

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

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**BETTE EAKIN, INES MASSELLA,  
FETTERMAN FOR PA, DSCC, and DCCC**

**Plaintiffs,**

**v.**

**ADAMS COUNTY BOARD OF ELECTIONS,  
*et al.***

**Defendants.**

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**Case No. 1:22-cv-00340-SPB**

**ANSWER OF DELAWARE  
COUNTY BOARD OF  
ELECTIONS**

Defendant Delaware County Board of Elections (“Board”), by and through its undersigned counsel, hereby files its Answer to the Complaint of Plaintiffs Bette Eakin, Ines Massella, Fetterman for PA, DSCC, and DCCC (collectively, “Plaintiffs”) and in support states as follows:

**ANSWER**

1. This Paragraph contains conclusions of law to which no response is required.
2. This Paragraph refers to a writing, which speaks for itself, and any characterization thereof is denied. This Paragraph also contains conclusions of law to which no response is required.
3. It is admitted that mail-in ballots that were timely received by the Board in the 2022 General election but that had missing or incorrect dates were not counted by the Board, in accordance with the 2022 ruling by the Pennsylvania Supreme Court. This Paragraph also contains conclusions of law to which no response is required.

4. The Board admits that a handwritten date on the outer return envelope of a mail-in or absentee ballot is not relevant to determine whether an individual is a qualified voter under Pennsylvania law.

5. This Paragraph contains conclusions of law to which no response is required.

6. This Paragraph contains conclusions of law to which no response is required. By way of further answer, the Board agrees that lack of a correct handwritten date on the outer envelope of a mail-in or absentee ballot is immaterial to a voter's qualifications.

#### **JURISDICTION AND VENUE**

7. This Paragraph purports to describe the nature of Plaintiffs' action and as such no response is required.

8. This Paragraph contains conclusions of law to which no response is required.

9. This Paragraph contains conclusions of law to which no response is required.

10. This Paragraph contains conclusions of law to which no response is required.

11. This Paragraph contains conclusions of law to which no response is required.

#### **PARTIES**

12. After reasonable investigation, the Board lacks sufficient information to admit or deny the allegations of this Paragraph and they are therefore denied.

13. After reasonable investigation, the Board lacks sufficient information to admit or deny the allegations of this Paragraph and they are therefore denied.

14. Admitted.

15. Admitted.

16. Admitted.

17. This Paragraph contains allegations directed to Defendants other than the Board to which no response is required. To the extent this Paragraph contains allegations of fact, the Board admits that it is the county board of election for Delaware County. All other allegations are conclusions of law to which no response is required.

**STATEMENT OF FACTS AND LAW**

18. This Paragraph contains conclusions of law to which no response is required.

19. This Paragraph contains conclusions of law to which no response is required.

20. This Paragraph contains conclusions of law to which no response is required. To the extent this Paragraph contains allegations of fact, it refers to writings, which speak for themselves, and any characterization thereof is denied.

21. This Paragraph contains conclusions of law to which no response is required. To the extent this Paragraph contains allegations of fact, it refers to writings, which speak for themselves, and any characterization thereof is denied. By way of further answer, the Board admits that the date instruction related to a mail-in ballot is immaterial to a voter's qualifications under Pennsylvania law.

22. This Paragraph contains conclusions of law to which no response is required. To the extent this Paragraph contains allegations of fact, it refers to writings, which speak for themselves, and any characterization thereof is denied.

23. This Paragraph contains conclusions of law to which no response is required. To the extent this Paragraph contains allegations of fact, it refers to writings, which speak for themselves, and any characterization thereof is denied.

24. This Paragraph contains conclusions of law to which no response is required. To the extent this Paragraph contains allegations of fact, it refers to writings, which speak for themselves, and any characterization thereof is denied.

25. This Paragraph contains conclusions of law to which no response is required. To the extent this Paragraph contains allegations of fact, it refers to writings, which speak for themselves, and any characterization thereof is denied.

26. This Paragraph contains conclusions of law to which no response is required. To the extent this Paragraph contains allegations of fact, it refers to writings, which speak for themselves, and any characterization thereof is denied.

27. This Paragraph contains conclusions of law to which no response is required. To the extent this Paragraph contains allegations of fact, it refers to writings, which speak for themselves, and any characterization thereof is denied.

28. This Paragraph contains conclusions of law to which no response is required. To the extent this Paragraph contains allegations of fact, it refers to writings, which speak for themselves, and any characterization thereof is denied.

29. Admitted.

30. This Paragraph refers to a writing, which speaks for itself, and any characterization thereof is denied.

31. This Paragraph refers to a writing, which speaks for itself, and any characterization thereof is denied.

**CLAIMS FOR RELIEF**

**COUNT I**

**52 U.S.C. § 10101; 42 U.S.C. § 1983**

**VIOLATION OF SECTION 101 OF THE CIVIL RIGHTS ACT OF 1964**

32. The Board incorporates by reference its responses and denials in paragraphs 1 through 31.

33. This Paragraph contains conclusions of law to which no response is required. To the extent this Paragraph contains allegations of fact, it refers to writings, which speak for themselves, and any characterization thereof is denied.

34. This Paragraph contains conclusions of law to which no response is required. To the extent this Paragraph contains allegations of fact, it refers to writings, which speak for themselves, and any characterization thereof is denied.

35. This Paragraph contains conclusions of law to which no response is required.

36. This Paragraph contains conclusions of law to which no response is required.

37. This Paragraph contains conclusions of law to which no response is required.

38. This Paragraph contains conclusions of law to which no response is required. By way of further response, the Board admits that the dating requirement is immaterial to determining a voter's qualifications to vote a mail-in ballot.

39. This Paragraph contains conclusions of law to which no response is required.

40. This Paragraph contains conclusions of law to which no response is required. By way of further response, the Board admits that the dating requirement is immaterial to determining a voter's qualifications to vote a mail-in ballot.

**COUNT II**

**U.S. CONST. AMENDS. I, XIV; 42 U.S.C. § 1983**

**VIOLATION OF THE FIRST AND FOURTEENTH AMENDMENTS**

41. The Board incorporates by reference its responses and denials to paragraphs 1 through 40.

42. This Paragraph contains conclusions of law to which no response is required.

43. This Paragraph contains conclusions of law to which no response is required.

44. This Paragraph contains conclusions of law to which no response is required. To the extent this Paragraph contains allegations of fact, it refers to writings, which speak for themselves, and any characterization thereof is denied.

45. This Paragraph contains conclusions of law to which no response is required. To the extent this Paragraph contains allegations of fact, it refers to writings, which speak for themselves, and any characterization thereof is denied.

46. This Paragraph contains conclusions of law to which no response is required. To the extent this Paragraph contains allegations of fact, it refers to writings, which speak for themselves, and any characterization thereof is denied.

47. This Paragraph contains conclusions of law to which no response is required.

Dated: January 10, 2023

Respectfully submitted,

/s/ J. Manly Parks

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**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I served the foregoing Answer upon all counsel of record via this Court's e-filing system.

Dated: January 10, 2023

/s/ Nicholas Centrella, Jr.  
Nicholas Centrella, Jr.

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