



July 31, 2020

Honorable Kim Wyman  
Washington Secretary of State  
Legislative Building  
2nd Floor  
P.O. Box 40220  
Olympia, WA 98504-0220

Dear Secretary Wyman:

Re: Deadlines for Mailing Ballots

With the 2020 General Election rapidly approaching, this letter follows up on my letter dated May 29, 2020, which I sent to election officials throughout the country. That letter highlighted some key aspects of the Postal Service's delivery processes. The purpose of this letter is to focus specifically on the deadlines for transmitting and casting ballots by mail. Under our reading of Washington's election laws, the vast majority of your voters should have sufficient time to receive, complete, and return their ballots by the state's deadlines. However, certain deadlines concerning mail-in ballots, particularly with respect to voters who register to vote or update their registration information shortly before Election Day, may be incongruous with the Postal Service's delivery standards. This mismatch creates a risk that some ballots will not be returned by mail in time to be counted under your laws as we understand them.

As I stated in my May 29 letter, the two main classes of mail that are used for ballots are First-Class Mail and USPS Marketing Mail, the latter of which includes the Nonprofit postage rate. Voters must use First-Class Mail (or an expedited level of service) to mail their ballots and ballot requests, while state or local election officials may generally use either First-Class Mail or Marketing Mail to mail blank ballots to voters. While the specific transit times for either class of mail cannot be guaranteed, and depend on factors such as a given mailpiece's place of origin and destination, most domestic First-Class Mail is delivered 2-5 days after it is received by the Postal Service, and most domestic Marketing Mail is delivered 3-10 days after it is received.

For states that intend to automatically send blank mail-in ballots to eligible voters, the Postal Service strongly recommends adhering to the following timeline for domestic voters to account for the above delivery standards and to allow for contingencies (e.g., weather issues or unforeseen events):

- **Voter registration:** Whenever possible, voters who intend to cast a ballot using the mail should ensure that their registration information is up-to-date in time to have a blank ballot sent to them in the state's initial scheduled mailing.
- **Mailing blank ballots to voters:** Election officials should consider that the ballot needs to be in the hands of the voter so that he or she has adequate time to complete it and put it back in the mail stream so that it can be processed and delivered by the applicable deadline. Accordingly, the Postal Service recommends that election officials use First-Class Mail to transmit blank ballots and allow 1 week for delivery to voters. Using Marketing Mail will result in slower delivery times and will increase the risk that voters will not receive their ballots in time to return them by mail.

- **Mailing completed ballots to election officials:** To allow enough time for ballots to be returned to election officials, domestic voters should generally mail their completed ballots at least one week before the state's due date. In states that require mail-in ballots to be *both* postmarked by Election Day *and* received by election officials by a specific date that is one week or more after Election Day, voters may generally mail their ballot on or before Election Day. However, voters who mail in their ballots on Election Day must be aware of the posted collection times on collection boxes and at the Postal Service's retail facilities, and that ballots entered after the last posted collection time on a given day will not be postmarked until the following business day.

Under our reading of your state's election laws, as in effect on July 27, 2020, ballots are generally mailed to eligible voters no later than 18 days before Election Day, which should allow sufficient time for voters to receive, complete, and return such ballots by the state's deadline. However, certain state-law requirements and deadlines concerning voters who become eligible or who update their registration information after that initial mailing date may be incompatible with the Postal Service's delivery standards and the recommended timeframe noted above. As a result, to the extent that the mail is used to transmit ballots to and from these voters, there is a risk that, at least in certain circumstances, ballots may be sent to voters in a manner that is consistent with your election rules and returned promptly, and yet not be returned in time to be counted.

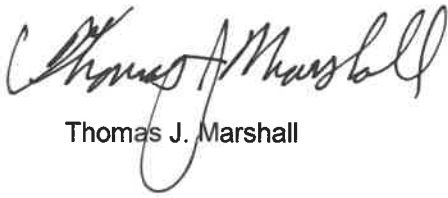
Specifically, it appears that a completed ballot must be postmarked by Election Day and received 21 days after the November general election. If that understanding is correct, voters who choose to mail their ballots may do so on or before Tuesday, November 3. However, it further appears that state law generally permits voters to register or change their registration information as late as 8 days before the election, and that there is not a specific time period by which election officials must thereafter transmit a ballot to the voter. If a voter registers or changes his or her registration information at or near that deadline, and if the election official transmits the ballot to the voter by mail too late after the request, there is a risk that the voter will not receive the ballot before Election Day or have sufficient time to complete and mail the completed ballot back to election officials in time to satisfy the state's postmarking deadline.

To be clear, the Postal Service is not purporting to definitively interpret the requirements of your state's election laws, and also is not recommending that such laws be changed to accommodate the Postal Service's delivery standards. By the same token, however, the Postal Service cannot adjust its delivery standards to accommodate the requirements of state election law. For this reason, the Postal Service asks that election officials keep the Postal Service's delivery standards and recommendations in mind when making decisions as to the appropriate means used to send a piece of Election Mail to voters, and when informing voters how to successfully participate in an election where they choose to use the mail. It is particularly important that voters be made aware of the transit times for mail (including mail-in ballots) so that they can make informed decisions about when to update their registration information and whether and when to mail a completed ballot back to election officials.

We remain committed to sustaining the mail as a secure, efficient, and effective means to allow citizens to participate in the electoral process when election officials determine to utilize the mail as a part of their election system. Ensuring that you have an understanding of our operational capabilities and recommended timelines, and can educate voters accordingly, is important to achieving a successful election season. Please reach out to your assigned election mail coordinator to discuss the logistics of your mailings and the services that are available as well as any questions you may have. A list of election mail coordinators may be found on our website at: <https://about.usps.com/election-mail/politicaelection-mail-coordinators.pdf>.

We hope the information contained in this letter is helpful, and please let me know if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Thomas J. Marshall". The signature is written in a cursive style with a large, looping initial "T".

Thomas J. Marshall