No. _____

In the Supreme Court of the United States

UNITED STATES POSTAL SERVICE, ET AL., APPLICANTS

v.

STATE OF CALIFORNIA, ET AL.

DONALD J. TRUMP, ET AL., APPLICANTS

v.

LEAGUE OF WOMEN VOTERS OF MASSACHUSETTS, ET AL.

APPLICATION FOR A STAY OF THE ORDER ISSUED BY THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS AND REQUEST FOR AN IMMEDIATE ADMINISTRATIVE STAY

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PARTIES TO THE PROCEEDING

Applicants in *United States Postal Service* v. *California* (defendants-appellants below) are the United States Postal Service; David Steiner, Postmaster General and Chief Executive Officer of the Postal Service, and Member of the Postal Service Board of Governors; Douglas Tulino, Deputy Postmaster General, Chief Operating Officer, and Chief Human Resources Officer of the Postal Service, and Member of the Postal Service Board of Governors; Amber McReynolds, Chair of the Postal Service Board of Governors; Derek T. Kan, Vice Chairman of the Postal Service Board of Governors; Ronald Stroman, Member of the Postal Service Board of Governors; and Daniel Mark Tangherlini, Member of the Postal Service Board of Governors.

Respondents in *California* (plaintiffs-appellees below) are California; Massachusetts; Nevada; Washington; Arizona; Colorado; Connecticut; Delaware; the District of Columbia; Hawaii; Illinois; Maine; Maryland; Michigan; Minnesota; New Jersey; New Mexico; New York; North Carolina; Oregon; Rhode Island; Vermont; Virginia; Wisconsin; and Josh Shapiro, Governor of Pennsylvania.

Respondents in *California* (intervenor-defendants below) are Alabama; Florida; Indiana; Kansas; Louisiana; Missouri; Montana; Nebraska; Oklahoma; South Carolina; South Dakota; and Texas.

Applicants in *Trump* v. *League of Women Voters of Massachusetts (LWVMA)* (defendants-appellants below) are Donald J. Trump, President of the United States; the United States Postal Service; the Board of Governors of the United States Postal Service; David Steiner, Postmaster General; Douglas Tulino, Deputy Postmaster General; Amber McReynolds, Chairwoman of the Board of Governors of the United States Postal Service; Derek T. Kan, Vice Chairman of the Board of Governors of the United States Postal Service; Ronald Stroman, Member of the Board of Governors of

the United States Postal Service; Daniel Mark Tangherlini, Member of the Board of Governors of the United States Postal Service; the Department of Homeland Security; Markwayne Mullin, Secretary of the Department of Homeland Security; the Social Security Administration; Frank J. Bisignano, Commissioner of the Social Security Administration; U.S. Citizenship and Immigration Services; and Joseph B. Edlow, Director of U.S. Citizenship and Immigration Services.

Respondents in *LWVMA* (plaintiffs-appellees below) are League of Women Voters of Massachusetts; League of Women Voters Lotte E. Scharfman Memorial Education Fund; League of Women Voters of the United States; League of Women Voters Education Fund; Association of Americans Resident Overseas; U.S. Vote Foundation; OCA-Asian Pacific American Advocates; and Delta Sigma Theta Sorority, Inc.

Respondents in *LWVMA* (intervenor-defendants below) are Alabama; Florida; Indiana; Kansas; Louisiana; Missouri; Montana; Nebraska; Oklahoma; South Carolina; South Dakota; and Texas.

RELATED PROCEEDINGS

United States District Court (D. Mass.):

League of Women Voters of Massachusetts v. *Trump*, No. 26-cv-11549 (June 18, 2026) (order granting motion to dismiss in part)

League of Women Voters of Massachusetts v. *Trump*, No. 26-cv-11549 (July 13, 2026) (order denying preliminary injunction without prejudice)

League of Women Voters of Massachusetts v. *Trump*, No. 26-cv-11549 (July 22, 2026) (order granting motion to dismiss in part)

League of Women Voters of Massachusetts v. *Trump*, No. 26-cv-11549 (Aug. 11, 2026) (order granting preliminary injunction)

League of Women Voters of Massachusetts v. *Trump*, No. 26-cv-11549 (Aug. 26, 2026) (order vacating preliminary injunction)

State of California v. *United States Postal Service*, No. 26-cv-13917 (Aug. 27,

2026) (order granting temporary restraining order)

League of Women Voters of Massachusetts v. *Trump*, No. 26-cv-11549 (Aug. 27, 2026) (order granting temporary restraining order)

State of California v. *United States Postal Service*, No. 26-cv-13917 (Aug. 31, 2026) (docket order denying stay)

League of Women Voters of Massachusetts v. *Trump*, No. 26-cv-11549 (Aug. 31, 2026) (docket order denying stay)

In the Supreme Court of the United States

No. 26A

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STATE OF CALIFORNIA, ET AL.

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APPLICATION FOR A STAY OF THE ORDER ISSUED BY THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS AND REQUEST FOR AN IMMEDIATE ADMINISTRATIVE STAY

Pursuant to Rule 23 of the Rules of this Court and the All Writs Act, 28 U.S.C. 1651, the Solicitor General—on behalf of applicants the United States Postal Service ("Postal Service" or "USPS"), et al.—respectfully requests that this Court stay the order issued by the United States District Court for the District of Massachusetts (App., *infra*, 3a-13a) pending appeal to the United States Court of Appeals for the First Circuit and, if the court of appeals affirms the order, pending the timely filing and disposition of a petition for a writ of certiorari and any further proceedings in this Court. The Solicitor General also respectfully requests an immediate administrative stay of the order to prevent ongoing irreparable injury while this application is pending.

Ten days ago, this Court issued a stay of a prior order entered by the same district court. See *Trump* v. *California*, No. 26A124, 2026 WL 2473573 (Aug. 24, 2026) (per curiam). That order had enjoined implementation of a potential final rule by the Postal Service before it had even issued. In granting a stay, this Court concluded that the order was necessarily unripe because the district court "had to engage in a string of speculations to find th[e] suit justiciable" given that it did not know, for example, "what [a] final rule would say" or whether it "would harm the States." *Id.* at *4. Just three days later—the day after the Postal Service formally published a final rule—the district court issued an order partially barring implementation of that rule, without meaningfully addressing the rule's contents or providing any meaningful analysis to support its conclusion that the rule was unlawful. App., *infra*, 3a-13a. The district court's continued prejudgment of the rule is baseless, and an immediate stay is warranted because "the District Court's errors deal 'a serious setback' to the Executive's 'goals' while this litigation unfolds." *California*, 2026 WL 2473573, at *4.

Contrary to the claims of the district court and respondents that the Postal Service is trying to federalize the rules for mail-in voting, the Postal Service's final rule imposes only modest envelope-design and addressee-information requirements for federal-election ballots sent via U.S. Mail. App., *infra*, 9a-10a; see *Ballot Mail for Federal Elections*, 91 Fed. Reg. 54,966 (Aug. 26, 2026) ("Final Rule" or "Rule"). Specifically, the Rule creates standardized design and review requirements for ballot envelopes that build on practices the Postal Service has long recommended, some of which are already in use in many States (including many of the respondents here). And it requires States to upload the name, address, and barcode information of intended recipients of ballot mail in an online portal—information that election officials

would necessarily already possess to send ballot mail to those recipients. The Rule ensures that States remain responsible for determining voter eligibility and eligibility to vote by mail, and it does not dictate ballot content, mailing or receipt deadlines, or ballot-counting procedures. The Rule thus plainly does not seize control of States' administration of elections—it simply imposes reasonable preparation requirements for certain election-related mail.

The Postal Service has longstanding authority to "adopt * * * such rules and regulations * * * as may be necessary in the execution of its functions," 39 U.S.C. 401(2), which include "the collection, handling, transportation, delivery, forwarding, returning, and holding of mail," 39 U.S.C. 404(a)(1). That authority plainly encompasses the power to promulgate rules like this that govern envelope design and addressee information. The Postal Service has previously wielded that authority to issue similar rules imposing certain processing requirements on the mailing of cremated remains and replica explosives. Indeed, the Postal Service has also used that authority to adopt rules that specifically govern election-related mail, such as the use of the Election Mail logo and prioritizing ballot mail for delivery.

The Rule's regulation of the U.S. Mail—not federal elections—is plainly constitutional. While the States have primary authority to regulate the manner of elections, they cannot choose to use the federal mails to carry out their elections but then insist that their election-related mail is somehow exempt from the Postal Service's rulemaking authority, conferred by Congress, to regulate envelope design and addressee information. Neither the statutes nor the Constitution contains or compels any such carveout from this type of core regulation of the use of federal mails.

The district court's baseless order also imposes serious irreparable harm on

the federal government, the States themselves, and the voting public. The order bars the Postal Service from verifying that mailed envelopes comply with the Rule's requirements; the order is currently limited to a 14-day period expiring on September 10, 2026, but it could soon be extended for another 14 days or converted into an indefinite injunction. App., *infra*, 12a-13a; see Fed. R. Civ. P. 65(b). Even before September 10, two States—North Carolina and Alabama—will begin sending ballots to voters, the first as soon as September 4. Once those ballot envelopes enter the mailstream, there is no retrieving them; ordinary appellate review thus "would come too late" to cover those ballots. *California*, 2026 WL 2473573, at *4. With respect to the November 2026 election, the order thus partially nullifies the Postal Service's efforts to address the risk that the federal mails will be used to perpetrate voter fraud, 91 Fed. Reg. at 54,969—a particularly pernicious species of fraud that dilutes the votes of lawful voters, prevents election results from reflecting the will of the American people, and undermines "public confidence in the integrity of the electoral process." *Crawford* v. *Marion Cnty. Election Bd.*, 553 U.S. 181, 197 (2008). And while the order allows the Postal Service and the States to continue taking steps to ensure that their envelopes satisfy the rule's requirements, the order risks sowing confusion and chaos because it makes those preparatory steps voluntary, rather than mandatory. Thus, if the order is eventually stayed and the rule takes effect for this year's elections—as should occur—there is a grave risk that States may not have taken the necessary steps to comply due to the false sense of latitude created by the court's improper order, potentially depriving those States' citizens of the ability to vote by mail.

Given all of these irreparable harms in the days and weeks to come, the order is properly treated as an appealable preliminary injunction rather than an unappeal-

able temporary restraining order. See *Department of Education* v. *California*, 604 U.S. 650, 651 (2025). To prevent all of these irreparable harms from materializing, this Court should grant an immediate administrative stay of the order followed by a full stay pending further review.

STATEMENT

1. On August 21, 2026, the Postal Service promulgated a final rule entitled *Ballot Mail for Federal Elections*. 91 Fed. Reg. 54,966 (Aug. 26, 2026). The Final Rule amends USPS's Domestic Mail Manual to impose modest design and informational requirements for ballot-mail envelopes sent via U.S. Mail for federal elections. The Rule requires federal-election ballots transmitted through the U.S. Mail to be mailed in envelopes that include the official Election Mail logo, are automation compatible,[1] and use unique barcodes that denote the item's status as ballot mail and its delivery point ZIP code. See *id.* at 54,990-54,991. State election officials must submit their envelope designs to ensure compliance with those requirements, *ibid.*, and provide the Postal Service with a list of the ballot-mail items they intend to send, see *id.* at 54,991. That list must contain the unique barcodes assigned to each ballot's envelopes, along with the name and address of the recipient and the State sending the ballot. *Ibid.* State election officials may continually update their lists as necessary. *Ibid.* When outbound federal-election ballot mail (that is, mail sent from States to voters) is presented for mailing, the Postal Service will verify that the barcode data matches the portal data to ensure compliance with the Rule. *Ibid.* All mailings that comply with these requirements will be accepted, but those that do not will be "re-

[1] Automation compatibility ensures that mail can be processed by USPS's high speed mail processing equipment. Mail that is not automation compatible can require hand processing, which may result in slower delivery. See USPS, *Business Mail 101: Automation*, https://perma.cc/RY48-FWT9.

turned to the authorized ballot mailer," who may then "address the error(s)" and "re-submit[] the mailing." *Ibid.*

The Postal Service will not perform any verification of voter eligibility; its role is limited to ensuring that envelopes comply with the Rule's design and informational requirements. As the Rule emphasizes, "[e]ligible voters will therefore be listed [in the Portal] by and at the discretion of election officials, and the Postal Service will not second-guess the states' submissions. State election officials will thus retain full control over who is permitted to vote in federal elections in their state by U.S. mail." 91 Fed. Reg. at 54,969. States likewise need not worry about the accuracy of lists maintained by the Postal Service—all lists will consist solely of information provided by the States themselves. On or near the date of the election, USPS will also provide each State that uses the U.S. mail to transport ballots with a single list containing the State's submissions of the ballots it intended to send. *Id.* at 54,991.

Several features of this Rule are not new. For years, the Postal Service has recommended that ballot mail envelopes use unique barcodes, be automation compatible, include the official Election Mail logo, and undergo mailpiece design review in advance of mailing. See USPS, Kit 600: *Official Election Mail Guide* (Kit 600), https://about.usps.com/kits/kit600.pdf; *Domestic Mail Manual* 703.8.0, https://pe.usps.com/text/dmm300/703.htm#ep1174014. This Rule simply turns "these longstanding recommendations"—which many of the State respondents have already adopted, at least in part—into requirements. 91 Fed. Reg. at 54,986; see *id.* at 54,978. These requirements are only a baseline; "nothing in the [R]ule prevents or discourages election officials from including envelope design elements required by state law," nor will the Rule "create a single, uniform ballot envelope design across

all states[.]" *Id.* at 54,978. And most importantly, the Rule "leav[es] the administration of elections firmly in the hands of the [S]tates." *Id.* at 54,970. "[T]he Postal Service will not play any role in determining voter eligibility, maintaining voter rolls, or counting ballots." *Id.* at 54,978.

The Rule explains that these requirements "will help ensure proper handling, efficient processing, and timely delivery of [federal-election ballots] to and from voters." 91 Fed. Reg. at 54,974. The Rule will also "afford significantly enhanced visibility into the sending of Federal Ballot Mail, and this will in turn facilitate law enforcement efforts by enabling law enforcement to better detect potential issues meriting further investigation." *Id.* at 54,969. Ultimately, "[w]hether or not voter fraud is common or uncommon," the Rule is intended "to facilitate enforcement of federal law, reduce the risk of fraud, and help protect the integrity of federal elections" with respect to the narrow but important role played by the Postal Service in mailing ballots for States that choose to use the U.S. Mail. *Ibid.*

2. These suits began as challenges to Executive Order 14,399, 91 Fed. Reg. 17,125 (Mar. 31, 2026), "an internal directive from the President to his subordinates mandating that certain agencies pursue certain policies," including that USPS "initiate a proposed rulemaking" with respect to ballot mail. *California*, 2026 WL 2473573, at *1. The district court previously enjoined implementation of that section of the Executive Order with respect to the upcoming November 2026 election, but this Court stayed the *California* injunction pending appeal, *ibid.*, and the district court subsequently vacated its *LWVMA* injunction, see *LWVMA* D. Ct. Doc. 204 (Aug. 26, 2026).

On August 26, 2026—the day the Final Rule was published in the Federal Register—the *LWVMA* respondents filed a supplemental complaint, and the *California*

respondents filed a new action. Both sets of respondents moved for temporary restraining orders and preliminary injunctions barring implementation of the Rule.

The following day, the district court granted respondents' motions for a temporary restraining order under Federal Rule of Civil Procedure 65(b). The court opined that the plaintiffs in both cases had standing. App., *infra*, 9a. The court also summarily asserted that respondents were likely to succeed on their claims that USPS lacked authority to issue the Rule and that the Rule's design and informational requirements are unconstitutional. *Id.* at 10a.

Pursuant to Rule 65(b), the court granted an "emergency fourteen-day stay of the implementation or enforcement of" several sections of the Rule "as to elections occurring before or on November 3, 2026." App., *infra*, 12a. The order allows States to voluntarily participate in the Rule's envelope-design review process and use USPS's online portal, but prohibits the government from treating the Rule as "mandatory" and verifying that ballot envelopes comply with the Rule's requirements before accepting them for mailing. *Id.* at 12a-13a.

3. The next day, applicants promptly appealed the district court's order and sought a stay pending appeal. *California* D. Ct. Docs. 55, 58; *LWVMA* D. Ct. Docs. 226, 229 (Aug. 28, 2026). On August 31, the district court denied the stay largely for reasons it had previously articulated. App., *infra*, 1a-2a.

4. The same day, the government filed an emergency stay motion in the U.S. Court of Appeals for the First Circuit. The court of appeals requested responses by 5 p.m. on Tuesday, September 1, and the government filed replies around 1 p.m. on Wednesday, September 2. As of this filing, the court of appeals has not acted on the pending stay motion.

This morning, the district court held a preliminary-injunction hearing. The government requested that the court issue a ruling on respondents' preliminary-injunction motions today to ensure timely review. But the court declined to commit to do so or provide any firm schedule for when it will rule, instead taking the motions under advisement. See *California* D. Ct. Doc. 149; *LWVMA* D. Ct. Doc. 279 (Sept. 3, 2026).

ARGUMENT

Under Rule 23 of the Rules of this Court and the All Writs Act, 28 U.S.C. 1651, to obtain a stay of an injunction pending review in the court of appeals and in this Court, an applicant must show a likelihood of success on the merits, a reasonable probability of obtaining a writ of certiorari, a likelihood of irreparable harm, and a balance of equities that supports relief. See *Trump* v. *California*, No. 26A124, 2026 WL 2473573, at *2 (Aug. 24, 2026) (per curiam); *Hollingsworth* v. *Perry*, 558 U.S. 183, 190 (2010) (per curiam).

All of those factors strongly warrant a stay here. The district court's order has the practical effect of an injunction, such that it is appealable and subject to this Court's jurisdiction. That injunction blocks a significant federal election-integrity measure shortly before an election, thus warranting this Court's review. The Rule is a lawful and modest exercise of rulemaking authority delegated by Congress to the Postal Service; it regulates the U.S. Mail, not federal elections. And without relief, the Court's order will irreparably harm the federal government and the public by barring implementation of an important federal policy to protect the mails from being used to commit voter fraud, with respect to countless ballots that will be mailed during further proceedings and cannot be retrieved. The injunction should be immedi-

ately stayed.

A. THE DISTRICT COURT'S ORDER IS APPEALABLE

The district court's order is an appealable injunction for purposes of 28 U.S.C. 1292(a). Similar to prior orders reviewed by this Court, the order carries all of the "hallmarks of a preliminary injunction." *Department of Educ.* v. *California*, 604 U.S. 650, 651 (2025) (per curiam). Rather than maintaining the status quo adopted by politically accountable officials, the district court enjoined application of a published final rule as ballots are on the cusp of being mailed. See *OPM* v. *American Fed'n of Gov't Emps., AFL-CIO*, 473 U.S. 1301, 1305 (1985) (Burger, C.J., in chambers) (contrasting denial of TRO, which "merely allows implementation of regulations," with grant of TRO, which "would * * * have disturbed the status quo"). Once those ballots are transmitted for mailing, it will be too late to apply the Rule to them, permanently depriving the federal government, the States, and the public of the Rule's protections against voter fraud. See pp. 22-24, *infra*. Further, the court issued its order following adversarial briefing, and "the court's basis for issuing the order [is] strongly challenged." *Sampson* v. *Murray*, 415 U.S. 61, 87 (1974). The Court's labeling of the order as a TRO thus presents no impediment to this Court's review, given its "practical effect." *Abbott* v. *Perez*, 585 U.S. 579, 594 (2018).

B. THE GOVERNMENT IS LIKELY TO SUCCEED ON THE MERITS BECAUSE THE POSTAL SERVICE'S RULE IS LAWFUL

The Rule is a lawful exercise of the Postal Service's authority to regulate the U.S. Mail. It imposes only modest requirements on the use of the federal postal system—it does not regulate state administration of elections. That reality wholly undermines the district court's order, which found summarily that the Postal Service lacked statutory authority to issue the Rule and that the Rule is unconstitutional.

App., *infra*, 10a.

1. As a threshold matter, respondents' claims that the Rule is contrary to statute are subject to narrowly circumscribed judicial review. Congress has generally exempted the Postal Service from ordinary Administrative Procedure Act review. See 39 U.S.C. 410(a). In light of this preclusion of review, respondents must satisfy the ultra-vires review standard under *Leedom* v. *Kyne*, 358 U.S. 184, 188 (1958), to prevail on their statutory claims. See *Mittleman* v. *Postal Regulatory Comm'n*, 757 F.3d 300, 305 (D.C. Cir. 2014). To succeed on a *Leedom* ultra vires claim—which this Court has recently analogized to a "Hail Mary pass"—a plaintiff must demonstrate that "an agency has taken action entirely in excess of its delegated powers and contrary to a specific prohibition in a statute." *NRC* v. *Texas*, 605 U.S. 665, 681 (2025) (emphasis and quotation marks omitted). Finding that "an agency has arguably reached a conclusion which does not comport with the law" is not enough under that standard. *Ibid.* (quotation marks omitted).

Respondents fail to clear that high bar; instead, they "basically dress up a typical statutory-authority argument as an ultra vires claim." *NRC*, 605 U.S. at 682. Because they fail to identify any "specific prohibition" that the Postal Service has violated, their claims are a nonstarter under the ultra vires standard. *Id.* at 681. (emphasis omitted).

2. In any event, regardless of the standard of review, the Final Rule is a proper exercise of the Postal Service's regulatory authority. Congress authorized the Postal Service "to adopt, amend, and repeal such rules and regulations, not inconsistent with this title, as may be necessary in the execution of its functions under this title and such other functions as may be assigned to the Postal Service under any

provisions of law outside of this title." 39 U.S.C. 401(2). Congress further granted the Postal Service "all other powers incidental, necessary, or appropriate to the carrying on of its functions or the exercise of its specific powers." 39 U.S.C. 401(10). Those specific powers include the power "to provide for the collection, handling, transportation, delivery, forwarding, returning, and holding of mail, and for the disposition of undeliverable mail." 39 U.S.C. 404(a)(1).

Interpreting these provisions, this Court has explained that, "under 39 U.S.C. § 401[,] the Postal Service is broadly empowered to adopt rules and regulations designed" "to maintain an efficient system of collection, sorting, and delivery of the mail nationwide." *USPS* v. *Council of Greenburgh Civic Ass'ns*, 453 U.S. 114, 123 (1981); see *Associated Third Class Mail Users* v. *USPS*, 600 F.2d 824, 826 n.5 (D.C. Cir.) ("[T]he Service is authorized under 39 U.S.C. § 401(2) (1976) to promulgate regulations to further the objectives of Title 39."), cert. denied, 444 U.S. 837 (1979). Both text and precedent thus make clear that the Postal Service's general rulemaking powers include authority to impose reasonable requirements for envelope design and addressee information with respect to particularly sensitive items.

As the Rule explains, see 91 Fed. Reg. at 54,974, the Postal Service has issued regulations governing particular types of mail pursuant to these authorities before—including where, as here, the type of mail in question is sensitive, but non-dangerous and mailable. For example, cremated human and animal remains can be mailed only using specific types of USPS-provided boxes via Priority Mail Express, must include a complete return address and delivery address, and must be trackable via barcode. See *Cremated Remains Packaging Requirements*, 90 Fed. Reg. 9843, 9843-9844 (Feb. 19, 2025) (imposing those requirements for the sending of cremated remains based

on the Postal Service's assessment that such remains are "sensitive matter" and that the requirements "will improve visibility and enhance handling methods throughout processing and transportation"). Similarly, replica explosives—which, although not dangerous, also require special handling to prevent operational disruptions based on the misperception that they are actual explosives—must be mailed in certain ways, which include in-person presentation to a retail counter and shipment via Registered Mail. See *Restricting the Mailing of Replica or Inert Explosive Devices*, 75 Fed. Reg. 282, 283 (Jan. 5, 2010) (noting that "[t]his process will ensure that packages containing these items remain separate and easily identifiable during the mailing process").

Importantly, absent these rules, cremated remains and replica explosives would be mailable through ordinary methods. While there are statutory restrictions on mailing "explosives," 18 U.S.C. 1716(a); 39 U.S.C. 3001(a), replicas are not in fact explosive. And while there are statutory restrictions on mailing various types of materials that are "hazardous" or "injure the mails," *ibid.*, cremated remains do not fall within those categories or any of the relevant provisions. Instead, it is USPS's general rulemaking authority that allows the Postal Service to adopt these types of modest processing rules for mailable but sensitive materials.

This Rule functions similarly, and for similar reasons. Although ballot mail does not present the same operational issues as cremated remains or replica explosives, it is sensitive mail that raises unique operational considerations. Timely delivery of ballot mail is especially important given specific state deadlines for receipt of ballots, *e.g.*, *Watson* v. *Republican Nat'l Comm.*, 146 S. Ct. 2165, 2171 (2026); see 91 Fed. Reg. at 54,974, and allowing ballots to be submitted by mail creates an opportunity for the mails themselves to be used to facilitate serious frauds that under-

mine public confidence in federal elections, see 91 Fed. Reg. at 54,969; *Crawford* v. *Marion Cnty. Election Bd.*, 553 U.S. 181, 197 (2008). The Postal Service has at least as much authority to prevent those ballot-related harms as it does to ensure that mortal remains are not lost in the mail or delivered too slowly.

Indeed, the federal government has long been concerned about the federal mails being abused to perpetrate frauds. See, *e.g.*, 18 U.S.C. 1341 (criminalizing mail fraud). It is thus a particularly appropriate use of the Postal Service's general rulemaking power to adopt modest envelope-design and addressee-information requirements for specific types of mail that present unique risks of fraud, while still allowing all such compliant mail to be delivered. Consider, for example, a scenario in which retirement communities are repeatedly targeted for elder-abuse mail scams: There is no evident reason why the Postal Service could not impose special design and registration rules for envelopes used to send solicitations to such locations. Although such prophylactic mail-preparation rules are not authorized by any of Congress's specific regulations addressing fraudulent use of the mails, see, *e.g.*, 39 U.S.C. 3001(d), 3005, they fall squarely within the text and purpose of the Postal Service's general rulemaking authority. This Rule follows the same basic form, by acknowledging the indisputable reality that election-related mail is particularly sensitive, and that crimes relating to election mail are particularly important. See 91 Fed. Reg. at 54,969. The Postal Service permissibly determined that "[w]hether or not voter fraud is common or uncommon, the Postal Service has the legal authority to take the measures in this rule to facilitate enforcement of federal law." *Ibid.*

3. The statutory analysis outlined above refutes the district court's ipse dixit assertion that "the USPS lacked authority to issue the Final Rule" because Con-

gress has not delegated authority "to regulate election mail," App., *infra*, 10a, as well as respondents' assertions that the Rule improperly regulates elections themselves. Under the Rule, States can continue to mail ballots to whomever they wish; the rule does not regulate the form or content of the ballots themselves, the timeline for transmission of ballots, voter eligibility, vote-by-mail eligibility, or anything similar. It regulates only how States must prepare, design, and present the envelopes they send via U.S. mail (should they elect to use the U.S. mail to send ballots). As the Rule itself makes clear, "[t]he Postal Service does not purport to alter the eligibility of any individual to vote under state or federal law." 91 Fed. Reg. at 54,991. Both before and after this Rule, "[t]he Postal Service does not have any legal responsibility for management of state voter rolls or administration of federal elections within each state." *Ibid.* In other words, the Final Rule regulates the U.S. mail—it does not regulate election s.

Accordingly, the district court and respondents are effectively claiming that election-related mail is an implied exception to Congress's broad grants of statutory authority to USPS to carry out "the collection, handling, transportation, delivery, forwarding, returning, and holding of mail," 39 U.S.C. 404(a)(1), and to adopt "rules and regulations" in service of those functions, 39 U.S.C. 401(2). But there is no textual basis for such a carveout—the provisions' text unambiguously authorizes USPS to adopt mailing-specific rules for envelope design and addressee information. Indeed, election mail implicates the same postal-related concerns that lie at the heartland of any such rules. There is thus no basis to read the statute to contain some indeterminate, implied exception for election mail.

Indeed, it is undisputed that the Postal Service can exercise its general rule-

making authority to adopt election-specific mail-preparation rules, as it has long done—including at the urging of entities like respondents. In particular, the Postal Service employs ballot-mail envelope design elements (like the Election Mail logo) to prioritize delivery of ballot mail. See Kit 600, at 4 (noting that USPS prioritizes "Ballot Mail that is entered as Marketing Mail" by delivering it on timelines similar to First Class Mail). The Postal Operations Manual further provides that, even if a mailer does not affix the necessary postage, "absentee balloting materials must not be detained or treated as unpaid mail," and must instead "be promptly dispatched and delivered to the addressees." U.S. Postal Serv., *Postal Operations Manual POM Issue 9* § 171.3 (July 2022), https://perma.cc/HY9N-TJ6Q. Indeed, many of the respondent States previously sued to demand that USPS treat election mail differently by delivering it as First Class Mail regardless of the service paid for. See *Washington* v. *Trump*, 487 F. Supp. 3d 976, 980, 984 (E.D. Wash. 2020). Respondents' co-counsel and co-Plaintiffs have likewise long advocated for and benefited from specific ballot-mail envelope design elements (like the Election Mail logo) and the prioritization of such mail. See *NAACP* v. *USPS*, No. 20-cv-2295, 2026 WL 1893762, at *1 (D.D.C. July 1, 2026), *appeal pending*, No. 26-5257 (D.C. Cir. filed July 9, 2026); see also Kit 600, at 4. Notably, none of these policies is based on any election-specific statutory authority; instead, they are all simply exercises of the Postal Service's general rule-making power to regulate the efficient handling and timely delivery of mail. If the Postal Service has *no* legal authority to make any rules specific to election-related mail—as seems to be respondents' theory—it is hard to understand how those longstanding policies would be lawful.

In an apparent effort to distinguish such longstanding election-specific mail

rules, the district court limited its injunction to "mandatory" enforcement of the Rule, allowing States to voluntarily comply with certain aspects of the Rule. See App., *infra*, 12a-13a. There is no textual basis for that distinction in the relevant statutes—and such a distinction makes no sense. Congress does not typically grant agencies the authority to make rules, but only if they are toothless. It is therefore unsurprising that neither the court nor respondents proffered any potentially relevant authority for such a distinction. And the Postal Service's exercises of authority over cremated remains and replica explosives impose mandatory rules, not permissive options. See p. 12, *supra*. A rule aimed at protecting residents of senior centers, see pp. 13-14, *supra*, of course could be mandatory as well. Indeed, apart from USPS's general rule-making powers, there does not appear to be any specific statutory authority for the mandatory requirement that mailpieces "must have the address of the intended recipient, visible and legible, only on the side of the piece bearing postage," *Domestic Mail Manual* 602.1.2, https://pe.usps.com/text/dmm300/602.htm#1_0, yet this venerable requirement is obviously well within the Postal Service's authority to adopt.

Likewise, respondents draw an illusory distinction between rules that facilitate voting and rules that burden voting. Most fundamentally, that is a policy distinction that has no basis in the text of the Postal Service's rulemaking powers. Moreover, the distinction does not even apply coherently here. For starters, the Rule *does* facilitate voting, by improving USPS's ability to more efficiently process and deliver ballot mail. See 91 Fed. Reg. at 54,974. And regardless, protecting against voter fraud *does* prevent effective disenfranchisement of legitimate voters, by preventing the cancelling out of their votes by ineligible voters. See *Brnovich* v. *Democratic Nat'l Comm.*, 594 U.S. 647, 672 (2021) ("Fraud can affect the outcome of a close election,

and fraudulent votes dilute the right of citizens to cast ballots that carry appropriate weight.").

For similar reasons, the Rule does not render anything "nonmailable"—even assuming, as respondents have contended, that USPS is impliedly barred from using its general rulemaking power to create additional categories of "nonmailable" material beyond the categories mandated by Congress (notwithstanding that those statutes do not purport to be exclusive), see, *e.g.*, 39 U.S.C. 3001, 3002, 3002a, and 3015. Ballot mail remains deliverable; in fact, USPS intends to process and deliver as many lawful ballots as the States wish to send, no more and no less, and the Rule need not prohibit *any* ballots from being mailed. All outbound federal-election ballot mail that meets the Rule's requirements will be accepted, processed, and delivered as before. The Rule's modest conditions on acceptance of federal-election ballot mailings do not render ballot mail nonmailable—just as the conditions placed on cremated-remains packages do not render cremated remains nonmailable. After all, the Postal Service could refuse to mail a heavy package if the customer failed to pay sufficient postage, but that does not mean that such packages are nonmailable. Likewise, if the Postal Service refused to deliver unstamped election mail from States to voters, that would not render unstamped election mail "nonmailable" or otherwise violate the statutory rules governing nonmailable matter. Ultimately, the USPS has both specific and general authority to adopt rules for the delivery of the mail, and the Postal Service can refuse to deliver mail that fails to comply with those otherwise-valid rules without somehow violating the statutes that make other types of mail nonmailable.

Finally, all of the foregoing points foreclose respondents' efforts below to invoke the major-questions doctrine. The Postal Service's authority to impose modest re-

quirements for delivery of particular types of mail, which is a core exercise of its power to operate the mails, lacks the sort of "economic and political significance" that triggers the doctrine. *Learning Res., Inc.* v. *Trump,* 607 U.S. 229, 246 (2026) (plurality opinion). "[A]lthough actual changes to eligibility of voters to vote by mail might fairly be described as having political significance in some sense, this rule makes no such changes—it instead leaves voter-eligibility unchanged, requiring only certain modest envelope-design and data reporting standards." 91 Fed. Reg. at 54,973. And the "economic significance" of the rule is not remotely comparable to any prior major-questions case. See, *e.g.*, *Learning Resources*, 607 U.S. at 246 ("could be worth $15 trillion"); *Biden* v. *Nebraska*, 600 U.S. 477, 502 (2023) ("between $496 billion and $519 billion"). Ultimately, requiring mailers to abide by modest conditions on the sending of certain types of mail that raise particular sensitivities or operational concerns is hardly some "unheralded power representing a transformative expansion [of USPS's] regulatory authority." *West Virginia* v. *EPA*, 597 U.S. 697, 724 (2022) (quotation marks omitted). To the contrary, it is a routine application of the Postal Service's regulatory authority—authority USPS has invoked in the past to accomplish similar goals—which lies squarely within the Postal Service's wheelhouse. See p. 12, *supra*; 91 Fed. Reg. at 54,974 (discussing prior exercises of this authority). The district court's suggestion that Congress has not delegated authority to the Postal Service "to regulate election mail," App., *infra*, 10a, thus gets things exactly backwards—the major-questions doctrine does not authorize States to exempt their election mail from the Postal Service's regulation of mail delivery.

4. The district court's holding that "the Final Rule is unconstitutional," App., *infra*, 10a, fares no better. Under the Elections Clause, "[t]he Times, Places

and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators." U.S. Const. Art. I, § 4, Cl. 1; see *Buckley* v. *Valeo*, 424 U.S. 1, 90 (1976) (per curiam) (presidential elections). Respondents contend that the Rule encroaches on authority that belongs to the States and Congress, but that contention cannot be squared with the Rule's operation.

The Final Rule "leav[es] the administration of elections firmly in the hands of the [S]tates." 91 Fed. Reg. at 54,970. "Eligibility for mail-in and absentee voting will continue to be governed by state law; state and local election officials will still determine which individuals are eligible under these laws; and state and local election officials will determine whether completed ballots are eligible to be counted." *Id.* at 54,978. "[T]he Postal Service will not play any role in determining voter eligibility, maintaining voter rolls, or counting ballots." *Ibid.* The Final Rule is thus a modest exercise of the Postal Service's own judgment about how "to exercise *its* statutory authority"—granted by Congress—"to faithfully execute federal law and also to advance the Postal Service's operational interests[.]" *Id.* at 54,976 (emphasis added).

The respondent States nonetheless contend that the Rule supplants their rules governing mail-in voting. By its terms, it does not. Critically, while States are entitled to regulate the manner of elections—and the Final Rule does nothing to displace that authority—they are not entitled to set their own rules for use of a federal instrumentality like the U.S. Mail. That authority belongs instead to Congress, U.S. Const., Art. I, § 8, Cl. 7, and the Postal Service, 39 U.S.C. 401.

For similar reasons, respondents' suggestion that the President lacks constitu-

tional authority to directly regulate elections on his own is beside the point. To begin, the Rule was issued by the Postal Service, not the President. And it is undisputed that *Congress* does have the authority to regulate ballot mail—whether the Rule is correctly conceived as a regulation of the U.S. Mail, or even if improperly deemed a regulation of elections. After all, however one might characterize this Rule, all parties agree that Congress can directly regulate the manner of elections, U.S. Const. Art. I, § 4, Cl. 1 (Elections Clause), as well as the U.S. Mail, U.S. Const. Art. I, § 8, Cl. 7 (the Postal Clause). Respondents' constitutional arguments thus add nothing to this case; if the Postal Service's rule is authorized by Congress, then that necessarily means there is no Elections Clause (or Postal Clause) problem.

Respondents' view of the relevant constitutional authority—seemingly, that anytime the Postal Service refuses to send ballot mail, regardless of the reason, it is "regulating elections"—would have radical consequences. Under that approach, the rule requiring envelopes to be properly addressed likewise would be an invalid regulation of elections, because ballot mail will not be delivered if it fails to comply with that requirement. To be sure, that rule applies across categories of mail—but with respect to USPS's rulemaking authority, there is no statutory or constitutional basis to distinguish between generally applicable requirements and election-specific requirements. Moreover, as explained above, the Postal Service has long applied election-specific rules and practices, including choosing to deliver at least some ballot mail that lacks postage. See pp. 15-16, *supra*. If *any* election-specific regulation of the U.S. Mail violates the Constitution, all of those practices would be equally unconstitutional—an implausible result that illustrates the untenable nature of respondents' theory.

The district court particularly objected to the Rule's requirement that States submit their proposed envelope designs so that the Postal Service may confirm that they adhere to the Rule's design specifications. App., *infra*, 10a. But this requirement simply provides States with flexibility in designing their envelopes (in part due to variations in state-law requirements) and uses a front-end mechanism to ensure that States' envelopes actually meet the Rule's specifications, thus reducing the risk of back-end rejection of non-compliant envelopes. See 91 Fed. Reg. at 54,978 (emphasizing that "nothing in the rule prevents or discourages election officials from including envelope design elements required by state law" or "including unique envelope design elements intended to accommodate voters covered by [accessibility] laws"). Rather than requiring every State to use a "single, uniform ballot envelope," *ibid.*—similar to the standardized packaging approach the Postal Service took with cremated remains—the Postal Service chose a framework that would allow States more latitude to meet all the relevant requirements. The straightforward preapproval process operates to ensure that compliant envelopes are not delayed and that noncompliance is promptly and clearly identified. The Postal Service's broad rulemaking authority plainly authorizes ancillary steps to facilitate compliance with the Rule's modest design requirements.

C. THE REMAINING FACTORS FAVOR A STAY

In considering whether to grant emergency relief, this Court also considers whether the underlying issues warrant review, whether the applicant likely faces irreparable harm, and whether the balance of equities support relief. See p. 9, *supra*. Those factors heavily favor a stay in this case.

1. If affirmed by the First Circuit, the district court's order barring man-

datory implementation of the Rule would warrant this Court's review. As explained, see pp. 11-21, *supra*, the order cannot be squared with the statutory text or the Constitution. And as this Court recognized in granting a stay of the district court's earlier injunction restricting implementation of Executive Order 14,399, an injunction hindering a federal agency's efforts to promote election integrity warrants this Court's intervention. See *California*, 2026 WL 2473573, at *4. Indeed, this Court frequently grants plenary review when a lower-court decision blocks a significant Executive Branch policy. *E.g.*, *Trump* v. *Miot*, 146 S. Ct. 1802 (2026) (granting a writ of certiorari before judgment to consider termination of Temporary Protected Status designation); *Noem* v. *Doe*, 146 S. Ct. 1803 (2026) (same); *Trump* v. *Slaughter*, 146 S. Ct. 18 (2025) (granting a writ of certiorari before judgment to review the President's removal of Executive Branch officer); *Trump* v. *Barbara*, 146 S. Ct. 879 (2025) (granting a writ of certiorari before judgment to consider the President's birthright citizenship Executive Order); *Trump* v. *V.O.S. Selections, Inc.*, 146 S. Ct. 73 (2025) (granting a writ of certiorari to review the President's imposition of tariffs).

2. A stay—along with an immediate administrative stay—is also warranted because the district court's order imposes irreparable harm on the federal government. Two States intend to begin mailing ballots during the initial 14 days the order is in place—North Carolina on September 4 and Alabama on September 9.[2] If the court's putative TRO is extended for another 14 days, see Fed. R. Civ. P. 65(b)(2), the government understands that at least 16 more States, including Indiana, Florida,

[2] See N.C. Gen. Stat. §§ 163-227.10(a) and 163-230.2(d) (2026); Ala. Code §§ 17-11-5(a) and 17-11-12 (2026).

Michigan, Nevada, and Wisconsin, will begin mailing their ballots.[3] And if a formal preliminary injunction only issues thereafter and at least another week elapses before the government can obtain emergency relief in this Court, three more (Missouri, Nebraska, and North Dakota), will also begin mailing ballots.[4] Because the district court's order, if not immediately stayed, may end up prohibiting the government from verifying compliance with the Rule's requirements before those States' ballots are mailed, it will permanently bar the Rule's operation with respect to those ballots for this year's elections.

As this Court held just ten days ago in staying the *California* respondents' earlier injunction, the government suffers irreparable harm when appellate review in the ordinary course "would come too late" for the upcoming election. *California*, 2026 WL 2473573, at *4. The same applies even to this nominally time-limited order. Because at least two States are scheduled to begin mailing ballots while the order is in place—and if the order is extended, many more will begin—the order "deal[s] 'a serious setback' to the Executive's 'goals' while this litigation unfolds" and imposes irreparable harm. *Ibid.* (citation omitted); see *ibid.* ("When a federal court 'improperly intrudes on a coordinate branch' in this way, interim relief is justified.").

If the Postal Service cannot implement its rule in a mandatory manner, the

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[3] See Ark. Code Ann. § 7-5-407(a)(1) and (2) (2026); Fla. Stat. § 101.62(3)(b) (2026); Idaho Code § 34-1003(3) (Lexis 2026); Ind. Code §§ 3-11-4-15 and 3-11-4-18(c) (2026); Md. Code Ann., Elec. Law § 9-306(c)(1) (Lexis 2026); Mich. Const., Art. II, § 4(1)(h); Minn. Stat. § 203B.06(3)(a) (2026); Nev. Rev. Stat. § 293.269911(5) (2026); N.J. Stat. Ann. § 19:63-9(a) (West 2026); 26 Okla. Stat. § 14-118(A)(2) (2026); S.D. Codified Laws §§ 12-19-1.2 and 12-19-2 (2026); Vt. Stat. Ann. Tit. 17, § 2537a(a)(1) (2026); Va. Code Ann. §§ 24.2-612 and 24.2-706(C) (2026); W. Va. Code § 3-3-5(e)(1) (2026); Wis. Stat. § 7.15 (2026).

[4] See Mo. Rev. Stat. §§ 115.281(1) and 115.287(1) (2026); Neb. Rev. Stat. § 32-808(1) (2026); N.D. Cent. Code §§ 16.1-07-04 and 16.1-07-08(1) (2026).

harms to voter integrity with respect to ballots mailed while the court's order is in place cannot be undone even if the government later prevails on the merits of its appeal. See *California*, 2026 WL 2473573, at *1. Both the irreparable harm factor and the public interest thus favor the government. See *Nken* v. *Holder*, 556 U.S. 418, 435 (2009) (noting that harm to the government and public interest factors "merge" when the government is a party).

3. The balance of equities also favors a stay. The district court found that respondents would suffer irreparable harm based on the prospect that some States might be unable to comply with the rule's requirements before they are required to begin mailing ballots under State law. App., *infra*, 11a. But the States with the *closest* deadlines do *not* claim compliance is impossible, and reliance on States' bald assertions about difficulties they might face does not conclusively establish irreparable harm.[5]

Indeed, in a public statement made just hours before the district court's order, the State Board of Elections for North Carolina—one of the two States expected to begin mailing ballots during the initial 14-day period of the order—announced that the State had begun taking steps to comply with the Rule, and that it "is confident that the county boards of elections' plan to send out absentee ballots to North Carolina voters who have requested them for this election, starting September 4, as required by state law, will happen flawlessly and smoothly." Jen Rice, *Facing time crunch, North Carolina takes first step to comply with new USPS mail voting rule*

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[5] The district court opined that it seems "unavoidable" that State plaintiffs will be unable to timely comply because the Rule "includes no deadline or contemplated turn-around time for USPS approval of submitted ballot envelopes." App., *infra*, 11a. That is incorrect. The Rule states that USPS Mailpiece Design Analysts "typically aim to provide feedback to mailers within 2 business days after receiving the mailer's request and necessary information and samples." 91 Fed. Reg. at 54,979.

while fighting it (Aug. 27, 2026), https://perma.cc/SFB6-PAVD. As for Alabama—the second such State—it is an intervenor *defending* the Rule, and unsurprisingly has never argued that it would be impossible to comply with the Rule. So too with intervenor-defendants Florida, Indiana, Oklahoma, and South Dakota, all of which are scheduled to begin sending ballots before September 24. And contrary to the district court's assertion, respondent States have not uniformly established that "compliance with the Final Rule at this late date is impossible." App., *infra*, 11a. New Jersey, for example, asserted that it faces increased "practical and financial burden[s]" and could only speculate that "[i]f the system fails, New Jersey may be unable to mail ballots to voters at all." D. Ct. Doc. 4-15 ¶ 24. Illinois, which focused its declaration on Cook County, a jurisdiction that *already* uses barcodes for its ballot mail, similarly cited only financial costs and diversion of resources from other tasks. See D. Ct. Doc. 4-24 ¶¶ 37, 57, 59. Those ordinary costs of compliance with a lawful rule cannot compare to the irreparable harm the court's order works to the integrity of the federal mails and federal elections.

Further, with respect to the States that will not begin sending ballots until after the order's expiration, the equities favor a stay to ensure continued steps toward compliance with the Rule. While the district court's order permits voluntary compliance and preparation, it risks deterring States from doing so based on the perception that the Rule will not take effect. And that could well end up causing additional harm if the current order (or a later extension of it) is stayed or vacated on appeal, at which point the Rule's requirements would again become mandatory. At that point, States would be even more pressed for time to comply with those requirements, which could well end up depriving their voters of the ability to vote by mail—all because of the

district court's improper order and their own voluntary inaction precipitated by that order. To forestall those harms and protect the public interest, this Court should grant an immediate stay, making clear to States that they should begin efforts to comply if they have not done so already.

4. Finally, a stay at minimum is warranted with respect to the order's extension beyond respondent States. The *LWVMA* respondents do not have sufficient Article III injury even to obtain an injunction, let alone to oppose a stay. And the *California* respondents alone are not entitled to universal relief against the Rule.

"At the preliminary injunction stage," plaintiffs "must make a 'clear showing' that" they are "'likely' to establish each element of standing." *Murthy* v. *Missouri*, 603 U.S. 43, 58 (2024) (quoting *Winter* v. *Natural Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008)). Because Article III standing is plaintiff-specific, the Court must determine whether each particular plaintiff has clearly established Article III standing to be entitled to relief. See *Trump* v. *CASA, Inc.*, 606 U.S. 831, 861 (2025). The *LWVMA* respondents have not done so.

The district court found that the *LWVMA* respondents had standing based on "confusion among their members (whom [they] are trying to educate about their voting rights)" and "risk of their members' disenfranchisement." App., *infra*, 9a. Neither suffices. With respect to the organizations' educational efforts, "[a] plaintiff must show far more than simply a setback to the organization's abstract social interests," "no matter how longstanding the interest and no matter how qualified the organization" or the strength of its "opposition to the government's conduct." *Alliance for Hippocratic Med.*, 602 U.S. at 394 (citation omitted).

Insofar as the *LWVMA* respondents "assert the standing of their members,"

they must "make specific allegations establishing that at least one identified member * * * would suffer harm." *Summers* v. *Earth Island Inst.*, 555 U.S. 488, 494, 498 (2009). All but one of the *LWVMA* respondents fail that requirement; they claim only generic harm to unknown and unidentified members. See, *e.g.*, D. Ct. Doc. 208-1 ¶ 36 (Aug. 26, 2026); D. Ct. Doc. 208-3 ¶ 14 (Aug. 26, 2026); D. Ct. Doc. 208-5 ¶ 64 (Aug. 26, 2026). The League of Women Voters of Massachusetts, which does claim that particular members face a "risk of not being [able] to vote at all," D. Ct. Doc. 208-4 ¶ 59, nonetheless lacks Article III standing, because its "potential future" injury rests on a "speculative chain of possibilities" regarding the Commonwealth of Massachusetts' ability to facilitate mail-in voting in accordance with the Final Rule. *Clapper* v. *Amnesty Int'l USA*, 568 U.S. 398, 414 (2013). In any event, any injunctive relief for the League of Women Voters of Massachusetts would be coextensive with relief given to the Commonwealth of Massachusetts, a plaintiff State, and could not justify broader relief.

Nor can the *California* respondents alone obtain universal relief. The district court granted injunctive relief under Federal Rule of Civil Procedure 65, App., *infra*, 12a, but those State respondents will suffer no cognizable injury from application of the Rule to ballots mailed by or to other States and thus cannot obtain relief nationwide. *CASA*, 606 U.S. at 837. And insofar as the district court suggested it was instead "stay[ing]" the Rule under 5 U.S.C. 705, App., *infra*, 12a, that too was error. Most fundamentally, the Postal Service's rule is expressly exempt from Section 705 relief. See p. 10, *supra*. Regardless, any stay granted under Section 705 must be limited "to the extent necessary to prevent irreparable injury" to the plaintiff, 5 U.S.C. 705, which again precludes the *California* respondents from obtaining relief

nationwide. See *Starbucks Corp.* v. *McKinney*, 602 U.S. 339, 346 (2024) (explaining that "absent a clear command" to the contrary, statutes adhere to "established principles" of equity); *CASA*, 606 U.S. at 844 (noting that "party-specific principles * * * permeate our understanding of equity").

CONCLUSION

This Court should stay the order of the United States District Court for the District of Massachusetts, pending the resolution of the government's appeal to the United States Court of Appeals for the First Circuit and any proceedings in this Court, and grant an immediate administrative stay.

Respectfully submitted.

D. JOHN SAUER
Solicitor General

SEPTEMBER 2026

APPENDIX

District court order denying stay (Aug. 31, 2026) 1a

District court order granting temporary restraining order (Aug. 27, 2026) 3a

APPEAL,CONSOLIDATED

United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:26-cv-11549-IT

League of Women Voters of Massachusetts et al v. Trump et al
Assigned to: Judge Indira Talwani
related Cases: 1:26-cv-11581-IT
1:26-cv-13917-IT
Case in other court: USCA - First Circuit, 26-01944
USCA - First Circuit, 26-01988
USCA - First Circuit, 26-01989
Cause: 28:2201 Injunction

Date Filed: 04/02/2026
Jury Demand: None
Nature of Suit: 441 Civil Rights: Voting
Jurisdiction: U.S. Government Defendant

Date Filed	#	Docket Text
08/31/2026	242	Judge Indira Talwani: ELECTRONIC ORDER: On August 21, 2026, the United States Postal Service ("USPS") issued a Final Rule concerning mail-in ballots, see USPS, Ballot Mail for Federal Elections, 91 Fed. Reg. 54966 (accessible as of Aug. 21, 2026, at https://public-inspection.federalregister.gov/2026-17238.pdf), with a publication date of August 26, 2026 less than 70 days before the November 3, 2026 midterm election. Plaintiff Organizations in this case and Plaintiff States in California v. USPS, No. 1:26-cv-13917, promptly challenged the Final Rule. This court found that the standards for a temporary restraining order ("TRO") had been met and stayed for fourteen days the mandatory requirements of the Final Rule as they apply to the November 3, 2026 election. Mem. & Order [218]. Defendants' and Intervenor-Defendants' Motions to Stay [228], [230] now seek to undo the fourteen-day stay preserving the status quo in place prior to the federal agency's altering of requirements applicable to State and local election officials "on the threshold of the upcoming election." DSCC v. Trump, No. 26-5193, 2026 WL 2168617, at *6 (D.C. Cir. July 28, 2026) (citing Purcell v. Gonzalez, 549 U.S. 1 (2006)). These motions are DENIED. First, although Defendants and Intervenor-Defendants seek a stay "pending appeal," the TRO is not an appealable order under 28 U.S.C. § 1292(a)(1) where it is only in place for fourteen days, and the court has set a briefing schedule and a September 3, 2026 hearing on the pending preliminary injunction motions. See Order [212]. Second, as to the merits, as discussed in the court's August 27, 2026 Memorandum and Order 6 8 [218], it is likely that the USPS lacked authority to issue the Final Rule and that the Final Rule is substantively unconstitutional and contrary to law. Defendants' claim that they are entitled to relief because appellate review of this court's TRO "would come too late for the 2026 midterms" misconstrues the Supreme Court's August 24, 2026 Order. Defs.' Mem. ISO Stay 7 [Doc. No. 229] (quoting Trump v. California, No. 26A124, 609 U.S. , 2026 WL 2473573, at *4 (Aug. 24, 2026)). The Supreme Court found that review of President Donald J. Trump's Executive Order 14399, Ensuring

Citizenship Verification and Integrity in Federal Elections, 91 Fed. Reg. 17125 (2026), was premature where challenges were filed before the USPS issued a Final Rule. See Trump, 609 U.S. at __, 2026 WL 2473573, at *5. A Final Rule has now issued and, contrary to Defendants' cynical interpretation, the Supreme Court has not endorsed the view that any challenge to the Final Rule is now too late.

Further, Defendants' branding the Final Rule's changes as "modest" does not alter the actual requirements of the Final Rule, which condition all use of the postal service for election mail on the USPS's sign-off on ballot envelopes and return envelopes, and which requires State and local election officials to first obtain that sign-off and then upload and certify each voter's information through the USPS Portal before being permitted to use federal mail. 91 Fed. Reg. at 54985 (the Final Rule "requires... that [S]tates that choose to use the U.S. mail as part of their elections adhere to certain standard mailpiece design and data reporting standards when sending Federal Ballot Mail.") (emphasis added). And new merits arguments omitted from the TRO briefing are appropriately raised in the parties' preliminary injunction briefing, rather than in a memorandum in support of a motion to stay.

Third, as to irreparable harm to the Plaintiff States and to the Plaintiff Organizations and their members, the court reiterates the conclusions laid out in the August 27, 2026 Memorandum and Order [218]. Id. at 8–9. Plaintiff States' election officials maintain that full compliance with the Final Rule is likely impossible and that the USPS' prohibition on mailing non-compliant mail ballots will likely result in substantial disenfranchisement for the midterms. Id.; see, e.g., Brunton Decl. ¶ 10, California v. USPS, No. 1:26-cv-13917 [Doc. No. 4-18] (North Carolina election official has "profound concerns that the Rule will prevent eligible voters from voting, including in the November 2026 general election. North Carolina will strive to ensure that voters have an opportunity to vote, and the Rule imposes significant burdens on doing so.").

Fourth, as to Defendants' claimed irreparable harm, the court has narrowly tailored the TRO to allow the USPS to establish the Ballot Mail Portal and communicate with States about design standards so long as States' participation is not required. See Mem. & Order 10–11 [Doc. No. 218] (Order § 1(a)–(d)); Defs.' Notice [Doc. No. 227-1] (Defense counsel's notification to USPS Defendants). Intervenor-Defendants' assertions of irreparable harm, see Hoskins Decl. ¶ 8 [Doc. No. 231-1], are likewise unavailing where the TRO does not bar any State from seeking USPS approval of their ballot designs or uploading voter information to the Portal. See Mem. & Order 111 [Doc. No. 218] (Order § 1(e)–(g)). The TRO limits the mandatory nature of the Final Rule, not voluntary participation by States that choose to do so.

Finally, as to the public interest, the court underscores that the late timing of the changes to State election practices the federal agency seeks to impose by Final Rule are contrary to the public's need for "clear and settled" "rules of the road" for November 3, 2026 midterm elections, now only two months away. Democratic Nat'l Comm. v. Wis. State Legislature, 592 U.S. 1039, 1043 (2020) (Kavanaugh, J., concurring).

(MAP) (Entered: 08/31/2026)

PACER Service Center

Transaction Receipt

09/02/2026 18:28:47

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LEAGUE OF WOMEN VOTERS OF MASSACHUSETTS, et al.,	*	
Plaintiffs,	*	
v.	*	
DONALD J. TRUMP, in his official capacity as President of the United States, et al.,	*	Civil Action No. 1:26-cv-11549-IT
Defendants,	*	
and	*	
STATE OF MISSOURI, et al.,	*	
Intervenor-Defendants.	*	
STATE OF CALIFORNIA, et al.,	*	
Plaintiffs,	*	
v.	*	Civil Action No. 1:26-cv-13917-IT
UNITED STATES POSTAL SERVICE, et al.,	*	
Defendants.	*	

MEMORANDUM AND ORDER GRANTING IN PART PLAINTIFFS' MOTIONS FOR A TEMPORARY RESTRAINING ORDER

August 27, 2026

TALWANI, D.J.

Pending before the court are two motions for temporary restraining orders[1] joined for briefing pursuant to Federal Rule of Civil Procedure 42(a)(1).[2] For the reasons stated below, the court GRANTS a temporary restraining order staying the United States Postal Service ("USPS") from implementing certain sections of its final rule, Ballot Mail for Federal Elections, 91 Fed. Reg. 54966 (Aug. 26, 2026) (to be codified at 39 C.F.R. pt. 111) (the "Final Rule").

I. Background

On March 31, 2026, President Donald J. Trump issued Executive Order No. 14399, Ensuring Citizenship Verification and Integrity in Federal Elections. 91 Fed. Reg. 17125 (2026) (the "EO"). Litigation ensued before a final rule issued.[3] On emergency review, on August 24, 2026, the United States Supreme Court concluded that this court lacked jurisdiction to review challenges to the EO's constitutionality where it was speculative as to whether the USPS would (1) propose a rule; (2) weigh the comments; and (3) issue a final rule consistent with the EO's directives. Trump v. California, 609 U.S. __, 2026 WL 2473573, at *4 (Aug. 24, 2026) (per curiam). The Supreme Court admonished this court that "[f]ederal courts review final rules, not

[1] See Mot. for a TRO, Emergency Stay, and Expedited Prelim. Inj. and Stay, California v. U.S. Postal Serv. ("California II"), No. 1:26-cv-13917 [Doc. No. 3]; Emergency Mot. for a TRO and Prelim. Inj., League of Women Voters of Massachusetts v. Trump ("LWVM"), No. 1:26-cv-11549 [Doc. No. 206].

[2] See Order, LWVM, No. 1:26-cv-11549 [Doc. No. 212]. Where documents have been filed on the dockets of both cases, the court will cite to the docket in LWVM, No. 1:26-cv-11549, as the earlier-filed case.

[3] See LWVM, No. 1:26-cv-11549 (filed April 2, 2026); California v. Trump ("California I"), No. 1:26-cv-11581 (filed April 3, 2026). In the latter case, on July 7, 2026, this court entered final judgment and enjoined rulemaking and implementation of Sections 2 and 3 of the EO as to a group of 23 States and the District of Columbia for elections before and on November 3, 2026. Final Judgment, California I, No. 1:26-cv-11581 [Doc. No. 207]. In LWVM, on August 11, 2026, the court granted a nationwide preliminary injunction, enjoining rulemaking and implementation of Section 3 of the EO. Mem. & Order, LWVM, No. 1:26-cv-11549 [Doc. No. 183].

proposed rules—and certainly not antecedent internal directives to propose a rule." Id. The Supreme Court explicitly noted, however, that the disposition of the government's emergency application "does not mean that any measure taken by the Government to implement the Order will necessarily be lawful[.]" Id. at *5.

Although the Supreme Court expressed concern that this court's injunction "prevent[ed] the Postal Service from so much as initiating a rulemaking that could yield a rule applicable to these States[,]" id. at *4, no such delay occurred, as the USPS had gone ahead and noticed a proposed rule, solicited and reviewed comments, and issued a Final Rule. See 91 Fed. Reg. 54966 (accessible as of Aug. 21, 2026 at https://public-inspection.federalregister.gov/2026-17238.pdf).[4]

For a State to comply with the Final Rule: (1) ballot envelopes and return envelopes must comply with certain ballot envelope design requirements, 91 Fed. Reg. at 54990–91 (DMM 705.24.3.1, 705.24.3.2); (2) State or local election officials must submit their ballot envelope and return envelope designs to the USPS for approval, id.; and (3) after obtaining approval of the ballot envelope and return envelope designs, State or local election officials must input each voter's information into a USPS-run electronic portal, 91 Fed. Reg. at 549991 (DMM 705.24.4.2). The Final Rule provides no timeline for USPS's approval of ballot envelopes and

[4] The Supreme Court gave no indication that it was aware of the Final Rule when the Order was issued. Defendants nonetheless insist, without citation, that "publication of a Final Rule" was "already known to the Supreme Court" at the time of the Court's Order. Defs.' Combined Opp'n to TRO 5, LWVM, No. 1:26-cv-11549 [Doc. No. 214]. Although the government's Supplemental Brief regarding the Final Rule was docketed at the Supreme Court a few hours before the Court's *per curiam* Order was entered on August 24, 2026, see Sec. Suppl. Br. ISO Appl. for Stay, Trump v. California, No. 26A124 (U.S. Aug. 24, 2026), this court cannot assume that the Justices received the brief prior to the issuance of the *per curiam* Order a few hours later. In any event, that Order found a lack of standing based on the events at the time the complaint was filed and did not purport to take into account events that occurred during the months that the litigation was pending. See Trump, 609 U.S. at __, 2026 WL 2473573, at **2, 4.

return ballot envelopes, but precludes election officials from uploading voter information until the USPS approves the ballot envelopes and return ballot envelopes. 91 Fed. Reg. at 54991 (DMM 705.24.4.2(f)). And where a State or local election official does not obtain envelope and return envelope design approval, or does not upload voter information, or does not include unique intelligent mail barcodes on ballot envelopes, the USPS will not mail ballots to voters. 91 Fed. Reg. at 54991 (DMM 705.24.5.1, 705.24.5.2, 705.24.5.3). Accordingly, effective August 26, 2026, for elections including the November 3, 2026 midterms, the USPS conditions States' use of the postal service on the USPS's sign-off on ballot envelopes and return envelopes and on State and local election officials uploading and certifying voter information through the USPS portal. 91 Fed. Reg. at 54985 (the Final Rule "requires . . . that [S]tates that choose to use the U.S. mail as part of their elections adhere to certain standard mailpiece design and data reporting standards when sending Federal Ballot Mail.") (emphasis added).

Plaintiff States[5] promptly challenged the Final Rule in a new action, and Plaintiff Organizations[6] promptly supplemented their complaint to add allegations regarding the Final

[5] Plaintiff States are Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Hawai'i, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Rhode Island, Vermont, Virginia, Washington, Wisconsin, and Josh Shapiro, in his official capacity as Governor of the Commonwealth of Pennsylvania. Compl., California II, No. 1:26-cv-13917 [Doc. No. 1]. Plaintiff States bring their challenge against USPS, the Postmaster General, the Deputy Postmaster General, the Chair of the USPS Board of Governors, and members of the USPS Board of Governors (collectively, the "USPS Defendants"). Id.

[6] Plaintiff Organizations are the League of Women Voters of Massachusetts, League of Women Voters Lotte E. Scharfman Memorial Education Fund, League of Women Voters of the United States, League of Women Voters Education Fund, Association of Americans Resident Overseas, U.S. Vote Foundation, OCA-Asian Pacific American Advocates, and Delta Sigma Theta Sorority, Inc. In addition to the USPS Defendants sued by Plaintiff States, Plaintiff Organizations sued President Trump, the Department of Homeland Security and its Secretary; U.S. Citizenship and Immigration Services and its Director; and the Social Security Administration and its Commissioner. Compl., LWVM, No. 1:26-cv-11549 [Doc. No. 1]. Plaintiff Organizations'

Rule. In the pending motions, both groups of Plaintiffs seek preliminary injunctive relief and request that the court stay Defendants' implementation of the Final Rule, pursuant to Federal Rule of Civil Procedure 65.

Two weeks before the Final Rule issued, Defendants' counsel represented to the court that:

> when the final rule is implemented, if it affects an individual voter's ability to vote, then they certainly have standing to challenge that final rule. And courts are able to work in an expedited basis. It would only take a very short amount of time for a temporary restraining order or a preliminary injunction to issue[.[7]]

And two days ago, when Defendants asked the court to vacate the preliminary injunction entered in LWVM prior to the Supreme Court's Order, Defendants represented that Plaintiffs were not without a remedy, for where the Rule had now issued, they could "simply amend their complaint" and challenge the Final Rule directly.[8]

Defendants now claim that Plaintiffs are too late "because appellate review in the ordinary course would come too late for the 2026 midterms."[9] But the question is not when appellate review will be completed. The issue before the court is whether Plaintiffs have met the traditional standards for emergency relief.

II. Temporary Restraining Order

A temporary restraining order "is a provisional remedy imposed to maintain the status quo until a full review of the facts and legal arguments is available." Ginzburg v. Martínez-

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Emergency Mot. for TRO and Prelim. Inj. [Doc. No. 206] is brought only against the USPS Defendants.

[7] Aug. 7, 2026 Hr'g Tr. 16:14–21, LVWM, No. 1:26-cv-11549 [Doc. No. 181].

[8] Defs.' Opp'n to Mot. to Enforce Judgment 16, LWVM, No. 1:26-cv-11549 [Doc. No. 197].

[9] Defs.' Combined Opp'n to TRO 2, LWVM, No. 1:26-cv-11549 [Doc. No. 214] (quoting Trump, 2026 WL 2473573, at *4).

Dávila, 368 F. Supp. 3d 343, 347 (D.P.R. 2019) (quoting Pro-Choice Network v. Schenck, 67 F.3d 377, 388–89 (2d Cir. 1995)). While temporary, it is an "extraordinary and drastic remedy" and "never awarded as of right." Orkin v. Albert, 557 F. Supp. 3d 252, 256 (D. Mass. 2021) (quoting Peoples Fed. Sav. Bank v. People's United Bank, 672 F.3d 1, 8–9 (1st Cir. 2012)). In evaluating a motion for a temporary restraining order, the court weighs the four following factors:

> (1) the likelihood of success on the merits; (2) the potential for irreparable harm [to the movants] if the injunction is denied; (3) the balance of relevant impositions, i.e., the hardship to the nonmovant if enjoined as contrasted with the hardship to the movant if no injunction issues; and (4) the effect (if any) of the court's ruling on the public interest.

Esso Standard Oil Co. v. Monroig-Zayas, 445 F.3d 13, 17–18 (1st Cir. 2006) (quoting Bl(a)ck Tea Soc'y v. City of Boston, 378 F.3d 8, 11 (1st Cir. 2004)); see also Bourgoin v. Sebelius, 928 F. Supp. 2d 258, 267 (D. Me. 2013) (standard for issuing TRO is "the same as for a preliminary injunction").

A. Likelihood of Success on the Merits

Plaintiff States bring a variety of claims, arguing that the Final Rule is unconstitutional, contrary to statute, and ultra vires.[10] Similarly, Plaintiff Organizations argue that the Final Rule violates both the separation of powers doctrine and the USPS's governing statutes.[11]

Defendants argue, *inter alia*, that the USPS issued the Final Rule pursuant to its general authority to adopt regulations "as may be necessary in the execution of [the USPS's]

[10] See Compl., California II, No. 1:26-cv-13917 [Doc. No. 1].

[11] See Suppl. Compl., LWVM, No. 1:26-cv-11549 [Doc. No. 205].

functions[.]"[12] Intervenor-Defendants[13] argue that Plaintiff Organizations continue to lack standing and that the Final Rule, lawfully promulgated, "merely imposes modest conditions on the sending of mail[.]"[14]

Now that the USPS has published the Final Rule, Plaintiffs' challenges are ripe. See Trump, 609 U.S. at __, 2026 WL 2473573, at *4 ("Federal courts review final rules[.]"). The Final Rule's mandatory requirements necessitating immediate action of Plaintiff States likely constitute concrete injury-in-fact, caused by the new regulatory scheme and redressable only by injunctive relief. See Lujan v. Defenders of Wildlife, 504 U.S. 555, 560–562 (1992). Similarly, Plaintiff Organizations are likely to have standing where the late-adopted rule is causing substantial confusion among their members (whom the Plaintiff Organizations are trying to educate about their voting rights). See Hunt v. Wash. State Apple Advert. Comm'n, 432 U.S. 333, 343 (1977). Plaintiff Organizations are also likely to have standing based on the significant risk of their members' disenfranchisement, where the newly imposed Final Rule will prevent citizens from voting by mail unless the USPS timely approves their respective jurisdictions' ballot and return ballot envelopes, and State and local election officials thereafter input each voter's information into a USPS portal in advance of a ballot mailing. See id.

As to the substantive merits, the Constitution charges the States with election administration. U.S. CONST. art. I § 4, cl. 1. While the States' decisions may be pre-empted by

[12] Defs.' Combined Opp'n to TRO 7, LWVM, No. 1:26-cv-11549 [Doc. No. 214] (citing 39 U.S.C. § 401).

[13] Intervenor-Defendants in LWVM, No. 1:26-cv-11549, are Alabama, Florida, Indiana, Kansas, Louisiana, Missouri, Montana, Nebraska, Oklahoma, South Carolina, South Dakota, and Texas. See Elec. Order [Doc. No. 106] (allowing permissive intervention pursuant to Federal Rule of Civil Procedure 24(b)).

[14] Intervenor-Defendants' Opp'n to TRO 2–4, LWVM, No. 1:26-cv-11549 [Doc. No. 215].

Congress, see id., the court is unaware of, and no party has proffered, any delegation Congress has made that would permit the USPS to regulate election mail, see FCC v. Consumers' Research, 606 U.S. 656, 672 (2025) ("Legislative power, [the Supreme Court] ha[s] held, belongs to the legislative branch, and to no other."); Learning Res., Inc. v. Trump, 607 U.S. 229, 279 (2026) (Gorsuch., J., concurring) ("[A] clear statement is required to support a claim to an extraordinary delegated power.").

Through the Final Rule, the USPS is refusing to send mail ballots to eligible voters unless States or local election officials submit their mail ballot envelopes and return envelopes and receive advance approval from the USPS without regard to impending deadlines for the November 3, 2026 election. 91 Fed. Reg. at 54990–91 (DMM 705.24.3.1–2). Additionally, the Final Rule requires elections officials to create accounts for a new electronic portal, certify that they have received approval regarding the mail ballot design, and thereafter upload to the USPS portal each voter's information, including name, address, and a unique intelligent mail barcode. Id. (DMM 705.24.4.2(b), (e), (f)). The court finds Plaintiffs likely to succeed on the merits of their claims that (1) the USPS lacked authority to issue the Final Rule; (2) the Final Rule is unconstitutional in imposing these requirements on the States; and (3) the Final Rule is unconstitutional in prohibiting non-compliant State and local officials from using the United States Postal Service to mail ballots.

B. *Irreparable Harm*

Based on the record presently before the court, Plaintiff States face irreparable harm where they are required to comply with a likely unconstitutional regulation for which compliance is practically impossible as to the 2026 midterm elections, now little more than two months away. Most Plaintiff States have already ordered their mail ballots, and some are required by

state law to send them to eligible voters as early as next week.[15] Plaintiff States have neither time nor funds to design new mail ballots, seek approval of the new designs, order production of mail ballots, update their own election management systems, train election officials to use the USPS portal, and upload citizen data to the portal, all before the midterms.[16] Notably, the Final Rule includes no deadline or contemplated turn-around time for USPS approval of submitted mail ballot envelopes. 91 Fed. Reg. at 54990–92. If Plaintiff States are unable to comply with the Final Rule, an outcome that seems unavoidable given the timeframe, they will violate their obligations under the Constitution and State laws to administer elections. Defendants and Intervenor-Defendants offer no reply to Plaintiff States' assertion that compliance for the 2026 midterm elections will be impossible for many of them.

Plaintiff Organizations' members are at risk of irreparable harm where they face significant risk of disenfranchisement and interference with their rights under state laws—where they rely on mail-in voting (due to age, disability, and/or residence), as permitted under their state laws, but live in a jurisdiction where election officials may not be able to comply with the Final Rule in time for the November 3, 2026 election.[17] In light of the State election officials' unrebutted declarations that compliance with the Final Rule at this late date is impossible, the risk of irreparable harm to voters in those jurisdictions is grave.[18]

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[15] Mem. ISO Mot. for TRO, Emergency Stay, and Expedited Prelim. Inj. 20 n.3, 22 n.12, California II, No. 1:26-cv-13917 [Doc. No. 5] (citing State election officials' declarations).

[16] See id. at 19 n.2 (citing State election officials' declarations).

[17] See Third Stewart Decl. ¶¶ 3, 11, 36, 39, LVWM, No. 1:26-cv-11549 [Doc. No. 208-1].

[18] Mem. ISO Mot. for TRO, Emergency Stay, and Expedited Prelim. Inj. 20 n.3, California II, No. 1:26-cv-13917 [Doc. No. 5] (citing State election officials' declarations).

C. *Balance of the Harms and the Public Interest*

The record continues to lack any evidence regarding fraudulent absentee or mail-in voting. Compare 91 Fed. Reg. at 54984 (describing the Final Rule's "stated purpose" as "to help ensure election integrity, fraud prevention, and facilitation of federal law enforcement"), with id. at 54969 (denying that "the incidence of voter fraud" has any "impact [on] the proposed rule's legal grounding"). In any event, the USPS's interest in correcting an unsubstantiated problem through likely unconstitutional means is dwarfed by the overwhelming risk of pervasive disenfranchisement of citizens who need access to mail ballots in order to vote. The balance of harms and public interest warrants a TRO. Fish v. Kobach, 840 F.3d 710, 752 (10th Cir. 2016) ("[T]here can be no 'do-over' or redress of a denial of the right to vote after an election[.]").

III. Conclusion and Order

For the foregoing reasons, Plaintiffs' emergency motions[19] for a temporary restraining order are GRANTED pursuant to Federal Rule of Civil Procedure 65(b) as follows.

(1) The court grants an emergency fourteen-day stay of the implementation or enforcement of the following sections of the Final Rule as to elections occurring before or on November 3, 2026. USPS Defendants[20] may take no further preparatory steps or implement in any way for elections occurring before or on November 3, 2026:

[19] Mot. for a TRO, Emergency Stay, and Expedited Prelim. Inj. and Stay, California II, No. 1:26-cv-13917 [Doc. No. 3]; Emergency Mot. for TRO and Prelim. Inj., LVWM, No. 1:26-cv-11549 [Doc. No. 206].

[20] USPS Defendants are the USPS, the Postmaster General, the Deputy Postmaster General, and the members and Chair of the USPS Board of Governors. See Compl., California II, No. 1:26-cv-13917 [Doc. No. 1]; Compl., Suppl. Compl., LWVM, No. 1:26-cv-11549 [Doc. Nos. 1, 205].

a. DMM Section 705.24.3.1, to the extent that the section makes Ballot Mail Envelope Standards mandatory;

b. DMM Section 705.24.3.2, to the extent that the section makes Return Federal Ballot Mail Envelope Standards mandatory;

c. DMM Section 705.24.4.1; to the extent that the section makes Postal Service Federal Ballot Mail Portal registration mandatory;

d. DMM Section 705.24.4.2; to the extent that the section makes voter enrollment in the Postal Service Federal Ballot Mail Portal mandatory

e. DMM Section 705.24.5.1;

f. The first two sentences of DMM Section 705.24.5.2; and

g. DMM Section 705.24.5.3(a), (b), (c).

(2) Defendants' counsel must, within 24 hours after receiving service of this Order: (i) provide written notice of this Order to the USPS Defendants and their employees; (ii) notify all such recipients that they are required to comply with this Order, under penalty of contempt; and (iii) file on the docket a copy of the notice and/or communications referred to in (i)-(ii).

Plaintiffs' motions for preliminary injunctions remain under advisement.

IT IS SO ORDERED.

August 27, 2026

/s/ Indira Talwani
United States District Judge