



July 2, 2026

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

Re: Comment in Opposition to Proposed Amendments to the Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)(FR Doc. 2026-10968; 91 FR 32915; 39 CFR Part 11)

Submitted via PCFederalRegister@usps.gov

I. Introduction

The Lawyers' Committee for Civil Rights Under Law (the "Lawyers' Committee") submits this comment on the U.S. Postal Service's ("USPS") Notice of Proposed Rulemaking on Ballot Mail for Federal Elections. The proposed rule would create unnecessary, burdensome, and unlawful barriers to absentee and mail voting in federal elections. Specifically, the proposed rule would condition a state's use of mail-in ballots on submitting the names, addresses, and unique barcode identifiers of all mail-in and absentee voters to USPS for inclusion in a new federal portal and compilation of state-specific "participation lists." The proposed rule would also impose new election mail design, envelope, and barcode specifications. Failure to follow these requirements would permit USPS to deny ballot access to eligible voters. If a state were to opt out of the new USPS procedure, none of the voters in the state could vote by mail.

As explained in this comment, the proposed rule is unlawful, unworkable, and burdensome for millions of eligible voters seeking equal access to the ballot. The rule purports to implement Executive Order 14399, which is subject to multiple legal challenges and which one court has already determined violates the law. By allowing USPS to reject ballot mail based on list, barcode, portal, or envelope requirements, the proposed rule would usurp the role of states in state election administration and risk denying eligible voters access to their ballots because of government, vendor, or technical errors. Those risks are especially acute for Black voters and other voters of color, who are often most harmed when election systems become more bureaucratic, confusing, and prone to administrative failure. USPS should drop the proposed rule.

II. Lawyers' Committee Background and Interest

The Lawyers' Committee is a nonpartisan, nonprofit organization, formed in 1963 at the request of President John F. Kennedy to enlist the private bar's leadership and resources in combating racial discrimination and the resulting inequality of opportunity, work that continues to be vital today. Today, the Lawyers' Committee uses legal advocacy to achieve racial justice,



fighting inside and outside the courts to ensure that Black people and other people of color have the voice, opportunity, and power to make the promises of our democracy real.

The Lawyers' Committee has a strong interest in eliminating systemic and structural barriers to the ballot experienced by Black people and other people of color. For over 60 years, the Lawyers' Committee has litigated and advocated under federal civil rights and voting rights statutes, including the National Voter Registration Act, the Voting Rights Act of 1965, and the Civil Rights Act. The Lawyers' Committee is also counsel in *NAACP et al v. Trump et al*, one of several challenges to Executive Order 14399, which improperly directed the Postal Service to issue this proposed rule.

Through voting rights litigation, policy advocacy, and Election Protection, the Lawyers' Committee has seen how administrative barriers, misinformation, under-resourced election systems, and technical errors can prevent eligible voters from casting a ballot. The Lawyers' Committee administers the Election Protection hotline 866-OUR-VOTE and digital reporting tools to support voters in every state year-round. The hotline is a central component of the nation's leading nonpartisan voter protection program, integrating real time voter assistance, legal support to address voter problems and emerging threats, large scale volunteer mobilization, poll monitoring, and coordination with a national Election Protection Coalition of more than 300 partner organizations. We are using every tool the law still gives us: in the courts, in statehouses, and at the ballot box — to ensure that no eligible voter is locked out of our democracy.

III. The Proposed Rule Exceeds USPS's Authority and Unlawfully Interferes with State Election Administration

USPS has an important but limited role in elections: receiving, processing, and delivering election mail. It is not an election administrator. Determining voter eligibility, maintaining voter rolls, deciding who may receive a mail ballot, and administering state election systems are responsibilities assigned to state election officials — not federal agencies acting as election administrators. The proposed rule would cross these lines. It would require states, election officials, and authorized mail service providers to submit voter and ballot-mail information into a new Federal Ballot Mail Portal, including voter names, addresses, and information connected to outbound and return-ballot envelopes. USPS would then compare ballot mail to those submissions and could reject mail it deems noncompliant. That is not ordinary mail processing. It is a federal approval system for ballot mail — a system that USPS lacks any lawful authority to impose.

USPS may claim that states retain control over voter eligibility and that USPS is merely reviewing mail for compliance with technical requirements. Even if USPS's claim were true, the distinction is irrelevant to voters. Voters do not care whether USPS rejects ballot mail because of a list, barcode, portal, certification, or envelope issue. Whatever the reason, the result is that an eligible voter does not receive the ballot they are entitled to under state law, and USPS gets veto power over who is allowed to vote.



In fact, USPS's claim is not true. USPS will not deliver mail ballots in any state that does not "opt in" to USPS's proposed system. If a state refuses to participate in the Federal Ballot Mail Portal, lacks the resources or legal authority to comply, misses a deadline, submits incomplete data, or declines to certify compliance with an illegal federal scheme, USPS could refuse to accept ballot mail. No voter in those states could cast a ballot by mail. That approach is coercive, chaotic, and incoherent. It would interfere with the constitutionally prescribed role of states in administering elections. The Constitution makes states, not USPS, responsible for determining voter eligibility, maintaining voter lists, and deciding how mail voting operates within their jurisdictions. This rule would blur that line by conditioning ballot delivery on a federal process that states did not create and that voters cannot control.

IV. The Proposed Rule Creates an Unworkable Federal Approval System for Ballot Mail

USPS has not shown that existing ballot-mail procedures are inadequate or that a federal portal and list-matching system would prevent any real harm. Instead, the proposed rule would make ballot access depend on a chain of technical processes that must all work correctly during the most time-sensitive period of an election.

The rule depends on accurate state-submitted participation lists, timely election-office uploads, reliable vendor files, correct barcode matching, functional portal submissions, supplemental updates, and USPS compliance reviews. Each step creates a new opportunity for error. Voters' information changes. Names are entered differently across systems. Voters move. Ballot requests may be processed after an initial submission. Supplemental submissions may be delayed. Local election systems may not communicate cleanly with state systems. Vendors may use the wrong data file. Barcodes may be mismatched. States may submit incomplete or incorrectly formatted information.

As a result, an eligible voter could fail to receive a ballot even when they have done everything required of them. Their name could be missing from a state-submitted list. Their address could be formatted differently. Their information could be caught in a delayed supplemental submission. Their barcode could be mismatched. A vendor or election office could make a data error. USPS could mistakenly deem an appropriate mailing noncompliant. None of these errors would be the voter's fault, but they would bear the consequences.

The risk is especially serious because USPS would review outbound ballot mail before acceptance. If USPS refuses to accept ballot mail, that mail may never enter the mail stream. A voter may not know there is a problem until it is too late to request another ballot, vote in person, arrange transportation, take time off work, find childcare, or use another voting option. Election integrity is not served by conditioning ballot access on technical requirements voters cannot see, control, or cure. The right to vote cannot depend on whether a new federal data system works perfectly.

V. The Proposed Rule Would Compound Existing Barriers for Black Voters and Other Voters of Color



The burdens created by the proposed rule would not fall evenly. The process failures described above would be especially harmful for Black voters and other voters of color because these communities historically have suffered most as election systems become more bureaucratic, confusing, delayed, and dependent on administrative discretion.

Black communities continue to experience the cumulative effects of unequal access to election infrastructure, under-resourced election administration, polling place closures, long lines, transportation barriers, housing instability, disaster displacement, inflexible work schedules, caregiving responsibilities, disability-related barriers, criminal legal system involvement, targeted voter intimidation, and disinformation. Mail voting is an essential access tool for many voters navigating these barriers. It is not merely a convenience. For many Black voters and other voters of color, the ability to vote by mail can be the difference between access and obstruction.

The proposed rule would make that access more fragile. Voters experiencing housing instability, displacement, disaster recovery, or frequent address changes are more likely to be affected by underinclusive lists or address mismatches. Voters who rely on mail ballots because of disability, caregiving responsibilities, lack of transportation, or work schedules may have fewer realistic alternatives if a ballot does not arrive. Voters in under-resourced jurisdictions are more likely to suffer from delays caused by limited staffing, outdated systems, vendor capacity issues, or confusion over new federal requirements.

For Black voters, bureaucratic voting barriers have long been used to suppress their political participation. A rule does not need to mention race to have racially harmful consequences. When the government adds paperwork, technical requirements, administrative discretion, and new opportunities for rejection, voters who already face structural barriers are most likely to be harmed.

VI. Conclusion

For the reasons discussed above, USPS should not implement the proposed rule. It would create unnecessary, burdensome, and unlawful barriers to mail voting. It would exceed USPS's proper role, interfere with state election administration, and increase risks that eligible voters will be denied access to their ballots because of technical or administrative errors outside of their control.

For Black voters and other voters of color, the proposed rule would add another layer of bureaucracy to an election system where administrative barriers, under-resourced infrastructure, voter intimidation, and unequal access have long operated to suppress political participation.

USPS has not shown that this rule is necessary, lawful, workable, or fair. Needless and cumbersome barriers to access do not advance election integrity. Nor do they promote faith in the electoral system to empower a faceless federal mail agency to reject ballot mail based on a system that voters do not control. The Lawyers' Committee urges USPS to drop the proposed rule and return to doing what the Postal Service is supposed to do: deliver election mail.



LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
U N D E R L A W

1500 K Street, NW
Suite 900
Washington, DC 20005

Tel: 202.662.8600
Fax: 202.783.0857
www.lawyerscommittee.org

promptly, reliably, and without discrimination. If you have any questions or need additional information, please contact Chanel Sherrod, Policy Advisor, Voting Rights & Democracy at csherrod@lawyerscommittee.org.

Sincerely,

Chanel Sherrod
Policy Advisor, Voting Rights & Democracy
Lawyers' Committee for Civil Rights Under Law