

Nos. 25-962 and 25-967

IN THE
Supreme Court of the United States

REPUBLICAN NATIONAL COMMITTEE, *et al.*,
Petitioners,

v.

BETTE EAKIN, *et al.*,
Respondents.

PENNSYLVANIA,
Petitioner,

v.

BETTE EAKIN, *et al.*,
Respondents.

**ON PETITIONS FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

**RESPONSE OF THE LEHIGH COUNTY
BOARD OF ELECTIONS TO THE
PETITIONS FOR WRIT OF CERTIORARI**

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Attorney for Respondent
Lehigh County Board of Elections

ARGUMENT

In accordance with this Court's letter dated April 1, 2026, which requested that Respondents file a response to the writ of certiorari, Respondent Lehigh County Board of Elections ("Lehigh") hereby submits the following Response.

The Pennsylvania requirement that a voter using either a mail-in-ballot or an absentee ballot date the outer envelope is like a human's appendix; no longer useful and occasionally fatal. The sole function of enforcing the date requirement is to disenfranchise voters.

Therefore, Lehigh cannot support but, following its prior stance, does not oppose the writs of certiorari, based on and consistent with its stipulation to Plaintiffs at the beginning of the case. The stipulation was approved by the trial court on February 13, 2023, and a copy is reprinted in Appendix A, set forth at App. 1a. In pertinent part, Lehigh stipulated that it would not object to and agreed to not contest or appeal the declaratory and injunctive relief requested by the Plaintiffs who are also Respondents before this Court.

Furthermore, Lehigh subsequently elected by letter, dated April 17, 2025, not to participate in the appeal before the Third Circuit Court of Appeals, which letter is reprinted in Appendix B, set forth at App. 16a.

CONCLUSION

Therefore, Respondent Lehigh County Board of Elections does not support or oppose the Petitions for Writ of Certiorari filed in this matter.

Respectfully submitted,

CATHARINE M. ROSEBERRY

Counsel of Record

LEHIGH COUNTY BOARD OF ELECTIONS

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APPENDIX

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**APPENDIX A — SUPPLEMENTAL STIPULATION
OF THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF PENNSYLVANIA,
ERIE DIVISION, FILED FEBRUARY 13, 2023**

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

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

BETTE EAKIN, *et al.*,

Plaintiffs,

v.

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

Defendants.

Filed February 13, 2023

SUPPLEMENTAL STIPULATION

Plaintiffs and the undersigned County Election Boards, by their undersigned counsel, hereby stipulate as follows:

1. The undersigned County Election Boards desire a prompt resolution of this case in order to have direction on how to properly proceed in future elections. Accordingly, while the undersigned County Election Boards neither admit nor deny the allegations of the Complaint, the undersigned County Election Boards do not object to, and stipulate and agree to not contest or appeal, the declaratory and injunctive

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relief requested by Plaintiffs in this action. The foregoing does not prohibit the undersigned County Election Boards from joining an appeal of a decision of this Court denying Plaintiffs' requested declaratory and injunctive relief or from appealing a decision of the Court imposing sanctions on the undersigned County Election Boards.

2. In the absence of any agreed-upon extension by Plaintiffs, the undersigned County Election Boards stipulate and agree: that they shall not unreasonably impede discovery in this action; that they will answer and respond fully and completely to any written interrogatories, document requests, and requests for admission served upon them by Plaintiffs, limiting objections to the extent reasonably possible to those concerning privilege; and, should Plaintiffs serve any requests for production, that they will produce to Plaintiffs' counsel all requested nonprivileged items and documents.

3. In exchange for the undersigned County Election Boards' stipulation and cooperation in discovery as stated in the other paragraphs of this Stipulation, Plaintiffs stipulate and agree: to forgo any claim for attorneys' fees and costs against only the undersigned County Election Boards; to refrain from seeking the entry of any default or seek any further response from the undersigned County Election Boards in this case; and to forgo any other relief in this case against the undersigned County Election Boards other than the injunctive and declaratory relief sought in Plaintiffs' Complaint.

4. To the extent the deposition testimony or other sworn statement of the undersigned County Election

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Boards shall be reasonably necessary for evidentiary purposes, Plaintiffs and the undersigned County Election Boards stipulate and agree to reasonably cooperate with each other to provide such testimony or statement in the least burdensome manner.

Plaintiffs' counsel represent that counsel for all other parties listed below consent to this stipulation.

Dated: February 10, 2023 Respectfully submitted,

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/s/ Uzoma N. Nkwonta
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* Admitted *pro hac vice*

Counsel for Plaintiffs

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Appendix A

ALLEGHENY COUNTY
BOARD OF ELECTIONS

Dated: February 10, 2023

/s/ George M. Janocsko
George M. Janocsko
(PA 26408)
Allan J. Opsitnick
(PA 28126)
Lisa G. Michel (PA 59997)
Allegheny County Law
Department
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ARMSTRONG COUNTY
BOARD OF ELECTIONS

Dated: February 10, 2023

/s/ Andrew J. Sacco
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BEAVER COUNTY
BOARD OF ELECTIONS

Dated: February 10, 2023

/s/ Garen Fedeles

Garen Fedeles, Esq.
Beaver County Solicitor
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Beaver, Pa 15009
724-770-4445 (phone)
724-773-7268 (fax)

BUCKS COUNTY BOARD
OF ELECTIONS

Dated: February 10, 2023

/s/ Amy M. Fitzpatrick

Amy M. Fitzpatrick
(pro hac vice) (PA 324672)
Daniel D. Grieser (PA 325445)
Law Department –
County of Bucks
55 E. Court St., 5th Floor
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CAMBRIA COUNTY
BOARD OF ELECTIONS

Dated: February 10, 2023 /s/ William Gleason Barbin
William Gleason Barbin
Melissa A. Kestermont
Solicitor's Office
Cambria County Courthouse
200 South Center Street
Ebensburg, PA 15931
(814) 472-1607

CAMERON COUNTY
BOARD OF ELECTIONS

Dated: February 10, 2023 /s/ Edwin W. Tompkins III
Edwin W. Tompkins III, Esq.
Cameron County Solicitor PA
Supreme Court No. 41273
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CHESTER COUNTY
BOARD OF ELECTIONS

Dated: February 10, 2023 /s/ Colleen M. Frens
Colleen M. Frens
(pro hac vice) (PA 309604)
Faith Mattox-Baldini
(PA 323868)
Chester County Solicitor's
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CLINTON COUNTY
BOARD OF ELECTIONS

Dated: February 10, 2023 /s/ Larry E. Coploff
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DELAWARE COUNTY
BOARD OF ELECTIONS

Dated: February 10, 2023 /s/ J. Manly Parks
J. Manly Parks (74647)
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(326127)
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Philadelphia, PA 19103
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NMCentrella@
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ELK COUNTY BOARD
OF ELECTIONS

Dated: February 10, 2023 /s/ Thomas G. Wagner
Thomas G. Wagner, Esq.
Solicitor
County of Elk
Supreme Court I.D. No. 17404
115 Lafayette Street
St. Marys, PA 15857
(814) 781-3445

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FAYETTE COUNTY
BOARD OF ELECTIONS

Dated: February 10, 2023

/s/ John M. Purcell

John M. (Jack) Purcell,
Esquire

55 East Church St., Suite 101

Uniontown, Pa. 15401

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(724) 880-5118 (Cell)

jackpurcell146@gmail.com

FOREST COUNTY
BOARD OF ELECTIONS

Dated: February 10, 2023

/s/ Timothy R. Bevevino

Timothy R. Bevevino,
Esquire

Swanson, Bevevino and
Sharp, P.C.

311 Market Street

Warren, PA 16365

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GREENE COUNTY
BOARD OF ELECTIONS

Dated: February 10, 2023 /s/ Robert Eugene Grimm
Robert Eugene Grimm,
Esquire
Greene County Board of
Elections
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Waynesburg, PA 15370
724-569-2819

LACKAWANNA COUNTY
BOARD OF ELECTIONS

Dated: February 10, 2023 /s/ Lawrence J. Moran, Jr.
Lawrence J. Moran, Jr.,
ID No. 316253
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LEHIGH COUNTY
BOARD OF ELECTIONS

Dated: February 10, 2023 /s/ Catharine M. Roseberry
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PA Atty ID #40199
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LUZERNE COUNTY
BOARD OF ELECTIONS

Dated: February 10, 2023 /s/ Joseph M. Cosgrove
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LYCOMING COUNTY
BOARD OF ELECTIONS

Dated: February 10, 2023

/s/ J. David Smith
McCORMICK LAW FIRM
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(570) 326-5529 (fax)
dsmith@mcclaw.com

MONTGOMERY COUNTY
BOARD OF ELECTIONS

Dated: February 10, 2023

/s/ John A. Marlatt
John A. Marlatt (PA 210141)
Maureen Calder
(pro hac vice) (PA 68055)
Montgomery County
Solicitor's Office
PO Box 311
Norristown, PA 19404

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NORTHAMPTON
COUNTY BOARD OF
ELECTIONS

Dated: February 10, 2023

/s/ Richard E. Santee

Richard E. Santee,
Assistant Solicitor PA
Attorney I.D. 310004
County of Northampton
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SOMERSET COUNTY
BOARD OF ELECTIONS

Dated: February 10, 2023

/s/ Michael P. Barbera, Esq.

Michael P. Barbera, Esq.
Court Admin Cert. No.:
312378
146 West Main Street
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15501-0775
Tel: (814) 443-4681

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SULLIVAN COUNTY
BOARD OF ELECTIONS
WYOMING COUNTY
BOARD OF ELECTIONS

Dated: February 10, 2023 */s/ Kenneth R. Levitzky*
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WARREN COUNTY
BOARD OF ELECTIONS

Dated: February 10, 2023 */s/ Nathaniel J. Schmidt*
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It is so ordered this 13th day of February, 2023.

/s/ Susan Paradise Baxter
Susan Paradise Baxter
United States District Judge

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**APPENDIX B — EAKIN LETTER OF
NONPARTICIPATION, DATED APRIL 17, 2025**

COUNTY OF LEHIGH
DEPARTMENT OF LAW

April 17, 2025

RE: Bette Eakin, et al. vs. Adams County Board of
Elections, et al.; Case number 25-1644

Attn: Tina, case manager – via e-filing

Dear Ms. Dodszuweit:

In accordance with the Court's opening case information, dated April 3, 2025, please be advised that Appellee Lehigh County Board of Elections will not be participating in this appeal.

Thank you.

Very truly yours,

/s/ Catharine M. Roseberry
Catharine M. Roseberry
Assistant Solicitor
County of Lehigh
Attorney ID# 40199