

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

BETTY EAKIN, *et al.*,  
Plaintiffs,  
vs.  
ADAMS COUNTY BOARD  
OF ELECTIONS, *et al.*  
Defendants.

CIVIL ACTION

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

Type of Filing:

**DEFENDANT BUTLER COUNTY  
BOARD OF ELECTIONS'  
ANSWER AND AFFIRMATIVE  
DEFENSES TO PLAINTIFFS'  
AMENDED COMPLAINT**

Filed on behalf of:  
**BUTLER COUNTY**

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**DEFENDANT BUTLER COUNTY BOARD OF ELECTIONS' ANSWER AND  
AFFIRMATIVE DEFENSES TO PLAINTIFFS' AMENDED COMPLAINT**

1. The paragraph 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 and denied in part. It is admitted that the Pennsylvania Supreme Court entered an order but the remainder of the paragraph 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, Butler 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. The paragraph 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. The paragraph 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. The paragraph 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. The paragraph 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. The paragraph 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. The paragraph 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. The paragraph 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, Butler 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. The paragraph 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, Butler 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, Butler 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, Butler 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, Butler 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, Butler 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 and denied in part. It is admitted that the Butler County Board of Elections has jurisdiction over elections in Butler County. The remainder of the paragraph 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. The paragraph 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. The paragraph 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. The paragraph 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. The paragraph 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. The paragraph 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. The paragraph 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. The paragraph 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. The paragraph 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. The paragraph 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. The paragraph 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. The paragraph 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. The paragraph 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. The paragraph 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. The paragraph 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, the Butler County Board of Elections, incorporates all its prior paragraphs.

33. The paragraph 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. The paragraph 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. The paragraph 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. The paragraph 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. The paragraph 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. The paragraph 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. The paragraph 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. The paragraph 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, Butler County Board of Elections, incorporates all its prior paragraphs.

42. The paragraph 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. The paragraph 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. The paragraph 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. The paragraph 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. The paragraph 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. The paragraph 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, Butler 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.

### **AFFIRMATIVE DEFENSES**

#### **FIRST DEFENSE**

Plaintiffs' claims against the Defendant fail to state a claim upon which relief may be granted.

#### **SECOND DEFENSE**

This Court lacks jurisdiction over the subject matter of some or all of Plaintiffs' claims.

#### **THIRD DEFENSE**

Plaintiffs lack standing to pursue some or all of the claims against the Defendant.

#### **FOURTH DEFENSE**

Plaintiffs have failed to set forth a claim for any federal constitutional violations against the Defendant.

#### **FIFTH DEFENSE**

Plaintiffs are not entitled to recovery of any attorney's fees from the Defendant.

#### **SIXTH DEFENSE**

The Defendant acted in accordance with the United States Constitution.



### SEVENTH DEFENSE

The Defendant acted in accordance with explicit orders issued by the Supreme Court of Pennsylvania at all relevant times.

### EIGHTH DEFENSE

At all times, Plaintiffs were provided reasonable and appropriate treatment by the Defendant in accordance with the applicable state and federal laws, including but not limited to the United States Constitution, the Constitution of the Commonwealth of Pennsylvania, and the Pennsylvania Election Code.

Respectfully submitted,

By: /s/ H. William White, III

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