

By email at [voting.section@usdoj.gov](mailto:voting.section@usdoj.gov)

U.S. Department of Justice  
Civil Rights Division  
Voting Section - 4CON  
950 Pennsylvania Ave., N.W.  
Washington, DC 20530

I, the undersigned, **Cynthia Jean McCorkindale**, request that the following be considered a formal complaint against the **BOARD OF SELECTMEN, TOWN OF BETHEL CONNECTICUT**: First Selectman Matthew Knickerbocker, Selectmen Richard Straiton & Paul Szatkowski, in their official capacity, **HEALTH DEPARTMENT DIRECTOR, TOWN OF BETHEL, CONNECTICUT**: Laura L. Vasile, in her official capacity & His Excellency, **NED LAMONT, GOVERNOR OF THE STATE OF CONNECTICUT**, in his official capacity.

I. Cynthia Jean McCorkindale, currently serve as a member of the Bethel Board of Finance, in year #2 of a second 4-year elected term. I am the Chair of the Bethel Independent Town Committee, and former Chair of the Bethel Action Committee, a taxpayer advocacy group founded in the 1980s.

## **BACKGROUND**

Bethel, Connecticut is a town of approximately 19,000 residents. Like over 130 other CT towns, Bethel operates under a **TOWN MEETING FORM OF GOVERNMENT**. This means that over the course of our annual budget season, the Board of Finance proposes what we consider to be a reasonable budget at a **PUBLIC HEARING**, and subsequently, our **ANNUAL TOWN MEETING**, which serves as the voting body to send the proposed budget on to referendum for a machine vote.

## **COMPLAINT**

I believe that CONNECTICUT GOVERNOR NED LAMONT is in violation of **SECTION 2 OF THE VOTING RIGHTS ACT** as a result of a series of EXECUTIVE ORDERS which usurp THE RIGHT TO VOTE from the taxpayers of Bethel, by incrementally restricting and ultimately depriving us of our right to vote by referendum on our annual budget. THE BETHEL BOARD OF SELECTMEN is complicit in their failure to challenge these Executive Orders, further demonstrated by their total lack of intercession or advocacy on behalf of the voters to appeal or request additional information or permission for any alterations to the Executive Orders.

1. [EXECUTIVE ORDER 7c](#) ISSUED 15 MARCH 2020  
#5 of this order extends budget adoption deadlines and otherwise allows the Town Meeting process of Public Hearing, Annual Town Meeting, and machine vote referendum.

5. **Extension of Municipal Budget Adoption Deadlines.** Notwithstanding any provision of the Connecticut General Statutes, including Title 7, or any special act, municipal charter or ordinance, that conflicts with this order, all municipal budget deadlines for the preparation of the municipal budget for the fiscal year ending June 30, 2021 that fall on any date prior to and including May 15, 2020 are extended by thirty (30) days. The legislative body of the municipality, or in a municipality where the legislative body is a town meeting, the board of selectmen, may alter or modify the schedules and deadlines pertaining to the preparation and submission of a proposed budget and the deliberation or actions on said budget by the legislative body or other fiscal authority, including any required public hearing(s), publication, referendum or final budget adoption. All submission dates may be postponed until such time as the legislative body approves said modified schedule and deadline, consistent with the thirty (30) day extension.

2. **EXECUTIVE ORDER 7i ISSUED 21 MARCH 2020**

#13 of this order suspends the requirement for an Annual Town Meeting and gives the Board of Selectman the power to bestow all budget-making authority to the Board of Finance, thus usurping the voters' right to vote on the annual budget. This is a radical transformation of the traditional role of a Board of Finance. The role of the Board of Finance (an ELECTED board) is to submit what we believe to be a reasonable budget for the taxpayers of Bethel, the legal legislative body, to approve or reject at referendum. This decree by the Governor cedes so much power to the fiscal authority, devoid of any legislative action, that my participation in this process has created a conflict inside my own mind as to whether I should participate at all.

13. **Suspension of In-Person Budget Adoption Requirements for Municipalities.** Notwithstanding any contrary provision of the Connecticut General Statutes, including Title 7, or any special act, municipal charter or ordinance that conflicts with this order, the legislative body of a municipality or, in a municipality where the legislative body is a town meeting, the board of selectmen, shall authorize the budget-making authority within said municipality to adopt a budget for the July 1, 2020 – June 30, 2021 fiscal year and to set a mill rate sufficient, in addition to the other estimated yearly income of such town and in addition to such revenue surplus, if any, as may be appropriated, not only to pay the expenses of the municipality for said fiscal year, but also to absorb the revenue deficit of such town, if any, at the beginning of said fiscal year without holding votes required by charter or without complying with any in-person budget adoption requirements, including but not limited to, annual town meetings requiring votes, referendum, and special town meetings. In so acting, the budget-making authority of the municipality shall comply with public meeting requirements consistent with requirements set forth in Executive Order 7B and shall thereby take all reasonable steps to publicize the draft municipal budget for said fiscal year and to receive public comment thereon, including but not limited to publishing draft budgets on the website and providing an email address or other means for the public to submit timely comments on the proposed budget.

3. [EXECUTIVE ORDER 7s](#) ISSUED 01 APRIL 2020

#7 of this order appears to remove all in-person voting requirements for time-sensitive issues i.e. annual budget, and yet, specifically states that statutory process including public hearing, annual town meeting and subsequent voting can occur if first vetted by State OR local health authority.

On 21 April 2020, our very capable Registrar of Voters. Mr. Tim Beeble, had, presented a voting protocol that significantly reduced risks for contracting COVID19. (attachment votingproc.pdf), which included a succinct timeline of the progression of the Executive Orders affecting the voting process. Mr. Beeble's process outline is a response is to Order 7s.



votingproc.pdf

**7. Allowance of Suspension of In-Person Voting Requirements for Critical and Time Sensitive Municipal Fiscal Deadlines.** Notwithstanding any contrary provision of the Connecticut General Statutes, including Title 7, or any special act, municipal charter, ordinance or resolution that conflicts with this order, the legislative body of a municipality, or in a municipality where the legislative body is a town meeting other than a representative town meeting, the board of selectmen, and the budget-making authority of said municipality if different from the legislative body or board of selectmen, by majority vote of each such body, as applicable, may authorize (i) any supplemental, additional or special appropriations under Section 7-348 of the Connecticut General Statutes or comparable provisions of any special act, municipal charter or ordinance, (ii) any tax anticipation notes to be issued under Section 7-405a of the Connecticut General Statutes or comparable provisions of any special act, municipal charter or ordinance, or (iii) municipal general obligation bonds or notes to be issued in anticipation of such bonds to be issued pursuant to Chapter 109 of the Connecticut General Statutes for capital improvement purposes, without complying with any requirements for in-person approval by electors or taxpayers, including but not limited to, annual or special town meetings requiring votes or referenda. Notwithstanding the foregoing, if the legislative body and budget-making authority, if they are separate entities, are taking any action specified in (ii) or (iii) above, or any action under (i) above, which involves an appropriation in an amount in excess of 1% of the current year's total municipal budget without complying with any in-person approval requirements normally required by statute, special act, municipal charter, ordinance or resolution, such body(ies) shall make specific findings that such actions are necessary to permit the orderly operation of the municipality and that there is a need to act immediately and during the duration of the public health and civil preparedness emergency in order to avoid endangering public health and welfare, prevent significant financial loss, or that action is otherwise necessary for the protection of persons and property within the municipality. In so acting, the legislative body and, if different from the legislative body, the budget-making authority of the municipality, shall comply with open meeting requirements set forth in Executive Order No. 7B. All conditions precedent to any such approval, including without limitation, public notices, hearings or presentations, shall proceed in a manner as closely consistent with the applicable statutes, special acts, town charters, municipal ordinances, resolutions or procedures as possible, and in compliance with the open meeting provisions set forth in Executive Order 7B. Nothing in this order shall be construed to prohibit a municipality from conducting any in-person meeting, approval process, or referendum, provided such municipality first consults with local or state public health officials and conducts such meeting, approval process, or referendum in a way that significantly reduces the risk of transmission of COVID-19





The contradiction here is that The Connecticut State Department of Education issued **GUIDELINES** to Connecticut School Districts outlining a detailed procedure for the safe distribution of subsidized lunches and school supplies, while our Local Health Department warns against having a referendum for health reasons. (see attached).  
NOTE: There is no identifying information on the Department of Education’s memo, nor is there any signature or date. This protocol does not appear to be sanctioned by the State Department of Health.

I find it outrageous that the Bethel Board of Selectmen, who requested an opinion exclusively from the Bethel Health Department, and, knowing about the lunch guidelines, failed to request opinion from the State of Connecticut Health Department or consult with the State Board of Education. Additionally, several Connecticut towns, for example, [Vernon](#), have gone forward with “drive-up” voting as a safe voting procedure, with no negative consequences or sanctions.

4. [EXECUTIVE ORDER 7hh](#) ISSUED 01 MAY 2020

#1 of this Executive Order appears to be a clarification of a previous order, 7i. This Order was so poorly worded that it provoked a firestorm of confusion amongst Connecticut boards and commissions, including Bethel. It is this order, 7hh, that finally closes the door on all in-person voting on annual budgets, safe or otherwise, while, at the same time, allowing public hearings and special town meetings on any other issue.

**1. Clarification of Executive Order No. 7I, Section 13 - Mandatory Suspension of In-Person Voting Requirements by Members of the Public on Municipal Budgets.**

Executive Order No. 7I, Section 13 shall be deemed to require the budget-making authority of every municipality to adopt a budget for the July 1, 2020 - June 30, 2021 fiscal year and to set a mill rate sufficient, in addition to the other estimated yearly income of such town and in addition to such revenue surplus, if any, as may be appropriated, not only to pay the expenses of the municipality for said fiscal year, but also to absorb the revenue deficit of such town, if any, at the beginning of said fiscal year using the procedures set forth therein, and to suspend any requirement for a vote on such budgets or mill rates by residents, electors, or property owners, including, but not limited to, any vote by annual town meeting or referendum. All conditions precedent to any such adoption, including without limitation, public notices, hearings, or presentations, shall proceed in a manner as closely consistent with the applicable statutes, special acts, town charters, municipal ordinances, resolutions or procedures as possible, and in compliance with the open meeting provisions set forth in Executive Order No. 7B. Nothing in this order shall invalidate or repeal the results of any vote on a budget or tax rate held by annual town meeting or referendum before the effective date of this order.

This series of Executive Orders from the Governor combined, with the lack of advocacy on the part of our local Board of Selectmen, has wreaked havoc on our Town Meeting form of Government budget process, and does nothing more than strip taxpaying voters of their rights under Section 2 of the Voting Rights Act.

- Citing a Connecticut Superior Court MEMORANDUM OF DECISION by Judge H. Hammer, dated 07 November 1979, in the case of Vydra vs. Syrliac et al.

The relative roles of the Board of Finance and the Town Meeting were aptly delineated by the State's Supreme Court in Benham v. Potter, 77 Conn. 185 (at p. 199) as follows:

"Nothing is plainer than that the Board of Finance was never intended to be the dominant power in respect to the finances of the town. Its work is required to be submitted to and considered by the voters in town-meeting assembled. The power of revision by the majority action is carefully preserved. Its influence as a conservative and restraining force is recognized; its dominance is not, and any attempt to import it into the Act by construction is in violation of its evident spirit."



judgehammer79.pdf

- Darren Bailey vs Governor Jay Robert Pritzker in his official capacity; Case No. 2020-CH-06

#5. Plaintiff has shown he has a clearly ascertainable right in need of immediate protection, namely his liberty interest to be free from Pritzker's executive order of quarantine in his own home.



458668521-Bailey-v-Pritzker-TRO.pdf

- WASHINGTON STATE OPINION AGO 1991 No. 21: "Can a Governor, without statutory authority, create obligations and responsibilities having the force and effect of law by issuing an Executive Order for the protection of wetlands?"

The answer to this question is no. (see attached 20200507\_Attorney General Ken Eikenber.pdf)



20200507\_Attorney General Ken Eikenber

- MEMORANDUM FOR THE ASSISTANT ATTORNEY GENERAL FOR CIVIL RIGHTS AND ALL UNITED STATES ATTORNEYS – 27 April 2020. (see attached USDJ-Barr.pdf)

From: The Attorney General

Subject: Balancing Public Safety with the Preservation of Civil Rights



USDJ-Barr.pdf

- [ONLINE PETITION](#) signed by 534 Connecticut voters as of date of this complaint, was launched 26 April 2020

## CONCLUSION

I seek no remedy other than the restoration of my voting rights and the freedom to vote in our Town Meeting Form of Government machine vote referendum on the 2020-21 annual budget. The Governor's Executive Orders denying our right to vote not only disenfranchises the voters of Bethel, but also any Board of Finance members, like myself, who are now struggling with an unconstitutional authority that we neither anticipated nor want.

The Governor of Connecticut has stepped outside his authority in the selective abrogation of our voting rights, an act which is contradicted by the State-issued guidelines for safe lunch and school supply distribution via procedures effectively identical to the protocol outlined by the Bethel Registrar of Voters. Further, the Bethel Board of Selectmen and, at their behest, the Bethel Health Director offered no criteria or references to clarify their position on their cancellation of our referendum, and simply, without question, implemented the Governor's orders.

The State of Connecticut is the only New England state whose Governor has prohibited, via Executive Order, referendum voting during the COVID19 pandemic.

There is an overarching irony here as well: Connecticut, (later nicknamed The Constitution State), issued The Fundamental Orders of Connecticut in 1639, considered by many to be the first "Constitution." The Orders outlined a Government based in the rights of an individual. Today, the individual rights in the Orders, with others added over the years, are still included as a "Declaration of Rights" in the first article of the current Connecticut Constitution, adopted in 1965.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cm' with a long, sweeping underline.

Cynthia J. McCorkindale  
19 Elgin Avenue  
Bethel, CT 06801  
(203) 733-7554

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