

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LOUIS AGRE, WILLIAM EWING, FLOYD MONTGOMERY, JOY MONTGOMERY, RAYMAN SOLOMON v. THOMAS W. WOLF , Governor of Pennsylvania, PEDRO CORTES , Secretary of State of Pennsylvania, JONATHAN MARKS , Commissioner of the Bureau of Elections – in their official capacities	CIVIL ACTION NO. 17-4392
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ORDER RE: MOTION TO DISMISS COMPLAINT

BEFORE: Smith, Chief Circuit Judge; Shwartz, Circuit Judge; Baylson, District Judge:

AND NOW, this 7th day of November, 2017, having heard argument this date and having considered the briefs and arguments of counsel, the Court **ORDERS** as to the Motion to Dismiss the Complaint as follows:

1. **DENIED** as to Count I.
2. **GRANTED** as to Count II with prejudice.
3. **GRANTED** without prejudice as to Count III, with leave to amend by November 17, 2017, with further details clarifying the relationship alleged, if any, between the elections clause and the First Amendment.
4. Plaintiffs are also **GRANTED** leave to amend the Complaint to add one voter from each Congressional district in the Commonwealth of Pennsylvania, also by November 17, 2017.

A statement of reasons will be filed in due course.

BY THE COURT:

/s/ Michael M. Baylson

MICHAEL M. BAYLSON, U.S.D.J.