

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

PENNSYLVANIA STATE CONFERENCE  
OF THE NAACP, *et al.*,

Plaintiffs,

v.

AL SCHMIDT, *et al.*,

Defendants.

Civil Action No.: 1:22-cv-00339

**INTERVENOR-DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

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 grant summary judgment against Plaintiffs on Count I and Count II. Intervenor-Defendants submit the accompanying Memorandum of Law demonstrating that both of Plaintiffs' counts fail "as a matter of law." Fed. R. Civ. P. 56(a). The General Assembly's duly enacted date requirement for absentee and mail-in ballots does not implicate, let alone violate, either the federal materiality provision, 52 U.S.C. § 10101(a)(2)(B), or the Equal Protection Clause of the U.S. Constitution.

WHEREFORE, Intervenor-Defendants respectfully request that the Court GRANT this motion and GRANT summary judgment against Plaintiffs.

Dated: April 21, 2023

Respectfully submitted,

/s/ Kathleen A. Gallagher

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