

SUPREME COURT
OF THE STATE OF CONNECTICUT

SC 20661

IN RE PETITION OF REAPPORTIONMENT
COMMISSION, EX. REL.

REPORT AND PLAN OF
THE SPECIAL MASTER

January 18, 2022

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THE SUPREME COURT
OF THE STATE OF CONNECTICUT
IN RE REAPPORTIONMENT COMMISSION EX. REL.

NO. SC 20661.

**REPORT AND PLAN OF THE
SPECIAL MASTER**

By order dated December 23, 2021, this Court appointed me as Special Master in the above captioned matter. In its order, this Court directed me “to prepare and recommend to the Court a report, including a proposed congressional redistricting plan for adoption by the Court for the State of Connecticut, in accordance with the 2020 federal census . . . and all applicable laws.” *See Order Appointing and Directing Special Master, In re Petition of Reapportionment Commission Ex Rel*, Conn. Supreme Court, HHD-CV-210000000-S (December 23, 2021) at Appendix A.

Contained herein is my report and proposed redistricting plan. Exhibit 1 presents a statewide map and district maps showing the five congressional districts comprising the Special Master’s Plan. Exhibit 2 highlights the Plan’s proposed changes to the boundaries from the existing congressional districts. Exhibit 3 presents demographic and population data for each proposed district and existing district, according to the U.S. Census P.L. 94-171 data file, as well as similar data for the Democratic and Republican plans. Exhibit 4 presents maps of the towns split in the existing districts, the Special Master’s Plan, the Republican Plan, and the Democratic Plan. Exhibit 5 overlays the recently passed state legislative district lines onto the Special Master’s Plan, the Republican Plan, and the

Democratic Plan. Exhibit 6 compares the existing districts, the Special Master's Plan, the Democratic Plan, and the Republican Plan according to various measures of compactness. Exhibit 7 provides the images and data for the Special Master's Alternative Plan. Exhibit 8 provides, for comparison, maps of the existing congressional districts.

Documents issued by the Court or submitted to the Special Master are presented in the Appendix. Appendix A contains the Order Appointing me as Special Master. Appendix B presents the notice for the public hearing held on January 10, 2022. Appendix C presents the Corrected Republican Brief. Appendix D presents the Democrats' Brief. Appendix E presents the Republican Reply Brief. Appendix F presents the Democrats' Reply Brief. Appendix G presents maps and a town list submitted by Benjamin Proto. Appendix H presents maps and testimony submitted by Ryan Scala.

I. The Court's Order of December 23, 2021

The Court's December 23rd order directed me to fashion a congressional redistricting plan for the state to be submitted to the Court on or before January 18, 2022. It ordered me to hold proceedings at some point between December 28, 2021, and January 11, 2022, and ordered interested parties to submit, through electronic filing by January 4, 2022, "their proposed redistricting maps, accompanied by supporting documentation, data and briefs." The Order also prohibited *ex parte* communication with me.

The Court's Order was specific as to the criteria to govern the formulation of the Special Master's Plan. It did not authorize me to formulate a plan that I considered the

“best” or “fairest” for Connecticut or to take account of any number of districting principles that the Commission or a state legislature might consider in formulating its plan.

On the contrary, the Order directed:

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.

I interpreted these directions as requiring me, first and foremost, to bring the existing districts into compliance with the law. Given the plans they submitted, the Republican and Democratic Commissioners appeared to share this understanding of the Court’s order. Of course, some disagreed with the Court’s order and the specified criteria, and would urge the Court to reconsider a “least change” approach, in favor of a “good government” approach – one that would maximize compactness, represent communities of interest, or promote competition. Such arguments are proper for the Legislature, the Commission, or the Court itself to consider, not a Special Master operating under specific constraints that the Court has set.

Nevertheless, as will become clear in the discussion of the Special Master's Recommended Plan and the Special Master's Alternative Plan, there are several different potential plans that might comply with the Court's order. Even if changes are only made in towns that districts already split, many different configurations of those splits would remedy the legal infirmity in the underlying plan. Although the Special Master's Recommended Plan moves the fewest people possible while not splitting or moving any additional towns between districts, were the Court motivated to move slightly more people out of their current districts in the interest of uniting a town and nearly uniting a second, that option is provided in the Special Master's Alternative Plan.

II. Applicable Law

Because Connecticut law does not provide for additional legal requirements for congressional redistricting beyond those required by federal law, the relevant sections of the U.S. Constitution and the Voting Rights Act are the only legal requirements constraining the Special Master's Plan. The Court's December 23rd order recognizes this as well. In particular, the Court required that the Special Master's Plan be comprised of five districts of contiguous territory that are "as equal in population as is practicable" and that comply with the Voting Rights Act and applicable federal law.

A. Equal Population Requirement

The constitutional requirement of equal population is particularly strict for congressional redistricting plans. That already strict requirement is even stricter for court-

drawn congressional plans. As such, the Special Master's Plan attempts to draw districts that are as equal as possible, with no more than a one-person deviation between districts.

The U.S. Supreme Court has read Article I, § 2 of the U.S. Constitution to require a strict rule of population equality for congressional districts. Specifically, congressional districts must be "as equal as is practicable," *Reynolds v. Sims*, 377 U.S. 533, 577 (1964); *Wesberry v. Sanders*, 376 U.S. 1, 7-8 (1964), meaning that "the State make a good-faith effort to achieve precise mathematical equality." *Kirkpatrick v. Preisler*, 394 U.S. 526, 530-531 (1969). For congressional plans, population deviations even well under one percent have been rejected by the U.S. Supreme Court as violative of the one person, one vote rule. *See Karcher v. Daggett*, 462 U.S. 725, 730-31 (1983). To the extent courts might allow for some deviations from strict equality among legislatively drawn plans based on a consistently applied state policy, *see id.*; *Tennant v. Jefferson County*, 567 U.S. 758 (2012), the U.S. Supreme Court has warned that court-drawn plans must be held to an even higher standard of equality. *See Chapman v. Meier*, 420 U.S. 1, 26 (1975) ("A court-ordered plan, however, must be held to higher standards than a State's own plan.").

As the Court implied in its December 23rd Order, Connecticut's existing district lines are malapportioned and in violation of one person, one vote. The total population for Connecticut, as revealed in the 2020 census, is 3,605,944 people. Dividing that number by five, a zero-deviation district would contain 721,188.8 people. Given that people cannot be divided, this translates into four districts with 721,189 people and one district with 721,188 people.

Each district needs to be altered to achieve population equality, although some districts need to lose and others need to gain population. In particular, population must be moved from District 4, which is 3.55% overpopulated, to District 2, which is 2.95% underpopulated. Because those two districts do not share a border, population necessarily must be “passed through” other districts to achieve compliance with one person, one vote. Moreover, although Districts 1, 3, and 5 deviate from perfect population equality by less than one percent, they need to be altered both to accomplish this “passthrough” and to make the necessary minor changes to create a zero deviation plan. Tables 1 and 2, below, display the population deviations of the existing districts, the Special Master’s Plan and Alternative Plan, and the plans submitted by the Republican and Democratic members of the Redistricting Commission.

Table 1. Population Deviations in 2011 Districts According to 2020 Census

	Population	Deviation from Population Equality	Percent Deviation
District 1	717,654	-3,535	-4.9
District 2	699,901	-21,288	-3.0
District 3	715,360	-5,829	-0.8
District 4	746,816	25,627	3.6
District 5	726,213	5,024	0.7

Table 2. Population Deviations in Special Master’s Plans and Submitted Plans

District	Existing	Master Recommended	Master Alternative	Democratic	Republican
1	-3535	0	+1	0	-1
2	-21288	-1	-1	-1	+1
3	-5829	0	0	0	0
4	+25627	0	0	0	0
5	+5024	0	-1	0	-1

B. The Voting Rights Act

Section 2 of the Voting Rights Act, 42 U.S.C. § 1973 (2011), places certain constraints on every redistricting process. Specifically, the law prohibits race-based vote dilution in which a districting plan either overconcentrates (“packs”) or excessively disperses (“cracks”) racial or language minorities. Section 2 of the VRA provides:

(a) No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, or in contravention of the guarantees set forth in section 1973b(f)(2) of this title, as provided in subsection (b) of this section.

(b) A violation of subsection (a) of this section is established if, based on the totality of 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. The extent to which members of a protected class have been elected to office in the State or political

subdivision is one circumstance which may be considered: Provided, That nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population.

42 U.S.C. § 1973 (2011). The U.S. Supreme Court has clarified the criteria for proving illegal vote dilution under section 2. In particular, it has required, as a threshold matter, that plaintiffs demonstrate the so-called *Gingles* prongs. See *Thornburg v. Gingles*, 478 U.S. 30, 50 (1986).

Gingles and its progeny limit section 2 lawsuits to situations in which (1) the “minority group is sufficiently large and geographically compact to constitute a majority” in a single-member district; (2) the minority group is politically cohesive; and (3) the majority votes “sufficiently as a bloc to enable it—in the absence of special circumstances . . . —usually to defeat the minority’s preferred candidate.” *Id.*, 478 U.S. at 51.

The U.S. Supreme Court made clear that *Gingles*’s first prong requires plaintiffs seeking a section 2 VRA district to demonstrate that the minority group in question can constitute over fifty percent of the relevant population in a potential single-member district. See *Bartlett v. Strickland*, 556 U.S. 1, 20 (2009). Although the Court may have been ambiguous as to the appropriate denominator from which to estimate the minority composition of a potential single-member district, the *majority*-minority requirement was made clear. See *id.* at 18 (“the majority-minority rule relies on an objective, numerical test: Do minorities make up more than [fifty] percent of the voting-age population in the relevant geographic area? That rule provides straightforward guidance to courts and to those officials charged with drawing district lines to comply with § 2.”); *id.* at 19 (“It

remains the rule, however, that a party asserting § 2 liability must show by a preponderance of the evidence that the minority population in the potential election district is greater than 50 percent.”).

It is not possible to draw a compact congressional district for Connecticut in which a racial or language minority group would comprise 50 percent of the voting age population. According to the 2020 Census, there are 2,869,227 people of voting age in Connecticut. The racial breakdown of the state, according to the categories released by the census, is presented in Table 3 below. The numbers and percentages exceed the total because of individuals who check off more than one race. The data are presented in the light most maximizing of each minority group, as required by the Guidelines of the Office of Management and Budget and the Department of Justice. *See* Office of Mgmt. & Budget, Exec. Office of the President, OMB Bull. No. 00-02, Guidance on Aggregation and Allocation of Data on Race for Use in Civil Rights Monitoring and Enforcement (2000) [hereinafter OMB Bull. No. 00-02], available at https://obamawhitehouse.archives.gov/omb/bulletins_b00-02/; Department of Justice, Guidance Concerning Redistricting and Retrogression Under Section 5 of the Voting Rights Act, 42 U.S.C. 1973c; 66 Federal Register 5412-5414 (January 18, 2001).

Table 3. Racial Breakdown of Connecticut's Voting Population

Racial Group	Voting Age Population (VAP)	Percentage of Total VAP
Non-Hispanic White	1,913,793	66.70%
Hispanic	430,695	15.01%
Black	339,200	11.82%
Asian	150,724	5.25%
American Indian or Alaska Native	44,697	1.56%
Native Hawaiian or Other Pacific Islander	4,294	0.15%
Some Other Race	378,946	13.21%
Total	2,869,227	

Although it would be theoretically possible to create a majority-minority district given the racial distributions above, the geographic dispersion of the minority population makes a compact majority-minority district impossible. Racial minorities are not geographically concentrated enough so as to comprise fifty percent of the voting age population, let alone the citizen voting age population, of a potential congressional district. The racial breakdown of the voting age population of each district in the Special Master's Plan is presented in below and a comparison with the principal plans submitted is presented in Exhibit 3.

**Table 4. Racial Breakdown of Voting Age Population (VAP) in
Special Master's Plan**

Special Master's Recommended Plan								
District	VAP	% NHWVAP	% HVAP	% BVAP	% AVAP	% IVAP	% PVAP	% OVAP
1	575609	60.89%	15.50%	16.92%	6.24%	1.51%	0.15%	13.25%
2	585785	80.57%	7.74%	5.15%	4.38%	2.06%	0.19%	6.97%
3	583771	64.69%	14.31%	14.94%	5.32%	1.47%	0.14%	12.03%
4	555195	59.53%	19.86%	13.40%	6.15%	1.23%	0.13%	17.98%
5	568867	67.36%	17.99%	8.79%	4.21%	1.50%	0.15%	16.14%

VAP = Voting Age Population

NHWVAP = Non-Hispanic White Voting Age Population

HVAP = Hispanic Voting Age Population

BVAP = Black Voting Age Population

AVAP = Asian Voting Age Population

IVAP = American Indian or Alaska Native Voting Age Population

PVAP = Native Hawaiian or other Pacific Islander Voting Age Population

OVAP = Some Other Race Voting Age Population

C. Additional Requirements of the Court's December 23rd Order

In addition to the requirements of federal law, the Court has placed other constraints on the Special Master's Plan. In particular, the Special Master's Plan must be made of contiguous districts that are not substantially less compact or substantially more violative of town lines than the existing congressional districts. Finally, the Special

Master's Plan was not to consider incumbent or candidate residency or other political data, such as party registration statistics or election returns.

1. Contiguity

The requirement that the districts be made of contiguous territory does not present much of an obstacle. The requirement merely means that all parts of the district must be connected together by either land or water. The existing congressional districts are contiguous according to this requirement. The one issue concerns the treatment of a small, unpopulated island (Tuxis Island) in Long Island Sound which is off the coast of Madison. The existing congressional districts, as well as both proposals received by the Special Master and the Special Master's Plan, do not assign the water blocks of most of Long Island Sound to districts. As such, Tuxis Island, which is assigned to District 2, is not technically connected to the rest of the district because the water between it and District 2 is not assigned to any district. The discontinuity appears below, as well as a satellite image of Tuxis Island. If, for some reason, the Court would prefer the adjoining water blocks to be assigned to District 2 to avoid this discontinuity, it can be easily done. The Special Master's Plan leaves the water blocks largely as they are under the current plan, because including them would then provide misleading statistics and comparisons as to compactness and other evaluations of the plans. It only adds a new water block from the Long Island Sound if one of the parties did so as well in their submitted plans. These minor discrepancies sometimes result from different parties using different mapping software. If there is disagreement as to which water blocks should be included in the plan, such edits could be easily included in a final court-approved plan.

Figure A. Water Contiguity in District 2



2. Compactness

Compactness is an aesthetic and geometric quality of districts. District shape can be evaluated according to the “eyeball test,” as well as any number of mathematical measures of compactness. Many different compactness measures have been used in the redistricting process. See Kurtis A. Kemper, *Application of Constitutional “Compactness Requirement” to Redistricting*, 114 ALR 5th 311 (2003) (comparing different courts’ treatment of state law compactness requirements). The Special Master’s Report, at Exhibit 6, presents evaluations of the existing districts, proposed plans and the Special Master’s Plan according to the measures of compactness included with the redistricting software (Maptitude for Redistricting) used to formulate the Special Master’s Plan. That guide describes the measures as follows:

- **Reock** – an area-based measure that compares each district to a circle, which is considered to be the most compact shape possible. The measure is always between 0 and 1, with 1 being the most compact.
- **Schwartzberg** – a perimeter-based measure that compares a simplified version of each district to a circle. The measure is usually greater than or equal to 1, with 1 being the most compact.
- **Alternate Schwartzberg** -- For each district, this Schwartzberg test computes the ratio of the perimeter of the district to the perimeter of a circle with the same area as the district. This measure is always greater than or equal to 1, with 1 being the most compact. The alternate Schwartzberg test computes one number for each district and the minimum, maximum, mean and standard deviation for the plan
- **Perimeter** – a test that lets you compare plans where the plan with the smallest perimeter is the most compact. The Perimeter test computes one number for the whole plan. If you are comparing several plans, the plan with the smallest total perimeter is the most compact.
- **Polsby-Popper** – a measure of the ratio of the district area to the area of a circle with the same perimeter. The measure is always between 0 and 1, with 1 being the most compact.

- **Length-Width** – computes the absolute difference between the width (east-west) and the height (north-south) of each district. A lower number indicates better length-width compactness.
- **Population Polygon** – computes the ratio of the district population to the approximate population of the convex hull of the district (minimum convex polygon which completely contains the district). The measure is always between 0 and 1, with 1 being the most compact.
- **Minimum Convex Polygon** – similar to the Population Polygon, but without regard to population within the areas. The measure is always between 0 and 1, with 1 being the most compact.
- **Population Circle** – computes the ratio of the district population to the approximate population of the minimum enclosing circle of the district. The measure is always between 0 and 1, with 1 being the most compact.
- **Ehrenburg** – computes the ratio of the largest inscribed circle divided by the area of the district. The measure is always between 0 and 1, with 1 being the most compact.

Caliper Mapping and Transportation Glossary, What Are Measures of Compactness?, at <https://www.caliper.com/glossary/what-are-measures-of-compactness.htm> (internal citations deleted).

A compactness analysis of the existing districts and the Special Master’s Plan is provided below. By providing these measures, I do not mean to urge for their adoption either individually or collectively. Rather, only if proposed districts look comparatively non-compact to the naked eye should such measures be used to bolster such concerns. Moreover, compactness should be treated as a functional concept, such that more than just the shapes of districts ought to factor into the compactness evaluation. For example, bizarrely shaped districts may be more functionally compact than circular or square ones given the patterns of residential settlement, the existence of transportation networks, or commonality of interests. *Cf. LULAC v. Perry*, 548 U.S. 399, 434 (2006) (“Compactness is, therefore, about more than ‘style points.’”). In particular, constructing districts along clear transportation corridors, such as major roads, or topographic features, such as a river,

may create an odd shape but be more coherent to the population that experiences such boundaries on a daily basis.

Table 5. Comparison of Compactness Scores

Special Master's Plan									Existing Plan								
District	R	S	Perim	PP	LW	Poly	Cir	E	District	R	S	Perim	PP	LW	Poly	Cir	E
1	0.43	2.37	224.34	0.17	3.74	0.71	0.52	0.2	1	0.44	2.32	222.84	0.18	3.79	0.71	0.52	0.18
2	0.57	1.48	253.84	0.42	3.15	0.58	0.42	0.55	2	0.56	1.45	245.16	0.44	3.15	0.57	0.41	0.52
3	0.36	1.88	162.25	0.24	3.22	0.84	0.57	0.29	3	0.36	2.09	177.32	0.2	0.35	0.79	0.57	0.3
4	0.32	1.68	141.04	0.33	3.27	0.85	0.58	0.24	4	0.33	1.71	145.36	0.32	3.00	0.81	0.6	0.23
5	0.51	2.04	264.25	0.23	9.21	0.71	0.51	0.35	5	0.51	2.06	266.93	0.23	9.23	0.71	0.51	0.35
Sum	N/A	N/A	1045.7	N/A	N/A	N/A	N/A	N/A	Sum	N/A	N/A	1057.6	N/A	N/A	N/A	N/A	N/A
Min	0.32	1.48	N/A	0.17	3.15	0.58	0.42	0.2	Min	0.33	1.45	N/A	0.18	0.35	0.57	0.41	0.18
Max	0.57	2.37	N/A	0.42	9.21	0.85	0.58	0.55	Max	0.56	2.32	N/A	0.44	9.23	0.81	0.6	0.52
Mean	0.44	1.89	N/A	0.28	4.52	0.74	0.52	0.33	Mean	0.44	1.92	N/A	0.27	3.9	0.72	0.52	0.32
SD	0.1	0.34	N/A	0.1	2.63	0.11	0.06	0.14	SD	0.1	0.34	N/A	0.11	3.26	0.1	0.07	0.13

Nothing in the Special Master’s Plan should be taken as blessing the non-compact features of the existing districts, however. What has now become known as the “lobster claw” resulting from the interlocking shapes of Districts 1 and 5 is undoubtedly a non-compact feature of the existing districts with a well-known political pedigree. As with town splits, discussed below, a more compact redistricting plan could easily be drawn that would eliminate these features. Doing so, however, would go well beyond the mandate issued by this Court, require adoption of additional principles as to which towns “fit” with each other, and might involve moving hundreds of thousands of people out of their current districts. This Court did not order me to create the most compact plan possible but rather to avoid a plan that was “substantially less compact than the existing districts.”

3. Avoiding Splits of Additional Towns

Avoiding additional violations of town lines represents a much more straightforward requirement. According to the Court's Order, the Special Master's Plan cannot break up a greater number of towns than the existing districts unless the law requires it. Under the existing plan and the Special Master's Plan, the following five towns are split: Glastonbury, Middletown, Shelton, Torrington, and Waterbury. Because population equality can be achieved by reallocating population within those towns, no new towns need to be split.

The issue of minimization of split towns, however, became a central concern the parties voiced in their submissions and oral argument. Even working within the framework of currently split towns, an additional town can be united without also splitting any other towns. Torrington, currently split between Districts 1 and 5, can be united without requiring a split of additional towns. Indeed, an initial draft of the Special Master's Plan – presented in Exhibit 7 as the Special Master's Alternative Plan – did just that, by uniting Torrington in District 1. The Republican proposal also unites Torrington, but in District 5. It does so, they maintained in their briefs and in testimony, for community of interest reasons, as well as the fact that most Torrington residents already reside in District 5. *See* Republican Reply Brief at App. E. These arguments, dealt with in greater detail below, are either beyond the mandate or expressly prohibited by the Court's order setting forth criteria for the Special Master's Plan. In response to the Republican submission, the Democrats provided their own plan that united Torrington in District 1. Like the Special Master's Alternative Plan, it moves fewer people than does the Republican proposal. Although uniting towns is a laudable goal for both legislative and

court-constructed plans, it is not necessary in this particular case to bring the districts to population equality. In fact, doing so will ensure that more people are moved out of their districts than under the Special Master's Plan.

III. Plans and Testimony Received

In its December 23rd Order, the Court set forth procedures for the submission of maps and the taking of testimony as part of the formulation of the Special Master's Plan. It ordered parties to file "maps, accompanied by supporting documentation, data, and briefs" by January 4, 2022. It also ordered me to hold a "virtual hearing, at which time interested parties or members of the public may present argument." Notice for the hearing was placed on the Connecticut Judicial Branch website. Originally, the hearing was scheduled for January 7th. However, a state office closure due to inclement weather required rescheduling of the hearing to January 10th at 2:00 PM. The hearing was livestreamed on the Connecticut Judicial Branch YouTube Channel and the Commission's website. Briefs and map files submitted by any interested speaker were placed on the Connecticut Judicial Branch website at <https://jud.ct.gov/Supremecourt/Reapportionment/2021/testimony.html>. An official transcript of the hearing is not yet available, but the hearing remains on the Court's YouTube channel at https://www.youtube.com/watch?v=7lqMvtPnw_Q.

The following speakers appeared at the hearing and filed briefs (if noted): Senator Kevin Kelly (filed brief and plan), Representative Matthew Ritter (filed brief and plan), Ted Bromley (representing the Secretary of State), Aaron Bayer, Representative Jay Case,

Representative Gregory Haddad, Benjamin Proto (filed plan), Representative Hilda Santiago, and Ryan Scala (submitted testimony and plan). Copies of their briefs and plans are available in Appendix C-H. The following description summarizes very succinctly their arguments, presented either through briefing or in oral testimony. A fulsome description of the districts in the plans submitted by the Republicans and Democrats is discussed below within the presentation of the Special Master’s Plan.

A. Senator Kevin Kelly on Behalf of the Republican Members of the Reapportionment Commission

Senator Kelly represented the Republican members of the Reapportionment Commission in both briefing and testimony. The Republican members proposed their own plan that worked within the existing split towns. However, they also urged the Special Master and the Court to consider drawing a Good Government map – one that was founded on “traditional districting principles” such as “compactness, contiguity, conformity to political subdivisions, and respect for communities of interest.” (Substitute Brief with Corrected Map Submitted to the Special Master by the Republican Members of the Connecticut Reapportionment Commission on the Congressional Redistricting Process, *In Re Petition of Reapportionment Commission Ex. Rel.*, No. SC 20661, at 11) [hereinafter Republican Brief at Appendix C]. At the hearing, Senator Kelly went further and suggested that the existing districts represent a “political gerrymander.”

They noted, in particular, the progeny of the famed “lobster claw” that defines the boundary between District 1 and District 5.

The history of the “lobster claw” goes back to a political gerrymander designed to provide two incumbent members of

Congress the opportunity to run for re-election. Based on the 2000 census results, Connecticut's congressional delegation was reduced from six to five. The members of the 2001 Reapportionment Commission produced a map that would allow representatives from the Fifth District, a resident of Danbury, and from the dissolved Sixth District, a resident of New Britain, to run against each other for the newly-redrawn Fifth District seat.

Id. They continue in their reply brief: “The compromise that produced the map in 2001 was the result of the unique and special circumstances that were relevant 20 years ago but are not relevant today.” (Reply Brief Submitted to the Special Master by the Republican Members of the Connecticut Reapportionment Commission on the Congressional Redistricting Process, *In Re Petition of Reapportionment Commission Ex. Rel.*, No. SC 20661, at 11) [hereinafter Republican Reply Brief, Appendix E]. Given this history, they maintain, a good government map would be “more fair and representative of the electorate than the ‘least change’ map called for in the Court’s December 23, 2021 order.” Republican Brief at 12. They urge me to recommend to the Court that it reconsider its order and recommend preparation of a good government map based on traditional districting principles.

They also argue that “the failure to apply traditional redistricting principles frustrates the ability to create a map through negotiation and compromise.” Republican Reply Brief at 11. Ordering a least change map, in their view, vitiates the “‘in terrorem’ effect of the Court’s role” by leading whichever party is advantaged by the status quo to refuse to negotiate. *Id.* Conversely, they argue, a party that is disadvantaged by the current districts is “denied any effective means of redress.” *Id.* Gridlock, akin to what has occurred this redistricting cycle and last, arises from this approach, they argue.

With respect to the “least change” map they submitted, they argue that it complies with the Court’s order by modifying “the existing congressional districts to the extent necessary” to comply with the law. Republican Brief at 7. They suggest that the districts retain 96.5% of their existing population – meaning “only 3.5% of residents will be located in a different congressional district.” Republican Brief at 7. Their plan creates a total deviation of only two people.

Most notably from their perspective, the Republican plan reduces the number of towns split in the congressional plan from five to four. The plan does this by moving the town of Torrington entirely into the Fifth District. Their reply brief notes that, in the 2011 redistricting process, the Special Master’s Plan unified the previously split town of Durham. Republican Reply Brief at 6. In response to the Democrats’ alternative map that would place Torrington in the First District, they argue that the town more properly belongs in the Fifth. They note that the majority of Torrington residents (20,462 out of 35,515) live in the Fifth District already, so moving the remainder would be less disruptive than moving the majority to District 1. In addition, they note that Torrington was in the Fifth District prior to 1965. Republican Reply Brief at 8.

B. Representative Matthew Ritter on Behalf of the Democratic Members of the Reapportionment Commission

The Democratic members of the Reapportionment Commission filed both a “least change” plan and, in their reply brief, an Alternative Plan that would unite Torrington in District 1, rather than in District 5, as in the Republican Plan. They urge the adoption of the “least change” map because, they argue, it is consistent with the Court’s Order and

Supreme Court precedent. (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, *In Re Petition of Reapportionment Commission Ex. Rel.*, No. SC 20661, at 6-7) [hereinafter Democrats' Brief, Appendix D] (citing *Upham v. Seamon*, 456 U.S. 37, 41 (1982); *White v. Weiser*, 412 U.S. 738, 794-95 (1973)). They propose a plan with a total of one-person deviation, which moves the minimal number of people necessary (71,736) to achieve population equality, while not splitting or uniting additional towns. Democrats' Brief at 10. They describe their "least change" map as a "least political" map, because, they argue, "it properly defers to the existing district lines, which reflect a negotiated agreement that was the product of the last successful political redistricting process." Democrats' Brief at 17.

In their reply brief, the Democrats reject the notion that the Republicans' Plan complies with the Court order. (Response of the Reapportionment Commission Democratic Members to Redistricting Plan Submitted by Reapportionment Commission Republican Members and Maps Submitted by Connecticut Republican Party, *In Re Petition of Reapportionment Commission Ex. Rel.*, No. SC 20661) [hereinafter Democrats' Reply Brief]. They argue that there is a difference between avoiding any new town splits and minimizing the number of towns split under the existing plan. Democrats' Reply Brief at 4. In their view, "[i]n order to unify one additional town in a single district, the Republican Members' plan changes districts *more than* is reasonably required, moving more residents to new districts than is reasonably required to comply with the Order." *Id.* at 4-5. They also note that the Republicans' plan would "needlessly reduce[] the racial diversity of the Fifth District." *Id.* at 7.

If Torrington is to be moved between districts, the Democrats argue, it should be placed in District 1. They offer a plan that would do so. *Id.* at 5-6. Their Alternative Plan would lead to fewer people, 87,175 in total, being moved throughout the plan. Not only would the plan unite Torrington, but it would come close to uniting Waterbury. *Id.* at 6 n.3 (noting that under the Alternative Plan only 3.8% of the population would be split into District 3). They also note that their Alternative Plan would avoid additional splits of newly passed state House districts. *Id.* at 6. They further accuse the Republicans of proposing a plan that, in reality, is motivated by political considerations. *Id.* at n.4.

With respect to the “good government” maps submitted by the Connecticut Republican Party, the Democrats argue they “directly flout the Court’s Order.” *Id.* at 8. They argue that the proposed “Most Proportional” and “Least Splits” maps would change district lines for twenty towns and move over half a million people. *Id.*, at 8-9. To the extent they are motivated to overturn a “political gerrymander” from 2001, the Democrats challenge even the use of the term. In their view, that plan was “the result of a legitimate, negotiated, bipartisan political compromise that was successfully reached through the legislative redistricting process.” *Id.* at 9-10. They, along with the Republicans in their reply brief, also debate whether the existing lines are, in fact, politically competitive or not. *Id.* at 10 n.8.

C. Other Plans and Testimony

Two other submissions to the Special Master included full Congressional plans. As noted above, the Connecticut Republican Party, represented at the hearing by Benjamin Proto, submitted two “good government” maps that emphasized compactness, respect for

political subdivision lines, and communities of interest. He emphasized the problematic origins of the “lobster claw” as well as community of interest reasons to move New Britain into the same district as Hartford. Doing so would produce a Hispanic influence district, he suggested. In addition, a University of Connecticut student, Ryan Scala, presented his version of a “Community of Interest” Map. Both speakers admitted at oral argument that the plans were contrary to the Supreme Court’s order but that they deserved consideration.

Other speakers at the hearing reiterated several of the arguments found in the briefs. Aaron Bayer, representing the Democratic Party, argued that the Democrats’ Plan moved tens of thousands fewer people than the Republican Plan. He also further challenged the idea that there was anything wrong with the 2001 map, since it was the product of a bipartisan compromise. He argued that departures from the least change approach would threaten confidence in the redistricting process. Representative Haddad made similar arguments and questioned why the Republican plan, which unified Torrington, adopted a least change approach in the eastern half of the state but not the western half.

Representative Hilda Santiago expressed her concerns about the impact of the Republican plans on racial diversity, especially with respect to Latino populations in the Fifth Congressional District. She emphasized that any “least change” plan should also attempt to avoid any changes to the baseline racial diversity in a district. She argued, in particular, against separating Meriden, Danbury, and Waterbury, which together form a

Latino community of interest. She expressed concerns that moving Meriden would “dilute” the political representation of the Latino community.

Following the testimony of Senator Kelly and Representative Ritter, I asked Ted Bromley from the Secretary of State’s office to be available for questions. We focused our discussion on the argument in the Republican briefs regarding the need for synchronicity between state legislative districts and congressional districts. He noted that Connecticut managed over 800 different ballot styles for its 169 towns. The number of ballot styles can be a function of the number of non-overlapping districts in a given town. He noted the phenomenon of “splinter precincts” if a very small number of voters has a particular ballot style. Senator Kelly emphasized election administration challenges when towns must administer a large number of ballots, a point emphasized in the Republicans’ merits brief with support from the town of Torrington.

Following the testimony of Senator Kelly and Representative Ritter, I requested that the Republican and Democratic members of the Commission meet one last time to see if they could arrive at a compromise plan or at least plans for the split of a single town. They agreed to do so. I gave them forty-eight hours to come back to me with a progress report. Two days later they sent word to the Court that they remained at an impasse and could not agree either on a consensus plan or even on an individual district.

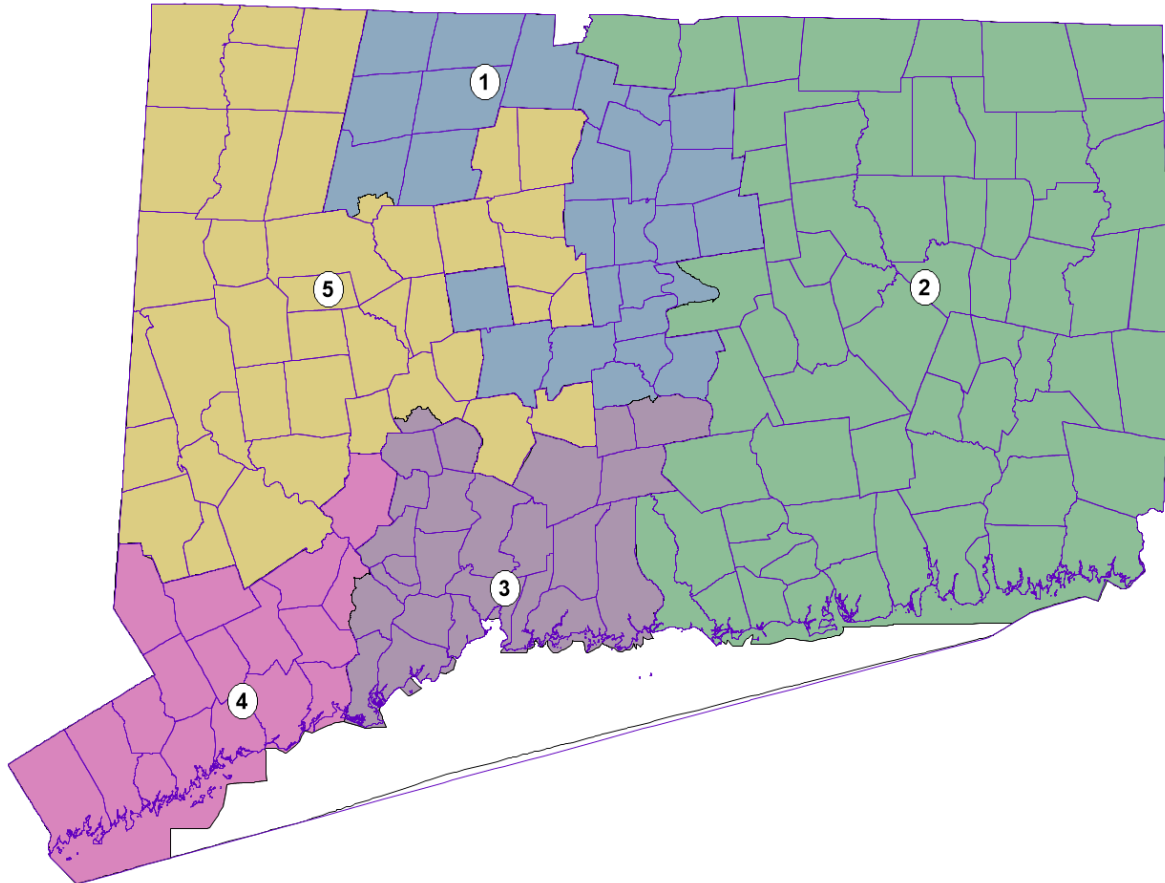
IV. Development of the Special Master’s Plan

Upon my appointment as Special Master, I immediately began to fashion a redistricting plan that complied with the Court’s order. Because of the extreme time

constraints faced by the Court and the state to run its elections, I determined that, even before conducting hearings, I would need to acquaint myself with the demography of the state, the existing congressional districts, and possible redistricting scenarios that would comply with the Court's order. I purchased a license for Maptitude for Redistricting and received formatted census data (the P.L. 94-171 data) for Connecticut from Caliper Corporation. I constructed early drafts of both the Special Master's Recommended Least Change Plan and the Alternative even before receiving submissions by the parties.

Pursuant to the Court's Order, the Special Master's Plan took as its goal moving the fewest voters as possible out of their current districts, and to do so without splitting more towns or significantly increasing the non-compactness of the district. The Special Master's Plan, like the Democratic Plan, moves only 71,736 people into new districts. The Republican Plan moves 124,981 people. In addition, to maintain stability in representation, the Special Master's Plan endeavored only to move people within the already split towns and not to move any other town from one district to another. This self-imposed constraint is in the spirit of the Court's least-change directive and the emphasis the Order placed on not substantially violating town lines more than the existing congressional districts. Tying the changes to the already-split towns can also help ward off charges of geographic or political favoritism.

Special Master’s Plan for Connecticut Congressional Districts



A. District 5 and Torrington

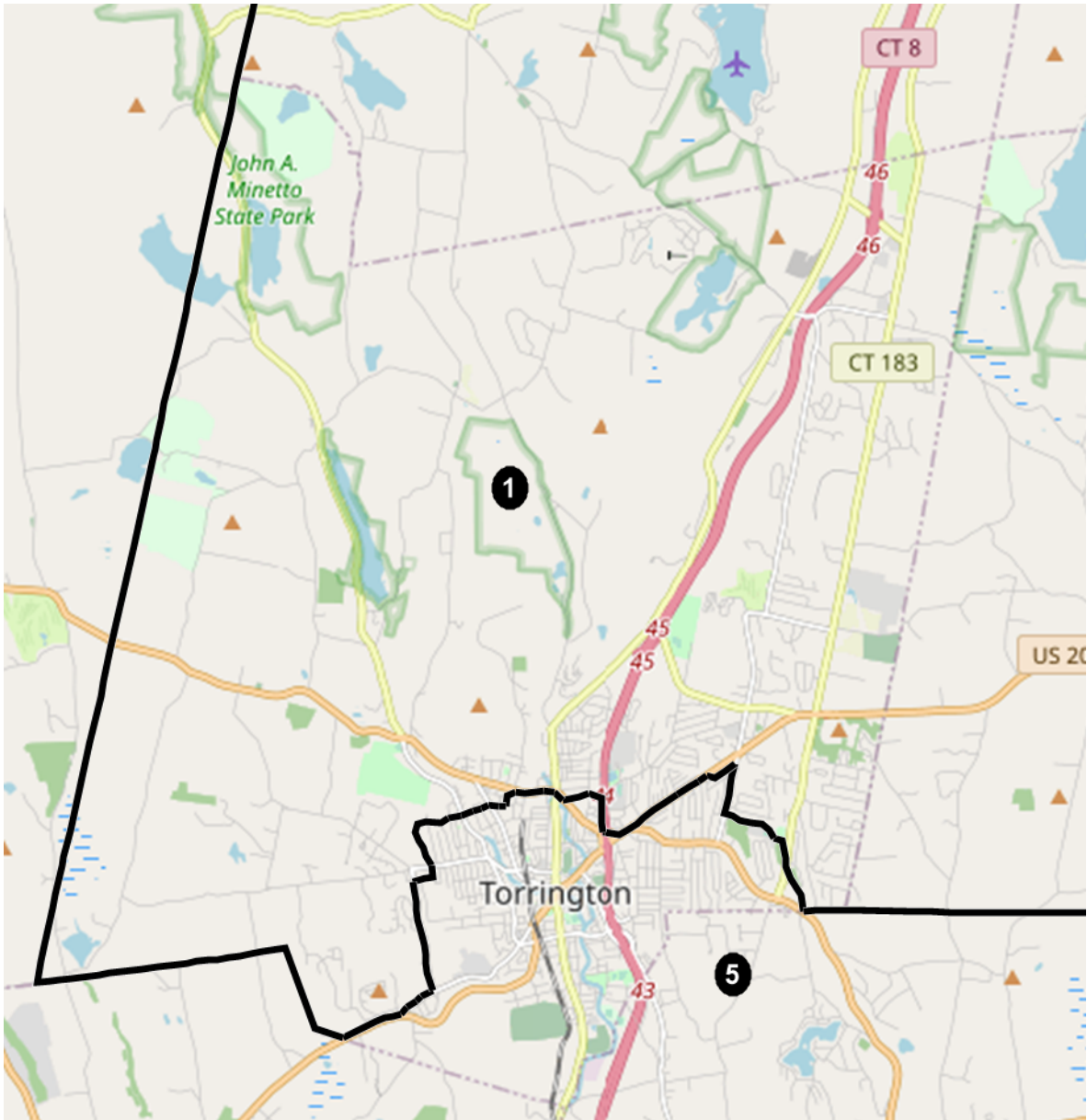
This narrative begins in the northwestern part of the state with District 5 because the decision regarding Torrington emerged as the most important difference between the parties. In short, the Republicans urge that all of Torrington be united in District 5, while the Democrats urge that it continue to be split or, in the alternative, that it be united in District 1. The decision on whether or how to unite Torrington has significant ripple effects throughout the rest of the plan. As also became quite clear in the back-and-forth in

the briefs and testimony, the parties believe the decision in Torrington – whether to unite and if so, where to place it – has significant electoral implications.

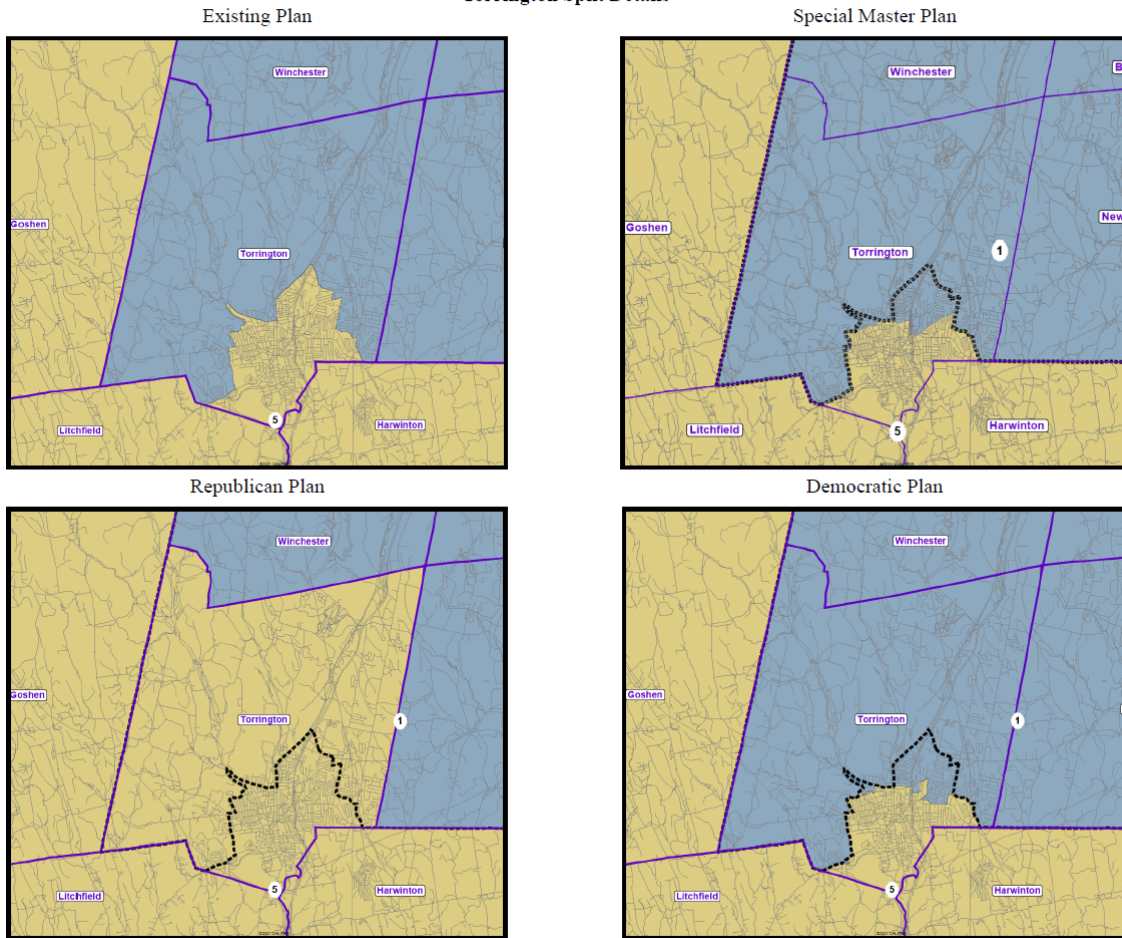
The Special Master’s Plan, adopting a least change approach, keeps Torrington split and modifies the split only to the extent necessary to achieve population equality. District 5 currently has 726,213 people, resulting in a population deviation of 0.7%. It must lose only 5,024 people to comply with one-person, one-vote. The Special Master’s Plan moves 5,024 people from District 5 to District 1 to achieve population equality.

As depicted below, the Special Master’s Plan “shaves down” the split in Torrington to create a more compact shape than exists in the current configuration. It follows major roads, to the extent possible, to create a somewhat more predictable boundary between the two districts. It eliminates the “finger” that extended to the west along Migeon Avenue and the “hump” that protruded farther into District 1. The changes there work within the existing congressional plan (and, for what it is worth, within a single House district), such that population is only subtracted from District 5. An even more compact shape might be possible if population were swapped back and forth between Districts 5 and 1, but doing so would require moving more people than necessary out of their district. The same is true were the split in Waterbury altered, instead of the one in Torrington. Doing so would require the moving of several thousand more people throughout the plan, as pulling District 3 north would require moving District 1 farther south into Middletown.

Special Master's Recommended Split of Torrington Between Districts 1 and 5



Torrington Split Details



Although the Special Master’s Plan retains the split in Torrington, there is much to be said for uniting it and reducing the number of town splits in the plan. Without repeating the arguments the Republican representatives presented above, preserving the integrity of towns is a traditional districting principle and is conducive to efficient election administration. However, uniting Torrington is not *necessary* to comply with the law, and moving it either into District 5 or District 1 would lead to reallocation of tens of thousands of people from their current districts.

Moreover, it became clear in the testimony and briefing that deciding whether Torrington “belongs” in District 1 or District 5 involves a political judgment either as to the desired level of political competition or the proper representation of communities of interest. These are perfectly legitimate considerations for the Commission or a legislature. However, the Court expressly prohibited the Special Master from consideration of political consequences or even evaluation of political data. Moreover, from the testimony received, it became clear that the parties disagree as to where Torrington “belongs” and that deciding one way or the other would require appeal to some principle not present in the Court’s order.

The initial draft of the Special Master’s Plan did, in fact, unite Torrington, but did so in District 1. I did so on the theory that making this move would both unite Torrington and almost completely unite Waterbury, while increasing the compactness of Districts 1, 5, and 3. In addition, this approach, as compared to the approach of the Republican proposal, which moves 124,981 people, would only require moving 87,174 people throughout the plan. This Plan is presented in Exhibit 7 as the Special Master’s Alternative Plan. The Democrats propose a similar strategy in their Reply Brief and Alternative Plan, presented in Appendix F.

Given the significant partisan disagreement as to where Torrington should be moved, the Special Master’s Plan continues to split the town. Doing so is most consistent with the least-change approach urged by the Court and leads to the fewest people being moved out of their districts. Moreover, because electoral consequences clearly inform the parties’ arguments as to where Torrington should be placed, a decision to unite the town and place it in one or another district would necessarily be viewed as trying to bias the plan

in favor of one party or another. To be sure, every decision in a redistricting plan has electoral consequences, but abiding by a least-change approach ties the Special Master's Plan to the most of the existing districts and limits available choices in a way that can help immunize against charges of political manipulation.

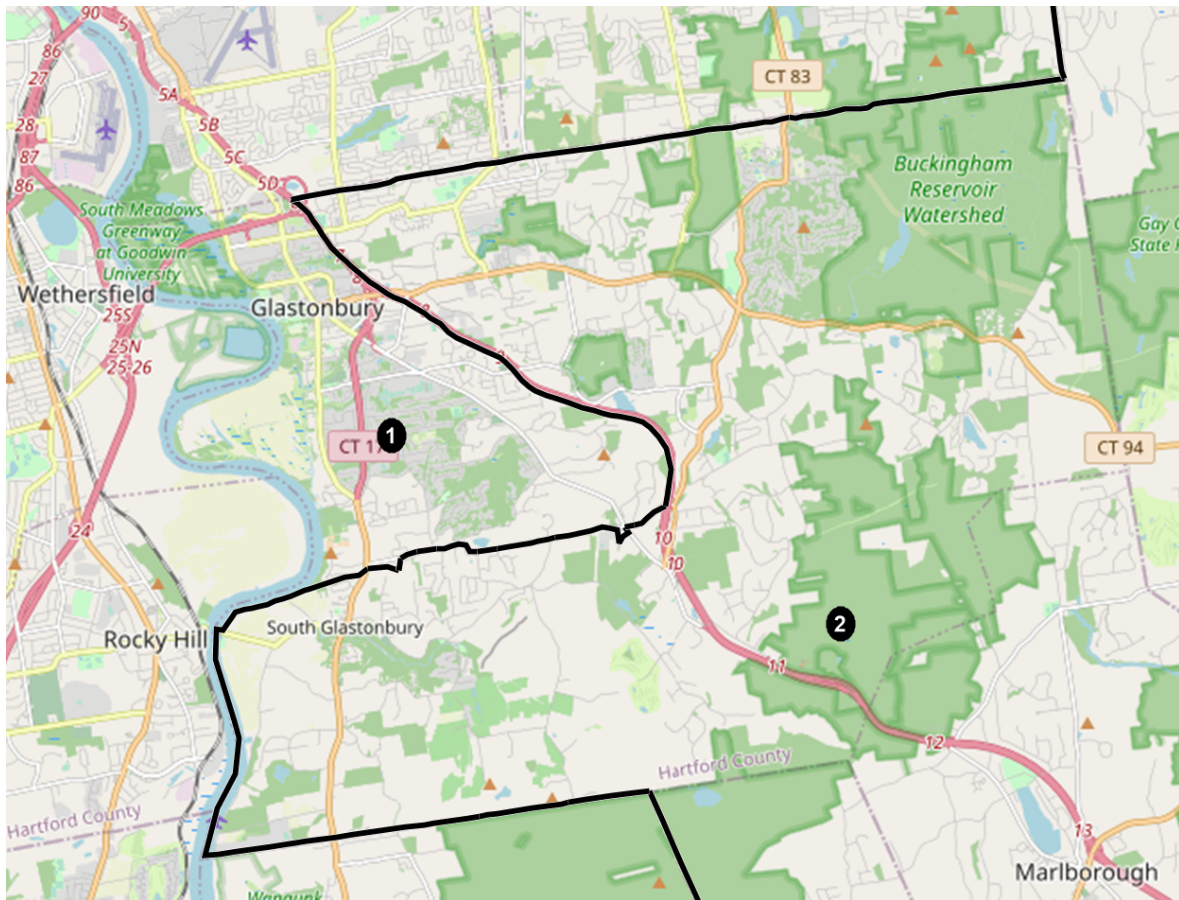
B. Districts 1 and 2 and the Split of Glastonbury

District 2 is the most underpopulated district in the plan. It has a population of 699,901, which translates into a deviation of -2.95% below population equality. It must therefore acquire roughly 21,288 people to comply with one person, one vote. It shares Glastonbury with District 1, so the Special Master's Plan modifies the split in Glastonbury as necessary to achieve population equality.

The Special Master's Plan splits Glastonbury by following two major roads that together provide a coherent and compact boundary for the split of the town. Highway 2 and Chestnut Hill Road provide a boundary that almost fully resolves the population deviations in District 2. It creates a triangle around Glastonbury Center, in contrast to the Democrats' proposal that would create a jagged edge running up the western part of the town. The Republican proposal, on the other hand, attempts to minimize splits of state House districts. In doing so, however, this proposal both adds and subtracts people from District 2 – a district that is significantly underpopulated and needs only to add people to achieve population equality. Moreover, the Republicans' split of Glastonbury still splits a House district in Western Glastonbury, the same one split by the Special Master's Plan. To the extent it follows the House district line, the election administration “benefits” of

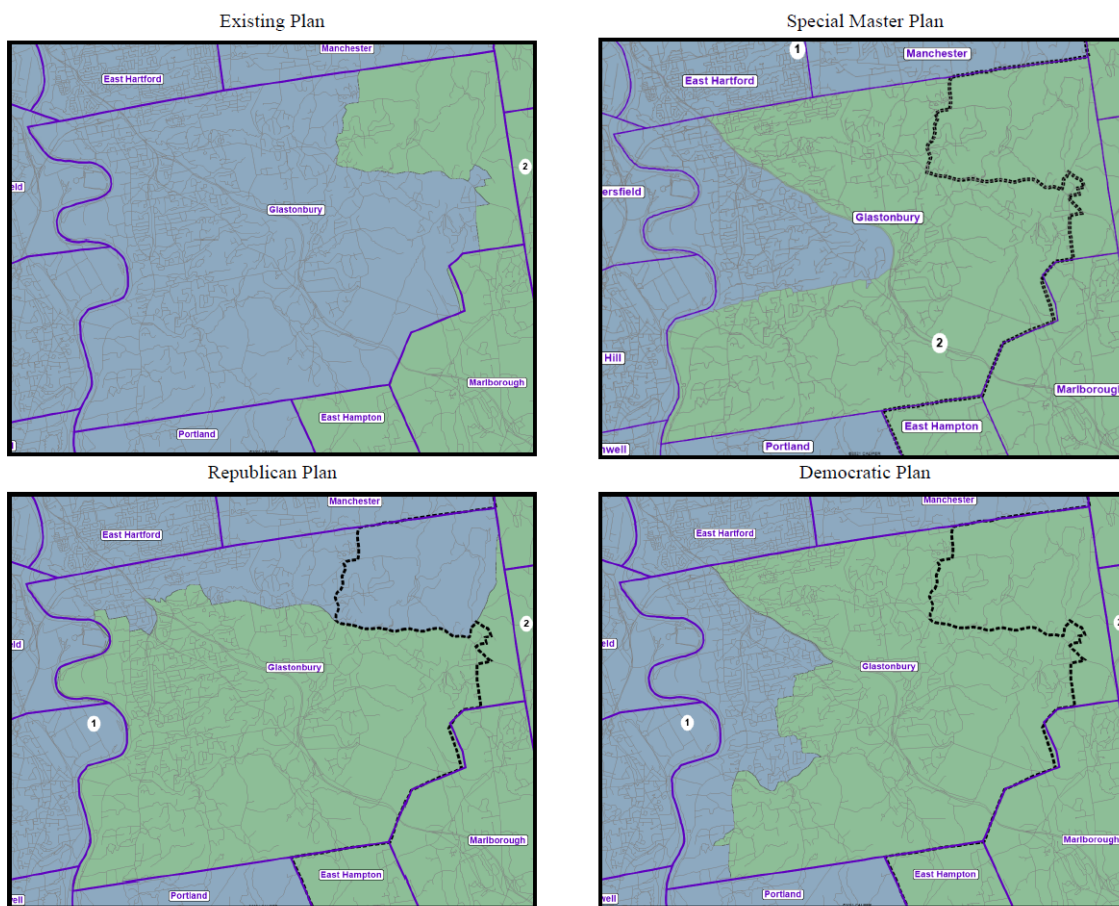
doing so are achieved by fully including the Glastonbury section of the House district within the district as the Special Master's Plan does. (See Exhibit 5 for a comparison of plans with state legislative district overlays.)

Special Master's Recommended Split of Glastonbury Between Districts 1 and 2



The Special Master's plan moves 21,287 people from District 1 to District 2. District 2, therefore, is the one district in the plan with a deviation of 1 person. The Special Master's Plan moves the fewest people necessary for District 2 to comply with one person, one vote.

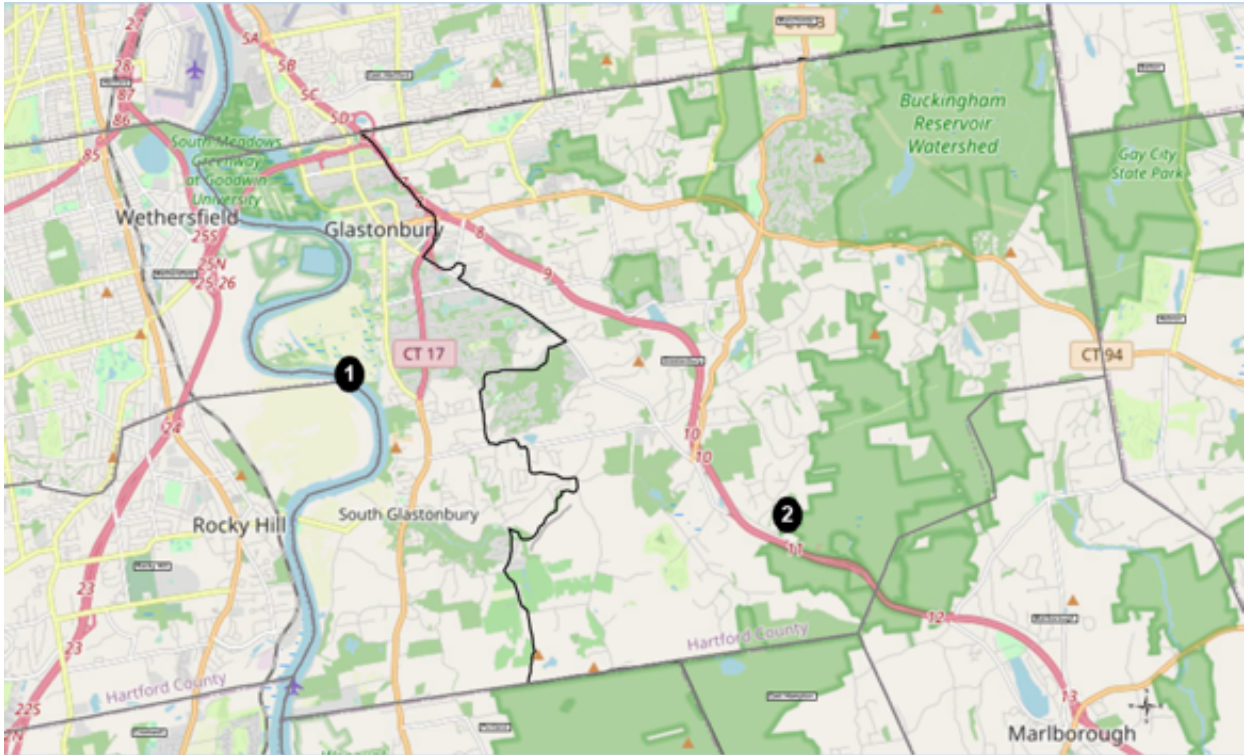
Glastonbury Split Details



The Special Master’s Alternative Plan provides a different split of Glastonbury, but with the same population result. Instead of following the roads as in the Special Master’s Plan, which produces the triangle-shaped “bite” in the northwestern corner, the Alternative Plan attempts to shift the entire district westward through Glastonbury until it achieves population equality. Given the strange shapes of census blocks, however, the border is necessarily jagged and requires many twists and turns on different roads. However, it

provides an alternative worth considering if the shape produced by following the major roads raises any concerns.

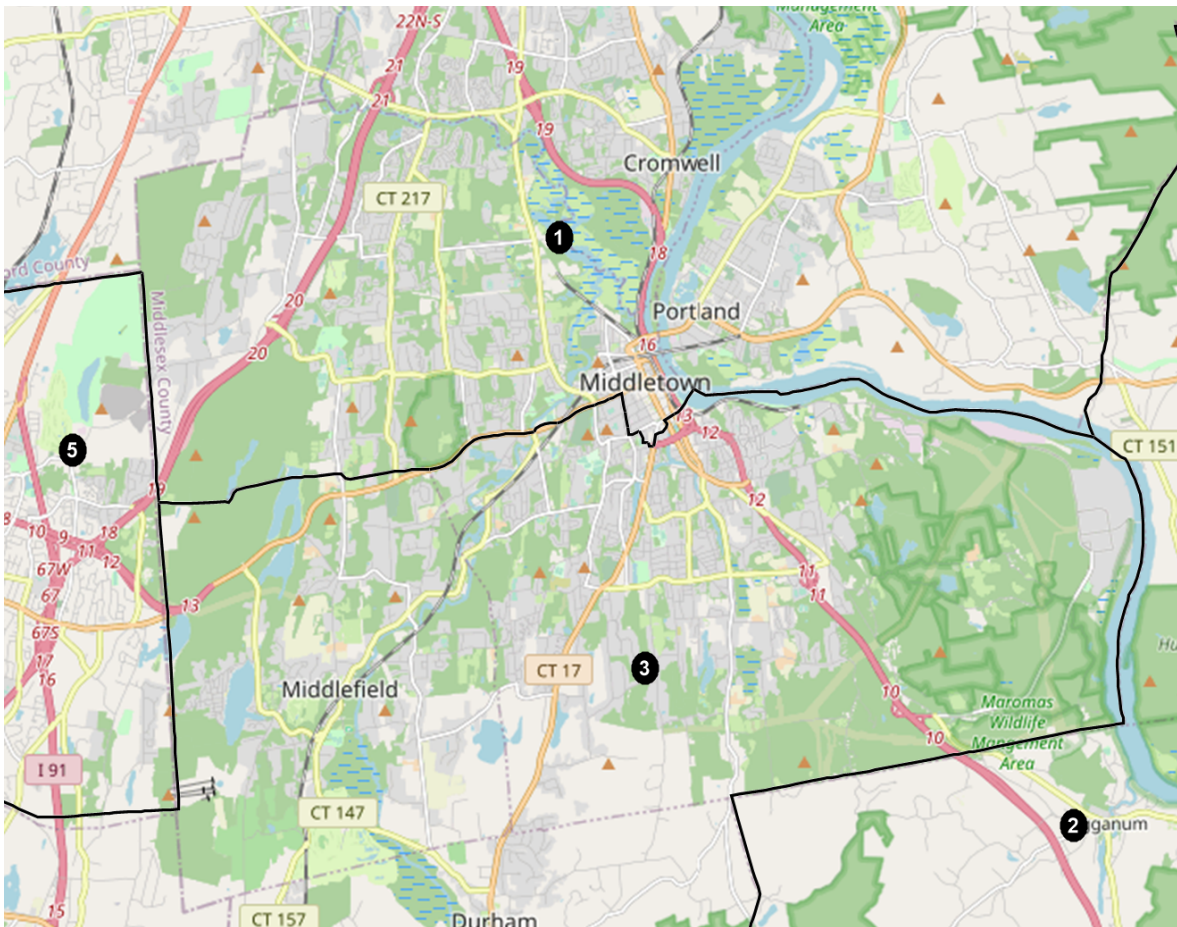
Special Master's Alternative Plan for Glastonbury



C. Districts 1 and 3 and the split of Middletown

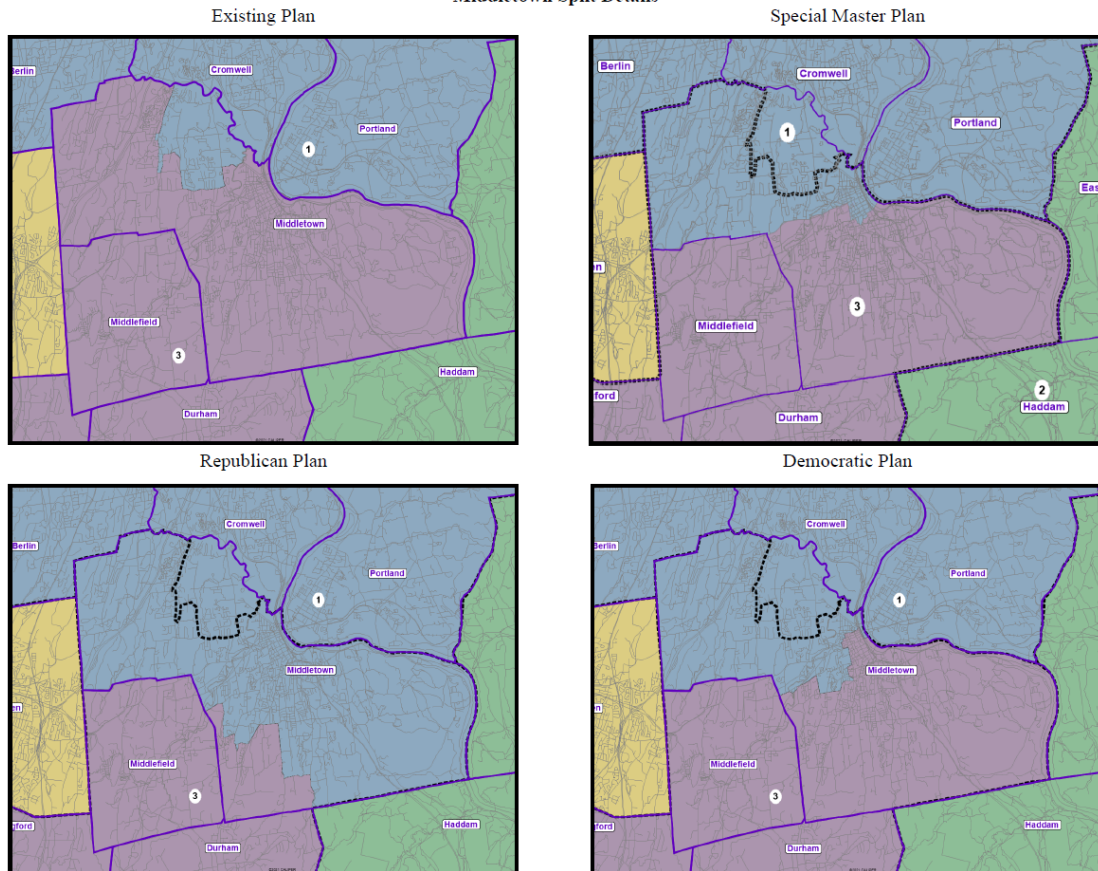
Because District 1 loses population to District 2, it must pick up population from one of its other adjoining districts. Moving farther into Torrington (which is what the Special Master’s Alternative Plan would do) was avoided for reasons spelled out above, and doing so would not fully remedy the population shortfall in any event. Therefore, District 1 must move into Middletown to pick up 19,798 people in order to achieve population equality.

Special Master’s Recommended Split of Middletown Between Districts 1 and 3



Similar to Glastonbury, the strategy for the split in Middletown was to follow a major road that divided the town in a coherent fashion. Route 66 (Washington Street) provides such a benchmark and has the added advantage of continuing the border line between Middlefield and Middletown. The proposed boundary travels along Route 66 from Middlefield to High Street just beyond Wesleyan University. It then moves throughout the denser population areas of Middletown in order to achieve perfect population equality. The resulting boundary is much more coherent and compact than the existing district or the more jagged alternative provided in the Democrats' plan. Because of the transfer of Torrington to District 5, the Republican Plan necessarily involves a much more significant reconfiguration of Middletown, shifting 39,876 people from District 3 to District 1. The Special Master's Plan, in contrast, moves the fewest number of people possible to achieve population equality in District 1.

Middletown Split Details

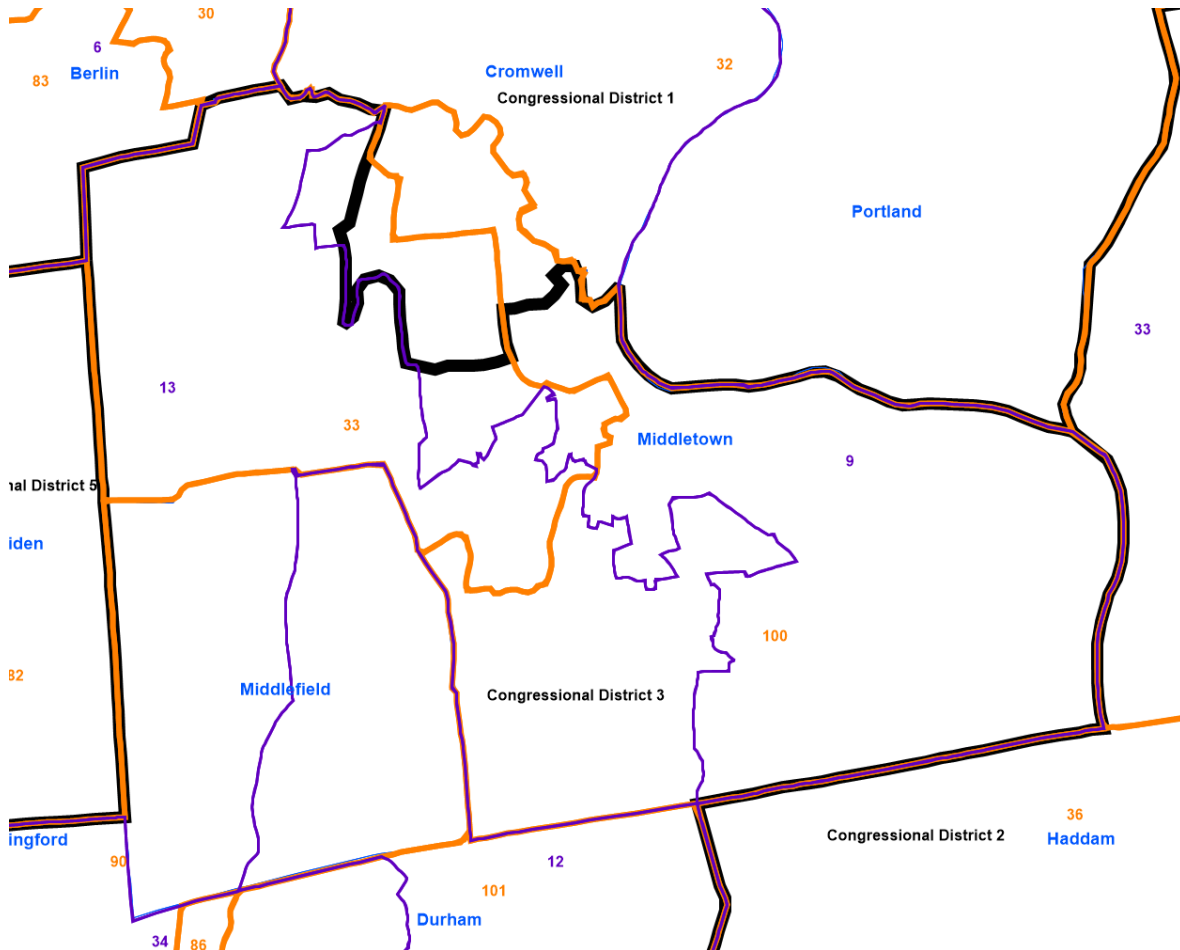


Middletown provides a useful depiction of the challenge sometimes presented in respecting noncompact state legislative lines in a least-change plan. The map below depicts the existing Congressional Districts (black), and the newly created House (orange) and Senate (purple) districts. As is apparent from the map, the state legislative districts are extremely contorted. They must be split in order to achieve population equality, and otherwise following them will ensure a noncompact congressional district boundary. As is depicted in the next image, the Republican version (in red), because it retreats to the southwest portion of the town, only splits Senate District 13 and House District 33. The compact district presented in the Special Master’s Plan is presented in green and the

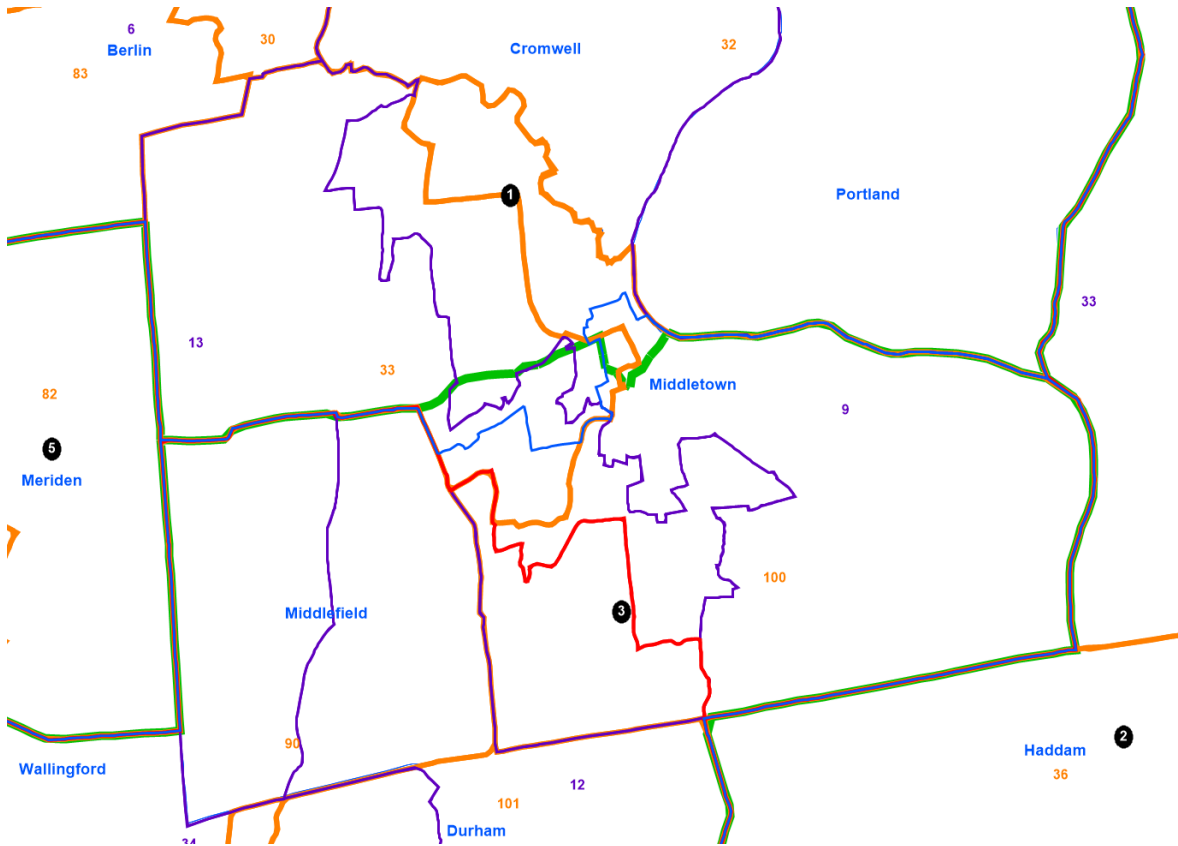
Democratic plan in blue. The Special Master's Plan splits about as many state legislative districts as the existing Congressional districts.

Middletown:

Existing Congressional, State House (orange), and State Senate (purple) Districts



Middletown: State Legislative Districts and Proposed Plans from Special Master (Green), Democrats (Blue) and Republicans (Red)

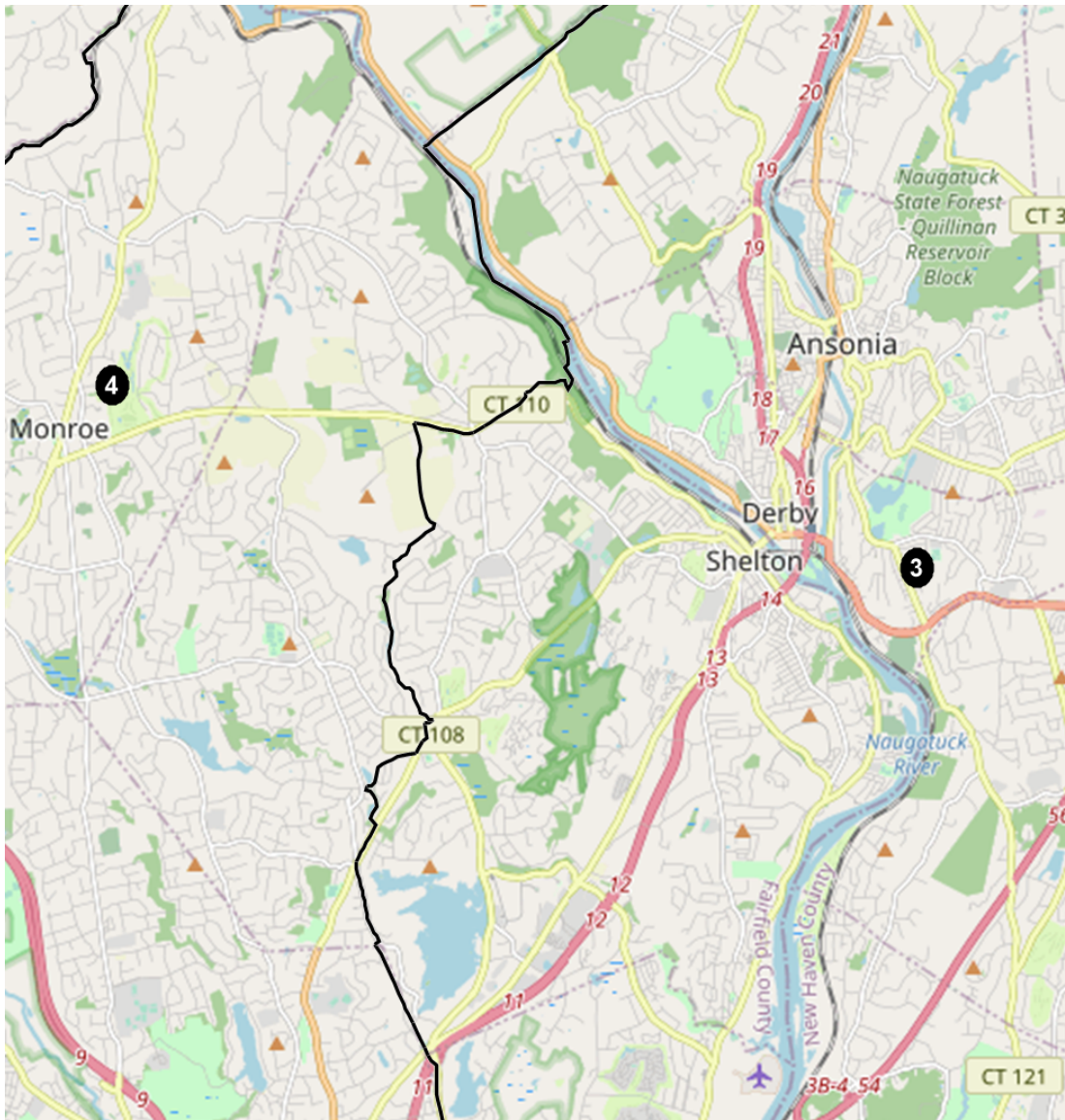


D. Districts 3 and 4 and the split of Shelton

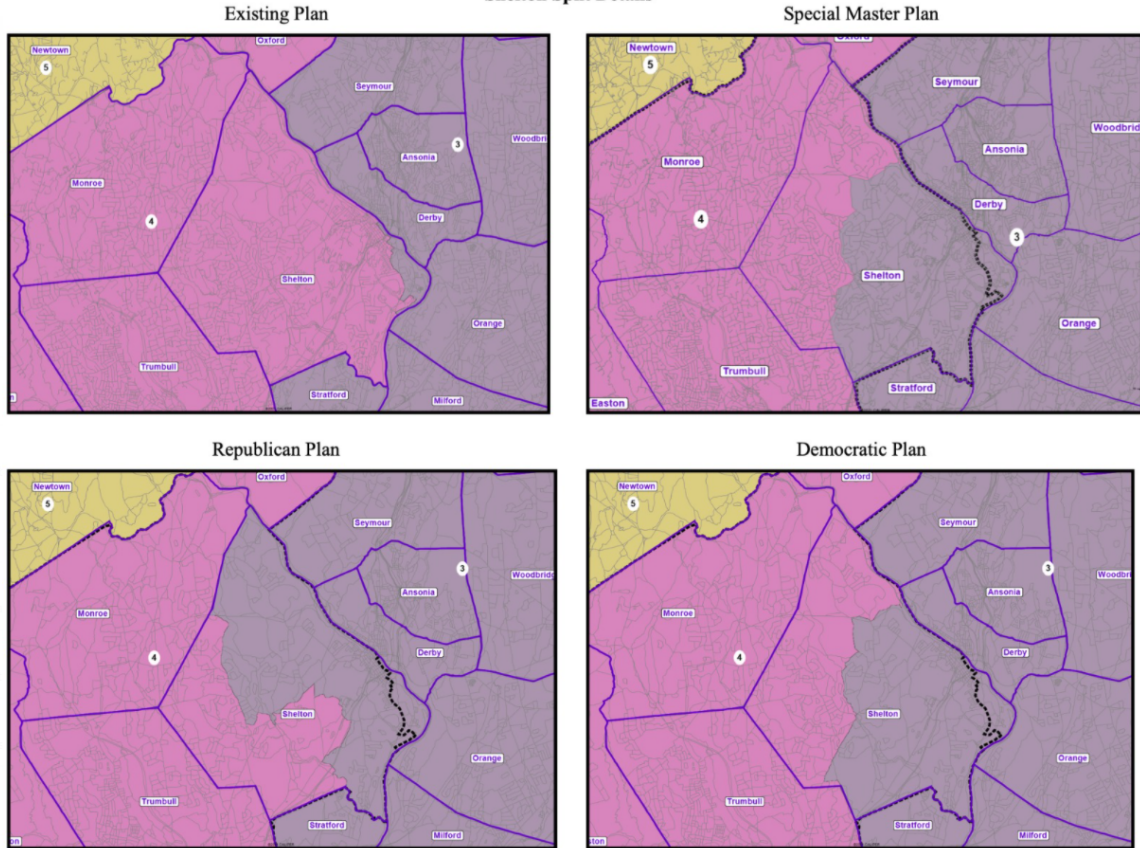
District 4 is the most overpopulated of the existing districts. It is 3.55% over the ideal population of a district needed to comply with one person, one vote. It therefore needs to lose 25,627 people in order to reach population equality. Its one split town is Shelton, and the Special Master's Plan, like those put forward by the Democrats and Republicans, further splits the town just enough to achieve population equality.

The Special Master's Plan attempts to create as compact a split of Shelton as possible. This is particularly difficult given the large and strangely shaped census blocks in the middle of the town. The line begins in the south by extending the borderline with Turnbull along Isinglass Road. It then moves as straight northward, as possible, until it curves eastward onto Leavenworth Road to meet the border with Derby.

Special Master's Recommended Split of Shelton Between Districts 3 and 4



Shelton Split Details



The boundary in the Special Master’s Plan is slightly different from what the Democrats proposed, leading the Special Master’s Plan to score slightly better on some compactness measures. Both plans take the same approach, though, of drawing a north-south dividing line for the town. The approach taken by the Special Master’s plan is different than the one suggested by the Republicans. Their brief argues for following the newly enacted state House lines, a criterion that was not present in the Court’s order. As described above in the discussion of Glastonbury, in many instances adopting this principle would require moving many thousands more people between districts. Following the House lines produces a bulb in the middle of Shelton and a narrowing of the “neck” at the top of the district as it meets at the intersection of Monroe, Oxford, and Shelton.

Nevertheless, this approach provides a different, but still coherent way of splitting the town. The Republican split of Shelton is therefore offered as an alternative as part of the Special Master's Alternative Plan.

Conclusion

The Special Master's Plan complies with the applicable provisions of federal law and the additional requirements as ordered by this Court. It moves the minimum number of people necessary in order to achieve population equality. It does so while also not splitting or moving any additional towns. Its districts are slightly more compact, on the whole, than the existing congressional district plan. No political, electoral, or incumbency-related data was considered in the formulation of the Special Master's Plan. Indeed, as the explanations contained herein indicate, the splits of each town can be described according to neutral benchmarks such as promoting compactness or following identifiable roads while at the same time moving the fewest people possible. Because time is of the essence for the Court to implement a redistricting plan, an Alternative Plan is also provided in case the Court is persuaded by the arguments that more towns should be united or split in different ways. If the Court desires modifications to either of these plans, I would be eager to follow further directions to do so. Census block equivalency files for both the Special Master's Plan and the Alternative Plan have now been sent to the Court. As specified in the Court's order, I am submitting both of these plans and this report for the Court's consideration.

Exhibits to Special Master's Plan and Report

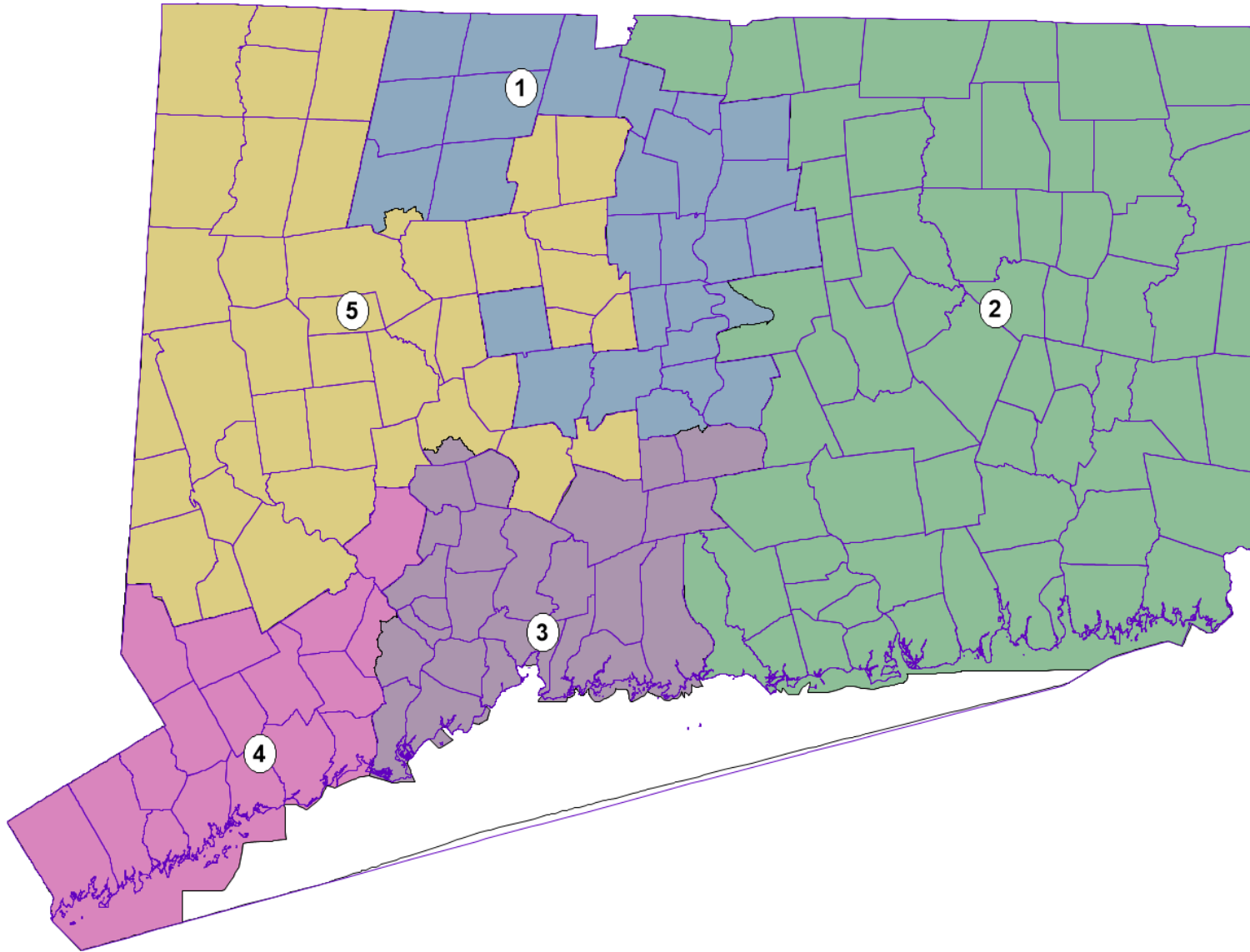
1. Special Master's Plan, Statewide and Individual District Maps. p. 46
2. Special Master's Plan, Focused Maps with Proposed Changes from Existing Districts. p. 54
3. Racial Breakdown of Existing Districts and Proposed Districts in Special Master's Plan. p. 61
4. Focused Maps of Town Splits in Existing Districts, Special Master's Plan, Democrats' Proposal, and Republican Proposal. p. 62
5. Comparison Images of Special Master's Plan, Republican Plan, and Democratic Plan, with House and Senate District overlays. p. 68
6. Compactness Analysis of Special Master's Plan and Submitted Plans. p. 74
7. Images and Data for Special Master's Alternative Plan p. 75
8. Maps of Existing Congressional Districts. p. 89

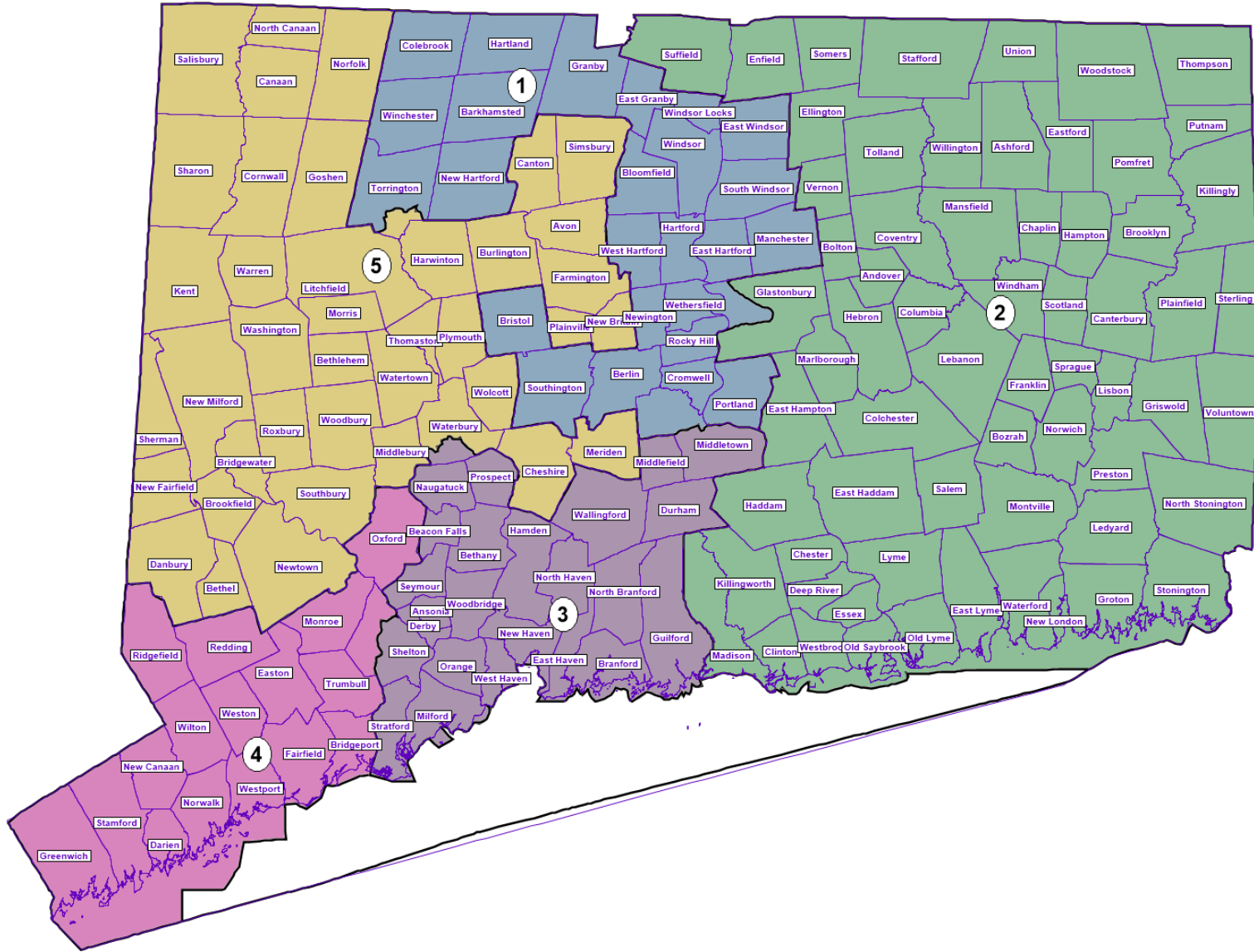
Appendix

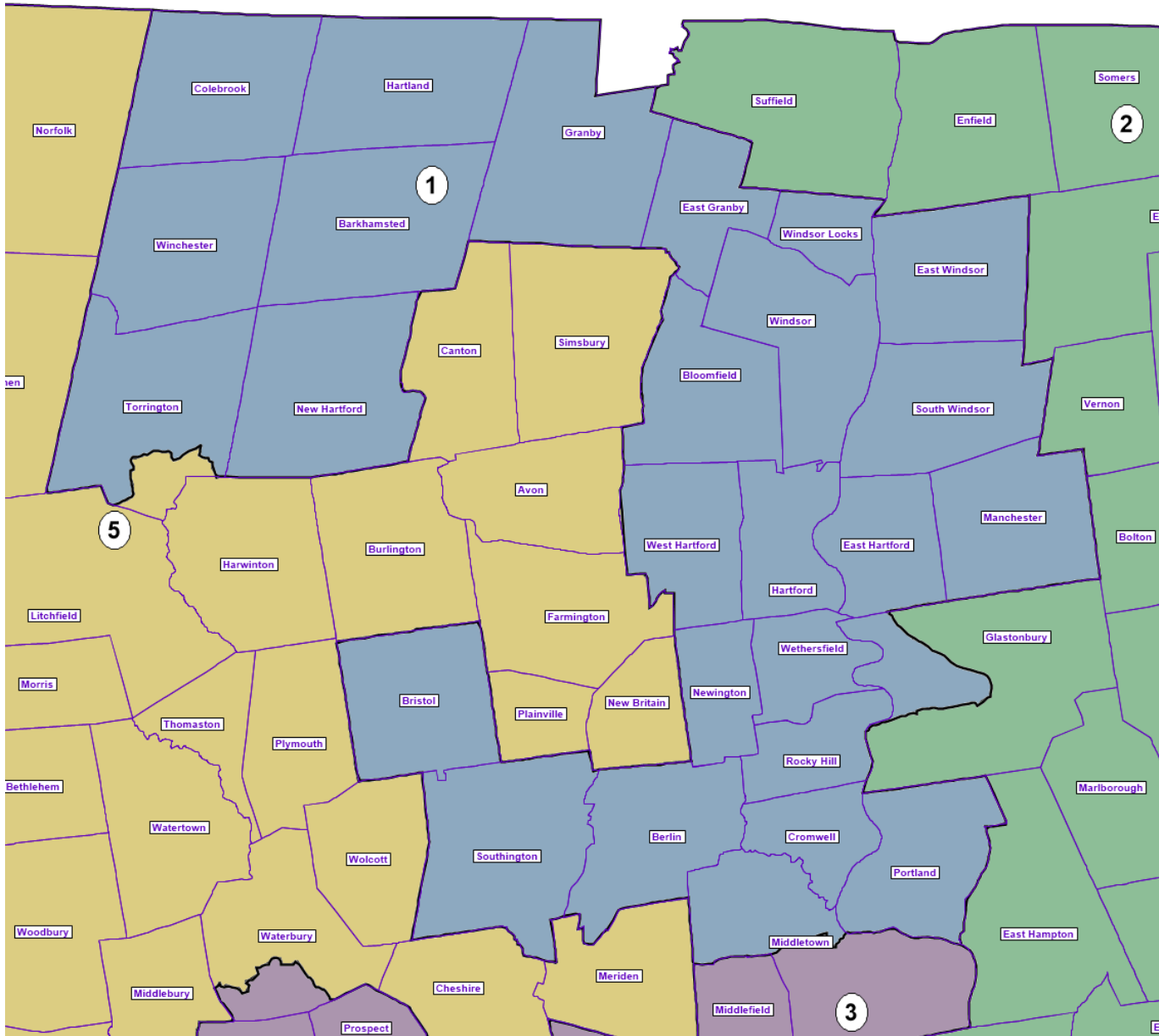
- A. Order Appointing Special Master p. A1
- B. Notice of Public Hearing p. A5
- C. Republican Merits Brief p. A7
- D. Democratic Merits Brief p. A38
- E. Republican Reply Brief p. A91
- F. Democratic Reply Brief p. A108
- G. Benjamin Proto Maps and Town List p. A137
- H. Ryan Scala Testimony and Maps p. A144

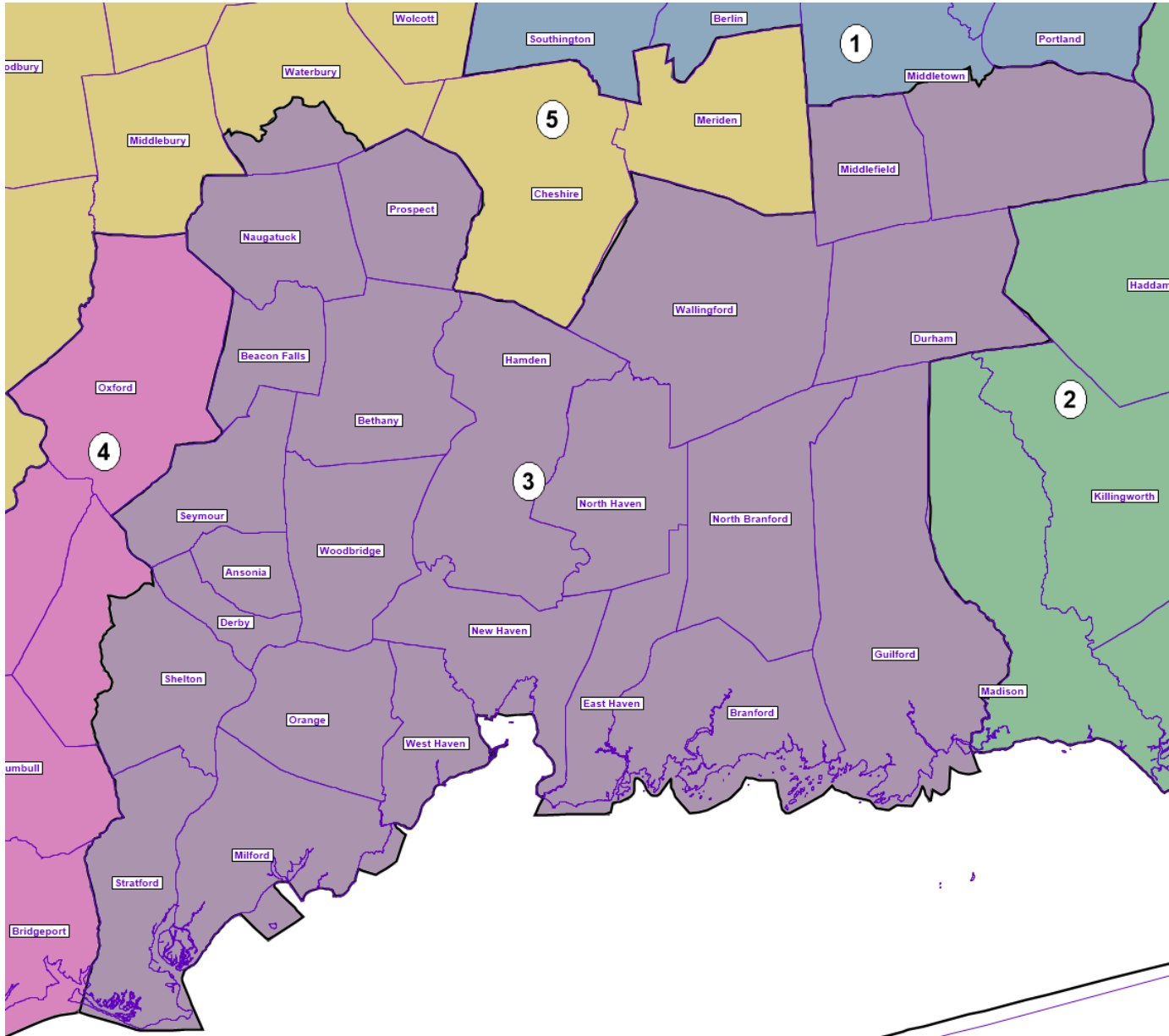
Exhibit 1.

Special Master's Plan, Statewide and Individual District Maps.









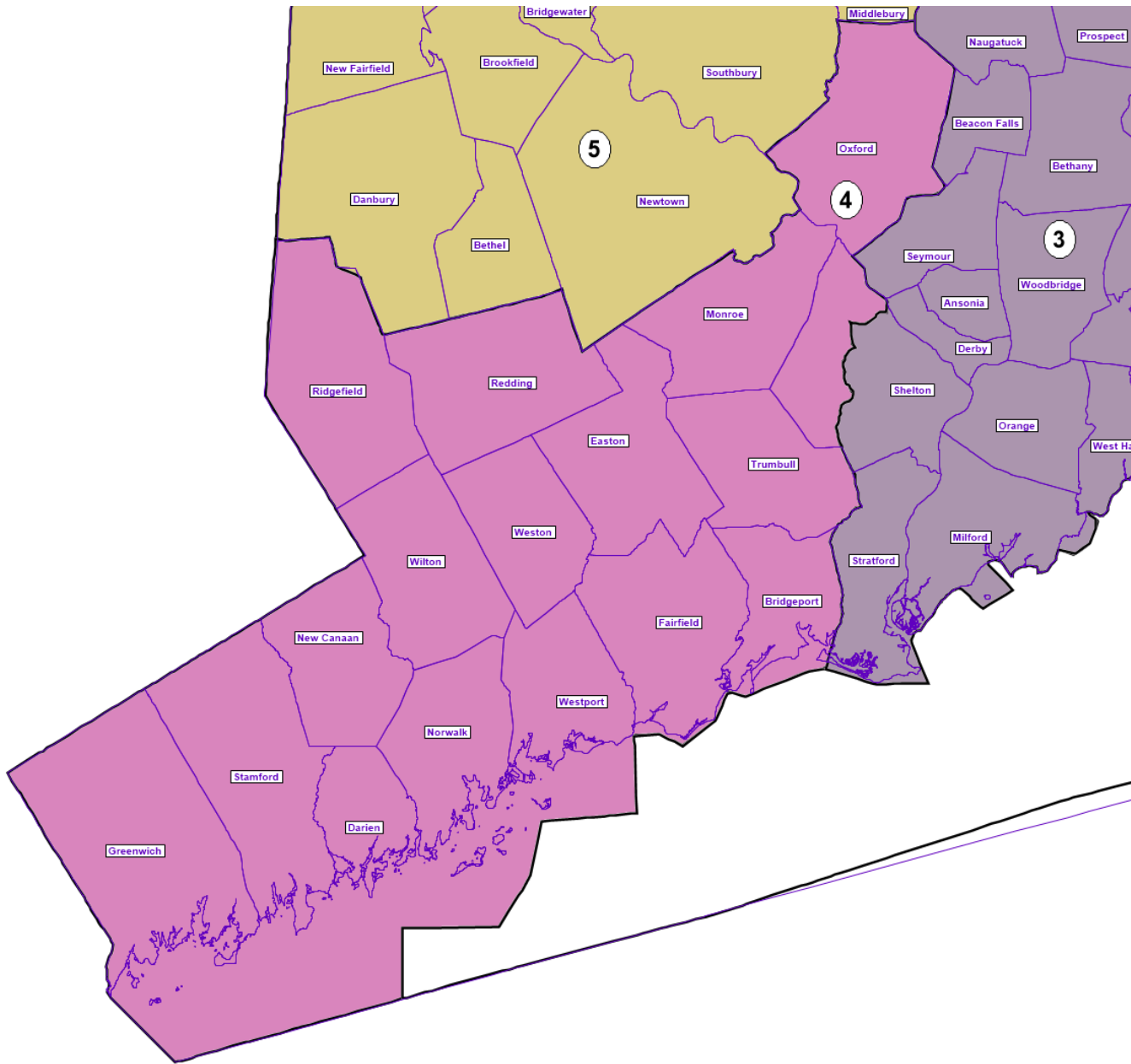
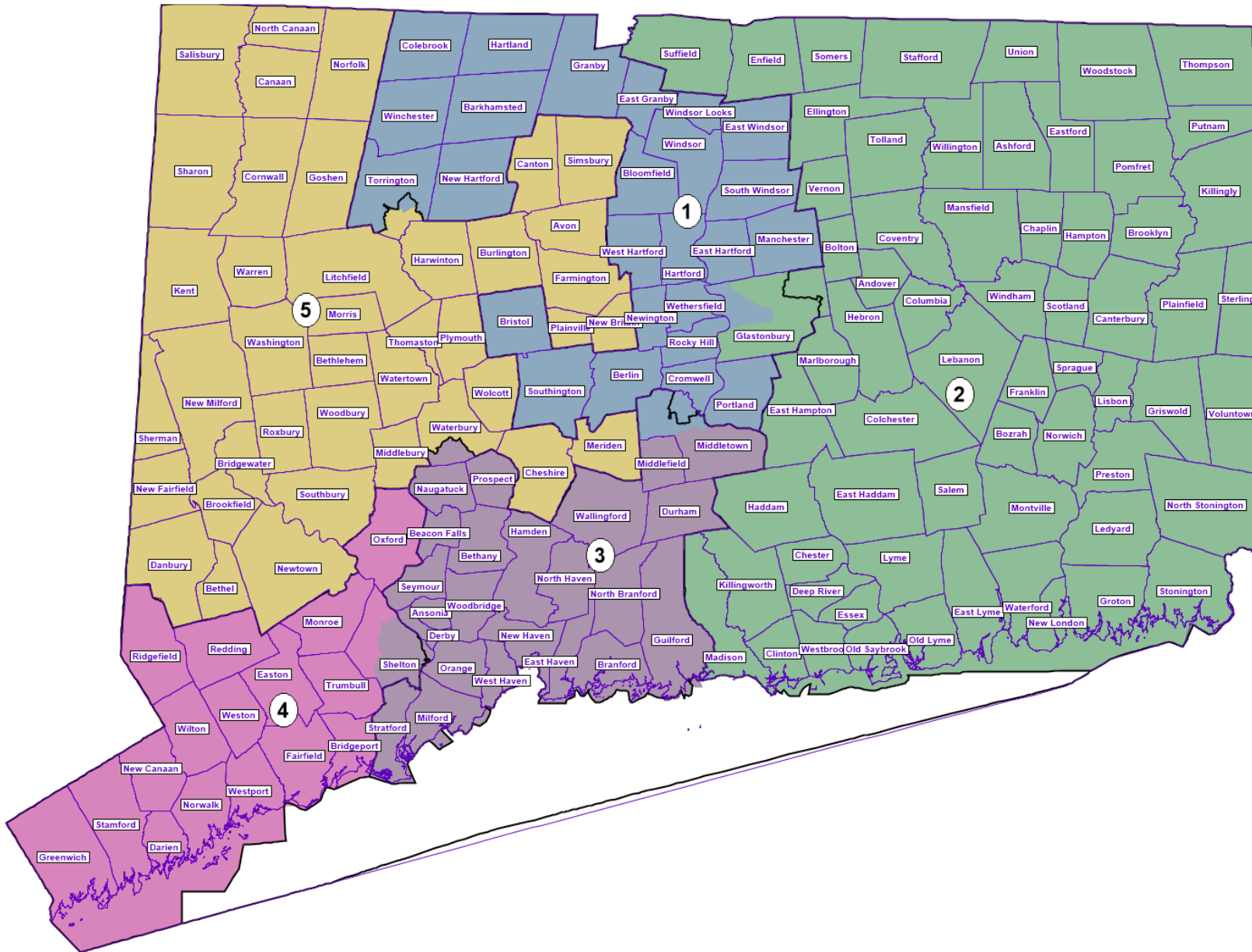
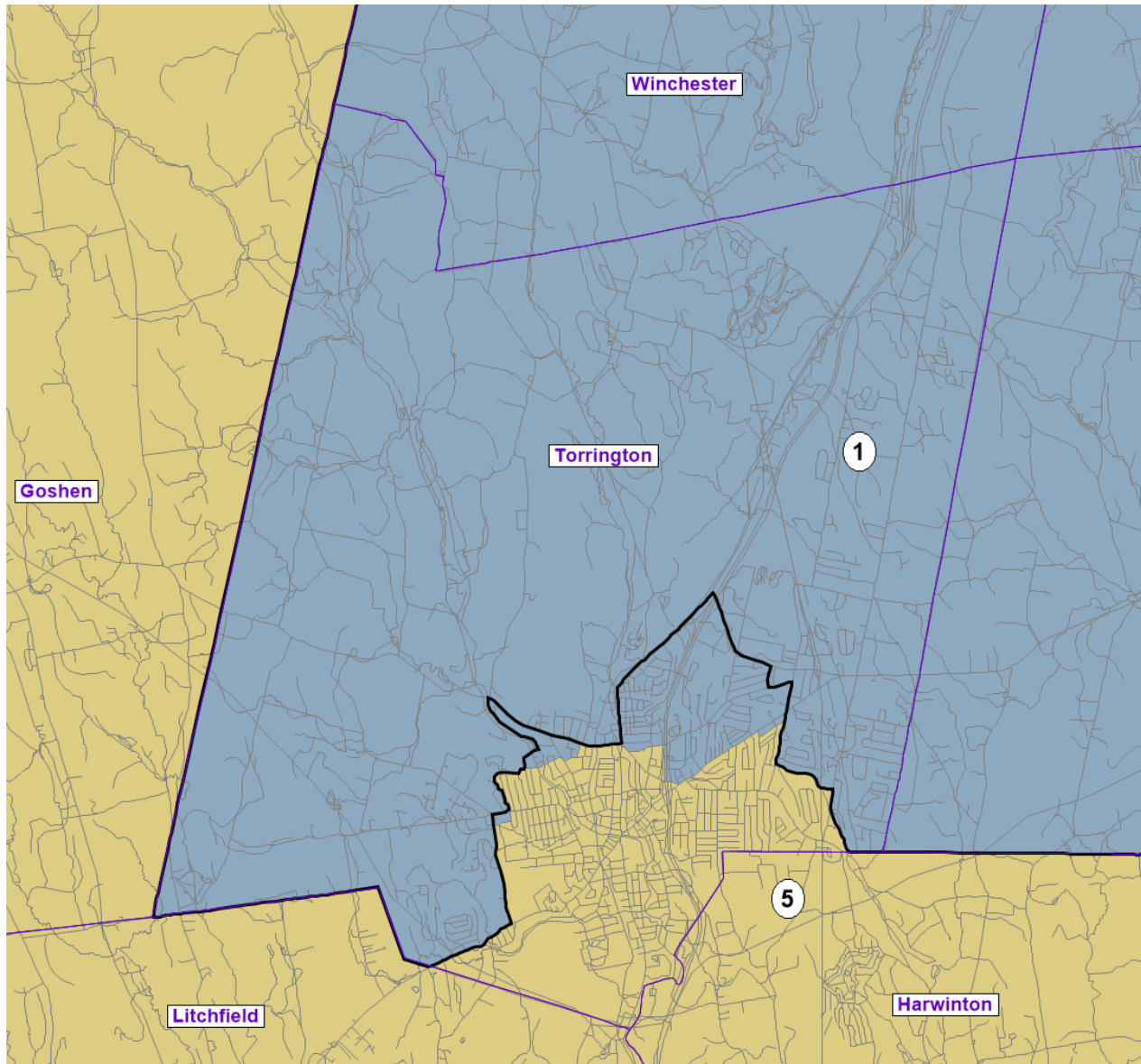
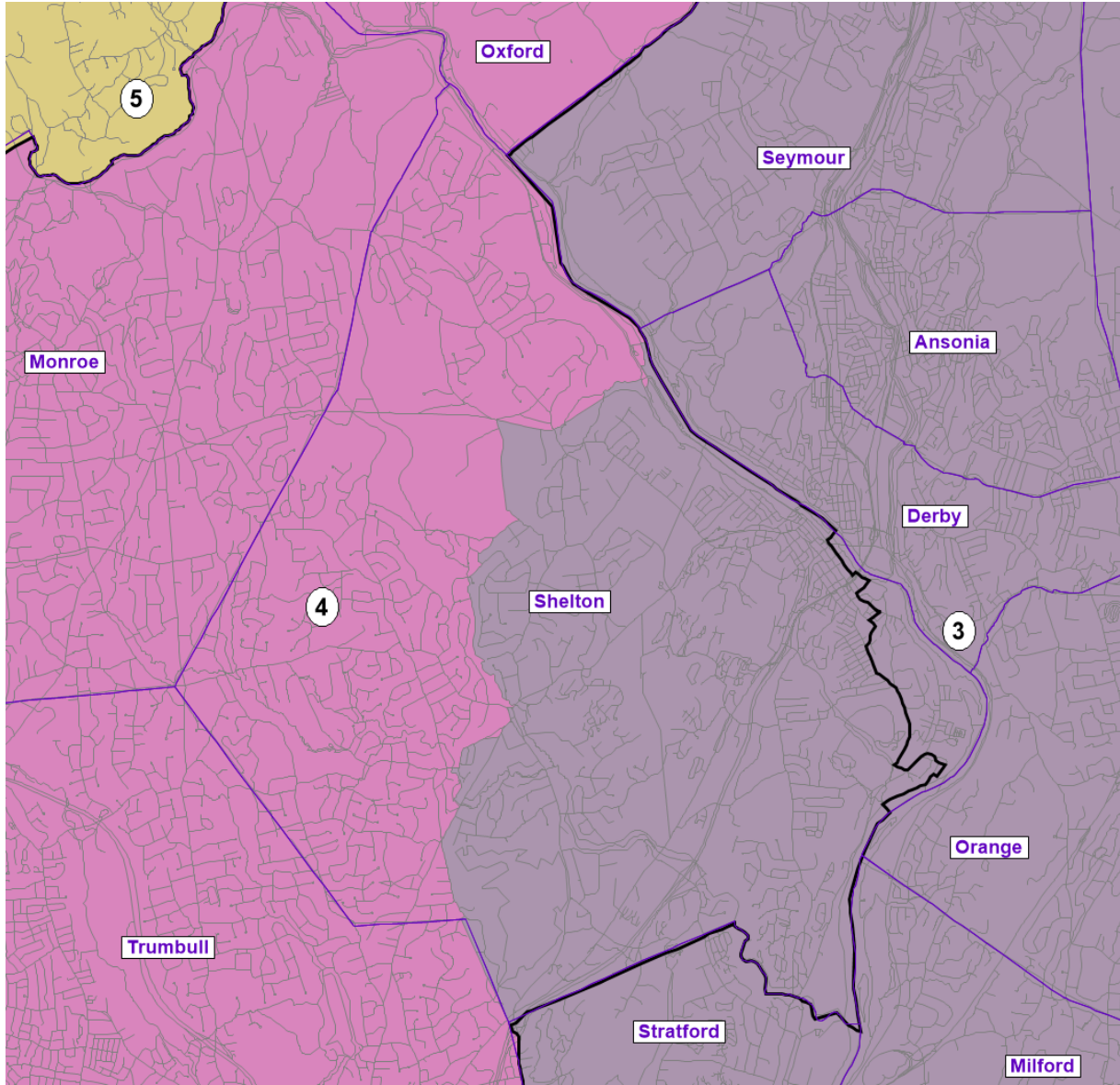


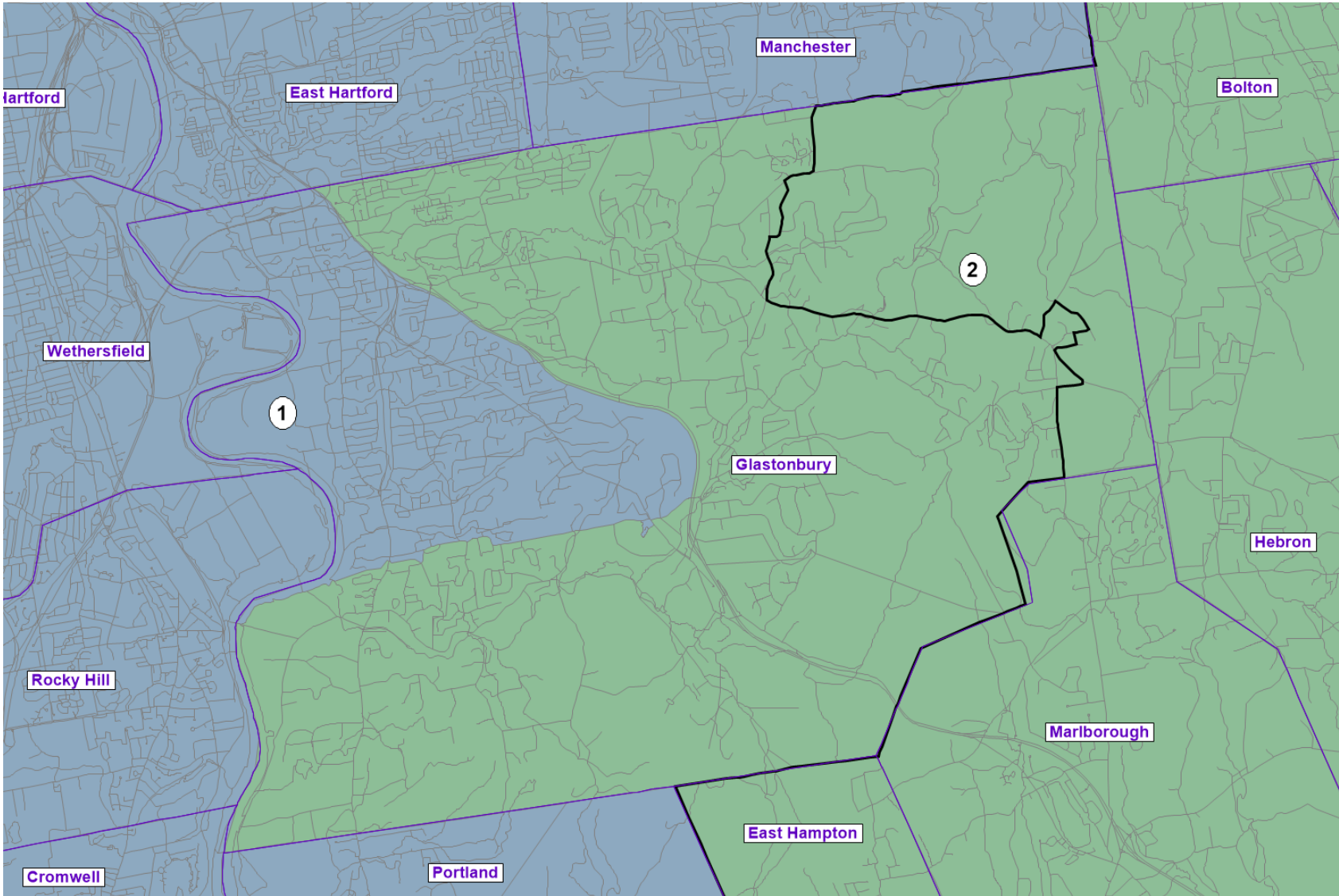
Exhibit 2

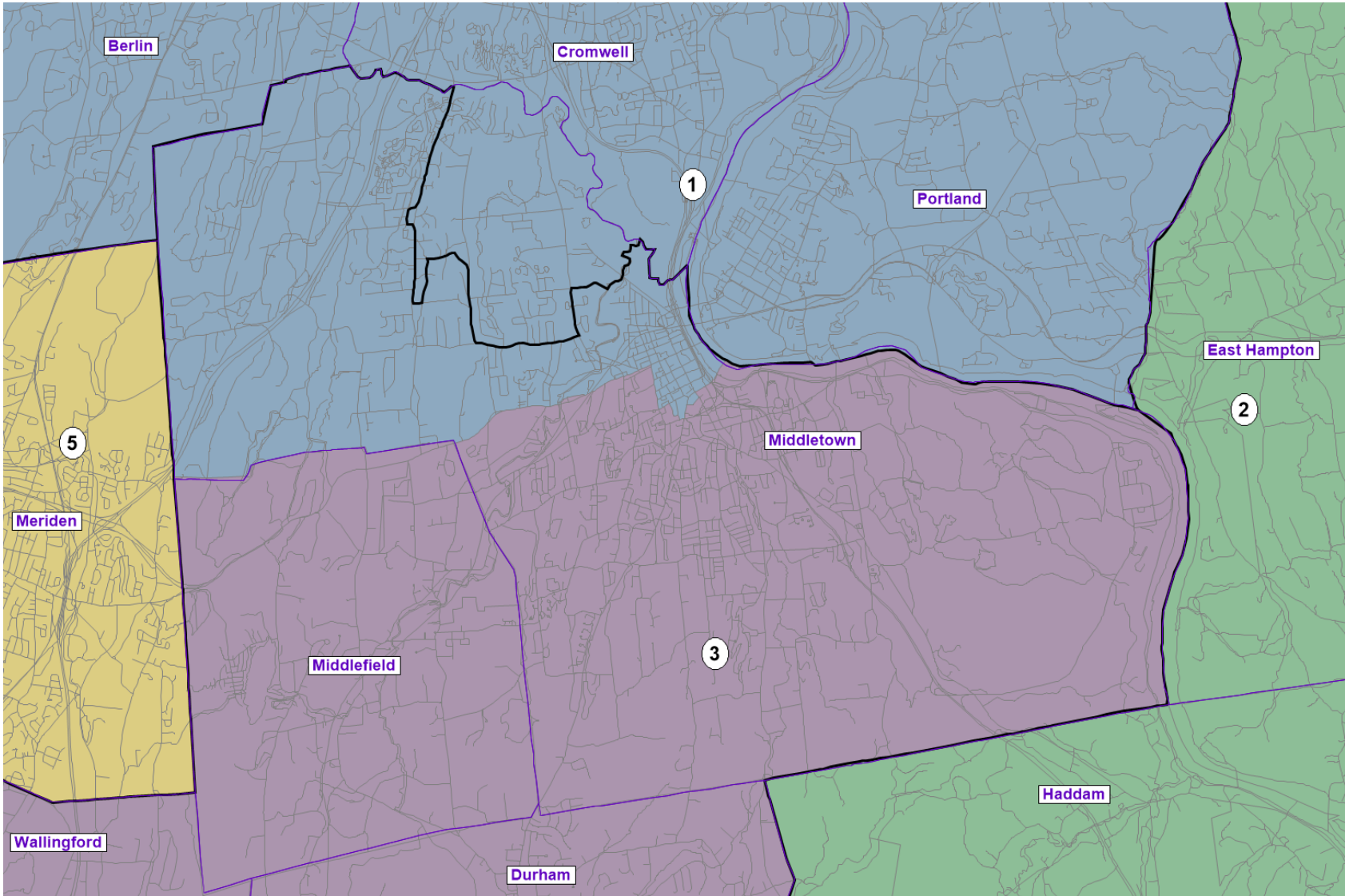
Special Master's Plan, Focused Maps with Proposed Changes from Existing Districts.











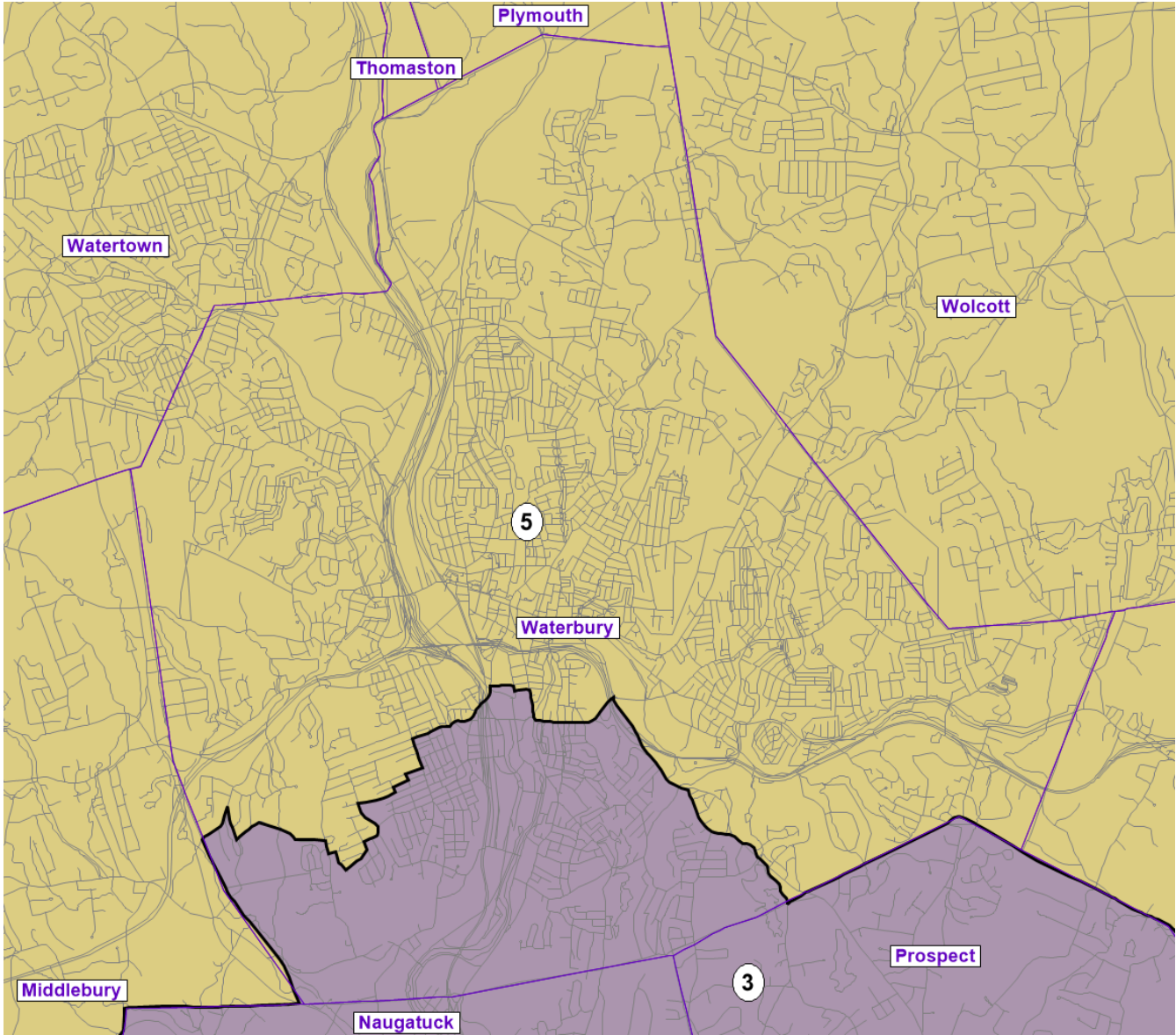


Exhibit 3. Racial Breakdown of Existing Districts, Special Master’s Plan, Democratic Plan and Republican Plan.

Existing Districts															
District	VAP	NHWVAP	% NHWVAP	HVAP	% HVAP	BVAP	% BVAP	AVAP	% AVAP	IVAP	% IVAP	PVAP	% PVAP	OVAP	% OVAP
1	571274	349924	61.25%	87545	15.32%	94800	16.59%	36334	6.36%	8442	1.48%	802	0.14%	74979	13.12%
2	569338	458919	80.61%	44480	7.81%	29591	5.20%	24005	4.22%	11929	2.10%	1073	0.19%	39949	7.02%
3	579067	371385	64.14%	83645	14.44%	88896	15.35%	30954	5.35%	8707	1.50%	816	0.14%	70208	12.12%
4	576579	347214	60.22%	112186	19.46%	75662	13.12%	35338	6.13%	6978	1.21%	739	0.13%	101553	17.61%
5	572969	386351	67.43%	102839	17.95%	50251	8.77%	24093	4.20%	8641	1.51%	864	0.15%	92257	16.10%
Special Master’s Recommended Plan															
District	VAP	NHWVAP	% NHWVAP	HVAP	% HVAP	BVAP	% BVAP	AVAP	% AVAP	IVAP	% IVAP	PVAP	% PVAP	OVAP	% OVAP
1	575609	350479	60.89%	89239	15.50%	97385	16.92%	35899	6.24%	8694	1.51%	837	0.15%	76267	13.25%
2	585785	471982	80.57%	45353	7.74%	30179	5.15%	25661	4.38%	12088	2.06%	1084	0.19%	40825	6.97%
3	583771	377621	64.69%	83523	14.31%	87230	14.94%	31046	5.32%	8569	1.47%	793	0.14%	70252	12.03%
4	555195	330507	59.53%	110251	19.86%	74375	13.40%	34170	6.15%	6812	1.23%	728	0.13%	99806	17.98%
5	568867	383204	67.36%	102329	17.99%	50031	8.79%	23948	4.21%	8534	1.50%	852	0.15%	91796	16.14%
Democratic Plan															
District	VAP	NHWVAP	% NHWVAP	HVAP	% HVAP	BVAP	% BVAP	AVAP	% AVAP	IVAP	% IVAP	PVAP	% PVAP	OVAP	% OVAP
1	575920	351134	60.97%	88985	15.45%	97153	16.87%	36013	6.25%	8696	1.51%	834	0.14%	76034	13.20%
2	585751	471857	80.56%	45339	7.74%	30193	5.15%	25785	4.40%	12077	2.06%	1085	0.19%	40809	6.97%
3	583499	377132	64.63%	83737	14.35%	87455	14.99%	30807	5.28%	8570	1.47%	794	0.14%	70476	12.08%
4	555191	330520	59.53%	110249	19.86%	74364	13.39%	34169	6.15%	6811	1.23%	728	0.13%	99800	17.98%
5	568866	383150	67.35%	102385	18.00%	50035	8.80%	23950	4.21%	8543	1.50%	853	0.15%	91827	16.14%
Republican Plan															
District	VAP	NHWVAP	% NHWVAP	HVAP	% HVAP	BVAP	% BVAP	AVAP	% AVAP	IVAP	% IVAP	PVAP	% PVAP	OVAP	% OVAP
1	575908	347884	60.41%	89498	15.54%	99497	17.28%	36637	6.36%	8656	1.50%	835	0.15%	76221	13.23%
2	585864	472751	80.69%	45126	7.70%	29943	5.11%	25409	4.34%	12092	2.06%	1086	0.19%	40658	6.94%
3	581809	371433	63.84%	87800	15.09%	88068	15.14%	30324	5.21%	8666	1.49%	850	0.15%	73800	12.68%
4	555425	330543	59.51%	110254	19.85%	74440	13.40%	34307	6.18%	6803	1.22%	721	0.13%	99828	17.97%
5	570221	391182	68.60%	98017	17.19%	47252	8.29%	24047	4.22%	8480	1.49%	802	0.14%	88439	15.51%

VAP = Voting Age Population

NHWVAP = Non-Hispanic White Voting Age Population

HVAP = Hispanic Voting Age Population

BVAP = Black Voting Age Population

AVAP = Asian Voting Age Population

IVAP = Amerian Indian or Alaska Native Voting Age Population

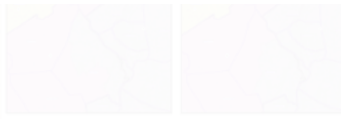
PVAP = Native Hawaiian or other Pacific Islander Voting Age Population

OVAP = Some Other Race Voting Age Population

art new chat

0-9973: Bill Photo

4:21 PM



750-9973

10:03 AM

Hey professor, we found an error on p. 43 and T1 where the Republican and Democratic images were flipped. Here is a corrected 4-pane

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g / Josh Tucker

10/21/2021

's Nate, thanks Josh -- I passed this on to Alberto but I get the L...

Actually still a typo there

10/21/2021

765-6974

+1 (800) 750-9973 - Garrett Hunsicker

303-0599

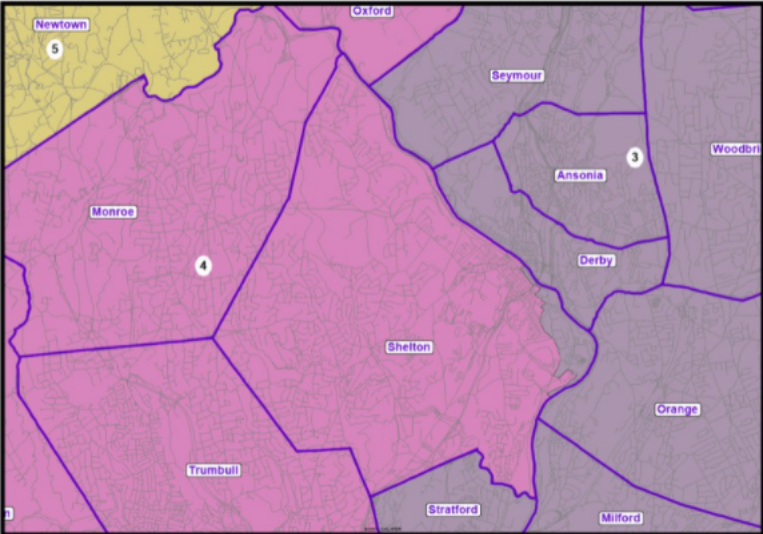
Focused Maps of Town Splits in Existing Districts, Special Master's Plan, Democratic Proposal, and Republican Proposal

Exhibit 4

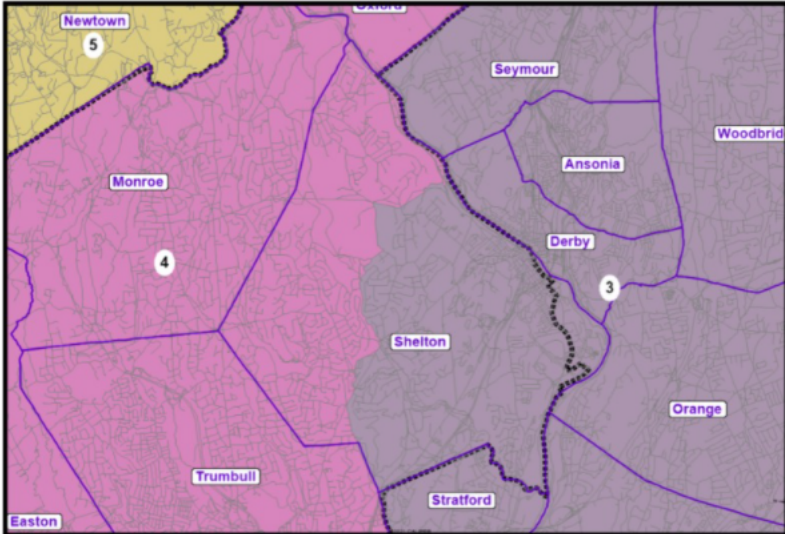
Focused Maps of Town Splits in Existing Districts, Special Master's Plan, Democratic Proposal, and Republican Proposal.

Shelton Split Details

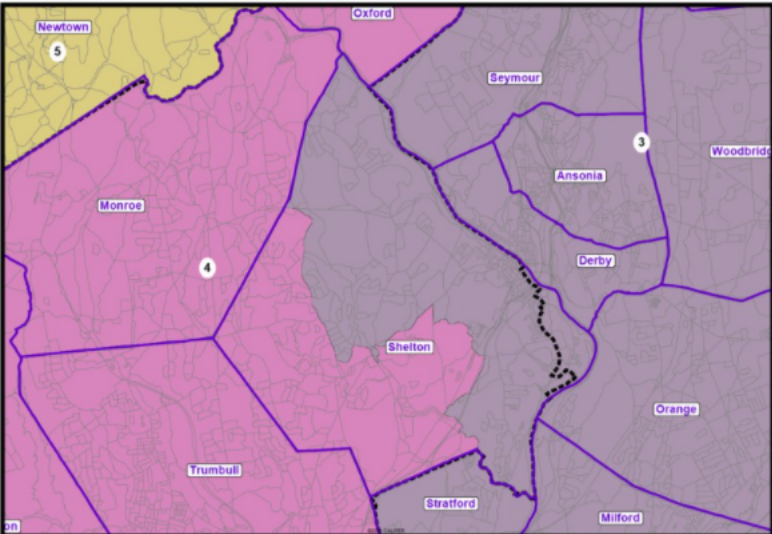
Existing Plan



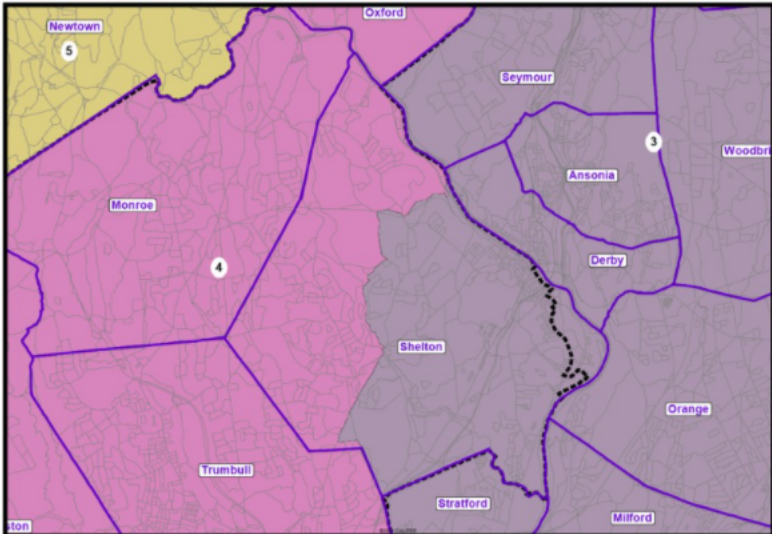
Special Master Plan



Republican Plan

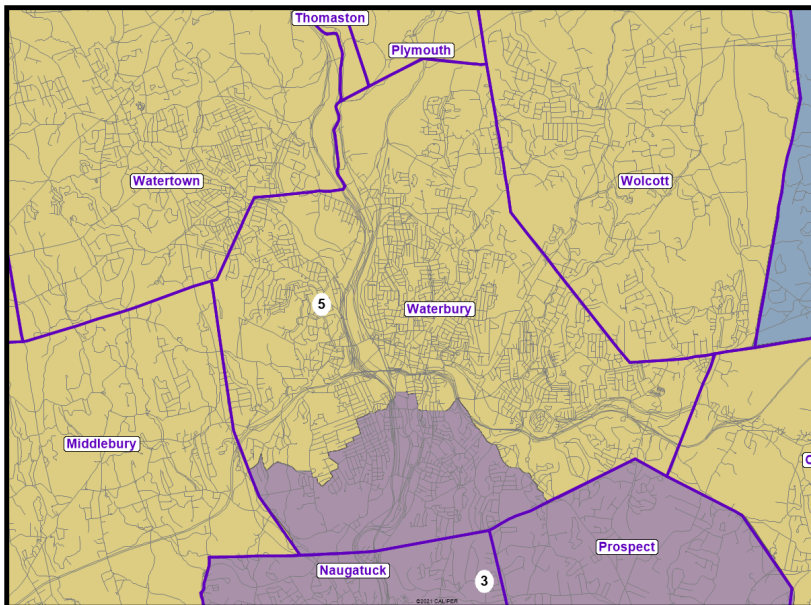


Democratic Plan

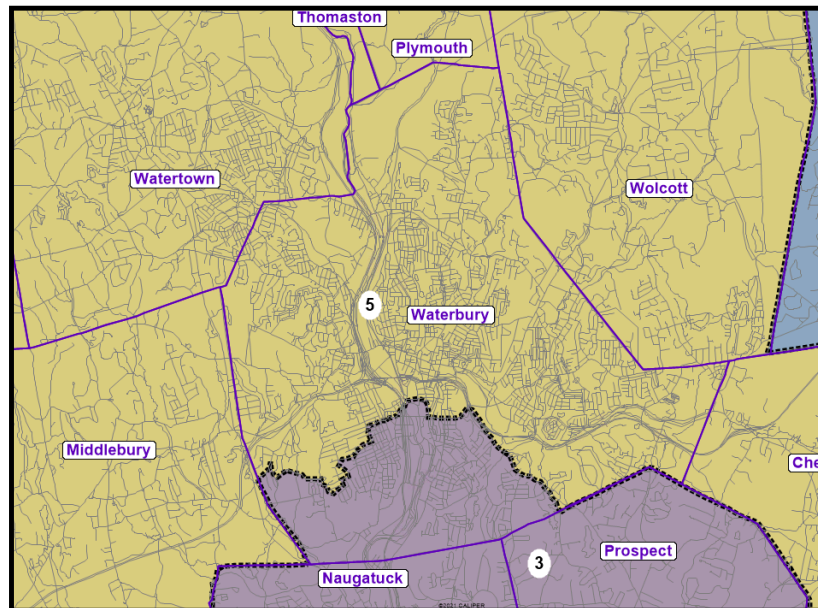


Waterbury Split Details

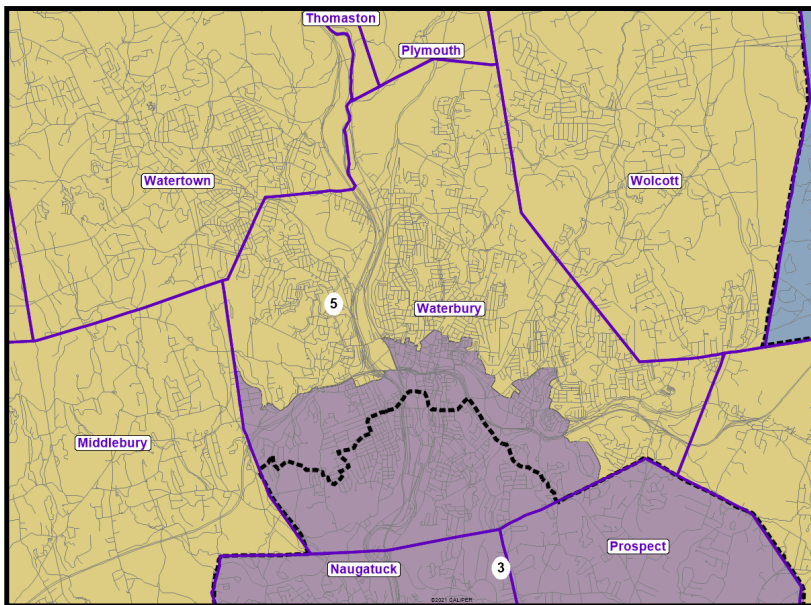
Existing Plan



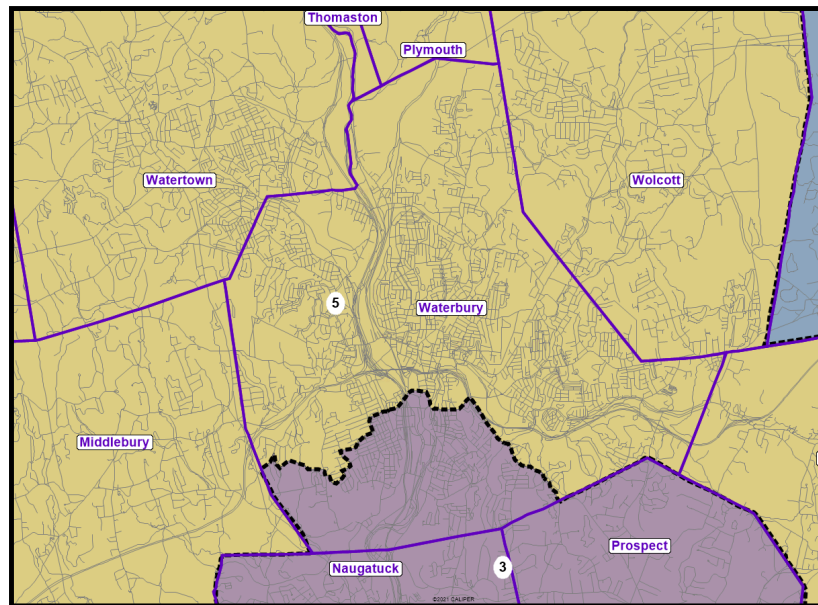
Special Master Plan



Republican Plan

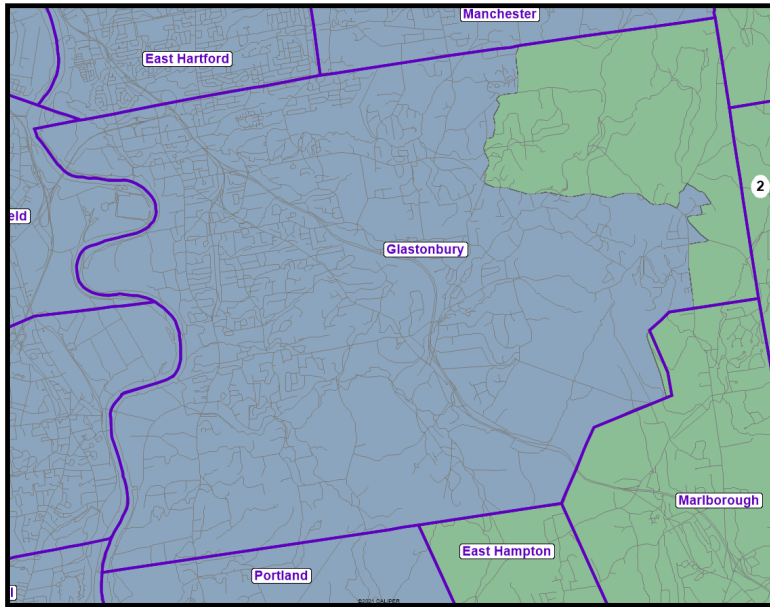


Democratic Plan

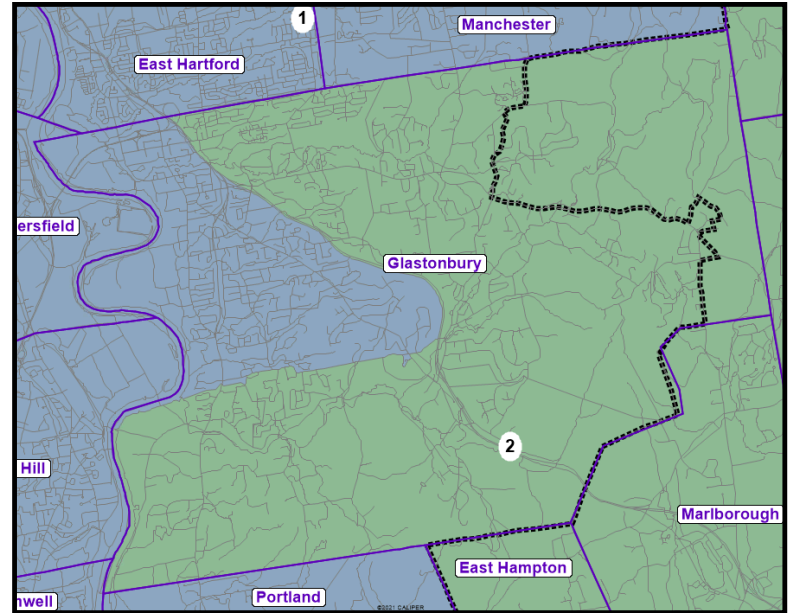


Glastonbury Split Details

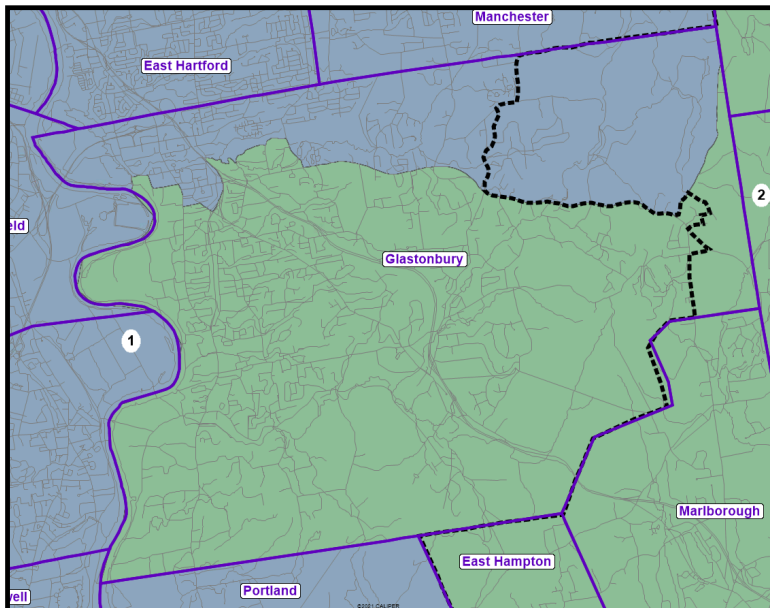
Existing Plan



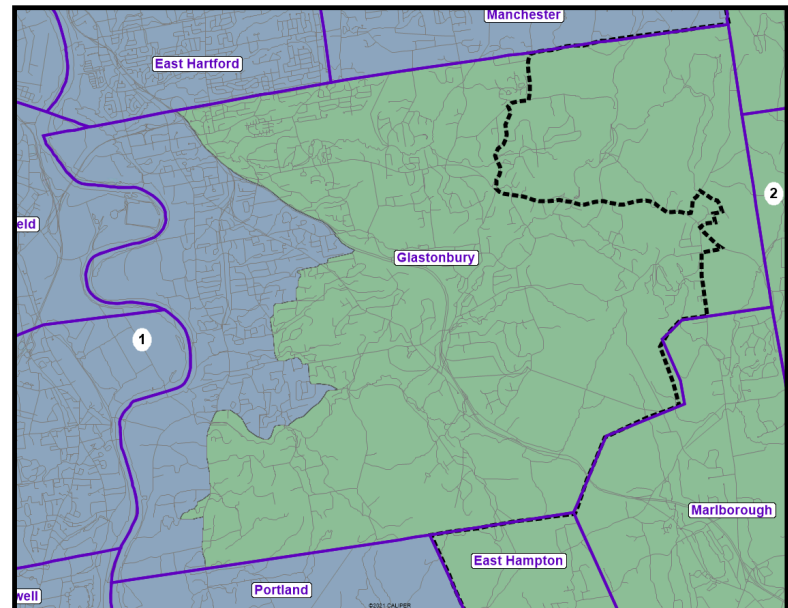
Special Master Plan



Republican Plan

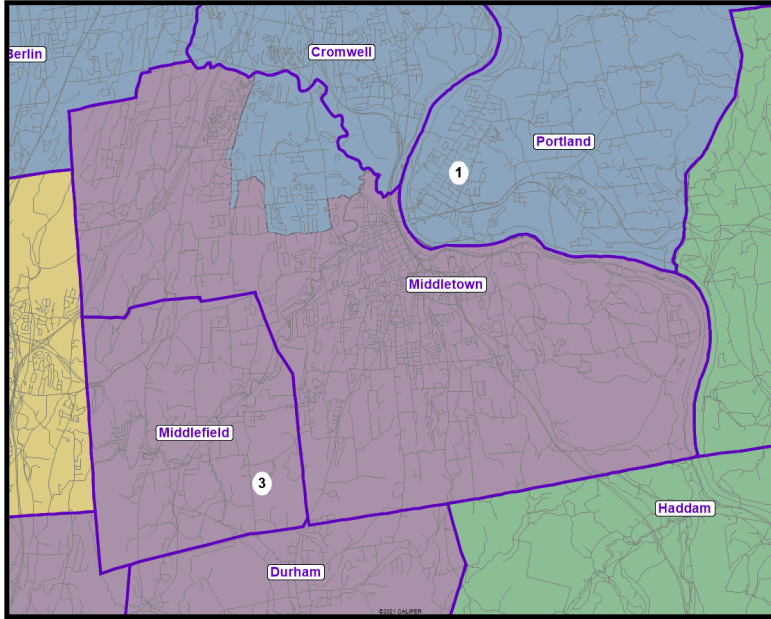


Democratic Plan

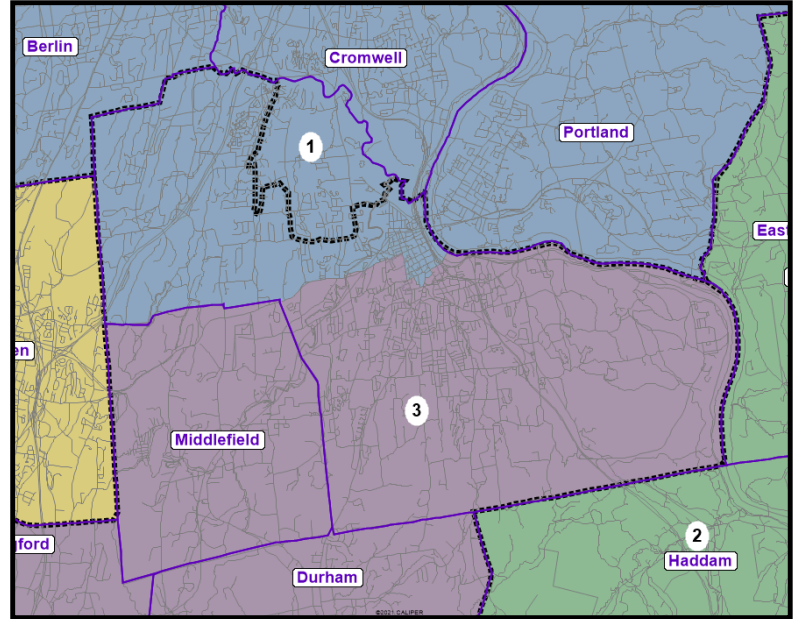


Middletown Split Details

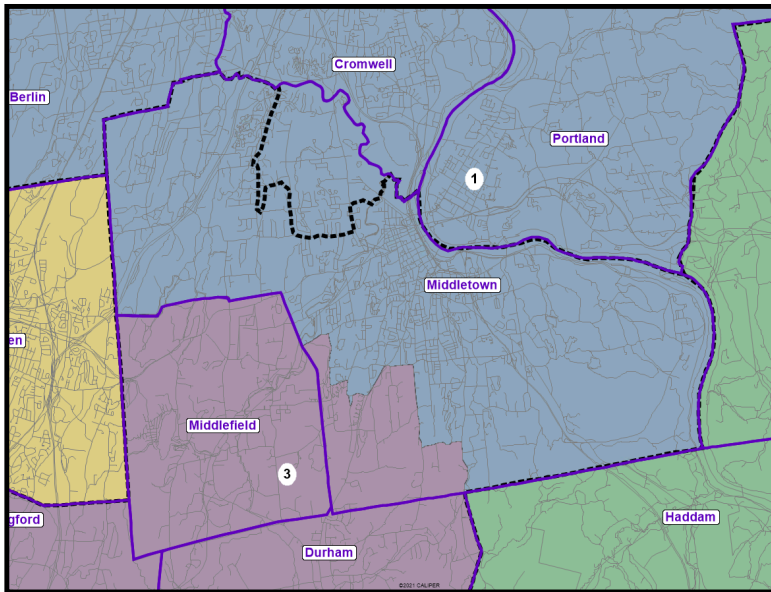
Existing Plan



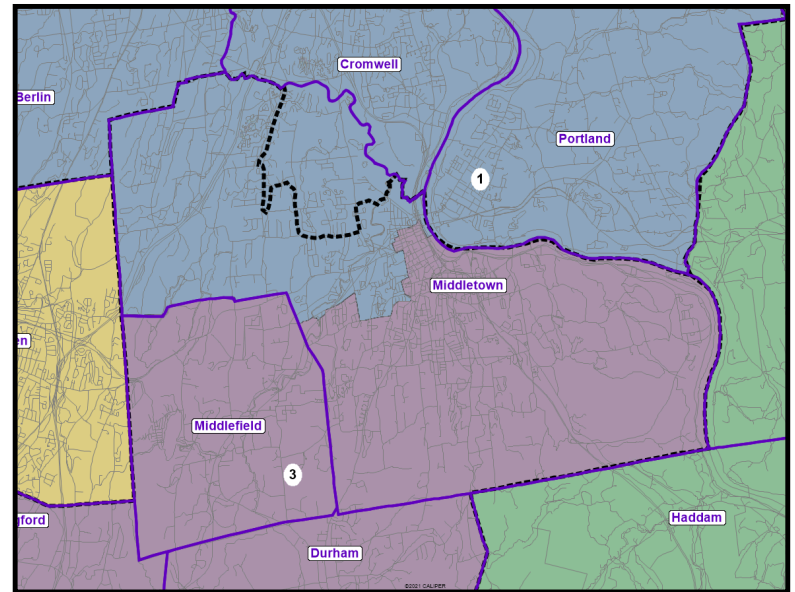
Special Master Plan



Republican Plan

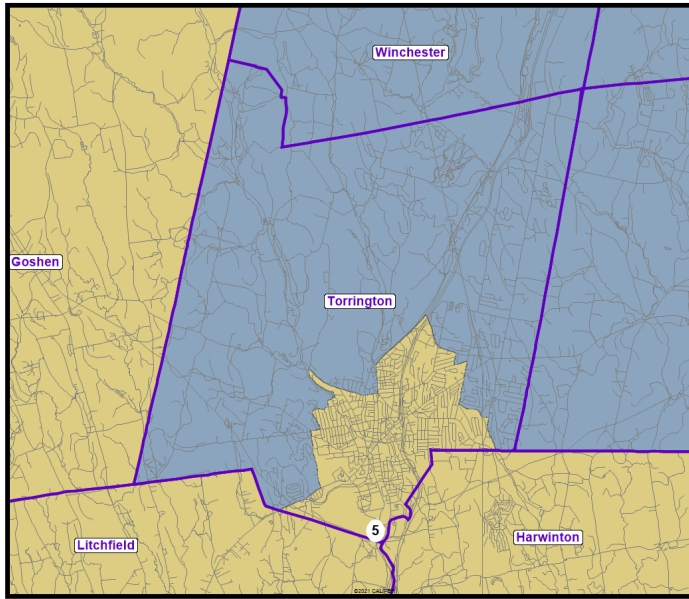


Democratic Plan

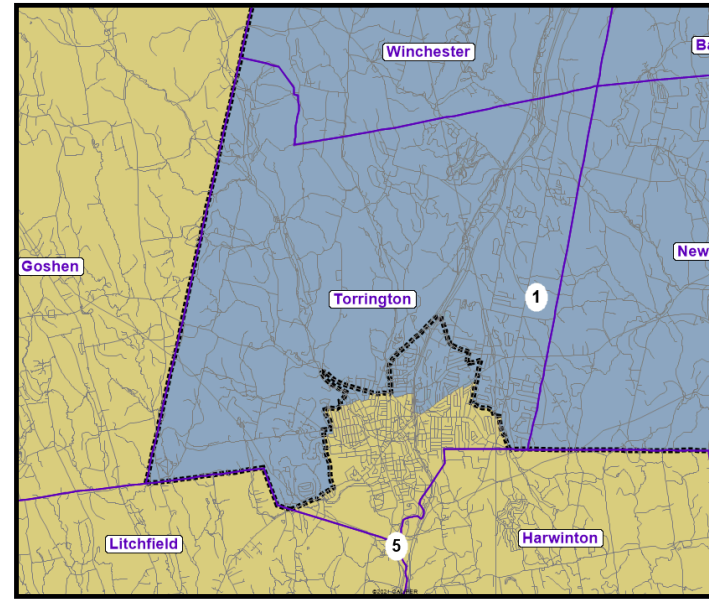


Torrington Split Details

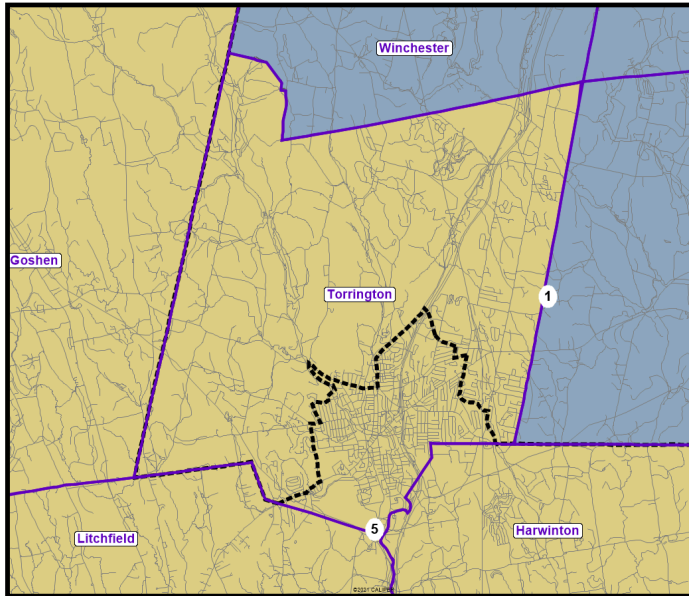
Existing Plan



Special Master Plan



Republican Plan



Democratic Plan

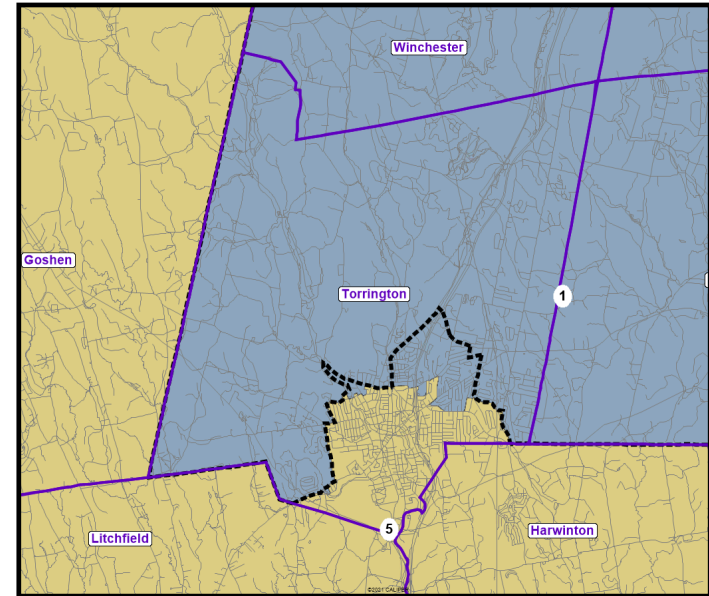
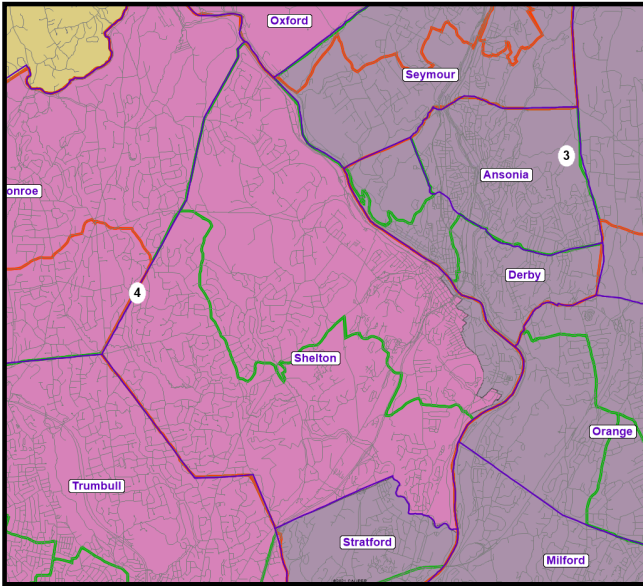


Exhibit 5

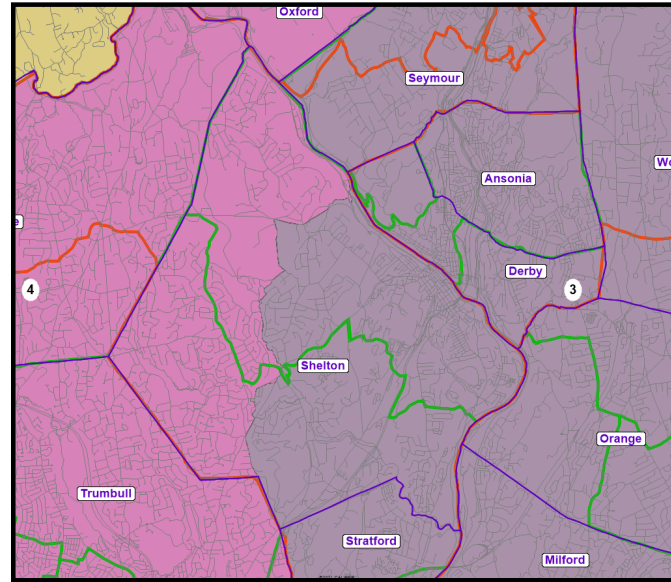
Comparison Images of Special Master's Plan, Republican Plan, and Democratic Plan, with House and Senate District overlays.

Shelton Split Details

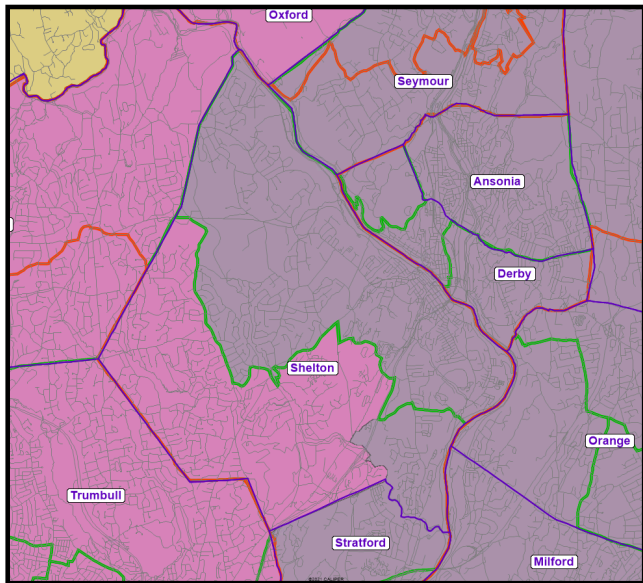
Existing Districts



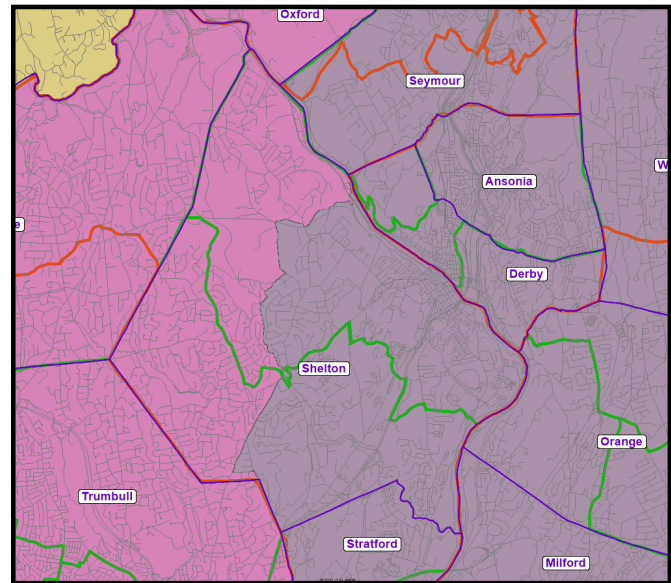
Special Master Plan



Republican Plan

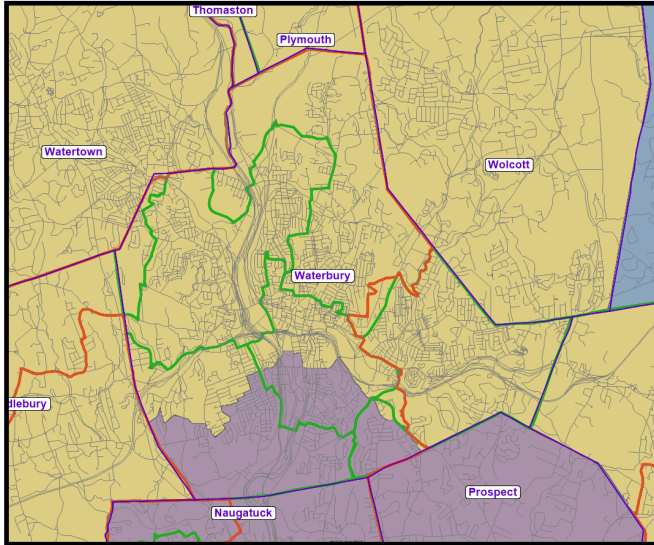


Democratic Plan

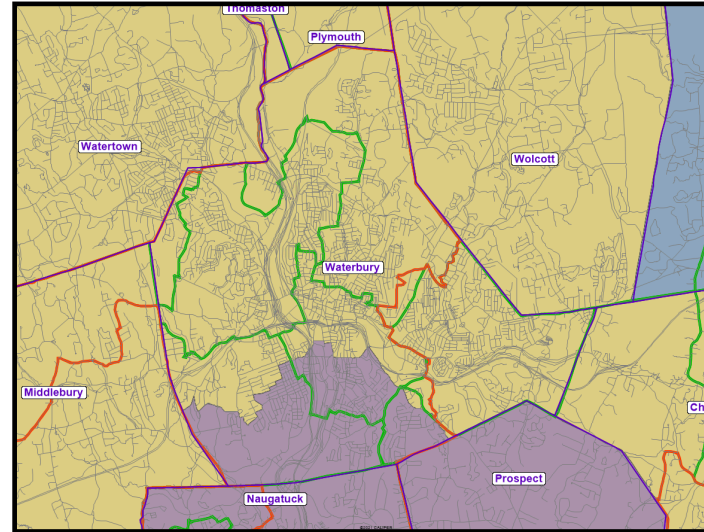


Waterbury Split Details

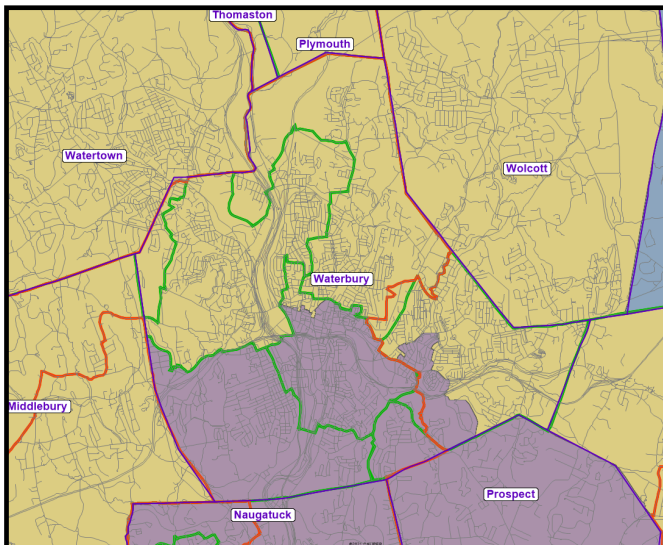
Existing Districts



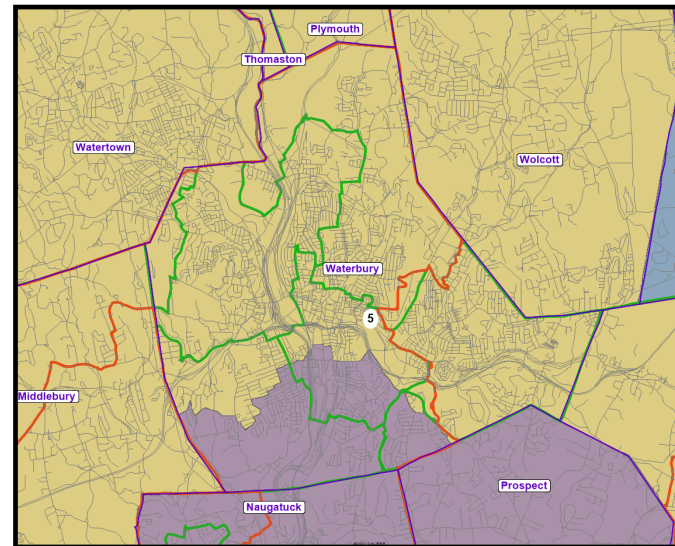
Special Master Plan



Republican Plan

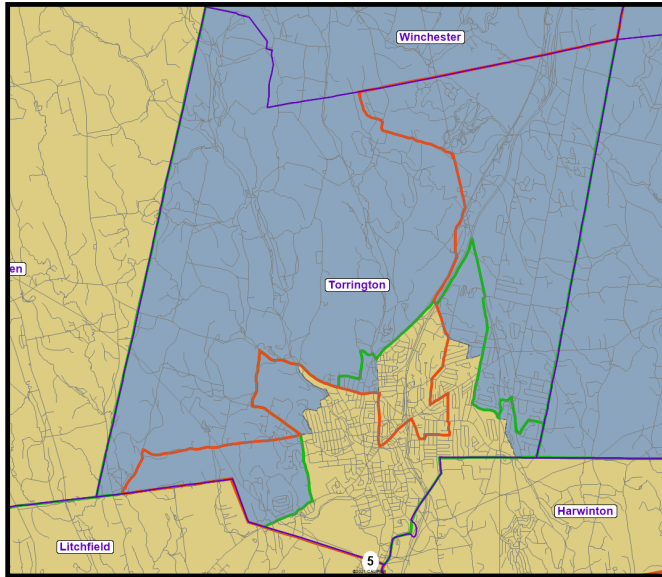


Democratic Plan

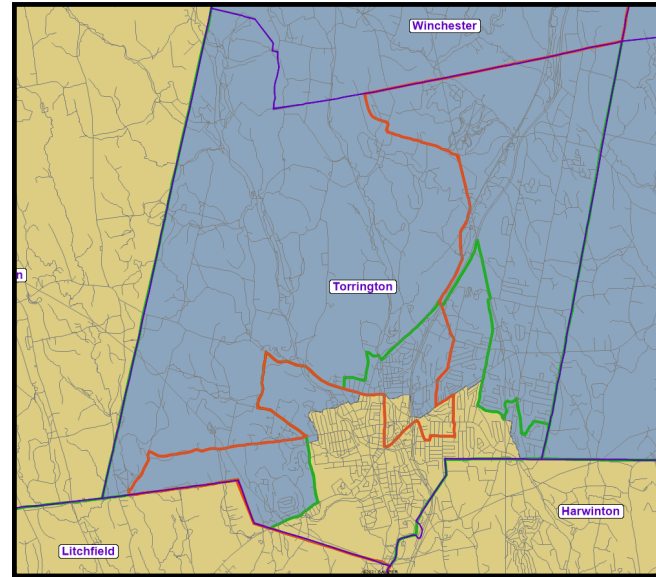


Torrington Split Details

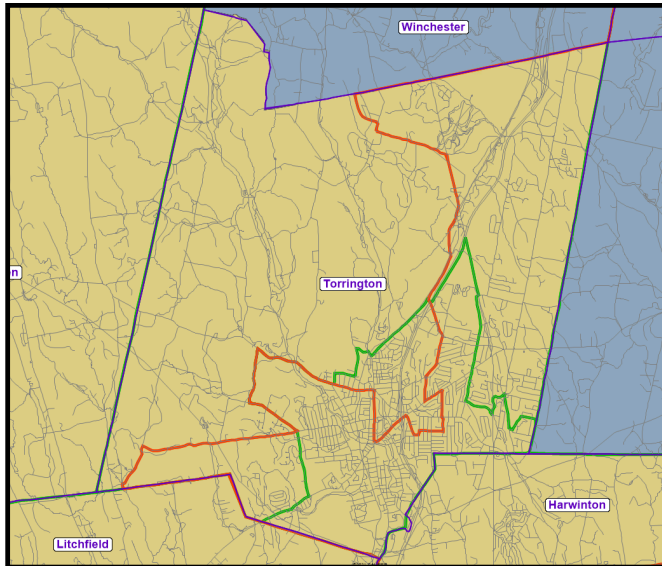
Existing Districts



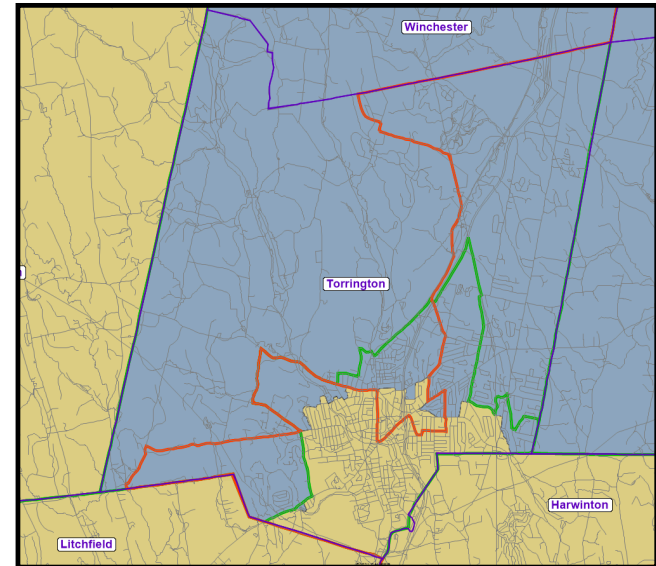
Special Master Plan



Republican Plan

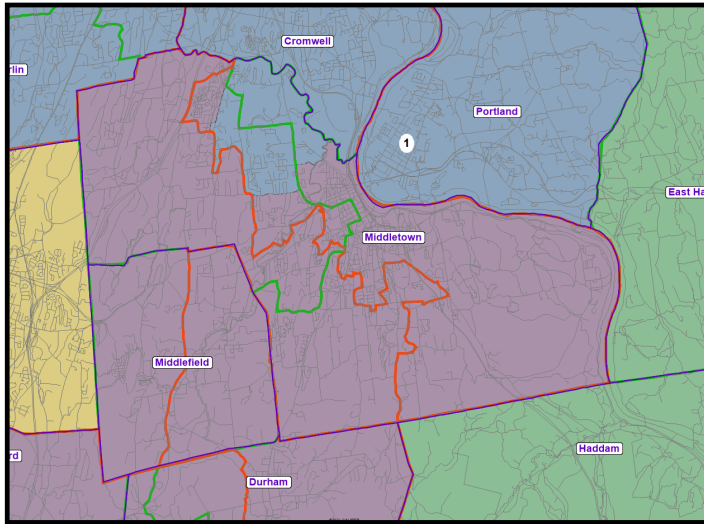


Democratic Plan

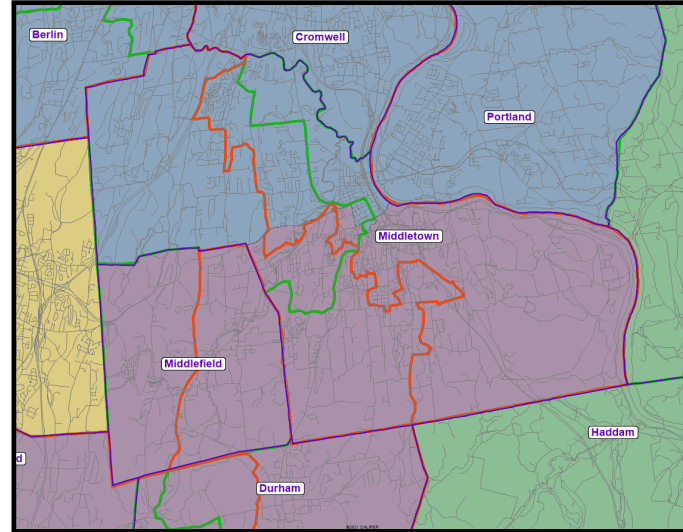


Middletown Split Details

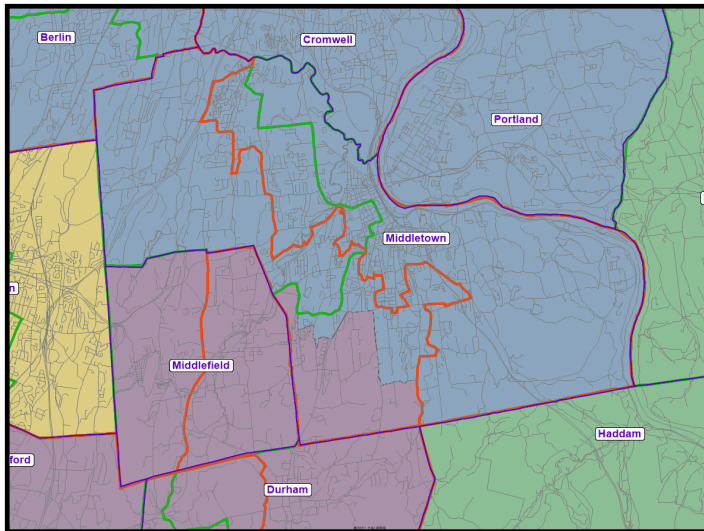
Existing Districts



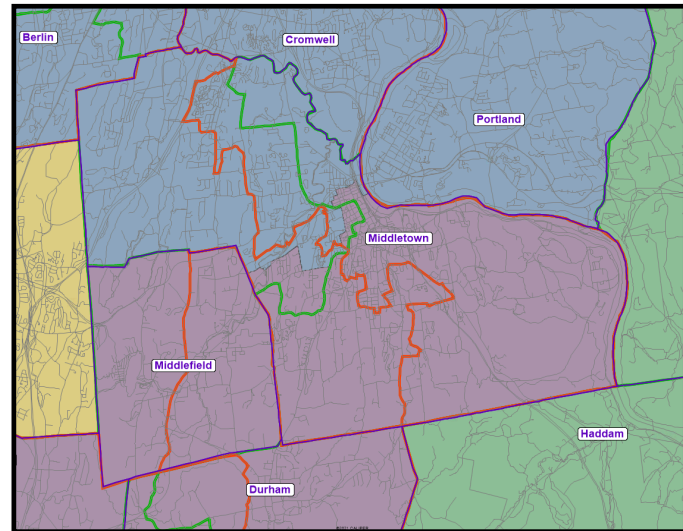
Special Master Plan



Republican Plan

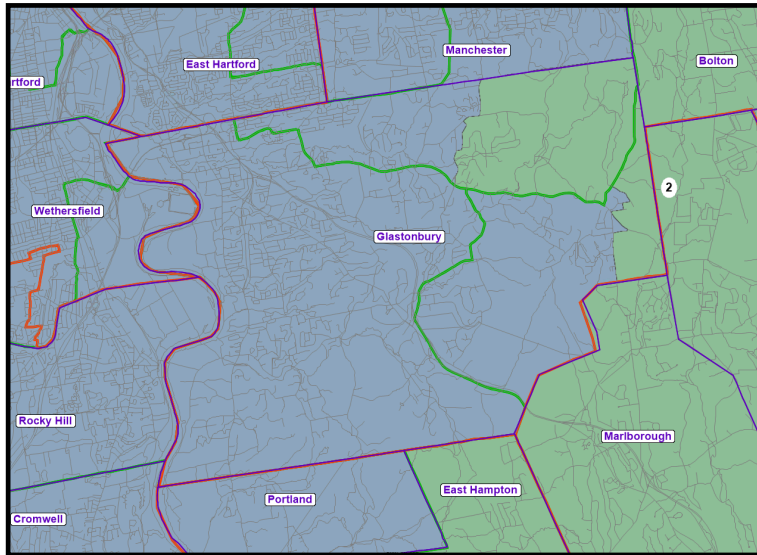


Democratic Plan

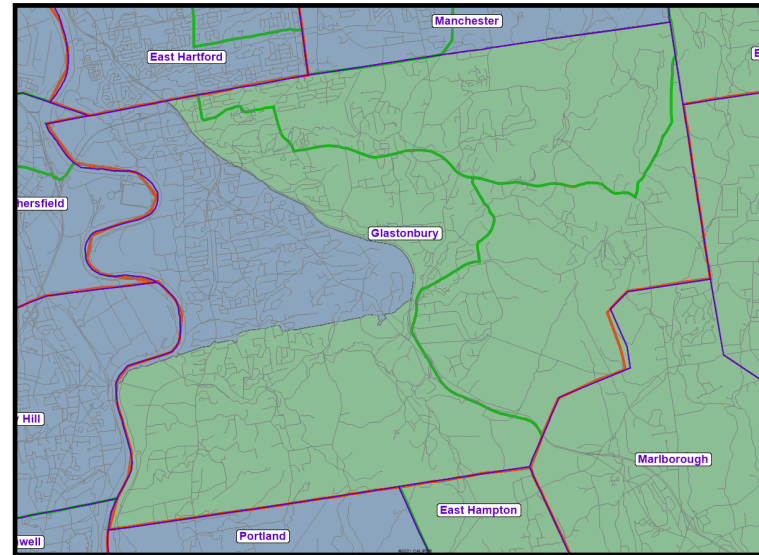


Glastonbury Split Details

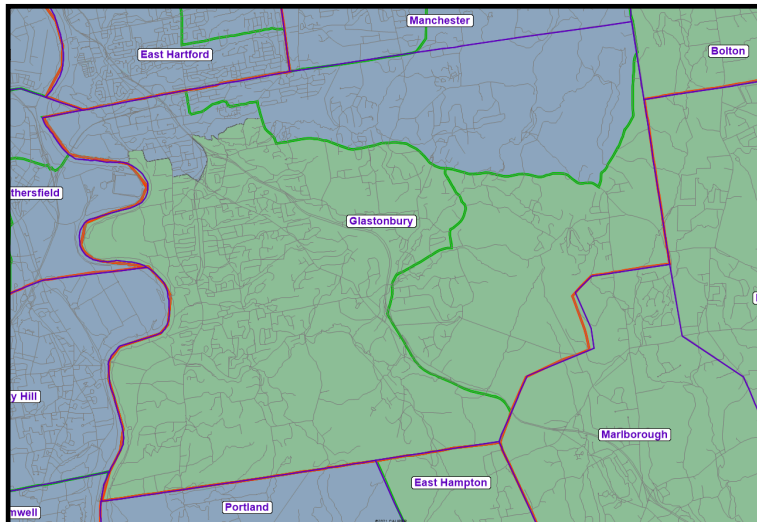
Existing Districts



Special Master Plan



Republican Plan



Democratic Plan

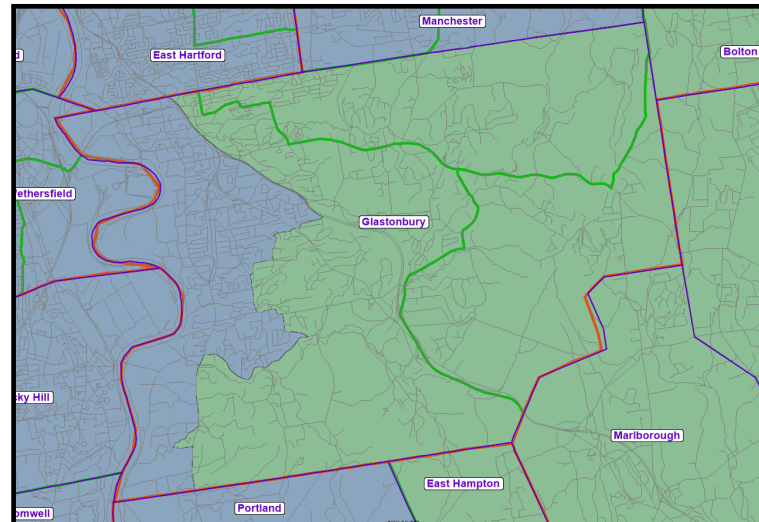


Exhibit 6. Compactness Analysis of Special Master’s Plan and Submitted Plans

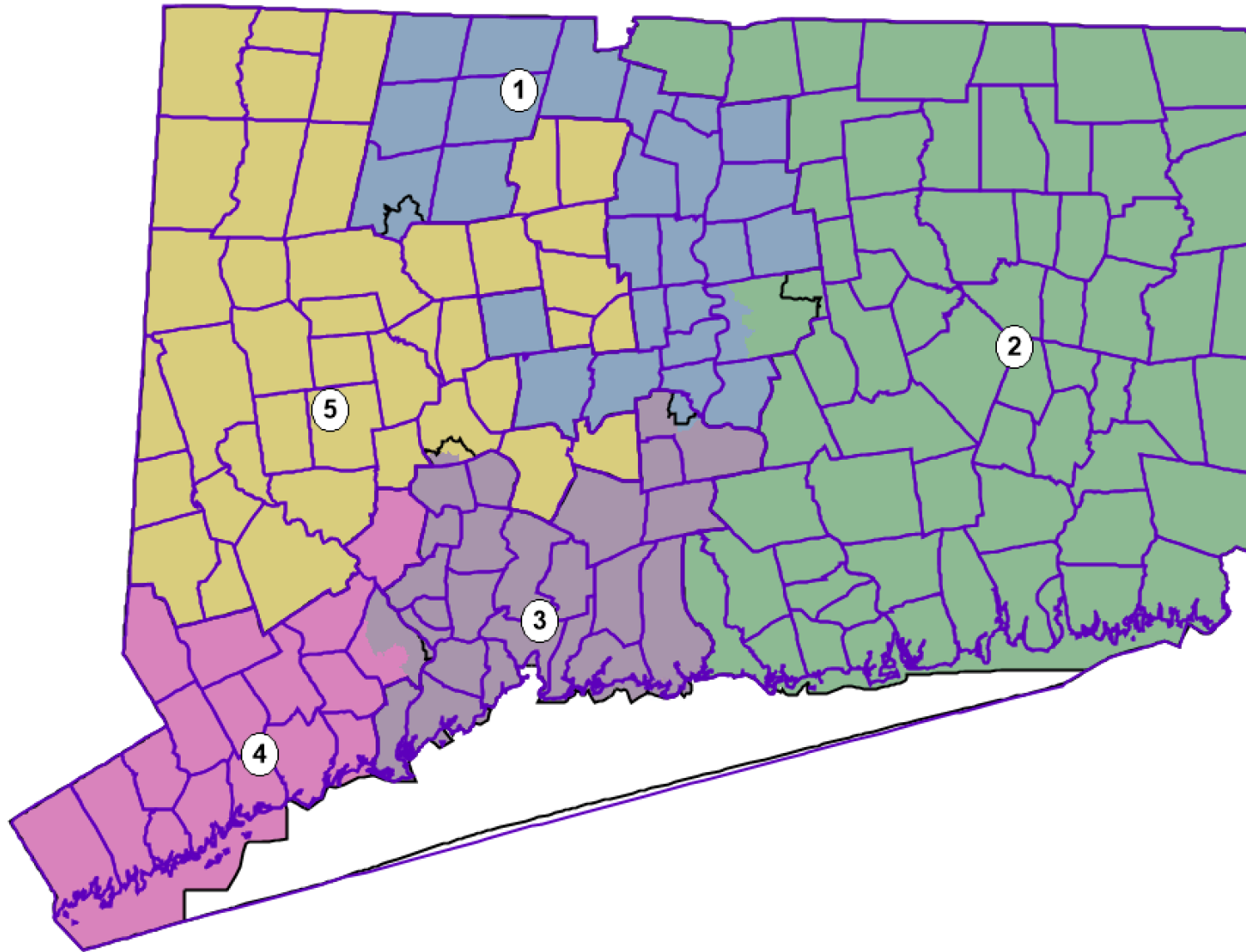
Master Recommended Plan								
District	R	S	Perim	PP	LW	Poly	Cir	E
1	0.43	2.37	224.34	0.17	3.74	0.71	0.52	0.2
2	0.57	1.48	253.84	0.42	3.15	0.58	0.42	0.55
3	0.36	1.88	162.25	0.24	3.22	0.84	0.57	0.29
4	0.32	1.68	141.04	0.33	3.27	0.85	0.58	0.24
5	0.51	2.04	264.25	0.23	9.21	0.71	0.51	0.35
Sum	N/A	N/A	1045.7	N/A	N/A	N/A	N/A	N/A
Min	0.32	1.48	N/A	0.17	3.15	0.58	0.42	0.2
Max	0.57	2.37	N/A	0.42	9.21	0.85	0.58	0.55
Mean	0.44	1.89	N/A	0.28	4.52	0.74	0.52	0.33
SD	0.1	0.34	N/A	0.1	2.63	0.11	0.06	0.14

Republican Plan									Democratic Plan							
District	R	S	Perim	PP	LW	Poly	Cir	E	R	S	Perim	PP	LW	Poly	Cir	E
1	0.38	2.4	227.0	0.16	0.81	0.7	0.49	0.17	0.43	2.37	225.06	0.17	3.6	0.71	0.52	0.2
2	0.57	1.47	253.9	0.42	3.15	0.58	0.42	0.55	0.57	1.47	251.37	0.42	3.15	0.58	0.42	0.55
3	0.44	1.95	165.5	0.22	1.08	0.82	0.63	0.3	0.36	1.93	166.28	0.23	2.87	0.83	0.57	0.29
4	0.32	1.75	147.5	0.3	3.27	0.83	0.58	0.24	0.32	1.68	141.46	0.33	3.27	0.85	0.58	0.24
5	0.52	2.01	264.6	0.23	9.2	0.71	0.51	0.39	0.51	2.04	265.25	0.23	9.2	0.71	0.51	0.35
Sum	N/A	N/A	1058	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1049.3	N/A	N/A	N/A	N/A	N/A
Min	0.32	1.47	N/A	0.16	0.81	0.58	0.42	0.17	0.32	1.47	N/A	0.17	2.87	0.58	0.42	0.2
Max	0.57	2.4	N/A	0.42	9.2	0.83	0.63	0.55	0.57	2.37	N/A	0.42	9.2	0.85	0.58	0.55
Mean	0.45	1.92	N/A	0.27	3.5	0.73	0.53	0.33	0.44	1.9	N/A	0.28	4.42	0.74	0.52	0.33
SD	0.1	0.34	N/A	0.1	3.58	0.1	0.08	0.15	0.1	0.34	N/A	0.1	2.69	0.11	0.06	0.14

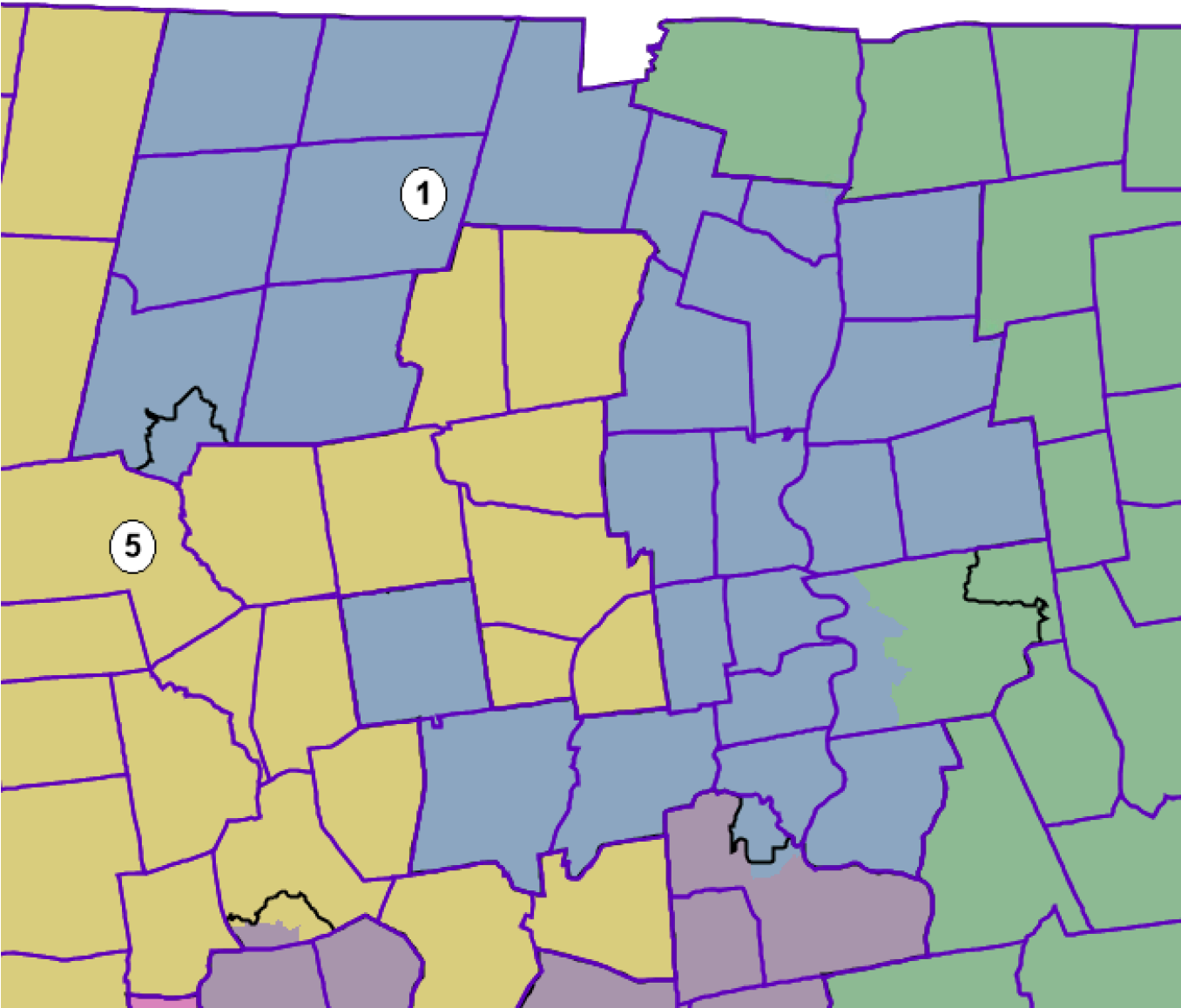
Exhibit 7

Images and Data for Special Master's Alternative Plan

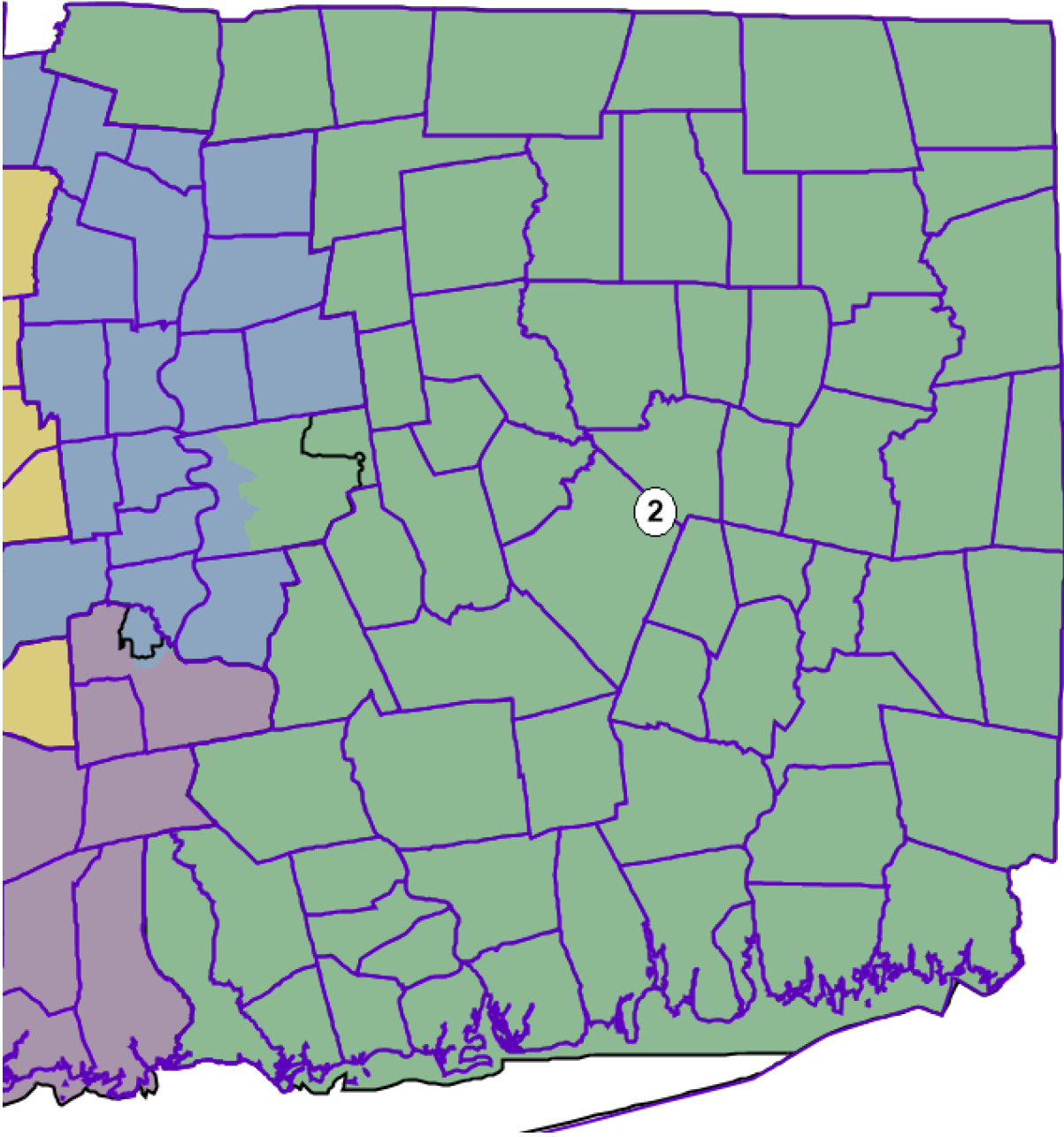
Special Master's Alternative Plan

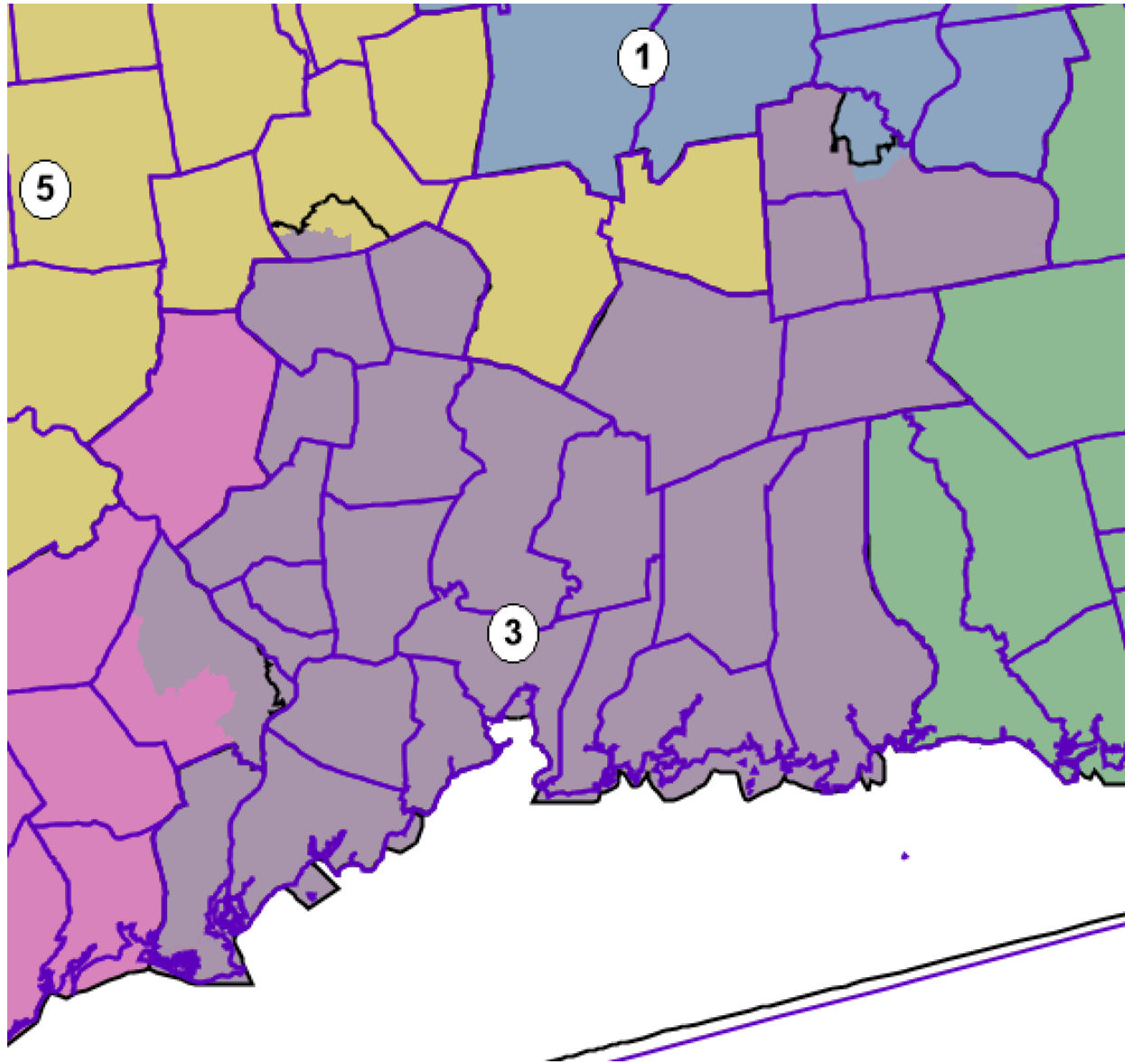


District 1

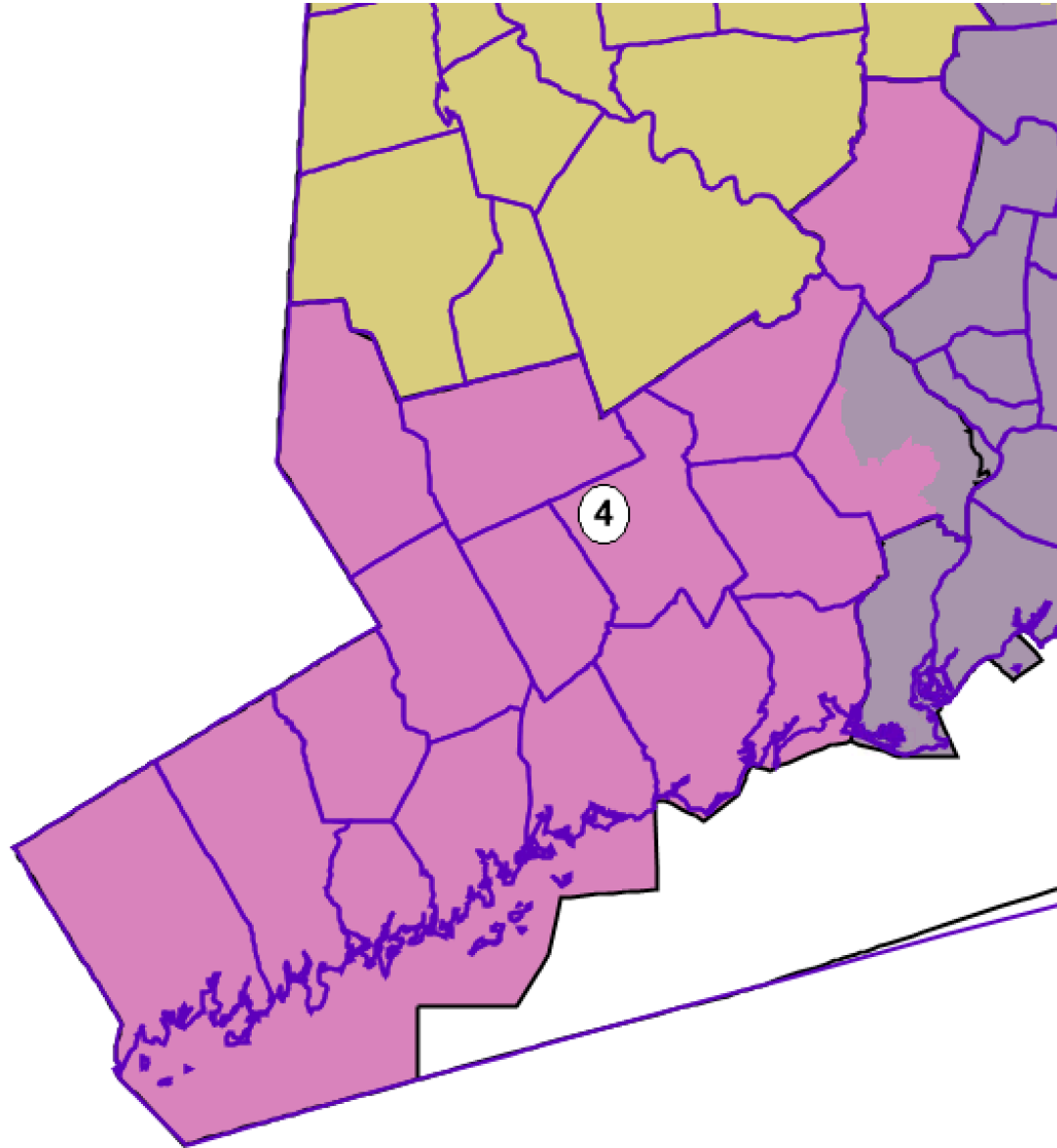


District 2

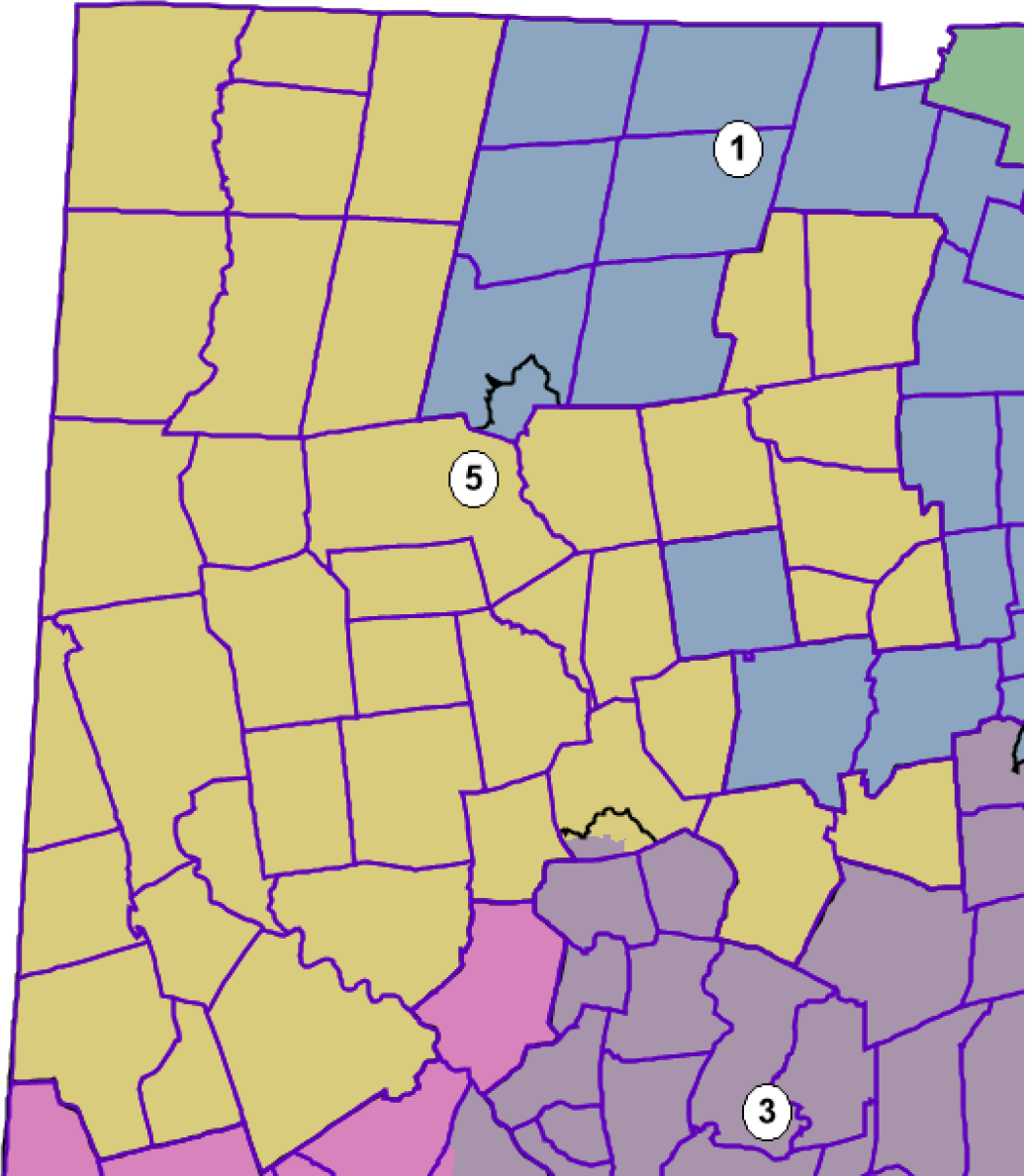




District 4

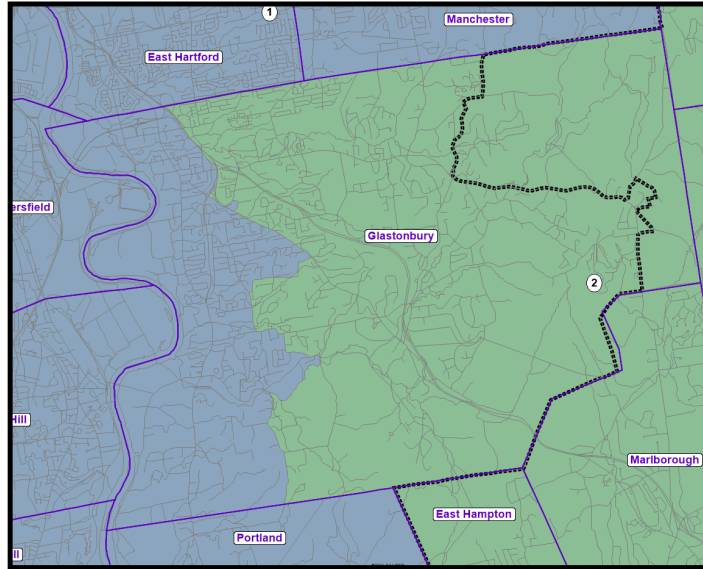


District 5

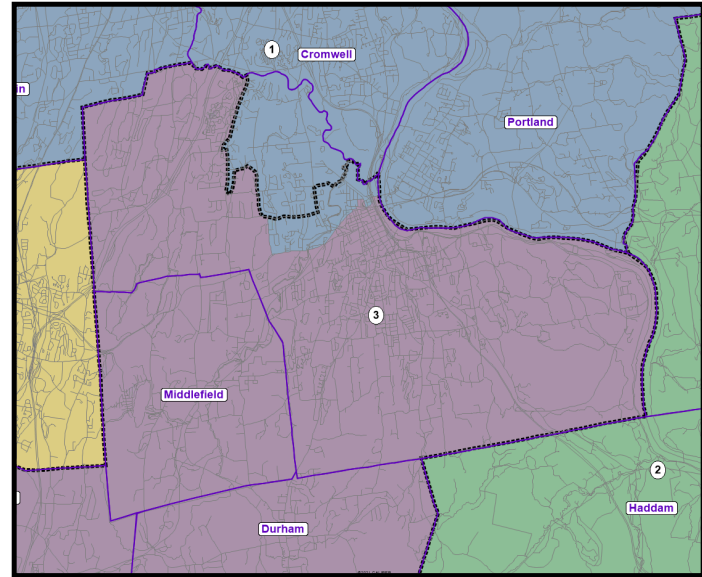


Alternative Plan Town Splits

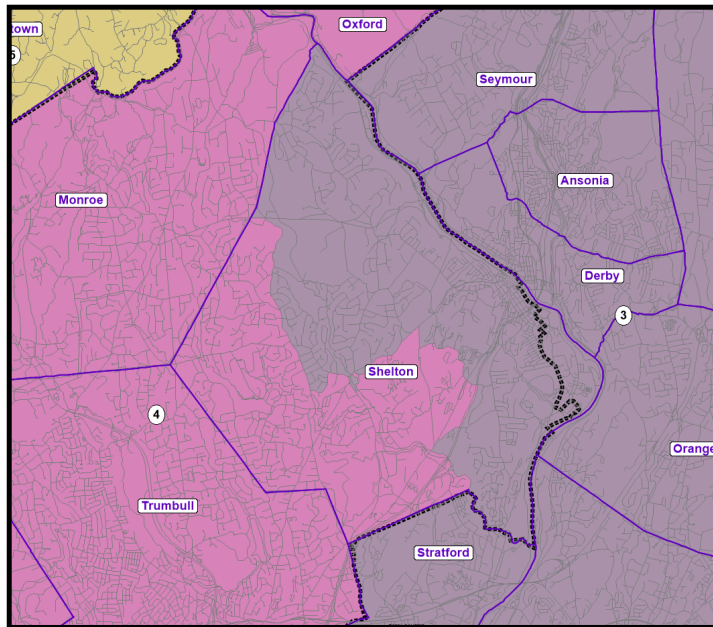
Glastonbury



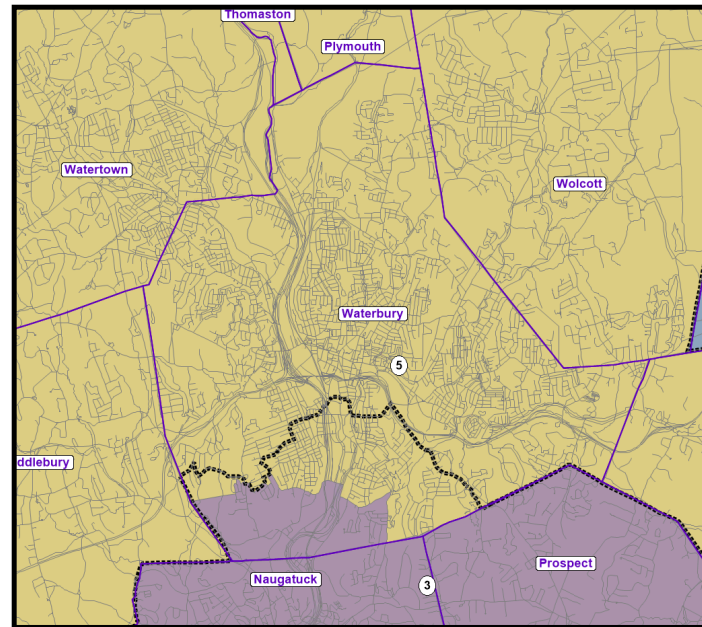
Middletown



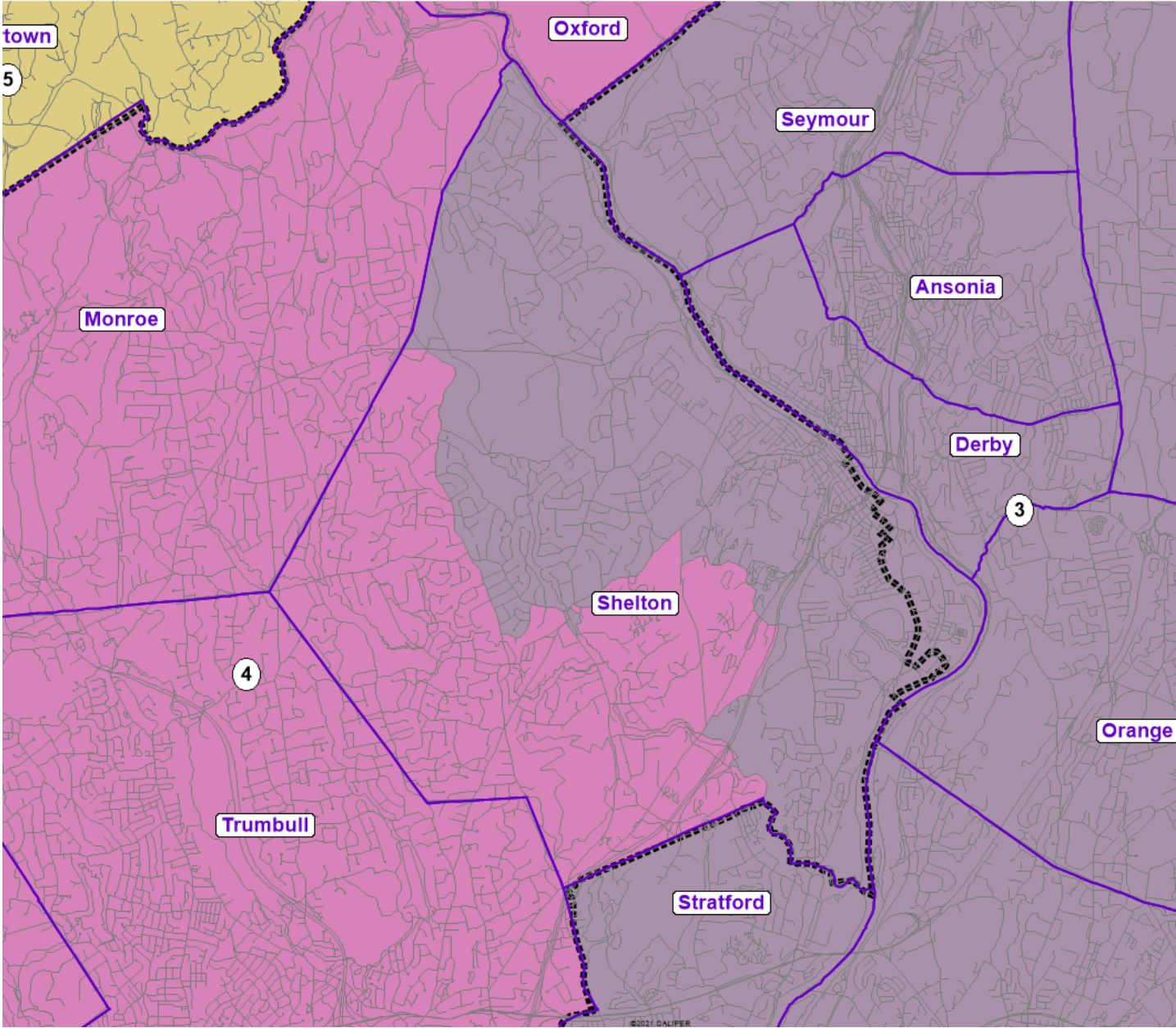
Shelton



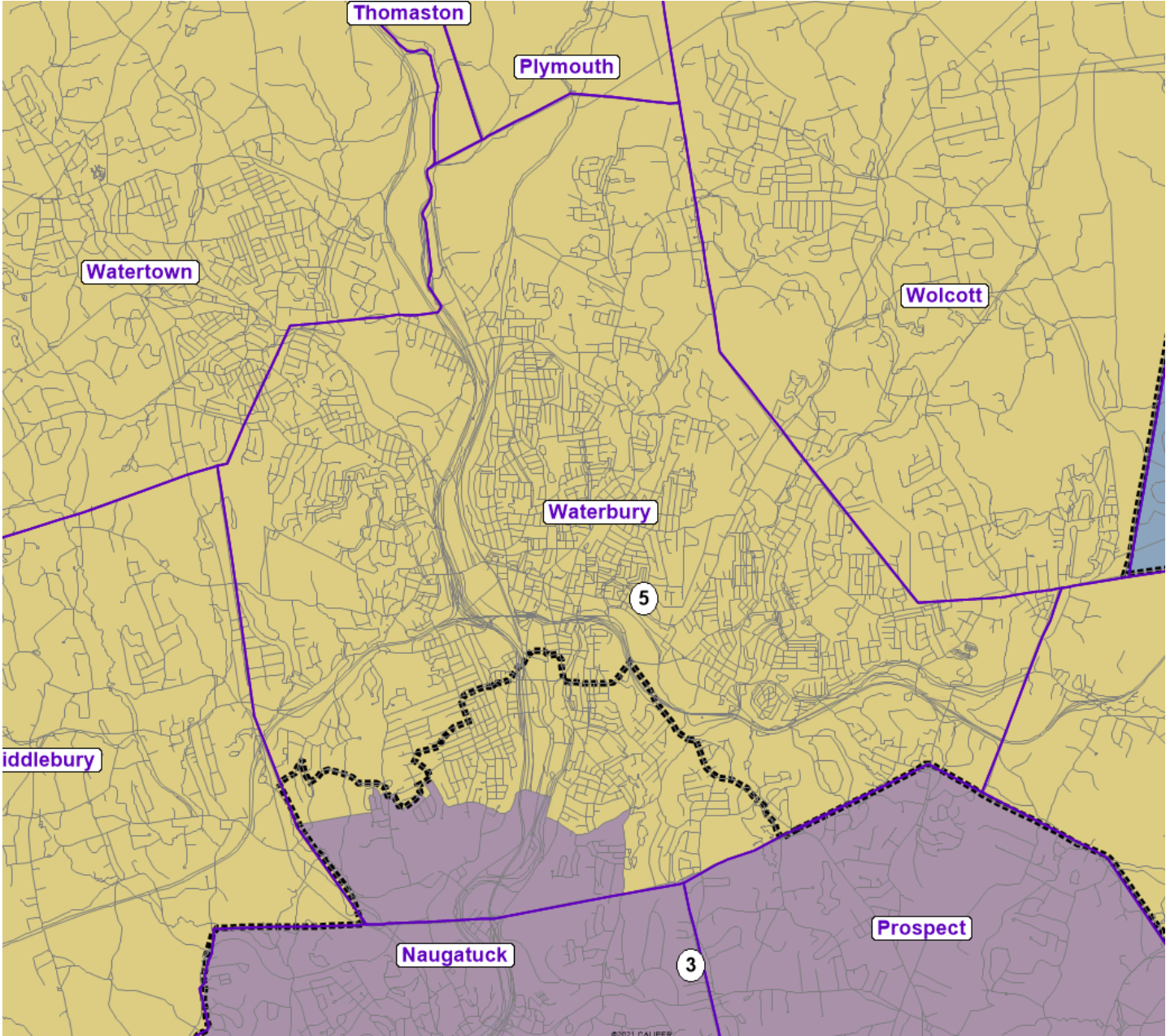
Waterbury



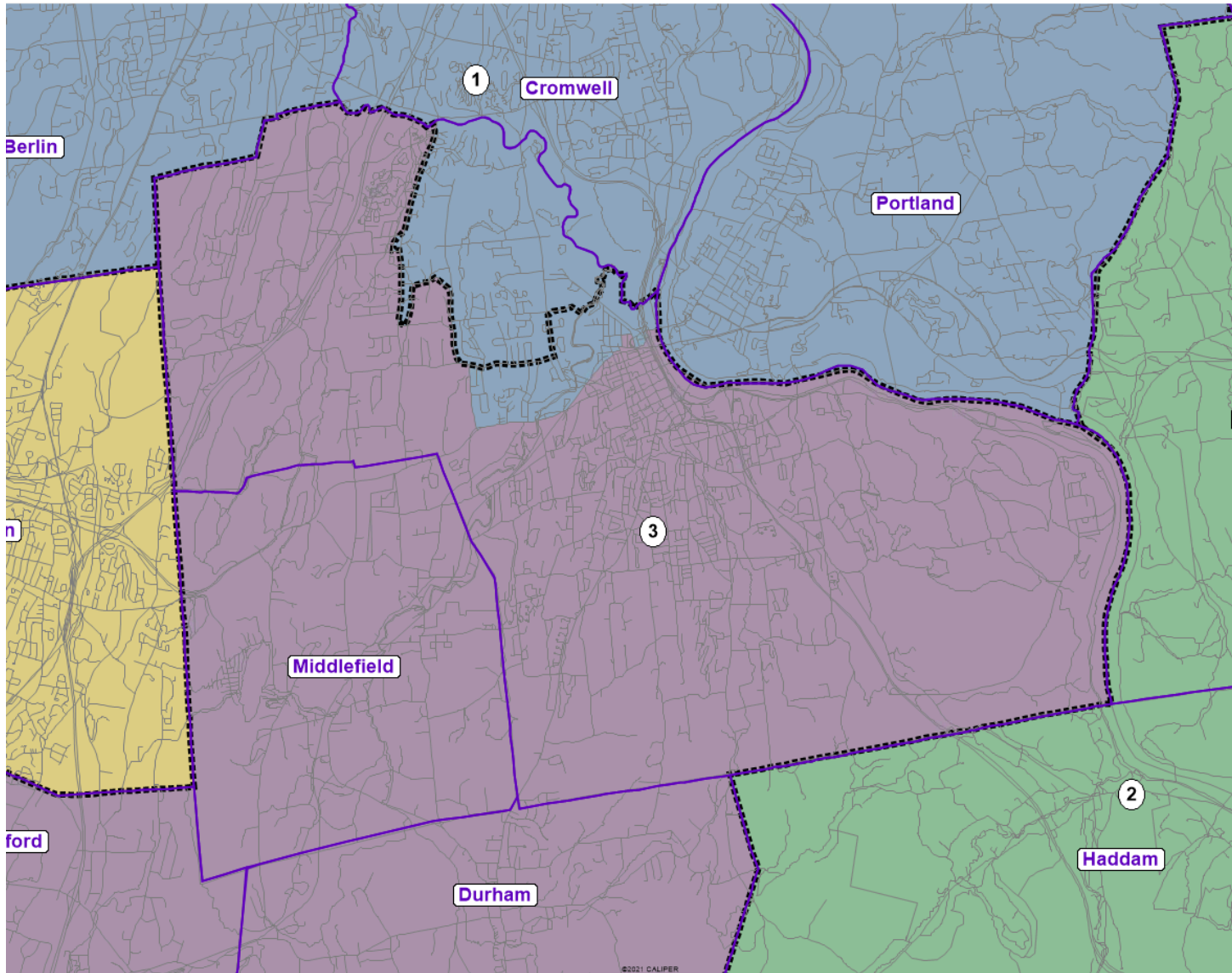
Shelton Detail



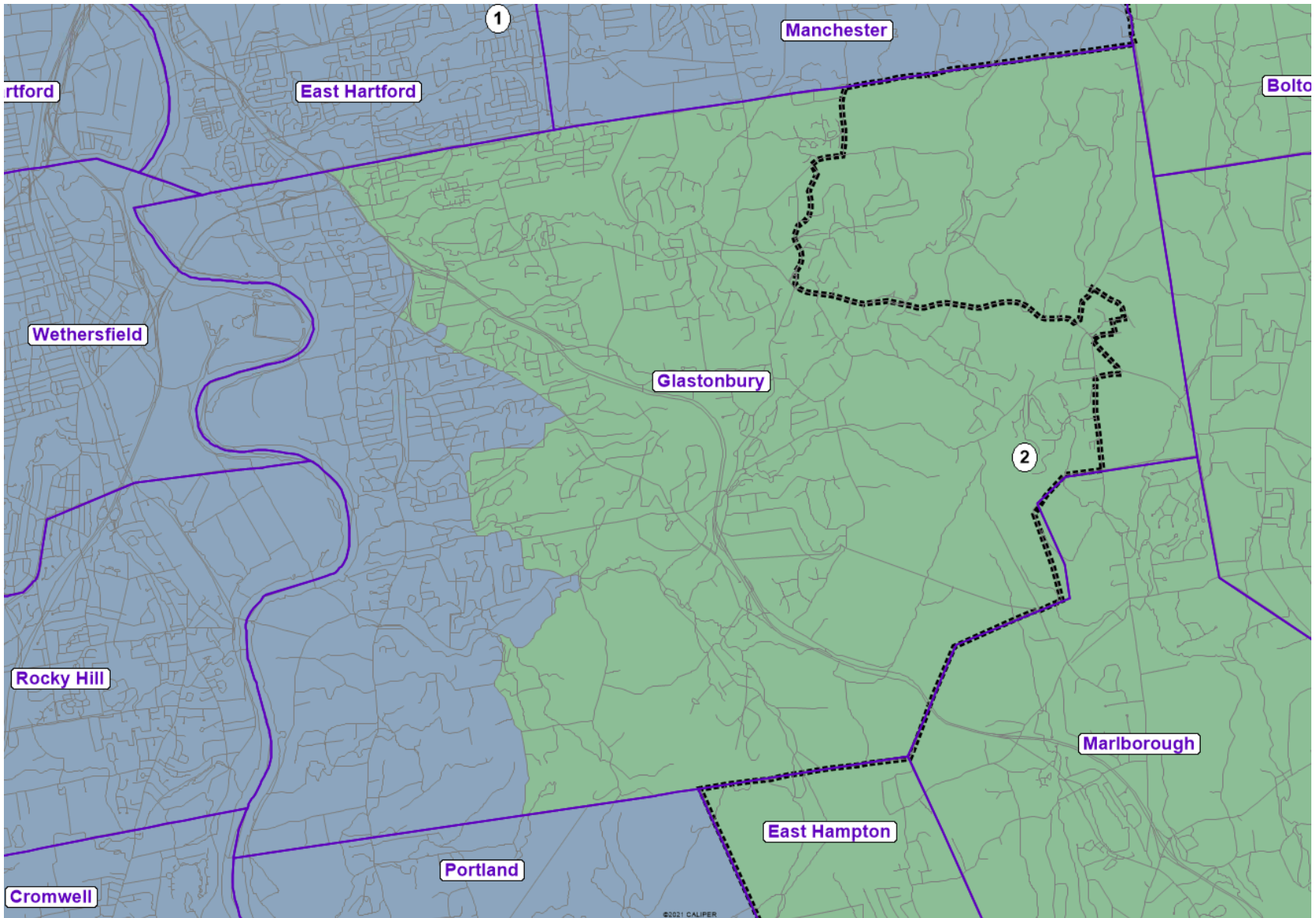
Waterbury Detail



Middletown Detail

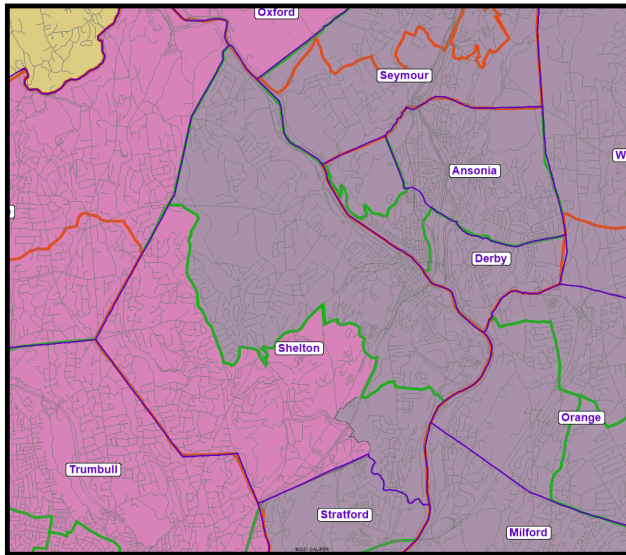


Glastonbury Detail

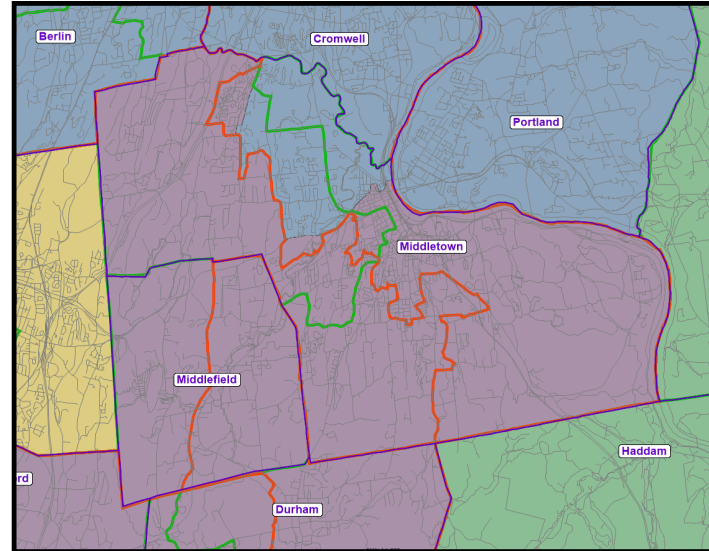


Master's Alternative Plan with Legislative Overlays

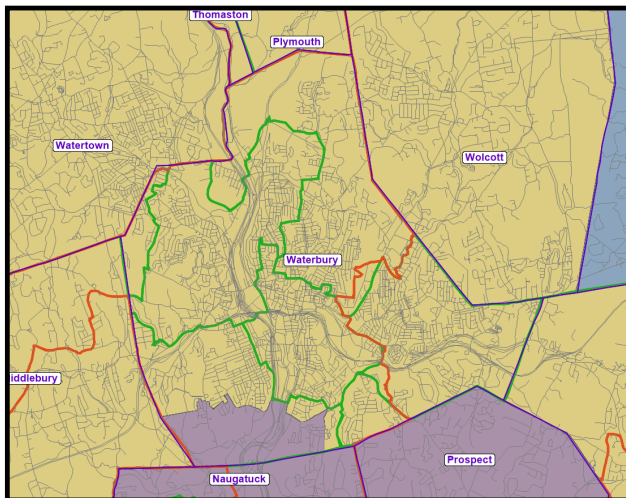
Shelton



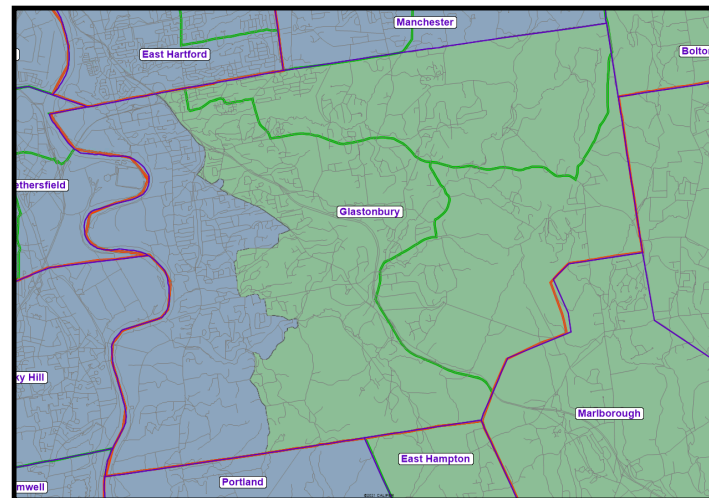
Middletown



Waterbury



Glastonbury



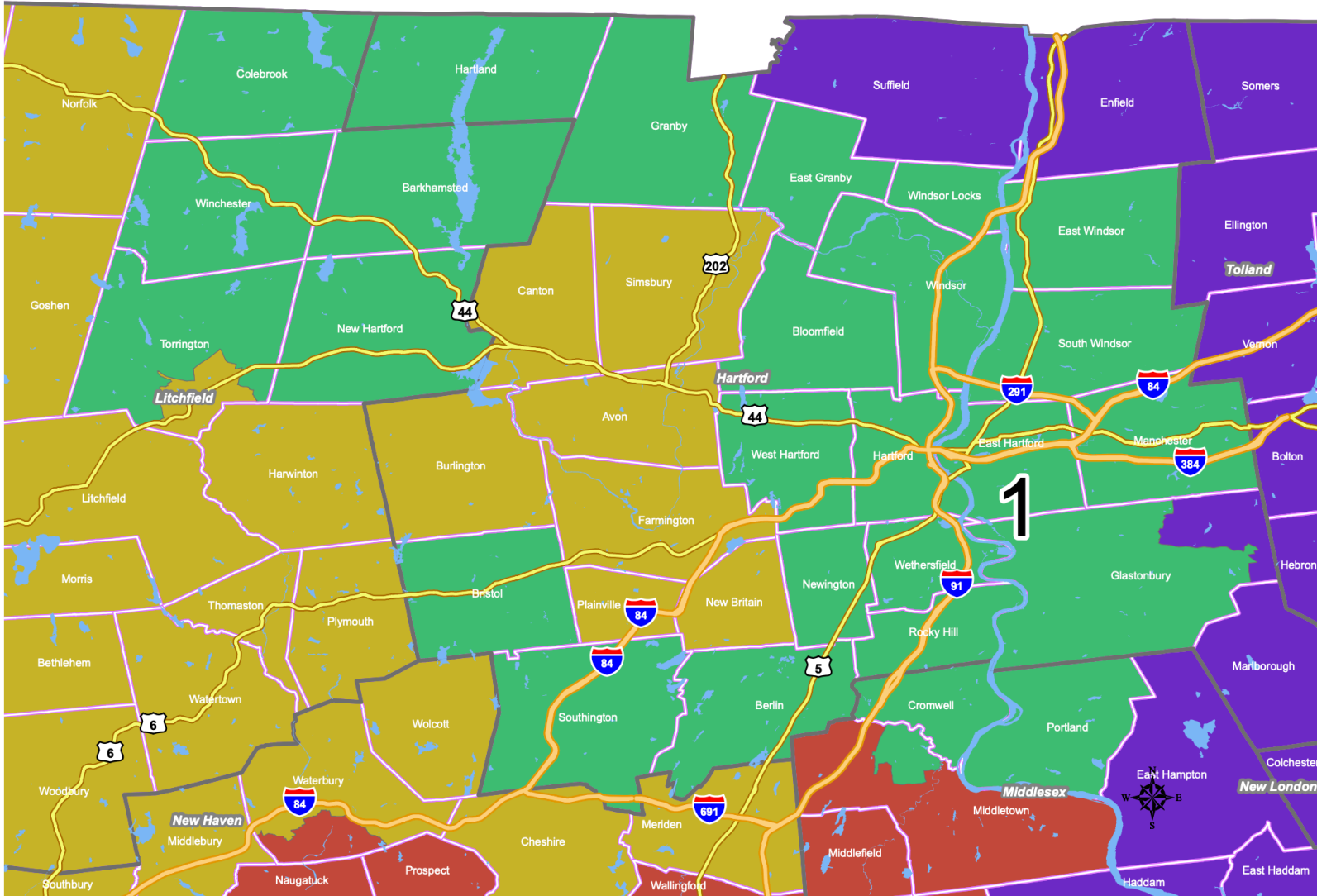
Demographic Statistics

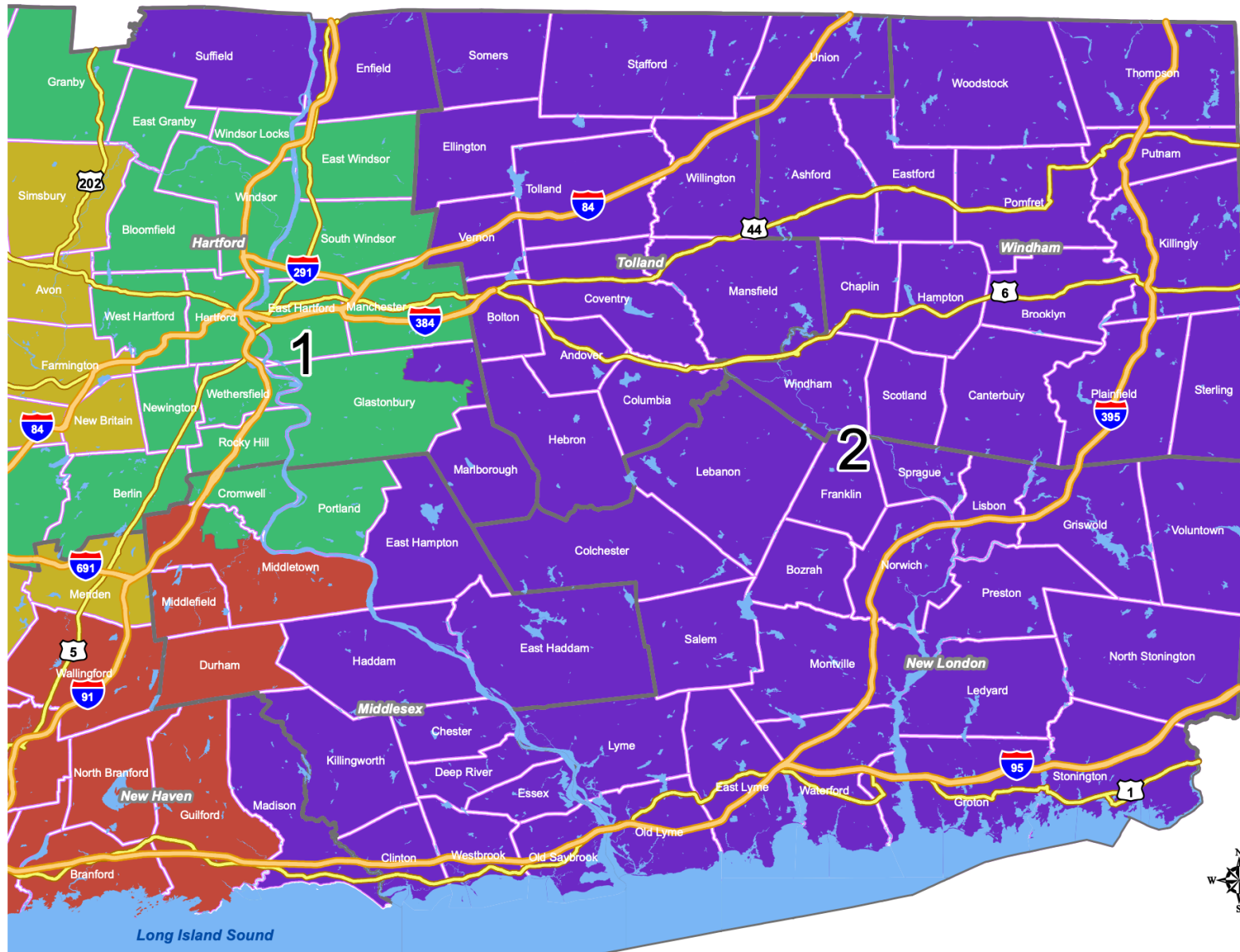
Special Master's Alternative Plan															
District	VAP	NHWVAP	% NHWVAP	HVAP	% HVAP	BVAP	% BVAP	AVAP	% AVAP	IVAP	% IVAP	PVAP	% PVAP	OVAP	% OVAP
1	574849	351521	61.15%	89644	15.59%	95882	16.68%	35033	6.09%	8809	1.53%	823	0.14%	76690	13.34%
2	585801	471765	80.53%	45405	7.75%	30207	5.16%	25860	4.41%	12078	2.06%	1086	0.19%	40851	6.97%
3	584892	380942	65.13%	81008	13.85%	87159	14.90%	31534	5.39%	8546	1.46%	782	0.13%	67914	11.61%
4	555425	330543	59.51%	110254	19.85%	74440	13.40%	34307	6.18%	6803	1.22%	721	0.13%	99828	17.97%
5	568260	379022	66.70%	104384	18.37%	51512	9.06%	23990	4.22%	8461	1.49%	882	0.16%	93663	16.48%

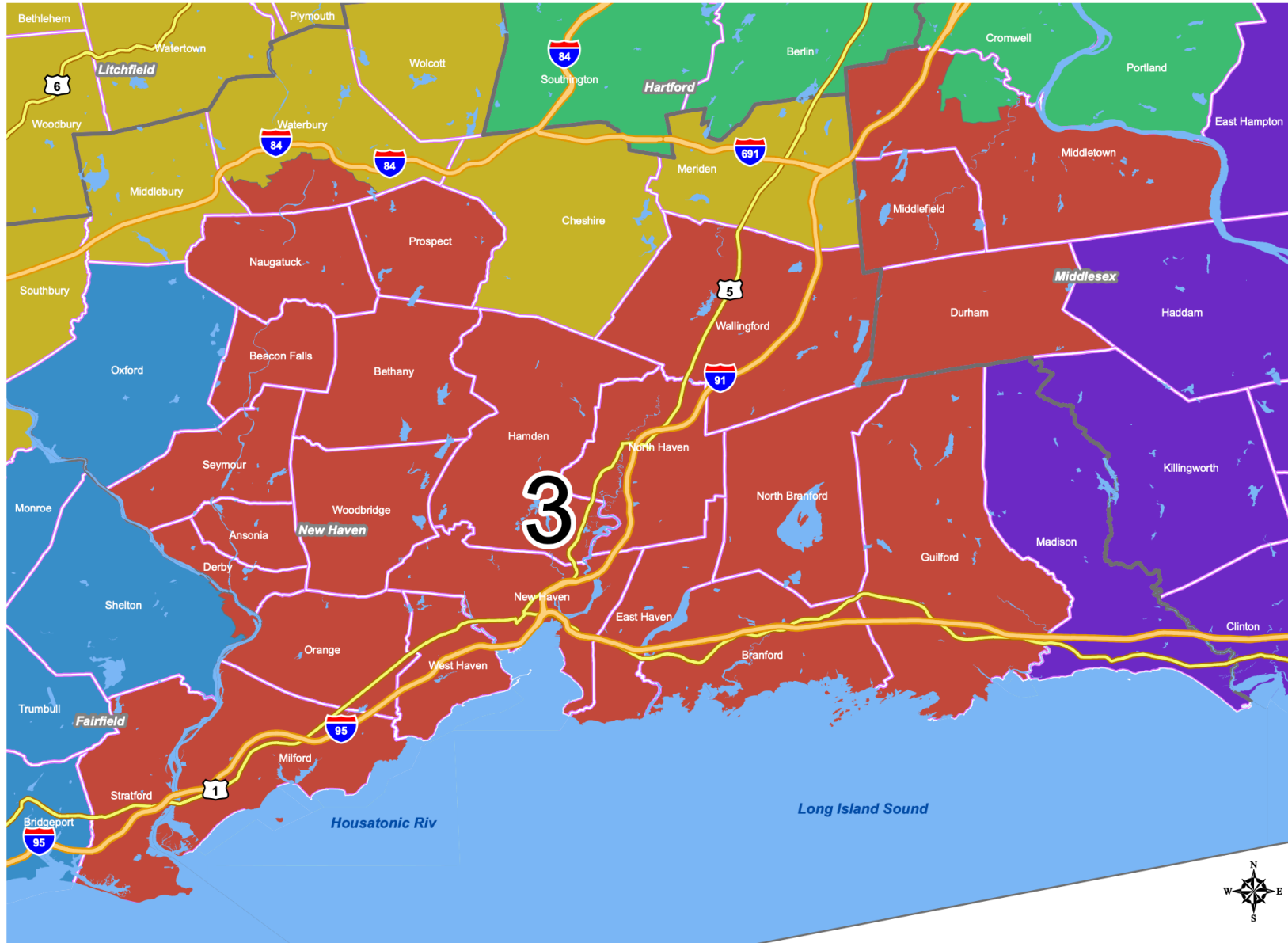
Compactness Measures

Master Alternative Plan								
District	R	S	Perim	PP	LW	Poly	Cir	E
1	0.43	2.32	220.21	0.17	3.78	0.71	0.52	0.2
2	0.57	1.45	248.34	0.43	3.15	0.58	0.42	0.55
3	0.37	2.04	177.45	0.2	1.03	0.8	0.57	0.29
4	0.32	1.76	147.93	0.3	3.27	0.83	0.58	0.24
5	0.51	2.01	260.43	0.24	9.21	0.71	0.51	0.35
Sum	N/A	N/A	1054.36	N/A	N/A	N/A	N/A	N/A
Min	0.32	1.45	N/A	0.17	1.03	0.58	0.42	0.2
Max	0.57	2.32	N/A	0.43	9.21	0.83	0.58	0.55
Mean	0.44	1.92	N/A	0.27	4.09	0.73	0.52	0.33
SD	0.1	0.33	N/A	0.1	3.05	0.1	0.06	0.14

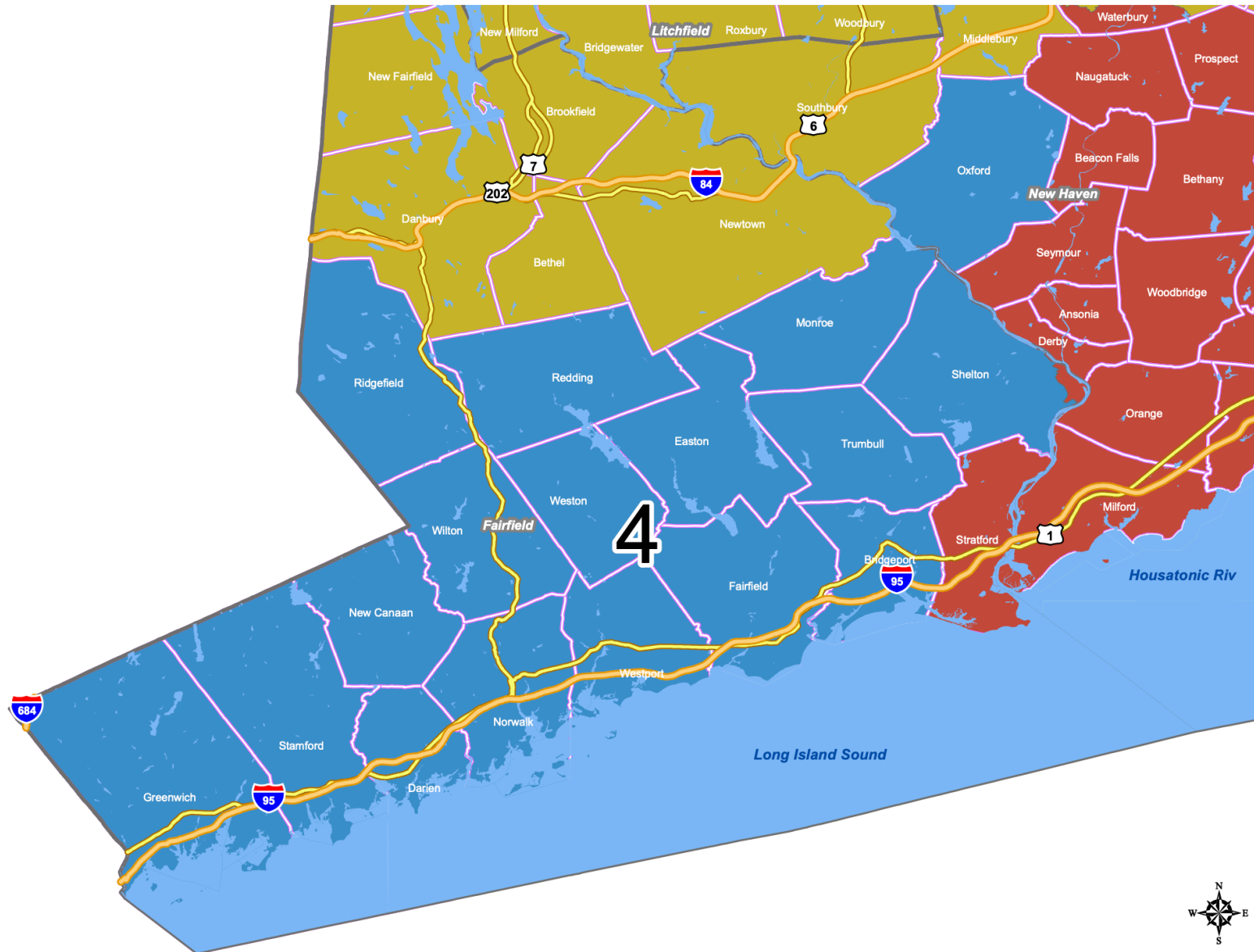
* R = Reock, S = Schwartzberg, Perim = Perimeter, PP = Polsby-Popper, LW = Length-Width, Poly = Population Polygon, Cir = Population Circle, E = Ehrenburg








District 4



Appendix A
Order Appointing Special Master



SUPREME COURT
STATE OF CONNECTICUT

SC 20661¹

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

Appendix B
Notice of public hearing



STATE OF CONNECTICUT

SUPREME COURT

December 28, 2021

Notice of Reapportionment Public Hearing

On Friday, January 7, 2022 at 1:00 p.m., a public virtual hearing will be held in SC 20661, *In Re Petition of Reapportionment Commission Ex Rel.* One Republican and one Democratic representative from the Reapportionment Commission will have ten minutes each to present their positions and comment on any plans. The names, addresses, phone numbers and email addresses for the Republican and Democratic representatives must be registered with the Office of the Appellate Clerk by sending an email to Reapportionment@connapp.jud.ct.gov, on or before Tuesday, January 4, 2022 by 5:00 p.m.

Other interested parties must register with the Office of the Appellate Clerk, on or before Tuesday, January 4, 2022 by 5:00 p.m. by emailing their name, address, phone number and email address to Reapportionment@connapp.jud.ct.gov if they desire to present on Friday, January 7, 2022. Interested parties registered will have three minutes to present. The order of presentation will be publicized on the Judicial Branch website no later than 5:00 p.m., Thursday, January 6, 2022.

A representative from the Office of the Secretary of the State must also register with the Office of the Appellate Clerk and be present during the virtual hearing for the purpose of answering any questions concerning the relationship of the redistricting process to the election administration and drawing of precincts.

A link will be provided for the public virtual hearing to those registered. The public hearing will be livestreamed.

Appendix C
Republican Merits Brief

FILED UNDER THE ELECTRONIC BRIEFING RULES

SUPREME COURT
OF THE
STATE OF CONNECTICUT

S.C. 20661

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

SUBSTITUTE BRIEF WITH CORRECTED MAP SUBMITTED TO
THE SPECIAL MASTER BY THE REPUBLICAN MEMBERS OF
THE CONNECTICUT REAPPORTIONMENT COMMISSION ON
THE CONGRESSIONAL REDISTRICTING PROCESS

SENATOR KEVIN KELLY (CO-CHAIR)
REPRESENTATIVE VINCENT CANDELORA
SENATOR PAUL FORMICA
REPRESENTATIVE JASON PERILLO

Submitted by,
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To be presented by:
Senator Kevin Kelly
Co-Chair Reapportionment Commission

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NATURE OF THE PROCEEDINGS

Article Third, § 6 of the Connecticut Constitution requires a decennial reapportionment of General Assembly and Congressional districts. Article Third, § 6b provides that, if the General Assembly is unable to adopt a redistricting plan by September 15th, the Governor must appoint a Commission designated by the president pro tempore of the senate, the speaker of the house of representatives, the minority leader of the senate and the minority leader of the house of representatives, each of whom shall designate two members of the commission. The eight members of the Commission then designate an elector to serve as a ninth member. In accordance with these provisions, the Governor appointed the Commission to devise a reapportionment plan in accordance with the 2020 census data. The Commission members are: Senator Kevin Kelly, Co-Chair, Senator Martin Looney, Senator Bob Duff, Senator Paul Formica, Representative Matthew Ritter, Co-Chair, Representative Vincent Candelora, Representative Jason Rojas, Representative Jason Perillo and John McKinney.

Article third, § 6c of the state constitution requires the Commission to submit a plan of districting for congressional districts to the Secretary of the State by November 30, 2021. By statute, the deadline for the federal government to send census data to the states was April 1. However, due to delays in counting and processing the census data, the federal government did not release the census data to the states until August 12, 2021. Despite the over four-month delay in receiving the census data, the Commission was able to agree on and timely submit a districting plan for state House and Senate seats. The Commission was unable to submit a congressional districting plan by November 30, 2021. The Secretary of the State certified that fact to the Chief Justice as required by the state constitution.

Article Third, § 6d vests original jurisdiction in the Supreme Court if a redistricting plan is not filed by November 30th and a registered voter files a petition with the Court. The constitutional provision grants the Court broad authority to take steps to effectuate a redistricting plan, but it must ensure that a plan is filed with the Secretary of the State by February 15th.

On December 2, 2021, the members of the Commission, as registered voters, filed a petition with the Court, requesting that the matter be remanded to the Commission to permit consideration of congressional redistricting until December 21, 2021. On December 6, 2021, the Court issued an order scheduling a hearing on the Commission's petition on December 9, 2021. The order asked counsel for the Commission to be prepared to address the following:

1. The status of the commission's consideration of the alteration of the state's congressional districts;
2. The commission's views on the following: (a) whether the court should appoint a special master to assist the court in this matter; (b) if so, the factors to be considered in appointing a special master; (c) the process and procedures to be employed by the special master; (d) the scope of the duties of the special master; (e) the legal and policy parameters governing the redistricting map to be proposed by the special master; and (f) any other matters deemed relevant by the commission;
3. An interim report detailing the progress of the alteration of the congressional districts.

S.C. Order (12/6/21).

At the hearing, the assistant attorney general representing the Commission reported on the status of the Commission's consideration of a congressional map. The assistant attorney general did not make

any representations on behalf of the Commission as to the second paragraph of the Court's order.

After the hearing, the Court granted the requested extension but ordered that an interim report be filed by December 15, 2021, which was to include the names of three individuals the Commission would propose to serve as a special master for the Court should a map not be adopted by December 21. On December 15, 2021, the Commission filed its interim report stating that it was continuing to work on reaching an agreement on congressional districting and requesting that the time to propose special masters be extended until the December 21st deadline. On December 16, 2021, the Court granted the Commission's request.

On December 21, 2021, the Commission reported that, "[a]lthough the Commission members continue to discuss proposals that have been exchanged, and will continue to do so even if this Court appoints a special master, the Commission members agree that the matter should now return to this Court in accordance with the provisions of article third, § 6 of the Connecticut constitution, as amended."

On December 23, 2021, the Supreme Court issued an order appointing and directing a special master. The order to the special master stated:

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.

S.C. Order (12/23/21).

Later that same day, the Republican members of the Connecticut Reapportionment Commission filed a motion for reconsideration of the Court's order seeking, *inter alia*, an opportunity to brief and argue that the map should be drawn based on traditional redistricting principles rather than the least change standard that was set forth in the Court's order. On December 28, 2021, the Court denied the motion for reconsideration. Later that same day, the Court scheduled a public virtual hearing for January 7, 2022 before the special master.

In accordance with the Court's December 23rd and 28th orders, the Republican Members of the Reapportionment Commission hereby submit to the special master their proposed Congressional redistricting map.

STATEMENT OF FACTS

Based on the 2020 census data, Connecticut's total population is 3,605,944. This is an increase from the 2010 census data, which reported a population of 3,366,474. The 2020 census data creates a target

population of 721,189 people for each of Connecticut's five congressional districts.

I. THE REPUBLICAN MEMBERS' PROPOSED MAP COMPLIES WITH THE COURT'S DECEMBER 23RD ORDER

As required by the Court's December 23rd order, the Republican members' proposed map modifies the existing congressional districts only to the extent necessary to comply with considerations of population equality, contiguity, and the Voting Rights Act and applicable federal law.

A. Modify the existing congressional districts only to the extent reasonably required

The overall changes to the congressional districts in the Republican members' proposed map are minimal, with an average of 96.5% retention:

- First District: 94.3%
- Second District: 96.8%
- Third District: 98.1%
- Fourth District: 100%
- Fifth District: 95.8%

The proposed map used the existing congressional line as a basis for drawing the revised lines. Due to the uneven distribution of population growth and decline, adjustments are necessary and not evenly distributed.

District	Total Persons	Ideal	Difference	Percentage
1	717654	721,189	-3,535	-0.5%
2	699901	721,189	-21,288	-3.0%
3	715360	721,189	-5,829	-0.8%
4	746816	721,189	25,627	3.6%
5	726213	721,189	5,024	0.7%
Total	3605944			

Growth in the Fourth District and a decline in the Second District necessitate changes to the districts in between them, the First District, Third District, and Fifth District. Overall, the proposed map has a retention rate of 96.5%. This means that, on average, only 3.5% of residents will be located in a different Congressional district.

As a result of this growth, the Fourth District only needs to shed excess population and not gain any new population. This results in a 100% retention for this district. Because of population decline, the Second District will need to gain additional population, resulting in a greater rate of change for a 96.8% retention. Because of their geography and population, the retention rates for the Fourth District and the Second District will be the same under any least change proposal. Retention rates for the remaining three districts are directly impacted by the need to shift population between the two ends of the state.

B. Districts shall be as equal in population as practicable

Based on the 2020 census, the target population for each of the five congressional districts is 721,189. The Republican members’ map distributes the population among the five districts as follows:

- First District: 721,188 (-1)
- Second District: 721,190 (1)
- Third District: 721,189 (0)

- Fourth District: 721,189 (0)
- Fifth District: 721,188 (-1)

This map proposal achieves 0% deviation between all five congressional districts. In this proposed map all districts are within one person. The most populated district contains 721,190 total persons and the least populated district contains 721,188 total persons. The Republican members’ map achieves population equality as closely as practicable.

C. Districts shall be made of contiguous territories

All of the districts in the Republican members’ proposed map are contiguous.

D. 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

The Republican members’ proposed map does not substantially alter the existing percentages of minority voting age populations.

District	Existing Map Racial Demographics VAP				Proposed Map Racial Demographic VAP				Difference Racial Demographic VAP			
	White	Black	Hispanic	Minority	White	Black	Hispanic	Minority	White	Black	Hispanic	Minority
1	63.87%	14.74%	15.32%	36.13%	63.08%	15.33%	15.54%	36.92%	-0.79%	0.59%	0.22%	0.79%
2	82.27%	4.00%	7.81%	17.73%	82.33%	3.93%	7.70%	17.67%	0.06%	-0.07%	-0.11%	-0.06%
3	66.91%	13.61%	14.44%	33.09%	66.74%	13.41%	15.09%	33.26%	-0.17%	-0.20%	0.65%	0.17%
4	63.13%	11.73%	19.46%	36.87%	62.45%	11.99%	19.85%	37.55%	-0.68%	0.26%	0.39%	0.68%
5	70.72%	7.11%	17.95%	29.28%	71.75%	6.70%	17.19%	28.25%	1.03%	-0.41%	-0.76%	-1.03%

E. The plan shall not be substantially less compact than the existing congressional districts

The Republican members’ proposed map is not substantially less compact than the existing.

District	Current Map					Joint Republican Congressional Map Proposal					Difference				
	Pols by-Pop per	Schwartz berg	Reock	Leng th-Widt h	Convex Hull	Pols by-Pop per	Schwartz berg	Reock	Leng th-Widt h	Convex Hull	Pols by-Pop per	Schwartz berg	Reock	Leng th-Widt h	Convex Hull
1	0.18	0.42	0.44	1.48	0.67	0.16	0.4	0.38	1.31	0.66	-0.02	-0.02	-0.06	-0.17	-0.01
2	0.44	0.66	0.57	1.26	0.84	0.42	0.64	0.58	1.26	0.85	-0.02	-0.02	0.01	0	0.01
3	0.2	0.45	0.36	1.34	0.68	0.22	0.47	0.44	1.38	0.72	0.02	0.02	0.08	0.04	0.04
4	0.32	0.57	0.33	1.22	0.7	0.3	0.55	0.32	1.21	0.7	-0.02	-0.02	0.01	-0.01	0
5	0.23	0.48	0.54	1.09	0.75	0.24	0.49	0.55	1.09	0.77	0.01	0.01	0.01	0	0.02

F. The plan shall not substantially violate town lines more than the existing congressional districts

The current congressional map has five town splits. The Republican members’ proposed map reduces the number of town splits to four, maintaining existing splits in Glastonbury, Middletown, Shelton, and Waterbury.

Moreover, the Republican members’ proposed map follows the lines enacted in the adopted House and Senate plans. Town splits were arranged to reduce the creation of unnecessary voting districts. Where

possible, newly enacted state house and state senate lines were incorporated into this proposal. As a matter of election administration, this particular concern was raised by multiple towns and in written testimony at hearings before the Reapportionment Committee. To the extent possible, the enacted lines should be followed, as the Republican members' proposed map does.

II. THE CONGRESSIONAL MAP SHOULD BE DRAWN BASED ON TRADITIONAL REDISTRICTING PRINCIPLES

Notwithstanding the foregoing, and in order to preserve the issue, the Republican members reiterate their contention that the congressional map should be drawn based on traditional redistricting principles. The U. S. Supreme Court has described traditional redistricting principles to include compactness, contiguity, conformity to political subdivisions, and respect for communities of interest. *See Bush v. Vera*, 517 U.S. 952, 959-960 ((1996); *Miller v. Johnson*, 515 U.S. 900, 919-920 (1995). The current congressional map, which was adopted in 2001 and subjected to only minimal changes in 2012, does not honor the principles of compactness or communities of interests. The “lobster claw” that makes up the First District proves the point. *See Shaw v. Reno*, 509 U.S. 630, 647 (1993) (“reapportionment is one area in which appearances do matter.”).

The history of the “lobster claw” goes back to a political gerrymander designed to provide two incumbent members of Congress the opportunity to run for re-election. Based on the 2000 census results, Connecticut’s congressional delegation was reduced from six to five. The members of the 2001 Reapportionment Commission produced a map that would allow representatives from the Fifth District, a resident of Danbury, and from the dissolved Sixth District, a resident

of New Britain, to run against each other for the newly-redrawn Fifth District seat. This created the First District's bizarre shape, which fails to comport with traditional redistricting principles. The Republican members submit that a map based on traditional redistricting principles, referred to by the Stanford Redistricting Project as a "good government" map, would be more fair and representative of the Connecticut electorate than the "least change" map called for in the Court's December 23, 2021 order. See <https://drawcongress.org/state/connecticut/>.

In sum, while the Republican members have a proposed a map that fully comports with the Supreme Court's directives on the standards that the special master should apply in drawing the congressional districts, they respectfully request that the special master also recommend to the Court that it consider a "good government" map for the 2022 redistricting.

CONCLUSION

The special master should recommend adoption of the Republican members' proposed "least change" map because it is in accord with the Supreme Court's December 23, 2021 order. Additionally, the special master should also recommend to the Court that it reconsider its directive and allow for the drafting of a congressional "good government" map based on a traditional redistricting principles.

Respectfully submitted,

REPUBLICAN MEMBERS OF THE
REAPPORTIONMENT
COMMISSION

SENATOR KEVIN KELLY,
REPRESENTATIVE VINCENT
CANDELORA, SENATOR PAUL
FORMICA, REPRESENTATIVE
JASON PERILLO

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SUPREME COURT
OF THE
STATE OF CONNECTICUT

S.C. 20661

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

APPENDIX

SENATOR KEVIN KELLY (CO-CHAIR)
REPRESENTATIVE VINCENT CANDELORA
SENATOR PAUL FORMICA
REPRESENTATIVE JASON PERILLO

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District	Total Persons	Ideal	Difference	Percentage
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2	699901	721,189	-21,288	-3.0%
3	715360	721,189	-5,829	-0.8%
4	746816	721,189	25,627	3.6%
5	726213	721,189	5,024	0.7%
Total	3605944			

District	Total Persons	Ideal	Difference	Percentage
1	721188	721,189	-1	0.0%
2	721190	721,189	1	0.0%
3	721189	721,189	0	0.0%
4	721189	721,189	0	0.0%
5	721188	721,189	-1	0.0%
Total	3605944			

Autobound EDGE - Compactness Report

Plan Name: Congressional:Current Congressional Map

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



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 Map

[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

Autobound EDGE - Compactness Report

Plan Name: Congressional:Joint Republican Congressional Map Proposal

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



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	666	227	4,101	91	0.16
2	2,133	254	5,128	164	0.42
3	487	165	2,180	78	0.22
4	526	147	1,731	81	0.30
5	1,311	265	5,571	128	0.24

Most Compact: 0.42 For District: 2

Least Compact: 0.16 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	666	227	4,101	91	0.40
2	2,133	254	5,128	164	0.64
3	487	165	2,180	78	0.47
4	526	147	1,731	81	0.55
5	1,311	265	5,571	128	0.49

Most Compact: 0.64 For District: 2

Least Compact: 0.4 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	666	227	4,101	91	0.38
2	2,133	254	5,128	164	0.58
3	487	165	2,180	78	0.44
4	526	147	1,731	81	0.32
5	1,311	265	5,571	128	0.55

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	666	227	4,101	91	1.31
2	2,133	254	5,128	164	1.26
3	487	165	2,180	78	1.38
4	526	147	1,731	81	1.21
5	1,311	265	5,571	128	1.09

Most Compact: 1.38 For District: 3

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:Joint Republican Congressional Map Proposal

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



1	666	227	4,101	91	0.66
2	2,133	254	5,128	164	0.85
3	487	165	2,180	78	0.72
4	526	147	1,731	81	0.70
5	1,311	265	5,571	128	0.77

Most Compact: 0.85 For District: 2

Least Compact: 0.66 For District: 1

District	Current Map					Joint Republican Congressional Map Proposal					Difference				
	Polsby-Popper	Schwartzberg	Reock	Length-Width	Convex Hull	Polsby-Popper	Schwartzberg	Reock	Length-Width	Convex Hull	Polsby-Popper	Schwartzberg	Reock	Length-Width	Convex Hull
1	0.18	0.42	0.44	1.48	0.67	0.16	0.4	0.38	1.31	0.66	-0.02	-0.02	-0.06	-0.17	-0.01
2	0.44	0.66	0.57	1.26	0.84	0.42	0.64	0.58	1.26	0.85	-0.02	-0.02	0.01	0	0.01
3	0.2	0.45	0.36	1.34	0.68	0.22	0.47	0.44	1.38	0.72	0.02	0.02	0.08	0.04	0.04
4	0.32	0.57	0.33	1.22	0.7	0.3	0.55	0.32	1.21	0.7	-0.02	-0.02	-0.01	-0.01	0
5	0.23	0.48	0.54	1.09	0.75	0.24	0.49	0.55	1.09	0.77	0.01	0.01	0.01	0	0.02

District	Existing Map Racial Demographics VAP			Proposed Map Racial Demographic VAP			Difference Racial Demographic VAP					
	White	Black	Hispanic	Minority	White	Black	Hispanic	Minority	White	Black	Hispanic	Minority
1	63.87%	14.74%	15.32%	36.13%	63.08%	15.33%	15.54%	36.92%	-0.79%	0.59%	0.22%	0.79%
2	82.27%	4.00%	7.81%	17.73%	82.33%	3.93%	7.70%	17.67%	0.06%	-0.07%	-0.11%	-0.06%
3	66.91%	13.61%	14.44%	33.09%	66.74%	13.41%	15.09%	33.26%	-0.17%	-0.20%	0.65%	0.17%
4	63.13%	11.73%	19.46%	36.87%	62.45%	11.99%	19.85%	37.55%	-0.68%	0.26%	0.39%	0.68%
5	70.72%	7.11%	17.95%	29.28%	71.75%	6.70%	17.19%	28.25%	1.03%	-0.41%	-0.76%	-1.03%

District	Retention
1	94.3%
2	96.8%
3	93.7%
4	100.0%
5	97.9%
Average	96.5%

The Torrington Registrars of Voters have strong concerns regarding the upcoming redistricting of our state and its possible effect on the City of Torrington. They want to ensure that our town's new district layout is less complicated, more manageable and enhances rather than diminishes our residents' voting experience.

The 2012 redistricting of our state left Torrington as one of the most divided towns in the state. We have two Congressional districts, two senatorial districts, three assembly districts and eight separate polling places ranging in size from 400 to 8,000 voters. Our voters are often confused. While we can't argue the fact that having more representation for our town is beneficial for all, the complicated layout lines currently in place leave constituents wondering who their representatives even are!

I've enclosed a copy of our voter summary for each polling place. If you consider Districts 3, 4, 6, and 7, you will note that there are very few voters in these districts compared to the others. However, these small districts require the same full staff of poll workers, i.e., moderator, two assistant registrars, ballot clerk, tabulator tender, and checkers. This is costly to a fiscally and economically distressed municipality, which Torrington is. Also, it is very difficult to find enough suitable polling places. Having two polls at one site gets complicated and confusing, especially in a double primary.

In light of the budgeting, staffing, location and voter confusion issues, the Torrington Registrars of Voters hereby request that our extremely small polling places be eliminated. If possible, they would like to meet with you before you draw new district boundary lines and offer their insight for the good of all the voters in the City of Torrington.

Thank you for the work that you are doing and thank you for considering this request. We look forward to hearing from you soon.

Sincerely yours,

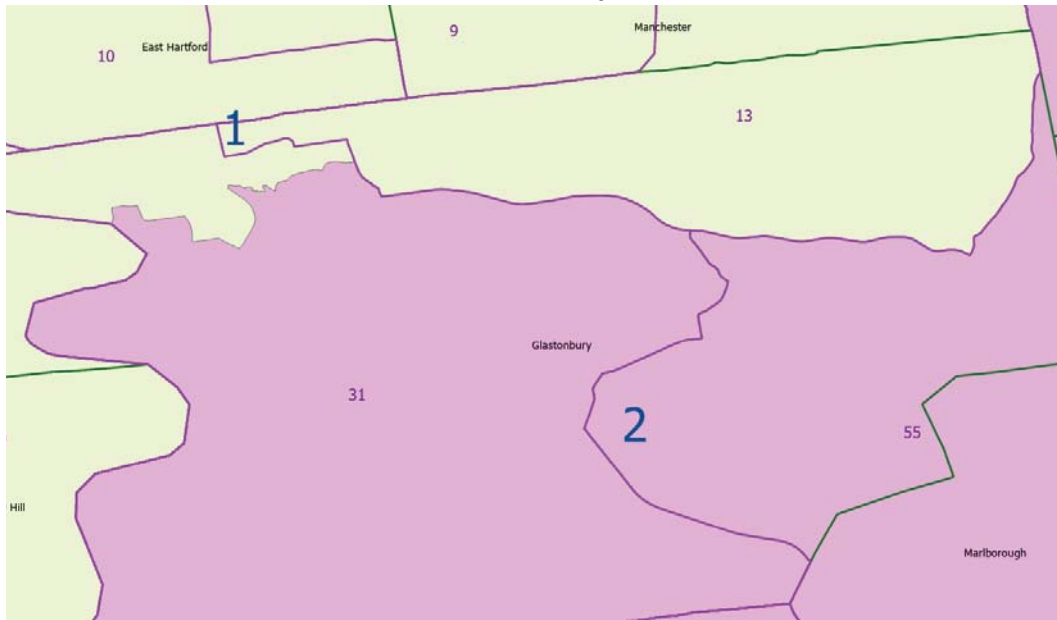
Nan Gallicchio
Registrar of Voters Clerk

**TOWN OF TORRINGTON- VOTER REGISTRATION SUMMARY
STATE DISTRICTS - ALL**

CON : 001,005 - SEN : 008,030 - ASY : 063,064,065 - STATUS : A - ENROLLMENT : ALL

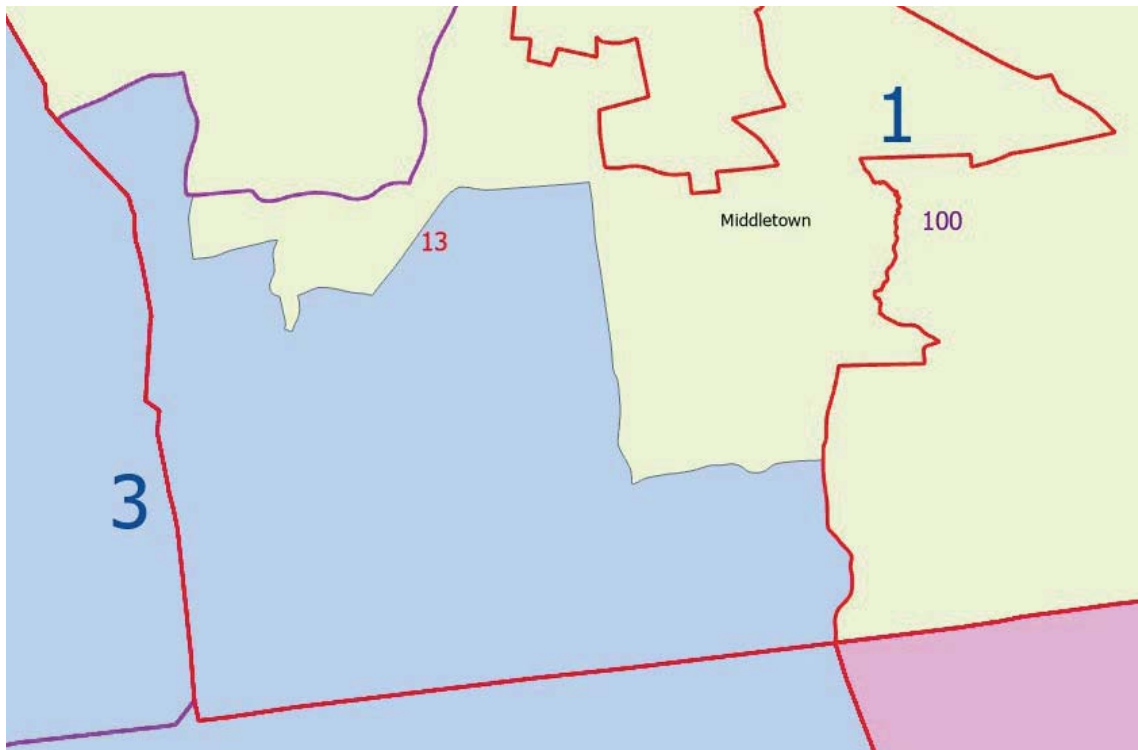
DISTRICT	PRECINCT	DEMOCRATIC	REPUBLICAN	UNAFFILIATED	OTHER	TOTAL
001	00	1426	1508	2192	88	5214
002	00	496	648	793	42	1979
003	00	131	82	178	9	400
004	00	119	113	206	9	447
005	00	761	681	1126	59	2627
006	00	193	242	358	12	805
007	00	199	163	280	6	648
008	00	2440	1958	3458	192	8048
TOTAL :		5765	5395	8591	417	20168

Glastonbury



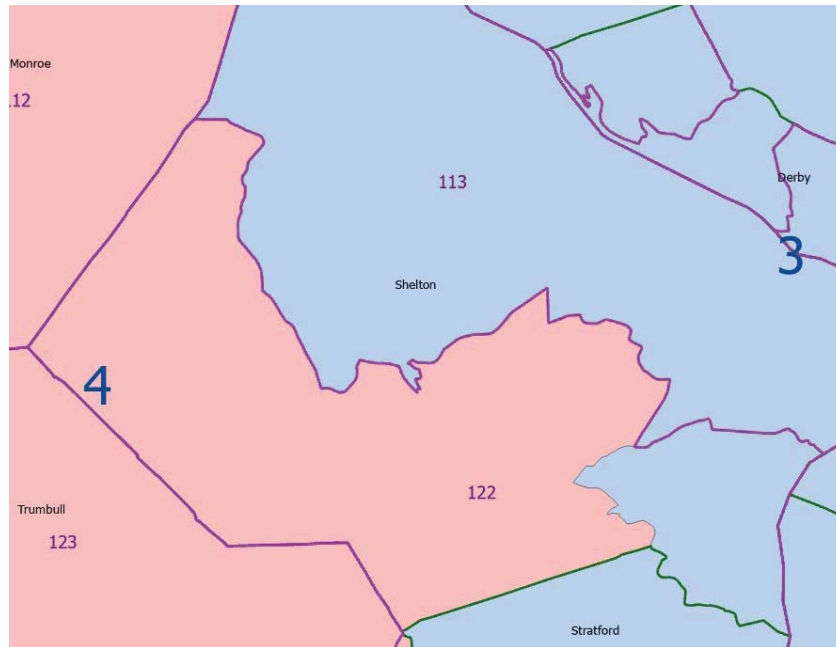
The proposed 2nd Congressional District line follows southern boundary of the recently enacted 13th General Assembly District where possible.

Middletown



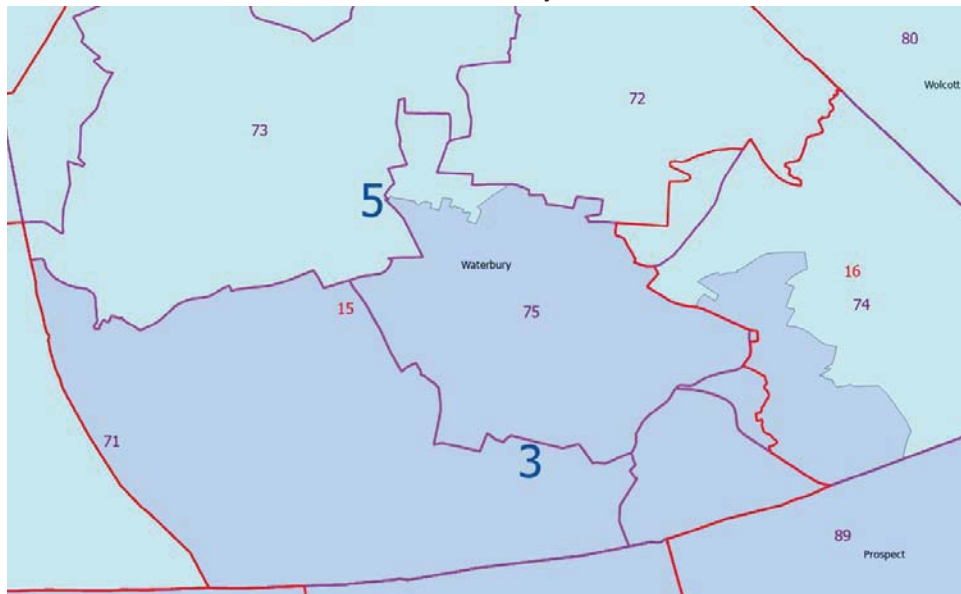
The proposed 3rd Congressional District line stays within the southern boundary of the recently enacted 33rd General Assembly District, and the eastern boundary of the 13th State Senate District. This region of Middletown currently has town voting districts, the proposed map would not add a new voting district.

Shelton



The proposed 3rd District boundary follows the recently enacted 113th General Assembly District boundary to the extent possible. The region south of the line in the 122nd General Assembly District is currently divided into two voting districts, the proposed map would not add a new voting district.

Waterbury



The proposed 3rd District line follows the northern boundaries of the recently enacted 71st and 75th General Assembly Districts where possible. The 74th General Assembly District and 75th District include several voting districts, this proposed congressional boundary would not result in additional voting districts.

CERTIFICATION

The undersigned attorney hereby certifies, pursuant to Connecticut Rule of Appellate Procedure § 67-2, that:

(1) the e-brief with appendix complies with all provisions of this rule;

(2) the e-brief with appendix is filed in compliance with the optional e-briefing guidelines and no deviations were requested

(3) this e-brief contains 2,628 words;

(4) the e-brief with appendix has been redacted or does not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order or case law;

(5) the e-brief with appendix has been delivered electronically to the last known e-mail address of each counsel of record for whom an e-mail address has been provided.

/s/ Proloy K. Das
Proloy K. Das, Esq.

Appendix D
Democratic Merits Brief

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
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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 district 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); *Grove 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

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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.

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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 20661¹

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/

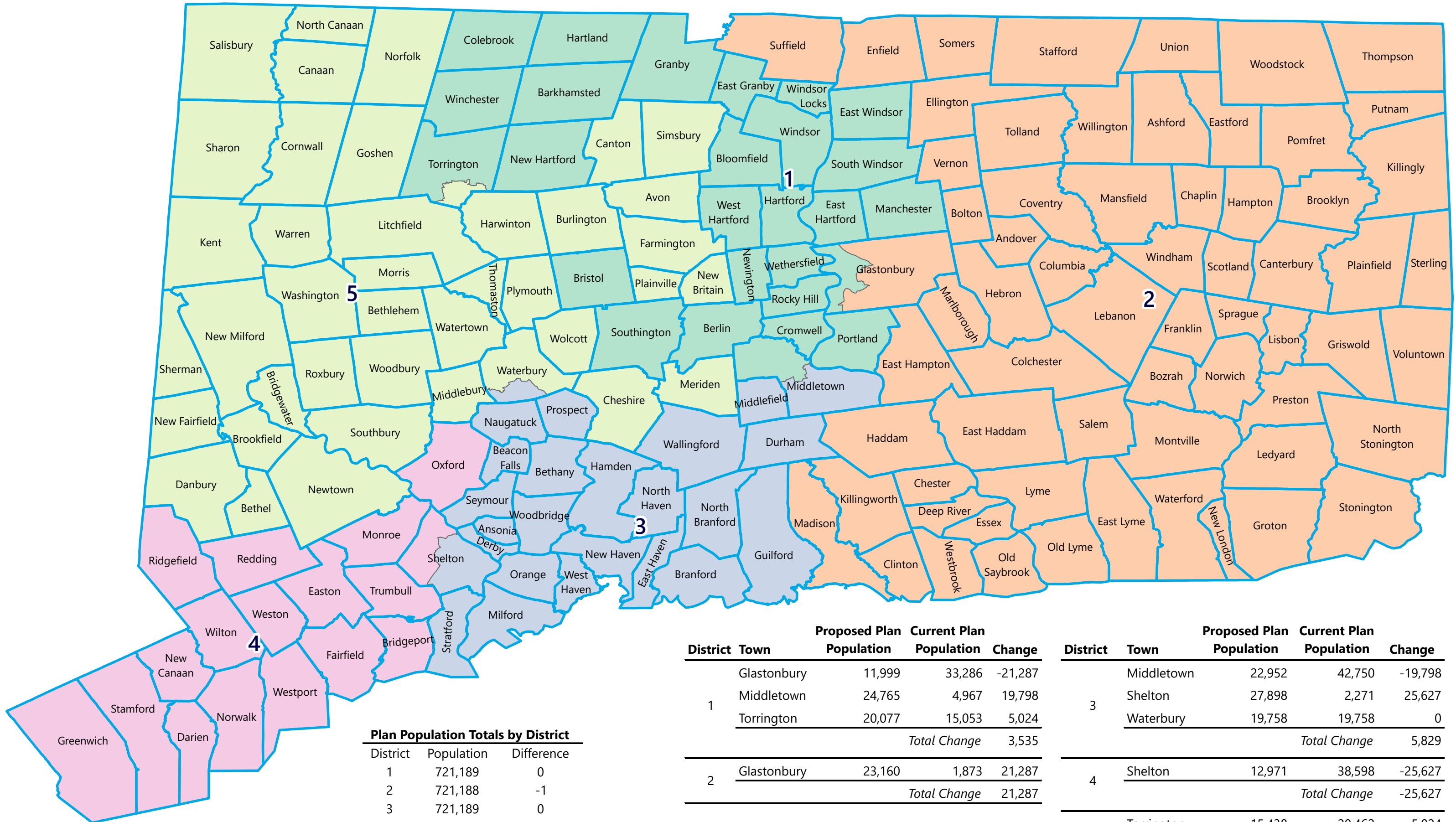
Carl D. Cicchetti
Chief Clerk

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



Town Boundary

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

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

EXHIBIT 4

Current Congressional Districts (2013 - 2022)

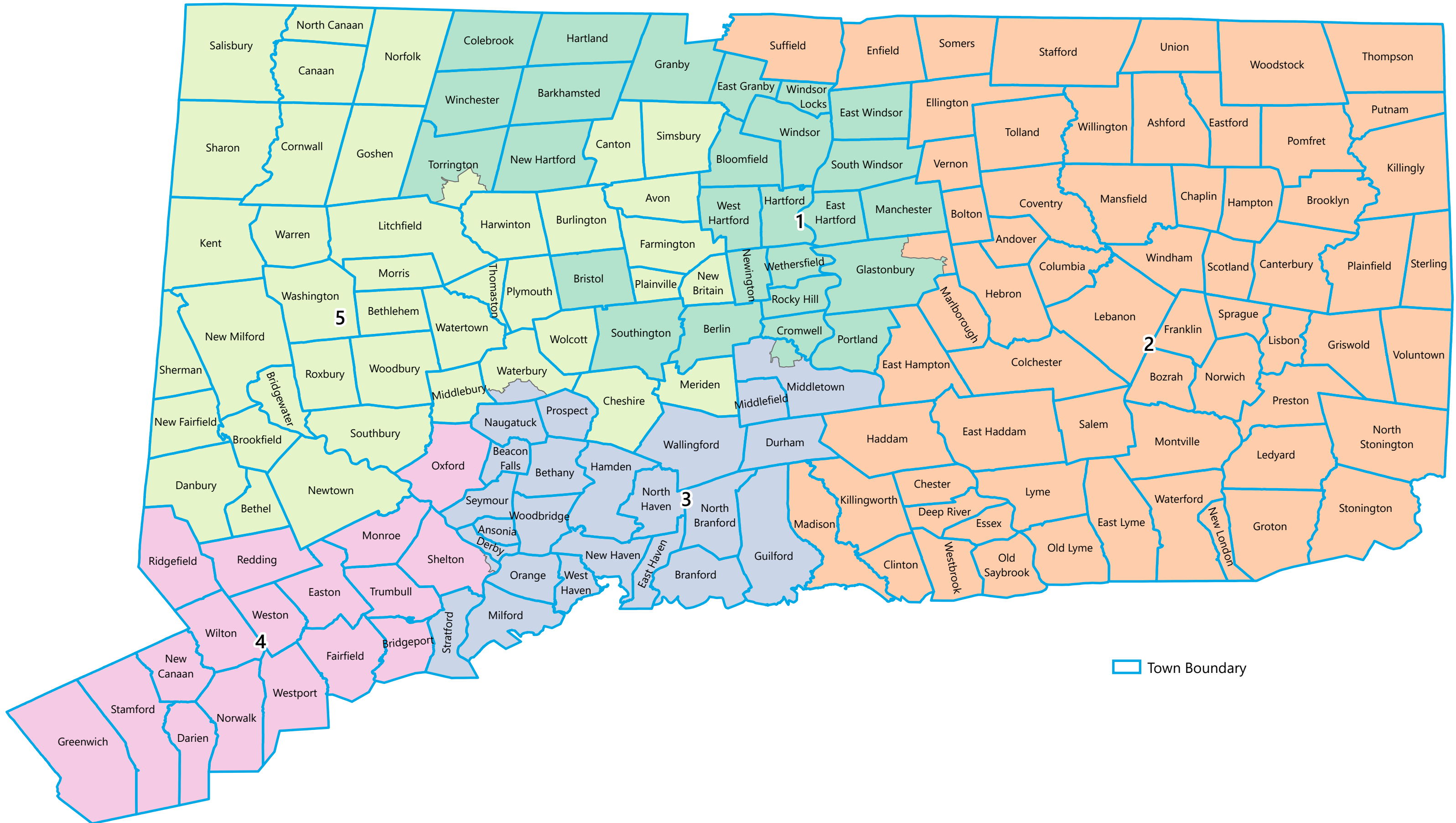
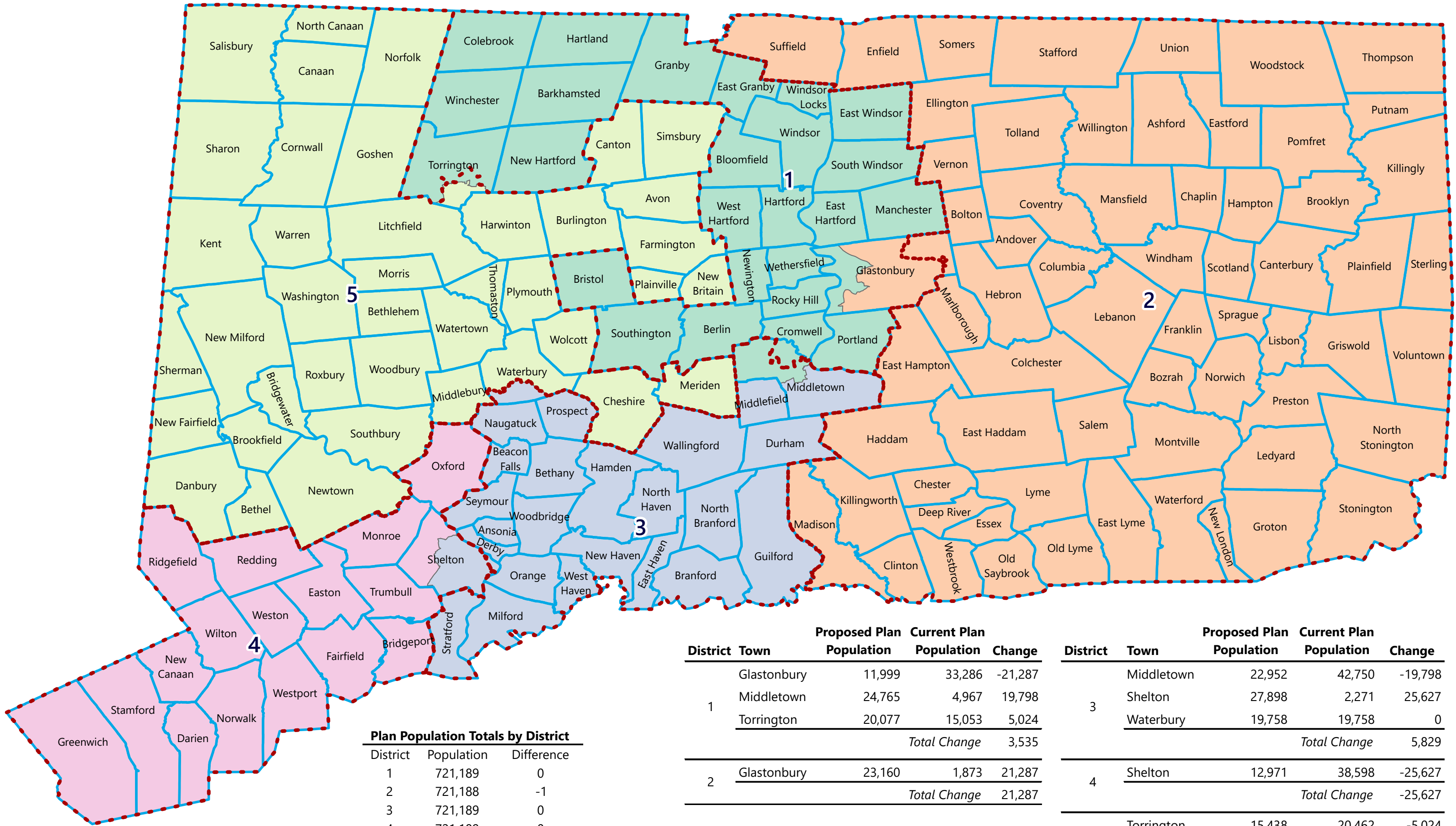


EXHIBIT 5

Proposed Plan by the Reapportionment Commission Democrats



Current Congressional District Boundary
 Town Boundary

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

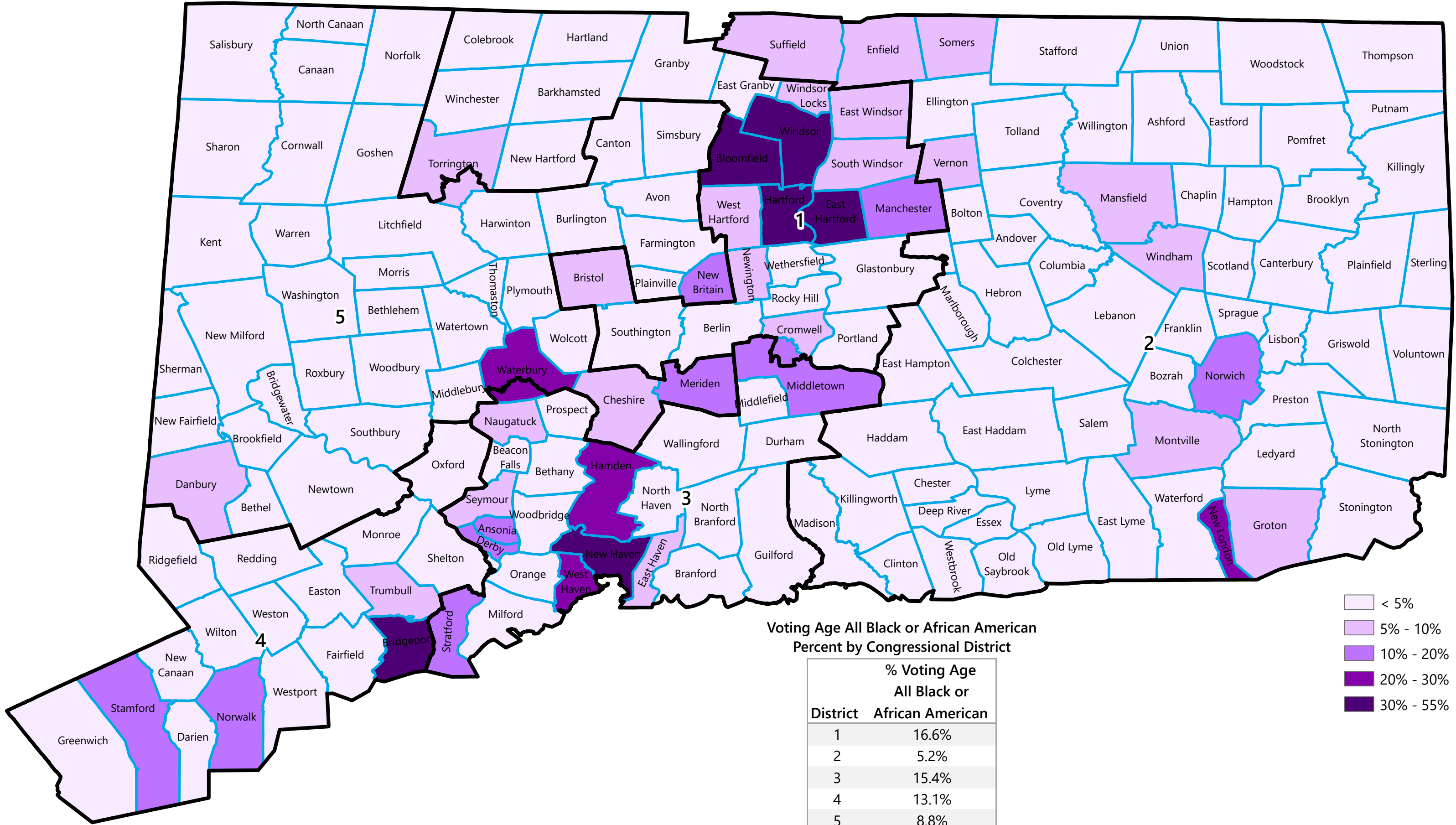
District	Town	Proposed Plan Population	Current Plan Population	Change
1	Glastonbury	11,999	33,286	-21,287
	Middletown	24,765	4,967	19,798
	Torrington	20,077	15,053	5,024
<i>Total Change</i>				3,535
2	Glastonbury	23,160	1,873	21,287
	<i>Total Change</i>			

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
<i>Total Change</i>				5,829
4	Shelton	12,971	38,598	-25,627
	<i>Total Change</i>			
5	Torrington	15,438	20,462	-5,024
	Waterbury	94,645	94,645	0
<i>Total Change</i>				-5,024

EXHIBIT 6

Connecticut Voting Age Diversity Overview by Town

All Black or African American



Current Congressional District Boundary
 Town Boundary

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%

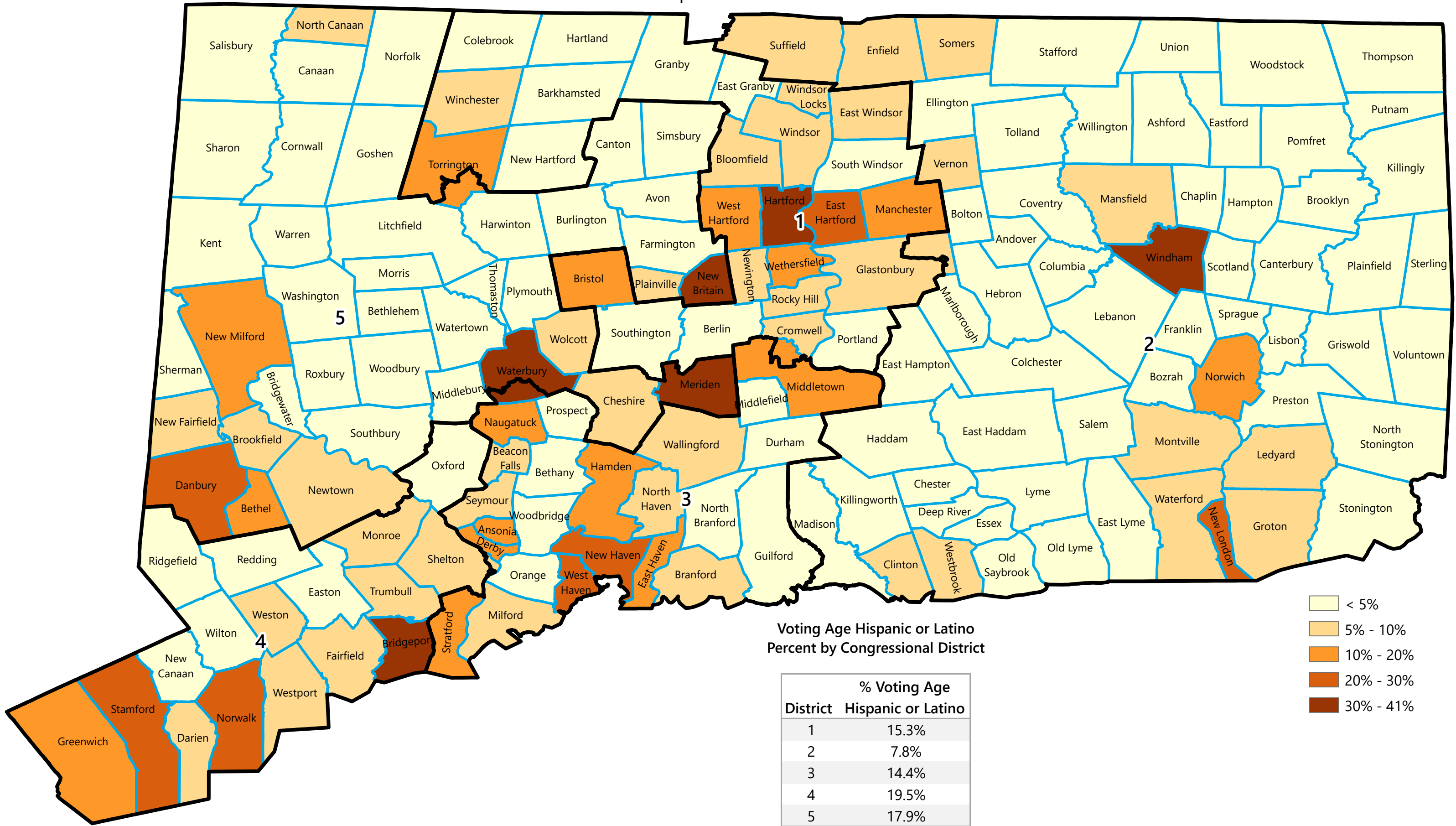
- < 5%
- 5% - 10%
- 10% - 20%
- 20% - 30%
- 30% - 55%

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



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 district². 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 district³. 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 compact⁴. 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

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



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
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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
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Autobound EDGE - Compactness Report

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

Appendix E
Republican Reply Brief

FILED UNDER THE ELECTRONIC BRIEFING RULES

SUPREME COURT
OF THE
STATE OF CONNECTICUT

S.C. 20661

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

REPLY BRIEF SUBMITTED TO THE SPECIAL MASTER BY THE
REPUBLICAN MEMBERS OF THE CONNECTICUT
REAPPORTIONMENT COMMISSION ON THE CONGRESSIONAL
REDISTRICTING PROCESS

SENATOR KEVIN KELLY (CO-CHAIR)
REPRESENTATIVE VINCENT CANDELORA
SENATOR PAUL FORMICA
REPRESENTATIVE JASON PERILLO

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REPLY BRIEF

On December 23, 2021, the Supreme Court issued an order appointing and directing a special master. The order to the special master stated:

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.

S.C. Order (12/23/21).

The Court set forth a schedule in its December 23, 2021 order. Briefs and proposed maps were due to the Court by January 4, 2022. The special master was ordered to hold a virtual hearing and to submit a plan for redistricting to the Court by January 18, 2022.

On December 28, 2021, the Court issued a “Notice of Reapportionment Public Hearing.” In that notice, the Court scheduled the virtual hearing for Friday, January 7, 2022 at 1:00 p.m.

The January 7th hearing was rescheduled for Monday, January 10th due to inclement weather. Thereafter, the Democrat members of the Commission submitted a reply brief on the afternoon of January 7, 2022. The filing was accepted by the Court without comment.¹ At the outset of the January 10th hearing, Senator Kevin Kelly, representing the Republican members of the Commission, noted that, in light of the Democrat members' filing, the Republican members would also be filing a responsive brief. This is that filing.

I. THE REPUBLICAN MEMBERS' PLAN MEETS THE REQUIREMENTS OF THE COURT'S ORDER

Both the Republican members' plan and the Democrat members' plan take similar approaches to addressing the uneven population

¹ Upon receiving the Court's December 23, 2021 order, the Republican members immediately filed a motion for reconsideration seeking, *inter alia*, an opportunity to brief and argue that the map should be drawn based on traditional redistricting principles rather than the least change standard that was set forth in the Court's order. The Court denied the motion for reconsideration and criticized the Republican members' motion, stating "[w]e do not welcome unsolicited partisan filings and will not permit this Court to merely become an extension of the breakdown of the process the people of the state have commanded." However, the Republican members needed to file the motion for reconsideration or risked waiving their argument for the application of traditional redistricting principles. At the February 6, 2012 argument before the Supreme Court during the 2011 redistricting proceedings, when the Republican members then argued that the Supreme Court should ask the special master to draw a map based on traditional redistricting principles, the argument was made that the Republican members had waived their claim by failing to file a motion for reconsideration of the Court's order to the special master. Thus, the Republican members here had no choice but to file for reconsideration of the Court's order in light of the waiver argument that was made in the last redistricting proceeding.

growth within the state. The Republican members’ plan and Democrat members’ plan are only 2.5% different from one another. This would suggest that both plans succeeded in following similarly strict interpretations of the Court’s order. Despite their similarities, however, there are some differences between the two plans that make the Republican members’ plan superior and more in line with the requirements of the Court’s order and applicable law.

A. The Republicans’ Changes Are “Reasonably Required”

There is nothing unreasonable in the suggested Republican plan. The proposed changes are “reasonably required” in order to fulfill the court’s instructions. The current five congressional districts are a combined 61,303 persons outside of the deviation. Because of the uneven distribution of population gains and losses, both the Democrat members’ plan and the Republican members’ plan move a greater number of persons.

Exhibit, Population Table

District	Total	Ideal	Deviation	Percentage
First	717654	721189	- 3535	0.5%
Second	699901	721189	- 21288	3.0%
Third	715360	721189	- 5829	0.8%
Fourth	746816	721189	+ 25627	3.6%
Fifth	726213	721189	+ 5024	0.7%

Total Persons Outside of Deviation:

61303

Average Percentage Outside of Deviation:

1.7%

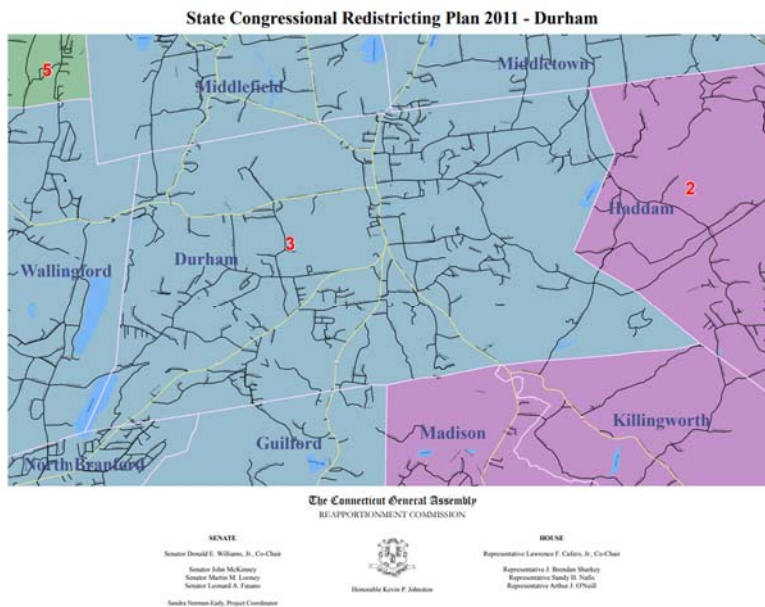
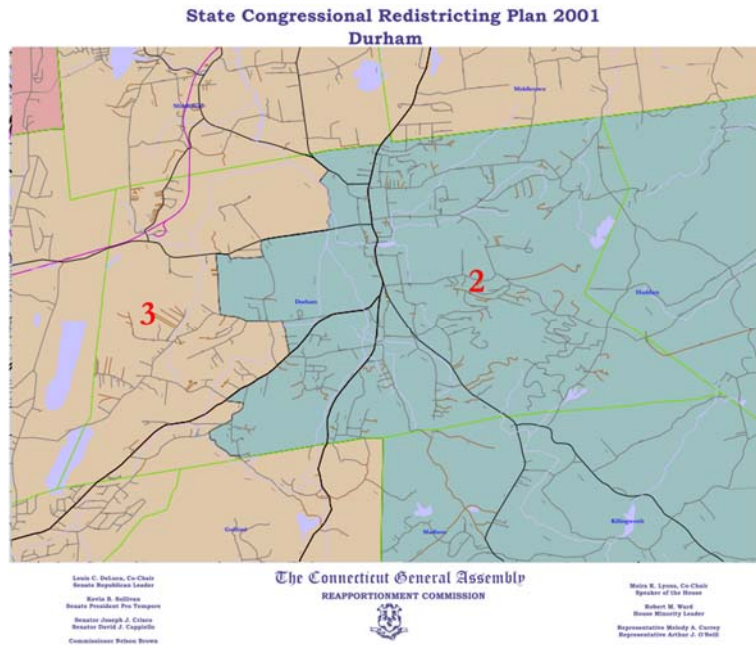
B. Torrington Should Be Wholly In The Fifth Congressional District

Under the current instructions from the Court, it is both possible and desirable to move Torrington wholly into one congressional district. In 2012, Special Master Persily moved the entirety of Durham into the Third District to comply with the Court's order. This eliminated an unnecessary violation of town boundaries and reduced the overall number of split towns from 6 to 5.

The January 3rd, 2012 Order directing the Special Master states, "...in no event shall the plan of the Special Master substantially violate town lines more than the existing congressional districts." Similarly, the December 23rd, 2021 Order directing the Special Master states, "...in no event shall the plan substantially violate town lines more than the existing congressional districts."

Operating under identical instructions in 2012, the special master unified the town of Durham into a single congressional district. Thus, unifying a town into a single congressional district is clearly a desirable goal permitted by the Court's order. As demonstrated in the Republican members' plan and the Democrat members' second plan, only four splits are necessary to achieve equal population.

Exhibits: 2001 Durham Map, 2011 Durham Map



Torrington is an integral part of the Fifth District. If the town is to be wholly incorporated into a single district, it is clear that it should be placed into the Fifth District. Currently Torrington has 35,515

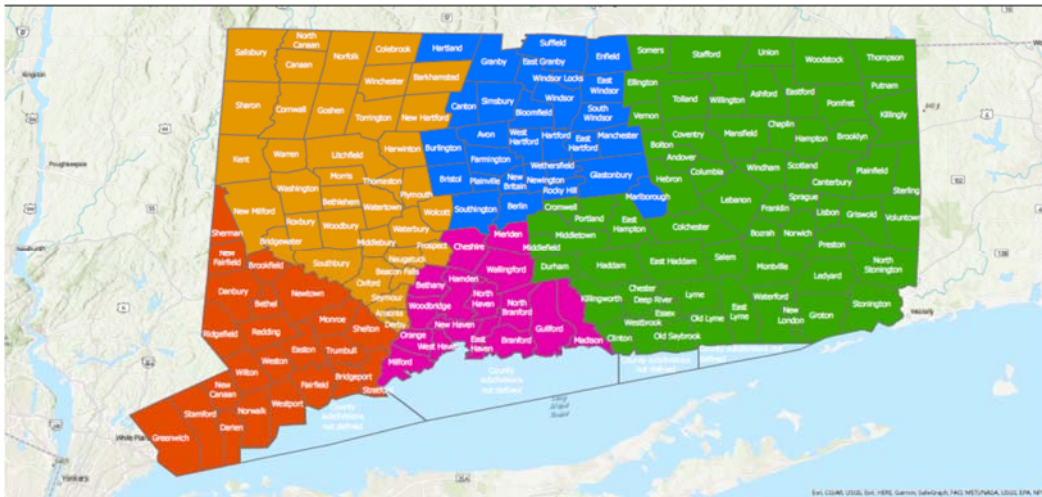
residents, of which the majority, 20,462 reside in the Fifth District. Placing the entirety of Torrington within the First District would disrupt more town residents than if it were placed in the Fifth District.

Exhibit: Torrington Population Table

District	Population	Percent
First	15,053	42.4%
Fifth	20,462	57.6%
Total	35,515	100.0%

Indeed, prior to 1965, when Connecticut also had five congressional districts, Torrington had been in the Fifth District and New Britain had been in the First District.

Exhibit: 1964 map



C. The Voting Rights Act

As acknowledged in the Democrat members’ brief, the Republican members’ plan does not violate the requirements of the

Voting Rights Act. Compared to the Republican members' plan, the Democrat members' plan unnecessarily reduces minority populations in the Third District and the First District for no reasons other than political ones.

Further, it would be possible to increase diversity in the Fifth District by simultaneously wholly incorporating Torrington and Waterbury into the Fifth District. Such a proposal would require the movement of other towns such as Avon, Canton and Simsbury in whole or part. However, such a proposal might not comply with a strict interpretation of the Court's current order.

Exhibit, demographics comparison tables: Republican Members' Plan vs. Democrat Members' Plan, Avon, Canton, and Simsbury vs. Torrington and Waterbury (part)

Republican Member's Plan									
DISTRICT	Total Population				Voting Age Persons				
	White	Black	Hispanic	Minority	Voting Age	White	Black	Hispanic	Minority
First	59.79%	16.19%	17.81%	40.21%	79.86%	63.08%	15.33%	15.54%	36.92%
Second	80.27%	4.06%	9.25%	19.73%	81.24%	82.33%	3.93%	7.70%	17.67%
Third	63.26%	14.42%	17.70%	36.74%	80.68%	66.73%	13.41%	15.10%	33.27%
Fourth	60.23%	12.14%	21.62%	39.77%	77.02%	62.45%	11.99%	19.85%	37.55%
Fifth	68.55%	7.08%	20.04%	31.45%	79.06%	71.75%	6.70%	17.18%	28.25%

Democrat Member's Plan									
DISTRICT	Total Population				Voting Age Persons				
	White	Black	Hispanic	Minority	Voting Age	White	Black	Hispanic	Minority
First	60.34%	15.79%	17.72%	39.66%	79.86%	63.62%	14.96%	15.45%	36.38%
Second	80.13%	4.11%	9.29%	19.87%	81.22%	82.20%	3.97%	7.74%	17.80%
Third	63.99%	14.31%	16.86%	36.01%	80.91%	67.39%	13.30%	14.35%	32.61%
Fourth	60.26%	12.13%	21.62%	39.74%	76.98%	62.48%	11.98%	19.86%	37.52%
Fifth	67.39%	7.56%	20.93%	32.61%	78.88%	70.65%	7.14%	18.00%	29.35%

Comparison									
DISTRICT	Total Population				Voting Age Persons				
	White	Black	Hispanic	Minority	Voting Age	White	Black	Hispanic	Minority
First	-0.55%	0.40%	0.09%	0.55%	0.00%	-0.54%	0.37%	0.09%	0.54%
Second	0.14%	-0.05%	-0.04%	-0.14%	0.02%	0.13%	-0.04%	-0.04%	-0.13%
Third	-0.73%	0.11%	0.84%	0.73%	-0.23%	-0.66%	0.11%	0.75%	0.66%
Fourth	-0.03%	0.01%	0.00%	0.03%	0.04%	-0.03%	0.01%	-0.01%	0.03%
Fifth	1.16%	-0.48%	-0.89%	-1.16%	0.18%	1.10%	-0.44%	-0.82%	-1.10%

Town	Total Population					Voting Age Persons				
	All Persons	White	Black	Hispanic	Minority	Voting Age	White	Black	Hispanic	Minority
Avon	18,932	77.45%	2.18%	4.84%	22.55%	77.03%	81.14%	1.95%	4.00%	18.86%
Canton	10,124	89.55%	1.46%	4.08%	10.45%	78.94%	91.37%	1.31%	3.25%	8.63%
Simsbury	24,517	84.41%	2.23%	5.45%	15.59%	76.89%	86.87%	2.05%	4.37%	13.13%
Torrington	35,515	76.69%	3.52%	15.30%	23.31%	81.56%	80.24%	3.32%	12.05%	19.76%
Waterbury*	39,836	43.14%	18.11%	39.29%	56.86%	76.41%	47.75%	16.92%	34.80%	52.25%

*Waterbury Third District Portion in Republican Member's Proposal

D. Traditional Redistricting Principles

The Republican members submit that the special master, as a court-appointed expert, should use that expertise to recommend to the Court that it consider a good government map created with traditional redistricting principles. Indeed, there is no reason that the Court should defer to the 2012 congressional map. Up until the compromise in 2001, Connecticut's congressional maps followed these widely accepted principles.

The failure to apply traditional redistricting principles frustrates the ability to create a map through negotiation and compromise. Members of commissions in the past have known that if they failed to draw districts, the state constitution would vest jurisdiction in the Supreme Court which would then draft its own map, without regard to political winners and losers. This context provided the commission members with strong incentives to reach agreement. Indeed, the Connecticut Supreme Court has previously signaled that the failure to agree on a map could lead to changes that would be unsatisfactory to both sides: "Agreement by politically sophisticated decisionmakers in the first instance may be made more likely by the in terrorem effect of the knowledge that otherwise a court untutored in political realities would undertake so politically sensitive an assignment." *Fonfara v. Reapportionment Comm'n*, 222 Conn. 166, 184 (1992).

However, when the map prepared by the Court's special master is limited to changes only necessary to equalize population and otherwise required by federal law, the "in terrorem" effect of the Court's role is vitiated and any incentive for the party that is advantaged by the current map to make concessions is eliminated. Concomitantly, a party disadvantaged by this intransigence is denied any effective means of redress. In short, application of the "least change" standard directly creates gridlock. The state constitutional process does not contemplate that, in the absence of an agreement by

the Commission members, a status quo congressional plan would remain in place. As the Supreme Court made clear in *Fonfara*, the success of the constitutional process for redistricting relies in part on the Court being willing to actively draw a map without regard to what lawmakers might desire. Applying the traditional redistricting principles of compactness, contiguity, conformity to political subdivisions, and respect for communities of interest to the congressional map would assuredly remove the “lobster claw” and permit the Connecticut electorate to have a good government map. For this reason, the Court should apply that standard.

E. There Should Be No Deference To The 2012 Map

The Democrat members argue in their brief that the current map is reflective of a bipartisan compromise and is therefore a valid starting point. This is both factually inaccurate and irrelevant. The compromise that produced the map in 2001 was the result of unique and special circumstances that were relevant 20 years ago but are not relevant today. Unlike in 2001, there has been no change in the number of Congressional seats for Connecticut. There is simply no reason for the Court to perpetuate what was a temporary compromise that was unique to the 2002 election. Moreover, the current map that was created in 2012 was not reflective of any bipartisan commission process. Rather, it was created by Special Master Persily under the standards set by the Court in 2012. The Democrat members’ claim that the current congressional map should be entitled to extreme deference is not reasonable.

F. Political Competitiveness

The Court’s order instructs the special master to draw a map without regard to political factors such as voter registration and election results. Despite these instructions, the Democrat Members introduce this subject in their brief. The Democrats argue in their brief

that the current map is bipartisan and fair, based off congressional election results from 2002, 2004, as well as gubernatorial elections in 2014 and 2018. These measures are poorly suited when it comes to evaluating the map for congressional candidates running in the current decade. A more accurate reflection of partisan fairness would consider statewide federal races such as United States Senate and Presidential elections. According to the nationally recognized Cook Political Report, all five congressional districts rank as more Democratic than the nationwide average. The Cook Political Report Partisan Voting Index (PVI) rankings are calculated using an average of the two most recent presidential elections; 2020 and 2016. Rankings are expressed as D +N for a district that votes more Democratic than average or R +N for a district that votes more Republican than average. Connecticut's districts range from D +2 to D +12.

**Exhibits: Statewide Federal Election Results, PVI Rankings,
Cook Political Report Article**

Republican Percentage of Vote						
District	2012 President	2012 US Senate	2016 President	2016 US Senate	2018 US Senate	2020 US President
First	35.6%	38.6%	36.3%	30.4%	36.2%	35.3%
Second	42.6%	44.9%	45.8%	36.4%	42.2%	43.5%
Third	36.3%	38.7%	40.4%	30.2%	37.5%	38.8%
Fourth	44.0%	46.3%	36.6%	36.3%	36.8%	34.5%
Fifth	45.3%	47.8%	45.8%	39.7%	44.0%	43.9%

District	Cook Report PVI
First	D +11
Second	D +2
Third	D +8
Fourth	D +12
Fifth	D +2

<https://www.cookpolitical.com/analysis/national/pvi/introducing-2021-cook-political-report-partisan-voter-index>

CONCLUSION

For all of the reasons set forth in the Republican members’ principal and reply briefs, the special master should recommend adoption of the Republican members’ proposed “least change” map because it is in accord with the Supreme Court’s December 23, 2021 order. Additionally, the special master, as the Court’s chosen expert, should also recommend to the Court that it reconsider its directive and allow for the drafting of a congressional “good government” map based on traditional redistricting principles.

Respectfully submitted,

REPUBLICAN MEMBERS OF THE
REAPPORTIONMENT
COMMISSION

SENATOR KEVIN KELLY,
REPRESENTATIVE VINCENT
CANDELORA, SENATOR PAUL
FORMICA, REPRESENTATIVE
JASON PERILLO

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CERTIFICATION

The undersigned attorney hereby certifies, pursuant to Connecticut Rule of Appellate Procedure § 67-2, that:

(1) the e-brief with appendix complies with all provisions of this rule;

(2) the e-brief with appendix is filed in compliance with the optional e-briefing guidelines and no deviations were requested

(3) this e-brief contains 2034 words;

(4) the e-brief with appendix has been redacted or does not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order or case law;

(5) the e-brief with appendix has been delivered electronically to the last known e-mail address of each counsel of record for whom an e-mail address has been provided.

/s/ Proloy K. Das
Proloy K. Das, Esq.

Appendix F
Democratic Reply Brief

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

**RESPONSE OF THE REAPPORTIONMENT COMMISSION
DEMOCRATIC MEMBERS TO REDISTRICTING PLAN
SUBMITTED BY REAPPORTIONMENT COMMISSION
REPUBLICAN MEMBERS AND MAPS SUBMITTED BY
CONNECTICUT REPUBLICAN PARTY**

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I. The Democratic Commission Members’ Plan More Faithfully Follows the Supreme Court’s December 23rd Order Than the Plan Submitted by the Republican Commission Members

Both the Democratic Reapportionment Commission Members and the Republican Reapportionment Commission Members have filed redistricting plans that meet most of the requirements of the Supreme Court’s December 23, 2021 Order Appointing and Directing Special Master (the “Order”), including the requirements that they equalize the population in the districts, maintain the contiguity of the districts, avoid violating the VRA, and not substantially reduce the districts’ compactness or substantially increase the number of towns divided between two districts. However, as discussed below, the Republican Members’ plan fails to meet the most critical requirement in that Order – that it make no more changes to the existing districts than are reasonably required.

A. The Republican Members’ plan makes more changes to existing districts than are “reasonably required” to meet the requirements of the Supreme Court’s Order

The brief of the Republican Members (p. 7) says that its proposed plan “modifies the existing congressional districts only to the extent necessary to comply with considerations of population equality, contiguity, and the Voting Rights Act and applicable federal law.” But the changes it proposes go beyond those “reasonably required” to comply with those provisions of the Court’s Order.

Under the Republican Members’ plan, 124,981 residents would be moved to new congressional districts, or roughly 3.5% of the State’s total population of 3,605,944. (Rep. Members’ Br. p. 8). That such significant changes are not reasonably required is evident from the

plan submitted by the Democratic Members, which moves only 71,736 residents out of their existing congressional districts, i.e., just under 2% of the total population in the State. As a result, the Republican Members' plan does not comply with the "least changes" approach required by the Court's Order.

B. Unifying a town in one congressional district is not required by the Supreme Court's Order and contravenes the Order if it moves more people to new congressional districts than is reasonably necessary

The Republican Members' apparent justification for moving more people to new districts than is necessary is that the Republican plan moves the entire Town of Torrington into the Fifth District, thereby unifying one of the few towns that is currently divided between two districts. But that is not one of the requirements of the Court's Order. The Court's Order does *not* direct the Special Master to change the existing districts to the extent reasonably required to *reduce* the number of towns that are divided between two districts, while meeting the other requirements of the Order. If the Court's Order said that, any number of plans could have been proposed by the parties that would unify Torrington.

What the Order specifically requires is that the Special Master adopt a redistricting plan that changes the existing districts only to the extent reasonably required to equalize the population among the districts and meet the other requirements specifically spelled out in the Order. The Democratic Members' plan complies with that Order. The Republican Members' plan does not. In order to unify one additional town in a single district, the Republican Members' plan changes the existing districts *more than* is reasonably required,

moving *more residents* to new districts than is reasonably required to comply with the Order.

C. If unifying another town in a single congressional district is a desirable goal permitted by the Court’s Order, the Special Master can do so in ways that would be more compliant with the Order

Only five of the State’s 169 towns are currently divided between two congressional districts. If the Special Master wishes to reduce that number by unifying Torrington in a single congressional district, that can be accomplished in a way that more faithfully complies with the “least changes” approach required by the Court’s Order.

Attached as Exhibit 1 is a plan that would move Torrington into the First District.¹ This “alternative plan” is offered here to show that there are ways to unify Torrington that comply far better with the Court’s Order.² (A map of this alternative plan overlaid over a map of the current districts is attached as Exhibit 1A.) The alternative plan would unify Torrington while moving only 87,175 people statewide into a new district, rather than the 124,981 who would be moved under the Republican Members’ plan. In other words, under the alternative plan, 37,806 fewer residents would be taken out of their existing districts.

¹ This is similar to a plan offered by the Democratic Members during discussions within the Reapportionment Commission.

² The figures below are derived from the shape files for this alternative plan, which are provided as Exhibit 2 for informational purposes.

The alternative plan would also come close to placing all of Waterbury within the Fifth District.³

The Republican Members' brief also touts the fact that its proposed plan would, in a few towns, better synchronize congressional lines with the state House and Senate district lines. To the extent that is a concern, it is one that is not mentioned in the Supreme Court's Order. Moreover, it is one that can just as easily be addressed without moving 125,000 people into new districts. Under the alternative plan (compared to the Republican Members' plan), the congressional dividing line in Waterbury would be more synchronous with the State House and Senate districts in that city, *see* Exhibit 3, Middletown would be less synchronous, *see* Exhibit 4, and Glastonbury and Shelton would be equally synchronous, *see* Exhibits 5 and 6.⁴ And, as noted above, the alternative plan would move only 87,175 people statewide, rather than 125,000 people.

³ Using current Census numbers, 82.7% of the residents of Waterbury fall within the Fifth District, and 17.3% fall within the Third District. Under the shape files for the alternative plan, only 4,321 Waterbury residents, or 3.8%, would remain in the Third District; 110,082 Waterbury residents, or 96.2%, would reside in the Fifth District.

⁴ The real difference between unifying Torrington in the Fifth District, as opposed to the First District, is the political consequences of these alternatives -- and the Court's Order specifically precludes the Special Master from considering those consequences. Considering the political implications of alternative plans, including alternative plans to unify a town in a single congressional district, was appropriate when the discussion was taking place within the Reapportionment Commission, but it is not appropriate now.

D. The Republican Members' Plan Needlessly Reduces the Racial Diversity of the Fifth District

The Republican Members' proposed plan also would unnecessarily reduce the influence of Black and Latino voters in the Fifth District, and for no reason other than political ones. As currently constituted, the Fifth District is 7.9% Black or African-American⁵ and 20.9% Hispanic or Latino. Under the Democratic Members' Proposed Plan, both the Black population and the Latino population would remain essentially steady, at 8% and 20.9%, respectively. But under the Republican Members' plan, the Fifth District's population of Black residents would fall to 7.5% and the population of Latino residents would fall to 20.0%. While these decreases in minority population percentages are admittedly small, there is no reason for the minority population of the Fifth District, and the commensurate ability of that population to influence elections in the Fifth District, to be reduced *at all*. And nothing in the Supreme Court's Order suggests that the Court would favor such a result. As is evident from the plan submitted by the Democratic Members, compliance with the Court's order can easily be accomplished without reducing the percentage of minority residents.

Moreover, to the extent unifying Torrington in a single district is a goal, that too can easily be accomplished without making the Fifth District less racially diverse. The alternative plan (Exhibit 1) would

⁵ As counted by the U.S. Census, Hispanic/Latino individuals may be of any race. As used here, "Black or African-American" individuals are those who did not identify as Hispanic/Latino on the Census and who identified as Black or African-American alone or in combination with one or more other races. *See* Exhibit 7 (spreadsheet of racial composition data for various plans for the Fifth District).

unify Torrington, while simultaneously *increasing* the influence of Black and Hispanic voters in the Fifth District. That plan would raise the percentage of Black/African-American residents in the Fifth District to 8.2% and would raise the percentage of Hispanic/Latino residents in the District to 21.3%. The difference in the proportion of Black and Latino residents between these plans is 2%; that is not a large number, but it is a meaningful one. And it shows that, even if unifying a currently divided town is a legitimate goal, it need not come at the expense of minority voters.⁶

II. The Alternative Map Proposed by the Connecticut Republican Party Directly Contravenes the Supreme Court’s Order and Its Underlying Public Policy Purposes

A. The Republican Party maps are “most changes” plans that flout the Supreme Court’s order

The alternative redistricting maps submitted by the Connecticut Republican Party would fundamentally alter every congressional district in the state. The map titled “Most Proportional” would change the district lines for 20 whole towns and would move over half a million residents to new districts. The other map, titled “Least Splits,”

⁶ While the Voting Rights Act does not require the creation of minority influence districts, enhancing or at least preserving the ability of minority groups to influence the outcomes of elections through their communities of interest with similarly situated communities in other towns in the Fifth District, such as Danbury, Meriden, and New Britain, is an appropriate goal. The Republican Members’ plan does not further that goal.

would also change the district lines for 20 whole towns and would move even more residents to new districts.⁷

These maps directly flout the Court’s Order. If the people of Connecticut and their elected representatives want to completely overhaul the state’s congressional districts, they are free to do so. But it is not the role of the Court to impose such vast changes on the people, as the Court’s December 23rd Order makes abundantly clear.

B. There is no legitimate basis to disregard the Supreme Court’s Order in favor of selected “traditional redistricting criteria”

The Republican Members’ brief (p. 11) reiterates its contention that the “congressional map should be drawn based on traditional redistricting principles,” rather than on the requirements of the Court’s Order. That contention is partly based on the claim that the existing districts are the result of an improper “political gerrymander” in 2001 (*id.*). (The two maps submitted by the Connecticut Republican Party appear to be what would follow from using what the Republican Members refer to as a “traditional redistricting” approach.) The Special Master should reject this approach outright.

First, the Special Master has no authority to disregard the Court’s Order, as this recommended approach would require.

Second, the 2001 redistricting map is *not* the result of improper “gerrymandering,” as that term is commonly understood. It is the result of a legitimate, negotiated, bipartisan political compromise that

⁷ Without the underlying shape files, it is difficult to determine with certainty the number of people that would be moved under each map. We calculate that 501,204 would move to new districts under the Most Proportional map, and 501,734 would move to new districts under the Least Splits map.

was successfully reached through the legislative redistricting process. That bipartisan compromise produced lawful, competitive districts, and those districts have not materially changed since then.⁸

Third, respecting the existing district lines to the extent reasonably possible, *i.e.*, a “least changes” approach, reflects appropriate deference to the legislative redistricting process and appropriate limits on a judicially overseen redistricting process. That approach is consistent with directives from the U.S. Supreme Court and with the approach of other state supreme courts undertaking redistricting duties. *See* Opening Brief of Reapportionment Commission Democratic Members, pp. 6-7.

Finally, any map that revises the congressional districts from scratch as part of a judicial redistricting process – as either of the maps submitted by the Connecticut Republican Party would do – is not a “good government” map, as the Republican Members’ brief suggests (p. 12). It is a map that disrespects the political role of the legislative branch and disregards the limited role of the judicial branch in redistricting -- precisely the result that the Supreme Court’s Order is intended to avoid.

⁸ That the 2001 redistricting was a bipartisan compromise that produced competitive districts is evident from the fact that Republican congressional candidates won three of the five districts in the first election that followed in 2002, while Democrats won two of the five districts in 2004. The more recent elections in which Democrats have won all five congressional seats do not indicate that the districts are somehow no longer competitive; that is clear from the fact that, in the Second and Fifth Districts, the Republican candidates for Governor won in both 2014 and 2018, as did a number of other Republican candidates for statewide office in those years.

Respectfully submitted,

REAPPORTIONMENT
COMMISSION DEMOCRATIC
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BOB DUFF, MATTHEW
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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 2,261, 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.

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Dated: January 7, 2022

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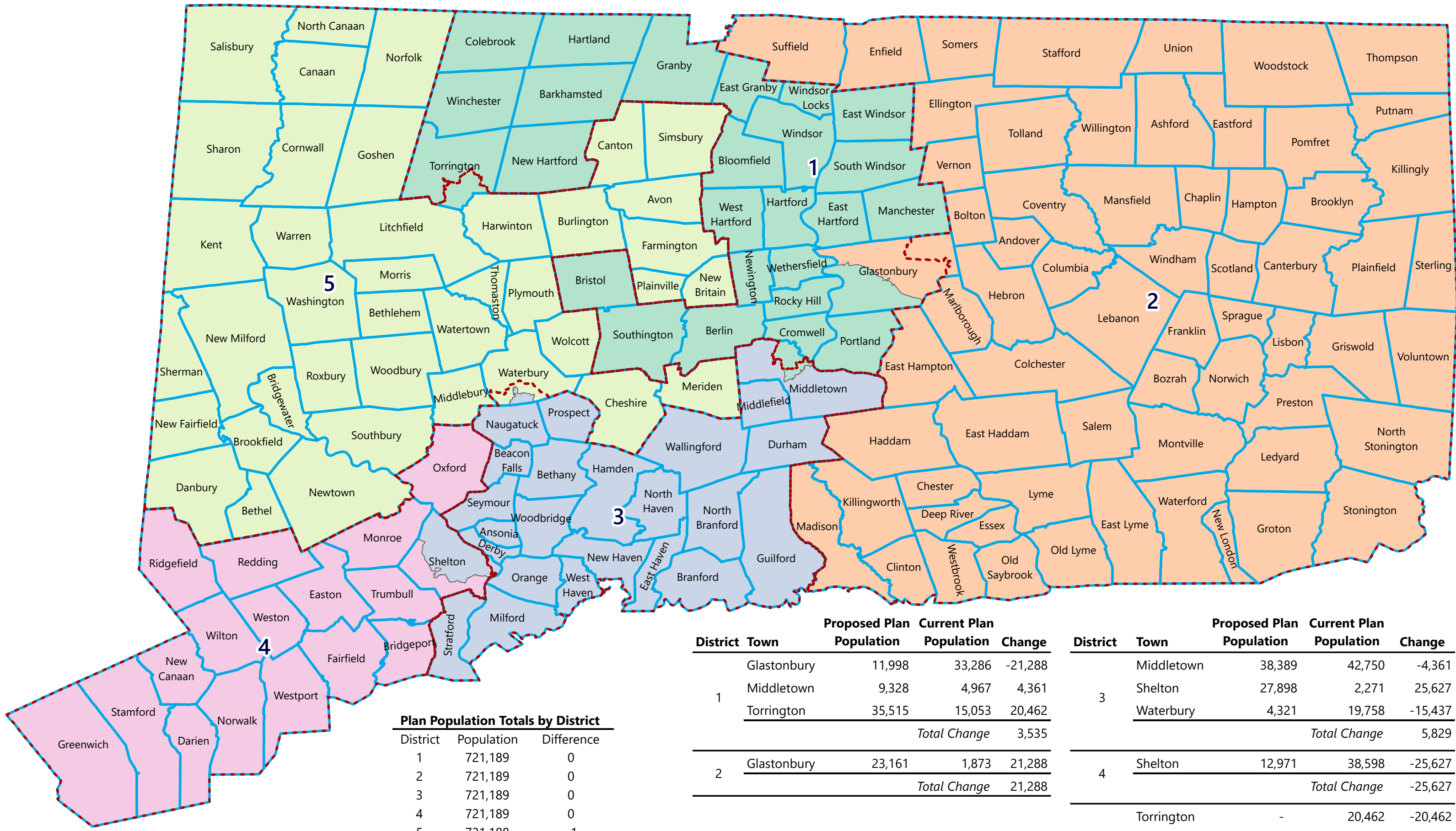
EXHIBIT INDEX

- Exhibit 1:** Map, Alternative Plan for Unifying Torrington
- Exhibit 1A:** Map, Alternative Plan for Unifying Torrington with Current District Overlay
- Exhibit 2:** Data File, Alternative Plan for Unifying Torrington by the Reapportionment Commission Democrats (data provided separately in electronic form)
- Exhibit 3:** Map, Alternative Plan, Split Town Comparison - Waterbury
- Exhibit 4:** Map, Alternative Plan, Split Town Comparison - Middletown
- Exhibit 5:** Map, Alternative Plan, Split Town Comparison - Glastonbury
- Exhibit 6:** Map, Alternative Plan, Split Town Comparison - Shelton
- Exhibit 7:** District 5 Diversity Comparison

EXHIBIT 1

EXHIBIT 1A

Reapportionment Commission Democrats Alternative Plan



 Current Congressional District Boundary
 Town Boundary

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

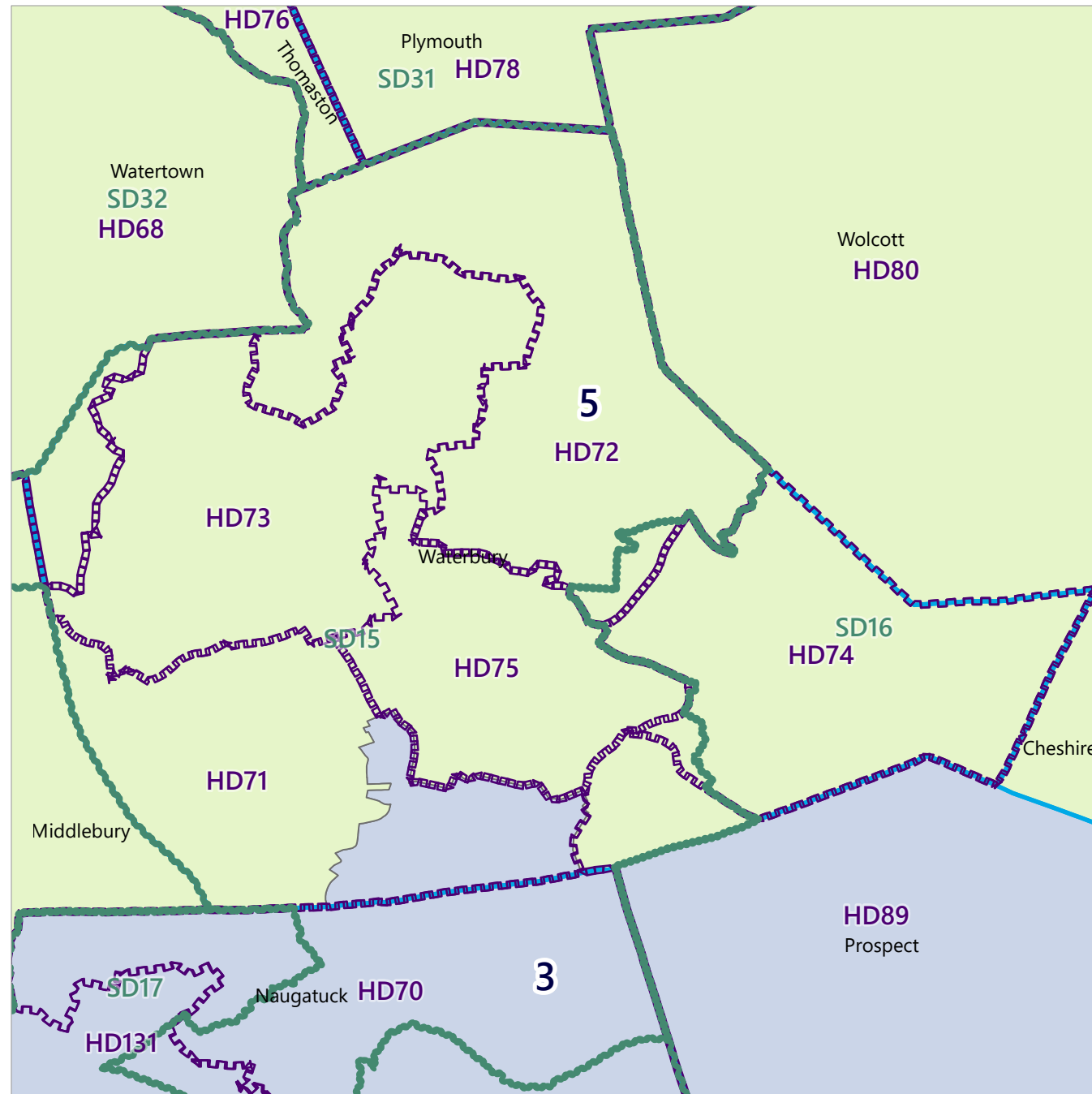
District	Town	Proposed Plan	Current Plan	
		Population	Population	Change
1	Glastonbury	11,998	33,286	-21,288
	Middletown	9,328	4,967	4,361
	Torrington	35,515	15,053	20,462
<i>Total Change</i>				3,535
2	Glastonbury	23,161	1,873	21,288
	<i>Total Change</i>			

District	Town	Proposed Plan	Current Plan	
		Population	Population	Change
3	Middletown	38,389	42,750	-4,361
	Shelton	27,898	2,271	25,627
	Waterbury	4,321	19,758	-15,437
<i>Total Change</i>				5,829
4	Shelton	12,971	38,598	-25,627
	<i>Total Change</i>			
5	Torrington	-	20,462	-20,462
	Waterbury	110,082	94,645	15,437
<i>Total Change</i>				-5,025

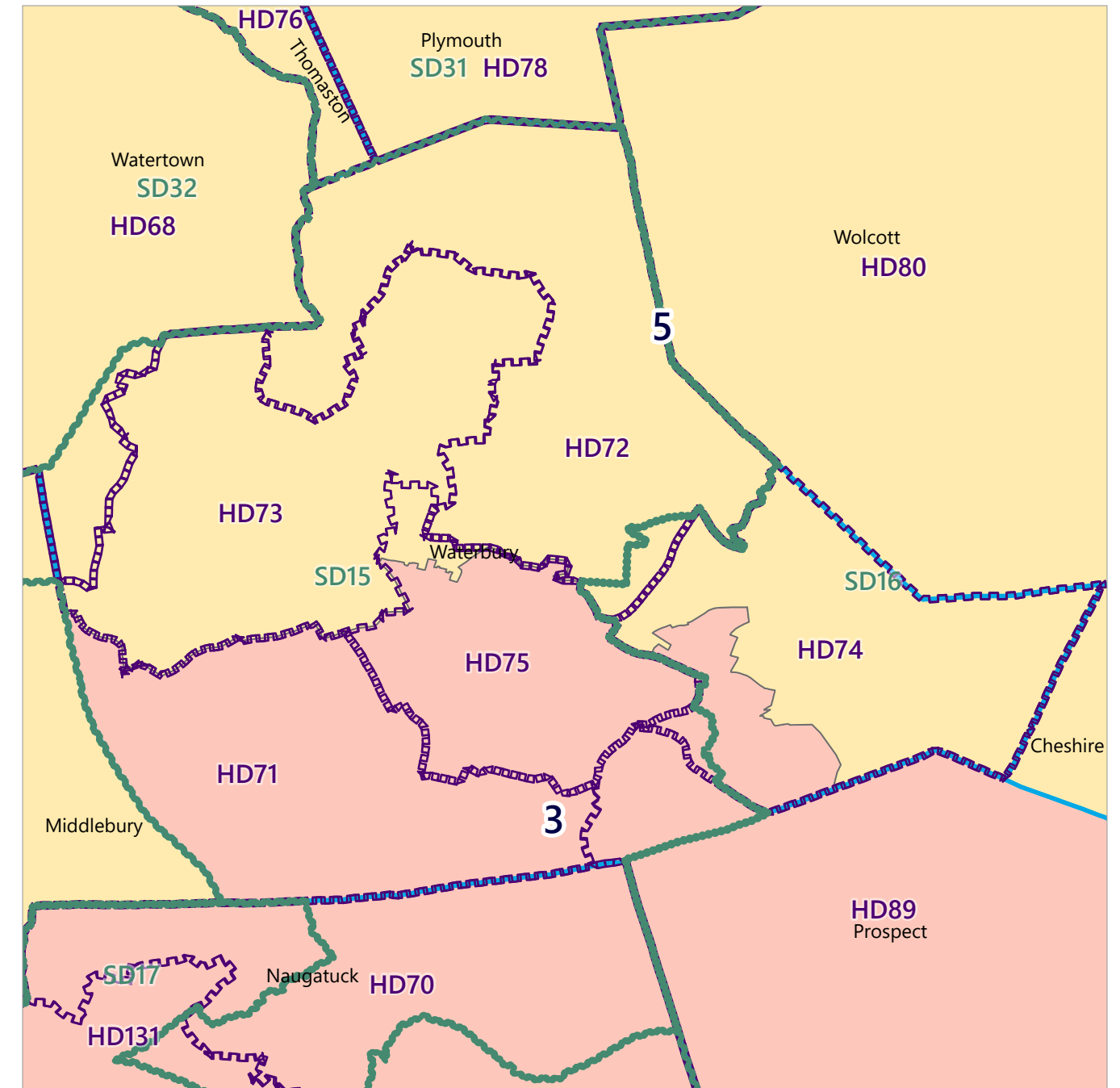
EXHIBIT 3

Waterbury

Reapportionment Commission Democrats Reply Brief Alternative Plan



Reapportionment Commission Republicans Proposed Plan



The line between Districts Three and Five only splits State House District 71, and is wholly within State Senate District 15.

The line between District Three and Five splits State Senate Districts 15 and 16, as well as State House Districts 74 and 75.




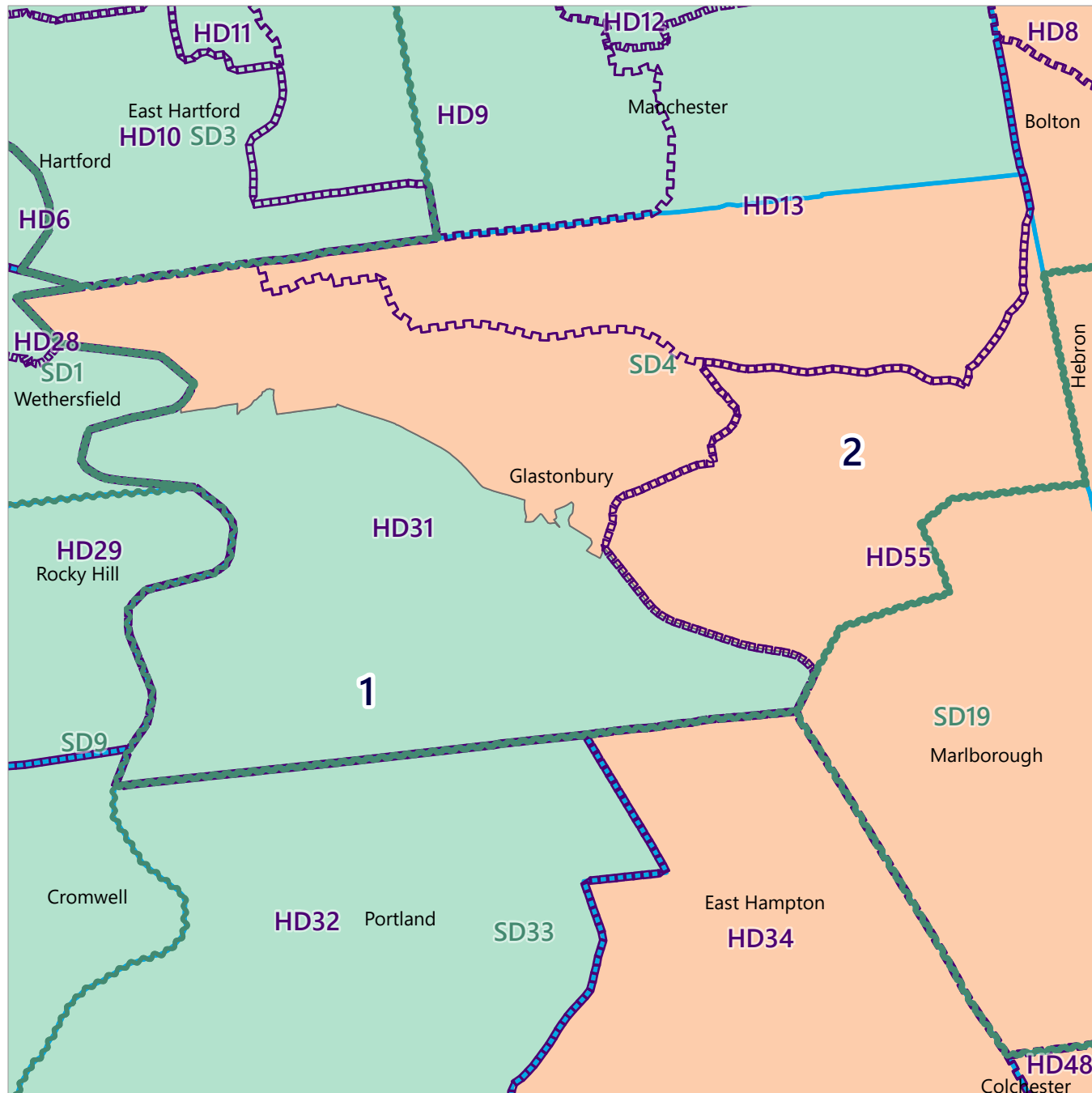
-  State Senate District Boundary
-  State House District Boundary
-  Town Boundary

EXHIBIT 4

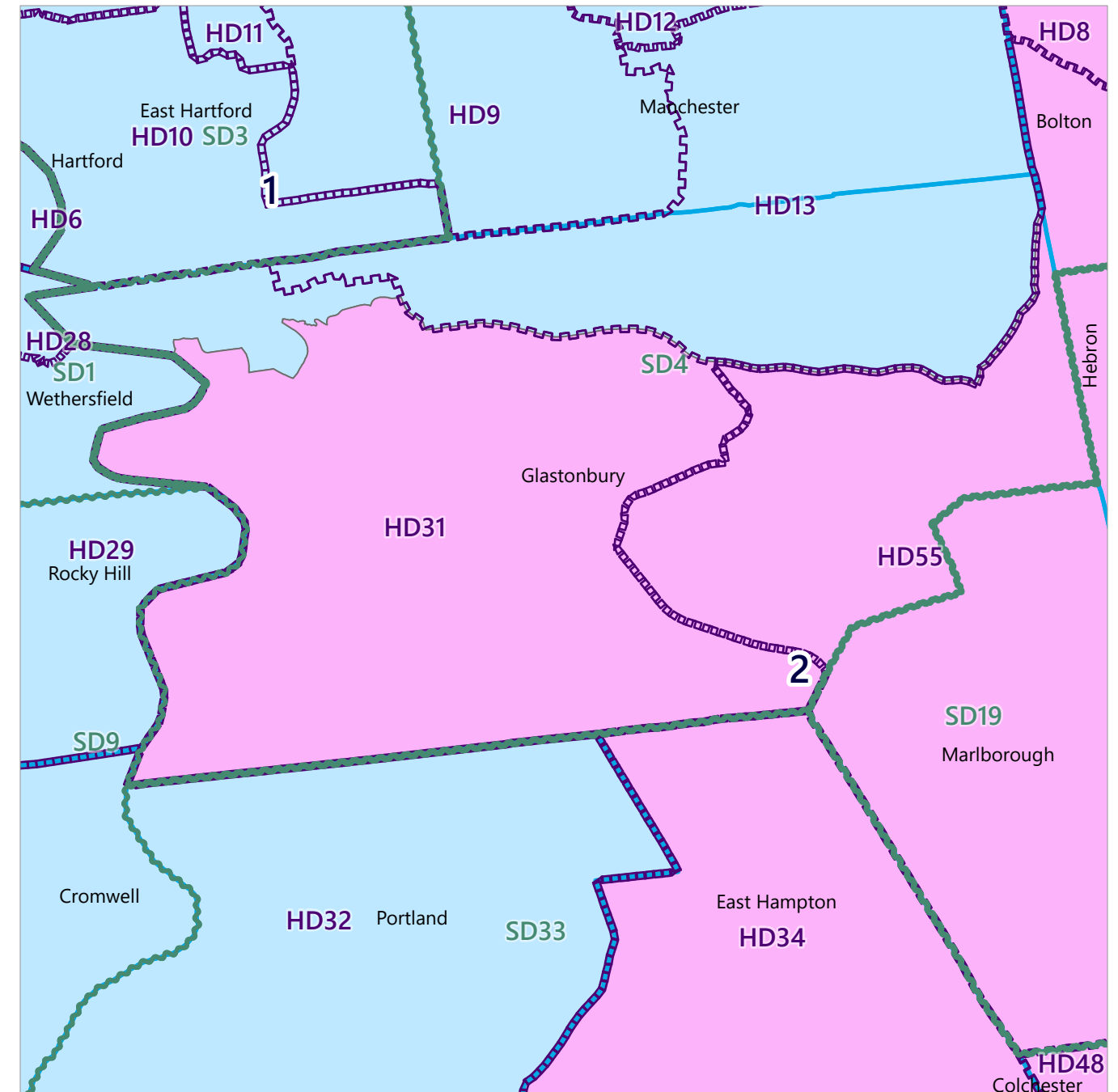
EXHIBIT 5

Glastonbury

Reapportionment Commission Democrats Reply Brief Alternative Plan



Reapportionment Commission Republicans Proposed Plan



The line between Districts One and Two only splits State House District 31 and is wholly within State Senate District 4.

The line between Districts One and Two only splits State House District 31 and is wholly within State Senate District 4.




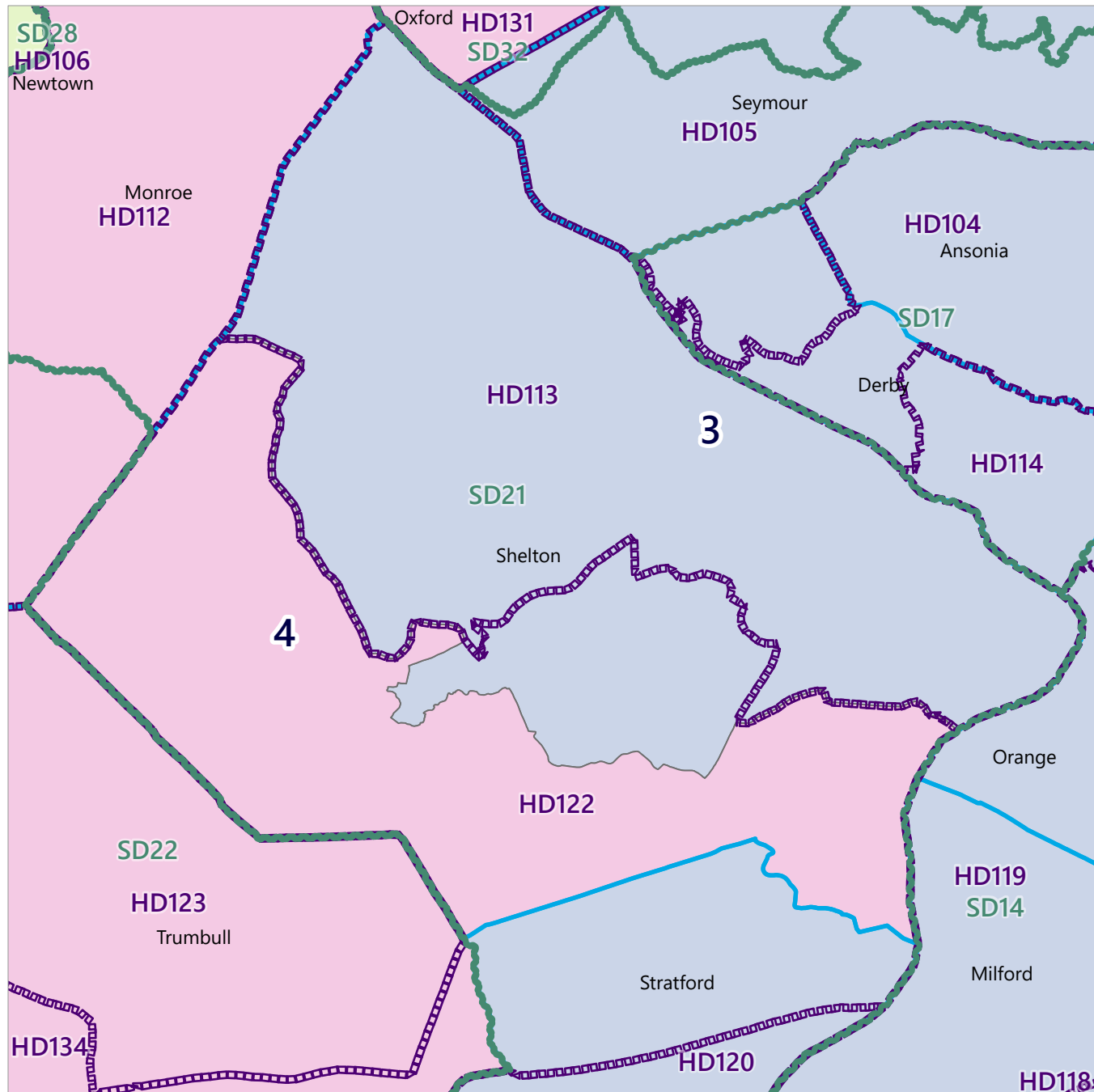
-  State Senate District Boundary
-  State House District Boundary
-  Town Boundary

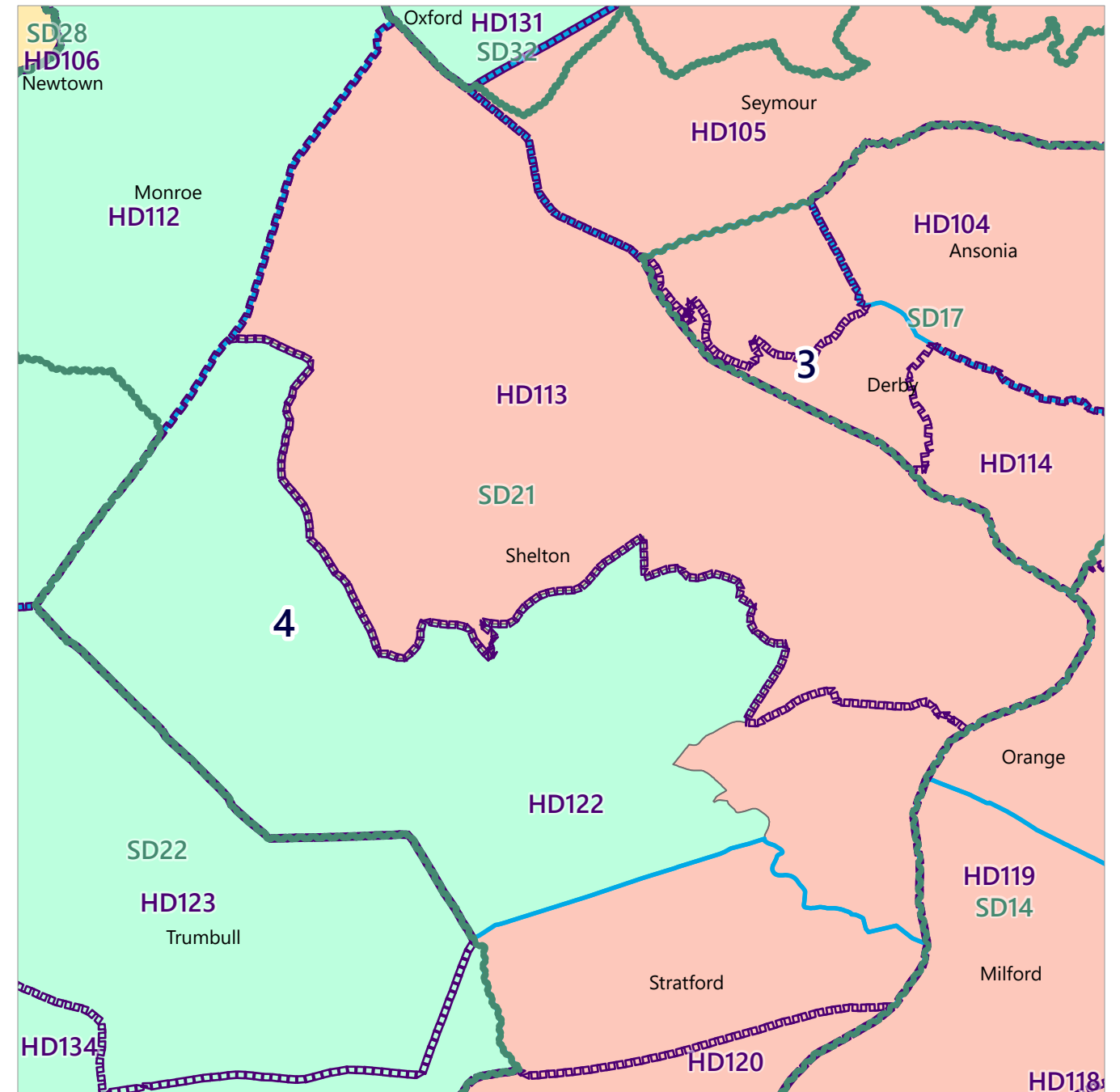
EXHIBIT 6

Shelton

Reapportionment Commission Democrats Reply Brief Alternative Plan



Reapportionment Commission Republicans Proposed Plan



The line between Districts Three and Four only splits State House District 122 and is wholly within State Senate District 21.

The line between Districts Three and Four only splits State House District 122 and is wholly within State Senate District 21.




-  State Senate District Boundary
-  State House District Boundary
-  Town Boundary

EXHIBIT 7

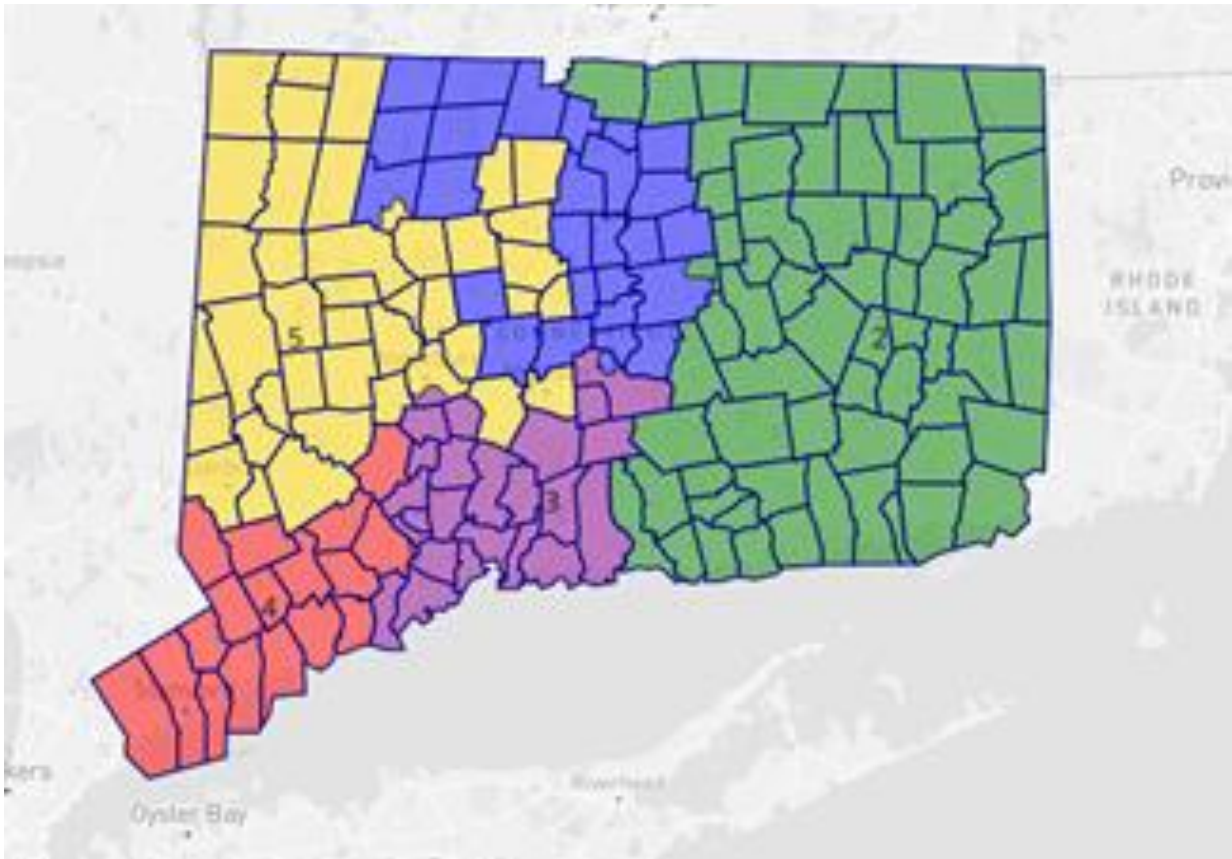
District Five	Total		
	Population	Hispanic*	Black*
Current Congressional Districts	726,213	20.9%	7.9%
The Proposed Plan	721,189	20.9%	8.0%
Rep. Members' Submitted Plan	721,188	20.0%	7.5%
Alternative Plan	721,188	21.3%	8.2%

* Hispanic or Latino individuals may be of any race

* Black or African American alone or in combination, not Hispanic or Latino

Appendix G
Proto Maps and Town List

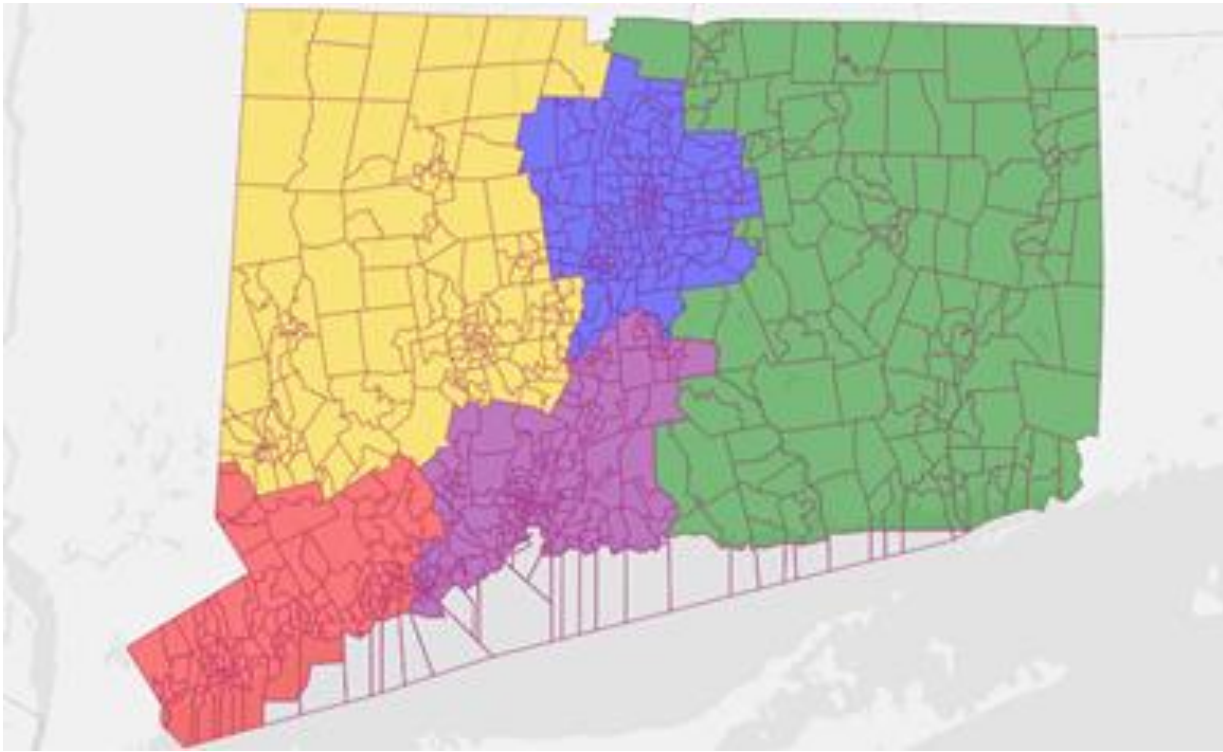
Current CT Congressional Map:



ID	Population		Shapes		Partisan Lean			Demographics (VAP)						DOWNLOAD	
	Total	+/-	🗺️	📄	Dem	Rep	Oth	Total	White	Minority	Hispanic	Black	Asian		Native
Un	0				0.00%	0.00%	0.00%	0	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
1	717,654	-0.49%	✔️	✔️	63.23%	35.26%	1.51%	571,274	61.25%	38.75%	15.32%	16.59%	6.36%	1.48%	0.14%
2	699,901	-2.95%	✔️	✔️	54.46%	43.50%	2.04%	569,338	80.61%	19.39%	7.81%	5.20%	4.22%	2.10%	0.19%
3	715,360	-0.81%	✔️	✔️	59.90%	38.81%	1.29%	579,067	64.14%	35.86%	14.44%	15.35%	5.35%	1.50%	0.14%
4	746,816	3.55%	✔️	✔️	64.23%	34.38%	1.39%	576,579	60.22%	39.78%	19.46%	13.12%	6.13%	1.21%	0.13%
5	726,213	0.70%	✔️	✔️	54.56%	43.93%	1.51%	572,969	67.43%	32.57%	17.95%	8.77%	4.20%	1.51%	0.15%
	721,189	6.51%	✔️	✔️	59.26%	39.19%	1.55%	573,845	66.70%	33.30%	15.01%	11.82%	5.25%	1.56%	0.15%

Split Towns: Glastonbury, Waterbury, Torrington, Middletown, Shelton

CONNECTICUT REPUBLICANS'
Proposal 1: Most Proportional

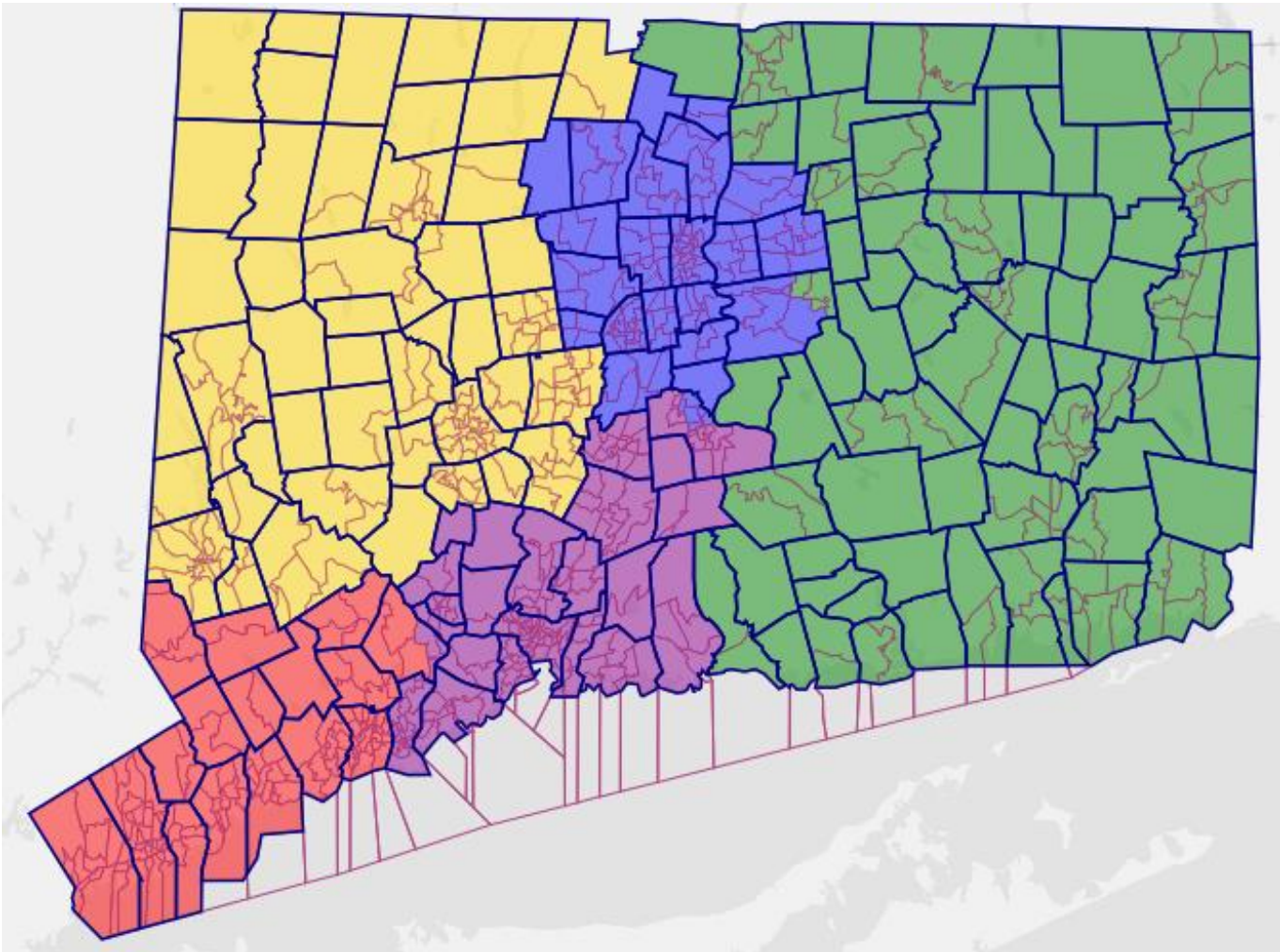


ID	Population		Shapes		Partisan Lean			Demographics (VAP)							DOWNLOAD
	Total	+/-			Dem	Rep	Oth	Total	White	Minority	Hispanic	Black	Asian	Native	
Un	0				0.00%	0.00%	0.00%	0	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
1	721,181	0.00%			63.67%	33.51%	2.82%	569,818	56.57%	43.43%	18.36%	17.00%	7.04%	1.43%	0.15%
2	721,266	0.01%			52.05%	44.69%	3.26%	586,815	80.64%	19.36%	7.75%	5.19%	4.24%	2.08%	0.19%
3	721,159	0.00%			59.60%	38.27%	2.13%	583,812	63.33%	36.67%	15.45%	15.34%	5.40%	1.55%	0.14%
4	721,175	0.00%			60.78%	37.45%	1.77%	555,668	59.40%	40.60%	19.89%	13.44%	6.22%	1.22%	0.13%
5	721,163	0.00%			47.82%	49.70%	2.47%	573,114	73.01%	26.99%	13.93%	7.42%	3.42%	1.49%	0.14%
	721,189	0.01%			56.60%	40.90%	2.51%	573,845	66.70%	33.30%	15.01%	11.82%	5.25%	1.56%	0.15%

Split Towns: Glastonbury, Meriden, Middletown, Shelton

Removes Splits: Waterbury, Torrington, Litchfield County

CONNECTICUT REPUBLICANS'
Proposal 2: Least Splits



ID	Population		Shapes		Partisan Lean			Demographics (VAP)							DOWNLOAD
	Total	+/-	🗺️	📄	Dem	Rep	Oth	Total	White	Minority	Hispanic	Black	Asian	Native	
Un	0				0.00%	0.00%	0.00%	0	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
1	721,502	0.04%	✔️	✔️	63.72%	33.46%	2.82%	570,196	56.62%	43.38%	18.24%	17.95%	7.07%	1.42%	0.15%
2	721,266	0.01%	✔️	✔️	52.05%	44.69%	3.26%	586,815	80.64%	19.36%	7.75%	5.19%	4.24%	2.08%	0.19%
3	721,118	-0.01%	✔️	✔️	59.55%	38.33%	2.12%	583,658	63.30%	36.70%	15.57%	15.28%	5.37%	1.55%	0.14%
4	721,175	0.00%	✔️	✔️	60.78%	37.45%	1.77%	555,668	59.40%	40.60%	19.89%	13.44%	6.22%	1.22%	0.13%
5	720,883	-0.04%	✔️	✔️	47.82%	49.70%	2.47%	572,890	73.00%	27.00%	13.93%	7.42%	3.42%	1.49%	0.14%
	721,189	0.09%	✔️	✔️	56.60%	40.90%	2.51%	573,845	66.70%	33.30%	15.01%	11.82%	5.25%	1.56%	0.15%

Split Towns: Glastonbury, Middletown, Shelton

Removes Splits: Waterbury, Torrington, Litchfield County

CURRENT CONGRESSIONAL DISTRICT TOWNS

Current Towns	CD	Current Towns	CD	Current Towns	CD	Current Towns	CD	Current Towns	CD	Current Towns	CD	Current Towns	CD
Barkhamsted	1	Andover	2	Madison	2	Ansonia	3	Bridgeport	4	Avon	5	Simsbury	5
Berlin	1	Ashford	2	Mansfield	2	Beacon Falls	3	Darien	4	Bethel	5	Southbury	5
Bloomfield	1	Bolton	2	Marlborough	2	Bethany	3	Easton	4	Bethlehem	5	Thomaston	5
Bristol	1	Bozrah	2	Montville	2	Branford	3	Fairfield	4	Bridgewater	5	Warren	5
Colebrook	1	Brooklyn	2	New London	2	Derby	3	Greenwich	4	Brookfield	5	Washington	5
Cromwell	1	Canterbury	2	North Stonington	2	Durham	3	Monroe	4	Burlington	5	Watertown	5
East Granby	1	Chaplin	2	Norwich	2	East Haven	3	New Canaan	4	Canaan	5	Wolcott	5
East Hartford	1	Chester	2	Old Lyme	2	Guilford	3	Norwalk	4	Canton	5	Woodbury	5
East Windsor	1	Clinton	2	Old Saybrook	2	Hamden	3	Oxford	4	Cheshire	5		
Granby	1	Colchester	2	Plainfield	2	Middlefield	3	Redding	4	Cornwall	5		
Hartford	1	Columbia	2	Pomfret	2	Milford	3	Ridgefield	4	Danbury	5	Split Towns	CD
Hartland	1	Coventry	2	Preston	2	Naugatuck	3	Stamford	4	Farmington	5	Glastonbury	1+2
Manchester	1	Deep River	2	Putnam	2	New Haven	3	Trumbull	4	Goshen	5	Middletown	2+3
New Hartford	1	East Haddam	2	Salem	2	North Branford	3	Weston	4	Harwinton	5	Torrington	1+5
Newington	1	East Hampton	2	Scotland	2	North Haven	3	Westport	4	Kent	5	Shelton	3+4
Portland	1	East Lyme	2	Somers	2	Orange	3	Wilton	4	Litchfield	5	Waterbury	3+5
Rocky Hill	1	Eastford	2	Sprague	2	Prospect	3			Meriden	5		
South Windsor	1	Ellington	2	Stafford	2	Seymour	3			Middlebury	5		
Southington	1	Enfield	2	Sterling	2	Stratford	3			Morris	5		
West Hartford	1	Essex	2	Stonington	2	Wallingford	3			New Britain	5		
Wethersfield	1	Franklin	2	Suffield	2	West Haven	3			New Fairfield	5		
Winchester	1	Griswold	2	Thompson	2	Woodbridge	3			New Milford	5		
Windsor	1	Groton	2	Tolland	2					Newtown	5		
Windsor Locks	1	Haddam	2	Union	2					Norfolk	5		
		Hampton	2	Vernon	2					North Canaan	5		
		Hebron	2	Voluntown	2					Plainville	5		
		Killingly	2	Waterford	2					Plymouth	5		
		Killingworth	2	Westbrook	2					Roxbury	5		
		Lebanon	2	Willington	2					Salisbury	5		
		Ledyard	2	Windham	2					Sharon	5		
		Lisbon	2	Woodstock	2					Sherman	5		
		Lyme	2										

REVISED 1/7/2021
CONNECTICUT REPUBLICANS
CD PLAN -- PROPORTIONAL POPULATION
TOWNS LISTING

Current Towns	CD	Current Towns	CD	Current Towns	CD	Current Towns	CD	Current Towns	CD	Current Towns	CD	Current Towns	CD
Avon	1	Andover	2	Madison	2	Ansonia	3	Bridgeport	4	Barkhamsted	5	New Fairfield	5
Berlin	1	Ashford	2	Mansfield	2	Beacon Falls	3	Darien	4	Bethel	5	New Hartford	5
Bloomfield	1	Bolton	2	Marlborough	2	Bethany	3	Easton	4	Bethlehem	5	New Milford	5
Canton	1	Bozrah	2	Montville	2	Branford	3	Fairfield	4	Bridgewater	5	Newtown	5
Cromwell	1	Brooklyn	2	New London	2	Derby	3	Greenwich	4	Bristol	5	Norfolk	5
East Granby	1	Canterbury	2	North Stonington	2	Durham	3	Monroe	4	Brookfield	5	North Canaan	5
East Hartford	1	Chaplin	2	Norwich	2	East Haven	3	New Canaan	4	Burlington	5	Oxford	5
Farmington	1	Chester	2	Old Lyme	2	Guilford	3	Norwalk	4	Canaan	5	Plymouth	5
Hartford	1	Clinton	2	Old Saybrook	2	Hamden	3	Redding	4	Cheshire	5	Roxbury	5
Manchester	1	Colchester	2	Plainfield	2	Meriden	3	Ridgefield	4	Colebrook	5	Salisbury	5
New Britain	1	Columbia	2	Pomfret	2	Middlefield	3	Stamford	4	Cornwall	5	Sharon	5
Newington	1	Coventry	2	Portland	2	Milford	3	Trumbull	4	Danbury	5	Sherman	5
Plainville	1	Deep River	2	Preston	2	New Haven	3	Weston	4	Goshen	5	Southbury	5
Rocky Hill	1	East Haddam	2	Putnam	2	North Branford	3	Westport	4	Granby	5	Southington	5
Simsbury	1	East Hampton	2	Salem	2	North Haven	3	Wilton	4	Hartland	5	Thomaston	5
South Windsor	1	East Lyme	2	Scotland	2	Orange	3			Harwinton	5	Torrington	5
West Hartford	1	East Windsor	2	Somers	2	Prospect	3			Kent	5	Warren	5
Wethersfield	1	Eastford	2	Sprague	2	Seymour	3			Litchfield	5	Washington	5
Windsor	1	Ellington	2	Stafford	2	Stratford	3			Middlebury	5	Waterbury	5
Windsor Locks	1	Enfield	2	Sterling	2	Wallingford	3			Morris	5	Watertown	5
		Essex	2	Stonington	2	West Haven	3			Naugatuck	5	Winchester	5
		Franklin	2	Suffield	2	Woodbridge	3					Wolcott	5
		Griswold	2	Thompson	2							Woodbury	5
		Groton	2	Tolland	2								
		Haddam	2	Union	2								
		Hampton	2	Vernon	2								
		Hebron	2	Voluntown	2								
		Killingly	2	Waterford	2								
		Killingworth	2	Westbrook	2								
		Lebanon	2	Willington	2								
		Ledyard	2	Windham	2								
		Lisbon	2	Woodstock	2								
		Lyme	2										

SPLIT TOWNS CD

Glastonbury	1+2
Middletown	2+3
Shelton	3+4

REVISED 1/7/2021
CONNECTICUT REPUBLICANS
CD PLAN - LEAST SPLIT TOWNS
TOWN LIST

Current Towns	CD	Current Towns	CD	Current Towns	CD	Current Towns	CD	Current Towns	CD	Current Towns	CD	Current Towns	CD
Avon	1	Andover	2	Madison	2	Ansonia	3	Bridgeport	4	Barkhamsted	5	Salisbury	5
Berlin	1	Ashford	2	Mansfield	2	Beacon Falls	3	Darien	4	Bethel	5	Sharon	5
Bloomfield	1	Bolton	2	Marlborough	2	Bethany	3	Easton	4	Bethlehem	5	Sherman	5
Canton	1	Bozrah	2	Montville	2	Branford	3	Fairfield	4	Bridgewater	5	Southbury	5
Cromwell	1	Brooklyn	2	New London	2	Derby	3	Greenwich	4	Bristol	5	Southington	5
East Granby	1	Canterbury	2	North Stonington	2	Durham	3	Monroe	4	Brookfield	5	Thomaston	5
East Hartford	1	Chaplin	2	Norwich	2	East Haven	3	New Canaan	4	Burlington	5	Torrington	5
Farmington	1	Chester	2	Old Lyme	2	Guilford	3	Norwalk	4	Canaan	5	Warren	5
Hartford	1	Clinton	2	Old Saybrook	2	Hamden	3	Redding	4	Cheshire	5	Washington	5
Manchester	1	Colchester	2	Plainfield	2	Meriden	3	Ridgefield	4	Colebrook	5	Waterbury	5
New Britain	1	Columbia	2	Pomfret	2	Middlefield	3	Stamford	4	Cornwall	5	Watertown	5
Newington	1	Coventry	2	Portland	2	Milford	3	Trumbull	4	Danbury	5	Winchester	5
Plainville	1	Deep River	2	Preston	2	New Haven	3	Weston	4	Goshen	5	Wolcott	5
Rocky Hill	1	East Haddam	2	Putnam	2	North Branford	3	Westport	4	Granby	5	Woodbury	5
Simsbury	1	East Hampton	2	Salem	2	North Haven	3	Wilton	4	Hartland	5		
South Windsor	1	East Lyme	2	Scotland	2	Orange	3			Harwinton	5		
West Hartford	1	East Windsor	2	Somers	2	Prospect	3			Kent	5		SPLIT TOWNS CD
Wethersfield	1	Eastford	2	Sprague	2	Seymour	3			Litchfield	5	Glastonbury	1+2
Windsor	1	Ellington	2	Stafford	2	Stratford	3			Middlebury	5	Middletown	2+3
Windsor Locks	1	Enfield	2	Sterling	2	Wallingford	3			Morris	5	Shelton	3+4
		Essex	2	Stonington	2	West Haven	3			Naugatuck	5		
		Franklin	2	Suffield	2	Woodbridge	3			New Fairfield	5		
		Griswold	2	Thompson	2					New Hartford	5		
		Groton	2	Tolland	2					New Milford	5		
		Haddam	2	Union	2					Newtown	5		
		Hampton	2	Vernon	2					Norfolk	5		
		Hebron	2	Voluntown	2					North Canaan	5		
		Killingly	2	Waterford	2					Oxford	5		
		Killingworth	2	Westbrook	2					Plymouth	5		
		Lebanon	2	Willington	2					Roxbury	5		
		Ledyard	2	Windham	2								
		Lisbon	2	Woodstock	2								
		Lyme	2										

Appendix H
Scala Testimony and Maps

Ryan Scala

Special Master Testimony

Good afternoon Professor Persily –

My name is Ryan Scala. I live in Avon, CT and I am a public policy graduate student at UConn. I am also a member of the Princeton Gerrymandering Project (PGP), which works with state partners and performs nonpartisan analysis to try and eliminate gerrymandering nationwide. I am testifying (as a resident, not on behalf of the PGP) regarding the decennial redrawing of the state's congressional districts.

One of the metrics states and organizations use to gauge if a map is gerrymandered or not is if “communities of interest” (COIs) are split. COIs are groups that could be similar racially, economically, geographically, etc. Many other “fair map” advocates and I believe that because of these similarities, these communities should have the opportunity to vote as a bloc for someone that represents them.

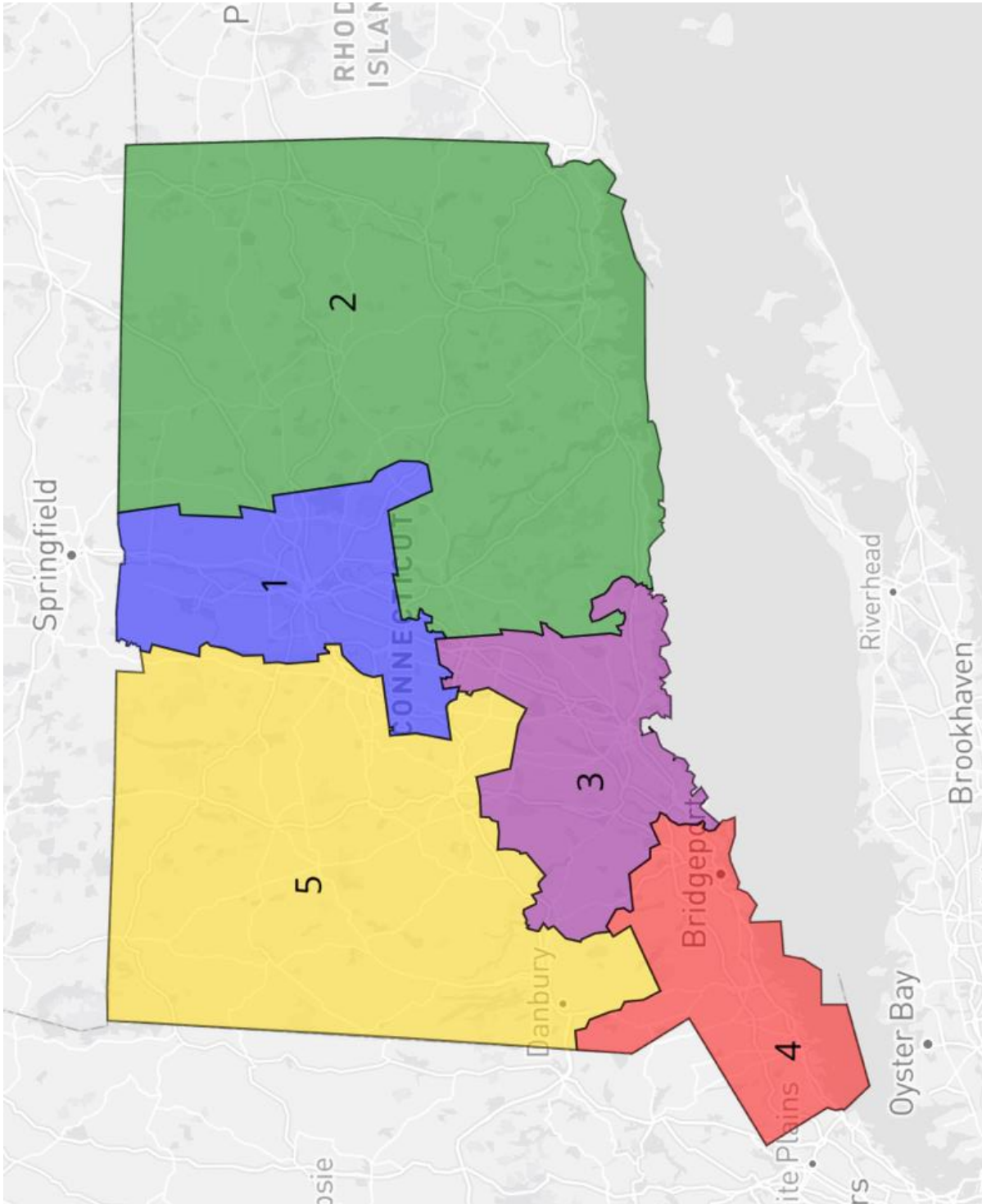
The current congressional map does not preserve regional COIs. It splits the Naugatuck Valley, Farmington Valley, and Litchfield Hills, diluting the influence voters in these regions should have. I have submitted two maps as part of my testimony today. Map A preserves regional COIs, and is what I would personally like to see implemented. This map also improves on the compactness, splitting, minority representation, and competitiveness scores from the Dave's Redistricting website. President Biden won the most competitive seat by around 6 percentage points.

I understand that the court order you have to follow might not allow you to draw a map that is as different from the current one as Map A is. The second map I submitted (Map B) is a “least change” map that also tries to unite some of the split COIs. Map B unites Colebrook and Winchester with the rest of the Litchfield Hills in the 5th district, and pairs Oxford with Beacon Falls, the town of Naugatuck, and the lower Naugatuck Valley in the 3rd district. Obviously, most of the scores and statistics relating to this map are similar to the current one because I have changed as little as possible.

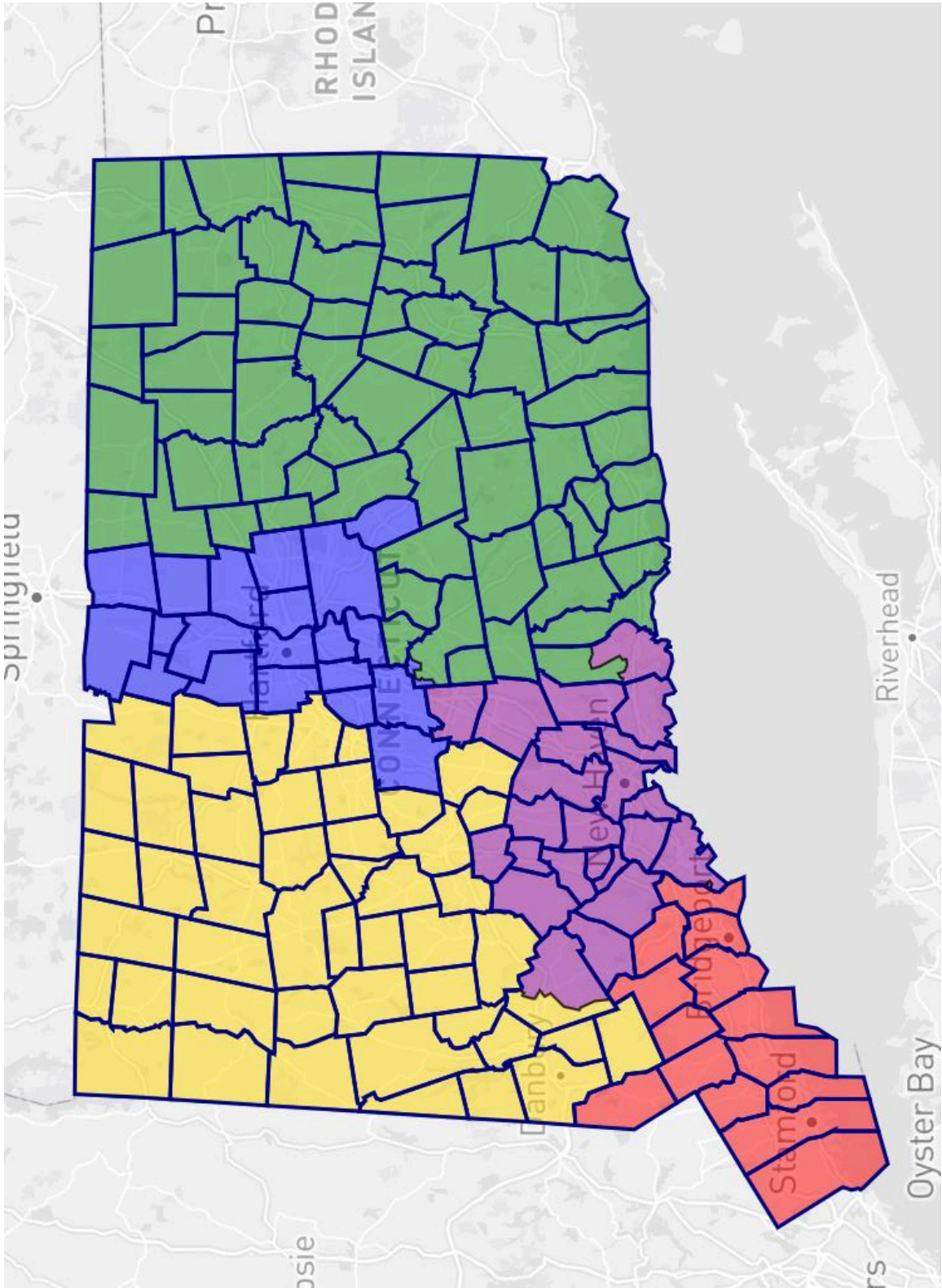
The PDF I sent to the chief clerk along with my spoken testimony includes both maps, as well as statistical breakdowns and analyses for each. I hope that you use these maps as guides when making your deliberations. Thank you for your time, and I am willing to answer any questions you may have.

Map A

Without municipality boundaries



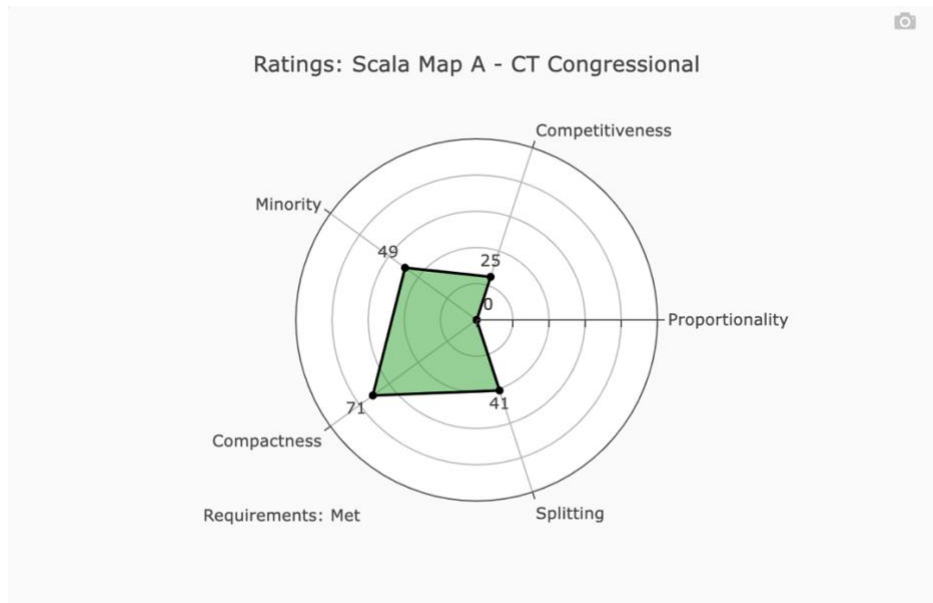
With municipality boundaries



Population deviation and partisan/racial voting age population breakdown

Population			Shapes		Partisan Lean			Demographics (VAP)							DOWNLOAD
ID	Total	+/-			Dem	Rep	Oth	Total	White	Minority	Hispanic	Black	Asian	Native	Pacific
Un	0				0.00%	0.00%	0.00%	0	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
1	721,197	0.00%			65.24%	33.28%	1.47%	572,392	57.19%	42.81%	18.26%	18.01%	6.37%	1.47%	0.15%
2	721,174	0.00%			55.23%	42.76%	2.01%	587,209	80.11%	19.89%	7.81%	5.56%	4.43%	2.07%	0.19%
3	721,194	0.00%			58.18%	40.51%	1.31%	581,385	65.33%	34.67%	14.91%	13.83%	5.25%	1.49%	0.13%
4	721,187	0.00%			66.41%	32.23%	1.37%	555,794	57.42%	42.58%	20.80%	14.68%	6.14%	1.26%	0.14%
5	721,192	0.00%			52.39%	46.06%	1.55%	572,447	72.86%	27.14%	13.64%	7.25%	4.11%	1.48%	0.14%
	721,189	0.00%			59.26%	39.19%	1.55%	573,845	66.70%	33.30%	15.01%	11.82%	5.25%	1.56%	0.15%

Dave's Redistricting scores



Compactness scores

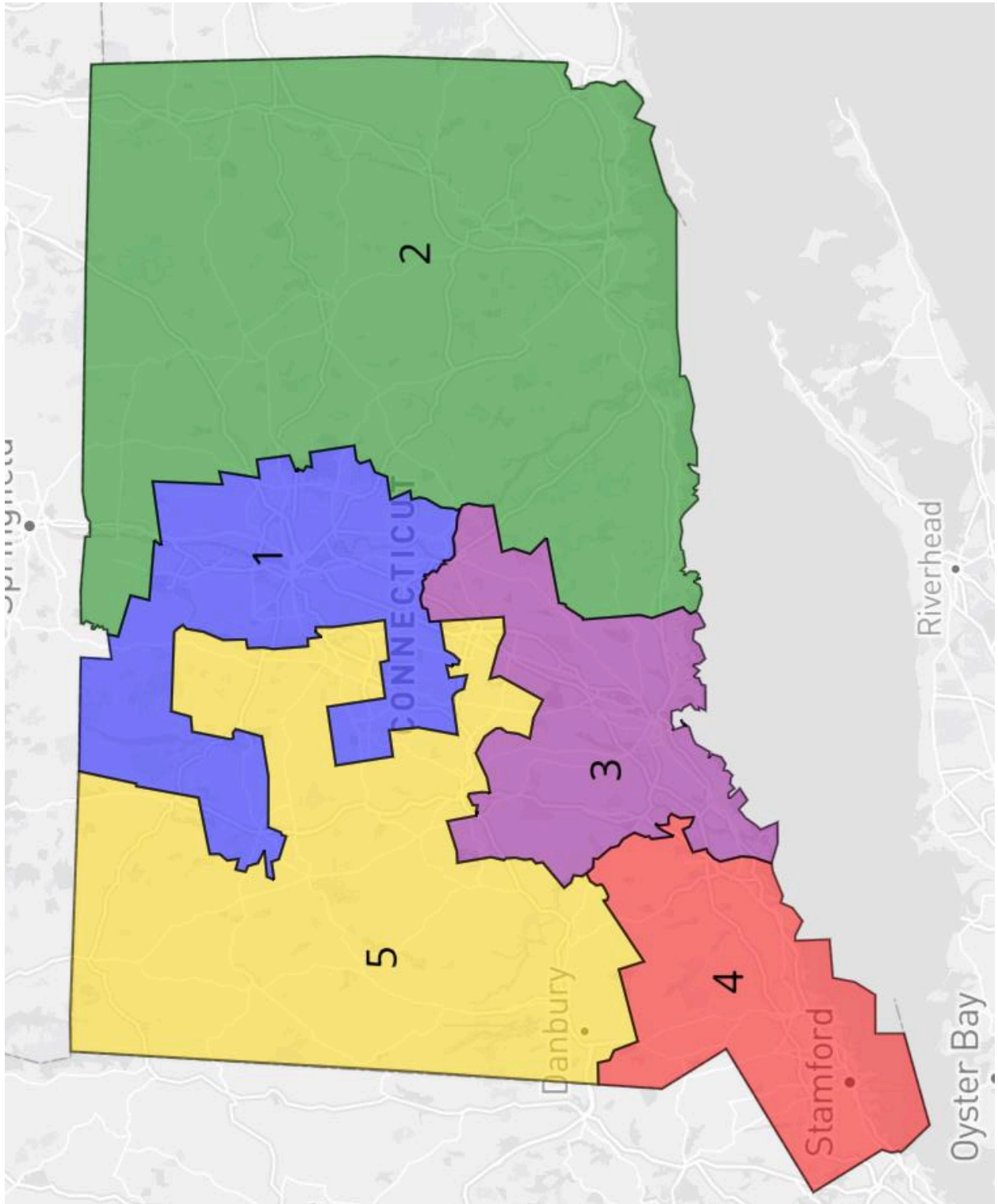
Metric	
• Reock	0.4453
• Polsby-Popper	0.3558

County splits: New Haven three times; Fairfield twice; Hartford once; Middlesex once

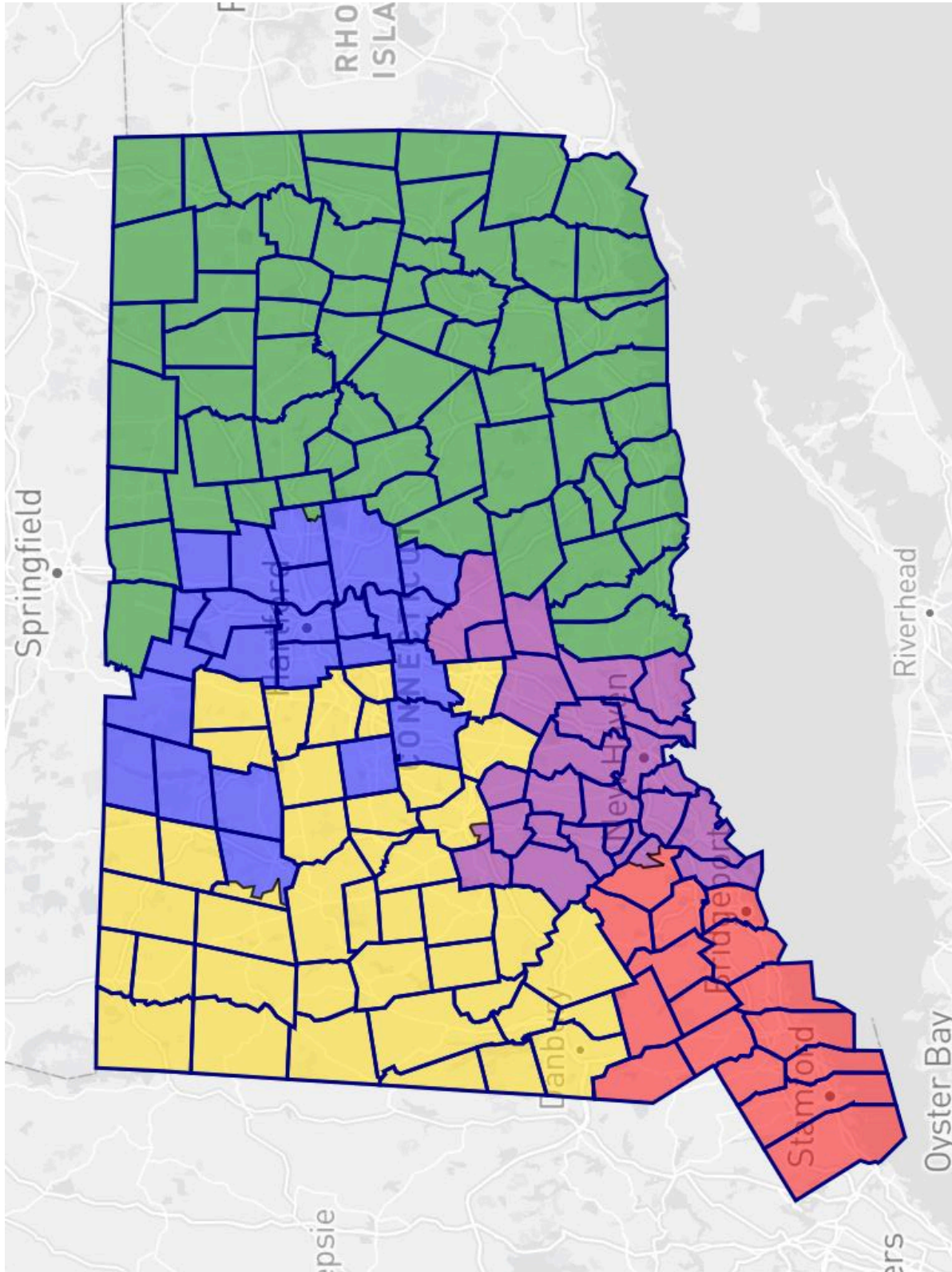
Municipality splits: Milford, Newtown, Guilford, Middletown

Map B

Without municipality boundaries



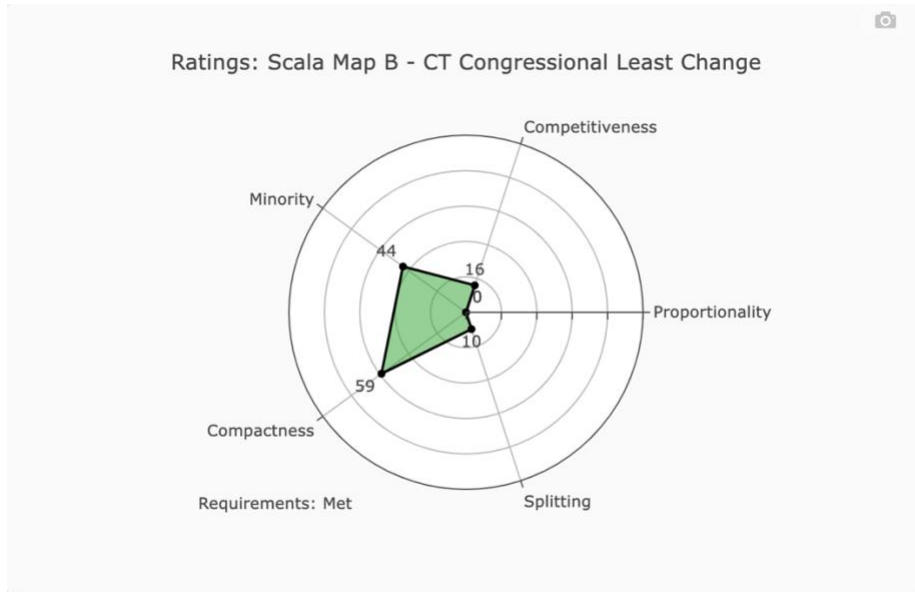
With municipality boundaries



Population deviation and partisan/racial voting age population breakdown

Population			Shapes		Partisan Lean			Demographics (VAP)							DOWNLOAD
ID	Total	+/-			Dem	Rep	Oth	Total	White	Minority	Hispanic	Black	Asian	Native	Pacific
Un	0				0.00%	0.00%	0.00%	0	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
1	721,190	0.00%			63.15%	35.31%	1.54%	573,545	61.10%	38.90%	15.55%	16.55%	6.32%	1.50%	0.14%
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5	721,194	0.00%			54.78%	43.74%	1.48%	568,866	66.93%	33.07%	18.24%	8.97%	4.18%	1.50%	0.16%
	721,189	0.00%			59.26%	39.19%	1.55%	573,845	66.70%	33.30%	15.01%	11.82%	5.25%	1.56%	0.15%

Dave's Redistricting scores



Compactness scores

Metric	
• Reock	0.4342
• Polsby-Popper	0.2741

County splits: Fairfield twice; Hartford twice; Middlesex twice; New Haven twice; Litchfield once

Municipality splits: Torrington, Manchester, Waterbury, Shelton