

**STATE OF CONNECTICUT
SUPREME COURT**

**PETITION OF REAPPORTIONMENT
COMMISSION, EX REL.**

**KEVIN KELLY (CO-CHAIR)
MARTIN LOONEY
BOB DUFF
PAUL FORMICA
MATTHEW RITTER (CO-CHAIR)
VINCENT CANDELORA
JASON ROJAS
JASON PERILLO
JOHN McKINNEY**

DECEMBER 2, 2021

**PETITION TO REMAND TO THE REAPPORTIONMENT COMMISSION PURSUANT TO
ARTICLE THIRD, § 6 OF THE CONNECTICUT CONSTITUTION**

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 (“Commission”) hereby petition this Court to grant them until December 21, 2021, 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, the members of the Commission represent as follows:

I. BRIEF HISTORY OF THE CASE

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. In accordance with those provisions, the Governor appointed the Commission to devise a reapportionment plan in accordance with the 2020 census data.

3. The Commission members are: Kevin Kelly, Co-Chair, Martin Looney, Bob Duff, Paul Formica, Matthew Ritter, Co-Chair, Vincent Candelora, Jason Rojas, Jason Perillo and John McKinney.

II. SPECIFIC FACTS RELIED UPON

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

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, 2021.

6. By statute, the deadline for the federal government to send census data to the states was April 1. Due to delays in counting and processing the census data, however, the federal government did not release the census data to the states until August 12, 2021.

7. In addition to the difficulties caused by the delayed release of census data, in this reapportionment cycle the Commission implemented the new population counting methods for prisoners required by Public Act 21-13.

8. Although the Commission timely submitted a districting plan for state House and Senate seats, it was unable to submit a congressional districting plan by November 30, 2021. The Secretary of the State has certified that fact to the Chief Justice.

III. LEGAL GROUNDS RELIED UPON

9. 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:

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 added)

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

IV. RELIEF REQUESTED

10. 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, 2021. The Court granted the Commission similar relief in 2001 and 2011 when the Commission was similarly unable to meet the deadline for reapportioning the state's congressional districts. The Court's prior orders of remand included the following sentence: "This Court may request an appropriate interim report." See Exhibit A hereto. Petitioners suggest that the Court include similar language as part of its order in this case.

11. If this petition is granted, the Commission shall endeavor to submit a plan of districting to the Secretary of the State by December 21, 2021. No plan shall be submitted to the Secretary of the State unless it is certified by at least five members of the 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.

12. If the 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 such other 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, 2021.

MEMBERS OF THE REAPPORTIONMENT
COMMISSION

WILLIAM TONG
ATORNEY GENERAL

BY: /s/ Maura Murphy Osborne

Maura Murphy Osborne
Assistant Attorney General
Juris No. 423915
Maura.murphyosborne@ct.gov
Michael K. Skold
Assistant Attorney General
Juris No. 431228
Michael.skold@ct.gov
Office of the Attorney General
165 Capitol Ave
Hartford, CT 06106
Tel. (860) 808-5020

CERTIFICATION OF FORMAT AND SERVICE

I hereby certify that this petition complies with all applicable Rules of Appellate Procedure, that it does not contain any names or other personal identifying information that is prohibited from disclosure, and that there are no other parties or counsel of record to whom a copy of this petition should be provided.

/s/ Michael K. Skold
Michael K. Skold
Assistant Attorney General
Juris No. 431228
Office of the Attorney General
55 Elm Street
Hartford, CT 06141
Tel.: (860) 808-5020
Fax: (860) 808-5347
Email: Michael.Skold@ct.gov

EXHIBIT A

A
SUPREME COURT
A

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