

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

BETTE EAKIN, <i>et al.</i> ,)	
)	
Plaintiffs,)	Civil Action No.: 1:22-cv-00340
)	
v.)	
)	Judge Susan P. Baxter
ADAMS COUNTY BOARD OF)	
ELECTIONS, <i>et al.</i> ,)	
)	
Defendants.)	

**INTERVENOR-DEFENDANTS’ MOTION TO DISMISS
PLAINTIFFS’ AMENDED COMPLAINT**

Intervenor-Defendants the Republican National Committee, National Republican Congressional Committee, and Republican Party of Pennsylvania support and seek to uphold free and fair elections on behalf of all Pennsylvanians. Intervenor-Defendants therefore respectfully move the Court to uphold the General Assembly’s duly enacted laws governing Pennsylvania’s elections and to dismiss Plaintiffs’ Amended Complaint. Intervenor-Defendants submit the accompanying Memorandum of Law demonstrating that Plaintiffs’ two-count Amended Complaint “fail[s] to state a claim upon which relief can be granted,” Fed. R. Civ. P. 12(b)(6), because the General Assembly’s duly enacted date requirement for absentee and mail-in ballots does not implicate, let alone violate, the federal materiality provision, 52 U.S.C. § 10101(a)(2)(B), and does not violate the U.S. Constitution.

WHEREFORE, Intervenor-Defendants respectfully request that the Court GRANT this motion and DISMISS Plaintiffs’ Amended Complaint.

Dated: February 17, 2023

Respectfully submitted,

/s/ Kathleen A. Gallagher

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