



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

October 3, 2024

SENT VIA ONLINE PORTAL

Manager Records Office
US Postal Service
475 L'Enfant Plaza Rm 1P830
Washington DC 20260-1101

Re: Freedom of Information Act Request

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington ("CREW") makes this request for records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and U.S. Postal Service regulations.

Specifically, CREW requests the following records from February 1, 2024 to the date this request is processed :

1. Any and all briefing materials and or documents created by USPS employees regarding the implementation of the recommendations included in Inspector General report 24-016-R24: Election Mail Readiness for the 2024 General Election, published on July 30, 2024. Specifically,
 - a. Provide oversight and implement additional monitoring controls that verify Election and Political Mail policy and procedures are being followed at all facilities. controls that verify Election and Political Mail policy and procedures are being followed at all facilities.
 - b. Update the Operational Clean Sweep Search Checklist to include the Low-Cost Reject Encoding Machine and manual operation areas.
 - c. Work with Divisional Directors and District Managers at all the facilities to provide stand-up talks and training to all employees and maintain evidence the training was conducted as well as post the stand-up talks and relevant procedures around the workroom floor.
 - d. Clarify the pitch-catch-clear process to include timeframes and the elections for which this process is required.
 - e. Develop and implement a process for delivery units to segregate Election Mail identified as Postal Automated Redirection System Mail prior to sending it back to a mail processing facility.
 - f. Update the postmarking policy so that all operations can postmark mail-in ballots.
 - g. Clearly communicate the postmarking policy to all operations.

- h. Develop and implement a plan to communicate Election and Political Mail processing, transportation, and delivery processes to any facilities impacted by the Local Transportation Optimization initiative, including those with mail that crosses state lines.
 - i. Create a plan so that the Regional Processing and Distribution Centers have appropriate procedures and resources in place to prioritize election and political mail processing.
 - j. Pause implementation of Delivering for America initiatives during September through November 8, 2024.
2. Any and all briefing materials and or documents between Postal Service management and the U.S. Postal Service Office of Inspector General regarding the recommendations included in Inspector General report 24-016-R24: Election Mail Readiness for the 2024 General Election, published on July 30, 2024.
3. All communications between Postal Service management regarding a joint letter sent by the National Association of State Election Directors, the National Association of Secretaries of State and local election official associations to USPS Postmaster General Louis DeJoy on September 11, 2024.
4. All communications between USPS staff and/or Postal Service management and any members of the National Association of State Election Directors, the National Association of Secretaries of State and local election official associations regarding plans, procedures and/or protocols for ballot delivery.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records.

If it is your position that any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. See *Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and agency regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. See 5 U.S.C. § 552(a)(4)(A)(iii). Moreover, the request primarily and

fundamentally is for non-commercial purposes. See, e.g., *McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

On September 11, 2024, the National Association of State Election Directors, the National Association of Secretaries of State and local election official associations sent a joint letter to USPS Postmaster General Louis DeJoy expressing “ongoing concerns” with the Postal Service’s performance as the country approaches the 2024 election.¹ The letter specifically mentioned inconsistent training for USPS staff, exceptionally long delivery times and an increase in mail returned as undeliverable.² The senders also wrote that “[d]espite repeated engagement with USPS Election and Political Mail headquarters staff and state/regional Managers of Customer Relations, we have not seen improvement or concerted efforts to remediate our concerns.”³ Prior to this letter, the USPS Office of Inspector General released a report titled “Election Mail Readiness for the 2024 General Election” on July 30, 2024.⁴ The report offered ten recommendations to address issues it identified. Postal Service management agreed with eight recommendations and disagreed with two.⁵

In response to the September 11 letter, the USPS gave a public statement that the agency “has promptly addressed those concerns, and we will continue to do so.”⁶ According to the *Associated Press*, DeJoy formally responded to the letter, assuring the senders that he will “work with them to handle their warnings of problems with election mail delivery during the primary season, while insisting that the Postal Service will be ready for the flood of mail-in ballots ahead of the November election.”⁷

The requested records will shed light on the extent to which the USPS has responded to significant concerns over its ability to effectively perform its role in the upcoming election. There is significant public interest in knowing that the agency is doing all they can to respond to the apparent issues raised by both the election officials and OIG.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public’s right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press

¹ National Association of State Election Deniers. “NASED, NASS, and Local Election Official Associations Send Joint Letter to USPS Postmaster General” September 11, 2024.

<https://www.nased.org/news/uspsletter924>

² *Id.*

³ *Id.*

⁴ United States Postal Service Office of Inspector General. “Audit report: Election Mail Readiness for the 2024 General Election” July 30, 2024.

<https://www.uspsoig.gov/reports/audit-reports/election-mail-readiness-2024-general-election>

⁵ *Id.*

⁶ Shephardson, David. “Election officials raise ‘serious questions’ about US Postal Service ballot delivery plans.” *Reuters*. September 11, 2024.

<https://www.reuters.com/world/us/election-officials-raise-serious-questions-about-postal-service-ballot-delivery-2024-09-11/>

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releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, www.citizensforethics.org. The release of information obtained through this request is not in CREW's financial interest.

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. *See Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a "representative of the news media" and broadly interpreting the term to include "any person or organization which regularly publishes or disseminates information to the public").

CREW routinely and systematically disseminates information to the public in several ways. CREW's website receives tens of thousands of page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. In addition, CREW posts documents it receives under the FOIA its website, which has been visited hundreds of thousands of times.

Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact me at lwhite@citizensforethics.org. Also, if CREW's request for a fee waiver is not granted in full, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to foia@citizensforethics.org and lwhite@citizensforethics.org. If USPS is not able to provide the records electronically, please contact me to arrange an alternative method of transmission. Thank you for your assistance in this matter.

Sincerely,

Lauren White
Deputy Press Secretary