

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

BETTE EAKIN, ET. AL.	:	
	:	
Plaintiffs,	:	Case No. 1:22-CV-340-SPB
	:	
v.	:	
	:	
ADAMS COUNTY BOARD OF ELECTIONS, ET. AL.	:	
	:	
	:	
Defendants.	:	

**LANCASTER COUNTY BOARD OF ELECTIONS' CONCISE STATEMENT OF
MATERIAL FACTS PURSUANT TO LOCAL RULE 56**

Defendant, Lancaster County Board of Elections ("LCBOE"), files this concise statement of material facts pursuant to Local Rule 56 as follows:

1. There are two categories of plaintiffs in this case: the individual plaintiffs and the association plaintiffs. Am. Compl., ECF No. 228, ¶ 12, Appx. Ex. 1.
2. The only individual plaintiff is Bette Eakin. *Id.*, ¶ 12.
3. Eakin is a registered voter in Erie County. *Id.*
4. Eakin believes that if she forgets to include a date on her mail ballot in the future her ballot is at risk of being rejected. *Id.*
5. Eakin is not a Lancaster County voter, has never voted in Lancaster County, has not alleged she intends to vote in Lancaster County, and Lancaster County has never rejected any ballots from Eakin. *Id.*

6. The associational plaintiffs are DSCC, DCCC, and AFT Pennsylvania. *Id.*, ¶¶ 13-15.

7. DSCC, DCCC, and AFT claim that *if* ballots containing missing or incorrect dates are rejected in *future* elections they will be forced to “divert resources away from [] existing voter outreach and mobilization efforts towards voter education necessitated specifically by this requirement, and other efforts to ensure that voters who would be disenfranchised as a result have their votes counted.” *Id.*, ¶¶ 13-15.

8. DSCC, DCCC, and AFT have not identified a specific member whose mailed ballot was not counted by the Lancaster County Board of Elections in the November 2022 general election. Plaintiffs’ Fed. R. Civ. P. 26(a) Int. Disc., Appx. Ex. 2.

9. DSCC, DCCC, and AFT have not identified a specific member who intends to vote in future elections in Lancaster County. *Id.*

10. In the November 2022 general election, the LCBOE complied with the orders of the Pennsylvania Supreme Court in the matter *Ball, et. al. v. Chapman, et. al.*, No. 101 MM 2022 dated November 1, 2022 and November 5, 2022 respectively.

11. A true and correct copy of the Pennsylvania Supreme Court’s order dated November 1, 2022 in the matter *Ball, et. al. v. Chapman, et. al.*, No. 101 MM 2022 is attached at Appx. Exhibit 3.

12. A true and correct copy of the Pennsylvania Supreme Court’s order dated November 5, 2022 in the matter *Ball, et. al. v. Chapman, et. al.*, No. 101 MM 2022 is attached at Appx. Exhibit 4.

Date: April 21, 2023

Respectfully submitted,

/s/ James J. Fitzpatrick

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