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## Pa. House Candidate Sues Over USPS Operational Changes

By **Matt Fair**

Law360 (August 21, 2020, 7:00 PM EDT) -- An independent candidate for the U.S. House of Representatives has filed suit in Pennsylvania federal court to reverse recent U.S. Postal Service operational changes that have slowed mail delivery and raised concerns that mail-in ballots in the upcoming election could go uncounted.

Melvin Johnakin, who is pursuing a long shot bid to unseat Rep. Dwight Evans, D-Pa., said recent changes implemented under Postmaster General Louis DeJoy threaten to disenfranchise voters who may try to take advantage of Pennsylvania's recently expanded vote-by-mail system in light of the coronavirus pandemic.

"In light of [the] expansion of mail-in voting, and the barriers to in-person voting posed by the COVID-19 pandemic, the number of Pennsylvanians voting by mail will increase dramatically in the upcoming elections," Johnakin said. "However, their ballots will be subject to the vagaries of the U.S. Postal Service, thereby causing plaintiff and many Pennsylvanians who vote by mail to face an impermissible risk of arbitrary disenfranchisement, in violation of their constitutional rights."

Johnakin's lawsuit Wednesday comes as state attorneys general from across the country have **lined up** to challenge internal operational changes at USPS including the removal of mail sorting equipment and the elimination of overtime.

The suits come as DeJoy released a statement Tuesday saying he was putting a halt to the changes "to avoid even the appearance of any impact on election mail."

In testimony before a Senate committee Friday, DeJoy assured lawmakers that USPS is able to handle the flood of election mail expected to come between now and November.

"As we head into the election season, I want to assure this committee and the American public that the Postal Service is fully capable and committed to delivering the nation's election mail securely and on time," he said. "This sacred duty is my No. 1 priority between now and election day."

But Michael Vanderveen, an attorney with Vanderveen O'Neill Hartshorn & Levin representing Johnakin, said DeJoy's assurances weren't good enough.

"I don't trust a political appointee hack saying he's going to do one thing or another," he said. "I trust in Lady Justice."

Johnakin's suit seeks an order that would force USPS to enact measures to make sure mail-in and absentee ballots in Pennsylvania are treated as Priority Mail, which offers delivery between one and three days.

In addition, he's asking for an order that would reverse operational changes including the removal of mailboxes and reduction in staffing hours to help ensure the timely delivery of ballots and other election mail.

Johnakin is represented by Michael Vanderveen of Vanderveen O'Neill Hartshorn & Levin.

Counsel information for USPS was not immediately available Friday.

The case is Melvin Johnakin v. U.S. Postal Service et al., case number 2:20-cv-04055, before the U.S. District Court for the Eastern District of Pennsylvania.

--Editing by Stephen Berg.

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