

United States Postal Service Notice of Proposed Rulemaking Regarding Election Mail

The U.S. Postal Service has proposed a new rule that would allow USPS to control who can receive and vote a mail ballot. If implemented, eligible American citizens will be blocked from participating in our elections. Voters must speak out.

BACKGROUND

On March 31, 2026, President Trump issued Executive Order 14399, titled “Ensuring Citizenship Verification and Integrity in Federal Elections (the “Order”). The [Order aims](#) to limit access to voting by mail, including by ordering the United States Postal Service (USPS) to issue specific regulations reshaping vote-by-mail standards and refusing to deliver ballots to voters who do not appear on certain government-created lists of pre-approved mail voters.

The Order is currently the subject of litigation in two sets of consolidated cases in federal district courts in D.C. (*DSCC, et al. v. Trump*, No. 1:26-cv-01114-CJN) and Massachusetts (*League of Women Voters of Massachusetts v. Trump*, No. 1:26-cv-11549-IT). Both sets of cases are still pending, but on May 26, 2026, Judge Carl Nichols [declined to issue a preliminary injunction](#) in the D.C. cases to block the Order, finding that the plaintiffs had not yet shown that the Order caused them any direct injury because the government had not yet taken action to implement the Order.

Then, on June 2, USPS published a [Notice of Proposed Rulemaking](#) that would amend the Domestic Mail Manual¹ in direct response to the Executive Order. **The proposed Rule is yet another anti-voter effort by those who want to interfere in our free and democratic elections and keep people from voting.** The Rule would require:

- The creation of a new Federal Ballot Mail Portal (“Ballot Portal”), a system maintained by USPS through which election officials can submit voter information.
- States to send the federal government a list of all registered voters to whom they are sending mail-in and absentee ballots in federal general elections.
- USPS to provide states with Mail-In and Absentee Participation Lists on or around the date of the election, containing the name and address of each voter to whom a ballot was sent, based on the lists previously submitted by the states themselves.
- USPS to refuse to accept and deliver ballots it deems out of compliance with the voter list requirements described above.

CALL TO ACTION

Organizations and individuals are encouraged to submit a personalized comment to USPS in opposition to the proposed Rule. **The more comments that are submitted, the clearer our**

¹ The Mailing Standards of the U.S. Postal Service, Domestic Mail Manual (DMM) contains the set of rules governing USPS’s prices and standards for domestic mail service in the United States.
<https://pe.usps.com/cpim/ftp/manuals/dmm300/full/mailingstandards.pdf>.

message. Talking points are provided below to use as a starting point. The comment period ends on **Thursday, July 2.**

Comments should be emailed to **PCFederalRegister@usps.gov**, with a subject line of “Ballot Mail,” by 5pm ET on Thursday, July 2. Emailed comments must contain the name and address of the commenter. For additional guidance on submitting comments, see [What Makes an Effective Public Comment](#) from Protect Democracy and the [Tips for Submitting Effective Comments](#).

To facilitate greater participation in the public comment period, we, alongside partners, drafted a [template letter](#) that outlines primary concerns for this proposed Rule. Do not hesitate to use the template (please make a copy) as you draft your organization’s public comment. We strongly encourage organizations to personalize comments as much as possible, to avoid duplicate submissions. Additionally, we drafted these [short, simple comments](#), to help individuals weigh in. Please feel free to share these with your membership and encourage them to submit a comment, too.

TALKING POINTS

Topline Summary

The Rule is illegal, impractical, and impossible to implement without harming voters. These changes would not be acceptable for the elections in 2026 or any election in the future.

1. **The Rule violates USPS’s own mandates.** USPS’s duty is to receive, transmit, and deliver the mail to everyone in the United States, unless a law passed by Congress says otherwise. This Rule would allow USPS to violate that important duty by deciding not to deliver ballots to certain voters. Additionally, the Rule does not abide by the procedural requirements that USPS must follow to make changes in nationwide service.
2. **The Rule violates the Constitution and federal law** by compelling USPS to unlawfully usurp the role of the States in administering elections. Though the proposal frames these new rules as the implementation of technical best practices, the rule would functionally endow USPS with the enormous power to shut down entire states’ vote-by-mail programs unless the states comply with these burdensome, illegal new requirements. The Rule purports to implement Executive Order 14399, a directive that is itself unconstitutional. Under the Constitution, only states and Congress have the power to mandate election rules, and only Congress can regulate the postal service – not the President.
3. **The Rule forces USPS to take on the role of election administrator**, which USPS is not equipped to take. The Rule would do away with the many practical benefits of trusting states to administer mail-in voting in federal elections, including local knowledge of populations and distributing responsibility across many local entities focused solely on elections. USPS would be thrust into the role of nationwide election administrator—a function for which it has no funding, expertise or ability, and which would divert already limited resources from its critically important core functions.

4. **The Rule imposes significant burdens on state and local election administrators** who are already overworked, overburdened, and understaffed. These additional burdens could cause ballots to be delayed and disenfranchise voters. This rule could easily set-up a two-tiered system requiring elections officials to manage mail ballots differently for federal and state elections.
5. **The Rule will disenfranchise voters** due to technical and administrative errors that are no fault of their own. Developing a system like this, even if it were legal, would take time, care, and resources—none of which are present here. Done this way, USPS will be denying countless voters access to their mail ballots because of inconsistent and stale data, hastily constructed lists and platforms, and normal human error, with no way for voters to fix any issues until after it is too late. For many Americans, voting by mail is the only way that they can cast a ballot.

The proposed Rule on mail ballots is a direct response to the Executive Order 14399, which aims to limit access to voting by mail. It is yet another anti-voter effort by those who want to interfere in our free and democratic elections and keep people from voting.

Mail-in voting has proven to exponentially increase voter participation, especially among Black, Brown, rural, and other historically excluded communities. Changes to vote-by-mail policies limit voters' options and prevent eligible Americans from voting, particularly for those who rely on this method for accessibility or safety. Any changes to vote-by-mail should balance accessibility and safeguard the process for voting by mail. These actions undermine voters' ability to participate in our elections.

ADDITIONAL BACKGROUND

The Rule Violates Federal Law Regulating the U.S. Mail and USPS's Own Regulations.

The Rule Violates USPS's Mandate to Deliver the Mail.

The Constitution grants Congress, not the President, the broad power to regulate USPS, and Congress has never conferred any power on USPS to administer elections.² The Rule would expressly conflict with federal law that requires USPS to provide universal service and not discriminate in delivering mail.³ The Rule would force USPS to violate these laws by baselessly denying service to certain postal customers.

The Rule would further violate the requirements that USPS provide “prompt, reliable, and efficient services to patrons in all areas” and “reliable delivery of all mail in a manner that

² U.S. Const. art. I, § 8, cl. 7.

³ 39 U.S.C. § 403(a)–(b) (USPS's principal duty is “to receive, transmit, and deliver” the mail, and it “shall serve as nearly as practicable the entire population of the United States”); id. § 403(c) (USPS may not, in providing services, “make any undue or unreasonable discrimination among users of the mails, nor shall it grant any undue or unreasonable preferences to any such user,” except as “specifically authorized” by Congress).

increases operational efficiency and reduces complexity.”⁴ Functionally, the Rule would allow USPS to deny delivery of critical election mail to voters in entire states or localities that did not comply with the burdensome (and illegal) new requirements. And the rule would dramatically increase complexity and decrease operational efficiency.

The Rule violates USPS’s own procedural requirements.

The Proposed Rule does not comply with USPS’s own procedures for adopting major changes to postal service policies. Before adopting a nationwide service change—like the ones that this rulemaking would create—USPS must request an advisory opinion from the Postal Regulatory Commission at least 90 days before implementation.⁵ And before even requesting the advisory opinion, USPS must conduct one or more pre-filing conferences with “interested persons in the proceeding and shall make a good faith effort to address the concerns of such persons” to “identify[] relevant issues and information needed to address those issues during proceedings at the Commission.”⁶ USPS must also file a notice of the pre-filing conference at least ten days before the conference occurs.⁷ USPS has not taken any of these steps, all of which are required by Postal Regulatory Commission regulations. This Rule cannot be adopted without going through the proper process to ensure oversight and transparency.

The Rule strips states of their constitutional power to administer elections and violates federal election law.

The Constitution gives States the power to administer elections, subject only to modification by Congress.⁸ But the Rule would, without Congressional authorization, add significant administrative burdens and requirements on states and condition states’ ability to conduct mail voting with their compliance. Functionally, the Rule takes away the states’ power over elections and unlawfully gives that power to USPS.

Congress has exercised its power to regulate certain aspects of federal elections through statutes like the National Voter Registration Act (“NVRA”) and Help America Vote Act (“HAVA”). The Rule would violate both the NVRA and HAVA.

The only role assigned to USPS by the NVRA is to provide state and local election officials with information about whether an individual may have moved⁹ and to offer State and local election officials reduced rates for any mailings the NVRA requires or authorizes.¹⁰ The NVRA does not authorize USPS to condition delivery of absentee ballots on specific procedures and packaging requirements.

HAVA assigns each state the responsibility for maintaining its own centralized voter registration list and conducting routine list maintenance to remove ineligible voters, setting general

⁴ id. §§ 101(a) and 101(f).

⁵ 39 C.F.R. § 3020.102.

⁶ 39 C.F.R. § 3020.111(a), (b).

⁷ 39 C.F.R. § 3020.111(d).

⁸ U.S. Const. art. I, § 4, cl. 1.

⁹ 52 U.S.C. § 20507(c)(1).

¹⁰ 39 U.S.C. § 3629.

parameters for that maintenance but specifically leaving to the states the “specific choices on the methods of complying” with the list maintenance requirement.¹¹ Although the Rule states that USPS would not be authorized to change any information on the Mail-In and Absentee Participation List, by conditioning delivery of ballots on burdensome new procedures, USPS is in effect claiming the power to shut down entire states’ vote-by-mail programs if they do not comply with its own regulations.

The Rule Forces USPS to Act as an Unauthorized and Unqualified Election Administrator.

Currently, USPS plays a critical—but limited—role in U.S. elections. As a common carrier legally required to provide non-discriminatory, universal service to everyone in the United States, USPS has been a trusted and reliable method for millions of voters to receive ballots and exercise their constitutional right to vote. Under the Rule, USPS would become an unauthorized and unqualified election administrator, a role that it lacks the authority, resources, and expertise to fulfill.

Although the Rule purports to leave control over voter eligibility in the hands of the states, functionally, the Rule gives USPS the power to determine not just if individual voters can access vote-by-mail, but whether entire *states* are permitted to run vote-by-mail systems.

Additionally, USPS’s financial challenges have been well-documented,¹² and these proposed rules would require USPS to create an entirely new digital Ballot Portal to facilitate these changes—a system which USPS has received no funding to create. USPS would also need to redirect existing resources and personnel to the maintenance of this Ballot Portal, the review and creation of the various Lists that the Rule requires, and identifying and removing Ballot Mail sent by election officials from the mail delivery stream.

The Rule Imposes Unworkable Burdens on State and Local Election Administrators.

Election administrators nationwide are already overworked and underfunded. The Rule would add significant administrative burdens and disrupt election administrators’ established processes during the most time-sensitive periods of the election calendar, which could cause ballots to be delayed and disenfranchise voters.

In addition, this could require many states to design new absentee ballot carrier envelopes. Envelope design is an involved, lengthy process that requires iterative testing not just for administrators and USPS, but to ensure the design works for voters and meets the requirements of state election laws. Even if election officials had the funding to make these changes—and many do not—there is not nearly enough time before the 2026 elections to conduct this process.

Election administrators across the country have already purchased their envelopes for 2026 elections. There is a long lead time for ballot envelopes to be printed and delivered, and at minimum, it would be enormously costly to re-order envelopes, but may not be possible at all. In some states, changes to ballot envelopes would also require changes to state law.

¹¹ 52 U.S.C. § 21085.

¹² <https://www.brookings.edu/articles/the-us-postal-services-fiscal-crisis/>

Major changes like these to vote by mail systems and procedures on a national scale are exactly why only Congress and the states have the power to set election rules and requirements—not USPS acting at the President’s whim.