

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

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AMERICAN OVERSIGHT,  
1030 15th Street NW, B255  
Washington, DC 20005

*Plaintiff,*

v.

U.S. POSTAL SERVICE  
475 L'Enfant Plaza SW  
Washington, DC 20260

*Defendant.*

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Case No. 26-cv-3223

**COMPLAINT**

1. Plaintiff American Oversight brings this action under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, concerning FOIA requests submitted following a whistleblower disclosure detailing alarming allegations about chaotic and problematic efforts by the U.S. Postal Service to implement an Executive Order with implications for potentially millions of American voters.

2. Executive Order 14399 (the EO) directed the Postal Service (USPS) to initiate a proposed rulemaking that would require states seeking to transmit ballots via U.S. mail to provide USPS with a list of voters eligible to vote in federal elections for whom the respective states intend to provide a mail-in or absentee ballot. Exec. Order No. 14399, Ensuring Citizenship Verification and Integrity in Federal Elections, 91 Fed. Reg. 17125 (Mar. 31, 2026).

3. USPS subsequently issued a final rule, "Ballot Mail for Federal Elections," 91 Fed. Reg. 54966 (Aug. 26, 2026) (the Rule), outlining the creation of a Federal Ballot Mail Portal (the

Portal), through which state election officials would be required to upload voter data (Mail-in and Absentee Participation Lists) before mail-in and absentee ballots are mailed.

4. Provisions of the Rule, including the Portal, are currently subject to a preliminary injunction issued by the U.S. District Court for the District of Massachusetts, which the U.S. Supreme Court recently left in place, denying the government's application for a stay. *See League of Women Voters of Mass. v. Trump*, 1:26-cv-11549, 2026 WL 2620871 (D. Mass. Sep 04, 2026); *U.S. Postal Service v. Cal.*, No. 26A305, 609 U.S. --- (Sep. 14, 2026).

5. Under the enjoined Rule, ballots addressed to individuals not appearing on a state's Mail-in and Absentee Participation List would be rejected for delivery by USPS.

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7. .

8. The Rule, if ultimately implemented, would require: election officials to design and procure new ballot envelopes; the federal government to create and maintain a new nationwide database of mail-in voters; USPS to return any non-compliant mailings and state election officials to take emergency actions in attempts to fix those mailings; and, potentially, postal service workers to physically read envelopes to parse out overseas and military ballots, which are not subject to the Rule. *See* Luke Belant, *6 Questions: What's Going on With the New Mail Ballot Rules?*, National Conference of State Legislatures, Aug. 27, 2026, <https://www.ncsl.org/state-legislatures-news/details/6-questions-whats-going-on-with-the-new-mail-ballot-rules>.

9. Although the recent Supreme Court order means that the USPS cannot move forward with the Rule for the upcoming November election, plans for implementation for future elections remain uncertain and opaque, leaving open significant questions and concerns as to whether election officials and the federal government (including USPS, which has not historically

played a direct role in election administration) will be able to ensure that eligible voters seeking to vote by mail or absentee will be able to rely on the Postal Service to deliver their ballots.

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11. Shortly after the USPS issued the Rule, on August 30, 2026, an anonymous whistleblower came forward, reporting to Senator Richard Blumenthal troubling allegations of chaos and shortcuts in USPS's development of the Portal (the Whistleblower Disclosure).

12. Alarming, the whistleblower also alleged, that work on the Portal had been ongoing for at least part of the time that a June 2026 court order blocking it was in effect.

13. The Whistleblower Disclosure amplified existing concerns among the public, lawmakers, and elections experts that USPS's implementation of the Executive Order would have had major negative consequences for a significant number of voters in the November 2026 midterm elections.

14. In service of its mission to educate the public on matters of pressing concern, shortly after the Whistleblower Disclosure became public, but before the U.S. Supreme Court declined to stay the District of Massachusetts' preliminary injunction, American Oversight submitted expedited requests under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA), seeking records with the potential to shed light on the Whistleblower Disclosure's allegations, including development and testing of the portal, protocols for curing potential Portal mismatch issues, and communications about these matters—as well as the relevant court orders—by top USPS officials.

15. USPS has failed to respond to these proper requests for expedited processing in the time permitted by statute, and, accordingly, American Oversight now brings this action under FOIA and the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, seeking declaratory and

injunctive relief to compel compliance with the requirements of FOIA and the release of the requested records.

### **JURISDICTION AND VENUE**

16. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. §§ 1331, 2201, and 2202.

17. Venue is proper in this district pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

18. Because Defendant has failed to issue a determination on American Oversight's request for expedited processing within the applicable time-limit provisions of FOIA, American Oversight is entitled to judicial action requiring Defendant to grant American Oversight's request for expedited processing.

### **PARTIES**

19. Plaintiff American Oversight is a nonpartisan, non-profit section 501(c)(3) organization. American Oversight is committed to promoting transparency in government, educating the public about government activities, and ensuring the accountability of government officials. Through research and FOIA requests, American Oversight uses the information it gathers, and its analysis of it, to educate the public about the activities and operations of the federal government through reports, published analyses, press releases, and other media. The organization is incorporated under the laws of the District of Columbia.

20. Defendant U.S. Postal Service (USPS) is an agency of the federal government within the meaning of 5 U.S.C. § 552(f)(1), headquartered in Washington, D.C. USPS has possession, custody, and control of records that American Oversight seeks.

### **STATEMENT OF FACTS**

21. On September 3, 2026, American Oversight submitted four FOIA requests to USPS seeking records with the potential to shed light on federal government activity related to the testing, operation, and purpose of the Portal. Within days after Executive Order 14399 was issued, multiple lawsuits challenging it were filed in federal court.

22. At the time American Oversight submitted its FOIA requests, the public discourse and procedural posture of these multiple suits was dynamic.

23. In one of those suits, on June 25, 2026, the U.S. District Court for the District of Massachusetts enjoined USPS from implementing portions of the EO including the portion (Section 3) directing USPS to begin its rulemaking process that would order the creation of the Portal. *See Cal. v. Trump*, 835 F. Supp. 3d 288, 315–16 (D. Mass. 2026).

24. On August 24, 2026, the Supreme Court of the United States lifted that injunction on the basis that USPS had not yet issued a final rule. *See Trump v. Cal.*, No. 26A124, 2026 WL 2473573, at \*5 (U.S. Aug. 24, 2026).

25. USPS issued the Rule on August 26, 2026. Ballot Mail for Federal Elections, 91 Fed. Reg. 54966 (Aug. 26, 2026) (amending 34 C.F.R. Part 111) (the Rule).

26. The day after USPS issued the Rule, the federal court in Massachusetts granted a temporary restraining order prohibiting the USPS from implementing the Portal's voter data collection as a requirement for transmitting ballots via the USPS. *League of Women Voters of Mass. v. Trump*, 1:26-cv-11549, 2026 WL 2539946 (D. Mass. Aug 27, 2026).

27. The temporary restraining order was converted into a preliminary injunction on September 4, 2026. *League of Women Voters of Mass. v. Trump*, 1:26-cv-11549, 2026 WL 2620871 (D. Mass. Sep 04, 2026).

28. In the meantime, the Whistleblower Disclosure became public.

29. Specifically, on August 31, 2026, Senator Richard Blumenthal published a letter to Postmaster General David Steiner, attaching a letter from an anonymous whistleblower with “direct knowledge of potentially catastrophic problems in the development” of the Portal. *See Senator Richard Blumenthal, Letter to David Steiner, Postmaster General and Chief Executive Officer*, Aug. 31, 2026.

30. In addition to identifying numerous purported problems with the development, design, and testing of the Portal, the whistleblower alleged that the USPS had defied court orders by continuing to work on the Portal between June 25, 2026, to August 24, 2026, when USPS was enjoined from implementing portions of the EO.

31. Days after the Whistleblower Disclosure became public, American Oversight submitted its four FOIA requests to USPS seeking records with the potential to shed light on federal government activity related to the testing, operation, and purpose of the Federal Ballot Mail Portal.

32. One week after American Oversight submitted its FOIA requests, the United States Court of Appeals for the First Circuit denied USPS’s motion for a stay of the District Court of Massachusetts’s preliminary injunction. *League of Women Voters of Mass. v. Trump*, No. 26-2029, No. 26-2030, No. 26-2031, No. 26-2032, 2026 WL 2662011 (1st Cir. Sep 10, 2026).

33. Then, on September 14, the Supreme Court denied USPS’s application to stay the District Court of Massachusetts’ preliminary injunction. *United States Postal Service v. Cal.*, No. 26A305, 609 U.S. --- (Sept. 14, 2026).

#### *Portal Testing Request*

34. On September 3, 2026, American Oversight submitted a request (the Portal Testing Request) to USPS bearing internal American Oversight tracking number USPS-26-1738 seeking, from June 1, 2026, through the date the search is conducted,

1. All policies, procedures, and protocols—both formal and informal—in the possession of USPS related to the testing of the Federal Ballot Mail Portal or any components of it, including the barcode verification process, the secondary verification process, the manifest verification process, rejection of Outbound and Return Federal Ballot Mail, internal testing, and Customer Acceptance Testing (CAT).

2. All results and documentation from completed testing related to the Federal Ballot Mail Portal, or any components including the failure rate, false positive rate, anticipated ballot-rejection rate, user issues, and identified bugs.

Ex. A at 2.

35. A true and correct copy of the Portal Testing Request is attached as Exhibit A, and American Oversight incorporates Exhibit A by reference as though stated fully herein.

36. Concurrent with its submission of the Portal Testing Request, American Oversight requested that USPS expedite processing of the request. *See* Ex. A at 4.

37. In its request for expedited processing, American Oversight demonstrated a compelling need for the records sought in the Portal Testing Request. *See id.* at 4-7.

38. In its request for expedited processing, American Oversight cited to multiple, current media stories demonstrating the widespread, exceptional media interest surrounding the Federal Ballot Mail Portal, the Whistleblower Disclosure, and Executive Order 14399. *See id.* at 4-7.

39. In its request for expedited processing, American Oversight explained that the requested records were urgently needed to inform the public discourse about actual or alleged Federal government activity. *See id.* at 4-7.

40. In its request for expedited processing, American Oversight illustrated the urgency as of September 3, 2026, for the release of the requested records by pointing to the fast-approaching midterm elections and the public's need to assess the reliability of mail-in ballots with enough time to make alternate plans to vote; the need to engage with elected and unelected officials on the status of mail-in ballots; and whether, to what extent, and by what means the USPS was and is complying with court orders to ensure that ballots are counted. *See id.* at 6.

41. USPS acknowledged the Portal Testing Request by email on September 3, 2026, assigning it tracking number 2026-FPRO-03736.

42. As of the time of this filing, USPS has not responded to American Oversight's request for expedited processing of the Portal Testing Request.

*Email Request*

43. On September 3, 2026, American Oversight submitted a request to USPS bearing internal American Oversight tracking number USPS-26-1739 (the Email Request) seeking "all email communications" sent by any of 15 USPS officials and containing one or more of 14 key terms within three different date ranges. Ex. B at 2-3.

44. A true and correct copy of the Email Request is attached as Exhibit B, and American Oversight incorporates Exhibit B by reference as though stated fully herein.

45. Concurrent with its submission of the Email Request, American Oversight requested that USPS expedite processing of the request. *See* Ex. B at 6.

46. In its request for expedited processing, American Oversight demonstrated a compelling need for the records sought in the Email Request. *See id.* at 6-8.

47. In its request for expedited processing, American Oversight cited to multiple, current media stories demonstrating the widespread, exceptional media interest surrounding the

Federal Ballot Mail Portal, the Whistleblower Disclosure, and Executive Order 14399. *See id.* at 6-7.

48. In its request for expedited processing, American Oversight explained that the requested records were urgently needed to inform the public discourse about actual or alleged Federal government activity. *See id.* at 6-7.

49. In its request for expedited processing, American Oversight illustrated the urgency as of September 3, 2026, for the release of the requested records by pointing to the fast-approaching midterm elections and the public's need to assess the reliability of mail-in ballots with enough time to make alternate plans to vote; the need to engage with elected and unelected officials on the status of mail-in ballots; and whether, to what extent, and by what means the USPS was and is complying with court orders to ensure that ballots are counted. *See id.* at 7.

50. USPS acknowledged the Email Request by email on September 3, 2026, assigning it tracking number 2026-FPRO-03737.

51. As of the time of this filing, USPS has not responded to American Oversight's request for expedited processing of the Email Request.

*Portal Keyword Email Request*

52. On September 3, 2026, American Oversight submitted a request to USPS bearing internal American Oversight tracking number USPS-26-1740 (the Portal Keyword Email Request) seeking "all email communications" sent by any of 15 USPS officials and containing the term "portal" within three different date ranges. Ex. C, 2-3.

53. A true and correct copy of the Portal Keyword Email Request is attached as Exhibit C, and American Oversight incorporates Exhibit C by reference as though stated fully herein.

54. Concurrent with its submission of the Portal Keyword Email Request, American Oversight requested that USPS expedite processing of the request. *See* Ex. C at 5.

55. In its request for expedited processing, American Oversight demonstrated a compelling need for the records sought in the Portal Keyword Email Request. *See id.* at 5-7.

56. In its request for expedited processing, American Oversight cited to multiple, current media stories demonstrating the widespread, exceptional media interest surrounding the Federal Ballot Mail Portal, the Whistleblower Disclosure, and Executive Order 14399. *See id.* 5-7.

57. In its request for expedited processing, American Oversight explained that the requested records were urgently needed to inform the public discourse about actual or alleged Federal government activity. *See id.* at 5-7.

58. In its request for expedited processing, American Oversight illustrated the urgency as of September 3, 2026, for the release of the requested records by pointing to the fast-approaching midterm elections and the public's need to assess the reliability of mail-in ballots with enough time to make alternate plans to vote; the need to engage with elected and unelected officials on the status of mail-in ballots; and whether, to what extent, and by what means the USPS was and is complying with court orders to ensure that ballots are counted. *See id.* at 6-7.

59. USPS acknowledged the Portal Keyword Email Request by email on September 3, 2026, assigning it tracking number 2026-FPRO-03739.<sup>1</sup>

60. As of the time of this filing, USPS has not responded to American Oversight's request for expedited processing of the Portal Keyword Email Request.

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<sup>1</sup> American Oversight submitted a slightly different version of this request on September 3, 2026, which resulted USPS acknowledging and assigning and tracking number 2026-FPRO-03738 for the request. American Oversight only includes 2026-FPRO-03739 in this action.

*Policies and Procedures Request*

61. On September 3, 2026, American Oversight submitted a request to USPS bearing internal American Oversight tracking number USPS-26-1741 (the Policies and Procedures Request) seeking:

All policies, procedures, and protocols—both formal and informal—in the possession of USPS regarding the rejection of ballots or ballot envelopes from entering the mailstream due to data received via the Federal Ballot Mail Portal, including, but not limited to, directives, guidance, trainings, and memoranda on the circumstances in which ballots are rejected, the process for curing rejected ballots and batches of ballots, and the zero percent failure rate.

Ex D at 2.

62. A true and correct copy of the Policies and Procedures Request is attached as Exhibit D, and American Oversight incorporates Exhibit D by reference as though stated fully herein.

63. Concurrent with its submission of the Policies and Procedure Request, American Oversight requested that USPS expedite processing of the request. *See* Ex. D at 4-5.

64. In its request for expedited processing, American Oversight demonstrated a compelling need for the records sought in the Policies and Procedure Request. *See id.* at 4-6.

65. In its request for expedited processing, American Oversight cited to multiple, current media stories demonstrating the widespread, exceptional media interest surrounding the Federal Ballot Mail Portal, the Whistleblower Disclosure, and Executive Order 14399. *See id.* 4-6.

66. In its request for expedited processing, American Oversight explained that the requested records were urgently needed to inform the public discourse about actual or alleged Federal government activity. *See id.* at 4-6.

67. In its request for expedited processing, American Oversight illustrated the urgency as of September 3, 2026, for the release of the requested records by pointing to the fast-approaching midterm elections and the public's need to assess the reliability and of mail-in ballots with enough time to make alternate plans to vote; the need to engage with elected and unelected officials on the status of mail-in ballots; and whether, to what extent, and by what means the USPS was and is complying with court orders to ensure that ballots are counted. *See id.* at 4-6.

68. USPS acknowledged the Email Request by email on September 3, 2026, assigning it tracking number 2026-FPRO-03740.

69. As of the time of this filing, USPS has not responded to American Oversight's request for expedited processing of the Policies and Procedures Test.

*American Oversight's Requests for Expedited Processing*

70. American Oversight requested expedited processing of the four FOIA requests described above, and they include the certifications required by 5 U.S.C. § 552(a)(6)(E)(1) and 39 CFR 265.5(c). *See* Ex. A at 4, Ex. B at 6, Ex. C at 5, Ex. D at 4.

71. As American Oversight certified in Exs. A-D, the requested records are urgently needed to inform the public concerning actual or alleged government activity.

72. As American Oversight certified in Exs. A-D, the requested records concern a matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence.

73. As also certified in Exs. A-D, and as further described in the Parties section above, American Oversight is primarily engaged in disseminating information to the public.

74. Plaintiff's expedited processing requests explained how it meets the statutory and regulatory standards. *See id.*

75. Plaintiff's expedited processing requests included a non-exhaustive list of multiple citations to media reports that support American Oversight's certifications. *See id.*

76. To date, USPS has not informed American Oversight of a determination concerning any of the requests for expedited processing identified in this pleading.

*Exhaustion of Administrative Remedies*

77. As of the date of this pleading Defendant failed to: notify American Oversight of a final determination regarding American Oversight's proper requests for expedited processing of its FOIA requests.

78. Defendant failed to respond to American Oversight's request to expedite processing of its FOIA requests within 10 calendar days, and American Oversight is not required to exhaust its administrative remedies with respect to its requests to expedite processing. 5 U.S.C. § 552(a)(6)(E)(iii).

**COUNT I**

**Violation of FOIA, 5 U.S.C. § 552  
Failure to Grant Expedited Processing**

79. American Oversight repeats the allegations in the foregoing paragraphs and incorporates them as though fully set forth herein.

80. American Oversight properly requested records within the possession, custody, and control of defendant USPS on an expedited basis.

81. Defendant to issue a determination on the requests for expedited processing within the timeframe set by statute.

82. Defendant is an agency subject to FOIA and must process FOIA requests on an expedited basis pursuant to the requirements of FOIA and agency regulations.

83. The records American Oversight has requested are urgently needed to inform the public about government activities of extraordinary public importance.

84. American Oversight is primarily engaged in disseminating information to the public.

85. Therefore, American Oversight's requests justify expedited processing under FOIA and USPS's regulations.

86. American Oversight is entitled to declaratory and injunctive relief requiring Defendant to grant expedited processing of American Oversight's FOIA requests.

### **REQUESTED RELIEF**

WHEREFORE, American Oversight respectfully requests the Court to:

- (1) Order Defendant to process American Oversight's requests identified in this Complaint on an expedited basis;
- (2) Order Defendant to conduct a search reasonably calculated to uncover all records responsive to American Oversight's FOIA requests identified in this Complaint;
- (3) Order Defendant to produce, on an expedited basis determined by the Court, any and all non-exempt records responsive to American Oversight's FOIA requests identified in this Complaint and *Vaughn* indexes of any responsive records withheld under claim of exemption;
- (4) Award American Oversight the costs of this proceeding, including reasonable attorneys' fees and other litigation costs reasonably incurred in this action, pursuant to 5 U.S.C. § 552(a)(4)(E); and
- (5) Grant American Oversight such other relief as the Court deems just and proper.

Dated: September 15, 2026

Respectfully submitted,

/s/ Benjamin A. Sparks

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