



August 14, 2020

The Honorable Nancy Pelosi
Speaker of the House
House of Representatives
Washington, DC 20515-0512

The Honorable Charles E. Schumer
Minority Leader
United States Senate
Washington, DC 20510-3202

Dear Speaker Pelosi and Senator Schumer:

I am writing in response to your August 6 letter regarding our meeting the previous day.

As you are both aware, the U.S. Postal Service is in a financially unsustainable position, stemming from substantial declines in mail volume, and a statutorily imposed business model that is broken. As discussed at the meeting, the Postal Service has taken steps in recent weeks to improve the efficiency of our operations, which is vital given our financial situation. We have taken immediate steps to better adhere to our existing operating plans, which were developed precisely to ensure that we meet our present service standards in an efficient and effective manner. We are making these changes methodically and in ways designed to ensure the timely and cost-effective delivery of America's mail—including Election Mail.

By running our operations on time and on schedule, we will enhance our ability to be sustainable and to continue providing high-quality, affordable service. In our efforts to re-emphasize adherence to our existing operational plans, we are focused on improving our transportation efficiency by working to eliminate late and extra trips and maximizing the efficiency of our processing and sortation equipment. These efficiency efforts also permit further alignment of employee schedules with operating plans and prevent the negative downstream impacts to our operations when the mail leaves our plants late. You can rest assured that we will continually review our operational practices and adjust as required to ensure that we operate in an efficient and effective manner, consistent with our public service mission.

With all due respect, I must protest that your assertion that we have somehow denied or minimized these efforts is unfounded. As the Postal Service has repeatedly stated, including in our letters of July 22 to House Committee on Oversight and Reform Chairwoman Carolyn B. Maloney and Senate Homeland Security and Governmental Affairs Committee Ranking Member Gary C. Peters, we are taking the immediate steps described above to increase operational efficiency by re-emphasizing existing operational plans to provide prompt and reliable service to meet our current service standards. We have also noted that the documents consistently relied upon by Members of Congress and the media regarding recent operational changes did not originate from Postal Service Headquarters, and the specific statements and rhetoric in those documents should not be treated as official statements of Postal Service policy, but we did not say that we were not taking steps to operate more efficiently.

In addition to the information we communicated in the July 22 letter, on August 4, Chief Logistics and Processing Operations Officer and Executive Vice President David E. Williams briefed the House Committee on Oversight and Reform staff with more detail regarding these "immediate steps," explaining the steps being taken and the rationale for those steps. Staff for Ranking Member Peters were also attendance. General Counsel and Executive Vice President Tom Marshall, Chief Financial

Officer and Executive Vice President Joseph Corbett, and Finance and Strategy Senior Vice President Luke Grossmann participated in this briefing for the Postal Service as well. Further details were also provided in the August 6 letter from David E. Williams to Ranking Member Peters, and Senators Schumer, Tom Carper, and Amy Klobuchar.

Consistent with our discussions regarding ongoing communication with Congress, we are working to schedule briefings with the House Committee on Oversight and Reform and the Senate Homeland Security and Governmental Affairs Committee to discuss Election Mail concerns and the recent organizational change announcement.

Additionally, I have enclosed a copy of a message recently sent to all Postal Service employees. In that message, I discuss the reasons why the changes we have made and will make are necessary; my positive vision for the future of Postal Service; and the substantial improvements that we have already achieved in the adherence to our transportation schedules. I also recognize that there have been unintended consequences related to these efforts that have impacted overall service levels. As I stated to our employees, the Postal Service is working feverishly to address service problems, new and old, to improve performance for the election and the upcoming peak season, and to maintain the high level of public trust we have earned for dedication and commitment to our customers throughout our history.

With respect to Election Mail, as I stated at our meeting and in my statement at the open meeting of the Board of Governors on August 6, the Postal Service is fully committed to fulfilling our role in the electoral process by doing everything we can to handle and deliver Election Mail, including ballots, in a timely manner consistent with our operational standards. This commitment was reiterated in General Counsel Tom Marshall's August 11 letter to you both, as well as to other Congressional leaders. That letter summarized our significant outreach efforts to election officials at the state and local levels, as well as to other public officials, to ensure close coordination between the Postal Service and the policy makers who choose to use our services.

That letter also noted an area of ongoing concern regarding the incompatibility of state election law deadlines with the Postal Service's delivery standards. In particular, the Postal Service is asking election officials and voters to realistically consider how the mail works, and to be mindful of our delivery standards, in order to provide voters ample time to cast their votes through the mail. To that end, as our General Counsel referenced during our meeting, we sent letters to state election officials regarding our reading of their individual state timelines to encourage election officials to 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.

Those individual letters made clear that we were not purporting to offer a definitive interpretation of state law, nor were we advocating or recommending that state laws be changed to accommodate the Postal Service's processes and delivery standards. At the same time, however, we emphasized that the Postal Service cannot alter its processes and delivery standards to accommodate the unique requirements of any individual state's election law, although we certainly do everything we can to ensure that Election Mail is processed and delivered in a timely manner. Despite our intense focus on Election Mail processing and delivery and our commitment to ensuring that it is processed and delivered efficiently and effectively, we do not offer and have never offered a different delivery standard specific to mail containing ballots. That said, consistent with my commitment to you during our meeting, we will utilize additional resources and maximize our efforts during the ten days prior to the Presidential election to ensure the processing and delivery of all Election Mail within our system.

Two other items that we did not discuss during our meeting concerning Election Mail nevertheless bear mentioning. First, assertions that some have made that we intend to raise prices on Election Mail in advance of the upcoming Presidential election, or that the letters described above were intended to force election officials to use First-Class Mail, are simply incorrect. We have long recommended that election officials use First-Class Mail for sending ballots to voters given the

quicker delivery standards for such mail, and the purpose of the letters was to ensure that election officials have a clear understanding of our delivery standards, so that they can take those delivery processes into consideration when making decisions and advising voters concerning the mailing of ballots. We believe that it is critical to work closely with state and local election officials about our mailing standards and operational capabilities in a spirit of cooperation and transparency, and we will continue to do so, to ensure that mail-in voting proceeds as smoothly as possible in this election. Rhetoric that mischaracterizes our actions and seeks to create drama and conflict is detrimental to this goal.

Finally, for the benefit of Senator Schumer, I have enclosed the written testimony that we submitted earlier this week in connection with the New York State hearing concerning its election that occurred on August 11. I hope you will find it helpful and consistent with our ongoing commitment to fulfill our role in the electoral process when election officials determine to use the Postal Service as a part of their election systems.

Thank you for your ongoing interest in the Postal Service. Please let me know if you have any questions or concerns, or if I can provide any additional assistance.

Sincerely,



Louis DeJoy

Enclosures

From: [Message From The Postmaster General](#)
Subject: U.S. Postal Service Plan for Operational Excellence and Financial Stability
Date: Thursday, August 13, 2020 2:21:41 PM
Importance: High

August 13, 2020

ALL EMPLOYEES

SUBJECT: U.S. Postal Service Plan for Operational Excellence and Financial Stability

Today, I am in my ninth week as Postmaster General. I am grateful to everyone who has welcomed me, and I am thoroughly impressed by the dedication and commitment you have shown since I started June 15.

Last week was extremely busy for all of us with the announcement that we are restructuring into three operating units. I purposely timed the announcement with my first open meeting of the Board of Governors to set the stage with public statements emphasizing that we are developing a strategic plan to achieve operational excellence and financial stability. Our plan will be based on facts and data, and together, we can systematically roll out this plan and position ourselves for future success.

Let me be clear about the reasons behind our restructuring and the need for our plan. Our financial condition is dire. Ongoing declines in mail volume, a broken business model that Congress and the Postal Regulatory Commission have failed to act upon, and the crippling economic impact of the coronavirus pandemic have all combined to bring us to where we stand today. Our critics are quick to point to our finances, yet they offer no solution. On the other hand, our restructuring and the plan we are developing provide a path to our transformation into a financially stable organization. I repeat again how excited I am to take on these challenges, with your support, to improve the Postal Service and better serve our nation. Together, our leadership team and I are taking aggressive and professional actions to ensure a successful future for the Postal Service.

In order to transform and remain a self-sustaining, mission-focused organization that continues to serve the American people, we must make a number of significant changes that will not be easy, but are necessary. We must re-establish fundamental operating principles and then adhere to them and run on time. It is the only path to consistent, affordable service and it is foundational to our future aspirations and objectives. As you know, we began those efforts right away, as it was imperative for us to strengthen these disciplines immediately by running our trips with mail and packages according to established schedules.

I congratulate you on substantial improvements in our on-time dispatch schedule, which reached 97.3 percent, up from 89.8 percent. We also have reduced extra trips by 71 percent — a tremendous achievement. This means more mail is being moved to its intended destination on time and on schedule than in quite some time. And, we accomplished this in a cost-effective manner. This marks the beginning of our journey toward world-class performance necessary for us to compete and be sustainable.

Unfortunately, this transformative initiative has had unintended consequences that impacted our overall service levels. However, recent changes are not the only contributing factors. Over the years we have grown undisciplined in our mail and package processing schedules, causing an increase in delayed mail between processing facilities and delivery units. We are working feverishly to stabilize this, so that all mail and packages moved for the American people and businesses can benefit from this new cost and schedule discipline. This will increase our performance for the election and upcoming peak season and maintain the high level of public trust we have earned for dedication and commitment to our customers throughout our history.

I also firmly believe that the realignment we announced last week will ultimately help us to stabilize and improve service, and provide positive forward momentum as we work to transform our business. We needed to provide greater focus on the core aspects of our business, and the new structure allows that, with clearer lines of authority and accountability. While it will take some time to get the new organizational structure fully in place and achieving our expected levels of high performance, we are confident that it is the right alignment and that it was a change that needed to be made. As I said in my first video message to you, "I am decisive, and ... when I see problems, I work to solve them." I ask you to bear with me while we work through these changes to transform for the better and continue to provide the excellent service for which we are known.

During my remarks at the Board of Governors Meeting, I stated that I accepted the job of Postmaster General fully committed to the role of the Postal Service as an integral part of the United States government, providing all Americans with universal and open access to our unrivaled processing and delivery network, as reflected in the mission statement that the Board adopted April 1, 2020. I repeat that statement here, because I meant it.

I fully embrace six-day delivery of mail and packages as one of this organization's greatest strengths. I plan to invest in tools and equipment for our workforce to continue to provide the nation's most trusted public service. I accept the responsibility that the Governors gave me to maintain and enhance our reputation and role as a trusted face of the federal government in every community, and I intend to work with postal executives, management associations, managers, union leadership, and our craft employees to do everything I can to put us back on a financially stable path.

Together, I am confident we will chart a path forward that allows us to fulfill our critical public service mission in a financially sustainable manner. I look forward to the challenge, and I know we are up to it.

Sincerely,

Louis DeJoy
Postmaster General and Chief Executive Officer

**Statement of Thomas J. Marshall
General Counsel & Executive Vice President
United States Postal Service
before the New York State Senate Standing Committee on Elections,
Senate Standing Committee on Local Government, Assembly Standing
Committee on Election Law, Assembly Standing Committee on Local
Governments**

**Hearing on Elections in a Pandemic: A Review of the 2020 Primaries
August 11, 2020**

Thank you for the opportunity to provide written testimony to discuss the United States Postal Service's efforts for the 2020 election cycle, the issues that arose during the New York primary election and steps that could mitigate these issues moving into the general election.

Due to the impacts of the COVID-19 pandemic, the Postal Service anticipates that there will be an increased demand among voters to use the mail to participate in the 2020 general election, and that public policy makers will choose to increasingly utilize our services as part of their administration of elections. To the extent they do, the Postal Service remains fully committed to fulfilling our role in the electoral process by doing everything we can to handle and deliver Election Mail, including ballots, in a timely manner consistent with our operational standards. We have more than sufficient processing and delivery capacity to fulfill this role, but to the extent that states choose to use the mail as part of their elections, they should do so in a manner that realistically reflects how the mail works.

As part of our commitment to Election Mail, we have conducted and will continue to conduct significant outreach to election officials at the state and local levels, as well as other public officials, to ensure close coordination between the Postal Service and the policy makers who choose to use our services. Each election cycle, the Postal Service conducts outreach with state and local election officials, in which we explain our services and our delivery processes, and provide guidance on how election officials can design and send their mailings in a manner that comports with postal regulations, improves mailpiece visibility, and ensures timely and efficient processing and delivery. These outreach efforts, which we have significantly intensified this year, establish solid points of contact between election officials and Postal Service personnel to foster ongoing coordination, and also provide repeated opportunities for the Postal Service to address questions and discuss our delivery standards, postage-payment options, mailpiece design issues, tracking and mailpiece-visibility services, and other matters regarding Election Mail. The purpose of our outreach is to enable policy makers and election officials to (1) make informed decisions about how to effectively utilize the Postal Service in their administration of elections, and (2) educate the public about what they can expect when using the mail to vote.

The Postal Service has assigned an election mail coordinator to each election jurisdiction to facilitate outreach and serve as a clear point of contact for election officials. Our election mail coordinators consistently reach out to election officials in their assigned jurisdictions, and we have repeatedly encouraged election officials to contact their assigned election mail coordinators if they have questions and to discuss the services we offer and the logistics of their

planned mailings. A list of election mail coordinators may be found on our website at: <https://about.usps.com/election-mail/political-election-mail-coordinators.pdf>.

In addition to the election mail coordinators, we have assigned mailpiece design analysts for each state who are available to assist election officials in designing and preparing envelopes that are consistent with postal regulations, increase mailpiece visibility, and allow officials to receive available postage discounts. We also strongly recommend that election officials reach out to a mailpiece design analyst *before* designing and printing any mailpieces for use in upcoming elections.

For the 2020 election cycle, the Postal Service began conducting initial outreach meetings with election officials in February. In March, the Postal Service prepared a 2020 Official Election Kit (Kit 600) and distributed it to roughly 11,500 election officials throughout the nation. A copy of the Election Kit is available at <https://about.usps.com/kits/kit600.pdf>. In May, I sent a letter to the same group of more than 11,500 election officials and to state political-party officials, highlighting some key aspects of the Postal Service's processes and delivery standards, and providing recommendations for steps that election officials can take to ensure the efficient and timely handling of Election Mail. A copy of that letter is available at <https://about.usps.com/newsroom/national-releases/2020/2020-05-29-marshall-to-election-officials-re-election-mail.pdf>. That letter also attached a copy of Publication 632, *State and Local Election Mail - User's Guide*, which is also available, along with other Election Mail resources, at the Postal Service's Election Mail website: <https://about.usps.com/election-mail/election-mail-resources.htm>. In addition, I recently sent a letter to the chief election officials in each state and the District of Columbia, noting instances in which, under our reading of that state's election laws, deadlines for requesting and casting mail-in ballots appear to be incongruous with the Postal Service's delivery standards.

Through this date, there have already been nearly 545 contacts between Postal Service personnel and New York state and local election, public, and political party officials in 2020 regarding Election Mail. Our outreach efforts are ongoing and will continue through the fall.

With respect to the primary, and facilitating the proper use of the mail for the November general election, there are two main issues I'd like to discuss: the incompatibility of mail entry dates with our delivery standards, and postmarking.

The Postal Service received notice that blank ballots destined for voters were entered into the mailstream by election officials through June 22, intended for use in the June 23rd primary election. Although we continued to process and deliver ballots as they arrived, overnight delivery is outside of our First-Class Mail delivery standards. Thanks to the efforts of the Postal Service, the majority of the ballots mailed by June 22 were nevertheless delivered before the June 23rd election. However, because of the entry of ballots so close to Election Day, there was a high probability that some ballots would not be delivered to voters prior to the election.

The Postal Service is committed to delivering ballots in a timely manner, consistent with our delivery standards. But, to the extent that states choose to use the mail as part of their elections, they should do so in a manner that adequately considers the time it takes to process and deliver mail through our system pursuant to our normal published timelines. The Postal Service cannot control when a ballot is entered into the mailstream, or state election law deadlines for requesting or returning a ballot. Election officials must understand that if they mail ballots to voters too close to the general election, as they did for the primary election, there is a

significant risk that a voter will not receive his or her ballot in time to use it to participate in the election.

The last-minute mailing of ballots during the primary election highlights a broader area of concern regarding the interplay between deadlines set by state law and the Postal Service's delivery standards, specifically as it involves the time for mailing blank and completed ballots. To ensure that voters who wish to use the mail to vote can do so successfully, it is critical that election officials and voters are mindful of the time that it takes for us to deliver ballots, whether it is a blank ballot going to a voter or a completed ballot going back to election officials. In other words, the time required for both legs of a ballot's delivery through the mail must be taken into account.

In this regard, the Postal Service does not guarantee, and has not previously guaranteed, a specific delivery time for its classes of mail. Specific transit times will vary based on the class of mail as well as the mailpiece's place of origin and destination. However, 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.

To account for these delivery standards and to allow for contingencies (e.g., weather issues or unforeseen events), the Postal Service strongly recommends adhering to the following timeframe when using the mail to transmit ballots to domestic voters:

- **Ballot requests:** Where voters will both receive and send a ballot by mail, voters should submit their ballot request early enough so that it is received by their election officials at least 15 days before Election Day at a minimum, and preferably long before that time.
- **Mailing blank ballots to voters:** In responding to a ballot request, 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 up until November 3. 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.

As I stated in my July 30, 2020, letter to the Co-Directors of the New York State Board of Elections, under the Postal Service's reading of New York's election laws, as of July 27, 2020, certain state-law requirements and deadlines appear to 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 voters, there is a risk that, at least in

certain circumstances, ballots may be requested in a manner that is consistent with New York's 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 by election officials 7 days after the election. If that understanding is correct, voters who choose to mail their ballots in the 2020 general election may do so on or before Tuesday, November 3. However, it further appears that state law generally permits voters to apply by mail for a ballot as late as 7 days before the election. If a voter submits a request at or near the deadline, and the ballot is transmitted to the voter by mail, 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. That risk is exacerbated by the fact that the law does not appear to impose a specific time period by which election officials must transmit a ballot to the voter in response to a request.

To be clear, the Postal Service is not purporting to definitively interpret the requirements of New York'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 whether and when to (1) request a mail-in ballot, and (2) mail a completed ballot back to election officials.

Another key area about which to be mindful to the successful use of the mail in an election is postmarking. The Postal Service does not postmark or cancel every piece of mail in our system in the normal course of operations, since the primary purpose of cancellation is to ensure that postage cannot be reused, and some categories of postage is pre-cancelled before it enters the mail stream. While it is the Postal Service's policy to try to ensure that every ballot receives a postmark, regardless of the postage-payment method, and we instruct our employees throughout the country to adhere to that practice in recognition of the importance that the election laws in some states place on postmarks, such practice deviates from normal procedures, and therefore we acknowledge that circumstances can arise that prevent ballots from receiving a legible postmark. To increase the operational likelihood that a mailpiece will receive a legible postmark, we advise election officials to use automation-compatible, letter sized envelopes for mail-in ballots.

Leading up to the June 23rd election, the Postal Service instructed employees in New York State about the Postal Service's ballot postmarking processes and procedures. All delivery units in New York reviewed the standard operating procedures for ballot postmarking. We are aware that some ballots were not postmarked and we have taken action to try to resolve the issue going forward. As noted above, however, election officials can take action to increase the operational likelihood that their mailpieces will receive a legible postmark by using automation-compatible, letter-sized envelopes.

Finally, in addition to the recommendations outlined above, the Postal Service strongly recommends that election officials include the Official Election Mail logo on their ballot envelopes and display Tag 191, used to identify ballots, when tendering ballots for mailing. We also recommend jurisdictions and election officials use the Intelligent Mail barcode (IMb), so that

they will be able track their election mail and gain greater transparency into the flow of their mail. The IMb is a 65-bar Postal Service barcode used to sort and track letters and flats. It allows mailers, in this case, election officials, to participate in multiple Postal Service programs simultaneously, expands the mailers' ability to track individual mailpieces, and see where ballots are within the mailstream.

The Postal Service remains fully 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. For the mail to be successfully used as part of an election, state and local election officials must understand and take into account our operational standards and recommended timelines. We will continue to provide outreach so that election officials have the information they need to make informed decisions and educate their voters accurately about what they can expect from the Postal Service. We look forward to continuing to partner with the state and local election officials in New York for the November general election.

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