

Attorney General Raoul Files Lawsuit Over Attempts To Undermine U.S. Postal Service

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CHICAGO – Attorney General Kwame Raoul, as part of a coalition of 14 states, today filed a federal lawsuit challenging drastic operational changes at the U.S. Postal Service that threaten critical mail delivery and could undermine the national election in November in which record numbers of Americans are expected to vote by mail due to the COVID-19 pandemic.

“When faced with the imminent filing of this lawsuit, the Postmaster General today announced his intention to pause his disruptive actions until after the election,” Raoul said. “But make no mistake, a statement issued in a press release is inadequate in providing assurance to the millions of Americans relying on the Postal Service that he will not reverse course – again. I am filing this lawsuit to ensure that the Postmaster General can be held accountable to a federal court. The right to vote is too important to be contingent on a statement in a press release.”

Since he was appointed in May, the Postmaster General, Louis DeJoy, has spearheaded an effort to remove critical mail sorting equipment from mail distribution hubs, cut overtime, and alter operations throughout the Postal Service’s network. In Illinois, seven mail distribution centers throughout the state have had critical mail sorting equipment removed or slated for removal. These drastic changes threaten the timely delivery of mail to individuals who rely on the Postal Service for everything from medical prescriptions to voting.

The Postal Service also recently notified states that it will end its longstanding practice of processing ballots as first-class mail — regardless of the type of postage 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.

At the end of July, the Postal Service sent an unprecedented letter to Illinois election officials warning that “certain deadlines for requesting and casting mail-in ballots” under state law “are incongruous with the Postal Service’s delivery standards.” The letter further warned that “this mismatch creates a risk that ballots requested near the deadline under state law will not be returned by mail in time to be counted” under state deadlines for vote-by-mail. The Postal Service’s letter came just weeks after a new law enacted in Illinois in response to the COVID-19 pandemic required election officials to begin mailing applications for vote-by-mail to all Illinois voters who have participated in any of the three most recent elections. The new law expanding access to mail-in voting was enacted to ensure that Illinois voters do not have to choose between their health and their right to vote in this fall’s election.

The changes at the Postal Service come as the federal government continues 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 Postal Service as part of an overall coronavirus relief package currently being negotiated in Congress.

In the lawsuit, Raoul and the attorneys general assert that the Postal Service implemented these drastic changes to mail service nationwide unlawfully, and the states seek to immediately halt the agency's actions.

Raoul and the coalition assert that the Postmaster General has acted outside of his authority to implement changes to the postal system, and that he did not follow the proper procedures required by federal law to enact such sweeping changes.

Changes at the U.S. Postal Service that cause a nationwide impact in mail service must be submitted to the Postal Regulatory Commission. The commission then evaluates the proposal through a procedure that includes public notice and comment. The Postal Service's sudden and unilateral changes to the nature of postal services deprived the states of their procedural right to comment on such changes prior to implementation as established by federal law.

The lawsuit also alleges that the recent changes at the Postal Service violate constitutional protections of the right to vote when more Americans than ever are expected to vote by mail this fall.

In the lawsuit, Raoul and the coalition lawsuit seek to block the unlawful cuts and operational changes at the Postal Service.

Joining Raoul in filing the lawsuit are the attorneys general of Colorado, Connecticut, Maryland, Michigan, Minnesota, Nevada, New Mexico, Oregon, Rhode Island, Vermont, Virginia, Washington, and Wisconsin.