



2. Following a hearing on the TRO related to ballot accessibility for the June 2, 2020 Primary Election, the Court entered an Order directing the temporary solution of the Accessible Write-In-Ballot (AWIB).

3. This case is now proceeding on Plaintiffs' request for "...a permanent injunction...requiring Defendants to remedy their absentee and mail-in ballot system by implementing a remote accessible vote-by-mail system for Plaintiffs and those similarly situated for all future elections." Doc. 1, ¶ 118.

4. The Defendants are already implementing a Remote Ballot Marking System (RBMS) for the delivery and marking of ballots for blind voters. *See* doc. 51, ¶ 1.

5. The Accessible Write-In Ballot (AWIB) was a temporary solution that will never be used again, particularly because of the availability of an RBMS.

6. It is anticipated that the Plaintiffs will seek to introduce evidence regarding the brief history, use, and voters' purported experiences with the AWIB.

7. Evidence regarding the AWIB is irrelevant under Federal Rule of Evidence 401 because it does not make a consequential fact more or less probable. A new RBMS system will be in place for the November 2020 General Election, and facts about the AWIB will not be germane to this sophisticated ballot delivery and marking system.

8. To the extent that there is probative value in evidence of the AWIB (which is denied), it is substantially outweighed by considerations including unfair prejudice, confusing the issues, undue delay, and wasting time, rendering the evidence properly excluded under Federal Rule of Evidence 403.

WHEREFORE, Defendants request that this Honorable Court grant this Motion and exclude all evidence regarding the AWIB.

**Respectfully submitted,**

**JOSH SHAPIRO**  
**Attorney General**

**By:** *s/ Nicole J. Boland*

**NICOLE J. BOLAND**  
**Deputy Attorney General**  
**Attorney ID 314061**

**KAREN M. ROMANO**  
**Chief Deputy Attorney General**  
**Civil Litigation Section**

**Office of Attorney General**  
**15<sup>th</sup> Floor, Strawberry Square**  
**Harrisburg, PA 17120**  
**Phone: (717) 783-3146**

[nboland@attorneygeneral.gov](mailto:nboland@attorneygeneral.gov)

**Date: August 3, 2020**

*Counsel for Defendants*

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

<b>JOSEPH DRENTH</b> <i>and</i> <b>NATIONAL</b>	:	
<b>FEDERATION OF THE BLIND OF</b>	:	
<b>PENNSYLVANIA,</b>	:	
	<b>Plaintiffs</b>	<b>No. 1:20-0829</b>
	:	
<b>v.</b>	:	<b>Judge Wilson</b>
	:	
<b>KATHY BOOCKVAR</b> <i>and</i>	:	<b>Electronically Filed Document</b>
<b>DEPARTMENT OF STATE OF THE</b>	:	
<b>COMMONWEALTH OF</b>	:	
<b>PENNSYLVANIA,</b>	:	
	<b>Defendants</b>	<i>Complaint Filed 05/21/20</i>

**CERTIFICATE OF SERVICE**

I, Nicole J. Boland, Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on August 3, 2020, I caused to be served a true and correct copy of the foregoing document to the following:

**VIA ECF**

**Kelly Darr, Esquire**  
**Robin Resnick, Esquire**  
**Disability Rights Pennsylvania**  
**1800 John F. Kennedy Boulevard**  
**Suite 900**  
**Philadelphia, PA 19103**  
[kdarr@disabilityrightspa.org](mailto:kdarr@disabilityrightspa.org)  
[rresnick@disabilityrightspa.org](mailto:rresnick@disabilityrightspa.org)  
*Counsel for Plaintiffs*

**Kobie A. Flowers, Esquire**  
**James O. Strawbridge, Esquire**  
**Sharon M. Krevor-Weisbaum, Esquire**  
**Brown Goldstein & Levy, LLP**  
**120 East Baltimore Street**  
**Suite 1700**  
**Baltimore, MD 21202**  
[kflowers@browngold.com](mailto:kflowers@browngold.com)  
[jstrawbridge@browngold.com](mailto:jstrawbridge@browngold.com)  
[skw@browngold.com](mailto:skw@browngold.com)  
*Counsel for Plaintiffs*

*s/ Nicole J. Boland*  
\_\_\_\_\_  
**NICOLE J. BOLAND**  
Deputy Attorney General

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

<b>JOSEPH DRENTH <i>and</i> NATIONAL</b>	:	
<b>FEDERATION OF THE BLIND OF</b>	:	
<b>PENNSYLVANIA,</b>	:	
<b>Plaintiffs</b>	:	<b>No. 1:20-0829</b>
	:	
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	:	
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<b>DEPARTMENT OF STATE OF THE</b>	:	
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<b>PENNSYLVANIA,</b>	:	
<b>Defendants</b>	:	<i>Complaint Filed 05/21/20</i>

**CERTIFICATE OF NON-CONCURRENCE**

Undersigned counsel contacted counsel for the Plaintiffs, who does not concur in this Motion.

*s/ Nicole J. Boland*  
\_\_\_\_\_  
**NICOLE J. BOLAND**  
Deputy Attorney General