

No. 26-2030

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT**

LEAGUE OF WOMEN VOTERS OF MASSACHUSETTS, ET AL.,

Plaintiffs-Appellees,

v.

STATE OF MISSOURI, ET AL.,

Defendants-Appellants,

DONALD J. TRUMP, IN THE OFFICIAL CAPACITY AS PRESIDENT OF THE UNITED
STATES, ET AL.,

Defendants.

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 OPPOSITION TO THE MOTION TO STAY**

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1, *Amici Curiae* League of United Latin American Citizens, Secure Families Initiative, Arizona Students' Association, City of Madison, Wisconsin, Travis County, Texas and Travis County Clerk, in her official capacity, certify that they do not have a parent corporation, and that no publicly held company owns any interest in them.

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INTERESTS OF AMICI CURIAE¹

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.

LULAC *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 Final Rule would cause.

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.

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 in advance of 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, Declaration of Tammy Patrick, *DSCC v. Trump*, No. 1:26-cv-1114 (CJN) (D.D.C. Aug. 28, 2026), ECF No. 171-3 ("Patrick Decl."), and *amici* filed that declaration in the District Court docket below. Declaration of Tammy Patrick, *League of Women Voters of Mass. v. Trump*, No. 1:26-cv-11549-IT (D. Mass. Sep. 1, 2026), ECF No. 264-1; *California v. U.S. Postal Serv.*, No. 1:26-cv-13917-IT (D. Mass. Sep. 1, 2026), ECF No. 119-1. Ms. Patrick's extensive experience with postal procedures and election administration includes an ongoing, day-to-day engagement with election officials 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”). Patrick Decl. ¶¶ 1, 5-9.

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 is a practical impossibility without causing ballot delays and mass disfranchisement ahead of the November 2026 elections. *League of Women Voters of Mass. v. Trump*, No. 1:26-cv-11549-IT (D. Mass. Sep. 4, 2026), ECF No. 285 at 44.²

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

² The District Court appropriately considered the declaration, consistent with evidentiary standards applicable to preliminary injunction proceedings. *See Asseo v. Pan American 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. Hearing Transcript, *League of Women Voters of Massachusetts v. Trump*, No. 1:26-cv-11549 (D. Mass. Sep. 3, 2026), ECF No. 283 at 87:17-88:11; *see also id.*, ECF No. 285 at 44 n.61.

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 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 itself completed its election-related trainings months ago, as Ms. Patrick witnessed. *Id.* ¶ 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. Ms. Patrick explained that this would lead to “disastrous consequences for the 2026 election” and that it is possible that “[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. 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. The verification process thus “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.

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.* 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 required, 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 Irreparable Harm That Implementation of the Final Rule Would Cause.

In recent days, several representatives from USPS have made statements that underscore 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. *See* Whistleblower Report, *League of Women Voters of Mass. v. Trump*, No. 1:26-cv-11549-IT (D. Mass. Sep. 1, 2026), ECF No. 264-2; *California v. U.S. Postal Serv.*, No. 1:26-cv-13917-IT (D. Mass. Sep. 1, 2026), ECF No. 119-2 (“Whistleblower Rep.”). Following the disclosure, *amici* also filed in the District Court a supplemental declaration from Ms. Patrick. Supplemental Declaration of Tammy Patrick. ECF No. 264-2 (“Patrick Suppl. Decl.”). 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. Moreover, the

Whistleblower Report corroborated Ms. Patrick’s concerns that a single envelope mismatch will result in the rejection of an entire mailing. *See id.* ¶ 12; Whistleblower Rep. ¶ 2. In addition, the Whistleblower Report noted concerns about timing, testing, mail ballot delays, and “unclear and changing operational requirements,” consistent with Ms. Patrick’s first report. *Id.* ¶¶ 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, 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 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 disclosures emphasize how little Defendants have 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* Notice, *California v. U.S. Postal Serv.*, No. 1:26-cv-13917-IT (D. Mass Sep. 3, 2026), ECF No. 150-1 (“USPS Decl.”). USPS confirmed 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 the idea that MDAs will have the capacity to timely review and approve the submitted envelopes is baseless. There are “only 40 MDAs nationwide, none to [Ms. Patrick’s] knowledge dedicated to election mail alone.” Patrick Decl. ¶ 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.

But election officials have already designed, approved, and printed their ballot envelopes for the upcoming election. 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.

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.³

CONCLUSION

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

³ Ms. Patrick’s testimony that election officials cannot possibly implement the Rule before November 2026 is consistent with the “granular detail” submitted by the States in their declarations. 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. *See California v. U.S. Postal Serv.*, No. 1:26-cv-13917-IT, ECF No. 4-1 to 4-26. In the face of such overwhelming evidence, the “comparative generality” of the lone declaration furnished by Defendant-Intervenors is plainly “[in]sufficient to rebut” the States’ detailed accounting. *See League of Women Voters of Mass. v. Trump*, No. 1:26-cv-11549-IT, ECF No. 285 at 23 n.29.

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CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing brief contains 2595 words, consistent with the length limitation in Fed. R. App. P. 27(d)(2)(A). This response has been prepared using a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman, consistent with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type styles requirements of Fed. R. App. 32(a)(6).

Dated: September 7, 2026

Signature: /s/ Anna Baldwin

CERTIFICATE OF SERVICE

I, Anna Baldwin, do hereby certify that on this 7th day of September, 2026, I caused a true and correct copy of the foregoing document to be served upon all counsel of record registered with the Court's ECF system, by electronic service via the Court's ECF transmission facilities.

Dated: September 7, 2026

Signature: /s/ Anna Baldwin