The New Realities of Voting by Mail in 2016

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Introduction

In November, millions of voters will cast their ballots outside their neighborhood polling places. These voters will, in many cases, have applied for an absentee ballot, marked the ballot, and returned it to the elections office either via the United States Postal Service (USPS) or at designated ballot-drop locations in their jurisdictions.

The vote-by-mail process can be more convenient for voters who are unable or unwilling to contend with lines at polling places on Election Day. However, voting by mail is not a voting option without risk. Outdated laws, new administrative policies, and the realities of the political process today introduce obstacles voters may not be aware of. Without recognizing that voting by mail in 2016 is very different than in years past, voters are more likely to unwittingly disenfranchise themselves.

The Presidential Commission on Election Administration (PCEA) in its 2014 report to the president and vice president recommended an expansion of voting opportunities before Election Day, specifically in early voting and voting by mail. The PCEA further identified best practices for mail balloting, such as the adoption of safeguards, including online tracking of absentee ballots so voters can verify the status of their ballot.

Election procedures and policies are deeply rooted in statutory requirements at both the state and federal levels. The design of mail ballots and materials and the internal office processes for administering mail voting are often set at the county or city level. Every state and local jurisdiction should do a full review of their laws, policies, and procedures for absentee voting and mail-ballot delivery to strengthen the electoral infrastructure.

This report about The New Realities of Voting by Mail in 2016 includes recommendations for action by voters, election officials, lawmakers, and the USPS in order to ensure voting by mail remains a secure and efficient option for participation in American elections.
Voting by Mail

Voting by mail looks different in states contingent upon ballot-request and -return requirements, voter eligibility, and other voting options. Voting by mail breaks down into four categories:

**Excuse Absentee Voting.** This restrictive option limits voting by mail to only those voters who can provide a reason for why they need to get their ballot in this fashion. The acceptable reasons vary but generally assess why voters are not able to go to the polls on Election Day.

**No-Excuse Absentee Voting.** This is the first stage of a more expansive voting-by-mail system, one that eliminates the excuse requirement indicative of more restrictive voting by mail. In these jurisdictions, any voter can request an absentee ballot by mail and return the ballot through the mail to be counted. As the practice becomes more regularized, an increasing number of voters will likely request ballots for each election cycle, which will begin to increase the strain on election officials. Large jurisdictions can envision a situation where hundreds of thousands of requests for absentee ballots will need to be entered into the system and fulfilled.

**Permanent Absentee Voting.** Permanent absentee lists expand voting by mail further still, by automatically sending mail ballots to all voters who make a one-time request to receive a mail ballot for every election. This policy results in less data entry for administrators and greatly improves efficiency in the elections office. States with permanent absentee voting still allow any voter to request a ballot for a single election, and those states perform routine maintenance to ensure that voters who receive their ballots in this manner wish to continue to do so.

**Exclusive Vote-By-Mail Voting.** These states do not have traditional polling places at all and conduct elections exclusively through vote-by-mail ballots. Oregon was the first state in the country to conduct all-mail elections and Washington and Colorado now also provide all registered voters with a ballot by mail prior to Election Day.
The Postal Service of 2016 does not operate under the same service standards as it did even one or two presidential cycles ago. Mail volume is down, and the USPS has adjusted its infrastructure accordingly. A restructuring of the USPS’s backbone—called “rationalization”—has resulted in the closing of many smaller processing plants across the country. Mail is now routed to larger plants equipped with sophisticated automation equipment that allows for ballot tracking. Delivery standards have also changed. First-class mail is now delivered to recipients within a two-to five-day window; standard mail now reaches its destination in three to ten days.

The reduction of mail-processing plants coincided with a shorter production schedule at each remaining processing plant. The shorter schedule helps the post office to maximize efficiencies of resources and has resulted in many fewer plants operating during the weekend. The impact of this change, though, is slower mail and less processing capacity ahead of Election Day, when ballots must be returned to election offices.

Where a voter lives determines the ways by which he or she can request a ballot, receive it, and return it. Laws about ballot counting govern what a voter must do to ensure that the ballot is counted. There are policies that can be implemented to work within this new reality and to maintain a vibrant alternative to funneling all voters to the polls on a single Election Day.

It is in this environment that the Bipartisan Policy Center has worked to further the PCEA recommendations surrounding voting by mail. The BPC team and former PCEA commissioners meet regularly with upper USPS management, including the postmaster general and deputy postmaster, to discuss ways to improve upon the services being provided to the American electorate. The BPC/PCEA group works with the Federal Voting Assistance Program or FVAP, the National Association of State Election Directors, and the Election Center Postal Task Force on these and other issues. The ongoing work in this area has shown a real need for continuing collaboration and cooperation between the USPS and election administrators to optimize services for the American electorate.
Voter Interaction with the Vote-by-Mail Process

To better ensure delivery and return of their ballots, voters should:

• Know the deadline to request and return a ballot.
• Investigate all options for returning the ballot.
• If using a blue USPS mailbox to return the ballot, be sure to review the noted collection times to ensure the ballot is not too late for that day's pick-up.
• Voters can request that their return ballot envelopes be hand-cancelled with a round stamp at any post office to ensure the voter meets any state postmarking requirement.
• Be certain to follow all instructions and provide a signature and other required information.
• Affix appropriate postage as necessary.
• Contact their local election office for assistance in voting.
• Overseas military and civilian voters can obtain much more information at www.fvap.gov.

Voters have a role in ensuring that the vote-by-mail process works. From the time a voter requests a mail ballot through the marking, ballot tracking, and return of the ballot, an informed voter will be more likely to mitigate risk in the process and have their ballot counted correctly.

Request-for-Ballot Deadline

Many states have statutorily determined dates by which a voter must request a mail ballot. While state laws and rules may allow for certain deadlines about absentee ballot requests, it is still the voter’s responsibility to allow sufficient time for successful participation.

The first key to successfully using the vote-by-mail system is to understand fully the legal deadlines. For example, 17 states in 2016 allow voters to request a ballot on the day before Election Day. Two states—Florida and Minnesota—allow voters to apply for an absentee ballot on Election Day. While this law is very accommodating for voters, it is impossible for an elections office to send a ballot to a voter with sufficient time to ensure its delivery before Election Day let alone leave enough opportunity to return a marked ballot. However, states also have varying deadlines for the return of the mail ballot. While the majority of states require that the ballot be received by the election jurisdiction some time on Election Day—and the time on Election Day itself varies by state—other states base acceptance on a combination of a postmark and receipt of the ballot by the election jurisdiction within some defined period after Election Day.
**Ballot Return via USPS**

Variations among state laws impact the deadline for ballot return. For some states, ballots transmitted to the elections office through the mail must be received by the close of the polls (e.g., 7:00 p.m. or 8:00 p.m. on Election Day), while in other states, ballots transmitted via the USPS are accepted if the ballot is postmarked by a specified date, usually Election Day, and is received within a window of days after Election Day (anywhere from three to ten days is standard). Pennsylvania requires that the elections office receive all mail ballots by the Friday prior to Election Day, as these ballots are then sent to the polls for tabulation on Election Day. Thus, ballots must be correctly postmarked, or cancelled, by the USPS. The USPS advises that voters put their ballots in the mail five days prior to Election Day for states requiring the ballot be in-hand on Election Day and two days prior to Election Day for states that review postmarks and cancellations.

Voters need to consider the when and where of how they drop their marked ballots into the mail system. For example: How many days remain until the deadline for ballot return? Has the blue USPS mailbox already been collected that day (as shown on the box’s printed schedule)? If so, the ballot will remain there overnight—and potentially through the weekend if the ballot was dropped in the box on a Friday or Saturday as most blue mailboxes are not serviced over the weekend.

There are options for voters using ballot return via the USPS as the deadline approaches. If it is close to Election Day, it is important for voters to take their ballots into any post office and ask that it be “hand cancelled” or “round stamped,” especially in states that use the postmark to determine eligibility. This hand-cancelling service will postmark the envelope to ensure that the ballot is processed immediately. It can make the difference in a ballot counting or not.
Election Officials and Voting by Mail

To track and ensure timely and proper receipt of ballots from USPS, election officials should:

- Keep residential and mailing addresses current in the statewide voter-registration database.

- Ask the local postmaster or mail vendor about its Address Change Service to receive address-correction data electronically from the USPS. They should also ask about other address products, like “AEC I” and “AEC II,” for “bad” addresses.

- Review the new addressing formats for military addresses and align state data fields and forms accordingly.

- Consider conducting test mailings to better gauge the service times in their jurisdiction.

- If sending ballots at the standard rate that is subject to inspection, include a generic example of the mailing so that an official ballot packet is not opened.

- Be certain to use visual indicators on voting-by-mail ballots, like the official election material mail logo and the green Ballot Tag 191. Regular, or standard, mail is subject to load-leveling (optimizing processing capacity), which can result in a delivery delay.

- Use intelligent mail barcodes, if available, to track ballots.

- Advise voters of any cost to return the ballot. The USPS requires such an advisory unless the election office has an overage account to cover insufficient postage on returned ballots. Talk to the local postmaster about deadlines and expected mail volumes. Schedule to have staff present at the post office on the day of the ballot-return deadline to walk the plant/office for final ballots. Officials may also want to determine when the local post office normally receives its processing-plant delivery and when the local election official can expect the mail to be ready.

- Discuss with the local postmaster the importance of postmarking ballot-return mail, which verifies the ballot’s eligibility in the state.

- Review voter instructions to ensure they provide the voter sufficient time to return a marked ballot in light of the new delivery standards.

- Have a postal mail design analyst look at proposed ballot envelopes to ensure they comply with postal standards and that the formats yield optimal service.

- Ensure return ballot envelopes have some visual indication to aid in identifying ballots at the post office. Using colored envelopes or adding a noticeable stripe to an envelope are common practices.

- Establish a network in the state to share best practices and postal information. Officials might consider joining the USPS Postal Customer Council to meet postal and industry leaders in their region.

- Report issues that cannot be resolved locally to www.electionmail.org.
While voters are responsible for their own attentiveness to voting-by-mail details and deadlines, it is the election officials and legislators who set voting-by-mail policy in the state. And some states could do far more to improve the policies, procedures, and laws that govern voting by mail.

**Request-for-Ballot Deadline**

Election administrators need to consider what class of mail service they are using for mail ballots and adjust any deadline dates accordingly. Jurisdictions where ballots are mailed first class should consider offering the maximum five-day delivery window to the voter and a five-day return to the elections office, making adjustments to their mail-request periods accordingly. States mailing out ballots standard class should allow the voter the full ten-day window (although it is rare that delivery takes this long within a state) and the five-day first-class mail return. Certainly, instituting a ten- or 15-day deadline for absentee ballot requests will not be a workable solution in all states.

Jurisdictions that allow in-person ballot returns should note somewhere on their absentee materials and website the risk of returning ballots via mail after a certain date. The idea is to give voters the information they need to make the best decision for their voting participation.

**Time Frame to Process Ballot Request**

Election offices can become places of organized chaos as Election Day nears. While many mail-ballot requests are fulfilled and mailed out near the beginning of the mail-voting window, it is important to set an expectation that, when requests are submitted after the initial ballot mailing, ballots will only be processed within the period leading up to the ballot-request deadline.

Many states set a 24- or 48-hour ballot-request fulfillment window to be certain that all requests are met in a timely manner.

Allowing for online ballot applications, integration of ballot applications into the voter-registration process, as well as leveraging barcoding and scanning technologies, can assist in the timely fulfillment of a voter’s mail-ballot request.

**Envelope Design & Visibility in the Mail Stream**

The USPS provides election administrators with the green Tag 191 to use on ballot mailings. This tag is affixed to mail trays containing ballots and provides an additional visual indicator that the items contained in the tray or on the pallet are official ballots and should be treated expeditiously. Ballot mailings are designated at the point of induction—when mailings are turned over to the USPS and enter the mail stream—as being official ballots. Election administrators should verify this is being done when they drop off their ballot mailings.

It is just as important that the mail ballot is distinguishable upon return to the election office, too. Visual indicators can help ensure that all ballots are returned by the deadline. For instance, the use of a colored envelope or stripe on the mail piece is visible in a mail tray and can help election officials easily identify ballots when mail plants and local offices are swept prior to the return deadline.
Postage

On April 10, 2016, the cost of postage decreased when a period of exigent pricing expired. Election officials need to be aware of postal changes and advise voters of any costs to returning their marked ballot—especially those offices that do not pay for postage or do not have an overage account to cover any insufficient postage. The USPS says that ballots should never be returned to the voter for lacking postage; they should always be delivered to the election official.

Drop-Off Locations

Jurisdictions vary in their approaches to ballot drop-off locations. Some jurisdictions that still have traditional polling locations on Election Day allow voters to return their ballots at the polls. Other jurisdictions provide secure ballot boxes that may have statutory requirements for video surveillance or other security measures, as many are accessible 24 hours a day in the weeks before Election Day. In places like Denver, Colorado, for example, all voters can return their mail ballots at drive-through drop sites around the city. Yet, other jurisdictions do not allow for ballot return other than through the USPS or directly to the elections office. States must consider the extended USPS delivery standards carefully, and states should review their statutes to ensure that voters can get their marked ballots returned in time to be counted.

Ballot Return via USPS

Election officials should be proactive about facilitating the successful return of marked ballots through the USPS. First, jurisdictions using business-reply mail (BRM) to pay for postage of the ballot returns should know that all BRM must be postmarked according to USPS rules. Up until 2012, processing plants did not postmark BRM mail pieces because there was generally no need to do so. Postmarking, or cancelling, is done so that stamps cannot be reused. On a BRM mail piece, the “stamp” is printed on the envelope directly. Despite the lack of an actual stamp, the USPS agreed to postmark/cancel BRM pieces when it became clear that returned ballots in many states might not be opened without the cancellation or postmark. Still, the BRM cancellation- and postmarking-implementation agreement remains uneven across the country. If BRM postmarking is not happening in a jurisdiction, election officials must notify the USPS immediately to rectify the problem. It is important that BRM pieces be postmarked for any state that uses the cancellation and postmark times to determine voter eligibility.

In many cases, election officials should designate that returned ballots be delivered to a P.O. Box rather than to the election office itself. This removes additional steps in delivery, including the ballot being routed to the appropriate mail carrier, trucked to a central location, transferred to the local post office, delivered to a county mail room, and eventually delivered to the election official.

Finally, administrators should work with the local postmaster to schedule a tour of the post office or processing plant where ballots will accumulate on Election Day. Working together, election officials and postal employees can help to ensure that voters’ ballots do not get left behind. This step in the process is where some visual indicator—a colored envelope or striping designation—can be critical to easily identifying returned ballots.
Legislator Responsibility to Improve Voting by Mail

To improve citizens’ ability to vote by mail in their states, legislators should:

- Review statutory deadlines for ballot requests and returns to see if they conform to the new USPS delivery standards.
- Consider the PCEA’s endorsement of the expansion of no-excuse absentee voting in conjunction with the increased use of safeguards, such as tracking absentee ballots online.
- Consider allowing voters to request a mail ballot for more than one election at a time.
- Refrain from mailing the first tranche of mail ballots on a Friday, the busiest day of the week for mail. They should consider changing the initial mailing date to one earlier in the week.
- Consider using barcode data and other information from the USPS to verify that a ballot was submitted in time instead of only relying on a cancellation or postmark. Additionally, there should be provisions on how to handle the presence of more than one cancelation (round-stamp as well as automation cancelation) on a ballot envelope, which can occur when a voter requests a round-stamp cancellation and then the ballot still goes through the automation process and is cancelled again.
- Increase mail ballot return options independent of the USPS.
- Consider the use of visual indicators, such as colored envelopes or striping, on ballots.

Request-for-Ballot Deadline

The deadlines established for absentee ballot requests have almost universally been set prior to the USPS’s new delivery standards. States must address these standards statutorily in order to provide clarity for voters and to ensure that voters are not promised a service that cannot be met. For example, in the BPC analysis, 33 states have ballot-request deadlines within five days of Election Day. It is highly unlikely that a voter would be able to receive and return a mail ballot if he or she applies at the deadline. State laws do not serve the voters well when they mislead those voters into assuming their participation will be possible via mail when that is almost certainly not the case.

The USPS delivers to more than 150 million delivery points every day; a state with a deadline on the Friday or Monday before Election Day is institutionalizing failure—voters will never get their ballot in time to mark it and return it in time to count. The USPS does not have a recommended date by which mail ballots should be sent out to voters to ensure sufficient time to return a completed ballot—whether by mail or in-person drop off, as the law allows in a given state.
Initial Mailing of Mail Ballots to Voters

Mail volume increases significantly later in the business week. When election mail is entered on a Friday, it is competing with a high volume of other mail, which could result in delays. Initial mailing dates for ballots almost always fall on a Friday, and this needs to be changed.

An additional complication with the USPS’s plant rationalization has been that some plants service an entire state. When all jurisdictions within a state simultaneously deliver their ballots for induction, there are inevitable clogs in the mail steam. States should allow jurisdictions the option of completing their initial ballot mailings over a two- to three-day period. For example, Arizona instituted an initial ballot-mailing deadline but allows counties to choose a day before that deadline to ensure the best induction service statewide.

Ballot Return via USPS

Ballots are mailed in a wide spectrum of shapes and sizes in the Unites States. Some go through the automation process easily while others require manual treatment. States need uniform guidelines for how to deal with some inevitable, but non-routine issues that arise each election.

For example, when a postmark is illegible or missing, states can use other postal data to serve as validation that a voter mailed the ballot back in time. States are looking at both the intelligent mail barcode (IMB) as well as imbedded information in the USPS’s orange processing marks as potential innovations in ballot-eligibility verification. In May 2016, Iowa’s governor signed first-in-the-nation legislation augmenting the state’s postmarking requirement to allow election officials the use of IMB to verify a mail ballot was returned in time. The Ohio secretary of state has also been pioneering alternative methods of validation of timely return with a directive on using the orange processing codes.

As noted above, voters can ask for the hand cancellation of their return ballot. However, it is possible that the returned ballot, as it proceeds through processing, may still be postmarked as it goes through automation—resulting in a ballot with two different legitimate postmarks. States should establish uniform rules on how to treat these ballots to be certain all jurisdictions know why this would occur and that the first, earliest date should be used.

Finally, when a postmark is illegible or missing, some states consider the date the voter signed the affidavit as verification that they submitted it in a timely manner. While these issues may affect only a small number of returned ballots, states must be proactive in setting a uniform policy in statutes and rules.

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3 Per RCW 29A.40.110 (4): If the postmark is missing or illegible, the date on the ballot declaration to which the voter has attested determines the validity, as to the time of voting, for that ballot. For overseas voters and service voters, the date on the declaration to which the voter has attested determines the validity, as to the time of voting, for that ballot. Any overseas voter or service voter may return the signed declaration and voted ballot by fax or email by 8:00 p.m. on the day of the primary or election, and the county auditor must use established procedures to maintain the secrecy of the ballot.
USPS Role in Voting by Mail

To improve voting by mail processes and coordination, USPS should:

- Add a Service Type Identification (STID) to ballots in the IMB format. This change allows USPS to know where ballots are in the mail stream.
- Establish protocols for flagging ballots with the new ballot STID that are in jeopardy of falling below service standards.
- Allow official election mail (with the official election mail logo) to use a nine-digit IMB format, even if the voting-by-mail volume does not meet the current threshold requirement to do so. This change would allow smaller jurisdictions the ability to uniquely identify their mail pieces.
- Verify that all front-line counter staff understands that voters can request a round-stamp cancelation of their ballot envelope.
- Continue to encourage USPS election mail coordinators to reach out to each state’s chief election official to promote open communication.
- Consider treating the week before a federal election as “peak season” and keep processing plants open and operating during the weekend before Election Day.
- Consider mirroring tax-day-level front-line service on Election Day.
- Increase the level of understanding about the postmarking of BRM and flats, particularly those bearing the official election material mail logo.

Vote-by-mail ballots all go through the mail at some point in the process. Even in states with multiple return methods for mail ballots (including designated drop-off sites, mailbox-like drop boxes, etc.), there is much the USPS must do to make voting by mail a better, more efficient option for voters.

Envelope Design & Visibility in the Mail Stream

The design of the ballot sent to the voter and the envelope for returning a marked ballot can impact the speed of delivery. Many jurisdictions include a voter’s address, affidavit, signature block, and an internal barcode for processing on the back of the ballot-return envelope. The placement of these elements can be critical.

For instance, the USPS uses optical-recognition software to look for the intended recipient address on a mail piece and to orient it for processing through USPS technology. However, if a voter’s address on the back of the return envelope is in the general area where an address would occur on the front of an outgoing piece of mail, the sorting machinery can sometimes misdirect the returned ballot back to
the voter rather than to the election office on the front of the envelope. A voter’s address information is usually required to be included by law, but placement of the voter’s address should be done so that it does not impede processing by USPS technology. Mail design specialists can assist with format suggestions.

The USPS has only once partnered with an industry customer to create a unique logo to distinguish their mail from billions of other mail pieces. For more than 20 years, voters have been able to look for the official election mail logo to validate that a piece of mail has been sent from an official government source. The logo separates official correspondence from political solicitations to the voter and also indicates to USPS employees the added importance of the mail piece itself.

The official election mail logo was recently altered in terms of required size and placement on an envelope to enable proper postmarking and cancellations. Jurisdictions should use the logo on all outgoing and returning mail to highlight to the voter (and to the USPS) that this is an important piece. The use of the logo is free, but not all jurisdictions currently use it—and they should. Design analysts are available to help jurisdictions adhere to the new design standards and can be reached at 1-855-593-6093 (Monday–Friday, 7 a.m.–5 p.m. CT) or by sending an email request to mda@usps.gov.

**Ballot Delivery to the Voter and Tracking**

In the new age of automation, the USPS has the ability to track mail pieces as they flow through the process and to report that information electronically—if the mail pieces contain an IMB. This barcode is scanned as the mail piece travels from the election office to the voter and then from the voter back to the office. IMB holds the promise of building confidence in the system by confirming that a ballot was, in fact, delivered back to the elections office. Voters are able to know when the ballot is on its way and when to expect it. Election administrators are able to view incoming volumes and staff their offices accordingly to process returns.

**Ballot Return via USPS**

Over the past decade, the USPS has made changes meant to increase efficiency and reduce costs. As a result of declining mail volume, the USPS has taken steps to consolidate mail processing facilities to adjust capacities for the lower volume environment. These changes have resulted in what many election administrators have come to call “no mail Tuesdays.”

Officials started noticing a downward trend in the amount of mail they received on Tuesdays during the 2015 state and local elections. Jurisdictions that did not have many elections in 2015 have seen the trend during the 2016 primary and presidential-preference election contests in their states. “No mail Tuesdays” will be particularly problematic during the presidential election this fall for states with deadlines that require the mail ballot be returned to the elections office by Election Day, which is, of course, on a Tuesday.

In order to mitigate the impact, the USPS should agree to the full processing of mail during the weekend prior to Election Day. Although there is currently some processing on Saturdays, not all functions that allow for mail to proceed through the mail stream occur over the weekend. For example, business reply mail is not processed during the weekend. This slight change to its processing schedule would greatly reduce the volume of ballots that would otherwise not be delivered in time to count.
Summary

BPC has provided critical information to election administrators in almost every one of the 55 states and territories in order to assist them in more effectively administering mail voting. Early in 2016, through generous funding by the Democracy Fund and in partnership with Democracy Works, BPC launched an online tool to catalogue election administrators’ service issues during the election cycle that are not being successfully resolved at the local level. The tool also automatically alerts USPS managers of unresolved issues in real-time.

The website www.electionmail.org has been available since the start of the primary process this cycle. Election officials can submit reports about delivery delays, mail returned as undeliverable, and postmark issues, as well as address management concerns. BPC and Democracy Works are collecting the information to identify trends and potential national issues, and the information is also forwarded directly to the USPS Election Mail Manager and reviewed by the USPS Election Task Force for resolution. This effort is the first gathering and analysis of postal issues with election mail to date. Many of the recommendations in this report stem from issues that were brought to light to date via www.electionmail.org. The portal will continue to inform the creation of policy recommendations to improve the vote-by-mail process.

In the months leading up to the 2016 presidential election, the recommendations in this report will be shared with election administrators, state legislators, voter stakeholder groups, and mail-industry leaders across the nation in addition to continued collaboration with USPS leadership. BPC is well positioned to continue the Presidential Commission on Election Administration’s mission to improve the voting experience for all voters.

Millions of ballots will be delivered by hundreds of thousands of postal employees this fall; every effort needs to be made now to protect the process and to see that those ballots are safely returned to election officials in time to count.
Notes
The Bipartisan Policy Center is a non-profit organization that combines the best ideas from both parties to promote health, security, and opportunity for all Americans. BPC drives principled and politically viable policy solutions through the power of rigorous analysis, painstaking negotiation, and aggressive advocacy.

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