

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

Mondaire Jones, et al,
individually, and on behalf of all others
similarly situated,

Plaintiffs,

v.

United States Postal Service, et al.,
Defendants.

Docket No. 20-cv-6516-VM

**DECLARATION OF
MARK JAMISON**

COUNTY OF JACKSON)
) ss.:
STATE OF NORTH CAROLINA)

I, MARK JAMISON, being duly sworn, depose and say:

1. I am a natural person, residing in Cullowhee, North Carolina, and I make this Declaration based on my personal knowledge and where applicable, on matters within my experience, training, and professional knowledge.
2. I have written this declaration at request of plaintiff's counsel regarding changes in the United State Postal Service (USPS) that may impact the delivery of ballots in November and to offer remedies on how to avoid those slowdowns based on my personal experience.
3. Please note that because there are so many acronyms associated with the US Postal Service, a list of acronyms for the USPS can be found online¹.
4. I started working at the post office in March 1984. I began my career in Waukegan, Illinois as a part-time flexible clerk and made regular within about eight months. I worked in various

¹ Available at: https://about.usps.com/publications/pub32/pub32_acn.htm

positions sorting mail, providing window retail service, the registry cage checking mail carriers in and out and overseeing accountable mail.

5. In May 1993 I transferred to the Processing and Distribution center in Augusta, Georgia. I worked on letter sorting machines, manual distribution, and the automated equipment including the Multiline Optical Character Reader (MLOCR), Bar Code Sorter (BCS), and Delivery Bar Code Sorter (DBCS). I also served briefly as a union steward for the American Postal Workers Union (APWU). In September 1993 I transferred to Sylva, NC, a small town of about 3000 in the mountains of North Carolina. While in Sylva I sorted mail, provided window service, carried mail on a city route and on rural routes. I also served as a 204B temporary supervisor.

6. During this time, I took an officer in charge assignment in Otto, NC and a supervisor assignment in Franklin, NC. In December 1998 I became postmaster of Webster, NC, a small rural office. I served in Webster until my retirement in July 2012.

7. I supplemented my own experience by reading histories of the Postal Service, USPS Office of the Inspector General (OIG) reports, and various reports on the PRC website. I began participating in Postal Regulatory Commission (PRC) dockets in September of 2011 by submitting comments in the Retail Access Optimization Initiative docket. At this point I began writing under my own name at Save The Post Office (STPO).

8. In September 2012 I went to Washington to attend a PRC meeting, mainly to get a sense of the proceedings live. During meetings Chairman Goldway asked visitors to identify themselves. When I gave my name she asked something to the effect of, *Are you the fellow that writes those insightful articles?* I was told by one of Commissioner Acton's staff that our articles at STPO and particularly mine were regularly included in a daily news aggregation to PRC staff and Congress.

9. I did the reporting that disclosed the negotiated service agreement related to Amazon's Sunday delivery contract with USPS and filed a motion to review the contract. It was denied but I

wrote about that and package pricing extensively. I did several media interviews and appeared on Huffpost Live and several radio shows. My work has also been featured at The Daily Yonder, a site devoted to rural issues. Various Blogs like STPO and Angry Bear have also reposted or featured my work. When things became more active recently I started writing again.

10. I've been contacted by reporters from several outlets and quoted in stories at The Guardian and the Washington Post. I appeared on Meet the Press Daily with Chuck Todd. I was also interviewed for the Richard French Show

11. Over the years I've had contact with analysts at the PRC who complimented my work, especially related to package pricing.

12. As I said in my comments to the PRC in docket N2011-1 Retail Access Optimization Initiative relating to the proposed closure of more than 3000 small rural post offices:

Within the context of the USPS, we often return to the words “binding the nation together”. We do so because they speak to the fundamental wisdom of the Founding Fathers. They understood that a healthy and robust post was an integral part in the physical, commercial, and intellectual infrastructure of the nation. From that first principle, from that grand idea we are able to articulate the essential truth embodied in the concept of the universal service obligation. There is a profound truth in the concept of universal service, there is an understanding that a successful democracy relies on our ability to provide equal access to all our citizens. Further this truth leads us to an understanding of the essential role of government in providing universal, neutral infrastructure which fosters and facilitates growth that benefits all the citizens of the country.

The financial challenges that face the Postal Service today are, at heart, manufactured, the result of dysfunctional Congressional oversight and a myopic postal management that seeks at every turn to undermine the very basis for its existence. The postal network we have developed over generations provides not only mail delivery but an essential governmental presence in every community and corner of the nation. This network, which should be viewed as an asset rather than simply as overbuilt industrial capacity, truly has served to bind the nation together. Dissolving and dismantling this important piece of our national infrastructure would be a tragic mistake.

Both the PRC and the USPS-OIG have remained true to their defined functions and missions. Both have produced reports, studies and white papers that demonstrate a thoughtful approach which recognizes the essential value of the nation's postal system. Even when confined to commenting on the limited and narrow vision expressed by the system's management both of these institutions have done so in an essentially honest way that often clarifies the cognitive dissonance inherent in postal management's approach to the problems that confront us.

I spent most of my career as a postmaster in a small rural community. I know how important the presence and reach of the postal service can be.

13. I include this quote because I still believe that this is an important message to communicate to this court. A link to this document is attached below.²

Slowed Delivery of Mail

14. Based on my experience there are a number of concerning issues having to do with slowing the delivery of mail that are going on with the USPS right now:

15. It is my impression based on recent news reports and my own research and review of relevant documents including Postmaster General Louis DeJoy's remarks³ at the August 7, 2020 open session of the Board of Governors as well as his statement before the Senate Committee on Homeland Security and Governmental Affairs on August 21, 2020⁴ that Mr. DeJoy has chosen to sacrifice performance in favor of cost cutting despite the essential role that the Postal Service plays in delivering medicine and goods during the pandemic and will certainly play during the upcoming election when absentee and vote by mail will be essential to the health and safety of the American public.

16. Mr. DeJoy's actions in authorizing the removal of blue collection boxes, automated mail processing machinery in USPS facilities across the country, reducing or eliminating overtime, and

² Available at: <https://www.prc.gov/docs/75/75851/Comments%20N2011.pdf>

³ Available at: <https://about.usps.com/newsroom/national-releases/2020/0807-Postmaster-General-bog-meeting-comments.htm>

⁴ Available at: <https://www.hsgac.senate.gov/imo/media/doc/Testimony-DeJoy-2020-08-21.pdf>

reducing or eliminating extra transportation have garnered widespread attention in the press while raising questions, concerns, and consternation in the American public across the country. His actions and general management during his short tenure have caused delays and service scores to plummet as demonstrated this report⁵ on STPO – an internal USPS document – demonstrates.

17. Mr. DeJoy's actions and his pronouncements should come as no surprise to those who have followed postal issues for years. There has long been an ideological element who have dismissed the idea of the Postal Service and the postal network as an essential national infrastructure and advocated for the privatization of the postal network.⁶ Most recently President Trump impaneled a task force to examine the state of the Postal Service and postal policy. The task force, led by Secretary of the Treasury Steve Mnuchin produced a report, *United States Postal Service: A Sustainable Path Forward*⁷, that clearly if euphemistically calls for greater privatization of postal services, cost cutting, and the elimination of employee collective bargaining right. For example:

For the USPS to become a sustainable entity, the new business model must permit the USPS to actively contain and reduce its costs as its mail volume declines and as competitive pressures in the package markets dictate. The Task Force believes that the USPS must operate in a more cost-efficient manner by exercising discretion to lower service standards and to increase the use of third parties through additional work sharing and the use of third-party processing and logistics providers. In addition, as postal employees are part of the U.S. federal civil service, their wages and benefits should be aligned to comparable U.S. federal employee groups, including aligning their ability to collectively bargain for wages and benefits with other federal employees. (page 38 of the report)

18. My analysis of the news reports, internal documents (including notification to the APWU by letter to union president Mark Dimondstein on June 17, 2020 of proposed mail processing equipment reductions that included detailed and comprehensive lists of equipment at processing

⁵ Available at: <https://www.savethepostoffice.com/need-proof-changes-at-the-usps-are-slowing-down-the-mail-here-you-go/>

⁶ Available at: <https://www.savethepostoffice.com/belief-infrastructure-rethinking-postal-environment/>

⁷ Available at: https://home.treasury.gov/system/files/136/USPS_A_Sustainable_Path_Forward_report_12-04-2018.pdf

plants across the country (attached here as Exhibit A), and reports and audits created by the USPS-OIG relating to the efficiency, cost effectiveness, and ability to meet performance standards of the mail processing network (including an audit report dated June 16, 2020 titled *U.S. Postal Service's Processing Network Optimization and Service Impacts*⁸) lead me to believe that the equipment removals are part of ongoing plans to reduce the footprint of the mail processing network that began as early as 2012 as Network Rationalization. There is an article on STPO dated August 14, 2012 that discusses those plans in detail⁹.

19. Based on my analysis and experience it would seem that while the current initiatives to remove equipment are perhaps part of a long-term plan, they are ill considered for several reasons. Postmaster General. DeJoy began his tenure on June 16, 2020, hardly enough time to fully evaluate a plan of such breadth and impact. In addition, the ongoing pandemic makes it ill-advised to devote limited maintenance and technical resources that would be better spent ensuring that necessary processing equipment remained fully in service and operating at capacities sufficient to handle even the reduced volumes resulting from the pandemic. In a time of significant concerns about the health and safety of postal workers, who are essential workers, creating disruption and upset demonstrates poor judgement.

20. Having said that, it is my opinion that generally speaking the *current* delays and deterioration and service can be largely attributed to changes in transportation schedules, reductions in staffing and limitations in use of overtime, and a changing institutional focus by senior management to cost savings at the expense of performance. This is particularly alarming when the American public is especially reliant on the Postal Service to provide accurate and reliable service. As a postal employee the concept of urgency was inculcated as a basic institutional value. The current moves by senior

⁸ Available at: <https://www.uspsoig.gov/sites/default/files/document-library-files/2020/19XG013NO000-R20.pdf>

⁹ Available at: <https://www.savethepostoffice.com/oig-recommends-halt-phase-ii-network-rationalization-until-usps-service-performance-improves/>

management indicate a lack of institutional will and a relegation of that sense of urgency to a secondary consideration in favor of cost cutting. This is both baffling and inexcusable during a time of pandemic and prior to an important election when the mail will carry more votes than ever.

21. The deterioration of service is clear based on the reports from the USPS-Office of the Inspector General.¹⁰ There are many ways to achieve a deterioration of service without ordering it outright, and these are things that are happening under DeJoy's leadership. If carriers are told to leave for their delivery route before the truck arrives, this causes a day's delay in mail delivery. Similarly, if the trucks at the distribution center are told to leave before the mail is fully processed and machine cycles are completed this will slow the mail delivery by a day each day it happens. The effects of continually doing this will inevitably compound and increase delays further.

22. It also concerns me that Secretary of the Treasury Mnuchin and White House Chief of Staff Mark Meadows have been in close contact with both the USPS Board of Governors and Postmaster General DeJoy. US Code Title 39 establishes the USPS as an independent agency. It provides for presidential appointment and senate confirmation of nine members of the Board of Governors to be split equally by political affiliation. Those nine members then select the Postmaster General and the Deputy Postmaster General who become sitting members of the board.

23. The Board of Governors is tasked with setting postal policy within the constraints spelled out in Title 39. Section 101¹¹ of that statute lays out the basic mission of the Postal Service. Some of the language that is particularly instructive as to the intent of the statute include: "the Postal Service shall have as its basic function the obligation to provide postal services to **bind the Nation together** through the personal, educational, literary, and business correspondence of the people" (section a, emphasis added). Also, the USPS is directed to provide a "maximum degree of effective

¹⁰ Available at: <https://www.uspsoig.gov/document/reevaluating-universal-service-obligation>

¹¹ Available at: <https://www.law.cornell.edu/uscode/text/39/101>

and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining” (section b). Congress indicates that postal rates are to be apportioned on a “fair and equitable basis” (section d). The statute states that in determining policies the USPS shall prioritize the collection, transportation and delivery of “important letter mail” (section e). Highest consideration is to be given to the “prompt and economic delivery of all mail” (section f).

24. The statute then goes on to give further guidance and establish basic postal policy. It includes provision for an independent oversight agency, the Postal Regulatory Commission (PRC). The PRC’s duties include oversight of USPS rate requests and ensuring those requests comply with applicable guidelines established in statute. In addition, the PRC examines the performance of the USPS, requiring intermittent reports on how well service guidelines are being met. The PRC issues an annual report, the Annual Compliance Determination (ACD) that examines the operations of the USPS and reports on issues including the service’s performance in fulfilling its obligations to provide universal service to all Americans.

25. Nowhere in Title 39 is it imagined that the White House or the Treasury Department would be involved with the day to day operations of the Postal Service. Postal policy is set by Congress through the passage of legislation signed by the president, most recently the Postal Accountability and Enhancement Act of 2006¹². Postal reform has been a topic of continuing discussion in the last several sessions of Congress but until such time as Congress passes new legislation that is signed by the president the current statute prevails.

26. In his previously cited remarks to the Board of Governors at his first open session Postmaster General DeJoy offered the following statement, “We will not and cannot wait for the legislative and regulatory process to save us.”¹³ In other remarks Postmaster General DeJoy has

¹² Available at: <https://www.congress.gov/109/plaws/publ435/PLAW-109publ435.pdf>

¹³ Available at: <https://about.usps.com/newsroom/national-releases/2020/0807-pmg-bog-meeting-comments.htm>

advocated geographic pricing, a clear slap at the principal of universal service and a direct contradiction of Section 101.¹⁴

27. The Trump administration is intentionally involving itself in day to day postal operations. The letter from General Counsel Thomas Marshall to 46 states is problematic¹⁵. On its face it appears that Mr. Marshall is simply explaining to the states that ballot mail may be delayed because of the class it has been sent. One can certainly read the letter this way but given the circumstances, heightened anxiety, and political environment the letter sounds very much like a threat. I am reminded of the Monty Python sketch¹⁶ where two gangsters attempt to run a protection racket on a British Army base, “Nice tank Colonel, things break.” In the context of the times Mr. Marshall’s letter sounds a bit like, “Nice little election you’ve got here, be a real shame if the ballots didn’t show up on time.”

28. As I note below in paragraph 33, as recently as the 2018 election the USPS typically treated election mail as 1st class mail, even if it was sent at marketing mail rates. This means that the letter from Marshall – to someone who knows historical USPS standards – all but expressly warns “we will no longer automatically treat your ballots as First Class Mail.” That is a profound and disturbing change.

29. If the USPS is politicized during a contentious election, that brings additional concerns particularly during a pandemic in which record numbers of citizens seek to exercise their right to vote through the option of mail-in or absentee ballots. The fact that many of these voters are simply trying to preserve their own health or the health of those close to them is also of note, particularly given that Title 52 of the US Code Section 20101 states that “It is the intention of Congress in enacting this chapter to promote the fundamental right to vote by improving access for handicapped

¹⁴ Available at: <https://www.washingtonpost.com/business/2020/08/20/us-postal-service-louis-dejoy/>

¹⁵ Available at: <https://www.documentcloud.org/documents/7032485-USPS-July-31-2020-letter-to-Wyman.html>

¹⁶ Available at: <https://www.dailymotion.com/video/x2p10dy>

and elderly individuals to registration facilities and polling places for Federal elections.”¹⁷ If one’s health would be negatively impacted by voting in person because of potential exposure to the 2019 Novel Coronavirus, for example for those who are immunocompromised, then Title 52 section 20102 (a) states that “Within each State, except as provided in subsection (b), each political subdivision responsible for conducting elections shall assure that all polling places for Federal elections are accessible to handicapped and elderly voters.” The only way to make voting accessible for these immunocompromised or elderly citizens is through mail-in or absentee ballots. This underscores the importance of the USPS on time delivery of ballots for election related mail.

30. The Postal Service reports its performance to the PRC on a quarterly basis. The Quarter III scores, prior to Mr. DeJoy’s tenure are contained in these documents¹⁸ on the PRC website and include multiple categories and products. The following charts from USPS presentations depict performance for the Eastern and Pacific areas.¹⁹ As an example, the Quarter III scores for on time performance for first class presort mail in the Philadelphia Metro area, which serves one of the plaintiffs, were 95.7% for the overnight area, 92.7% for two day area, and 92.8% for three-five day area (96% is the goal). The goal for election mail ought to be 100% - no one should accept that even 4% of legally cast ballots wouldn’t reach their destination on time (whether the local election standard is postmark or receipt by election authorities is germane).

Election Mail

31. In the 2018 election there was an audit of election mail that showed that only 96-98% of ballots were delivered on time²⁰; in some areas these percentages were worse. The current on-time

¹⁷ Available at: [https://uscode.house.gov/view.xhtml?req=\(title:52%20section:20102%20edition:prelim\)](https://uscode.house.gov/view.xhtml?req=(title:52%20section:20102%20edition:prelim))

¹⁸ Available at: <https://www.prc.gov/dockets/document/114170>

¹⁹ Available at: <https://www.savethepostoffice.com/need-proof-changes-at-the-usps-are-slowing-down-the-mail-here-you-go/>

²⁰ Available at: <https://www.uspsaig.gov/sites/default/files/document-library-files/2019/19XG010NO000.pdf>

percentage for the USPS is somewhere closer to 95% right now (again, much worse in some areas). If we applied that number to election mail, that would be like throwing out 5% of the ballots. I do not think that you can deliver 100% of 1st class mail to all of the various addresses that they go to nationwide; there will always be a few problems with deliveries. However, 100% on time delivery of BALLOTS should be the goal for the USPS. There are many articles related to election mail concerns and suggestions that are being published in the leadup to the 2020 election and in response to nationwide concerns about holding free and fair elections²¹, including one that I wrote²².

32. A simple lack of institutional attention could noticeably slow down mail. For the most part ballots originate and are processed within a local area serviced by one or possibly two plants. This takes some transportation issues out of the equation. There are some areas, e.g. Florida where a significant portion of residents have second homes and may be mailing ballots from a distant location. Otherwise the concern is processing and on-time performance within a local area.

33. Not all first-class mail receives a postmark since some of it does not run through the machines that the USPS uses to cancel mail. Marketing mail would not normally receive a postmark. As recently as the 2018 election, the USPS typically treated ballots and other election mail as 1st class mail, even if it was sent at marketing mail rates.²³ The letter sent by Thomas Marshall to 46 states' secretaries of state and that is referenced above indicated that the USPS would not be able to guarantee on-time delivery of ballots (at least eight days out in the case of Washington state). Marshall's letter suggests that election mail (ballots or requests for ballots) that is entered at marketing mail rates will be handled as marketing mail, which receives the least preferential handling.

²¹ Available at: <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2020/06/03/trumps-attacks-on-vote-by-mail-worry-some-election-officials>

²² Available at: <https://www.savethepostoffice.com/an-idea-whose-time-has-come-make-election-mail-free/>

²³ Available at: <https://www.uspsoig.gov/sites/default/files/document-library-files/2019/19XG010NO000.pdf>

Again, this is a change from how ballots were typically handled in elections as recently as 2018 (see pages one and seven of the referenced OIG report).

34. With regard to how ballots might be treated separately, the likely procedure is that employees would cull trays of mail for election pieces and possibly apply a single date stamp to a tray verifying that all pieces were cancelled as of that date. Since the issue in ballot return is getting them to a Board of Election or similar authority there really is no sorting involved. The action would be culling to identify pieces and advance them either to the final delivery carrier or to the plant that services that delivery entity. That's one reason mail piece design is important - making ballots quickly and easily identifiable makes it easier to spot them and advance them through the mailstream. This would help with on time delivery. A typical mail tray is two feet long. For “flats” (flat pieces of mail that are larger than a standard 1st class letter by at least one dimension) there are approximately 115 pieces of mail per foot on a mail tray; for letter mail there are approximately 227 pieces of mail per foot²⁴. From my personal experience, if a clerk is simply culling a two-foot-long tray of mail for an easily identifiable piece of mail it should only take a minute per tray.

Opinion

35. The Board of Governors is made up of nine presidentially appointed members plus the postmaster general and the deputy postmaster general (currently not filled). The new Postmaster General (DeJoy) was selected by the Board of Governors chair (Robert Duncan) in May 2020. That Board of Governors chair is also relatively new to the position (appointed in August 2018) and is also a former RNC chair. Currently, only six of the nine presidentially appointed Board of Governors seats are filled (half of which are mandated to be from each political party). Of the appointed members of the Board of Governors, three were confirmed in August 2019 and two more were just confirmed in June 2020. That means that of the nine presidentially appointed

²⁴ Available at: <https://www.uspsoig.gov/sites/default/files/document-library-files/2015/DR-AR-11-005.pdf>

members of the board there are three vacant seats, four members with less than two years of experience and two members who came aboard in June of 2020 and attended their first open session meeting of the board on August 7, 2020. That Board of Governors, with little experience at the USPS, is overseeing a Postmaster General with no institutional experience at the USPS. In my opinion, this inexperienced leadership set should not be making radical changes within the USPS that could have substantially negative implications for timeliness of mail delivery of critical mail (ballots, medicine, live animals, etc.) and the upcoming election.

36. The idea that a new Postmaster General, guided by a Board of Governors that is made up mostly by people with limited time in the position, would engage in major and drastic changes in such a large and nationally important institution that so many Americans rely on for delivery of mail and essential items like prescription medicine as well as items that are vital to their business (for example, live animals) is ludicrous. In addition to the relative unfamiliarity of the board members and the new Postmaster General with the workings of the USPS it is also important to consider that the board itself was in turmoil due to the resignation of David Williams in April.²⁵ Mr. Williams was formerly the long time USPS Inspector General, recognized widely for his integrity and diligence²⁶ during his long government career and particularly for his role as the USPS Inspector General. Mr. Williams resigned because of what he termed political interference and recently testified before the Congressional Progressive Caucus.²⁷ Williams' testimony, during which he expressed concerns about the interference of Treasury Secretary Mnuchin and the qualifications of Postmaster General DeJoy, can be watched on this Twitter posting of the testimony²⁸.

²⁵ Available at: <https://www.forbes.com/sites/alisondurkee/2020/08/20/postal-service-trump-administration-mnuchin-using-usps-board-governors-as-political-tool-david-williams-testimony/#2667b3847ff7>

²⁶ Available at: [https://en.wikipedia.org/wiki/David_C._Williams_\(inspector_general\)](https://en.wikipedia.org/wiki/David_C._Williams_(inspector_general))

²⁷ Available at: <https://www.nytimes.com/2020/08/20/us/politics/former-postal-governor-tells-congress-mnuchin-politicized-postal-service.html>

²⁸ Available at: <https://twitter.com/USProgressives/status/1296537520851701760>

37. In my opinion OIG audits of all USPS mail processing plants well before the election would help identify where slowdowns are occurring. Currently Mr. DeJoy has indicated in his Senate testimony that he will not order trucks to run late or wait for mail and similarly that he will not order carriers to wait for mail before leaving for their deliveries. This is a substantial concern, indicating that Mr. DeJoy is unconcerned that he is creating delays in mail delivery that will almost certainly impact the ability for ballots to reach their destination on time. Service standard improvements will also help all those people who rely on the USPS for delivery of life-saving medicines, live animals and other critical items that are daily sent and delivered by the USPS

38. During this time of pandemic and facing one of the most important elections in the history of this nation it should be obvious to any reasonable individual that the postal network is an essential infrastructure that must be maintained and that service to the American people, the service that Congress clearly mandated in the legislation that governs the USPS, must be the highest priority. Meeting service goals, currently 96% on time delivery for first class mail is critical. For election mail, the mail that includes our ballots and represents our most sacred right, the right to vote, the goal must be 100%.

39. As of June 30, 2020, the USPS reported \$12.9 billion cash on hand in its 10Q financial documents²⁹, an amount that should be sufficient to see the organization through the election. Congress has authorized an additional \$10 billion in the CARES Act although Secretary Mnuchin has put conditions on its release.

40. The issue is not one of cash on hand or machinery. It is an issue of institutional will and responsibility. Will a 245-year-old institution, one that is beloved and regularly polls as the most trusted arm of the government with a 91% approval rating fall prey to political meddling and

²⁹ Available at: <https://www.prc.gov/docs/114/114136/2020%2008-06%20Form%2010-Q.pdf>

misguided attempts to hamper its ability to serve the American people during a critical and dangerous pandemic?³⁰

41. Transportation, including extra trips when necessary, needs to carry every piece of mail from every plant every day.

42. Carriers need to be given sufficient time and assistance to deliver every piece of mail every day.

43. Election mail, no matter what class it may have been entered at, must be treated with the highest priority.

44. Postal managers must work with local jurisdictions to ensure that ballot mail pieces are designed to be highly visible (through colored envelopes and/or envelope size) and efforts must be made to ensure that sufficient manpower is available on the days leading up to the election and particularly on election day itself so that if manual culling to identify, sort, and deliver ballots to local jurisdictions is necessary it is available.

45. Local elections officials should make postmark the standard for timeliness and just as the USPS reliably maintains facilities and hours on Tax Day so that people can get their taxes in on time, efforts should be made to accept ballot mail until the last poll in a state is closed.

46. Because ballots often run as presort mail and often do not receive a postmark, local officials and USPS managers must work to devise a system to apply postmarks to trayed mail indicating receipt of all mail within the tray by deadline.

47. Given the clear deterioration in service and the documented failure to meet service standards I believe it may be necessary, and is certainly wise, for courts to set benchmarks and require reports between now and the election to ensure that efforts to remediate delays are in place and working.

³⁰ Available at: <https://www.pewresearch.org/fact-tank/2020/05/14/the-state-of-the-u-s-postal-service-in-8-charts/>

48. If necessary the USPS-OIG and the Postal Inspection Service should be utilized to conduct audits and ensure best practices are in place.

49. We have the resources to do this. If there are concerns about costs or deficits they can certainly wait until January when a new Congress can take up long term postal reform. But now, in this moment, when we are faced with an existential health crisis and an election that will determine the health of our democracy we must find the will to provide the service and infrastructure necessary so that each and every American who wants to vote can do so and can be certain that their ballot will count.

As permitted in 28 U.S.C § 1746, I, Mark Jamison, declare that, under penalty of perjury that the foregoing is true and correct.

Executed On: August 31, 2020



Mark Jamison