USPS mail ballot changes blocked

Supreme Court backs states, cites inadequate time for implementation

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Voting by mail has decreased in recent years, but nearly 30% of voters still cast a ballot that way in the 2024 elections. ROBYN BECK/AFP VIA GETTY IMAGES FILE

WASHINGTON – The U.S. Supreme Court on Sept. 14 declined to let the U.S. Postal Service tighten the use of mail-in ballots ahead of the November midterm elections that will decide control of Congress.

The ruling was a loss for President Donald Trump, who has challenged the security of mail-in ballots. He's also pushed for greater federal control over elections, which are administered by states – many of which said the changes can't be implemented in time.

The administration had asked the high court to suspend a judge's ruling that paused Trump's new role for the Postal Service. A majority declined to do so.

Justice Brett Kavanaugh, in an opinion agreeing with the court's finding, wrote that allowing the Postal Service to make the changes Trump called for so soon before the midterm elections would be "arbitrary and capricious."

"Local election officials do not have sufficient time to reasonably implement the rule before the elections," the Trump-nominated justice wrote.

Two of the court's five other conservative justices – Clarence Thomas and Samuel Alito – dissented.

Under the controversial order Trump signed in March, states must give lists of verified voters to the Postal Service and use a specific design for ballot envelopes that includes unique voter bar codes. The Postal Service can refuse to deliver ballots that don't meet the new rules.

U.S. District Judge Indira Talwani in Boston put the changes on hold, finding that they are probably unconstitutional and could be impossible to carry out in time for the November elections. Some states have already begun distributing absentee ballots.

"The Constitution does not grant the President any specific powers over elections," Talwani wrote. She also said the Postal Service was acting outside its authority from Congress.

In a brief and unsigned opinion, the Supreme Court's majority said that the administration is unlikely to win its challenge to Talwani's ruling and that the potential harm in letting the changes proceed in the meantime are greater than pausing them would be.

Voting by mail has decreased since its peak during the COVID-19 pandemic. But nearly 30% of voters still cast a ballot that way in the 2024 elections. Democrats are more likely than Republicans to vote by mail, according to the MIT Election Data & Science Lab.

The 23 blue and swing states challenging Trump's order said allowing the changes to take effect before the midterms would be an "unmitigated disaster." Millions of voters would be unable to vote by mail and some would not be able to vote at all, the states told the Supreme Court.

"USPS' unprecedented experiment with our Nation's most cherished franchise – the right to vote – is unlawful," the states said in a filing.

Voting rights groups and the Democratic Party have also sued to stop the new requirements.

The top election officials in seven GOP-controlled states told the Supreme Court that the work necessary to implement the changes "cannot be responsibly accomplished in the time that remains."

U.S. District Judge Indira Talwani issued a new order after the Postal Service published its final rules. The administration then asked the high court to weigh in before an appeals court had reviewed Talwani's decision.

"Attempting to implement the Rule now will almost certainly lead to mistakes, delays, and confusion for both voters and election officials," the officials said in a filing submitted by more than three dozen current and former state and local election officials.

The American Postal Workers Union said the changes would "grind the operation of the postal system to a halt."

On its side, the Trump administration described the changes as "only modest envelope-designed and addressee-information requirements."

"Those requirements are a straightforward exercise of the Postal Service's ordinary authority to adopt mail-preparation rules designed to ensure that mail (especially sensitive mail) is properly delivered to the intended recipient," the Justice Department told the Supreme Court.

Though states have "primary authority" to regulate elections, the government said, "they cannot choose to use the federal mails to carry out their elections but then insist that their election-related mail is somehow exempt from the Postal Service's rulemaking authority."

In his concurring opinion, Kavanaugh wrote that while there is "at least a fair prospect" that the Postal Service has the authority to act, implementing Trump's rule on such short notice would be too difficult.

In his dissent, Alito said the Trump administration would likely succeed in its appeal. Alito also said the new rules will "better detect election fraud," and the difficulty of implementing them quickly are "not enough to convince me to deny the application."

The Supreme Court's decision came after the justices gave a procedural win to the Trump administration on Aug. 24, ruling that the policy had been put on hold prematurely because the Postal Service had not finalized rules for how it would implement the president's order.

Talwani issued a new order after the Postal Service published its final rules. The administration then took the rare step of asking the Supreme Court to weigh in before an appeals court had reviewed Talwani's decision.

When the 1st U.S. Court of Appeals issued its ruling on Sept. 10, it backed Talwani's order to keep the changes on hold. The appeals court said the administration had not "seriously challenged" the judge's determination that there would be "chaos and widespread disenfranchisement" if the Postal Service moved forward.

"And moreover," the appeals court said, "there is no record evidence of past fraud or a likelihood of impending fraud related to the November 3 election."

While the administration's appeal was pending at the Supreme Court, another federal judge, Washington, DC-based U.S. District Judge Carl Nichols, on Sept. 13 also ruled against the new rule.

Global trade system at crossroads, WTO says

Olivia Le Poidevin
REUTERS

In its annual report, the World Trade Organization said existing rules have struggled to keep pace with shifts in economic power, the rise of industrial policy, digital trade and escalating political tensions between major powers. DENIS BALIBOUSE/REUTERS FILE

GENEVA – The World Trade Organization on Sept. 15 urged its members to reform global trade rules or risk a slide into fragmentation that could significantly reduce economic output and hit poorer countries hardest.

In its annual report, the Geneva-based global trade body said existing rules have struggled to keep pace with shifts in economic power, the rise of industrial policy, digital trade and escalating political tensions between major powers.

The warning comes after the WTO's 166 members failed to reach agreement on a reform package at a ministerial meeting in Yaounde, Cameroon, in March, before relaunching talks in Geneva on issues including decision-making, dispute settlement and the challenges posed by subsidies and state intervention.

The WTO has struggled to find agreement on reforms among all members in the consensus-based organization – as members are at different stages of economic development and with often conflicting interests.

WTO economists modeled a scenario in which the world fragments into competing geopolitical blocs and found global GDP would be 5.1% lower and exports 18.6% lower by 2050 than otherwise. In a more severe scenario, in which multilateral cooperation collapses and is replaced by a patchwork of free trade agreements, global GDP would fall 6.9% and exports nearly 27%.

WTO Chief Economist Rob Staiger told Reuters the trading system was at a "critical juncture," citing four major challenges identified in the report: a broader distribution of economic power, growing state intervention in economies, changes in the nature of trade driven by digitization and global value chains, and rising political friction.

"The rules are under strain and they really are having an impact. And if things fell apart at the global multilateral level, our scenarios are saying these would be the costs, and those costs would be quite large," Staiger said.

The findings come as countries increasingly pursue regional and sector-specific trade arrangements amid rising trade tensions and sweeping U.S. tariffs.

In March, a group of WTO members agreed to move ahead with the organization's first baseline digital trade rules through a plurilateral agreement, bypassing opposition from some members.

Staiger said regional trade agreements and plurilateral initiatives could strengthen the multilateral system, but warned they could also undermine it if they evolved into competing blocs.

Without a strong WTO framework, such arrangements risk diverting trade towards preferred partners rather than the most efficient producers and encouraging blocs to raise barriers against outsiders, Staiger said. WTO rules help limit discrimination against non-members and constrain how free trade agreements are structured, he added.

The WTO said trade policy uncertainty had reached unprecedented levels in recent years as governments increasingly deploy tariffs, subsidies, export controls and industrial policies.