

MINUTE ORDER.

In view of 46 joint proposed order, it is hereby ORDERED that United States Postal Service (USPS) facilities in the following Districts, whose Election Mail processing scores for completed ballots returned by voters (Inbound Ballots) were below 90 percent for at least two days from October 26 to 28, shall implement the "Delivery" measures outlined in USPS's "Extraordinary Measures Memorandum" dated October 20, 2020 unless the implementation of any of the extraordinary measures, at a district or facility level, would create a significant risk of reducing the timely delivery of Inbound Ballots: Alabama, Alaska, Appalachian, Atlanta, Central Pennsylvania, Colorado/Wyoming, Detroit, Ft. Worth, Greater Indiana, Greater Michigan, Greater S. Carolina, Greensboro, Gulf Atlantic, Kentuckiana, Lakeland, Louisiana, Mid-Carolinas, Mississippi, Northern New England, Oklahoma, Rio Grande, and Triboro. Defendants shall promptly communicate this requirement to the relevant managerial and supervisory personnel within these Districts. It is FURTHER ORDERED that Defendants shall provide Plaintiffs available data from the nationwide survey of "extraordinary measures" being undertaken for Election Mail at USPS facilities, as it becomes available during the day on October 30, 2020. It is FURTHER ORDERED that beginning October 30, 2020 and until further order of the Court, by 3:00 PM each day, Defendants shall file with the Court a document explaining, for each USPS District whose Election Mail processing scores for Inbound Ballots were below 90 percent on each of the previous two days or below 80 percent on the previous day, Defendants' understanding, based on all reasonably available information, of potential explanations for the current level of service and any corrective measures that are now being implemented. It is FURTHER ORDERED that on October 30, 2020, Defendants shall make a USPS representative with expertise in postal operations available to speak with Plaintiffs and at the Conference before the Court to discuss and answer questions about the Postal Service's current plans and processes as they relate to the processing of Election Mail. It is FURTHER ORDERED that beginning October 30, 2020, and until further order of the Court, Defendants shall file with the Court data by 10:00 AM each day (except for October 30, 2020, in which case it shall be filed at the earliest reasonably available time and, in any event, no later than 3:00 PM) data on the absolute number of Inbound Ballots and Outbound Ballots captured in the Election Mail processing scores data produced pursuant to this Court's October 27, 2020 Minute Order. It is FURTHER ORDERED that beginning October 30, 2020, and until further order of the Court, Defendants shall provide to Plaintiffs by 11:00 AM each day native versions of the excel files of service performance data produced pursuant to this Court's October 27, 2020 Minute Order. It is FURTHER ORDERED that at the conference before the Court at 5:00 PM on October 30, 2020, Defendants shall make a USPS representative with expertise in the data processing scores for Election Mail that USPS is producing, including expertise with respect to the data and issues identified in paragraphs 3 through 5 above, available to answer questions from the parties and the Court about the data. This representative shall also be available to describe and answer questions related to: (a) the methodology used to calculate processing scores for "Inbound Ballots," "Outbound Ballots," and "Outbound Non-Ballot Election Mail," as those terms are used in Defendants' submission; and (b) a detailed and specific explanation of those reasons, if any, why Defendants contend those processing scores are unreliable. Signed by Judge Emmet G. Sullivan on 10/30/2020. (lcegs3) (Entered: 10/30/2020)