



July 1, 2026

Director, Product Classification
U.S. Postal Service
475 L'Enfant Plaza SW, Room 4446
Washington, DC 20260-5015
VIA EMAIL: [PCFederalRegister@usps.gov]

Re: Public Comment on Proposed Rule: Ballot Mail for Federal Elections
91 Fed. Reg. 32913 (June 2, 2026)

Comment of Protect Democracy on Proposed Rule for Ballot Mail for Federal Elections:

Mail ballots are a secure and valuable option for voters.¹ Many U.S. citizens choose them as the most convenient way to vote, or as the *only* way for them to vote. Military and overseas voters, elderly or disabled voters, voters living in rural areas without convenient polling places, or simply those unable to leave jobs or other responsibilities to vote in person – all of these groups and more are among the nearly one in three citizens² who voted by mail in 2024. Mail voting systems include many safeguards, and studies repeatedly have shown them to be safe and secure.³

Unfortunately, some political actors are incorrectly asserting that mail ballots are vulnerable to fraud. Such attacks on mail votes are at best misguided and at worst a dangerous ploy to discredit our elections when someone does not like the results. Instead of undermining voters who choose to vote by mail, the government should be supporting the systems – in election offices and at the Postal Service – that help enable

¹ We note that the relevant parts of the executive order directing this rulemaking has correctly been declared legally void by a federal judge, as an unlawful assertion of executive authority and the powers of the U.S. Postal Service. *California v. Trump*, No. 1:26-cv-11581, 2026 WL 1826490 (D. Mass. June 25, 2026).

² Charles Stewart III, MIT Election Data + Sci. Lab, *How We Voted in 2024: A Topical Look at the Survey of the Performance of American Elections* (n.d.), <https://electionlab.mit.edu/sites/default/files/2025-07/HowWeVotedIn2024.pdf>.

³ *Mail Voting is Safe and Secure*, Bipartisan Pol'y Center (Feb. 20, 2026), <https://bipartisanpolicy.org/report/mail-voting-is-safe-secure/>; Samara Angel, Jonathan Katz & Randi Wright, *Mail Voting in the US: Data Points to Very Low Fraud and Significant Benefits to Voters*, Brookings (Nov. 6, 2025), <https://www.brookings.edu/articles/mail-voting-in-the-us-data-points-to-very-low-fraud-and-significant-benefits-to-voters/>.



these citizens to vote securely in the way that works best for them and their communities.

This proposed rule⁴ would do the opposite. States could no longer use the U.S. Postal Service to deliver and return ballots unless they give the agency intrusive new powers over voter lists and ballot envelopes. These are unlawful intrusions that would create unnecessary and unworkable new burdens for election officials and the Postal Service itself, and in the process deeply harm voters nationwide. Protect Democracy⁵ calls on the Postal Service to abandon these proposed changes and return to its historic and appropriate role as a professional and neutral conduit of mail ballots under rules established primarily by the state and local governments who conduct elections.

No Legal Basis for the Proposed Rule and Underlying Executive Order

This proposed rule should never have been issued.

First, it is grounded in an unlawful command. In late March, President Trump issued an executive order⁶ purporting to mandate running state voter lists through federal screening and enlisting the Postal Service in this effort. President Trump, like all U.S. presidents, has no power to set the conditions for federal elections. The U.S. Constitution assigns that role to states in the first instance, and allows Congress to direct some aspects of federal elections if it chooses. Courts have already struck down an earlier executive order purporting to dictate the terms of U.S. elections.⁷ Now this 2026 order has been largely voided as well. As a federal district judge recently concluded, “USPS lacks authority to promulgate regulations on voting and the EO’s directive that USPS do so constitutes ultra vires executive action.”⁸

⁴ Ballot Mail for Federal Elections, 91 Fed. Reg. 32915 (proposed June 2, 2026) (to be codified at 39 C.F.R. pt. 111, <https://www.federalregister.gov/documents/2026/06/02/2026-10968/ballot-mail-for-federal-elections>).

⁵ Protect Democracy is a non-partisan, non-profit organization committed to supporting U.S. democratic norms and institutions, including free and fair elections. For more information regarding Protect Democracy’s efforts in support of free and fair elections, see *Protecting Free & Fair Elections*, Protect Democracy, <https://protectdemocracy.org/our-work/protecting-elections/>.

⁶ Exec. Order No. 14,399, 91 Fed. Reg. 17,125 (Mar. 31, 2026), <https://www.federalregister.gov/documents/2026/04/03/2026-06601/ensuring-citizenship-verification-and-integrity-in-federal-elections>.

⁷ *League of United Latin Am. Citizens v. Exec. Off. of the President*, 808 F. Supp. 3d 29 (D.D.C. 2025).

⁸ *California v. Trump*, No. 1:26-CV-11581, 2026 WL 1826490 at *14-16 (D. Mass. June 25, 2026).

The executive order also tramples on the independence of the Postal Service. Congress structured USPS as an independent agency with extensive guardrails against external control. The executive order flouted that independence with extensive and explicit commands to USPS that prompted the pending rulemaking.

The Postal Service then violated its own mandates and procedures in issuing the rule – asserting an unauthorized role in elections in contravention of its statutory mandate to deliver all legitimate mail, and skipping key procedural steps in the rulemaking.⁹

USPS Should not be policing voter lists

Beyond these fatal foundational legal flaws, the proposed rule is bad policy. It would impose daunting new costs and disruptions that would burden election officials and the Postal Service itself, leading to obstacles or delays that would disenfranchise mail voters. These changes are wrong on any timeline, but the rule compounds the damage by seeking to impose them in the upcoming midterms without needed resources or preparation.

A key portion of the rule would establish a new election mail “portal” at USPS and require election officials to pre-submit the names of anyone who is to receive a mail ballot. USPS would collect these submissions and return them, in consolidated form, to election officials close to Election Day. When the actual ballot mailings go out, election officials are required to attest that all the ballots are going to voters on the prepared lists, and postal clerks in turn are directed to reject any mailings that are not going to a previously specified recipient.

The Postal Service has no authority or experience to wade into policing voter rolls. Its purpose and legal mandate is to accept and deliver mail – which includes mail ballots. Under the rule, postal clerks would no longer simply accept mail ballots prepared by election offices and authorized vendors. Instead, the Postal Service would insert itself into accepting and storing extensive voter lists and somehow ultimately checking that mail ballots only go to names on those lists. Building and implementing such a system will undoubtedly take time and include significant errors at the outset (and perhaps permanently). Those delays will harm voters, who may not receive ballots or receive them in time to complete and return them.

⁹ *Id.* at *15-16.

Worse, it appears that the Postal Service will be a conduit to federal agencies that plan to vet voter names against faulty federal databases. In litigation over the underlying executive order, the Justice Department recently indicated it plans¹⁰ to integrate USPS voter lists into its efforts to vet the citizenship status of all mail voters. This effort is based on a myth that there is significant voting by non-citizens, and has already harmed U.S. citizen voters who have wrongly been flagged for investigation and forced to defend their right to vote.¹¹ The DOJ has since backtracked on the details,¹² but not the intention of this plan. This is a dangerous intrusion on voters' rights and on state election administration. A federal judge has ruled that the underlying federal lists being used to supposedly vet state voter rolls is both flawed and unlawful.¹³ The last thing the Postal Service should do is lend its support to this damaging and lawless endeavor.

Collecting voter lists within USPS also poses huge privacy risks to voters' personal data. USPS has yet to issue the required Privacy Act documents to accompany this proposed effort, so we do not know how they propose to safeguard the massive voter lists that would be required. But such lists would clearly be a target for cybercriminals and others, and would need extensive privacy and cybersecurity safeguards. There is no evidence of such planning or protection.

USPS should advise on mailing best practices, not issue mandates

The rule would also impose extensive mandates on the envelopes that can be used to send ballots to voters, and allow voters to return the ballots. USPS does have expertise

¹⁰ Notice, *League of Women Voters of Mass. v. Trump*, No. 1:26-cv-11581 (D. Mass. June 6, 2025), <https://storage.courtlistener.com/recap/gov.uscourts.mad.298518/gov.uscourts.mad.298518.180.0.pdf>.

¹¹ Jen Fifiield & Zach Despart, *A Federal Tool to Check Voter Citizenship Keeps Making Mistakes. It Led to Confusion in Texas*, Tex. Trib. (Feb. 13, 2026); <https://www.texastribune.org/2026/02/13/save-voter-citizenship-tool-mistakes-confusion/>; *The SAVE Tool, Explained*, Protect Democracy (Mar. 26, 2026), <https://protectdemocracy.org/work/save-tool-explained/>.

¹² Memorandum from Joseph B. Edlow, Dir., U.S. Citizenship & Immigr. Servs., on Executive Order 14399 Implementation (June 8, 2026), <https://storage.courtlistener.com/recap/gov.uscourts.dcd.291053/gov.uscourts.dcd.291053.151.1.pdf>.

¹³ *League of Women Voters v. U.S. Dep't of Homeland Sec.*, No. 1:25-cv-03501, slip op. (D.D.C. June 22, 2026), https://storage.courtlistener.com/recap/gov.uscourts.dcd.285454/gov.uscourts.dcd.285454.111.0_3.pdf.

in the design and processing of mail ballots and it should continue to offer its guidance on best practices but not impose rigid mandates.

For instance, the individualized barcodes called for in the proposed rule can be a valuable tool, and many large jurisdictions already use them to help track outgoing ballots. However, while generalized barcodes can be helpful for incoming ballots, there are privacy and other risks to the individualized barcodes for these return envelopes, as seemingly called for in the rule.

Moreover not all jurisdictions have the resources for these measures or a compelling need. The mandate will fall particularly hard on small and rural jurisdictions that do not have the equipment to produce these envelopes or the resources to acquire it. The rule also imposes other envelope requirements that will pose serious financial or logistical obstacles to certain jurisdictions. These envelope requirements may be best practices for some jurisdictions in some instances, but they should not be mandates. They absolutely should not be imposed this close to a federal election when offices do not have time or resources to comply.

Disruption will Disenfranchise Voters

Taken together, the proposed new mandates for voter lists and specialized envelopes are a recipe for system failures that will come at the expense of voters. The deadline for mailing ballots for the general election is fast approaching. It is difficult to imagine that election officials could jump through these administrative and technical hurdles in time to implement their portion of this rule smoothly by then. But the proposed rule makes clear that any delays or implementation problems will fall solely on the election officials to resolve. And ultimately it is voters who will pay the price if they either do not receive a mail ballot they need in order to vote, or receive it too late to return it in time to be counted.

We also question whether USPS itself can meet the requirements of its proposed rule. We know of no advance planning or funding for the extensive new responsibilities the rule would impose on USPS employees. Who will construct, test and secure a portal that must handle a massive surge of submissions from many disparate users in compressed timeframes? How would postal employees be trained to identify and reject non-complying ballots? What staff are available to test and approve envelope designs for every jurisdiction that seeks to mail ballots, as required under the proposed rule?



This extraordinary disruption would be in service of a dangerous myth. There is no evidence that mail ballots are a nexus for vote fraud, nor should they be tightly policed by the federal government. Far from improving our election system, the most likely outcome of this rule would be to harm a valuable way for millions of U.S. citizens to cast their votes.

Respectfully submitted,

Protect Democracy