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13 **UNITED STATES DISTRICT COURT**  
14 **EASTERN DISTRICT OF WASHINGTON**  
15 **AT YAKIMA**

16 STATE OF WASHINGTON, et al.,

17 Plaintiffs,

18 v.

19 DONALD J. TRUMP, et al.,

20 Defendants.

NO. 1:20-cv-03127-SAB

PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION

NOTED FOR: September 17,  
2020 at 10:00 a.m.  
*With Oral Argument*

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1 **I. INTRODUCTION**

2 The United States Postal Service is an essential American institution,  
3 authorized by the Constitution, created by the first Congress, serving every part of  
4 our country, and overwhelmingly admired by Americans of every background. It  
5 is woven into the fabric of American life, reliably delivering our correspondence,  
6 our medications, our payments, and, increasingly, our ballots.

7 Because the Postal Service plays such a vital role, Congress has long  
8 required that any significant change in postal services undergo a thorough review  
9 by the Postal Regulatory Commission and include an opportunity for public  
10 comment before taking effect. 39 U.S.C. § 3661. This process helps to ensure that  
11 changes are fully thought through and to avoid unintended consequences.

12 Ignoring this requirement, newly appointed Postmaster General Louis  
13 DeJoy has made a number of precipitous changes that, by his own admission, have  
14 significantly affected postal service. While DeJoy claimed to halt some of these  
15 changes—such as the removal of mail sorting equipment—the day the Plaintiff  
16 States filed this lawsuit, he has persisted with at least two others.

17 First, DeJoy adopted and continues to enforce a “Leave Mail Behind”  
18 policy, requiring mail carriers and delivery trucks to leave at set times, regardless  
19 of whether the mail is actually ready, and prohibiting letter carriers from making  
20 return trips to distribution centers as necessary to complete timely mail delivery.  
21 This policy has slowed mail delivery substantially nationwide.

22 Second, although an unprecedented number of citizens will rely on voting  
23 by mail this year, DeJoy has abandoned the Postal Service’s longstanding  
24 commitment to treat all Election Mail under First Class delivery standards. This  
25 will mean that ballots, registration forms, and other Election Mail that States send  
26

1 to voters will be delivered much more slowly than in the past. The Postal Service  
2 itself has threatened nearly every State that this may disenfranchise some voters.

3 Under the plain language of 39 U.S.C. § 3661, the Postal Service had to  
4 submit these changes to the Postal Regulatory Commission prior to implementing  
5 them. This never happened.

6 These changes also violate the Constitution, which guarantees to States the  
7 power to regulate elections and to individuals the right to vote. Without any  
8 compelling or even meaningful justification, DeJoy’s changes interfere with State  
9 authority to administer elections and threaten broad disenfranchisement.

10 The changes are not only illegal, but are also causing irreparable harm,  
11 including delays in delivery of time-sensitive materials from medications to legal  
12 notices to ballots. There is no meaningful justification for these harms, so the  
13 public interest and equities tip sharply in the States’ favor. The States therefore  
14 respectfully ask that this Court issue a preliminary injunction barring continued  
15 implementation of these changes before they can further interfere with Americans’  
16 daily lives and the November 2020 election.

17 **II. STATEMENT OF FACTS**

18 **A. The Postal Service’s Statutory Duty to Provide Efficient Mail Service**  
19 **and the Statutory Prerequisites for Service Changes**

20 The Postal Service is a “basic and fundamental service provided to the  
21 people . . . , authorized by the Constitution, created by Act of Congress, and  
22 supported by the people,” obliged to “bind the Nation together through the  
23 personal, educational, literary and business correspondence of the people.”  
24 39 U.S.C. § 101(a). It delivers over 470 million pieces of mail each day and must  
25 serve “as nearly as practicable the entire population of the United States.”  
26

1 39 U.S.C. § 403.<sup>1</sup> In setting policies, the Postal Service shall “give the highest  
 2 consideration to the requirement for *the most expeditious* collection, transportation,  
 3 and delivery of important letter mail.” *Id.* § 101(e) (emphasis added); *see also id.*  
 4 § 3691(b) (service standards must “reasonably assure . . . delivery reliability,  
 5 speed and frequency consistent with reasonable rates and best business practices”);  
 6 *id.* § 403 (Postal Service must “plan, develop, promote, and provide adequate and  
 7 efficient postal services”).

8 When the Postal Service determines that there should be “a change in the  
 9 nature of postal services which will generally affect service on a nationwide or  
 10 substantially nationwide basis, it shall submit a proposal, within a reasonable time  
 11 *prior to* the effective date of such proposal, to the Postal Regulatory Commission  
 12 requesting an advisory opinion on the change.” *Id.* § 3661(b) (emphasis added).  
 13 Following a hearing at which the interests of users of the mail and the general  
 14 public are represented, the Commission issues a written opinion under the Postal  
 15 Service’s guiding policies. *Id.* § 3661(c).

16 The Postal Service’s mandate has taken on even greater significance during  
 17 the COVID-19 pandemic. More people have opted to obtain prescription  
 18 medications by mail.<sup>2</sup> And many States expect a record-breaking volume of mail-in  
 19 voting for the November 2020 election.<sup>3</sup> Roughly three-quarters of all  
 20

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21 <sup>1</sup> *Postal Facts: One Day*, USPS.com, <https://facts.usps.com/one-day/>.

22 <sup>2</sup> Jared S. Hopkins, *Mail-Order Drug Delivery Rises During Coronavirus*  
 23 *Lockdown*, Wall St. J. (May 12, 2020), <https://on.wsj.com/355Bc2V>.

24 <sup>3</sup> Juliette Love, Matt Stevens & Lazaro Gamio, *Where Americans Can Vote*  
 25 *by Mail in the 2020 Election*, N.Y. Times (updated Aug. 14, 2020),  
 26 <https://nyti.ms/3g73JH4>.

1 voters—over 160 million people—are eligible to receive a ballot by mail for the  
 2 2020 general election.<sup>4</sup> States have already experienced surges in vote-by-mail  
 3 ballot requests and historic levels of mail-in voting during recent primaries. *See*,  
 4 *e.g.*, Benson Decl. ¶¶ 14–15; Gough Decl. ¶¶ 12–14; Merrill Decl. ¶ 13; Piper Decl.  
 5 ¶¶ 15–16; Rock Decl. ¶ 23; Simon Decl. ¶ 7; Yarbrough Decl. ¶¶ 12–14.

6 **B. Recent “Transformative” Changes Affecting Postal Service Levels**  
 7 **Nationwide, Made Without Notice and Hearing**

8 **1. The July 2020 “Leave Mail Behind” policy**

9 **a. The policy is made effective without notice and hearing**

10 Louis DeJoy became Postmaster General in June 2020. In July, he  
 11 announced “immediate, lasting, and impactful changes in our operations and our  
 12 culture”—changes he later described as “transformative”—without submitting a  
 13 proposal to the Postal Regulatory Commission for a hearing.<sup>5</sup> The Postal Service  
 14 warned that the changes would be “challenging, as we seek to change our culture  
 15 and move away from past practices.”<sup>6</sup> They were made a few months before a  
 16 presidential election and in the middle of a global pandemic, with no analysis on  
 17 how they would affect voters or people relying on delivery of time-critical items.<sup>7</sup>

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18  
 19 <sup>4</sup> *Id.*

20 <sup>5</sup> *Mandatory Stand-Up Talk: All Employees*, July 10, 2020 (Ex. A);  
 21 *Protecting the Timely Delivery of Mail, Medicine, and Mail-in Ballots*, U.S. House  
 22 Comm. on Oversight & Reform, Aug. 24, 2020, <https://bit.ly/2EsSDPW> (“House  
 23 Testimony”) (video at 4:43:45); *see generally* 39 U.S.C. § 3661(b).

24 <sup>6</sup> *Mandatory Stand-Up Talk*, *supra* n.5 (Ex. A).

25 <sup>7</sup> *Examining the Finances and Operations of the U.S. Postal Service During*  
 26 *COVID-19 and Upcoming Elections*, U.S. Senate Comm. on Homeland Sec. &

1 The new policy mandates that all trips, including delivery and to processing  
 2 centers, must depart on time; that late trips and extra trips are “no longer authorized  
 3 or accepted”; and that mail carriers “must begin on time, leave for the street on  
 4 time, and return on time.”<sup>8</sup> Mail carriers are instructed to leave mail behind on the  
 5 workroom floor if taking that mail would require them to leave later than  
 6 scheduled.<sup>9</sup> DeJoy justified the “Leave Mail Behind” policy based on an Office of  
 7 the Inspector General report that 20% of transportation trips left mail processing  
 8 facilities late.<sup>10</sup> But this report did not recommend eliminating late trips; it instead  
 9 offered five recommendations to improve efficiency and management oversight.<sup>11</sup>

10 The memorandum outlining these changes admitted that they would likely  
 11 result in delays: “One aspect of these changes that may be difficult for employees  
 12 is that—temporarily—we may see mail left behind or mail on the workroom floor  
 13 or docks . . . which is not typical.”<sup>12</sup> According to an internal Postal Service  
 14 document: “If we cannot deliver all the mail due to call offs or shortage of people  
 15 and you have no other help, the mail will not go out[.]”<sup>13</sup>

16 \_\_\_\_\_  
 17 Gov’t Affairs, Aug. 21, 2020, <https://bit.ly/2QoXAM9> (“Senate Testimony”)  
 18 (video at 1:21:15).

19 <sup>8</sup> *Mandatory Stand-Up Talk*, *supra* n.5 (Ex. A).

20 <sup>9</sup> *Id.*; *PMGs Expectations and Plan* (July 2020) (Ex. B).

21 <sup>10</sup> House Testimony, *supra* n.5 (video at 39:40)

22 <sup>11</sup> *U.S. Postal Service’s Processing Network Optimization and Service*  
 23 *Impacts*, USPS Office of the Inspector General (June 16, 2020),  
 24 <https://bit.ly/32f4RoB> (Ex. C).

25 <sup>12</sup> *Mandatory Stand-Up Talk*, *supra* n.5 (Ex. A).

26 <sup>13</sup> *PMGs Expectations and Plan*, *supra* n.9 (Ex. B).

1 Reports from across the country confirm that this policy is being  
 2 implemented and is delaying delivery. People have reported delays in receiving  
 3 time-sensitive medications, businesses that rely on the mail have reported delays  
 4 harming their finances, and state agencies have seen delays in delivery of important  
 5 documents and benefits.<sup>14</sup> In Tennessee, trucks are leaving sorting facilities for  
 6 cross-country trips “completely empty,” because the new policy “will not allow  
 7 holding a truck for even five minutes so it can be loaded with mail.”<sup>15</sup> As one postal  
 8 worker in Nashville noted, Express and Priority Mail—including time-critical  
 9 items such as legal documents and cremated remains—are being left behind  
 10 because trucks have already left.<sup>16</sup>

11 Explaining the on-the-ground changes wrought by this policy, experienced  
 12 postal workers in several States testify that, previously, mail carriers would pick  
 13 up outgoing mail and bring it back to the station, where it would be put on a truck  
 14 to a regional processing center that evening to be postmarked and sorted. *See* Yao  
 15 Decl. ¶ 4; Cogan Decl. ¶ 13. But since DeJoy’s changes, trucks must leave by a

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17 <sup>14</sup> *See, e.g.*, Dart Decl. ¶¶ 9–11; Geissel Decl. ¶ 6; Hermes Decl. ¶¶ 7–8;  
 18 Livermore Decl. ¶¶ 4–6; Okanlawon Decl. ¶¶ 6–8; Olsen Decl. ¶ 11; Sturdivant  
 19 Decl. ¶ 4; White Decl. ¶ 4 (prescription delays); Rosenbaum Decl. ¶ 13; Rumbley  
 20 Decl. ¶¶ 4–5 (other mail delays); Davidson Decl. ¶¶ 6–12; Mitchell Decl. ¶ 6;  
 21 Stembridge Decl. ¶ 8; Williams Decl. ¶ 5 (harms to business and finances); Cully  
 22 Decl. ¶ 6; Huff Decl. ¶¶ 5–6; Peterson Decl. ¶ 6 (harms to state agencies).

23 <sup>15</sup> Ben Hall & Kevin Wisniewski, *Postal trucks sometimes travel across*  
 24 *country - with no mail - after USPS cuts*, News Channel 5 (Aug. 24, 2020),  
 25 <https://bit.ly/3lVQg9i>.

26 <sup>16</sup> *Id.*

1 firm deadline, without exception—both to take outgoing mail to a processing  
 2 center at the end of the day and to take postmarked, sorted mail to a station for  
 3 delivery in the morning. Yao Decl. ¶ 5; Cogan Decl. ¶ 12 Trucks bound for  
 4 processing centers no longer have discretion to wait if a mail carrier is about to  
 5 return with a large bundle of outgoing mail; trucks leaving processing centers  
 6 cannot wait for mail that is nearly ready; in both cases, that mail sits waiting for at  
 7 least another day. Yao Decl. ¶¶ 6–8; Cogan Decl. ¶¶ 12–13. These changes were  
 8 announced and implemented with “very little notice.” Cogan Decl. ¶ 14.  
 9 On-the-ground reports from Michigan, Minnesota, Wisconsin, and other States  
 10 confirm the same: considerable amounts of mail are left to await the next day’s  
 11 delivery. *See* Puhalski Decl. ¶¶ 9–10; Levy Decl. ¶ 14; Anthonasin Decl.  
 12 ¶¶ 14–21; Hartwig Decl. ¶¶ 5–7.

13 The same day the States filed this lawsuit—August 18, 2020—DeJoy  
 14 announced the suspension of some operational changes to the Postal Service,  
 15 including the nationwide removal of hundreds of mail processing and sorting  
 16 machines, the removal of mail collection boxes, and the reduction in post office  
 17 retail hours.<sup>17</sup> DeJoy’s announcement did not address the “Leave Mail Behind”  
 18 policy, and he has confirmed that this policy remains in place and will remain in  
 19 place through the November election.<sup>18</sup>

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24 <sup>17</sup> *See Postmaster General Louis DeJoy Statement, USPS, Aug. 18, 2020,*  
 25 <https://bit.ly/320luE4> (Ex. D).

26 <sup>18</sup> *See id.*; Senate Testimony, *supra* n.7; House Testimony, *supra* n.5.

1                   **b. The immediate delays caused by the “Leave Mail Behind”**  
2                   **policy**

3                   Internal Postal Service documents foresaw that this change would cause  
4                   delays, but assured that it would “address root causes of these delays and adjust  
5                   the very next day,” predicting: “As we adjust to the ongoing pivot, which will have  
6                   a number of phases, we know that operations will begin to run more efficiently and  
7                   that delayed mail volumes will soon shrink significantly.”<sup>19</sup>

8                   But as DeJoy has since acknowledged, this “transformative” change has  
9                   had—in his own words—“unintended consequences that impacted [the Postal  
10                  Service’s] overall service levels.”<sup>20</sup> The Postal Service’s own data vividly display  
11                  this. The following charts, from a briefing prepared for DeJoy, show how on-time  
12                  delivery, which had remained relatively steady despite the pandemic, plummeted  
13                  in the second half of July directly following implementation of the “Leave Mail  
14                  Behind” policy: from approximately 92% to 84% for First Class mail, and  
15                  approximately 90% to 83% for Marketing Mail.<sup>21</sup>

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22                  <sup>19</sup> *Mandatory Stand-Up Talk*, *supra* n.5 (Ex. A).

23                  <sup>20</sup> *Path forward*, LINK (Aug. 13, 2020),  
24                  <https://link.usps.com/2020/08/13/path-forward-2/> (Ex. E).

25                  <sup>21</sup> *Service Performance Measurement: PMG Briefing*, USPS (Aug. 12,  
26                  2020), <https://bit.ly/359uKb5> (Ex. F).

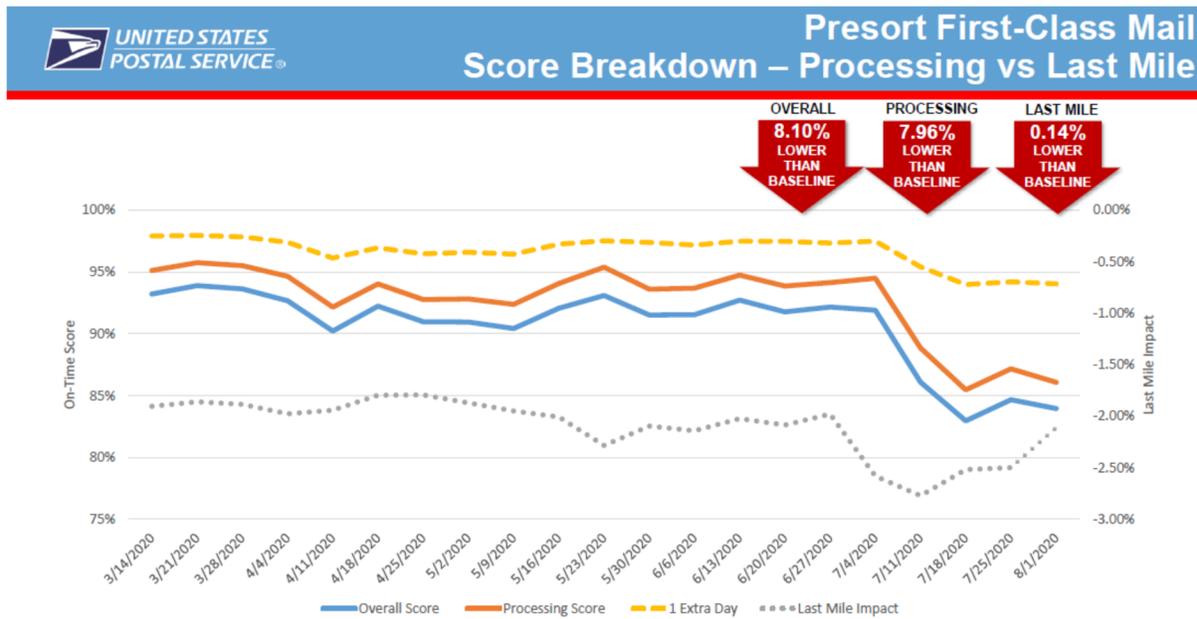


Chart 1

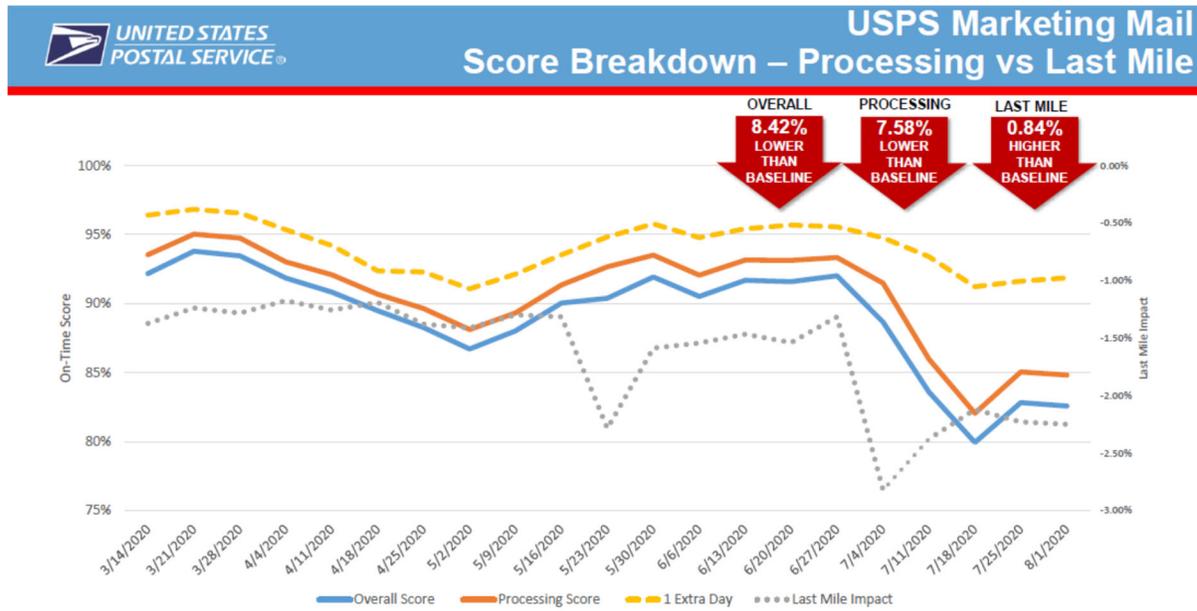


Chart 2

DeJoy acknowledged in his Congressional testimony that the “Leave Mail Behind” policy significantly contributed to this drop.<sup>22</sup>

<sup>22</sup> House Testimony, *supra* n.5 (at 4:45:35–43).

1 Data from the first three weeks in August suggest that on-time performance  
 2 recovered somewhat from its lowest point in mid-July, but—especially for First  
 3 Class mail—remained significantly lower (by at least five percent) when compared  
 4 to performance levels before the changes—representing millions of pieces of mail  
 5 that no longer arrive at their destinations on time.<sup>23</sup>

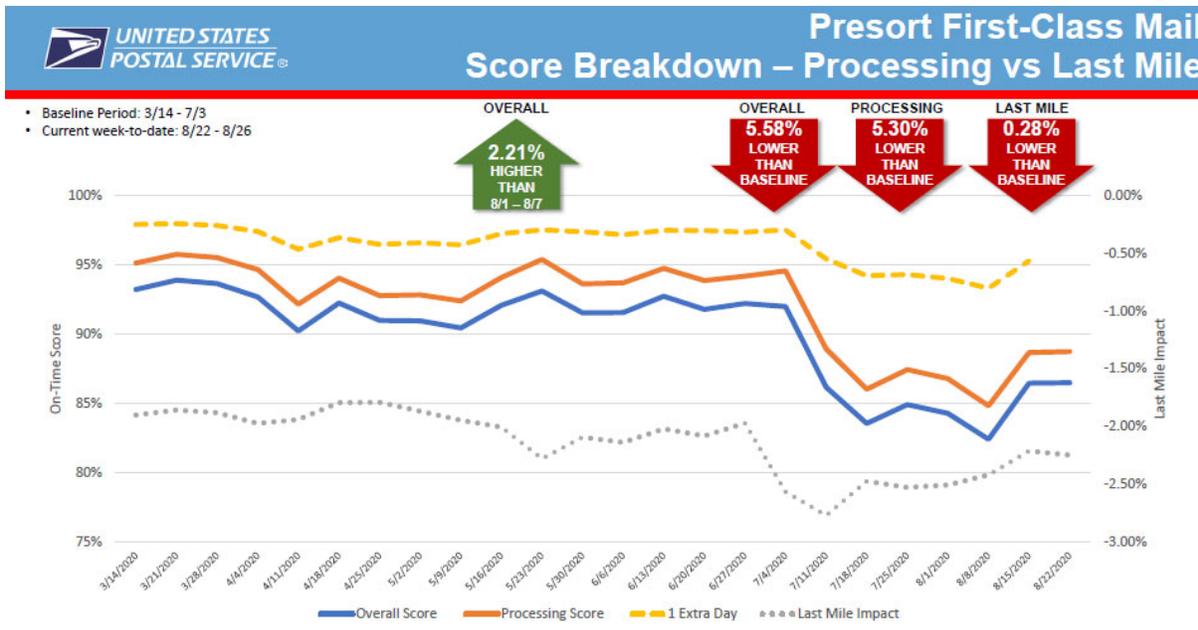


Chart 3

17 As for Election Mail, including ballots, DeJoy told Congress that he was unable to  
 18 provide separated performance data.<sup>24</sup>

23 <sup>23</sup> *Congressional Briefing: Transportation & Service Performance Updates*  
 24 (Aug. 31, 2020), <https://bit.ly/3lYmCjQ> (Ex. G).

25 <sup>24</sup> Letter from Louis DeJoy to Chairman Johnson et al. (Aug. 31, 2020),  
 26 <https://bit.ly/3btr319> (Ex. H).

1           **2. The Postal Service’s decision to no longer treat election mail as**  
 2           **First Class Mail**

3           In a separate policy change that will substantially slow the delivery of  
 4 Election Mail—such as ballots and voter registration forms—nationwide, the  
 5 Postal Service has decided to no longer treat all Election Mail under First Class  
 6 service standards. According to the former Chair of the Postal Regulatory  
 7 Commission, Ruth Goldway, this represents “a very concerning change in USPS  
 8 policy.” Goldway Decl. ¶ 5.

9           Prior to this year, the Postal Service’s longstanding policy has been to handle  
 10 Election Mail under delivery standards applicable to First Class mail, regardless of  
 11 the paid rate. Goldway Decl. ¶¶ 7, 9; *see also* Benson Decl. ¶¶ 9–10 (Michigan  
 12 Secretary of State confirming that “[h]istorically, the USPS has worked with the  
 13 state and clerks to ensure that election mail is marked and receives expedited  
 14 service regardless of the class of mail” and that USPS did not previously ask  
 15 Michigan to send voter ballot envelopes by First Class Mail); Griswold Decl. ¶ 13;  
 16 Merrill Decl. ¶ 20; Yao Decl. ¶ 9. The Postal Service’s documents confirm this: an  
 17 Inspector General’s report on the 2018 election found that 95.6% of election and  
 18 political mail was delivered within First Class service standards, and Postal Service  
 19 managers confirmed that they treated all Election Mail as First Class mail.<sup>25</sup> And  
 20 in its discovery responses, the Postal Service admits that it “has several  
 21 longstanding practices of prioritizing the expeditious processing and delivery of  
 22  
 23

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24           <sup>25</sup> *Service Performance of Election and Political Mail During the 2018*  
 25 *Midterm and Special Elections*, USPS Office of the Inspector General (Nov. 4,  
 26 2019), <https://bit.ly/3bxYm2R> (Ex. I).

1 election mail,” though it nonetheless denies that Election Mail was treated like  
2 First Class mail.<sup>26</sup>

3 The Postal Service’s prior policy ensured that Election Mail has historically  
4 been delivered in a timely manner.<sup>27</sup> Even though States typically pay the much  
5 lower nonprofit Marketing Mail rates for Election Mail—20 cents compared to  
6 55 cents for First Class—the Postal Service has nonetheless treated that mail under  
7 the considerably faster First Class service standards: 2 to 5 days, rather than 3 to  
8 10 days for Marketing Mail. Goldway Decl. ¶¶ 6–9. The actual distinction is even  
9 greater, because First Class mail is delivered on time at higher rates than Marketing  
10 Mail; according to performance reports, between April 1 and June 30, 2020, the  
11 Postal Service delivered between 81 and 95 percent of domestic First Class mail  
12 on time, and more than 98 percent no more than three days late—meaning that  
13 nearly 100 percent of First Class mail was delivered within eight days of mailing.  
14 *Id.* ¶¶ 10–11 & Ex. A. By contrast, as much as 10 percent of Marketing Mail took  
15 longer than 13 days to deliver. *Id.* ¶ 12 & Ex. A. And as the charts above  
16 demonstrate, performance has since dropped sharply.<sup>28</sup>

17 Despite these delays, this year the Postal Service indicated that it will no  
18 longer meet First Class service standards for Election Mail unless States pay First  
19 Class postage fees, nearly tripling the cost of postage. Goldway Decl. ¶ 4.

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21 <sup>26</sup> See Defendants’ Objections and Responses to Plaintiffs’ First Set of  
22 Interrogatories and Requests for Production of Documents, at 13 (Interrogatory 5)  
23 (Ex. J).

24 <sup>27</sup> *State and Local Election Mail – User’s Guide*, USPS (Jan 2020),  
25 <https://bit.ly/2QWUEX4> (Ex. K).

26 <sup>28</sup> *Service Performance Measurement*, *supra* n.28 (Ex. F).

1 In July 2020, the Postal Service warned election officials in 46 States and the  
 2 District of Columbia that States must now pay First Class postage to ensure timely  
 3 ballot delivery to voters.<sup>29</sup> If states choose instead to pay for Marketing Mail, the  
 4 Postal Service warned that this “will result in slower delivery times and will  
 5 increase the risk that voters will not receive their ballots in time to return them by  
 6 mail.”<sup>30</sup>

7 During his Congressional testimony, when asked whether the Postal Service  
 8 would continue to treat Election Mail under First Class service standards or better,  
 9 DeJoy was vague: “Our process is to do that physically . . . First Class mail is a  
 10 classification of mail, and then we’re talking about a physical process. So, we could  
 11 advance mail in front of First Class, we’d still not call it First Class mail.”<sup>31</sup> Yet  
 12 DeJoy was unable to provide specific details regarding the Postal Service’s current  
 13 policy on Election Mail, claiming that the Postal Service was “just putting these  
 14 committees together,” and he refused to commit to submitting a written statement  
 15 of policy to Congress.<sup>32</sup>

16 The Postal Service has since made clear that it will not treat Election Mail  
 17 as First Class mail.<sup>33</sup> This refusal is confirmed by recent internal and public Postal  
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19 <sup>29</sup> Letters from Thomas J. Marshall to States (July 2020), *available at*:  
 20 <https://wapo.st/2Feeqe3> (Ex. L).

21 <sup>30</sup> *See, e.g.*, Letter from Thomas J. Marshall to Washington Secretary of State  
 22 Kim Wyman (July 31, 2020) (Ex. M).

23 <sup>31</sup> House Hearing, *supra* n.5 (video at 3:35:47–3:36:16).

24 <sup>32</sup> Senate Hearing, *supra* n.7 (video at 1:07:10–1:07:45); House Hearing,  
 25 *supra* n.5 (video at 2:57:50–2:58:30, 3:32:20–3:36:24).

26 <sup>33</sup> *See* Discovery Responses, *supra* n.26, at 12 (Interrogatory 5) (Ex. J).

1 Service documents stating that Election Mail will no longer be treated under First  
 2 Class service standards. For example, as of September 9, 2020, the Postal Service  
 3 website warned election officials that “[u]sing USPS Marketing Mail® service will  
 4 result in slower delivery times and *may increase the risk that voters will not*  
 5 *receive their ballots in time[.]*”<sup>34</sup> An August 13, 2020 internal presentation states  
 6 that “Election Mail sent as Marketing Mail is not upgraded to First Class service.”<sup>35</sup>  
 7 In discovery, the Postal Service confirmed that it will not treat Election Mail paid  
 8 at the Marketing Rate as First Class Mail, although it represented that it historically  
 9 has “[d]evoted excess First-Class Mail processing capacity to election mail” to  
 10 meet First Class Service standards.<sup>36</sup> Of course, this year the Postal Service has  
 11 substantially *reduced* its mail processing capacity, further calling into question its  
 12 ability to follow its past practice.<sup>37</sup>

13 As of September 9, 2020, DeJoy has not yet submitted a written statement  
 14 of policy to Congress clarifying the Postal Service’s plans for treatment of Election  
 15 Mail in the upcoming election, which is now less than eight weeks away.

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18 <sup>34</sup> *Election Mail*, USPS.com, [https://about.usps.com/what/government-](https://about.usps.com/what/government-services/election-mail/)  
 19 [services/election-mail/](https://about.usps.com/what/government-services/election-mail/) (last visited Sept. 9, 2020) (Ex. N) (emphasis added).

20 <sup>35</sup> *AIM Pacific Area Virtual Meeting*, USPS (Aug. 13, 2020),  
 21 <https://bit.ly/3lvTS1A> (Ex. O).

22 <sup>36</sup> See Discovery Responses, *supra* n.26, at 13 (Interrogatory 5) (Ex. J).

23 <sup>37</sup> See Letter from Rickey R. Dean to Mark Dimondstein (June 17, 2020),  
 24 available at: <https://bit.ly/3m04UMD> (identifying over 600 sorting machines to be  
 25 removed by September 30) (Ex. P); Equipment Reduction (May 15, 2020),  
 26 available at: <https://bit.ly/3m3YyMu> (Ex. Q).

1           **3. The removal of hundreds of mail processing and sorting machines**

2           Earlier this summer, the Postal Service began to implement plans to remove  
3 more than 600 machines used to organize and sort mail<sup>38</sup>—each with the capacity  
4 to process tens of thousands of pieces of mail, including ballots, per hour—by the  
5 end of September. Cogan Decl. ¶¶ 8–9; Combs Decl. ¶¶ 5–8; Czubakowski Decl.  
6 ¶¶ 5–10; Levy Decl. ¶¶ 8–10; First Whitney Decl. ¶ 5. This action effectively  
7 decommissions 10 percent of the Postal Service’s sorting machines, with the  
8 combined capacity of sorting 21.4 million pieces of mail per hour.<sup>39</sup> Notably, data  
9 analysis shows that the machines removed or scheduled for removal are  
10 overwhelmingly located in counties that voted Democratic in the last presidential  
11 election. Urizar-Hunter Decl. ¶¶ 10–13. Some of these removals left local  
12 processing centers with only one machine available and no redundancy: in New  
13 Hampshire, for example, after four sorting machines were taken out of service at  
14 the Manchester facility, the facility is forced to halt sorting and delay the  
15 processing of mail when the single remaining machine experiences failures.<sup>40</sup>

16           DeJoy’s August 18, 2020 statement indicated that the Postal Service would  
17 suspend further machine removals until after the election, and the Postal Service  
18 has since claimed that it attempted to convey this instruction to regional directors  
19  
20  
21

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22           <sup>38</sup> Rickey R. Dean Letter, *supra* n.37 (Ex. P).

23           <sup>39</sup> Jacob Bogage & Christopher Ingraham, *Here’s why the Postal Service*  
24 *wanted to remove hundreds of mail-sorting machines*, Wash. Post (Aug. 20, 2020),  
25 <https://wapo.st/35hYUZH>.

26           <sup>40</sup> Senate Testimony, *supra* n.7 (video at 1:08:37).

1 and coordinators.<sup>41</sup> However, postal workers have observed on the ground that  
 2 some machines scheduled for removal continued to be removed even after DeJoy’s  
 3 August 18 statement. *See* Second Whitney Decl. ¶ 6.<sup>42</sup>

4 Further, DeJoy acknowledged to Congress that he does not intend to  
 5 recommission most of the machines that have already been removed, even if local  
 6 facilities request that USPS does so because the facilities need additional capacity.  
 7 In his Congressional testimony, when asked if any local facilities had requested  
 8 the recommissioning of machines, he responded: “How would I know that?”<sup>43</sup> But  
 9 in fact, USPS confirmed that it has received multiple requests from local offices to  
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 11  
 12

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13 <sup>41</sup> *Postmaster General Louis DeJoy Statement, supra* n.17 (Ex. D);  
 14 Discovery Responses, *supra* n.26, at 5–6 (Interrogatory 1) (Ex. J).

15 <sup>42</sup> Defendants’ interrogatory answer provides the number of machines  
 16 removed as of August 18, 2020 only. Discovery Responses, *supra* n.36, at 5  
 17 (Interrogatory 1) (Ex. J). Defendants marked as “Confidential” the additional  
 18 information they provided about machines removed from specific locations, and  
 19 refused to identify any specific removed machines or the dates on which they were  
 20 removed, claiming this would be “unduly burdensome”—notwithstanding the  
 21 Court’s finding on August 27, 2020, that Plaintiffs’ discovery requests were  
 22 “appropriate” and “narrowly focused.” Email from Joseph Borson to Kristin  
 23 Beneski (Sept. 8, 2020, 5:47 pm) (Ex. R); Hearing Transcript at 29:9–10,  
 24 *Washington v. Trump*, No. 20-cv-03127-SAB (excerpts) (Ex. S). Plaintiffs  
 25 respectfully move to compel a complete response to Interrogatory No. 1.

26 <sup>43</sup> House Testimony, *supra* n.5 (video at 3:22:10).

1 reinstall machines—the precise number and location of which remain unknown—  
2 that it has not yet responded to, despite the imminence of the general election.<sup>44</sup>

3 **C. The Widespread Delays and Ensuing Harms Already Caused by Postal**  
4 **Service Policy Changes**

5 **1. Residents unable to mail and receive medications and other**  
6 **time-critical items**

7 The acknowledged delays resulting from the “Leave Mail Behind” policy,  
8 compounded with the effects of continued machine removals —and implemented  
9 without opportunity for public feedback—have already harmed Americans  
10 nationwide. Combined with the lack of commitment to treat all Election Mail under  
11 First Class service standards, these impacts suggest that—unless the Postal Service  
12 changes course—it will not be able to ensure that critical mail is timely delivered  
13 or that every vote is counted in the upcoming election.

14 States, businesses, agencies, and individuals rely on efficient mail delivery  
15 for time-sensitive items. These include the eighty percent of veterans who receive  
16 their prescription medications from the Department of Veterans Affairs (VA) by  
17 mail—totaling almost 120 million prescriptions a year<sup>45</sup>—and 7.3 million  
18 Medicare Part D beneficiaries with at least one prescription delivered from a mail-  
19 order pharmacy.<sup>46</sup> According to the VA, prescriptions they send out usually arrive

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21 <sup>44</sup> See Discovery Responses, *supra* n.26, at 6–7 (Interrogatory 1) (Ex. J).

22 <sup>45</sup> VA Office of Inspector General, *Audit of Consolidated Mail Outpatient*  
23 *Pharmacy Program*, at 19 (Nov. 2, 2016), <https://bit.ly/2Dxm01u>.

24 <sup>46</sup> Juliette Cubanski et al., *Mail Delays Could Affect Mail-Order*  
25 *Prescriptions for Millions of Medicare Part D and Large Employer Plan*  
26 *Enrollees*, Kaiser Family Foundation (Aug. 20, 2020), <https://bit.ly/3h8oGBP>.

1 within 3 to 5 days.<sup>47</sup> But veterans and VA staff report that recently, medications  
 2 are taking weeks to be delivered.<sup>48</sup> Senator Gary Peters of Michigan has received  
 3 hundreds of accounts from veterans impacted by “weeks-long waits for critical  
 4 medication.”<sup>49</sup> Veterans in the Plaintiff States, who had never before experienced  
 5 delays, have been left without critical medications for days or weeks in July and  
 6 August, including a two-week delay where the medication spent four days sitting  
 7 at a distribution center. Hermes Decl. ¶¶ 6–11; *see also* Dart Decl. ¶¶ 2–10. Other  
 8 Postal Service customers have also experienced unprecedented weeks-long delays  
 9 in delivery of vital medications, leaving them without needed medications for  
 10 dangerous lengths of time. Sturdivant Decl. ¶ 4; Okanlawon Decl. ¶¶ 6–10;  
 11 Livermore Decl. ¶¶ 2–11; Geissel Decl. ¶¶ 2–14; Olsen Decl. ¶¶ 5–11; White Decl.  
 12 ¶ 2–5.

13 Small businesses are also suffering from mail delays affecting their ability  
 14 to receive inventory and fulfill orders—at a time when they are particularly  
 15 vulnerable and relying on delivery more than ever due to COVID-19. Small  
 16 businesses often rely on the Postal Service because of its affordable rates and  
 17 ability to reach all areas. Stenbridge ¶ 4; McIntyre Decl. ¶ 6; Mitchell Decl. ¶ 4.

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18  
 19 <sup>47</sup> *VA Prescription Refill and Tracking*, Dep’t of Veterans Affairs,  
 20 <https://bit.ly/3bIb7Z7>.

21 <sup>48</sup> *See* Abbie Bennett, *Lawmakers call on USPS Postmaster General to*  
 22 *prioritize veterans, troops*, ConnectingVets.com (Aug. 25, 2020),  
 23 <https://bit.ly/3jLxhfu> (reporting over 200 veterans and caregivers confirmed  
 24 medication delivery delays); Letter from Sen. Tester et al. to DeJoy (Aug. 13,  
 25 2020) (Ex. T).

26 <sup>49</sup> Letter from Sen. Peters to Hal J. Roesch II (Aug. 13, 2020) (Ex. U).

1 They are noticing increasing delays, products going bad in transit because of  
 2 delivery delays,<sup>50</sup> and lost customers,<sup>51</sup> and worry that they will be crippled by an  
 3 inability to efficiently fulfill customer orders. Stembridge Decl. ¶¶ 2–12; Davidson  
 4 Decl. ¶¶ 2–12; McIntyre ¶ 6–8; Mitchell Decl. ¶¶ 2–8; Williams Decl. ¶¶ 2–11.

5 **2. States unable to timely send and receive legally required**  
 6 **communications for the administration of benefits and other**  
 7 **programs**

8 Mail delays also prevent State governments from making time-critical  
 9 communications with and transmitting benefits to their residents. These include  
 10 notices required by statute for child welfare proceedings, as well as benefits to  
 11 which residents are legally entitled and rely on for their basic needs. Federal and  
 12 state laws impose strict timelines on processing and delivery of benefits and related  
 13 notices. *See* Tousignant Decl. ¶ 7; Cully Decl. ¶ 7; Lynne Thomas Decl. ¶ 7;  
 14 Peterson Decl. ¶ 5; Richards Decl. ¶¶ 5–6. Benefits and notices are delivered  
 15 primarily through the Postal Service and serve hundreds of thousands of families,  
 16 totaling tens of millions in benefits: from child support to medical coverage to  
 17 food, housing, and childcare assistance. Tousignant Decl. ¶¶ 5–6, 9–11; Cully  
 18 Decl. ¶¶ 4, 6, 11; Lynne Thomas Decl. ¶¶ 3–4; Bartolomucci Decl. ¶¶ 4, 12,  
 19 15–16; Richards Decl. ¶¶ 4, 7, 9. For most of these programs, communication via  
 20 mail is either legally required or the only practical option. Tousignant Decl. ¶ 6;  
 21 Bartolomucci Decl. ¶¶ 5, 10–13; Cully Decl. ¶¶ 5, 9–10; Lynne Thomas Decl. ¶¶ 5,  
 22 10; Cafferata Decl. ¶¶ 3–5, 8; Fisher Decl. ¶ 4–7 (in Nevada, only 1% of recipients

23 <sup>50</sup> Luke Broadwater et al., *Postal Crisis Ripples Across Nation as Election*  
 24 *Looms*, N.Y. Times (updated Aug. 18, 2020), <https://nyti.ms/3597EkN>.

25 <sup>51</sup> Aaron Gordon, *The Post Office's Great Mail Slowdown Is Hurting Small*  
 26 *Businesses*, Vice (Aug. 4, 2020); <https://bit.ly/2R0Kbde>.

1 opted out of paper mail notification). And given the pandemic and historically high  
2 unemployment, States are serving more first-time recipients, requiring additional  
3 communications. Cafferata Decl. ¶ 6; Fisher Decl. ¶ 11; Richards Decl. ¶ 4.

4 Mail delays will have cascading and devastating effects on residents who  
5 rely on them for basic needs. As an example, for the Illinois child support program,  
6 which mails approximately 2000 to 3000 notices and 165,000 paper checks per  
7 month totaling approximately \$35 million in payments, “any delay—particularly  
8 significant delays—can wreak catastrophic results on” the approximately 640,000  
9 “children who depend on these funds to meet their basic needs[.]” Bartolomucci  
10 Decl. ¶¶ 4, 6, 12, 15–16.

11 The States are already experiencing these impacts. Illinois mailed out more  
12 than 110,000 food benefit redetermination notices in August, but received only  
13 approximately 1500 responses—significantly lower than the typical 60% response  
14 rate from prior years. Cully Decl. ¶ 6. Applicants for medical benefits in Illinois  
15 have not received requests for additional information on pending applications until  
16 after the due date has passed, which can result in denials and breaks in medical  
17 coverage. Lynne Thomas Decl. ¶¶ 6, 9, 11. Minnesota has experienced weeks-long  
18 delays in delivering unemployment and medical leave paperwork to employees,  
19 rendering it difficult to comply with statutory deadlines and denying employers the  
20 opportunity to dispute claims; as an employer, the state itself is paying for benefits  
21 it would have contested had the Postal Service not delivered unemployment letters  
22 after the deadline to respond had passed. Peterson Decl. ¶¶ 2–8, 10, 11–13. The  
23 Minnesota Public Health Laboratory—which tests drinking water—has  
24 experienced weeklong delays in sample delivery, rendering samples invalid for  
25 analysis. Huff Decl. ¶¶ 2–11.

### 3. Disenfranchisement of voters caused by mail delays

Election officials in the States are concerned that reductions in service will disenfranchise voters—and it is a virtual certainty that the November 2020 election will involve an unprecedented level of mail-in voting. *See* Merrill Decl. ¶¶ 10–11, 13; Winters Decl. ¶ 9; Gough Decl. ¶¶ 11–14; Simon Decl. ¶¶ 7–8; Yarborough Decl. ¶¶ 11–14; Benson Decl. ¶¶ 14–15; Piper Decl. ¶¶ 13–16; Rock Decl. ¶¶ 6–7.<sup>52</sup> This is especially concerning for homebound voters, such as the elderly, persons with disabilities, those who have limited access to transportation and childcare that will enable them to vote in person, overseas and military voters, Native American voters living on reservations, shift workers and others who cannot get to the polls within set hours, and those who are particularly vulnerable to harm from COVID-19. *See* Winters Decl. ¶¶ 7–8; Merrill Decl. ¶ 14; Rock Decl. ¶ 8; Goldway Decl. ¶ 16; Simon Decl. ¶ 12. As the former Chair of the Postal Regulatory Commission notes, during this pandemic “mail-in voting has never been more important to facilitate the right of individuals to safely and securely participate in our democracy.” Goldway Decl. ¶ 18.

The Postal Service itself has warned the vast majority of States that—for the first time—it may not be able to meet state deadlines for delivering last-minute mail-in ballots.<sup>53</sup> Multiple Secretaries of State and other election officials in the

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<sup>52</sup> *See also* Michelle Ye Hee Lee & Jacob Bogage, *Postal Service backlog sparks worries that ballot delivery could be delayed in November*, Wash. Post (July 30, 2020), <https://wapo.st/3bys6g9>; Brian Naylor, *Pending Postal Service Changes Could Delay Mail and Deliveries, Advocates Warn*, NPR (July 29, 2020), <https://n.pr/320TiB8>.

<sup>53</sup> USPS Letters to States, *supra* n.29 (Ex. L).

1 Plaintiff States have submitted declarations attesting to their concern regarding the  
2 “broad and serious injury to the voting rights” of their citizens. Simon Decl. ¶ 13  
3 (Minnesota Secretary of State); *see* Benson Decl. ¶¶ 4–15 (Michigan Secretary of  
4 State); Griswold Decl. ¶ 25 (Colorado Secretary of State); Merrill Decl. ¶¶ 17–20  
5 (Connecticut Secretary of State); Rock Decl. ¶¶ 24–27 (Rhode Island Director of  
6 Elections); Winters Decl. ¶¶ 10–13 (Vermont Deputy Secretary of State);  
7 Yarbrough Decl. ¶¶ 21–25 (Cook County, Illinois Clerk); Witzel-Behl Decl.  
8 ¶¶ 10–12 (Madison, Wisconsin City Clerk); Harvey Decl. ¶¶ 5–8 (Elections  
9 Director for Frederick County, Maryland); Gough Decl. ¶¶ 21–25 (Executive  
10 Director of the Chicago Board of Election Commissioners). These harms include  
11 late-received voter applications, voters receiving their ballots late, and delays in  
12 returned ballots, as well as undercutting public confidence in voting by mail,  
13 prompting voters to vote in person instead, heightening health risks. *Id.*

14 The Michigan Secretary of State testifies that the state and its vendors have  
15 spent significant time and money ensuring that absentee voter ballot envelopes  
16 meet USPS standards for Election Mail, allocating more than \$2 million for the  
17 purchase of such envelopes—largely at the urging of the Postal Service.  
18 Benson Decl. ¶ 10. The Postal Service did not request that absentee voter ballot  
19 envelopes be sent only by First Class mail as part of that process. *Id.* Rather,  
20 Michigan’s expectation was that the Postal Service would continue to provide  
21 expedited service for Election Mail regardless of class, and that increased statewide  
22 compliance with Postal Service design standards for Election Mail would facilitate  
23 this service—until the warning letter sent in July 2020. *Id.*

24 The States’ concerns about impacts on elections are well founded. For  
25 primary elections held in 2020, hundreds of thousands of ballots have already been  
26

1 rejected, including for untimely submission.<sup>54</sup> In many States, completed ballots  
 2 that are not received by Election Day are invalidated. In others, ballots must be  
 3 postmarked by Election Day. In Michigan, the Secretary of State reported that “my  
 4 Department has received reports from several clerks that ballots they put in the  
 5 mail took *several weeks* to reach voters.” Benson Decl. ¶ 15 (emphasis added).  
 6 Michigan, which requires that ballots be received by Election Day, had to reject  
 7 over 6400 absentee ballots because they arrived after the state’s primary election  
 8 day.<sup>55</sup> In Madison, Wisconsin, Postal Service officials informed the elections  
 9 administrator that ballots should arrive at voters’ residences in two to five days,  
 10 but “many voters have contacted the City Clerk’s Office to report that they have  
 11 waited around five to seven days for ballots to arrive at their residence,” and return  
 12 delivery back to the City Clerk’s Office “can take up to a week.” Witzel-Behl Decl.  
 13 ¶¶ 6–7. For Madison, in the August 2020 primary election, the number of absentee  
 14 ballots that arrived late and were not counted almost doubled from the comparable  
 15 primary election in August 2018. *Id.* ¶ 11.

16 Voters themselves have also reported problems with vote-by-mail. In  
 17 primaries conducted this August, voters in the Plaintiff States experienced  
 18 weeks-long delays in receiving and returning ballots, sometimes preventing their  
 19 vote from being counted at all, and causing some to plan to vote in person for the  
 20

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21  
 22 <sup>54</sup> Pam Fessler & Elena Moore, *More Than 550,000 Primary Absentee*  
 23 *Ballots Rejected In 2020, Far Outpacing 2016*, NPR (Aug. 22, 2020),  
 24 <https://n.pr/2Zfb81B>.

25 <sup>55</sup> Beth LeBlanc, *Benson: 6,400 Michigan absentee ballots rejected for late*  
 26 *arrival*, The Detroit News (Aug. 14, 2020), <https://bit.ly/3lUKqVy>.

1 general election despite risk of exposure to COVID-19. Bipes Decl. ¶¶ 2–9;  
 2 Arndt Decl. ¶¶ 2–9; Rumbley Decl. ¶ 5; Robin Thomas Decl. ¶¶ 2–12.

3 In short, delays in delivery and postmarking caused by the “Leave Mail  
 4 Behind” policy and the Postal Service’s decision to no longer treat Election Mail  
 5 as First Class mail have already disenfranchised voters and will disenfranchise  
 6 many more in November.

### 7 III. ARGUMENT

#### 8 A. Standard of Review

9 Preliminary injunctive relief is warranted when the moving party shows that:  
 10 (1) it is likely to succeed on the merits; (2) it will likely suffer irreparable harm in  
 11 the absence of an injunction; (3) the balance of equities tips in its favor, and (4) an  
 12 injunction is in the public interest. *See Winter v. Nat. Res. Def. Council, Inc.*,  
 13 555 U.S. 7, 20 (2008). Where the government is a party, the balance of equities  
 14 factor merges with the public interest. *Drake’s Bay Oyster Co. v. Jewell*, 747 F.3d  
 15 1073, 1092 (9th Cir. 2014).

#### 16 B. The States Are Likely to Succeed on the Merits

##### 17 1. The States have standing

18 The States have standing to challenge Defendants’ policy changes on  
 19 multiple independent grounds.

20 First, as detailed below, federal law guarantees States and other interested  
 21 persons the right to comment on proposed changes to the nature of postal services,  
 22 39 U.S.C. § 3661, a right the States were denied here. Thus, the States have alleged  
 23 the “deni[al of] a very fundamental right—the opportunity for a hearing on [a]  
 24 proposed change” to the nature of postal services. *See Buchanan v. U.S. Postal*  
 25 *Serv.*, 375 F. Supp. 1014, 1019 (N.D. Ala. 1974), *issuance of preliminary*  
 26 *injunction aff’d in part, vacated in part on other grounds by Buchanan v.*

1 | *U.S. Postal Serv.*, 508 F.2d 259, 266–67 (5th Cir. 1975). “The denial of this  
2 | statutory right [under Section 3661] is alone a sufficient injury in fact to support  
3 | the requisite standing to sue.” *Id.*

4 |         Additionally, the States have standing because Defendants’ changes harm  
5 | the States’ sovereign, proprietary, and *parens patriae* interests. The Constitution  
6 | reserves to States the sovereign power to conduct elections as they see fit.  
7 | U.S. Const., art. I, § 4; art. II, § 1; and amend. XVII; *see Heath v. Alabama*,  
8 | 474 U.S. 82, 93 (1985); *Voting Rights Coal. v. Wilson*, 60 F.3d 1411, 1416  
9 | (9th Cir. 1995) (states have “sovereign rights” to “fix the time, place, and manner”  
10 | of elections). States administer access to ballots, identify and administer polling  
11 | locations, set the times for voting, print ballots and voters’ pamphlets, and count  
12 | and certify ballots. *See, e.g.,* Rock Decl. ¶¶ 2–18; Benson Decl. ¶ 2–10;  
13 | Merrill Decl. ¶¶ 2–12. States also hold statewide and local elections on Election  
14 | Day. *See, e.g.,* Wash. Rev. Code § 29A.04.321; Md. Code Elec. Law § 8-301. The  
15 | Postal Service’s unlawful actions impinge on the States’ sovereign powers to  
16 | conduct elections by mail, in whole or in part, especially during a pandemic.

17 |         As extensive users of the mail for critical functions, the States also have  
18 | proprietary interests in the mail system. *See Alfred L. Snapp & Son, Inc. v. Puerto*  
19 | *Rico, ex rel., Barez*, 458 U.S. 592, 601 (1982) (like any similarly situated  
20 | proprietor, states have standing to pursue their proprietary interests); *City of*  
21 | *Sausalito v. O’Neill*, 386 F.3d 1186, 1197 (9th Cir. 2004) (government entity’s  
22 | proprietary interests “are not confined to protection of its real and personal  
23 | property” and “are as varied as [its] responsibilities, powers, and assets”). States  
24 | send an enormous amount of mail, from ballots to benefit payments to legal  
25 | notices. *See, e.g.,* Fisher Decl. ¶¶ 4–6; Bartolomucci Decl. ¶¶ 5–7, 11–13;  
26 | Cully Decl. ¶¶ 5–6; Richards Decl. ¶ 8; Tousignant Decl. ¶ 6. Changes to postal

1 services will harm the States’ ability to send materials in a timely fashion, just as  
2 they would affect any business or entity relying on the mail for core functions.

3 The States also have interests in protecting their citizens’ fundamental right  
4 to vote and in protecting the health and welfare of residents who depend on the  
5 availability of timely postal services for the delivery of critical items such as  
6 medications, utility bills, checks, business deliveries, legal documents, and a wide  
7 range of other time-sensitive materials.

8 Defendants’ actions have caused or will cause injury in fact that is  
9 redressable by this Court. *See Lujan v. Defs. of Wildlife*, 504 U.S. 555,  
10 560–61 (1992). Defendants have suggested that the anticipated harm to the States’  
11 ability to conduct their elections this November is “conjectural or hypothetical,”  
12 *id.*—but the States have established a “substantial risk that the harm will occur,”  
13 *Susan B. Anthony List v. Dreihaus*, 573 U.S. 149, 158 (2014). And there is ample  
14 evidence that other harms from delayed mail delivery already are occurring.

15 **2. The States are likely to succeed on their Section 3661 claims**

16 **a. Under Section 3661, Defendants were required to seek an**  
17 **advisory opinion from the PRC prior to implementing their**  
18 **“Transformative Initiative”**

19 Section 3661 provides that before USPS may undertake any “change in the  
20 nature of postal services which will generally affect service on a nationwide or  
21 substantially nationwide basis,” it “*shall submit a proposal . . . to the Postal*  
22 *Regulatory Commission requesting an advisory opinion on the change.*”  
23 This would have entitled users of the mail, including the States, to notice and an  
24 opportunity to comment on the proposed policy changes before they went into  
25 effect. 39 U.S.C. § 3661(c). Defendants admit they did not seek an advisory  
26

1 opinion prior to instituting their “transformative initiative.”<sup>56</sup> According to  
 2 Defendants, they declined to follow Section 3661 because “[n]one of the  
 3 operational efforts discussed here constitute such a change.”<sup>57</sup> This conclusion is  
 4 contrary to the case law, the evidence, and Defendants’ own admissions.

5 The requirement to seek an advisory opinion applies when USPS proposes  
 6 a “change in the nature of postal services which will generally affect service on a  
 7 nationwide or substantially nationwide basis.” 39 U.S.C. § 3661(b). The canonical  
 8 interpretation of this language comes from the Fifth Circuit’s opinion in *Buchanan*  
 9 *v. U.S. Postal Service*:

10 **First**, there must be a ‘change.’ This implies that a quantitative  
 11 determination is necessary. There must be some meaningful impact  
 12 on service. Minor alterations which have a minimal effect on the  
 general class of postal users do not fall within 3661.

13 **Second**, the change must be ‘in the nature of postal services.’ This  
 14 involves a qualitative examination of the manner in which postal  
 services available to the user will be altered.

15 **Third**, the change must affect service ‘on a nationwide or  
 16 substantially nationwide basis.’ A broad geographical area must be  
 involved.

17 508 F.2d 259, 262–63 (5th Cir. 1975) (emphasis added). “These three factors  
 18 combine to demonstrate that Congress intended the safeguards of 3661 to apply  
 19 only when changes of significance were contemplated.” *Id.* at 263.

20 Each of these factors is met here. *First*, there is no dispute that Defendants  
 21 are implementing significant “changes” to USPS operations. Indeed, Defendants  
 22 described the “Leave Mail Behind” policy as representing “impactful changes in  
 23

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24 <sup>56</sup> Letter from Thomas J. Marshall to Rep. Maloney et. al (July 22, 2020)  
 25 (Ex. V); Letter from Thomas J. Marshall to Sen. Peters (July 22, 2020) (Ex. W).

26 <sup>57</sup> *Id.*

1 our operations,” “transportation changes,” “move[ment] away from past  
 2 practices,” and part of an “operational pivot.”<sup>58</sup> Similarly, Defendant DeJoy  
 3 described these “recent changes” as a part of a “transformative initiative.”<sup>59</sup> The  
 4 same is true with regard to no longer treating all Election Mail as First Class mail,  
 5 which will significantly slow delivery without the Commission’s approval,  
 6 affecting potentially tens of millions of ballots. In 2018, more than 31 million  
 7 ballots were cast by mail;<sup>60</sup> the November election will dwarf that number.

8 *Second*, Defendants’ changes are “in the nature of postal services” because,  
 9 by delaying mail delivery, they are affecting “the manner in which postal services  
 10 [are] available to the user.” *Buchanan*, 508 F.2d at 263. Defendants admit their  
 11 transportation changes are affecting mail service. In announcing the changes,  
 12 Defendants warned “we may see mail left behind or mail on the workroom floor  
 13 or docks (in P&DCs), which is not typical.”<sup>61</sup> Defendants thus made their changes  
 14 *knowing* they would lead to delay. And indeed, delays have been significant and  
 15 widespread. USPS’s own report shows that, starting the week of July 11—the week  
 16 the changes were implemented—on-time ratings for mail suddenly, sharply  
 17 declined by around 10 percent for both First-Class Mail and Marketing Mail.<sup>62</sup>  
 18 While on-time rates have improved somewhat since USPS partially halted its  
 19

20 <sup>58</sup> *Mandatory Stand-Up Talk*, *supra* n.5 (Ex. A).

21 <sup>59</sup> *Path forward*, *supra* n.20 (Ex. E).

22 <sup>60</sup> *Processing Readiness of Election and Political Mail During the 2020*  
 23 *General Elections*, USPS Office of the Inspector General, Aug. 31, 2020,  
 24 <https://bit.ly/2F0r6pv>. (Ex. X).

25 <sup>61</sup> *Mandatory Stand-Up Talk*, *supra* n.5 (Ex. A).

26 <sup>62</sup> *Service Performance Measurement*, *supra* n.21 (Ex. F).

1 “transformative” changes, the on-time rate for First Class Mail continues to be  
2 around 5 percent lower than it was prior to implementation of the “Leave Mail  
3 Behind” policy.<sup>63</sup> To put this in perspective, USPS typically delivers 181.9 million  
4 First Class mail pieces each day.<sup>64</sup> Thus, a five percent reduction in service means  
5 an additional *nine million* pieces of mail delayed per day. These delays have had  
6 significant consequences for users of the mail across the country. As detailed  
7 above, significant delays and inconsistent service have been reported across the  
8 country, with new reports trickling in seemingly every day. Indeed, DeJoy  
9 admitted that Defendants’ “transformative initiative has had unintended  
10 consequences that impacted our overall service levels.”<sup>65</sup> As for the change to  
11 Election Mail, the Postal Service freely admits that failing to treat all Election Mail  
12 as First Class mail will lead to delays of up to *eight days* per ballot,<sup>66</sup> which the  
13 Postal Service also acknowledges may prevent voters from having their ballots  
14 counted.<sup>67</sup>

15 Previously, when the USPS has sought to implement policies resulting in  
16 longer delivery times, even delays of just one day, it has recognized the need for  
17 an advisory opinion from the PRC. *See* Mail Processing Network Rationalization  
18  
19  
20

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21 <sup>63</sup> *Congressional Briefing, supra* n.23 (Ex. G).

22 <sup>64</sup> *Postal Facts: One Day*, USPS.com, <https://facts.usps.com/one-day/>.

23 <sup>65</sup> *Path forward, supra* n.20 (Ex. E).

24 <sup>66</sup> As explained above, the delays are actually likely to be longer even than  
25 Defendants admit. *See supra* at p.12.

26 <sup>67</sup> USPS Letters to States, *supra* n.29 (Ex. L).

1 Service Changes 2012 USPS Opinion Request, No. N2012-1<sup>68</sup> (USPS request for  
 2 advisory opinion for proposal “to implement changes in the nature of service,”  
 3 namely, “eliminat[ing] the expectation of overnight service for significant portions  
 4 of First-Class Mail and Periodicals,” “modif[ying] . . . the two-day delivery  
 5 range,” and “expand[ing] . . . the three-day delivery range”); DSCF Standard Mail  
 6 Load Leveling USPS Opinion Request, No. N2014-1<sup>69</sup> (USPS request for advisory  
 7 opinion for proposal to delay delivery of certain types of mail by one day). The  
 8 requirement is no different here: even if Defendants are correct that delays are an  
 9 “unintended”—though foreseen—consequence of their changes, these changes  
 10 have nonetheless significantly affected mail service.

11 The mere fact that Defendants might style their “transformative” changes as  
 12 “management efforts”<sup>70</sup> or part of a “strategic plan”<sup>71</sup> does not insulate them from  
 13 review by the PRC or this Court. While “[c]ourts can defer to the exercise of  
 14 administrative discretion on internal management matters, . . . they cannot abdicate  
 15 their responsibility to insure compliance with congressional directives setting the  
 16 limits on that discretion.” *Nat’l Ass’n of Postal Sup’rs v. U. S. Postal Serv.*,  
 17 602 F.2d 420, 432 (D.C. Cir. 1979). Section 3661 clearly establishes limits on the  
 18 USPS’s discretion. Whatever other changes it may have authority to make, when,  
 19 as here, the USPS decides to make a nationwide “change in the nature of postal

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 21 <sup>68</sup> Mail Processing Network Rationalization Service Changes 2012 USPS  
 22 Opinion Request, Dkt. No. N2012-1, available at <https://bit.ly/35fBIRq> (Ex. Y).

23 <sup>69</sup> DSCF Standard Mail Load Leveling USPS Opinion Request, Dkt. No.  
 24 N2014-1, available at <https://bit.ly/2ZgUiiV> (Ex. Z)

25 <sup>70</sup> Letter from Marshall to Sen. Peters, *supra* n.56, (Ex. W).

26 <sup>71</sup> *Path forward*, *supra* n.20 (Ex. E).

1 services,” it must first “submit a proposal . . . to the Postal Regulatory  
2 Commission requesting an advisory opinion on the change.”

3 *Third*, these operational changes and the delays in Election Mail have  
4 nationwide scope. As the Postmaster General admits, the transportation change  
5 will impact “any state where trucks run”: in other words, every state. Similarly,  
6 because the November election is conducted nationwide, Defendants’ change in  
7 the treatment of Election Mail will affect voters and election administration in  
8 every U.S. state and territory.

9 Defendants therefore had a duty to submit a request to the PRC for an  
10 advisory opinion prior to implementing the “transformative” changes.

11 **b. The Court has jurisdiction to require the Postal Service to**  
12 **comply with Section 3661**

13 **(1) The Court has jurisdiction over Defendants’**  
14 ***ultra vires* actions**

15 Although the Postal Service is generally exempt from the Administrative  
16 Procedure Act, it is well established that it is subject to non-APA judicial review  
17 “to determine whether the agency has acted ‘*ultra vires*’—that is, whether it has  
18 ‘exceeded its statutory authority.’” *Mittleman v. Postal Regulatory Comm’n*,  
19 757 F.3d 300, 307 (D.C. Cir. 2014) (quoting *Aid Ass’n for Lutherans v. U.S. Postal*  
20 *Serv.*, 321 F.3d 1166, 1173 (D.C. Cir. 2003)). Courts have thus routinely held that  
21 judicial review of *ultra vires* USPS actions is appropriate where, as here, it  
22 involves straightforward questions of statutory interpretation. *See Sears, Roebuck*  
23 *& Co. v. U.S. Postal Serv.*, 844 F.3d 260, 265 (D.C. Cir. 2016).

24 *Combined Communications Corp. v. U.S. Postal Service* is instructive.  
25 There, the Sixth Circuit considered a claim similar to the States’ *ultra vires* claim  
26 here. 891 F.2d 1221 (6th Cir. 1989). At issue was a prior statutory scheme

1 providing that “the Postal Service may from time to time request that the [Postal  
 2 Rate] Commission submit, or the Commission may submit to the Governors on its  
 3 own initiative, a recommended decision on changes in the mail classification  
 4 schedule.” 39 U.S.C. § 3623 (repealed 2006).<sup>72</sup> Nevertheless, the USPS, without  
 5 input from the Commission, implemented a new regulation purporting to interpret  
 6 its existing classification schedule, which plaintiffs contended effectively modified  
 7 the schedule. *Combined Commc’ns*, 891 F.2d at 1224. The court agreed with  
 8 plaintiffs, explaining that “[t]he Postal Service may not bring about a change in  
 9 either rates or classifications of mail without first submitting the proposed change  
 10 to the Commission who in turn must issue a recommended decision to the Board  
 11 of Governors.” *Id.* at 1228. Because the regulation “effectively work[ed] a change  
 12 in the scope of a mail classification,” the Court held it “was *ultra vires* because it  
 13 exceeded the powers granted to the Postal Service,” and therefore enjoined the  
 14 regulation. *Id.* at 1229.

15 Like *Combined Communications*, this case presents a straightforward  
 16 question of statutory interpretation for which *ultra vires* review is appropriate:  
 17 were Defendants required to seek an advisory opinion from the PRC prior to  
 18 implementing their “transformative” changes? For the reasons outlined above, the  
 19 answer is yes. Defendants’ “transformative” changes to the USPS have caused and  
 20 will continue to cause a nationwide change in postal services. Mail that is supposed  
 21 to be delivered within set time frames is taking much longer to reach its destination.  
 22 Defendants acknowledged this would happen when they implemented their  
 23 changes, but rather than seeking the required opinion “prior to” implementation,  
 24

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25 <sup>72</sup> The Postal Rate Commission was the predecessor to the current Postal  
 26 Regulatory Commission.

1 they moved forward without any input from (or even notice to) the PRC and the  
2 public. And now, as Defendants predicted, their changes have led to significant  
3 mail delays and “effectively work[ed] a change in” the USPS’s service standards.  
4 *Combined Commc’ns*, 891 F.2d at 1229. Having failed to request an advisory  
5 opinion from the PRC, Defendants did not, and do not, have the authority to modify  
6 mail services unilaterally. *Id.*

7 In their Opposition to the States’ Motion for Expedited Discovery (ECF  
8 No. 29) Defendants suggested that even if they did violate the law, 39 U.S.C.  
9 § 3662 divests this Court of authority to review their actions. That argument fails  
10 on multiple levels.

11 First, by its terms, Section 3662 is discretionary, not mandatory. 39 U.S.C.  
12 § 3662(a) (“Any interested person . . . *may* lodge a complaint with the Postal  
13 Regulatory Commission[.]”) (emphasis added); *S. Cal. Edison v. U.S. Postal Serv.*,  
14 134 F. Supp. 3d 311, 318 (D.D.C. 2015) (“The plain language of section 3662(a),  
15 *contra* Defendant’s portrayal, does not necessarily grant *exclusive* jurisdiction to  
16 the PRC.”) (emphasis in original). Nothing in its permissive language divests  
17 district courts of the broad jurisdiction granted to them under 28 U.S.C. § 1339  
18 over “any civil action arising under any Act of Congress relating to the postal  
19 service,” nor the grant of “jurisdiction over all actions brought by or against the  
20 Postal Service” in 39 U.S.C. § 409(a). Thus, Section 3662 is best read as providing  
21 an alternative process for postal service changes that do not rise to the level of  
22 requiring an advisory opinion under Section 3661 or for those wishing to avoid the  
23 burdens of litigating in federal court.

24 Second, the history of Sections 3661 and 3662 and judicial interpretations  
25 of those statutes confirm that Section 3662 does not divest courts of jurisdiction  
26 over claims like this one under Section 3661. In *Buchanan*, the leading case on

1 Section 3661, the Fifth Circuit explained that Sections 3661 and 3662 are  
2 “complement[ary]” and “together they form a harmonious scheme”:

3 For those ‘changes’ which do not fall within 3661, the postal user may  
4 turn to 3662 if the change does in fact affect his postal service.  
5 Although 3662 is a more limited remedy, it insures that an  
6 unexpansive interpretation of 3661 will not leave remediless the  
postal user dissatisfied by changes that do not rise to the level of those  
covered by 3661.

7 *Buchanan*, 508 F.2d at 264 (footnotes omitted). Congress is presumed to have been  
8 aware of this interpretation when it later amended these sections, *see, e.g.,*  
9 *Lorillard v. Pons*, 434 U.S. 575, 580 (1978), but nothing in the legislative history  
10 of subsequent amendments suggests an intention to legislatively overrule  
11 *Buchanan*. *See, e.g.,* S. Rep. No. 108-318 (2004); H.R. Rep. No. 108-672 (2004).

12 Indeed, shortly after the current version of Section 3662 was enacted, the  
13 D.C. District Court explicitly *rejected* the argument that it lacked jurisdiction over  
14 a complaint regarding the USPS’s alleged non-compliance with Section 3661(b).  
15 *Am. Postal Workers Union, AFL-CIO v. U.S. Postal Serv.*, No. CIV.A.06 726  
16 CKK, 2007 WL 2007578, at \*7 (D.D.C. July 6, 2007). As the court explained,  
17 “Plaintiff’s Complaint seeks a declaration that it is unlawful for USPS to proceed  
18 with modification to its mail processing operations . . . because USPS failed to  
19 submit [the proposed modifications] to the PRC for an advisory opinion within a  
20 reasonable time prior to the implementation of [the modifications] . . . . Plaintiff’s  
21 Complaint appears to be properly brought before this Court pursuant to 39 U.S.C.  
22 § 409, which provides that ‘the United States district courts shall have original but  
23 not exclusive jurisdiction over all actions brought by or against [USPS].’” *Id.*  
24 (quoting 39 U.S.C. § 409(a)).  
25  
26

1 Although some courts have found that Section 3662 operates as an exclusive  
 2 venue provision for certain types of rate and service complaints, none of those  
 3 cases concerned claims under Section 3661(b). *See, e.g., Ehrlich v. United States*,  
 4 No. 17-01245-RAJ, 2018 WL 3608404, at \*2 (W.D. Wash. July 26, 2018);  
 5 *Erickson v. U.S. Post Office*, 250 F. A’ppx 757, 758 (8th Cir. 2007). These cases  
 6 turn on the notion, inapposite here, that by providing one venue (the PRC) for the  
 7 types of claims at issue, Congress must have intended to exclude district courts  
 8 from exercising the jurisdiction they would otherwise have. *See, e.g., LeMay v.*  
 9 *U.S. Postal Serv.*, 450 F.3d 797, 799–800 (8th Cir. 2006). As the *LeMay* court  
 10 noted, this is a question of Congressional intent, with evidence discerned “from the  
 11 statutory scheme as a whole.” *Id.* But nothing in the statutory scheme evinces an  
 12 intent to force Section 3661 complaints within the strictures of Section 3662.  
 13 Instead, by Congressional design, “Section 3662 complements 3661, and together  
 14 they form a harmonious scheme.” *Buchanan*, 508 F.2d at 264.

15 This Court therefore has jurisdiction over the States’ *ultra vires* claims, and  
 16 should conclude that the States are likely to succeed on the merits of those claims.  
 17 If the Court concludes, however, that 39 U.S.C. § 3662 restricts the Court’s  
 18 authority to review the States’ *ultra vires* claim, then mandamus becomes  
 19 appropriate, as detailed below.

20 **(2) Even if *ultra vires* review were unavailable,  
 21 mandamus would be appropriate**

22 Under 28 U.S.C. § 1361, this Court has “original jurisdiction of any action  
 23 in the nature of mandamus to compel an officer or employee of the United States  
 24 or any agency thereof to perform a duty owed to the plaintiff.” “Mandamus is an  
 25 extraordinary remedy and is available to compel a federal official to perform a duty  
 26 only if: (1) the [plaintiff]’s claim is clear and certain; (2) the official’s duty is

1 nondiscretionary, ministerial, and so plainly prescribed as to be free from doubt,  
2 and (3) no other adequate remedy is available.” *Patel v. Reno*, 134 F.3d 929, 931  
3 (9th Cir. 1997). Here, Defendants are violating a clear statutory duty to confer with  
4 the Postal Regulatory Commission before delaying mail service nationwide, and if  
5 the Court concludes that *ultra vires* review is unavailable, then the States have no  
6 other adequate remedy, rendering mandamus appropriate.

7 Mandamus is appropriate to compel government officials to act when they  
8 “ignore[] or violate[]” the express mandates of a statute. *Barron v. Reich*, 13 F.3d  
9 1370, 1376 (9th Cir. 1994). “[T]he act to be compelled must be mandatory or  
10 ministerial and not discretionary.” *Kennecott Copper Corp., Nev. Mines Div.,*  
11 *McGill, Nev. v. Costle*, 572 F.2d 1349, 1356 (9th Cir. 1978). That is, it must be “a  
12 positive command . . . so plainly prescribed as to be free from doubt.”  
13 *United States v. Walker*, 409 F.2d 477, 481 (9th Cir. 1969).

14 As discussed above, Section 3661 establishes a straightforward, mandatory  
15 duty: before implementing significant changes in postal service the USPS “*shall*  
16 *submit a proposal . . . to the Postal Regulatory Commission requesting an advisory*  
17 *opinion on the change.*” Nothing about Defendants’ duty is discretionary; it is a  
18 mandatory, ministerial duty that they were required to undertake. *See Walker*,  
19 409 F.2d at 481.

20 The States’ claim for mandamus relief here “is clear and certain,” *Patel*,  
21 134 F.3d at 931, because the States have an unambiguous statutory right to compel  
22 USPS’s compliance with Section 3661. Section 3661 explicitly provides for the  
23 public’s right to participate in the advisory opinion process. 39 U.S.C. § 3661(c)  
24 (“The Commission shall not issue its opinion on any proposal until an opportunity  
25 for hearing on the record under sections 556 and 557 of title 5 has been accorded  
26 to . . . users of the mail[.]”). In *Buchanan*, the district court decisively held that

1 failure by the USPS to engage in the advisory opinion process “denied” the public  
2 “a very fundamental right—the opportunity for a hearing on the proposed change.”  
3 375 F. Supp. at 1019, *aff’d in part, vacated in part on other grounds*, 508 F.2d 259  
4 (5th Cir. 1975). The court continued: “The denial of this statutory right is alone a  
5 sufficient injury in fact to support the requisite standing to sue . . . . The interest  
6 sought to be protected by plaintiffs, i.e., a public hearing before the Postal Rate  
7 Commission, is completely within the scope or zone of interest that Section 3661  
8 seeks to protect.” *Id.*; *see also* 39 U.S.C. § 3662(a) (“*Any interested person . . .*  
9 *who believes the Postal Service is not operating in conformance with the*  
10 *requirements of . . . this chapter . . . may lodge a complaint with the Postal*  
11 *Regulatory Commission[.]*”). Because the States have standing to bring a claim  
12 under Section 3661 and are within the zone of interests of the statute, they have a  
13 clear right to mandamus relief to enforce Defendants’ compliance with  
14 Section 3661.

15 Finally, if the Court concludes that it cannot review Defendants’ actions as  
16 *ultra vires*, then mandamus is appropriate because the States have no other  
17 adequate remedy and will be irreparably harmed absent mandamus relief. Most  
18 imminently, Defendants’ “Leave Mail Behind” policy and the slowdown of  
19 Election Mail create an intolerable risk that mail-in ballots will not arrive in time  
20 to be counted and undermine voter confidence in the election. Additionally, as  
21 detailed above and further below, the States and their residents are already being  
22 irreparably harmed by Defendants’ changes to postal services.

23 As Defendants will surely note, a party aggrieved by the USPS’s failure to  
24 comply with Section 3661 may seek relief by filing a complaint with the PRC.  
25 *See* 39 U.S.C. § 3662(a). But the option of administrative review does not bar  
26

1 mandamus relief where such review would cause irreparable harm or be futile.  
2 *See, e.g., McCarthy v. Madigan*, 503 U.S. 140, 146–47 (1992) (“This Court’s  
3 precedents have recognized” that “the interests of the individual weigh heavily  
4 against requiring administrative exhaustion” where “a particular plaintiff may  
5 suffer irreparable harm if unable to secure immediate judicial consideration of his  
6 claim.”); *U.S. ex rel. Rahman v. Oncology Assocs., P.C.*, 198 F.3d 502, 515  
7 (4th Cir. 1999) (“Although it is well established that a plaintiff must exhaust  
8 administrative remedies before seeking judicial review and that the existence of  
9 such administrative procedures will preclude the issuance of a writ of mandamus,  
10 we conclude that in this case the administrative process normally available is not  
11 accessible to the defendants[.]”). “This is especially true where time is crucial to  
12 the protection of substantive rights and administrative remedies would involve  
13 delay.” *Martinez v. Richardson*, 472 F.2d 1121, 1125 n.10 (10th Cir. 1973).

14 Defendants are threatening the integrity of November’s election, which is  
15 only weeks away, and for which ballots are already being mailed. But by statute,  
16 the PRC would not be required to even begin proceedings on a complaint for  
17 90 days. 39 U.S.C. § 3662(b). And even if the PRC were to move faster than  
18 statutorily required and begin proceedings on a complaint immediately, there is no  
19 way the detailed procedures of a PRC hearing could be completed before Election  
20 Day. *See* 39 C.F.R. § 3010.304(b) (identifying 17 separate deadlines the PRC  
21 “shall consider scheduling” between the beginning of proceedings and a decision  
22 on the merits). In short, because any PRC action would occur too late to avoid  
23 irreparable harm to the November election, requiring the States to bring their claim  
24 first in the PRC would leave them effectively without a remedy. Moreover,  
25 election-related harms are only a subset of the harms caused by Defendants’  
26 imposition of mail delays. States and their residents rely on the mail for critical,

1 time-sensitive resources, including medication and other benefits. They cannot  
2 afford the months of delay that would be caused if the States were required to bring  
3 their claim to the PRC in the first instance—particularly not during the COVID-19  
4 pandemic, which has only deepened Americans’ dependence on the mail as a  
5 critical lifeline.

6 Aside from these immediate, irreparable harms, rigidly requiring  
7 administrative exhaustion also makes no sense because the States “seek judicial  
8 relief here not to circumvent the administrative process, but to compel its  
9 resumption.” *Rahman*, 198 F.3d at 515. The States’ request for mandamus does  
10 not seek to cut the PRC out of USPS decision-making, but rather to restore its  
11 rightful, statutorily mandated role. “[T]he exhaustion doctrine recognizes the  
12 notion, grounded in deference to Congress’ delegation of authority to coordinate  
13 branches of Government, that agencies, not the courts, ought to have primary  
14 responsibility for the programs that Congress has charged them to administer.”  
15 *McCarthy*, 503 U.S. at 145. Congress established the PRC precisely to weigh in  
16 on, and facilitate the public weighing in on, the types of changes Defendants are  
17 implementing. Permitting Defendants to rely on a rote application of the doctrine  
18 to *prevent* the agency from weighing in would turn this purpose on its head.

19 **3. The States are likely to succeed on their claims that the changes**  
20 **at issue unconstitutionally infringe on States’ authority to**  
21 **regulate elections and the people’s right to vote**

22 Furthermore, the changes at issue infringe on States’ constitutional powers  
23 to administer the time, place, and manner of state and federal elections and to  
24 appoint presidential electors. Pursuant to these grants of constitutional authority,  
25 the States have arranged, and in many instances expanded, mail-in voting in the  
26 recent primary elections and upcoming election. The American people, in turn,

1 have voted by mail in unprecedented numbers as a safe and preferred method for  
2 exercising their fundamental right to vote during the COVID-19 pandemic. Despite  
3 overwhelming evidence of the safety and security of mail-in voting, President  
4 Trump has waged a months-long crusade to undermine mail-in voting. The  
5 changes at issue escalate this crusade by creating a substantial likelihood that the  
6 States will not be able to deliver, receive, and tally ballots cast in time to be  
7 counted. The USPS itself has warned some Plaintiff States of a “high risk” that  
8 ballots will not be delivered in time to be counted, and warned others of likely  
9 delays in delivering and returning ballots. By obstructing States’ chosen method  
10 of conducting elections, the changes infringe on the Plaintiff States’ constitutional  
11 authority to oversee elections and to appoint presidential electors, and on their  
12 residents’ constitutional right to vote. The changes should be enjoined for this  
13 additional, independent reason.

14 **a. Strict scrutiny applies**

15 Strict scrutiny applies to the changes at issue for two reasons. First, they  
16 directly interfere with authority granted to States by the Constitution to regulate  
17 state and federal elections. Second, they will have the effect of denying to many of  
18 the States’ citizens their fundamental right to vote.

19 **(1) The changes significantly interfere with the**  
20 **constitutional authority of States**

21 States have broad constitutional authority to determine how voting is  
22 conducted in state and federal elections. States also have plenary constitutional  
23 authority to appoint presidential electors. The USPS’s operational changes  
24 significantly interfere with this constitutional authority.

25 Article I, section 4, clause 1 of the United States Constitution—known as  
26 the “Elections Clause”—empowers States to determine the “Times, Places and

1 Manner of holding Elections for Senators and Representatives,” subject to the  
2 supervisory power of Congress to “make or alter such Regulations[.]” This power  
3 is “comprehensive” and

4 embrace[s] authority to provide a complete code for congressional  
5 elections, not only as to times and places, but in relation to notices,  
6 registration, supervision of voting, protection of voters, prevention of  
7 fraud and corrupt practices, counting of votes, duties of inspectors and  
8 canvassers, and making and publication of election returns; in short,  
to enact the numerous requirements as to procedure and safeguards  
which experience shows are necessary in order to enforce the  
fundamental right involved.

9 *Smiley v. Holm*, 285 U.S. 355, 366 (1932); *see also Tashjian v. Republican Party*  
10 *of Conn.*, 479 U.S. 208, 217 (1986) (Elections Clause “grants to the States a broad  
11 power to prescribe” the procedural mechanisms for holding congressional  
12 elections). This broad grant of power includes authority to arrange mail-in voting  
13 either by statute or through policies adopted by state officials with authority to  
14 administer elections. *See, e.g., Paher v. Cegavske*, --- F. Supp. 3d ---,  
15 No. 320CV00243MMDWGC, 2020 WL 2089813, at \*9 (D. Nev. Apr. 30, 2020)  
16 (emergency regulations expanding mail-in voting authorized by Secretary of State  
17 complied with Elections Clause); *see also U.S. Const.*, amend. X; *Gregory v.*  
18 *Ashcroft*, 501 U.S. 452, 461–62 (1991) (“[T]he Framers of the Constitution  
19 intended the States to keep for themselves, as provided in the Tenth Amendment,  
20 the power to regulate elections[.]”) (citation and internal quotation marks omitted).

21 In November 2020, all States will be holding elections for congressional  
22 Representatives. The Plaintiff States of Colorado, Illinois, Michigan, Minnesota,  
23 New Mexico, Oregon, Rhode Island, and Virginia will also be administering  
24 elections for Senators. States are also administering elections for state and local  
25  
26

1 offices, and many voters will also be presented with ballot measures. *See, e.g.,*  
 2 Griswold Decl. ¶¶ 21–22.

3 States have an important sovereign interest in protecting against  
 4 “confusion . . . and even frustration of the democratic process,” and in ensuring  
 5 that their voters who attempt to cast ballots in accordance with state law have their  
 6 votes counted. *Am. Party of Tex. v. White*, 415 U.S. 767, 782 n.14, 786 (1974);  
 7 *see also Lubin v. Panish*, 415 U.S. 709, 718 (1974). In this respect, the Elections  
 8 Clause aligns with the “fundamental premise that all political power flows from  
 9 the people.” *Ariz. State Legislature v. Ariz. Indep. Redistricting Comm’n*, 576 U.S.  
 10 787, 824 (2015).

11 With the exception of certain federal statutes not directly implicated here,<sup>73</sup>  
 12 Congress has largely left the administration of state and federal elections to the  
 13 States. Courts have likened the relationship between laws passed by state  
 14 legislatures and those enacted by Congress under the Elections Clause to “prior  
 15 and subsequent enactments of the same legislature.” *Gonzalez v. Arizona*, 677 F.3d  
 16 383, 393 (9th Cir. 2012), *aff’d sub nom. Arizona v. Inter Tribal Council of Ariz.,*  
 17 *Inc.*, 570 U.S. 1 (2013). “The State laws which Congress sees no occasion to alter,  
 18 but which it allows to stand, are in effect adopted by Congress.” *Id.* (quoting  
 19 *Ex parte Siebold*, 100 U.S. 371, 388 (1879)).

20  
 21  
 22 <sup>73</sup> *See, e.g.,* Uniformed and Overseas Citizens Absentee Voting Act,  
 23 52 U.S.C. § 20302 (establishing registration and voting deadlines and standards  
 24 for military personnel and overseas residents); National Voting Registration Act,  
 25 52 U.S.C. §§ 20501–20511 (expanding voter registration opportunities and setting  
 26 standards for maintaining voter registration rolls for federal elections).

1 Each of the States have used their constitutional authority to authorize mail-  
 2 in voting in various forms. *See* Colo. Rev. Stat. § 1-7.5-104; Conn. Gen. Stat.  
 3 § 9-135; 10 Ill. Comp. Stat. 5/19-1 *et seq.*; Md. Code, Elec. Law § 9-304;  
 4 Mich. Comp. Laws § 168.759; Minn. Stat. §§ 203B.02, 204B.45; Nev. Rev. Stat.  
 5 § 293.309; N.M. Stat. § 1-6-4; Or. Rev. Stat. § 254.465; R.I. Gen. Laws § 17-20-1;  
 6 Vt. Stat. tit. 17, § 2543; Va. Code § 24.2-707; Wash. Rev. Code § 29A.40.091;  
 7 Wis. Stat. §§ 6.20, 6.85(1).

8 The Constitution also vests States with plenary authority to appoint  
 9 presidential electors. Article II, Section 1 provides, in relevant part, that States shall  
 10 “appoint” electors “in such manner as the Legislature thereof may direct[.]” The  
 11 Supreme Court recently affirmed that States’ authority over the appointment of  
 12 presidential electors is plenary and includes the right to bind electors to the results  
 13 of popular elections in States. *Chiafalo v. Washington*, 140 S. Ct. 2316, 2328  
 14 (2020). Each of the Plaintiff States, like all other States, have vested this  
 15 constitutional appointment power in the people of their respective States by tying  
 16 the appointment of presidential electors to the results of their State’s popular  
 17 elections.<sup>74</sup> By creating tangible obstacles to the delivery and return of ballots, the  
 18 operational changes compromise the integrity of these popular elections and  
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20 <sup>74</sup> Colo. Rev. Stat. § 1-4-301; Conn. Gen. Stat. § 9-175; 10 Ill. Comp.  
 21 Stat. 5/21-1; Md. Code, Elec. Law § 8-504; Mich. Comp. Laws § 168.43; Minn.  
 22 Stat. § 208.02; Nev. Rev. Stat. § 298.065; N.M. Stat. § 1-15-4; Or. Rev. Stat.  
 23 § 248.360; R.I. Gen. Laws § 17-40-10; Vt. Stat. tit. 17, § 2731; Va. Code  
 24 § 24.2-202; Wash. Rev. Code § 29A.56.320; Wis. Stat. § 8.25;  
 25 *see also* Nat’l Archives, Electoral College: About the Electors,  
 26 <https://www.archives.gov/electoral-college/electors> (last visited Sept. 8, 2020).

1 thereby unconstitutionally interfere with States' power to appoint presidential  
2 electors by popular election.

3 Voting by mail has become an integral part of statewide presidential  
4 elections. Even before the pandemic, certain Plaintiff States, like Washington,  
5 Oregon, and Colorado, had established vote-by-mail as the primary method for  
6 voting in state and federal elections.<sup>75</sup> In other States, Americans have come to rely  
7 on vote-by-mail in light of the health risks posed by the pandemic. And in response  
8 to COVID-19, some Plaintiff States, like Nevada and Vermont, will send mail-in  
9 ballots to all registered voters for the 2020 general election. States have built their  
10 vote-by-mail systems around the Postal Service's longstanding performance  
11 standards and treatment of Election Mail in accordance with First-Class mail  
12 delivery standards. *See* Rock Decl. ¶ 22; Griswold Decl. ¶¶ 13–16.

13 Delays in postmarking and delivering ballots will inevitably lead to voters'  
14 ballots being rejected. This interferes with the rights of the Plaintiff States to  
15 administer elections and to appoint presidential electors through the electoral  
16 processes that they have adopted. Worse, the changes at issue have imposed these  
17 delays without sufficient time for States to adjust legal requirements and  
18 messaging to the public about deadlines for returning ballots.

19 The interference with the manner of state elections is amplified by the  
20 COVID-19 pandemic. Given the health risks posed by the COVID-19 pandemic,  
21 many voters do not have other options for exercising their most fundamental right  
22 to vote other than to vote by mail. As a result of the pandemic, record numbers of  
23 voters will likely vote by mail. *See supra* at pp. 3–4, 21–22.

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24  
25 <sup>75</sup> *See* Colo. Rev. Stat. § 1-7.5-104; Or. Rev. Stat. § 254.465; Wash. Rev.  
26 Code § 29A.40.091.

1 The operational changes thus interfere with the constitutional authority of  
 2 States to control the manner of elections—including vote-by-mail procedures—by  
 3 disrupting timely mail delivery on the eve of a general election.

4 **(2) The operational changes create substantial burdens**  
 5 **on the right to vote**

6 The operational delays also significantly interfere with the rights of the  
 7 States’ citizens to vote. The right to vote is “fundamental,” *Tashjian*, 479 U.S. at  
 8 217, and “preservative of all rights,” *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886).  
 9 *See also Hadley v. Junior Coll. Dist. of Metro, Kansas City, Mo.*, 397 U.S. 50, 56  
 10 (1970) (holding that equal protection “requires that each qualified voter must be  
 11 given an equal opportunity to participate in that election . . .”). Defendants’  
 12 actions will interfere with the right to vote because they will result in delays in  
 13 postmarking and delivery of mail and in numerous ballots thus not being counted.

14 The USPS’s recent policy changes will slow delivery of Election Mail,  
 15 including ballots. States adopted elections systems with vote-by-mail  
 16 components—including establishing deadlines for mailing ballots and creating  
 17 guidance for voters—based on USPS’s longstanding practice of treating Election  
 18 Mail “on the level of First Class mail.” *See, e.g., supra* at pp. 11–14; Benson Decl.  
 19 ¶ 10; Griswold Decl. ¶ 13. Ending that practice will cause USPS to take much  
 20 longer to deliver Election Mail, including ballots. *See* Goldway Decl. ¶¶ 10–12.  
 21 The Postal Service’s “Leave Mail Behind” policy will also delay Election Mail, as  
 22 mail that would otherwise have been loaded on trucks for processing or delivery is  
 23 left behind and delayed for one or more days. Yao Decl. ¶ 7; Puhalski Decl.  
 24 ¶¶ 9–10; Anthonasin Decl. ¶¶ 14–21; Hartwig Decl. ¶¶ 5–7.

25 These changes will affect States and voters whether the State measures the  
 26 timeliness of a ballot by when it is received or when it is postmarked. To begin

1 with, Defendants have acknowledged that the changes will affect voters in nearly  
 2 every State who seek to register to vote, to change their registration, or to request  
 3 an absentee ballot close to the election.<sup>76</sup> In States that require that ballots be  
 4 postmarked by Election Day, the “Leave Mail Behind” policy will mean that even  
 5 if a ballot is timely placed in a collection box or outside a person’s home for  
 6 delivery, it may not arrive to a processing facility in time to be postmarked. *See,*  
 7 *e.g.*, Yao Decl. ¶ 7. And this policy will have even more pernicious effects in States  
 8 that require that ballots be received by elections officials by a specific time on  
 9 Election Day. *See* Colo. Rev. Stat. § 1-7.5-107(4)(b)(II); Conn. Gen. Stat.  
 10 § 9-174(a); Mich. Comp. Laws § 168.764a; Minn. Stat. §§ 203B.08(1), (3),  
 11 204B.45-.46; N.M. Stat. § 1-6-10(C), (D); Or. Rev. Stat. § 254.470(6)(e); R.I. Gen.  
 12 Laws § 17-20-2.1; Va. Code § 24.2-705; Wis. Stat. § 6.87(6). In these States, even  
 13 if mail is timely transported *to* a processing facility, (1) even a minor delay in  
 14 processing at the facility could preclude the mail from being loaded onto a truck  
 15 for timely delivery to election officials, and (2) even a minor delay in transport  
 16 from the processing facility to the station could result in mail carriers being  
 17 required to leave for delivery before the processed ballots arrive. In either situation,  
 18 ballots that were deposited in the mail with sufficient time for delivery under USPS  
 19 standards will be late and rejected.

20 Delays in delivery by the USPS are already widespread, as detailed above.  
 21 *See supra* at pp. 8–10, 17–24. In primary elections held around the country so far  
 22 this year, hundreds of thousands of ballots have already been rejected, including  
 23 for untimely submission.<sup>77</sup> In Michigan, which requires ballots to be received by  
 24

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25 <sup>76</sup> USPS Letters to States, *supra* n.29 (Ex. L).

26 <sup>77</sup> Fessler & Moore, *supra* n.54.

1 Election Day but where many sorting machines have been removed—which likely  
 2 compounded the delays caused by the policies at issue in this motion—over 6400  
 3 primary ballots were rejected as untimely.<sup>78</sup> Combs Decl. ¶ 5; Puhalski Decl. ¶ 4.

4 In sum, the circumstances establish that the burden imposed by the USPS’s  
 5 operational changes—made on the eve of a general election during a global  
 6 pandemic—is severe. They interfere with the rights of the States’ citizens and the  
 7 States’ own constitutional authority. There is a very real danger that otherwise-  
 8 valid ballots will go uncounted as a result of a late postmark or late delivery directly  
 9 attributable to USPS’s unlawful policy changes.

10 **(3) The severe burdens on State and individual rights**  
 11 **warrant strict scrutiny**

12 The combined interference with the constitutional authority of States and  
 13 with the fundamental right to vote requires application of strict scrutiny. The  
 14 operational changes impose a severe burden on States’ administration of elections  
 15 and chosen mode of appointing presidential electors, and courts regularly apply  
 16 heightened scrutiny to restrictions that threaten significant disenfranchisement of  
 17 voters. *See, e.g., Obama for America v. Husted*, 697 F.3d 423, 436–37 (6th Cir.  
 18 2012) (enjoining an Ohio statute that shortened the early-voting period for the  
 19 general population but not for military personnel); *Libertarian Party of Ohio v.*  
 20 *Blackwell*, 462 F.3d 579, 588 (6th Cir. 2006) (striking down ballot restriction that  
 21 unfairly and unnecessarily impeded access to ballot); *Common Cause/New York v.*  
 22 *Brehm*, 432 F. Supp. 3d 285, 311 (S.D.N.Y. 2020) (finding New York’s refusal to  
 23 provide list of “inactive voters” unconstitutional where thousands of individuals  
 24 are “improperly disenfranchised—and thus suffer perhaps the greatest burden a

25 \_\_\_\_\_  
 26 <sup>78</sup> LeBlanc, *supra* n.55.

1 state can impose on a voter” and others face “substantial delay” in voting);  
 2 *Fla. Democratic Party v. Scott*, 215 F. Supp. 3d 1250, 1258 (N.D. Fla. 2016)  
 3 (extending registration deadline in aftermath of hurricane where close of  
 4 registration would disenfranchise significant number of voters who would be  
 5 “stripped of one of our most precious freedoms”). As one court aptly explained:  
 6 “This isn’t golf: there are no mulligans.” *Scott*, 215 F. Supp. 3d at 1258. The right  
 7 to have one’s vote counted in an election, if lost, cannot be remedied.

8 Given this context, the burdens imposed by Defendants’ policy changes are  
 9 no mere inconvenience. *Crawford v. Marion Cnty. Election Bd.*, 553 U.S. 181, 205  
 10 (2008). They instead pose an immediate and dire risk of disrupting the States’  
 11 administration of elections, and by threatening the disenfranchisement of  
 12 thousands of citizens these policy changes are likely to cause grave harm to public  
 13 confidence in the election. These combined circumstances warrant application of  
 14 strict scrutiny.

15 **(4) The discriminatory nature of the operation changes**  
 16 **also requires strict scrutiny**

17 Strict scrutiny is especially appropriate here because a growing body of  
 18 evidence suggests that the operational changes were motivated, at least in part, by  
 19 a desire to secure a political advantage for the President and his party. *See, e.g.,*  
 20 *Anderson v. Celebrezze*, 460 U.S. 780, 792–93 (1983) (“[I]t is especially  
 21 difficult . . . to justify a restriction that limits political participation by an  
 22 identifiable political group whose members share a particular viewpoint,  
 23 associational preference, or economic status.”); *see also Harper v. Virginia State*  
 24 *Bd. of Elections*, 383 U.S. 663, 668 (1966) (holding voting limitations based on  
 25 wealth, race, creed, and color “are traditionally disfavored”).  
 26

1 The President has repeatedly made clear that he views voting by mail as a  
 2 threat to his reelection.<sup>79</sup> The President has falsely and repeatedly attacked  
 3 vote-by-mail as creating “Tremendous potential for voter fraud,” and as leading to  
 4 “the greatest Rigged Election in history,” “a free for all on cheating, forgery and  
 5 the theft of ballots,” and “THE END OF OUR GREAT REPUBLICAN  
 6 PARTY.”<sup>80</sup> He has also declared that election results must be announced the night  
 7 of Election Day, though not all votes will have been processed and counted.<sup>81</sup>  
 8 Suggestions to curtail the counting of ballots in the days after Election Day are  
 9 particularly concerning where States, such as Plaintiff States Michigan and  
 10 Wisconsin, cannot process mail-in ballots before Election Day, and where polling  
 11 suggests that more of the President’s supporters will plan to vote in person but  
 12 voters identifying as Democrats plan to vote by mail.<sup>82</sup>

13 \_\_\_\_\_  
 14 <sup>79</sup> See Amy Gardner & Josh Dawsey, *As Trump leans into attacks on mail*  
 15 *voting, GOP officials confront signs of Republican turnout crisis*, Wash. Post  
 16 (Aug. 3, 2020), <https://wapo.st/31WozE5>.

17 <sup>80</sup> Donald J. Trump (@realDonaldTrump), Twitter (Apr. 8, 2020, 5:20 AM),  
 18 <https://bit.ly/2DCbac2> (Ex. AA); (May 24, 2020, 7:08 AM), <https://bit.ly/3bNSfbb>  
 19 (Ex. AA); (May 28, 2020, 6:00 PM), <https://bit.ly/2FklJRq> (Ex. AA); (May 27,  
 20 2020, 4:11 AM), <https://bit.ly/3jU1eu2> (Ex. AA).

21 <sup>81</sup> Donald J. Trump (@realDonaldTrump), Twitter (July 30, 2020, 1:22 PM),  
 22 <https://bit.ly/2GGvzxZ> (Ex. AA) (“Must know Election results on the night of the  
 23 Election, not days, months, or even years later!”).  
 24

25 <sup>82</sup> A poll of Wisconsin likely voters found a partisan difference in plans to  
 26 vote by mail or in-person. See Marquette Law School Poll (Aug. 11, 2020)

1           Moreover, the COVID-19 pandemic has disproportionately impacted  
2 particular minority communities that tend to vote for Democratic candidates.<sup>83</sup>  
3 Measures that discourage mail-in voting and require voting in person, with the  
4 attendant risks of contracting COVID-19, thus may be intended to discourage  
5 people from voting who are unlikely to support the President.

6           These concerns, rooted in the President’s own statements, are amplified by  
7 the Postal Service’s departure from its normal procedure in making these changes,  
8 suggesting that “improper purposes are playing a role.” *Vill. of Arlington Heights*  
9 *v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 267 (1977); *see also Arce v. Douglas*,  
10 793 F.3d 968, 977 (9th Cir. 2015) (identifying factors such as the specific sequence  
11 of events and the departure from normal procedures). The Postal Service departed  
12 from its usual procedure in two ways. First, as detailed above, the Postal Service  
13 declined to follow the procedural requirements of Section 3661, which would  
14 otherwise have delayed implementation of these changes. And second, it rushed  
15 these changes into effect immediately before an election, contrary to its ordinary  
16 practice of *avoiding* changes immediately before an election. *See, e.g.*, USPS

17  
18  
19  
20 <https://bit.ly/2ZiyNOt> (67% of voters who identified as Republican planned to vote  
21 in person, compared to 27% of Democrats; and 55% of voters who identified as  
22 Democrats planned to vote by mail, compared to 15% of Republicans); *see also*  
23 *Alexa Corse, Biden Supporters More Likely Than Trump’s to Vote by Mail, Poll*  
24 *Shows*, Wall. St. J. (Aug. 17, 2020), <https://on.wsj.com/3bAfWn7>.

25           <sup>83</sup> Ron Elving, *What Coronavirus Exposes About America’s Political*  
26 *Divide*, NPR (Apr. 12, 2020), <https://n.pr/35fMQs4>.

1 Postal Bulletin 22342, at 14 (July 26, 2012)<sup>84</sup> (suspending USPS network  
 2 consolidations from September through December “[d]ue to the volume of  
 3 high-priority mail predicted for the election as well as the holiday mailing  
 4 seasons”); USPS Postal Bulletin 22449, at 4, 5 (Sept. 1, 2016) (announcing that  
 5 “plans [were] in place from coast to coast to ensure the timely receipt, processing,  
 6 and delivery of election and political mail” in response to concerns regarding  
 7 service standard changes made in 2015).<sup>85</sup>

8 **b. The policy changes do not further a compelling government**  
 9 **interest and are not narrowly tailored**

10 The operational changes cannot survive strict scrutiny because they do not  
 11 further a compelling government interest and are not narrowly tailored. The USPS  
 12 has not publicly identified any compelling interest supporting its changes, much  
 13 less how these changes are narrowly tailored to serve such an interest. Any asserted  
 14 interest in some fiscal savings or efficiency gains is not compelling. *See, e.g.,*  
 15 *Schlemm v. Wall*, 784 F.3d 362, 365 (7th Cir. 2015) (“Saving a few dollars is not  
 16 a compelling interest . . . .”); *see also Duguid v. Facebook, Inc.*, 926 F.3d 1146,  
 17 1156 (9th Cir. 2019) (expressing skepticism that “protecting the public fisc is a  
 18 compelling interest”). Even if financial interests could in some circumstances be  
 19 compelling, here Postmaster General DeJoy testified to Congress that the USPS is  
 20 not at risk of running out of funding at any time through the November 2020  
 21

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 23 <sup>84</sup> USPS Postal Bulletin 22342 (July 26, 2012), available at  
 24 <https://bit.ly/2RiePzf> (Ex. BB).

25 <sup>85</sup> USPS Postal Bulletin 22449 (Sept. 1, 2016), available at  
 26 <https://bit.ly/3imYMMt> (Ex. CC).

1 election.<sup>86</sup> The former Deputy Postmaster General, Ron Stroman, also observed  
 2 that whatever slight financial benefit USPS would gain from these changes is  
 3 outweighed by costs of making such changes during a pandemic and on the eve of  
 4 the general election.<sup>87</sup>

5 In short, there is no compelling interest that justifies the USPS's  
 6 unprecedented interference with the constitutional authority of States to administer  
 7 elections or the rights of voters to have their votes counted.

### 8 **C. The States Will Suffer Irreparable Injury Absent an Injunction**

9 Injunctive relief is appropriate because the States have shown, on behalf of  
 10 themselves and as *parens patriae* protecting the health and well-being of their  
 11 residents, that “irreparable injury is *likely* in the absence of an injunction,” *Winter*,  
 12 555 U.S. at 22 (emphasis in original); *M.R. v. Dreyfus*, 697 F.3d 706, 728 (9th Cir.  
 13 2012) (to show likelihood of injury, moving party “need not further show that the  
 14 action sought to be enjoined is the exclusive cause of the injury”).

15 As an initial matter, the deprivation of procedural protection is itself  
 16 irreparable harm. “The denial of . . . a [Section 3661] hearing, should one be  
 17 required, is sufficient irreparable injury to support interlocutory injunctive relief,  
 18 for it is clear that no hearing will be conducted and that the changes will continue  
 19 unless enjoined.” *Buchanan*, 375 F. Supp. at 1022, *aff'd in relevant part*, 508 F.2d  
 20 at 266 (“[T]he District Court was correct . . . that plaintiffs had properly  
 21

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22  
 23 <sup>86</sup> House Testimony, *supra* n.5 (01:08:57–01:09:10 of video) (USPS fiscally  
 24 viable through August 2021).

25 <sup>87</sup> See Peter Granitz, *All Things Considered*, NPR (Aug. 20, 2020),  
 26 <https://n.pr/31TPVvH>.

1 established that there was a substantial threat of irreparable injury” as necessary to  
2 warrant preliminary injunctive relief.).

3 As users of the mail, the States have suffered and will suffer direct harms  
4 resulting from the frustration of their ability to administer mail-in voting in the  
5 upcoming election, as well as the administration of benefits and other state  
6 programs relying on prompt mail service, including the mailing of notices  
7 governed by statutory deadlines. Secretaries of State, election officials, benefit  
8 program administrators, and other state officers have testified to the cascading  
9 harms they will experience—and have already experienced—from these harms.

10 Widespread voter disenfranchisement is also precisely the type of  
11 irreparable harm that calls for injunctive relief. *See, e.g., Sanchez v. Cegavske*,  
12 214 F. Supp. 3d 961, 976 (D. Nev. 2016) (“It is clear that abridgement of the right  
13 to vote constitutes an irreparable injury.”); *Cardona v. Oakland Unified Sch. Dist.*,  
14 *Cal.*, 785 F. Supp. 837, 840 (N.D. Cal. 1992) (“Abridgegment [*sic*] or dilution of a  
15 right so fundamental as the right to vote constitutes irreparable injury.”); *Obama*  
16 *for Am.*, 697 F.3d at 436 (“A restriction on the fundamental right to vote . . .  
17 constitutes irreparable injury.”).

18 Failing to issue an injunction will also cause irreparable harm to the health  
19 and well-being of millions of residents across the States. This includes veterans,  
20 persons with disabilities, and vulnerable or homebound people being subjected to  
21 significant delays in receiving lifesaving medications. *See supra* at pp. 17–18.  
22 Harms such as “pain, infection, amputation, medical complications, and death due  
23 to delayed treatment” are clearly irreparable. *Harris v. Bd. of Supervisors, Los*  
24 *Angeles Cnty.*, 366 F.3d 754, 766 (9th Cir. 2004). The same is true with regard to  
25 the hundreds of thousands of residents who rely on timely receiving public benefits  
26 and associated notifications through the mail. “[R]educed access” to public

1 benefits affecting food assistance and housing support is an irreparable injury to  
 2 the persons it affects and to the States' ability to promote their financial security  
 3 as well as the health and wellbeing of their residents. *Washington v. U.S. Dep't of*  
 4 *Homeland Sec.*, 408 F. Supp. 3d 1191, 1221 (E.D. Wash. 2019). Mail delays also  
 5 will have a devastating impact on small businesses that are more reliant on delivery  
 6 than ever before. Although private "[e]conomic harm is not normally considered  
 7 irreparable," see *California v. Azar*, 911 F.3d 558, 581 (9th Cir. 2018), the total  
 8 loss of a business can suffice, because a small business, once gone, has no means  
 9 of recovering what they have lost via money damages alone. See *Doran v. Salem*  
 10 *Inn, Inc.*, 422 U.S. 922, 932 (1975); *Am. Passage Media Corp. v. Cass Commc'ns,*  
 11 *Inc.*, 750 F.2d 1470, 1474 (9th Cir. 1985) (threat that company might face  
 12 bankruptcy or be driven out of business may constitute irreparable harm). And the  
 13 States' loss of tax revenue from businesses that fail is irreparable. See *Washington*  
 14 *v. Trump*, 441 F. Supp. 3d 1101, 1126 (W.D. Wash. 2020).

15 In sum, the States have shown a significant likelihood of irreparable injury  
 16 to the States and their residents absent an injunction.

17 **D. The Balance of Equities and Public Interest Strongly Favor the States**

18 The balance of equities and the public interest strongly favor injunctive  
 19 relief. Because this lawsuit involves the government, these inquiries merge.  
 20 *Drake's Bay Oyster*, 747 F.3d at 1092. As detailed above, the States have shown  
 21 likely irreparable harm to their ability to administer elections and provide public  
 22 benefits, and to their residents' ability to vote and receive time-sensitive mail, from  
 23 life-saving medications to legal notices to benefit checks. Further, Congress has  
 24 recognized that residents of the States have an interest in "ready access to essential  
 25 postal services" and "the most expeditious collection, transportation, and delivery  
 26 of important letter mail." 39 U.S.C. §§ 101(e), 403(b)(3). This "judgment of

1 Congress, deliberately expressed in legislation,” deserves special consideration in  
2 determining the public interest. *United States v. Oakland Cannabis Buyers’*  
3 *Co-op.*, 532 U.S. 483, 497 (2001) (quoting *Virginian Ry. Co. v. Sys. Fed’n No. 40*,  
4 300 U.S. 515, 551 (1937)).

5 These injuries far outweigh any temporary harm to Defendants from a  
6 preliminary injunction. Defendants cannot plausibly claim harm by adhering to  
7 policies and practices that have been in place for years. *See Washington v. Trump*,  
8 847 F.3d 1151, 1168 (9th Cir. 2017). Although reducing expenses is a reasonable  
9 objective, it cannot justify harms to the States and their residents when the USPS  
10 has acted unlawfully. *See, e.g., Obama for Am.*, 697 F.3d at 434 (State’s asserted  
11 interest in reducing administrative burdens did not justify burdens on voters). Even  
12 if an injunction might “temporarily frustrate” the USPS’s ability to reduce costs  
13 while it addresses how to eliminate “unintended consequences” on “overall  
14 services levels,”<sup>88</sup> that temporary delay does not outweigh the very strong public  
15 interest here. *See Gordon v. Holder*, 721 F.3d 638, 653 (D.C. Cir. 2013). Moreover,  
16 it is in the public interest to “curtail[] unlawful executive action.” *Hawai’i v.*  
17 *Trump*, 859 F.3d 741, 784 (9th Cir. 2017), *vacated on other grounds by Trump v.*  
18 *Hawai’i*, 138 S. Ct. 377 (2017) (quoting *Texas v. United States*, 809 F.3d, 134, 187  
19 (5th Cir. 2015)). Likewise, “it is always in the public interest to prevent the  
20 violation of a party’s constitutional rights.” *Melendres v. Arpaio*, 695 F.3d 990,  
21 1002 (9th Cir. 2012) (quoting *Sammartano v. First Judicial Dist. Ct. in & for*  
22 *County of Carson City*, 303 F.3d 959, 974 (9th Cir. 2002)); *see also Gulf Coast*  
23 *Mar. Supply, Inc. v. United States*, 218 F. Supp. 3d 92, 101 (D.D.C. 2016) (“The  
24 public interest is served both by ensuring that government agencies conform to the  
25

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26 <sup>88</sup> *Path forward, supra* n.20 (Ex. F).

1 requirements of the APA and their own regulations . . .”). In short, in weighing  
 2 the competing interests, including the public interests, the balance tips sharply in  
 3 favor of preliminary relief.

4 **E. Nationwide Injunctive Relief Is Necessary and Appropriate**

5 The harms caused by Defendants’ unlawful changes to postal services are  
 6 nationwide, and injunctive relief must be nationwide. The very purpose of the  
 7 Postal Service is to help “bind the Nation together,” 39 U.S.C. § 101(a), and to  
 8 serve “as nearly as practicable the entire population of the United States,”  
 9 39 U.S.C. § 403. Consistent with that mission, the Postal Service delivers vitally  
 10 important time-sensitive mail across state boundaries in massive volumes every  
 11 day. The Plaintiff States therefore seek nationwide relief.

12 “[N]ationwide or other broad injunctions are appropriate when necessary to  
 13 remedy a plaintiff’s harm.” *E. Bay Sanctuary Covenant v. Barr*, 964 F.3d 832, 855  
 14 (9th Cir. 2020). “The scope of injunctive relief is dictated by the extent of the  
 15 violation established, not by the geographical extent of the plaintiff class.” *Id.*  
 16 (quoting *Califano v. Yamasaki*, 442 U.S. 682, 702 (1979) (alternation marks  
 17 removed)). The Postal Service’s changes to the nature of postal services are  
 18 substantially nationwide in scope. Delays in one state affect deliveries to other  
 19 states, as documented in both declarations and other evidence in this case.  
 20 *See* Olsen Decl. ¶¶ 3, 6 (Washington resident relying on mail order prescription  
 21 service based in Portland); Stenbridge Decl. ¶ 3 (80% of business’s orders are sent  
 22 out-of-state); Hall & Wisniewski, *supra* n.15 (postal trucks departing empty for  
 23 cross-country travel). Even focusing narrowly on Election Mail, many absentee  
 24 ballots are printed in one state and mailed directly to voters in other states, either  
 25 because of the location of the printing company the State uses or because a voter  
 26 needs an absentee ballot because they are temporarily out of state. *See, e.g.,* Rock

1 Decl. ¶ 16 (Rhode Island’s mail ballots printed in Everett, processed in Seattle,  
 2 delivered to Boston, then trucked to Rhode Island); *id.* ¶ 17 (sending out-of-state  
 3 to college students and military voters); Robin Thomas Decl. ¶¶ 3–4. Limiting  
 4 relief to the Plaintiff States would not fully redress their harms.

5        Nationwide relief is also needed to provide complete relief to the Plaintiff  
 6 States for the procedural harm they have suffered: deprivation of the right to  
 7 comment on broad-based changes *before* implementation. 39 U.S.C. § 3661.  
 8 Allowing these “transformative changes” to take effect in much of the country  
 9 while the PRC considers whether they should be allowed to take effect would  
 10 render the legally required notice and comment process a farce. The purpose of  
 11 notice-and-comment requirements is “to ensure that affected parties have an  
 12 opportunity to participate in and influence agency decision making at an early  
 13 stage, when the agency is more likely to give real consideration to alternative  
 14 ideas.” *State of N.J. Dep’t of Env’t Prot. v. U.S. Env’t Prot. Agency*, 626 F.2d 1038,  
 15 1050 (D.C. Cir. 1980) (quoting *U.S. Steel Corp. v. U.S. E.P.A.*, 595 F.2d 207,  
 16 214–15 (5th Cir. 1979)). Permitting comment after a change has taken effect “is  
 17 no substitute for the right of interested persons to make their views known to the  
 18 agency in time to influence the [decision] making process in a meaningful way. . .  
 19 . ‘We doubt that persons would bother to submit their views or that the [agency]  
 20 would seriously consider their suggestions after the regulations are a *Fait*  
 21 *accompli.*’ ” *U.S. Steel*, 595 F.2d at 214–15 (quoting *City of New York v. Diamond*,  
 22 379 F. Supp. 503, 517 (S.D.N.Y. 1974)) (collecting cases); *see also Buchanan*, 375  
 23 F. Supp. at 1019 (USPS’s unilateral implementation of nationwide change “denied  
 24 [users of the mail] a very fundamental right—the opportunity for a hearing on the  
 25 proposed change”).  
 26

1 Absent a preliminary injunction to restore and preserve the status quo ante  
2 nationwide, the Plaintiff States’ ultimate remedy—compelling USPS to fulfill the  
3 procedural requirements the law requires—would lose much of its meaning.  
4 *Cf. D.C. v. U.S. Dep’t of Agric.*, 444 F. Supp. 3d 1, 49 (D.D.C. 2020) (“[D]enial of  
5 nationwide relief at this preliminary stage could make it less likely that the  
6 plaintiffs get complete relief . . . in the end”). Nationwide preliminary relief is  
7 necessary to provide complete relief so that the States will not be left without a  
8 meaningful remedy.

9 **IV. CONCLUSION**

10 For the foregoing reasons, the Court should grant a preliminary injunction  
11 as detailed in the States’ attached proposed order.

12 DATED this 9th day of September, 2020.

13  
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**DECLARATION OF SERVICE**

I hereby declare that on this day I caused the foregoing document to be electronically filed with the Clerk of the Court using the Court’s CM/ECF System which will serve a copy of this document upon all counsel of record.

DATED this 9th day of September, 2020, at Tumwater, Washington.

/s/ Jennifer D. Williams  
JENNIFER D. WILLIAMS  
Paralegal

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# Exhibit 1

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10 **UNITED STATES DISTRICT COURT**  
11 **EASTERN DISTRICT OF WASHINGTON**  
12 **AT YAKIMA**

13 STATE OF WASHINGTON, et  
al.,

14 Plaintiffs,

15 v.

16 DONALD J. TRUMP, et al.,

17 Defendants.

NO. 1:20-CV-03127-SAB

DECLARATION OF NIKKI  
ANTHONASIN IN SUPPORT  
OF PLAINTIFF STATES'  
MOTION FOR TEMPORARY  
RESTRAINING ORDER

1 I, NIKKI ANTHONASIN, declare as follows:

2 1. I am over the age of 18, am competent to testify as to the matters  
3 herein, and make this declaration based on my personal knowledge.

4 2. I am the Clerk Craft Director of Manual and Mechanization for the  
5 American Postal Workers Union at the United States Postal Service, and have  
6 held this position since April 2019. I was previously a union steward at the  
7 Milwaukee Mail Processing Annex and the Milwaukee Processing and  
8 Distribution Center since July of 2015. I work at the Milwaukee Mail Processing  
9 Annex (MMPA) in Oak Creek, WI. As the Clerk Craft Director of Manual and  
10 Mechanization I represent the entire Clerk Craft at the MMPA and all Clerks in  
11 the manual units at the Milwaukee Processing and Distribution Center (P & DC)  
12 in downtown Milwaukee. Included in the manual units that I represent are  
13 Expeditor Clerks, whose job duties include monitoring the schedules of all mail  
14 drivers and trailers. My daily job duties at the Postal Service entail operating  
15 automated parcel sorting machines. I have been employed with the Postal Service  
16 since 1998.

17 3. I am aware of recent changes to Postal Service operations involving  
18 overtime policy and mail truck departure policy from the Oak Creek facility.

19 4. In late March to early April of 2020, the Oak Creek facility started  
20 seeing significant increases in mail volume, above even that normally received  
21 during the holiday season. Although Postal Service staff typically do not work at  
22

1 both the Oak Creek and downtown Milwaukee locations, that policy was initially  
2 relaxed in order to handle the overflow. Another option for handling overflow  
3 was to transfer extra mail from the Oak Creek to the downtown Milwaukee  
4 facility for processing. These procedures worked well for the first week or two to  
5 handle the overflow.

6 5. But then toward the end of June or early July, management at the  
7 downtown Milwaukee facility began restricting certain forms of overtime for  
8 employees at that facility. Specifically, they restricted employees from earning  
9 double-time overtime for working more than 10 hours in a single day or on a  
10 second scheduled off-day during a single week. Certain aspects of time-and-a-  
11 half overtime were also restricted.

12 6. At the Oak Creek facility at around the same time, a similar  
13 restriction was put in place on double-time overtime for the second scheduled  
14 off-day during a single week.

15 7. After these overtime restrictions were put in place, available  
16 employees at both the Oak Creek and downtown Milwaukee facilities were not  
17 fully utilized to handle overflow mail at the Oak Creek facility. In other words,  
18 the overtime restrictions drastically cut the available workforce at both facilities.

19 8. At around this same time, significant amounts of incoming mail  
20 began backing up at the Oak Creek facility. I witnessed large numbers of trailers  
21 waiting to be unloaded at the facility, with up to 30 to 40 backed up trailers sitting  
22

1 outside the facility on some days. For example, on July 12, 2020, my notes  
2 indicate that 39 trailers of mail were backed up. These backed up trailers included  
3 trailers with Priority Mail, which is very unusual in my experience.

4 9. The Oak Creek facility did not have enough staff available to unload  
5 all this incoming mail. Although it requested support from the downtown  
6 Milwaukee facility, the overtime restrictions there meant that it could not send  
7 more of its staff to help out at Oak Creek. Similarly, because of the overtime  
8 restrictions at the downtown Milwaukee facility, the Oak Creek facility could not  
9 transfer its overflow mail to the downtown Milwaukee facility for processing—  
10 the downtown Milwaukee facility did not have enough staff to handle Oak  
11 Creek’s overflow mail, either.

12 10. As a result, the Oak Creek facility was forced to transfer some  
13 overflow mail to other facilities around Wisconsin, and even one in Illinois.

14 11. Toward the end of July, the mail volume at the Oak Creek facility  
15 decreased, along with the most severe backups. However, in recent weeks I have  
16 still sometimes seen around four to eight trailers backed up at the Oak Creek  
17 facility. As recently as August 30th, 2020, I saw four trailers backed up at the  
18 Oak Creek facility.

19 12. I had never seen backups this large at the Oak Creek facility before  
20 this summer. Perhaps two to four trailers would be backed up in the past on  
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1 particular heavy days, but I do not recall ever seeing 30 to 40, or even four to  
2 eight, trailers backed up at the same time before this summer.

3 13. To the best of my knowledge, the overtime restrictions remain in  
4 place at both the Oak Creek and downtown Milwaukee facilities.

5 14. At around the same time that the overtime restrictions were put in  
6 place, another policy change regarding outgoing truck scheduling occurred at  
7 both the Oak Creek and downtown Milwaukee facilities. Under that new policy,  
8 no outgoing mail trucks could leave behind schedule, even if more mail remained  
9 to be loaded. Before that policy was put in place, mail trucks had a significant  
10 amount of flexibility to leave later than a scheduled departure time in order to  
11 ensure no mail was left behind.

12 15. Another aspect of this new policy was that facilities could not  
13 schedule extra truck delivery runs in a given day if some mail remained to be  
14 delivered. For example, during June 2020 the Oak Creek facility ordered around  
15 seven to nine extra trucks per day to deliver overflow mail to East Coast  
16 locations. The new policy prohibited this kind of overflow measure.

17 16. The new policy meant that outgoing mail trucks had to leave the  
18 processing facility at the scheduled departure time with whatever mail had been  
19 loaded by then.

20 17. The effect of this policy was that if the facility could not deliver all  
21 mail in a given day, that excess mail had to wait for a future delivery time.  
22

1 18. I witnessed significant backups of outgoing mail occur inside the  
2 Oak Creek facility at around the time this new policy took effect. Mail that had  
3 already been processed was not being loaded onto outgoing mail trucks for  
4 delivery because those trucks had to depart on schedule, before they were fully  
5 loaded.

6 19. Some mail trucks would even leave empty from our facility, just so  
7 they could leave on schedule. This can happen because it takes time to unload  
8 incoming mail from a truck for processing. By the time all the incoming mail is  
9 unloaded, there might not be enough time left before the truck's scheduled  
10 departure time to load it up with outgoing mail.

11 20. The delays caused by backed up mail on the sorting floor  
12 compounded themselves. It can be difficult to sort through lots of mail backed up  
13 on the sorting floor, which further increases loading times for outgoing mail  
14 trucks. So, the more backed up mail on the sorting floor, the longer it takes to  
15 load the trucks, the more trucks have to leave before they are fully loaded, and  
16 the more mail becomes backed up on the sorting floor.

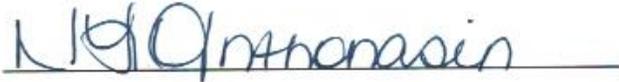
17 21. These backups can lead to significant delays for outgoing mail. It is  
18 not always true that a piece of mail left behind on a given day necessarily makes  
19 it on a truck for delivery the next day, even though that is the goal. When  
20 significant backups occur on the floor of the processing facility, an item of mail  
21  
22

1 might be buried in the backup for many days before it is found and placed on an  
2 outgoing truck.

3 22. To the best of my knowledge, the truck departure scheduling  
4 restrictions remain in place at both the Oak Creek and downtown Milwaukee  
5 facilities.

6  
7 I declare under penalty of perjury under the laws of the State of Wisconsin  
8 and the United States that the foregoing is true and correct.

9 DATED this 5<sup>th</sup> day of September, 2020, at Oak Creek, Wisconsin.

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11 Nikki Anthonasin  
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DECLARATION OF NIKKI  
ANTHONASIN

# Exhibit 2

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*Solicitor General*  
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EMMA GRUNBERG, WSBA #54659  
TERA M. HEINTZ, WSBA #54921  
*(application for admission forthcoming)*  
KARL D. SMITH, WSBA #41988  
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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
AT YAKIMA**

STATE OF WASHINGTON, et  
al.,

Plaintiffs,

v.

DONALD J. TRUMP, et al.,

Defendants.

NO. 1:20-cv-03127-SAB

DECLARATION OF JESSICA  
ARNDT IN SUPPORT OF  
PLAINTIFF STATES' MOTION  
FOR PRELIMINARY  
INJUNCTION

1 I, Jessica Arndt, declare as follows:

2 1. I am over the age of 18, am competent to testify as to the matters  
3 herein, and make this declaration based on my personal knowledge.

4 2. I am a resident of Minneapolis, Minnesota. I have been a clinical  
5 social worker for nearly eleven years.

6 3. I have voted in every election since I turned eighteen in the year 2000.  
7 I generally follow politics and believe that is it my civic duty to be informed and  
8 vote.

9 4. I first voted absentee in 2016 because I was out of state during the  
10 time of the general election. I received by ballot in a timely manner and returned it  
11 without incident.

12 5. I attempted to vote absentee again in the 2020 primary. I requested by  
13 my ballot two to three weeks before the August primary. I did not receive my  
14 ballot before the primary election.

15 6. Following the primary, I contacted the Minneapolis Office of Election  
16 and Voter Services. They informed me that my ballot had in fact been mailed on  
17 August 5. I still have not received that absentee ballot.

18 7. I had planned to vote absentee for the general election because of the  
19 pandemic. Due to the problem in receiving my primary ballot, I plan on voting in  
20 person in November.

DECLARATION OF  
JESSICA ARNDT

2

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
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1 8. I believe it is important that I am able to cast my ballot. I have  
2 already had COVID-19, and am recovered now. But I plan on taking the risk of  
3 going to a polling location to ensure that I am able to vote.

4 9. I believe that if people are unable to vote absentee during a pandemic  
5 such as this it will lead to voter suppression. I feel that I was the victim of voter  
6 suppression for the primary. Because voting is such an important civic duty I will  
7 be casting my vote in person because I do not believe that I can trust in the  
8 absentee voting system to get my ballot in on time.

9 I declare under penalty of perjury under the laws of the States of Washington  
10 and Minnesota and the United States of America that the foregoing is true and  
11 correct.

12 Dated: 9/4/2020

*Jessica Arndt*  
\_\_\_\_\_  
JESSICA ARNDT

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DECLARATION OF  
JESSICA ARNDT

# Exhibit 3

1 ROBERT W. FERGUSON  
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2 NOAH GUZZO PURCELL, WSBA #43492  
*Solicitor General*  
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7 EMMA GRUNBERG, WSBA #54659  
8 TERA M. HEINTZ, WSBA #54921  
*(application for admission forthcoming)*  
9 KARL D. SMITH, WSBA #41988  
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10 **UNITED STATES DISTRICT COURT**  
11 **EASTERN DISTRICT OF WASHINGTON**  
12 **AT YAKIMA**

13 STATE OF WASHINGTON, et  
al.,

14 Plaintiffs,

15 v.

16 DONALD J. TRUMP, et al.,

17 Defendants.

NO. 1:20-cv-03127-SAB

DECLARATION OF MARY  
BARTOLOMUCCI IN  
SUPPORT OF PLAINTIFF  
STATES' MOTION FOR  
PRELIMINARY INJUNCTION

18  
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DECLARATION OF  
MARY BARTOLOMUCCI

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
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1 I, MARY BARTOLOMUCCI, declare:

2 1. I am a resident of the State of Illinois. I am over the age of 18 and  
3 make this declaration from personal knowledge and based on records from the  
4 Illinois Department of Healthcare and Family Services (“HFS”). If called as a  
5 witness, I could and would testify competently to all the matters set forth below.

6 2. I am the Interim IV-D Administrator of the Division of Child Support  
7 Services (“DCSS”) within HFS. The DCSS Administrator is responsible for  
8 implementing the Title IV-D Program of the 1975 Social Security Act. I have  
9 held this position since July 1, 2018.

10 3. DCSS administers the Title IV-D Program of the 1975 Social  
11 Security Act. The Child Support Services program establishes and enforces the  
12 financial responsibility of parents for their children. DCSS establishes paternity,  
13 establishes child support orders (including medical support provisions),  
14 enforces orders and medical support for children, and distributes child support  
15 collections. In addition, DCSS locates non-custodial parents and their financial  
16 assets, reviews and adjusts support orders, and handles interstate and  
17 international child support cases.

18 4. As of August 1, 2020, DCSS was coordinating child support benefits  
19 for approximately 425,000 custodial parents’ child support cases, which  
20 account for approximately 640,000 children. Our caseload is comprised of 96%  
21 women; the racial makeup of the customers we serve is 43% Black, 41% White,  
22

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1 8% Hispanic, and 7% unknown. Our caseload also represents a significant  
2 population of low-income minority groups.

3 5. DCSS's primary method of communication with these individuals  
4 and households is through mail delivered by the United States Postal Service  
5 ("USPS").

6 6. Prompt mail service is crucial for the administration of child support  
7 because interruption in mail service will cause delays in Illinois children  
8 receiving necessary, court-ordered benefits. Unfortunately, any delay—  
9 particularly significant delays—can wreak catastrophic results on children who  
10 depend on these funds to meet their basic needs, as well as on well-meaning  
11 non-custodial parents who are trying to comply with child support orders but  
12 are stymied by unreliable mail service.

13 7. The child support process is complicated and heavily dependent on  
14 the mail at each step. Accordingly, continuous mail delays at each step of the  
15 child support process will cause significant and severe repercussions for  
16 children who depend upon that financial support. For example,

17 a. A delay in an employer's receipt of our Income Withholding  
18 Order for the collection of child support will result in missed  
19 payments towards the collection of child support for  
20 families.

21  
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- b. A delay in an employer’s receipt of the National Medical Support Notice will result in the delay of medical coverage for children.
- c. A delay in an employer’s receipt of new hire reporting instruction may result in the delay in the service of income withholding, impacting child support received by families.
- d. A delay in child support payments received by the State Disbursement Unit (“SDU”) will postpone disbursements to families, which will result in financial hardship.
- e. A delay in mail would postpone the receipt of payments sent out through the Illinois Comptroller’s Office for child support, which will result in financial hardship.
- f. A delay in the agency’s receipt of an application could result in interruptions in providing location services, establishment, disestablishment, and enforcement of court-ordered child support obligations and establishment of paternity.
- g. A delay in the agency’s receipt of a Voluntary Acknowledgement of Paternity (“VAP”) could result in delays in providing information to the Illinois Department of Public Health (“IDPH”) and our customers. This would also

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- delay IDPH's ability to add a father's missing name to a birth certificate, which would delay the establishment of support that would provide financial support to the family.
- h. A delay in the agency's receipt of requests for account redeterminations, timely protests, or appeal requests could result in delayed or denied outcomes. This could also result in improper enforcement through our administrative enforcement processes, which include, but are not limited to, bank liens, tax offsets, and driver's license suspensions.
  - i. A delay could also result in an inadvertent case closure if not notified in a timely manner.
  - j. A delay in our receipt of requested information from both our custodial and non-custodial parents would result in a delay in preparing a case for modification request.
  - k. A delay could also postpone our ability to provide and request child support services for clients where another state is involved. These cases would all have the exact same issues as illustrated above in regards to location, establishment, enforcement, and paternity establishment.

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1           8. In addition, mail delays affect our ability to function effectively with  
2 county partners that we rely upon to establish and modify child support  
3 obligations and establish paternity.

4           9. For example, when an individual applies for services, they must  
5 provide documents to DCSS that includes information like personal financial  
6 data. DCSS in turn provides that information to the State's Attorney to file a  
7 Legal Action Referral ("LAR"), the mechanism used to petition the court to  
8 establish or modify child support or establish paternity.

9           10. Accordingly, the delay in receiving the referral can postpone the  
10 amount of relief a customer receives. For example, if a non-custodial parent  
11 needs a modification for a current support obligation due to job loss, the result  
12 is not instantaneous; they must wait until the matter is filed in the court through  
13 the LAR process. Likewise, in the case of paternity, delays in the return of  
14 paperwork and the ultimate finding of parentage will postpone the  
15 establishment of child support.

16           11. Aside from the postal service, no other reliable form of  
17 communication exists for many of our required documents. For example, the  
18 National Medical Support Notice is federally required to be sent out to each  
19 employer to verify access to medical coverage. Specifically, this Notice is  
20 issued under section 466(a)(19) of the Social Security Act and section  
21  
22

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1 609(a)(5)(C) of the Employee Retirement Income Security Act of 1974  
2 (“ERISA”).

3 12. DCSS sends out between 2,000-3,000 notices per month. There is not  
4 currently an option to send or receive this information from employers  
5 electronically; it is solely reliant on USPS mail services. The Income  
6 Withholding Notice (“IWN”) also relies heavily on USPS mail services. There  
7 are some employers that are able to receive the document electronically, but the  
8 majority of employers still are only able to receive the document through the  
9 mail. We send on average 35,000 to 40,000 IWNs per month. All requests for  
10 account reviews and appeals are processed through USPS mail services. All  
11 VAP forms are also completely reliant on USPS mail services.

12 13. In addition, the postal service is the only viable method that DCSS  
13 has to contact the majority of our customers who pay into or receive child  
14 support benefits. For example, electronic mail is not feasible as many of our  
15 customers may not have regular or reliable access to the Internet, and we have  
16 found that email addresses are not maintained and change frequently. We do  
17 communicate with our customers through email received through the internet  
18 and the customer service call center, but documents that are sent to our  
19 customers are mailed. In addition, private delivery or courier services are cost-  
20 prohibitive. As a result, DCSS relies heavily upon USPS and developed its  
21 method to distribute benefits in reliance on timely, efficient mail delivery.  
22

DECLARATION OF  
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1           14. In addition, we receive payments from many countries, especially  
2 Mexico and Canada. The SDU is monitoring what USPS reports regarding  
3 expected delays by country, and, unfortunately, we have seen payments from  
4 Mexico and Canada returned incorrectly to the SDU, which delays money  
5 getting to individuals.

6           15. Mail delays resulting from the proposed cuts to the postal service will  
7 impact approximately 125,233 paper checks per month through the SDU and  
8 40,000 paper checks per month through the Illinois Comptroller's Office, which  
9 together represent approximately 165,000 paper checks sent through USPS.  
10 These combined checks total approximately \$35 million per month in child  
11 support payments. Delays to these benefits will have a significant impact on the  
12 population of cases we serve.

13           16. For families with child support orders, child support is one of the  
14 largest sources of income and makes up half of the income of low-income  
15 parents who receive it. Our program serves over 600,000 children and is only  
16 behind Medicaid and SNAP in helping lift children and families out of poverty.  
17 Research shows regular child support payments reduce child poverty, promote  
18 parental responsibility and involvement, and improve children's educational  
19 outcomes. Additionally, the COVID-19 pandemic has caused economic  
20 disruption across the country, which has led to increased difficulty in accessing  
21 affordable and healthy food and meeting the family's financial obligations. This  
22

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1 has hit children particularly hard. School closures have caused increased strain  
2 on family food budgets as they need to replace meals that would have been  
3 provided to school age children. The pandemic has also exacerbated racial  
4 inequities in food insecurity. Black and Hispanic households are now about  
5 twice as likely as White households to be struggling with food, and nearly four  
6 out of ten Black households with children are experiencing food insecurity.  
7 Delays in any of the processes that lead to child support checks to families  
8 could have a disastrous effect.

9 **I declare under penalty of perjury under the laws of the State of**  
10 **Washington and Illinois and the United States that the foregoing is true**  
11 **and correct.**

12  
13 DATED this 3<sup>RD</sup> day of September, 2020, at Springfield, Illinois.

14   
15 \_\_\_\_\_  
16 MARY BARTOLOMUCCI  
17 Interim IV-D Administrator, Division of Child  
18 Support Services  
19 Illinois Department of Healthcare and  
20 Family Services  
21  
22

DECLARATION OF  
MARY BARTOLOMUCCI

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# Exhibit 4

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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
AT YAKIMA**

STATE OF WASHINGTON, et  
al.,

Plaintiffs,

v.

DONALD J. TRUMP, et al.,

Defendants.

NO. 1:20-cv-03127-SAB

DECLARATION OF JOCELYN  
BENSON IN SUPPORT OF  
PLAINTIFF STATES' MOTION  
FOR PRELIMINARY  
INJUNCTION

1 I, Jocelyn Benson, declare as follows:

2 1. I am over the age of 18, am competent to testify as to the matters  
3 herein, and make this declaration based on my personal knowledge.

4 2. I am the elected Secretary of State for the State of Michigan. *See*  
5 Mich. Const. 1963, Art. 5, § 21.

6 3. By statute, I am Michigan’s Chief Election Officer with supervisory  
7 control over local election officials in the performance of their duties. *See Mich.*  
8 *Comp. Laws* § 168.21. In that capacity, I also oversee the Bureau of Elections,  
9 which is responsible for the integrity of the state’s elections by ensuring election  
10 laws are followed, training and advising 1,603 clerks, compiling election results  
11 for federal and state elections and providing instructional materials.

12 4. Under Michigan’s Constitution, “every citizen of the United States  
13 who is an elector qualified to vote in Michigan shall have . . . the right, once  
14 registered, to vote an absent voter ballot without giving a reason, during the forty  
15 (40) days before an election, and the right to choose whether the absent voter  
16 ballot is applied for, received and submitted in person or by mail.” Const. 1963,  
17 art 2, §4(1)(g).

18 5. An application for an absent voter ballot may be made by a written  
19 request signed by the voter, on an absent voter ballot application form provided  
20 by the clerk, or on a federal postcard application. MCL 168.759. The application  
21 may be returned by mail or by delivering it in-person. *Id.*

22

DECLARATION OF JOCELYN BENSON

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
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1           6.     Requests to have an absent voter ballot mailed must be received by  
2 the local clerk no later than 5:00 p.m. the Friday before the election. MCL  
3 168.759.

4           7.     Mailed ballots must reach the clerk before the close of the polls at  
5 8:00 p.m. on election day to be counted. MCL 168.764a; MCL 168.720.

6           8.     Mailed ballots that reach the clerk after the polls close on election  
7 day are rejected and may not be counted, even if they were postmarked before  
8 Election Day.

9           9.     Local clerks in Michigan use both First Class and marketing mail to  
10 mail ballots. Historically, the USPS has worked with the state and clerks to  
11 ensure that election mail is marked and receives expedited service regardless of  
12 the class of mail.

13           10.    In 2019 and 2020, the state, clerks, and print vendors have expended  
14 significant time and money on ensuring absent voter ballot envelopes meet USPS  
15 standards for election mail. Since a statewide election in March 2020, the state  
16 has allocated more than \$2 million for the purchase of absent voter ballot  
17 envelopes that meet these standards. The state led this effort largely at the urging  
18 of the USPS. The USPS did not request that absent voter ballot envelopes be sent  
19 only by First Class mail as part of this process. Rather, the state's expectation  
20 was that USPS would continue to provide expedited service for election mail  
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DECLARATION OF JOCELYN BENSON

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
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1 regardless of class, and that increased statewide compliance with USPS design  
2 standards for election mail would facilitate this service.

3 11. Voters pay First Class to have ballots returned, though some local  
4 jurisdictions prepay for postage.

5 12. On July 29, 2020, Mr. Thomas Marshall, General Counsel for the  
6 USPS, sent a letter to me, Michigan Secretary of State Jocelyn Benson, to notify  
7 me that “certain deadlines for requesting and casting mail-in ballots [in  
8 Michigan] are incongruous with the Postal Service’s delivery standards.”  
9 Accordingly, Mr. Marshall notified me that “this mismatch creates a risk that  
10 ballots requested near the deadline under state law will not be returned by mail  
11 in time to be counted under your laws as we understand them.”

12 13. Mr. Marshall also advised me that, as a result of the Postal Service’s  
13 delivery standards, to the extent the mail is used to transmit ballots to and from  
14 voters, “there is significant risk that, at least in certain circumstances, ballots may  
15 be requested in a manner that is consistent with your election rules and returned  
16 promptly, and yet not be returned in time to be counted.”

17 14. The scourge of COVID-19 in Michigan has increased reliance on  
18 voting by mail by more than 50 percent. In Michigan’s previous statewide  
19 election in March, under 40 percent of voters cast ballots by mail. In the August  
20 election, 65 percent of votes were cast by mail (a record for a statewide election).

21  
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DECLARATION OF JOCELYN BENSON

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

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15. The August election set a state record for number of votes by mail (1.6 million) despite having much lower turnout than November presidential elections. Although we have not yet received statewide empirical data, my Department has received reports from several clerks that ballots they put in the mail took several weeks to reach voters.

I declare under penalty of perjury under the laws of the State of Michigan and the United States that the foregoing is true and correct.

DATED this 18<sup>th</sup> day of August, 2020, at Detroit, Michigan.



---

JOCELYN BENSON  
Secretary of State

DECLARATION OF JOCELYN BENSON

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

# Exhibit 5

1 ROBERT W. FERGUSON  
*Attorney General*  
2 NOAH GUZZO PURCELL, WSBA #43492  
*Solicitor General*  
3 NATHAN K. BAYS, WSBA #43025  
4 KRISTIN BENESKI, WSBA #45478  
5 ANDREW R.W. HUGHES, WSBA #49515  
6 CRISTINA SEPE, WSBA #53609  
*Assistant Attorneys General*  
7 EMMA GRUNBERG, WSBA #54659  
8 TERA M. HEINTZ, WSBA #54921  
*(application for admission forthcoming)*  
9 KARL D. SMITH, WSBA #41988  
*Deputy Solicitors General*  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104  
(206) 464-7744

10 **UNITED STATES DISTRICT COURT**  
11 **EASTERN DISTRICT OF WASHINGTON**  
12 **AT YAKIMA**

13 STATE OF WASHINGTON, et  
14 al.,

14 Plaintiffs,

15 v.

16 DONALD J. TRUMP, et al.,

17 Defendants.

NO. 1:20-cv-03127-SAB

DECLARATION OF ANNE  
BIPES IN SUPPORT OF  
PLAINTIFF STATES' MOTION  
FOR PRELIMINARY  
INJUNCTION

18 I, Anne Bipes, declare as follows:

19 1. I am over the age of 18, am competent to testify as to the matters  
20 herein, and make this declaration based on my personal knowledge.  
21  
22

DECLARATION OF  
ANN BIPES

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

1           2.     I am a resident of Saint Louis Park, in Hennepin County, Minnesota.

2           3.     I am temporarily staying with a friend of mine in Portola Valley,  
3 California.

4           4.     On July 23, 2020, I submitted an electronic application through the  
5 Minnesota Secretary of State's website for a Minnesota absentee ballot to enable  
6 me to vote in the statewide primary election that was held on August 11.

7           5.     According to the Secretary of State's website, my absentee ballot was  
8 mailed to me from Minnesota on July 23. The ballot did not reach me in California  
9 until August 4, 12 days later.

10          6.     At that time, I was concerned that if I returned my completed ballot by  
11 standard U.S. Mail, it would not reach election officials in Minnesota in time to be  
12 counted in the August 11 primary. As a result, on August 5, I sent my completed  
13 ballot to the Hennepin County election office by Priority Mail, which promised  
14 expedited delivery but cost \$7.75.

15          7.     The Postal Service reported that my ballot was delivered to the county  
16 election office on August 8. I learned from the Secretary of State's website that the  
17 ballot was accepted by election officials. If I had not sent my ballot by the  
18 expedited Priority Mail service, I do not believe it would have arrived in time to be  
19 counted.

DECLARATION OF  
ANNE BIPES

2

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

1           8.     I have voted in every even-year election since I became old enough to  
2 be eligible to vote. I believe that voting is a responsibility as well as right and a  
3 privilege. It is of utmost importance to me that every voter’s vote is counted, and I  
4 am deeply opposed to any attempt to impair any person’s right to have their vote  
5 received and counted.

6           9.     I am concerned about my ability to cast an effective vote in  
7 Minnesota’s November 2020 general election. Because I expect to stay in  
8 California until after Election Day, I will need to use the absentee process to cast  
9 my ballot. In light of my experience casting a ballot in the primary, I am concerned  
10 that using the mail process from 2,000 miles away from my home could lead to  
11 delivery delays that could prevent my vote from being timely received and  
12 counted.

13           I declare under penalty of perjury under the laws of the States of Washington  
14 and California and the United States that the foregoing is true and correct.

15 Dated: August 18, 2020

/s/ Anne Bipes  
  ANNE BIPES

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DECLARATION OF  
ANNE BIPES

# Exhibit 6

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ROBERT W. FERGUSON  
*Attorney General*  
NOAH GUZZO PURCELL, WSBA #43492  
*Solicitor General*  
NATHAN K. BAYS, WSBA #43025  
KRISTIN BENESKI, WSBA #45478  
ANDREW R.W. HUGHES, WSBA #49515  
CRISTINA SEPE, WSBA #53609  
*Assistant Attorneys General*  
EMMA GRUNBERG, WSBA #54659  
TERA M. HEINTZ, WSBA #54921  
*(application for admission forthcoming)*  
KARL D. SMITH, WSBA #41988  
*Deputy Solicitors General*  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104  
(206) 464-7744

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
AT YAKIMA**

STATE OF WASHINGTON, et  
al.,

Plaintiffs,

v.

DONALD J. TRUMP, et al.,

Defendants.

NO. 1:20-cv-03127-SAB

DECLARATION OF ELISA  
CAFFERATA IN SUPPORT OF  
PLAINTIFF STATES' MOTION  
FOR PRELIMINARY  
INJUNCTION

DECLARATION OF ELISA  
CAFFERATA

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

1 I, Elisa Cafferata, declare as follows:

2 1. I am over the age of 18, am competent to testify as to the matters  
3 herein, and make this declaration based on my personal knowledge.

4 2. I am the Acting Director for the Nevada Department of  
5 Employment, Training and Rehabilitation (“DETR”), the Nevada state agency  
6 responsible for administering and distributing unemployment benefits to  
7 qualified recipients.

8 3. DETR relies upon the United States Postal Service to administer its  
9 benefit programs.

10 4. Specifically, DETR’s method of payment for the traditional  
11 unemployment program recipients is a prepaid debit MasterCard issued by Bank  
12 of America.

13 5. The prepaid debit cards are transmitted to recipients by United  
14 States Mail.

15 6. Given Nevada’s historic unemployment rate during the COVID-19  
16 emergency, DETR is serving many first-time benefit recipients, which requires  
17 mailing them the prepaid debit cards.

18 7. Delays in mail service delay benefit payments to these first-time  
19 recipients, harming Nevada’s ability to administer the benefit programs and  
20 harming recipients.

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DECLARATION OF ELISA  
CAFFERATA

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

1 8. DETR also relies on the United States Postal Service to transport  
2 other important unemployment insurance-related documentation to recipients.

3 9. As noted to recipients in the "Nevada Unemployment Insurance  
4 Facts for Claimants," failure to have an updated address may result in a delay or  
5 a denial of benefits.

6 10. Similarly, delays in mail service may result in missed deadlines and  
7 denial of benefits, harming Nevada's ability to administer these benefit programs  
8 and harming Nevadans who otherwise are qualified for benefits.

9 11. I declare under penalty of perjury under the laws of the State of  
10 Nevada and the United States that the foregoing is true and correct.

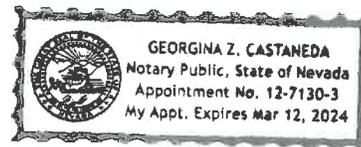
11 DATED this 19<sup>th</sup> day of August, 2020, at Carson City, Nevada.

12 State of Nevada  
13 Carson City

  
\_\_\_\_\_  
ELISA CAFFERATA  
Acting Director, Nevada Department of  
Employment, Training and Rehabilitation

15 Signed and sworn to before me on Aug. 19, 2020  
16 by Elisa Cafferata.

17   
18 \_\_\_\_\_  
Signature of notarial officer



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DECLARATION OF ELISA  
CAFFERATA

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

# Exhibit 7

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ROBERT W. FERGUSON  
*Attorney General*

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
AT YAKIMA**

STATE OF WASHINGTON, et  
al.,

Plaintiff,

v.

DONALD J. TRUMP, et al.,

Defendants.

NO. 1:20-CV-03127

DECLARATION OF  
JOSEPH COGAN

I, Joseph Cogan, declare as follows:

1. I am over the age of 18, am competent to testify as to the matters herein, and make this declaration based on my personal knowledge.

2. I have been a United States Postal Service (USPS) employee for over 36 years. In addition to my role as a Postal Clerk for the USPS, I currently serve as President of the Portland Oregon Area Local (Portland Local) of the American Postal Workers Union (APWU), a role I have held since 2016. I make this declaration personally and not on behalf of any organization or entity.

DECLARATION OF  
JOSEPH COGAN

10423341v2

1           3.     The Portland Local represents over 1000 postal service workers in  
2 more than 30 communities in Northwest Oregon, including Oregon's three most  
3 populous counties.

4           4.     The USPS Distribution Center in Portland Oregon (Portland  
5 Distribution Center) is one of the newest and largest mail processing facilities  
6 in the United States and handles mail originating in and destined for the entire  
7 Willamette Valley and a number of Oregon communities on the east side of the  
8 Cascade Mountains. At this time the Portland Distribution Center operates 24  
9 hours a day, seven days a week sorting mail and packages.

10          5.     I am familiar with operations in the Portland Distribution Center. I  
11 worked as a Postal Clerk in the predecessor facility in Portland, and as part of  
12 my duties as Union President I visit the Portland Distribution Center two or  
13 three times each week.

14          6.     Portland Local represents USPS workers in multiple job classes  
15 including clerks, expeditors, and carriers. I regularly communicate with union  
16 members employed across different job functions regarding policies, working  
17 conditions, and mail volumes in the Portland Distribution Center and other  
18 USPS facilities in Northwest Oregon.

19          7.     The USPS has recently made several significant changes to the  
20 way it processes and delivers mail in the State of Oregon, including reducing  
21  
22

1 the mail sorting capacity in the Portland Distribution Center and imposing and  
2 then retracting rules affecting distribution and delivery schedules.

3 8. The Portland Distribution Center recently removed 5 out of 40  
4 high capacity mail sorting machines for handling letter -sized mail (rectangular  
5 mailpieces up to 6 1/8 x 11 1/2 inches). The high capacity mail sorting  
6 machines handle up to 35,000 pieces of mail per hour and those removed  
7 represent approximately 12% of letter-sized mail capacity in the Portland  
8 Distribution Center. The Portland Distribution Center also recently removed  
9 one of 1 of 4 flat sorting machines for handling magazines and large envelopes.  
10 This reduced capacity makes it less likely the facility will be able to process all  
11 mail prior to the departure of trucks conveying mail for delivery.

12 9. Ballots for state, local, and national elections are of the dimensions  
13 processed by high capacity mail sorting machines. Oregon conducts elections  
14 by mail only. USPS in Oregon experiences noticeable increases in volume  
15 associated with elections, including the distribution of ballots and voter  
16 pamphlets, and the return of ballots by votes.

17 10. Since March of 2020 package mail volume passing through the  
18 Portland Distribution Center has increased to resemble the high volumes USPS  
19 handles during December holidays.

20 11. Mail routing and handling includes these common steps: a mail  
21 carrier on a daily route picks up outgoing mail from various sources, including  
22

DECLARATION OF  
JOSEPH COGAN

10423341v2

3

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

1 from private mailboxes and public blue boxes. When the mail carrier finishes  
2 their route, they bring that outgoing mail back to the local postal station, where  
3 it is put on a truck that will take it to a regional processing center in the  
4 evening. At the processing center, mail is postmarked and sorted by destination.  
5 Most mail to a local or in-state destination will be loaded onto a truck the next  
6 morning that will take it to a station for delivery.

7 12. One of the recent changes to the way mail is being processed in  
8 Oregon is that trucks traveling between stations and processing centers must  
9 now depart their origin facility by a set time each day, without exception. This  
10 applies both to trucks leaving stations at the end of the day to take outgoing  
11 mail to a processing center, and to trucks leaving processing centers in the  
12 morning to take mail to a station for delivery.

13 13. Previously, if a large volume of mail was nearly complete,  
14 meaning being postmarked and sorted for delivery, trucks could wait to make  
15 sure they got all the mail that should go to the station that day. Now, however,  
16 those trucks must also leave at the set time without any exception. As a result,  
17 mail that was nearly done being processed will may miss the truck entirely and  
18 could sit at the facility for at least another day until it can be driven to the  
19 station for delivery.

20 14. In the past, significant changes such as removal of equipment  
21 impacting mail handling capacity, or changes in policies affecting the timeliness  
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of mail delivery, were announced well ahead of their implementation. Personnel that I represent at the Portland Distribution Center and postal stations in our region have not been able to fully assess likely impacts to the system. These changes have been announced and put into place with very little notice.

I declare under penalty of perjury under the laws of the State of Oregon and the United States that the foregoing is true and correct.

DATED this 3 day of September, 2020, at Portland, Oregon.

  
\_\_\_\_\_  
JOSEPH COGAN

# Exhibit 8

1 ROBERT W. FERGUSON  
*Attorney General*  
2 NOAH GUZZO PURCELL, WSBA #43492  
*Solicitor General*  
3 NATHAN K. BAYS, WSBA #43025  
4 KRISTIN BENESKI, WSBA #45478  
5 ANDREW R.W. HUGHES, WSBA #49515  
6 CRISTINA SEPE, WSBA #53609  
*Assistant Attorneys General*  
7 EMMA GRUNBERG, WSBA #54659  
8 TERA M. HEINTZ, WSBA #54921  
*(application for admission forthcoming)*  
9 KARL D. SMITH, WSBA #41988  
*Deputy Solicitors General*  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104  
(206) 464-7744

10 **UNITED STATES DISTRICT COURT**  
11 **EASTERN DISTRICT OF WASHINGTON**  
12 **AT YAKIMA**

13 STATE OF WASHINGTON, et  
14 al.,

14 Plaintiffs,

15 v.

16 DONALD J. TRUMP, et al.,

17 Defendants.

NO. 1:20-cv-03127-SAB

DECLARATION OF KEITH  
COMBS IN SUPPORT OF  
PLAINTIFF STATES' MOTION  
FOR PRELIMINARY  
INJUNCTION

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I, Keith Combs, declare as follows:

1. I am over the age of 18, am competent to testify as to the matters herein, and make this declaration based on my personal knowledge.

2. I am the local president for the Detroit District Area Local of the American Postal Workers Union, AFL-CIO.

3. Among other duties, I supervise the officers and stewards of our local union.

4. I have also operated mail sorting machines for the United States Postal Service (USPS).

5. I learned from Union stewards that USPS removed four (4) Delivery Bar Code Sorter mail sorting machines all at once from the George W. Young Post Office in Detroit.

6. I was told that the removal of these machines occurred after the appointment of Postmaster General Louis DeJoy.

7. Typically, a DBCS can process approximately 32,000 pieces of mail in an hour.

8. Based on my experience, the removal of machines like the DBCS's could slow down the mail sorting process. In some situations, decreasing the number of available machines can make it more difficult to keep the mail sorting process going because there are fewer secondary machines available when another machine breaks down.

DECLARATION OF COMBS

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

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I declare under penalty of perjury under the laws of the State of Michigan and the United States that the foregoing is true and correct.

DATED this 20<sup>th</sup> day of August, 2020, at Lansing, Michigan.



Keith Combs  
Local President, Detroit district  
American Postal Workers Union

DECLARATION OF COMBS

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

# Exhibit 9

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ROBERT W. FERGUSON  
*Attorney General*  
NOAH GUZZO PURCELL, WSBA #43492  
*Solicitor General*  
NATHAN K. BAYS, WSBA #43025  
KRISTIN BENESKI, WSBA #45478  
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CRISTINA SEPE, WSBA #53609  
*Assistant Attorneys General*  
EMMA GRUNBERG, WSBA #54659  
TERA M. HEINTZ, WSBA #54921  
*(application for admission forthcoming)*  
KARL D. SMITH, WSBA #41988  
*Deputy Solicitors General*  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104  
(206) 464-7744

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
AT YAKIMA**

STATE OF WASHINGTON, et  
al.,

Plaintiffs,

v.

DONALD J. TRUMP, et al.,

Defendants.

NO. 1:20-cv-03127-SAB

DECLARATION OF LESLIE  
CULLY IN SUPPORT OF  
PLAINTIFF STATES' MOTION  
FOR PRELIMINARY  
INJUNCTION

DECLARATION OF  
LESLIE CULLY

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

1 I, LESLIE CULLY, declare:

2 1. I am a resident of the State of Illinois. I am over the age of 18 and  
3 make this declaration from personal knowledge and based on records from the  
4 Illinois Department of Human Services. If called as a witness, I could and  
5 would testify competently to all the matters set forth below.

6 2. I am the Associate Director of the Division of Family and  
7 Community Services within the Illinois Department of Human Services. I  
8 oversee the administration of the local offices across Illinois that administer  
9 public assistance programs. I have held this position since April 2019.

10 3. The Division of Family and Community Services (the “Division”)  
11 administers the following federal and state benefit programs for low income  
12 households: Supplemental Nutrition Assistance Program (“SNAP”), Temporary  
13 Assistance for Needy Families (“TANF”), and Medicaid programs.

14 4. As of August 1, 2020, the Division was administering benefits for a  
15 total of 2,032,767 individuals receiving SNAP, 69,631 individuals receiving  
16 TANF (including state-funded programs), and 2,954,142 individuals receiving  
17 Medicaid.

18 5. The Division’s primary method of communication with these  
19 individuals and households is through mail delivered by the United States  
20 Postal Service (“USPS”).

21  
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DECLARATION OF  
LESLIE CULLY

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

1           6. On August 12 and 19, 2020, the Division mailed a combined total of  
2 110,361 SNAP redetermination notices to recipients. As of August 31, 2020,  
3 however, we have only received 1594 responses. This amount is significantly  
4 lower than our normal response rate, which is typically 60% of applications  
5 mailed.

6           7. Federal and state laws governing the programs administered by the  
7 Division impose strict timelines on the processing and delivery of benefits,  
8 notification to applicants and recipients, and appeals associated with public  
9 benefits. For example, the Division must provide at least 10 days' advance  
10 notice before reducing or terminating benefits. *See* 7 CFR § 273.13.

11           8. The Division also depends upon the USPS to ensure timely  
12 communication with the more than 2 million individuals it serves.

13           9. Mail delays resulting from the proposed cuts to the postal service will  
14 impede the Division's ability to timely communicate with households in need of  
15 assistance.

16           10. No other viable form of communication exists to contact the  
17 Division's benefit recipients. For example, electronic mail or use of a website is  
18 not feasible because our constituents do not have regular or reliable access to  
19 the Internet. In addition, private delivery or courier services are cost-  
20 prohibitive. As a result, the Division relies heavily upon USPS services and  
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DECLARATION OF  
LESLIE CULLY

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

1 developed its method to distribute benefits in reliance on timely, efficient postal  
2 services.

3 11. Mail delays resulting from the proposed cuts to the postal service will  
4 slow the delivery of approximately \$353 million in monthly SNAP benefits and  
5 \$11 million in monthly TANF and related state-funded program benefits,  
6 potentially impacting the ability of low income households to meet their basic  
7 needs.

8 **I declare under penalty of perjury under the laws of the State of**  
9 **Washington and Illinois and the United States that the foregoing is true**  
10 **and correct.**

11  
12 DATED this 4th day of September, 2020, at Springfield, Illinois.

13  
14 *Leslie K. Cully*  
15 \_\_\_\_\_  
16 LESLIE CULLY

17 Associate Director  
18 Illinois Department of Human Services  
19  
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22

DECLARATION OF  
LESLIE CULLY

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

# Exhibit 10

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ROBERT W. FERGUSON  
*Attorney General*  
NOAH GUZZO PURCELL, WSBA #43492  
*Solicitor General*  
NATHAN K. BAYS, WSBA #43025  
KRISTIN BENESKI, WSBA #45478  
ANDREW R.W. HUGHES, WSBA #49515  
CRISTINA SEPE, WSBA #53609  
*Assistant Attorneys General*  
EMMA GRUNBERG, WSBA #54659  
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*(application for admission forthcoming)*  
KARL D. SMITH, WSBA #41988  
*Deputy Solicitors General*  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104  
(206) 464-7744

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
AT YAKIMA**

STATE OF WASHINGTON, et  
al.,

Plaintiffs,

v.

DONALD J. TRUMP, et al.,

Defendants.

NO. 1:20-cv-03127-SAB

DECLARATION OF CHRIS  
CZUBAKOWSKI IN SUPPORT  
OF PLAINTIFF STATES'  
MOTION FOR PRELIMINARY  
INJUNCTION

DECLARATION OF CHRIS  
CZUBAKOWSKI

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

1 I, **CHRIS CZUBAKOWSKI**, declare as follows:

2 1. I am over the age of 18, am competent to testify as to the matters  
3 herein, and make this declaration based on my personal knowledge.

4 2. I am a mail processing clerk at the Postal Service’s Milwaukee  
5 processing facility and have worked in that position since 1996. In that role, I  
6 operate and process mail on DBCS and DIOSS sorting machines. The Milwaukee  
7 processing facility serves a large section of southern and central Wisconsin,  
8 including the cities of Milwaukee and Madison.

9 3. I also serve as the Vice President and Legislative Director of the  
10 Milwaukee Area Local branch of the American Postal Workers Union, positions  
11 I have held since 2019. In those roles, I perform the duties of the President in  
12 case of his absence and guide and direct all activities of the union relating to  
13 legislation.

14 4. I am aware of recent changes to Postal Service operations involving  
15 the decommissioning of sorting machines in the Milwaukee processing facility  
16 in which I work.

17 5. Timely Postal Service mail processing in southern and central  
18 Wisconsin depends on a set of sorting machines at the Milwaukee processing  
19 facility called Delivery Bar Code Sorters (“DBCS”). These machines are used to  
20 sort first-class mail based on the delivery destination, before sending first-class  
21 mail to local post offices for final delivery to Postal Service customers. My  
22

**DECLARATION OF CHRIS  
CZUBAKOWSKI**

**ATTORNEY GENERAL OF WASHINGTON**  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
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1 processing facility also operates DIOOS machines that serve essentially the same  
2 function.

3 6. Each of these DBCS and DIOOS machines can process up to 30,000  
4 to 35,000 pieces of mail per hour. These machines typically run for around 20  
5 hours per day, with four hours of downtime for maintenance. I estimate that the  
6 machines typically do not run at 100% efficiency, and so a more realistic estimate  
7 of hourly processing is 25,000 pieces of mail per hour. That amounts to 500,000  
8 pieces of mail per day, per machine.

9 7. The Milwaukee processing facility used to have 36 sorting  
10 machines, but four have been removed over the past month or so. I am not aware  
11 of any plans to reinstall those machines.

12 8. One DIOOS machine has also been disconnected at the Milwaukee  
13 facility (but not removed from the premises, like the DBCS machines). This  
14 machine also was disconnected around a month ago.

15 9. With four DBCS and one DIOOS machines removed from operation  
16 over the past month, that has reduced the Milwaukee processing facility's  
17 capacity by around 2,500,000 pieces of first-class mail per day.

18 10. Also, two other machines called AFCS machines have been  
19 disconnected in the past month or so, out of nine total in the entire facility. These  
20 machines also are used to process first-class mail, before it is sorted by the DBCS  
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DECLARATION OF CHRIS  
CZUBAKOWSKI

ATTORNEY GENERAL OF WASHINGTON  
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1 machines. These disconnections could also potentially reduce the facility's daily  
2 processing capacity.

3 11. Historically, two Postal Service employees staffed each DBCS and  
4 DIOOS sorting machine at a time. But given current understaffing, only one  
5 employee now staffs each sorting machine, which lowers the efficiency with  
6 which each machine sorts and processes the mail. Once the machines approach  
7 their sorting capacity, jams and other sorting problems increase that can be more  
8 efficiently resolved with two employees than one.

9 12. With the reduction in sorting machines and supporting staff, periods  
10 of high mail volume will strain my facility's processing capacity and potentially  
11 lead to processing delays.

12 //

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DECLARATION OF CHRIS  
CZUBAKOWSKI

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
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1           13. I understand that Wisconsin election officials expect a surge of  
2 absentee voting by mail during the November 2020 general election. If the  
3 machines that have been removed from operation described above are not  
4 replaced, I believe there is a risk that Wisconsin voters will experience delays in  
5 receiving and returning their absentee ballots by mail in the upcoming election.  
6

7           I declare under penalty of perjury under the laws of the State of Wisconsin  
8 and the United States that the foregoing is true and correct.

9           DATED this 8<sup>th</sup> day of September, 2020, at Wauwatosa, Wisconsin.

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Chris Czubakowski

Legislative Director, American Postal Workers  
Union, Milwaukee Area Local

DECLARATION OF CHRIS  
CZUBAKOWSKI

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
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# Exhibit 11

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ROBERT W. FERGUSON  
*Attorney General*  
NOAH GUZZO PURCELL, WSBA #43492  
*Solicitor General*  
NATHAN K. BAYS, WSBA #43025  
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EMMA GRUNBERG, WSBA #54659  
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*(application for admission forthcoming)*  
KARL D. SMITH, WSBA #41988  
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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
AT YAKIMA**

STATE OF WASHINGTON, et  
al.,

Plaintiffs,

v.

DONALD J. TRUMP, et al.,

Defendants.

NO. 1:20-cv-03127-SAB

DECLARATION OF DAVID W.  
DART IN SUPPORT OF  
PLAINTIFF STATES' MOTION  
FOR PRELIMINARY  
INJUNCTION

DECLARATION OF  
DAVID W. DART

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

1 I, David W. Dart, declare as follows:

2 1. I am over the age of 18, am competent to testify as to the matters  
3 herein, and make this declaration based on my personal knowledge.

4 2. I am a U.S. Navy veteran. I entered the service in December 1980  
5 and separated from service in July 1985.

6 3. I am long-time resident of Washington State.

7 4. I have an underlying medical condition that puts me at increased risk  
8 for severe illness from COVID-19. I am following my state's stay at home orders.  
9 But because I am at increased risk, I have taken additional precautions and try to  
10 avoid leaving my home.

11 5. I primarily buy the basic necessities I need online through retailers  
12 like Wal-Mart and Amazon. These necessities include household cleaning items,  
13 bulk items, pet food, and clothes. Over the last few months, I have experienced  
14 package delays ranging from two weeks to a month from the expected delivery  
15 date. At least twice, the original item arrived after the replacement item. Through  
16 delivery tracking, I saw that another package was stuck at the same facility in  
17 California for 10 days.

18 6. I also get my medication delivered to me through the United States  
19 Postal Service. I use the Department of Veterans Affairs to get my medication.  
20 My doctor has prescribed me with eleven medications and four supplements,  
21 three of which treat my chronic condition.

22  
DECLARATION OF  
DAVID W. DART

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
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1           7.     I refill my prescriptions online and am able to track their delivery  
2 status.

3           8.     Generally, through the VA refill process, I receive my refills three  
4 or four days before I run out of that medication.

5           9.     Starting sometime in July 2020, I began noticing and experiencing  
6 delays in Postal Service deliveries for my medications. Because of these delays,  
7 I have received prescription refills three or four days after I run out of that  
8 medication.

9           10.    I am very concerned about how these mail delays will affect me and  
10 that future deliveries of critical medication will be delayed.

11          11.    I am most worried about getting delayed refills of one of the  
12 medications that I take to manage my chronic condition. I am anxious about the  
13 consequences if the delivery of this refill does not get to me on time before I run  
14 out. I must take this medication every day around the same time and cannot miss  
15 a dose. Skipping even for just a few days of this medicine can be life-threatening.  
16 Missing doses increases my risk for blood clots, which could result in stroke,  
17 heart attack, or a pulmonary embolism (where a blood clot blocks blood flow to  
18 my lungs).

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DECLARATION OF  
DAVID W. DART

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

1 I declare under penalty of perjury under the laws of the State of  
2 Washington and the United States that the foregoing is true and correct.

3  
4 DATED this 18 day of August, 2020, at Seattle, Washington.

5 *David William Dart*  
6 David W. Dart

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DECLARATION OF  
DAVID W. DART

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
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# Exhibit 12

1 ROBERT W. FERGUSON  
*Attorney General*  
2 NOAH GUZZO PURCELL, WSBA #43492  
*Solicitor General*  
3 NATHAN K. BAYS, WSBA #43025  
KRISTIN BENESKI, WSBA #45478  
4 ANDREW R.W. HUGHES, WSBA #49515  
CRISTINA SEPE, WSBA #53609  
5 *(application for admission forthcoming)*  
*Assistant Attorneys General*  
6 EMMA GRUNBERG, WSBA #54659  
TERA M. HEINTZ, WSBA #54921  
7 *(application for admission forthcoming)*  
KARL D. SMITH, WSBA #41988  
8 *(application for admission forthcoming)*  
*Deputy Solicitors General*  
9 800 Fifth Avenue, Suite 2000  
Seattle, WA 98104  
10 (206) 464-7744

11  
12 **UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF WASHINGTON**  
13 **AT YAKIMA**

14 STATE OF WASHINGTON, et al.,

15 Plaintiffs,

16 v.

17 DONALD J. TRUMP, et al.,

18 Defendants.

NO. 1:20-cv-03127-SAB

DECLARATION OF NICOLE  
DAVIDSON IN SUPPORT OF  
PLAINTIFF STATES' MOTION FOR  
PRELIMINARY INJUNCTION

19  
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22  
DECLARATION OF  
NICOLE DAVIDSON

ATTORNEY GENERAL OF VIRGINIA  
202 North Ninth Street  
Richmond, Virginia 23219  
804-692-0558 (telephone)  
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clewis@oag.state.va.us

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I, Nicole Davidson, declare as follows:

1. I am over the age of 18, am competent to testify as to the matters herein, and make this declaration based on my personal knowledge.

2. I am the Secretary of the Board of Directors of Ring Dog Rescue, Inc. (Ring), a women-run nonprofit based in Virginia that rescues, rehabilitates and places abused, abandoned, and homeless dogs. Ring focuses its efforts on pit bulls given the overwhelming need for their adoption in animal shelters across Virginia. Ring operates a foster program with homes throughout Virginia, including a number that are dedicated to caring for senior and terminally ill dogs. Ring acts as a liaison between shelters, animal control, and disaster agencies state-wide, and assists in providing appropriate medical care. This includes ensuring that dogs are spayed and neutered and up-to-date on vaccinations. Ring specifically works with other rescue and transport organizations to rescue, foster, and re-home dogs from municipal shelters.

3. I also serve on the Board of Directors of A.L. Shilling Spay & Neuter, Inc. (Shilling), another women-run and Virginia-based nonprofit that strives to provide low-cost or free spay and neuter services to companion animals in the greater Richmond, Virginia area. Shilling focuses its resources on animals in underserved areas, municipal shelters, and other animal rescue organizations. Shilling's goal is to reduce the number of homeless companion animals in Virginia, and to improve the health and quality of life of owned companion animals and those awaiting adoption.

4. Recent changes in delivery of mail by the United States Postal Service have materially impaired the ability of both Ring and Shilling to offer their services to Virginians

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1 across the Commonwealth. These impacts have been particularly acute as pet adoption has  
2 markedly increased during the ongoing COVID-19 pandemic.

3 5. Ring relies on the mail to deliver necessary paperwork and contracts to those  
4 who are interested in adopting a dog, along with medications for adopted dogs. In recent  
5 months, Ring has begun to rely even more heavily on the mail to minimize in-person  
6 interactions and decrease the likelihood of exposure to COVID-19.

7 6. However, on two separate occasions in the last three months, adoption  
8 packs—which include both the relevant contractual paperwork and medications—have been  
9 lost in transit by the United States Postal Service. One adoption pack was eventually located  
10 at a North Carolina facility, even though that pack was sent from Henrico County to  
11 Chesterfield County, both of which are located in Central Virginia. The Postal Service never  
12 provided an explanation as to why that adoption pack was routed to North Carolina, nor has  
13 that pack ever been delivered. The other adoption pack was never located. Ring incurred  
14 additional expenses as the lost packages forced the organization to replace the lost  
15 medication and reproduce the lost paperwork.

16 7. Ring also relies on the mail to ensure compliance with various State laws that  
17 require nonprofits to register in order to solicit donations. Ring spends thousands of dollars  
18 each year to file the necessary paperwork and remain eligible to fundraise in these States.  
19 The registration process requires regular consultation with outside counsel, including sending  
20 notarized documents through the Postal Service. On multiple occasions in recent months,  
21 however, notarized documents sent via Priority Mail were delayed in transit to Ring's  
22

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1 counsel. In some cases, those delays have jeopardized Ring’s registrations, which would  
2 render the nonprofit ineligible to solicit donations in each of the affected States.

3 8. Finally, Ring relies on the United States Postal Service to deliver merchandise  
4 sold by the organization to raise funds for its operations. In the last three months, over a  
5 dozen orders have been delayed between five and ten days. Despite repeated inquiries, the  
6 Postal Service has been unable to track those missing packages for Ring, leaving the  
7 nonprofit unable to provide accurate estimates to customers as to when their purchases would  
8 arrive. The organization’s inability to rely on the Postal Service to deliver merchandise  
9 undermines its efforts to fundraise for its adoption services.

10 9. Shilling also relies on the mail to provide spaying and neutering services to  
11 pet owners across Virginia. But, as with Ring, Shilling has experienced delays in the delivery  
12 of critical mail sent through the United States Postal Service.

13 10. Just this month, a set of documents necessary for an insurance audit and sent  
14 through the United States Postal Service were delayed by over a month. As a result of that  
15 delay, Shilling nearly lost its insurance coverage.

16 11. Shilling also recently received word from a laboratory with which the  
17 nonprofit contracts that Shilling had not paid various medical bills. The laboratory, which  
18 among other things provides heartworm tests for Shilling, threatened to discontinue service  
19 in the event that Shilling did not pay those bills. Upon investigation, Shilling learned that the  
20 medical bills had been sent through the United States Postal Service but were never  
21 delivered.  
22

DECLARATION OF  
NICOLE DAVIDSON

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12. Shilling separately experienced a week-and-a-half period in recent months during which the nonprofit received absolutely no mail, which was highly unusual. Although mail delivery resumed after Shilling filed a complaint with the local Post Office, no mail from that period was ever delivered.

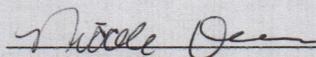
DECLARATION OF  
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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATED this 3 day of September, 2020, at Richmond, Virginia.



Nicole Davidson  
Secretary, Ring Dog Rescue, Inc.  
Director, A.L. Shilling Spay & Neuter, Inc.

DECLARATION OF  
NICOLE DAVIDSON

ATTORNEY GENERAL OF VIRGINIA  
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# Exhibit 13

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ROBERT W. FERGUSON  
*Attorney General*  
NOAH GUZZO PURCELL, WSBA #43492  
*Solicitor General*  
NATHAN K. BAYS, WSBA #43025  
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*(application for admission forthcoming)*  
KARL D. SMITH, WSBA #41988  
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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
AT YAKIMA**

STATE OF WASHINGTON, et  
al.,

Plaintiffs,

v.

DONALD J. TRUMP, et al.,

Defendants.

NO. 1:20-cv-03127-SAB

DECLARATION OF STEVE H.  
FISHER IN SUPPORT OF  
PLAINTIFF STATES' MOTION  
FOR PRELIMINARY  
INJUNCTION

DECLARATION OF STEVE H  
FISHER

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

1 I, Steve Fisher, declare as follows:

2 1. I am over the age of 18, am competent to testify as to the matters  
3 herein, and make this declaration based on my personal knowledge.

4 2. I am the Administrator for the Division of Welfare and Supportive  
5 Services at the Nevada Department of Health and Human Services (“DWSS”),  
6 the Nevada state agency responsible for administering and distributing various  
7 public assistance benefits to qualified recipients.

8 3. I have served this agency for 22 years holding many different roles  
9 along the way. Currently, I serve as Administrator of the Division of Welfare  
10 and Supportive Services and have served in this role for 6 years.

11 4. DWSS relies upon the United States Postal Service to administer its  
12 benefit programs.

13 5. Specifically, federal regulations require DWSS to use the United  
14 States Postal Service for mailed applications, redetermination notices and  
15 applications, notices of action, requests for information, and timely hearing  
16 processes.

17 6. While benefit recipients have the option to request electronic  
18 notifications, DWSS is required to offer and use the United States Postal Service.

19 7. To date, only approximately 1% of DWSS recipient households  
20 have opted for electronic notification in lieu of the United States mail.

21

22

DECLARATION OF STEVE H  
FISHER

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
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# Exhibit 14

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ROBERT W. FERGUSON  
*Attorney General*  
NOAH GUZZO PURCELL, WSBA #43492  
*Solicitor General*  
NATHAN K. BAYS, WSBA #43025  
KRISTIN BENESKI, WSBA #45478  
ANDREW R.W. HUGHES, WSBA #49515  
CRISTINA SEPE, WSBA #53609  
*Assistant Attorneys General*  
EMMA GRUNBERG, WSBA #54659  
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*(application for admission forthcoming)*  
KARL D. SMITH, WSBA #41988  
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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
AT YAKIMA**

STATE OF WASHINGTON, et  
al.,

Plaintiffs,

v.

DONALD J. TRUMP, et al.,

Defendants.

NO. 1:20-cv-03127-SAB

DECLARATION OF NATHAN  
GEISSEL IN SUPPORT OF  
PLAINTIFF STATES' MOTION  
FOR PRELIMINARY  
INJUNCTION

DECLARATION OF  
NATHAN GEISSEL  
NO. 1:20-CV-03127-SAB

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

1 I, Nathan Geissel, declare as follows:

2 1. I am over the age of 18, am competent to testify as to the matters  
3 herein, and make this declaration based on my personal knowledge.

4 2. I am a resident of Grants Pass, Oregon.

5 3. I am an Emergency Medical Technician. Before this, I worked as a  
6 patient access specialist

7 4. Two years ago, my doctor prescribed me Eliquis—a medication to  
8 treat and prevent blood clots and to prevent stroke.

9 5. I have received this medication by mail for the last year and a half.  
10 I get my medication delivered by mail because my insurance covers more of the  
11 cost of the medication when it is delivered by mail. Otherwise, I have to pay a  
12 \$135 copay for a month’s supply of medicine if I pick it up at a retail pharmacy.  
13 Getting my prescription by mail is also more convenient.

14 6. I ordered a refill for this medication on August 10, 2020, but I did  
15 not receive it until August 21, 2020. It took 11 days for the medication to get  
16 from Portland, Oregon to Grants Pass, Oregon.

17 7. Before this delayed delivery for my medicine ordered on August 10,  
18 2020, I had never experienced a delay in receiving my medicine. Generally, I  
19 receive my prescription refills by mail two days, at most three days, after ordering  
20 it.

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1           8.     After ordering the refill on August 10, I tracked the package to make  
2     sure it would get to me before I ran out my medication on August 18.

3           9.     I saw that the package was stuck in Portland, Oregon until August  
4     16, and then it remained in Eugene, Oregon for another few days.

5           10.    When I realized that this refill package might not get to me before I  
6     would run out on August 18, 2020, I began to panic and called my doctor and  
7     insurer to figure out what I should do. I spent over three hours on the phone with  
8     various folks, and it seemed like everyone passed the buck.

9           11.    Eventually, a local pharmacist approved two more weeks of the  
10    medication that I picked up in person. I initially paid out of pocket for this  
11    emergency refill but my insurance has since covered it.

12          12.    I finally received my refill on August 21, 2020. If I had not taken all  
13    of these efforts to get an emergency supply, I would have gone three days without  
14    this critical medication.

15          13.    The potential consequences of missing doses of this medicine are  
16    serious. This medication is vital to my health because of my blood clotting  
17    disorder. If I do not take this blood thinner twice a day in regular intervals, I run  
18    an extremely high risk of having another serious blood clot.

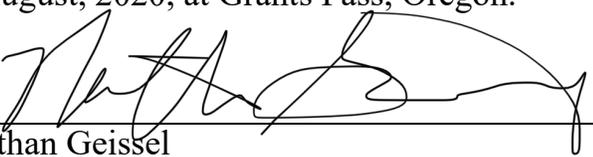
19          14.    I consider myself lucky because I work in the healthcare field and  
20    know how the system works and how to advocate for myself within it. I worry  
21    about how the mail delays will affect seniors and veterans who do not know the  
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system and would not be able to get a local supply. I worry that many of them would simply go without their medication, leading to dire consequences.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATED this 31<sup>st</sup> day of August, 2020, at Grants Pass, Oregon.

  
Nathan Geissel

# Exhibit 15



1 I, Ruth Y. Goldway, declare as follows:

2 1. I am over the age of 18, am competent to testify as to the matters  
3 herein, and make this declaration based on my personal knowledge.

4 2. I was a commissioner of the U.S. Postal Regulatory Commission  
5 (PRC) from 1998 to 2015 and its chair from 2009 to 2014. From 2016 to 2018, I  
6 worked as an independent consultant to several research firms offering expertise  
7 on the Postal Service's operations to investors wanting to invest in publicly traded  
8 companies involved in the postal sector.

9 3. The PRC is an independent agency with oversight and regulatory  
10 authority over the United States Postal Service. Among other things, the PRC  
11 works with the USPS to develop and maintain postal rate regulations and service  
12 standards and to adjudicate complaints against the USPS.

13 4. I am aware that in late July USPS General Counsel Thomas  
14 Marshall sent letters to state election officials indicating that state election mail,  
15 including ballots, would no longer be treated as First Class Mail unless states paid  
16 the higher First Class Mail rates.

17 5. Mr. Marshall's letter represents a very concerning change in USPS  
18 policy.

19 6. Typically, states have sent election mail at the Non-Profit Marketing  
20 Mail rate, which is considerably less expensive than First Class Mail. Currently,  
21  
22

DECLARATION OF RUTH Y.  
GOLDWAY

2

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

1 First Class postage is 55 cents per item, while Marketing Mail postage is only 20  
2 cents per item.

3 7. Even though states typically pay Marketing rate, the Postal Service  
4 has a longstanding practice of providing extra care and attention to election-  
5 related mail, on the level of First Class mail.

6 8. USPS created a special logo and bar code identifiers several years  
7 ago so that mail sorters are able to pull election mail out from the routine mail  
8 stream to be sure it is delivered as soon as possible.

9 9. As a result, election mail has historically been subject to the delivery  
10 standards for First Class Mail, usually 2–5 days, rather than the slower standard  
11 for Marketing Mail, usually 3–10 days.

12 10. The practical effect of treating election mail as Marketing Mail  
13 versus First Class Mail is actually much greater than the differing delivery  
14 standards would suggest. This is because First Class is delivered on time at higher  
15 rates than Marketing Mail.

16 11. According to the PRC’s most recent Quarterly Service Performance  
17 Reports, published August 10, 2020, between April 1 and June 30, 2020, the  
18 USPS delivered between 81 percent and 95 percent of domestic First Class Mail  
19  
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1 on time.<sup>1</sup> Upwards of 98 percent of First Class Mail was delivered no more than  
2 three days late. Thus, nearly 100 percent of First Class Mail was delivered within  
3 eight days of mailing.

4 12. By contrast, USPS delivered between 70.4 and 92.2 percent of  
5 Marketing Mail on time and 88.8 to 98.1 percent no more than three days late,  
6 depending on whether senders delivered mail to a USPS facility themselves. Put  
7 another way, where USPS was responsible for both pick-up and delivery, as much  
8 as 10 percent of Marketing Mail took longer than 13 days to deliver.

9 13. The differing on-time performance between First Class and  
10 Marketing Mail compounds the differences in stated delivery standards, and  
11 makes it more likely that treating election mail as Marketing Mail will result in  
12 voters not getting their ballots in time to vote.

13 14. True and correct copies of the PRC's most recent Quarterly Service  
14 Performance Reports are attached hereto as Exhibit A.

15 15. Offering citizens the option of voting by mail provides significant  
16 advantages, including the potential to increase voter turnout for national, state,  
17 and local elections. Mail-in voting means voters do not need to take time off from  
18

19 \_\_\_\_\_  
20 <sup>1</sup> The variance between 81% and 95% depends chiefly on two factors: (1)  
21 whether the mail was presorted, which speeds delivery; and (2) how far the mail  
22 has to travel.

1 work, find transportation, locate the right polling station, get babysitters, or rush  
2 through critical, yet sometimes complicated ballot initiatives.

3 16. Mail-in voting makes it much easier for disabled people, people with  
4 limited English proficiency, and others who might need additional time or  
5 assistance to vote.

6 17. Mail-in voting is secure, tamper-resistant, and, in contrast to  
7 electronic voting machines, leaves a paper trail to ensure an accurate count.

8 18. As we are facing the global COVID-19 pandemic, mail-in voting  
9 has never been more important to facilitate the right of individuals to safely and  
10 securely participate in our democracy.

11 19. As I wrote recently in the New York Times, the USPS is fully  
12 capable of handling what is expected to be a record number of mail-in ballots for  
13 the November election. *See* Ruth Y. Goldway, *I Was a Postal Service Regulator*  
14 *for 18 Years. Don't Panic.*, *N.Y. Times* (Aug. 18, 2020),  
15 <https://www.nytimes.com/2020/08/18/opinion/usps-vote-by-mail.html>. But to  
16 ensure that citizens' votes are actually counted, the USPS needs to ensure that  
17 mailed ballots continue to be treated as First Class Mail and delivered in a timely  
18 manner.

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DECLARATION OF RUTH Y.  
GOLDWAY

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I declare under penalty of perjury under the laws of the State of Washington and the United States that the foregoing is true and correct.

DATED this 28th day of August, 2020, at Venice, California.

Ruth Y. Goldway

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Ruth Y. Goldway

DECLARATION OF RUTH Y.  
GOLDWAY

**Goldway Declaration**  
**Exhibit A**

United States Postal Service®  
**Quarterly Performance for USPS Marketing Mail®**

Quarter III  
FY2020

**Overview**

Beginning FY2019 Q1, service performance for USPS Marketing Mail® Letters and non-Saturation flats is measured through the USPS® internal measurement system. The system uses documented arrival time at a designated postal facility to start the clock, and an Intelligent Mail® barcode (IMB®) scan by postal personnel at delivery for randomly selected delivery points to stop the clock. Mail piece tracking from IMB® in-process scans is used in conjunction with the sampling data to extrapolate results for the entire volume of measurement eligible Full Service Intelligent Mail. The transit time from the start-the-clock through final automated processing is the Processing Duration leg, and the transit time from final automated processing until delivery is the Last Mile. Total transit time was calculated for the mail and compared with the appropriate service standard for the product to determine the service performance.

Scores prior to FY2019 Q1 were calculated and compiled by an independent external contractor. The system used for this reporting was called the Intelligent Mail® Accuracy and Performance System (iMAPS). The external contractor determined service performance based on the elapsed time between the start-the-clock event recorded by U.S. Postal Service® and the stop-the-clock event recorded by anonymous households and small businesses that report delivery information directly to the contractor. The service measure consisted of two parts: (1) how long mail pieces take to get through processing, and (2) how long mail takes from the last processing scan to delivery. The second portion was used as a delivery factor differential to determine the percent of all USPS Marketing Mail® delivered on the last processing date versus the percent delivered after the last processing date. Service performance was measured by comparing the transit time to USPS® service standards to determine the percent of mail delivered on time.

The service performance measure for Destination Delivery Unit (DDU) Entry Saturation flats involves the identification of major weekly Saturation mailings within delivery units. Delivery of these mailings is captured with a scan made by carriers at the completion of delivery of all pieces on the route. Service performance is measured by comparing the delivery date to the end date of the mailer requested in-home window to determine the percent delivered on time.

The service performance measurement system for Every Door Direct Mail – Retail® (EDDM Retail®) uses the documented arrival time of a mailing at a retail unit to start the clock, using the point-of-sale scan when mail is handed to U.S. Postal Service®, and an Intelligent Mail® parcel barcode (IMpb®) scan by a USPS® carrier to stop the clock. The delivery of bundles of EDDM Retail® pieces is captured with a scan made by carriers at the delivery unit upon distribution for delivery. Service performance is measured by comparing the total transit time of mail piece bundles to the service standard to determine the percent delivered on time.

Results for DDU Entry Saturation flats and EDDM Retail® are combined with other Destination Entry Standard Mail in the Destination Entry scores in this report.

The service performance measure for USPS Marketing Mail® Parcels with USPS Tracking® serves as a proxy for measuring service performance for USPS Marketing Mail® Parcels.

**Limitations**

Due to limited automated processing for USPS Marketing Mail® Flats, the service performance results may not be representative of all USPS Marketing Mail® Flats performance. While Destination Delivery Unit (DDU) entered Saturation Flats and EDDM Retail® Flats have been included this quarter, significant gaps in the coverage of non-Saturation/non-EDDM Retail® DDU Entry mail still remain and are excluded from measurement. Results for USPS Marketing Mail® Parcels, which represent less than 0.1 percent of all USPS Marketing Mail®, are not included in the overall USPS Marketing Mail® results.

**Performance Highlights**

National Destination Entry mail achieved 92.2 percent on time in FY2020 Quarter 3, which is 1.9 points lower than the same period last year. For Destination Entry mail, 98.1 percent was delivered within service standard plus three days. The Alaska Performance Cluster led the nation in Destination Entry performance with 97.8 percent on time. Forty-nine out of 67 districts achieved an on-time performance at or above the performance target of 91.8 for Destination Entry mail.

End-To-End Entry national performance was 70.4 percent on time, which is 2.9 points higher than the same period last year. In FY2020 Quarter 3, 88.8 percent of End-To-End Entry USPS Marketing Mail® was delivered within the service standard plus three days. The Alaska District had the highest End-To-End Entry score with 92.2 percent on time.

United States Postal Service®

Quarter III  
FY2020**Quarterly Performance for USPS Marketing Mail®**  
**Mailpieces Delivered Between 04/01/2020 and 06/30/2020**

District	Destination Entry	End-To-End
	Percent On Time	Percent On Time
<b>Capital Metro Area</b>	<b>92.3</b>	<b>67.8</b>
Atlanta	89.7	50.5
Baltimore	83.9	63.5
Capital	94.9	76.0
Greater South Carolina	95.1	78.7
Greensboro	94.1	78.3
Mid-Carolinas	93.8	77.1
Northern Virginia	96.3	66.6
Richmond	91.4	63.8
<b>Eastern Area</b>	<b>94.5</b>	<b>73.5</b>
Appalachian	97.1	75.4
Central Pennsylvania	93.5	61.4
Kentuckiana	96.6	79.4
Northern Ohio	92.9	76.0
Ohio Valley	94.4	79.2
Philadelphia Metro	92.8	62.2
South Jersey	93.7	63.0
Tennessee	92.9	67.8
Western New York	95.7	78.2
Western Pennsylvania	97.7	85.8
<b>Great Lakes Area</b>	<b>86.2</b>	<b>63.8</b>
Central Illinois	90.4	64.3
Chicago	86.7	53.1
Detroit	63.3	52.5
Gateway	94.7	73.0
Greater Indiana	91.6	66.2
Greater Michigan	91.8	61.2
Lakeland	91.6	63.2
<b>Northeast Area</b>	<b>84.5</b>	<b>58.0</b>
Albany	96.0	70.4
Caribbean	76.1	67.6
Connecticut Valley	88.1	62.8
Greater Boston	85.1	58.8
Long Island	77.7	46.8
New York	59.5	52.1
Northern New England	92.7	67.1
Northern New Jersey	84.6	50.8
Triboro	83.3	56.7
Westchester	79.3	54.1
<b>Pacific Area</b>	<b>95.1</b>	<b>72.0</b>
Bay-Valley	95.2	73.6
Honolulu	96.8	72.4
Los Angeles	92.4	66.4
Sacramento	93.8	68.9
San Diego	95.3	74.1
San Francisco	94.8	79.3
Santa Ana	96.5	72.4
Sierra Coastal	96.4	74.4

United States Postal Service®  
**Quarterly Performance for USPS Marketing Mail®**  
**Mailpieces Delivered Between 04/01/2020 and 06/30/2020**

Quarter III  
FY2020

District	Destination Entry	End-To-End
	Percent On Time	Percent On Time
<b>Southern Area</b>	<b>94.0</b>	<b>74.6</b>
Alabama	93.2	63.7
Arkansas	95.5	64.9
Dallas	94.5	74.2
Fort Worth	92.9	75.7
Gulf Atlantic	95.1	74.0
Houston	94.0	83.8
Louisiana	89.8	67.7
Mississippi	92.2	66.9
Oklahoma	96.2	76.6
Rio Grande	95.7	77.6
South Florida	92.8	75.1
Suncoast	94.9	72.3
<b>Western Area</b>	<b>96.1</b>	<b>74.8</b>
Alaska	97.8	92.2
Arizona	96.7	66.0
Central Plains	97.4	77.7
Colorado/Wyoming	90.5	69.4
Dakotas	97.4	75.3
Hawkeye	97.7	81.3
Mid-America	95.3	68.8
Nevada-Sierra	97.4	77.9
Northland	96.5	74.6
Portland	97.7	77.0
Salt Lake City	96.3	75.4
Seattle	96.8	80.9
<b>Nation FY2020 Q3</b>	<b>92.2</b>	<b>70.4</b>
<b>Nation FY2019 Q3 (SPLY)</b>	<b>94.1</b>	<b>67.5</b>
<b>Nation FY2009 Annual</b>	<b>86.4</b>	<b>70.7</b>
<b>Nation FY2010 Annual</b>	<b>83.4</b>	<b>59.0</b>
<b>Nation FY2011 Annual</b>	<b>70.3</b>	<b>38.4</b>
<b>Nation FY2012 Annual</b>	<b>82.0</b>	<b>56.5</b>
<b>Nation FY2013 Annual</b>	<b>88.8</b>	<b>63.3</b>
<b>Nation FY2014 Annual</b>	<b>89.9</b>	<b>63.5</b>
<b>Nation FY2015 Annual</b>	<b>89.1</b>	<b>59.6</b>
<b>Nation FY2016 Annual</b>	<b>92.3</b>	<b>65.9</b>
<b>Nation FY2017 Annual</b>	<b>93.7</b>	<b>69.8</b>
<b>Nation FY2018 Annual</b>	<b>91.6</b>	<b>66.4</b>
<b>Nation FY2019 Annual</b>	<b>91.9</b>	<b>66.2</b>
<b>Nation FY2020 Q1</b>	<b>92.0</b>	<b>67.2</b>
<b>Nation FY2020 Q2</b>	<b>93.9</b>	<b>73.9</b>
<b>FY2020 Annual Target</b>	<b>91.8</b>	<b>91.8</b>

United States Postal Service®  
**Quarterly Performance for USPS Marketing Mail®**  
**Service Variance**

Quarter III  
FY2020

**Overview**

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End-To-End Entry national performance was 70.4 percent on time, which is 2.9 points higher than the same period last year. In FY2020 Quarter 3, 88.8 percent of End-To-End Entry USPS Marketing Mail® was delivered within the service standard plus three days. The Alaska District had the highest End-To-End Entry score with 92.2 percent on time.

United States Postal Service®  
**Quarterly Performance for USPS Marketing Mail®**  
**Service Variance**  
**Mailpieces Delivered Between 04/01/2020 and 06/30/2020**

Quarter III  
FY2020

District	Destination Entry			End-To-End		
	Percent Within +1-Day	Percent Within +2-Days	Percent Within +3-Days	Percent Within +1-Day	Percent Within +2-Days	Percent Within +3-Days
<b>Capital Metro Area</b>	<b>96.9</b>	<b>98.4</b>	<b>99.1</b>	<b>77.4</b>	<b>83.9</b>	<b>88.4</b>
Atlanta	95.8	97.9	98.9	64.3	74.6	82.1
Baltimore	93.6	96.6	97.8	73.6	81.4	86.5
Capital	97.7	98.8	99.3	83.1	87.7	90.6
Greater South Carolina	98.3	99.3	99.6	86.0	90.6	93.5
Greensboro	98.0	99.1	99.4	85.9	90.3	93.2
Mid-Carolinas	97.5	98.7	99.3	84.5	89.4	92.4
Northern Virginia	98.2	98.8	99.4	75.8	82.3	86.8
Richmond	96.5	98.4	99.0	74.7	81.6	86.1
<b>Eastern Area</b>	<b>97.5</b>	<b>98.6</b>	<b>99.1</b>	<b>81.7</b>	<b>86.7</b>	<b>90.1</b>
Appalachian	98.7	99.3	99.5	83.4	88.4	91.6
Central Pennsylvania	97.1	98.5	99.2	71.2	78.3	83.4
Kentuckiana	98.7	99.2	99.5	86.2	90.4	93.2
Northern Ohio	95.6	96.7	97.4	84.0	88.0	90.6
Ohio Valley	97.7	98.9	99.3	87.4	91.4	94.0
Philadelphia Metro	96.3	98.0	98.8	73.0	80.4	85.2
South Jersey	96.7	98.1	98.7	72.2	79.0	83.7
Tennessee	96.9	98.3	98.9	77.3	83.3	87.8
Western New York	98.3	99.2	99.5	86.0	90.2	92.9
Western Pennsylvania	99.1	99.5	99.7	90.7	93.4	95.1
<b>Great Lakes Area</b>	<b>90.6</b>	<b>92.6</b>	<b>94.0</b>	<b>72.5</b>	<b>78.6</b>	<b>82.9</b>
Central Illinois	94.5	96.4	97.5	73.2	79.8	84.4
Chicago	92.7	95.5	96.9	63.1	71.3	77.4
Detroit	69.1	73.0	76.5	60.1	65.3	69.8
Gateway	97.9	98.9	99.3	82.2	87.9	91.3
Greater Indiana	95.7	97.4	98.4	74.5	80.0	83.4
Greater Michigan	94.6	95.8	96.5	66.9	71.8	76.2
Lakeland	96.1	97.8	98.7	73.3	80.2	85.1
<b>Northeast Area</b>	<b>90.7</b>	<b>93.3</b>	<b>94.9</b>	<b>67.5</b>	<b>74.4</b>	<b>79.4</b>
Albany	98.5	99.2	99.5	79.9	85.6	89.2
Caribbean	87.4	92.2	95.6	77.9	82.7	86.8
Connecticut Valley	92.9	95.0	96.4	72.6	79.3	83.9
Greater Boston	92.9	95.7	96.9	69.1	76.6	81.8
Long Island	87.0	91.8	94.2	56.7	64.2	70.0
New York	67.2	74.6	80.0	60.8	67.6	72.9
Northern New England	96.5	97.7	98.4	74.9	81.1	85.6
Northern New Jersey	89.2	90.8	91.7	60.2	67.8	73.1
Triboro	89.5	92.4	94.0	64.9	71.1	75.7
Westchester	88.2	91.2	94.2	63.9	71.4	76.7
<b>Pacific Area</b>	<b>98.0</b>	<b>99.0</b>	<b>99.4</b>	<b>81.8</b>	<b>87.7</b>	<b>91.4</b>
Bay-Valley	98.0	99.0	99.4	83.1	88.9	92.7
Honolulu	98.3	99.1	99.3	81.6	88.4	92.2
Los Angeles	97.0	98.6	99.1	78.5	85.3	89.6
Sacramento	97.2	98.5	99.2	80.6	87.5	92.1
San Diego	98.0	99.0	99.3	82.5	87.3	90.5
San Francisco	97.9	98.9	99.4	87.2	91.7	94.4
Santa Ana	98.6	99.4	99.7	81.2	86.4	89.9
Sierra Coastal	98.5	99.3	99.6	83.0	88.5	92.1

United States Postal Service®  
**Quarterly Performance for USPS Marketing Mail®**  
**Service Variance**  
**Mailpieces Delivered Between 04/01/2020 and 06/30/2020**

Quarter III  
FY2020

District	Destination Entry			End-To-End		
	Percent Within +1-Day	Percent Within +2-Days	Percent Within +3-Days	Percent Within +1-Day	Percent Within +2-Days	Percent Within +3-Days
<b>Southern Area</b>	<b>97.6</b>	<b>98.8</b>	<b>99.3</b>	<b>83.1</b>	<b>88.2</b>	<b>91.6</b>
Alabama	97.0	98.5	99.1	74.3	81.1	86.4
Arkansas	97.9	98.9	99.3	73.7	80.8	85.7
Dallas	97.4	98.6	99.1	83.5	88.4	91.7
Fort Worth	97.0	98.2	98.7	83.3	88.0	91.2
Gulf Atlantic	97.8	98.9	99.4	81.9	87.4	91.0
Houston	97.7	98.9	99.3	89.9	93.2	95.2
Louisiana	95.8	97.9	98.8	76.1	82.3	87.0
Mississippi	96.5	98.1	98.8	75.9	82.9	87.3
Oklahoma	98.6	99.3	99.5	85.7	90.4	93.1
Rio Grande	98.3	99.2	99.4	86.9	91.4	93.9
South Florida	97.1	98.8	99.3	83.3	88.5	92.0
Suncoast	98.3	99.3	99.6	81.4	87.3	91.0
<b>Western Area</b>	<b>98.6</b>	<b>99.3</b>	<b>99.6</b>	<b>84.4</b>	<b>89.5</b>	<b>92.6</b>
Alaska	98.7	99.2	99.4	94.6	96.6	97.4
Arizona	98.8	99.3	99.5	77.1	84.4	89.4
Central Plains	99.0	99.4	99.6	87.1	91.5	94.0
Colorado/Wyoming	97.2	98.8	99.3	82.1	88.0	91.4
Dakotas	98.9	99.4	99.6	83.8	88.8	92.1
Hawkeye	99.0	99.4	99.6	88.5	92.2	94.4
Mid-America	98.5	99.3	99.5	80.9	87.4	91.0
Nevada-Sierra	98.7	99.3	99.5	87.1	91.1	93.7
Northland	98.9	99.4	99.6	83.7	89.0	92.3
Portland	99.1	99.5	99.7	85.8	90.5	93.4
Salt Lake City	98.8	99.3	99.6	84.3	89.2	92.2
Seattle	99.0	99.5	99.7	89.6	93.0	95.2
<b>Nation FY2020 Q3</b>	<b>96.0</b>	<b>97.4</b>	<b>98.1</b>	<b>79.4</b>	<b>85.1</b>	<b>88.8</b>
<b>Nation FY2019 Q3 (SPLY)</b>	<b>97.9</b>	<b>98.9</b>	<b>99.4</b>	<b>80.3</b>	<b>87.8</b>	<b>92.2</b>
<b>Nation FY2009 Annual</b>	<b>93.4</b>	<b>96.4</b>	<b>98.0</b>	<b>78.1</b>	<b>85.1</b>	<b>90.0</b>
<b>Nation FY2010 Annual</b>	<b>92.3</b>	<b>96.0</b>	<b>97.8</b>	<b>68.8</b>	<b>75.8</b>	<b>80.7</b>
<b>Nation FY2011 Annual</b>	<b>86.5</b>	<b>93.2</b>	<b>96.2</b>	<b>53.9</b>	<b>67.1</b>	<b>77.1</b>
<b>Nation FY2012 Annual</b>	<b>92.2</b>	<b>96.0</b>	<b>97.7</b>	<b>70.0</b>	<b>79.7</b>	<b>86.3</b>
<b>Nation FY2013 Annual</b>	<b>96.3</b>	<b>98.4</b>	<b>99.2</b>	<b>77.2</b>	<b>86.3</b>	<b>91.7</b>
<b>Nation FY2014 Annual</b>	<b>96.7</b>	<b>98.6</b>	<b>99.3</b>	<b>77.8</b>	<b>86.6</b>	<b>91.9</b>
<b>Nation FY2015 Annual</b>	<b>96.3</b>	<b>98.4</b>	<b>99.1</b>	<b>74.7</b>	<b>84.0</b>	<b>90.0</b>
<b>Nation FY2016 Annual</b>	<b>97.4</b>	<b>98.8</b>	<b>99.3</b>	<b>79.3</b>	<b>87.0</b>	<b>91.6</b>
<b>Nation FY2017 Annual</b>	<b>97.9</b>	<b>99.0</b>	<b>99.4</b>	<b>82.0</b>	<b>88.9</b>	<b>92.9</b>
<b>Nation FY2018 Annual</b>	<b>97.3</b>	<b>98.8</b>	<b>99.3</b>	<b>79.8</b>	<b>87.5</b>	<b>92.1</b>
<b>Nation FY2019 Annual</b>	<b>97.1</b>	<b>98.6</b>	<b>99.1</b>	<b>79.3</b>	<b>87.1</b>	<b>91.7</b>
<b>Nation FY2020 Q1</b>	<b>97.1</b>	<b>98.5</b>	<b>99.1</b>	<b>80.1</b>	<b>87.6</b>	<b>92.1</b>
<b>Nation FY2020 Q2</b>	<b>97.8</b>	<b>98.9</b>	<b>99.4</b>	<b>84.6</b>	<b>90.3</b>	<b>93.7</b>

United States Postal Service®  
**Quarterly Performance for Presort First-Class Mail®**

Quarter III  
FY2020

**Overview**

Beginning FY2019 Q1, service performance for Presort First-Class Mail® is measured through the USPS® internal measurement system. The system uses documented arrival time at a designated postal facility to start the clock, and an Intelligent Mail® barcode (IMB®) scan by postal personnel at delivery for randomly selected delivery points to stop the clock. Mail piece tracking from IMB® in-process scans is used in conjunction with the sampling data to extrapolate results for the entire volume of measurement eligible Full Service Intelligent Mail. The transit time from the start-the-clock through final automated processing is the Processing Duration leg, and the transit time from final automated processing until delivery is the Last Mile. Total transit time was calculated for the mail and compared with the appropriate service standard for the product to determine the service performance.

Scores prior to FY2019 Q1 were calculated and compiled by an independent external contractor. The system used for this reporting was called the Intelligent Mail® Accuracy and Performance System (iMAPS). The external contractor determined service performance based on the elapsed time between the start-the-clock event recorded by U.S. Postal Service® and the stop-the-clock event recorded by anonymous households and small businesses that report delivery information directly to the contractor. The service measure consisted of two parts: (1) how long mail pieces take to get through processing, and (2) how long mail takes from the last processing scan to delivery. The second portion was used as a delivery factor differential to determine the percent of all Presort First-Class Mail® delivered on the last processing date versus the percent delivered after the last processing date. Service performance was measured by comparing the transit time to USPS® service standards to determine the percent of mail delivered on time.

**Performance Highlights**

National Presort First-Class Mail® Overnight performance in FY2020 Quarter 3 was 95.7 percent on time, which is 0.6 points lower than the same period last year. National Two-Day performance was 93.2 percent on time, which is 2.1 points lower than the same period last year. National Three-To-Five-Day performance was 90.7 percent on time, which is 2.9 points lower when compared to the same period last year.

Southern Area led the nation in Overnight service performance, with 96.8 percent on time. Western Area led the nation in Two-Day service performance, with 96.0 percent on time in FY2020 Quarter 3. Eastern Area led the nation in Three-To-Five-Day service performance, with 91.9 percent on time.

In FY2020 Quarter 3, 29 districts met or exceeded the Overnight performance target of 96.80, eight districts met or exceeded the Two-Day service performance target of 96.50, and none of the districts met or exceeded the Three-To-Five-Day service performance target of 95.25. Alaska led the nation in Overnight service performance with 98.8 percent on time. Caribbean led in Two-Day service performance with 97.7 percent on time, and San Francisco led the nation in Three-To-Five-Day service performance with 94.7 percent on time.

United States Postal Service®

Quarter III  
FY2020**Quarterly Performance for Presort First-Class Mail®**  
**Mailpieces Delivered Between 04/01/2020 and 06/30/2020**

District	Overnight	Two-Day	Three-To-Five-Day
	Percent On Time	Percent On Time	Percent On Time
<b>Capital Metro Area</b>	<b>95.8</b>	<b>94.5</b>	<b>91.6</b>
Atlanta	95.8	95.2	92.7
Baltimore	92.6	88.5	83.2
Capital	88.8	91.9	89.4
Greater South Carolina	97.2	95.9	92.4
Greensboro	97.2	96.4	92.2
Mid-Carolinas	96.7	95.2	93.2
Northern Virginia	95.5	93.2	90.6
Richmond	94.2	93.6	90.3
<b>Eastern Area</b>	<b>96.3</b>	<b>93.6</b>	<b>91.9</b>
Appalachian	97.9	95.4	93.4
Central Pennsylvania	97.0	93.6	91.7
Kentuckiana	97.1	94.9	92.2
Northern Ohio	95.6	92.4	90.7
Ohio Valley	94.5	93.1	91.6
Philadelphia Metro	95.4	92.4	92.6
South Jersey	97.2	93.0	91.5
Tennessee	96.2	94.9	91.2
Western New York	97.2	95.8	92.4
Western Pennsylvania	97.7	94.7	93.7
<b>Great Lakes Area</b>	<b>92.7</b>	<b>90.3</b>	<b>88.8</b>
Central Illinois	93.5	92.0	87.3
Chicago	91.5	90.1	87.6
Detroit	82.4	74.7	78.6
Gateway	95.8	94.4	92.8
Greater Indiana	95.2	92.5	93.8
Greater Michigan	94.5	90.1	91.2
Lakeland	95.8	93.6	88.0
<b>Northeast Area</b>	<b>94.3</b>	<b>90.7</b>	<b>86.8</b>
Albany	97.4	92.4	91.7
Caribbean	94.8	97.7	83.2
Connecticut Valley	95.5	92.9	88.4
Greater Boston	96.0	94.8	88.1
Long Island	88.6	87.5	82.5
New York	64.1	66.8	65.6
Northern New England	95.8	94.2	84.5
Northern New Jersey	92.4	92.1	91.4
Triboro	88.7	84.7	80.1
Westchester	90.5	88.6	86.9
<b>Pacific Area</b>	<b>95.8</b>	<b>95.5</b>	<b>91.0</b>
Bay-Valley	97.5	95.2	93.2
Honolulu	98.2	N/A	80.4
Los Angeles	94.1	95.9	91.3
Sacramento	95.5	94.6	89.5
San Diego	97.3	95.6	90.0
San Francisco	95.6	94.5	94.7
Santa Ana	98.1	96.6	92.3
Sierra Coastal	96.7	96.2	92.8

United States Postal Service®

Quarter III  
FY2020**Quarterly Performance for Presort First-Class Mail®**  
**Mailpieces Delivered Between 04/01/2020 and 06/30/2020**

District	Overnight	Two-Day	Three-To-Five-Day
	Percent On Time	Percent On Time	Percent On Time
<b>Southern Area</b>	<b>96.8</b>	<b>95.2</b>	<b>91.5</b>
Alabama	96.9	96.2	92.5
Arkansas	97.0	95.2	92.9
Dallas	96.2	94.6	90.8
Fort Worth	94.5	93.7	91.7
Gulf Atlantic	98.1	96.2	92.6
Houston	96.9	94.5	89.5
Louisiana	95.3	94.4	89.6
Mississippi	96.9	94.0	91.4
Oklahoma	97.6	94.6	93.1
Rio Grande	96.3	94.9	92.7
South Florida	97.0	95.2	91.9
Suncoast	97.3	96.5	92.3
<b>Western Area</b>	<b>96.7</b>	<b>96.0</b>	<b>91.3</b>
Alaska	98.8	97.3	92.4
Arizona	96.9	97.0	91.9
Central Plains	95.2	96.4	93.6
Colorado/Wyoming	95.3	90.0	87.3
Dakotas	98.5	97.4	92.8
Hawkeye	96.1	95.7	92.4
Mid-America	97.0	95.6	90.8
Nevada-Sierra	98.6	92.0	94.1
Northland	97.2	95.7	87.5
Portland	97.3	96.5	89.7
Salt Lake City	96.8	97.6	89.3
Seattle	96.6	96.1	89.6
<b>Nation FY2020 Q3</b>	<b>95.7</b>	<b>93.2</b>	<b>90.7</b>
<b>Nation FY2019 Q3 (SPLY)</b>	<b>96.3</b>	<b>95.3</b>	<b>93.6</b>
<b>Nation FY2009 Annual</b>	<b>94.3</b>	<b>90.0</b>	<b>85.1</b>
<b>Nation FY2010 Annual</b>	<b>93.4</b>	<b>92.7</b>	<b>88.2</b>
<b>Nation FY2011 Annual</b>	<b>90.8</b>	<b>89.1</b>	<b>90.6</b>
<b>Nation FY2012 Annual</b>	<b>96.8</b>	<b>95.7</b>	<b>95.1</b>
<b>Nation FY2013 Annual</b>	<b>97.2</b>	<b>97.0</b>	<b>95.1</b>
<b>Nation FY2014 Annual</b>	<b>97.0</b>	<b>96.4</b>	<b>92.2</b>
<b>Nation FY2015 Annual</b>	<b>95.7</b>	<b>93.6</b>	<b>87.8</b>
<b>Nation FY2016 Annual</b>	<b>96.2</b>	<b>95.1</b>	<b>91.7</b>
<b>Nation FY2017 Annual</b>	<b>96.5</b>	<b>95.6</b>	<b>93.2</b>
<b>Nation FY2018 Annual</b>	<b>96.0</b>	<b>94.9</b>	<b>92.0</b>
<b>Nation FY2019 Annual</b>	<b>95.5</b>	<b>94.1</b>	<b>92.0</b>
<b>Nation FY2020 Q1</b>	<b>94.4</b>	<b>93.5</b>	<b>91.2</b>
<b>Nation FY2020 Q2</b>	<b>95.9</b>	<b>94.4</b>	<b>92.6</b>
<b>FY2020 Annual Target</b>	<b>96.80</b>	<b>96.50</b>	<b>95.25</b>

United States Postal Service®  
**Quarterly Performance for Presort First-Class Mail®  
Service Variance**

Quarter III  
FY2020

**Overview**

Beginning FY2019 Q1, service performance for Presort First-Class Mail® is measured through the USPS® internal measurement system. The system uses documented arrival time at a designated postal facility to start the clock, and an Intelligent Mail® barcode (IMB®) scan by postal personnel at delivery for randomly selected delivery points to stop the clock. Mail piece tracking from IMB® in-process scans is used in conjunction with the sampling data to extrapolate results for the entire volume of measurement eligible Full Service Intelligent Mail. The transit time from the start-the-clock through final automated processing is the Processing Duration leg, and the transit time from final automated processing until delivery is the Last Mile. Total transit time was calculated for the mail and compared with the appropriate service standard for the product to determine the service performance.

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**Performance Highlights**

National Presort First-Class Mail® Overnight performance in FY2020 Quarter 3 was 95.7 percent on time, which is 0.6 points lower than the same period last year. National Two-Day performance was 93.2 percent on time, which is 2.1 points lower than the same period last year. National Three-To-Five-Day performance was 90.7 percent on time, which is 2.9 points lower when compared to the same period last year.

Southern Area led the nation in Overnight service performance, with 96.8 percent on time. Western Area led the nation in Two-Day service performance, with 96.0 percent on time in FY2020 Quarter 3. Eastern Area led the nation in Three-To-Five-Day service performance, with 91.9 percent on time.

In FY2020 Quarter 3, 29 districts met or exceeded the Overnight performance target of 96.80, eight districts met or exceeded the Two-Day service performance target of 96.50, and none of the districts met or exceeded the Three-To-Five-Day service performance target of 95.25. Alaska led the nation in Overnight service performance with 98.8 percent on time. Caribbean led in Two-Day service performance with 97.7 percent on time, and San Francisco led the nation in Three-To-Five-Day service performance with 94.7 percent on time.

United States Postal Service®

Quarter III  
FY2020**Quarterly Performance for Presort First-Class Mail®****Service Variance**

Mailpieces Delivered Between 04/01/2020 and 06/30/2020

District	Overnight			Two-Day			Three-To-Five-Day		
	Percent Within +1-Day	Percent Within +2-Days	Percent Within +3-Days	Percent Within +1-Day	Percent Within +2-Days	Percent Within +3-Days	Percent Within +1-Day	Percent Within +2-Days	Percent Within +3-Days
<b>Capital Metro Area</b>	<b>98.5</b>	<b>99.1</b>	<b>99.4</b>	<b>98.0</b>	<b>99.0</b>	<b>99.4</b>	<b>97.1</b>	<b>98.6</b>	<b>99.2</b>
Atlanta	98.4	99.0	99.3	98.3	99.1	99.5	97.3	98.5	99.1
Baltimore	98.0	98.9	99.2	96.1	98.2	99.0	94.2	97.5	98.6
Capital	97.2	98.6	99.3	96.8	98.5	99.0	96.3	98.1	98.8
Greater South Carolina	99.0	99.5	99.7	98.6	99.3	99.6	97.5	99.0	99.4
Greensboro	99.1	99.5	99.6	98.7	99.3	99.7	97.4	98.9	99.5
Mid-Carolinas	98.8	99.2	99.5	98.2	99.1	99.5	97.5	98.8	99.2
Northern Virginia	98.0	98.8	99.2	97.6	98.7	99.1	97.1	98.6	99.1
Richmond	97.6	98.9	99.2	97.6	98.8	99.3	97.0	98.6	99.2
<b>Eastern Area</b>	<b>98.6</b>	<b>99.2</b>	<b>99.5</b>	<b>97.5</b>	<b>98.7</b>	<b>99.2</b>	<b>97.2</b>	<b>98.6</b>	<b>99.2</b>
Appalachian	99.2	99.5	99.7	98.2	99.2	99.5	97.7	99.0	99.5
Central Pennsylvania	99.0	99.4	99.6	97.9	98.9	99.3	97.0	98.4	99.1
Kentuckiana	98.9	99.4	99.6	98.3	99.1	99.5	97.4	98.7	99.3
Northern Ohio	98.3	99.1	99.4	96.4	98.1	99.0	96.3	98.0	98.8
Ohio Valley	97.9	98.8	99.2	96.6	98.1	98.9	97.0	98.6	99.2
Philadelphia Metro	98.4	99.0	99.3	97.4	98.6	99.1	97.5	98.8	99.2
South Jersey	98.9	99.4	99.5	97.6	98.8	99.2	97.3	98.8	99.3
Tennessee	98.5	99.2	99.5	98.3	99.2	99.5	97.1	98.7	99.3
Western New York	99.0	99.5	99.7	98.6	99.3	99.6	97.6	98.9	99.4
Western Pennsylvania	99.3	99.6	99.8	98.5	99.2	99.6	98.0	99.0	99.4
<b>Great Lakes Area</b>	<b>97.2</b>	<b>98.5</b>	<b>99.1</b>	<b>95.9</b>	<b>97.8</b>	<b>98.7</b>	<b>95.6</b>	<b>97.7</b>	<b>98.7</b>
Central Illinois	97.6	98.9	99.4	97.2	98.8	99.3	95.5	97.9	98.8
Chicago	97.8	98.9	99.2	96.5	98.2	98.9	94.7	96.8	98.3
Detroit	92.4	96.1	97.7	85.9	91.6	94.7	89.5	94.2	96.5
Gateway	98.3	99.0	99.3	98.0	99.0	99.4	97.6	98.8	99.3
Greater Indiana	98.3	99.2	99.5	97.4	98.7	99.3	97.8	99.0	99.4
Greater Michigan	98.1	99.0	99.3	95.9	97.7	98.6	96.7	98.3	99.0
Lakeland	98.7	99.3	99.6	97.8	98.9	99.4	95.6	97.8	98.8
<b>Northeast Area</b>	<b>97.7</b>	<b>98.7</b>	<b>99.2</b>	<b>96.4</b>	<b>98.0</b>	<b>98.7</b>	<b>95.2</b>	<b>97.8</b>	<b>98.7</b>
Albany	99.0	99.5	99.7	97.1	98.4	99.0	97.6	99.0	99.5
Caribbean	98.4	99.1	99.4	99.0	99.4	99.5	94.0	96.7	98.2
Connecticut Valley	97.9	98.7	99.3	97.3	98.5	99.0	95.9	98.2	99.0
Greater Boston	98.3	99.1	99.4	98.1	98.9	99.3	96.4	98.5	99.1
Long Island	97.7	99.1	99.5	95.5	97.7	98.6	93.9	97.8	98.8
New York	79.7	89.6	94.4	85.4	92.2	95.2	83.0	91.4	94.9
Northern New England	98.0	99.3	99.5	98.0	99.1	99.4	93.8	97.4	98.7
Northern New Jersey	96.6	97.9	98.5	96.7	98.1	98.7	96.9	98.3	99.0
Triboro	95.1	97.1	97.9	94.5	96.7	97.6	92.6	96.0	97.3
Westchester	95.5	97.3	98.0	95.3	97.4	98.3	95.4	97.7	98.6
<b>Pacific Area</b>	<b>98.8</b>	<b>99.3</b>	<b>99.6</b>	<b>98.8</b>	<b>99.4</b>	<b>99.6</b>	<b>97.0</b>	<b>98.6</b>	<b>99.2</b>
Bay-Valley	99.1	99.5	99.7	98.9	99.4	99.7	97.3	98.7	99.3
Honolulu	99.2	99.6	99.8	N/A	N/A	N/A	92.8	96.9	98.6
Los Angeles	98.3	99.0	99.3	98.9	99.4	99.6	96.9	98.4	99.1
Sacramento	98.8	99.4	99.6	98.6	99.3	99.6	96.8	98.6	99.2
San Diego	99.1	99.5	99.7	98.9	99.6	99.7	97.1	98.8	99.4
San Francisco	98.3	99.1	99.4	98.4	99.1	99.4	98.0	99.0	99.3
Santa Ana	99.4	99.7	99.8	99.0	99.5	99.7	97.5	98.9	99.5
Sierra Coastal	98.9	99.5	99.6	99.0	99.5	99.7	97.4	98.9	99.4

United States Postal Service®

Quarter III  
FY2020**Quarterly Performance for Presort First-Class Mail®****Service Variance**

Mailpieces Delivered Between 04/01/2020 and 06/30/2020

District	Overnight			Two-Day			Three-To-Five-Day		
	Percent Within +1-Day	Percent Within +2-Days	Percent Within +3-Days	Percent Within +1-Day	Percent Within +2-Days	Percent Within +3-Days	Percent Within +1-Day	Percent Within +2-Days	Percent Within +3-Days
<b>Southern Area</b>	<b>98.9</b>	<b>99.4</b>	<b>99.6</b>	<b>98.4</b>	<b>99.3</b>	<b>99.5</b>	<b>97.2</b>	<b>98.7</b>	<b>99.3</b>
Alabama	98.9	99.4	99.6	98.5	99.3	99.6	97.6	98.8	99.3
Arkansas	98.9	99.5	99.6	98.5	99.2	99.5	97.4	98.9	99.4
Dallas	98.7	99.2	99.5	98.3	99.2	99.5	97.0	98.6	99.2
Fort Worth	98.7	99.3	99.6	98.1	99.2	99.5	97.3	98.8	99.3
Gulf Atlantic	99.1	99.5	99.7	98.7	99.4	99.6	97.5	98.9	99.4
Houston	98.8	99.3	99.6	98.1	99.2	99.5	96.4	98.4	99.2
Louisiana	98.4	99.2	99.4	98.4	99.1	99.4	96.5	98.5	99.2
Mississippi	99.0	99.4	99.6	97.6	99.0	99.4	96.7	98.5	99.2
Oklahoma	99.0	99.4	99.6	98.5	99.3	99.5	97.7	98.9	99.4
Rio Grande	98.7	99.3	99.6	98.1	99.2	99.6	97.4	98.9	99.4
South Florida	98.8	99.2	99.5	98.5	99.2	99.6	97.3	98.7	99.3
Suncoast	99.1	99.5	99.7	99.0	99.5	99.7	97.7	98.9	99.4
<b>Western Area</b>	<b>98.9</b>	<b>99.4</b>	<b>99.6</b>	<b>98.7</b>	<b>99.3</b>	<b>99.6</b>	<b>97.1</b>	<b>98.6</b>	<b>99.2</b>
Alaska	99.2	99.6	99.7	98.4	98.8	98.9	96.6	98.4	99.0
Arizona	98.9	99.3	99.5	98.9	99.2	99.4	97.4	98.8	99.3
Central Plains	98.5	99.2	99.5	98.8	99.3	99.6	97.6	98.8	99.3
Colorado/Wyoming	98.2	99.0	99.3	97.7	99.0	99.4	96.1	98.2	99.1
Dakotas	99.4	99.7	99.7	99.1	99.5	99.7	97.3	98.7	99.3
Hawkeye	98.7	99.4	99.6	98.5	99.3	99.6	97.6	98.8	99.3
Mid-America	99.0	99.5	99.7	98.6	99.3	99.6	97.2	98.6	99.2
Nevada-Sierra	99.4	99.7	99.7	97.6	98.8	99.5	97.7	98.9	99.3
Northland	98.9	99.5	99.7	98.6	99.4	99.6	96.1	98.4	99.2
Portland	99.0	99.5	99.7	98.8	99.4	99.6	96.7	98.5	99.2
Salt Lake City	99.0	99.4	99.6	98.9	99.3	99.6	96.4	98.4	99.1
Seattle	98.9	99.4	99.7	98.8	99.4	99.6	97.0	98.7	99.3
<b>Nation FY2020 Q3</b>	<b>98.4</b>	<b>99.1</b>	<b>99.4</b>	<b>97.5</b>	<b>98.7</b>	<b>99.2</b>	<b>96.7</b>	<b>98.4</b>	<b>99.1</b>
<b>Nation FY2019 Q3 (SPLY)</b>	<b>98.6</b>	<b>99.2</b>	<b>99.5</b>	<b>98.2</b>	<b>99.1</b>	<b>99.4</b>	<b>97.9</b>	<b>98.9</b>	<b>99.4</b>
<b>Nation FY2009 Annual</b>	<b>98.7</b>	<b>99.3</b>	<b>99.4</b>	<b>97.2</b>	<b>98.6</b>	<b>99.2</b>	<b>93.3</b>	<b>96.7</b>	<b>98.3</b>
<b>Nation FY2010 Annual</b>	<b>98.9</b>	<b>99.6</b>	<b>99.8</b>	<b>98.3</b>	<b>99.3</b>	<b>99.6</b>	<b>96.8</b>	<b>98.4</b>	<b>99.0</b>
<b>Nation FY2011 Annual</b>	<b>98.6</b>	<b>99.5</b>	<b>99.7</b>	<b>98.0</b>	<b>99.4</b>	<b>99.7</b>	<b>97.8</b>	<b>99.1</b>	<b>99.6</b>
<b>Nation FY2012 Annual</b>	<b>99.5</b>	<b>99.8</b>	<b>99.9</b>	<b>99.1</b>	<b>99.7</b>	<b>99.8</b>	<b>98.9</b>	<b>99.6</b>	<b>99.8</b>
<b>Nation FY2013 Annual</b>	<b>99.6</b>	<b>99.8</b>	<b>99.9</b>	<b>99.4</b>	<b>99.8</b>	<b>99.9</b>	<b>98.9</b>	<b>99.6</b>	<b>99.8</b>
<b>Nation FY2014 Annual</b>	<b>99.5</b>	<b>99.8</b>	<b>99.9</b>	<b>99.2</b>	<b>99.7</b>	<b>99.9</b>	<b>97.8</b>	<b>99.2</b>	<b>99.6</b>
<b>Nation FY2015 Annual</b>	<b>99.1</b>	<b>99.6</b>	<b>99.8</b>	<b>98.5</b>	<b>99.4</b>	<b>99.7</b>	<b>96.6</b>	<b>98.8</b>	<b>99.5</b>
<b>Nation FY2016 Annual</b>	<b>99.1</b>	<b>99.6</b>	<b>99.8</b>	<b>98.7</b>	<b>99.4</b>	<b>99.7</b>	<b>97.6</b>	<b>99.0</b>	<b>99.5</b>
<b>Nation FY2017 Annual</b>	<b>99.1</b>	<b>99.6</b>	<b>99.8</b>	<b>98.7</b>	<b>99.4</b>	<b>99.7</b>	<b>98.1</b>	<b>99.2</b>	<b>99.6</b>
<b>Nation FY2018 Annual</b>	<b>99.0</b>	<b>99.5</b>	<b>99.7</b>	<b>98.6</b>	<b>99.4</b>	<b>99.7</b>	<b>97.8</b>	<b>99.1</b>	<b>99.5</b>
<b>Nation FY2019 Annual</b>	<b>98.4</b>	<b>99.1</b>	<b>99.4</b>	<b>97.9</b>	<b>99.0</b>	<b>99.4</b>	<b>97.4</b>	<b>98.7</b>	<b>99.3</b>
<b>Nation FY2020 Q1</b>	<b>97.9</b>	<b>98.8</b>	<b>99.2</b>	<b>97.7</b>	<b>98.9</b>	<b>99.3</b>	<b>97.1</b>	<b>98.7</b>	<b>99.2</b>
<b>Nation FY2020 Q2</b>	<b>98.6</b>	<b>99.2</b>	<b>99.5</b>	<b>98.1</b>	<b>99.1</b>	<b>99.5</b>	<b>97.6</b>	<b>98.9</b>	<b>99.4</b>

United States Postal Service®  
**Quarterly Performance for Single-Piece First-Class Mail®**

Quarter III  
FY2020

**Overview**

Beginning FY2019 Q1, service performance for Single-Piece First-Class Mail® is measured through the USPS® internal measurement system. The system combines scanning of mailpieces by postal personnel at randomly selected collection and delivery points with in-process machine scans for all eligible mail to estimate total transit time for the mail. The total transit is comprised of three legs: collection to initial automated processing, known as First Mile; initial processing to final automated processing, known as Processing Duration; and final processing to delivery, known as Last Mile. The estimated transit-time is compared against Single-Piece First-Class Mail® service standards to determine the percent of mail delivered on time.

Scores prior to FY2019 Q1 were calculated via the External First-Class Mail® Measurement System (EXFC). EXFC was an external sampling system that measured the time it took from deposit of mail into a collection box or lobby chute until its delivery to a home or business.

Single-Piece First-Class Mail® parcels were classified as a competitive product effective for pieces mailed on or after September 3, 2017; therefore, Single-Piece First-Class Mail® parcel results are no longer included in Single-Piece First-Class Mail® reporting.

**Limitations**

Single piece mail that is first observed in incoming processing operations rather than the expected outgoing processing operations is referred to as First Processing Operation Type 2 mail, or FPO2. The volume of FPO2 mail as a proportion of total single-piece volume observed in processing duration in Internal SPM is significantly higher than the proportion observed for pieces sampled in collection or associated from the retail channel, particularly for flats. This is likely due to the inclusion of commercial mail that is sorted to destination and begins processing in incoming sort operations but is not able to be identified as commercial mail. Because FPO2 mail generally experiences longer durations in First Mile than mail first observed in outgoing operations, the higher proportion of FPO2 mail led to scores which were not accurate. FPO2 volume proportions in single-piece processing duration have been weighted for reporting such that they are aligned with the volume proportions observed for pieces in the collection sampling process and retail pieces to improve the measurement accuracy.

Sampling for most high-volume courtesy and business reply mail delivery points was not enabled during the quarter, resulting in very limited representation of the reply mail portion of Single-Piece First-Class Mail® letters/postcards in the Last Mile sample. Due to the very limited data available to measure the overall transit time for this mail, all of the courtesy and business reply mail were excluded from these results. It should be noted that the legacy system did not measure delivery to these delivery points either. This is a deviation to the plan, not a degradation in comparison to the legacy system.

**Performance Highlights**

In FY2020 Quarter 3, national Single-Piece First-Class Mail® Two-Day performance was 92.4 percent on time and national Three-To-Five Day performance was 81.4 percent on time. The Two-Day performance score was 1.5 points lower than the same period last year. The Three-To-Five-Day performance score was 5.1 points lower than the same period last year.

Nationally, at least 98.1 percent of mail across all service standards was delivered within the service standard plus three days in FY2020 Quarter 3.

In FY2020 Quarter 3 at the district level, there were not any districts that scored at or above the performance target of 96.50 for Two-Day. Dakotas had the highest Two-Day performance at 96.1 percent on time. Two-Day performance improved for 9 out of 67 districts compared to the same period last year. Hawkeye had the highest Three-To-Five-Day performance at 87.3 percent on time. Three-To-Five-Day performance improved for one district compared to the same period last year.

United States Postal Service®

Quarter III  
FY2020**Quarterly Performance for Single-Piece First-Class Mail®**  
**Maipieces Delivered Between 04/01/2020 and 06/30/2020**

District	Overnight	Two-Day	Three-To-Five-Day
	Percent On Time	Percent On Time	Percent On Time
<b>Capital Metro Area</b>	<b>N/A</b>	<b>92.0</b>	<b>82.2</b>
Atlanta	N/A	92.1	83.5
Baltimore	N/A	88.9	73.6
Capital	N/A	88.9	81.4
Greater South Carolina	N/A	95.1	85.3
Greensboro	N/A	93.2	83.2
Mid-Carolinas	N/A	93.4	81.7
Northern Virginia	N/A	91.6	84.8
Richmond	N/A	91.0	80.3
<b>Eastern Area</b>	<b>N/A</b>	<b>93.6</b>	<b>83.6</b>
Appalachian	N/A	94.7	84.8
Central Pennsylvania	N/A	93.5	82.1
Kentuckiana	N/A	94.6	83.3
Northern Ohio	N/A	92.3	82.8
Ohio Valley	N/A	92.5	83.7
Philadelphia Metro	N/A	91.8	83.3
South Jersey	N/A	92.8	82.0
Tennessee	N/A	94.4	83.6
Western New York	N/A	95.2	84.0
Western Pennsylvania	N/A	95.7	86.7
<b>Great Lakes Area</b>	<b>N/A</b>	<b>90.2</b>	<b>80.7</b>
Central Illinois	N/A	91.8	82.0
Chicago	N/A	88.7	80.0
Detroit	N/A	73.5	64.7
Gateway	N/A	92.6	83.9
Greater Indiana	N/A	93.6	84.0
Greater Michigan	N/A	91.8	81.9
Lakeland	N/A	94.0	83.7
<b>Northeast Area</b>	<b>N/A</b>	<b>88.3</b>	<b>73.8</b>
Albany	N/A	93.6	83.0
Caribbean	N/A	90.0	67.5
Connecticut Valley	N/A	90.0	77.8
Greater Boston	N/A	90.9	77.8
Long Island	N/A	86.6	72.2
New York	N/A	68.4	53.6
Northern New England	N/A	94.0	76.5
Northern New Jersey	N/A	87.1	72.2
Triboro	N/A	74.5	60.9
Westchester	N/A	88.2	74.4
<b>Pacific Area</b>	<b>N/A</b>	<b>92.9</b>	<b>80.8</b>
Bay-Valley	N/A	93.4	84.0
Honolulu	N/A	92.1	61.1
Los Angeles	N/A	89.2	76.2
Sacramento	N/A	92.1	80.6
San Diego	N/A	94.0	79.8
San Francisco	N/A	93.7	84.6
Santa Ana	N/A	94.3	83.2
Sierra Coastal	N/A	93.5	82.1

United States Postal Service®

Quarter III  
FY2020**Quarterly Performance for Single-Piece First-Class Mail®**  
Mailpieces Delivered Between 04/01/2020 and 06/30/2020

District	Overnight	Two-Day	Three-To-Five-Day
	Percent On Time	Percent On Time	Percent On Time
<b>Southern Area</b>	<b>N/A</b>	<b>93.6</b>	<b>82.1</b>
Alabama	N/A	93.1	82.2
Arkansas	N/A	95.2	84.7
Dallas	N/A	92.6	83.6
Fort Worth	N/A	92.0	81.1
Gulf Atlantic	N/A	94.5	80.9
Houston	N/A	92.1	79.6
Louisiana	N/A	93.1	80.9
Mississippi	N/A	94.1	82.0
Oklahoma	N/A	96.0	84.4
Rio Grande	N/A	93.7	82.9
South Florida	N/A	92.2	80.9
Suncoast	N/A	94.1	82.6
<b>Western Area</b>	<b>N/A</b>	<b>94.4</b>	<b>82.5</b>
Alaska	N/A	92.3	87.0
Arizona	N/A	94.2	81.9
Central Plains	N/A	95.6	83.9
Colorado/Wyoming	N/A	90.4	75.4
Dakotas	N/A	96.1	85.4
Hawkeye	N/A	95.9	87.3
Mid-America	N/A	94.3	81.3
Nevada-Sierra	N/A	95.0	84.9
Northland	N/A	94.3	83.3
Portland	N/A	92.7	81.8
Salt Lake City	N/A	96.0	83.7
Seattle	N/A	94.6	82.1
<b>Nation FY2020 Q3</b>	<b>N/A</b>	<b>92.4</b>	<b>81.4</b>
<b>Nation FY2019 Q3 (SPLY)</b>	<b>N/A</b>	<b>93.9</b>	<b>86.5</b>
<b>Nation FY2009 Annual</b>	<b>96.1</b>	<b>93.5</b>	<b>90.8</b>
<b>Nation FY2010 Annual</b>	<b>96.3</b>	<b>93.6</b>	<b>91.6</b>
<b>Nation FY2011 Annual</b>	<b>96.2</b>	<b>93.4</b>	<b>91.2</b>
<b>Nation FY2012 Annual</b>	<b>96.5</b>	<b>94.8</b>	<b>92.3</b>
<b>Nation FY2013 Annual</b>	<b>96.1</b>	<b>95.3</b>	<b>91.6</b>
<b>Nation FY2014 Annual</b>	<b>96.0</b>	<b>94.9</b>	<b>87.7</b>
<b>Nation FY2015 Annual</b>	<b>95.6</b>	<b>93.2</b>	<b>76.5</b>
<b>Nation FY2016 Annual</b>	<b>N/A</b>	<b>94.7</b>	<b>83.7</b>
<b>Nation FY2017 Annual</b>	<b>N/A</b>	<b>94.7</b>	<b>85.6</b>
<b>Nation FY2018 Annual</b>	<b>N/A</b>	<b>93.8</b>	<b>82.5</b>
<b>Nation FY2019 Annual</b>	<b>N/A</b>	<b>92.0</b>	<b>80.9</b>
<b>Nation FY2020 Q1</b>	<b>N/A</b>	<b>91.9</b>	<b>78.2</b>
<b>Nation FY2020 Q2</b>	<b>N/A</b>	<b>93.0</b>	<b>83.3</b>
<b>FY2020 Annual Target</b>	<b>N/A</b>	<b>96.50</b>	<b>95.25</b>

United States Postal Service®  
**Quarterly Performance for Single-Piece First-Class Mail®  
Service Variance**

Quarter III  
FY2020

**Overview**

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Scores prior to FY2019 Q1 were calculated via the External First-Class Mail® Measurement System (EXFC). EXFC was an external sampling system that measured the time it took from deposit of mail into a collection box or lobby chute until its delivery to a home or business.

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**Limitations**

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Sampling for most high-volume courtesy and business reply mail delivery points was not enabled during the quarter, resulting in very limited representation of the reply mail portion of Single-Piece First-Class Mail® letters/postcards in the Last Mile sample. Due to the very limited data available to measure the overall transit time for this mail, all of the courtesy and business reply mail were excluded from these results. It should be noted that the legacy system did not measure delivery to these delivery points either. This is a deviation to the plan, not a degradation in comparison to the legacy system.

**Performance Highlights**

In FY2020 Quarter 3, national Single-Piece First-Class Mail® Two-Day performance was 92.4 percent on time and national Three-To-Five Day performance was 81.4 percent on time. The Two-Day performance score was 1.5 points lower than the same period last year. The Three-To-Five-Day performance score was 5.1 points lower than the same period last year.

Nationally, at least 98.1 percent of mail across all service standards was delivered within the service standard plus three days in FY2020 Quarter 3.

In FY2020 Quarter 3 at the district level, there were not any districts that scored at or above the performance target of 96.50 for Two-Day. Dakotas had the highest Two-Day performance at 96.1 percent on time. Two-Day performance improved for 9 out of 67 districts compared to the same period last year. Hawkeye had the highest Three-To-Five-Day performance at 87.3 percent on time. Three-To-Five-Day performance improved for one district compared to the same period last year.

United States Postal Service®  
**Quarterly Performance for Single-Piece First-Class Mail®**  
**Service Variance**  
**Mailpieces Delivered Between 04/01/2020 and 06/30/2020**

Quarter III  
FY2020

District	Overnight			Two-Day			Three-To-Five-Day		
	Percent Within +1-Day	Percent Within +2-Days	Percent Within +3-Days	Percent Within +1-Day	Percent Within +2-Days	Percent Within +3-Days	Percent Within +1-Day	Percent Within +2-Days	Percent Within +3-Days
<b>Capital Metro Area</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>97.1</b>	<b>98.5</b>	<b>99.0</b>	<b>93.9</b>	<b>97.0</b>	<b>98.2</b>
Atlanta	N/A	N/A	N/A	96.9	98.3	98.8	93.9	96.8	98.1
Baltimore	N/A	N/A	N/A	96.0	97.8	98.6	90.8	95.6	97.5
Capital	N/A	N/A	N/A	95.6	97.6	98.4	93.2	96.4	97.8
Greater South Carolina	N/A	N/A	N/A	98.4	99.1	99.4	95.1	97.7	98.7
Greensboro	N/A	N/A	N/A	97.9	98.9	99.3	94.6	97.4	98.5
Mid-Carolinas	N/A	N/A	N/A	97.7	98.7	99.2	93.6	97.0	98.3
Northern Virginia	N/A	N/A	N/A	97.0	98.4	98.9	95.2	97.6	98.6
Richmond	N/A	N/A	N/A	96.9	98.4	99.0	93.7	96.8	98.2
<b>Eastern Area</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>97.5</b>	<b>98.6</b>	<b>99.1</b>	<b>94.2</b>	<b>97.1</b>	<b>98.3</b>
Appalachian	N/A	N/A	N/A	98.3	99.1	99.4	94.5	97.2	98.4
Central Pennsylvania	N/A	N/A	N/A	97.5	98.6	99.1	94.0	97.1	98.4
Kentuckiana	N/A	N/A	N/A	98.1	98.9	99.3	94.3	97.1	98.3
Northern Ohio	N/A	N/A	N/A	96.8	98.3	98.9	93.6	96.5	97.9
Ohio Valley	N/A	N/A	N/A	96.9	98.2	98.9	94.1	96.9	98.2
Philadelphia Metro	N/A	N/A	N/A	96.6	98.1	98.8	93.9	97.0	98.3
South Jersey	N/A	N/A	N/A	97.0	98.3	98.9	94.0	97.1	98.3
Tennessee	N/A	N/A	N/A	98.0	98.9	99.2	94.2	97.0	98.3
Western New York	N/A	N/A	N/A	98.2	99.0	99.4	94.4	97.2	98.4
Western Pennsylvania	N/A	N/A	N/A	98.5	99.2	99.5	95.5	97.8	98.7
<b>Great Lakes Area</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>96.1</b>	<b>97.9</b>	<b>98.6</b>	<b>92.5</b>	<b>96.0</b>	<b>97.6</b>
Central Illinois	N/A	N/A	N/A	96.8	98.3	98.9	93.8	96.9	98.2
Chicago	N/A	N/A	N/A	95.7	97.6	98.5	92.5	96.1	97.7
Detroit	N/A	N/A	N/A	88.7	93.8	96.0	82.0	89.3	93.1
Gateway	N/A	N/A	N/A	97.2	98.5	99.0	94.1	96.9	98.2
Greater Indiana	N/A	N/A	N/A	97.6	98.7	99.2	94.5	97.2	98.4
Greater Michigan	N/A	N/A	N/A	96.9	98.2	98.9	93.3	96.6	98.0
Lakeland	N/A	N/A	N/A	97.7	98.7	99.2	94.4	97.3	98.4
<b>Northeast Area</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>95.0</b>	<b>97.2</b>	<b>98.1</b>	<b>89.8</b>	<b>94.9</b>	<b>97.0</b>
Albany	N/A	N/A	N/A	97.6	98.7	99.2	94.5	97.4	98.5
Caribbean	N/A	N/A	N/A	95.6	97.2	98.0	87.4	93.3	95.9
Connecticut Valley	N/A	N/A	N/A	95.7	97.7	98.6	91.9	96.1	97.8
Greater Boston	N/A	N/A	N/A	96.2	97.9	98.6	92.4	96.3	97.9
Long Island	N/A	N/A	N/A	94.9	97.2	98.2	90.1	95.5	97.5
New York	N/A	N/A	N/A	84.6	91.2	94.3	75.2	86.7	92.2
Northern New England	N/A	N/A	N/A	97.6	98.7	99.1	90.7	95.4	97.5
Northern New Jersey	N/A	N/A	N/A	94.1	96.4	97.5	89.3	94.3	96.4
Triboro	N/A	N/A	N/A	89.1	93.9	95.8	83.9	91.8	94.9
Westchester	N/A	N/A	N/A	95.0	97.4	98.3	90.6	95.8	97.6
<b>Pacific Area</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>97.6</b>	<b>98.7</b>	<b>99.1</b>	<b>93.4</b>	<b>96.8</b>	<b>98.2</b>
Bay-Valley	N/A	N/A	N/A	98.0	99.0	99.3	94.3	97.2	98.4
Honolulu	N/A	N/A	N/A	96.8	98.1	98.9	83.1	92.8	96.4
Los Angeles	N/A	N/A	N/A	95.9	97.7	98.3	91.3	95.5	97.3
Sacramento	N/A	N/A	N/A	97.8	98.8	99.2	93.7	97.1	98.3
San Diego	N/A	N/A	N/A	97.8	98.7	99.2	93.6	97.2	98.4
San Francisco	N/A	N/A	N/A	97.6	98.7	99.1	94.3	96.9	98.1
Santa Ana	N/A	N/A	N/A	98.1	98.9	99.3	94.5	97.4	98.5
Sierra Coastal	N/A	N/A	N/A	97.7	98.7	99.2	94.3	97.3	98.5

United States Postal Service®  
**Quarterly Performance for Single-Piece First-Class Mail®**  
**Service Variance**  
**Mailpieces Delivered Between 04/01/2020 and 06/30/2020**

Quarter III  
FY2020

District	Overnight			Two-Day			Three-To-Five-Day		
	Percent Within +1-Day	Percent Within +2-Days	Percent Within +3-Days	Percent Within +1-Day	Percent Within +2-Days	Percent Within +3-Days	Percent Within +1-Day	Percent Within +2-Days	Percent Within +3-Days
<b>Southern Area</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>97.5</b>	<b>98.6</b>	<b>99.1</b>	<b>93.8</b>	<b>96.9</b>	<b>98.2</b>
Alabama	N/A	N/A	N/A	97.4	98.7	99.2	93.9	97.0	98.4
Arkansas	N/A	N/A	N/A	98.3	99.1	99.4	94.9	97.5	98.6
Dallas	N/A	N/A	N/A	96.9	98.1	98.6	94.0	96.8	97.9
Fort Worth	N/A	N/A	N/A	96.7	98.0	98.6	93.1	96.4	97.7
Gulf Atlantic	N/A	N/A	N/A	98.0	98.9	99.3	93.4	96.8	98.2
Houston	N/A	N/A	N/A	96.8	98.2	98.8	93.1	96.7	98.1
Louisiana	N/A	N/A	N/A	97.4	98.5	98.9	93.1	96.5	97.9
Mississippi	N/A	N/A	N/A	97.8	98.7	99.2	93.2	96.6	98.0
Oklahoma	N/A	N/A	N/A	98.6	99.2	99.5	95.1	97.6	98.6
Rio Grande	N/A	N/A	N/A	97.8	98.9	99.2	93.9	96.9	98.2
South Florida	N/A	N/A	N/A	96.9	98.2	98.8	93.2	96.7	98.1
Suncoast	N/A	N/A	N/A	97.8	98.8	99.3	94.3	97.2	98.5
<b>Western Area</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>98.1</b>	<b>99.0</b>	<b>99.3</b>	<b>94.3</b>	<b>97.2</b>	<b>98.4</b>
Alaska	N/A	N/A	N/A	96.8	98.3	98.9	94.6	97.3	98.5
Arizona	N/A	N/A	N/A	97.8	98.7	99.1	94.1	97.1	98.2
Central Plains	N/A	N/A	N/A	98.5	99.1	99.5	94.6	97.4	98.5
Colorado/Wyoming	N/A	N/A	N/A	96.7	98.2	98.7	92.1	96.3	97.9
Dakotas	N/A	N/A	N/A	98.7	99.3	99.6	95.1	97.6	98.6
Hawkeye	N/A	N/A	N/A	98.6	99.3	99.6	95.7	97.8	98.7
Mid-America	N/A	N/A	N/A	98.1	99.0	99.4	93.5	96.9	98.3
Nevada-Sierra	N/A	N/A	N/A	98.2	98.9	99.3	94.7	97.3	98.4
Northland	N/A	N/A	N/A	97.9	99.0	99.4	94.9	97.6	98.7
Portland	N/A	N/A	N/A	98.1	99.0	99.4	93.7	97.0	98.3
Salt Lake City	N/A	N/A	N/A	98.7	99.2	99.5	94.5	97.4	98.5
Seattle	N/A	N/A	N/A	98.2	99.0	99.4	94.4	97.3	98.4
<b>Nation FY2020 Q3</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>97.1</b>	<b>98.4</b>	<b>98.9</b>	<b>93.4</b>	<b>96.7</b>	<b>98.1</b>
<b>Nation FY2019 Q3 (SPLY)</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>97.7</b>	<b>98.7</b>	<b>99.1</b>	<b>95.6</b>	<b>97.8</b>	<b>98.7</b>
<b>Nation FY2009 Annual</b>	<b>99.2</b>	<b>99.6</b>	<b>99.8</b>	<b>98.5</b>	<b>99.4</b>	<b>99.7</b>	<b>97.5</b>	<b>99.1</b>	<b>99.6</b>
<b>Nation FY2010 Annual</b>	<b>99.2</b>	<b>99.6</b>	<b>99.8</b>	<b>98.5</b>	<b>99.4</b>	<b>99.7</b>	<b>97.9</b>	<b>99.2</b>	<b>99.6</b>
<b>Nation FY2011 Annual</b>	<b>99.2</b>	<b>99.6</b>	<b>99.8</b>	<b>98.4</b>	<b>99.4</b>	<b>99.7</b>	<b>97.7</b>	<b>99.1</b>	<b>99.6</b>
<b>Nation FY2012 Annual</b>	<b>99.2</b>	<b>99.6</b>	<b>99.8</b>	<b>98.8</b>	<b>99.5</b>	<b>99.7</b>	<b>98.0</b>	<b>99.2</b>	<b>99.7</b>
<b>Nation FY2013 Annual</b>	<b>99.1</b>	<b>99.6</b>	<b>99.8</b>	<b>98.7</b>	<b>99.5</b>	<b>99.7</b>	<b>97.8</b>	<b>99.1</b>	<b>99.6</b>
<b>Nation FY2014 Annual</b>	<b>99.1</b>	<b>99.6</b>	<b>99.7</b>	<b>98.7</b>	<b>99.4</b>	<b>99.7</b>	<b>96.4</b>	<b>98.5</b>	<b>99.3</b>
<b>Nation FY2015 Annual</b>	<b>99.0</b>	<b>99.5</b>	<b>99.7</b>	<b>98.3</b>	<b>99.3</b>	<b>99.6</b>	<b>93.3</b>	<b>97.4</b>	<b>98.9</b>
<b>Nation FY2016 Annual</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>98.5</b>	<b>99.3</b>	<b>99.6</b>	<b>95.5</b>	<b>98.1</b>	<b>99.1</b>
<b>Nation FY2017 Annual</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>98.5</b>	<b>99.3</b>	<b>99.6</b>	<b>96.0</b>	<b>98.4</b>	<b>99.3</b>
<b>Nation FY2018 Annual</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>98.2</b>	<b>99.2</b>	<b>99.6</b>	<b>95.0</b>	<b>97.9</b>	<b>99.0</b>
<b>Nation FY2019 Annual</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>97.1</b>	<b>98.4</b>	<b>99.0</b>	<b>93.5</b>	<b>96.9</b>	<b>98.3</b>
<b>Nation FY2020 Q1</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>97.1</b>	<b>98.5</b>	<b>99.1</b>	<b>93.0</b>	<b>96.9</b>	<b>98.3</b>
<b>Nation FY2020 Q2</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>97.3</b>	<b>98.5</b>	<b>99.0</b>	<b>94.4</b>	<b>97.2</b>	<b>98.3</b>

# Exhibit 16



1 I, Lance Gough, declare as follows:

2 1. I am over the age of 18, am competent to testify as to the matters  
3 herein, and make this declaration based on my personal knowledge.

4 2. I make this declaration from personal knowledge and based on  
5 records from the Chicago Board of Elections, located in Chicago, Illinois, and  
6 would testify to the following facts if called as a witness at hearing or trial.

7 3. I am the Executive Director at the Chicago Board of Elections,  
8 responsible for managing all voter registrations, ballot and voting-equipment  
9 preparations, recruitment and training of poll workers, assignments of polling  
10 places, and ensuring equitable and accessible programs for Early Voting, Vote  
11 By Mail and Election Day voting in keeping with all state and federal statutes  
12 and case law.

13 4. The Chicago Board of Elections serves as the local election  
14 authority for Illinois voters who reside in Chicago, Illinois. There are  
15 approximately 1.5 million Chicago residents currently registered to vote in the  
16 area subject to our jurisdiction. Our office is one of 108 local election  
17 authorities in Illinois. The local election authorities handle local voter  
18 registration programs, arrange for the printing of ballots, and manage the vote  
19 count at the local level. They are additionally responsible for accepting vote by  
20 mail applications, mailing ballots to voters who have applied to vote by mail,  
21 and accepting ballots returned by mail. *See* 10 ILCS 5/2B-15; 10 ILCS 5/2B-20.

22  
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ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
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1 The local election authorities function under the supervision of the Illinois State  
2 Board of Elections (“ISBE”), which oversees the administration of registration  
3 and election laws throughout the State of Illinois. *See* 10 ILCS 5/1A-1.

4 **Illinois’ Statutory Vote by Mail Procedures**

5 5. Illinois has successfully utilized vote by mail procedures for over a  
6 decade. In 2009, Illinois began allowing any qualified and registered voter in  
7 the state to choose to vote by mail in accordance with deadlines and procedures  
8 established in Illinois Election Code. *See* Pub. Act 96-0553 (eff. Aug. 17, 2009)  
9 (amending 10 ILCS 5/19-1).

10 6. This year, in response to the COVID-19 pandemic and to protect  
11 the health of Illinois residents, Illinois enacted new legislation to further  
12 enhance the availability of vote by mail for Illinois voters participating in the  
13 2020 general election. On June 16, 2020, Public Act 101-0642 became law in  
14 Illinois. *See* Pub. Act 101-0642 (eff. June 16, 2020) (creating 10 ILCS 5/2B *et*  
15 *seq.*).

16 7. Public Act 101-0642 permits voters to request applications “for an  
17 official ballot for the 2020 general election to be sent to the elector through  
18 mail.” 10 ILCS 5/2B-15(a).

19 8. In addition, the new law requires election authorities to send  
20 applications for “an official vote by mail ballot for the 2020 general election” to  
21 any elector who voted, whether by mail or in person, in (1) the 2018 general  
22

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1 election; (2) the 2019 consolidated election (in which various municipal  
2 elections occur in Illinois); or (3) the 2020 general primary election. *Id.* § 5/2B-  
3 15(b). Vote by mail applications must also be sent to voters who have registered  
4 to vote or changed their registration address after March 17, 2020, the date of  
5 the general primary election, and on or before July 31, 2020. *Id.* The vote by  
6 mail applications sent to voters must also include a notice stating that “upon  
7 completion of the application, the elector *will receive* an official ballot no more  
8 than 40 days and no less than 30 days before the election[.]” *Id.* §5/2B-15(c)  
9 (emphasis added). The notice also informs voters that they may return the  
10 application by mail to their election authority. *Id.* Both the application and  
11 notice are to be sent by mail “to the elector’s registered address and any other  
12 mailing address the election authority may have on file, including a mailing  
13 address to which a prior vote by mail ballot was mailed.” *Id.* § 5/2B-15(d).

14 9. Beginning on September 24, 2020, election authorities in Illinois  
15 must mail official ballots to voters in Illinois who have requested them. *Id.* §  
16 2B-20(a). Voters requesting a vote by mail ballot on or before October 1, 2020,  
17 must receive one “no later than October 6, 2020.” *Id.* For requests received after  
18 October 1, 2020, an election authority must mail an official ballot within two  
19 business days after receiving the application. *Id.* Election authorities must  
20 continue accepting vote by mail applications received by mail or electronically  
21 through October 29, 2020—five days before election day, November 3, 2020.  
22

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1     See 10 ILCS 5/19-2. Voters may also submit a vote by mail application in  
2     person as late as November 2, 2020, the day before election day. *Id.*

3           10. For voters returning their completed ballots by mail, their ballots  
4     must be postmarked on or before election day and received within the fourteen-  
5     day period following election day during which provisional ballots are counted.  
6     See 10 ILCS 5/19-3, 19-8(c); 10 ILCS 5/20-2.3. Illinois law also permits  
7     election authorities to create “secure collection sites for the postage-free return  
8     of vote by mail ballots,” and specifically provides that “[e]lection authorities  
9     shall accept any vote by mail ballot returned, including ballots returned with  
10    insufficient or no postage[.]” 10 ILCS 5/2B-20(e). Voters who received vote by  
11    mail ballots and wish to personally return them have until the close of the polls  
12    on election day to submit them to collection sites for the issuing election  
13    authority. 10 ILCS 5/2B-20(e). Illinois law specifically provides that “[e]lection  
14    authorities shall accept any vote by mail ballot returned, including ballots  
15    returned with insufficient or no postage[.]” *Id.* Critically, Illinois law permits  
16    voters to select whether they will return their ballot by mail or in person using  
17    the secure collection site.

18                           **Vote By Mail Trends in Chicago, Illinois**

19           11. In previous General Elections, Chicago voters relied upon vote by  
20    mail to cast their ballots. Approximately 4% of Chicago ballots cast were  
21    received through Absentee/Vote By Mail programs in Presidential Elections  
22

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1 from 2000 to 2012. However, by 2016, election authorities and campaigns had  
2 begun promoting the no-excuse Vote By Mail option, and approximately 10%  
3 of ballots were cast through Vote By Mail programs. Then, at the March 17,  
4 2020 Primary, which occurred during the onset of the Covid-19 global  
5 pandemic, more than 20% of all ballots were cast through Vote By Mail. The  
6 City broke its all-time record with 117,118 applications from civilians in  
7 Chicago, college students, military/overseas voters and nursing home residents.

8 12. Following the requirements of the new Illinois statute, starting July  
9 18, the Chicago Board of Elections mailed more than 900,000 vote by mail  
10 applications to Chicago voters. Chicago would have sent more, but by early  
11 July, already 130,000 voters who qualified to receive the applications had  
12 already filed applications online to Vote By Mail. The mailing was completed  
13 on July 31. The Board currently has processed 233,000 applications and has  
14 approximately 20,000 more to be scanned, meaning more than 250,000  
15 applications are currently in the pipeline. We have already doubled our all-time  
16 records for applications, and we anticipate we may double this number by mid-  
17 October. I anticipate that will significantly increase the number of voters who  
18 will opt to vote by mail. Historically, we have seen approximately 80% or more  
19 of the Vote By Mail ballots returned.

20 13. As of August 18, the Chicago Board of Elections has received  
21 more than 250,000 ballot applications from voters who wish to vote by mail.  
22

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1 This number is significantly higher than what we have observed in previous  
2 General Elections. This is already more than two times the all-time records  
3 from March 2020 and November 1944, when so many Chicago voters were  
4 serving in the military around the globe during World War II. Given the typical  
5 Presidential Election turnout of 1.1 million voters in Chicago, we anticipate  
6 more than 25% of all ballots will be cast through Vote By Mail.

7 14. Based on the trends our office is observing, I believe it is highly  
8 likely that the 107 other local election authorities in Illinois will witness  
9 significant increases in Vote By Mail.

10 **Impacts of United States Postal Service’s Recent Changes**

11 15. I am aware and have seen the letter that the United States Postal  
12 Service (“USPS”) mailed to ISBE on July 30, 2020. In that letter, USPS warned  
13 ISBE that that “under our reading of Illinois’ election laws, certain deadlines for  
14 requesting and casting mail-in ballots are incongruous with the Postal Service’s  
15 delivery standards. This mismatch creates a risk that ballots requested near the  
16 deadline under state law will not be returned by mail in time to be counted under  
17 your laws as we understand them.” The letter specifically flagged that Illinois  
18 permits voters intending to vote by mail to apply for a vote by mail ballot “as late  
19 as 5 days before the November general election.” It also asserted that “the Postal  
20 Service cannot adjust its delivery standards to accommodate the requirements of  
21  
22

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1 state election law.” A copy of the July 30, 2020 letter is attached to this  
2 declaration as Exhibit A.

3 16. In addition to the July 30, 2020 letter from USPS, I am also aware  
4 of recent media reports indicating that some members of the public have been  
5 experiencing delays in mail delivery. I am also aware of media reports  
6 indicating that operational changes have recently been occurring at USPS that  
7 may have contributed to these delays.

8 17. The Chicago Board of Elections works to ensure that elections in  
9 Chicago are fair and that citizens who are eligible to vote can do so in a safe  
10 and secure manner. Ensuring the safety of voters is especially critical this year,  
11 given the ongoing COVID-19 pandemic. Vote by mail is a vital tool in enabling  
12 Illinois voters to safely cast their ballots.

13 18. The deadlines required by Illinois law permit voters to apply to  
14 vote by mail up until very close to election day. Having an efficient mail service  
15 through USPS is critical to ensuring that voters choosing to vote by mail are  
16 able to receive and return their ballots by the deadlines required in Illinois law.

17 19. The need for an efficient mail service through USPS is particularly  
18 critical in the final weeks leading up to election day on November 3, 2020.  
19 Voters in Illinois can mail or electronically submit applications to vote by  
20 through October 29, 2020. For voters submitting their applications on October  
21 29 or the few days leading up to that date, having reliable and efficient USPS  
22

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1 mail delivery will be essential to ensure that the voters are able to receive,  
2 complete, and return their ballots in time for them to be counted.

3 20. In addition, Illinois voters mailing their ballots need to have their  
4 ballots postmarked no later than election day, November 3, 2020, in order for  
5 them to be counted. Ballots submitted by mail must also be received by the  
6 election authority within the fourteen days after election day in order to be  
7 counted.

8 **Irreparable Harm**

9 21. An efficient and reliable mail service through USPS is critical to  
10 ensuring that Chicago voters choosing to vote by mail are not disenfranchised  
11 because of delays in processing or delivering the mail. The anticipated increase  
12 in the number of Illinois citizens voting by mail in this year's election also means  
13 that an efficient and reliable mail service through USPS has never been more  
14 important to ensuring that Illinois citizens can exercise their right to vote.

15 22. USPS's warnings about its inability to provide reliable services in  
16 Illinois is occurring at a time when prompt mail delivery has never been more  
17 essential for protecting the right to vote for Illinois citizens. Maintaining and  
18 enhancing USPS capacity is an urgent priority for Illinois in light of the  
19 expansion of vote by mail options Illinois has adopted in response to the COVID-  
20 19 pandemic.

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1           23.    However, if USPS provides inadequate postal services so close to  
2    an election, significant numbers of Chicago and Illinois voters are at risk of  
3    becoming disenfranchised in the upcoming election.

4           24.    If mail services are impeded or delayed, voters who utilize vote by  
5    mail risk not having their ballot counted. For example, the Chicago Board of  
6    Elections may receive vote by mail applications late due to mail delays, which  
7    will delay our ability to send voters their ballots. Even if applications are timely  
8    received, voters may still receive their ballots late or else be prevented from  
9    casting their ballots in a timely way if the mail is delayed or voters are otherwise  
10   unable to find an alternative method to deliver their ballot to a secure collection  
11   site. In fact, USPS has essentially admitted the strong probability that irreparable  
12   disruptions will occur in their July 30, 2020 letter.

13           25.    Further, if USPS's changes undercut public confidence in postal  
14    services, voters who otherwise would have remained safely at home to vote might  
15    opt to vote in person at a polling place instead, which heightens inherent risks of  
16    spreading COVID-19 during a dangerous pandemic. Otherwise, voters who feel  
17    that they cannot trust the postal service but have warranted concerns about  
18    congregating at a polling place simply might not vote at all.

19           **I declare under penalty of perjury under the laws of the United States**  
20    **that the foregoing is true and correct.**

21  
22  
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DATED this 19th day of August, 2020, at Chicago, Illinois.

/s/ Lance Gough  
Lance Gough  
Executive Director  
Chicago Board of Election Commissioners

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**Gough Declaration**  
**Exhibit A**

THOMAS J. MARSHALL  
GENERAL COUNSEL  
AND EXECUTIVE VICE PRESIDENT



July 30, 2020

Honorable Steve Sandvoss  
Executive Director  
State Board of Elections  
2329 S. MacArthur Boulevard  
Springfield, IL 62704-4503

Dear Mr. Sandvoss:

Re: Deadlines for Mailing Ballots

With the 2020 General Election rapidly approaching, this letter follows up on my letter dated May 29, 2020, which I sent to election officials throughout the country. That letter highlighted some key aspects of the Postal Service's delivery processes. The purpose of this letter is to focus specifically on the deadlines for requesting and casting ballots by mail. In particular, we wanted to note that, under our reading of Illinois' election laws, certain deadlines for requesting and casting mail-in ballots are incongruous with the Postal Service's delivery standards. This mismatch creates a risk that ballots requested near the deadline under state law will not be returned by mail in time to be counted under your laws as we understand them.

As I stated in my May 29 letter, the two main classes of mail that are used for ballots are First-Class Mail and USPS Marketing Mail, the latter of which includes the Nonprofit postage rate. Voters must use First-Class Mail (or an expedited level of service) to mail their ballots and ballot requests, while state or local election officials may generally use either First-Class Mail or Marketing Mail to mail blank ballots to voters. While the specific transit times for either class of mail cannot be guaranteed, and depend on factors such as a given mailpiece's place of origin and destination, most domestic First-Class Mail is delivered 2-5 days after it is received by the Postal Service, and most domestic Marketing Mail is delivered 3-10 days after it is received.

To account for these delivery standards and to allow for contingencies (e.g., weather issues or unforeseen events), the Postal Service strongly recommends adhering to the following timeframe when using the mail to transmit ballots to domestic voters:

- **Ballot requests:** Where voters will both receive and send a ballot by mail, voters should submit their ballot request early enough so that it is received by their election officials at least 15 days before Election Day at a minimum, and preferably long before that time.
- **Mailing blank ballots to voters:** In responding to a ballot request, election officials should consider that the ballot needs to be in the hands of the voter so that he or she has adequate time to complete it and put it back in the mail stream so that it can be processed and delivered by the applicable deadline. Accordingly, the Postal Service recommends that election officials use First-Class Mail to transmit blank ballots and allow 1 week for delivery to voters. Using Marketing Mail will result in slower delivery times and will increase the risk that voters will not receive their ballots in time to return them by mail.

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THOMAS.J.MARSHALL@USPS.GOV  
WWW.USPS.COM

- 2 -

- **Mailing completed ballots to election officials:** To allow enough time for ballots to be returned to election officials, domestic voters should generally mail their completed ballots at least one week before the state's due date. In states that require mail-in ballots to be *both* postmarked by Election Day *and* received by election officials by a specific date that is one week or more after Election Day, voters may generally mail their ballot up until November 3. However, voters who mail in their ballots on Election Day must be aware of the posted collection times on collection boxes and at the Postal Service's retail facilities, and that ballots entered after the last posted collection time on a given day will not be postmarked until the following business day.

Under our reading of your state's election laws, as in effect on July 27, 2020, certain state-law requirements and deadlines appear to be incompatible with the Postal Service's delivery standards and the recommended timeframe noted above. As a result, to the extent that the mail is used to transmit ballots to and from voters, there is a significant risk that, at least in certain circumstances, ballots may be requested in a manner that is consistent with your election rules and returned promptly, and yet not be returned in time to be counted.

Specifically, it appears that a completed ballot must be postmarked before Election Day and received by election officials within 14 days after the election, which we understand to be the end of the period for counting provisional ballots. If that understanding is correct, voters who choose to mail their ballots may do so on or before Tuesday, November 3. However, it further appears that state law generally permits voters to apply for a ballot as late as 5 days before the November general election. If a voter submits a request at or near the ballot-request deadline, and if the ballot is transmitted to the voter by mail, there is a significant risk that the ballot will not reach the voter before Election Day, and accordingly that the voter will not be able to use the ballot to cast his or her vote. That risk is exacerbated by the fact that the law does not appear to require election officials to transmit a ballot until 2 business days after receiving a ballot application.

To be clear, the Postal Service is not purporting to definitively interpret the requirements of your state's election laws, and also is not recommending that such laws be changed to accommodate the Postal Service's delivery standards. By the same token, however, the Postal Service cannot adjust its delivery standards to accommodate the requirements of state election law. For this reason, the Postal Service asks that election officials keep the Postal Service's delivery standards and recommendations in mind when making decisions as to the appropriate means used to send a piece of Election Mail to voters, and when informing voters how to successfully participate in an election where they choose to use the mail. It is particularly important that voters be made aware of the transit times for mail (including mail-in ballots) so that they can make informed decisions about whether and when to (1) request a mail-in ballot, and (2) mail a completed ballot back to election officials.

We remain committed to sustaining the mail as a secure, efficient, and effective means to allow citizens to participate in the electoral process when election officials determine to utilize the mail as a part of their election system. Ensuring that you have an understanding of our operational capabilities and recommended timelines, and can educate voters accordingly, is important to achieving a successful election season. Please reach out to your assigned election mail coordinator to discuss the logistics of your mailings and the services that are available as well as any questions you may have. A list of election mail coordinators may be found on our website at: <https://about.usps.com/election-mail/politicelection-mail-coordinators.pdf>.

We hope the information contained in this letter is helpful, and please let me know if you have any questions or concerns.

Sincerely,



Thomas J. Marshall

# Exhibit 17

1 ROBERT W. FERGUSON  
*Attorney General*  
2 NOAH GUZZO PURCELL, WSBA #43492  
*Solicitor General*  
3 NATHAN K. BAYS, WSBA #43025  
4 KRISTIN BENESKI, WSBA #45478  
5 ANDREW R.W. HUGHES, WSBA #49515  
6 CRISTINA SEPE, WSBA #53609  
*Assistant Attorneys General*  
7 EMMA GRUNBERG, WSBA #54659  
8 TERA M. HEINTZ, WSBA #54921  
*(application for admission forthcoming)*  
9 KARL D. SMITH, WSBA #41988  
*Deputy Solicitors General*  
800 Fifth Avenue, Suite 2000  
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10 **UNITED STATES DISTRICT COURT**  
11 **EASTERN DISTRICT OF WASHINGTON**  
12 **AT YAKIMA**

13 STATE OF WASHINGTON, et  
14 al.,

14 Plaintiffs,

15 v.

16 DONALD J. TRUMP, et al.,

17 Defendants.

NO. 1:20-cv-03127-SAB

DECLARATION OF  
COLORADO SECRETARY OF  
STATE JENA GRISWOLD IN  
IN SUPPORT OF PLAINTIFF  
STATES' MOTION FOR  
PRELIMINARY INJUNCTION

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DECLARATION OF COLORADO  
SECRETARY OF STATE JENA  
GRISWOLD

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

1 I, Jena Griswold, Colorado’s Secretary of State, declare as follows:

2 1. I am the 39<sup>th</sup> Colorado Secretary of State, elected by the people of  
3 Colorado in 2018. I am the chief election official of the state.

4 2. The statements in this declaration are all based on my own  
5 personal knowledge, including information gathered by employees of the  
6 Secretary of State’s office.

7 **Colorado’s mail voting system is a national model**

8 3. Colorado is a national leader in mail voting. In 2013, Colorado  
9 passed the Voter Access and Modernized Elections Act, 2013 Sess. Laws 681,  
10 under which all registered voters are sent a mail ballot. The Colorado General  
11 Assembly enacted this measure because “the people’s self-government through  
12 the electoral process is more legitimate and better accepted when voter  
13 participation increases” and decided that “expand[ing] the use of mail ballot  
14 elections” was an appropriate “means to increase voter participation.” *Id.*

15 4. Since 2014, Colorado has relied on the U.S. mail system to facilitate  
16 its elections. In the 2020 state primary, Colorado counties used the U.S. mail  
17 system to deliver ballots to 3,306,300 voters.

18 5. Every active registered voter in Colorado receives a mail ballot  
19 packet delivered through the U.S. Mail to the voter’s last registered mailing  
20 address. The ballots generally must be mailed between 18 and 25 days prior to  
21

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1 an election. § 1-7.5-107(3)(a), C.R.S. (Overseas military voters receive their  
2 ballots earlier. § 1-8.3-110(2), C.R.S.)

3 6. Although in-person voting remains an option, Colorado voters  
4 overwhelmingly choose to vote the ballot that is mailed to them. In the 2016  
5 state primary, 97% of Colorado voters cast the ballot they received in the mail.  
6 In the 2016 general election, 93% of Colorado voters cast their mail ballot. And  
7 in the 2020 state primary, 99% of Colorado voters cast their mail ballot.

8 7. Approximately 25% of those who vote the ballot received in the mail  
9 also return the ballot through the U.S. mail, while the rest return their ballots to  
10 their polling places or ballot drop boxes stationed throughout the state.

11 8. The reliability and effectiveness of Colorado's mail voting system is  
12 an important reason why Colorado consistently has one of the highest voter  
13 turnout rates in the country.

14 **Colorado's voting system depends on a reliable and trustworthy U.S.**  
15 **Postal Service**

16 9. Colorado voters, Colorado counties, and the Secretary of State's  
17 office all rely heavily on the mail to receive and return ballots. Disruptions to the  
18 mail service could have serious consequences to the state and its voters, in  
19 several ways.

20 10. First, delays to the mail in returning ballots can disenfranchise  
21 voters. Based on our review of ballots submitted during the last several election  
22

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1 cycles, we ordinarily expect about 40% of all votes cast in an election to be  
2 received either on election day or the day before.

3 11. Even minor delays of one or two days could result in tens of  
4 thousands of votes not being counted due to no fault of the voter.

5 12. Colorado builds redundancies into its system, but these  
6 redundancies only work if the U.S. mail system works in the way voters have  
7 come to expect. For example, individuals can choose to vote in person rather  
8 than cast their mail ballot. But, if a voter returns their ballot through the U.S.  
9 mail with the reasonable expectation that it will be delivered on time, and due to  
10 Postal Service delays it arrives late, that voter will have no way of knowing that  
11 their mailed ballot will not be counted until it is too late for the voter to remedy  
12 the issue. The system depends on the reliability of the mail.

13 13. Second, changes to Postal Service policy concerning the treatment  
14 of election mail will undermine confidence in Colorado's elections. Colorado and  
15 its counties, who are responsible for mailing out ballots, rely on the Postal  
16 Service to prioritize election mail. The majority of Colorado's ballots are not  
17 distributed as first class mail. Instead, the ballots are distributed using the  
18 Postal Service's marketing mail rate. But there is a longstanding practice in  
19 Colorado that the Postal Service treats all election mail, such as ballots, as first  
20 class mail. My office has confirmed this practice in numerous conversations with  
21 Postal Service officials.  
22

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1           14. Reports suggest that the Postal Service will discontinue its historic  
2 practice of prioritizing election mail in 2020. Doing so will frustrate the  
3 legitimate, historically grounded expectations of state and local election officials  
4 and Colorado voters.

5           15. The distribution of ballots in Colorado is heavily publicized. Once  
6 voters learn that ballots have been mailed—roughly three weeks before an  
7 election—those voters expect to receive their ballots in a timely fashion. We have  
8 previously heard complaints from voters even when ballots are mailed out on the  
9 last day of the allotted legal distribution window. Introducing any delay due to  
10 an unannounced change in Postal Service policy opens the door to serious voter  
11 confusion and frustration, and could erode confidence in Colorado’s election  
12 system.

13           16. Colorado’s counties rely on the fact that election mail will be  
14 treated as first class mail. And if the Postal Service no longer intends to treat  
15 election mail this way, our counties may want to distribute their ballots as first  
16 class mail. But given the timing of this year’s election, there is little the state  
17 can do to prioritize election mail if the Postal Service refuses to do so. The  
18 General Assembly is out of session and cannot appropriate funds to allow  
19 counties to upgrade the mail to first class mail. The counties generally do not  
20 have the funds to do so either. Accordingly, a change to Postal Service policy  
21 may have serious impacts throughout Colorado.  
22

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1           17.     Third, the nationwide disruptions to the mail service will have  
2 direct impacts on Colorado’s elections. Colorado relies on the nationwide mail  
3 system for its voters to cast their ballots. 73,747 ballots are mailed to voters with  
4 addresses out of state. 9,721 of these ballots are sent to military personnel  
5 stationed outside of Colorado.

6           18.     Postmaster General Louis DeJoy has stated that he does not intend  
7 to restore the mail sorting machines the Postal Service has removed throughout  
8 the country. We have received conflicting reports about sorting machines in  
9 Colorado, including reports that at least one sorting machine has been  
10 disassembled and not replaced. This has created uncertainty concerning the  
11 processing of election mail sent within Colorado.

12           19.     The machines that have been removed elsewhere, not to mention  
13 the other service changes announced by General DeJoy, will also impair the  
14 ability of servicemembers and other Colorado voters residing outside of Colorado  
15 to cast their ballots. Nationwide slowdowns in mail delivery can prevent these  
16 voters from having their votes counted.

17           20.     Although Colorado counties make dropboxes available for  
18 individuals to cast their mail ballots, some individuals have no choice but to rely  
19 on the mail. For one, Colorado registered voters who currently reside out of  
20 state, including members of the armed forces, cannot use the dropboxes.  
21 Individuals who are unable to leave their homes, including those who may be ill  
22

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1 or quarantined due to COVID-19, also must rely on the U.S. mail to return their  
2 ballots.

3 **The November 2020 ballot contains numerous measures of statewide**  
4 **concern**

5 21. Individual voters in Colorado receive different ballots depending on  
6 the county in which they live. But the November 2020 ballots that will be  
7 distributed in Colorado will include many issues of statewide concern.

8 22. The November 2020 ballot contains eleven measures presented to  
9 voters that will impact the State of Colorado moving forward. Colorado voters  
10 will decide: whether to join the national popular vote compact; whether to  
11 establish a paid family and medical leave program; whether to lower income  
12 taxes; whether to put an abortion ban in place; whether to introduce gray wolves  
13 to the state; whether to increase nicotine and tobacco taxes; whether to require  
14 that all registered voters must be U.S. citizens; whether to require voter  
15 approval before new state enterprises can be formed; whether to alter the state  
16 constitution concerning charitable gaming; whether to allow changes to current  
17 gambling restrictions in the state; and whether to change the means by which  
18 property taxes are assessed in the state. Colorado voters will also be selecting  
19 one of the state's two senators to the United States Congress, and casting their  
20 vote for President and Vice-President of the United States.

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23. Colorado is relying on an effective U.S. mail system to facilitate the election of these matters of statewide concern.

24. Colorado’s election system is a model for the rest of the country. Since 2014 it has been overseen by both Democratic and Republican Secretaries of State, and has facilitated record turnout in state, local, and federal elections.

25. Transformative changes to the Postal Service—made months before the November 2020 election and without opportunity for public comment—have the potential to disrupt this model system on which Colorado, its counties, and its voters have come to rely.

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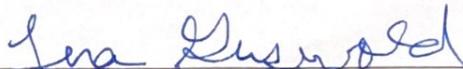
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I declare under penalty of perjury that the foregoing is true and correct.

DATED this 8<sup>th</sup> day of September, 2020, at Cortez, Colorado.

  
\_\_\_\_\_  
JENA GRISWOLD  
Colorado Secretary of State

DECLARATION OF  
COLORADO SECRETARY OF  
STATE JENA GRISWOLD

ATTORNEY GENERAL OF WASHINGTON  
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# Exhibit 18

1 ROBERT W. FERGUSON  
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*Solicitor General*  
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4 ANDREW R.W. HUGHES, WSBA #49515  
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5 *Assistant Attorneys General*  
EMMA GRUNBERG, WSBA #54659  
6 TERA M. HEINTZ, WSBA #54921  
*(application for admission forthcoming)*  
7 KARL D. SMITH, WSBA #41988  
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10  
11 **UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF WASHINGTON**  
12 **AT YAKIMA**

13 STATE OF WASHINGTON, et  
al.,

14 Plaintiffs,

15 v.

16 DONALD J. TRUMP, et al.,

17 Defendants.

NO. 1:20-cv-03127-SAB

DECLARATION OF  
SAMANTHA HARTWIG IN  
SUPPORT OF PLAINTIFF  
STATES' MOTION FOR  
PRELIMINARY INJUNCTION

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22  
DECLARATION OF  
SAMANTHA HARTWIG

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ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

1 I, Samantha Hartwig, declare as follows:

2 1. I am over the age of 18, am competent to testify as to the matters  
3 herein, and make this declaration based on my personal knowledge.

4 2. I am a resident of Coon Rapids, Minnesota. I am currently serving as  
5 the President of Branch 9 of the National Association of Letter Carriers. The  
6 National Association of Letter Carriers represents letter carriers employed by the  
7 United States Postal Service (USPS).

8 3. The USPS will occasionally implement “directives” that control how  
9 the business of the USPS is conducted. These directives are issued from the  
10 highest levels of the USPS organization, including the Postmaster.

11 4. Recently, the USPS has initiated a directive that requires letter carriers  
12 to leave their facility to deliver mail within an hour of their shift start time. This  
13 limits the letter carrier’s time in the post office to one hour.

14 5. Each day, USPS mail clerks sort the mail that is to be delivered by the  
15 letter carriers. It has been the practice of the USPS to deliver every piece of mail  
16 that was at the facility every day. This would occasionally entail letter carriers  
17 waiting until the clerks finished sorting the mail before loading their trucks and  
18 leaving to deliver the mail.

DECLARATION OF  
SAMANTHA HARTWIG

2

ATTORNEY GENERAL OF WASHINGTON  
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1           6.     The one-hour directive has resulted in letter carriers leaving their  
2 facility before all of the mail is sorted, resulting in mail being left to be sorted or  
3 re-sorted and delivered the following day.

4           7.     The primary impact of this is that priority-mail packages are being left  
5 for the next day and being delivered later than they would otherwise.

6           8.     Priority mail packages can include anything from medications to  
7 birthday presents. In my experience medication delivery is time sensitive because  
8 providers will not fill prescriptions too far in advance.

9           9.     These delays are particularly concerning for letter carriers because  
10 they are the front-line workers interacting with the public on a regular basis.

11          10.    Additionally, the summer is typically the time of the year with the  
12 lowest mail volume. The fact that priority mail is being delayed now raises  
13 significant concerns that additional delays will occur when the mail volume  
14 increases over the fall.

15          11.    More delays in the fall are likely to impact not just priority but also  
16 first-class mail. First-class mail includes the general letters and correspondence  
17 that make up the bulk of what USPS delivers. First-class mail includes things such  
18 as census forms, driver's licenses, vehicle tabs, or anything else sent in normal

DECLARATION OF  
SAMANTHA HARTWIG

3

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
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1 letter form through the USPS. Election mail is sorted in the same manner as first-  
2 class mail.

3 I declare under penalty of perjury under the laws of the States of Washington  
4 and Minnesota and the United States of America that the foregoing is true and  
5 correct.

6 Dated: August 18, 2020  
7

  
SAMANTHA HARTWIG

DECLARATION OF  
SAMANTHA HARTWIG

4

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
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# Exhibit 19



1 I, Stuart Harvey, declare as follows:

2 1. I am over the age of 18, am competent to testify as to the matters  
3 herein, and make this declaration based on my personal knowledge.

4 2. I am the Election Director of Frederick County, Maryland. I have  
5 over 30 years of experience in elections, and have been the Election Director in  
6 Frederick County since July 2002.

7 3. In my role as Election Director I am responsible for conducting  
8 local, state and federal elections in the county, as well as maintaining the county's  
9 voter registration file and hiring and training the county's 900 election judges.

10 4. I am aware that the Postmaster General of the United States has made  
11 policy changes that have affected postal service, and I am further aware that the  
12 State of Maryland and other states have filed this lawsuit challenging those policy  
13 changes.

14 5. Over the past month, I have received dozens of emails from voters  
15 expressing their concerns about the USPS and whether they'll be willing and able  
16 to deliver their ballots on time. Many voters who previously requested their  
17 general election ballots to be delivered by mail have now changed their minds  
18 and asked that the ballots be sent by email instead. There have also been  
19 numerous inquiries from voters about delivering ballots safely to our office, using  
20 means other than the USPS, such as a ballot drop box.

21  
22  
DECLARATION OF STUART  
HARVEY

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
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1           6.     When a voter requests a ballot by email, the voter must print out the  
2 ballot, then mark it, then mail it back to the elections office or drop it off in person  
3 or at a secure drop-box. Because they are printed at home, those ballots cannot  
4 be read by tabulating machines; therefore, the local boards of election have to  
5 manually copy each web delivered ballot onto a blank standard ballot. In a  
6 general election there are ballot questions and, often, write-in votes that increase  
7 the amount of time it takes to manually copy the ballots—it takes at least 5 to 10  
8 minutes per ballot. The increased number of email-delivered ballots due to USPS  
9 performance problems will substantially increase the amount of time needed to  
10 canvass the general election ballots.

11           7.     Canvassing this year’s general election will be uniquely difficult. In  
12 addition to the increased number of email-delivered ballots, there are other  
13 challenges: the unprecedented increase in the volume of mail-in ballots,  
14 limitations on staff size due to COVID-19 distancing restrictions, and expected  
15 absences due to COVID-19.

16           8.     USPS delays will cause a much longer ballot canvass before and  
17 after the election, the hiring of additional temporary employees to complete the  
18 canvass in a timely manner, and possible delays in certifying the election results.  
19 It might also cause a significant number of mail-in ballots to fail to reach our office  
20 in time to be counted in the general election.

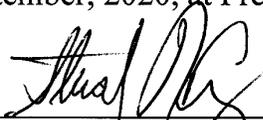
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DECLARATION OF STUART  
HARVEY

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9. I declare under penalty of perjury that the foregoing is true and correct.

DATED this 3rd day of September, 2020, at Frederick, Maryland.

  
\_\_\_\_\_  
STUART HARVEY  
Elections Director

DECLARATION OF STUART HARVEY

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

# Exhibit 20



1 I, Timothy Hermes, declare as follows:

2 1. I am over the age of 18, am competent to testify as to the matters  
3 herein, and make this declaration based on my personal knowledge.

4 2. I am a resident of Minneapolis, Minnesota. I am seventy years old  
5 and have been retired for approximately five years.

6 3. I served in the United State Army in Vietnam from 1969-70. In 1970  
7 I was awarded the Purple Heart and honorably discharged from the Army. During  
8 my time in Vietnam I held the rank of Specialist E4, and had served as a tank  
9 crewman as well as tank commander. I received my purple heart from an incident  
10 where I was injured when my tank was hit by a rocket-propelled grenade.

11 4. I have been receiving medical care from the Department of Veterans  
12 Affairs since February 2016. I currently suffer from hearing problems, ischemic  
13 heart disease, anxiety, and hypertension. I am on medications for these conditions.

14 5. For nearly five years I have received my medications delivered to my  
15 home via the United States Postal Service (USPS). My medications have always  
16 arrived on time, until August 2020.

17 6. On July 29, I renewed my prescription for venlafaxine, which is used  
18 to treat my anxiety. The VA confirmed that the medication had been filled and  
19 delivered to the USPS. The tracking information indicates that my medication was  
20 shipped on July 30, and arrived at the Minneapolis Distribution Center on

DECLARATION OF  
TIMOTHY HERMES

2

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
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1 August 1.

2 7. The tracking information shows that my venlafaxine was “out for  
3 delivery” on August 2, but did not depart the Minneapolis Distribution Center until  
4 August 6. It arrived at the post office on August 7 and was delivered at 11:18 a.m.  
5 on August 7. Each day from August 2 through August 7 the status of my  
6 prescription was “out for delivery” with the arrival times continually changing.

7 8. I ran out of my venlafaxine and began to feel lethargic, slow, and  
8 removed from reality. I felt as though I were in a bubble, or there was a film  
9 between me and the rest of the world.

10 9. My wife and I are typically active. We recently remodeled our home  
11 and we enjoy travelling and bird watching. After I ran out of my medication my  
12 lethargy was so pronounced that my wife became concerned for my health. I also  
13 began having nightmares. Because my symptoms were so uncomfortable, and I  
14 did not know when my medication would be delivered, I went to the VA and  
15 picked up an alternative prescription on August 5.

16 10. Outside of this trip to the VA and other medical appointments I leave  
17 my home as little as possible because of the COVID-19 pandemic. If my  
18 medication had been delivered on time I would not have had to make this  
19 additional trip or experienced the adverse consequences of abruptly going off my  
20 medication.

DECLARATION OF  
TIMOTHY HERMES

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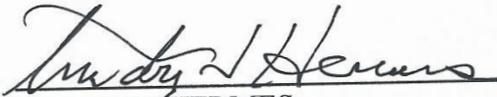
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1 11. The prescription finally arrived in the mail on Friday. Until this  
2 incident my prescriptions had never been late when delivered by the USPS.

3 12. I feel fortunate that I live close enough to a VA facility that we were  
4 able to get my prescription refilled in person. I am concerned that my medications  
5 will not be delivered on time in the future. I am also concerned for people who  
6 cannot drive or who do not live near a VA facility at which they can get their  
7 medications if they are not delivered on time.

8 I declare under penalty of perjury under the laws of the States of Washington  
9 and Minnesota and the United States of America that the foregoing is true and  
10 correct.

11 Dated: August 18, 2020

  
TIMOTHY HERMES

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DECLARATION OF  
TIMOTHY HERMES

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

# Exhibit 21



1 I, Daniel Huff, declare as follows:

2 1. I am over the age of 18, am competent to testify as to the matters  
3 herein, and make this declaration based on my personal knowledge.

4 2. I am currently the Assistant Commissioner for Health Protection at the  
5 Minnesota Department of Health (MDH).

6 3. The MDH Public Health Laboratory (PHL) receives drinking water  
7 samples for various analytical testing from water treatment systems located  
8 throughout the entire state of Minnesota that supply drinking water to the public.

9 4. The United States Environmental Protection Agency (US EPA) Safe  
10 Drinking Water Act (SDWA) governs many of these analyses. These samples are  
11 for regulatory compliance testing and have requirements for their acceptance upon  
12 receipt, including regulated holding times from sample collection to sample  
13 delivery and the onset of testing. Some of these samples include method-specific  
14 regulated temperature requirements from sample collection to sample receipt.  
15 Delays in delivery of samples to the PHL can affect the acceptability of the  
16 samples based on the requirements in the Public Health Laboratory's certification  
17 from the US EPA.

18 5. Employees at the PHL have recently observed delays in parcels  
19 delivered to the PHL from drinking water treatment systems around the state that

DECLARATION OF  
DANIEL HUFF

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ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

1 choose to use the United States Postal Service (USPS) as the primary means of  
2 shipping samples.

3 6. In some instances, where we would expect a one- to two-day delivery,  
4 we are now observing three-, five- and even seven-day delivery on parcels  
5 delivered to the PHL. These occurrences do not seem to be coming from any  
6 particular region or any particular partner.

7 7. Such delays have forced the samples to be invalid for analysis due to  
8 exceedances of sample holding times and/or temperature requirements that are out  
9 of the required range. In these cases, the PHL must notify the Minnesota  
10 Department of Health, Drinking Water Protection Section (DWP), which manages  
11 the states drinking water compliance programs. PHL must also cancel or qualify  
12 the analysis which in some cases renders the data invalid for regulatory compliance  
13 purposes.

14 8. In cases when samples are canceled, a request for another sample  
15 collection kit is issued from DWP, incurring additional costs. PHL will then  
16 assemble the sample collection kit and send it to the drinking water system to re-  
17 collect the sample.

18 9. PHL is responsible for the cost and shipment of the sample collection  
19 replacement kit to the drinking water system.

DECLARATION OF  
DANIEL HUFF

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ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
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1 10. The drinking water system is responsible for incurring the additional  
2 costs for sample collection, sample transportation and successful submission to the  
3 PHL.

4 11. From July 1, 2019 through August 31, the PHL noted 9 samples  
5 canceled due to a delay of 3 days or more for samples delivered by USPS. From  
6 July 1, 2020 through August 31, we saw an increased number of 36 samples  
7 canceled due to a USPS delivery delay of 3 days or more.

8 I declare under penalty of perjury under the laws of the States of Washington  
9 and Minnesota and the United States of America that the foregoing is true and  
10 correct.

11 Dated: September \_\_\_\_, 2020

**Daniel Huff** Digitally signed by Daniel Huff  
Date: 2020.09.04 09:42:52 -05'00'  

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DANIEL HUFF

12

DECLARATION OF  
DANIEL HUFF

# Exhibit 22

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ROBERT W. FERGUSON  
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ANDREW R.W. HUGHES, WSBA #49515  
CRISTINA SEPE, WSBA #53609  
*Assistant Attorneys General*  
EMMA GRUNBERG, WSBA #54659  
TERA M. HEINTZ, WSBA #54921  
*(application for admission forthcoming)*  
KARL D. SMITH, WSBA #41988  
*Deputy Solicitors General*  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104  
(206) 464-7744

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
AT YAKIMA**

STATE OF WASHINGTON, et  
al.,

Plaintiffs,

v.

DONALD J. TRUMP, et al.,

Defendants.

NO. 1:20-cv-03127-SAB

DECLARATION OF JOAN  
LEVY IN SUPPORT OF  
PLAINTIFF STATES' MOTION  
FOR PRELIMINARY  
INJUNCTION

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

**DECLARATION OF JOAN LEVY**

I, Joan Levy, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am the president of the Greater Connecticut Area Local No. 237 of the American Postal Workers Union (APWU).
2. Nationwide, APWU fights for dignity and respect on the job for more than 200,000 United States Postal Service (USPS) employees and retirees. The Connecticut local has 1,200 members spread over 200 post offices statewide. Our members are clerks, maintenance staff, or work in USPS' Motor Vehicle Service (MVS) or Vehicle Maintenance Facilities.
3. I have compiled the information in this declaration through personal knowledge and through review of documents and information provided to me by union members and officers statewide and nationally. I am in regular contact with members of my local across the state and with the presidents of Connecticut's three other APWU locals, which are based in Hartford, Stamford, and Danbury. In addition, I have personally visited 50 post offices statewide in just the last few months.
4. I also have significant personal knowledge of the workings of the USPS in Connecticut from my 28-year career as a clerk. I retired from the USPS in 2018.
5. From the time I began working at the USPS in 1979 and until just a few months ago, my colleagues and I were guided by a core directive: "Every piece, every day." We understood ourselves to be responsible for ensuring that all mail received in each post office, every day, was sorted and delivered. In every Connecticut post office I am familiar with this directive was taken seriously.

6. Unfortunately, since approximately July, that core directive no longer seems to govern the operations of the USPS in Connecticut. In my experience as a clerk and as local president, I have never seen the kinds of sorting and delivery delays and mail backlogs that are now routine in post offices across Connecticut. It is now no longer unusual for mail to be left, unsorted, in post offices. I am familiar with the now-routine delays in the state's post offices and processing facilities from my own observations and from reports from union members.

7. I also have direct experience with these delays. For example, my union office, located in North Haven, Connecticut, sends out biweekly paychecks to employees and contractors. The checks travel by First-Class Mail from North Haven to a USPS processing center in Hartford. They then travel to their destination post offices, often in towns in the same small geographic region. For years, those checks used to take, at most, two days to reach their in-state recipients. Now they take a full week to travel just a few miles across one of the nation's smallest and most compact states.

8. In June, the USPS administration began removing key mail processing and sorting equipment from facilities in Connecticut. I received a document from the APWU National Union that states that the USPS intends to remove 671 pieces of processing equipment by the end of September. A true and correct copy of the document I received is attached as Exhibit A.

9. Last week, I visited the mail processing center in Wallingford, Connecticut. I saw two mail processing machines known as Delivery Bar Code Sorter machines taken out of service. They were disassembled but still located on the work floor. I also heard from the APWU Hartford Local President that four mail processing machines were taken

out of service at the Hartford processing center. Those machines were disassembled and moved outside to a parking lot.

10. Based on my experience as a clerk, some of the machines being removed from Connecticut are capable of sorting upwards of 30,000 pieces of mail every hour. When they are working, the machines do the critical work of sorting mail not just by destination post office but also by letter carrier route and by address within the route. This automation means that mail arrives at its destination post office already sorted and ready for delivery. When the machines are removed, mail arrives at its destination post office still unsorted. Postal staff must fill in the gaps by hand-sorting mail. Clerks must spend time sorting the mail by letter carrier route, and the letter carriers must then sort the mail by address within the route.

11. Earlier this year, the Postmaster General issued directives to change certain mail processing policies. These new directives have caused many offices in Connecticut to dramatically curtail the use of overtime. In my experience, even in optimal circumstances – with all machines online, and at full staffing – USPS has used overtime to ensure that staff have the time to deliver every piece, every day even during periods of peak demand like the holiday season. But eliminating overtime during the COVID-19 crisis, while also removing processing machines, has increased the burden on postal workers.

12. COVID-19 has increased demand for the postal service while decreasing the supply of postal workers. As president of the local, I know from reports from the labor relations manager that many APWU members in Connecticut have fallen ill with COVID-19. Many others are unable to work because of their obligations to take care of out-of-school children or other relatives. In the offices that have curtailed overtime, this means fewer

staffing hours to do more work. As a result, I have seen that mail backs up and goes unsorted and undelivered.

13. Since the Postmaster General announced that he was postponing some of the policy changes, I have heard that some offices in Connecticut continue to curtail use of overtime.

14. Delays due to curtailed overtime are exacerbated by new service changes that require trucks carrying mail for destination post offices to leave processing facilities at strictly fixed times, even if mail for those destinations remains unsorted and not yet loaded on the trucks. That mail, left behind, piles up in processing centers. That unsorted mail, too, cannot be delivered that day. The result, predictably, are even greater backlogs and delays. I am not aware of whether these service changes have been revoked since the Postmaster General's announcement about postponing policy changes.

15. These routine delays are deeply concerning at any time of year. Connecticut residents and businesses alike rely on USPS for medicine, checks, legal documents, and other critically important mail.

16. For as long as I have worked at USPS and as a union official, it has been USPS practice in Connecticut to afford special priority to election mail. When I was a clerk, management made clear to postal workers that it was our responsibility to bend over backwards to timely deliver ballots. I took pride in playing an important role in ensuring the right of Connecticut residents to vote. I am not aware of any plans for election mail in place since the Postmaster General stated that election mail will be afforded priority status.

17. In the past, USPS has taken steps to prepare for predictable increases in mail volume. Around the holiday season, for instance, USPS has typically hired temporary workers and increased overtime availability to ensure that postal workers are able to deliver on time. I am not aware of any steps that USPS in Connecticut has taken to prepare for increased mail volume around the November election season.

Executed this 8th day of September, 2020 at North Haven, CT.

  
\_\_\_\_\_  
Joan Levy  
President, Greater Connecticut Area Local  
American Postal Workers Union

**Levy Declaration**  
**Exhibit A**



June 17, 2020

Mr. Mark Dimondstein  
President  
American Postal Workers Union, AFL-CIO  
1300 L Street, NW  
Washington, DC 20005-4128

**Certified Mail Tracking Number:**

Dear Mark:

As a result in the reduction in letter and flat mail volume, the Postal Service is planning to reduce the number of Advanced Facer Canceler Systems (AFCS), Delivery Bar Code Sorters (DBCS), Automated Flat Sorting Machine 100s (AFSM100), and Flat Sequencing Systems (FSS) in its mail processing facilities.

The subject reduction is anticipated to take place over the next several months.

Enclosed on compact disc is an excel spreadsheet listing the anticipated equipment reductions and the tentative schedule.

Please identify a point of contact for your organization and the Postal Service will provide updates regarding this initiative if/when the information changes.

If there are any questions, please contact Shannon Richardson at extension 5842.

Sincerely,

A handwritten signature in black ink, appearing to read "Rickey R. Dean", written over a horizontal line.

Rickey R. Dean  
Manager  
Contract Administration (APWU)

Enclosure

(CA2020-232)

### AFCS Area Summary

Area Name	6/13 - 6/19	6/20 - 6/26	6/27 - 7/3	Total Q3	7/4 - 7/10	7/11 - 7/17	7/18 - 7/24	7/25 - 7/31	8/1 - 9/30	Total Q4	FY21 - Q1	Total Reduction
Capital M	6	0	0	6	0	2	2	0	0	4	0	10
Eastern	4	1	1	6	3	2	2	3	0	10	0	16
Great Lak	5	2	1	8	0	0	1	1	0	2	0	10
Northeast	3	4	3	10	2	2	0	1	0	5	0	15
Pacific	1	1	5	7	0	1	1	0	0	2	1	10
Southern	7	6	4	17	0	3	1	0	0	4	0	21
Western	0	2	2	4	0	0	1	0	0	1	0	5
<b>National T</b>	<b>26</b>	<b>16</b>	<b>16</b>	<b>58</b>	<b>5</b>	<b>10</b>	<b>8</b>	<b>5</b>	<b>0</b>	<b>28</b>	<b>1</b>	<b>87</b>

### AFSM Area Summary

Area Name	6/13 - 6/19	6/20 - 6/26	6/27 - 7/3	Total Q3	7/4 - 7/10	7/11 - 7/17	7/18 - 7/24	7/25 - 7/31	8/1 - 9/30	Total Q4	FY21 - Q1	Total Reduction
Capital M	2	0	0	2	0	0	0	2	0	2	0	4
Eastern	1	3	0	4	3	1	0	2	0	6	0	10
Great Lak	2	1	0	3	0	0	1	0	4	5	0	8
Northeast	3	2	0	5	0	1	2	1	0	4	0	9
Pacific	0	2	2	4	0	0	0	0	0	0	4	8
Southern	4	4	3	11	0	0	0	1	0	1	0	12
Western	1	1	0	2	0	1	0	1	0	2	0	4
<b>National</b>	<b>13</b>	<b>13</b>	<b>5</b>	<b>31</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>7</b>	<b>4</b>	<b>20</b>	<b>4</b>	<b>55</b>

### DBCS Area Summary

Area Name	6/13 - 6/19	6/20 - 6/26	6/27 - 7/3	Total Q3	7/4 - 7/10	7/11 - 7/17	7/18 - 7/24	7/25 - 7/31	8/1 - 9/30	Total Q4	FY21 - Q1	Total Reduction
Capital M	16	14	0	30	0	0	0	0	0	0	0	30
Eastern	26	18	1	45	19	4	17	24	0	64	0	109

Great Lak	17	6	4	27	2	8	3	6	16	35	0	62
Northeast	15	7	6	28	0	25	6	8	0	39	0	67
Pacific	20	11	1	32	0	0	0	6	7	13	9	54
Southern	33	21	21	75	1	19	14	11	4	49	0	124
Western	7	7	23	37	2	4	5	8	0	19	0	56
<b>National</b>	134	84	56	274	24	60	45	63	27	219	9	<b>502</b>

FSS Area Summary												
Area Name	6/13 - 6/19	6/20 - 6/26	6/27 - 7/3	Total Q3	7/4 - 7/10	7/11 - 7/17	7/18 - 7/24	7/25 - 7/31	8/1 - 9/30	Total Q4	FY 21 - Q1	Total Reduction
Capital M	0	0	0	0	0	4	0	0	0	4	0	4
Eastern	0	0	0	0	0	0	0	0	0	0	0	0
Great Lak	2	1	0	3	0	0	0	0	2	2	0	5
Northeast	1	1	0	2	0	1	1	1	0	3	0	5
Pacific	0	0	0	0	0	2	0	0	0	2	6	8
Southern	0	1	0	1	0	1	0	1	0	2	0	3
Western	2	0	0	2	0	0	0	0	0	0	0	2
<b>National</b>	5	3	0	8	0	8	1	2	2	13	6	<b>27</b>

*Note: The actual equipment reduction counts update weekly*

AREA NAME	DISTRICT NAME	SITE NAME	FY20 Q3 Plan				FY20 Q4 Plan							
			6/13 - 6/19	6/20 - 6/26	6/27 - 7/3	Total Q3	7/4 - 7/10	7/11 - 7/17	7/18 - 7/24	7/25 - 7/31	8/1 - 9/30	Total Q4	FY21 - Q1	Total Reduction
Capital Metro	Atlanta	North Metro GA P&DC	2	0	0	2	0	0	0	0	0	0	0	2
Capital Metro	Baltimore	Baltimore MD P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Capital Metro	Baltimore	Eastern Shore MD P&DF	0	0	0	0	0	0	1	0	0	1	0	1
Capital Metro	Capital	Suburban MD P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Capital Metro	Greater South Carolina	Charleston SC P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Capital Metro	Greater South Carolina	Columbia SC P&DC	0	0	0	0	0	0	1	0	0	1	0	1
Capital Metro	Greater South Carolina	Greenville SC P&DC	0	0	0	0	0	1	0	0	0	1	0	1
Capital Metro	Greensboro	Greensboro NC P&DC	1	0	0	1	0	0	0	0	0	0	0	1
Capital Metro	Greensboro	Raleigh NC P&DC	1	0	0	1	0	1	0	0	0	1	0	2
Capital Metro	Mid-Carolinas	Charlotte NC P&DC	1	0	0	1	0	0	0	0	0	0	0	1
Capital Metro	Northern Virginia	Merrifield VA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Capital Metro	Richmond	Richmond VA P&DC	1	0	0	1	0	0	0	0	0	0	0	1
Eastern	Appalachian	Charleston WV P&DC	1	0	0	1	0	0	0	0	0	0	0	1
Eastern	Central Pennsylvania	Harrisburg PA P&DC	0	0	0	0	0	1	0	0	0	1	0	1
Eastern	Central Pennsylvania	Lehigh Valley PA P&DF	0	0	0	0	0	0	1	0	0	1	0	1
Eastern	Kentuckiana	Evansville IN P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Eastern	Kentuckiana	Lexington KY P&DC	0	0	0	0	0	0	1	0	0	1	0	1
Eastern	Kentuckiana	Louisville KY P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Eastern	Northern Ohio	Cleveland OH P&DC	1	0	0	1	0	0	0	0	0	0	0	1
Eastern	Ohio Valley	Cincinnati OH P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Eastern	Ohio Valley	Columbus OH P&DC	0	0	0	0	0	0	0	1	0	1	0	1
Eastern	Philadelphia Metro	Philadelphia PA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Eastern	South Jersey	Delaware P&DC	0	0	0	0	1	0	0	0	0	1	0	1
Eastern	South Jersey	South Jersey P&DC	0	1	0	1	0	0	0	0	0	0	0	1
Eastern	South Jersey	Trenton NJ P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Eastern	Tennessee	Chattanooga TN P&DC	0	0	1	1	0	1	0	0	0	1	0	2
Eastern	Tennessee	Knoxville TN P&DC	0	0	0	0	0	0	0	1	0	1	0	1
Eastern	Tennessee	Memphis TN P&DC	0	0	0	0	1	0	0	0	0	1	0	1
Eastern	Tennessee	Nashville TN P&DC	2	0	0	2	0	0	0	0	0	0	0	2
Eastern	Western New York	Buffalo NY P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Eastern	Western New York	Rochester NY P&DC	0	0	0	0	1	0	0	0	0	1	0	1
Eastern	Western Pennsylvania	Johnstown PA P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Eastern	Western Pennsylvania	Pittsburgh PA P&DC	0	0	0	0	0	0	0	1	0	1	0	1
Great Lakes	Central Illinois	Carol Stream IL P&DC	0	1	0	1	0	0	0	0	0	0	0	1
Great Lakes	Central Illinois	Peoria IL P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Great Lakes	Central Illinois	South Suburban IL P&DC	0	0	1	1	0	0	0	0	0	0	0	1
Great Lakes	Detroit	Michigan Metroplex P&DC	2	0	0	2	0	0	0	0	0	0	0	2
Great Lakes	Gateway	Champaign IL P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Great Lakes	Gateway	Mid Missouri MO P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Great Lakes	Gateway	Saint Louis MO P&DC	1	0	0	1	0	0	0	0	0	0	0	1
Great Lakes	Gateway	Springfield IL P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Great Lakes	Greater Indiana	Fort Wayne IN P&DC	0	0	0	0	0	0	1	0	0	1	0	1
Great Lakes	Greater Indiana	Indianapolis IN P&DC	0	1	0	1	0	0	0	0	0	0	0	1
Great Lakes	Greater Michigan	Grand Rapids MI P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Great Lakes	Greater Michigan	Iron Mountain MI P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Great Lakes	Greater Michigan	Traverse City MI P&DF	1	0	0	1	0	0	0	0	0	0	0	1
Great Lakes	Lakeland	Green Bay WI P&DC	0	0	0	0	0	0	0	0	0	0	0	0

AREA NAME	DISTRICT NAME	SITE NAME	FY20 Q3 Plan				FY20 Q4 Plan						FY21 - Q1	Total Reduction
			6/13 - 6/19	6/20 - 6/26	6/27 - 7/3	Total Q3	7/4 - 7/10	7/11 - 7/17	7/18 - 7/24	7/25 - 7/31	8/1 - 9/30	Total Q4		
Great Lakes	Lakeland	Milwaukee WI P&DC	1	0	0	1	0	0	0	1	0	1	0	2
Northeast	Albany	Albany NY P&DC	1	0	0	1	0	0	0	0	0	0	0	1
Northeast	Albany	Syracuse NY P&DC	0	1	0	1	0	0	0	0	0	0	0	1
Northeast	Caribbean	San Juan PR P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Northeast	Connecticut Valley	Hartford CT P&DC	0	0	1	1	0	0	0	0	0	0	0	1
Northeast	Greater Boston	Boston MA P&DC	1	0	0	1	0	0	0	0	0	0	0	1
Northeast	Greater Boston	Brockton MA P&DC	0	1	0	1	0	0	0	0	0	0	0	1
Northeast	Greater Boston	Providence RI P&DC	1	0	0	1	0	0	0	0	0	0	0	1
Northeast	Long Island	Mid Island NY P&DC	0	0	0	0	0	1	0	0	0	1	0	1
Northeast	New York	Morgan NY P&DC	0	0	0	0	2	0	0	0	0	2	0	2
Northeast	Northern New England	Burlington VT P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Northeast	Northern New England	Eastern Maine P&DF	0	1	0	1	0	0	0	0	0	0	0	1
Northeast	Northern New England	Manchester NH	0	0	1	1	0	0	0	0	0	0	0	1
Northeast	Northern New England	Southern Maine P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Northeast	Northern New England	White River Junction VT P&DC	0	0	1	1	0	0	0	0	0	0	0	1
Northeast	Northern New Jersey	DVD NJ P&DC	0	0	0	0	0	1	0	1	0	2	0	2
Northeast	Westchester	Westchester NY P&DC	0	1	0	1	0	0	0	0	0	0	0	1
Pacific	Bay-Valley	Oakland CA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Pacific	Bay-Valley	San Jose CA P&DC	1	0	0	1	0	0	0	0	0	0	1	2
Pacific	Honolulu	Honolulu HI P&DC	0	0	1	1	0	0	0	0	0	0	0	1
Pacific	Los Angeles	Los Angeles CA P&DC	0	0	2	2	0	0	0	0	0	0	0	2
Pacific	Sacramento	Fresno CA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Pacific	Sacramento	Sacramento CA P&DC	0	1	0	1	0	0	0	0	0	0	0	1
Pacific	San Diego	ML Sellers CA P&DC	0	0	0	0	0	0	1	0	0	1	0	1
Pacific	San Diego	San Bernardino CA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Pacific	San Francisco	Eureka CA	0	0	0	0	0	0	0	0	0	0	0	0
Pacific	San Francisco	San Francisco CA P&DC	0	0	2	2	0	0	0	0	0	0	0	2
Pacific	Santa Ana	Santa Ana CA P&DC	0	0	0	0	0	1	0	0	0	1	0	1
Pacific	Sierra Coastal	Santa Barbara CA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Pacific	Sierra Coastal	Santa Clarita CA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Alabama	Birmingham AL P&DC	1	0	0	1	0	0	0	0	0	0	0	1
Southern	Alabama	Mobile AL P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Alabama	Montgomery AL P&DC	1	0	0	1	0	0	0	0	0	0	0	1
Southern	Arkansas	Little Rock AR P&DC	0	0	0	0	0	0	1	0	0	1	0	1
Southern	Arkansas	Northwest Arkansas	1	0	0	1	0	0	0	0	0	0	0	1
Southern	Dallas	North Texas TX P&DC	0	0	1	1	0	0	0	0	0	0	0	1
Southern	Fort Worth	Abilene TX P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Fort Worth	Amarillo TX P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Fort Worth	Lubbock TX P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Gulf Atlantic	Augusta GA P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Gulf Atlantic	Jacksonville FL P&DC	1	0	0	1	0	0	0	0	0	0	0	1
Southern	Gulf Atlantic	Macon GA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Gulf Atlantic	Pensacola FL P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Gulf Atlantic	Tallahassee FL P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Houston	North Houston TX P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Louisiana	Baton Rouge LA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Louisiana	New Orleans LA P&DC	0	1	0	1	0	0	0	0	0	0	0	1

AREA NAME	DISTRICT NAME	SITE NAME	FY20 Q3 Plan				FY20 Q4 Plan						FY21 - Q1	Total Reduction
			6/13 - 6/19	6/20 - 6/26	6/27 - 7/3	Total Q3	7/4 - 7/10	7/11 - 7/17	7/18 - 7/24	7/25 - 7/31	8/1 - 9/30	Total Q4		
Southern	Louisiana	Shreveport LA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Mississippi	Gulfport MS P&DC	1	0	0	1	0	0	0	0	0	0	0	1
Southern	Mississippi	Jackson MS P&DC	0	1	0	1	0	0	0	0	0	0	0	1
Southern	Oklahoma	Oklahoma City OK P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Oklahoma	Tulsa OK P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Rio Grande	Austin TX P&DC	0	0	1	1	0	0	0	0	0	0	0	1
Southern	Rio Grande	Corpus Christi TX P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Rio Grande	El Paso TX P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Rio Grande	McAllen TX	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Rio Grande	Midland TX P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Rio Grande	San Antonio TX P&DC	0	1	0	1	0	0	0	0	0	0	0	1
Southern	South Florida	Miami FL P&DC	0	0	0	0	0	1	0	0	0	1	0	1
Southern	South Florida	West Palm Beach FL P&DC	0	1	0	1	0	0	0	0	0	0	0	1
Southern	Suncoast	Fort Myers FL P&DC	0	1	0	1	0	0	0	0	0	0	0	1
Southern	Suncoast	Orlando FL P&DC	1	0	0	1	0	0	0	0	0	0	0	1
Southern	Suncoast	Tampa FL P&DC	0	0	1	1	0	1	0	0	0	1	0	2
Western	Alaska	Anchorage AK P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Western	Arizona	Albuquerque NM P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Western	Arizona	Phoenix AZ P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Western	Central Plains	North Platte NE	0	0	0	0	0	0	0	0	0	0	0	0
Western	Central Plains	Omaha NE P&DC	0	0	0	0	0	0	1	0	0	1	0	1
Western	Central Plains	Wichita KS P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Western	Colorado/Wyoming	Casper WY PO	0	0	0	0	0	0	0	0	0	0	0	0
Western	Colorado/Wyoming	Cheyenne WY P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Western	Colorado/Wyoming	Denver CO P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Western	Colorado/Wyoming	Grand Junction CO	0	0	0	0	0	0	0	0	0	0	0	0
Western	Dakotas	Billings MT P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Western	Dakotas	Bismarck ND	0	0	0	0	0	0	0	0	0	0	0	0
Western	Dakotas	Dakota Central SD P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Western	Dakotas	Fargo ND P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Western	Dakotas	Grand Forks ND	0	0	0	0	0	0	0	0	0	0	0	0
Western	Dakotas	Great Falls MT	0	0	0	0	0	0	0	0	0	0	0	0
Western	Dakotas	Missoula MT	0	0	0	0	0	0	0	0	0	0	0	0
Western	Dakotas	Rapid City SD P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Western	Dakotas	Sioux Falls SD	0	1	0	1	0	0	0	0	0	0	0	1
Western	Hawkeye	Cedar Rapids IA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Western	Hawkeye	Des Moines IA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Western	Hawkeye	Quad Cities IL P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Western	Hawkeye	Waterloo Plant IA	0	0	0	0	0	0	0	0	0	0	0	0
Western	Mid-America	Kansas City MO P&DC	0	1	0	1	0	0	0	0	0	0	0	1
Western	Mid-America	Springfield MO	0	0	0	0	0	0	0	0	0	0	0	0
Western	Nevada-Sierra	Las Vegas NV P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Western	Nevada-Sierra	Reno NV P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Western	Northland	Minneapolis MN P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Western	Northland	Saint Paul MN P&DC - New	0	0	0	0	0	0	0	0	0	0	0	0
Western	Portland	Eugene OR P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Western	Portland	Medford OR	0	0	0	0	0	0	0	0	0	0	0	0
Western	Portland	Portland OR P&DC	0	0	1	1	0	0	0	0	0	0	0	1

AREA NAME	DISTRICT NAME	SITE NAME	FY20 Q3 Plan				FY20 Q4 Plan						FY21 - Q1	Total Reduction
			6/13 - 6/19	6/20 - 6/26	6/27 - 7/3	Total Q3	7/4 - 7/10	7/11 - 7/17	7/18 - 7/24	7/25 - 7/31	8/1 - 9/30	Total Q4		
Western	Salt Lake City	Boise ID	0	0	0	0	0	0	0	0	0	0	0	0
Western	Salt Lake City	Provo UT	0	0	0	0	0	0	0	0	0	0	0	0
Western	Salt Lake City	Salt Lake City UT P&D	0	0	0	0	0	0	0	0	0	0	0	0
Western	Seattle	Seattle WA P&DC	0	0	1	1	0	0	0	0	0	0	0	1
Western	Seattle	Spokane WA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Western	Seattle	Tacoma WA P&DC	0	0	0	0	0	0	0	0	0	0	0	0

			134	84	56	274	24	60	45	63	27	219	9	1004
			FY20 Q3 Plan				FY20 Q4 Plan							
AREA NAME	DISTRICT NAME	SITE NAME	6/13 - 6/19	6/20 - 6/26	6/27 - 7/3	Total Q3	7/4 - 7/10	7/11 - 7/17	7/18 - 7/24	7/25 - 7/31	8/1 - 9/30	Total Q4	FY21 - Q1	Total Reduction
Capital Metro	Atlanta	Atlanta GA P&DC	3	0	0	3	0	0	0	0	0	0	0	3
Capital Metro	Atlanta	North Metro GA P&DC	0	1	0	1	0	0	0	0	0	0	0	1
Capital Metro	Baltimore	Baltimore MD IMF	0	0	0	0	0	0	0	0	0	0	0	0
Capital Metro	Baltimore	Baltimore MD P&DC	1	0	0	1	0	0	0	0	0	0	0	1
Capital Metro	Baltimore	Eastern Shore MD P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Capital Metro	Capital	Curseen/Morris P&DC	0	2	0	2	0	0	0	0	0	0	0	2
Capital Metro	Capital	Government Mails	0	0	0	0	0	0	0	0	0	0	0	0
Capital Metro	Capital	Southern MD P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Capital Metro	Capital	Suburban MD P&DC	1	0	0	1	0	0	0	0	0	0	0	1
Capital Metro	Greater South Carolina	Charleston SC P&DF	2	0	0	2	0	0	0	0	0	0	0	2
Capital Metro	Greater South Carolina	Columbia SC P&DC	1	1	0	2	0	0	0	0	0	0	0	2
Capital Metro	Greater South Carolina	Greenville SC P&DC	2	0	0	2	0	0	0	0	0	0	0	2
Capital Metro	Greensboro	Greensboro NC P&DC	2	0	0	2	0	0	0	0	0	0	0	2
Capital Metro	Greensboro	Raleigh NC P&DC	0	1	0	1	0	0	0	0	0	0	0	1
Capital Metro	Greensboro	Rocky Mount NC P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Capital Metro	Mid-Carolinas	Charlotte NC P&DC	0	4	0	4	0	0	0	0	0	0	0	4
Capital Metro	Mid-Carolinas	Fayetteville NC P&DC	1	2	0	3	0	0	0	0	0	0	0	3
Capital Metro	Northern Virginia	Dulles VA P&DC	0	1	0	1	0	0	0	0	0	0	0	1
Capital Metro	Northern Virginia	Merrifield VA P&DC	1	0	0	1	0	0	0	0	0	0	0	1
Capital Metro	Richmond	Norfolk VA P&DC	2	0	0	2	0	0	0	0	0	0	0	2
Capital Metro	Richmond	Richmond VA P&DC	0	2	0	2	0	0	0	0	0	0	0	2
Eastern	Central Pennsylvania	Harrisburg PA P&DC	1	0	0	1	2	0	0	0	0	2	0	3
Eastern	Appalachian	Roanoke VA P&DC	0	2	0	2	1	0	0	0	0	1	0	3
Eastern	Kentuckiana	Lexington KY P&DC	1	0	1	2	0	0	0	0	0	0	0	2
Eastern	Central Pennsylvania	Lehigh Valley PA P&DF	1	0	0	1	0	0	2	0	0	2	0	3
Eastern	Central Pennsylvania	Scranton PA P&DF	0	0	0	0	0	0	1	2	0	3	0	3
Eastern	Kentuckiana	Evansville IN P&DF	1	0	0	1	1	0	0	0	0	1	0	2
Eastern	Kentuckiana	Louisville KY P&DC	1	3	0	4	0	0	0	0	0	0	0	4
Eastern	Ohio Valley	Dayton OH P&DC	1	1	0	2	1	0	0	0	0	1	0	3
Eastern	Kentuckiana	Paducah KY P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Eastern	South Jersey	Delaware P&DC	1	0	0	1	2	0	2	0	0	4	0	5
Eastern	Northern Ohio	Toledo OH P&DC	0	0	0	0	0	0	3	0	0	3	0	3
Eastern	Northern Ohio	Youngstown OH P&DF	2	0	0	2	0	0	0	0	0	0	0	2
Eastern	Ohio Valley	Cincinnati OH P&DC	0	0	0	0	3	1	2	0	0	6	0	6
Eastern	Ohio Valley	Columbus OH P&DC	0	0	0	0	0	0	0	8	0	8	0	8
Eastern	South Jersey	Trenton NJ P&DC	1	0	0	1	0	0	3	0	0	3	0	4
Eastern	Philadelphia Metro	Philadelphia PA P&DC	0	0	0	0	0	0	3	5	0	8	0	8
Eastern	Tennessee	Nashville TN P&DC	1	4	0	5	0	0	0	0	0	0	0	5
Eastern	Western Pennsylvania	Altoona PA P&DF	1	0	0	1	0	0	0	0	0	0	0	1
Eastern	Appalachian	Charleston WV P&DC	2	0	0	2	1	0	0	0	0	1	0	3
Eastern	Northern Ohio	Cleveland OH P&DC	2	2	0	4	0	2	0	0	0	2	0	6
Eastern	Tennessee	Johnson City TN P&DF	0	0	0	0	0	0	0	2	0	2	0	2
Eastern	South Jersey	South Jersey P&DC	2	0	0	2	2	0	1	0	0	3	0	5
Eastern	Tennessee	Knoxville TN P&DC	2	0	0	2	1	0	0	1	0	2	0	4
Eastern	Tennessee	Memphis TN P&DC	2	2	0	4	2	0	0	0	0	2	0	6
Eastern	Western New York	Buffalo NY P&DC	0	2	0	2	2	1	0	0	0	3	0	5
Eastern	Western New York	Rochester NY P&DC	0	2	0	2	0	0	0	2	0	2	0	4
Eastern	Tennessee	Chattanooga TN P&DC	3	0	0	3	0	0	0	0	0	0	0	3

AREA NAME	DISTRICT NAME	SITE NAME	FY20 Q3 Plan				FY20 Q4 Plan							
			6/13 - 6/19	6/20 - 6/26	6/27 - 7/3	Total Q3	7/4 - 7/10	7/11 - 7/17	7/18 - 7/24	7/25 - 7/31	8/1 - 9/30	Total Q4	FY21 - Q1	Total Reduction
Eastern	Western Pennsylvania	Erie PA P&DC	0	0	0	0	1	0	0	1	0	2	0	2
Eastern	Western Pennsylvania	Johnstown PA P&DF	1	0	0	1	0	0	0	0	0	0	0	1
Eastern	Western Pennsylvania	Pittsburgh PA P&DC	0	0	0	0	0	0	0	3	0	3	0	3
Great Lakes	Central Illinois	Carol Stream IL P&DC	0	0	1	1	1	0	0	0	0	1	0	2
Great Lakes	Central Illinois	Peoria IL P&DF	0	0	1	1	0	0	0	0	1	1	0	2
Great Lakes	Central Illinois	South Suburban IL P&DC	0	0	0	0	0	1	1	1	2	5	0	5
Great Lakes	Chicago	Cardiss Collins IL P&DC	2	0	0	2	0	1	0	0	1	2	0	4
Great Lakes	Chicago	Chicago International/Military Service Center	0	0	0	0	0	0	0	0	0	0	0	0
Great Lakes	Detroit	Detroit MI P&DC	2	0	0	2	0	0	0	0	0	0	0	2
Great Lakes	Detroit	Michigan Metroplex P&DC	7	2	0	9	0	0	0	0	0	0	0	9
Great Lakes	Gateway	Champaign IL P&DF	0	0	1	1	0	0	0	0	0	0	0	1
Great Lakes	Gateway	Mid Missouri MO P&DF	0	0	0	0	0	1	0	0	0	1	0	1
Great Lakes	Gateway	Saint Louis MO P&DC	0	3	0	3	0	0	0	0	1	1	0	4
Great Lakes	Gateway	Springfield IL P&DC	0	0	0	0	0	0	1	0	0	1	0	1
Great Lakes	Greater Indiana	Fort Wayne IN P&DC	0	0	0	0	0	0	0	0	2	2	0	2
Great Lakes	Greater Indiana	Gary IN P&DC	0	0	0	0	0	0	0	1	1	2	0	2
Great Lakes	Greater Indiana	Indianapolis IN P&DC	1	0	0	1	0	2	0	0	0	2	0	3
Great Lakes	Greater Indiana	Muncie IN P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Great Lakes	Greater Indiana	South Bend IN P&DF	0	0	0	0	0	1	0	0	0	1	0	1
Great Lakes	Greater Michigan	Grand Rapids MI P&DC	1	0	0	1	0	0	1	0	3	4	0	5
Great Lakes	Greater Michigan	Iron Mountain MI P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Great Lakes	Greater Michigan	Lansing MI P&DC	0	0	0	0	0	0	0	0	1	1	0	1
Great Lakes	Greater Michigan	Traverse City MI P&DF	1	0	0	1	0	0	0	1	0	1	0	2
Great Lakes	Lakeland	Green Bay WI P&DC	0	0	0	0	0	0	0	1	1	2	0	2
Great Lakes	Lakeland	Madison WI P&DC	1	0	0	1	0	0	0	0	1	1	0	2
Great Lakes	Lakeland	Milwaukee WI P&DC	1	0	1	2	0	1	0	1	0	2	0	4
Great Lakes	Lakeland	Central WI P&DF	0	0	0	0	0	0	0	0	1	1	0	1
Great Lakes	Lakeland	Palatine IL P&DC	1	1	0	2	1	1	0	1	1	4	0	6
Great Lakes	Lakeland	Wausau WI P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Northeast	Albany	Albany NY P&DC	0	0	0	0	0	2	1	1	0	4	0	4
Northeast	Albany	Syracuse NY P&DC	2	1	1	4	0	0	0	0	0	0	0	4
Northeast	Caribbean	San Juan PR P&DC	1	1	1	3	0	0	0	0	0	0	0	3
Northeast	Connecticut Valley	Hartford CT P&DC	1	1	1	3	0	0	0	3	0	3	0	6
Northeast	Connecticut Valley	Southern CT P&DC	1	1	0	2	0	0	0	0	0	0	0	2
Northeast	Greater Boston	Boston MA P&DC	1	1	2	4	0	2	1	0	0	3	0	7
Northeast	Greater Boston	Brockton MA P&DC	1	1	0	2	0	0	0	0	0	0	0	2
Northeast	Greater Boston	Central Massachusetts P&DC	1	1	1	3	0	0	0	0	0	0	0	3
Northeast	Greater Boston	Providence RI P&DC	2	0	0	2	0	0	0	0	0	0	0	2
Northeast	Long Island	Mid Island NY P&DC	2	0	0	2	0	1	0	0	0	1	0	3
Northeast	Long Island	Western Nassau NY P&DC	0	0	0	0	0	2	0	0	0	2	0	2
Northeast	New York	Morgan NY P&DC	0	0	0	0	0	4	2	1	0	7	0	7
Northeast	New York	NY ISC - JFK	0	0	0	0	0	0	0	0	0	0	0	0
Northeast	Northern New England	Burlington VT P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Northeast	Northern New England	Eastern Maine P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Northeast	Northern New England	Manchester NH	2	0	0	2	0	0	0	1	0	1	0	3
Northeast	Northern New England	Southern Maine P&DC	1	0	0	1	0	0	0	1	0	1	0	2
Northeast	Northern New England	White River Junction VT P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Northeast	Northern New Jersey	DVD NJ P&DC	0	0	0	0	0	4	0	0	0	4	0	4
Northeast	Northern New Jersey	Northern NJ Metro P&DC	0	0	0	0	0	2	0	0	0	2	0	2
Northeast	Triboro	Brooklyn NY P&DC	0	0	0	0	0	4	0	0	0	4	0	4

AREA NAME	DISTRICT NAME	SITE NAME	FY20 Q3 Plan				FY20 Q4 Plan							
			6/13 - 6/19	6/20 - 6/26	6/27 - 7/3	Total Q3	7/4 - 7/10	7/11 - 7/17	7/18 - 7/24	7/25 - 7/31	8/1 - 9/30	Total Q4	FY21 - Q1	Total Reduction
Northeast	Westchester	Mid-Hudson NY P&DC	0	0	0	0	0	0	0	1	0	1	0	1
Northeast	Westchester	Westchester NY P&DC	0	0	0	0	0	4	2	0	0	6	0	6
Pacific	Bay-Valley	Oakland CA P&DC	3	0	0	3	0	0	0	0	0	0	0	3
Pacific	Bay-Valley	San Jose CA P&DC	4	0	0	4	0	0	0	0	0	0	1	5
Pacific	Honolulu	Barrigada GU	0	0	0	0	0	0	0	0	0	0	0	0
Pacific	Honolulu	Honolulu HI P&DC	1	0	1	2	0	0	0	0	0	0	0	2
Pacific	Los Angeles	Los Angeles CA ISC	0	0	0	0	0	0	0	0	0	0	0	0
Pacific	Los Angeles	Los Angeles CA P&DC	5	0	0	5	0	0	0	6	0	6	3	14
Pacific	Sacramento	Fresno CA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Pacific	Sacramento	Redding CA MPF	0	0	0	0	0	0	0	0	0	0	0	0
Pacific	Sacramento	Sacramento CA P&DC	0	3	0	3	0	0	0	0	3	3	0	6
Pacific	San Diego	ML Sellers CA P&DC	0	0	0	0	0	0	0	0	3	3	0	3
Pacific	San Diego	Moreno Valley CA DDC	1	1	0	2	0	0	0	0	0	0	0	2
Pacific	San Diego	San Bernardino CA P&DC	0	0	0	0	0	0	0	0	1	1	0	1
Pacific	San Francisco	Eureka CA	0	0	0	0	0	0	0	0	0	0	0	0
Pacific	San Francisco	North Bay CA P&DC	1	0	0	1	0	0	0	0	0	0	0	1
Pacific	San Francisco	San Francisco CA P&DC	3	0	0	3	0	0	0	0	0	0	3	6
Pacific	Santa Ana	North Grand DDC	2	0	0	2	0	0	0	0	0	0	2	4
Pacific	Santa Ana	Santa Ana CA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Pacific	Sierra Coastal	Bakersfield CA P&DC	0	2	0	2	0	0	0	0	0	0	0	2
Pacific	Sierra Coastal	Pasadena CA MPA	0	0	0	0	0	0	0	0	0	0	0	0
Pacific	Sierra Coastal	Santa Barbara CA P&DC	0	3	0	3	0	0	0	0	0	0	0	3
Pacific	Sierra Coastal	Santa Clarita CA P&DC	0	2	0	2	0	0	0	0	0	0	0	2
Southern	Alabama	Birmingham AL P&DC	2	1	0	3	0	0	0	0	0	0	0	3
Southern	Alabama	Huntsville AL P&DF	0	1	0	1	0	0	0	0	0	0	0	1
Southern	Alabama	Mobile AL P&DC	0	0	1	1	0	0	0	0	0	0	0	1
Southern	Alabama	Montgomery AL P&DC	1	0	0	1	0	1	0	0	0	1	0	2
Southern	Arkansas	Little Rock AR P&DC	0	0	0	0	0	1	1	1	0	3	0	3
Southern	Arkansas	Northwest Arkansas	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Dallas	Dallas TX P&DC	0	1	0	1	0	1	1	0	0	2	0	3
Southern	Dallas	North Texas TX P&DC	1	1	1	3	0	1	1	1	0	3	0	6
Southern	Fort Worth	Abilene TX P&DC	1	0	0	1	0	0	0	0	0	0	0	1
Southern	Fort Worth	Amarillo TX P&DF	1	0	0	1	0	0	0	0	0	0	0	1
Southern	Fort Worth	Fort Worth TX P&DC	2	0	1	3	0	1	1	1	1	4	0	7
Southern	Fort Worth	Lubbock TX P&DF	0	1	0	1	0	0	0	0	0	0	0	1
Southern	Gulf Atlantic	Augusta GA P&DF	0	1	0	1	0	0	0	0	0	0	0	1
Southern	Gulf Atlantic	Gainesville FL P&DF	1	0	0	1	0	0	0	0	0	0	0	1
Southern	Gulf Atlantic	Jacksonville FL P&DC	1	0	1	2	1	1	1	1	0	4	0	6
Southern	Gulf Atlantic	Macon GA P&DC	1	1	0	2	0	0	0	0	0	0	0	2
Southern	Gulf Atlantic	Pensacola FL P&DC	0	0	1	1	0	1	0	0	0	1	0	2
Southern	Gulf Atlantic	Tallahassee FL P&DF	0	1	0	1	0	0	1	0	0	1	0	2
Southern	Houston	Beaumont TX P&DF	1	0	0	1	0	0	0	0	0	0	0	1
Southern	Houston	North Houston TX P&DC	3	1	1	5	0	2	2	2	2	8	0	13
Southern	Louisiana	Baton Rouge LA P&DC	0	0	1	1	0	1	0	0	0	1	0	2
Southern	Louisiana	Lafayette LA P&DF	1	0	0	1	0	0	0	0	0	0	0	1
Southern	Louisiana	New Orleans LA P&DC	1	1	1	3	0	1	0	0	0	1	0	4
Southern	Louisiana	Shreveport LA P&DC	0	0	0	0	0	0	0	1	1	2	0	2
Southern	Mississippi	Grenada MS CSF	1	0	0	1	0	0	0	0	0	0	0	1
Southern	Mississippi	Gulfport MS P&DC	1	0	0	1	0	0	0	0	0	0	0	1
Southern	Mississippi	Hattiesburg MS	1	0	0	1	0	0	0	0	0	0	0	1

AREA NAME	DISTRICT NAME	SITE NAME	FY20 Q3 Plan				FY20 Q4 Plan						FY21 - Q1	Total Reduction
			6/13 - 6/19	6/20 - 6/26	6/27 - 7/3	Total Q3	7/4 - 7/10	7/11 - 7/17	7/18 - 7/24	7/25 - 7/31	8/1 - 9/30	Total Q4		
Southern	Mississippi	Jackson MS P&DC	1	1	0	2	0	0	0	0	0	0	0	2
Southern	Oklahoma	Oklahoma City OK P&DC	1	0	1	2	0	0	0	0	0	0	0	2
Southern	Oklahoma	Tulsa OK P&DC	0	1	0	1	0	1	0	0	0	1	0	2
Southern	Rio Grande	Austin TX P&DC	0	0	1	1	0	1	1	1	0	3	0	4
Southern	Rio Grande	Corpus Christi TX P&DC	1	0	0	1	0	0	0	0	0	0	0	1
Southern	Rio Grande	El Paso TX P&DC	1	0	1	2	0	0	0	0	0	0	0	2
Southern	Rio Grande	McAllen TX	1	0	0	1	0	0	0	0	0	0	0	1
Southern	Rio Grande	Midland TX P&DF	1	0	0	1	0	0	0	0	0	0	0	1
Southern	Rio Grande	San Antonio TX P&DC	1	1	1	3	0	1	1	1	0	3	0	6
Southern	South Florida	Miami FL P&DC	1	1	2	4	0	0	1	0	0	1	0	5
Southern	South Florida	West Palm Beach FL P&DC	0	1	1	2	0	1	0	0	0	1	0	3
Southern	Suncoast	Fort Myers FL P&DC	1	2	0	3	0	2	0	0	0	2	0	5
Southern	Suncoast	Manasota FL P&DC	1	1	3	5	0	0	0	0	0	0	0	5
Southern	Suncoast	Mid-Florida P&DC	1	1	1	3	0	1	1	0	0	2	0	5
Southern	Suncoast	Orlando FL P&DC	1	1	1	3	0	1	1	1	0	3	0	6
Southern	Suncoast	Tampa FL P&DC	1	1	1	3	0	0	1	1	0	2	0	5
Western	Alaska	Anchorage AK P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Western	Alaska	Juneau AK	0	0	0	0	0	0	0	0	0	0	0	0
Western	Arizona	Albuquerque NM P&DC	0	0	1	1	0	0	0	0	0	0	0	1
Western	Arizona	Phoenix AZ P&DC	0	0	3	3	0	0	0	0	0	0	0	3
Western	Arizona	Tucson AZ P&DC	0	0	1	1	0	0	0	0	0	0	0	1
Western	Central Plains	Grand Island NE P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Western	Central Plains	Lincoln NE P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Western	Central Plains	Norfolk NE P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Western	Central Plains	North Platte NE	0	0	0	0	0	0	0	0	0	0	0	0
Western	Central Plains	Omaha NE P&DC	0	0	0	0	0	0	1	0	0	1	0	1
Western	Central Plains	Wichita KS P&DC	0	1	0	1	0	0	0	0	0	0	0	1
Western	Colorado/Wyoming	Casper WY PO	0	0	0	0	0	0	1	0	0	1	0	1
Western	Colorado/Wyoming	Cheyenne WY P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Western	Colorado/Wyoming	Colorado Springs CO P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Western	Colorado/Wyoming	Denver CO P&DC	3	0	0	3	0	0	2	0	0	2	0	5
Western	Colorado/Wyoming	Grand Junction CO	0	0	0	0	0	0	0	0	0	0	0	0
Western	Colorado/Wyoming	Rock Springs WY	0	0	0	0	0	0	0	2	0	2	0	2
Western	Dakotas	Billings MT P&DC	0	0	1	1	0	0	0	0	0	0	0	1
Western	Dakotas	Bismarck ND	0	0	0	0	0	0	0	0	0	0	0	0
Western	Dakotas	Dakota Central SD P&DC	0	0	0	0	0	1	0	0	0	1	0	1
Western	Dakotas	Fargo ND P&DC	0	0	0	0	1	0	0	0	0	1	0	1
Western	Dakotas	Grand Forks ND	0	0	0	0	0	0	0	0	0	0	0	0
Western	Dakotas	Great Falls MT	0	0	0	0	0	0	0	0	0	0	0	0
Western	Dakotas	Minot ND P&DF	1	0	0	1	0	0	1	0	0	1	0	2
Western	Dakotas	Missoula MT	0	0	0	0	0	0	0	0	0	0	0	0
Western	Dakotas	Rapid City SD P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Western	Dakotas	Sioux Falls SD	2	0	0	2	0	0	0	0	0	0	0	2
Western	Hawkeye	Cedar Rapids IA P&DC	0	0	1	1	0	0	0	0	0	0	0	1
Western	Hawkeye	Des Moines IA P&DC	0	0	2	2	0	0	0	0	0	0	0	2
Western	Hawkeye	Quad Cities IL P&DF	0	0	1	1	0	0	0	0	0	0	0	1
Western	Hawkeye	Waterloo Plant IA	0	0	0	0	0	0	0	0	0	0	0	0
Western	Mid-America	Cape Girardeau MO P&DF	0	1	0	1	0	0	0	0	0	0	0	1
Western	Mid-America	Kansas City MO P&DC	0	3	0	3	0	0	0	0	0	0	0	3
Western	Mid-America	Springfield MO	0	1	0	1	0	0	0	0	0	0	0	1

AREA NAME	DISTRICT NAME	SITE NAME	FY20 Q3 Plan				FY20 Q4 Plan					FY21 - Q1	Total Reduction	
			6/13 - 6/19	6/20 - 6/26	6/27 - 7/3	Total Q3	7/4 - 7/10	7/11 - 7/17	7/18 - 7/24	7/25 - 7/31	8/1 - 9/30			Total Q4
Western	Nevada-Sierra	Las Vegas NV P&DC	0	0	0	0	0	2	0	0	0	2	0	2
Western	Nevada-Sierra	Reno NV P&DC	0	0	0	0	0	1	0	0	0	1	0	1
Western	Northland	Bemidji MN	0	0	0	0	0	0	0	0	0	0	0	0
Western	Northland	Duluth MN P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Western	Northland	Eau Claire WI P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Western	Northland	Mankato MN	0	0	0	0	0	0	0	0	0	0	0	0
Western	Northland	Minneapolis MN P&DC	0	0	3	3	0	0	0	2	0	2	0	5
Western	Northland	Saint Cloud MN	0	0	0	0	0	0	0	0	0	0	0	0
Western	Northland	Saint Paul MN P&DC - New	0	0	1	1	0	0	0	1	0	1	0	2
Western	Portland	Bend OR P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Western	Portland	Eugene OR P&DF	0	0	2	2	0	0	0	0	0	0	0	2
Western	Portland	Medford OR	0	0	0	0	0	0	0	0	0	0	0	0
Western	Portland	Portland OR P&DC	0	0	3	3	0	0	0	0	0	0	0	3
Western	Salt Lake City	Boise ID	0	0	0	0	0	0	0	1	0	1	0	1
Western	Salt Lake City	Pocatello ID	0	0	0	0	0	0	0	0	0	0	0	0
Western	Salt Lake City	Provo UT	0	0	0	0	0	0	0	0	0	0	0	0
Western	Salt Lake City	Salt Lake City UT P&D	1	1	1	3	0	0	0	0	0	0	0	3
Western	Seattle	Seattle WA DDC-East	0	0	0	0	0	0	0	0	0	0	0	0
Western	Seattle	Seattle WA P&DC	0	0	3	3	0	0	0	0	0	0	0	3
Western	Seattle	South WA DDC	0	0	0	0	0	0	0	0	0	0	0	0
Western	Seattle	Spokane WA P&DC	0	0	0	0	0	0	0	2	0	2	0	2
Western	Seattle	Tacoma WA P&DC	0	0	0	0	1	0	0	0	0	1	0	1
Western	Seattle	Wenatchee WA	0	0	0	0	0	0	0	0	0	0	0	0
Western	Seattle	Yakima WA	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>														<b>502</b>

AREA NAME	DISTRICT NAME	SITE NAME	FY20 Q3 Plan				FY20 Q4 Plan							
			6/13 - 6/19	6/20 - 6/26	6/27 - 7/3	Total Q3	7/4 - 7/10	7/11 - 7/17	7/18 - 7/24	7/25 - 7/31	8/1 - 9/30	Total Q4	FY21 - Q1	Total Reductiin
Capital Metro	Atlanta	Atlanta GA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Capital Metro	Atlanta	North Metro GA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Capital Metro	Atlanta	Peachtree GA P&DC	0	0	0	0	0	0	0	1	0	1	0	1
Capital Metro	Baltimore	Baltimore MD IMF	0	0	0	0	0	0	0	0	0	0	0	0
Capital Metro	Baltimore	Baltimore MD P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Capital Metro	Baltimore	Eastern Shore MD P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Capital Metro	Capital	Curseen/Morris P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Capital Metro	Capital	Southern MD P&DC	1	0	0	1	0	0	0	0	0	0	0	1
Capital Metro	Capital	Suburban MD P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Capital Metro	Greater South Carolina	Charleston SC P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Capital Metro	Greater South Carolina	Columbia SC P&DC	0	0	0	0	0	0	0	1	0	1	0	1
Capital Metro	Greater South Carolina	Greenville SC P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Capital Metro	Greensboro	Greensboro NC P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Capital Metro	Greensboro	Raleigh NC P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Capital Metro	Greensboro	Rocky Mount NC P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Capital Metro	Mid-Carolinas	Charlotte NC P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Capital Metro	Mid-Carolinas	Fayetteville NC Annex	1	0	0	1	0	0	0	0	0	0	0	1
Capital Metro	Northern Virginia	Dulles VA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Capital Metro	Northern Virginia	Merrifield VA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Capital Metro	Richmond	Norfolk VA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Capital Metro	Richmond	Richmond VA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Eastern	Appalachian	Charleston WV P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Eastern	Appalachian	Roanoke VA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Eastern	Central Pennsylvania	Harrisburg PA P&DC	0	0	0	0	1	0	0	0	0	1	0	1
Eastern	Central Pennsylvania	Lehigh Valley PA P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Eastern	Central Pennsylvania	Scranton PA P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Eastern	Kentuckiana	Evansville IN MPA	0	0	0	0	0	0	0	0	0	0	0	0
Eastern	Kentuckiana	Lexington KY P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Eastern	Kentuckiana	Louisville KY P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Eastern	Northern Ohio	Akron OH P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Eastern	Northern Ohio	Cleveland OH FSS Annex	0	0	0	0	0	0	0	0	0	0	0	0
Eastern	Northern Ohio	Cleveland OH P&DC	1	0	0	1	0	0	0	0	0	0	0	1
Eastern	Northern Ohio	Toledo OH P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Eastern	Northern Ohio	Youngstown OH P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Eastern	Ohio Valley	Cincinnati OH P&DC	0	2	0	2	0	0	0	0	0	0	0	2
Eastern	Ohio Valley	Columbus OH FSS Annex	0	0	0	0	0	0	0	0	0	0	0	0
Eastern	Ohio Valley	Columbus OH P&DC	0	0	0	0	1	0	0	0	0	1	0	1
Eastern	Ohio Valley	Dayton OH P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Eastern	Philadelphia Metro	Philadelphia PA NDC	0	0	0	0	0	0	0	0	0	0	0	0
Eastern	Philadelphia Metro	Philadelphia PA P&DC	0	0	0	0	0	0	0	2	0	2	0	2
Eastern	South Jersey	Delaware P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Eastern	South Jersey	South Jersey P&DC	0	0	0	0	1	0	0	0	0	1	0	1
Eastern	South Jersey	Trenton NJ P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Eastern	Tennessee	Chattanooga TN P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Eastern	Tennessee	Knoxville TN P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Eastern	Tennessee	Memphis TN P&DC	0	1	0	1	0	0	0	0	0	0	0	1
Eastern	Tennessee	Music City Annex	0	0	0	0	0	1	0	0	0	1	0	1
Eastern	Western New York	Buffalo NY P&DC	0	0	0	0	0	0	0	0	0	0	0	0

AREA NAME	DISTRICT NAME	SITE NAME	FY20 Q3 Plan				FY20 Q4 Plan							
			6/13 - 6/19	6/20 - 6/26	6/27 - 7/3	Total Q3	7/4 - 7/10	7/11 - 7/17	7/18 - 7/24	7/25 - 7/31	8/1 - 9/30	Total Q4	FY21 - Q1	Total Reductiion
Eastern	Western New York	Rochester NY P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Eastern	Western Pennsylvania	Altoona PA P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Eastern	Western Pennsylvania	Erie PA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Eastern	Western Pennsylvania	Johnstown PA P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Eastern	Western Pennsylvania	Pennwood Place PA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Eastern	Western Pennsylvania	Pittsburgh PA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Great Lakes	Central Illinois	Carol Stream IL P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Great Lakes	Central Illinois	Fox Valley IL P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Great Lakes	Central Illinois	Peoria IL P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Great Lakes	Central Illinois	South Suburban IL P&DC	0	0	0	0	0	0	0	1	1	0	1	1
Great Lakes	Chicago	Cardiss Collins IL P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Great Lakes	Chicago	Chicago International/Military Service Center	0	0	0	0	0	0	0	0	0	0	0	0
Great Lakes	Detroit	Detroit MI P&DC	0	1	0	1	0	0	0	0	0	0	0	1
Great Lakes	Detroit	Michigan Metroplex P&DC	1	0	0	1	0	0	0	0	0	0	0	1
Great Lakes	Gateway	Champaign IL P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Great Lakes	Gateway	Mid Missouri MO P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Great Lakes	Gateway	Saint Louis MO P&DC	0	0	0	0	0	0	0	1	1	0	1	1
Great Lakes	Gateway	Springfield IL P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Great Lakes	Greater Indiana	Fort Wayne IN P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Great Lakes	Greater Indiana	Gary IN P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Great Lakes	Greater Indiana	Indianapolis IN P&DC	0	0	0	0	0	0	1	0	1	0	1	1
Great Lakes	Greater Indiana	Muncie IN P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Great Lakes	Greater Indiana	South Bend IN P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Great Lakes	Greater Michigan	Grand Rapids MI Annex	1	0	0	1	0	0	0	1	1	0	2	2
Great Lakes	Greater Michigan	Iron Mountain MI P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Great Lakes	Greater Michigan	Lansing MI P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Great Lakes	Greater Michigan	Traverse City MI P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Great Lakes	Lakeland	Green Bay WI P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Great Lakes	Lakeland	Madison WI P&DC	0	0	0	0	0	0	0	1	1	0	1	1
Great Lakes	Lakeland	Milwaukee WI P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Great Lakes	Lakeland	Palatine IL P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Northeast	Albany	Albany NY P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Northeast	Albany	Syracuse NY P&DC	0	1	0	1	0	0	0	0	0	0	0	1
Northeast	Caribbean	San Juan PR P&DC	1	0	0	1	0	0	0	0	0	0	0	1
Northeast	Connecticut Valley	Hartford CT P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Northeast	Connecticut Valley	Springfield MA NDC	1	0	0	1	0	0	0	0	0	0	0	1
Northeast	Greater Boston	Boston MA P&DC	0	1	0	1	0	0	0	0	0	0	0	1
Northeast	Greater Boston	Brockton MA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Northeast	Greater Boston	Central Massachusetts P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Northeast	Greater Boston	Middlesex-Essex MA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Northeast	Greater Boston	Providence RI P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Northeast	Long Island	Mid Island NY P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Northeast	Long Island	Western Nassau NY P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Northeast	New York	Morgan NY P&DC	0	0	0	0	0	1	0	0	1	0	1	1
Northeast	New York	NY ISC - JFK	0	0	0	0	0	0	0	0	0	0	0	0
Northeast	Northern New England	Burlington VT P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Northeast	Northern New England	Eastern Maine P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Northeast	Northern New England	Manchester NH	1	0	0	1	0	0	0	0	0	0	0	1
Northeast	Northern New England	Southern Maine P&DC	0	0	0	0	0	0	0	0	0	0	0	0

AREA NAME	DISTRICT NAME	SITE NAME	FY20 Q3 Plan				FY20 Q4 Plan							
			6/13 - 6/19	6/20 - 6/26	6/27 - 7/3	Total Q3	7/4 - 7/10	7/11 - 7/17	7/18 - 7/24	7/25 - 7/31	8/1 - 9/30	Total Q4	FY21 - Q1	Total Reductiion
Northeast	Northern New England	White River Junction VT P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Northeast	Northern New Jersey	DVD NJ P&DC	0	0	0	0	0	0	0	1	0	1	0	1
Northeast	Northern New Jersey	New Jersey IMF	0	0	0	0	0	0	0	0	0	0	0	0
Northeast	Northern New Jersey	Northern NJ Metro P&DC	0	0	0	0	0	0	1	0	0	1	0	1
Northeast	Triboro	Brooklyn NY P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Northeast	Westchester	Westchester NY P&DC	0	0	0	0	0	0	1	0	0	1	0	1
Pacific	Bay-Valley	Oakland CA P&DC	0	0	0	0	0	0	0	0	0	0	1	1
Pacific	Bay-Valley	San Jose CA P&DC	0	0	0	0	0	0	0	0	0	0	1	1
Pacific	Honolulu	Honolulu HI P&DC	0	0	1	1	0	0	0	0	0	0	0	1
Pacific	Los Angeles	Los Angeles CA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Pacific	Sacramento	Fresno CA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Pacific	Sacramento	Redding CA MPF	0	0	0	0	0	0	0	0	0	0	0	0
Pacific	Sacramento	Sacramento CA P&DC	0	1	0	1	0	0	0	0	0	0	0	1
Pacific	San Diego	ML Sellers CA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Pacific	San Diego	Moreno Valley CA DDC	0	1	0	1	0	0	0	0	0	0	0	1
Pacific	San Francisco	North Bay CA P&DC	0	0	1	1	0	0	0	0	0	0	0	1
Pacific	San Francisco	San Francisco CA P&DC	0	0	0	0	0	0	0	0	0	1	1	1
Pacific	Santa Ana	Anaheim CA P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Pacific	Santa Ana	North Grand DDC	0	0	0	0	0	0	0	0	0	1	1	1
Pacific	Santa Ana	Santa Ana CA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Pacific	Sierra Coastal	Bakersfield CA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Pacific	Sierra Coastal	Pasadena CA MPA	0	0	0	0	0	0	0	0	0	0	0	0
Pacific	Sierra Coastal	Santa Barbara CA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Pacific	Sierra Coastal	Santa Clarita CA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Pacific	Sierra Coastal	Van Nuys CA FSS Annex	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Alabama	Birmingham AL Annex	0	1	0	1	0	0	0	0	0	0	0	1
Southern	Alabama	Mobile AL P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Alabama	Montgomery AL P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Arkansas	Little Rock AR P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Arkansas	Northwest Arkansas	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Dallas	Dallas TX P&DC	1	0	0	1	0	0	0	0	0	0	0	1
Southern	Dallas	North Texas TX P&DC	0	1	0	1	0	0	0	0	0	0	0	1
Southern	Fort Worth	Abilene TX P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Fort Worth	Amarillo TX P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Fort Worth	Fort Worth TX P&DC	0	0	1	1	0	0	0	0	0	0	0	1
Southern	Fort Worth	Lubbock TX P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Gulf Atlantic	Augusta GA P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Gulf Atlantic	Gainesville FL P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Gulf Atlantic	Jacksonville FL P&DC	0	1	0	1	0	0	0	0	0	0	0	1
Southern	Gulf Atlantic	Pensacola FL P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Gulf Atlantic	South Macon Station	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Gulf Atlantic	Tallahassee FL P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Houston	Beaumont TX P&DF	0	0	1	1	0	0	0	0	0	0	0	1
Southern	Houston	North Houston TX P&DC	1	0	0	1	0	0	0	0	0	0	0	1
Southern	Louisiana	Baton Rouge LA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Louisiana	Lafayette LA P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Louisiana	New Orleans LA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Louisiana	Shreveport LA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Mississippi	Gulfport MS P&DC	0	0	0	0	0	0	0	0	0	0	0	0

AREA NAME	DISTRICT NAME	SITE NAME	FY20 Q3 Plan				FY20 Q4 Plan							
			6/13 - 6/19	6/20 - 6/26	6/27 - 7/3	Total Q3	7/4 - 7/10	7/11 - 7/17	7/18 - 7/24	7/25 - 7/31	8/1 - 9/30	Total Q4	FY21 - Q1	Total Reductiion
Southern	Mississippi	Jackson MS P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Oklahoma	Oklahoma City OK P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Oklahoma	Tulsa OK P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Rio Grande	Austin TX P&DC	1	0	0	1	0	0	0	0	0	0	0	1
Southern	Rio Grande	Corpus Christi TX P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Rio Grande	El Paso TX P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Rio Grande	McAllen TX	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Rio Grande	Midland TX P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Rio Grande	San Antonio TX P&DC	1	0	0	1	0	0	0	0	0	0	0	1
Southern	South Florida	Royal Palm FL P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Southern	South Florida	West Palm Beach FL P&DC	0	1	0	1	0	0	0	0	0	0	0	1
Southern	Suncoast	Fort Myers FL P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Suncoast	Manasota FL P&DC	0	0	0	0	0	0	0	1	0	1	0	1
Southern	Suncoast	Seminole FL P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Southern	Suncoast	Tampa FL P&DC	0	0	1	1	0	0	0	0	0	0	0	1
Western	Alaska	Anchorage AK P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Western	Arizona	Albuquerque NM P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Western	Arizona	Tucson AZ P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Western	Arizona	West Valley AZ P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Western	Central Plains	Lincoln NE P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Western	Central Plains	North Platte NE	0	0	0	0	0	0	0	0	0	0	0	0
Western	Central Plains	Omaha NE P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Western	Central Plains	Wichita KS P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Western	Colorado/Wyoming	Cheyenne WY P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Western	Colorado/Wyoming	Colorado Springs CO P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Western	Colorado/Wyoming	Denver CO P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Western	Dakotas	Billings MT P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Western	Dakotas	Bismarck ND	0	0	0	0	0	0	0	0	0	0	0	0
Western	Dakotas	Fargo ND ASF	0	0	0	0	0	0	0	0	0	0	0	0
Western	Dakotas	Great Falls MT	0	0	0	0	0	0	0	0	0	0	0	0
Western	Dakotas	Missoula MT	0	0	0	0	0	0	0	0	0	0	0	0
Western	Dakotas	Sioux Falls SD	0	0	0	0	0	0	0	0	0	0	0	0
Western	Hawkeye	Cedar Rapids IA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Western	Hawkeye	Des Moines IA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Western	Hawkeye	Quad Cities IL P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Western	Hawkeye	Waterloo Plant IA	0	0	0	0	0	0	0	0	0	0	0	0
Western	Mid-America	Kansas City MO P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Western	Mid-America	Springfield MO	0	1	0	1	0	0	0	0	0	0	0	1
Western	Nevada-Sierra	Las Vegas NV P&DC	0	0	0	0	0	1	0	0	0	1	0	1
Western	Nevada-Sierra	Reno NV P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Western	Northland	Duluth MN P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Western	Northland	Eau Claire WI P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Western	Northland	Mankato MN	0	0	0	0	0	0	0	0	0	0	0	0
Western	Northland	Minneapolis MN P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Western	Northland	Saint Cloud MN	0	0	0	0	0	0	0	0	0	0	0	0
Western	Northland	Saint Paul MN P&DC - New	0	0	0	0	0	0	0	1	0	1	0	1
Western	Portland	Eugene OR P&DF	0	0	0	0	0	0	0	0	0	0	0	0
Western	Portland	Medford OR	0	0	0	0	0	0	0	0	0	0	0	0
Western	Portland	Portland OR P&DC	0	0	0	0	0	0	0	0	0	0	0	0

AREA NAME	DISTRICT NAME	SITE NAME	FY20 Q3 Plan				FY20 Q4 Plan						FY21 - Q1	Total Reductiin
			6/13 - 6/19	6/20 - 6/26	6/27 - 7/3	Total Q3	7/4 - 7/10	7/11 - 7/17	7/18 - 7/24	7/25 - 7/31	8/1 - 9/30	Total Q4		
Western	Salt Lake City	Boise ID	0	0	0	0	0	0	0	0	0	0	0	0
Western	Salt Lake City	Provo UT	0	0	0	0	0	0	0	0	0	0	0	0
Western	Salt Lake City	Salt Lake City UT ASF	0	0	0	0	0	0	0	0	0	0	0	0
Western	Seattle	Seattle WA DDC-East	0	0	0	0	0	0	0	0	0	0	0	0
Western	Seattle	Seattle WA P&DC	1	0	0	1	0	0	0	0	0	0	0	1
Western	Seattle	South WA DDC	0	0	0	0	0	0	0	0	0	0	0	0
Western	Seattle	Spokane WA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Western	Seattle	Tacoma WA P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Western	Seattle	Yakima WA	0	0	0	0	0	0	0	0	0	0	0	0

AREA NAME	DISTRICT NAME	SITE NAME	FY20 Q3 Plan				FY20 Q4 Plan							FY21 - Q1	Total Reduction
			6/13 - 6/19	6/20 - 6/26	6/27 - 7/3	Total Q3	7/4 - 7/10	7/11 - 7/17	7/18 - 7/24	7/25 - 7/31	8/1 - 9/30	Total Q4			
Capital Metro	Atlanta	North Metro GA P&DC	0	0	0	0	0	0	0	0	0	0	0	0	
Capital Metro	Atlanta	Peachtree GA P&DC	0	0	0	0	0	1	0	0	0	1	0	1	
Capital Metro	Baltimore	Baltimore MD IMF	0	0	0	0	0	0	0	0	0	0	0	0	
Capital Metro	Capital	Curseen/Morris P&DC	0	0	0	0	0	1	0	0	0	1	0	1	
Capital Metro	Greensboro	Greensboro NC P&DC	0	0	0	0	0	0	0	0	0	0	0	0	
Capital Metro	Greensboro	Raleigh NC P&DC	0	0	0	0	0	0	0	0	0	0	0	0	
Capital Metro	Mid-Carolinas	Mid-Carolina NC P&DC	0	0	0	0	0	0	0	0	0	0	0	0	
Capital Metro	Northern Virginia	Dulles VA P&DC	0	0	0	0	0	1	0	0	0	1	0	1	
Capital Metro	Richmond	Richmond VA P&DC	0	0	0	0	0	1	0	0	0	1	0	1	
Eastern	Northern Ohio	Akron OH P&DC	0	0	0	0	0	0	0	0	0	0	0	0	
Eastern	Northern Ohio	Cleveland OH FSS Annex	0	0	0	0	0	0	0	0	0	0	0	0	
Eastern	Ohio Valley	Columbus OH FSS Annex	0	0	0	0	0	0	0	0	0	0	0	0	
Eastern	Philadelphia Metro	Philadelphia PA NDC	0	0	0	0	0	0	0	0	0	0	0	0	
Eastern	Philadelphia Metro	Philadelphia PA P&DC	0	0	0	0	0	0	0	0	0	0	0	0	
Eastern	South Jersey	Trenton NJ P&DC	0	0	0	0	0	0	0	0	0	0	0	0	
Eastern	Western New York	Northwest Rochester NY P&DC	0	0	0	0	0	0	0	0	0	0	0	0	
Eastern	Western Pennsylvania	Pennwood Place PA P&DC	0	0	0	0	0	0	0	0	0	0	0	0	
Great Lakes	Central Illinois	Fox Valley IL P&DC	2	0	0	2	0	0	0	0	0	0	0	2	
Great Lakes	Central Illinois	South Suburban IL P&DC	0	1	0	1	0	0	0	0	1	1	0	2	
Great Lakes	Detroit	Michigan Metroplex P&DC	0	0	0	0	0	0	0	0	0	0	0	0	
Great Lakes	Greater Indiana	Indianapolis IN MPA	0	0	0	0	0	0	0	0	0	0	0	0	
Great Lakes	Lakeland	Palatine IL P&DC	0	0	0	0	0	0	0	0	1	1	0	1	
Northeast	Connecticut Valley	Springfield MA NDC	0	1	0	1	0	0	0	0	0	0	0	1	
Northeast	Greater Boston	Middlesex-Essex MA P&DC	0	0	0	0	0	0	1	0	0	1	0	1	
Northeast	Greater Boston	Providence RI P&DC	1	0	0	1	0	0	0	0	0	0	0	1	
Northeast	Long Island	Mid Island NY P&DC	0	0	0	0	0	0	0	0	0	0	0	0	
Northeast	Northern New Jersey	New Jersey IMF	0	0	0	0	0	0	0	0	0	0	0	0	
Northeast	Triboro	Brooklyn NY P&DC	0	0	0	0	0	0	0	1	0	1	0	1	
Northeast	Westchester	Westchester NY P&DC	0	0	0	0	0	1	0	0	0	1	0	1	
Pacific	Bay-Valley	San Jose CA P&DC	0	0	0	0	0	0	0	0	0	0	1	1	
Pacific	Los Angeles	Los Angeles CA P&DC	0	0	0	0	0	2	0	0	0	2	0	2	
Pacific	Sacramento	Sacramento CA P&DC	0	0	0	0	0	0	0	0	0	0	1	1	
Pacific	San Diego	ML Sellers CA P&DC	0	0	0	0	0	0	0	0	0	0	0	0	
Pacific	San Diego	Moreno Valley CA DDC	0	0	0	0	0	0	0	0	0	0	2	2	
Pacific	San Francisco	San Francisco CA P&DC	0	0	0	0	0	0	0	0	0	0	0	0	
Pacific	Santa Ana	Anaheim CA P&DF	0	0	0	0	0	0	0	0	0	0	2	2	
Pacific	Sierra Coastal	Van Nuys CA FSS Annex	0	0	0	0	0	0	0	0	0	0	0	0	
Southern	Dallas	Dallas TX P&DC	0	0	0	0	0	0	0	0	0	0	0	0	
Southern	Houston	North Houston TX P&DC	0	0	0	0	0	0	0	0	0	0	0	0	
Southern	South Florida	Royal Palm FL P&DC	0	1	0	1	0	0	0	0	0	0	0	1	
Southern	Suncoast	Seminole FL P&DC	0	0	0	0	0	1	0	1	0	2	0	2	
Western	Arizona	West Valley AZ P&DC	0	0	0	0	0	0	0	0	0	0	0	0	

AREA NAME	DISTRICT NAME	SITE NAME	6/13 - 6/19	6/20 - 6/26	6/27 - 7/3	Total Q3	7/4 - 7/10	7/11 - 7/17	7/18 - 7/24	7/25 - 7/31	8/1 - 9/30	Total Q4	FY21 - Q1	Total Reduction
Western	Colorado/Wyoming	Denver CO P&DC	1	0	0	1	0	0	0	0	0	0	0	1
Western	Mid-America	Kansas City MO P&DC	0	0	0	0	0	0	0	0	0	0	0	0
Western	Northland	Saint Paul MN P&DC - New	0	0	0	0	0	0	0	0	0	0	0	0

# Exhibit 23



1 I, Haley Livermore, declare as follows:

2 1. I am over the age of 18, am competent to testify as to the matters  
3 herein, and make this declaration based on my personal knowledge.

4 2. I see a psychiatrist who prescribes me Adderall to provide relief  
5 from symptoms of bipolar disorder. The medication helps me focus and think  
6 clearly.

7 3. Because Adderall is a controlled substance, my psychiatrist can only  
8 refill my prescriptions through written prescriptions, instead of calling my  
9 pharmacy as he does for my other prescriptions.

10 4. Due to COVID-19, I was having my psychiatry appointments over  
11 the phone. When I was low on medication, my doctor would send me the Adderall  
12 prescription through the mail. I typically would receive the prescription about  
13 two to three days after my appointment and then have it filled at a pharmacy.

14 5. Around mid-July 2020, I told my doctor that I had run out of  
15 medication. My doctor sent me another written prescription through the United  
16 States Postal Service. This prescription never arrived.

17 6. I tried to be patient, but around July 28th, I told my doctor that it had  
18 not been delivered. My doctor asked me to inform him if the prescription did not  
19 arrive soon.

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DECLARATION OF HALEY  
LIVERMORE  
1:20-cv-03127-SAB

2

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

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7. During my appointment on August 4th, I confirmed that the prescription had not arrived. While my doctor was certain that he had sent the prescription, he sent me another one.

8. On the second attempt, I received the prescription after four days, instead of the usual two to three. I had the prescription filled at my pharmacy the next day.

9. Overall, I was without my medication for about three weeks.

10. Not having my medication made me experience cognitive disfunction, which means it takes me longer to work through what should be simple problems. This led to a rise in my anxiety and stress levels. This increased stress made it more difficult to accomplish household chores and restart my job search.

11. My husband is an essential worker and could use time to relax, since he often has to work overtime in a stressful environment. But while I was without my medication, he had to help me around the house and support me through anxiety episodes.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 31st day of August, 2020, at Littleton, Colorado.



---

HALEY LIVERMORE

# Exhibit 24

1 ROBERT W. FERGUSON  
*Attorney General*  
2 NOAH GUZZO PURCELL, WSBA #43492  
*Solicitor General*  
3 NATHAN K. BAYS, WSBA #43025  
KRISTIN BENESKI, WSBA #45478  
4 ANDREW R.W. HUGHES, WSBA #49515  
CRISTINA SEPE, WSBA #53609  
5 *Assistant Attorneys General*  
EMMA GRUNBERG, WSBA #54659  
6 TERA M. HEINTZ, WSBA #54921  
*(application for admission forthcoming)*  
7 KARL D. SMITH, WSBA #41988  
*Deputy Solicitors General*  
8 800 Fifth Avenue, Suite 2000  
Seattle, WA 98104  
9 (206) 464-7744

10 **UNITED STATES DISTRICT COURT**  
11 **EASTERN DISTRICT OF WASHINGTON**  
12 **AT YAKIMA**

13 STATE OF WASHINGTON, et  
al.,

14 Plaintiffs,

15 v.

16 DONALD J. TRUMP, et al.,

17 Defendants.

NO. 1:20-cv-03127-SAB

DECLARATION OF  
MARKHAM MCINTYRE IN  
SUPPORT OF PLAINTIFF  
STATES' MOTION FOR  
PRELIMINARY INJUNCTION

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22  
DECLARATION OF MARKHAM  
MCINTYRE

1 I, Markham McIntyre, declare as follows:

2 1. I am over the age of 18, am competent to testify as to the matters  
3 herein, and make this declaration based on my personal knowledge.

4 2. I have worked at the Seattle Metro Chamber for over seven years  
5 and have been serving as the interim CEO since our previous President and CEO  
6 resigned in January 2020. Previously, I also held positions in Jay Inslee's  
7 congressional office and worked on his gubernatorial campaign in 2012.

8 3. As the Executive Vice President of the Seattle Metropolitan  
9 Chamber of Commerce, I oversee and lead the Chamber's work.

10 4. The Seattle Metropolitan Chamber of Commerce is the largest and  
11 most diverse business association in the Puget Sound region. Founded in 1882 by  
12 local business leaders, the Chamber today is an independent organization  
13 representing 2,600 companies and a regional workforce of approximately  
14 750,000. The Seattle Metro Chamber is a business advocacy organization that  
15 helps our members thrive in an equitable and inclusive regional economy.

16 5. Approximately 75% of the Seattle Metro Chamber's businesses are  
17 small businesses. Approximately 30% of our members are microbusinesses with  
18 10 employees or less.

19 6. Many of our small business members rely on the United States  
20 Postal Service to fulfill customer orders, particularly given the Postal Service's  
21 competitive rates and ability to serve every corner of the nation. The COVID-19  
22

DECLARATION OF MARKHAM  
MCINTYRE

2

ATTORNEY GENERAL OF WASHINGTON  
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Seattle, WA 98104-3188  
(206) 464-7744

1 pandemic has been very harmful to our members and the whole Puget Sound  
2 business community. Small businesses have been especially hard hit. With an  
3 uncertain retail market, many of our members have moved inventory online and  
4 are relying more heavily on delivery orders than ever before.

5 7. Changes to the Postal Service causing delays and unpredictable  
6 delivery times will cause strain and hardship to our small business members at a  
7 time when efficient and reliable delivery service is more critical than ever. Losing  
8 the ability to quickly process orders will hurt our members' bottom lines. These  
9 delays impact not only whether customers receive their orders on time, but when  
10 stores receive their inventory as well.

11 8. The Postal Service is an essential part of our nation's infrastructure.  
12 These delays are causing significant harm to our members and millions of other  
13 small businesses that rely on the Postal Service now more than ever.

14 I declare under penalty of perjury under the laws of the State of  
15 Washington and the United States that the foregoing is true and correct.

16 DATED this 20th day of August, 2020, at Seattle, Washington.

17   
18 \_\_\_\_\_  
Markham McIntyre

# Exhibit 25



**DECLARATION OF SECRETARY OF THE STATE DENISE W. MERRILL**

I, Denise Merrill, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am Secretary of the State for the State of Connecticut. I was first began serving in that role on January 5, 2011, and I was elected to my third term as Connecticut's 73<sup>rd</sup> Secretary of the State on November 6, 2018. My office is in Hartford, Connecticut.

2. As Secretary of the State, one of my most important responsibilities is administering, interpreting, and implementing election laws and ensuring fair and impartial elections for both state and national elections held in Connecticut. My office's Elections and Voting Division develops and promulgates the state's elections calendar; coordinates closely with local Town Clerks and Registrars of Voters to promote voter registration and to maintain accurate voter rolls; provides training for local election officials; and oversees and administers other election-related initiatives including, in 2020, the use of secure ballot drop-boxes and the sending of mail-in ballot applications to every eligible Connecticut voter.

3. Connecticut expends considerable resources to promote fair and impartial elections in which every voter has a full and equal opportunity to vote safely and securely. In 2020, my office has spent at least \$500,000 on voter education, and a dedicated staff of 13 has spent the past six weeks entirely focused on promoting the right to vote across Connecticut.

4. My experience as Secretary of the State includes a term as president of the National Association of Secretaries of State (NASS). I have served as co-chair of NASS's Election Infrastructure Subsector Government Coordinating Council, and I currently serve on the Board of Advisors to the U.S. Election Assistance Commission. Prior to my election as Secretary of the State, I served as a Connecticut State Representative for 17 years, including a term from 2009-2011 as Connecticut's House Majority Leader.

5. I have compiled the information in this declaration through personal knowledge and through review of documents and information provided to me by my staff.

6. Connecticut has responded to the Covid-19 public health crisis, which has infected more than 46,000 people and killed more than 4,300 in the state, by expanding mail-in voting to help every eligible resident vote safely and securely in the 2020 primary and general elections.

7. Connecticut law limits voting by mail to cases of absence, illness, disability, or religious objection. Because of this limitation, state officials generally, and my office specifically, usually refers to voting by mail as “absentee” voting, even though a voter need not be absent from the jurisdiction in order to vote by mail. For the purposes of this Declaration, I will use the more inclusive term “mail-in voting.”

8. Article VI, § 7 of the Connecticut Constitution provides that the General Assembly may enact laws authorizing mail-in voting by “qualified voters of the state who are unable to appear at the polling place on the day of election because of absence from the city or town of which they are inhabitants or because of sickness, or physical disability or because the tenets of their religion forbid secular activity.”

9. Following the state Constitutional grant of authority, the Connecticut General Assembly passed Conn. Gen. Stat. § 9-135, which allows mail-in voting when an elector is “unable to appear at his or her polling place during the hours of voting” because of any of a set of enumerated reasons including “his or her illness.”

10. In a special session in July of 2020, Connecticut’s General Assembly passed Public Act No. 20-3, which in relevant part amends Conn. Gen. Stat. § 9-135 to provide that, for the purposes of the November 2020 election, the ongoing pandemic – and the fear of contracting

“the sickness of Covid-19” – is a valid reason for any eligible Connecticut resident to vote by mail.

11. In response to the new law, my office intends to send a mail-in ballot application to every registered voter in the state – a total of more than 2.1 million people – in the runup to the November 3, 2020 election. While my office sends the applications, they must be returned – using pre-paid return envelopes, for which the state of Connecticut expects to spend approximately \$1 million in the general election – to the town clerks in each of Connecticut’s 169 municipalities. These clerks, in turn, are responsible – directly or through a contracted mail processing house – for processing the applications and sending mail-in ballots to eligible applicants.

12. With the exception of blank ballots sent to voters overseas and to service members in the armed forces, those mail-in ballots cannot be sent to voters until October 2, 2020. Conn. Gen. Stat. §§ 9-135, 9-140. While absentee ballots can be requested – by mail or in person – until the day before the election, state law only allows Connecticut to count ballots that are received by 8 p.m. on election day.

13. I expect a record-breaking volume of mail-in voting in the November, 2020 election, as state residents continue to reduce coronavirus exposure and the risk of Covid-19 sickness by avoiding the prolonged social contact that often comes with in-person voting. In the state’s primary election, held on August 11, 2020 under similar rules to those that will be in place in November, mail-in voting exceeded prior-year benchmarks by a factor of 10, with nearly 57% of Connecticut voters using mail-in ballots. I anticipate that use of mail-in ballots in November’s general election will meet or exceed August’s historic highwater mark.

14. To try and ensure that every vote will be counted, my office has coordinated the placement of at least one secure ballot drop box in each of the state's municipalities. But I anticipate that, in November as in the August primary election, the United States Postal Service (USPS) will be called upon to deliver a significant portion of election-related mail at four key points in the process: Ballot application delivery from the Secretary of State; ballot application return to town clerks; printed ballots sent by town clerks to voters; and completed ballots returned by voters to town clerks. While drop boxes are an important and completely secure alternative to submitting ballots by mail, they are not a perfect substitute: Among other reasons, they may be relatively inaccessible to elderly voters with limited mobility and voters with disabilities.

15. On July 31, 2020, my office received a letter from Thomas Marshall, USPS' General Counsel, warning of a "mismatch" between Connecticut's mail-in voting process and USPS delivery standards. Among other things, Mr. Marshall advised that a completed mail-in ballot sent by First-Class Mail should be sent by Tuesday, October 27 in order to be received on time for a November 3 election.

16. To my knowledge, USPS has never before warned Connecticut that USPS will take seven days to deliver in-state, First-Class, election mail. Such a delay cannot be attribute to Connecticut's size. Connecticut is the third-smallest state in the country, measured in square miles. The distance between Greenwich, on Connecticut's western border, to Stonington, on the state's eastern border, is just 106 miles – a drive of less than two hours on the interstate highway. And, as the above explanation of Connecticut's voting process indicates, completed ballots are sent by voters to local election officials within their own towns or cities – a short distance, given

Connecticut's compact size. Our largest municipality by geographic area, the city of Danbury, is just 41 square miles.

17. Unfortunately, though, my office has every reason to fear that the unprecedented USPS warning reflects an unprecedented reality: I am deeply concerned that, without decisive action, mail delays may deprive some Connecticut residents of the right to vote in the 2020 General Election.

18. My office has received numerous complaints from Connecticut residents who timely requested mail-in ballots for our August primary, but whose ballots did not arrive through USPS until Election Day had passed. The residents, in those instances, were either forced to vote in person – risking exposure to the coronavirus – or else were not able to vindicate their right to vote.

19. It is important to stress that, in my years of experience overseeing Connecticut elections, those mailing delays are unprecedented. Until this August's primary election, it was routine for ballot applications and completed ballots to reach their intended destination in two days. But this year, mailing times were often longer – sometimes significantly longer – and those new delays cost our residents dearly.

20. In previous years Connecticut postal workers have accorded special priority status to election mail, ensuring that the mail reaches its destination promptly. In my understanding, the USPS no longer plans to use that special priority coding for Connecticut's election mail this November. I am deeply concerned that the turn away from prioritizing election mail will exacerbate the delays that we saw in August, threatening the voting rights of even more Connecticut residents.

Executed this 18 day of August, 2020 at Hartford, CT.

Declaration of Connecticut Secretary of the State Denise W. Merrill / 5



Denise W. Merrill  
Secretary of the State

# Exhibit 26



1 I, Steve Mitchell, declare as follows:

2 1. I am over the age of 18, am competent to testify as to the matters  
3 herein, and make this declaration based on my personal knowledge.

4 2. I am the co-owner of Scuppernong Books, an independent bookstore  
5 in Greensboro, North Carolina. We are a general interest/literary bookstore  
6 featuring fiction and poetry along with children's books and a broad range of  
7 general interest titles. We opened in 2013 and have been an essential part of the  
8 rebirth of downtown Greensboro ever since. In 2018, we formed Scuppernong  
9 Editions, an eclectic small press. Before the COVID-19 pandemic, we operated  
10 a café in the store serving wine, beer, coffee, and food. We also hosted hundreds  
11 of events a year, bringing in writers from around the world.

12 3. With the onset of the COVID-19 pandemic, our business, like so  
13 many others, has struggled. We are currently open by appointment only for  
14 socially-distanced browsing, and we require customers to make an appointment  
15 online or by telephone before entering the store. We are also no longer able to  
16 operate our in-store café, and we have had to stop holding in-store events. These  
17 events were a major driver of business; in 2019, we hosted over 250 writers in  
18 our store, as well as theatre, music, dance, and community conversation. All of  
19 these changes have devastated foot traffic through our store.

20 4. With the huge drop in in-store sales of merchandise and  
21 refreshments, the bookstore has now become reliant on delivery orders for a  
22

DECLARATION OF STEVEN  
MITCHELL

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
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1 significant portion of our business, and therefore the efficient operation of the  
2 United States Postal Service, to survive. Even before the COVID-19 pandemic,  
3 we used the USPS to fulfil virtually all of our product orders, because their media  
4 mail rates are considerably cheaper than their competitors. As a small business  
5 sending just one or two items at a time, we cannot afford to use other major  
6 carriers. Further, other major carriers do not deliver everywhere, including to  
7 rural locations where some of our customers are located.

8 5. I understand through media reports and public announcements that  
9 the USPS is currently making changes to the way it provides mail service.

10 6. We saw a huge increase in delivery orders at the beginning of the  
11 pandemic—an increase of approximately 400 percent in April 2020. But in the  
12 last couple of weeks, we have seen those numbers fall significantly. Anecdotally,  
13 customers have complained to me about orders not arriving on time, and through  
14 tracking packages on the USPS website, I can see myself that delivery times have  
15 increased and that packages are increasingly being routed through roundabout  
16 locations before arriving at their destination. I have even received questions from  
17 customers asking if they should still have things mailed to them.

18 7. We rely significantly on delivery orders to stay in business and our  
19 customers, who are fearful of, or cannot travel are worried they will be left  
20 without service. If these delays continue, it will be a death blow to our bookstore  
21 during a time when we are already struggling to survive. Going out of business  
22

DECLARATION OF STEVEN  
MITCHELL

ATTORNEY GENERAL OF WASHINGTON  
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now will make it that much harder for us to come back after the pandemic is over. We need the USPS to deliver efficient service to all areas of the country in order to survive this crisis.

8. I live in the same community as the Postmaster General. These delays deeply affect our community, from small businesses to people in rural areas who rely on the Postal Service to receive medicines and other necessary items by mail that are now subject to ten-day delays. Additionally, I am deeply concerned that the Postal Service will be unable to process mail-in ballots in the coming election.

I declare under penalty of perjury under the laws of the State of Washington and the United States that the foregoing is true and correct.

DATED this \_\_18\_\_ day of August, 2020, at Greensboro, NC.

*Steve Mitchell*  
\_\_\_\_\_  
STEVE MITCHELL

DECLARATION OF STEVEN MITCHELL

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
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# Exhibit 27

1 ROBERT W. FERGUSON  
*Attorney General*  
2 NOAH GUZZO PURCELL, WSBA #43492  
*Solicitor General*  
3 NATHAN K. BAYS, WSBA #43025  
4 KRISTIN BENESKI, WSBA #45478  
5 ANDREW R.W. HUGHES, WSBA #49515  
6 CRISTINA SEPE, WSBA #53609  
*Assistant Attorneys General*  
7 EMMA GRUNBERG, WSBA #54659  
8 TERA M. HEINTZ, WSBA #54921  
*(application for admission forthcoming)*  
9 KARL D. SMITH, WSBA #41988  
*Deputy Solicitors General*  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104  
(206) 464-7744

10  
11 **UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF WASHINGTON**  
12 **AT YAKIMA**

13 STATE OF WASHINGTON, et  
al.,

14 Plaintiffs,

15 v.

16 DONALD J. TRUMP, et al.,

17 Defendants.

NO. 1:20-cv-03127-SAB

DECLARATION OF ESTHER  
OKANLAWON IN SUPPORT  
OF PLAINTIFF STATES'  
MOTION FOR PRELIMINARY  
INJUNCTION

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DECLARATION OF ESTHER  
OKANLAWON

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

1 I, Esther Okanlawon, declare as follows:

2 1. I am over the age of 18, am competent to testify as to the matters  
3 herein, and make this declaration based on my personal knowledge.

4 2. I am a family nurse practitioner, serving patients in Colorado.

5 3. As a healthcare provider, our goal is to deliver treatment in a  
6 timely manner to alleviate the patient's symptoms.

7 4. While working on clinical rotations, I see patients who have been  
8 prescribed medications which are sent from Express Scripts through the mail.

9 5. Before July, medications usually were delivered to patients  
10 through the mail within seven days of receiving written prescriptions. In  
11 psychiatric care, we usually schedule patients to return for follow-up  
12 appointments four to five weeks later to see whether the medication is working.

13 6. Beginning around July 2020, I noticed that patients who were  
14 prescribed medication through Express Scripts experienced delays in receiving  
15 their medications through the mail.

16 7. Due to late deliveries through the mail, patients were returning to  
17 their follow-up appointment having used only about seven to eight days' worth  
18 of the medication.

19 8. Three to four patients experienced delivery delays of about 14 to  
20 21 days for medication through the mail.  
21  
22

DECLARATION OF ESTHER  
OKANLAWON

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

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9. In psychiatric care, a delay in treatment usually leads to a delay in symptom relief.

10. Because of these mail delays, patients have had to schedule additional follow-up appointments because it typically takes about one month to determine if the psychiatric treatments are effective. Patients might need to take time off work to return for additional follow-up appointments.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 31<sup>st</sup> day of August, 2020, at Highlands Ranch, Colorado.



ESTHER OKANLAWON  
Family Nurse Practitioner

DECLARATION OF ESTHER  
OKANLAWON

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188

# Exhibit 28

1 ROBERT W. FERGUSON  
*Attorney General*  
2 NOAH GUZZO PURCELL, WSBA #43492  
*Solicitor General*  
3 NATHAN K. BAYS, WSBA #43025  
4 KRISTIN BENESKI, WSBA #45478  
5 ANDREW R.W. HUGHES, WSBA #49515  
6 CRISTINA SEPE, WSBA #53609  
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7 EMMA GRUNBERG, WSBA #54659  
8 TERA M. HEINTZ, WSBA #54921  
*(application for admission forthcoming)*  
9 KARL D. SMITH, WSBA #41988  
*Deputy Solicitors General*  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104  
(206) 464-7744

10 **UNITED STATES DISTRICT COURT**  
11 **EASTERN DISTRICT OF WASHINGTON**  
12 **AT YAKIMA**

13 STATE OF WASHINGTON, et  
14 al.,

14 Plaintiffs,

15 v.

16 DONALD J. TRUMP, et al.,

17 Defendants.

NO. 1:20-cv-03127-SAB

DECLARATION OF  
CAROLYN OLSEN IN  
SUPPORT OF PLAINTIFF  
STATES' MOTION FOR  
PRELIMINARY INJUNCTION

18  
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DECLARATION OF  
CAROLYN OLSEN  
NO. 1:20-CV-03127-SAB

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

1 I, Carolyn Olsen, declare as follows:

2 1. I am over the age of 18, am competent to testify as to the matters  
3 herein, and make this declaration based on my personal knowledge.

4 2. I am a retiree and a resident of Port Townsend, Washington.

5 3. I have relied on the U.S. Postal Service to deliver my medication by  
6 mail for several years. I used Postal Prescription Services, a mail order program  
7 based in Portland, Oregon, for at least eight years.

8 4. Before August 2020, I had never received a prescription more than  
9 4 days after a refill or call in by a doctor for that prescription. Generally, it takes  
10 between 2 and 3 days between the order and the delivery to me in Port Townsend,  
11 Washington.

12 5. On August 10, 2020, my doctor called in two prescriptions to Postal  
13 Prescription Services. One of these medications, Chlorthalidone, is used to treat  
14 my high blood pressure; the second, Sertraline HCL, is an anti-depressant. Both  
15 of these medications are critical to my health and well-being.

16 6. I grew concerned when, on or around August 14, 2020, I had not  
17 received my prescription delivery and had been hearing reports of postal delays.  
18 So, on or around August 14, I called Postal Prescription Services to ask about the  
19 status of this prescription delivery. A customer service representative informed  
20 me that Postal Prescription Services had mailed out my prescriptions the same  
21 day my doctor placed the order—on August 10.

22

1           7.     A few days later, I followed-up again with Postal Prescription  
2 Services and got the tracking number. I then called my local Post Office and  
3 learned that my delivery had been stuck at a facility in Federal Way since August  
4 15, 2020. I was told that I should expect to receive my medication by August 20,  
5 2020.

6           8.     My medication did not arrive by August 20, 2020.

7           9.     On or about August 21, 2020, I called the U.S. Postal Service to  
8 report missing mail. An employee took my information, told me she would stamp  
9 my inquiry as URGENT, and would send the inquiry to my local Post Office. My  
10 request number is 14204165.

11          10.    I have since received two emails from the U.S. Postal Service that  
12 have thanked me for my patience and stated that the U.S. Postal Service was  
13 looking into the matter.

14          11.    As of August 31, 2020 I still have not received my prescriptions.

15          12.    Because of my age and my high blood pressure, I am at an increased  
16 risk for severe illness from COVID-19.

17          13.    Due to the risk of exposure to COVID-19, it would be better and  
18 more convenient for me to receive my medication by mail. This way I can avoid  
19 waiting in line at a pharmacy and minimize my exposure by staying at home.

20          14.    Because of my concerns with the delayed delivery, and my worry  
21 that similar issues would come up with replacement medications sent by mail, I  
22

1 | went to my local pharmacy to get my medication to avoid running out of my  
2 | medications.

3 | 15. To do so, I had to remove my prescriptions from Postal Prescription  
4 | Services, because I do not trust that future medications will be delivered in a  
5 | timely and consistent way. The retail pharmacist then had to call my doctor so I  
6 | could get my prescription filled at the local pharmacy.

7 | 16. Postal Prescription Services has been a good service but I think other  
8 | people, like me, will pull their prescriptions out of concern for mail delays.

9 | 17. I have experienced a lot of anxiety and stress because of the delays  
10 | in receiving my medication by mail and the follow-up I had to do. I think this  
11 | stress has increased my blood pressure.

12 | I declare under penalty of perjury under the laws of the United States that  
13 | the foregoing is true and correct.

14 |  
15 | DATED this 31 day of August, 2020, at Port Townsend, Washington.

16 | 

17 | \_\_\_\_\_  
Carolyn Olsen

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DECLARATION OF  
CAROLYN OLSEN  
NO. 1:20-CV-03127-SAB

# Exhibit 29



1 I, Amy Peterson, declare as follows:

2 1. I am over the age of 18, am competent to testify as to the matters  
3 herein, and make this declaration based on my personal knowledge.

4 2. I am currently the Human Resources Supervisor for the Minnesota  
5 Department of Administration.

6 3. As part of my job duties I supervise human resource services for  
7 employees at the Department of Administration, Minnesota Management and  
8 Budget, and nearly thirty small agencies, boards, and councils.

9 4. The human resources department administers Family and Medical  
10 Leave Act (FMLA) services for employees of the relevant agencies, boards, and  
11 councils. One important part of this service is to provide FMLA paperwork to  
12 employees who request leave or who are out on continuous leave.

13 5. Federal regulations require that FMLA paperwork be provided to  
14 employees within certain time deadlines. This time frame can be as short as five  
15 days. The purpose of much of the paperwork is to provide employees timely notice  
16 of their rights and responsibilities under the FMLA.

17 6. Some employees on FMLA leave no longer report to their work site  
18 and paperwork must be sent to their homes. There have been incidents, at least

DECLARATION OF  
AMY PETERSON

2

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

1 two recently, where the United States Postal Service (USPS) has not delivered  
2 time-sensitive FMLA paperwork in a timely manner.

3 7. In one instance paperwork was sent via certified mail on August 18<sup>th</sup>  
4 or 19<sup>th</sup>, and as of the date of this declaration, has still not been delivered.

5 8. These delays prevent employees from completing FMLA paperwork  
6 in a timely manner, limit employees' receipt of timely notice of their legal rights as  
7 contemplated by federal law, place the Department at legal risk of allegations of  
8 failure to comply with the FMLA notice requirements, and prevent managers from  
9 planning for employees' leave while an employee's status is uncertain.

10 9. The Department of Administration also responds to unemployment  
11 claims on behalf of certain state agencies.

12 10. When an individual separates from employment, they can apply for  
13 unemployment benefits through the Minnesota Department of Employment and  
14 Economic Development (DEED). When an individual applies for unemployment  
15 benefits, DEED sends a letter to the employer and typically provides ten days to  
16 respond to the application to dispute the individual's entitlement to unemployment  
17 benefits. If the employer does not respond, the benefits are often approved without  
18 the benefit of the employer's contrary information, and the employer is liable to  
19 pay for those benefits.

DECLARATION OF  
AMY PETERSON

3

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

1           11. There have been instances where unemployment letters from DEED  
2 have been delivered by the USPS after the deadline to respond to the  
3 unemployment application. Those letters must have taken in excess of ten days to  
4 be delivered. This effectively deprives the Department of its right to dispute the  
5 individual's entitlement to benefits.

6           12. On at least two occasions, the Department would have contested an  
7 individual's entitlement to unemployment benefits but was unable to do so because  
8 the unemployment letter from DEED was delivered by the USPS after the deadline  
9 to respond.

10           13. The Department is paying for unemployment benefits that would have  
11 been contested because USPS delivered those letters past the responsive deadline.  
12 Had DEED had the benefit of the Department's information, DEED may have  
13 determined the individual was in fact ineligible for benefits.

14           14. These mail delays are impairing the ability of the Department to  
15 effectively and efficiently administer human resource services to the state agencies  
16 it serves.  
17

DECLARATION OF  
AMY PETERSON

4

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

1 I declare under penalty of perjury under the laws of the States of Washington  
2 and Minnesota and the United States of America that the foregoing is true and  
3 correct.

4 Dated: September 4, 2020

*Amy Peterson*  
\_\_\_\_\_  
AMY PETERSON

5

DECLARATION OF  
AMY PETERSON

5

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
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# Exhibit 30

1 ROBERT W. FERGUSON  
*Attorney General*  
2 NOAH GUZZO PURCELL, WSBA #43492  
*Solicitor General*  
3 NATHAN K. BAYS, WSBA #43025  
KRISTIN BENESKI, WSBA #45478  
4 ANDREW R.W. HUGHES, WSBA #49515  
CRISTINA SEPE, WSBA #53609  
5 *(application for admission forthcoming)*  
*Assistant Attorneys General*  
6 EMMA GRUNBERG, WSBA #54659  
TERA M. HEINTZ, WSBA #54921  
7 *(application for admission forthcoming)*  
KARL D. SMITH, WSBA #41988  
8 *(application for admission forthcoming)*  
*Deputy Solicitors General*  
9 800 Fifth Avenue, Suite 2000  
Seattle, WA 98104  
10 (206) 464-7744

11  
12 **UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF WASHINGTON**  
13 **AT YAKIMA**

14 STATE OF WASHINGTON, et al.,  
15  
Plaintiffs,  
16 v.  
DONALD J. TRUMP, et al.,  
17  
Defendants.

NO. 1:20-cv-03127-SAB  
DECLARATION OF CHRISTOPHER  
E. PIPER IN SUPPORT OF  
PLAINTIFF STATES' MOTION FOR  
PRELIMINARY INJUNCTION

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DECLARATION OF  
CHRISTOPHER E. PIPER

ATTORNEY GENERAL OF VIRGINIA  
202 North Ninth Street  
Richmond, Virginia 23219  
804-692-0558 (telephone)  
804-692-1647 (facsimile)  
clewis@oag.state.va.us

1 I, Christopher E. Piper, declare as follows:

2 1. I am over the age of 18, am competent to testify as to the matters herein, and  
3 make this declaration based on my personal knowledge.

4 2. I am the Commissioner of the Virginia Department of Elections.

5 3. I was appointed to and have served in this position since February 2018.

6 4. As Commissioner, I am also the Chief Election Officer in the Commonwealth.

7 5. Over the subsequent two years, I have overseen six statewide elections, as  
8 well as a number of special and local elections.

9 6. The Virginia Department of Elections is charged with overseeing the work of  
10 the county and city electoral boards and of the registrars of 133 localities to obtain uniformity  
11 in their practices and proceedings and legality and purity in all elections. Va. Code § 24.2-  
12 103(A).

13 7. Under the Virginia Code, any individual may vote absentee without providing  
14 an excuse to do so. *See* Va. Code § 24.2-700.

15 8. Virginia permits any qualified voter to vote absentee after completing and  
16 returning a valid absentee ballot application. Va. Code §§ 24.2-700 and 24.2-701.

17 9. After receiving a valid application for an absentee ballot, the general registrar  
18 enrolls the name and address of the applicant on the absentee voter applicant list. Va. Code  
19 § 24.2-706. The voter then has the ability to vote either in-person absentee, Va. Code §§  
20 24.2-701.1 and 24.2-701.2, or by mail, Va. Code § 24.2-707.

21  
22

DECLARATION OF  
CHRISTOPHER E. PIPER

ATTORNEY GENERAL OF VIRGINIA  
202 North Ninth Street  
Richmond, Virginia 23219  
804-692-0558 (telephone)  
804-692-1647 (facsimile)  
clewis@oag.state.va.us

1           10.     Requests to have an absentee voter ballot mailed must be received by the  
2 general registrar no later than 5:00 p.m. 11 days before the November election. Va. Code  
3 § 24.2-701(B)(2).

4           11.     Absentee ballots must be returned to the general registrar no later than noon  
5 on the third day after the election in order to be counted. Va. Code § 24.2-709(B).

6           12.     General registrars use First Class mail to mail ballots.

7           13.     Absentee voting in Virginia has seen a marked increase since the beginning of  
8 the COVID-19 pandemic. In the 2020 June primary elections, 542,318 total ballots were cast,  
9 and, of those ballots, 105,832 were absentee.

10          14.     In order to meet the increased need for absentee voting during the COVID-19  
11 pandemic, the Virginia Department of Elections has distributed funds provided under the  
12 Coronavirus Aid, Relief, and Economic Security (CARES) Act. Many localities have already  
13 expended those funds for the purpose of preparing and sending a large influx of absentee  
14 ballots.

15          15.     In the 2020 May town and city general and special elections, 139,454 total  
16 ballots were cast, and, of those ballots, 66,333 were absentee.

17          16.     In comparison, for the 2018 May town and city general and special elections,  
18 during which the number of total ballots cast was 130,829, there were only 4,466 absentee  
19 ballots cast.

20          17.     On July 30, Mr. Thomas Marshall, General Counsel for the USPS, sent a letter  
21 to notify me that “certain deadlines for requesting and casting mail-in ballots [in Virginia] are  
22 incongruous with the Postal Service’s delivery standards.” Accordingly, Mr. Marshall

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1 explained that “this mismatch creates a risk that ballots requested near the deadline under  
2 state law will not be returned by mail in time to be counted under your laws as we understand  
3 them.” *See* Ex. A, July 30, 2020 Marshall Letter.

4 18. Mr. Marshall also advised me that, as a result of the Postal Service’s delivery  
5 standards, to the extent the mail is used to transmit ballots to and from voters, “there is  
6 significant risk that, at least in certain circumstances, ballots may be requested in a manner  
7 that is consistent with [Virginia’s] election rules and returned promptly, and yet not be  
8 returned in time to be counted.”

9 19. It remains to be seen what any changes to the USPS system will have on the  
10 absentee voting system in Virginia. Since these changes have been proposed, localities in the  
11 Commonwealth have not had to mail out ballots. The last absentee ballots mailed to voters  
12 were for the July 7 and 14 special elections in Arlington and Smyth Counties, prior to any  
13 proposed postal changes.

14 20. Ballot proofs will begin being reviewed on August 22 and must be mailed out  
15 no later than September 19.

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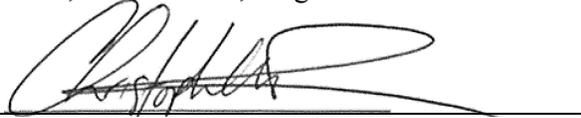
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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATED this 4th day of September, 2020, at Richmond, Virginia.



Christopher E. Piper  
Commissioner, Virginia Department of Elections

DECLARATION OF  
CHRISTOPHER E. PIPER

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**Piper Declaration**  
**Exhibit A**

THOMAS J. MARSHALL  
GENERAL COUNSEL  
AND EXECUTIVE VICE PRESIDENT



July 30, 2020

Honorable Christopher Piper  
Commissioner, Department of Elections  
Washington Building  
1100 Bank Street, Floor 1  
Richmond, VA 23219-3642

Dear Commissioner Piper:

Re: Deadlines for Mailing Ballots

With the 2020 General Election rapidly approaching, this letter follows up on my letter dated May 29, 2020, which I sent to election officials throughout the country. That letter highlighted some key aspects of the Postal Service's delivery processes. The purpose of this letter is to focus specifically on the deadlines for requesting and casting ballots by mail. In particular, we wanted to note that, under our reading of Virginia's election laws, certain deadlines for requesting and casting mail-in ballots may be incongruous with the Postal Service's delivery standards. This mismatch creates a risk that ballots requested near the deadline under state law will not be returned by mail in time to be counted under your laws as we understand them.

As I stated in my May 29 letter, the two main classes of mail that are used for ballots are First-Class Mail and USPS Marketing Mail, the latter of which includes the Nonprofit postage rate. Voters must use First-Class Mail (or an expedited level of service) to mail their ballots and ballot requests, while state or local election officials may generally use either First-Class Mail or Marketing Mail to mail blank ballots to voters. While the specific transit times for either class of mail cannot be guaranteed, and depend on factors such as a given mailpiece's place of origin and destination, most domestic First-Class Mail is delivered 2-5 days after it is received by the Postal Service, and most domestic Marketing Mail is delivered 3-10 days after it is received.

To account for these delivery standards and to allow for contingencies (e.g., weather issues or unforeseen events), the Postal Service strongly recommends adhering to the following timeframe when using the mail to transmit ballots to domestic voters:

- **Ballot requests:** Where voters will both receive and send a ballot by mail, voters should submit their ballot request early enough so that it is received by their election officials at least 15 days before Election Day at a minimum, and preferably long before that time.
- **Mailing blank ballots to voters:** In responding to a ballot request, election officials should consider that the ballot needs to be in the hands of the voter so that he or she has adequate time to complete it and put it back in the mail stream so that it can be processed and delivered by the applicable deadline. Accordingly, the Postal Service recommends that election officials use First-Class Mail to transmit blank ballots and allow 1 week for delivery to voters. Using Marketing Mail will result in slower delivery times and will increase the risk that voters will not receive their ballots in time to return them by mail.

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WASHINGTON DC 20260-1100  
PHONE: 202-268-5555  
FAX: 202-268-6981  
THOMAS.J.MARSHALL@USPS.GOV  
WWW.USPS.COM

- 2 -

- **Mailing completed ballots to election officials:** To allow enough time for ballots to be returned to election officials, domestic voters should generally mail their completed ballots at least one week before the state's due date. In states that allow mail-in ballots to be counted if they are *both* postmarked by Election Day *and* received by election officials by a specific date that is less than a week after Election Day, voters should mail their ballots at least one week before they must be received by election officials. So, for example, if state law requires a mail-in ballot to be postmarked by Tuesday, November 3, and received by Friday, November 6, voters should mail their ballot by Friday, October 30, to allow enough time for the ballots to be delivered by November 6. Voters must also be aware of the posted collection times on collection boxes and at the Postal Service's retail facilities and that ballots entered after the last posted collection time on a given day will not be postmarked until the following business day.

Under our reading of your state's election laws, as in effect on July 27, 2020, certain state-law requirements and deadlines appear to be incompatible with the Postal Service's delivery standards and the recommended timeframe noted above. As a result, to the extent that the mail is used to transmit ballots to and from voters, there is a significant risk that, at least in certain circumstances, ballots may be requested in a manner that is consistent with your election rules and returned promptly, and yet not be returned in time to be counted.

Specifically, it appears that a voter may generally request a ballot as late as 11 days before the election, and that a completed ballot must be postmarked by Election Day and received by election officials no later than 3 days after the election. It also appears that election officials have 3 business days to transmit a ballot to the voter in response to a request. If a voter submits a request at or near the ballot-request deadline, and if the election official transmits the ballot to the voter by mail 3 business days later, there is a risk that the voter will not receive the ballot before the postmarking deadline or have sufficient time to complete and mail the completed ballot back to election officials in time for it to arrive by the state's receipt deadline. Also, please note that, given the delivery standards for First-Class Mail, there is a risk that completed ballots postmarked on Election Day itself will not be delivered in time to meet the state's receipt deadline of November 6. As noted above, voters who choose to mail their ballots should do so no later than Friday, October 30.

To be clear, the Postal Service is not purporting to definitively interpret the requirements of your state's election laws, and also is not recommending that such laws be changed to accommodate the Postal Service's delivery standards. By the same token, however, the Postal Service cannot adjust its delivery standards to accommodate the requirements of state election law. For this reason, the Postal Service asks that election officials keep the Postal Service's delivery standards and recommendations in mind when making decisions as to the appropriate means used to send a piece of Election Mail to voters, and when informing voters how to successfully participate in an election where they choose to use the mail. It is particularly important that voters be made aware of the transit times for mail (including mail-in ballots) so that they can make informed decisions about whether and when to (1) request a mail-in ballot, and (2) mail a completed ballot back to election officials.

We remain committed to sustaining the mail as a secure, efficient, and effective means to allow citizens to participate in the electoral process when election officials determine to utilize the mail as a part of their election system. Ensuring that you have an understanding of our operational capabilities and recommended timelines, and can educate voters accordingly, is important to achieving a successful election season. Please reach out to your assigned election mail coordinator to discuss the logistics of your mailings and the services that are available as well as any questions you may have. A list of election mail coordinators may be found on our website at: <https://about.usps.com/election-mail/politicaelection-mail-coordinators.pdf>.

- 3 -

We hope the information contained in this letter is helpful, and please let me know if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas J. Marshall". The signature is fluid and cursive, with the first name "Thomas" and last name "Marshall" clearly legible.

Thomas J. Marshall

# Exhibit 31



1 I, Amy Puhalski, declare as follows:

2 1. I am over the age of 18, am competent to testify as to the matters  
3 herein, and make this declaration based on my personal knowledge.

4 2. I am the local president for the Western Michigan Area Local  
5 American Postal Workers Union and my office is inside the United States Post  
6 Office in Grand Rapids, MI at 225 Michigan St NW.

7 3. Among other duties, I supervise the officers and stewards of our  
8 local union.

9 4. I have personally observed that two Delivery Bar Code Sorter  
10 machines have been removed from the United States Post Office in Grand  
11 Rapids, MI at 225 Michigan St NW. Two more machines were slated to be  
12 removed and are currently not being used. A fifth Delivery Bar Code Sorter  
13 going to be moved at the facility, power has been cut from this Delivery Bar Code  
14 Sorter, but it has not been moved and it is not in use.

15 5. I have personally observed that an automated flat sorter machine  
16 was removed from the United States Post Office in Kentwood, MI. The  
17 automated flat sorter machine has been physically removed and the parts have  
18 been or are in the process of being scrapped.

19 6. The automated flat sorter machine sorts flats, mail that cannot go  
20 through Delivery Bar Code Sorter, and can process approximately 16,000 pieces  
21 of mail per hour.

22

DECLARATION OF PUHALSKI

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

1           7.     The Delivery Bar Code Sorter puts the mail in a walking route for  
2 postal workers so they can deliver the mail and the machine can process  
3 approximately 36,000 letters per hour for delivery by mail carriers.

4           8.     I personally spoke with the maintenance staff that was removing  
5 these sorting machines and they explained that removal and disassembly actions  
6 were taking place through 4:00 pm on August 18, 2020.

7           9.     I am aware that the Western Michigan Post Offices have been  
8 operating under a new policy that no postal trucks are to leave late. Prior to this  
9 policy, if postal employees were in the midst of sorting mail, they would finish  
10 sorting and that mail would be placed on the truck for that day's delivery. Now,  
11 under the new policy, a considerable amount of mail does not get placed on the  
12 truck and must await the next day's delivery.

13           10.    On the morning of August 19, 2020, I witnessed that a considerable  
14 amount of mail from the Kalamazoo and Holland jurisdictions did not make that  
15 day's truck and had to wait for delivery the following day.

16           11.    I am also aware that within the Western Michigan Post Offices a  
17 policy of no early overtime has been implemented. This makes it more likely  
18 that mail will not be sorted in time to be timely delivered.

19           12.    Prior to this no-early-overtime policy, employees could take  
20 overtime prior to their normal "tour" (shift), which was helpful for same-day  
21 processing. Although under the new policy employees can take overtime at the  
22

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end of the day, the mail that is processed during this overtime will not go out for delivery until the following day.

I declare under penalty of perjury under the laws of the State of Michigan and the United States that the foregoing is true and correct.

DATED this 20 day of August, 2020, at Grand Rapids, Michigan.

  
\_\_\_\_\_  
Amy Puhalski  
Local President, Western Michigan Area Local  
American Postal Workers Union

DECLARATION OF PUHALSKI

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
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# Exhibit 32

1 ROBERT W. FERGUSON  
*Attorney General*  
2 NOAH GUZZO PURCELL, WSBA #43492  
*Solicitor General*  
3 NATHAN K. BAYS, WSBA #43025  
4 KRISTIN BENESKI, WSBA #45478  
5 ANDREW R.W. HUGHES, WSBA #49515  
6 CRISTINA SEPE, WSBA #53609  
*Assistant Attorneys General*  
7 EMMA GRUNBERG, WSBA #54659  
8 TERA M. HEINTZ, WSBA #54921  
*(application for admission forthcoming)*  
9 KARL D. SMITH, WSBA #41988  
*Deputy Solicitors General*  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104  
(206) 464-7744

10 **UNITED STATES DISTRICT COURT**  
11 **EASTERN DISTRICT OF WASHINGTON**  
12 **AT YAKIMA**

13 STATE OF WASHINGTON, et  
14 al.,

14 Plaintiffs,

15 v.

16 DONALD J. TRUMP, et al.,

17 Defendants.

NO. 1:20-cv-03127-SAB

DECLARATION OF KRISTIN  
A. RICHARDS IN SUPPORT  
OF PLAINTIFF STATES'  
MOTION FOR PRELIMINARY  
INJUNCTION

18  
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DECLARATION OF  
KRISTIN A. RICHARDS

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

1 I, KRISTIN A. RICHARDS, declare:

2 1. I am a resident of the State of Illinois. I am over the age of 18 and make this  
3 declaration from personal knowledge and based on records from the Illinois Department of  
4 Employment Security (“IDES”). If called as a witness, I could and would testify competently  
5 to all the matters set forth below.

6 2. I am the Acting Director of IDES. I am responsible for overseeing the day to day  
7 operations of IDES. I coordinate with IDES staff to develop policies, objectives, and initiatives  
8 to further IDES’ mission to serve its community. I have held this position since August 10,  
9 2020.

10 3. Our mission is to serve Illinois workers and employers by administering  
11 unemployment insurance, programs created in Illinois under the Workforce Innovation and  
12 Opportunity Act, and other federal programs to the best of our ability and to use our knowledge  
13 of the Illinois workforce to inform sound policy decision making for Illinois residents and  
14 employers.

15 4. Between March 1, 2020 and August 29, 2020, IDES administered regular  
16 unemployment insurance under the Illinois Unemployment Insurance Act, 820 ILCS 405/100  
17 *et seq.*, as well as benefits pursuant to the Pandemic Unemployment Assistance (“PUA”) and  
18 Pandemic Emergency Unemployment Compensation (“PEUC”) programs created by the  
19 Coronavirus Aid, Relief, and Economic Security (“CARES”) Act, PL 116-136, for  
20 approximately 2,436,853 initial unemployment claims. This amounts to an increase of over  
21 860% of the initial unemployment claims for the same period one year ago. Since the COVID-

22

DECLARATION OF  
KRISTIN A. RICHARDS

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
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1 19 pandemic began in March 2020, IDES has seen a significant surge in applications for  
2 unemployment, and we anticipate that number to continue to increase.

3 5. Prompt mail service is necessary for the effective and efficient administration of  
4 unemployment benefits. Otherwise, our recipients will experience significant delays to their  
5 detriment. For example, the notices we mail trigger a number of rights for both claimants and  
6 employers that run on a tight timeline for receiving and appealing services that are awarded or  
7 denied. Employers have 10 days from the date a Notice to Chargeable Employer is mailed out  
8 by IDES to protest a claim. 56 Ill. Admin. Code 2720.130(a). Following a determination or  
9 decision granting or denying benefits, the right to appeal is lost after 30 days once the  
10 determination or decision is mailed by the agency. 820 ILCS 405/800.

11 6. Furthermore, parties have 35 days from the mailing of a final administrative  
12 decision to file a complaint in circuit court or lose their right to judicial review. 735 ILCS 5/3-  
13 103. If mail service is delayed, the recipient has a shorter amount of time to invoke their rights;  
14 no time at all if the delay is long enough. This could result in claimants losing their rightful  
15 benefits or employers losing the right to appeal. The law is clear that once the deadlines have  
16 passed, IDES loses jurisdiction: Illinois courts reviewing these statutory time limits have  
17 consistently declined to insert jurisdictional exemptions into the Act. *See Thompson v IDES*,  
18 399 Ill. App. 3d 393, 928 N.E.2d 528 (1st Dist. 2010).

19 7. Even when the COVID-19 pandemic eventually subsides, IDES will still be  
20 required to serve a significant population. In the years immediately prior to the pandemic,  
21 IDES received an average of 490,000 initial unemployment claims per year. Any purported  
22

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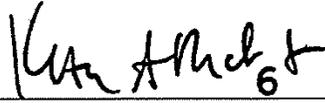
1 future changes to USPS operations would still cause significant disruptions to benefit  
2 recipients and employers.

3 8. While direct deposit is available, a significant number of claimants voluntarily  
4 choose to rely on a debit card to collect their benefits, which is an option that they are permitted  
5 to do. 56 Ill. Admin. Code 2720.11. This debit card is mailed to the claimant. Aside from the  
6 postal service, no other viable method exists to send debit cards to these particular constituents.  
7 Private delivery or courier services are simply cost-prohibitive. As a result, IDES (working  
8 through its subcontractor) relies heavily upon USPS to ensure the timely and efficient delivery  
9 of debit benefit cards to qualified recipients.

10 9. Fundamentally, delays in mail service can impact the ability of individuals and  
11 households who are suffering from unemployment to meet their basic needs. Delays could  
12 cause significant and unavoidable suffering and financial insecurity for both individuals and  
13 employers. Individuals may be forced to make impossible decisions, like accruing debt they  
14 cannot afford, or forfeiting basic necessities like housing, food, and medication simply because  
15 they have not received their benefits on time.

16 **I declare under penalty of perjury under the laws of the State of Washington and**  
17 **Illinois and the United States that the foregoing is true and correct.**

18 DATED this 4th day of September 2020, at Chicago, Illinois.

19   
20 \_\_\_\_\_  
21 KRISTIN A. RICHARDS  
22 Acting Director  
Illinois Department of Employment Security

DECLARATION OF  
KRISTIN A. RICHARDS

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

# Exhibit 33



1 I, Robert Rock, declare as follows:

2 1. I am over the age of 18, am competent to testify as to the matters  
3 herein, and make this declaration based on my personal knowledge.

4 2. I am the Director of Elections for the Rhode Island Department of  
5 State.

6 3. In this role, my responsibilities include overseeing the mail ballot  
7 process including ensuring all mail ballot voters receive their mail ballots so they  
8 can vote and send their ballot back in time to be counted.

9 4. The Rhode Island Department of State, together with the Rhode  
10 Island Board of Elections, has broad responsibility over the administration of  
11 elections in the State.

12 5. Rhode Island voters can vote by mail for any of the reasons  
13 enumerated in R.I. Gen. Laws § 17-20-2, including when any voter “may not be  
14 able to vote at his or her polling place in his or her city or town on the day of the  
15 election.” Thus, after completing a mail ballot application, any registered Rhode  
16 Island voter may vote by mail during the COVID-19 pandemic.

17 6. Due to the impact of the COVID-19 pandemic on voting in Rhode  
18 Island, I anticipate that a significant number of ballots cast in the 2020 September  
19 primary and November general election will be mail ballots.  
20  
21  
22

DECLARATION OF ROBERT  
ROCK

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
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1           7.     Due to the impact of the COVID-19 pandemic on voting in Rhode  
2 Island, the majority of ballots cast in the June 2020 Presidential Preference  
3 Primary were mail ballots.

4           8.     An analysis by the Rhode Island Department of State of voters who  
5 submitted mail ballots in Rhode Island's June 2020 Presidential Preference  
6 Primary, conducted in the midst of the COVID-19 pandemic, concluded that  
7 many Rhode Islanders who voted by mail were senior citizens.

8           9.     In order to receive a mail ballot, a Rhode Island voter must fill out a  
9 mail ballot application and send or deliver it to the appropriate state or local  
10 official; depending on the election, Boards of Canvassers of Rhode Island's  
11 thirty-nine cities and towns, or the state, will receive mail ballot applications.

12          10.    Beginning the week of September 7, 2020, the Rhode Island  
13 Department of State intends to send each active, eligible voter in Rhode Island a  
14 mail ballot application for the November 2020 general election.

15          11.    For the September 2020 primary election, mail ballot applications  
16 must be received by the Boards of Canvassers by Tuesday, August 18, 2020, at  
17 4:00 PM EST in order for the voter to be eligible to receive a mail ballot.

18          12.    For the November 2020 general election, mail ballot applications  
19 must be received by the Local Boards of Canvassers or the state no later than  
20 Tuesday, October 13, 2020, at 4:00 PM EST in order for the voter to be eligible  
21 to receive a mail ballot.

22

DECLARATION OF ROBERT  
ROCK

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Complex Litigation Division  
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1           13. Upon receipt by a Board of Canvassers or the state, mail ballot  
2 application authentication is undertaken by the Board of Canvassers. Not later  
3 than 4:00 p.m. EST on the eighteenth (18th) day before the date of any election,  
4 or within seven (7) days of receipt by the local board, whichever occurs first, the  
5 Board of Canvassers must either certify or reject a mail ballot application. *See*  
6 *R.I. Gen. Laws § 17-20-10(c)*. At the culmination of the authentication process,  
7 which includes an analysis to verify the authenticity of the voter’s signature on  
8 the mail ballot application, the mail ballot may be rejected or approved. If there  
9 is a ballot application deficiency, the Board of Canvassers should mail a notice  
10 of deficiency to the applicant (or otherwise contact the applicant) and provide the  
11 applicant an opportunity to cure the deficiency. If the mail ballot application is  
12 approved, a Board of Canvassers should certify the mail ballot application and  
13 input the voter’s information into Rhode Island’s Central Voter Registration  
14 System. Inputting the voter’s mail ballot information into the Central Voter  
15 Registration System triggers the Rhode Island Department of State’s mail ballot  
16 vendor (“the vendor”) to send a mail ballot to the voter.

17           14. The Department of State’s mail ballot vendor is located in Everett,  
18 Washington.

19           15. Each day that the Boards of Canvassers certify mail ballot  
20 applications, the vendor receives a list of all voters whose mail ballot applications  
21 have been approved that day. The vendor mails via First-Class Mail, mail ballots  
22

DECLARATION OF ROBERT  
ROCK

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
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Seattle, WA 98104-3188  
(206) 464-7744

1 to these voters on a rolling basis no later than two days after receipt of the list of  
2 approved mail ballot applications.

3 16. The vendor prints all mail ballots for Rhode Island voters at its  
4 headquarters in Everett, Washington. The vendor then sends the mail ballots to  
5 all Rhode Island voters using the Seattle, Washington mail processing facility.  
6 The mail ballots are then typically delivered to Boston, Massachusetts and then  
7 trucked to a Rhode Island mail processing facility.

8 17. While a large majority of Rhode Island mail ballots will be sent by  
9 the vendor to Rhode Islanders at their homes in Rhode Island, some Rhode  
10 Islanders are expected to request that mail ballots be sent to temporary addresses  
11 outside of Rhode Island due to temporarily residing in such a state. For example,  
12 certain out-of-state college students and members of the Armed Forces may  
13 request their mail ballots be sent to temporary addresses outside of Rhode Island.

14 18. Upon receipt of a mail ballot, a Rhode Island voter fills out the mail  
15 ballot, places the mail ballot in an oath envelope, signs the oath envelope to  
16 authenticate the ballot, and places the signed oath envelope in a pre-paid postage  
17 envelope.

18 19. The pre-paid postage on the mail ballot envelopes is United States  
19 Postal Service First-Class Mail.

20 20. The voter may then deposit the mail ballot envelope in one of a  
21 limited number of secure ballot drop boxes in Rhode Island, or in a mail box  
22

DECLARATION OF ROBERT  
ROCK

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
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1 either in Rhode Island or outside the State if the voter is temporarily residing  
2 outside of Rhode Island.

3 21. According to Rhode Island law, mail ballots must be *received* by the  
4 Rhode Island Board of Elections by 8:00 PM EST on Election Day in order to be  
5 counted. R.I. Gen. Laws § 17-20-8.

6 22. In order for a person's mail ballot to count, therefore, Rhode Island's  
7 mail balloting process is statutorily dependent upon the timely processing and  
8 receipt of mail ballots by the United States Postal Service.

9 23. In Rhode Island's 2020 Presidential Preference Primary election,  
10 many postal workers in Rhode Island went above and beyond their job duties to  
11 ensure that all timely posted ballots were delivered to the Rhode Island Board of  
12 Elections on time, which was a challenge given the much higher than usual  
13 volume of mailed ballots. For example, 38,662 people voted in the 2004  
14 Presidential Preference Primary, and 23,200 people voted in the 2012  
15 Presidential Preference Primary – the two most recent Rhode Island Presidential  
16 Preference Primaries that also featured an incumbent president of one major party  
17 and an ongoing primary for the other party. See  
18 [https://elections.ri.gov/publications/Election\\_Publications/Countbooks/2004%20](https://elections.ri.gov/publications/Election_Publications/Countbooks/2004%20Count%20Book.pdf)  
19 [Count%20Book.pdf](https://elections.ri.gov/publications/Election_Publications/Countbooks/2004%20Count%20Book.pdf) and  
20 [https://elections.ri.gov/publications/Election\\_Publications/Countbooks/2012%20](https://elections.ri.gov/publications/Election_Publications/Countbooks/2012%20Countbook%20Official.pdf)  
21 [Countbook%20Official.pdf](https://elections.ri.gov/publications/Election_Publications/Countbooks/2012%20Countbook%20Official.pdf). By comparison, 125,991 voted in the 2020  
22

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ROCK

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Complex Litigation Division  
800 5th Avenue, Suite 2000  
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1 Presidential Preference Primary, with 104,542 of those voters voting by mail  
2 ballots. *See*  
3 [https://www.ri.gov/election/results/2020/presidential\\_preference\\_primary](https://www.ri.gov/election/results/2020/presidential_preference_primary).

4 24. Considering the volume of expected mail ballots for the September  
5 primary and the November general election, any changes instituted by the USPS  
6 that slow the delivery of mail may threaten to delay the delivery of mail ballot  
7 applications and mail ballots in a timely manner.

8 25. I also expect, with the likelihood of a high turnout and heavy  
9 reliance on voting by mail for this impending election, that any United States  
10 Postal Service disruptions could threaten to disenfranchise voters and  
11 additionally could compromise the integrity of election results if the delivery of  
12 ballots are delayed such that they will not be counted.

13 26. Finally, because Rhode Island voters are expected to vote by mail  
14 from outside of Rhode Island, any United States Postal Service delays in  
15 jurisdictions outside of Rhode Island may disenfranchise Rhode Islanders  
16 temporarily living out of the state and threaten to impede Rhode Island's efforts  
17 to timely and efficiently count mail ballots.

18 27. Thus any changes instituted by United States Postal Service that  
19 slow mail delivery could have the potential to negatively impact Rhode Island's  
20 upcoming 2020 primary and general elections by making voting by mail less  
21 timely and reliable.

22

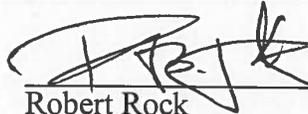
DECLARATION OF ROBERT  
ROCK

ATTORNEY GENERAL OF WASHINGTON  
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28. I declare under penalty of perjury under the laws of the State of Washington and the United States that the foregoing is true and correct.

DATED this 5<sup>th</sup> day of September, 2020, at Providence, Rhode Island.



Robert Rock  
Director of Elections  
Rhode Island Department of State

DECLARATION OF ROBERT  
ROCK

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

# Exhibit 34

1 ROBERT W. FERGUSON  
*Attorney General*  
2 NOAH GUZZO PURCELL, WSBA #43492  
*Solicitor General*  
3 NATHAN K. BAYS, WSBA #43025  
4 KRISTIN BENESKI, WSBA #45478  
5 ANDREW R.W. HUGHES, WSBA #49515  
6 CRISTINA SEPE, WSBA #53609  
*Assistant Attorneys General*  
7 EMMA GRUNBERG, WSBA #54659  
8 TERA M. HEINTZ, WSBA #54921  
*(application for admission forthcoming)*  
9 KARL D. SMITH, WSBA #41988  
*Deputy Solicitors General*  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104  
(206) 464-7744

10 **UNITED STATES DISTRICT COURT**  
11 **EASTERN DISTRICT OF WASHINGTON**  
12 **AT YAKIMA**

13 STATE OF WASHINGTON, et  
14 al.,

14 Plaintiffs,

15 v.

16 DONALD J. TRUMP, et al.,

17 Defendants.

NO. 1:20-cv-03127-SAB

DECLARATION OF  
RANDALL ROSENBAUM IN  
SUPPORT OF PLAINTIFF  
STATES' MOTION FOR  
PRELIMINARY INJUNCTION

18  
19  
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DECLARATION OF RANDALL  
ROSENBAUM

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

1 I, Randall Rosenbaum, declare as follows:

2 1. I am over the age of 18, am competent to testify as to the matters herein,  
3 and make this declaration based on my personal knowledge.

4 2. I am a resident of Rhode Island, residing at 108 Boyce Avenue, Pawtucket,  
5 Rhode Island, 02861-2818.

6 3. I am a subscriber to the United States Postal Service (“USPS”) Informed  
7 Delivery program.

8 4. USPS Informed Delivery scans the exterior of mail that is going to be  
9 delivered to me soon and emails me a digital preview.

10 5. Since I began to subscribe to Informed Delivery approximately one year  
11 ago, the emails regularly displayed images of mail that would be delivered  
12 later on the same day I received the email.

13 6. For example, at approximately 7:30 AM I would typically receive an email  
14 displaying images of one to eight pieces of mail, and USPS would typically  
15 deliver all of those items of mail on the same day.

16 7. Sometime between the beginning and middle of July 2020, I noticed that  
17 items appearing in my daily email would frequently not be delivered on  
18 that day. Instead, some items of mail would frequently arrive one or two  
19 days after they appeared in my email through the Informed Delivery  
20 service.

21 8. I began to notice that one or several items from the daily emails would not  
22 appear in my mailbox that day, but appear the next day, or even two days  
23 later.

24 9. On rare occasions, an item would not be delivered until three days later.

DECLARATION OF RANDALL  
ROSENBAUM

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
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1 10.I began to document the decline in this service, and ran two tests during  
2 “control periods,” where I compared the percentage of items carried over  
3 from one day to the next.

4 11.The first control period is the period of June 8, 2020 through June 20, 2020.  
5 The second is from August 10, 2020 through August 20, 2020.

6 12.From June 8, 2020 through June 20, 2020, I was scheduled to receive 34  
7 pieces of mail in total, and 3 pieces did not arrive until the following day.  
8 Thus 9% of my mail was not delivered on the day that it was scanned and  
9 emailed to me.

10 13.From August 10, 2020 through August 20, 2020, I was scheduled to  
11 receive 55 pieces of mail. 16 pieces did not arrive until the following day  
12 or later. Thus 29% of my mail was not delivered on the day that it was  
13 scanned and emailed to me.

14 14.Based upon my experience with the Informed Delivery program, I believe  
15 that USPS service has substantially declined since approximately July  
16 2020 and resulted in slowed delivery of mail.

17 15.I declare under penalty of perjury under the laws of the State of Rhode  
18 Island and the United States that the foregoing is true and correct.

19 DATED this 7th day of September, 2020, at Pawtucket, Rhode Island.

20

21

22

23

24



Randall Rosenbaum

DECLARATION OF RANDALL  
ROSENBAUM

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
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# Exhibit 35



1 I, Kathie Rumbley, declare as follows:

2 1. I am a resident of Parkville, Maryland and have lived in the same  
3 location for 41 years. I worked 30 years and retired from Maryland Public  
4 Television as Special Events Manager, worked as an Administrator for Johns  
5 Hopkins School for Public Health and as Executive Secretary at CareFirst Blue  
6 Cross/Blue Shield.

7 2. I am aware that the Postmaster General of the United States has  
8 made policy changes that have affected postal service, and I am further aware  
9 that the State of Maryland and other states have filed this lawsuit challenging  
10 those policy changes.

11 3. We live in Parkville and are experiencing postal service issues. I  
12 come from a background of postal letter carriers. My husband retired from the  
13 Towson Branch, as did his father. We know how the mail should be delivered  
14 and how it's managed. What we're experiencing is out of the ordinary.

15 4. Our family has been enrolled in Informed Delivery from the USPS  
16 for many years. We are able to view what mail is scheduled to be delivered each  
17 day. Many days we have not received the mail we should until at least three days  
18 later or in some instances, never. Some of this mail was important like bills,  
19 which I had to call and get re-sent. Since June, we have regularly not received  
20 any mail for three days or more. Recently, I was to receive a package that was  
21 sent on July 9 from New York. The tracking info showed that it was sitting in  
22

DECLARATION OF KATHIE  
RUMBLEY

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

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the Parkville Post Office for over three weeks Office until it was finally delivered on July 31.

5. Most disturbingly, on August 5 I received an Informed Delivery Notice indicating that I was going to be delivered Official Election Mail, marked First Class. I did not receive it until August 14.

I declare under penalty of perjury under the laws of the State of Washington and the United States that the foregoing is true and correct.

DATED this 4th day of September, 2020, at Ocean City, Maryland.

  
\_\_\_\_\_  
KATHIE RUMBLEY

DECLARATION OF KATHIE RUMBLEY

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
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# Exhibit 36

1 ROBERT W. FERGUSON  
*Attorney General*  
2 NOAH GUZZO PURCELL, WSBA #43492  
*Solicitor General*  
3 NATHAN K. BAYS, WSBA #43025  
4 KRISTIN BENESKI, WSBA #45478  
5 ANDREW R.W. HUGHES, WSBA #49515  
6 CRISTINA SEPE, WSBA #53609  
*Assistant Attorneys General*  
7 EMMA GRUNBERG, WSBA #54659  
8 TERA M. HEINTZ, WSBA #54921  
*(application for admission forthcoming)*  
9 KARL D. SMITH, WSBA #41988  
*Deputy Solicitors General*  
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(206) 464-7744

10 **UNITED STATES DISTRICT COURT**  
11 **EASTERN DISTRICT OF WASHINGTON**  
12 **AT YAKIMA**

13 STATE OF WASHINGTON, et  
14 al.,

15 Plaintiffs,

16 v.

17 DONALD J. TRUMP, et al.,

18 Defendants.

NO. 1:20-cv-03127-SAB

DECLARATION OF STEVE  
SIMON IN SUPPORT OF  
PLAINTIFF STATES' MOTION  
FOR PRELIMINARY  
INJUNCTION

19 I, Steve Simon, declare as follows:

20 1. I am over the age of 18, am competent to testify as to the matters  
21 herein, and make this declaration based on my personal knowledge and on my  
22

DECLARATION OF  
STEVE SIMON

1 review of data and documents maintained by the Minnesota Office of Secretary of  
2 State during the course of everyday business.

3 2. I am the twenty-second and current Secretary of State of the Plaintiff  
4 State of Minnesota. I was elected to this office in 2014 and began my term in office  
5 in January 2015.

6 3. Prior to my election as Secretary of State, I was a member of the  
7 Minnesota House of Representatives for ten years, and I chaired the Elections  
8 Committee in that body for part of my tenure.

9 4. Based on my experience as Secretary of State and as a legislator, I am  
10 familiar with all of the details of elections, including the mechanics of both  
11 absentee and mail balloting as practiced in Minnesota, and have sponsored and  
12 successfully enacted legislation regarding these matters, including a statutory  
13 change that expanded Minnesotans' opportunities to use absentee balloting by  
14 eliminating the requirement that voters may request an absentee ballot only if they  
15 cannot vote in person for one of a specified list of reasons.

16 5. Minnesota law provides for both absentee balloting and mail  
17 balloting. Absentee balloting provides a mechanism for voting without traveling to  
18 a polling place on election day. Mail balloting is a separate system that is available  
19 as an option to municipalities in particular rural areas as specified by state law.

DECLARATION OF  
STEVE SIMON

2

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

1 Elections in municipalities choosing the mail balloting option are conducted  
 2 entirely by mail, with no local polling places available for voters to cast ballots.

3 6. Absentee and mail voting have always been safe, secure, and efficient  
 4 processes that have reliably worked in this state. Minnesota is one of the states that  
 5 instituted absentee balloting for the benefit of soldiers who were away from their  
 6 state during the Civil War. Absentee balloting has been used in every election  
 7 conducted in Minnesota since 1862. The separate mail balloting system has been in  
 8 place since 1987.

9 7. Minnesota voters use absentee and mail balloting at every election.  
 10 According to documents that the Secretary of State’s Office maintains in the usual  
 11 course of business, the usage levels of these procedures in recent Minnesota  
 12 elections have included the following:

<b>Election</b>	<b>Absentee Ballots Accepted</b>	<b>Mail Ballots Accepted</b>
August 2014 statewide primary	27,209	18,158
November 2014 statewide general	196,266	37,366
August 2016 statewide primary	23,050	18,435
November 2016 statewide general	616,309	60,160
August 2018 statewide primary	103,023	40,952

DECLARATION OF  
 STEVE SIMON

3

ATTORNEY GENERAL OF WASHINGTON  
 Complex Litigation Division  
 800 5th Avenue, Suite 2000  
 Seattle, WA 98104-3188  
 (206) 464-7744

Election	Absentee Ballots Accepted	Mail Ballots Accepted
November 2018 statewide general	561,385	77,196
March 2020 presidential nominating primary	98,952	46,871
August 2020 statewide primary	462,903	80,244

1           8.     In addition to Minnesotans’ long history of using absentee and mail  
2 ballots to exercise their right to vote, the current COVID-19 health pandemic  
3 presents further challenges that may make voting in person more difficult for many  
4 voters, particularly those who are at a higher risk of contracting the virus. It is my  
5 considered expectation that, in large part as a result, a total of between 1.4 million  
6 and 1.5 million absentee and mail ballots will be cast in Minnesota’s  
7 November 2020 general election. This estimate is based on the number of persons  
8 who, by the time of the August 11, 2020 primary, had already requested absentee  
9 ballots for both the primary and the general election or will be voting with mail  
10 ballots. Moreover, turnout increases substantially in Minnesota in presidential  
11 elections, and Minnesota frequently leads the nation in the percentage of voters  
12 participating in the presidential election. For example, 74.72 percent of the state’s  
13 voting-age population participated in the 2016 presidential election.

14           9.     1,340 of Minnesota’s 4,110 precincts will use mail balloting in the  
15 2020 statewide general election. These precincts currently have a total of 217,056

DECLARATION OF  
STEVE SIMON

ATTORNEY GENERAL OF WASHINGTON  
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1 registered voters. There were 80,244 votes cast in these precincts in the August  
2 primary, all of them by mail. It is likely that there will be substantially more votes  
3 cast in the same precincts this November for the reasons discussed above.

4 10. In addition to mail and standard absentee ballots, in each general  
5 election thousands of Minnesota voters use overseas and military absentee  
6 balloting, which follows a slightly different process but still relies on the United  
7 States Mail for delivery to election officials. For example, in the November 2016  
8 general election, 11,594 of the 616,309 absentee ballots that Minnesota election  
9 officials accepted and counted were submitted via the overseas and military  
10 absentee balloting process.

11 11. For the vast majority of Minnesotans casting a ballot via either  
12 absentee balloting or mail balloting, using these procedures requires relying on the  
13 United States Postal Service to transmit a ballot. Unlike other states, Minnesota has  
14 no statutory infrastructure regarding drop boxes, which reduces options for  
15 mitigating postal delays for state residents seeking to return completed absentee  
16 ballots.

17 12. Within Minnesota's borders are eleven federally recognized Native  
18 American tribal communities, many of whose members reside on reservations  
19 where reliable mail service has long been a challenge. On those reservations, more

DECLARATION OF  
STEVE SIMON

5

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
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1 than 30 percent of Native people live in poverty, a problem that has only been  
2 exacerbated by the COVID-19 pandemic. This poverty is frequently accompanied  
3 by health problems that increase the risk of death or severe illness from exposure  
4 to the coronavirus. Registered voters on reservations are fewer, with greater  
5 distances between them, and voters often lack access to transportation and the  
6 internet. All of these facts make Native American voters who live on reservations  
7 even more dependent on reliable mail service to submit ballots than are voters in  
8 other areas.

9 13. For all of these reasons, changes to USPS procedure and machinery  
10 that result in delays to the delivery of U.S. Mail risk broad and serious injury to the  
11 voting rights of more than a million Minnesota voters. A large portion of the  
12 Minnesota electorate could be disenfranchised by a substantial slow-down in mail  
13 delivery during the fall of 2020.

14 I declare under penalty of perjury under the laws of the States of Washington  
15 and Minnesota and the United States that the foregoing is true and correct.

16 Dated: August 18, 2020



STEVE SIMON

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DECLARATION OF  
STEVE SIMON

# Exhibit 37

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ROBERT W. FERGUSON  
*Attorney General*  
NOAH GUZZO PURCELL, WSBA #43492  
*Solicitor General*  
NATHAN K. BAYS, WSBA #43025  
KRISTIN BENESKI, WSBA #45478  
ANDREW R.W. HUGHES, WSBA #49515  
CRISTINA SEPE, WSBA #53609  
*Assistant Attorneys General*  
EMMA GRUNBERG, WSBA #54659  
TERA M. HEINTZ, WSBA #54921  
*(application for admission forthcoming)*  
KARL D. SMITH, WSBA #41988  
*Deputy Solicitors General*  
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(206) 464-7744

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
AT YAKIMA**

STATE OF WASHINGTON, et  
al.,

Plaintiffs,

v.

DONALD J. TRUMP, et al.,

Defendants.

NO. 1:20-cv-03127-SAB

DECLARATION OF WADE  
STEMBRIDGE IN SUPPORT  
OF PLAINTIFF STATES'  
MOTION FOR PRELIMINARY  
INJUNCTION

1 I, Wade Stembridge, declare as follows:

2 1. I am over the age of 18, am competent to testify as to the matters  
3 described, and make this declaration based on my personal knowledge.

4 2. I have run a small gourmet chocolate business, Coco Gusto  
5 Chocolates, in Denver, Colorado, for the last three years. Coco Gusto specializes  
6 in high-quality, hand-painted chocolates. More information about the chocolates  
7 and the business can be seen at [coco-gusto.com](http://coco-gusto.com).

8 3. About 80 percent of my orders are sent out-of-state.

9 4. I usually use the United States Postal Service to ship my orders  
10 because it is the most economical option.

11 5. I began noticing delays to my shipments beginning in mid-May.

12 6. Before these delays, I typically did not have any problems shipping  
13 chocolate in the summer.

14 7. My shipments to out-of-state customers generally used to arrive in  
15 1-3 days when sent by Regular Priority Mail.

16 8. Recently, shipments to out-of-state customers generally take 3-6  
17 days when sent by Regular Priority Mail.

18 9. As a result of this delay, my chocolates often arrive melted, ruining  
19 my chocolates.

20 10. To keep my customers satisfied and ensure that my chocolates meet  
21 the standards of my business, I have had to resend orders using Priority Express  
22

DECLARATION OF WADE  
STEMBRIDGE

2

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

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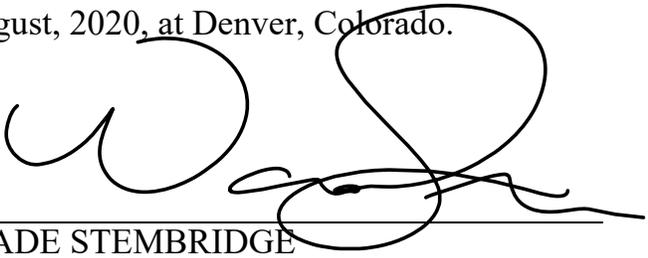
Mail. Resending orders requires me to remake the chocolates and pay a \$40-\$50 fee for Priority Express Mail.

11. One replacement order that I sent to San Francisco via Priority Express Mail took 6 days to arrive.

12. These delays have changed how I conduct my business. I have stopped advertising for out-of-state orders on social media because I am concerned that these orders will arrive melted. I believe I have lost sales because of this reduction in advertising. I have had to purchase bigger icepacks to keep the chocolates from melting when I ship them in the mail. I used to ship orders every day of the week but now I only ship orders on Monday to give them the best chance of arriving by Friday or Saturday.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 30th day of August, 2020, at Denver, Colorado.



WADE STEMBRIDGE

# Exhibit 38

1 ROBERT W. FERGUSON  
*Attorney General*  
2 NOAH GUZZO PURCELL, WSBA #43492  
*Solicitor General*  
3 NATHAN K. BAYS, WSBA #43025  
4 KRISTIN BENESKI, WSBA #45478  
5 ANDREW R.W. HUGHES, WSBA #49515  
6 CRISTINA SEPE, WSBA #53609  
*Assistant Attorneys General*  
7 EMMA GRUNBERG, WSBA #54659  
8 TERA M. HEINTZ, WSBA #54921  
*(application for admission forthcoming)*  
9 KARL D. SMITH, WSBA #41988  
*Deputy Solicitors General*  
800 Fifth Avenue, Suite 2000  
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(206) 464-7744

10 **UNITED STATES DISTRICT COURT**  
11 **EASTERN DISTRICT OF WASHINGTON**  
12 **AT YAKIMA**

13 STATE OF WASHINGTON, et  
14 al.,

14 Plaintiffs,

15 v.

16 DONALD J. TRUMP, et al.,

17 Defendants.

NO. 1:20-cv-03127-SAB

DECLARATION OF ELICE  
STURDIVANT IN SUPPORT  
OF PLAINTIFF STATES'  
MOTION FOR PRELIMINARY  
INJUNCTION

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DECLARATION OF ELICE  
STURDIVANT

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

1 I, Elice Sturdivant, declare as follows:

2 1. I am over the age of 18, am competent to testify as to the matters  
3 herein, and make this declaration based on my personal knowledge.

4 2. I am a resident of the state of Maryland, having lived in Baltimore  
5 City for sixteen years. I am employed as an attorney at a law firm in Baltimore  
6 County.

7 3. I am aware that the Postmaster General of the United States has  
8 made policy changes that have affected postal service, and I am further aware  
9 that the State of Maryland and other states have filed this lawsuit challenging  
10 those policy changes.

11 4. I take a medication daily for a thyroid disease, and I rely on the  
12 USPS to deliver that medication to me through the mail. Normally it takes 2 to  
13 3 days to get my medications. My last refill took over 30 days to get to me,  
14 meaning that I was out of my needed medication for several weeks. I also had to  
15 go back to my doctor and ask for a new prescription, which my insurance would  
16 not pay for since they had already paid for the medication the first time. This  
17 delay has caused me to experience illness and fatigue, which I am still fighting  
18 as I build up the medication in my system. Without my medication, it is difficult  
19 to work and complete the daily tasks needed to function. As an essential  
20 employee, it is not acceptable to call out or have a bad day. If I don't have  
21 dependable access to the mail, I will have to expose myself and my family to an  
22

DECLARATION OF ELICE  
STURDIVANT

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
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unnecessary risk of infection to pick up my medication in person or wait and hope for the best with the mail.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 20 day of August, 2020, at Baltimore, Maryland.

  
\_\_\_\_\_  
ELICE STURDIVANT, ESQ.

DECLARATION OF ELICE  
STURDIVANT

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

# Exhibit 39



1 I, LYNNE THOMAS, declare:

2 1. I am a resident of the State of Illinois. I am over the age of 18 and  
3 make this declaration from personal knowledge and based on records from the  
4 Illinois Department of Healthcare and Family Services. If called as a witness, I  
5 could and would testify competently to all the matters set forth below.

6 2. I am the Deputy Administrator for Eligibility Policy of the Division  
7 of Medical Programs within the Illinois Department of Healthcare and Family  
8 Services. I oversee the areas of the agency that develop, revise, and review  
9 medical eligibility policy, process applications, and maintain medical eligibility  
10 and test for medical eligibility integrity. I have held this position since  
11 December 1, 2017.

12 3. The Division of Medical Programs (the "Division") administers the  
13 Illinois Medical Assistance program and, in conjunction with the federal  
14 government, funds medical services provided to approximately 25% of the  
15 state's population through Medicaid, Children's Health Insurance Program  
16 ("CHIP"), and other associated medical programs covering children, parents,  
17 pregnant women, veterans, seniors, adults and persons who are blind or have  
18 disabilities.

19 4. As of August 1, 2020, the Division was administering benefits for  
20 approximately 3 million beneficiaries through these programs.

21

22

DECLARATION OF  
LYNNE THOMAS

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

1           5. The Division’s primary method of communication with these  
2 individuals and households is through mail delivered by the United States  
3 Postal Service (“USPS”).

4           6. Applicants have reported that they have not received requests for  
5 additional information on pending applications until after the due date has  
6 passed. Late delivery could result in the denial of an application.

7           7. Prompt mail service is necessary for the administration of programs  
8 because the Division and benefit recipients must comply with specific statutory  
9 and regulatory deadlines and requirements that are not negotiable. For example,  
10 individuals may be eligible for up to three months of backdating prior to the  
11 month of application for Medicaid services. That means an application  
12 received by mail on July 31 could result in coverage beginning on April 1.  
13 However, if the postal service delays the delivery of an application and it is  
14 received on August 1, the beneficiary could only receive coverage beginning  
15 May 1. In addition, an active medical case, including Medicaid and CHIP,  
16 could be canceled if an annual renewal form or request for information is  
17 received by mail after the due date.

18           8. While the coverage can be reinstated, there could be a disruption to  
19 necessary medical services. The state is not currently canceling coverage due to  
20 the provision of the federal Families First Corona Virus Response Act, but  
21 future disruptions will occur once the public health emergency has ended.

22

DECLARATION OF  
LYNNE THOMAS

ATTORNEY GENERAL OF WASHINGTON  
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(206) 464-7744

1           9. Accordingly, delays in mail may include, but are not limited to the  
2 following repercussions to Illinois residents served by Medicaid, CHIP, and  
3 related medical programs which would include children, seniors, disabled  
4 individuals, families, pregnant women, and other eligible adults:

5           a. A delay in a customer's receipt of a request for information  
6 or notice of redetermination, possibly past the due date,  
7 could cause a delay or break in medical coverage.

8           b. A delay in the agency's receipt of information needed to  
9 make an eligibility determination could result in a delay or  
10 break in coverage.

11           c. A delay in a customer's receipt of the notice of decision on  
12 an application which could lead to a delay of necessary  
13 medical services.

14           d. A delay in the agency's receipt of an application could result  
15 in a loss of a month's medical coverage for the customer.

16           10. Aside from the postal service, no other viable form of communication  
17 exists to contact the Division's benefit recipients. For example, electronic mail  
18 or use of a website is available but not feasible for many of our constituents  
19 who do not have regular or reliable access to the Internet. In addition, private  
20 delivery or courier services are cost-prohibitive. As a result, the Division relies  
21  
22

DECLARATION OF  
LYNNE THOMAS

ATTORNEY GENERAL OF WASHINGTON  
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heavily upon USPS and developed its method to distribute benefits in reliance on timely, efficient mail delivery.

11. Moreover, these delays may impact the ability of low income households to meet their basic medical needs if they need to use their own funds to pay for necessary medical care. Delays could also cause individuals to incur significant amounts of private debt if they are disqualified from receiving government funded healthcare benefits due to a delay in receipt of documents in the mail. Individuals disqualified from receiving Medicaid due to the delays in postal service would likely forgo seeking necessary medical treatments.

**I declare under penalty of perjury under the laws of the State of Washington and Illinois and the United States that the foregoing is true and correct.**

DATED this 3rd day of September, 2020, at Springfield, Illinois.

  
\_\_\_\_\_  
LYNNE THOMAS

Deputy Administrator for Eligibility Policy  
Illinois Department of Healthcare and  
Family Services

DECLARATION OF  
LYNNE THOMAS

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
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# Exhibit 40

1 ROBERT W. FERGUSON  
*Attorney General*  
2 NOAH GUZZO PURCELL, WSBA #43492  
*Solicitor General*  
3 NATHAN K. BAYS, WSBA #43025  
4 KRISTIN BENESKI, WSBA #45478  
5 ANDREW R.W. HUGHES, WSBA #49515  
6 CRISTINA SEPE, WSBA #53609  
*Assistant Attorneys General*  
7 EMMA GRUNBERG, WSBA #54659  
8 TERA M. HEINTZ, WSBA #54921  
*(application for admission forthcoming)*  
9 KARL D. SMITH, WSBA #41988  
*Deputy Solicitors General*  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104  
(206) 464-7744

10 **UNITED STATES DISTRICT COURT**  
11 **EASTERN DISTRICT OF WASHINGTON**  
12 **AT YAKIMA**

13 STATE OF WASHINGTON, et al.,

14 Plaintiffs,

15 v.

16 DONALD J. TRUMP, et al.,

17 Defendants.

NO. 1:20-cv-03127-SAB

DECLARATION OF ROBIN  
THOMAS IN SUPPORT OF  
PLAINTIFF STATES' MOTION  
FOR PRELIMINARY INJUNCTION

1 I, Robin Thomas, declare as follows:

2 1. I am over the age of 18, am competent to testify as to the matters  
3 herein, and make this declaration based on my personal knowledge.

4 2. I am a long-time resident of Bellingham, Washington, and a long-  
5 time voter. I have voted in various elections for over thirty-five years.

6 3. I am currently in Maine and received my ballot on or around August  
7 1, 2020. I mailed back my completed ballot on August 3rd with the understanding  
8 that my vote would still count because, in Washington, ballots that are  
9 postmarked on or before election day and received before certification are  
10 counted.

11 4. Because I am currently in Maine, I was not able to drop off my ballot  
12 at a ballot drop-off box. But I trusted that the Postal Service would postmark and  
13 deliver my ballot in a timely and consistent way.

14 5. I was very disheartened to learn that my ballot for Washington's  
15 August 4, 2020 primary was rejected because it was incorrectly postmarked. It  
16 also reached my County Auditor well outside of the service standard set for First  
17 Class Mail.

18 6. After mailing my ballot, I read news reports that more than 1,000  
19 ballots in the August 4 primary were rejected by Whatcom County elections  
20 officials because they were postmarked too late or the signature on the ballot did  
21 not match the signature on voter registration forms.

22

1           7.     These news reports prompted me to look up and track my ballot. I  
2 saw, through the ballot tracking option on the Secretary of State’s website, that  
3 the status of my ballot was “TOO LATE.” The website further listed August 12  
4 as the ballot returned date. This means it took nine days for my ballot to arrive.

5           8.     On August 20, I sent an email to my County Auditor, Diana  
6 Bradrick, to express my deep disappointment in my vote not being counted and  
7 my concern about mail delays that would affect the times of how ballots are  
8 processed and delivered.

9           9.     The County Auditor responded by email and attached a scanned  
10 copy of my ballot envelope. The scan showed that my ballot was not postmarked  
11 in Maine; it was not postmarked until it reached Bellingham, WA on August 10,  
12 2020. Attached as **Exhibit A** is a copy of the scanned ballot envelope.

13          10.    The County Auditor also confirmed that if my ballot was  
14 postmarked on or before August 4 and received the day before county canvassing  
15 boards certify and transmit results of the August Primary, then my ballot would  
16 have been processed.

17          11.    My ballot should have been, but was not, postmarked when I mailed  
18 it on August 3rd.

19          12.    I am also concerned that the service was exceptionally slow. It took  
20 nine days for the Postal Service to deliver my ballot to the County Auditor. I  
21 understand that the delivery standard for First Class Mail is 1-3 business days,  
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and my experience for mail between Washington State and Maine been about four days.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

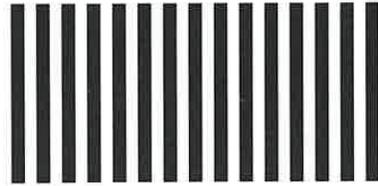
DATED this 3 day of September, 2020, at HAIRISUN, MAINE.

  
\_\_\_\_\_  
Robin Thomas

**R. Thomas Declaration**  
**Exhibit A**



NO POSTAGE  
NECESSARY  
IF MAILED  
IN THE  
UNITED STATES



**OFFICIAL BALLOT - DO NOT DELAY**

**BUSINESS REPLY MAIL**  
FIRST-CLASS MAIL PERMIT NO. 70 BELLINGHAM WA

POSTAGE WILL BE PAID BY ADDRESSEE

WHATCOM COUNTY AUDITOR  
PO BOX 369  
BELLINGHAM WA 98227-9902

98227-9902



# Exhibit 41

1 ROBERT W. FERGUSON  
*Attorney General*  
2 NOAH GUZZO PURCELL, WSBA #43492  
*Solicitor General*  
3 NATHAN K. BAYS, WSBA #43025  
4 KRISTIN BENESKI, WSBA #45478  
5 ANDREW R.W. HUGHES, WSBA #49515  
6 CRISTINA SEPE, WSBA #53609  
*Assistant Attorneys General*  
7 EMMA GRUNBERG, WSBA #54659  
8 TERA M. HEINTZ, WSBA #54921  
*(application for admission forthcoming)*  
9 KARL D. SMITH, WSBA #41988  
*Deputy Solicitors General*  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104  
(206) 464-7744

10 **UNITED STATES DISTRICT COURT**  
11 **EASTERN DISTRICT OF WASHINGTON**  
12 **AT YAKIMA**

13 STATE OF WASHINGTON, et  
14 al.,

15 Plaintiffs,

16 v.

17 DONALD J. TRUMP, et al.,

18 Defendants.

NO. 1:20-cv-03127-SAB

DECLARATION OF NICOLE  
TOUSIGNANT IN SUPPORT  
OF PLAINTIFF STATES'  
MOTION FOR PRELIMINARY  
INJUNCTION

20  
21  
22  
DECLARATION OF NICOLE  
TOUSIGNANT  
NO. 1:20-CV-03127-SAB

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

1 I, Nicole Tousignant, declare:

2 1. I am a resident of the State of Vermont. I am over the age of 18 and have personal  
3 knowledge of all the facts stated herein. If called as a witness, I could and would testify  
4 competently to all the matters set forth below.

5 2. I am the Senior Policy and Operations Manager of the Vermont Department for  
6 Children and Families, Economic Services Division (ESD). I have held this position since March  
7 2018. Prior to this position, I worked at the Vermont Agency of Education as the Medicaid  
8 Coordinator for 11 years, and as the Special Education Finance Manager for four years.

9 3. I have a B.A. from Castleton State University.

10 4. ESD administers the following federal and state benefit programs for low income  
11 households: Supplemental Nutrition Assistance Program (“SNAP”), Temporary Assistance for  
12 Needy Families (“TANF”) and separately and solely state-funded cash assistance programs for  
13 families with children, the Low Income Home Energy Assistance Program (“LIHEAP”),  
14 General/Emergency Assistance, Essential Person, Vermont Rental Subsidy (VRS), and Vermont  
15 Spay and Neuter Incentive Program (VSNIP), for the state of Vermont.

16 5. As of August 18, 2020, ESD was administering benefits for a total of 66,572 SNAP,  
17 TANF (including state-funded programs), LIHEAP, General/Emergency Assistance, and  
18 Essential Person households and 116 VRS households.

19 6. ESD’s primary method of communication with these households is through mail  
20 delivered by the United States Postal Service (USPS). In July 2020, ESD’s Application and  
21 Document Processing Center (ADPC), received approximately 9,000 items of mail from ESD and  
22 health care applicants and recipients. To date, the ADPC has received approximately 85,000  
23 items of mail. In 2019, the ADPC received approximately 200,000 items of mail.

24 7. Federal and state laws governing the programs administered by ESD impose strict  
25 timelines on the processing and delivery of benefits, notification to applicants and recipients, and  
26 appeals associated with public benefits. For example, ESD must provide at least 10 days advance  
27

1 notice before reducing or terminating benefits. ESD depends upon the USPS to ensure timely  
2 communication with the more than 60,000 households it serves.

3 8. Mail delays resulting from the proposed cuts to the postal service will impede ESD's  
4 ability to timely communicate with households in need of assistance.

5 9. Mail delays resulting from the proposed cuts to the postal service will slow the  
6 delivery of approximately \$12.5 million in monthly SNAP benefits, \$1.8 million in monthly  
7 TANF and related state-funded program benefits, \$18 million in yearly LIHEAP benefits, \$14  
8 million in monthly General/Emergency benefits, and \$77 thousand in monthly Essential Person  
9 benefits, potentially impacting the ability of low income households to meet their basic needs.

10 10. Mail delays resulting from the proposed cuts to the postal service will slow the  
11 delivery of more than one million dollars in rental assistance made on behalf of low income  
12 Vermonters to their landlords by ESD, thus potentially impacting the stability of living  
13 arrangements for more than 116 households and the ability of landlords to pay their bills.

14 11. Mail delays resulting from the proposed cuts to the postal service will slow the  
15 delivery of more than \$360,000 to local veterinarians for the spaying and neutering of companion  
16 animals for low income Vermonters. Delay of these payments may result in a financial hardship  
17 for local veterinarians, especially those who manage small businesses.

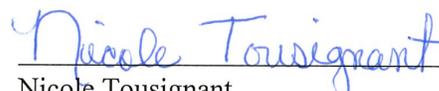
18 I declare under penalty of perjury under the laws of the United States and the State of  
19 Vermont that the foregoing is true and correct to the best of my knowledge.

20

21 Executed on August 20, 2020 in Waterbury, Vermont.

22

23

  
\_\_\_\_\_  
Nicole Tousignant  
ESD Senior Policy and Operations Manager  
Department for Children and Families

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# Exhibit 42

1 ROBERT W. FERGUSON  
*Attorney General*  
2 NOAH GUZZO PURCELL, WSBA #43492  
*Solicitor General*  
3 NATHAN K. BAYS, WSBA #43025  
4 KRISTIN BENESKI, WSBA #45478  
5 ANDREW R.W. HUGHES, WSBA #49515  
6 CRISTINA SEPE, WSBA #53609  
*Assistant Attorneys General*  
7 EMMA GRUNBERG, WSBA #54659  
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*(application for admission forthcoming)*  
9 KARL D. SMITH, WSBA #41988  
*Deputy Solicitors General*  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104  
(206) 464-7744

10 **UNITED STATES DISTRICT COURT**  
11 **EASTERN DISTRICT OF WASHINGTON**  
12 **AT YAKIMA**

13 STATE OF WASHINGTON, et al.,

14 Plaintiffs,

15 v.

16 DONALD J. TRUMP, et al.,

17 Defendants.

NO. 1:20-cv-03127-SAB

DECLARATION OF MYNOR  
URIZAR-HUNTER IN SUPPORT  
OF PLAINTIFF STATES' MOTION  
FOR PRELIMINARY INJUNCTION

1 I, Mynor Urizar-Hunter, declare as follows:

2 1. I am over the age of 18, am competent to testify as to the matters  
3 herein, and make this declaration based on my personal knowledge.

4 2. I am an Information Technology Consultant. I have a degree in  
5 Economics from UC Berkeley.

6 3. I am one of the co-creators of <https://uspsimpact2020.com/>, a  
7 website that presents visual data on sorting machines slated for removal by the  
8 Postal Service. The website shows visual data and charts of sorting machine  
9 removal by state and county and includes the political preferences of voters by  
10 state and county.

11 4. We created this website on or around August 24, 2020, following  
12 news reports of postal delays and operational changes at the Postal Service. We  
13 wanted to provide the data visualization so that voters could see trends and  
14 patterns within their communities. The website also directs people to other  
15 resources on voting, such as information on voting prepared by the National  
16 Association of Secretaries of State and mail-in voting deadlines compiled by  
17 Vote.org.

18 5. We used sorting machine data that was created by the Postal Service  
19 and obtained by *The Washington Post*. This sorting machine data was attached as  
20 spreadsheets to a June 17, 2020 letter from the Postal Service to American Postal  
21 Workers Union. The data identifies over 600 sorting machines—including  
22

1 Advanced Facer Canceler Systems, Delivery Bar Code Sorters, and Automated  
2 Flat Sorting Machine 100s, and Flat Sequencing Systems—scheduled for  
3 removal between June 13 and September 30. The spreadsheets also identify the  
4 region, area, and processing & distribution center for each sorting machine  
5 scheduled for removal. A copy of the spreadsheets can be found at:  
6 [https://www.21cpw.com/wp-content/uploads/2020/06/mail-processing-](https://www.21cpw.com/wp-content/uploads/2020/06/mail-processing-equipment-reduction_6-17-2020.pdf)  
7 [equipment-reduction\\_6-17-2020.pdf](https://www.21cpw.com/wp-content/uploads/2020/06/mail-processing-equipment-reduction_6-17-2020.pdf).

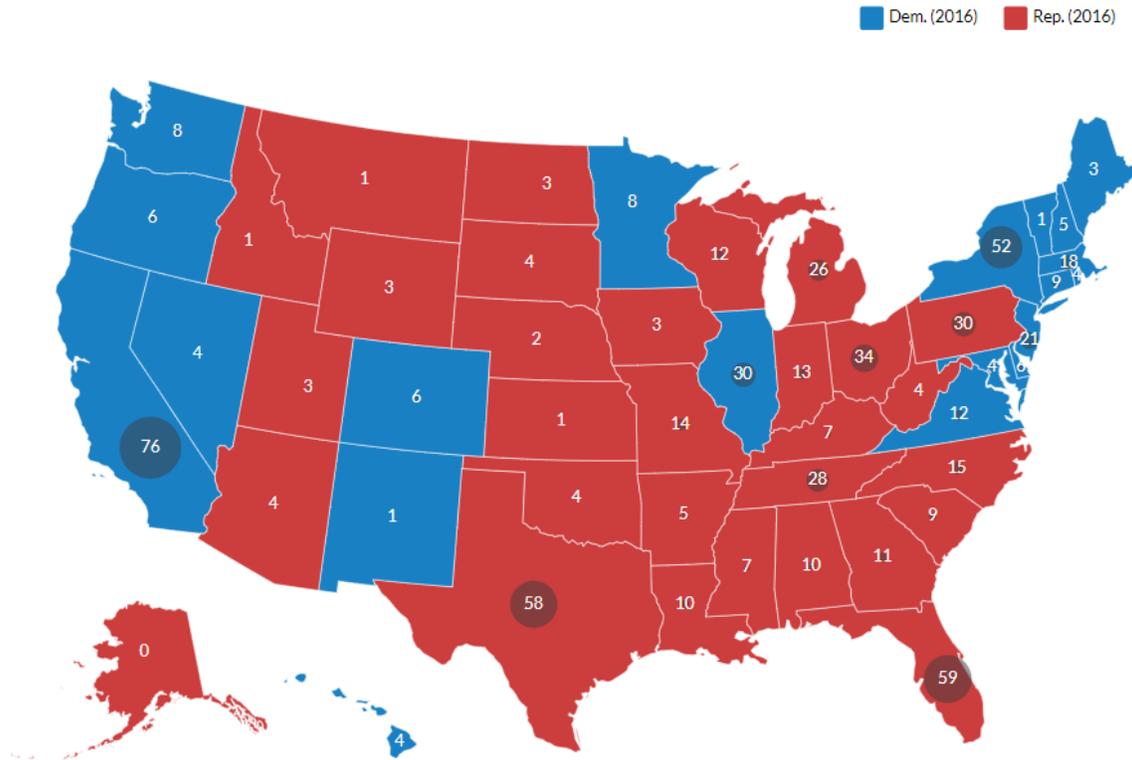
8 6. The sorting machines identified for removal are scattered across 49  
9 states, the District of Columbia, and Puerto Rico. Alaska is the only state with no  
10 machines slated for removal. According to this sorting machine data, over 90%  
11 of the machines were to be disconnected by August 1.

12 7. My co-creators and I used the sorting machine data to map where  
13 sorting machines were removed or are scheduled for removal across the country  
14 by state and county.

15 8. We then added information regarding major party preferences (i.e.,  
16 Democrat or Republican) to see if there was a partisan difference in where sorting  
17 machines were removed. We used data gathered by the *N.Y. Times* in reporting  
18 the 2016 election results. This information can be accessed at:  
19 <https://www.nytimes.com/elections/2016/results/president>.

20 9. Using a data visualization tool, we are able to depict where sorting  
21 machines have been or are slated for removal.  
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10. Based on the USPS data, 184 counties have had or will have sorting machines removed. Hillary Clinton won the majority vote in 124 (67%) of these counties. Donald Trump won the majority vote in 60 (33%) of these counties.

11. We identified 662 sorting machines slated for removal in the USPS data, with 516 (78%) located in counties where Clinton won the majority vote and 146 (22%) located in counties where Trump won the majority vote.

	Number of Counties	Percentage of Counties	Number of Sorting Machines Removed	Percentage of Sorting Machines Removed
Clinton 2016	124	67%	516	78%
Trump 2016	60	33%	146	22%
<b>Total</b>	<b>184</b>		<b>662</b>	

1 12. The following chart lists the state breakdown of sorting machine  
 2 removals based on the results of the 2016 presidential election:

3 **State Breakdown based on 2016 Presidential Election Results**

State	Machines Scheduled for Removal	% Removed from Democratic Counties	% Removed from Republican Counties
Alabama	10	80%	20%
Arkansas	5	80%	20%
Arizona	4	25%	75%
California	76	97%	3%
Colorado	6	100%	0%
Connecticut	9	100%	0%
Washington DC	3	100%	0%
Delaware	6	100%	0%
Florida	59	51%	49%
Georgia	11	82%	18%
Hawaii	4	100%	0%
Iowa	3	100%	0%
Idaho	1	0%	100%
Illinois	30	97%	3%
Indiana	13	62%	38%
Kansas	1	0%	100%
Kentucky	7	100%	0%
Louisiana	10	90%	10%
Massachusetts	18	89%	11%
Maryland	4	75%	25%
Maine	3	100%	0%
Michigan	26	62%	38%
Minnesota	8	100%	0%
Missouri	14	79%	21%
Mississippi	7	43%	57%
Montana	1	0%	100%
North Carolina	15	100%	0%
North Dakota	3	0%	100%
Nebraska	2	100%	0%
New Hampshire	5	0%	100%
New Jersey	21	100%	0%
New Mexico	1	100%	0%
Nevada	4	100%	0%
New York	52	90%	10%
Ohio	34	91%	9%
Oklahoma	4	0%	100%
Oregon	6	100%	0%
Pennsylvania	30	87%	13%
Rhode Island	4	100%	0%
South Carolina	9	67%	33%
South Dakota	4	0%	100%
Tennessee	28	57%	43%
Texas	58	74%	26%
Utah	3	100%	0%
Virginia	12	42%	58%
Vermont	1	100%	0%
Washington	8	75%	25%
Wisconsin	12	75%	25%
West Virginia	4	0%	100%
Wyoming	3	0%	100%

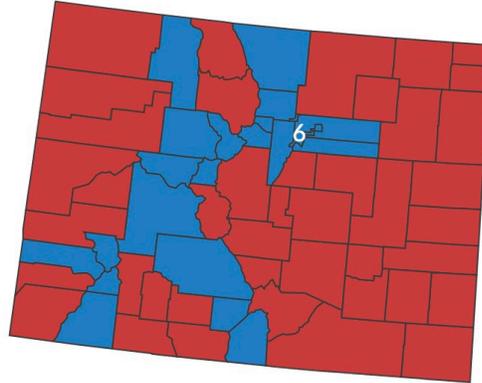
22  
 DECLARATION OF  
 MYNOR URIZAR-HUNTER  
 NO. 1:20-CV-03127-SAB

ATTORNEY GENERAL OF WASHINGTON  
 Complex Litigation Division  
 800 5th Avenue, Suite 2000  
 Seattle, WA 98104-3188  
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1 13. The following maps and charts provide the state and county  
 2 breakdown of sorting machine removals for the Plaintiff States in this lawsuit

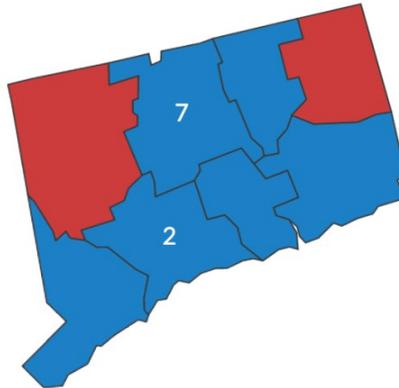
3 **Colorado**

County	Machines Schedule for Removal	2016 Political Preference
Denver	6	Democrat



12 **Connecticut**

County	Machines Schedule for Removal	2016 Political Preference
Hartford	7	Democrat
New Haven	2	Democrat



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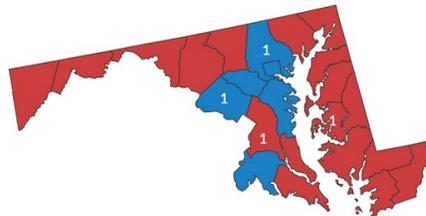
### Illinois

County	Machines Schedule for Removal	2016 Political Preference
Champaign	1	Democrat
Cook	20	Democrat
DuPage	5	Democrat
Peoria	2	Democrat
Rock Island	1	Democrat
Sangamon	1	Republican



### Maryland

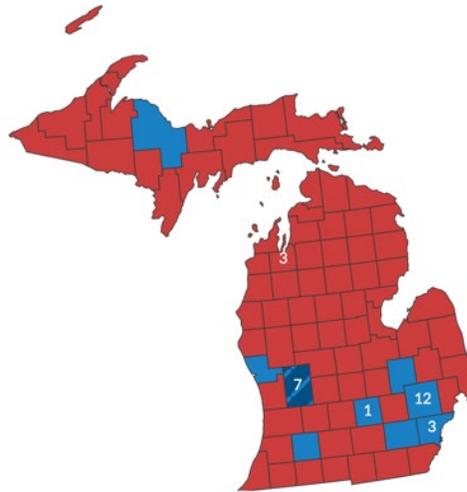
County	Machines Schedule for Removal	2016 Political Preference
Baltimore	1	Democrat
Montgomery	1	Democrat
Prince George's	1	Democrat
Talbot	1	Republican



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### Michigan

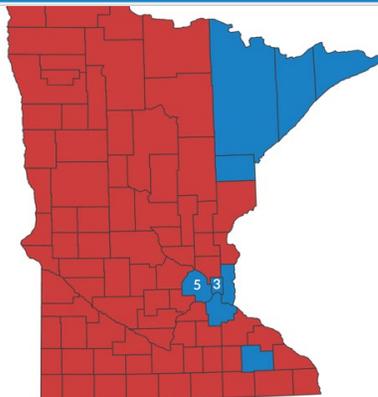
County	Machines Schedule for Removal	2016 Political Preference
Grand Traverse	3	Republican
Ingham	1	Democrat
Kent	7	Republican
Oakland	12	Democrat
Wayne	3	Democrat



\*Note: The blue-striped shaded county (Kent County) flipped blue for the 2018 gubernatorial race.

### Minnesota

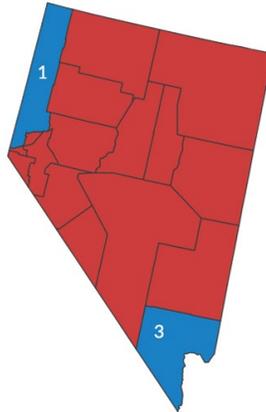
County	Machines Schedule for Removal	2016 Political Preference
Hennepin	5	Democrat
Ramsey	3	Democrat



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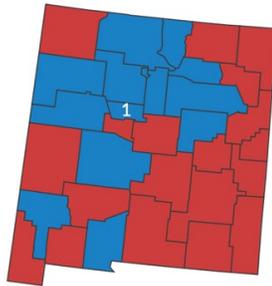
**Nevada**

County	Machines Schedule for Removal	2016 Political Preference
Clark	3	Democrat
Washoe	1	Democrat



**New Mexico**

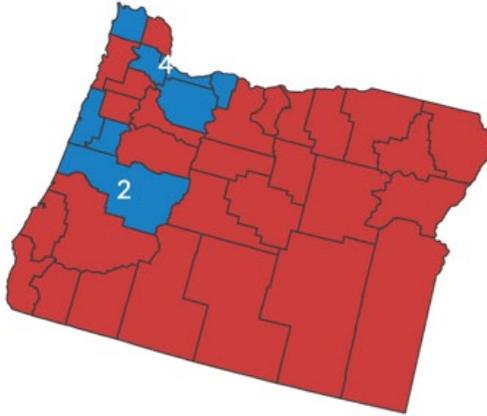
County	Machines Schedule for Removal	2016 Political Preference
Bernalillo	1	Democrat



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### Oregon

County	Machines Schedule for Removal	2016 Political Preference
Lane	2	Democrat
Multnomah	4	Democrat



### Rhode Island

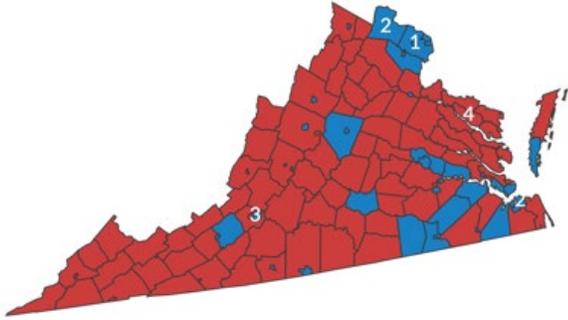
County	Machines Schedule for Removal	2016 Political Preference
Providence	4	Democrat



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### Virginia

County	Machines Schedule for Removal	2016 Political Preference
Fairfax	1	Democrat
Loudoun	2	Democrat
Norfolk	2	Democrat
Richmond	4	Republican
Roanoke	3	Republican



### Vermont

County	Machines Schedule for Removal	2016 Political Preference
Windsor	1	Democrat

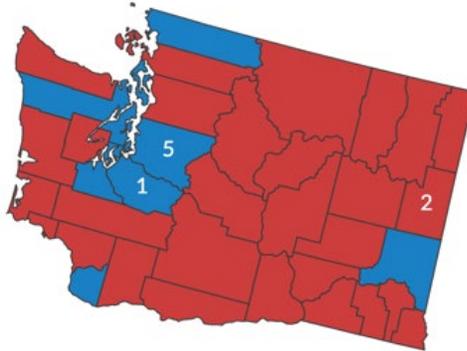


\*Note: The red-striped shaded county (Windsor County) flipped red for the 2018 gubernatorial race.

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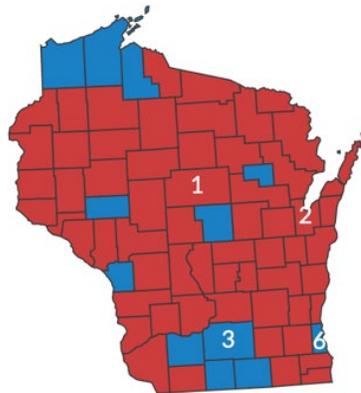
### Washington

County	Machines Schedule for Removal	2016 Political Preference
King	5	Democrat
Pierce	1	Democrat
Spokane	2	Republican



### Wisconsin

County	Machines Schedule for Removal	2016 Political Preference
Brown	2	Republican
Dane	3	Democrat
Marathon	1	Republican
Milwaukee	6	Democrat



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14. The visuals and information provided in this declaration can also be accessed at: <https://uspsimpact2020.com/>.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATED this 8th day of September, 2020, at Los Angeles, Ca.  
*date* *City, State*

  
\_\_\_\_\_  
Mynor Urizar-Hunter

# Exhibit 43



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I, Amanda White, declare as follows:

1. I am over the age of 18, am competent to testify as to the matters described, and make this declaration based on my personal knowledge.

2. I suffer from Lyme disease and receive medication by mail to treat it.

3. Living in a rural area, I have to allow extra time for packages to arrive. But in the past, I have found that if my medication is shipped on a Monday, it will arrive by Friday the same week.

4. The week of August 10th, my medicine was shipped on a Monday and was supposed to arrive on a Friday, but I did not receive it until the following Monday.

5. As a result of this delay, I was forced to go three days without medication, which delayed my treatment plan and caused me concern.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 8th day of September, 2020, at Telluride, Colorado.

Amanda White  
Amanda White

DECLARATION OF AMANDA  
WHITE

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

# Exhibit 44

1 ROBERT W. FERGUSON  
*Attorney General*  
2 NOAH GUZZO PURCELL, WSBA #43492  
*Solicitor General*  
3 NATHAN K. BAYS, WSBA #43025  
4 KRISTIN BENESKI, WSBA #45478  
5 ANDREW R.W. HUGHES, WSBA #49515  
6 CRISTINA SEPE, WSBA #53609  
*Assistant Attorneys General*  
7 EMMA GRUNBERG, WSBA #54659  
8 TERA M. HEINTZ, WSBA #54921  
*(application for admission forthcoming)*  
9 KARL D. SMITH, WSBA #41988  
*Deputy Solicitors General*  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104  
(206) 464-7744

10 **UNITED STATES DISTRICT COURT**  
11 **EASTERN DISTRICT OF WASHINGTON**  
12 **AT YAKIMA**

13 STATE OF WASHINGTON, et  
14 al.,

14 Plaintiffs,

15 v.

16 DONALD J. TRUMP, et al.,

17 Defendants.

NO. 1:20-cv-03127-SAB

DECLARATION OF  
MARGARET WHITNEY IN  
SUPPORT OF PLAINTIFF  
STATES' MOTION FOR  
PRELIMINARY INJUNCTION

18  
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DECLARATION OF  
MARGARET WHITNEY

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

1 I, Margaret Whitney, declare as follows:

2 1. I am over the age of 18, am competent to testify as to the matters  
3 herein, and make this declaration based on my personal knowledge.

4 2. I am a resident of Columbia Heights, Minnesota. I am currently the  
5 Business Agent of the Minneapolis Area Local American Postal Workers Union  
6 (APWU). The Business Agent serves as the second in command for the local  
7 union. I have been a postal worker for thirty-five years. I have served as a union  
8 representative or official for thirty-two years.

9 3. The Minneapolis Area APWU represents workers at the Minneapolis  
10 Post Office, which is one of the two largest mail-processing facilities in Minnesota.  
11 The union represents three main classes of postal employees: (1) transportation-  
12 service workers; maintenance-service workers; and (3) clerks. Transportation  
13 service workers repair and maintain the vehicles used by the U.S. Postal Service  
14 (USPS). Maintenance service workers include everything from janitorial staff to  
15 electricians who maintain the mail-sorting equipment. Clerks are responsible for  
16 sorting the mail at the facilities.

17 4. Several directives have come down from top management at the  
18 USPS that are beginning to impact postal operations. The detrimental impact of  
19 these directives will only increase in the future.

DECLARATION OF  
MARGARET WHITNEY

2

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
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(206) 464-7744

1           5.     USPS management instructed union maintenance workers to  
2 decommission and remove mail-processing machines from the Minneapolis Post  
3 Office. In the last two to three months, three letter-sorting machines have been  
4 taken out of service. One has been removed and designated for assignment to  
5 Sioux Falls, South Dakota. Two others are in the process of disassembly. There  
6 are at least four other more mail-processing machines scheduled to be removed in  
7 the next two to three months. A flat-sorting machine is in the process of  
8 disassembly and scheduled for removal. Two delivery barcode sorters are  
9 scheduled for disassembly, and to be used for parts.

10           6.     The process of decommissioning a mail-sorting machine is costly and  
11 time consuming. It requires the disassembly and transport of a large machine.

12           7.     If a machine is not in use it is generally not necessary to disassemble  
13 and remove the machine. In the past machines that were not needed at any given  
14 time were "idled" meaning they were essentially unplugged and not used. When  
15 those machines are needed again they can be reactivated with minimal time and  
16 resources. In fact an automated facer canceller in Minneapolis has been idled and  
17 tarped. That sorter remains on site.

18

19

DECLARATION OF  
MARGARET WHITNEY

3

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

1           8.     The mail sorting machines are a large capital investment for each  
2 facility and are not easy to replace if they are removed but become needed in the  
3 future.

4           9.     As a result of the removal of the mail-sorting machines, additional  
5 mail sorting bins will be added to the sorting machines that remain. The addition  
6 of these bins will exceed the electrical capacity of the Minneapolis Post Office  
7 building and now requires an increase in electrical capacity to run the expanded  
8 mail processing equipment.

9           10.    USPS management has also curtailed overtime and the ability of letter  
10 carriers to make second trips back their facility to retrieve additional mail to be  
11 delivered that day. In addition, mail transport vehicles have been instructed to  
12 leave the sorting facility at their appointed time, regardless of whether the truck  
13 has been fully loaded with its designated load. This causes some mail to remain at  
14 the facility to be sent out the following day. This holdover of mail causes several  
15 logistical problems.

16           11.    When mail is sorted at the sorting facility it is placed in what is known  
17 as a “walk sequence.” This means that the mail is organized in the order of the  
18 customer addresses on the mail carrier’s route. This allows the mail carrier to load  
19 and deliver the mail in a logical and efficient sequence. Mail that is left over from

DECLARATION OF  
MARGARET WHITNEY

4

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

1 one day to the next must be put back through the sorting machines so that it can be  
2 sequenced with the mail for the next day. This additional sorting is inefficient and  
3 can cause further backlogs.

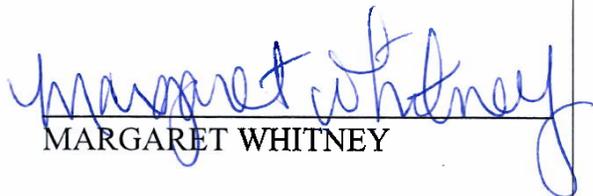
4 12. The reduction in sorting machines, combined with the additional  
5 directives noted above has the potential to impact mail service. The impact of  
6 these policies is not fully felt at this time because the summer months are  
7 historically the slowest mail season. Mail volumes typically pick up in the fall,  
8 with peak season being from the end of November through the end of the year.

9 13. Last year, during peak season, the Minneapolis Post Office was  
10 operating at capacity and was also operating a satellite sorting facility to handle the  
11 additional volume over the holidays.

12 14. If these current policies are continued they may impact not only  
13 priority mail packages, but also first-class mail, causing delays.

14 I declare under penalty of perjury under the laws of the States of Washington  
15 and Minnesota and the United States of America that the foregoing is true and  
16 correct.

17 Dated: August 18, 2020

18   
MARGARET WHITNEY

19  
DECLARATION OF  
MARGARET WHITNEY

5

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

# Exhibit 45

1 ROBERT W. FERGUSON  
*Attorney General*  
2 NOAH GUZZO PURCELL, WSBA #43492  
*Solicitor General*  
3 NATHAN K. BAYS, WSBA #43025  
4 KRISTIN BENESKI, WSBA #45478  
5 ANDREW R.W. HUGHES, WSBA #49515  
6 CRISTINA SEPE, WSBA #53609  
*Assistant Attorneys General*  
7 EMMA GRUNBERG, WSBA #54659  
8 TERA M. HEINTZ, WSBA #54921  
*(application for admission forthcoming)*  
9 KARL D. SMITH, WSBA #41988  
*Deputy Solicitors General*  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104  
(206) 464-7744

10 **UNITED STATES DISTRICT COURT**  
11 **EASTERN DISTRICT OF WASHINGTON**  
12 **AT YAKIMA**

13 STATE OF WASHINGTON, et  
14 al.,

14 Plaintiffs,

15 v.

16 DONALD J. TRUMP, et al.,

17 Defendants.

NO. 1:20-cv-03127-SAB

SECOND DECLARATION OF  
MARGARET WHITNEY IN  
SUPPORT OF PLAINTIFF  
STATES' MOTION FOR  
PRELIMINARY INJUNCTION

18  
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SECOND DECLARATION OF  
MARGARET WHITNEY

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

1 I, Margaret Whitney, declare as follows:

2 1. I am over the age of 18, am competent to testify as to the matters  
3 herein, and make this declaration based on my personal knowledge.

4 2. I am a resident of Columbia Heights, Minnesota. I am currently the  
5 Business Agent of the Minneapolis Area Local American Postal Workers Union  
6 (APWU). The Business Agent serves as the second in command for the local  
7 union. I have been a postal worker for thirty-five years. I have served as a union  
8 representative or official for thirty-two years.

9 3. I previously signed a declaration explaining directives the United  
10 States Postal Service (USPS) has recently implemented. That declaration detailed  
11 pieces of equipment at the Minneapolis Processing Plant that have been  
12 decommissioned, are in the process of being decommissioned, or were scheduled  
13 for decommissioning.

14 4. That declaration was signed before Postmaster General DeJoy issued  
15 a statement on August 18 indicating that the changes being implemented would be  
16 delayed until after the election.

17 5. On August 19, plant management held a meeting with maintenance  
18 craft workers at the Minneapolis Processing Plant and provided an update on plans  
19 for the plant.

SECOND DECLARATION OF  
MARGARET WHITNEY

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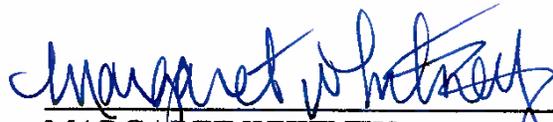
ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

1           6. Before the Postmaster General's August 18 announcement a flat-  
2 sorting machine and an automatic facer canceller had been disconnected and  
3 scheduled to be removed. Three letter-sorting (DIOSS) machines were also  
4 scheduled for removal. Those plans are still in place and have not changed. One  
5 DIOSS is designated for assignment in South Dakota and is scheduled to be  
6 removed on September 1, the future location of the other two machines has not  
7 been determined.

8           7. Prior to the August 18 announcement two delivery barcode sorters  
9 (DBCS) had been scheduled to be disassembled and used for parts. One is still  
10 scheduled for disassembly. One DBCS that was scheduled for disassembly is  
11 currently in service has been designated as "on hold" until after election.

12           I declare under penalty of perjury under the laws of the States of Washington  
13 and Minnesota and the United States of America that the foregoing is true and  
14 correct.

15 Dated: August 20, 2020

  
MARGARET WHITNEY

17

SECOND DECLARATION OF  
MARGARET WHITNEY

3

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

# Exhibit 46



1 I, Zoë Williams, declare as follows:

2 1. I am over the age of 18, am competent to testify as to the matters  
3 described, and make this declaration based on my personal knowledge.

4 2. I am a nonprofit consultant in Denver, Colorado.

5 3. I am an independent contractor.

6 4. My clients pay me by check.

7 5. Recently, a client recently mailed me a check for three months of  
8 work. Despite being mailed from a Denver address, the check took about two  
9 weeks to arrive.

10 6. I had not previously experienced such delays.

11 7. I followed up with the client, and they confirmed that they had  
12 mailed the check on time.

13 8. Because of the delay in receiving the check, I was not able to pay a  
14 bill that was due.

15 9. The bill was sent to collections, and I received a notice that my credit  
16 score had changed.

17 10. Because the check was delayed, I was worried about being able to  
18 purchase groceries for my four children.

19 11. I ran out of money before the check arrived and was required to pay  
20 an overdraft fee to buy groceries.

21 I declare under penalty of perjury that the foregoing is true and correct.

22

DECLARATION OF ZOË  
WILLIAMS

2

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

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DATED this 2nd day of September, 2020, at Denver, Colorado.

S/Zoë Williams

---

Zoë Williams

DECLARATION OF ZOË  
WILLIAMS

3

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

# Exhibit 47

1 ROBERT W. FERGUSON  
*Attorney General*  
2 NOAH GUZZO PURCELL, WSBA #43492  
*Solicitor General*  
3 NATHAN K. BAYS, WSBA #43025  
4 KRISTIN BENESKI, WSBA #45478  
5 ANDREW R.W. HUGHES, WSBA #49515  
6 CRISTINA SEPE, WSBA #53609  
*Assistant Attorneys General*  
7 EMMA GRUNBERG, WSBA #54659  
8 TERA M. HEINTZ, WSBA #54921  
*(application for admission forthcoming)*  
9 KARL D. SMITH, WSBA #41988  
*Deputy Solicitors General*  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104  
(206) 464-7744

10 **UNITED STATES DISTRICT COURT**  
11 **EASTERN DISTRICT OF WASHINGTON**  
12 **AT YAKIMA**

13 STATE OF WASHINGTON, et  
14 al.,

14 Plaintiffs,

15 v.

16 DONALD J. TRUMP, et al.,

17 Defendants.

NO. 1:20-cv-03127-SAB

DECLARATION OF  
CHRISTOPHER WINTERS  
IN SUPPORT OF PLAINTIFF  
STATES' MOTION FOR  
PRELIMINARY INJUNCTION

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DECLARATION OF  
CHRISTOPHER WINTERS  
NO. 1:20-cv-03127-SAB

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
(206) 464-7744

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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON AT YAKIMA**

**STATE OF WASHINGTON, et al.,            ) No. 20-03127-SAB**  
**Plaintiffs                                    )**  
**)**  
**v.    )**  
**DONALD J. TRUMP, et al.,                )**  
**Defendants                                    )**  
**\_\_\_\_\_                                      )**

**Declaration of Christopher Winters  
Vermont Deputy Secretary of State**

I, Christopher Winters, pursuant to 28 U.S.C. § 1746, hereby declare that the following is true and correct:

1. I am the Deputy Secretary of State for the State of Vermont. I have been employed by the Secretary of State’s Office for more than 23 years, the last five as Deputy Secretary, appointed by Secretary of State Jim Condos.
2. As Deputy Secretary of State, I oversee and have responsibility for the operations of the four divisions of the Secretary of State’s Office. This includes the Elections Division, and I have direct knowledge of its functions and operations. The Elections Division of the Vermont Secretary of State’s Office has responsibility for guiding and administering Vermont’s local, state, and federal elections. The Elections Division provides oversight and guidance on election law, provides supplies that are fundamental to carrying out elections, and is a resource before and on election day to help election officials with any emergencies or routine questions that may arise.

1 3. In Vermont, voters have been able to vote by mail (no-excuse absentee voting)  
2 since 2001. Vermonters also have the ability to vote early at their town clerk's office  
3 during regular hours for 45 days prior to the election. Ballots must be received in the  
4 town clerk's office before the close of business on the Monday before Election Day, or  
5 ballots may be delivered to the polls on Election Day before the polls close at 7:00 p.m.<sup>1</sup>

6 4. On July 2, 2020, Act 135 became law. This legislation, along with previously  
7 enacted Act 92, authorized the Vermont Secretary of State to order or permit, as  
8 applicable, appropriate elections procedures for the purpose of protecting the health,  
9 safety, and welfare of voters, elections workers, and candidates in carrying out elections,  
10 including expanding mail voting by sending ballots by mail to all registered voters.

11 5. The Vermont Secretary of State has exercised his authority under Act 135. In a  
12 directive issued by the Secretary of State on July 20, 2020, it was announced that the  
13 Vermont Secretary of State will send ballots to all registered voters via first-class mail  
14 (paid at the first-class rate) for the General Election in 2020. The State of Vermont will  
15 also include prepaid envelopes, postage first class for the return ballots.

16 6. Under Vermont's current election law, ballots returned by mail must be received  
17 by the clerk no later than 7:00 p.m. on Election Day, regardless of when the ballot is  
18 postmarked.<sup>2</sup>

19 7. Voting by mail is especially beneficial for Vermonters who are homebound, such  
20 as the elderly and members of the disabled community; those who are economically  
21 disadvantaged and have limited access to transportation and childcare that would enable  
22 them to vote in person during a set timeframe; overseas and military voters; those who

---

<sup>1</sup>. There is an exception for ballots that have been mailed to the town clerk. To be counted, they must arrive before 7:00 p.m. on election day. 17 V.S.A. § 2453(d)(1)(B).

<sup>2</sup>. 17 V.S.A. § 2453(d)(1)(B).

1 are temporarily away from home for work or family reasons; and those who may not have  
 2 time to get to the polls during set hours, such as shift workers, caregivers, single parents,  
 3 and those without childcare or time off from work.

4 8. In the 2020 election, there is another category of Vermonters who would be  
 5 disproportionately affected by the need to vote in person: older voters and those with  
 6 compromised immune systems who are particularly susceptible to harm from COVID-19.  
 7 This category also includes voters who live with or care for a vulnerable household  
 8 member or relative, and who fear that voting in person may expose them to the virus,  
 9 which they may then spread to more vulnerable individuals.

10 9. The COVID-19 pandemic has led to a massive increase in voting by mail. More  
 11 voters requested absentee ballots for the 2020 primary election than the number of  
 12 Vermonters who actually voted in the last two primaries, as reflected in the following  
 13 chart:

<b>Statewide Primary Year</b>	<b>Total Ballots Voted</b>	<b>Early/Absentee Ballots Voted (% of total)</b>
2016	107,000	17,000 (16%)
2018	120,000	22,000 (18%)
2020	168,000	150,000 requested (89%) <i>(Voted data is not available)</i>

14  
 15 *Voted totals are rounded down to the nearest 1,000.*

16 10. Delays in mail delivery by the USPS could adversely impact the timely receipt of  
 17 ballots, thereby, jeopardizing the ability of such voters to have their ballots counted.

18 11. In the 2020 primary election, many postal workers in Vermont went above and  
 19 beyond their job duties to ensure that all timely posted ballots were delivered to polling  
 20 places on time, which was a challenge given the much higher volume of mailed ballots  
 21 than in previous years. Vermont is concerned that, with the elimination of overtime and

1 other recent USPS operational changes, postal workers will be unable to fulfill these  
2 functions for the 2020 general election.

3 13. Vermont is concerned that, with the certainty of a high turnout and heavy reliance  
4 on absentee voting or voting by mail for this impending election, postal service  
5 disruptions will disenfranchise voters, make receipt and processing more difficult for  
6 election workers and will undermine the integrity of election results if large numbers of  
7 ballots are not returned in time.

8

9 I declare under penalty of perjury that, to the best of my knowledge, the  
10 foregoing is true and correct.

11

12 Executed at \_\_Montpelier\_\_, Vermont, on this \_4<sup>th</sup>\_ day of September, 2020.



13

14

15

16

---

Christopher Winters  
Deputy Secretary of State

# Exhibit 48

1 ROBERT W. FERGUSON  
*Attorney General*  
2 NOAH GUZZO PURCELL, WSBA #43492  
*Solicitor General*  
3 NATHAN K. BAYS, WSBA #43025  
KRISTIN BENESKI, WSBA #45478  
4 ANDREW R.W. HUGHES, WSBA #49515  
CRISTINA SEPE, WSBA #53609  
5 *Assistant Attorneys General*  
EMMA GRUNBERG, WSBA #54659  
6 TERA M. HEINTZ, WSBA #54921  
*(application for admission forthcoming)*  
7 KARL D. SMITH, WSBA #41988  
*Deputy Solicitors General*  
8 800 Fifth Avenue, Suite 2000  
Seattle, WA 98104  
9 (206) 464-7744

10 **UNITED STATES DISTRICT COURT**  
11 **EASTERN DISTRICT OF WASHINGTON**  
12 **AT YAKIMA**

13 STATE OF WASHINGTON, et  
al.,

14 Plaintiffs,

15 v.

16 DONALD J. TRUMP, et al.,

17 Defendants.

NO. 1:20-cv-03127-SAB

DECLARATION OF  
MARIBETH WITZEL-BEHL IN  
SUPPORT OF PLAINTIFF  
STATES' MOTION FOR  
PRELIMINARY INJUNCTION

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DECLARATION OF MARIBETH  
WITZEL-BEHL

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I, **MARIBETH WITZEL-BEHL**, declare as follows:

1. I am over the age of 18, am competent to testify as to the matters herein, and make this declaration based on my personal knowledge.

2. From 2004 to 2006, I was the Licensing Clerk in the City of Madison’s City Clerk’s Office. I have been the City Clerk of the City of Madison since 2006. I am the elections administrator for the City and am responsible for about 180,000 voters. I oversee the processing of absentee requests and issuance of absentee ballots, work that is done by ten full-time Clerk’s Office employees and 53 hourly absentee clerks. Voters contact me with their concerns via e-mail, via phone, and in person.

3. Based on my experience working with absentee voting, I know that many Madison voters rely on the Postal Service for timely mail delivery in order to meet Wisconsin’s statutory deadlines for absentee voting.

4. When the Clerk’s Office receives a voter’s request for an absentee ballot, it prepares the ballot and places it in the mail for delivery by the Postal Service to the voter’s residence.

5. Due to shutdowns in Wisconsin mail processing facilities over the past several years, mail sent from the City Clerk’s Office to Madison residents is routed through a processing facility in Milwaukee, Wisconsin. My understanding is that this shipping process adds a day or two to mail delivery times.

1           6.     Postal Service officials have informed me that ballots should arrive  
2 at voters' residence in two to five days. However, many voters have contacted  
3 the City Clerk's Office to report that they have waited around five to seven days  
4 for ballots to arrive at their residence.

5           7.     If a voter chooses to return an absentee ballot by mail, they must  
6 place it back in the mail for Postal Service delivery back to the City Clerk's  
7 Office. Voters have reported that this return delivery can take up to a week.

8           8.     I am familiar with reports regarding operational changes at the  
9 Postal Service related to mail processing and delivery, including that the Postal  
10 Service has reduced overtime for employees, instructed mail carriers to leave  
11 behind excess mail that cannot be delivered during standard hours, and removing  
12 mail sorting machines.

13          9.     In recent weeks, municipal clerks in Wisconsin have regular contact  
14 with Postal Service officials via Zoom videoconference calls to discuss issue  
15 related to election mailings. Through these calls, I have learned that the Postal  
16 Service has removed mail processing machines that served the City of Madison.

17          10.    Additional delays in mail processing and delivery caused by the  
18 Postal Service's recent operational changes create a substantial risk that many  
19 voters will not have time to receive and submit their absentee ballots by mail  
20 before Wisconsin's statutory deadline of 8 p.m. on election day. That risk is  
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DECLARATION OF MARIBETH  
WITZEL-BEHL

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ATTORNEY GENERAL OF WASHINGTON  
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especially acute for voters who wait until the deadline of five days before election day to request an absentee ballot by mail.

11. In Wisconsin’s most recent primary election in August 2020, around 270 absentee ballots arrived at the City Clerk’s office by mail after the statutory deadline and were not counted. In the comparable primary election during August 2018, the City Clerk’s office received only around 160 late absentee ballots.

12. Madison voters have expressed to me their concerns with Postal Service mail delivery in connection with the November 2020 general election, and specifically their worries that the Postal Service will not deliver their completed absentee ballots in a timely and reliable fashion.

I declare under penalty of perjury under the laws of the State of Wisconsin and the United States that the foregoing is true and correct.

DATED this 18th day of August, 2020, at Madison, Wisconsin.

  
\_\_\_\_\_  
Maribeth Witzel-Behl  
City Clerk of the City of Madison, Wisconsin

# Exhibit 49

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ROBERT W. FERGUSON  
*Attorney General*

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
AT YAKIMA**

STATE OF WASHINGTON, et al.,

Plaintiff,

v.

DONALD J. TRUMP, et al.,

Defendants.

NO. 1:20-CV-03127

DECLARATION OF DAVID YAO

I, David Yao, declare as follows:

1. I am over the age of 18, am competent to testify as to the matters herein, and make this declaration based on my personal knowledge.

2. I have been a United States Postal Service (USPS) employee for over 30 years. In addition to my role as a postal clerk for the USPS, I currently serve as Vice President of the Greater Seattle Area Local of the American Postal Workers Union. I make this declaration in my personal capacity and not on behalf of any organization or entity.

1           3.     The USPS has recently made several significant changes to the way  
2 it processes and delivers mail in the State of Washington.

3           4.     In general, when a mail carrier is out on their daily route, they will  
4 pick up outgoing mail from various sources, including private mailboxes and  
5 public blue boxes. When the mail carrier finishes their route, they will bring that  
6 outgoing mail back to the station, where it will be put on a truck that will take it  
7 to a regional processing center that evening. At the processing center, the mail  
8 will be postmarked and sorted depending on its destination.

9           5.     One of the more significant recent changes to the way mail is being  
10 processed in Washington State is that trucks traveling between stations and  
11 processing centers must now leave each facility by a firm deadline each day, and  
12 there cannot be any exceptions to this deadline. I learned about this change from  
13 the truck drivers. They have told me that this requirement applies both to trucks  
14 leaving stations at the end of the day to take outgoing mail to a processing center,  
15 and to trucks leaving processing centers in the morning to take mail that has been  
16 postmarked and sorted to a station for delivery.

17           6.     In normal circumstances, if the last truck of the day were about to  
18 leave a station to take outgoing mail to a processing center, the truck would have  
19 discretion to wait if there was for example a letter carrier who was about to return  
20 with a large bundle of outgoing mail collected during the day. In that situation,  
21 waiting a short amount of time makes it possible to ensure that all of the outgoing  
22

1 mail that was collected during the day would be sent to the processing center that  
2 evening to be sorted and postmarked.

3 7. These recent changes, however, represent a significant departure  
4 from our prior practices. Truck drivers have told me they are required to leave  
5 the station for the processing center by a firm deadline without any exceptions.  
6 As a result, even if a carrier is about to return to the station with a large bundle  
7 of outgoing mail collected during the day, the truck leaving for the processing  
8 center is not permitted to wait for the carrier to arrive. Instead, the truck will leave  
9 before the carrier arrives, and that outgoing mail will get left behind to sit at the  
10 station for at least another day unless a supervisor can drive it to the processing  
11 center to be sorted and postmarked.

12 8. I have heard from other Union officers and postal employees that  
13 these changes also apply to trucks leaving a processing center in the morning to  
14 take postmarked and sorted mail to stations for distribution and delivery.  
15 Previously, if there was still a large volume of mail that was nearly done being  
16 processed in the morning, the trucks could wait to make sure they got all the mail  
17 that should go to the station that day. Under the recent changes, however, those  
18 trucks also leave by a firm deadline without any exception. As a result, any mail  
19 that was nearly done being processed will miss the truck entirely and could  
20 instead sit at the facility for at least another day until it can be driven to the station  
21 for delivery.  
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9. In my experience as a postal employee, election mail is usually treated as First Class Mail, regardless of the postage on the envelope. This includes absentee or mail-in ballots that are sent to voters and the completed ballots that are sent back to election officials.

I declare under penalty of perjury under the laws of the State of Washington and the United States that the foregoing is true and correct.

DATED this 3<sup>rd</sup> day of September, 2020, at Seattle, Washington.

*David C. Yao*  
\_\_\_\_\_  
DAVID YAO

# Exhibit 50

1 ROBERT W. FERGUSON  
*Attorney General*  
2 NOAH GUZZO PURCELL, WSBA #43492  
*Solicitor General*  
3 NATHAN K. BAYS, WSBA #43025  
4 KRISTIN BENESKI, WSBA #45478  
5 ANDREW R.W. HUGHES, WSBA #49515  
6 CRISTINA SEPE, WSBA #53609  
*Assistant Attorneys General*  
7 EMMA GRUNBERG, WSBA #54659  
8 TERA M. HEINTZ, WSBA #54921  
*(application for admission forthcoming)*  
9 KARL D. SMITH, WSBA #41988  
*Deputy Solicitors General*  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104  
(206) 464-7744

10 **UNITED STATES DISTRICT COURT**  
11 **EASTERN DISTRICT OF WASHINGTON**  
12 **AT YAKIMA**

13 STATE OF WASHINGTON, et  
14 al.,

14 Plaintiffs,

15 v.

16 DONALD J. TRUMP, et al.,

17 Defendants.

NO. 1:20-cv-03127-SAB

DECLARATION OF KAREN  
YARBROUGH IN SUPPORT  
OF PLAINTIFF STATES'  
MOTION FOR PRELIMINARY  
INJUNCTION

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DECLARATION OF KAREN A.  
YARBROUGH

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
Seattle, WA 98104-3188  
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1 I, Karen A. Yarbrough, declare as follows:

2 1. I am over the age of 18, am competent to testify as to the matters  
3 herein, and make this declaration based on my personal knowledge.

4 2. I make this declaration from personal knowledge and based on  
5 records from the Cook County Clerk's Office, located in Cook County, Illinois,  
6 and would testify to the following facts if called as a witness at hearing or trial.

7 3. I am the Cook County Clerk, responsible for administration of  
8 elections in suburban Cook County, Illinois (excluding the City of Chicago).

9 4. The Cook County Clerk's Office serves as the local election  
10 authority for Illinois voters who reside in suburban Cook County. There are  
11 approximately 1,570,127 Cook County residents currently registered to vote in  
12 the area subject to our jurisdiction. Our office is one of 108 local election  
13 authorities in Illinois. The local election authorities handle local voter  
14 registration programs, arrange for the printing of ballots, and manage the vote  
15 count at the local level. They are additionally responsible for accepting vote by  
16 mail applications, mailing ballots to voters who have applied to vote by mail,  
17 and accepting ballots returned by mail. *See* 10 ILCS 5/2B-15; 10 ILCS 5/2B-20.  
18 The local election authorities function under the supervision of the Illinois State  
19 Board of Elections ("ISBE"), which oversees the administration of registration  
20 and election laws throughout the State of Illinois. *See* 10 ILCS 5/1A-1.

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DECLARATION OF KAREN A.  
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1  
2 **Illinois' Statutory Vote by Mail Procedures**

3 5. Illinois has successfully utilized vote by mail procedures for over a  
4 decade. In 2009, Illinois began allowing any qualified and registered voter in  
5 the state to choose to vote by mail in accordance with deadlines and procedures  
6 established in Illinois Election Code. *See* Pub. Act 96-0553 (eff. Aug. 17, 2009)  
7 (amending 10 ILCS 5/19-1).

8 6. This year, in response to the Covid-19 pandemic and to protect the  
9 health of Illinois residents, Illinois enacted new legislation to further enhance  
10 the availability of vote by mail for Illinois voters participating in the 2020  
11 general election. On June 16, 2020, Public Act 101-0642 became law in  
12 Illinois. *See* Pub. Act 101-0642 (eff. June 16, 2020) (creating 10 ILCS 5/2B *et*  
13 *seq.*).

14 7. Public Act 101-0642 permits voters to request applications “for an  
15 official ballot for the 2020 general election to be sent to the elector through  
16 mail.” 10 ILCS 5/2B-15(a).

17 8. In addition, the new law requires election authorities to send  
18 applications for “an official vote by mail ballot for the 2020 general election” to  
19 any elector who voted, whether by mail or in person, in (1) the 2018 general  
20 election; (2) the 2019 consolidated election (in which various municipal  
21 elections occur in Illinois); or (3) the 2020 general primary election. *Id* § 5/2B-  
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1 15(b). Vote by mail applications must also be sent to voters who have registered  
2 to vote or changed their registration address after March 17, 2020, the date of  
3 the general primary election, and on or before July 31, 2020. *Id.* The vote by  
4 mail applications sent to voters must also include a notice stating that “upon  
5 completion of the application, the elector *will receive* an official ballot no more  
6 than 40 days and no less than 30 days before the election[.]” *Id.* §5/2B-15(c)  
7 (emphasis added). The notice also informs voters that they may return the  
8 application by mail to their election authority. *Id.* Both the application and  
9 notice are to be sent by mail “to the elector’s registered address and any other  
10 mailing address the election authority may have on file, including a mailing  
11 address to which a prior vote by mail ballot was mailed.” *Id.* § 5/2B-15(d).

12 9. Beginning on September 24, 2020, election authorities in Illinois  
13 must mail official ballots to voters in Illinois who have requested them. *Id.* §  
14 2B-20(a). Voters requesting a vote by mail ballot on or before October 1, 2020,  
15 must receive one “no later than October 6, 2020.” *Id.* For requests received after  
16 October 1, 2020, an election authority must mail an official ballot within two  
17 business days after receiving the application. *Id.* Election authorities must  
18 continue accepting vote by mail applications received by mail or electronically  
19 through October 29, 2020—five days before election day, November 3, 2020.  
20 *See* 10 ILCS 5/19-2. Voters may also submit a vote by mail application in  
21 person as late as November 2, 2020, the day before election day. *Id.*

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1           10. For voters returning their completed ballots by mail, their ballots  
2 must be postmarked on or before election day and received within the fourteen-  
3 day period following election day during which provisional ballots are counted.  
4 *See* 10 ILCS 5/19-3, 19-8(c); 10 ILCS 5/20-2.3. Illinois law also permits  
5 election authorities to create “secure collection sites for the postage-free return  
6 of vote by mail ballots,” and specifically provides that “[e]lection authorities  
7 shall accept any vote by mail ballot returned, including ballots returned with  
8 insufficient or no postage[.]” 10 ILCS 5/2B-20(e). Voters who received vote by  
9 mail ballots and wish to personally return them have until the close of the polls  
10 on election day to submit them to collection sites for the issuing election  
11 authority. 10 ILCS 5/2B-20(e). Illinois law specifically provides that “[e]lection  
12 authorities shall accept any vote by mail ballot returned, including ballots  
13 returned with insufficient or no postage[.]” *Id.* Critically, Illinois law permits  
14 voters to select whether they will return their ballot by mail or in person using  
15 the secure collection site.

16                           **Vote By Mail Trends in Cook County, Illinois**

17           11. In previous General Elections, suburban Cook County voters relied  
18 upon vote by mail to cast their ballots. In the 2016 General Election, 87,987  
19 voters cast ballots by mail. In the 2018 General Election, 95,105 voters cast  
20 ballots by mail.

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1           12. Following the requirements of the new Illinois statute, on or about  
2 August 1, 2020, the Cook County Clerk's Office mailed approximately 1.6  
3 million vote by mail applications to suburban Cook County voters. I anticipate  
4 that providing these applications will significantly increase the number of  
5 voters who will opt to vote by mail.

6           13. In light of the recent change of laws in Illinois and the COVID-19  
7 pandemic, I believe a larger number of people will opt to vote by mail. In fact,  
8 as of August 18, 2020, the Cook County Clerk's Office has received 176,843  
9 ballot applications from voters who wish to vote by mail. This number is  
10 significantly higher than what we have observed in previous General Elections.  
11 Already, the total number of mail ballot applications is more than double the  
12 total number of mail ballots cast in the last Presidential General Election in  
13 2016.

14           14. Based on the trends our office is observing, I believe it is highly  
15 likely that the 107 other local election authorities in Illinois will witness similar  
16 trends.

17                           **Impacts of United States Postal Service's Recent Changes**

18           15. I am aware and have seen the letter that the United States Postal  
19 Service ("USPS") mailed to ISBE on July 30, 2020. In that letter, USPS warned  
20 ISBE that that "under our reading of Illinois' election laws, certain deadlines for  
21 requesting and casting mail-in ballots are incongruous with the Postal Service's  
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1 delivery standards. This mismatch creates a risk that ballots requested near the  
2 deadline under state law will not be returned by mail in time to be counted under  
3 your laws as we understand them.” The letter specifically flagged that Illinois  
4 permits voters intending to vote by mail to apply for a vote by mail ballot “as late  
5 as 5 days before the November general election.” It also asserted that “the Postal  
6 Service cannot adjust its delivery standards to accommodate the requirements of  
7 state election law.” A copy of the July 30, 2020 letter is attached to this  
8 declaration as Exhibit A.

9 16. In addition to the July 30, 2020 letter from USPS, I am also aware  
10 of recent media reports indicating that some members of the public have been  
11 experiencing delays in mail delivery. I am also aware of media reports  
12 indicating that operational changes have recently been occurring at USPS that  
13 may have contributed to these delays.

14 17. The Cook County Clerk’s Office works to ensure that elections in  
15 suburban Cook County are fair and that residents who are eligible to vote can  
16 do so in a safe and secure manner. Ensuring the safety of voters is especially  
17 critical this year, given the ongoing Covid-19 pandemic. Vote by mail is a vital  
18 tool in enabling Illinois voters to safely cast their ballots.

19 18. The deadlines required by Illinois law permit voters to apply to  
20 vote by mail up until very close to election day. Having an efficient mail service  
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1 through USPS is critical to ensuring that voters choosing to vote by mail are  
2 able to receive and return their ballots by the deadlines required in Illinois law.

3 19. The need for an efficient mail service through USPS is particularly  
4 critical in the final weeks leading up to election day on November 3, 2020.  
5 Voters in Illinois can mail or electronically submit applications to vote by  
6 through October 29, 2020. For voters submitting their applications on October  
7 29 or the few days leading up to that date, having reliable and efficient USPS  
8 mail delivery will be essential to ensure that the voters are able to receive,  
9 complete, and return their ballots in time for them to be counted.

10 20. In addition, Illinois voters mailing their ballots need to have their  
11 ballots postmarked no later than election day, November 3, 2020, in order for  
12 them to be counted. Ballots submitted by mail must also be received by the  
13 election authority within the fourteen days after election day in order to be  
14 counted.

15 **Irreparable Harm**

16 21. An efficient and reliable mail service through USPS is critical to  
17 ensuring that Cook County voters choosing to vote by mail are not  
18 disenfranchised because of delays in processing or delivering the mail. The  
19 anticipated increase in the number of Illinois citizens voting by mail in this year's  
20 election also means that an efficient and reliable mail service through USPS has  
21 never been more important to ensuring that Illinois citizens can exercise their  
22 right to vote.

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1           22. USPS's warnings about its inability to provide reliable services in  
2 Illinois is occurring at a time when prompt mail delivery has never been more  
3 essential for protecting the right to vote for Illinois citizens. Maintaining and  
4 enhancing USPS capacity is an urgent priority for the Cook County Clerk's  
5 Office in light of the expansion of vote by mail options Illinois has adopted in  
6 response to the COVID-19 pandemic.

7           23. However, if USPS provides inadequate postal services so close to  
8 an election, significant numbers of Cook County and Illinois voters would be at  
9 risk of becoming disenfranchised in the upcoming election.

10           24. If mail services are impeded or delayed, voters who utilize vote by  
11 mail risk not having their ballot counted. For example, the Cook County Clerk's  
12 Office may receive vote by mail applications late due to mail delays, which will  
13 delay our ability to send voters their ballots. Even if applications are timely  
14 received, voters may still receive their ballots late or else be prevented from  
15 casting their ballots in a timely way if the mail is delayed or voters are otherwise  
16 unable to find an alternative method to deliver their ballot to a secure collection  
17 site. In fact, USPS has essentially admitted the strong probability that irreparable  
18 disruptions will occur in their July 30, 2020 letter.

19           25. Further, if USPS's changes undercut public confidence in postal  
20 services, voters who otherwise would have remained safely at home to vote might  
21 opt to vote in person at a polling place instead, which heightens inherent risks of  
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DECLARATION OF KAREN A.  
YARBROUGH

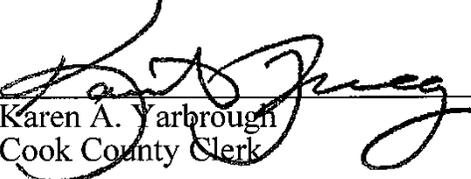
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1 spreading COVID-19 during a dangerous pandemic. Otherwise, voters who feel  
2 that they cannot trust the postal service but have warranted concerns about  
3 congregating at a polling place simply might not vote at all.

4 **I declare under penalty of perjury under the laws of the United States**  
5 **that the foregoing is true and correct.**

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DATED this 19th day of August 2020, at Chicago, Illinois.

  
Karen A. Yarbrough  
Cook County Clerk

DECLARATION OF KAREN A.  
YARBROUGH

ATTORNEY GENERAL OF WASHINGTON  
Complex Litigation Division  
800 5th Avenue, Suite 2000  
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**Yarbrough Declaration**  
**Exhibit A**

THOMAS J. MARSHALL  
GENERAL COUNSEL  
AND EXECUTIVE VICE PRESIDENT



July 30, 2020

Honorable Steve Sandvoss  
Executive Director  
State Board of Elections  
2329 S. MacArthur Boulevard  
Springfield, IL 62704-4503

Dear Mr. Sandvoss:

Re: Deadlines for Mailing Ballots

With the 2020 General Election rapidly approaching, this letter follows up on my letter dated May 29, 2020, which I sent to election officials throughout the country. That letter highlighted some key aspects of the Postal Service's delivery processes. The purpose of this letter is to focus specifically on the deadlines for requesting and casting ballots by mail. In particular, we wanted to note that, under our reading of Illinois' election laws, certain deadlines for requesting and casting mail-in ballots are incongruous with the Postal Service's delivery standards. This mismatch creates a risk that ballots requested near the deadline under state law will not be returned by mail in time to be counted under your laws as we understand them.

As I stated in my May 29 letter, the two main classes of mail that are used for ballots are First-Class Mail and USPS Marketing Mail, the latter of which includes the Nonprofit postage rate. Voters must use First-Class Mail (or an expedited level of service) to mail their ballots and ballot requests, while state or local election officials may generally use either First-Class Mail or Marketing Mail to mail blank ballots to voters. While the specific transit times for either class of mail cannot be guaranteed, and depend on factors such as a given mailpiece's place of origin and destination, most domestic First-Class Mail is delivered 2-5 days after it is received by the Postal Service, and most domestic Marketing Mail is delivered 3-10 days after it is received.

To account for these delivery standards and to allow for contingencies (e.g., weather issues or unforeseen events), the Postal Service strongly recommends adhering to the following timeframe when using the mail to transmit ballots to domestic voters:

- **Ballot requests:** Where voters will both receive and send a ballot by mail, voters should submit their ballot request early enough so that it is received by their election officials at least 15 days before Election Day at a minimum, and preferably long before that time.
- **Mailing blank ballots to voters:** In responding to a ballot request, election officials should consider that the ballot needs to be in the hands of the voter so that he or she has adequate time to complete it and put it back in the mail stream so that it can be processed and delivered by the applicable deadline. Accordingly, the Postal Service recommends that election officials use First-Class Mail to transmit blank ballots and allow 1 week for delivery to voters. Using Marketing Mail will result in slower delivery times and will increase the risk that voters will not receive their ballots in time to return them by mail.

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THOMAS.J.MARSHALL@USPS.GOV  
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- 2 -

- **Mailing completed ballots to election officials:** To allow enough time for ballots to be returned to election officials, domestic voters should generally mail their completed ballots at least one week before the state's due date. In states that require mail-in ballots to be *both* postmarked by Election Day *and* received by election officials by a specific date that is one week or more after Election Day, voters may generally mail their ballot up until November 3. However, voters who mail in their ballots on Election Day must be aware of the posted collection times on collection boxes and at the Postal Service's retail facilities, and that ballots entered after the last posted collection time on a given day will not be postmarked until the following business day.

Under our reading of your state's election laws, as in effect on July 27, 2020, certain state-law requirements and deadlines appear to be incompatible with the Postal Service's delivery standards and the recommended timeframe noted above. As a result, to the extent that the mail is used to transmit ballots to and from voters, there is a significant risk that, at least in certain circumstances, ballots may be requested in a manner that is consistent with your election rules and returned promptly, and yet not be returned in time to be counted.

Specifically, it appears that a completed ballot must be postmarked before Election Day and received by election officials within 14 days after the election, which we understand to be the end of the period for counting provisional ballots. If that understanding is correct, voters who choose to mail their ballots may do so on or before Tuesday, November 3. However, it further appears that state law generally permits voters to apply for a ballot as late as 5 days before the November general election. If a voter submits a request at or near the ballot-request deadline, and if the ballot is transmitted to the voter by mail, there is a significant risk that the ballot will not reach the voter before Election Day, and accordingly that the voter will not be able to use the ballot to cast his or her vote. That risk is exacerbated by the fact that the law does not appear to require election officials to transmit a ballot until 2 business days after receiving a ballot application.

To be clear, the Postal Service is not purporting to definitively interpret the requirements of your state's election laws, and also is not recommending that such laws be changed to accommodate the Postal Service's delivery standards. By the same token, however, the Postal Service cannot adjust its delivery standards to accommodate the requirements of state election law. For this reason, the Postal Service asks that election officials keep the Postal Service's delivery standards and recommendations in mind when making decisions as to the appropriate means used to send a piece of Election Mail to voters, and when informing voters how to successfully participate in an election where they choose to use the mail. It is particularly important that voters be made aware of the transit times for mail (including mail-in ballots) so that they can make informed decisions about whether and when to (1) request a mail-in ballot, and (2) mail a completed ballot back to election officials.

We remain committed to sustaining the mail as a secure, efficient, and effective means to allow citizens to participate in the electoral process when election officials determine to utilize the mail as a part of their election system. Ensuring that you have an understanding of our operational capabilities and recommended timelines, and can educate voters accordingly, is important to achieving a successful election season. Please reach out to your assigned election mail coordinator to discuss the logistics of your mailings and the services that are available as well as any questions you may have. A list of election mail coordinators may be found on our website at: <https://about.usps.com/election-mail/politicelection-mail-coordinators.pdf>.

We hope the information contained in this letter is helpful, and please let me know if you have any questions or concerns.

Sincerely,



Thomas J. Marshall