

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

Betty Eakin, et al.)	Civil Action
Plaintiffs,)	No.: 1-22-cv-00340-SPB
v.)	
Adams County Board of Elections, et al.,)	
Defendants.)	Judge: Susan Paradise Baxter

**DEFENDANT POTTER COUNTY BOARD OF ELECTION'S
ANSWER TO PLAINTIFFS' AMENDED COMPLAINT**

1. Paragraph 1 states opinions and conclusions of law to which no response is required. To the extent that a response is required the allegation is Denied. The statutes speak for themselves.

2. Admitted in part denied in part. It is admitted that the Pennsylvania Supreme Court entered an order but the remainder of Paragraph 1 states opinions and conclusions of law to which no response is required. To the extent that a response is required the allegation is Denied. The court order and statutes speak for themselves.

3. Denied. Defendant, Potter County Board of Elections, lacks knowledge or information sufficient to form a belief about the truth about the allegations of this paragraph and therefore such allegations are denied.

4. Paragraph 4 states opinions and conclusions of law to which no response is required. To the extent that a response is required the allegation is Denied. The statutes speak for themselves.

5. Paragraph 5 states opinions and conclusions of law to which no response is required. To the extent that a response is required the allegation is Denied. The statutes speak for themselves.

6. Paragraph 6 states opinions and conclusions of law to which no response is required. To the extent that a response is required the allegation is Denied. The Constitution and statutes speak for themselves.

7. Paragraph 7 states opinions and conclusions of law to which no response is required. To the extent that a response is required the allegation is Denied. The statutes speak for themselves.

8. Paragraph 8 states opinions and conclusions of law to which no response is required. To the extent that a response is required the allegation is Denied. The statutes speak for themselves.

9. Paragraph 9 states opinions and conclusions of law to which no response is required. To the extent that a response is required the allegation is Denied.

10. Paragraph 1 states opinions and conclusions of law to which no response is required. To the extent that a response is required the allegation is Denied. The statutes speak for themselves. As to the remaining allegations, Defendant, Potter County Board of Elections, lacks knowledge or information sufficient to form a belief about the truth about the allegations of this paragraph and therefore such allegations are denied.

11. Paragraph 9 states opinions and conclusions of law to which no response is required. To the extent that a response is required the allegation is Denied. The Rules and statutes speak for themselves.

12. Denied. Defendant, Potter County Board of Elections, lacks knowledge or information sufficient to form a belief about the truth about the allegations of this paragraph and therefore such allegations are denied.

13. Denied. Defendant, Potter County Board of Elections, lacks knowledge or information sufficient to form a belief about the truth about the allegations of this paragraph and therefore such allegations are denied.

14. Denied. Defendant, Potter County Board of Elections, lacks knowledge or information sufficient to form a belief about the truth about the allegations of this paragraph and therefore such allegations are denied.

15. Denied. Defendant, Potter County Board of Elections, lacks knowledge or information sufficient to form a belief about the truth about the allegations of this paragraph and therefore such allegations are denied.

16. Denied. Defendant, Potter County Board of Elections, lacks knowledge or information sufficient to form a belief about the truth about the allegations of this paragraph and therefore such allegations are denied.

17. Admitted in part denied in part. It is admitted that the Potter County Board of Elections has jurisdiction over elections in Potter County. The remainder of Paragraph 17 states opinions and conclusions of law to which no response is required. To the extent that a response is required the allegation is Denied. The statutes speak for themselves.

18. Paragraph 18 states opinions and conclusions of law to which no response is required. To the extent that a response is required the allegation is Denied. The statutes speak for themselves.

19. Paragraph 19 states opinions and conclusions of law to which no response is required. To the extent that a response is required the allegation is Denied. The statutes speak for themselves.

20. Paragraph 20 states opinions and conclusions of law to which no response is required. To the extent that a response is required the allegation is Denied. The statutes speak for themselves.

21. Paragraph 21 states opinions and conclusions of law to which no response is required. To the extent that a response is required the allegation is Denied. The court opinion and statutes speak for themselves.

22. Paragraph 22 states opinions and conclusions of law to which no response is required. To the extent that a response is required the allegation is Denied. The opinion and statutes speak for themselves.

23. Paragraph 23 states opinions and conclusions of law to which no response is required. To the extent that a response is required the allegation is Denied. The opinion speaks for itself.

24. Paragraph 24 states opinions and conclusions of law to which no response is required. To the extent that a response is required the allegation is Denied. The opinion speaks for itself.

25. Paragraph 25 states opinions and conclusions of law to which no response is required. To the extent that a response is required the allegation is Denied. The opinion speaks for itself.

26. Paragraph 26 states opinions and conclusions of law to which no response is required. To the extent that a response is required the allegation is Denied. The court rulings speak for themselves.

27. Paragraph 27 states opinions and conclusions of law to which no response is required. To the extent that a response is required the allegation is Denied. The opinions speak for themselves.

28. Paragraph 28 states opinions and conclusions of law to which no response is required. To the extent that a response is required the allegation is Denied. The opinions speak for themselves.

29. Paragraph 29 states opinions and conclusions of law to which no response is required. To the extent that a response is required the allegation is Denied. The opinions speak for themselves.

30. Paragraph 30 states opinions and conclusions of law to which no response is required. To the extent that a response is required the allegation is Denied. The opinion speaks for itself.

31. Paragraph 31 states opinions and conclusions of law to which no response is required. To the extent that a response is required the allegation is Denied. The order speaks for itself.

32. Defendant, Potter County Board of Elections, incorporates all its prior paragraphs.

33. Paragraph 33 states opinions and conclusions of law to which no response is required. To the extent that a response is required the allegation is Denied. The statute speaks for itself.

34. Paragraph 34 states opinions and conclusions of law to which no response is required. To the extent that a response is required the allegation is Denied. The statute speaks for itself.

35. Paragraph 35 states opinions and conclusions of law to which no response is required. To the extent that a response is required the allegation is Denied. The statutes and cited cases speak for themselves.

36. Paragraph 35 states opinions and conclusions of law to which no response is required. To the extent that a response is required the allegation is Denied. The statutes speak for themselves.

37. Paragraph 37 states opinions and conclusions of law to which no response is required. To the extent that a response is required the allegation is Denied. The statute speaks for itself.

38. Paragraph 38 states opinions and conclusions of law to which no response is required. To the extent that a response is required the allegation is Denied.

39. Paragraph 39 states opinions and conclusions of law to which no response is required. To the extent that a response is required the allegation is Denied.

40. Paragraph 40 states opinions and conclusions of law to which no response is required. To the extent that a response is required the allegation is Denied. The statute speaks for itself.

41. Defendant, Potter County Board of Elections, incorporates all its prior paragraphs.

42. Paragraph 42 states opinions and conclusions of law to which no response is required. To the extent that a response is required the allegation is Denied.

43. Paragraph 43 states opinions and conclusions of law to which no response is required. To the extent that a response is required the allegation is Denied. The cited cases speak for themselves.

44. Paragraph 44 states opinions and conclusions of law to which no response is required. To the extent that a response is required the allegation is Denied. The cited cases speak for themselves.

45. Paragraph 45 states opinions and conclusions of law to which no response is required. To the extent that a response is required the allegation is Denied. The cited case speaks for itself.

46. Paragraph 46 states opinions and conclusions of law to which no response is required. To the extent that a response is required the allegation is Denied. The cited cases speak for themselves.

47. Paragraph 47 states opinions and conclusions of law to which no response is required. To the extent that a response is required the allegation is Denied. The cited Constitutional provisions speak for themselves.

WHEREFORE, Defendant, Potter County Board of Elections requests that Plaintiffs' Complaint as well as the responses of all Defendants be duly considered and ruled upon in a manner consistent with the laws of the Commonwealth of Pennsylvania and any applicable provisions of the United States Constitution. It is further requested that this Honorable Court provide clear and unambiguous guidance to all county boards of elections as to which mail in ballots must be counted and which must be cancelled in future federal elections.

Respectfully submitted,
THOMAS R. SHAFFER

By: /s/Thomas R. Shaffer
Thomas R. Shaffer,
Pa. I.D. No. 37503
Solicitor for Potter
County Board of Elections
410 Ross Street
Coudersport, PA 16915
(814) 203-1678

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VERIFICATION

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that I have reviewed the foregoing Answer to Plaintiffs' Complaint [ECF 216] and that the factual allegations are true and correct.

/s/ Charlie Tuttle
Charlie Tuttle, Director
Potter County Board of Elections

Date: 1/10/2023

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CERTIFICATE OF SERVICE

I hereby certify that on this day, a true and correct copy of the foregoing document was filed electronically. Notice of this filing will be sent to all registered parties by operation of the Court's electronic filing system, pursuant to the Federal Rules of Civil Procedure.

THOMAS R. SHAFFER

By: /s/Thomas R. Shaffer
Thomas R. Shaffer,
Pa. I.D. No. 37503
Solicitor for Potter
County Board of Elections
410 Ross Street
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Dated: 1/10/ 2023

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DISCLOSURE STATEMENT

Pursuant to LCvR 7.1 of the Western District of Pennsylvania and to enable Judges and Magistrate Judges to evaluate possible disqualification or recusal, the undersigned counsel of Defendant Potter County Board of Elections in the above-captioned action certifies that there are no parents, subsidiaries, and/or affiliates of said Defendant that have issued shares or debt securities to the public.

Respectfully submitted,
THOMAS R. SHAFFER

By: /s/Thomas R. Shaffer
Thomas R. Shaffer,
Pa. I.D. No. 37503
Solicitor for Potter
County Board of Elections

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Dated: 1/10/2023