

**In the
Supreme Court of the United States**

UNITED STATES POSTAL SERVICE, et al.,

Applicants,

v.

STATE OF CALIFORNIA, et al.,

Respondents.

DONALD J. TRUMP, et al.,

Applicants,

v.

LEAGUE OF WOMEN VOTERS OF MASSACHUSETTS, et al.,

Respondents.

**On Application for Stay of Injunction of the Order of the United States
District Court for the District of Massachusetts**

**BRIEF OF DC COALITION AGAINST DOMESTIC VIOLENCE, NATIONAL
WOMEN'S LAW CENTER, PENNSYLVANIA COALITION AGAINST
DOMESTIC VIOLENCE, RHODE ISLAND COALITION AGAINST
DOMESTIC VIOLENCE, AND VICTIM RIGHTS LAW CENTER, ET AL.
AS AMICI CURIAE IN SUPPORT OF RESPONDENTS**

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INTEREST OF *AMICI CURIAE*¹

Amici curiae are organizations working to ensure the elimination of domestic violence, sexual violence, and/or stalking in America and beyond. They include the Black, Indigenous, & People of Color (BIPOC) Collective, DC Coalition Against Domestic Violence, me too. International, National Alliance to End Sexual Violence, National Women's Law Center, Pennsylvania Coalition Against Domestic Violence, Rhode Island Coalition Against Domestic Violence, Sakhi for South Asian Survivors, and Victim Rights Law Center (collectively, "*Amici*"). *Amici* serve as resources for the hundreds of thousands of Americans who are subjected to domestic violence, sexual violence, and/or stalking every year, as well as for the organizations that directly support those survivors. *Amici* deliver a continuum of services to help victims and survivors find safety, obtain justice, and build lives free of abuse, including by providing emergency supportive services, meeting the legal needs of survivors, advocating for survivor-centered policy, conducting research, and/or equipping survivors with voter education resources.

The ability of survivors to freely and safely exercise their right to vote is of critical concern to *Amici* and their members and coalition partners. Voting is a way that survivors can reclaim their power and autonomy—not just by instilling a sense of regained control, but also by providing a pathway for survivors to advocate for their rights and the rights of other victims of abuse. *Amici* submit this brief to offer their

¹ No party's counsel authored this brief in whole or in part. No party, counsel for a party, or any person other than amici curiae or their counsel made a monetary contribution toward the preparation and submission of this brief.

unique perspective on why the Court should decline to stay the district court’s preliminary injunction enjoining implementation of the United States Postal Service (“USPS”) final rule, *Ballot Mail for Federal Elections*, 91 Fed. Reg. 54966 (Aug. 26, 2026) (the “Final Rule”).

SUMMARY OF THE ARGUMENT

Both the balance of the equities and the public interest should compel this Court to deny the pending application for emergency relief. The Final Rule enjoined by the district court threatens to disenfranchise hundreds of thousands of voters, including victims of domestic violence, sexual violence, and/or stalking who participate in state-managed address confidentiality programs (“ACPs”). Such programs are critically important to ensuring that survivors can safely exercise their fundamental right to the vote. But the Final Rule’s mail ballot list requirement is incompatible with ACPs, and its rushed implementation will disenfranchise countless survivors. Moreover, while Congress has dictated that USPS shall not “make any undue or unreasonable discrimination among users of the mails,” 39 U.S.C. § 403(c), the Final Rule discriminates against survivors of domestic violence, sexual violence, and/or stalking by forcing eligible voters who participate in ACPs to choose between having their confidential information disclosed—putting themselves and their family members in danger—or being disenfranchised. And because survivors are especially likely to move or register quickly due to critical safety and privacy concerns in the wake of violence, including immediately prior to an election,

the proposed Rule is likely to disproportionately burden their free exercise even if they are not yet registered with a state address confidentiality program.

ARGUMENT

For those Americans who are survivors of domestic violence, sexual violence, and stalking, voting by mail is often the *only* way to safely cast a ballot. *See, e.g.*, Vigil Decl. ¶ 40, No. 1:26-cv-13917-IT (D. Mass.), Dkt. 4-16 (explaining that voting by mail is “particularly important for the many New Mexicans who . . . suffered intimate partner violence”).² But the Final Rule is incompatible with ACPs, as demonstrated by substantial record evidence showing that implementation of the Rule would force many survivors to choose between protecting their safety and/or privacy and exercising their right to vote. This Court has described that right as a “fundamental political right” that is “preservative of all rights.” *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886). Granting Applicants’ request would risk the mass disenfranchisement of survivors, especially those who participate in state ACPs. The Court should deny Applicants’ request for a stay.

I. Address confidentiality programs are necessary to ensure that survivors of domestic violence, sexual violence, and stalking can safely exercise their right to vote.

To secure survivors’ safety and privacy and facilitate their free exercise of the right to vote, nearly every state in the country has adopted an address confidentiality

² With the exception of citations to the declaration of United States Postal Service Chief Customer and Marketing Officer and Executive Vice President Steven W. Monteith, *see infra*, all docket citations are to filings in No. 1:26-cv-13917-IT (D. Mass.).

program (ACP).³ ACPs are administered by individual states and enable victims of domestic violence, sexual assault, and/or stalking to keep their address hidden and use an alternate mailing address for a variety of public and official processes, including voting.⁴

States enacted these programs because, unfortunately, our society remains beset by high rates of domestic violence,⁵ sexual violence, and stalking. Nearly half of women (45.1%) in the United States report experiencing some form of contact sexual violence in their lifetimes.⁶ More than one in three has experienced rape, physical violence, and/or stalking by an intimate partner.⁷ Survivors face endless barriers when it comes to seeking safety.

These barriers include unique burdens on survivors' ability to safely exercise their right to vote. In almost every state, voter registration information is considered part of the public record.⁸ As a result, "[p]eople experiencing or who have experienced intimate partner violence may have significant privacy concerns related to the voter registration process," and "[t]he fear of being found might deter victims from

³ Today, 45 states and the District of Columbia have some type of ACP. *See Address Confidentiality Programs by State*, Nat'l Ass'n of Confidential Address Programs (June 18, 2025), <https://perma.cc/2UHB-ESX9>.

⁴ VAWnet, *Address Confidentiality Programs*, Nat'l Network to End Domestic Violence (NNEDV) (Jan. 2016), <https://perma.cc/4LVC-SQUC>.

⁵ The Department of Justice defines domestic violence as "a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner." *Domestic Violence*, Dep't of Justice, <https://perma.cc/54XB-3DRW>.

⁶ Ruth W. Leemis et al., *The National Intimate Partner and Sexual Violence Survey: 2023/2024 Sexual Violence Data Brief*, U.S. Centers for Disease Control and Prevention, at 3 (Dec. 2025), <https://perma.cc/S2BS-U8B3>. "Contact sexual violence is a combined measure that includes rape, being made to sexually penetrate someone else, sexual coercion, and/or unwanted sexual contact." *Id.* at 2.

⁷ *Domestic Violence Statistics*, National Domestic Violence Hotline, <https://perma.cc/C6GY-HGBE>.

⁸ *See Access to and Use of Voter Registration Lists*, Nat'l Conf. of State Legislatures (June 10, 2026), <https://www.ncsl.org/elections-and-campaigns/access-to-and-use-of-voter-registration-lists>.

registering to vote, even if they are otherwise motivated to participate in the election.”⁹ In the words of one survivor: “I wanted to vote, but I also wanted to stay safe.”¹⁰ From another: “The year I discovered that my name and address as a registered voter were being published publicly was the year I stopped voting. . . . I resigned myself that I would not vote again as long as I couldn’t keep my information private.”¹¹ As one expert has explained: “For victims of domestic violence, voting is suppressed because they can’t trust to have their names on voter registration rolls.”¹²

Under address confidentiality programs, a survivor of sexual violence, domestic violence, or stalking¹³ files an application for a “substitute” address (e.g., a post office box in the state capital or fictitious street address) with the appropriate governmental agency. After the applicant is accepted and certified into the program,

⁹ Danielle Root, *Obstacles to Voting for Survivors of Intimate Partner Violence*, Center for American Progress (Nov. 1, 2018), <https://perma.cc/39J3-VV8M>; see also Teia Swan, *Hidden Barriers: Domestic Violence and Obstacles to Voting*, No More (Sep. 17, 2024), <https://perma.cc/6YC5-JXHE>.

¹⁰ Witlee Ethan, *Domestic violence victims need to be able to vote without being outed*, The Charlotte Observer (July 20, 2017), <https://perma.cc/WX6E-4MCP>.

¹¹ Amy Rolph, *Voting can be dangerous for domestic violence survivors in Washington state*, KUOW (Oct. 9, 2018), <https://perma.cc/2BB4-8KQC>.

¹² Scottie Andrew, *For abuse victims, registering to vote brings a dangerous tradeoff*, CNN (Oct. 27, 2020), <https://perma.cc/5WWD-BKSW>.

¹³ Eligibility criteria for ACPs and other voter privacy initiatives vary by state. For example, California allows voters that meet certain qualifications to register as “confidential voter[s]” for a variety of reasons, including personal safety, life threatening circumstances as determined by a California court, and a person’s role as a public safety officer, election worker, and candidate or elected official. Cal. Elec. Code §§ 2166, 2166.5, 2166.7, 2166.8, 2166.9. Colorado, meanwhile, permits eligible voters to register to keep their addresses private under two different confidentiality programs: (1) the Address Confidentiality Program protects survivors of stalking, sexual assault, and domestic violence with a legal substitute address and mail forwarding, Colo. Rev. Stat. § 24-30-2108(3), 8 Colo. Code Regs. § 1505-1:2.10; and (2) the state’s Confidential Voter status designation allows eligible individuals who will be exposed to criminal harassment or bodily harm to have their voting information withheld from the public, Colo. Rev. Stat. § 24-72-204(3.5)(b). New Jersey’s statewide program provides a legal substitute address for victims and survivors of domestic violence, stalking, sexual violence, and reproductive health patients and providers, N.J. Rev. Stat. §§ 47:4-1–47:4-6; and Washington’s ACP offers protection not just to survivors of domestic violence, sexual assault, stalking, or trafficking, but also to certain criminal justice affiliates, election officials, and protected health care workers, Wash. Rev. Code §§ 40.24.010–40.24.110.

the state provides a substitute address for the survivor's use. The survivor's mail is forwarded from that substitute address to their actual address, with the actual address being known only to (and kept confidential by) the relevant state agency. In the context of voter registration, the survivor's actual address is still used to determine district designations and other relevant criteria.

The technical mechanisms through which this is accomplished vary by state. In Florida, for example, survivors enrolled in the state's ACP can register to vote securely but must then vote by mail. Fla. Stat. § 741.406. While their true addresses are used by appropriate officials to determine which specific local ballot to send to the voter, their registration is entered manually in a locked file and not entered into the state's typical voter registration system.¹⁴ The ballot is then mailed to the state's substitute address, which, by design, differs from the voter's confidential actual address.¹⁵ In New Mexico, meanwhile,

Qualified participants in the Intimate Partner Violence Survivor Suffrage Act program vote exclusively by mailed absentee ballot and are assigned a random identifier and a verification code for each election. The administrator of the program requests from each appropriate county clerk a ballot to be used by the voter-participant registered to vote in that county. The request does not reveal the name or the address of the voter-participant, but rather, only the random identifier and verification code associated with the voter-participant.

Vigil Decl. ¶ 18, Dkt. 4-16.

¹⁴ Gisela Salas & Maria Matthews, *The State of Florida Address Confidentiality Program*, Fla. Off. of the Att'y Gen. 12 (May 23, 2012), <https://perma.cc/EDF6-KJLP>.

¹⁵ *Id.* at 13.

Regardless of the specifics, all ACPs impliedly reflect the same concern noted by Washington, the first state to adopt such a program: “[P]ersons attempting to escape from actual or threatened domestic violence, sexual assault, trafficking, or stalking frequently establish new addresses in order to prevent their assailants or probable assailants from finding them,” Wash. Rev. Code § 40.24.010, and the fear of being found and harmed should never burden one’s exercise of their fundamental right to vote. *See, e.g.*, Fla. Stat. § 741.401 (reflecting a similar purpose).

II. The Final Rule’s mail ballot list requirement is incompatible with address confidentiality programs, and its rushed implementation will disenfranchise countless survivors.

The importance of ACPs to survivors seeking to exercise their right to vote is thus difficult to overstate. Even USPS acknowledges that “survivors of domestic and sexual violence and/or stalking may experience significant privacy concerns related to the voter registration process” and that “[t]he fear of being located may deter such victims from voting in person, and even from registering to vote.” 91 Fed. Reg. at 54989. But, as the district court found, the Final Rule “directly conflicts” with these programs. App. 39a. Applicants cannot credibly argue otherwise.

The Final Rule bars postal workers from mailing ballots from states to voters unless the relevant election jurisdiction has, in advance, provided the name and registered mail addresses of all voters to USPS for inclusion on its web-based “portal.” 91 Fed. Reg. at 54991. But information on address confidentiality program participants is generally not included in public voter files,¹⁶ and Applicants have

¹⁶ *USPS Rulemaking Analysis*, Institute for Responsive Government (June 15, 2026), <https://perma.cc/GJC6-5EQF>.

provided no guidance to the many state election officials who have expressed concern that they “cannot both comply with the requirements to submit the names and addresses of every [state] voter for enrollment in USPS’s Mail Ballot List and also comply with privacy requirements outlined in state law regarding confidential voters.” Southard Decl. ¶ 22, Dkt. 4-1 (California).

After several *Amici* organizations raised similar concerns during the rulemaking process, USPS stated that the Final Rule “requires that the name and address used on the outside of a ballot envelope be submitted to the Portal” and “would not require that confidential information known only to the state be provided.” 91 Fed. Reg. at 54989.

This is inaccurate. The Final Rule *does* require that confidential information known only to the state to be provided, and risks exposing survivors’ confidential addresses in several ways.

First, the Final Rule requires states to disclose to USPS the fact—or, at minimum, facts sufficient to infer—that specific named voters are enrolled in the address confidentiality programs. The very fact that the state would be required to upload the substitute address into the USPS portal discloses to the USPS that the voter is an ACP participant, by tying a named voter to an address that is recognizably the state’s ACP substitute address. Exposing *program participation* itself to a massive new federal database unjustifiably intrudes on survivors’ privacy and safety and puts them in danger.

Second, many address confidentiality programs bar states from sharing *any* personally identifying information regarding participants with other entities, including state and federal agencies, absent specific procedures. *See, e.g.*, Sarah Copeland Hanzas, Sec’y of State, State of Vermont, Public Comment re Proposed Rulemaking (July 2, 2026), Dkt. 4-22 at 22, 24 (explaining that Vermont election officials are “not permitted to release a participant’s address to *any entity, including state and federal agencies*, unless a specific process is followed”) [hereinafter “Vermont Comment”].

Third, voluminous evidence in the district court reflects that, in the absence of *any* guidance from USPS about how to list confidential mailing addresses in the yet-to-be-revealed portal, implementation of the Rule will force state election officials either to violate state law (by uploading information protected by confidentiality programs) or to disenfranchise ACP participants completely (by declining to upload the same information, virtually guaranteeing that USPS will not deliver mail ballots to those eligible voters). The portal in question is not yet operational, Monteith Decl. ¶ 3, No. 1:26-cv-11549-IT, Dkt. 280-1, and Applicants have still made “no effort” to “explain how States can both comply with the requirement to upload voter information, including addresses, to the USPS portal without violating their state laws and disclosing confidential voter information.” App. 39a.

Applicants’ cursory rejoinder that “[t]he Rule does not displace a single State election law,” Defs.’ Br. Opposing Prelim. Inj. at 1, No. 1:26-cv-13917-IT, Dkt. 235, stands opposite multiple sworn statements from state election officials saying

otherwise. Arizona’s Secretary of State, for example, confirmed that the Rule “would force elections officials to violate numerous Arizona statutes, including the legal requirement to protect voter registration information and secured voters such as . . . victims of sexual violence and stalking.” Fontes Decl. ¶ 12, Dkt. 4-5 (citing Ariz. Rev. Stat. §§ 16-153, 41-165). Election officials “will violate Colorado law if they upload the personal identifying information of confidential Colorado voters to the Federal Ballot Portal.” Andrew Kline, Deputy Sec’y of State, State of Colorado, Public Comment re Proposed Rulemaking (June 26, 2026), Dkt. 4-6 at 28, 35 (citing Colo. Rev. Stat. § 24-72-204(8) and Colo. Elect. R. 2.10.3.B.b.). And in Vermont, election officials are “not permitted to release a participant’s address to *any entity, including state and federal agencies*, unless a specific process is followed.” Vermont Comment, Dkt. 4-22 at 22, 24 (emphasis added). California state law likewise prohibits including confidential voters’ information on any roster or list, including USPS’s Mail Ballot List. Southard Decl. ¶ 22, Dkt. 4-1 (citing Cal. Elec. Code §§ 2166(b)(2), 2166.5(b)(2), 2166.7(d)(2), 2166.8(d)(1), 2166.9(d)(1)). As a result, individuals registered as “confidential voters”¹⁷ in California “will be prohibited from casting a mail ballot unless they voluntarily withdraw their confidentiality, which could put these voters in a position of choosing their personal safety over their right to vote.” *Id.*; *see also id.* ¶ 33 (warning that “California’s numerous confidential voters, who by law cannot be

¹⁷ California law allows voters that meet certain qualifications to register as “confidential voters” for a variety of reasons, including personal safety, life threatening circumstances as determined by a California court, and a person’s role as a public safety officer, election worker, or candidate or elected official. *See* Cal. Elec. Code §§ 2166, 2166.5, 2166.7, 2166.8, 2166.9.

included on the USPS Mail Ballot List,” are among “[s]everal categories of voters [that] may be wholly denied the opportunity to vote”).

The risk that implementation of the Rule will disenfranchise survivors is not speculative. The record before the district court made clear that, if state election officials fail to upload the personal identifying information of confidential voters to the USPS Ballot Portal, “the Postal Service will refuse to deliver mail ballots to or from these voters.” Dkt. 4-6 at 28, 35. In Colorado alone, the Final Rule is expected to “cause the Postal Service to erroneously refuse to deliver mail ballots to at least 150,000 eligible but confidential Colorado voters.” *Id.* at 36.

Such outcomes are particularly worrisome because many states require participants in address confidentiality programs to vote by mail. In Arizona, for example, “poll books do not include eligible persons or ACP participants, as required by law and for their safety.” Adrian Fontes, Ariz. Sec’y of State, Public Comment re Proposed Rulemaking (July 2, 2026), Dkt. 4-5 at 32, 37 (citing Ariz. Rev. Stat. § 16-153(A)). The Final Rule would render those voters both unable to vote by mail (because doing so would “require disclosure of their protected information and potentially their location to their abuser”) *and* unable to vote in person (because not appearing in poll books renders an individual ineligible to vote a non-provisional ballot in person). *Id.* at 37. These and similar concerns led the Arizona Secretary of State to caution that the Rule “discriminates against protected voters who must choose between having their confidential information disclosed or forsaking their right to vote,” *id.* at 32, and the Office of the New Mexico Secretary of State to warn

that the Rule would disenfranchise voters enrolled in the state’s Intimate Partner Violence Survivor Suffrage program, Vigil Decl. ¶¶ 14–15, Dkt. 4-16.¹⁸

Applicants’ dismissal of these concerns is even more egregious given that the Rule was prompted by an Executive Order that directed federal agencies to prioritize the investigation and prosecution “of State and local officials . . . who issue Federal ballots to individuals not eligible to vote in a Federal election.” Exec. Order No. 14399, § 2(b), Ensuring Citizenship Verification and Integrity in Federal Elections, 91 Fed. Reg. 17125, 17126 (Mar. 31, 2026); *see also id.* § 5 (providing that “State or local election officials . . . [and] individuals involved in the administration of Federal elections; or public [] entities engaged in the printing, production, shipment, or distribution of ballots may be referred to the Department of Justice for consideration of investigation or charges under” various federal criminal laws).

These risks are compounded by the rushed implementation of the Rule. In sworn declarations filed with the district court, election officials in various states

¹⁸ Because perpetrators of violence sometimes work or have connections in government agencies, ACPs closely guard knowledge of participants’ actual physical addresses even within public agencies, and individual survivors rely on each state’s representations about which government agencies will have access to ACP information when determining whether or not it is safe for them to participate in the program. The Final Rule, however, instructs states to authorize an unlimited number of election officials to use the USPS Ballot Portal and provides no assurances regarding what information will be available to each of these “authorized” users. *See* 39 C.F.R. pt. 111, Supplementary Information at 14. With respect to USPS workers themselves, it is no answer that 39 U.S.C. § 412 prohibits disclosure of lists of names and addresses. Recent history illustrates major privacy breaches by insiders at the Social Security Administration. *See AFSCME v. Trump*, No. CV ELH-25-0596, 2026 WL 1842617, at *5 (D. Md. June 26, 2026) (referencing whistleblower reports alleging that a member of the Department of Government Efficiency (“DOGE”) exfiltrated records for more than 500 million Americans from Social Security systems of records and that DOGE improperly uploaded copies of Social Security data, including personally identifying information, to a third-party digital cloud service). And a bedrock principle of our nation’s privacy scheme is to keep sensitive information siloed where it must be held rather than sharing it widely or centrally across government agencies. *See League of Women Voters v. U.S. Dep’t of Homeland Security*, No. 25-cv-3501, 2026 WL 1784297, at *1-*4 (D.D.C. June 22, 2026), *application for stay pending*, No. 26A308 (filed Sep. 8, 2026) (describing Congress’s concerns about a “centralized data bank”).

expressed concern about the need to immediately prepare and update guidance for use by local elections offices, including guidance on “confidential voters,” Southard Decl. ¶ 20, Dkt. 4-1 (California); “how to process voter registration information for voters whose information is protected by statute because they are police officers, judges, or victims of sexual violence or stalking,” Fontes Decl. ¶ 19, Dkt. 4-5 (Arizona); “the Portal’s interplay with [state] confidential voter program[s],” Rudy Decl. ¶ 24, Dkt. 4-6 (Colorado); “proper treatment of voters” enrolled in ACPs that “treat[] as confidential the residence addresses of voters who are at risk of domestic violence or human trafficking,” Flynn Decl. ¶ 17, Dkt. 4-11 (Maine); and “how to navigate unique voter use-cases such as voters who are part of [ACPs],” Wlaschin Decl. ¶ 20, Dkt. 4-3 (Nevada). *See also, e.g.*, Brater Decl. ¶ 37, Dkt. 4-13 (Michigan); Linnell Decl. ¶ 19, Dkt. 4-14 (Minnesota); Barber Decl. ¶ 19, Dkt. 4-15 (New Jersey); Vigil Decl. ¶ 24, Dkt. 4-16 (New Mexico); Dawson Decl. ¶ 19, ECF 4-19 (Oregon); Marks Decl. ¶ 19, Dkt. 4-20 (Pennsylvania); Hanzas Decl. ¶ 19, Dkt. 4-22 (Vermont); Holmes Decl. ¶ 36, Dkt. 4-4 (Washington). Crucially, the paucity of information provided by USPS has forced some states to “begin these preparations without themselves having complete information about how the USPS portal will work.” Brater Decl. ¶ 37, Dkt. 4-13 (Michigan). Other states “cannot even begin to undertake” the necessary preparation “until the USPS Ballot Portal goes live.” Dawson Decl. ¶ 19, ECF 4-19 (Oregon). In the meantime, as the Secretary of State for the State of Vermont said in a sworn declaration filed with the district court, “The USPS has not addressed *any* implications for our voter confidentiality program.” Hanzas Decl. ¶ 19, Dkt. 4-22.

III. The Final Rule discriminates against eligible voters who are victims of domestic violence, sexual violence, and/or stalking in violation of 39 U.S.C. § 403.

Federal law provides that USPS shall not “make any undue or unreasonable discrimination among users of the mails.” 39 U.S.C. § 403(c). But the Final Rule discriminates against survivors of domestic violence, sexual violence, and/or stalking in two ways.

First, unlike other voters who vote by mail-in ballot, ACP participants will be forced to choose between putting themselves and their family members in danger (by having their confidential information disclosed) or being disenfranchised. *See supra* page 11. Second, because survivors are more likely than the average voter to move or register immediately prior to an election due to violence necessitating a change in location, the proposed Rule is likely to disproportionately burden their free exercise even if they are not yet registered with a state address confidentiality program.

“The first 18 months after leaving an abusive relationship is statistically the most dangerous time for survivors, with 75% of homicides occurring upon separation and a 75% chance of increased violence for the next two years.”¹⁹ During that time, survivors may change housing multiple times to protect their safety. Moreover, some survivors of sexual violence may delay updating public records until appropriate safety measures are in place, particularly when the perpetrator: (1) knows their identity and/or where they live; (2) has legitimate access to their personal information; or (3) continues to hold a position of authority over them. As survivors

¹⁹ Mary Roche, *The SAVE Act and Other Voting Barriers for Survivors of Domestic Violence*, League of Women Voters (April 15, 2026), <https://perma.cc/VCM4-XNQG>.

relocate after an assault, transfer schools, change jobs, or separate from an institution where the perpetrator remains present, publicly linking a new address to government records may increase the risk of retaliation, intimidation, or unwanted contact. For example, before Michigan adopted its ACP, one survivor seeking protection from an abusive ex-husband purchased a home under her mother's name, only for her abuser to find her using voter registration information.²⁰

A survivor's urgent need to relocate for safety reasons can occur at any time—including the period right before an election. At the same time, many states allow citizens to register to vote and request mail ballots very close to election day.²¹ Against that background, the Rule's deadlines for states to upload voter lists are unrealistic, unreasonable, and unlawful. Under the Final Rule, states must "enroll" voters "at least 30 days before the date of the federal election, to the extent practicable, or by the date on which mail-in or absentee ballots may begin to be mailed under state law."²² While states may make "supplemental submissions to enroll additional individuals or modify prior submissions until the last day that ballots may be mailed out to individuals under state law,"²³ that provision is inadequate to protect the vote of survivors who move, register, or enroll in an ACP during that window. The supplemental-submission provision imposes significant burdens on state and local election administrators who are, at that point in an election cycle, already

²⁰ Anna Liz Nichols, *Michigan launches address confidentiality program to protect violence survivors*, Michigan Advance (Sept. 13, 2023), <https://perma.cc/RXN9-Q2CW>.

²¹ See Table 5: *Applying for an Absentee Ballot, Including Third-Party Registration Drives*, Nat'l Conf. of State Legislatures (Feb. 24, 2026), <https://perma.cc/65YL-X5RU>.

²² 91 Fed. Reg. at 54991 (incorporated by reference into 39 C.F.R. § 111.1).

²³ *Id.*

overworked, overburdened, and understaffed, and it is likely to engender technical and administrative errors that are no fault of the would-be voter. Because survivors are especially likely to move or register immediately before an election, the Rule is likely to disproportionately burden that community's exercise of the right to vote.²⁴

CONCLUSION

For the foregoing reasons, this Court should deny Applicants' request for a stay of the preliminary injunction pending appeal.

Date: September 10, 2026

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²⁴ Moreover, survivors of domestic violence, sexual violence, and/or stalking of all backgrounds benefit from ACPs and the protections they provide. However, survivors of color, immigrant survivors, and survivors who are system-impacted often face heightened fear of government registries and federal data collection, language access hurdles that make it difficult to navigate complex voting procedures, and increased housing instability and other systemic economic barriers that force frequent moves. The burdens of navigating these bureaucratic hurdles fall hardest on Black, Indigenous, immigrant, and low-income survivors. If the Final Rule were implemented, especially in the rushed manner contemplated by Applicants, those populations would likely feel its burdens most acutely.