

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

BETTE EAKIN, *et al.*,

Plaintiffs,

v.

ADAMS COUNTY BOARD OF ELECTIONS, *et al.*,

Defendants.

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

In Berks County Board of Elections’s Supplemental Brief in Support of their Motion for Summary Judgment, the Board argued for the first time that Plaintiffs failed to comply with Federal Rule of Civil Procedure (“Rule”) 5.1 by failing to provide notice to the Pennsylvania Attorney General of their constitutional challenge to the Date Requirement. ECF No. 379 at 4–6. For reasons that Plaintiffs will explain in their forthcoming Opposition brief, such a notice is not necessary here. However, out of an abundance of caution, Plaintiffs have served the Pennsylvania Attorney General with a copy of this notice, their Amended Complaint, ECF No. 228, and their Motion for Summary Judgment with accompanying memoranda, ECF Nos. 287–88, 330–31, 359, 380, by certified mail and through an electronic address designated for this purpose, pursuant to Rule 5.1(a)(2). These papers raise Plaintiffs’ constitutional challenge to the county Defendants’ enforcement of Pennsylvania’s date requirement, as it appears in 25 P.S. § 3146.6(a) and 25 P.S. § 3150.16(a), under the First and Fourteenth Amendments to the U.S. Constitution for unduly burdening the right to vote to the extent that counties are required to reject ballots submitted in envelopes that do not contain a correct handwritten date.

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