Circle with Same Area	Compactness Value
1	695	223	3,953	93	0.44
2	2,103	245	4,790	163	0.57
3	497	177	2,493	79	0.36
4	544	145	1,684	83	0.33
5	1,282	267	5,666	127	0.54

Most Compact: 0.57 For District: 2

Least Compact: 0.33 For District: 4

Compactness measure: Length-Width

District	District Area (SQM)	Perimeter (Miles)	Area of Circle with Same Perimeter	Perimeter of Circle with Same Area	Compactness Value
1	695	223	3,953	93	1.48
2	2,103	245	4,790	163	1.26
3	497	177	2,493	79	1.34
4	544	145	1,684	83	1.22
5	1,282	267	5,666	127	1.09

Most Compact: 1.48 For District: 1

Least Compact: 1.09 For District: 5

Compactness measure: Convex Hull

District	District Area (SQM)	Perimeter (Miles)	Area of Circle with Same Perimeter	Perimeter of Circle with Same Area	Compactness Value

Autobound EDGE - Compactness Report

Plan Name: Congressional:Current Congressional Districts 2012

[For more information on compactness calculations Click Here](#)

1	695	223	3,953	93	0.67
2	2,103	245	4,790	163	0.84
3	497	177	2,493	79	0.68
4	544	145	1,684	83	0.70
5	1,282	267	5,666	127	0.75

Most Compact: 0.84 For District: 2
Least Compact: 0.67 For District: 1

EXHIBIT 11

Autobound EDGE - Compactness Report

Plan Name: Congressional: The Proposed Plan of the Reapportionment Commission Democrats

Compactness measure: Polsby–Popper

District	District Area (SQM)	Perimeter (Miles)	Area of Circle with Same Perimeter	Perimeter of Circle with Same Area	Compactness Value
1	678	225	4,031	92	0.17
2	2,135	251	5,028	164	0.42
3	500	166	2,197	79	0.23
4	527	141	1,592	81	0.33
5	1,280	265	5,599	127	0.23

Most Compact: 0.42 For District: 2

Least Compact: 0.17 For District: 1

Compactness measure: Schwartzberg

District	District Area (SQM)	Perimeter (Miles)	Area of Circle with Same Perimeter	Perimeter of Circle with Same Area	Compactness Value
1	678	225	4,031	92	0.41
2	2,135	251	5,028	164	0.65
3	500	166	2,197	79	0.48
4	527	141	1,592	81	0.58
5	1,280	265	5,599	127	0.48

Most Compact: 0.65 For District: 2

Least Compact: 0.41 For District: 1

Compactness measure: Reock Score

District	District Area (SQM)	Perimeter (Miles)	Area of Circle with Same Perimeter	Perimeter of Circle with Same Area	Compactness Value
1	678	225	4,031	92	0.43
2	2,135	251	5,028	164	0.58
3	500	166	2,197	79	0.36
4	527	141	1,592	81	0.32
5	1,280	265	5,599	127	0.54

Most Compact: 0.58 For District: 2

Least Compact: 0.32 For District: 4

Compactness measure: Length-Width

District	District Area (SQM)	Perimeter (Miles)	Area of Circle with Same Perimeter	Perimeter of Circle with Same Area	Compactness Value
1	678	225	4,031	92	1.48
2	2,135	251	5,028	164	1.26
3	500	166	2,197	79	1.46
4	527	141	1,592	81	1.21
5	1,280	265	5,599	127	1.09

Most Compact: 1.48 For District: 1

Least Compact: 1.09 For District: 5

Compactness measure: Convex Hull

District	District Area (SQM)	Perimeter (Miles)	Area of Circle with Same Perimeter	Perimeter of Circle with Same Area	Compactness Value

Plan Name: Congressional: The Proposed Plan of the Reapportionment
Commission Democrats

1	678	225	4,031	92	0.66
2	2,135	251	5,028	164	0.85
3	500	166	2,197	79	0.72
4	527	141	1,592	81	0.70
5	1,280	265	5,599	127	0.75

Most Compact: 0.85 For District: 2
Least Compact: 0.66 For District: 1