



July 2, 2026

David Steiner  
Postmaster General  
United States Postal Service  
475 L'Enfant Plaza SW  
Washington, D.C. 20260

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 Postmaster General Steiner and Director Kennedy,

We, the undersigned governors, write regarding the unconstitutional and illegal attempt to transform the United States Postal Service (USPS) into an election administration agency controlled by the White House and President Trump. Voting is foundational to our democracy, and our democracy works best when every eligible voter can participate. Yet if this Proposed Rule is implemented, eligible American citizens will be blocked from participating in our elections. The proposal reflects a blatant violation of the Constitution, which vests the authority to regulate the time, place, and manner of federal elections with the states and Congress alone. Indeed, a federal court has already blocked the Executive Order on which this rule is built, holding that USPS has no authority to regulate elections and that the President cannot decide who is eligible

to vote.<sup>1</sup> The right to vote is too important to be sacrificed at the whim of a President; it is the cornerstone of our democracy and ““one of the most sacred parts of our constitution.””<sup>2</sup>

As governors, we represent a diverse array of states and interests. Yet we are united by our commitment to free and fair elections and the careful balance of state and federal authority upon which our country rests. It is for these reasons, and those below, that we voice our opposition to the Postal Service’s unlawful amendment to the Mailing Standards of the USPS Domestic Mail Manual (DMM), regarding the transmission of mail-in and absentee ballots for federal elections (the Proposed Rule). We urge USPS to reclaim its independence and withdraw its Proposed Rule immediately.

## **I. States Safeguard the Integrity and Efficiency of Elections for the Benefit of the Nation**

Our states exercise their delegated authority under the Elections Clause of the Constitution to ensure the integrity and efficiency of federal elections. Through the Elections Clause, the Constitution expressly delegates primary authority over congressional elections to the states, subject to congressional—not Presidential—oversight.<sup>3</sup> The Constitution is clear on this point: “[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.”<sup>4</sup>

The federal executive in general—and USPS in particular—has no constitutional role in setting rules governing election administration beyond the enforcement of laws enacted by Congress pursuant to its Elections Clause authority. Indeed, “executive regulatory authority over federal elections does not appear to have crossed the Framers’ minds.”<sup>5</sup> Neither President Trump nor USPS has authority to override state authority to regulate elections by forcing states to comply with federal dictates or face non-delivery of mail ballots to their voting-eligible residents, as proposed.<sup>6</sup>

Through this framework, our states promote and protect free and fair elections. Because the Constitution has delegated election authority to states since the Founding, states like ours have developed deep practical and institutional expertise in managing the “extraordinarily complicated” task of running statewide elections.<sup>7</sup> The actual work of running these elections is done by state and local officials in the more than

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<sup>1</sup> *California v. Trump*, No. 1:26-cv-11581-IT (D. Mass. June 25, 2026), Dkt. No. 191. Specifically, 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. (“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 [Executive Order]” on which this rulemaking is based, “with respect to the November 3, 2026 or any earlier federal election” in the plaintiff states. *Id.* at 34-36.

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

<sup>3</sup> *Rucho v. Common Cause*, 588 U.S. 684, 699 (2019).

<sup>4</sup> U.S. Const. art. I, § 4, cl. 1.

<sup>5</sup> *League of United Latin Am. Citizens v. Exec. Off. of the President*, 780 F. Supp. 3d 135, 159 (D.D.C. 2025).

<sup>6</sup> 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).

<sup>7</sup> *Merrill v. Milligan*, 142 S. Ct. 879, 880 (2022) (Kavanaugh, J., concurring in grant of stay).

10,000 jurisdictions across the country.<sup>8</sup> These state and local election officials are dedicated, highly competent, responsible, accountable and transparent. Even in the face of increasing threats and harassment stemming from election misinformation, our state and local officials admirably discharge their duties and ensure that elections are free and fair.

This “dispersed responsibility for running elections also makes it extremely difficult, if not impossible, to rig U.S. elections at the national level.”<sup>9</sup> Our states do not just serve as ‘guard dogs’ for any federal misbehavior. 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 makes the risk of partisan capture “far less likely” and acts as a “bulwark against efforts by an authoritarian president to make the overall electoral playing field unfair.”<sup>10</sup>

This state-run electoral system also “allows individual jurisdictions to experiment and innovate—to see how elections might best be run for the state and the locality’s particular circumstances.”<sup>11</sup> 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. Our 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.”<sup>12</sup> Our state and local officials exercise their 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.<sup>13</sup>

In our experience, State leadership also increases trust among the electorate. “State run elections mean that voters recognize their neighbors who staff polling stations, trust their state and local election authorities 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.”<sup>14</sup> Americans view their state and local officials far more positively than federal officials,<sup>15</sup> and that they have substantially more trust and confidence in state and local officials as compared to federal officials.<sup>16</sup> The authority exercised by the states under the Elections Clause serves as a bulwark against the erosion of public confidence in our electoral system, especially in an era of rampant election misinformation and partisanship at the federal level. Many states, including some of our own, have laws that specifically address partisanship, and give both major political parties an equal role in ensuring the integrity of state-run elections.

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<sup>8</sup> *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>.

<sup>9</sup> *Id.*

<sup>10</sup> David Landau, et al., *Federalism, Democracy, and the 2020 Election*, 99 *Tex. L. Rev. Online* 96, 100, 104 (2021).

<sup>11</sup> *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>.

<sup>12</sup> *Moore v. Harper*, 600 U.S. 1, 29 (2023).

<sup>13</sup> *Democratic Nat’l Comm. v. Wis. State Legislature*, 141 S. Ct. 28, 31–32 (2020) (Kavanaugh, J., concurring).

<sup>14</sup> *United States v. Weber*, No. 2:25-cv-09149, 2026 WL 118807, at \*2 (C.D. Cal. Jan. 15, 2026).

<sup>15</sup> 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/>.

<sup>16</sup> 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>.

Thanks to states, the division of authority established by the Elections Clause continues to confer benefits on our nation and citizenry. The primacy of Governors, state legislators, and state elections officials “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.”<sup>17</sup> This system of electoral federalism is a cornerstone of our democracy. We—as governors and citizens—must defend it.

## II. USPS’s Proposed Rule Would Disenfranchise Voters and Usurp State Authority

USPS’s *Ballot Mail for Federal Elections* rulemaking in furtherance of the President’s illegal March 31, 2026 Executive Order threatens to undermine the Constitution’s careful separation of powers. It is universally understood that neither the Postal Service nor the President may regulate or administer American elections. Yet the Proposed Rule offends that basic constitutional principle of the Elections Clause, and undermines the very structure of our constitutional system.<sup>18</sup> Far from ensuring integrity in federal elections, the Proposed Rule would undermine trust in elections, needlessly complicate voting processes, arbitrarily disenfranchise millions of eligible voters, and undermine states’ constitutional role in ensuring free and fair elections.

The proposal envisions that USPS will issue a rule to establish compulsory specifications for election mail and create an insecure master absentee voter list of millions of Americans—with the unilateral power to refuse to deliver their ballots if a state refuses to collaborate with President Trump’s unlawful directives. Specifically, USPS has threatened to create a state-specific “Mail-in Absentee Participation List” process through a “Federal Ballot Mail Portal,” with no indication of whether or how this information would be safeguarded from cybersecurity threats.<sup>19</sup> States would be required to notify USPS of all individuals to whom they are mailing a mail-in or absentee ballots, along with the unique barcode applied to the outbound and return ballot mail envelopes for such individuals so that the name and barcode of the voter will be included on a “Mail-in and Absentee Ballot List.”<sup>20</sup> USPS would then compile and return a final state-specific Mail-in and Absentee Ballot List to the state’s chief election official.<sup>21</sup> A state may then make supplemental submissions and modifications to its list until the last day that ballots may be mailed out to individuals under state law.<sup>22</sup>

The only way for a voter 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.<sup>23</sup> USPS would then use that information to verify ballots sent from election officials to voters before accepting them for mailing.<sup>24</sup> 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. USPS provides no indication of what form this screening process would take, and how long such a review might last. Nevertheless, the Proposed Rule threatens that noncompliant mailings would not be accepted or transmitted; instead, they would be returned to state or local election officials or vendors. And if a state declines to certify a Mail-In and Absentee Participation List (which no source of federal law requires them

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<sup>17</sup> *Arizona State Legislature v. Arizona Indep. Redistricting Comm’n*, 576 U.S. 787, 817 (2015).

<sup>18</sup> 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).

<sup>19</sup> 91 Fed. Reg. 32916.

<sup>20</sup> *Id.* at 32916-18.

<sup>21</sup> *Id.* at 32916.

<sup>22</sup> *Id.* at 32918.

<sup>23</sup> *Id.* at 32916-18.

<sup>24</sup> *Id.* at 32918.

to create), the Proposed Rule prohibits USPS from transmitting *any* outbound federal ballot mail to that state’s voters.<sup>25</sup>

The Proposed Rule would thereby require USPS to refuse delivery of otherwise lawfully mailed ballots merely because the voter does not appear on an illegal federal list, without regard for whether the voter is *in fact* eligible to vote. We are unaware, in its 250-year history, of any point at which the Postal Service has refused to deliver properly addressed, stamped, and lawful mail from a government entity. Such a practice would violate the agency’s longstanding statutory universal service obligation: 39 U.S.C. § 403(c). Yet the Proposed Rule would make this refusal a USPS policy, leveraging the Postal Service’s control over the mail as a tool to punish any State unwilling to cede authority over its electoral system to President Trump by coercing states to relinquish their authority over elections through threats of non-delivery.

These provisions would strip states of their explicit constitutional authority to regulate elections subject only to congressional—not federal executive agency—oversight. In practice, the Proposed Rule will cause confusion among voters and election administrators alike, leading to 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 information contained in the Mail-in and Absentee Ballot Lists envisioned by the Proposed Rule is also likely to be outdated or incorrect by the time of the election, leading to further disenfranchisement. Mail-in and absentee voting ensure that citizens living abroad (including servicemembers stationed overseas), disabled Americans, and those who know they will be traveling at the time of an election, are able to exercise their right to vote. 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.<sup>26</sup> And many states allow eligible voters to request mail-in ballots shortly before Election Day. Yet the Proposed Rule requires that a state’s Mail-in Absentee Participation List must be certified at least 30 days before federal Election Day or by the date on which mail-in or absentee ballots may begin to be mailed under state law.<sup>27</sup> The fact that the Proposed Rule includes procedures that would allow states to modify and update these lists is cold comfort. In our experience as governors, administrative, financial, and technical issues will make it difficult for busy state and local elections officials to do so under the Proposed Rule’s timeframes, resulting in effective disenfranchisement of eligible voters.

Finally, the Proposed Rule raises serious privacy concerns. It would build a single national database of millions of voters — their names tied to individualized barcodes, under the control of the President, with no plan to protect it. That information would be ripe for abuse or inappropriate disclosure, risking the integrity of American elections. The Elections Clause vests states and Congress with the power to administer elections to avoid precisely this type of potential federal abuse by “diffuse[ing] 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.”<sup>28</sup>

The Proposed Rule illegally requires USPS to decide who gets to vote using an absentee ballot, displacing state and local election officials who have the constitutional authority—and the necessary experience—to

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<sup>25</sup> *Id.*

<sup>26</sup> *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>.

<sup>27</sup> 91 Fed. Reg. at 32916.

<sup>28</sup> Jessica Bulman-Pozen, *Federalism as a Safeguard of the Separation of Powers*, 112 Columbia L. Rev. 459, 460 (2012).

regulate balloting procedures. This assertion of authority to regulate mail-in balloting not only violates basic principles of federalism,<sup>29</sup> it also risks disenfranchising the significant number of voters who rely on mail-in balloting to exercise their fundamental right to vote. Yet if this Proposed Rule is implemented, the federal government would decide whose ballot gets delivered and whose gets turned away, blocking eligible American citizens, including deployed servicemembers and disabled voters, from participating in our elections.

### III. States Cannot Wait—the Proposed Rule Must Be Withdrawn Immediately

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. Yet the Proposed Rule requires the Postal Service to set up an entirely new system and database to control millions of absentee ballots just months prior to a general election, which our state and local election officials must then implement on the ground. The Postal Service already issued its election mail guidance in January, and states and local governments have been planning accordingly. All our states' ongoing election preparations would be impacted by the Proposed Rule.

Our state and local officials cannot wait until the eve of the upcoming elections to learn whether they must attempt to comply with the Proposed Rule's unlawful 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, will create confusion among our voters and elections officials, and strain limited state and local resources. As such, the Proposed Rule is wholly unworkable and impractical. It should be withdrawn at the earliest opportunity to avoid further irreparable harm to state and local election administration.

### IV. Conclusion

Free and fair elections are the cornerstone of our constitutional system. While we share the USPS's desire to "facilitate enforcement of federal law, reduce the risk of fraud, and help protect the integrity of federal elections,"<sup>30</sup> the Proposed Rule accomplishes none of those aims. It violates USPS's own mandates, federal law, and the Constitution by forcing the Postal Service to assume the role of election administrator. If finalized, this rule will disenfranchise voters and transfer power over elections from our states, where it belongs, to the White House and President Trump.

The Postal Service's job is to deliver the mail, not to decide which Americans get to vote. USPS must abandon this proposed regulation and return to its core mission of serving every eligible voter. The Constitution and federal law demand nothing less.

Respectfully submitted,



Governor JB Pritzker  
State of Illinois



Governor Gavin Newsom  
State of California

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<sup>29</sup> *Cook v. Gralike*, 531 U.S. 510, 523 (2001) (Elections Clause grants states "broad power to prescribe the procedural mechanisms for holding congressional elections").

<sup>30</sup> 91 Fed. Reg. 32915.



Governor Ned Lamont  
State of Connecticut



Governor Tim Walz  
State of Minnesota



Governor Kathy Hochul  
State of New York



Governor Josh Shapiro  
Commonwealth of Pennsylvania



Governor Dan McKee  
State of Rhode Island



Governor Bob Ferguson  
State of Washington



Governor Tony Evers  
State of Wisconsin