

# EXHIBIT B



June 23, 2020

Via Email

Nancy Chavannes-Battle  
FOIA Public Liaison  
Manager Records Office  
U.S. Postal Service  
475 L'Enfant Plaza SW, RM 1P830  
Washington, DC 20260

Re: Freedom of Information Act request **with expedited processing**

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, The Protect Democracy Project hereby requests that your office produce within 20 business days the following records (see below for clarity on the types of records sought):

1. Any and all records reflecting, discussing, or otherwise relating to any outreach plan governing contacts with state election officials and/or political parties regarding the anticipated increase in the volume of election mail in the 2020 general election.
2. Any and all organizational charts listing names and titles of individuals directly or indirectly involved in outreach to state election officials and/or political parties regarding the handling of election mail in the 2020 general election.
3. Any and all records (including but not limited to records stored in a database) reflecting, discussing, or otherwise relating to communications with state political party officials.
4. Any and all records (including but not limited to records stored in a database) reflecting, discussing, or otherwise relating to communications with state, county, or local election officials, including but not limited to state secretaries of state and state, county, or local election boards.
5. Any and all records reflecting, discussing, or otherwise relating to communications with vendors of election-related products and services, including but not limited to ballot printers and suppliers of envelopes and ink.

The Protect Democracy Project, Inc.  
2020 Pennsylvania Avenue NW, #163, Washington, DC 20006 • [FOIA@protectdemocracy.org](mailto:FOIA@protectdemocracy.org)

6. Any and all records reflecting, discussing, or otherwise relating to the training of employees in connection with the delivery of election mail.
7. Any and all records reflecting, discussing, or otherwise relating to policies, practices, and procedures concerning the delivery of election mail without postage.
8. Any and all records reflecting, discussing, or otherwise relating to policies, practices, and procedures concerning the delivery of election mail in the following states: Arizona, Florida, Georgia, Michigan, North Carolina, Pennsylvania, Texas, and Wisconsin.
9. Any and all records reflecting, discussing, or otherwise relating to performance in delivering election mail on schedule for any presidential primary election—including but not limited to all records reflecting, discussing, or otherwise relating to any investigation conducted by the Office of the Inspector General in connection with the presidential primaries.
10. Any and all records reflecting, discussing, or otherwise relating to communications between the Postmaster General or members of the Board of Governors and any employee of the Department of the Treasury, the Department of Justice, and the Office of Management and Budget.

The timeframe for this request is March 1, 2020 through the date that searches are conducted for records responsive to this FOIA request.

We ask that you search for records from all components of the U.S. Postal Service (“USPS”) that may be reasonably likely to produce responsive results, including but not limited to the offices of the Postmaster General, the Deputy Postmaster General, the Chief Operating Officer, the Area Operations Vice Presidents, and the General Counsel.

#### EXPEDITED PROCESSING REQUEST

We request that you expedite the processing of this request pursuant to 5 U.S.C. § 552(a)(6)(E) and 39 C.F.R. § 265.5(c)(1)(ii). This request meets the criteria for expedited processing because there is “[a]n urgency to inform the public about an actual or alleged Federal Government activity,” and the request is “made by a person who is primarily engaged in disseminating information.” 39 C.F.R. § 265.5(c)(1)(ii).

There can be no question that the USPS’s preparations for processing the anticipated surge in voting by mail in light of the COVID-19 pandemic are of utmost importance to the public. Free and fair elections are the bedrock of our democracy, and they cannot occur without the Postal Service delivering ballots on time.

The Protect Democracy Project, Inc.  
2020 Pennsylvania Avenue NW, #163, Washington, DC 20006 • [FOIA@protectdemocracy.org](mailto:FOIA@protectdemocracy.org)

There is cause for public concern regarding the USPS's readiness to carry out this crucial responsibility. The USPS has received no federal funds since 1982, relying on postal sales to keep revenue ahead of expenditures.<sup>1</sup> At the end of 2019, the U.S. Government Accountability Office calculated that the USPS had \$160.9 billion in debt.<sup>2</sup> COVID-19 has affected the volume of mail and significantly reduced revenue for the already beleaguered organization. In the first week of March, the volume of mail declined 30 percent. By the end of June, the USPS projects that volume will be down 50 percent. The agency could lose \$23 billion over the next 18 months.<sup>3</sup> USPS leadership told the House Oversight and Government Reform Committee in April that the agency needs \$75 billion to avoid forcing it to prioritize which vendors to pay and services to curtail,<sup>4</sup> and that it could be unable to make payroll and continue mail service uninterrupted past September.<sup>5</sup> And although the CARES Act gave the Treasury Department authority to lend the USPS up to \$10 billion, that prospective loan may be subject to as yet unknown conditions to be set by Treasury.<sup>6</sup> President Trump has called the USPS a "joke" and threatened to block any emergency loan to the agency unless it quadruples prices for package delivery.<sup>7</sup> Without evidence, he has also denigrated voting by mail as "corrupt" and "ripe for fraud."<sup>8</sup> The newly appointed Postmaster General, Louis DeJoy, is a top donor to the President and the RNC who has no prior experience working at the Postal Service.<sup>9</sup>

With the general election barely four months away, and early voting starting up to a month and a half beforehand in some states,<sup>10</sup> preparations for the vote-by-mail surge need to be

<sup>1</sup> Philip F. Rubio, *Save the Postal Service*, Atlantic (Apr. 24, 2020),

<https://www.theatlantic.com/ideas/archive/2020/04/why-postal-service-worth-saving/610672/>.

<sup>2</sup> Jacob Bogage, *The Postal Service needs a bailout. Congress is partly to blame.*, Wash. Post (Apr. 15, 2020).

<https://www.washingtonpost.com/business/2020/04/15/postal-service-bailout-congress/>.

<sup>3</sup> *Id.*

<sup>4</sup> Jory Heckman, *USPS requests \$75B amid pandemic to recover from 'steep' drop in mail volume*, Fed. News Network (Apr. 9, 2020),

<https://federalnewsnetwork.com/agency-oversight/2020/04/postmaster-general-usps-will-run-out-of-cash-this-fiscal-year-without-more-pandemic-funding/>.

<sup>5</sup> Lisa Rein & Jacob Bogage, *Trump says he will block coronavirus aid for U.S. Postal Service if it doesn't hike prices immediately*, Wash. Post (Apr. 24, 2020),

<https://www.washingtonpost.com/us-policy/2020/04/24/trump-postal-service-loan-treasury/>.

<sup>6</sup> Jacob Bogage & Lisa Rein, *Trump administration considers leveraging emergency coronavirus loan to force Postal Service changes*, Wash. Post (Apr. 23, 2020),

<https://www.washingtonpost.com/business/2020/04/23/10-billion-treasury-loan-usps/>.

<sup>7</sup> Lisa Rein & Jacob Bogage, *Trump says he will block coronavirus aid for U.S. Postal Service if it doesn't hike prices immediately*, Wash. Post (Apr. 24, 2020),

<https://www.washingtonpost.com/us-policy/2020/04/24/trump-postal-service-loan-treasury/>.

<sup>8</sup> Amy Gardner & Elise Viebeck, *GOP pushes voting by mail—with restrictions—while Trump attacks it as 'corrupt'*, Wash. Post (Apr. 13, 2020),

[https://www.washingtonpost.com/politics/gop-pushes-voting-by-mail--with-restrictions--as-trump-attacks-it-as-corr-upt/2020/04/12/526057a4-7bf8-11ea-a130-df573469f094\\_story.html](https://www.washingtonpost.com/politics/gop-pushes-voting-by-mail--with-restrictions--as-trump-attacks-it-as-corr-upt/2020/04/12/526057a4-7bf8-11ea-a130-df573469f094_story.html).

<sup>9</sup> Alan Rappeport, *Postal Service Pick With Ties to Trump Raises Concerns Ahead of 2020 Election*, N.Y. Times (May 7, 2020), <https://www.nytimes.com/2020/05/07/us/politics/postmaster-general-louis-dejoy.html>.

<sup>10</sup> See, e.g., M.S.A. § 203B.081, 203B.085 (Minn.); N.J.S.A. § 19:63-6 (N.J.); S.D.C.L. § 12-19-2.1 (S.D.); Tit.17, § 2531 to 37 (Vt.); VA Code Ann. § 24.2-701.1 (Va.).

happening now. The public urgently needs to know whether the USPS is on track to carry out its role in enabling a free and fair election to proceed in November. The widespread media coverage of the topic of this request is further proof of the “urgency to inform the public.” *See, e.g., Protect Democracy Project v. Dep’t of Def.*, 263 F. Supp. 3d 293, 299 (D.D.C. 2017) (recognizing that media coverage is a factor relevant to the urgency analysis).

The Protect Democracy Project “easily” satisfies the requirement of 39 C.F.R. § 265.5(c)(1)(ii) that it be “primarily engaged in disseminating information.” *Id.* at 298 (ruling that Protect Democracy satisfies DOJ’s identically worded regulation at 28 C.F.R. § 16.5(e)(1)(ii)). The Protect Democracy Project regularly disseminates information and intends to disseminate the information obtained in response to this request. The Protect Democracy Project operates in the tradition of 501(c)(3) good government organizations that qualify under FOIA as “news media organizations.” Like those organizations, the purpose of The Protect Democracy Project is to “gather information of potential interest to a segment of the public, use its editorial skills to turn the raw materials into distinct work, and distribute that work to an audience.” *Nat’l Sec. Archive v. Dep’t of Def.*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). Indeed, The Protect Democracy Project has routinely demonstrated the ability to disseminate information about its FOIA requests to a wide audience.<sup>11</sup> The Protect Democracy Project will disseminate information and analysis about this request—and any information obtained in response—through its website (protectdemocracy.org); its Twitter feed (@protctdemocracy), which has more than 35,000 followers; its email list of approximately 30,000 people; and sharing information with other members of the press.

In sum, this request satisfies the requirements of 5 U.S.C. § 552(a)(6)(E) and 39 C.F.R. § 265.5(c)(1)(ii). It is therefore incumbent upon the government and urgent for your office to share any responsive records in an expedited fashion.

Under penalty of perjury, I hereby affirm that the foregoing is true and correct to the best of my knowledge and belief.

#### FEE WAIVER

---

<sup>11</sup> *See, e.g.,* Lisa Rein, *Watchdog Group, Citing “Integrity of Civil Service,” Sues Trump to Find Out if Feds Are Being Bullied*, Wash. Post (Apr. 27, 2017), <https://www.washingtonpost.com/news/powerpost/wp/2017/04/27/watchdog-group-citing-integrity-of-civil-service-sues-trump-to-find-out-if-feds-are-being-bullied/>; Ben Berwick, *Going to Court for Civil Servants*, Take Care (Apr. 28, 2017), <https://takecareblog.com/blog/going-to-court-for-civil-servants>; Charlie Savage, *Watchdog Group Sues Trump Administration, Seeking Legal Rationale Behind Syria Strike*, N.Y. Times (May 8, 2017), <https://nyti.ms/2pX82OV>; Justin Florence, *What’s the Legal Basis for the Syria Strikes? The Administration Must Acknowledge Limits on its Power to Start a War*, Lawfare (May 8, 2017), <https://www.lawfareblog.com/whats-legal-basis-syria-strikes-administration-must-acknowledge-limits-its-power-start-war>; Allison Murphy, *Ten Questions for a New FBI Director*, Take Care (June 6, 2017), <https://takecareblog.com/blog/ten-questions-for-a-new-fbi-director>.

The Protect Democracy Project, Inc.  
2020 Pennsylvania Avenue NW, #163, Washington, DC 20006 • [FOIA@protectdemocracy.org](mailto:FOIA@protectdemocracy.org)

FOIA provides that any fees associated with a request are waived if “disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii). The core mission of The Protect Democracy Project, a 501(c)(3) organization, is to inform public understanding on operations and activities of the government. As explained in support of the request for expedited processing, this request is submitted in consort with the organization’s mission to gather and disseminate information that is likely to contribute significantly to the public understanding of executive branch operations and activities. The Protect Democracy Project has no commercial interests.

In addition to satisfying the requirements for a waiver of fees associated with the search and processing of records, The Protect Democracy Project is entitled to a waiver of all fees except “reasonable standard charges for document duplication.” 5 U.S.C. § 552(a)(4)(A)(ii)(II). Federal law mandates that fees be limited to document duplication costs for any requester that qualifies as a representative of the news media. *Id.* As explained above, The Protect Democracy Project operates in the tradition of 501(c)(3) good government organizations that qualify under FOIA as “news media organizations.” Like those organizations, the purpose of The Protect Democracy Project is to “gather information of potential interest to a segment of the public, use its editorial skills to turn the raw materials into distinct work, and distribute that work to an audience.” *Nat’l Sec. Archive v. Dep’t of Def.*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). Indeed, The Protect Democracy Project has routinely demonstrated the ability to disseminate information about its FOIA requests to a wide audience. *See supra* note 11. The Protect Democracy Project will disseminate information and analysis about this request – and any information obtained in response – through its website (protectdemocracy.org); its Twitter feed (@protectdemocracy), which has more than 35,000 followers; its email list of approximately 30,000 people; and sharing information with other members of the press.

### RESPONSIVE RECORDS

We ask that all types of records and all record systems be searched to discover records responsive to our request. We seek records in all media and formats. This includes, but is not limited to: agendas, manifests, calendars, schedules, notes, and any prepared documentation for meetings, calls, teleconferences, or other discussions responsive to our request; voicemails; e-mails; e-mail attachments; talking points; faxes; training documents and guides; tables of contents and contents of binders; documents pertaining to instruction and coordination of couriers; and any other materials. However, you need not produce press clippings and news articles that are unaccompanied by any commentary (e.g., an email forwarding a news article with no additional commentary in the email thread).

If you make a determination that any responsive record, or any segment within a record, is exempt from disclosure, we ask that you provide an index of those records at the time you transmit all other responsive records. In the index, please include a description of the record and

The Protect Democracy Project, Inc.  
2020 Pennsylvania Avenue NW, #163, Washington, DC 20006 • [FOIA@protectdemocracy.org](mailto:FOIA@protectdemocracy.org)

the reason for exclusion with respect to each individual exempt record or exempt portion of a record, as provided by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). When you deem a portion of a record exempt, we ask that the remainder of the record to be provided, as required by 5 U.S.C. § 552(b).

Given the 20-day statutory deadline, we hope to be as helpful as possible in clarifying or answering questions about our request. Please contact me at [john.paredes@protectdemocracy.org](mailto:john.paredes@protectdemocracy.org) or (202) 595-4299 if you require any additional information. We appreciate your cooperation and look forward to hearing from you very soon.

Sincerely,



John Paredes

Counsel  
The Protect Democracy Project