

IN THE
Supreme Court of the United States

UNITED STATES POSTAL SERVICE, ET AL.,

Applicants,

v.

STATE OF CALIFORNIA, ET AL.,

Respondents.

DONALD J. TRUMP, ET AL.,

Applicants,

v.

LEAGUE OF WOMEN VOTERS OF MASSACHUSETTS, ET AL.,

Respondents.

On Application for a Stay of the Order Issued by the
United States District Court for the District of Massachusetts

**BRIEF OF *AMICI CURIAE* LULAC *ET AL.* IN SUPPORT OF
RESPONDENTS**

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INTERESTS OF *AMICI CURIAE*¹

Amici Curiae are League of United Latin American Citizens (“LULAC”); Secure Families Initiative (“SFI”); Arizona Students’ Association (“ASA”); the City of Madison, Wisconsin; Travis County, Texas; and Travis County Clerk Dyana Limon-Mercado in her official capacity (collectively “LULAC *Amici*”). LULAC *Amici* are plaintiffs in *LULAC v. Executive Office of the President*, No. 1:26-cv-1132 (CJN) (D.D.C.), one of three now-consolidated cases in the United States District Court for the District of Columbia that challenge the implementation of the United States Postal Service’s Final Rule issued on August 26, 2026. Ballot Mail for Federal Elections, 91 Fed. Reg. 54966 (Aug. 26, 2026) (to be codified at 39 C.F.R. pt. 111) (“Final Rule” or “Rule”). The consolidated cases are now preceding under the lead case, *DSCC v. Trump*, No. 1:26-cv-1114 (CJN) (D.D.C.). LULAC *Amici* include voter organizations whose members rely on mail voting and local election jurisdictions charged with administering elections. *Amici* have a significant interest in the Final Rule and the profound impact it would have on mail voting.

LULAC, SFI, and ASA have members in states across the country who rely on mail voting. This includes the families of military service members who are stationed away from their home states, students attending college and university, older voters and voters with disabilities, and others who count on mail voting to participate in the

¹ No counsel for a party authored this brief in whole or in part, and no person other than *amicus curiae* LULAC *et al.* or its counsel contributed money that was intended to fund preparing or submitting this brief.

upcoming election. LULAC, SFI, and ASA also educate their members and other voters about how to vote by mail, providing assistance and support to help them ensure they are able to do so. These organizations have an interest in ensuring their members can vote by mail in the November election, and that the organizations can conduct their planned educational and election-related activities.

The City of Madison, Wisconsin, Travis County, Texas, and Travis County Clerk Dyana Limon-Mercado have already invested significant resources into administering the November 3, 2026 election and would face logistical and financial hardships in attempting to comply with the requirements in the Final Rule. They have an interest in preserving their resources, preventing disenfranchisement of the voters they serve, and avoiding reputational harm to themselves that would result if the Final Rule's requirements for mail voting were implemented for the November 3, 2026 election.

All *amici* have a strong interest in preventing disruptions to orderly election administration for the November 3, 2026 general election, including the mass disenfranchisement and widespread mail ballot receipt delays that implementation of the USPS Rule would cause. LULAC *Amici* participated as *amici* in the proceedings below in the District Court and the Court of Appeals.

SUMMARY OF ARGUMENT

It is impossible to implement the USPS Rule for the November 3, 2026 election. Respondents have thoroughly addressed the correctness of the District Court's merits determination that the Rule exceeds and violates both the constitution and USPS's statutory authority. *Amici* write to address the impossibility of implementation of the

Rule for the impending November 2026 election and the catastrophic harms that would result if a stay were granted and immediate implementation were attempted. Granting a stay in this case would “substantially injure the other parties interested in the proceeding” and deeply harm “the public interest.” *Nken v. Holder*, 556 U.S. 418, 426 (2009).

The widespread changes to mail voting mandated by the Final Rule are unprecedented and cannot be feasibly administered before the 2026 general election. *Amici*—and voters across the country—face critical harms if USPS is permitted to go forward with the Final Rule. Mail ballots have already been sent out in some jurisdictions (including *amicus* City of Madison, Wisconsin) as of the date of this filing, but the Rule nonetheless requires 10,000 different election jurisdictions to conform, *immediately*, with new ballot design requirements, receive USPS approval for their redesigned envelopes, order and print new envelopes, and then collate and upload voter information to a USPS portal “that does not yet exist and has not been proven to work” in order to continue sending ballots to their voters by mail. App. 45a. Voters will be disenfranchised, organizations will spend time and resources assisting members in navigating uncertain new procedures, and election jurisdictions will be unable to timely comply, or comply at all, with the new requirements mandated by the Final Rule. Evidence of the impossibility of implementation was extensively presented—and unrebutted—in the District Court. The District Court’s injunction based on this fact-intensive record should remain undisturbed by this Court.

In the ongoing litigation in the United States District Court for the District of Columbia, LULAC *Amici* retained an expert in election administration with deep and on-going Postal Service expertise and experience, Ms. Tammy Patrick, the Chief Programs Officer of the National Association of Election Officials. On August 28, 2026, LULAC *Amici* submitted a declaration from Ms. Patrick explaining that none of the requirements of the USPS Final Rule can feasibly be implemented for the November 3, 2026, general election by either local election officials or USPS. Decl. of Tammy Patrick in Supp. of Pls.’ Mot. for Prelim. Inj., *DSCC v. Trump*, No. 1:26-cv-1114 CJN (D.D.C. Aug. 28, 2026), ECF No. 171-3 (“Patrick Decl.”). *Amici* also submitted Ms. Patrick’s declaration accompanying an amicus brief in the District Court in the cases now before this Court. Decl. of Tammy Patrick, *California v. U.S. Postal Serv.*, No. 1:26-cv-13917-IT (D. Mass. Sep. 1, 2026), ECF No. 119-1.²

In her declaration, Ms. Patrick explained that each requirement of the Rule will place new and heavy burdens on State, and particularly local election officials, and requires changes that exceed the time, budget, and staffing bandwidth available for implementation for the 2026 general election. Her declaration further explained that USPS is not prepared to implement the unprecedented requirements imposed by the Rule for the already-underway 2026 election and that catastrophic failures will be the predictable result, resulting in delayed ballot mailings and eligible voters

² *Amici* submitted their brief and accompanying copy of Ms. Patrick’s declaration in both *California v. United States Postal Service*, No. 1:26-cv-13917-IT (D. Mass.), and *League of Women Voters of Massachusetts v. Trump*, No. 1:26-cv-11549-IT (D. Mass.). For clarity, in this brief, *amici* cite only to the docket in *California*.

losing the ability to exercise their right to vote by mail according to the laws of their State. These concerns were independently confirmed by a USPS whistleblower disclosure on September 1, 2026, regarding USPS's lack of operational and technical capacity to implement the Rule for this election. *Amici's* expert Ms. Patrick then corroborated the concerns raised in the Whistleblower Report in a supplemental declaration also provided to the District Court below, underscoring that the consequences of immediate enforcement of the Final Rule would be disastrous.

In granting Respondents' motions for preliminary injunction, the District Court made detailed factual findings about the feasibility of the Final Rule, and the harms it would cause if immediate implementation were attempted. The record before the District Court was devoid of evidence showing that the Rule could in fact be implemented without imposing considerable harm to the public and the orderly administration of the 2026 general election. Under bedrock principles of appellate review, the facts that the District Court relied on in evaluating irreparable harm and the balance of the equities are entitled to deference, particularly here where they were largely uncontested below.

The USPS Rule cannot be immediately implemented without causing massive ballot receipt delays, voter confusion, and disenfranchisement. *Nken*, 556 U.S. at 426. The District Court correctly issued an injunction, and the application for stay should be denied.

ARGUMENT

I. It Is Impossible to Implement the Final Rule for the November 2026 General Election.

A. *Amici*'s Expert Details the Myriad Implementation Problems with the Final Rule.

The Final Rule is unprecedented in both scale and scope and cannot be feasibly administered before the 2026 general election. To understand the practical effects of the Final Rule, *amici* engaged Tammy Patrick, an election administrator and Chief Programs Officer of the National Association of Election Officials, to serve as an expert in *amici*'s case challenging the Final Rule. Ms. Patrick submitted a declaration in the District of Columbia litigation, Patrick Decl., *DSCC v. Trump*, No. 1:26-cv-1114 (CJN) (D.D.C. Aug. 28, 2026), ECF No. 171-3, and *amici* filed that declaration in the District Court docket below. Decl. of Tammy Patrick, *California v. U.S. Postal Serv.*, No. 1:26-cv-13917-IT (D. Mass. Sep. 1, 2026), ECF No. 119-1. The District Court in this matter considered Ms. Patrick's report, crediting Ms. Patrick as an expert in election administration and her detailed observations that the Final Rule would not be possible to implement ahead of the November 2026 elections. App. 44a.³

Ms. Patrick's extensive experience with postal procedures and election administration includes an ongoing, day-to-day engagement with election officials

³ The District Court appropriately considered the declaration, consistent with evidentiary standards applicable to preliminary injunction proceedings. *See Asseo v. Pan Am. Grain Co., Inc.*, 805 F.2d 23, 26 (1st Cir. 1986) ("Affidavits and other hearsay materials are often received in preliminary injunction proceedings."). And no party objected to its consideration. Prelim. Inj. Mot. Hr'g Tr., *California v. U.S. Postal Serv.*, No. 1:26-cv-13917-IT (D. Mass. Sep. 3, 2026), ECF No. 154 at 87:17-88:11; *see also* App. 44a n.61.

nationwide, as well as her role as a liaison between election official and several federal agencies, including the United States Postal Service (“USPS”), the United States Postal Inspection Service (“USPIS”), the United States Postal Office of Inspector General (“USPS OIG”), and the Federal Voting Assistance Program (“FVAP”), among other experience. Patrick Decl. ¶¶ 1, 5-9. Based on her extensive experience, Ms. Patrick concluded that the Final Rule is not only infeasible to implement for this election, but will undermine orderly election administration and result in disenfranchisement of countless eligible voters.

The District Court below considered Ms. Patrick’s report, credited Ms. Patrick as an expert in election administration, and relied on her detailed explanations setting out why implementation of the Final Rule ahead of the November 2026 elections is a practical impossibility without causing ballot delays and mass disenfranchisement elections. App. 44a.

Ms. Patrick concluded that “[n]one of the Rule’s requirements can feasibly be implemented before the November 3, 2026, General Election.” Patrick Decl. ¶ 18. Specifically:

The Postal Service has never compiled or retained a national list of voters, required the chief election official from each state to take on an administrative function in the mailing of ballots, required documentation that the envelopes being used in ballot mailings have been approved by [Mailpiece Design Analysts] prior to acceptance of the mailing, or rejected mailings of ballots if proof of MDA approval is lacking.

Id. ¶ 17. Ms. Patrick then summarized five key conclusions about the Final Rule:

USPS [does not] have a Ballot Portal that has been sufficiently tested by election offices to comply with the list submission requirements, and changes to the state election management and voter registration

systems necessary to comply with that requirement will disrupt their other functionalities;

[T]he Postal Service has never rejected entire mailings of ballots based on an issue with a single mail piece;

[T]he Postal Service has never rejected ballot mailings based on requirements that other mail does not have to comport with, nor prohibited the collection of outbound ballots by mail carriers;

Each requirement of the Rule will place new and heavy burdens on state and local election offices; it will require many offices to change dedicated staffing, find additional funds in already constrained budgets, and procure resources, technology, and vendors which may not be available or that are subject to state procurement requirements; [and]

Attempting to implement the Rule in the 2026 election will result in rejected and delayed ballot mailings, disparate treatment of election offices and voters across and within states, and eligible voters losing the ability to exercise their right to vote by mail according to the laws of their state.

Patrick Decl. ¶¶ 17-20. Moreover, Ms. Patrick observed that the Final Rule conflicts with the 2026 election calendar, as local election officials across the country have already set their governmental budgets for elections, as well as “designed, approved, and printed or ordered their ballot envelopes.” *Id.* ¶ 34. Those processes take months, and most election officials would have begun this process more than a year ago. *Id.*

¶¶ 33-34. USPS also completed its trainings months ago, as Ms. Patrick witnessed:

USPS presented that it had completed thirty-two trainings as of July 29[,] and that additional guidance on the existing pre-Rule election mail protocols was already scheduled to be completed in October[.] USPIS and the USPS OIG have already held their election related training course.

Patrick Decl. ¶ 35.

Ms. Patrick additionally laid out the technical infeasibility of the Ballot Portal, envelope requirements, and added verification requirements. As to the Ballot Portal,

Ms. Patrick noted that its implementation will require election officials “to build technical infrastructure, develop new data management and transfer protocols, set up user authentications, and draft policies and training material,” all on the eve of early voting. *Id.* ¶ 38. As to the envelope requirements, Ms. Patrick remarked that “[b]ased on my personal conversations with dozens, if not hundreds, of election officials, I can say with a high level of confidence that a substantial number of election officials will not be able to comply with the envelope design requirements in Section 24.3 in time for the 2026 election.” *Id.* ¶ 88. This is because the “complicated, interlocking requirements are themselves additional obstacles to compliance” which will lead election officials to “reasonably interpret the provisions differently.” *Id.* ¶ 91. Furthermore, “those differing interpretations will lead some offices to make compliance decisions that USPS later rejects, resulting in delayed or unavailable ballot mailings.” *Id.* Ms. Patrick explained that this would lead to “disastrous consequences for the 2026 election” as “[h]undreds of thousands of voters may never receive their ballots because USPS rejects ballot mailings sent in envelopes deemed noncompliant[.]” *Id.* ¶ 92.

Perhaps even worse, Ms. Patrick analyzed the verification requirements of the Final Rule, which provides that “mail ballots ‘must be verified by Postal Service employees when presented for acceptance,’” *id.* ¶ 108, and concluded that “[e]ven if USPS . . . only rejects single noncompliant mailpieces within a mailing, the verification procedures would still be extremely time-intensive, overwhelmingly burdensome on local election offices and USPS employees alike, and infeasible to

implement in the 2026 election.” *Id.* ¶ 121. By way of example, Ms. Patrick outlined the time it would take to verify each mailing in Maricopa County, Arizona, which will send out 2.9 million ballots on the first day of early voting this year:

If it took one minute to verify each piece in the mailing, it would take about 4.9 years of continuous scanning to verify the whole mailing. If it only took only a second to scan each mailpiece, it would take 30 days. Even if it took only one tenth of a second to scan each mailpiece, it would take a little over 72 hours.

Id. ¶ 117. And regardless of the time to verify a single mailpiece, the verification process “has the potential to create massive chaos and confusion, particularly if a single error can delay or prevent the delivery of thousands, even millions of otherwise valid ballot packets.” *Id.* ¶ 113. In other words, the consequences of a single error would have incalculable consequences on the ability to mail ballots to eligible voters.

Ms. Patrick also drew from recent experience to conclude that she had “never witnessed USPS impose a change with such a dramatic impact on election administration so close to an upcoming election.” *Id.* ¶ 61. Ms. Patrick worked extensively with USPS on the development of the STID for ballot mail, the three-digit number that identifies a mailpiece’s class of service and handling specifications. *Id.* As she recounts, the effort to implement this change took two years, and “[c]reating a Ballot STID at that time did not change how ballots were handled, it did not change the induction of the mail, it did not change the authorization process of tendering mailings—all of which the Rule calls for but with much less time and planning.” *Id.*

Because of the overwhelming amount of work that would be required to implement the Final Rule, Ms. Patrick opined that “[a]ttempting to implement the

Rule in the 2026 election will result in rejected and delayed ballot mailings, disparate treatment of election offices and voters across and within states, and eligible voters losing the ability to exercise their right to vote by mail according to the laws of their state.” *Id.* ¶ 20.

B. The Postal Service’s Own Representations Underscore the Infeasibility of the Final Rule.

In the last two weeks, several representatives from USPS have made statements about the implementation of the Final Rule which only heightens the concerns of *amici* about the irreparable harm that will occur if the Final Rule is permitted to go into effect.

First, on September 1, 2026, a whistleblower employed by USPS disclosed serious concerns about the haphazard implementation of the Final Rule, which may have violated the temporary restraining order granted by the District Court in this matter. *See* Whistleblower Report, *California v. U.S. Postal Serv.*, No. 1:26-cv-13917-IT (D. Mass. Sep. 1, 2026), ECF No. 119-2 at 9-28 (“Whistleblower Rep.”). Following the USPS whistleblower disclosure, *amici* also filed in the District Court in this litigation a supplemental declaration from Ms. Patrick, explaining that the disclosures independently comport with her original opinions. Suppl. Decl. of Tammy Patrick, *California v. U.S. Postal Serv.*, No. 1:26-cv-13917-IT (D. Mass. Sep. 1, 2026), ECF No. 119-2 (“Patrick Suppl. Decl.”). In her supplemental declaration, Ms. Patrick corroborated the concerns presented by the whistleblower, namely, that “election offices cannot reasonably be expected to satisfy these new requirements in time for the 2026 general election without the proper technical specifications, clear

instructions, tested systems, and adequate training of staff.” Patrick Suppl. Decl. ¶ 16. Additionally, the Whistleblower Report corroborated Ms. Patrick’s concerns that a single bad ballot will result in the rejection of an entire mailing. *See id.* ¶ 12; Whistleblower Rep. ¶ 2. Moreover, the Whistleblower Report noted concerns about timing, testing, mail ballot delays, and “unclear and changing operational requirements” which are consistent with Ms. Patrick’s first report about the infeasibility of implementing the Final Rule ahead of the November 2026 election. Patrick Suppl. Decl. ¶¶ 13-15.

The Whistleblower Report also indicated that USPS would not only verify ballot mailings at the point of induction when election officials present the mailing to USPS for outbound delivery, as the Rule contemplates, but also conduct an antecedent verification mentioned nowhere in the Rule that will require election officials to upload a “manifest” into a legacy bulk-mail system for comparison to the Portal. *Id.* ¶¶ 9-10; Whistleblower Rep. ¶¶ 13, 23, 25. The Whistleblower Report also indicated that the “second verification step” at the point of induction “will involve scanning a sampling of ballots in each batch.” Patrick Suppl. Decl. ¶ 11 (citing Whistleblower Rep. ¶¶ 13, 23, 25). However, as Ms. Patrick notes,

[t]he Rule does not anywhere state that scanning verification will be done by sampling. Even if sampling were to be used, the volume of ballots that would need to be scanned will still be substantial because ballot mailings can number in the millions of mailpieces. In addition, the sampling thresholds USPS seems to be considering, according to the Report, are complex and depend on the type of drop-off location and the number of ballots mailed in each batch. USPS will need to re-train its many thousands of clerks and BMEU technicians, which it has not done, and cannot do, before the 2026 election.

Patrick Suppl. Decl. ¶ 11. The Whistleblower Report emphasizes how little USPS has shared, or even decided internally, as to how the Rule could be immediately implemented in practice. This slapdash effort necessarily magnifies the likelihood of catastrophic breakdowns, both at USPS and in election offices struggling to comply.

Second, on September 3, 2023, USPS submitted a declaration to the District Court regarding its progress toward implementation of the Final Rule. *See* Decl. of Steven W. Monteith, *California v. U.S. Postal Serv.*, No. 1:26-cv-13917-IT (D. Mass. Sep. 3, 2026), ECF No. 150-1. Among other representations, USPS stated that “[i]f permitted to move forward with the Final Rule, once election officials, or their vendors have designed the Outbound and Return Federal Ballot Mail envelopes, the mailpiece will be submitted and reviewed by an MDA.” *Id.* ¶ 6. But as Ms. Patrick’s report confirms, the idea that MDAs will have the capacity to review and approve the mailpieces of several states for compliance with the Final Rule within 60 days of the federal election is baseless. For one, “MDAs do not always provide consistent, accurate, or timely advice.” Patrick Decl. ¶ 74. Moreover, “[t]here are only 40 MDAs nationwide, none to [Ms. Patrick’s] knowledge dedicated to election mail alone.” *Id.* ¶ 78. Even on a standard timeline, “election officials and service providers often budget at least a week for MDA review and approval in their timelines and planning, though it can take upwards of two weeks or more.” *Id.* ¶ 79. In other words, “[i]f even a fraction of election offices has to submit their new envelopes and materials to MDAs before the 2026 election, it would take weeks for USPS to work through the sudden volume.” *Id.* ¶ 81. Under the Rule, MDA review and approval must happen *before*

jurisdictions can even order all of the new ballot envelopes with IMbs that they are required by the Rule to use. The administrative burden is insurmountable: “[l]ocal election offices do not have the time, budget, or bandwidth to redesign Braille, large-print, and other ballots sent as flats to comply with the automation compatibility requirement of the Rule. For these offices, the Rule will ultimately require USPS to reject these mail ballots.” Patrick Decl. ¶ 70.

As Ms. Patrick and the Whistleblower Report demonstrate, the federal government’s unfunded mandate to State and local election officials will ensure that countless outbound ballots will be delayed to voters, which directly undercut USPS’s representations about the feasibility of the Final Rule. Defendants’ representations about the feasibility of the Final Rule are factually unsupported, and devoid of meaningful corroboration from election officials charged with actually carrying out the requirements imposed by the Rule.

II. LULAC *Amici* Face Undisputed Irreparable Harm if the Final Rule is Implemented for the November 2026 General Election.

LULAC *Amici*—and voters across the country—face undisputed irreparable harm if the final rule takes effect for the November 3, 2026 election. As Ms. Patrick’s declaration and the full body of evidence before the trial court made clear, the Final Rule cannot feasibly be implemented for use in the November election. The Final Rule will cause delays and other barriers that directly result in eligible voters not being able to vote by mail. This unquestionably constitutes irreparable harm because in the context of elections, “there can be no do over and no redress.” *See League of Women Voters of U.S. v. Newby*, 838 F.3d 1, 9 (D.C. Cir. 2016) (quoting *League of Women*

Voters of N.C. v. North Carolina, 769 F.3d 224, 247 (4th Cir. 2014)).

As Ms. Patrick details, implementation of the Final Rule is a recipe for disastrous delay. For example: given limited time, the MDA review mandated by the Rule “simply cannot happen this year.” Patrick Decl. ¶ 82. In fact, Ms. Patrick is “confident” that the Final Rule’s required MDA review “will result in election officials not gaining access to the Ballot Portal” because access is conditioned on completed MDA review. *Id.* Attempting to comply will cause delays, slowing the approval and production of ballot envelope design. *See id.* ¶ 74. This will cause “cascading delays” in Portal submissions, mailings, possible rejections, and “could result in voters not being able to vote.” *Id.* The batch-wide rejection provisions of the Final Rule provide another example of delay that would cause “massive chaos and confusion.” *Id.* ¶ 113. Under the Rule, USPS can reject an entire mailing if a single ballot packet is noncompliant or not on the Participation List USPS is comparing it to, “which may or may not be the most accurate list.” *Id.* The resulting errors and delay could “prevent the delivery of thousands, even millions of otherwise valid ballot packets.” *Id.*

Amici organizations LULAC, SFI, and ASA have members in states across the country who rely on mail voting and for whom the inevitable delays would result in disenfranchisement. Families of military service members who are stationed away from their home states, students attending college and university, older voters and voters with disabilities, and others who count on mail voting to participate in the

November election would be irreparably harmed by the uncontested delays identified by Ms. Patrick.

Similarly, voters who request mail ballots closer to the election—but within the time permitted under State law—will be at particular risk of not receiving a ballot. As Ms. Patrick detailed, under the Rule, “election officials would have to process the application, assemble and validate the information required for the Portal, enroll the voter on the Participation List, and resolve any technical, data, or envelope compliance problems” before an eligible voter can receive a mail ballot. Patrick Decl. ¶ 104. With thousands of voters that must be enrolled before they can receive a mail ballot, “those additional steps will create a bottleneck when time is shortest.” *Id.* This means that for voters who request a mail ballot close to their State’s deadline for doing so, there will be “too little time to be enrolled, receive the ballot, complete it, and return it by the state’s deadline, much less to correct an error if the ballot packet or its delivery is rejected.” *Id.*

On top of the harms to voters from the inevitable delays and errors the Final Rule would create, local and State election officials like *amici* face severe harms as well. For example, the Rule’s requirements for ongoing statewide list creation and maintenance would be “severely burdensome” because of the necessary coordination across “hundreds” of local jurisdictions. *Id.* ¶ 96. Similarly, “[e]lection officials bear the enormous burden of curing errors” that will inevitably arise when new requirements are added. Patrick Suppl. Decl. ¶ 14. The additional steps mandated by the Final Rule “consume[] time during a period when election officials do not have

any time.” *Id.* The verification steps mandated by the Rule and identified in the Whistleblower report “will be incredibly time-consuming and impose demands that many election offices cannot meet.” *Id.* ¶ 8.

Added steps and processes mandated by the Final Rule put critical strain on election administration resources harming entities like *amici* City of Madison, Travis County, and the Travis County Clerk. This is especially true given that *amicus* City of Madison has already begun sending out ballots. Additionally, these burdens on election officials would create further harms to voters because they would “no doubt create delays in enrolling voters and, as a result, delays in mailing and receiving ballots.” Patrick Decl. ¶ 96. Election officials’ delays caused by correcting data or resubmitting a new batch manifest after an entire mailing is rejected for a single error “will prevent ballots from reaching voters in time for them to cast and return their ballots.” Patrick Suppl. Decl. ¶ 14.

Ms. Patrick’s testimony that election officials cannot possibly implement the Rule before November 2026 is consistent with the “granular detail” submitted by the Respondent States in their declarations. App. 23a n.29. The State declarations uniformly show that timely compliance is impossible or functionally impossible because the States and the local jurisdictions within them cannot redesign or reprint ballot materials, implement new barcodes for outbound and return envelopes, reconcile USPS and state voter data, enroll millions of voters on the list within the available time, hire and train sufficient staff, segregate federal and nonfederal ballots, or obtain the necessary funding from the state legislatures to implement the

Rule.⁴ And in the face of such overwhelming evidence, the “comparative generality” of the lone declaration furnished by Intervenor States is plainly “[in]sufficient to rebut” the States’ detailed accounting. *See* App. 23a n.29.

III. The Preliminary Injunction Is Based on Factual Findings to Which This Court Must Defer.

This Court must defer to the District Court’s factual findings, reviewing them only for clear error. Fed. R. Civ. P. 52(a)(6); *Anderson v. City of Bessemer City*, 470 U.S. 564, 574 (1985). That is especially so where, as here, the facts upon which the District Court based its opinion were largely uncontested. Nor is the compressed schedule of an emergency application the occasion to revisit undisputed facts,

⁴ Decls. in Supp. of Mot. for TRO, *California v. U.S. Postal Serv.*, No. 1:26-cv-13917 (D. Mass. Aug. 26, 2026), ECF Nos. 4-1–4-26; Decl. of Joanna Southard, CA, ECF No. 4-1 ¶¶ 39, 40, 41; Decl. of Michelle Tassinari, MA, ECF No. 4-2 ¶¶ 46, 65, 71; Decl. of Mark Wlaschin, NV, ECF No. 4-3 ¶¶ 23, 55; Decl. of Stuart Holmes, WA, ECF No. 4-4 ¶¶ 12, 62, 65; Decl. of Adrian Fontes, AZ, ECF No. 4-5 ¶¶ 38, 53; Decl. of Hilary Rudy, CO, ECF No. 4-6 ¶¶ 13, 17, 28, 61; Decl. of Gabe Rosenberg, CT, ECF No. 4-7 ¶¶ 20, 46, 61, 64; Decl. of Anthony Albence, DE, ECF No. 4-8 ¶¶ 16, 28, 33, 34(c), 34(d), 50, 51, 54; Decl. of Alice Miller, DC, ECF No. 4-9 ¶¶ 19, 24; Decl. of Scott Nago, HI ¶¶ 43-45, 59; Decl. of Julie Flynn, ME, ECF No. 4-11 ¶¶ 36, 52, 53, 56; Decl. of Melissia Dorsey, MD, ECF No. 4-12 ¶¶ 22, 23, 40, 48, 49, 69; Decl. of Jonathan Brater, MI, ECF No. 4-13 ¶¶ 44, 60, 66; Decl. of Paul Linnell, MN, ECF No. 4-14 ¶¶ 37, 38, 55, 58; Decl. of Donna Barber, NJ, ECF No. 4-15 ¶¶ 29, 36, 51; Decl. of Mandy Vigil, ECF No. 4-16, NM ¶¶ 36, 52; Decl. of Kristen Zebrowski Stavisky, NY, ECF No. 4-17 ¶¶ 19, 22, 38, 51, 59, 75; Decl. of Marc Brunton, NC, ECF No. 4-18 ¶ 32, Ex. A at 7; Decl. of Dena Dawson, OR, ECF No. 4-19 ¶¶ 24, 37, 38, 56, 59; Decl. of Jonathan Marks, PA, ECF No. 4-20 ¶¶ 36, 37, 55; Decl. of Rob Rock, RI, ECF No. 4-21 ¶¶ 18, 40, 41, 44, 45, 62; Decl. of Sarah Copeland Hanzas, VT, ECF No. 4-22 ¶ 53, Ex. A ¶ 2; Decl. of Steven Koski, VA, ECF No. 4-23 ¶¶ 29, 53; Decl. of Edmund Michalowski, Cook Cnty., IL, ECF No. 4-24 ¶¶ 42, 54; Decl. of Julie Wise, King Cnty., WA, ECF No. 4-25 ¶¶ 40, 45, 46, 51, 71, 73; Decl. of Elena Hilby, City of Sun Prairie, WI, ECF No. 4-26 ¶ 22.

especially in a Court that sits as “a court of review, not of first view.” *Cutter v. Wilkinson*, 544 U.S. 709, 718 n.7 (2005).

The factual premises of the judgment under review are therefore settled for purposes of these applications. Any effort to second-guess the factual conclusions or reinterpret the evidence that was before the District Court would amount to an “improper[] . . . *de novo* weighing of the evidence in the record.” *Anderson*, 470 U.S. at 576. Instead, this Court must accept the facts as true—indeed no party meaningfully disputed them below—and must address only the legal issues Applicants have raised.

The District Court’s grant of the preliminary injunction motion was based on factual findings going to irreparable harm and the balance of the equities that Applicants did not contest below. These findings were based on detailed and extensive declarations and “reflect[] the opinion of election officials in half of the States and the District of Columbia that, for various reasons and many unique to the circumstances of specific jurisdictions, it is likely impossible to comply with the Final Rule for the midterms.” App. 23a. Against the “granular detail” provided by the Respondent States, the District Court weighed the assertions in a single declaration from one of the Intervenor States, finding its “comparative generality . . . [in]sufficient to rebut” the harms on the other side of the ledger. *See id.* 23a n.29. The District Court’s opinion is replete with extensive record citations supporting a finding of irreparable harm. *E.g., id.* 32a-45a nn.37-61.

The same is true with regard to the District Court’s findings regarding the balance of the equities and the public interest. These findings were likewise supported by an extensive factual record and ultimately balance the threatened “disenfranchisement of millions of United States citizens who seek to vote by mail” on the one hand; and on the other hand, a record that “includes no evidence” of how the Rule would meaningfully advance actual election integrity concerns. *Id.* 45a-46a. The District Court’s factual findings are undoubtedly “plausible in light of the record viewed in its entirety,” and this Court must therefore leave those findings undisturbed even if it would “have weighed the evidence differently.” *Anderson*, 470 U.S. at 565. This Court should not second-guess the detailed fact-specific findings that strongly undergird a preliminary injunction against the Final Rule.

CONCLUSION

For the foregoing reasons, *amici* respectfully request that this Court deny the request to stay the preliminary injunction issued by the District Court.

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