

MOTION BY SUPERVISOR MARK RIDLEY-THOMAS

SEPTEMBER 1, 2020

Ratifying the Executive Order of the Chair Pro Tem of the County of Los Angeles Board of Supervisors Following Proclamation of Existence of a Local Health Emergency Regarding Novel Coronavirus (COVID-19) to Ensure the Functioning of American Democracy Amid the Pandemic and Preservation of United States Postal Service

The United States Postal Service (USPS) plays a central role in the functioning of American democracy. In fact, Justice Oliver Wendell Holmes, Jr., a champion of the constitutional right to free speech, stated that the use of the mail service is as important as free speech. Amid the COVID-19 pandemic, the USPS has become even more critical to the functioning of this nation’s democracy. Many people will rely on consistent mail service not only to cast ballots but also receive medications during a time when gathering in one place, standing in line, and touching the same election machinery present a health risk. For these reasons, most States have expanded their vote-by-mail alternatives.

In spite of these circumstances, Postmaster General (Postmaster) Louis DeJoy (DeJoy) recently, and just before the General Election, decided to implement changes at the USPS without first seeking authority from the Postal Commission or seeking input from stakeholders. These actions, allegedly taken to cut costs, threaten the public's ability to vote by mail. Furthermore, Postmaster DeJoy acknowledged that his recent policies have altered USPS' overall service levels and that the public "may see mail left behind" as "extra trips are no longer authorized."

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MOTION

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Because it is crucial to sort election mail from other mail and ensure that it is handled correctly, the Postmaster's changes are likely to have significant and detrimental consequences for those seeking to cast their vote by mail. There is no explanation from the Postmaster as to why these policy changes must happen immediately before the General Election and how the changes would result in monetary savings.

Adding to the troubling events, there has been no consultation with labor unions and other industry groups, and many mailboxes and hundreds of sorting machines have been removed or destroyed across the nation, including in Los Angeles County (County), without notice. These changes place a significant burden on the right to vote, violate the United States Constitution's promise of equal protection, and violate the constitutional mandate that all votes be treated alike.

Postmaster DeJoy's changes, which threaten the integrity of the nation's postal service and compromise the health and constitutional rights of the County's residents, have been recently challenged in court. Such challenges include lawsuits filed by Attorneys General of California, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, City and State of New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Wisconsin, and Washington, and by the City Attorney of the City and County of San Francisco.

This Board of Supervisors (Board) must ensure that all eligible County residents are able to cast a ballot, regardless of their circumstances. As such, it is incumbent on the Board to take all available actions to protect the fundamental rights of the people of this County.

I THEREFORE MOVE that the Board of Supervisors ratify the attached Executive Order dated August 20, 2020 authorizing the County of Los Angeles, through County Counsel, to join and/or file in litigation as plaintiff or amicus curiae aimed to prevent post office changes that threaten the public's ability to vote by mail and obtain life-saving medication, and oppose the Trump Administration's further attempts, through Postmaster General Louis DeJoy's recent post office changes or otherwise, to compromise the

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public's constitutional rights, and to protect the integrity of the nation's postal services, including the pending case captioned *State of Washington, et al. v. Donald J. Trump, et al.*, Case No. 1:20-cv-03127-SAB (E.D.W), or any other litigation deemed appropriate by County Counsel.

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(DJ)

**Taking Urgent Action to Ensure the Functioning of American Democracy Amid
COVID-19, Once-In-a-Century Pandemic**

**EXECUTIVE ORDER OF THE CHAIR PRO TEM OF THE COUNTY OF LOS
ANGELES BOARD OF SUPERVISORS FOLLOWING PROCLAMATION OF
EXISTENCE OF A LOCAL HEALTH EMERGENCY REGARDING NOVEL
CORONAVIRUS (COVID-19)**

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency within the State of California ("State") due to the threat posed by Novel Coronavirus ("COVID-19");

WHEREAS, on March 4, 2020, the Chair of the Los Angeles County Board of Supervisors ("Board") proclaimed, pursuant to Chapter 2.68 of the Los Angeles County Code, and the Board ratified that same day, the existence of a local emergency because the County of Los Angeles ("County") is affected by a public calamity due to conditions of disaster or extreme peril to the safety of persons and property arising as a result of the introduction of the novel coronavirus ("COVID-19") in Los Angeles County;

WHEREAS, also on March 4, 2020, the County Health Officer determined that there is an imminent and proximate threat to the public health from the introduction of COVID-19 in the County, and concurrently declared a Local Health Emergency;

WHEREAS, on March 21, 2020, due to the continued rapid spread of COVID-19 and the need to protect the community, the County Health Officer issued a revised Safer at Home Order for Control of COVID-19 ("Safer at Home Order") prohibiting all events and gatherings and closing non-essential businesses and areas until April 19, 2020, which has been revised to continue to ensure that County residents remain in their residences as much as practicable, to limit close contact with others outside of their household in both indoor and outdoor spaces;

WHEREAS, California Government Code section 8550 et seq., Los Angeles County Code ("Code") Section 2.68.150, and Rules of the Board of Supervisors, Section 12, in the absence or inability to act of the Chair, empower the Chair Pro Tem of the Board of the County, to promulgate orders and regulations for the protection of life and property where necessary to preserve the public order and safety;

WHEREAS, the United States Postal Service ("USPS") plays a central role in the functioning of American Democracy;

WHEREAS, the USPS provides an essential service to County residents by delivering mail, including medications, financial payments, and mail-in ballots.

WHEREAS, COVID-19 forced many County residents, including seniors and the medically vulnerable, to shelter-in-place, thus, relying on receipt of mail from the USPS.

WHEREAS, the use of the mail is as important as free speech, as Justice Oliver Wendell Holmes, Jr. stated in 1921;

WHEREAS, amid COVID-19, USPS has become even more important to the functioning of our Democracy: it is incredibly risky to gather in one place, to stand in line, and touch the same election machinery, thus, most States have expanded their vote-by-mail alternatives;

WHEREAS, on May 8, 2020, Governor Newsom issued Executive Order N-64-20, which mandates that all registered California voters receive vote-by-mail ballots for the November 3, 2020 General Election due to COVID-19.

WHEREAS, certain operational changes within the USPS were taken without first seeking authority from the Postal Commission.

WHEREAS, these operational changes may threaten the integrity of the voting system.

WHEREAS, Postmaster General Louis DeJoy's recent actions of cost-cutting threaten the public's ability to vote by mail;

WHEREAS, Postmaster DeJoy acknowledged that the recent policies have altered USPS's overall service levels;

WHEREAS, Postmaster DeJoy acknowledged that they "may see mail left behind" and "extra trips are no longer authorized";

WHEREAS, because it is crucial to sort election mail from other mail, ensuring it is handled correctly, Postmaster DeJoy's changes are likely to have significant consequences for election mail;

WHEREAS, there is no explanation from Postmaster DeJoy as to why this policy change must happen right before the General Election and how the changes are going to save money;

WHEREAS, there was zero consultation with unions and other industry groups, and hundreds of sorting machines have been removed or destroyed across the County;

WHEREAS, in addition, USPS began removing many mailboxes from services across several states;

WHEREAS, the policy changes pose a significant burden on the right to vote; violate the Constitution's promise of Equal Protection and the mandate that all votes be treated alike;

WHEREAS, recently filed litigation challenging Postmaster DeJoy's changes, which threaten the integrity of the nation's postal service, and compromises the health and Constitutional rights of the County's residents, include lawsuits filed by Attorneys General of Washington, Colorado, Connecticut, Illinois, Maryland, Michigan, Minnesota, Nevada, New Mexico, Oregon, Rhode Island, Vermont, Virginia and Wisconsin, and

lawsuits anticipated to be filed by Attorneys General of Pennsylvania, with California, Delaware, Maine, Massachusetts, North Carolina, New Jersey, and New York.

WHEREAS, this Board must ensure all eligible County residents are able to cast a ballot, no matter where they are or what their mental or physical abilities are;

WHEREAS, the County has an interest in protecting the health and welfare of its citizens who depend on the USPS to timely deliver important and necessary items, including medications, Social Security payments, legal documents, and mail-in-ballots.

WHEREAS, the County must guarantee the provision of Vote-by-Mail ballots to all registered voters to limit exposure to COVID-19 by providing alternative options to voting in person;

WHEREAS, it is incumbent on the Board to take all available action to protect the people of this County;

WHEREAS, the Board determined that an emergency continues to exist within the County threatening the lives, property and welfare of the County and its constituents.

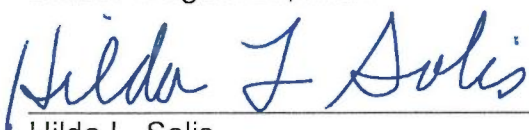
WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to exercise my authority to issue this Executive Order;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED by the Chair Pro Tem of the Board of Supervisors of the County of Los Angeles, that an emergency continues to exist within the County threatening the lives, property and welfare of the County and its constituents.

IT IS HEREBY ORDERED THAT:

The County may join and / or file in litigation as amicus curiae aimed to prevent post office changes that threaten the public's ability to vote by mail and obtain life-saving medication, and oppose the Trump Administration's further attempts, through the Postmaster General Louis DeJoy's recent post office changes or otherwise, to compromise the public's Constitutional rights, and to protect the integrity of the nation's postal services, including the pending cases captioned *State of Washington, et al. v. Donald J. Trump, et al.*, Case No. 1:20-cv-03127-SAB (E.D.W.); or any other litigation deemed appropriate by County Counsel.

Dated: August 20, 2020



Hilda L. Solis
Chair Pro Tem, Los Angeles County Board of Supervisors

