



## State of Michigan **Attorney General Dana Nessel**

**FOR IMMEDIATE RELEASE:**

Tuesday, August 18, 2020

### **Michigan Joins Lawsuit Against US Postal Service**

**LANSING** – Michigan has joined with a coalition of other states and will be filing a lawsuit today against the federal government over recent unlawful changes to the U.S. Postal Service’s (USPS) operations while preparing for the potential impacts those changes could have on the country’s November general election.

With the support of Gov. Gretchen Whitmer and Secretary of State Jocelyn Benson, Attorney General Dana Nessel announced today that Michigan will join the lawsuit, which is being led by the State of Washington and includes 13 states. The State of Pennsylvania is leading a similar lawsuit.

The lawsuit Michigan joins will argue that the changes proposed and already implemented by Postmaster General Louis DeJoy in the short time he has been there are both procedurally and substantively unlawful and threaten the timely delivery of mail to individuals who rely on the USPS for everything from medical prescriptions to ballots.

Under federal law, changes to USPS operations that affect nationwide mail service must be submitted to the Postal Regulatory Commission and the public must be provided an opportunity to comment.

“General DeJoy never engaged in that process here,” the lawsuit states. “As a matter of substance, these changes will have a wide range of negative consequences that violate a diverse array of federal laws, from harming individuals with disabilities in violation of the Rehabilitation Act to disenfranchising voters in violation of the Constitution.”

The coalition of state Attorneys General ask the Court to compel USPS to submit a proposal requesting an advisory opinion from the Postal Regulatory Commission. It also seeks an injunction prohibiting USPS from implementing operational changes until it has an appropriate advisory opinion from the commission, and asks the Court to order USPS to rescind any changes it already illegally made without that opinion.

The lawsuit will be filed today in U.S. District Court Eastern District of Washington.

“Recent actions taken by Mr. DeJoy are unlawful and indicate an attempt to disrupt and delay U.S. Postal Service operations,” Nessel said. “For more than 200 years, the postal service

has been a fundamental part of the fabric of this country. People and businesses rely on it to deliver critical medications, correspondence and goods. We filed this lawsuit on behalf of the people of this state to ensure they can continue to depend on a system that is an integral part of our daily lives, our economic well-being and our democratic process.”

Since being named the U.S. Postmaster General in May, DeJoy has implemented several changes that have resulted in or threatened to reduce efficiency and timeliness of mail delivery. Those changes include:

- Eliminating overtime for USPS employees;
- Instructing carriers to leave mail behind for the following day;
- Reducing operating hours;
- Removing mailboxes; and
- Decommissioning sorting machines.

In Michigan, media reports indicate several sorting machines have been removed from post office facilities in Pontiac, Detroit and Grand Rapids. The machines can sort about 270,000 pieces of mail per hour.

The Postal Service also recently notified states that it will end its longstanding practice of processing ballots as first-class mail — regardless of what type of postage is used. States and counties that use marketing or bulk-rate postage for their ballots could experience delays that may prevent some ballots from being counted. First-class mail normally has a delivery standard of 2-5 days, and nonprofit marketing mail has a delivery standard of 3-10 days. For that reason, election officials are reminding voters to mail in their ballots early to ensure their timely arrival before Election Day.

The changes at the Postal Service come as President Donald Trump has continued to baselessly claim that widespread vote-by-mail will lead to a fraudulent election.

The president has also threatened to withhold critical emergency funding for the USPS as part of an overall coronavirus relief package currently being negotiated in Congress.

“President Trump’s attempts to sabotage the U.S. Postal Service are deeply disturbing, and we intend to do everything in our power to mitigate their effect on Michigan residents,” said Gov. Whitmer. “Americans rely on our Postal Service for prescription drugs, voting, Social Security checks and more. The president is putting families’ health and safety at risk in his attempt to suppress votes in the 2020 election. That’s why Attorney General Nessel, Secretary Benson and I are fighting these unlawful changes to USPS operations to protect Michigan families.”

“Every Michigan citizen has a right to vote by mail, and the U.S. Postal Service is duty-bound to ensure that right is realized for every voter,” said Secretary Benson. “The foundation of any democracy is the holding of safe and secure elections. Any institution — whether local, state or federal — that plays a role in the execution of those elections is part of that foundation. To jeopardize the success of the USPS is to jeopardize the success of our democracy.”

In its lawsuit, the coalition of states argues that the changes to the USPS will “delay the receipt and postmarking of mail, harming the health and well-being of residents who depend on the mail for critical and time-sensitive items such as medications, bills, benefits payments, and legal documents. The delayed mail will include mailed ballots, affecting elections of federal, state, legislative, judicial, county, city, town, and district officers scheduled for November 3, 2020.”

Attorney General Nessel also thanked U.S. Sen. Gary Peters for his leadership on this issue.

“Sen. Peters was the first to raise the alarm about how mail service delays were harming Michiganders,” Nessel said. “I’m grateful for his work to hold Postmaster General DeJoy accountable for changes he made that have left Michiganders stranded without medication, small businesses struggling to reach their customers and voters wondering if they will have to take extraordinary measures this fall to exercise their fundamental right to vote.”

As of Aug. 14, Michigan has had more than 90,000 confirmed cases of COVID-19. The scourge of COVID-19 in Michigan has increased reliance on voting by mail by more than 50 percent. In Michigan’s previous statewide election in March, fewer than 40 percent of voters cast ballots by mail. In the August election, 65 percent of votes -- or 1.6 million -- were cast by mail, setting a record for a statewide election.

Attorney General Nessel and Secretary Benson have also recently formed a joint internal election integrity work team, bringing experts together from both departments to ensure a safe and secure election where every eligible vote is counted. The team will also develop an aggressive public information and education campaign to remind voters to get their ballots back in time to get counted.

“We are committed to combatting voter suppression, misinformation and intimidation, and ensuring that every eligible vote is received, tallied and reported,” said Nessel.

Michigan is joined in the suit by Washington, Colorado, Connecticut, Illinois, Maryland, Minnesota, Nevada, New Mexico, Oregon, Rhode Island, Vermont, Virginia and Wisconsin.

A copy of the complaint will be posted on Attorney General Nessel's website as soon as it's available