



July 2, 2026

Submitted via PCFederalRegister@usps.gov

Dale Kennedy
Director, Product Classification
U.S. Postal Service
475 L'Enfant Plaza SW, Room 4446
Washington, DC 20260-5015

RE: Proposed Amendment to the Mailing Standards of the United States Postal Service, USPS-2026-1289-0001, Ballot Mail for Federal Elections, 91 Fed. Reg. 32915 (June 2, 2026)

Dear Director Kennedy,

We, the undersigned former governors, represent a diverse array of political affiliations, geographies, and tenures. Yet we are united by our commitment to free and fair elections and the careful constitutional balance of state and federal authority upon which our electoral system rests. It is in that spirit that we voice our deep concern with the Postal Service's proposed amendment to the Mailing Standards of the United States Postal Service (USPS) Domestic Mail Manual (DMM), regarding the transmission of mail-in and absentee ballots for federal elections (the Proposed Rule).

As former governors, we write in view of our collective experience as chief executives of our respective states. In that role, we exercised the substantial authority delegated to the states by the Elections Clause of the U.S. Constitution to ensure the integrity and efficiency of elections. Several of us also served as state election officials ourselves, including four who served as Secretary of State prior to becoming Governor. This experience informs our conclusion that the Proposed Rule offends the Constitution's careful balance of state and federal authority, undermines state executives' ability to ensure free and fair elections within their states, and breaks with a long tradition of cooperation between Congress and the states concerning election administration by forcing states to comply with the Proposed Rule's dictates or face non-delivery of mail ballots to their voting-eligible residents. Federal courts have already declared illegal and enjoined significant portions of this rulemaking and the Executive Order upon which it is based.¹ For that reason and those below, we urge USPS to withdraw its proposed revision to the DMM.

¹ On July 1, 2026, the United States District Court for the District of Columbia issued a memorandum opinion and order enjoining USPS from implementing the standards and procedures set forth in the proposed rule because they violated the parties' 2021 settlement agreement. *NAACP v. USPS*, No. 20-cv-2295 (EGS) (D.D.C. July 1, 2026), Dkt. No. 182. On June 25, 2026, the United States District Court for the District of Massachusetts issued a memorandum opinion and order granting partial summary judgment to the plaintiffs, and enjoining Sections 2 and 3 of the Executive Order at issue. *California v. Trump*, No. 1:26-cv-11581-IT (D. Mass. June 25, 2026), Dkt. No. 191. Specifically, the court found that as to Section 2(a), "the creation of the Confirmed Citizen Lists is ultra vires because the President lacks any authority to compile voter lists for each State." *Id.* at 28. As to Section 3, the court found that the President cannot direct and USPS cannot create lists of eligible voters, because the Constitution delegates that authority to the states and the President lacks the authority to determine voter eligibility. *Id.* at 30.

I. Introduction

Free and fair elections are the cornerstone of our constitutional system. The right to vote is “so essential for the preservation of all their other rights, that it ought to be considered as one of the most sacred parts of our constitution.”² Voting is a “fundamental political right,” because it is “preservative of all rights.”³ The Constitution expressly delegates authority to the states to safeguard this right in the Elections Clause.⁴ The Clause is an express delegation of power to the States to act with respect to federal elections, and it provides states with:

authority to provide a complete code for congressional elections, not only as to times and places, but in relation to notices, registration, supervision of voting, protection of voters, prevention of fraud and corrupt practices, counting of votes, duties of inspectors and canvassers, and making and publication of election returns; in short, to enact the numerous requirements as to procedure and safeguards which experience shows are necessary in order to enforce the fundamental right involved.

Smiley v. Holm, 285 U.S. 355, 366 (1932). The authority conferred by the Elections Clause is of course “checked and balanced” by Congress, but it resides “primarily” with the states.⁵

In our experience as former governors from across the country, states embrace this crucial role expressly assigned to them by the Constitution. The officials who work in the 10,000 election administration jurisdictions across the United States serve with honor and a sense of obligation to their communities and to the Constitution. In our experience, state and local election officials, whatever their party, are dedicated, highly competent, responsible, accountable and transparent. Even in the face of increasing threats and harassment stemming from election misinformation, state and local officials admirably discharge their duties and ensure that elections are free and fair. By design, this balanced and decentralized system serves not only as a bulwark against efforts to undermine democracy, but to foster confidence and trust among the voting public.

USPS’s *Ballot Mail for Federal Elections* rulemaking in furtherance of the President’s March 31, 2026 Executive Order threatens to undermine the Constitution’s careful separation of powers. The “Constitution does not spell out a role for the President in the operation of state voting procedures in federal elections.”⁶ The Proposed Rule therefore claims for the executive branch an authority that no source of law confers, all at the expense of the states and Congress, simultaneously offending the core constitutional principles of federalism *and* the separation of powers. Far from ensuring integrity in federal elections, the Proposed Rule, if promulgated by USPS, will undermine trust in elections,

(“But the Constitution reserves the power to determine voter eligibility to the States alone.”). In addition, the court held that “USPS lacks authority to promulgate regulations on voting and the EO’s directive that USPS do so constitutes ultra vires executive action,” because the timeline and requirements of the EO violate USPS’s own rulemaking procedure. *Id.* at 31-32. Based on these and other findings, the court enjoined defendants “from implementing or giving effect to Sections 2 and 3 of the EO with respect to the November 3, 2026 or any earlier federal election” in the plaintiff states. *Id.* at 34-36.

² *Powell v. McCormack*, 395 U.S. 486, 534 n.65 (1969) (quoting 16 Parl.Hist.Eng. 589–90 (1769)).

³ *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886).

⁴ U.S. Const., art. I, § 4, cl. 1; *Arizona v. Inter Tribal Council of Arizona, Inc.*, 570 U.S. 1, 8 (2013); *Roudebush v. Hartke*, 405 U.S. 15, 24 (1972).

⁵ *Rucho v. Common Cause*, 588 U.S. 684, 699 (2019).

⁶ *State v. Meadows*, 88 F.4th 1331, 1346 (11th Cir. 2023).

needlessly complicate voting processes, arbitrarily disenfranchise eligible voters, and undermine states' constitutional role in ensuring free and fair elections.

II. Our System of Electoral Federalism

Our system of constitutional federalism safeguards individual liberties and curbs abuses of power. “[T]he Framers rejected the concept of a central government that would act upon and through the States, and instead designed a system in which the State and Federal Governments would exercise concurrent authority over the people.”⁷ This “healthy balance of power between the States and the Federal Government . . . reduce[s] the risk of tyranny and abuse from either front.”⁸ Federalism may on occasion be cumbersome, but the Founders understood that, through the dispersion of authority, “a double security arises to the rights of the people.”⁹ This general principle applies with particular force in the context of elections. “No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined.”¹⁰ Voting, and therefore free and fair elections, are “of the most fundamental significance under our constitutional structure.”¹¹

The Constitution expressly delegates primary authority over elections to the states, subject to congressional—not federal executive—oversight. The Elections Clause provides that “[t]he Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations.”¹² The federal executive and USPS have no constitutional role in election administration beyond the enforcement of laws enacted by Congress pursuant to congressional Elections Clause authority. Indeed, “executive regulatory authority over federal elections does not appear to have crossed the Framers’ minds.”¹³ The federal executive has no authority to interfere with, much less override, state authority to regulate elections.¹⁴

Federal statutes enacted pursuant to Congress’s authority under the Elections Clause respect this constitutional structure and preserve, rather than undermine, states’ authority to administer elections. The National Voter Registration Act (“NVRA”), 52 U.S.C. § 20501 *et seq.*, and the Help America Vote Act (“HAVA”), 52 U.S.C. § 20901 *et seq.*, for example, together establish a “floor” for federal election administration standards, preserving state officials’ discretion to determine appropriate implementation mechanisms that meet the needs of their state and citizenry.¹⁵ In the NVRA and HAVA, Congress

⁷ *Printz v. United States*, 521 U.S. 898, 919–20 (1997).

⁸ *Gregory v. Ashcroft*, 501 U.S. 452, 458 (1991).

⁹ The Federalist No. 51 (Alexander Hamilton).

¹⁰ *Williams v. Rhodes*, 393 U.S. 23, 31 (1968).

¹¹ *Ill. State Bd. Elections v. Socialist Workers Party*, 440 U.S. 173, 184 (1979).

¹² U.S. Const. art. I, § 4, cl. 1.

¹³ *League of United Latin Am. Citizens v. Exec. Off. of the President*, 780 F. Supp. 3d 135, 159 (D.D.C. 2025).

¹⁴ See *Colorado v. DeJoy*, No. 20-cv-2768, 2020 WL 5513567, at *2 (D. Colo. Sept. 14, 2020) (holding that the Postal Service, as an executive agency of the federal government, does not have authority to override state election laws).

¹⁵ See, e.g., *Common Cause/New York v. Brehm*, 432 F. Supp. 3d 285, 317 (S.D.N.Y. 2020) (discussing *Husted v. A. Philip Randolph Inst.*, 584 U.S. 756, 762 (2018), and explaining that “the NVRA sets the floor for how states conduct list maintenance; states have discretion to choose how precisely to follow its requirements,” and “[s]tates take a variety of approaches in complying with the NVRA’s requirements”); *Cnty. of Nassau v. New York*, 724 F. Supp. 2d 295, 298 (E.D.N.Y. 2010) (noting that relevant provisions

confirmed through law what we as former governors know from experience—that election administration requires the kind of flexibility and local knowledge that state and local officials possess, and that federal officials do not.¹⁶

III. Electoral Federalism Confers Substantial Benefits on our Nation and Citizenry

In our experience as governors, the default rule of state control established by the Elections Clause promotes and protects free and fair elections. Because the Constitution has delegated election authority to states since the Founding, states have developed deep practical and institutional expertise in managing the “extraordinarily complicated” task of running statewide elections.¹⁷ The overwhelming majority of elections conducted in the United States every year are for state and local offices,¹⁸ and many occur during odd numbered years, completely independent from even-year federal elections.¹⁹ The actual work of running these elections is done by local officials in more than ten thousand election administration jurisdictions across the country.²⁰

This decentralized system “allows individual jurisdictions to experiment and innovate—to see how elections might best be run for the state and the locality’s particular circumstances.”²¹ Elections require enormous advance preparations by state and local officials, and pose significant logistical challenges that state officials are uniquely qualified and situated to address. In our experience, states admirably discharge their responsibility for establishing “rules that dictate everything from the date on which voters will go to the polls to the dimensions and font of individual ballots.”²² State officials exercise their

in HAVA “set[] minimum requirements for federal elections,” and that “[t]he specific choices on the methods of complying with the requirements of this subchapter shall be left to the discretion of the State.”).

¹⁶ See Mitch McConnell, *Trump Gives Democrats a Voting Gift*, Wall St. J. (Apr. 7, 2025), <https://archive.ph/30TWq> (“When we wrote the Help America Vote Act, we took care to reinforce—not undermine—the limits of federal involvement in America’s Elections.”); *id.* (“[D]elegation of authority over election administration is crystal clear. Elections may have national consequences but the power to conduct them rests in state capitols.”).

¹⁷ *Merrill v. Milligan*, 142 S. Ct. 879, 880 (2022) (Kavanaugh, J., concurring in grant of stay).

¹⁸ See, e.g., Jess Brouard, *States, Not the President, Run Elections in America*, State Court Report (Oct. 21, 2025), <https://statecourtreport.org/our-work/analysis-opinion/states-not-president-run-elections-america> (noting that 2026 midterm elections will be for “all 435 House seats, 33 Senate seats, and thousands of state legislature seats across the country”).

¹⁹ See, e.g., Adam Kuckuk, *For an Odd Year, 2025 Packs Big Elections*, Nat’l Conf. of State Legislatures (Sept. 23, 2025), <https://www.ncsl.org/state-legislatures-news/details/for-an-odd-year-2025-packs-big-elections> (discussing 2025 state-level elections in Virginia and New Jersey, and 2027 elections in Kentucky, Louisiana, and Mississippi); Christopher R. Berry, *Democracy Reform Primer Series: The Timing of Local Elections*, U. Chicago (Jan. 25, 2024), <https://effectivegov.uchicago.edu/primers/the-timing-of-local-elections> (“Most local elections are held off-cycle, on separate days from higher profile state and federal elections.”).

²⁰ *Election Administration at State and Local Levels*, Nat’l Conf. of State Legislatures (Jan. 13, 2026), <https://www.ncsl.org/elections-and-campaigns/election-administration-at-state-and-local-levels>.

²¹ *Id.*

²² *Moore v. Harper*, 600 U.S. 1, 29 (2023).

discretion under the Elections Clause to make countless “difficult decisions about how best to structure and conduct elections” that reflect their respective state’s varying needs and priorities.²³

We submit that our system of electoral federalism also increases trust among the electorate. “State run elections mean that voters recognize their neighbors who staff polling stations, trust their Secretaries of State—whom they voted for—to keep their personally identifying information safe, and believe that they will not be targeted because of what they look like or who they vote for.”²⁴ This is borne out in survey data, which demonstrates that Americans view their state and local officials far more positively than federal officials,²⁵ and that they have substantially more trust and confidence in state and local officials as compared to federal officials.²⁶ In this era of rampant election misinformation, the authority exercised by the states under the Elections Clause serves as a bulwark against the further erosion of public confidence in our electoral system.

As both a cause and a consequence of these features, state and local election administration is also less partisan than the current national discussion about elections would suggest. Many states, including states in which we served as governors, have regulations that specifically address partisanship, and give both major political parties an equal role in ensuring the integrity of state-run elections. In Michigan, for example, election inspectors are employed by local county clerks, and each clerk must have at least one inspector from each major political party. And at voting locations, while voting is ongoing, many tasks must be completed by bipartisan pairs of election workers, including “assisting voters who request instruction after entering a voting station; opening any electronic tabulating equipment during the day to ensure its proper operation; sealing ballot containers, electronic devices, or any other election materials; and delivering documents and sealed ballots after the polls close.”²⁷ Nevada,²⁸ Ohio,²⁹ Pennsylvania,³⁰ and Wisconsin,³¹ to name just a few examples of states in which we have served as governors, have laws that similarly require bipartisan cooperation in election administration and monitoring.

²³ *Democratic Nat’l Comm. v. Wis. State Legislature*, 141 S. Ct. 28, 31–32 (2020) (Kavanaugh, J., concurring).

²⁴ *United States v. Weber*, No. 2:25-cv-09149, 2026 WL 118807, at *2 (C.D. Cal. Jan. 15, 2026).

²⁵ Pew Research Center, *On issue after issue, Americans say things are going better locally than nationally*, (Feb. 10, 2025), <https://www.pewresearch.org/short-reads/2025/02/10/on-issue-after-issue-americans-say-things-are-going-better-locally-than-nationally/>.

²⁶ See Gallup, *Americans Trust Local Government Most, Congress Least* (Oct. 13, 2023), available at <https://news.gallup.com/poll/512651/americans-trust-local-government-congress-least.aspx>.

²⁷ See generally Wendy Weiser, *Michigan Election Inspectors: Rules and Constraints*, Brennan Center for Justice (March 18, 2024), <https://www.brennancenter.org/our-work/research-reports/michigan-election-inspectors-rules-and-constraints>.

²⁸ See generally Lauren Miller Karalunas, *Nevada Election Board Officers: Rules and Constraints*, Brennan Center for Justice (March 18, 2024), <https://www.brennancenter.org/our-work/research-reports/nevada-election-board-officers-rules-and-constraints>.

²⁹ See generally Lauren Miller Karalunas, *Ohio Precinct Election Officials: Rules and Constraints*, Brennan Center for Justice (March 18, 2024), <https://www.brennancenter.org/our-work/research-reports/ohio-precinct-election-officials-rules-and-constraints>.

³⁰ See generally Lauren Miller Karalunas, *Pennsylvania Election Officers: Rules and Constraints*, Brennan Center for Justice (March 18, 2024), <https://www.brennancenter.org/our-work/research-reports/pennsylvania-election-officers-rules-and-constraints>.

³¹ See generally Lauren Miller Karalunas, *Wisconsin Election Officers: Rules and Constraints*, Brennan Center for Justice (March 18, 2024), <https://www.brennancenter.org/our-work/research-reports/wisconsin-election-officials-rules-and-constraints>.

Finally—and critically—“[t]he dispersed responsibility for running elections also makes it extremely difficult, if not impossible, to rig U.S. elections at the national level.”³² In the election context, states do not just serve as ‘guard dogs’ for any federal misbehavior or as governments that compete with the federal government for voter affection. Instead, states remain significantly functionally independent of, and resistant to capture by, the Executive Branch due to a uniquely American mix of tradition, doctrine, and resource constraints. This system is occasionally inefficient, but it makes the risk of partisan capture “far less likely” and acts as a “reasonably effective bulwark against efforts by an authoritarian president to make the overall electoral playing field unfair.”³³

Thanks to the Founders’ forethought, the division of authority established by the Elections Clause continues to confer benefits on our nation, states, and citizenry. The primacy of state lawmaking and state lawmakers in this area “allows local policies more sensitive to the diverse needs of a heterogeneous society, permits innovation and experimentation, enables greater citizen involvement in democratic processes, and makes government more responsive by putting the States in competition for a mobile citizenry.”³⁴ We respectfully submit that our system of electoral federalism is a cornerstone of our democracy and we—as elected and appointed officials at all levels of government and citizens—should zealously defend it.

IV. The Proposed Rule Unlawfully Forces States to Prepare for and Comply with Conflicting Federal and State Election Rules

Against this backdrop, the Proposed Rule is unlawful and unwise. It offends the basic constitutional principle that the federal executive has no role in the regulation of elections.³⁵ And it undermines the very structure of our constitutional system. “[F]ederalism and the separation of powers diffuse government authority to prevent the accumulation of excessive power in any one actor and to encourage different representatives of the people to monitor the exercises of power by the others.”³⁶ The Proposed Rule, issued by the USPS in response to Executive Order 14399, is offensive to *both* of these core constitutional principles.

The Proposed Rule contemplates that USPS will create a state-specific “Mail-in Absentee Participation List” process through a “Federal Ballot Mail Portal.”³⁷ States, including authorized election officials and their mail service providers, would notify USPS of individuals to whom they are mailing a mail-in or absentee ballot, along with the unique barcode applied to the outbound and return ballot mail envelope for such individuals so that the name and barcode of the voter will be included on a Mail-in and Absentee Ballot List.³⁸ USPS would then compile and return a final state-specific Mail-in and Absentee Ballot List

³² *Election Administration at State and Local Levels*, Nat’l Conf. of State Legislatures (Jan. 13, 2026), <https://www.ncsl.org/elections-and-campaigns/election-administration-at-state-and-local-levels>.

³³ David Landau, et al., *Federalism, Democracy, and the 2020 Election*, 99 Tex. L. Rev. Online 96, 100, 104 (2021).

³⁴ *Arizona State Legislature v. Arizona Indep. Redistricting Comm’n*, 576 U.S. 787, 817 (2015).

³⁵ See *The Federalist* No. 59 (Alexander Hamilton); *Foster v. Love*, 522 U.S. 67, 69 (1997); *Washington v. Trump*, 814 F. Supp. 3d 1173, 1214 n.57 (W.D. Wash. 2026).

³⁶ Jessica Bulman-Pozen, *Federalism as a Safeguard of the Separation of Powers*, 112 Columbia L. Rev. 459, 460 (2012).

³⁷ 91 Fed. Reg. 32916.

³⁸ *Id.* at 32916-18.

to the state's chief election official.³⁹ A state may make supplemental submissions and modifications to its list until the last day that ballots may be mailed out to individuals under state law.⁴⁰

The only way for an individual to be enrolled on USPS's Mail-In and Absentee Participation List is to be included on the list offered to USPS through these processes.⁴¹ USPS would then use that information to verify outbound federal ballot mail—that is, ballots sent from election officials to voters, before accepting them for mailing.⁴² Specifically, USPS would review whether the mailing complies with new envelope standards also included in the Proposed Rule and whether it matches the state-submitted Mail-In and Absentee Participation List and associated barcodes. Noncompliant mailings would not be accepted and transmitted; instead, they would be returned to state or local election officials or vendors for correction before resubmission. If a state declines to certify a Mail-In and Absentee Participation List, the Proposed Rule contemplates that USPS will not transmit any outbound federal ballot mail to that state's voters.⁴³ We are unaware of any point in USPS's history in which it chose not to deliver properly addressed, stamped, lawful, nonhazardous mail from a government entity. The Proposed Rule would make such unprecedented refusal a widespread USPS policy, leveraging USPS's control over the mail as punishment against any State unwilling to cede authority over the conduct of its own elections.

By virtue of these penalties for noncompliance in particular, the Proposed Rule purports to strip states of their explicit constitutional authority to regulate elections subject only to congressional—not federal executive agency—oversight. By coercing states to relinquish their longstanding authority over elections through threats of ballot mail non-delivery, it will cause confusion among voters and election administrators alike, risking widespread arbitrary disenfranchisement of eligible voters. If the Proposed Rule is ultimately adopted, it will increase the authority of USPS and the federal executive at the expense of the states, Congress, and the constitutional order that has maintained our electoral democracy for 250 years.

The probability of errors and omissions of voters in these lists is also significant. Most states permit no-excuse absentee voting by mail and those that do not either conduct all elections by mail or permit qualified voters to vote by absentee ballot.⁴⁴ Mail-in and absentee voting ensure that citizens living abroad (including members of the military stationed outside the United States), those who are disabled, or those who know they will be traveling at the time of an election, are able to exercise their fundamental right. And many states allow eligible voters to request mail-in ballots shortly before Election Day. These longer timeframes to apply for mail-in ballots provide voters flexibility if their schedules change and no longer allow for them to vote in person. By way of example, Massachusetts allows voters to request absentee ballots up until five days before Election Day;⁴⁵ Texas allows voters to apply for mail-in ballots up to 11 days before an election;⁴⁶ and Montana allows voters to request an absentee ballot as late as the day preceding Election Day.⁴⁷ Yet the Proposed Rule requires that a state-specific Mail-in Absentee Participation List must be certified at least 30 days before federal Election Day, to the extent practicable,

³⁹ *Id.* at 32916.

⁴⁰ *Id.* at 32918.

⁴¹ *Id.* at 32916-18.

⁴² *Id.* at 32918.

⁴³ *Id.*

⁴⁴ *States with No-Excuse Absentee Voting*, Nat'l Conf. of State Legislatures (Mar. 10, 2026), <https://www.ncsl.org/elections-and-campaigns/table-1-states-with-no-excuse-absentee-voting>.

⁴⁵ Mass. Gen. Laws ch. 54, § 89.

⁴⁶ Tex. Elec. Code § 84.007(c).

⁴⁷ Mont. Code Ann. § 13-13-211(1).

or by the date on which mail-in or absentee ballots may begin to be mailed under state law.⁴⁸ But because that deadline precedes the voter registration deadline in almost all states (including several of the states we have served as governors), the lists will necessarily be underinclusive.⁴⁹ Although the Proposed Rule includes a procedure that would allow states to modify and update these lists, we submit that in our experience as state officials, administrative, financial, and technical issues will make it difficult for state and local elections officials to do so under the Proposed Rule's timeframes, resulting in effective disenfranchisement of eligible voters.

The Proposed Rule thus improperly recruits USPS into making substantive judgments about who may vote using an absentee ballot, displacing state and local election officials who have the constitutional authority—and the necessary experience—to regulate absentee balloting procedures. The rule purports to authorize USPS to decline delivery of otherwise deliverable mail-in ballots merely because the sender does not appear on the federal list, without regard for whether the sender is *in fact* eligible to vote, in direct violation of the agency's longstanding statutory universal service obligation, 39 U.S.C. § 403(c). The Proposed Rule's assertion of authority to regulate mail-in balloting not only violates basic principles of federalism,⁵⁰ it also risks disenfranchising the significant number of voters who rely on mail-in balloting to exercise their fundamental right to vote.

V. USPS Should Withdraw the Proposed Rule Without Delay to Provide Clarity to State and Local Officials Well in Advance of the Midterm Elections

As former governors, we know from years of experience that election administration is an inherently forward-looking enterprise. It requires many months of advance planning, including updating voter registration databases, programming and testing voting systems, printing ballots and election materials, training poll workers, coordinating with vendors, and educating voters regarding important deadlines. Indeed, such preparations for the upcoming midterm elections—all of which would be impacted by the Proposed Rule—are already underway. State and local officials cannot wait until the eve of the upcoming elections to alter longstanding procedures to comply with the Proposed Rule's directives. Any uncertainty regarding the need to comply with the Proposed Rule in the face of contradictory state and federal law, or risk non-delivery of ballot mail as a penalty for noncompliance, will create confusion among election administrators and strain already limited state and local resources. USPS should not delay; the proposed rule should be withdrawn at the earliest opportunity to avoid harm to state and local election administration.

VI. Conclusion

We raise these concerns with USPS's proposed rule because our experience as chief executives of our states tells us the policies under consideration are both unlawful and unwise. While we share the Postal Service's desire to "facilitate enforcement of federal law, reduce the risk of fraud, and help protect the integrity of federal elections,"⁵¹ the Proposed Rule violates USPS's mandate, federal law, and the U.S. Constitution by forcing the agency to assume the role of election administrator in place of states. If promulgated, the Proposed Rule will impose significant burdens on election administrators and will

⁴⁸ 91 Fed. Reg. at 32916.

⁴⁹ *Voter Registration Deadlines*, Nat'l Conf. of State Legislatures (Oct. 13, 2025), <https://www.ncsl.org/elections-and-campaigns/voter-registration-deadlines>.

⁵⁰ *Cook v. Gralike*, 531 U.S. 510, 523 (2001) (Elections Clause grants states "broad power to prescribe the procedural mechanisms for holding congressional elections").

⁵¹ 91 Fed. Reg. 32915.

disenfranchise voters nationwide. We urge the Postal Service to join us in defense of the independence of our election systems, and its own independence, by withdrawing the proposed rule.

Should USPS determine that modifications DMM are still necessary, any such changes must be developed through a full and transparent notice-and-comment process that allows meaningful input from states, local governments, and other affected stakeholders.

Thank you for the opportunity to comment on this proposed rule.

Respectfully submitted,

Neil Abercrombie

Governor of Hawaii (2010 to 2014)

Jerry Brown

Governor of California (1975 to 1983 and 2011 to 2019)

Secretary of State of California (1971 to 1975)

Kate Brown

Governor of Oregon (2015 to 2023)

Secretary of State of Oregon (2009-2015)

Steve Bullock

Governor of Montana (2013 to 2021)

Arne Carlson

Governor of Minnesota (1991 to 1999)

Chet Culver

Governor of Iowa (2007 to 2011)

Secretary of State of Iowa (1999 to 2007)

Mark Dayton

Governor of Minnesota (2011 to 2019)

Parris Glendening

Governor of Maryland (1995 to 2003)

Jennifer Granholm

Governor of Michigan (2003 to 2011)

Bill Graves

Governor of Kansas (1995 to 2003)

Secretary of State of Kansas (1987 to 1995)

Christine Gregoire

Governor of Washington (2005 to 2013)

John Kitzhaber

Governor of Oregon (1995 to 2003 and 2011 to 2015)

Gary Locke

Governor of Washington (1997 to 2005)

Jack Markell

Governor of Delaware (2009 to 2017)

Terry McAuliffe

Governor of Virginia (2014 to 2018)

Martin O'Malley

Governor of Maryland (2007 to 2015)

Deval Patrick

Governor of Massachusetts (2007 to 2015)

Pat Quinn

Governor of Illinois (2009 to 2015)

Marc Racicot

Governor of Montana (1993 to 2001)

Kathleen Sebelius

Governor of Kansas (2003 to 2009)

Steve Sisolak

Governor of Nevada (2019 to 2023)

Eliot Spitzer

Governor of New York (2007 to 2008)

Tom Vilsack

Governor of Iowa (1999 to 2007)

Bill Weld

Governor of Massachusetts (1991 to 1997)

Christine Todd Whitman

Governor of New Jersey (1994 to 2001)

Tom Wolf

Governor of Pennsylvania (2015 to 2023)