

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

COMPLAINT OF LEAGUE OF
UNITED LATIN AMERICAN
CITIZENS, SECURE FAMILIES
INITIATIVE, ARIZONA STUDENTS'
ASSOCIATION, AND CITY OF
MADISON, WISCONSIN

DOCKET No. C2026-27

**COMPLAINT OF LEAGUE OF UNITED LATIN AMERICAN CITIZENS, SECURE
FAMILIES INITIATIVE, ARIZONA STUDENTS' ASSOCIATION, AND CITY OF
MADISON, WISCONSIN REGARDING UNITED STATES POSTAL SERVICE
VIOLATIONS OF 39 U.S.C. § 3661(b) AND 39 U.S.C. § 403(c)**

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I. Introduction

1. Complainants League of United Latin American Citizens, Secure Families Initiative, Arizona Students' Association, and City of Madison, Wisconsin bring this complaint against the United States Postal Service for implementing a significant nationwide change in the nature of postal services without first requesting an advisory opinion from the Postal Regulatory Commission (the "Commission") under 39 U.S.C. § 3661(b) and for proceeding with the change though it discriminates among mail users in violation of 39 U.S.C. § 403(c).

2. On March 31, 2026, the President issued Executive Order 14,399, entitled *Ensuring Citizenship Verification and Integrity in Federal Elections*. 91 Fed. Reg. 17125 (Mar. 31, 2026) (the "Order"), <https://www.govinfo.gov/content/pkg/FR-2026-04-03/pdf/2026-06601.pdf>.

3. On June 2, 2026, the Postal Service issued a notice of proposed rulemaking that would amend the Mailing Standards of the Domestic Mail Manual ("DMM") to add a new Section 705.24 (the "Proposed Rule") implementing the Executive Order. See *Ballot Mail for Federal Elections*, 91 Fed. Reg. 32915 (June 2, 2026) (to be codified at 39 C.F.R. pt. 111), <https://www.govinfo.gov/content/pkg/FR-2026-06-02/pdf/2026-10968.pdf>. Shortly thereafter, a federal district court declared the Order unconstitutional and enjoined its implementation. Though it has not yet issued a final rule, the Postal Service has nevertheless insisted on the propriety of both the Order and its Proposed Rule.

4. The Proposed Rule, while cloaked in the language of merely implementing technical best practices, would be a sweeping and unprecedented arrogation of power over elections from the States to the federal government and is unconstitutional and unlawful in both substance and procedure.

5. The Proposed Rule creates several new conditions that States and localities must satisfy before the Postal Service will even accept outgoing ballot mail for delivery.

6. Among other things, the Proposed Rule would require States to first provide the Postal Service with lists of every voter they intend to mail a ballot—including data like the voter’s name, address, originating election office, and a unique Intelligent Mail barcode (IMb) for the outbound ballot and a unique IMb for the ballot return envelope. The Postal Service must populate this data into a federal database of individuals enrolled to vote by mail called the “Mail-in and Absentee Participation List.” If a State attempts to mail a ballot to any eligible voter not on the list or declines to provide the requisite voter lists, the Postal Service will refuse to accept or deliver that State’s mail ballots.

7. In essence, the Proposed Rule assumes unprecedented power to shut down any State’s mail ballot program for failure to satisfy new federal voting rules neither Congress nor any State has legislated.

8. Congress has, for good reason, required significant nationwide changes in postal services like this one to be reviewed by the Commission before implementation. Specifically, 39 U.S.C. § 3661(b) compels the Postal Service to request an advisory opinion from the Commission before it may implement any change to the nature of postal services that will generally affect service on a nationwide or substantially nationwide basis. Although the Commission’s opinion is advisory rather than binding, it is a mandatory procedural step that the Postal Service must undergo before implementing the types of sweeping, nationwide changes that will go into effect under the Proposed Rule.

9. However, the Postal Service has already begun implementing the database required by the Proposed Rule. The Postal Service intends to issue a final version of the

Proposed Rule, or a substantially similar rule, as soon as present federal court injunctions are lifted and intends to proceed with implementation in the rapidly approaching 2026 General Election. Meanwhile, the Postal Service has expressly disclaimed any obligation to seek an advisory opinion under section 3661(b).

10. Consequently, Complainants file this complaint under 39 U.S.C. § 3662(a) seeking redress of the Postal Service's violation of the 39 U.S.C. § 3661(b) and its refusal to seek an advisory opinion on the Proposed Rule prior to implementation.

11. Complainants also seek redress because the Proposed Rule unduly and unreasonably discriminates among users of the mail in violation of 39 U.S.C. § 403(c).

II. Parties and Jurisdiction

12. League of United Latin American Citizens ("LULAC"), established in 1929, is the nation's largest and oldest Latino civil rights organization. It is a nationwide, non-profit, non-partisan membership organization with over 400 councils (local chapters) and over 570,000 members, with members in every state in the country. Through regular voter registration drives and get-out-the-vote efforts, LULAC helps its members apply for absentee ballots and, where state law permits, encourages mail-in voting, especially among its many members who cannot easily vote in person due to age, medical issues, rural residence, or lack of reliable transportation.

13. Secure Families Initiative ("SFI") is a non-partisan, non-profit membership organization comprising military spouses and family members. SFI has five full-time staff members and about two part-time staff members serving over 44,000 members residing or registered to vote in every state and the District of Columbia, including military families serving abroad in at least sixteen countries. SFI regularly works to inform its members—many of whom are active-duty spouses and dependents who move frequently and are

often stationed away from their states of residence—about how to register and request and cast mail-in ballots.

14. Arizona Students' Association ("ASA") is a non-partisan, non-profit, student-led membership organization based in Arizona that represents the interests of more than 180,000 university students and 400,000 community college students in the state. ASA has four full-time staff members, along with part-time campus organizers and dozens of student fellows, who devote significant time to registering student voters. As its members are often first-time voters, frequently change addresses, or remain registered where they do not attend school, ASA encourages them to vote by mail, so they have time to review their ballots and cast an informed vote. A high percentage do so.

15. The City of Madison, Wisconsin, is the second-largest municipality in the State of Wisconsin. As of April 2026, the City had more than 189,000 registered voters. The City Clerk is responsible for administering all aspects of elections for Madison's voters, including: processing voter registrations; maintaining and updating Madison's voter rolls in the statewide WisVote system; conducting all aspects of absentee voting, including determining voter eligibility under state and federal law and issuing and mailing ballots to qualified voters; locating, managing, and securing facilities for all polling places for both in-person absentee voting and Election Day voting; recruiting, coordinating, and managing more than 100 temporary staff to conduct in-person absentee voting and 2,500-3,000 election inspectors for Election Day; ensuring all aspects of the voting process are compliant with all federal, state, and local laws; and more.

16. LULAC, SFI, and ASA ("Organizational Complainants") are "interested persons" on behalf of themselves and their members for the purposes of 39 U.S.C. §

3662(a) because the Proposed Rule impedes core business activities in service of their organizational missions and risks disenfranchising their members who seek to vote by mail.

17. The City of Madison, Wisconsin is an “interested person” for the purpose of 39 U.S.C. § 3662(a) because the Proposed Rule substantially increases the cost and difficulty of administering vote-by-mail, impedes its ability to administer the 2026 and future elections pursuant to state and federal law, and risks disenfranchising voters it is mandated to serve.

18. The United States Postal Service (“USPS” or “Postal Service”) is an independent agency of the federal government “operated as a basic and fundamental service provided to the people by the Government of the United States, authorized by the Constitution, created by Act of Congress, and supported by the people.” 39 U.S.C. § 101.

19. The Commission has jurisdiction over this complaint under 39 U.S.C. § 3662, which authorizes it to “order that the Postal Service take such action as the Commission considers appropriate in order to achieve compliance with the applicable requirements and to remedy the effects of any noncompliance.”

III. Background

A. Executive Order 14,399

20. Executive Order 14,399 was the impetus for the rulemaking at issue here.

21. Section 3 of the Order directs the Postmaster General to initiate, within 60 days, a proposed rulemaking establishing new federal requirements for absentee and mail voting in federal elections and directs the rulemaking to include, at minimum, certain requirements. 91 Fed. Reg. at 17126 (§ 3(b)).

22. First, the Order requires a rule specifying that all outbound ballot mail be sent in an envelope marked “Official Election Mail,” that bears a “unique Intelligent Mail barcode,” and that has undergone “mail envelope design review” by the Postal Service to ensure compliance with mailing standards. *Id.* (§ 3(b)(i)).

23. Second, the Order requires a rule under which a State may notify the Postal Service, at least 90 days before a federal election, whether it intends to transmit mail-in or absentee ballots through the postal service, and whether it will submit, at least 60 days before the election, a list of eligible voters to whom the State intends to mail such ballots. *Id.* (§ 3(b)(ii)).

24. Third, the Order directs a rule requiring the Postal Service to maintain and provide to States a “Mail-In and Absentee Participation List” of individuals who are enrolled with the Postal Service to receive that State’s mail-in or absentee ballots, with unique ballot envelope identifiers, such as bar codes, for mail-in or absentee ballots provided to such individuals. *Id.* (§ 3(b)(iv)). The proposed rule must enable each state to “routinely supplement” or modify this list. *Id.* at 17127 (§ 3(b)(v)).

25. Fourth, the Order also directs a rule prohibiting USPS from transmitting a mail-in or absentee ballot for any individual not on the Mail-In and Absentee Participation List for their state. *Id.* at 17126 (§ 3(b)(iii)).

B. The Proposed Rule

26. On June 2, 2026, and expressly pursuant to Section 3 of the Order, the Postal Service issued a Notice of Proposed Rulemaking to add the Proposed Rule as a new section in the DMM to govern ballot mail service in federal elections.

27. The Notice asserts authority for the rulemaking under 39 U.S.C. §§ 401 and 404, claims that the rulemaking is exempt from the notice-and-comment requirements of

the Administrative Procedure Act under 39 U.S.C. § 410(a), and set a comment period closing July 2, 2026. 91 Fed. Reg. at 32915-17.

28. In substance, the Proposed Rule would give legal effect to each of the Order's directives, and in doing so, it would impose sweeping new technical, administrative, and financial burdens on every State and locality and condition delivery of ballot mail on compliance with new federal requirements.

29. First, the Proposed Rule conditions delivery of ballot mail on new envelope design requirements, mandating that both outbound and return envelopes bear an official Election Mail logo, carry a unique IMb, and have undergone Postal Service mailpiece design and barcode placement review. *Id.* at 32917-18 (24.3). These are features the Postal Service has to date encouraged rather than mandated.¹

30. Second, the Proposed Rule allows a State's chief election official to notify the Postal Service, at least 90 days before a federal election, of its intent to allow mail-in or absentee ballots in the election to be transmitted via the Postal Service. *Id.* at 32917 (24.2).

31. Third, the Proposed Rule requires the Postal Service to compile and maintain, for each State, a "Mail-In and Absentee Participation List" of individuals "enrolled" to vote by mail, populated by mandatory State voter-data submissions. *Id.* at 32918 (24.4).

32. This service requires the Postal Service to engineer a new "Federal Mail Ballot Portal" (the "Portal"), through which States must enroll individual voters before

¹ See U.S. Postal Service, *2026-2027 Official Election Mail Guide, Kit 600*, at 4-5 (Feb. 2026), <https://about.usps.com/kits/kit600.pdf>.

those voters may receive a mail-in or absentee ballot by mail. *Id.* (24.4.1). Each person a State designates to use the Portal must first register an account, and registration “must be completed no later than two business days before an Outbound Federal Ballot mailing.” *Id.*

33. The Proposed Rule forces every State to submit electronic voter data to the federal government in order to administer mail or absentee voting. That is, any State that “intends to receive” mail-in ballots from voters through the Postal Service “must ensure that such individuals have been enrolled” on the State’s Mail-In and Absentee Participation List. *Id.* (24.4.2.a). To “enroll[]” a single voter, a State must supply, among other things, the voter’s name, address, and originating election office, a unique IMb for the outbound envelope, and a unique IMb for the return envelope. *Id.* (24.4.2.b). All this data must conform to “technical specifications” for the Portal the Proposed Rule does not disclose. *Id.* (24.4.2.e).

34. States must designate “Ballot Portal Users”² to submit this data “at least 30 days before the federal election, to the extent practicable, or by the date on which mail-in or absentee ballots may begin to be mailed under state law.” *Id.* (24.4.2.d). States may continue enrolling individuals or modifying prior submissions “until the last day that ballots may be mailed out to individuals under state law.” *Id.* But “[a] separate submission is required in connection with each Outbound Federal Ballot mailing, regardless of the number of mailpieces in the mailing.” *Id.* Thus, a State or locality that mails ballots in

² A “Ballot Portal User” includes the State’s chief election official and anyone they authorize to submit information through the Portal, including “an election official of that state or a political subdivision thereof.” *Id.* at 32917 (24.1.b).

successive batches (*i.e.*, many jurisdictions) must complete a discrete Portal submission for each one.³

35. The Proposed Rule also provides that the Postal Service will “[o]n or about the date of the federal election . . . provide a state-specific Mail-In and Absentee Participant List to each state’s chief election official that contains the name and address of each individual in that state who was enrolled [on the Portal], along with the unique IMb associated with the Outbound and Return Federal Ballot Mail sent to each such individual.” *Id.* (24.4.3).

36. Fourth, the Proposed Rule directs “Postal Service employees” to verify every Outbound Federal Ballot mailing for compliance with these requirements at the time the mailing is “presented for acceptance” by an “authorized ballot mailer”⁴ a facility performing business mail acceptance functions or at a retail counter. *Id.* (24.5.2).⁵

37. That is, before accepting a ballot mailing from a state or local election official or their agent, Postal Service employees must confirm both (1) that the mailing meets the new mandatory envelope design standards in 24.3.1 *and* (2) that the mailing “is being

³ See, e.g., *King County Elections Public Comment on Proposed Rule* (July 2, 2026), <https://kingcounty.gov/en/dept/elections/about-us/news-and-media-resources/news-releases/july-2-2026> (“The rule does not reflect the operational realities of vote by mail. Ballots are not mailed just once. Instead, they are mailed in waves with initial drops at different times for different voter groups, followed by daily mailings for replacement ballots, new registrations, updated addresses, and more.”); *Comment of Jefferson County, Colorado on Proposed Rule*, at 4 (June 18, 2026), <https://www.jeffco.us/DocumentCenter/View/58138/USPS-Comments-June-26-NPRM-Jefferson-County-Clerk?bidId=>.

⁴ “Authorized ballot mailer” means a state or local election official responsible for sending mail-in or absentee ballots to eligible voters, or an individual or entity authorized to do so on their behalf. *Id.* at 32917 (24.1.a).

⁵ Federal Ballot mailings with 200 or more pieces of Marketing Mail or 500 or more pieces of First-Class Mail must be presented for verification at a facility performing business mail acceptance functions. Mailings with mail volumes below those thresholds may be presented at such a facility or a retail counter. *Id.* (24.5.2).

sent” to individuals who appear on the state’s Mail-In and Absentee Participation List, “consistent with the technical specifications for the Federal Ballot Mail Portal.” *Id.* (24.5.1).

38. A mailing that fails either requirement “will not be accepted and will be returned to the authorized ballot mailer,” who “must address the error(s) before resubmitting the mailing.” *Id.* (24.5.3.a). And if a State has not filed a separately required certification of compliance, all of the State’s or its localities’ mailings will be rejected and returned, regardless of whether the ballots themselves conform. *Id.* (24.5.3.b, 24.4.2.f).

39. The Proposed Rule specifies no standard, method, or time limit for this verification. And yet the Proposed Rule disclaims any Postal Service responsibility for the ballots while they sit in its custody awaiting verification and for any resulting delays in getting those ballots to voters. *Id.* (24.5.3.d) (“The Postal Service assumes no responsibility for any outbound ballot mailing presented until it is accepted into the mail . . . [nor] for service delays when the Ballot Portal User or authorized ballot mailer does not meet the applicable preparation or entry standards.”).

40. Nor does acceptance provide any assurance that a verified ballot will timely reach its intended recipient under the Proposed Rule, which provides that the Postal Service’s “acceptance of Outbound Federal Ballot Mail does not constitute verified compliance.” *Id.* (24.5.2). Thus, a mailing that clears verification by one Postal Service employee may still be pulled from the mailstream, delayed, or returned if another employee later claims to identify a defect.

41. Furthermore, because the Proposed Rule requires verification at the level of a “mailing,” a single nonconforming mailpiece can result in rejection or delay of an entire batch. For example, if one ballot in a mailing is directed to a voter the State has not

yet uploaded to the Portal,⁶ or whose data otherwise does not match the Postal Service’s undisclosed technical specifications, the Postal Service may refuse and return the whole mailing. *Id.* (24.5.1, 24.5.3, 24.4.2.d).

42. In a hearing before the Senate Homeland Security and Government Affairs Committee, Postmaster General David Steiner confirmed that, under the Proposed Rule, the Postal Service would not deliver mail ballots in States that do not provide absentee voter data to the federal government.⁷

C. Relevant Federal Proceedings

43. Multiple lawsuits challenging the Executive Order and the Postal Service’s implementation of the Order are pending in federal courts.

44. *LULAC v. Executive Office of the President*—filed by Organizational Complainants in the U.S. District Court for the District of Columbia and consolidated with two other cases raising similar claims under *DSCC v. Trump*—challenged the Executive Order on various constitutional and statutory theories, but not the Proposed Rule directly. The district court denied a preliminary injunction on standing and ripeness grounds but acknowledged that the Executive Order “assumes that the Postal Service will not follow the law” and “asks [the Postal Service] to think about things that actually aren’t lawful.”

⁶ *Comment on Behalf of Local Election Officials on Notice of Proposed Rulemaking on Ballot Mail for Federal Elections*, at 8-9 (July 2, 2026), <https://www.publicrightsproject.org/wp-content/uploads/USPS-Comment-from-Local-Election-Officials-July-2026.pdf> (“Delays in the accuracy of the USPS list are inevitable. Real-time synchronization is operationally impossible. Election databases change constantly.”)

⁷ Finya Swai, *Postmaster general confirms plan to hold back mail ballots in states that won’t share voter data*, The Hill (June 24, 2026), <https://thehill.com/homenews/administration/5939636-trump-postal-service-voter-data/>.

Tr. of Prelim. Inj. Hr'g at 31:8-24, *Democratic Senatorial Campaign Comm. v. Trump*, No. 1:26-cv-1114-CJN (D.D.C. May 14, 2026).

45. In *California v. Trump*, several States separately challenged the Executive Order in the U.S. District Court for the District of Massachusetts. On June 25, 2026, the district court granted summary judgment to the plaintiff States declaring Sections 2 and 3 of the Order “legally void as they are ultra vires and unconstitutionally violate separation of powers,” and permanently enjoining their implementation. *California v. Trump*, No. 1:26-cv-11581-IT, 2026 WL 1826490, at *17 (D. Mass. June 25, 2026). The court held that the President may not direct the Postal Service to compile lists of eligible voters and condition ballot delivery on those lists because the Constitution reserves the power to determine voter eligibility to the States. *Id.* at *15-16. It further held that “no law enacted by Congress delegates authority to control mail-in voting to USPS” and that “USPS lacks statutory authorization to promulgate any binding regulations on mail-in voting.” *Id.*

46. The injunction reached the Postal Service’s present rulemaking. The court enjoined the Postal Service “from implementing or giving effect to Sections 2 or 3 of the EO with respect to the November 3, 2026 or any earlier federal election in the Plaintiff States.” *Id.* at *17. The Postal Service is also

enjoined from implementing, giving effect to, or enforcing Section 3(b)(i)-(v) or (d) of the EO as to election mail for elections administered by Plaintiff States and ballot envelopes used by Plaintiff States with respect to the November 3, 2026 or any earlier federal election, including refusing to transmit mail-in or absentee ballots from voters registered in Plaintiff States to elections officials in Plaintiff States, regardless of the voters’ location; or otherwise initiating or completing rulemaking to promulgate the specific regulations outlined in Section 3(b)(i)-(v) or (d) of the EO as to elections mail for elections administered by Plaintiff States and ballot envelopes used by Plaintiff States for the November 3, 2026 election, or any earlier election.

Id. Notably, the injunction does not extend beyond the 2026 General Election, does not extend to elections administered by non-party States or their political subdivisions, and does not afford the specific relief Complainants seek here.

47. Stay proceedings are also ongoing. On July 25, 2026, the First Circuit denied the Department of Justice's emergency motion for a stay of the injunction. *California v. Trump*, No. 26-1774, 2026 WL 2144084 (1st Cir. July 25, 2026). On July 27 and 29, the Department of Justice and several intervening State Defendants filed their respective emergency stay applications with the U.S. Supreme Court, which remain pending. Nos. 26A124, 26A139.

48. Additional challenges to the Order and its implementation remain pending in other cases, including *League of Women Voters of Massachusetts v. Trump*, No. 1:26-cv-11549-IT (D. Mass.) and *NAACP v. United States Postal Service*, No. 1:20-cv-02295-EGS (D.D.C.).

D. The Postal Service Refuses to Submit the Proposed Rule to the Commission Before Implementation.

49. Despite a federal court having ruled the Executive Order unconstitutional and enjoined any effort to give it legal effect, the Postal Service has not committed to abandon the present rulemaking. By all indication, the Postal Service intends to make the Proposed Rule final and effective in time for the rapidly approaching 2026 General Election should the U.S. Supreme Court grant a stay or as soon as otherwise possible when the present injunction expires.

50. To that end, the Postal Service has already begun implementation. On July 17, 2026, the Postal Service published a system of records notice (SORN) proposing to create a new General Privacy Act System of Records to coincide with the Proposed Rule

and identifying the categories of records it intends to store in the Federal Mail Ballot Portal—evidence that design and engineering of the Portal and its associated database(s) is already underway.⁸

51. The Postal Service has also expressly disclaimed any obligation to submit the Proposed Rule to this Commission for an advisory opinion before beginning implementation. In its recent opposition to a different petition seeking to initiate section 3661(c) proceedings on the Proposed Rule, the Postal Service claimed “that the proposed rule is clearly not a change in ‘the nature of postal services’ under section 3661.”⁹

52. The Postal Service has no intention to present the Proposed Rule to the Commission for an advisory opinion.

IV. The Postal Service’s Refusal to Submit the Proposed Rule to the Commission Violates 39 U.S.C. § 3661(b).

53. The Postal Reorganization Act (“PRA”), as amended by the Postal Accountability and Enhancement Act of 2006, provides that:

When the Postal Service determines that there should be a change in the nature of postal services which will generally affect service on a nationwide or substantially nationwide basis, it shall submit a proposal, within a reasonable time prior to the effective date of such proposal, to the Postal Regulatory Commission requesting an advisory opinion on the change.

39 U.S.C. § 3661(b). Following submission, the Commission must conduct a hearing on the record and allow for public participation prior to issuing a written advisory opinion. 39 U.S.C. § 3661(c).

⁸ Privacy Act of 1974; System of Records, 91 Fed. Reg. 44880 (July 17, 2026), <https://www.govinfo.gov/content/pkg/FR-2026-07-17/pdf/2026-14508.pdf>.

⁹ *U.S. Postal Service Response to Sai and Fiat Fiendum, Inc. Petitions*, Dkt. Nos. N2026-3, MC2026-271, at 4 n.4 (June 18, 2026), <https://prc.arkcase.com/api/prc-dockets/filing/downloadFile?fileId=254765&inline=true>.

54. The Postal Service must request an advisory opinion at least 90 days before implementing a proposal, to allow sufficient time for the requisite hearing and preparation of an advisory opinion. See 39 C.F.R. §§ 3020.102, 3020.110. And even before requesting the advisory opinion, the Postal Service must conduct one or more pre-filing conferences with “interested persons in the proceeding and shall make a good faith effort to address the concerns of such persons” to “identify[] relevant issues and information needed to address those issues during proceedings at the Commission.” 39 C.F.R. § 3020.111(a), (b). The Postal Service must file a notice of the pre-filing conference at least ten days before the conference occurs. 39 C.F.R. § 3020.111(d).

55. While the Postal Service has rulemaking authority under 39 U.S.C. § 401(2), that authority is subject to the PRA’s requirement that significant nationwide changes go through section 3661’s advisory-opinion procedure. This understanding is consistent with Postal Service practice: when the Postal Service has previously noticed a proposed rule in the Federal Register for public comment entailing significant service changes nationwide, it has requested an advisory opinion from the Commission *before* doing so and obtained the advisory opinion *before* promulgating the final rule and implementing it.¹⁰

56. The Commission has stressed the importance of the advisory-opinion procedure as a pre-implementation check, ensuring “an independent expert critique of Postal Service programs before they are put into practice” and allowing “the public to

¹⁰ See, e.g., Revised Service Standards for Market Dominant Mail Products, 86 Fed. Reg. 43941, 43942 (Aug. 11, 2021), <https://www.govinfo.gov/content/pkg/FR-2021-08-11/pdf/2021-17127.pdf> (recounting that Postal Service requested an advisory opinion on April 21, 2021, published its proposed rule on April 23, and did not issue a final rule until after advisory opinion rendered on July 20).

contribute views, objections, and insights to the planning and execution of service changes.”¹¹

57. Section 3661 proceedings are especially essential where ballot mail is concerned, because as the Commission has stated:

Obtaining the views of Postal Service customers is vitally important where the Postal Service's monopoly First-Class Mail product is concerned. The privilege of a governmentally established monopoly status includes the responsibility to hear and consider the needs of the constituency that must function under the constraints of that monopoly. Actions that are, or are perceived to be unilateral in nature may disenfranchise users to the ultimate detriment of the monopoly product.¹²

58. The Postal Service is obligated to obtain an advisory opinion before implementing a proposed change when three factors are met: (1) it must be a “change” that has “some meaningful,” rather than “minor,” impact on service; (2) the change is “in the nature of postal services,” meaning it alters the manner in which postal services are available to users; and (3) the change affects service “on a nationwide or substantially nationwide basis”—*i.e.*, over a “broad geographical area.” *Buchanan v. U.S. Postal Serv.*, 508 F.2d 259, 262-63 (5th Cir. 1975). See also *New York v. Trump*, 490 F. Supp. 3d 225, 241 (D.D.C. 2020), *vacated on other grounds*, 2026 WL 2023744 (D.C. Cir. July 14, 2026); *New York v. Biden*, 636 F. Supp. 3d 1, 21 (D.D.C. 2022); *NAACP v. U.S. Postal Serv.*, 496 F. Supp. 3d 1, 16-17 (D.D.C. 2020).

59. The Postal Service must obtain an advisory opinion before implementing the Proposed Rule under section 3661 because it satisfies each element.

¹¹ Advisory Opinion Concerning a Proposed Change in the Nature of Postal Services, Dkt. No. N75-1, at 65-66 (Postal Rate Comm’n Apr. 22, 1976), <https://prc.arkcase.com/api/prc-dockets/rca/download/508276839?inline=true>.

¹² *Commission Report Complaint on Sunday and Holiday Collections*, Dkt. No. C2001-1, at 2 (Postal Rate Comm’n Nov. 5, 2002), <https://prc.gov/docs/35/35714/CommissionReport.pdf>.

A. The Proposed Rule’s changes have a meaningful impact on service.

60. First, the Proposed Rule works a meaningful change in postal services that will measurably impact all state and local election officials, mail-service vendors, and voters.

61. On its face, the Proposed Rule’s reach is extraordinary: it changes the conditions and procedures for every mail-in and absentee ballot transmitted through the Postal Service in all fifty States.

62. The volume of mail affected is enormous. In 2024, the Postal Service delivered at least 99.22 million ballots to or from voters—a significant percentage of all Postal Service customers—and nearly one in three Americans who voted did so by mail.¹³ The Proposed Rule would change the preparation, acceptance, and delivery of that entire ballot-mail stream.

63. The Commission has found far smaller impacts quantitatively meaningful. In 2022, the Commission found a proposed change to Critical Entry Times would have an “unquestionably” meaningful impact on service where the change would affect only Periodicals, including approximately 54% of In-County Periodicals and 58% of Outside County Periodicals.¹⁴ Here, the Proposed Rule imposes new onerous conditions on 100% of federal-election ballot mail nationwide, plainly exceeding a merely minor change.

¹³See U.S. Postal Service, *2024 Post-Election Analysis Report*, at 1 (Dec. 2, 2024), <https://about.usps.com/what/government-services/election-mail/pdf/usps-post-election-report-2024-12-02.pdf>; see also *Nearly 1 in 3 Americans Voted by Mail in 2024*, States United Democracy Ctr. (updated Apr. 13, 2026), <https://statesunited.org/resources/americans-vote-by-mail-2024/>.

¹⁴ *Order Directing the Postal Service to Request an Advisory Opinion Prior to Implementing Its Proposed Change to the Critical Entry Times for Periodicals and Approving the Other Proposed Revisions to Market Dominant Service Performance Measurement Plan*, Dkt. No. PI2022-3, Order No. 6232, at 9-10 (July 18, 2022) (“Periodicals Order”), <https://prc.arkcase.com/api/prc-dockets/filing/downloadFile?fileId=142128&inline=true>.

64. The Proposed Rule also departs fundamentally from how ballot mail has moved through the Postal Service to date. It imposes mandatory standards for *all* absentee and mail-in ballot envelopes and requires states to submit detailed information (including two unique IMbs) for *every* voter who is to receive mail ballots. The Proposed Rule also directs Postal Service employees to screen *every* outgoing Federal Ballot mailing and accept only those that satisfy strict technical requirements, and it prohibits the Postal Service from delivering *any* mailing that includes mailpieces directed to voters not on the State’s Mail-In and Absentee Participation List. These new requirements pose a risk to tens of millions of postal users of delayed or withheld ballots—*i.e.*, disenfranchisement en masse—due to the errors of election officials or the Postal Service and through no fault of voters.¹⁵

B. The Proposed Rule’s changes are in the nature of postal services.

65. Second, these changes are “in the nature of postal services.”

66. This factor “involves a qualitative examination of the manner in which postal services available to the user will be altered.” *Buchanan*, 508 F.2d at 263. The Commission has also emphasized that “[i]t is the *experience of the individual postal consumer*, the recipient of the complex of services provided by the Postal Service and *the intended beneficiary of the policies* incorporated by § 3661, that must be assayed.” *Pennsylvania v. DeJoy*, 490 F. Supp. 3d 833, 885 (E.D. Pa. 2020) (citation omitted).

67. Courts have repeatedly held that changes threatening systemic delays in the delivery of ballots to postal users are changes “in the nature of postal services.” See

¹⁵ *Comment on Behalf of Local Election Officials*, *supra* note 6 at 9-10; *BPC Public Comment on USPS Proposed Rule on Ballot Mail for Federal Elections (2026-10968)* (July 2, 2026), <https://bipartisanpolicy.org/wp-content/uploads/2026/07/BPC-Ballot-Mail-for-Federal-Elections-Public-Comment.pdf>;

NAACP, 496 F. Supp. 3d at 17 (holding nationwide delays caused by Postal Service changes were “in the nature of postal services”) (citation omitted); *New York v. Trump*, 490 F. Supp. 3d at 242 (same); *New York v. Biden*, 636 F. Supp. 3d at 22 (same). And consistent with that understanding, the Postal Service routinely seeks advisory opinions before implementing policy changes that risk delayed service systemwide or for specific types or classes of mail.¹⁶

68. The Commission has also found that changes to the terms on which the Postal Service *accepts* mail is in and of itself a change in the nature of postal services, because “postal service” encompasses “the delivery of letters, printed matter, or mailable packages, including *acceptance*, collection, sorting, transportation, or other functions ancillary thereto.” 39 U.S.C. § 102(5) (emphasis added).¹⁷

69. For state and local election officials, the Proposed Rule works precisely that kind of change: alteration of terms at the point of acceptance. Where state and local election officials could previously present outgoing ballots and count on the Postal Service to accept and deliver them if properly addressed, the Proposed Rule now requires them to register with a new federal portal, submit detailed voter lists to the federal government according to undefined technical specifications, enroll each voter eligible to receive mail

¹⁶ See, e.g., Advisory Opinion on the Operational and Service Standard Changes Related to the Delivering for America Plan, Dkt. No. N2024-1 (Jan. 31, 2025), <https://www.prc.gov/sites/default/files/Advisory-Opinion.pdf>; Advisory Opinion on Service Changes Associated with First-Class Mail and Periodicals, Dkt. No. N2021-1 (July 20, 2021), <https://prc.arkcase.com/api/prc-dockets/filing/downloadFile?fileId=154736&inline=true>; Advisory Opinion on the Service Standard Changes Associated with First-Class Package Service, Dkt. No. N2021-2 (Sep. 29, 2021), <https://prc.arkcase.com/api/prc-dockets/filing/downloadFile?fileId=129284&inline=true>.

¹⁷ Periodicals Order, *supra* note 14 at 14 (“The Postal Service’s proposal to change the CET for Periodicals impacts the customer experience of ‘postal services’ in that it significantly alters the Postal Service’s ‘acceptance’ of applicable mailpieces.”) (citation omitted).

ballots in the state, certify compliance, and conform to envelope design specifications—all as a precondition of acceptance.¹⁸

70. For voters, the Proposed Rule qualitatively alters the service experience as well. Voters entitled under state law to receive a mail ballot may receive it late, or never, if they are omitted from the State’s enrollment list or if their ballot is refused at acceptance for any of the other conditions of the Proposed Rule.¹⁹ This risk is heightened for voters with non-traditional addresses or those seeking to vote by mail from outside their state of residence.²⁰

71. Ballot delivery is an essential postal service. For the millions of Americans who cannot vote in person, the mail is the only means by which they exercise the franchise. A change that risks withholding or delaying their ballot strikes at the core of the consumer experience section 3661 was designed to protect.

C. The Proposed Rule’s changes affect service on a nationwide basis.

72. Third, the Proposed Rule’s changes to ballot mail will affect service on a nationwide basis.

¹⁸ See *Comment on Behalf of Local Election Officials*, *supra* note 6 at 4 (“Compliance with the proposed Rule creates unknown and potentially significant costs to local election officials and the proposed Rule provides no funding to jurisdictions to implement those changes.”); *id.* at 5-9.

¹⁹ *Id.* at 9-10 (“Under the proposed Rule, when a local election jurisdiction is in noncompliance, voters will be penalized—they will be disenfranchised through no fault of their own.”).

²⁰ *Id.* at 5 (“Many jurisdictions that serve voters with nontraditional addresses are also at risk of noncompliance. The proposed Rule does not make clear whether the information needed by the USPS for its proposed Participation List can be sufficiently met by tribal addresses, college dorms, or long term care facilities.”); see also *Comment of Jefferson County*, *supra* note 3 at 7-8 (“Under the Proposed Rule, Jefferson County mail ballots delivered into the custody of the USPS in another state are at great risk of not being processed. . . . Would a local post office near the University of Chicago have access to the Jefferson County, Colorado list of names and IMb? Would there be a prioritization policy to review these ballots before local deliveries? The Proposed Rule gives no details of what will happen to return mail, much less this interstate situation. When ballots need to be mailed across states, delays are heightened in impact as deadlines loom in elections.”).

73. By its terms, the Proposed Rule would “apply uniform standards for the mailing of absentee ballots to and from voters” without any geographic limitation. 91 Fed. Reg. at 32915. It applies to all States where ballots are mailed to voters—that is, all States.²¹ And all States must choose whether to comply with the Proposed Rule’s conditions or effectively eliminate their entire vote-by-mail program.

74. Thus, the Postal Services failure to seek an advisory opinion on the Proposed Rule before commencing implementation violates 39 U.S.C. § 3661(b), depriving Complainants and the public of the Commission’s valuable expertise on this matter.

V. The Postal Service’s Proposed Rule Unduly and Unreasonably Discriminates Among Postal Users in Violation of 39 U.S.C. § 403(c).

75. The Proposed Rule will have a significant impact on postal users nationwide, but that impact will not be felt uniformly.²²

76. The Proposed Rule instead sorts similarly situated users of mail into those who will receive timely ballot mail service and those who will not, in two distinct ways: (1) it discriminates among local election offices that present ballot mail for delivery, and (2) it discriminates among the voters who are entitled to receive ballots through the mail. In

²¹ See *Table 1: States with No-Excuse Absentee Voting*, Nat’l Conf. of State Legislatures (last updated July 17, 2026), <https://www.ncsl.org/elections-and-campaigns/table-1-states-with-no-excuse-absentee-voting>.

²² See *Comment on Behalf of Local Election Officials*, *supra* note 6 at 1-2 (“Local election officials across the country do not share the exact same day-to-day experience: some operate bustling offices serving hundreds of thousands of voters, while others serve as the sole election administrator for individual townships, serving hundreds of voters; some have greater autonomy, authority, and responsibility compared to their state election officials, while others are restricted by state directives; some have large budgets and shared resources, while others operate on shoestring budgets doing things in-house and by hand.”).

each case, the Proposed Rule discriminates among mail users without any rational or legitimate basis.

77. The PRA provides that the Postal Service “shall not, except as specifically authorized in this title, make any undue or unreasonable discrimination among users of the mails, nor shall it grant any undue or unreasonable preferences to any such user.” 39 U.S.C. § 403(c).

78. In other words, the Postal Service cannot treat similarly situated users of the mail differently unless it justifies that disparate treatment with good reasons or identifies specific statutory authorization. See *Nat’l Easter Seal Soc’y for Crippled Child. & Adults v. U.S. Postal Serv.*, 656 F.2d 754, 759-62 (D.C. Cir. 1981); *Direct Mail/Mktg. Ass’n v. U.S. Postal Serv.*, 501 F.2d 717, 722 (D.C. Cir. 1974); *Anatol Zukerman & Charles Krause Reporting, LLC v. U.S. Postal Serv.*, 220 F. Supp. 3d 27, 31 (D.D.C. 2016).

79. The Commission has stated in another context that undue discrimination under section 403(c) exists where the complainant shows that (1) “it has been offered less favorable rates or terms and conditions than one or more other mailers,” (2) “it is similarly situated to the other mailer or mailers who have been offered more favorable rates or terms and conditions of service,” and (3) “there is no rational or legitimate basis for the Postal Service to deny it the more favorable rates or terms and conditions offered to others.”²³

²³ *Order on Complaint*, Dkt. No. C2009-1, Order No. 718, at 28 (Apr. 20, 2011), <https://prc.arkcase.com/api/prc-dockets/filing/downloadFile?fileId=90499&inline=true>.

80. Here, the Proposed Rule has a discriminatory effect on local election offices when they present ballots for delivery. The Proposed Rule offers them markedly different service depending on their capacity to satisfy the new administrative preconditions on acceptance and delivery of ballot mail. The Postal Service will accept and deliver the ballot mailings of an office that is prepared to conform its envelopes to the Proposed Rule's design standards, including inclusion of an IMb on both the outgoing and enclosed ballot return envelope, and prepare and submit to the Postal Service lists of its voters who are entitled to receive mail ballots by the prescribed deadlines. But it will altogether refuse entire mailings of an election office that are not prepared to satisfy these conditions, even where the ballots are properly addressed and fully postage paid.

81. Complainant City of Madison falls into the category of election offices likely to receive less favorable services owing to the difficulties it faces to come into compliance. As an initial matter, the form of the absentee ballot outbound carrier envelope and return certificate envelope are prescribed by the Wisconsin Elections Commission (WEC). Currently, although the outbound envelopes contain an IMb, the certificate return envelopes do not. Moreover, the City of Madison generates IMbs for the outbound envelopes using the statewide WisVote system, which is administered by WEC. The City of Madison has no authority to redesign the return certificate envelopes to add an IMb. Nor could the City of Madison change the WisVote system to add the capability to generate a return IMb. In addition, the City of Madison has already purchased its absentee ballot envelopes for the 2026 election and does not have the budgetary resources to repurchase new envelopes.

82. But the City of Madison is otherwise similarly situated to those election office customers willing and able to comply with the Proposed Rule. Like those offices, Madison is prepared to present correctly addressed, postage-paid ballot mailings for the same delivery service. It differs from favored offices only in its readiness to comply with the Proposed Rule's onerous and unconstitutional preconditions on a compressed timeline before the 2026 election.

83. The Proposed Rule also has a discriminatory effect on voters entitled to receive ballots by mail under state election laws. Voters whose election office has satisfied the Proposed Rule's unconstitutional conditions are more likely to receive their mail ballots on time, while voters whose election office is either unwilling or incapable of complying (or has tried to comply but erred or has been deemed noncompliant by a Postal Service employee) will have their ballots rejected and returned to their election office.

84. These voters are all similarly situated, each entitled under the laws of their State to receive a mail ballot. The sole distinction is whether their election offices are willing and able to clear the administrative hurdles erected by the Proposed Rule, a matter entirely beyond the voters' control. And the consequence is not simply a lesser grade of service, but the risk of disenfranchisement, especially for Organizational Complainants' members who rely on mail voting to cast their ballots.

85. The Proposed Rule's discriminatory line drawing does not have rational or legitimate basis and is not specifically authorized by law.

86. The Proposed Rule cannot serve a rational or legitimate objective as a matter of law because it violates the constitutional separation of powers and is *ultra vires*.

87. The U.S. Constitution commits the regulation of federal elections to Congress and the States, not to the Postal Service. See U.S. Const. art. I, § 4, cl. 1 (committing the “Times, Places and Manner” of holding federal elections to the States and Congress); U.S. Const. art. I, § 2, cl. 1 (States set the qualifications for electors to the U.S. House of Representatives); U.S. Const. amend. XVII (same for U.S. Senate). The Proposed Rule unconstitutionally usurps that authority by compelling the Postal Service to refuse to transmit ballots based on prerequisites and qualifications for mail voting that neither the States nor Congress has prescribed. See *California*, 2026 WL 1826490, at *15 (“[N]o law enacted by Congress delegates authority to control mail-in voting to USPS . . . Accordingly, USPS lacks statutory authorization to promulgate any binding regulations on mail-in voting.”); *La. Pub. Serv. Comm’n v. FCC*, 476 U.S. 355, 374 (1986) (“[A]n agency literally has no power to act . . . unless and until Congress confers powers upon it.”).

88. Congress has not given the Postal Service authority to condition delivery of ballots on whether States send a list of intended mail voters to the Postal Service beforehand or on the Postal Service’s independent determination that a ballot recipient appears on such a list. Nor has Congress ever authorized the Postal Service to mandate a particular ballot envelope design and refuse to deliver ballots if States fail to comply in any way. To the contrary, the Postal Service’s principal duty is to “receive, transmit, and deliver” the mail, and it “shall serve as nearly as practicable the entire population of the United States.” 39 U.S.C. § 403(a); see also *id.* §§ 403(b), 404(a)(1). A postal official’s “right to exclude letters, or to refuse to permit their delivery to persons addressed, must depend upon some law of Congress, and if no such law exists, then he cannot exclude

or refuse to deliver them.” See *Am. Sch. of Magnetic Healing v. McAnnulty*, 187 U.S. 94, 109 (1902). Because no such law exists here, the Proposed Rule cannot constitutionally be adopted, nor provide a legitimate basis for its discriminatory effect.

89. The Proposed Rule not only lacks statutory authority but also violates several other statutory mandates, including the Postal Service’s universal service obligation. Congress directed the Postal Service to provide “prompt, reliable, and efficient services to patrons in all areas.” 39 U.S.C. § 101(a). The Proposed Rule does the opposite. It adds a gatekeeping step that only serves to delay or entirely impede essential mail delivery and adds layers of cost and administrative burden on a mail system that is already strained to its limits.

90. The pre-submission of voter lists through the Portal is especially unnecessary because the intended recipient and their address are already printed on each outgoing ballot placed in the mail. Thus, the Postal Service already holds, on the face of every mailpiece, all the information it needs to effectuate delivery.

91. Nor are the functions the Proposed Rule foists on Postal Service employees even properly characterized as postal: building a federal registry of citizens eligible to vote by mail and screening ballots against that eligibility database is a non-postal election administration function that generates no revenue and would fall on the same workforce responsible for delivering the rest of the nation’s mail. See 39 U.S.C. § 404(e) (prohibiting new non-postal services).

92. The Proposed Rule also does not rationally serve any legitimate state or federal law enforcement purpose. The Postal Service claims that its new mailpiece and data-reporting requirements will “facilitate law enforcement efforts” by compiling voter

data “for use by law enforcement.” 91 Fed. Reg. at 32915, 32916. But compiling data for other agencies to investigate violations of state and federal election laws is far beyond any power “incidental, necessary, or appropriate to the carrying on of” the Postal Service’s functions. 39 U.S.C. § 401(10).²⁴

93. Nor will the compelled data disclosures produce any information trained election officials in every jurisdiction do not already maintain at a higher level of accuracy and fidelity.²⁵

94. Instead, the Proposed Rule puts Postal Service employees and election officials at risk of *violating* federal and state election laws. For instance, Section 11(a) of the Voting Rights Act prohibits any “person acting under color of law” to “fail or refuse to permit any person to vote who is entitled to vote” or to “willfully fail or refuse to tabulate, count, and report such person’s vote.” 52 U.S.C. § 10307(a). Yet the Proposed Rule demands this result for voters who aren’t enrolled on a Mail-In and Absentee Participation List or whose state or local election officials cannot satisfy the new ballot envelope requirements. State laws impose similarly competing obligations. See, e.g., Wis. Stat. § 12.13(3)(c) (Wisconsin law making it a crime to “[w]illfully or negligently fail to deliver, after

²⁴ See *Comment of California et al. to U.S. Postal Service in Opposition to Proposed Rule*, at 10 (July 2, 2026), https://oag.ca.gov/system/files/attachments/press-docs/20260702_MultistateUSPSCCommentLetter.pdf.

²⁵ See *Comment of Jefferson County*, *supra* note 3 at 8-9 (“[W]e have a careful detailed process for voter registration updates, replacements, removals, supplemental mailings throughout the mail ballot system. . . . In sharp contrast, our data at the county is accurate and updated with any ballot issued in any manner and programmed to track that type of multi-modal voting for our residents. Therefore, USPS Proposed Rule process and data is more likely to hinder law enforcement efforts with incomplete or inconsistent data compared to what’s available currently.”)

having undertaken to do so, official ballots prepared for an election to the proper person, or prevent their delivery within the required time[.]”²⁶

95. In sum, the Proposed Rule’s discriminatory effect serves no rational or legitimate purpose in efficiency, revenue, lawfulness, safety, or anything else.

96. The Proposed Rule thus makes undue and unreasonable discrimination among users of the mail in violation of 39 U.S.C. § 403(c).

VI. Evidentiary Support

97. Evidence that the Proposed Rule is a change in the nature of postal services with nationwide effect subject to the advisory-opinion procedure in 39 U.S.C. § 3661 can be found on the face of the Proposed Rule and the materials cited herein.

98. Evidence that the Proposed Rule discriminates among users of the mails in violation of 39 U.S.C. § 403(c) can be found on the face of the Proposed Rule the materials cited herein, and any further facts and evidence to be obtained in discovery.

99. Through discovery, Complainants expect to obtain, among other things: details about the data, information, and analysis that led to the Proposed Rule; the aspects of the Proposed Rule that have already been implemented; the expected technical specifications for the Portal; and the Postal Service’s financial and operational readiness to apply the Proposed Rule in future elections.

VII. Requested Relief

100. If the Commission finds a complaint “to be justified, it shall order that the Postal Service take such action as the Commission considers appropriate in order to

²⁶ See *Comment on Behalf of Local Election Officials*, *supra* note 6 at 10 (“The proposed Rule puts local election officials in an operationally infeasible situation where they are forced with either risking the disenfranchisement of voters or breaking state law.”).

achieve compliance with the applicable requirements and to remedy the effects of any noncompliance.” 39 U.S.C. § 3662(c).

101. Complainants respectfully request that the Commission order the Postal service to request an advisory opinion of the Commission pursuant to 39 U.S.C. § 3661 prior to implementing the Proposed Rule (or a substantially similar final rule) and to immediately cease any and all implementation of the Proposed Rule until it has obtained such an opinion.

102. Complainants further request that the Commission order the Postal Service to permanently cease any implementation of the Proposed Rule, or any substantially similar successor rule, to avoid undue discrimination in violation of 39 U.S.C. § 403(c).

103. Complainants also respectfully request that the Commission enter an order immediately and preliminarily enjoining the Postal Service from implementing the Proposed Rule pending further proceedings.

VIII. Other Proceedings

104. The issues presented in this complaint are not pending in, and cannot be resolved by, any proceeding to which Complainant is a party in another forum.

105. Organizational Complainants’ claims in *LULAC v. Executive Office of the President* are directly to the Executive Order, not the Proposed Rule.

106. Complainant is not a party to *California v. Trump*. And, in any event, the district court’s injunction of the Executive Order and the current rulemaking in that case extends only to the 2026 General Election and the plaintiff States.

107. Furthermore, in *New York v. Trump*, the D.C. Circuit recently held that claims seeking the Postal Service’s conformance with the advisory-opinion requirement of 39 U.S.C. § 3661(b) must begin as a complaint to the Commission under 39 U.S.C. §

3662(a). See No. 23-5103, 2026 WL 2023744, at *3 (D.C. Cir. July 14, 2026). Complainants' section 403(c) claim is similarly one of the statutory violations that may be addressed by a section 3662(a) complaint.

108. Complainants are aware of one other proceeding before the Commission that has raised the Postal Service's non-compliance with section 3661(b)'s advisory-opinion requirement, a petition filed by Sai and Fiat Fiendum, Inc. But timely resolution appears unlikely in that matter, and petitioner has not filed a complaint under section 3662(a).²⁷

109. This complaint is ripe for the Commission's adjudication.

IX. Certifications

110. The undersigned hereby certify that, in compliance with 39 C.F.R. § 3022.11, a copy of this complaint has been served on the United States Postal Service at the following email address on this 3rd day of August 2026: PRCCOMPLAINTS@usps.gov.

111. Pursuant to 39 C.F.R. § 3022.10, Counsel for Complainants met and conferred with a representative of the Postal Service's General Counsel's office by telephone on July 30, 2026. The parties have not been able to resolve the matter and do not believe further steps in alternative dispute resolution will be useful.

²⁷ See *U.S. Postal Service Response to Sai and Fiat Fiendum, Inc. Petitions*, *supra* note 9 at 4-7.

Dated: August 3, 2026

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