

October 5, 2020

Nicholas A. Trutanich
U.S. Attorney for the District of Nevada
U.S. Attorney's Office
501 Las Vegas Boulevard South
Suite 1100
Las Vegas, NV 89101

Re: Request for investigation into possible violations of the Mailbox Restriction Law by members of the Culinary Union Local 226

Dear Mr. Trutanich:

Nevadans rightly prize honest and fair elections, as well as trust that they will be carried out in a safe and efficient manner, especially with the state's recent decision to conduct an all vote by mail election. Unfortunately, recent troubling events in the State have placed those interests under attack. On behalf of the Nevada Republican Party, I write to bring your attention to these events and ask you to investigate whether members of the Culinary Union Local 226 have and are actively violating the Mailbox Restriction Law, 18 U.S.C. § 1725.

With less than 30 days before Election Day, Democrats and their allies have begun their on-the-ground canvassing activities in an effort to match the Republican Party's ground game in Nevada. *See* Mark Z. Barabak, *Joe Biden is counting on Nevada. Has the COVID-19 pandemic hurt his chances?*, Los Angeles Times (October 5, 2020), <https://www.latimes.com/politics/story/2020-10-05/trump-biden-nevada-battleground> (Exhibit A). We are particularly concerned over an image in the article that clearly shows a member of the Culinary Union Local 226 depositing campaign literature into a mailbox. *See* Exhibit B.

It is a violation of Federal law to deposit anything into a mailbox without paid postage. 18 U.S.C. § 1725. There are many reasons for this law, but in particular, "the USPS says it wants to 'ensure the integrity of our customer's mailbox,' meaning only postal workers are allowed to place or remove mail from our mailboxes." *See* James W. Cortada, *Why can mailboxes only be used for U.S. mail?*, Oxford University Press Blog (July 18, 2017), <https://blog.oup.com/2017/07/mailboxes-us-mail/> (Exhibit C).

Not only are such actions a violation of Federal law and a violation of Nevada citizens' right to privacy, they open the door to potential fraud and ballot manipulation in a year where Nevadans will be nearly universally voting by mail. According to Secretary of State Cegavske's 2020 Election Calendar, ballots have been mailed in several counties, with the rest of the counties in the State scheduled to send ballots in the next week. *See* <https://www.nvsos.gov/sos/elections/2020-election> (Exhibit D). Put simply, the election is underway. And if operatives are going door to door and placing campaign literature in mailboxes, nothing would stop an unscrupulous canvasser from removing live ballots from

mailboxes and filling them out for their preferred candidate or removing them from households and simply throwing them away.

Violating the Mailbox Restriction Law is a serious enough offense, as evidenced by the accompanying maximum fine of \$5,000 for individuals and \$10,000 for organizations. 18 U.S.C. § 3571; *see also* U.S. Government Accountability Office, GAO/GGD-97-85, U.S. Postal Service Information About Restrictions on Mailbox Access 4 (May 1997), available at <https://www.gao.gov/assets/230/224237.pdf> (Exhibit E). But in the year 2020, the integrity of our elections is at stake, and we cannot allow potentially rogue activists to compromise them.

Nevadans are counting on you to do your part to keep the election fair and honest. We look forward to your prompt response.

Sincerely,



Michael J. McDonald
State Chairman, Nevada Republican Party

Cc: The Hon. Barbara Cegavske
Nevada Secretary of State
101 N Carson Street Suite 3
Carson City, NV 89701

Gregory Graves
Vice President Western Area at United States Postal Service
475 L'Enfant Plaza, S.W.,
Washington, D.C., District of Columbia, 20260,