

United States Senate

WASHINGTON, DC 20510-3203

August 12, 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 express significant concern regarding reports that you are implementing policy changes that will increase the cost for timely delivery of election mail, and to urge you not to take any action that makes it harder and more expensive for Americans to vote.

Like voting itself, the U.S. Postal Service (USPS) is vital to our democracy. Since you assumed the role of Postmaster General, there have been disturbing reports regarding changes at USPS that are causing significant delays in the delivery of mail. Under normal circumstances, delayed mail is a major problem – during a pandemic in the middle of a presidential election, it is catastrophic. Instead of taking steps to increase your agency's ability to deliver for the American people, you are implementing policy changes that make matters worse, and the Postal Service is reportedly considering changes that would increase costs for states at a time when millions of Americans are relying on voting by mail to exercise their right to vote.

The National Voter Registration Act of 1993 (NVRA) allows state and local officials to send materials authorized or required under the Act, such as absentee ballot applications, at USPS Nonprofit Marketing Mail prices. These prices are lower than the regular USPS Marketing Mail prices and election officials across the country rely on the lower rates to send voters important election mail in a cost-effective manner. Absentee ballots themselves are not specifically covered under the NVRA; however, many jurisdictions receive the lower rate for ballots as well because they utilize the Undeliverable As Addressed (UAA) information from returned ballots for list maintenance activities prescribed under the NVRA. The practice of mailing out ballots as Marketing Mail has been formalized to the degree that the 2020 Official Election Mail Kit (Kit 600) sent to election officials in January 2020 includes advice on how to decide whether to send ballots by First Class or Marketing Mail.¹

While First Class mail normally has a delivery standard of 2-5 days, and Nonprofit Marketing Mail has a delivery standard of 3-10 days, it has been the practice of USPS to treat all election mail as First Class mail regardless of the paid class of service.² Reports from the USPS Office of the Inspector General (OIG) support the fact that USPS has traditionally prioritized election mail. An OIG report on the 2018 elections found that 95.6 percent of election and political mail was

¹ United States Postal Service, *Official Election Mail: Kit 600*, U.S. POSTAL SERV. (Jan. 2020), <https://about.usps.com/kits/kit600.pdf>.

² United States Postal Service, *State and Local Election Mail – User's Guide*, U.S. POSTAL SERV. (Jan. 2020), <https://about.usps.com/publications/pub632.pdf>.

delivered within the 1-3 day service standard applied to First Class mail.³ That is extremely close to the USPS overall goal of delivering 96 percent of First Class mail within the 1-3 day service standard and clearly indicates that election mail was being processed across the country as if First Class service standards applied. In addition, the OIG also conducted interviews in which area and facility managers stated that they treat all election mail as First Class mail.

We have received reports that in the last several weeks, the Postal Service sent letters to state election officials that indicate that the Postal Service will not automatically treat all election mail as First Class. If any changes are made to longstanding practices of moving election mail just months ahead of the 2020 general election, it will cause further delays to election mail that will disenfranchise voters and put significant financial pressure on election jurisdictions. Many state deadlines allow voters to request absentee ballot applications and absentee ballots within a few days of Election Day, so it is vital that standard delivery times remain low and pricing remain consistent with past practices to which election officials and voters are accustomed.

As you know, state laws set deadlines for voter registration, absentee ballot requests, and ballot postmarking and/or delivery. Changes to previous practices regarding election mail would upset these timelines. Furthermore, changing any policy for election mail only months before Election Day does not give election officials sufficient time to respond by changing deadlines set in law, especially since many state legislatures have adjourned.

Although some election jurisdictions may be able to send their election mail at the First Class rate, the overwhelming majority of jurisdictions simply do not have sufficient resources to do so. Election officials are coping with budgets that are severely strained by the increase in requests for absentee ballots and other costs associated with the pandemic. Despite our continued efforts, Congress has so far only provided states with \$400 million in emergency funding for elections—billions short of what experts say is needed to keep voters safe this year. As election officials across the country plead with Congress to authorize additional election funding, reports suggest the Postal Service could implement changes that suddenly increase costs for Americans to safely vote. That is wrong and unacceptable.

As Postmaster General, you have a duty to our democracy to ensure the timely delivery of election mail. Millions of Americans' right to vote depends on your ability to get the job done. We urge you not to increase costs for election officials, and to direct all Postal Service employees to continue to prioritize delivery of election mail.

We understand you have committed to being more forthcoming and transparent with Congress and the American people regarding your work as Postmaster, including the Postal Service's plan to successfully deliver election mail during the 2020 elections. Accordingly, we ask you to publicly release this plan and provide answers to the following questions no later than August 25.

1. Prior to 2020 it was the practice of the Postal Service to prioritize the delivery of all election mail, including voter registration materials, absentee ballot request, and ballots, to meet the equivalent of First Class delivery times no matter what class of mail was used to send it. Will the Postal Service commit to continuing this practice?

³ Darrell E. Benjamin, Jr., *Service Performance of Election and Political Mail During the 2018 Midterm and Special Elections*, OFFICE OF THE INSPECTOR GEN. – U.S. POSTAL SERV. (Nov. 4, 2019), <https://www.uspsoig.gov/sites/default/files/document-library-files/2019/19XG010NO000.pdf>.

2. Will the Postal Service commit to continuing its longstanding practice of allowing election officials to mail ballots to voters at Nonprofit Marketing Mail Rates?
3. Has USPS headquarters staff provided any guidance, formally or informally, in writing or verbally, regarding the service standards to be applied to election mail not sent at the First Class rate? Please provide copies of any such guidance.
4. Please provide copies of any letters or guidance sent to state or local election officials regarding the service standards that will be applied to election mail.

Sincerely,



Amy Klobuchar
United States Senator



Charles E. Schumer
United States Senator



Gary C. Peters
United States Senator



Tom Carper
United States Senator



Richard J. Durbin
United States Senator



Patrick Leahy
United States Senator



Angus S. King, Jr.
United States Senator



Kamala D. Harris
United States Senator

/s/

Chris Van Hollen
United States Senator



Tom Udall
United States Senator



Tammy Baldwin
United States Senator

/s/

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Ron Wyden
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Sherrod Brown
United States Senator



Sheldon Whitehouse
United States Senator



Mazie K. Hirono
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Richard Blumenthal
United States Senator



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Jon Tester
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United States Senator



Jeffrey A. Merkley
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United States Senator

/s/

Cory A. Booker
United States Senator



Jeanne Shaheen
United States Senator



Tina Smith
United States Senator

/s/

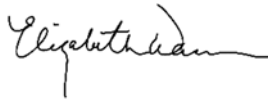
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Dianne Feinstein
United States Senator



Elizabeth Warren
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Bernard Sanders
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Tim Kaine
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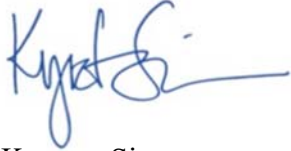


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