

Exhibit A

Declaration of Colorado Secretary of State
Jena Griswold

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11
12 **UNITED STATES DISTRICT COURT**
EASTERN DISTRICT OF WASHINGTON
13 **AT YAKIMA**

14 STATE OF WASHINGTON, et
al.,
15
16 Plaintiffs,
v.
17 DONALD J. TRUMP, et al.,
18 Defendants.

NO. 1:20-cv-03127-SAB

DECLARATION OF
COLORADO SECRETARY OF
STATE JENA GRISWOLD IN
SUPPORT OF PLAINTIFF
STATES' MOTION FOR
TEMPORARY RESTRAINING
ORDER

1 I, Jena Griswold, Colorado's Secretary of State, declare as follows:

2 1. I am the 39th Colorado Secretary of State, elected by the people of
3 Colorado in 2018. I am the chief election official of the state.

4 2. The statements in this declaration are all based on my own
5 personal knowledge, including information gathered by employees of the
6 Secretary of State's office.

7 **Colorado's mail voting system is a national model**

8 3. Colorado is a national leader in mail voting. In 2013, Colorado
9 passed the Voter Access and Modernized Elections Act, 2013 Sess. Laws 681,
10 under which all registered voters are sent a mail ballot. The Colorado General
11 Assembly enacted this measure because "the people's self-government through
12 the electoral process is more legitimate and better accepted when voter
13 participation increases" and decided that "expand[ing] the use of mail ballot
14 elections" was an appropriate "means to increase voter participation." *Id.*

15 4. Since 2014, Colorado has relied on the U.S. mail system to facilitate
16 its elections. In the 2020 state primary, Colorado counties used the U.S. mail
17 system to deliver ballots to 3,306,300 voters.

18 5. Every active registered voter in Colorado receives a mail ballot
19 packet delivered through the U.S. Mail to the voter's last registered mailing
20 address. The ballots generally must be mailed between 18 and 25 days prior to
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1 an election. § 1-7.5-107(3)(a), C.R.S. (Overseas military voters receive their
2 ballots earlier. § 1-8.3-110(2), C.R.S.)

3 6. Although in-person voting remains an option, Colorado voters
4 overwhelmingly choose to vote the ballot that is mailed to them. In the 2016
5 state primary, 97% of Colorado voters cast the ballot they received in the mail.
6 In the 2016 general election, 93% of Colorado voters cast their mail ballot. And
7 in the 2020 state primary, 99% of Colorado voters cast their mail ballot.

8 7. Approximately 25% of those who vote the ballot received in the mail
9 also return the ballot through the U.S. mail, while the rest return their ballots to
10 their polling places or ballot drop boxes stationed throughout the state.

11 8. The reliability and effectiveness of Colorado's mail voting system is
12 an important reason why Colorado consistently has one of the highest voter
13 turnout rates in the country.

14 **Colorado's voting system depends on a reliable and trustworthy U.S.**
15 **Postal Service**

16 9. Colorado voters, Colorado counties, and the Secretary of State's
17 office all rely heavily on the mail to receive and return ballots. Disruptions to the
18 mail service could have serious consequences to the state and its voters, in
19 several ways.

20 10. First, delays to the mail in returning ballots can disenfranchise
21 voters. Based on our review of ballots submitted during the last several election
22

1 cycles, we ordinarily expect about 40% of all votes cast in an election to be
2 received either on election day or the day before.

3 11. Even minor delays of one or two days could result in tens of
4 thousands of votes not being counted due to no fault of the voter.

5 12. Colorado builds redundancies into its system, but these
6 redundancies only work if the U.S. mail system works in the way voters have
7 come to expect. For example, individuals can choose to vote in person rather
8 than cast their mail ballot. But, if a voter returns their ballot through the U.S.
9 mail with the reasonable expectation that it will be delivered on time, and due to
10 Postal Service delays it arrives late, that voter will have no way of knowing that
11 their mailed ballot will not be counted until it is too late for the voter to remedy
12 the issue. The system depends on the reliability of the mail.

13 13. Second, changes to Postal Service policy concerning the treatment
14 of election mail will undermine confidence in Colorado's elections. Colorado and
15 its counties, who are responsible for mailing out ballots, rely on the Postal
16 Service to prioritize election mail. The majority of Colorado's ballots are not
17 distributed as first class mail. Instead, the ballots are distributed using the
18 Postal Service's marketing mail rate. But there is a longstanding practice in
19 Colorado that the Postal Service treats all election mail, such as ballots, as first
20 class mail. My office has confirmed this practice in numerous conversations with
21 Postal Service officials.
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1 14. Reports suggest that the Postal Service will discontinue its historic
2 practice of prioritizing election mail in 2020. Doing so will frustrate the
3 legitimate, historically grounded expectations of state and local election officials
4 and Colorado voters.

5 15. The distribution of ballots in Colorado is heavily publicized. Once
6 voters learn that ballots have been mailed—roughly three weeks before an
7 election—those voters expect to receive their ballots in a timely fashion. We have
8 previously heard complaints from voters even when ballots are mailed out on the
9 last day of the allotted legal distribution window. Introducing any delay due to
10 an unannounced change in Postal Service policy opens the door to serious voter
11 confusion and frustration, and could erode confidence in Colorado’s election
12 system.

13 16. Colorado’s counties rely on the fact that election mail will be
14 treated as first class mail. And if the Postal Service no longer intends to treat
15 election mail this way, our counties may want to distribute their ballots as first
16 class mail. But given the timing of this year’s election, there is little the state
17 can do to prioritize election mail if the Postal Service refuses to do so. The
18 General Assembly is out of session and cannot appropriate funds to allow
19 counties to upgrade the mail to first class mail. The counties generally do not
20 have the funds to do so either. Accordingly, a change to Postal Service policy
21 may have serious impacts throughout Colorado.
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1 17. Third, the nationwide disruptions to the mail service will have
2 direct impacts on Colorado’s elections. Colorado relies on the nationwide mail
3 system for its voters to cast their ballots. 73,747 ballots are mailed to voters with
4 addresses out of state. 9,721 of these ballots are sent to military personnel
5 stationed outside of Colorado.

6 18. Postmaster General Louis DeJoy has stated that he does not intend
7 to restore the mail sorting machines the Postal Service has removed throughout
8 the country. We have received conflicting reports about sorting machines in
9 Colorado, including reports that at least one sorting machine has been
10 disassembled and not replaced. This has created uncertainty concerning the
11 processing of election mail sent within Colorado.

12 19. The machines that have been removed elsewhere, not to mention
13 the other service changes announced by General DeJoy, will also impair the
14 ability of servicemembers and other Colorado voters residing outside of Colorado
15 to cast their ballots. Nationwide slowdowns in mail delivery can prevent these
16 voters from having their votes counted.

17 20. Although Colorado counties make dropboxes available for
18 individuals to cast their mail ballots, some individuals have no choice but to rely
19 on the mail. For one, Colorado registered voters who currently reside out of
20 state, including members of the armed forces, cannot use the dropboxes.
21
22 Individuals who are unable to leave their homes, including those who may be ill

1 or quarantined due to COVID-19, also must rely on the U.S. mail to return their
2 ballots.

3 **The November 2020 ballot contains numerous measures of statewide**
4 **concern**

5 21. Individual voters in Colorado receive different ballots depending on
6 the county in which they live. But the November 2020 ballots that will be
7 distributed in Colorado will include many issues of statewide concern.

8 22. The November 2020 ballot contains eleven measures presented to
9 voters that will impact the State of Colorado moving forward. Colorado voters
10 will decide: whether to join the national popular vote compact; whether to
11 establish a paid family and medical leave program; whether to lower income
12 taxes; whether to put an abortion ban in place; whether to introduce gray wolves
13 to the state; whether to increase nicotine and tobacco taxes; whether to require
14 that all registered voters must be U.S. citizens; whether to require voter
15 approval before new state enterprises can be formed; whether to alter the state
16 constitution concerning charitable gaming; whether to allow changes to current
17 gambling restrictions in the state; and whether to change the means by which
18 property taxes are assessed in the state. Colorado voters will also be selecting
19 one of the state's two senators to the United States Congress, and casting their
20 vote for President and Vice-President of the United States.

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23. Colorado is relying on an effective U.S. mail system to facilitate the election of these matters of statewide concern.

24. Colorado’s election system is a model for the rest of the country. Since 2014 it has been overseen by both Democratic and Republican Secretaries of State, and has facilitated record turnout in state, local, and federal elections.

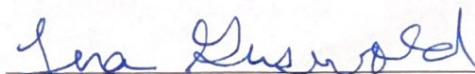
25. Transformative changes to the Postal Service—made months before the November 2020 election and without opportunity for public comment—have the potential to disrupt this model system on which Colorado, its counties, and its voters have come to rely.

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I declare under penalty of perjury that the foregoing is true and correct.

DATED this 8th day of September, 2020, at Cortez, Colorado.



JENA GRISWOLD
Colorado Secretary of State

DECLARATION OF
COLORADO SECRETARY OF
STATE JENA GRISWOLD

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