

IN THE  
**Supreme Court of the United States**

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UNITED STATES POSTAL SERVICE, ET AL.

*Applicants,*

v.

CALIFORNIA, ET AL.,

*Respondents.*

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DONALD J. TRUMP, ET AL.,

*Applicants,*

v.

LEAGUE OF WOMEN VOTERS OF MASSACHUSETTS, ET AL.,

*Respondents.*

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On Application for a Stay of the Injunction Issued by the United States District  
Court for the District of Massachusetts and Request for an Immediate  
Administrative Stay

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**BRIEF OF ASIAN LAW CAUCUS, ASIAN AMERICAN LEGAL DEFENSE  
AND EDUCATION FUND, ASIAN AMERICANS ADVANCING JUSTICE –  
ATLANTA, MISSOURI VOTER PROTECTION COALITION, SOUTH ASIAN  
AMERICAN JUSTICE COLLABORATIVE, COMMON CAUSE, ET AL.  
AS *AMICI CURIAE* IN SUPPORT OF RESPONDENTS**

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## INTEREST OF *AMICI CURIAE*<sup>1</sup>

**Asian American Legal Defense and Education Fund** (“AALDEF”) is a national legal organization that protects and promotes the civil rights of Asian Americans. By combining litigation, advocacy, education, and organizing, AALDEF focuses on critical issues affecting Asian Americans, including the right to access and cast an effective ballot and receive fair representation. AALDEF has litigated cases seeking to protect the ability of Asian Americans to elect candidates of their choice, *e.g.*, *NewYork Cmtys. for Change v. Cnty. of Nassau*, No. 602316/2024 (Sup. Ct. Nassau Cnty. Feb. 7, 2024); *League of United Latin Am. Citizens v. Abbott*, No. 3:21-cv-00259 (W.D. Tex. Oct. 18, 2021); *Favors v. Cuomo*, 881 F. Supp. 2d 356 (E.D.N.Y. 2012), and to ensure that limited English proficiency Asian American voters have an equal opportunity to participate in our democracy, *e.g.*, *OCA-Greater Houston v. Texas*, 867 F.3d 604 (5th Cir. 2017); *Detroit Action v. City of Hamtramck*, No. 2:21-cv-11315 (E.D. Mich. June 3, 2021); *Alliance of South Asian Am. Labor v. Bd. of Elections in the City of N.Y.*, No. 1:13-cv-03732 (E.D.N.Y. July 2, 2013). Each year, AALDEF also monitors elections alongside local community partners across multiple states, ensuring compliance with state and federal law and documenting obstacles Asian American voters face in the voting process.

**Asian Law Caucus** (“ALC”) is the nation’s first legal and civil rights organization serving low-income, immigrant, and underserved Asian American and

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<sup>1</sup> No counsel for a party authored this brief in whole or in part, and no party or counsel for a party made a monetary contribution intended to fund the preparation or submission of this brief. No person other than *amici*, their members, or counsel made such a monetary contribution.

Pacific Islander communities. ALC brings together impact litigation, direct legal services, community empowerment, and policy advocacy to fight for immigrant justice, economic security, and a stronger, multiracial democracy. In the voting rights context, ALC advocates to advance voting for AAPI voters and other historically disenfranchised groups. Before major elections, ALC conducts Know Your Voting Rights workshops for community partners and their members and creates translated voting related factsheets. ALC also has one of the largest nonpartisan poll observation projects in California to ensure eligible voters are not turned away from the polls. During the November 2025 election, ALC observed polls in 26 counties across northern and central California. ALC has also co-sponsored election-related bills (*See, e.g.* , Assemb. B. 453, 2023-2024 Leg., Reg. Sess. (Cal. 2024) and Assemb. B. 884, 2023-2024 Leg., Reg. Sess. (Cal. 2024) (vetoed Sept. 2024)) and regularly litigates voting rights cases. (*See, e.g., In re Georgia Senate Bill 202*, No. 1:21-MI-55555 (N.D. Ga. 2021)); *Asian Americans Advancing Justice - Los Angeles v. Padilla*, 41 Cal. App. 5th 850 (2019). ALC is applying to appear as co-counsel for Plaintiffs on *NAACP v. Trump*, No. 1:26-cv-01151 (D.D.C. 2026), challenging Executive Order 14399.

**Asian Americans Advancing Justice – Atlanta** (“Advancing Justice - Atlanta”) is the first nonprofit legal advocacy organization dedicated to advancing the civil rights of Asian Americans, Native Hawaiian, Pacific Islander (“AANHPI”), Arab, Middle Eastern, Muslim, and South Asian (“AMEMSA”), and immigrant communities in Georgia and the Southeast. Advancing Justice – Atlanta builds power

within communities through direct services, impact litigation, policy advocacy, and community engagement. Advancing Justice – Atlanta’s nonpartisan voting rights work includes litigation to protect access to the ballot and combat voter disenfranchisement, and robust civic engagement programs, such as voter registration, get out the vote (“GOTV”), and election protection activities.

**Missouri Voter Protection Coalition (MOVPC)** is a nonpartisan statewide coalition dedicated to advancing free, fair, and accessible voting and strengthening democratic participation through voter engagement, policy advocacy, strategic litigation and running Missouri’s nonpartisan Election Protection program. A core focus of MOVPC’s work is safeguarding all available voting options for Missouri voters, including the right to cast a ballot by mail. MOVPC’s work is focused on eliminating voting barriers for marginalized and unrepresented communities, particularly communities of color, low-wage workers, young voters, seniors, voters with disabilities, new American citizens and language minorities.

**South Asian American Justice Collaborative (SAAJCO)** is a national nonprofit organization that fights for the civil and human rights of the South Asian diaspora in the United States through legal advocacy, community engagement, and narrative power. South Asian communities include substantial numbers of naturalized citizens and voters with limited English proficiency who may be particularly affected by unreliable citizenship data, confusion regarding documentation requirements, and restrictions on voting by mail. SAAJCO has a strong interest in ensuring that eligible voters are not disenfranchised or deterred

from participating in the democratic process by the requirements of Executive Order 14399.

**Common Cause** is a nonpartisan, grassroots organization dedicated to fair elections, due process, and ensuring that government at all levels is more democratic and responsive to the interests of the people. Founded by John Gardner in 1970 as a “citizens’ lobby,” Common Cause has nearly 1 million members nationwide and staff in 22 states plus in the District of Columbia. Common Cause has assisted with voter registration, encouraged voting, and advocated for policies at the federal, state, and local levels that would make participation in our democracy more accessible and convenient.

Additional amici curiae are diverse civil rights organizations, direct service providers, civic engagement groups, policy advocacy and legal organizations that work with and among underserved and underrepresented communities, and advocate for the rights and empowerment of individuals and their communities. Many have worked for decades to increase civic participation among their constituents, including by conducting voter outreach and education to promote voter registration and voter turn-out. Many provide assistance to help voters overcome barriers to voting, such as inadequate language access, disability access challenges, and trouble navigating elections systems. See Appendix for full list.

## **CORPORATE DISCLOSURE STATEMENT**

None of the amici have a direct financial interest in the outcome of the case.

No amicus has a parent corporation, and no publicly held corporation owns 10% or more of the stock of any amicus.

## INTRODUCTION AND SUMMARY OF ARGUMENT

The right to vote is a “fundamental political right, because [it is] preservative of all rights.” *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886). Executive Order 14399 (the “EO”), and the United States Postal Service Rule, *Ballot Mail for Federal Elections*, 91 Fed. Reg. 54,966 (Aug. 26, 2026) (the “USPS Rule”) interfere with that sacrosanct right for millions of Americans across the nation.<sup>2</sup> Amici write to underscore the direct harms Sections 3 of the EO and the USPS Rule pose to voters, which pertain to the balance of equities this Court should consider in evaluating the requested stay. *Little v. Reclaim Idaho*, 591 U.S. 1060, 1061–63 (2020). These harms to non-parties—here, American voters at-large and identifiable groups—are relevant in weighing the equities and the public interest, a factor in considering a stay under *Nken v. Holder*, 556 U.S. 418, 426 (2009).<sup>3</sup>

The restrictions set out in Section 3 of the EO, and the USPS Rule implementing the EO, threaten to disenfranchise millions of eligible voters who rely on mail-in ballots—among them naturalized citizens, voters with limited English proficiency, elderly voters, and voters with disabilities.

Additionally, the EO’s threat to disenfranchise millions of voters has already created confusion and challenges for communities seeking to exercise their most

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<sup>2</sup> State United Democracy Center, *Nearly 1 in 3 Americans Voted by Mail in 2024*, WWW.STATESUNITED.ORG, (updated April 13, 2026), <https://statesunited.org/resources/americans-vote-by-mail-2024/>, (estimating more than 48 million were cast by mail in 2024); California Secretary of State, *Historical Vote-By-Mail (Absentee) Ballot Use in California*, [WWW.SOS.CA.GOV](http://WWW.SOS.CA.GOV), (last visited August 1, 2026) <https://www.sos.ca.gov/elections/historical-absentee>. (showing in 2024 7.7 million mail ballot voters in California alone).

<sup>3</sup> The First Circuit noted, “[w]hen assessing the fourth factor, we consider the interests of the public in general, including American voters, not just the interests of the parties.” *California v. Trump*, --- F.4th ---, 2026 WL 2144084, at \*4 (1st Cir. July 25, 2026).

essential right to vote. The uncertainty surrounding the EO's implementation compounds the upheaval and fear communities feel and chills democratic participation.

Given these concrete harms, the balance of equities clearly weighs against a stay of the injunction on the EO. “The right to vote freely for the candidate of one’s choice is of the essence of a democratic society,” and the Constitution protects that right in the face of attempts to deny or restrict it. *Reynolds v. Sims*, 377 U.S. 533, 554-55 (1964). Civil rights leader John Lewis reaffirmed this principle: “To make it hard, to make it difficult almost impossible for people to cast a vote is not in keeping with the democratic process.”<sup>4</sup> We urge the Court to take heed and reject the stay.

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<sup>4</sup> Andrew Cohen, *Rep. John Lewis: 'Make Some Noise' on New Voting Restrictions*, THE ATLANTIC, (Aug. 26. 2012), <https://www.theatlantic.com/politics/archive/2012/08/rep-john-lewis-make-some-noise-on-new-voting-restrictions/261549/>.

## ARGUMENT

An administrative stay would permit implementation of the EO and the USPS Rule, before questions as to their lawfulness are resolved, and would authorize concrete, foreseeable, and, in practical terms, irreversible harm to identifiable voters in these weeks before a federal election, with no realistic mechanism for redress for voters who are harmed. This reality that, in just 55 days, millions of voters may be disenfranchised or subject to new and unlawful USPS policies that hinder their participation in democracy belongs in this Court’s assessment of where the equities and the public interest lie.

### **I. THE USPS RULE WOULD DISENFRANCHISE CITIZENS BY UPENDING MAIL-IN VOTING, A METHOD OF VOTING ON WHICH MILLIONS OF AMERICANS NATIONWIDE RELY IN ORDER TO EXERCISE THEIR RIGHT TO VOTE.**

Tens of millions of Americans—from all backgrounds and regions of the country—use mail voting to participate in our democracy.<sup>5</sup> Two-thirds of all states, plus Washington, D.C., have “no-excuse absentee” voting (whereby any eligible voter may choose to vote by mail) or automatically send mail ballots—indicating prevalent use of this method of voting.<sup>6</sup> Universal access to mailed ballots has been found to increase turnout by 3 to 4 percentage points.<sup>7</sup> Another report gathering data from the U.S. Election Assistance Commission (EAC)’s 2024 Election Administration and

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<sup>5</sup> State United Democracy Center, *Nearly 1 in 3 Americans Voted by Mail in 2024*, *supra* note 2.

<sup>6</sup> *Voting Outside the Polling Place: Absentee, All-Mail and Other Voting at Home Options*, Nat’l Conf. of State Legislatures (updated Aug. 1, 2025), <https://www.ncsl.org/elections-and-campaigns/voting-outside-the-polling-place>.

<sup>7</sup> R. Michael Alvarez & Yimeng Li, *Universal Mail Ballot Delivery Boosts Turnout: The Causal Effects of Sending Mail Ballots to All Registered Voters*, 88 J. Pol. <https://www.journals.uchicago.edu/doi/epdf/10.1086/736867>.

Voting Survey showed that nearly one in three voters cast a ballot by mail in the last federal election.<sup>8</sup> Eight states and Washington, D.C. currently conduct all elections by mail,<sup>9</sup> covering 44.8 million U.S. citizens or 19% of the American electorate.<sup>10</sup> Nationally, 47% of Asian American and 34% of Latine voters cast their ballots by mail in the November 2024 election.<sup>11</sup>

The USPS Rule, implementing Section 3 of the EO, imposes extra USPS procedures on all states that intend to use mail-in voting. States are required to submit to the USPS, in advance of elections, records of eligible mail ballot voters via a newly created Federal Ballot Mail Portal. Only voters whose records are collected in the USPS's Portal's record set may be mailed a ballot. Pursuant to the EO, the USPS Rule requires USPS subsequently to provide each state with a list of individuals enrolled for mail-in voting. The USPS asserts that these state-specific Mail-In and Absentee Participant Lists are intended in part for law enforcement purposes to understand who was mailed a ballot and to identify anomalous incidents for investigation. In light of the EO's provisions calling for the creation of almost certainly unreliable Federal citizenship lists, and the criminal investigation and prosecution of election officials, the USPS Rule must be understood as one part of an

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<sup>8</sup> State United Democracy Center, *Nearly 1 in 3 Americans Voted by Mail in 2024*, supra note 2.

<sup>9</sup> *Table 18: States With Mostly Mail Elections*, Nat'l Conf. of State Legislatures (Apr. 6, 2026), <https://www.ncsl.org/elections-and-campaigns/table-18-states-with-all-mail-elections>.

<sup>10</sup> U.S. Census Bureau, 2024 Current Population Survey, Voting and Registration Supplement, "Table 4a: Reported Voting and Registration of the Total Voting-Age Population, for States: November 2024," <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-587.html>.

<sup>11</sup> U.S. Census Bureau, *Voting and Registration in the Election of November 2024*, Table 14: Method of Voting, by Selected Characteristics: November 2024 (Apr. 2025), <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-587.html>.

election interference scheme that undermines fair and accessible participation by eligible voters. Not only will mail ballot voters be dependent on error free participation of their states in a new and cumbersome process for mailing of ballots, they may also be subject to investigation based on lists produced by the USPS—an entity neither charged with nor authorized to play any specific role in election administration.

This USPS Rule creates an added level of scrutiny for all voters, but one that particularly jeopardizes voter groups who have historically and consistently voted by mail in high percentages -- groups including naturalized citizens, elderly voters, transient voters, voters with limited English proficiency, voters with disabilities, and lower-income voters. Many of these voters rely on voting by mail not out of preference, but because they do not have the ease or ability to physically go to a polling location, or they need additional assistance (for example, translation).

**A. Naturalized citizens vote by mail more than native-born citizens.**

Thirty-six percent of naturalized U.S. citizens cast their ballots by mail in November 2024, compared to 28% of native-born citizens.<sup>12</sup> New citizens often need family, friends, or community organizations to help them navigate the ballot, and, therefore, they particularly benefit from having ballots available by mail. Additionally, a significant portion of naturalized citizens reside in states where vote-by-mail is the primary method of voting. For example, 23% of all naturalized citizens

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<sup>12</sup> *Id.*

reside in California,<sup>13</sup> where nearly 82%<sup>14</sup> of all voters vote with the ballot they receive in the mail—casting it by either returning it by mail, at a drop box, or at a drop off location. Naturalized citizens who would be directly impacted are concentrated in certain immigrant communities. Asian and Latin American immigrants make up the vast majority of naturalized U.S. citizens. Asian American communities constitute the largest share of naturalized citizens.<sup>15</sup> The majority of eligible Asian American voters are naturalized citizens -- 56% are naturalized citizens, compared with 44% who are U.S.-born.<sup>16</sup> A 2024 report found more than 8.1 million adult naturalized citizens are Hispanic, a large share of the immigrant eligible voter population.<sup>17</sup>

**B. Eligible voters who have limited English proficiency often need additional time or support when voting and opt to vote by mail.**

Over 37% of immigrant eligible voters have limited English proficiency (“LEP”).<sup>18</sup> Many LEP voters, including significant numbers of elderly citizens, rely on mail voting because it allows them to take their time to understand their ballot or

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<sup>13</sup> Katherine Schaeffer, *1 in 10 Eligible Voters in the U.S. are Naturalized Citizens*, Pew Rsch Ctr. (Sept. 19, 2024), <https://www.pewresearch.org/short-reads/2024/09/19/1-in-10-eligible-voters-in-the-u-s-are-naturalized-citizens/>.

<sup>14</sup> USC Price Ctr. for Inclusive Democracy, *California’s 2024 General Election: Voting Methods and Early Voting*, at 9 (July 2025), [https://static1.squarespace.com/static/57b8c7ce15d5dbf599fb46ab/t/688dbdfd4a08101ae3691d8f/1754119684629/USC\\_CID\\_VotingMethods\\_Report\\_Final.pdf](https://static1.squarespace.com/static/57b8c7ce15d5dbf599fb46ab/t/688dbdfd4a08101ae3691d8f/1754119684629/USC_CID_VotingMethods_Report_Final.pdf).

<sup>15</sup> Karthick Ramakrishnan et al., *By the Numbers: Immigration, AAPI Data Guide on Timely Policy Issues*, AAPI Data, (Jan. 9, 2025), <https://aapidata.com/featured/by-the-numbers-immigration/#naturalizations>.

<sup>16</sup> Abby Budiman, Jeffrey S. Passel & Carlyne Im, *Key Facts About Asian American Eligible Voters in 2024*, Pew Rsch. Ctr. (Jan. 10, 2024), <https://www.pewresearch.org/short-reads/2024/01/10/key-facts-about-asian-american-eligible-voters-in-2024/>.

<sup>17</sup> Katherine Schaeffer, *supra* note 13.

<sup>18</sup> *Id.*

obtain assistance. An analysis by UCLA's Voting Rights Project found that 89.9% of minority language voters in California cast a mail ballot in the November 2020 election, which was slightly higher than the vote-by-mail rate among English language voters.<sup>19</sup> Last year, amicus Asian Law Caucus conducted a large survey of California voters with either a Spanish or Chinese language preference in their voter file. Roughly two-thirds of respondents said they voted by mail or used a drop box to vote in the November 2024 general election.<sup>20</sup> Language accessibility was the third most common reason that respondents cited for the specific method of voting they chose.<sup>21</sup> Many said they preferred to vote by mail because it allowed them time to read their ballot, understand the various propositions, and use a dictionary or a family member for translation help.<sup>22</sup> These options are especially necessary because many states do not provide language access to those who need it. Notably, LEP voters make up 28% of the Asian American eligible voting population.<sup>23</sup>

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<sup>19</sup> Matt Barreto et al., *California Voter's Choice Act: Language Access During the November 2020 General Election*, UCLA Voting Rights Project, at 3 (May 2022), <https://elections.cdn.sos.ca.gov/vca/2020-vca-report/appendix-b2-ucla-general.pdf>

<sup>20</sup> Asian Law Caucus, California Common Cause, & PANA, *Forging Ahead: Community Voices and the Impact of Language Access in the Electoral Process*, at 33-34. <https://cdn.craft.cloud/5cd1c590-65ba-4ad2-a52c-b55e67f8f04b/assets/media/Programs/Voting-Rights/Forging-Ahead-Community-Voices-and-the-Impact-of-Language-Access-in-the-Electoral-Process.pdf>

<sup>21</sup> Forging Ahead, *supra* note 20, at 34.

<sup>22</sup> Forging Ahead, *supra* note 20, at 34.

<sup>23</sup> U.S. Census Bureau, American Community Survey 2024 (5-Year Estimates), Public Use Microdata Sample, <https://data.census.gov/app/mdat>.

**C. Many voters with disabilities rely on vote-by-mail and would be harmed by the EO's mail-in ballot process changes.**

Voting by mail is crucial among voters with a disability.<sup>24</sup> Even among states that limit who can access a ballot by mail, all allow voters with a disability or illness to use this method of voting.<sup>25</sup> Nationally, in 2020, 53% of voters with disabilities voted by mail, compared to 42% of voters without disabilities.<sup>26</sup>

According to a report by the EAC and Rutgers University regarding the 2022 elections, 15.8 million citizens with disabilities reported voting in the November 2022 elections.<sup>27</sup> Most importantly, the states that provide easier access to voting by mail in 2022 as compared to 2018 had significantly higher turnout rates among voters with disabilities. States that switched from excuse-required to a no-excuse system saw an increase of 6.9 points, and states that switched from no-excuse to all vote-by-mail saw an increase of 5.3 points.<sup>28</sup>

Voters with mobility issues often must secure transportation and navigation help in order to vote in person. A Georgia voter with cerebral palsy described his one-

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<sup>24</sup> Jess Davidson, American Association of People with Disabilities Responds to Executive Order Threatening Vote by Mail, AAPD (Apr. 2, 2026), <https://www.aapd.com/trump-vote-by-mail-eo-statement/>.

<sup>25</sup> Nat'l Conf. of State Legislatures, *Voting Outside the Polling Place: Absentee, All-Mail and Other Voting at Home Options*, Table 2: Excuses to Vote Absentee (June 3, 2026), <https://www.ncsl.org/elections-and-campaigns/table-2-excuses-to-vote-absentee>.

<sup>26</sup> Lisa Schur & Douglas Kruse, *Disability and Voter Turnout in the 2020 Elections*, Rutgers Disability Vote Summit (2021), [www.ndrn.org/wp-content/uploads/2021/09/Rutgers-Disability-Vote-Summit-Slides.pdf](http://www.ndrn.org/wp-content/uploads/2021/09/Rutgers-Disability-Vote-Summit-Slides.pdf).

<sup>27</sup> U.S. Vote Found., *Closing the Gap on Voters with Disabilities - Updated for 2024*, <https://www.usvotefoundation.org/closing-gap-voters-disabilities-updated-2024> (last visited Aug. 1, 2026).

<sup>28</sup> Lisa Schur, Douglas Kruse, and Mason Ameri, *Disability and Voter Turnout in the 2022 Elections (Supplemental Analysis of Census Voter Turnout Data)*, Election Assistance Commission and Rutgers University, pp. 5-6 (2023), [www.eac.gov/sites/default/files/2023-07/EAC\\_2023\\_Rutgers\\_Report\\_Supplement\\_FINAL.pdf](http://www.eac.gov/sites/default/files/2023-07/EAC_2023_Rutgers_Report_Supplement_FINAL.pdf)

time experience voting in person as costly, laborious and a multi-step process. He described vote-by-mail as a “lifeline to make [his] voice heard, express satisfaction or dissent, and remain part of a system that often overlooks people like [him].”<sup>29</sup>

**D. Older voters vote by mail more frequently than their younger counterparts.**

Similar to voters with disabilities, 37% of voters aged 65 or over cast ballots by mail, compared to 26% of voters aged 18-44.<sup>30</sup> Eight states that limit who can access a ballot by mail allow voters of a certain age to vote by mail even if they do not necessarily have a mobility issue. These states recognize that elderly voters may have mobility issues that prevent easy access to a polling location or prevent them from standing in long lines at the polls, and thus may need to vote by mail in order to exercise their franchise.

**E. Voters who move or change addresses and low-income voters will be challenged by barriers to mail-in voting.**

The USPS policy restricts mail-in ballot usage for voters whose address has changed or may not match the lists used pursuant to the EO. Address instability is concentrated among low-income Americans. In 2022, 12.1 million renting households were severely cost-burdened, and in 2023 more than one million evictions were filed, and more than 650,000 people experienced homelessness.<sup>31</sup> Rental residential mobility, in turn, depresses voter turnout, an effect attributed to the need to re-

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<sup>29</sup> Nick Papadopoulos, *Voting By Mail is My Lifeline: Voter With Disability Shares Importance of Mail-in Voting*, ACLU (June 3, 2026), [www.aclu.org/news/voting-rights/voting-by-mail-is-my-lifeline-voter-with-disability-shares-importance-of-mail-in-voting](https://www.aclu.org/news/voting-rights/voting-by-mail-is-my-lifeline-voter-with-disability-shares-importance-of-mail-in-voting).

<sup>30</sup> U.S. Census Bureau, *supra* note 11, at Table 14.

<sup>31</sup> Simrun Singh & Katherine Fallon, *Housing Instability Is a Critical Barrier to Voting Access*, Urb. Inst.: Hous. Matters (Oct. 23, 2024), <https://housingmatters.urban.org/articles/housing-instability-critical-barrier-voting-access>.

register after moving and particularly so when the move follows eviction or foreclosure.<sup>32</sup> A bipartisan group of ten state and local election officials warned the USPS that voters “who have completed all required steps to receive mail ballots” may still fail to reach the list, and that a voter who does not receive an expected ballot “may not have another opportunity to vote.”<sup>33</sup> The voters least able to absorb that error are those whose addresses change most often. According to the U.S. Census Bureau, about 12% of Americans move each year.<sup>34</sup>

## **II. THE EO HAS ALREADY CAUSED UNCERTAINTY AND CONFUSION AMONG VOTERS, THREATENING TO CHILL DEMOCRATIC PARTICIPATION.**

The EO and actions of the federal agencies have caused uncertainty and confusion among eligible voters across communities, undermining confidence in and understanding of their ability to participate in upcoming elections, all creating a chilling effect on voter participation.<sup>35</sup> Voters are concerned they will be improperly excluded from the citizenship list, will not know if they are on any list, or will have difficulty fixing an improper exclusion.<sup>36</sup> The executive director of Black Voters

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<sup>32</sup> *Id.*

<sup>33</sup> Bipartisan Policy Ctr., *BPC Public Comment on USPS Proposed Rule on Ballot Mail for Federal Elections* (July 2, 2026), <https://bipartisanpolicy.org/wp-content/uploads/2026/07/BPC-Ballot-Mail-for-Federal-Elections-Public-Comment.pdf>.

<sup>34</sup> U.S. Census Bureau, *United States Migration/Geographic Mobility at a Glance: American Community Survey 1-Year Estimates* (Sept. 16, 2025), <https://www.census.gov/topics/population/migration/guidance/acs-1yr.html>.

<sup>35</sup> American Postal Workers Union Comments on Proposed Rule: Ballot Mail for Federal Election (Jun. 29, 2026) (“Already the public is confused and concerned; the damage this rule will do to service and the Postal Service’s reputation is truly unprecedented.”) <https://www.savethepostoffice.com/wp-content/uploads/2026/07/Comments-on-USPS-ballot-mail-proposal.pdf>.

<sup>36</sup> See Decl. of Jill Howard, *DSCC v. Trump*, No. 1:26-cv-01114 (D.D.C. 2026), ECF No. 54-6; Decl. of Brian James Freeman, *DSCC v. Trump*, No. 1:26-cv-01114 (D.D.C. 2026), ECF No. 54-8; see also Decl. of Carolyn Betensky, *DSCC v. Trump*, No. 1:26-cv-01114 (D.D.C. 2026), ECF No. 55-10.

Matter Fund and VBM Capacity Building Institute, Inc.<sup>37</sup> has stated the EO undermines their attempts to assure voters that the elections will be fairly administered and that their data will be protected. They have already received voter and partner inquiries related to voter eligibility, the ability to continue to vote by mail, and concerns about data privacy. Amicus Common Cause expects to confront confusion and inform voters how to correct any errors if they are excluded from the USPS or DHS lists.<sup>38</sup> Secure Families Initiative, a nonprofit organization whose military families and veterans rely heavily on mail-in voting, is preparing to monitor impacts on their members related to the state citizenship lists and state participation lists.<sup>39</sup> Many other organizations are similarly responding to attacks on democratic norms and preparing to protect voters harmed by the EO.<sup>40</sup>

## CONCLUSION

The harms of the EO and the USPS's actions in furtherance of it impact a vast number of voters and community-serving groups and would culminate in widespread disenfranchisement. Amici urge the Court, in weighing the traditional factors

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<sup>37</sup> Decl. of Clifford Albright, *DSCC v. Trump*, No. 1:26-cv-01114 (D.D.C. 2026), ECF No. 54-9.

<sup>38</sup> Decl. of Elena Nunez on Behalf of Common Cause, *DSCC v. Trump* *DSCC v. Trump*, No. 1:26-cv-01114 (D.D.C. 2026), ECF No. 54-3; *see also* Decl. of Kyle Giddings, *DSCC v. Trump*, No. 1:26-cv-01114 (D.D.C. 2026), ECF No. 54-4.

<sup>39</sup> Decl. of Sarh Streyder, Executive Director, Secure Families Initiative, *DSCC v. Trump*, 1:26-cv-01114 (D.D.C. 2026), ECF No. 53-12.

<sup>40</sup> *See* PRRI, *Survey: As the Nation Marks 250th Birthday, Seven in Ten Americans Believe Democratic Freedoms Are in Danger* (June 17, 2026), <https://prri.org/press-release/survey-as-the-nation-marks-250th-birthday-seven-in-ten-americans-believe-democratic-freedoms-are-in-danger/>; Bright Line Watch, *The Persistence of Diminished Democracy in a Second Trump Presidency*, <https://brightlinewatch.org/the-persistence-of-diminished-democracy-in-a-second-trump-presidency/> (last visited July 31, 2026) (finding expert assessments of U.S. democracy fell to the lowest recorded levels in spring 2025, comparable to 1965); Delano Massey, *Exclusive: New poll finds most Americans fear civil war and democratic decline*, *Axios* (Nov. 18, 2025), <https://www.axios.com/2025/11/18/americans-fear-civil-war-poll>.

applicable to considering a stay, to recognize the grave harm this EO is already causing and the further harm it will cause to so many voters. The public interest here lies with tens of millions of American voters and their right to vote without unnecessary and harmful barriers.

For these reasons, the Court should deny the application for a stay.

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September 9, 2026

## **Statements of Interest of Additional Amici Curiae**

**AAPI Equity Alliance** is a coalition of 50 organizations serving AAPI communities in Los Angeles County.

**Arizona Asian American Native Hawaiian and Pacific Islander for Equity (AZ AANHPI for Equity)** is a state-wide organization striving for equity and justice by building power through community directed organizing, increasing civic engagement, and empowering young leaders.

**Asian Americans Advancing Justice of Southern California (AJSOCAL)** is a leading civil rights advocate for the Asian American and Pacific Islander community.

**Asian Americans and Pacific Islanders of New Jersey (AAPI NJ)** is a state-level Asian American advocacy organization based in New Jersey.

**Asian Law Alliance** is a legal services organization working for justice dignity and equality for low-income Santa Clara County Residents.

**Asian and Pacific Islander American Vote (APIAVote)** is a leading national nonpartisan nonprofit dedicated to engaging, educating, and empowering Asian American and Pacific Islander communities to strengthen and sustain a culture of civic engagement.

**Asian Refugees United (ARU)** is an Art, Healing, and social Justice Leadership Center whose mission is to cultivate and restore wholeness in communities impacted by displacement.

**Chinese for Affirmative Action (CAA)** is a progressive voice in and on behalf of AAPI communities, and CAA advocates for systemic change that protects immigrant rights, promotes language diversity, and remedies racial and social injustice.

**Coalition for Humane Immigrant Rights (CHIRLA)** was founded in 1986 to advance the human and civil rights of immigrants and refugees and become a place

for organizations and people who support human rights to work together for policies that advance justice and full inclusion for all immigrants.

**Council on American-Islamic Relations (CAIR)** and its 25 affiliated chapters work to enhance the public's understanding of Islam, protect civil rights, empower American Muslims, and promote justice for all.

**Equal Justice Society** is a national civil rights organization building an inclusive and multiracial democracy.

**Hands United** is a national nonprofit serving Deaf and hard of hearing immigrants and their families.

**LEAD Filipino** is a multi-state organization that advances Filipino American and Asian American Pacific Islander cultural and civic power.

**Mekong NYC** uplifts and organizes the Southeast Asian refugee and immigrant community in the Bronx and throughout New York City.

**Miami Valley Immigration Coalition** is a Southwest Ohio coalition committed to immigrant justice.

**OneAmerica** is a power building organization that works to advance democracy and justice by building power within immigrant and refugee communities in Washington State.

**Parent-Child Relationship Association** is a nonprofit organization that empowers immigrant families through education, community services, and civic engagement.

**Public Counsel**, based in Los Angeles, California, is a nonprofit public interest law firm dedicated to advancing civil rights and racial and economic justice, as well as amplifying the power of its clients through comprehensive legal advocacy.

**SAATH** is mobilizing the future of South Asian politics.

**SAAVETX EF** is the largest South Asian outreach organization in Texas.

**Services, Immigrant Rights and Education Network (SIREN)** is an immigrant rights organization whose mission is to empower low-income immigrants and refugees through community education and organizing, leadership development, policy advocacy, civic engagement and legal services.

**Sikh American Legal Defense and Education Fund (SALDEF)** is the nation's oldest Sikh organization focused on building leadership and capacity in the Sikh American community.

**Stop AAPI Hate** is dedicated to exposing and combating racism and discrimination against Asian Americans and Pacific Islander (AAPI) people in the U.S.

**The Workers Circle** is a national, secular Jewish social justice organization working to strengthen voting rights, demand democracy, and build a better and more beautiful world for all.

Specifically, as the Federal Government itself has acknowledged, the citizenship data on which the lists contemplated by Section 2 of the EO rely, is necessarily incomplete and inaccurate. Those structural gaps and inaccuracies jeopardize the franchise of all eligible voters, particularly new voters (naturalized citizens), voters with limited

English proficiency, those with non-Anglo or unconventional names, and historically disenfranchised groups.