

United States Senate
WASHINGTON, DC 20510

September 2, 2020

«First» «Last»
«State» «Title»
«Address»
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«City», «State1» «Zip»

Dear X:

We write to raise concern regarding postal delays that may affect the voting rights of American citizens living overseas, and to respectfully request information on steps you are taking to ensure Americans in X can safely vote during the COVID-19 pandemic.

The State Department, in coordination with the Department of Defense’s Federal Voting Assistance Program (FVAP), plays a key role in ensuring one of the most fundamental rights of every American – the right to vote – is upheld for overseas and military voters. As you know, it does so by administering programs at embassies and consulates around the world that assist voters in understanding the process of overseas voting, providing voters with the resources to cast their ballots and understand their rights, and managing diplomatic pouch programs that forward completed ballots to U.S. election officials.

According to FVAP, more than three million U.S. citizens living abroad are eligible to vote.¹ Voting for these Americans can be difficult, and reports indicate the shipment of election mail is a persistent and top concern. Our decentralized election system includes more than 8,000 jurisdictions, and every state sets its own rules regarding when ballots must be received in order to count.² In every election, postal delivery issues and strict state deadlines mean that ballots from some voters living abroad go uncounted. Obstacles to voting coupled with concerns that their ballots will not count mean that many Americans living overseas will decide not to vote at all.³ In 2016, only about seven percent of all eligible overseas voters returned a valid ballot.⁴ This is an unacceptable outcome, and we know there are steps that can be taken to improve the situation. A 2018 FVAP study revealed that the voting rate of Americans living abroad would have increased from 7 percent to 37.5 percent, if obstacles to voting, such as slow mail delivery, were removed.⁵

¹ Department of Defense, Federal Voting Assistance Program, *Overseas Citizen Population Analysis* <https://www.fvap.gov/info/reports-surveys/overseas-citizen-population-analysis>

² U.S. Department of State, *Tips for Access to State Election Officials and Polling Locations*, FCP Briefing (February 25, 2020) <https://www.state.gov/tips-for-access-to-state-election-officials-and-polling-locations/>

³ Department of Defense, Federal Voting Assistance Program, *DoD Releases Biennial Study of U.S. Voters Abroad* (September 12, 2018) https://www.fvap.gov/uploads/FVAP/OCPANewsRelease_20180911_FINAL.pdf;

Department of Defense, Federal Voting Assistance Program, *Overseas Citizen Population Analysis* <https://www.fvap.gov/info/reports-surveys/overseas-citizen-population-analysis>

⁴ Department of Defense, Federal Voting Assistance Program, *DoD Releases Biennial Study of U.S. Voters Abroad* (September 12, 2018) https://www.fvap.gov/uploads/FVAP/OCPANewsRelease_20180911_FINAL.pdf;

⁵ *Ibid.*

We are deeply concerned that delays and confusion resulting from the COVID-19 pandemic will make matters worse. The United States Postal Service (USPS) has warned election officials across the U.S. that the delivery of election mail may be delayed, and the situation may be even worse for many voters living overseas.⁶ According to the USPS, as of July 10, 92 countries were experiencing mail disruptions related to the pandemic.⁷ Reports further indicate that embassies and consulates across the world are limiting services in order to protect employees from COVID-19, including services related to voting assistance and diplomatic shipments. These circumstances present significant obstacles to overseas voters returning their ballots in time to be counted.

We recognize that some conditions that could make voting more difficult may be beyond the control of U.S. officials, but we must take steps now to attempt to overcome the challenges we can address. It is vital that all Americans be able to cast their votes during the pandemic. Many Americans are serving our country overseas and their voices must be heard in the democracy they are working hard to serve.

Accordingly, we request answers to the following questions regarding the contingency plans you are putting into place to ensure that Americans in X are able to vote in elections during the pandemic. We respectfully request a response by September 16th.

1. What steps has your embassy taken to help Americans living in X to vote this year?
2. What are the current and anticipated delivery times for mail arriving to the U.S. from X?
3. Has USPS staff provided any guidance, formally or informally, in writing or verbally, regarding the delivery of mail during the pandemic? Please provide copies of any such guidance.
4. Americans overseas use a variety of means, including diplomatic pouches, to send federal election mail back to the United States. Will your Embassy provide diplomatic pouch services to Americans returning election mail? If necessary, what additional steps are you taking to provide alternatives and ensure the return of ballots is prioritized? Please include information regarding whether the Embassy plans to provide courier services for election mail, including whether Americans in X will be able to track their ballots.
5. Are consular services at your embassy currently limited? If additional consular officers are needed to ensure the ballots of overseas voters can be safely and securely returned, is there a plan to shift resources to this vital American Citizen Service?
6. A review of embassy websites indicates that procedures for returning the ballots of overseas voters varies widely. Some embassies require person-to-person contact to deliver a ballot while others do not. What procedures are currently in place for receiving and returning ballots during the pandemic at your embassy?

⁶ Luke Broadwater, Hailey Fuchs, Nick Corasaniti, *Postal Service Warns States It May Not Meet Mail-In Ballot Deadlines*, New York Times (August 14, 2020) <https://www.nytimes.com/2020/08/14/us/politics/usps-vote-mail.html>

⁷ Karen Jowers, *How Troops Can Avoid Problems with Absentee Ballots*, Military Times (July 13, 2020) <https://www.militarytimes.com/pay-benefits/2020/07/13/how-troops-can-avoid-problems-with-absentee-ballots/>

7. Have you taken steps to establish voter education or information campaigns to advise Americans living in X on how to securely and safely cast their ballots during the pandemic in sufficient time to be counted?

Please provide any additional information you deem relevant to our inquiry. Thank you for your continued service to our country and for representing the United States abroad. We look forward to working with you in this critical issue.

Sincerely,



Amy Klobuchar
United States Senator



Robert Menendez
United States Senator



Thomas R. Carper
United States Senator