

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

NATIONAL ASSOCIATION FOR THE	)	
ADVANCEMENT OF COLORED	)	
PEOPLE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 20-cv-2295 (EGS)
	)	
UNITED STATES POSTAL SERVICE,	)	
et al.,	)	
	)	
Defendants.	)	
_____	)	

**MOTION FOR FURTHER RELIEF**

At yesterday’s conference, Plaintiffs raised two significant issues: (1) USPS data shows that roughly 300,000 ballots received an origin processing scan (indicating they entered the processing system) but no destination scan confirming they were delivered; and (2) USPS data shows continuing delays in processing ballots in a number of jurisdictions. Defendants’ counsel stated that he would work with USPS follow up on both issues, but, given competing demands on USPS, he has not yet been able to do so. In addition, data filed by USPS this morning shows continued low processing scores for ballots delivered yesterday in several districts in which ballots must be returned to election officials *today*: 69.06% in Central Pennsylvania, 79.26% in Philadelphia, 77.66% in Detroit, 54.28% in Colorado/Wyoming, 61.04% in Atlanta, 80.77% in Houston, 69.04% in Alabama, 71.78% in Northern New England (Maine, Vermont, and New Hampshire), 79.67% in Greater South Carolina, 74.05% in South Florida, and 79.87% in Lakeland (Wisconsin).

Given that Election Day is now upon us, Plaintiffs submit that further relief is necessary to ensure that all ballots in USPS’s possession are delivered in a timely manner. At yesterday’s

hearing, Defendants' counsel represented that Inspectors from the United States Postal Inspection Service and/or the USPS Office of Inspector General were involved in the "all clear" process to ensure that ballots were being fully cleared from USPS facilities and ready for delivery. Defendants made a similar statement in a cover memo to one of their data productions on November 1, 2020, attached hereto as Exhibit 1 ("[T]he United States Postal Inspection Service conducts onsite observations of Election Mail processing . . . [T]he United States Postal Service Office of Inspector General (OIG) is on site at 27 processing centers validating conditions as well.")

Plaintiffs therefore request that this Court enter an order requiring Defendants to provide, by 3 pm today, a verification that an inspector from either the USPS Postal Inspection Service or the USPS Inspector General's Office has inspected facilities at the following "hotspot" jurisdictions to ensure that no ballots remain in the facility and that all ballots that were there earlier today are out for delivery this afternoon: Central Pennsylvania, Philadelphia, Detroit, Colorado/Wyoming, Atlanta, Houston, Alabama, Northern New England, Greater South Carolina, South Florida, Lakeland, and Arizona. Other than Arizona, all of these districts are one where processing scores have been below—in many cases well below—the expected minimum. Plaintiffs have included Arizona on this list because it has an unusually high volume of ballots that have received an origin processing scan but not a destination scan (more than 20,000), and because today is the ballot receipt deadline in Arizona.

Further, in light of reported backlog of Election Mail in Detroit, Plaintiffs further request that this Court enter an order requiring a status report of inbound ballots in Detroit, as it has done so with the Princeton Post Office in Miami-Dade County in its November 1 minute order.

A proposed order is attached.

Dated: November 2, 2020

Respectfully submitted,

Samuel Spital (D.D.C. Bar No. SS4839)  
Rachel Kleinman (NY Bar No. 4417903)  
Monique Lin-Luse (NY Bar No. 5671920)  
J. Zachery Morris (NY Bar No. 5392196)  
John S. Cusick (NY Bar No. 5585245)  
NAACP LEGAL DEFENSE &  
EDUCATIONAL FUND, INC.  
40 Rector Street, 5th Floor  
New York, NY 10006  
(212) 965-2200

/s/ Allison M. Zieve  
Allison M. Zieve (DC Bar No. 424786)  
Matthew A. Seligman (DC Bar No. 1018889)  
PUBLIC CITIZEN LITIGATION GROUP  
1600 20th Street NW  
Washington, DC 20009  
(202) 588-1000

Counsel for Plaintiff NAACP

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UNITED STATES POSTAL SERVICE, )  
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Defendants. )  
\_\_\_\_\_ )

Civil Action No. 20-cv-2295 (EGS)

**[PROPOSED] ORDER**

It is hereby **ORDERED** that:

1. No later than 12:00PM today, in light of a reported backlog of Election Mail at the processing facility in Detroit, Defendants shall file an update regarding the delivery status of all inbound ballots processed in Detroit.

2. Beginning no later than 12:00 PM EST today, Defendants shall send Postal Service inspectors or their designees, to processing facilities in the following Districts and direct them to sweep the facilities to ensure that no ballots have been held up and that any identified ballots are immediately sent out for delivery: Central Pennsylvania, Philadelphia, Detroit, Colorado/Wyoming, Atlanta, Houston, Alabama, Northern New England, Greater South Carolina, South Florida, Lakeland, and Arizona. Alternatively, Defendants may satisfy this paragraph if inspectors from the USPS Inspector General Offices are available to oversee the sweep of processing facilities described in the previous sentence. No later than 3 PM EST today, Defendants shall file a status update certifying compliance with this paragraph, confirming that sweeps were conducted and that no ballots were left behind.

3. No later than 3:00PM EST today, Defendants shall produce to Plaintiffs the political/election mail logs for the last week for facilities at the districts identified in the prior paragraph.

4. No later than 3:00PM EST today, Defendants shall identify the 27 processing centers at which the Office of Inspector General was onsite and the list of facilities that the Postal Inspectors have observed since October 19, 2020, and shall produce to Plaintiffs any documents reflecting their findings.

**SO ORDERED.**

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

Dated: \_\_\_\_\_

# **Exhibit 1**

The attached data identifies ballots that have received an initial or first processing scan within the Postal Service's processing network, but have not received a destination or finalization scan. This does not mean that the ballots were not delivered.

There are many reasons that a ballot may not receive a finalization scan. Most significantly, as part of our extraordinary efforts, mailpieces identified as ballots can be pulled from processing to be delivered directly to a Board of Election. These ballots would not receive a finalization scan.

Additionally, as a normal part of mail processing, mailpieces sometimes will be rejected through automation. Mailpieces may land in a "reject" bin on a machine during processing, meaning that the machine was unable to sort it. For example, two mailpieces may stick together and the machine can't independently read their addresses. There are also circumstances where a barcode will be unreadable because of a smudge. These mailpieces can be manually sorted and would not necessarily receive a finalization scan.

If there is a concern that there are unaccounted-for ballots, this data is not the best source of information to address that concern. Instead, the Postal Service uses a process referred to as daily "all clears" to ensure that all Election Mail is accounted for within the system. In the all clear process, in-plant support personnel in processing or delivery units use a checklist to confirm that mail scheduled or "committed" to go out that day has gone out, and anything committed for the next day is at the front of the line. Personnel conducting all clears consult Election Mail logs, and also check all locations within the facility (e.g., all processing equipment) to ensure that all pieces of Election Mail in the facility's possession are in the right location.

All Clear Reports help the Postal Service identify facilities that require additional follow-up to enforce their compliance with the daily "all clear" policy. Each Postal Service processing plant, delivery unit, and reporting retail unit is required to certify, through an online system, its all clear performance every day. If a facility submits no "all clear" response on a given day, Postal Service Headquarters alerts the relevant District Manager or Division Director to follow up. If a particular facility exhibits a pattern of non-responses, USPS may take a corrective action.

In addition to the "all clears," the United States Postal Inspection Service conducts onsite observations of Election Mail processing. Inspectors are observing conditions of mail within the operations at all letters and flats processing centers to identify delayed volumes, if any. They report their findings to the local management team and to Postal Service Headquarters. Additionally, the United States Postal Service Office of Inspector General (OIG) is on site at 27 processing centers validating conditions as well. Similar to the Inspection Service process, OIG auditors check operations for delays and processes for compliance. They also report findings to the local team and Postal Service Headquarters. These safeguards are more effective than an attempt to create a last minute audit through litigation discovery.

Area	District	Inbound Ballots
CAPITAL METRO	ATLANTA	4,165
CAPITAL METRO	BALTIMORE	2,513
CAPITAL METRO	CAPITAL	8,067
CAPITAL METRO	GREATER S CAROLINA	1,133
CAPITAL METRO	GREENSBORO	5,270
CAPITAL METRO	MID-CAROLINAS	4,221
CAPITAL METRO	NORTHERN VIRGINIA	2,899
CAPITAL METRO	RICHMOND	1,874
<b>CAPITAL METRO Total</b>		<b>30,142</b>
EASTERN	APPALACHIAN	1,381
EASTERN	CENTRAL PENNSYLVANIA	3,214
EASTERN	KENTUCKIANA	236
EASTERN	NORTHERN OHIO	5,092
EASTERN	OHIO VALLEY	3,519
EASTERN	PHILADELPHIA METROPO	3,794
EASTERN	SOUTH JERSEY	2,059
EASTERN	TENNESSEE	999
EASTERN	WESTERN NEW YORK	1,047
EASTERN	WESTERN PENNSYLVANIA	4,456
<b>EASTERN Total</b>		<b>25,797</b>
GREAT LAKES	CENTRAL ILLINOIS	1,018
GREAT LAKES	CHICAGO	7,304
GREAT LAKES	DETROIT	4,785
GREAT LAKES	GATEWAY	1,549
GREAT LAKES	GREATER INDIANA	762
GREAT LAKES	GREATER MICHIGAN	1,303
GREAT LAKES	LAKELAND	782
<b>GREAT LAKES Total</b>		<b>17,503</b>
NORTHEAST	ALBANY	810
NORTHEAST	CARIBBEAN	22
NORTHEAST	CONNECTICUT VALLEY	2,906
NORTHEAST	GREATER BOSTON	4,768
NORTHEAST	LONG ISLAND	1,331
NORTHEAST	NEW YORK	2,346
NORTHEAST	NORTHERN NEW ENGLAND	10
NORTHEAST	NORTHERN NEW JERSEY	3,152
NORTHEAST	TRIBORO	10,350
NORTHEAST	WESTCHESTER	1,559
<b>NORTHEAST Total</b>		<b>27,254</b>
PACIFIC	BAY-VALLEY	5,500
PACIFIC	HONOLULU	324
PACIFIC	LOS ANGELES	45,882
PACIFIC	SACRAMENTO	4,129
PACIFIC	SAN DIEGO	29,533
PACIFIC	SAN FRANCISCO	6,924
PACIFIC	SANTA ANA	2,351



Area	District	Inbound Ballots
PACIFIC	SIERRA COASTAL	5,170
<b>PACIFIC Total</b>		<b>99,813</b>
SOUTHERN	ALABAMA	11
SOUTHERN	ARKANSAS	63
SOUTHERN	DALLAS	1,393
SOUTHERN	FT WORTH	1,232
SOUTHERN	GULF ATLANTIC	2,106
SOUTHERN	HOUSTON	1,347
SOUTHERN	LOUISIANA	3
SOUTHERN	MISSISSIPPI	207
SOUTHERN	OKLAHOMA	6
SOUTHERN	RIO GRANDE	886
SOUTHERN	SOUTH FLORIDA	3,490
SOUTHERN	SUNCOAST	12,479
<b>SOUTHERN Total</b>		<b>23,223</b>
WESTERN	ALASKA	728
WESTERN	ARIZONA	22,166
WESTERN	CENTRAL PLAINS	473
WESTERN	COLORADO/WYOMING	4,781
WESTERN	DAKOTAS	346
WESTERN	HAWKEYE	1,797
WESTERN	MID-AMERICA	680
WESTERN	NEVADA SIERRA	986
WESTERN	NORTHLAND	385
WESTERN	PORTLAND	2,724
WESTERN	SALT LAKE CITY	30,146
WESTERN	SEATTLE	6,894
<b>WESTERN Total</b>		<b>72,106</b>
<b>NATION Total</b>		<b>295,838</b>

Area	District	Outbound Ballots
CAPITAL METRO	ATLANTA	9,970
CAPITAL METRO	BALTIMORE	925
CAPITAL METRO	CAPITAL	696
CAPITAL METRO	GREATER S CAROLINA	1,351
CAPITAL METRO	GREENSBORO	484
CAPITAL METRO	MID-CAROLINAS	774
CAPITAL METRO	NORTHERN VIRGINIA	1,753
CAPITAL METRO	RICHMOND	4,308
<b>CAPITAL METRO Total</b>		<b>20,261</b>
EASTERN	APPALACHIAN	1,136
EASTERN	CENTRAL PENNSYLVANIA	2,590
EASTERN	KENTUCKIANA	252
EASTERN	NORTHERN OHIO	969
EASTERN	OHIO VALLEY	815
EASTERN	PHILADELPHIA METROPO	641
EASTERN	SOUTH JERSEY	738
EASTERN	TENNESSEE	441
EASTERN	WESTERN NEW YORK	759
EASTERN	WESTERN PENNSYLVANIA	1,104
<b>EASTERN Total</b>		<b>9,445</b>
GREAT LAKES	CENTRAL ILLINOIS	952
GREAT LAKES	CHICAGO	255
GREAT LAKES	DETROIT	2,382
GREAT LAKES	GATEWAY	747
GREAT LAKES	GREATER INDIANA	785
GREAT LAKES	GREATER MICHIGAN	6,665
GREAT LAKES	LAKELAND	8,884
<b>GREAT LAKES Total</b>		<b>20,670</b>
NORTHEAST	ALBANY	633
NORTHEAST	CARIBBEAN	32
NORTHEAST	CONNECTICUT VALLEY	2,417
NORTHEAST	GREATER BOSTON	2,536
NORTHEAST	LONG ISLAND	374
NORTHEAST	NEW YORK	596
NORTHEAST	NORTHERN NEW ENGLAND	3,784
NORTHEAST	NORTHERN NEW JERSEY	1,108
NORTHEAST	TRIBORO	529
NORTHEAST	WESTCHESTER	453
<b>NORTHEAST Total</b>		<b>12,462</b>
PACIFIC	BAY-VALLEY	120
PACIFIC	HONOLULU	208
PACIFIC	LOS ANGELES	578
PACIFIC	SACRAMENTO	4,798
PACIFIC	SAN DIEGO	458
PACIFIC	SAN FRANCISCO	123
PACIFIC	SANTA ANA	662

Area	District	Outbound Ballots
PACIFIC	SIERRA COASTAL	1,157
<b>PACIFIC Total</b>		<b>8,104</b>
SOUTHERN	ALABAMA	446
SOUTHERN	ARKANSAS	408
SOUTHERN	DALLAS	306
SOUTHERN	FT WORTH	605
SOUTHERN	GULF ATLANTIC	686
SOUTHERN	HOUSTON	115
SOUTHERN	LOUISIANA	270
SOUTHERN	MISSISSIPPI	227
SOUTHERN	OKLAHOMA	133
SOUTHERN	RIO GRANDE	853
SOUTHERN	SOUTH FLORIDA	361
SOUTHERN	SUNCOAST	1,841
<b>SOUTHERN Total</b>		<b>6,251</b>
WESTERN	ALASKA	156
WESTERN	ARIZONA	996
WESTERN	CENTRAL PLAINS	599
WESTERN	COLORADO/WYOMING	2,454
WESTERN	DAKOTAS	1,716
WESTERN	HAWKEYE	540
WESTERN	MID-AMERICA	421
WESTERN	NEVADA SIERRA	219
WESTERN	NORTHLAND	6,365
WESTERN	PORTLAND	364
WESTERN	SALT LAKE CITY	2,675
WESTERN	SEATTLE	1,018
<b>WESTERN Total</b>		<b>17,523</b>
<b>NATION Total</b>		<b>94,716</b>