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Wednesday, July 1, 2026

Director, Product Classification
United States Postal Service

By email to: PCFederalRegister@usps.gov

Re: Proposed rules concerning ballot mail

The Colorado County Clerks Association (CCCA) is a membership organization of 63 Colorado county clerks and their designees. Colorado's county clerks serve as the chief election officials in their respective jurisdictions. The following are CCCA's comments on the proposed rules released by the USPS on June 2, 2026.

The Colorado County Clerks Association opposes the proposed rule and respectfully urges the United States Postal Service to withdraw it for the reasons set forth below.

The Postal Service has long been a trusted partner in election administration in Colorado. Election officials across the state rely on the USPS to perform a critical but limited function: the secure, reliable, and timely transportation of election mail. For that reason, we appreciate the Postal Service's continued focus on ballot delivery and its efforts to improve operational reliability and efficiency.

Proposed DMM 705.24 represents a significant departure from the Postal Service's traditional role. Rather than focusing on the delivery of election mail, the proposal would require election officials to transmit voter-level information to the federal government for compilation and maintenance in a USPS-administered system. The Postal Service acknowledges that it "does not have any legal responsibility for management of state voter rolls or administration of federal elections within each state."¹ But the proposed rule would place USPS squarely in the middle of both activities.

It is disconcerting that USPS has expressly premised this proposal on Executive Order 14399. An executive order cannot expand the authority Congress has granted to a federal agency. The Postal Service identifies no clear statutory authority authorizing it to require the creation of voter-specific participation lists or to condition mail-ballot processing on the submission of voter information. The federal criminal statutes prohibiting election fraud cited in the proposed rule likewise provide no such authority. To the extent the proposal relies on the Executive Order or those statutes as a source of authority, it exceeds the scope of USPS's regulatory role.

The proposal also raises serious constitutional concerns. The Elections Clause in the Constitution gives states the principal responsibility for administering elections.² States determine voter eligibility, establish absentee and mail-ballot procedures, maintain voter registration records, and regulate the conduct of elections. The proposed rule would insert a federal agency into that process by requiring the transmission of voter-level data to USPS and by creating a federally managed participation list framework that is contrary to Colorado election law.

The resulting conflict with Colorado law underscores the constitutional problem. Colorado conducts elections by mail and requires election officials to issue ballots on a rolling basis through the eighth day before election day. The proposed rule assumes that election officials can maintain a complete and continuously updated voter participation list with USPS but provides no assurance that USPS can process those updates on the timelines required by Colorado law. This creates an

¹ Proposed DMM 705.24.6.

² U.S. Const. art. I, § 4, cl. 1 ("The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof . . .").

unnecessary conflict between federal postal requirements and state statutory obligations, leading to a substantial risk that ballot mailings may be delayed or rejected.

Since publication of the proposed rule, a federal district court has preliminarily enjoined implementation of the Executive Order on which the proposal expressly relies. Although that litigation remains pending, the injunction underscores the significant legal uncertainty surrounding these proposed requirements and provides an additional reason for USPS to withdraw or suspend this rulemaking until the underlying legal issues are resolved.

Proposed DMM 705.24.2 and 705.24.4 are incompatible with Colorado’s ballot-mailing requirements.

Colorado law requires election officials to mail a ballot to every active registered voter.³ For the November 2026 General Election, Colorado county clerks will begin mailing ballots to voters in early October and will continue to mail ballots to newly registered voters and those who need replacement ballots through the eighth day before election day.⁴ As a result, the universe of voters who will receive a ballot is not fixed 30 days before an election, it continues to change throughout the ballot issuance period.

The proposed rule assumes that election officials can submit and maintain a complete and accurate participation list through the USPS Ballot Mail Portal before ballots are mailed. That assumption is inconsistent with Colorado law and election administration practices. New registrations, replacement ballots, address updates, and other voter-record changes occur daily during the voting period. County Clerks work closely with our print and mailing vendors to generate and mail new and replacement ballots each day, ensuring that voters receive ballots as quickly as possible and in accordance with Colorado law. Ballot production and mailing is a continuous operational process rather than a single mailing event, requiring election officials to issue thousands of ballots based on continually changing voter information.

Although proposed DMM 705.24.4 allows supplemental submissions, the proposal contains no processing standards, no turnaround commitments, and no mechanism for election officials to confirm that updated voter information has been incorporated into USPS systems before ballots are ready for mailing. The proposal provides no meaningful assurance that USPS can timely process, update, and reconcile these submissions on an ongoing basis. Election officials would have substantial uncertainty about whether newly registered voters or voters requiring replacement ballots will appear on USPS participation lists in time to mail ballots without disruption. A federal postal regulation should not place state election officials in the position of choosing between compliance with state election law and compliance with USPS administrative requirements. Nor should it jeopardize any voter’s ability to timely receive and cast a ballot by mail.

Proposed DMM 705.24.4(b) is incompatible with Colorado’s in-person mail-ballot issuance requirement.

Proposed DMM 705.24.4(b) requires Ballot Portal Users to provide USPS with the name and address of each voter together with the unique Intelligent Mail Barcode (IMb) assigned to both the outbound and return ballot envelopes. This proposal appears to assume (incorrectly in Colorado’s case) that every return ballot envelope is uniquely associated with a specific voter at the time the ballot is issued.

County Clerks routinely issue mail ballots in person at Voter Service and Polling Centers, including replacement ballots and ballots issued to individuals who register to vote in person. To facilitate this service, election officials keep preprinted ballot packets and return envelopes available for immediate issuance. Those return envelopes contain IMbs for mail processing purposes, but they are not assigned to a particular voter in advance. Instead, election officials print and affix labels in real time that contain the voter-specific information used to identify the voter when the ballot is returned.

The proposed rule appears to require election officials to create and report a voter-specific association for every in-person issued mail ballot before the ballot could be returned by mail. This is at odds with Colorado law, which requires county clerks to issue mail ballots to in-person voters who request them.⁵

It is unclear whether election officials would be required to maintain inventories of unique, voter-assigned return envelopes at every Voter Service and Polling Center, whether USPS would require (or could accommodate) real-time

³ C.R.S. § 1-7.5-107.

⁴ C.R.S. §§ 1-2-217.7 and 1-7.5-107.

⁵ C.R.S. § 1-5-102.9(3)(k).

updates to participation lists before those ballots could be issued, or how this process would work when a voter registers and receives a mail ballot in a single in-person transaction. This proposal reflects a critical misunderstanding of election administration in a mail-ballot state like Colorado.

The compliance review process under Proposed DMM 705.24.5 is not feasible.

Proposed DMM 705.24.5 creates a process for USPS to review outbound ballot mailings before acceptance to determine whether they satisfy the participation-list requirements and states that noncompliant mailings “will not be accepted and will be returned.”

The proposal provides almost no information about how this review process will operate in practice. It does not identify who within USPS will conduct the review, whether verification will occur at local postal facilities or elsewhere, the anticipated processing time for verification, or the standards that USPS will apply when it identifies discrepancies. And it provides no mechanism for election officials to obtain immediate resolution of mismatches or other errors that may prevent acceptance.

This lack of clarity is particularly significant for Colorado county clerks, who, depending on county size, present thousands or tens of thousands of mail ballots under compressed statutory timelines. CCCA lacks confidence that USPS has the operational capacity to review voter-specific participation data at this scale without delaying ballot acceptance and distribution.

Furthermore, DMM 705.24.5d. states that USPS “assumes no responsibility for any outbound ballot mailing presented until it is accepted into the mail” and “is not responsible for service delays” resulting from Ballot Portal or preparation issues. This is a glaring abdication of responsibility within a rule proposing to insert USPS into state election administration. It ignores critical chain-of-custody standards, does not explain whether election officials will receive immediate notice of rejections, how quickly deficiencies may be corrected, whether corrected mailings will be expedited, or if there is recourse when delays caused by USPS threaten statutory mailing deadlines.

Most importantly, the proposal fails to address the impact on voters. If ballot mailings are delayed because USPS has not completed verification or because participation-list information has not been timely updated, eligible voters may receive their ballots later than required by state law through no fault of the voter or the election official. The proposal offers no explanation of how USPS intends to prevent these voter impacts.

CCCA values the longstanding partnership between Colorado election officials and the Postal Service. We urge USPS to withdraw the proposed participation-list requirements and continue to focus on its critical mission of providing secure, reliable, and timely delivery of election mail. We welcome the opportunity to work collaboratively with USPS on operational improvements that support ballot delivery while respecting the constitutional and statutory authority of states to administer elections.