



Introduction

Center for Election Confidence, Inc. (“CEC”) is a non-profit organization recognized as a key “civil society group”¹ that promotes ethics, integrity, and professionalism in the electoral process. CEC works to ensure that all citizens can vote freely within an election system of reasonable procedures that promote election integrity, prevent vote dilution and disenfranchisement, and instill public confidence in election systems and outcomes.

CEC submits these comments concerning the United States Postal Service’s (“Postal Service”, “Service”, or “USPS”) Proposed Rule, *Ballot Mail for Federal Elections*, published at 91 Fed. Reg. 32915 (June 2, 2026). The Proposed Rule would amend the Mailing Standards of the United States Postal Service, Domestic Mail Manual (“DMM”), with respect to the transmission of mail-in and absentee ballots for federal elections.²

As detailed below, CEC generally supports the Postal Service’s Proposed Rule and urges the Postal Service to finalize its core ballot-mail visibility, automation, barcode, design-review, and technical-assistance provisions, all of which will enhance efficiency and security. CEC further urges the Postal Service to make express what is implied: the Proposed Rule’s mail fraud statute enforcement provisions are a mail-integrity measure that supports election officials and assists lawful enforcement of long-standing federal law, not a system for reviewing the contents of voters’ ballots. Finally, in light of the U.S. Supreme Court’s recent decision in *Watson v. RNC*,³ CEC renews its call that the USPS reinstate the pre-December 2025 rules concerning the placement of postmarks, if only for generic ballot mail and Election Mail.⁴

Support for Proposed Rule

CEC supports the Postal Service’s use of its postal authority to improve the preparation, visibility, and handling of ballot mail in federal elections, all of which will enhance efficiency and security. The Postal Service inherently has significant expertise concerning mailpiece design, barcode standards, acceptance procedures, mailstream visibility, delivery operations, and election-related extraordinary measures. The Proposed Rule is strongest where it remains within that institutional competence: regulating the use of the mail and improving ballot-mail processing, and CEC is encouraged by the Service’s focus on these important goals.

The Postal Service proposes to rely on its authority under 39 U.S.C. §§ 401 and 404, including its authority to adopt regulations necessary to execute its functions and to provide for the collection, handling, transportation, delivery, forwarding, returning, and holding of mail.⁵ CEC supports the Proposed Rule as a proper exercise of that authority to implement uniform preparation conditions for mail-in and absentee ballots in general, special, and runoff federal elections, excluding ballots covered by the Uniformed and Overseas Citizens Absentee Voting Act.⁶

¹ Elena Patel, Brookings Institute (Dec. 30, 2025), <https://www.brookings.edu/articles/when-a-postmark-no-longer-tracks-mailing/>.

² *Ballot Mail for Federal Elections*, 91 Fed. Reg. 32915 (June 2, 2026).

³ 609 U.S. ____ (2026).

⁴ See 90 Fed. Reg. 52883.

⁵ 39 U.S.C. §§ 401, 404; 91 Fed. Reg. 32915-16.

⁶ 91 Fed. Reg. 32916. CEC also draws the Postal Service’s attention to the existence of similar state laws, such as the Pennsylvania Uniform Military and Overseas Voters Act, *codified at* 25 Pa. C.S. § 3501 *et seq.*, or Iowa’s “special absentee ballot” provisions, IA Code § 53.45. These state statutes may impact the Service’s implementation of the Proposed Rule as written.

CEC supports the operative sections of the Proposed Rule.⁷ First, the proposed envelope standards would require use of the official Election Mail logo, automation compatibility, unique Intelligent Mail barcodes, and mail piece design review, all of which would enhance the efficiency and security of ballots delivered by mail. Second, the Proposed Rule would preserve and codify the Postal Service’s longstanding Election Mail practices. Third, the Proposed Rule would direct appropriate resources to the enforcement of long-standing federal mail fraud statutes, which would limit the actions of bad actors seeking unlawfully to impact federal elections using ballots sent by mail. Fourth, CEC supports the sections of the Proposed Rule that relate to important privacy and data security requirements and best practices.

CEC urges the Postal Service to finalize these core provisions with clarifications designed to ensure faithful implementation, avoid unnecessary legal or operational disputes, and maintain voter confidence.

Finally, in light of the U.S. Supreme Court’s recent decision in *Watson v. RNC*, 609 U.S. ____ (2026), CEC renews its call for the Postal Service to revert its late-2025 rulemaking considering postmarking to its previous practice, at the very least for ballot mail and/or mail that otherwise qualifies as Election Mail.⁸

Envelope Design and Review Standards

CEC strongly supports the proposed envelope design and review standards in DMM 705.24.3. Those provisions should form the foundation of the final rule.

The Proposed Rule would require both Outbound Federal Ballot Mail and Return Federal Ballot Mail to be mailed in envelopes that include the official Election Mail logo, are automation compatible, bear a unique Intelligent Mail barcode (“IMb”) with the Delivery Point ZIP Code embedded and a Federal Ballot Mail Service Type Identifier, and have undergone review by the Postal Service for mailpiece design and barcode placement.⁹ These are practical, reasonable, and important standards that will have an outsized impact on the efficiency and security of voting by mail. They largely formalize best practices already recommended by the Postal Service and reflected in the Postal Service’s own election-mail guidance.¹⁰

The official Election Mail logo is especially important. As the Postal Service explains, the logo allows voters to recognize Election Mail as important and distinct from other mailings and helps Postal Service employees to identify official Election Mail among the millions of mailpieces processed daily.¹¹ This visibility matters because ballot mail is time-sensitive, because the Postal Service’s extraordinary measures depend on the ability to identify ballot mail quickly and reliably, and because misprocessed mailpieces sent via Election Mail have far-reaching impacts on self-governance.

Automation compatibility is similarly important. Ballot mail that is not automation compatible is more likely to encounter avoidable processing complications or delays. Mailpiece design defects can also prevent barcodes from

⁷ CEC acknowledges the existence of an injunction prohibiting the implementation of certain sections Section 3 of Executive Order no. 14399, *Ensuring Citizenship Verification and Integrity in Federal Elections*, 91 Fed. Reg. 17125 (Mar. 31, 2026), which relate to the President’s directive to the Postal Service to initiate a rulemaking concerning certain lists of individuals who are to receive ballots by mail and who may also return ballots by mail. *California v. Trump*, Mem. and Ordr., No. 1:26-cv-11581 (D. Mass. June 25, 2026). When appropriate, CEC would welcome the opportunity to comment on those provisions.

⁸ See Center for Election Confidence, Inc., Comments before the United States Postal Service re: Proposed Rule 2025-15266 (90 FR 38716) (Sept. 10, 2025), <https://electionconfidence.org/wp-content/uploads/2025/09/Comment-to-USPS-Proposed-Rule-on-39-CFR-Part-111-09.10.25.pdf> [hereinafter “Sept. 2025 CEC Comment to USPS”].

⁹ Proposed DMM 705.24.3.1-2, 91 Fed. Reg. 32918.

¹⁰ USPS, *2026-2027 Official Election Mail Guide (Kit 600)*, <https://about.usps.com/kits/kit600.pdf>. See also 91 Fed. Reg. 32916.

¹¹ 91 Fed. Reg. 32916.

being read or can increase the need for manual handling. Requiring design review before ballot envelopes are printed and mailed is a low-cost, high-value step that can prevent serious problems during the compressed period before an election.

CEC also strongly supports the requirement that each outbound and return ballot envelope bear a unique IMb. Unique IMbs allow ballot mailpieces to be distinguished from one another as they move through the mailstream. This requirement will assist voters, election officials, and the Postal Service with tracking ballot mail, identifying irregularities, reconciling outbound and return ballot mail, and improving voter-facing ballot-tracking tools.

As discussed in additional detail below, it is vital that the Postal Service also include additional instruction concerning postmarks, date marks, scan events, and other indicia of receipt for ballot mail. Disputes over when ballot mail entered the mailstream can undermine confidence in election administration and impact election outcomes when ballots transmitted by mail are included or discluded in an election's final results. The Postal Service should identify best practices for recording the date on which ballot mail reaches an appropriate postal facility and should ensure that any date mark or scan event reflects the actual date of initial receipt by the Postal Service.¹²

Finally, CEC urges the Postal Service to provide robust technical assistance to state and local election officials, especially smaller jurisdictions and those jurisdictions that may rely on outside mail service providers. The Postal Service should publish templates, technical specifications, design-review deadlines, training materials, webinars, and help-desk procedures as early as possible.

Law-Enforcement Use of Ballot-Mail Data

CEC supports the Proposed Rule to the extent it enables the Postal Service, the United States Postal Inspection Service, and other, appropriate law-enforcement authorities to identify and address fraudulent use of the mails in connection with ballot materials. Congress separately authorizes the Postal Service to investigate crimes involving use of the mails and certain other crimes as determined by agreement with the Attorney General.¹³

The Proposed Rule states that mailpiece preparation and data reporting standards can provide information regarding the sending of ballots through the mails that would be available for use by law enforcement.¹⁴ CEC supports this objective when properly understood and encourages the Postal Service to make express what the current Proposed Rule implies: This is not a matter of federal officials opening voters' mail, reviewing ballot choices, or investigating ordinary voters for lawful mail voting. Rather, it is a matter of using exterior mailpiece information, barcode scan data, and objective anomalies to identify possible misuse of the mails by bad actors who attempt unlawfully to impact federal elections by virtue of ballot mail.

Long-standing federal law already prohibits fraudulent use of the mails and related communications systems. The federal mail fraud statute applies to schemes to defraud that use the Postal Service or a private or commercial interstate carrier.¹⁵ Federal law also prohibits the use of a fictitious, false, or assumed name or address in connection with such a scheme.¹⁶ The wire fraud statute applies to schemes to defraud that use interstate wire

¹² As CEC noted in the Sept. 2025 CEC Comment to USPS at 2, "the postmark is widely accepted as the *best* evidence of a date of mailing and need not be *perfect* evidence to achieve its goals." In other words, while a perfect world would see postmarks placed on the same day a mailpiece was deposited with the Postal Service, a one-day delay from a mailpiece's deposit in a "blue box" or from a mailpiece's after-hours deposit in any Postal Service receptacle would be acceptable.

¹³ 18 U.S.C. § 3061(b).

¹⁴ 91 Fed. Reg. 32916.

¹⁵ 18 U.S.C. § 1341.

¹⁶ 18 U.S.C. § 1342.

communications.¹⁷ These laws are not election-specific, but fraudulent ballot materials, fraudulent ballot applications, fraudulent voter-registration documents, or documents using false names or addresses may implicate them where the statutory elements are satisfied.

The final rule or accompanying guidance should therefore include a clear law-enforcement referral framework that describes how objective ballot-mail anomalies will be identified, preserved, documented, and referred to the appropriate entity when further investigation is warranted, as well as recommendations for public release of such investigatory, arrest, or conviction information. Voters' confidence is bolstered when bad actors are identified, stopped or otherwise face consequences, and elections are secured from repeat attempts.

CEC recommends that the Postal Service preserve relevant scan data, upload logs, acceptance records, and design-review records when an objective anomaly is identified. The Postal Service should also publish aggregate post-election reporting concerning the number of participating jurisdictions, the number of outbound and return ballot mailpieces processed under the Election Mail and Ballot Mail Service Type Identifier ("STID") Finder,¹⁸ the number of design issues identified and cured, the number of objective anomalies identified, and the number of referrals made to the United States Postal Inspection Service or other appropriate entities. Such aggregate reporting would improve public confidence while protecting voter privacy.¹⁹

Privacy Act, Data Security, and System of Records Notice

CEC supports the Postal Service's statement that it will take steps necessary for creation of a new system of records notice ("SORN") in accordance with the Privacy Act.²⁰ Because the proposed portal may collect names, addresses, unique barcode information, and state-specific ballot-mail participation data, Privacy Act compliance and data security are essential.

The Postal Service should publish the SORN before implementation of the Federal Ballot Mail Portal. Election officials, voters, and stakeholders must understand what information will be collected, why it will be collected, who may access it, how long it will be retained, how it may be disclosed, and what safeguards will protect it.

CEC recommends that the Postal Service collect only the information necessary to administer ballot-mail processing, support reconciliation, identify objective anomalies, and facilitate lawful referrals where appropriate. The Postal Service should also require encryption in transit and at rest, role-based access controls, multi-factor authentication for portal users, audit logs, vendor access restrictions, breach notification procedures, and clear retention limits.

Postmarking Practices

Because *Watson v. RNC*, 609 U.S. ____ (2026), confirmed the permissibility under current federal law of state laws allowing post-Election Day receipt of mail ballots that were cast with respect to federal elections and that entered the mailstream by Election Day (within the "grace period"), the Service should anticipate that states that have not reduced or eliminated their grace periods will be disinclined to do so. This will result in a continued large volume of live ballots passing through the mails in late October and into November of election years,

¹⁷ 18 U.S.C. § 1343.

¹⁸ See *Election Mail and Ballot Mail STID Finder*, U.S. Postal Service (Feb. 27, 2024), <https://postalpro.usps.com/stid-tool>.

¹⁹ CEC encourages the Postal Service to enter into an inter-agency agreement with the U.S. Election Assistance Commission ("EAC") to implement this recommendation.

²⁰ 91 Fed. Reg. 32917; 5 U.S.C. § 552a.

accentuating the harm caused by the Postal Service's 2025 decision to abdicate its civic duty to all who use the U.S. mails.²¹

As CEC noted in the Sept. 2025 CEC Comment to USPS, the Postal Service has a civic duty—handed down from the first English postmaster, Henry Bishop, who invented the postmark in 1661 not for internal operational purposes but specifically for third-party reliance—to make best efforts to place postmarks upon ballot mailpieces as it always has. To do otherwise would be in contravention of the Proposed Rule's statement that "the Postal Service does not purport to alter the eligibility of any individual to vote under state or federal law" because late-arriving ballots that do not have a postmark or associated scan information demonstrating that the mailpiece was deposited with the Service before Election Day will likely not be counted, directly denying that individual the right to vote.

As Postmaster Bishop explained, the purpose of the postmark is to serve as evidence of "the day of the [*sic*] moneth that every letter comes to the office, so that no Letter [*sic*] Carryer may dare [*sic*] detain a letter from post to post; which before was usual."²² In other words, postmarking has always been a public, civic duty for which the Postal Service is responsible. And the Postal Service should execute this duty with pride for the important role it plays in the American system of self-governance.

Conclusion

CEC urges the Postal Service to finalize the Proposed Rule's core ballot-mail visibility, automation, unique barcode, design-review, technical-assistance, and extraordinary-measures provisions. These reforms will help election officials, voters, and the Postal Service ensure that ballot mail is identifiable, trackable, and capable of being processed efficiently.

CEC further urges the Postal Service to make express what is implied, that the Proposed Rule's mail fraud statute enforcement provisions are a mail-integrity measure that support election officials and assists lawful enforcement of long-standing federal law, not a system for reviewing the contents of voters' ballots. In doing so, the Postal Service should adopt a clear law-enforcement referral and public disclosure framework focused on objective anomalies and suspected fraud that preserves voter privacy.

Finally, in light of *Watson v. RNC*, CEC renews its call that the Postal Service revert its postmarking practices to those in place before December 2025.²³ The Postal Service has a civic duty for the benefit of those who use the

²¹ See 90 Fed. Reg. 52883. As discussed in the Sept. 2025 CEC Comment to USPS (where a version of this footnote appeared originally), neither generic ballot mail nor Election Mail requires *special* care but rather simply the consistent, reliable, and accurate execution of the Postal Service's standard duty of care with respect to placing postmarks for the benefit of third parties. See Office of Inspector General, U.S. Postal Svc., Rpt. no. RISC-WP-21-004, *Vote by Mail and the Postal Service: A Primer* 16. Of course, this policy has suffered a similar quiet abdication of the Postal Service's public duty to place postmarks for the benefit of third parties, including the general public. For example, the 2024 version of the *Postal Bulletin* concerning mailed ballots changed key language to obfuscate the USPS's responsibilities. Compare United States Postal Service, Postal Bulletin 22596 5 (April 21, 2022) ("Postal Service policy is for **every completed ballot mailed by voters to receive a postmark**, and we instruct our employees throughout the country to adhere to that policy on return ballots. However, we acknowledge that there will always be rare occurrences where a mailpiece does not receive a legible postmark") with United States Postal Service, Postal Bulletin 22642 6 (January 25, 2024) ("It has been the long-standing policy of the Postal Service **to try to ensure that every completed ballot mailed by voters receives a postmark**, whether the return ballot is mailed with postage pre-paid by election officials or with a stamp affixed by the voter. We instruct our employees throughout the country to adhere to that policy on return ballots. However, we acknowledge that there will always be rare occurrences where a mailpiece does not receive a legible postmark.") (emphases added).

²² John G. Hendy, *The History of the Early Postmarks of the British Isles* 2 (1905) (quoted in Sept. 2025 CEC Comment to USPS at 1).

²³ See 90 Fed. Reg. 52883.

mails to place postmarks (or to include date scan information that reflects the same information) on mailpieces deposited with the Service. To do otherwise is to deny the right to vote of individuals whose ballots are mailed before Election Day but delivered to the appropriate election official after that date in states that allow such a grace period.

The Center for Election Confidence urges the Postal Service to take the necessary steps to implement the proposals contained in this Comment for the benefit of voters' confidence in federal elections.

Respectfully submitted this 2nd day of July 2026,

/s/ **Caleb J. Hays**

Chief Policy Counsel

Center for Election Confidence, Inc.

CJH/zh