

# United States Senate

WASHINGTON, DC 20510-3203

August 20, 2020

Alex Padilla  
California Secretary of State  
1500 11th Street  
Sacramento, CA 95814

Dear Secretary Padilla:

We write to request information on the delivery of election mail in your state, and to better understand changes you have made to voting by mail in light of the coronavirus (COVID-19) pandemic.

On August 6, we launched a Senate investigation into the U.S. Postal Service (USPS) after numerous reports surfaced of changes to USPS policy that have resulted in delays in processing and delivering mail. We are concerned that these recent operational changes will undermine the delivery of election mail and make it more expensive for jurisdictions to send and receive election mail and ballots in a timely way. On August 18, USPS announced it was suspending certain operational changes until after the November election. However, our investigation will continue to understand the impact these changes may have already had on elections this year and their potential impact if implemented in the future. This letter represents a request for information as part of our investigation.

Experts and election officials have predicted that there will be an unprecedented number of Americans voting by mail in November, and we have already seen a dramatic increase in the number of voters choosing to vote by mail in primaries since the beginning of the COVID-19 pandemic.<sup>21</sup> Many state and local election officials have taken measures to expand voting by mail, including automatically sending ballots and ballot applications to all registered voters so they can vote safely from home. The Centers for Disease Control and Prevention has recommended election officials, where available, “offer alternative voting methods that minimize direct contact and reduce crowd size at polling locations.”<sup>22</sup>

Delays in the delivery of election mail can lead to voters being disenfranchised. A recent investigation found that “in the primary elections held so far this year, at least 65,000 absentee or mail-in ballots have been rejected because they arrived past the deadline, often through no fault

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<sup>21</sup> Wendy R. Weiser, *To Protect Democracy, Expand Vote by Mail*, BRENNAN CTR. FOR JUSTICE (Jun. 30, 2020), <https://www.brennancenter.org/our-work/analysis-opinion/protect-democracy-expand-vote-mail>; Christopher R. Deluzio, Elizabeth Howard, David Levine, Paul Rosenzweig, & Derek Tisler, *Ensuring Safe Elections: Federal Funding Needs for State and Local Governments During the Pandemic*, R ST. INST. (Apr. 30, 2020), <https://www.rstreet.org/wp-content/uploads/2020/04/2020-State-Cost-Analysis.pdf>; Pam Fessler, *Ballot Printers Increase Capacity to Prepare for Mail Voting Surge*, NAT’L PUB. RADIO (May 3, 2020), <https://www.npr.org/2020/05/03/848347895/ballot-printers-increase-capacity-to-prepare-for-mail-voting-surge>.  
<sup>22</sup> *Considerations for Election Polling Locations*, CTRS. FOR DISEASE CONTROL & PREVENTION (Jun. 22, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html>.

of the voter.”<sup>23</sup> In some cases, as in a recent USPS Inspector General audit of the Wisconsin primary election, ballots have been delivered late, because delays in processing the absentee ballot requests resulted in the ballots not reaching the Postal Service until the end of the day on Election Day.<sup>24</sup> In the recent primaries in Michigan, Missouri, and Kansas, there were also reports of serious delays in the processing and delivery of election mail. These reported delays included instances of mail taking up to 24 days to arrive back at a Missouri county election board, compared to the up to 10 days it took in previous years.<sup>25</sup> It is our goal to ensure that all states have policies in place that will allow ample time for ballots to arrive and be counted, and that USPS delivers ballots in the timely manner it has in past years to ensure that election officials are able to administer successful elections.

In order for Congress to ensure proper oversight of federal elections, we request that you provide us answers to the following questions by September 3.

1. Has your state experienced delays in the delivery of election mail sent through the Postal Service? If so, please provide detailed information of any delays including the additional span of time taken for delivery or arrival.
2. Has your office or have local election officials in your state contacted USPS about problems with election mail, and if so, was USPS sufficiently transparent and responsive? Was the problem resolved?
3. In any primaries your state has held this year, what percentage of absentee ballots arrived after your state’s deadline?
  - a. How does this compare to previous elections?
  - b. Do you track information on why ballots were considered late, such as postmark present but illegible, missing postmark, mailed too late to arrive by close of the polls? If so, please provide that data.
  - c. Do you believe some of these ballots were mailed on time given the delivery standards, yet arrived late through no fault of the voter?
4. Have voters expressed reservations about voting by mail? If so, describe their concerns.
5. Is your office concerned, or have you heard concerns from local election officials that USPS is making substantial changes to processes and procedures affecting election mail

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<sup>23</sup> Pam Fessler & Elena Moore, *Signed, Sealed, Undelivered: Thousands of Mail-In Ballots Rejected for Tardiness*, NAT’L PUB. RADIO (July 13, 2020), <https://www.npr.org/2020/07/13/889751095/signed-sealed-undelivered-thousands-of-mail-in-ballots-rejected-for-tardiness>.

<sup>24</sup> Darrell E. Benjamin, Jr., *Management Alert: Timeliness of Ballot Mail in the Milwaukee Processing & Distribution Center Service Area*, OFFICE OF THE INSPECTOR GEN., U.S. POSTAL SERV. (July 7, 2020), <https://www.uspsoig.gov/sites/default/files/document-library-files/2020/20-235-R20.pdf>.

<sup>25</sup> Elise Viebeck, Annie Gowen, & Kayla Ruble, *Anxieties about mail ballots on display in latest round of primaries, highlighting worries for fall*, THE WASH. POST (Aug. 4, 2020), [https://www.washingtonpost.com/politics/michigan-broallots-tangled-in-mail-delays-in-advance-of-tuesday-primary/2020/08/03/95c2039e-d5a8-11ea-9c3b-dfc394c03988\\_story.html](https://www.washingtonpost.com/politics/michigan-broallots-tangled-in-mail-delays-in-advance-of-tuesday-primary/2020/08/03/95c2039e-d5a8-11ea-9c3b-dfc394c03988_story.html).

in proximity to the election? Are you aware of any USPS staffing shortages in any of the regions in your jurisdiction?

6. What is the expected volume of election mail in your state for the general election? Please provide estimates of the number of pieces of mail including voter registration applications and ballots.
  - a. Are you concerned about the volume of mail and USPS's expected processing and delivery times and how longer processing and delivery times may affect voters?
  - b. Are you particularly concerned about an area or areas within your state?
7. Please provide any information you have about the rate election officials in your state pay to send election mail, including whether voter registration materials, absentee ballot applications, and ballots are sent at First Class rates or Nonprofit Marketing Mail rates.
  - a. If election officials in your state do not currently send all election mail at the First Class rate, what would be the additional cost for sending each type of election mail – voter registration materials, absentee ballot applications, ballots – at the First Class rate? Would you need to reprint any of your outbound envelopes if you changed the class of service? If so, what do you estimate that cost to be?
  - b. If election officials in your state send election mail at Nonprofit Marketing Mail rates, what are the average delivery times they have experienced this year and in previous years?
8. In addition to returning a ballot by mail, what additional options are available for returning ballots in your state, such as drop boxes or hand delivery to election office?
  - a. Have you taken or do you plan to take any steps to increase opportunities for voters to return ballots by hand?
  - b. Are ballot drop boxes available to voters in your state? If so, how many total drop boxes are available? Are you limited by state law in the number or location of boxes you can offer?
  - c. Due to reports of slow mail delivery, has your office or have local election officials within your state recommended that voters hand deliver ballots instead of mailing them? If not, do you plan to make such a recommendation and at what point in the election cycle do you plan to make that recommendation?
9. The Postal Service can only directly track the service performance of election mail if it has a unique Intelligent Mail barcode (IMb). What percentage of election mail in your state is expected to include an Intelligent Mail barcode?

10. USPS has issued guidance recommending that voters request absentee ballots at least 15 days before the election. Does this guidance align with the deadlines set by your state for mailing ballots to voters for the general election?
  - a. If the guidance does not align with the deadlines set by your state, how do you expect this misalignment to affect voters? Are you planning any adjustments in light of the USPS's guidelines? When do you plan to make those adjustments?
  - b. Please provide any data you have on the number of absentee ballot requests your state has received in primaries this year and in previous elections within 15 days of the election, including what percentage of total absentee ballot requests were received within this timeframe. If you have information on the return success rates of requests received by date of the request, please provide that information.
11. USPS has issued guidance recommending that voters mail back ballots at least one week before their state's deadline for receiving ballots. Is this recommendation consistent with the recommendation your office has made to voters this year and in the past? If not, are you concerned about the impact the recommendation will have on the timely mailing and processing of ballots in your state?
12. If your state does not already accept ballots that were postmarked by the close of polls on election day, would making such a change reduce the rejection of ballots?
13. Has your state encountered difficulties with processing ballots that do not have postmarks or have illegible postmarks?
  - a. Please provide any data you have on the number of ballots that are returned without a legible postmark.
  - b. Have election officials been accepting other designations that USPS may place on ballots while processing them?
  - c. Has your state considered changing its laws to clarify what designations election officials can use to determine if a ballot meets the state's deadline for receipt?
  - d. Has USPS reached out to your office and local election officials within your state to communicate any of these challenges and solutions?
14. The Postal Service Inspector General found USPS may have a shortage of Election Mail Coordinators to help local election officials follow USPS guidance and successfully deliver election mail. For example, there are 1,603 local election offices in Michigan alone, but USPS only has 74 full-time coordinators nationwide. Do you believe there are a shortage of Election Mail Coordinators available to your state and would additional coordinators help to improve the administration of election and allow election officials to better understand the impact of the postal service on elections?

15. Has USPS shared any other information with you or local election officials that you believe is important to our investigation?

Thank you for your attention to this important issue that is fundamental to our democracy. We look forward to your reply.

Sincerely,

/s/  
Amy Klobuchar  
United States Senator

/s/  
Thomas R. Carper  
United States Senator

/s/  
Charles E. Schumer  
United States Senator

/s/  
Richard J. Durbin  
United States Senator

/s/  
Christopher A. Coons  
United States Senator

/s/  
Patrick Leahy  
United States Senator

/s/  
Catherine Cortez Masto  
United States Senator

/s/  
Dianne Feinstein  
United States Senator

/s/  
Angus S. King, Jr  
United States Senator

/s/  
Tom Udall  
United States Senator

/s/  
Mark R. Warner  
United States Senator