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July 2, 2026

Mr. Dale Kennedy  
Director, Product Classification  
U.S. Postal Service  
475 L'Enfant Plaza SW, Room 4446  
Washington, D.C. 20260-5015  
PCFederalRegister@usps.gov

VIA E-mail

**Re: Comments on Proposed Rule “Ballot Mail for Federal Elections” (FR Doc. 2026-10968)**

Dear Director Kennedy:

On behalf of the States of Alabama, Arkansas, Indiana, Iowa, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Oklahoma, South Carolina, and Texas, we write to comment in support of the U.S. Postal Service’s proposed rule amending the mailing standards for the transmission of mail-in or absentee ballots for federal elections. We write to make two simple points: First, voter fraud is real, and second, the proposed regulations will help States combat voter fraud and shore up public confidence in elections in ways States could not do acting alone.

**I. States take the lead in securing their own elections but cannot do everything.**

Under the Constitution, States take the lead in regulating elections. *See* U.S. Const. Art. I, §4. And because States “indisputably ha[ve] a compelling interest in preserving the integrity of [their] election process[es],” *Eu v. San Francisco Cnty. Democratic Cent. Comm.*, 489 U.S. 214, 231 (1989), they routinely enact measures designed to deter and detect voter fraud. *E.g.*, *Brnovich v. Democratic Nat’l Comm.*, 594 U.S. 647, 690 (2021); (upholding Arizona’s law restricting collection of mail-in ballots). *Crawford v. Marion Cnty. Election Bd.*, 553 U.S. 181 (2008) (upholding Indiana’s voter ID law).

States take these actions because voter fraud is both real and a real concern to voters. “Fraud can affect the outcome of a close election, and fraudulent votes dilute the right of citizens to cast ballots that carry appropriate weight.” *Brnovich*,

594 U.S. at 672. “Fraud can also undermine public confidence in the fairness of elections and the perceived legitimacy of the announced outcome.” *Id.* Indeed, “an examination of the history of election regulation in this country reveals a persistent battle against two evils: voter intimidation and election fraud.” *Burson v. Freeman*, 504 U.S. 191, 206 (1992) (plurality op.).

These concerns are magnified when it comes to voting by mail. *Cf. Griffin v. Roupas*, 385 F.3d 1128, 1131 (7th Cir. 2004) (“Voting fraud is a serious problem in U.S. elections generally[,] ... and it is facilitated by absentee voting.”). Voting by mail increases the opportunity for fraudulent submissions because “the identity of a person who votes by mail cannot be verified as easily as someone who votes in person.” *Memphis A. Philip Randolph Inst. v. Hargett*, 978 F.3d 378, 382 (6th Cir. 2020). As noted in the landmark study of U.S. elections by President Jimmy Carter and Secretary of State James Baker, “[v]ote buying schemes are far more difficult to detect when citizens vote by mail.” *Brnovich*, 594 U.S. at 685 (quoting Report of the Comm’n on Fed. Election Reform, Building Confidence in U.S. Elections 46 (Sept. 2005)). That makes sense: Voters who vote in person do so from secure, monitored polling locations; voters voting by mail do not. “In this respect absentee voting is to voting in person as a take-home exam is to a proctored one.” *Griffin*, 385 F.3d at 1131.

Sure enough, voting by mail has indeed resulted in fraud and overturned elections. For instance, in one case, a mayoral candidate used an “absentee voter campaign” with “deliberate, intentional, and aggressive practices to assure the votes of handicapped voters.” *Qualkinbush v. Skubisz*, 826 N.E.2d 1181, 1190 (Ill. App. Ct. 2004). The scheme began by “taking absentee ballot applications to voters, helping fill them out, placing applications in envelopes, providing stamps to voters, and mailing applications.” *Id.* at 1188. A campaign staffer encouraged voters to call him once they received their ballot “to assure that he provided assistance to the voters during the voting process itself.” *Id.* at 1190. Targeting “the sick, the infirm and the confused,” he “had the opportunity to tamper with the ballots while assisting the voter in voting” and “when he assumed custody of the ballot” to deliver it. *Id.* The trial court excluded 38 votes from the candidate’s vote total, and the second-place candidate was declared the winner. *Id.* at 1207.

Alabama too has witnessed “well-documented and public cases of voter fraud” using the mail. *Greater Birmingham Ministries v. Sec’y of State for State of Ala.*, 992 F.3d 1299, 1323 (11th Cir. 2021). “One investigation” into voter fraud “revealed that there were people at the polls on election day with a list of voters whose ballots had been fraudulently cast [via mail] and they would chase away these voters when they came to the polls to cast their ballots.” *Id.* at 1305. Other investigations resulted in criminal convictions for fraudulent handling of absentee ballot applications and ballots. *See, e.g., United States v. Smith*, 231 F.3d 800, 805 n.2, 822 (11th Cir. 2000); *Greater Birmingham Ministries v. Sec’y of State for State of Ala.*, 284 F. Supp. 3d 1253, 1257 (N.D. Ala. 2018) (discussing instances of absentee voter fraud, including “voter brokers following mail trucks and removing absentee ballots from mailboxes”); *Ala. State Conf. of NAACP v.*

*Alabama*, 612 F. Supp. 3d 1232, 1305 n.51 (M.D. Ala. 2020) (noting that in one case, “two individuals forged 600 absentee ballots and were convicted on voter-fraud charges in Wilcox County in the wake of the 1994 election,” while in another instance, “a Democratic U.S. Attorney and Republican Alabama Attorney General jointly investigated absentee ballot fraud after five suitcases containing forged absentee ballots were recovered at the Eutaw, Alabama post office on election day in 1994”). More recently, a mayoral election in Brighton, Alabama,<sup>1</sup> and a city council election Bessemer, Alabama,<sup>2</sup> were overturned due to absentee ballot fraud. And just a few months ago, the former mayor of Ft. Deposit, Alabama, and a candidate for the Ft. Deposit city council were arrested and charged with absentee ballot fraud and the election had to be set aside.<sup>3</sup>

All this to say: voter fraud is real, it matters and can change election outcomes, and it undermines public confidence in the integrity of our elections. And while many States work diligently to secure their own elections, there are limits to what they can do. Most obviously, States cannot regulate the U.S. Postal Service because it is a federal agency—yet most mail-in and absentee ballots are transported by the Postal Service. As it is, then, States can have total control of their ballots until they are mailed, but then the chain of custody becomes anyone’s guess—and with it, the opportunity for fraud ripens.

Then there is the freestanding concern that elections that take place in an unsecure manner can undermine public confidence in the election, even if no fraud is discovered. *See Brnovich*, 594 U.S. at 672 (discussing the importance of “public confidence in the fairness of elections and the perceived legitimacy of the announced outcome”). And while Alabama can do all it can to shore up its own elections, it is powerless to do anything when it comes to the perceived legitimacy of other States’ elections—even though, in zero-sum national elections, Alabama voters have real and concrete interests that *all* elections are conducted in a fair and secure manner. Action by the federal government is thus needed and welcomed.

## **II. The proposed regulation will help States secure elections and increase public confidence in the integrity of national elections.**

Given this background, it is easy to see why the undersigned States welcome the Service’s proposed rule. The proposed rule is clear that States would retain “full control over who would (or would not) be able to vote by mail in federal elections within each state,” 91 Fed. Reg. at 32916, and that the Postal Service would simply augment States’ efforts at securing their elections.

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<sup>1</sup> See Final Order, *Cooper v. Brown*, No. 68-CV-2016-900602.00 (Jefferson Cnty. Cir. Ct. Sept. 25, 2017), Doc. 246.

<sup>2</sup> See Final Order on Election Contest, *Porter v. Alexander*, No. 68-CV-2018-900776.00 (Jefferson Cnty. Cir. Ct. Sept. 3, 2021), Doc. 294.

<sup>3</sup> See Press Release, *Attorney General Steve Marshall announces arrests for absentee ballot fraud in Ft. Deposit municipal election* (Apr. 15, 2026), <https://perma.cc/V3RQ-X4AN>.

For example, under the proposed rule, the Postal Service would standardize envelope design for mailed ballots and help States use a unique barcode to track ballots, thus significantly reducing the chain-of-custody problem that makes mail-in voting more susceptible to fraud.

The Mail-In and Absentee Participation List would also create, for the first time, a standardized, nationwide auditing mechanism for mail-in voting. Once implemented, the List would allow election officials to easily answer a straightforward question that is currently difficult to answer: what happened to each ballot that was mailed to a voter? The ability to match the outbound list with a returned final list provides a simple auditing function that will increase election security and, with it, voter confidence in the integrity of our elections.

To be sure, the proposed rule will impose some administrative burdens on States as they take advantage of the new portal registration, barcode generation, and list submission provisions. But we believe these burdens are plainly justified by the security and accountability benefits of the proposed rule.

In short, we support the Service's proposed rule in full. It addresses real vulnerabilities inherent in mail-in voting, responds to legitimate and widespread public concerns about federal election integrity, and equips States with tools that strengthen their own oversight capabilities without displacing their authority. We urge the Service to promptly finalize the rule.

Respectfully submitted,



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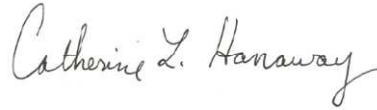
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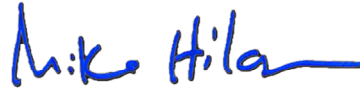
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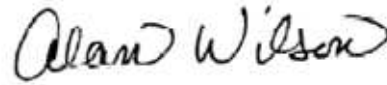
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