



**KATIE HOBBS**  
SECRETARY OF STATE  
*State of Arizona*

August 14, 2020

Attorney General Mark Brnovich  
2500 N. Central Avenue  
Phoenix, AZ 85004

*VIA EMAIL ONLY*

Attorney General Brnovich,

As you know, voting by mail has a long and successful history in Arizona. In fact, it's more popular than ever—during our recent primary election, more than 85% of voters who cast a ballot did so after receiving it in the mail. The faith in and reliance on our ballot-by-mail system is nonpartisan, with the vast majority of ballots for each party being cast this way. During this pandemic, it is clear that voters have decided that voting by mail is the safest way to exercise their right while protecting their health.

But recent changes at the United States Postal Service (USPS) are deeply troubling, and coupled with recent comments from President Trump, may have implications under Arizona law, which makes it a crime to “knowingly delay the delivery of a ballot.”<sup>1</sup> I write today to ask that the Election Integrity Unit investigate whether President Trump, and others at his direction, has conspired to violate ARS 16-1003.

On August 7<sup>th</sup>, Postmaster General Louis DeJoy announced major changes to the “organizational structure” of USPS. The postmaster general has suggested that these structural and personnel changes will allow the organization to “focus on what the Postal Service does best; collect, process, move and deliver mail and packages.”<sup>2</sup> But his recent directives—ostensibly aimed at reducing the agency’s costs—seem to directly conflict with that focus, including:

- The elimination of overtime for postal workers<sup>3</sup>

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<sup>1</sup> Ariz. Rev. Stat. § 16-1003.

<sup>2</sup> USPS. (2020, August 07). Postmaster General Louis DeJoy Modifies Organizational Structure to Support USPS Mission [Press release]. Retrieved from <https://about.usps.com/newsroom/national-releases/2020/0807-pmg-modifies-organizational-structure.htm>

<sup>3</sup> Bogage, J. (2020, July 14). Postal Service memos detail 'difficult' changes, including slower mail delivery. Retrieved August 13, 2020, from <https://www.washingtonpost.com/business/2020/07/14/postal-service-trump-dejoy-delay-mail/>

- Prohibiting letter carriers from making extra trips to ensure the timely delivery of the mail<sup>4</sup>
- Hiring freezes<sup>5</sup>
- The removal of mail sorting machines<sup>6</sup>

The effect of these changes, taken individually or together, is an extended transit period for mail. The timing of such changes—just months before a major election in which a record number of people are expected to rely on USPS when exercising their fundamental right to vote—would be conspicuous on its own. Taken with comments from President Trump however, it's clear that something more may be afoot here. The President has suggested in the past, for example, that voting by mail would “LEAD TO THE END OF OUR GREAT REPUBLICAN PARTY,”<sup>7</sup> “the most INACCURATE & FRAUDULENT Election in history,”<sup>8</sup> and even, in response to increased access to vote by mail, suggested that the “Post Office could never handle the Traffic of Mail-In Votes without preparation.”<sup>9</sup> As noted above, however, USPS has not been undertaking additional preparation but rather, has been doing just the opposite.

President Trump's most recent comment, on August 13<sup>th</sup>, leaves any reasonable person with the inescapable conclusion that recent directives at the USPS are part of a larger, coordinated scheme to interfere with Americans', including Arizonans', ability to vote safely by mail. Congressional leaders have proposed emergency funding for USPS to avert the recent cost-cutting service reductions that would slow the delivery of mail. In response to a question regarding his opposition to this additional funding, President Trump said:

*“Now, they need that money in order to have Post Office work, so it can take all of these millions and millions of ballots. . . . But if they don't get those items, that means you can't have universal mail-in voting because they're not equipped to have it.”<sup>10</sup>*

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<sup>4</sup> Id. See also Internal USPS document tells employees to leave mail at distribution centers. (n.d.). Retrieved August 13, 2020, from [https://www.washingtonpost.com/context/internal-usps-document-tells-employees-to-leave-mail-at-distribution-centers/175dd1ae-e202-4777-877c-33442338d1cc/?itid=lk\\_inline\\_manual\\_46](https://www.washingtonpost.com/context/internal-usps-document-tells-employees-to-leave-mail-at-distribution-centers/175dd1ae-e202-4777-877c-33442338d1cc/?itid=lk_inline_manual_46)

<sup>5</sup> USPS, *supra* note 2.

<sup>6</sup> Gordon, A. (2020, August 13). The Post Office Is Deactivating Mail Sorting Machines Ahead of the Election. Retrieved August 13, 2020, from [https://www.vice.com/en\\_us/article/n7wk9z/the-post-office-is-deactivating-mail-sorting-machines-ahead-of-the-election](https://www.vice.com/en_us/article/n7wk9z/the-post-office-is-deactivating-mail-sorting-machines-ahead-of-the-election)

<sup>7</sup> Donald Trump (@realdonaldtrump), Twitter (May 28, 2020 6:00 PM) <https://twitter.com/realdonaldtrump/status/1266172570983940101?lang=en>

<sup>8</sup> Donald Trump (@realdonaldtrump), Twitter (July 30, 2020 5:46 AM) <https://twitter.com/realdonaldtrump/status/1288818160389558273>

<sup>9</sup> Donald Trump (@realdonaldtrump), Twitter (August 3, 2020 4:37 AM) <https://twitter.com/realdonaldtrump/status/1290250416278532096>

<sup>10</sup> Kroll, A. (2020, August 13). Trump Says Gutting the Post Office 'Means You Can't Have Universal Mail-In Voting'. Retrieved August 13, 2020, from <https://www.rollingstone.com/politics/politics-news/trump-postal-service-mail-in-voting-absentee-election-defund-1043797/>

There's no need to read between the lines here. The President explicitly admitted to an intentional effort to interfere with USPS' ability to deliver ballots by mail. Arizona's Constitution states that "[a]ll elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage."<sup>11</sup> In a state where the vast majority of voters choose to do so by mail, attempts to sabotage the USPS just months before an election are most certainly attempts to interfere with "the free exercise of the right of suffrage."

I ask that the Election Integrity Unit investigate immediately.

Sincerely,

A handwritten signature in black ink, appearing to be 'KH' followed by a long horizontal flourish.

Katie Hobbs  
Arizona Secretary of State

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<sup>11</sup> Ariz. Const. Art. II § 21