United States Senate
WASHINGTON, DC 20510-3203

August 5, 2020

Louis DeJoy
Postmaster General
U.S. Postal Service
475 L'Enfant Plaza West, S.W.
Washington, DC 20260

Dear Postmaster DeJoy:

We write to raise concerns regarding the delivery of election mail and to urge the U.S. Postal Service (USPS) to ensure all voters are able to cast their ballots in the upcoming general election. While we have written to you previously about these issues, the reply by your staff did not sufficiently respond to measures the Postal Service is taking to protect election mail. The Postal Service is one of the cornerstone institutions in our democracy. It is imperative that the Postal Service uphold its procedures for reliably delivering election mail, and that it communicate clearly and consistently with the public about expectations for the receipt and delivery of election mail. In your first message to employees as Postmaster General, you stated, "We are the face of the federal government to millions of Americans who count on us to deliver information, census forms, and mail-in ballots." We urge you to take all necessary steps to ensure the Postal Service lives up to this statement.

In many of the primary elections that have been held since the beginning of the COVID-19 pandemic, we have seen a large increase in the number of voters choosing to vote by mail, and the Centers for Disease Control and Prevention has recommended election officials "consider offering alternatives to in-person voting if allowed in the jurisdiction."[1] As a result, experts and election officials have predicted that there will be an unprecedented number of Americans voting by mail in November.[2]

Recent reports indicate that operational changes at the Postal Service have led to mail pile-ups and delays in post offices and processing facilities throughout the country.[3] These delays create serious concerns that election mail could be delayed if USPS falls so far behind that it can no longer implement its robust procedures to quickly move election mail. The Postal Service delivers many types of election mail including voter registration applications, absentee ballot applications, and absentee ballots.

As you know, the Postal Service has stringent standards and procedures for moving election mail. Local officials may design the mail with a distinctive "Election Mail" logo,[4] and USPS tags

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[1] https://www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html
[2] https://www.brennancenter.org/our-work/analysis-opinion/protect-democracy-expand-vote-mail
https://www.rstreet.org/wp-content/uploads/2020/04/2020-State-Cost-Analysis.pdf
https://www.npr.org/2020/05/03/848347895/ballot-printers-increase-capacity-to-prepare-for-mail-voting-surge
[3] https://www.peters.senate.gov/newsroom/press-releases/peters-klobuchar-carper-and-schumer-demand-answers-from-usps-on-reported-changes-to-delivery-services
[4] https://about.usps.com/gov-services/election-mail

incoming ballot mail with a green tag (Tag 191) for high visibility in postal facilities.[5] Postal employees work to move this mail quickly at each step of the process, conducting "all clear" checks at the end of each shift to sweep for any election mail that needs to go out.[6] The Postal Service has committed that election mail will meet its service standards, or regulations for how quickly mail must be delivered.[7] These standards range from 2-5 days for First Class Mail, which includes all ballots, to 3-10 days for Nonprofit Marketing Mail, which some local officials use to send election mail to voters.[8] Mail sent locally must meet the lower end of each range, 2-3 days.[9]

States have various deadlines for receiving each type of election mail: for the general election, in 32 states, completed absentee ballots must be received before or by Election Day, and 18 states will allow ballots postmarked by Election Day (or the day before) to be counted if they are received within a specified time after Election Day. If delays in the delivery or return of the absentee ballot result in election officials receiving the ballot after the deadline, the ballot will not be counted. Of particular concern, a recent investigation found that "in the primary elections held so far this year, at least 65,000 absentee or mail-in ballots have been rejected because they arrived past the deadline, often through no fault of the voter."[10] In Virginia, over five percent of absentee ballots were rejected for arriving after the deadline. In some cases, as in a recent USPS Inspector General audit of Wisconsin, ballots have been delivered late because delays in processing the absentee ballot requests resulted in the ballots not reaching the Postal Service until the end of the day on Election Day.[11] It is your responsibility to ensure the Postal Service fully enforces procedures to timely mail delivery in every facility across the nation.

Of additional concern, USPS has issued confusing guidance in conflict with many states' deadlines for receiving ballot requests, stating: "We recommend that jurisdictions immediately communicate and advise voters to request ballots at the earliest point allowable but no later than 15 days prior to election date."[12] This originates from Postal Service guidance that voters mail their ballots at least 1 week before the due date to account for unforeseen events or weather issues, building in several additional days on top of the service standards.[13] In all but one state, the deadline for requesting absentee ballots by mail is fewer than 15 days prior to Election Day. The conflict between the Postal Service guidance and state election law is likely to lead to confusion, and combined with a large number of Americans voting by mail for the first time, could result in ballots not being counted. The Postal Service must adhere to its own speedy service standards, not a 15-day standard, and issue clear guidance about this.

Finally, while USPS has issued guidance for local election officials and has an ongoing program of coordination, election officials still face multiple confusing hurdles including understanding differing USPS service standards and adhering to deadlines, deciding whether to provide helpful but expensive tracking on ballots, dealing with Postal Service errors in postmarking, and more.[14]

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[5] https://www.postaltimes.com/postalnews/usps-election-mail-political-mail-handling-reminder/
[6] https://link.usps.com/2018/09/07/all-clear/
[7] https://about.usps.com/postal-bulletin/2020/pb22539/html/cover_005.htm
[8] https://about.usps.com/publications/pub632.pdf
[9] https://postalpro.usps.com/ppro-tools/service-standards-maps
[10] https://www.npr.org/2020/07/13/889751095/signed-sealed-undelivered-thousands-of-mail-in-ballots-rejected-for-tardiness
[11] https://www.uspsoig.gov/sites/default/files/document-library-files/2020/20-235-R20.pdf
[12] 11 states have ballot request deadlines under 3 days (USPS OIG). *See also,* https://www.fox29.com/news/usps-urges-jurisdictions-to-advise-voters-to-request-mail-in-ballots-no-more-than-15-days-before-election
[13] https://about.usps.com/postal-bulletin/2020/pb22539/html/cover_005.htm
[14] Id.

To provide Congress and the public with answers necessary to ensure you will uphold the USPS delivery standards necessary to safeguard delivery of election mail, we request that you provide a response to the following questions by August 12, 2020:

1. What specific measures are you taking to ensure each Area, District, and local manager enforces timely mail delivery procedures, including tagging, all-clears, and prioritization?

2. What is the expected volume of election mail for November, in number of mail pieces? Do you have a nationwide system for collecting data from each state on their expected election mail volume, to produce an accurate estimate of the mail increase USPS will face?

   a. Have you keyed staffing plans specifically to this expected increase? Will you continue working with unions to hire temporary workers to ensure you can handle this volume increase?

3. The Postal Service can only directly track the service performance of election mail if it has an Intelligent Mail barcode (IMb). What percentage of election mail so far has an Intelligent Mail barcode? How will you track whether election mail meets the service standards if a significant portion of this mail does not have at Intelligent Mail barcode?

4. How did the Postal Service arrive at the 15-day guidance for requesting absentee ballots and does the guidance account for the time it will take for (a) election officials to process the absentee ballot requests (b) voters to complete and mail their ballots once they arrive, and (c) states that offer alternatives to returning ballots by mail?

5. What measures will the Postal Service take to ensure timely delivery of absentee applications and absentee ballots, including for those ballots that are requested within 15 days of the election? Will this include authorizing overtime if necessary?

6. Will the Postal Service ensure that all ballots are postmarked on the date they are collected?

7. The Inspector General identified multiple problems with postmarking that could cause ballots to not receive a valid postmark, therefore causing them to violate local election laws and disenfranchising voters. For example, prepaid mail is not automatically postmarked ("cancelled") by machine, so postal workers have to manually pull out the election mail and postmark it.[15] What steps have you taken to ensure this procedure (hand-cancelling) will be conducted at each facility? How will you enforce this and what assistance will you provide to employees who must carry it out?

   a. Has USPS reached out to every state and local election official to inform them about these potential problems and provide solutions, including information about other processing markings that could be used to identify when a ballot was sent?

8. According to recent reports, the Postal Service has undertaken various operational changes across the country, including changing procedures at processing plants and reducing machines, changing sorting and delivery times at post offices, and cutting the

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[15] Reports indicate that thousands of ballots returned in New York's June 23 primary may not have been properly postmarked. https://www.nytimes.com/2020/08/03/nyregion/nyc-mail-ballots-voting.html

number of hours that post offices are open, all of which have had a detrimental impact on timely delivery of mail.[16] Why were these operational changes implemented during a pandemic and less than 3 months from a general election?

9. The Postal Service Inspector General found USPS may have a shortage of Election Mail Coordinators to help local election officials follow USPS guidance and successfully deliver election mail. For example, there are 1,603 local election offices in Michigan alone, but USPS only has 74 full-time coordinators nationwide. How many full-time coordinators does USPS provide in each state? How many employees in each state are providing part-time coordinator support?

    a. Does USPS plan to hire more full-time Election Mail Coordinators in 2020?

10. Beyond asking local jurisdictions to communicate with voters about the need to request absentee ballots and mail completed absentee ballots early, is the Postal Service taking action to communicate directly with voters? Does the Postal Service have funding available for this type of public awareness campaign?

11. What steps has the Postal Service taken, including any policy or written guidance, with respect to (a) unanswered questions regarding delivery delays resulting in ballots postmarked by Election Day, but received after Election Day (b) delivering election mail that does not have appropriate postage, and (c) communicating this information to voters, postal workers, and supervisors.

Thank you for your attention to this important issue that is fundamental to our democracy. We look forward to your reply.

Sincerely,

Amy Klobuchar
United States Senator

Charles E. Schumer
United States Senator

Gary C. Peters
United States Senator

Tom Carper
United States Senator

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[16] https://www.vice.com/en_us/article/wxq47q/usps-plans-to-slash-hours-at-many-post-offices-hoping-to-save-a-buck