

EXHIBIT 2

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

**DEMOCRATIC PARTY OF VIRGINIA,
Plaintiff,**

v.

No. 3:21-cv-671

**FRANK NEAL, in his official capacity as the
South Atlantic Division Manager for the United
States Postal Service, GERALD ROANE, in his
official capacity as Virginia District Manager
of the United States Postal Service,
Defendants.**

DECLARATION OF WENDY M. MCLLWAIN

I, Wendy M. McIlwain, under penalty of perjury and in lieu of affidavit as permitted by 28U.S.C. § 1746, state as follows:

1. I am currently employed by the United States Postal Service as the Senior Plant Manager for the Richmond Processing and Distribution Center (P&DC or Plant), in Richmond, Virginia, a position I have held since September 2021. I began working for the Postal Service in 1987 as a mail processing clerk and have held other positions, including supervisor in both delivery and processing, manager of distribution operations, plant manager, senior plant manager, acting district manager, and manager of government mails in Washington, DC.
2. As Senior Plant Manager, I oversee all mail processing in the Plant including the processing of Election Mail. I am familiar with, and discuss below, the Postal Service's Election Mail All Clear Certification process and the use of local hold-out measures to expedite the processing and delivery of ballots.

3. This declaration is based on my personal knowledge, as well as information conveyed to me by other knowledgeable Postal Service personnel in the course of my official duties and responsibilities.

Processing of Election Mail

4. The Richmond P&DC is a distribution center for mail. The Plant receives mail from around the USPS network, sorts that mail, and distributes sorted mail back out to facilities for delivery, or other processing plants. The Plant is a 24-hour/day, 7-day/week operation. We regularly process approximately four million of pieces of mail each day. This includes Election Mail. We process mail from much of the Virginia, which includes Albemarle County and the City of Portsmouth.
5. We are trained to identify Election Mail, which may use the Postal Service's official Election Mail logo, or come in containers or trays with a Green Tag 191 affixed to it, to indicate that we are dealing with ballots
6. When we receive a ballot, it is scanned, and flagged as Election Mail. It is then sorted and either sent to a delivery unit for delivery to the voter, or, if it has a farther distance to travel, transported to another plant for further processing.
7. When a voter completes a ballot, it is returned to the relevant election officials by First-Class Mail, unless the voter chooses to pay for a premium service such as Priority Mail Express.

All Clear Process

8. The Richmond P&DC is processing Election Mail in accordance with the Postal Service's procedures and directives for handling Election Mail, including outbound ballots (or blank ballots going to voters). This includes the directive to certify that the

Plant is “all clear” of Election Mail on a daily basis. The “all clear” process is not used throughout the year, but is implemented around elections to ensure that ballots are delivered in a timely manner. This year, the “all clear” process was implemented on September 17th and has been done each day since then. For example, the “all clear” conducted yesterday (October 25th) found no unprocessed ballots in the plant. There has not been and there is no backlog of unprocessed ballots.

9. To ensure that we are timely processing and delivering ballots, the Postal Service has, for as long as I have been a Plant Manager, required an “all clear” certification process, that requires each processing facility processing Election Mail to certify, on a daily basis, that it is clear of all Election Mail scheduled (or “committed”) for delivery that day, and that any Election Mail committed for delivery the next day is at the front of the line. To complete this certification, in-plant personnel use a checklist to search or “sweep” all locations in the Plant (e.g., manual operations, staging areas, docks, all delivery vehicles, all processing areas and trailers) to ensure that all pieces of Election Mail in the Plant’s possession are accounted for and being processed correctly. This process allows us to ensure that there are no ballots in any unexpected locations within the Plant, as well as to identify any ballots in the mailstream that are not moving with sufficient speed.
10. Once we complete a sweep of the Plant, we are required to submit an “all clear” report, certifying that we have searched all areas of the Plant for Election Mail and either none was identified, or any that was identified was dispatched. The Richmond Plant has been performing these sweeps and “all clears” for many election cycles and we are experienced with the process.
11. The “all clear” certification requirement for the Virginia Governor’s race has been in place September 17, 2021, and certification is due each day at 10:00 a.m., through

November 16, 2021. If for any reason we were to fail to clear the Plant of Election Mail, we must explain why. To date, the Richmond Plant has not failed to clear the facility of Election Mail, including outbound ballots from Albemarle County and City of Portsmouth.

12. While I understand that Plaintiffs have alleged that outbound ballots have been sitting unscanned in the Plant for “weeks,” our daily “all clear” process would have captured any unscanned election mail. No ballots were left on the plant floor, undelivered or stuck in the operations process. Ballots have been and are being delivered in a timely manner. There is no backlog of undelivered ballots.

Local Hold-outs

13. In an effort to further expedite the delivery of ballots, the Postal Service takes ballots out of our normal processing (to “hold them out”) for expedited delivery to the registrars. We refer to this process as “local hold-outs” and it involves an expedited approach to sorting ballots by registrar on our processing equipment. Return ballots will receive a first scan, but then are removed or “held out” from further processing. This saves time, but it also means that ballots do not receive other scans within our processing network. The Richmond Plant is currently operating with 61 local hold-outs for 61 local registrars.

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I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed in Richmond, Virginia on October 26, 2021



Wendy M. McLlwain
United States Postal Service
Senior Plant Manager