

**SCOTT SCHWAB**  
Secretary of State



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## STATE OF KANSAS

September 9, 2024

Mr. Louis DeJoy  
Postmaster General  
United States Postal Service  
475 L'Enfant Plaza SW  
Washington, DC 20260-0010

Dear Postmaster DeJoy,

During the recent primary election in Kansas, voters had the opportunity to exercise their constitutional right to cast a ballot. Over 18 percent chose to do so by mail. Kansas law requires that an advance mail ballot must be postmarked no later than 7 p.m. on Election Day and received within three days of the election for the ballot to be counted.

I am extremely concerned there is a troubling pattern that persists in the U.S. Postal Service's (USPS) processing and handling of ballots. Many are either missing postmarks or failing to reach the county election office on time, even when voters have mailed them timely.

Multiple county election officials have notified my office that ballots were received from the local post office days, if not weeks, after they were placed in the custody of the USPS under the assumption that they would be received and counted by county election officials.

In fact, some ballots were delivered to the county election offices lacking proper postmarks. A post-election survey of Kansas's 105 counties revealed that nearly 1,000 ballots were received – and are continuing to be received – in approximately half of the counties without a postmark or after the three-day grace period, making those ballots ineligible to be counted, despite being mailed before election day. A ballot without a postmark cannot be counted during the three-day grace period.

The Postal Service's failure to deliver as promised has disenfranchised at approximately 1,000 voters in Kansas. That means that 2 percent of ballots transmitted by mail in Kansas were not counted due to USPS administrative failures.

As election officials and voters prepare for the November General Election, it is unacceptable that voters, who follow the rules for requesting, voting, and returning their mail ballot, are disenfranchised by the USPS because ballots that were properly and timely mailed were delivered without a postmark or not at all. The Postal Service has failed to live up to its own commitment, posted on the USPS website, which states: "We provide a secure, efficient and effective way for citizens to participate when policymakers decide to use mail as part of their elections. The Postal Service has a robust and tested process for proper handling and timely delivery of Election Mail." Failing to postmark an election ballot is neither secure, efficient, or effective and does not allow voters who use a mail ballot to participate in their elections.

Further, the USPS website states: “The Postal Service’s policy is to postmark all ballots mailed by voters, whether they are prepaid by election officials or mailed with a stamp affixed by the voter.” Clearly, the Postal Service’s policy has not been followed in Kansas. In the August 6, 2024, Primary Election in Kansas, local post office clerks were purposely prohibited by a directive from USPS from assisting election officials and informed election offices they were unable to affix a postmark at a local post office even if the envelope was clearly shown to have been in USPS custody and delivered to the election office within the statutory deadlines.

In fact, in a July 30, 2024, audit report, the Office of the Inspector General, US Postal Service, reported: “Regarding postmarking, the audit team witnessed ballots missing a postmark, and as the Postal Service acknowledges, multiple states have laws requiring postmarks. An operational adjustment that allows for postmarking on ballots that erroneously did not receive one could help voters feel more confident that their ballot will receive a postmark.” We encourage the USPS to follow through with the corrective action it agreed to take in response to the audit.

On behalf of Kansas voters, I request that you provide an explanation of (1) how USPS will ensure that every ballot is postmarked in the November General Election so voters are not again disenfranchised, and (2) how the USPS will ensure that every ballot that is placed into its custody prior to Election Day will be delivered on time to county election offices for the votes to be counted.

State and county election officials are willing partners in ensuring the right to vote can be exercised by every Kansan. County election officials work closely with the USPS to verify that mail ballot envelope design conforms to USPS requirements. The USPS’s proper and timely handling of mail ballots is a key aspect to maintaining trust in our election system by assuring the public that utmost care is taken to preserve the safety and security of their ballot. Kansas has had mail voting in some form since the Civil War, but never has a lack of confidence in the delivery of our ballot been questioned as it has in the 21<sup>st</sup> Century.

It is unacceptable that your agency has disenfranchised Kansas voters. As the chief election official in Kansas, I urge you to provide Kansans a clear explanation for your failure to provide service that enables Kansans to exercise their constitutional right to vote, and to articulate what action USPS will take to ensure that every ballot entrusted to the USPS for the November election is properly postmarked and delivered on time.

Your prompt response to this time-sensitive matter is appreciated.

Sincerely,



Scott Schwab  
Kansas Secretary of State

cc:

Senator Jerry Moran  
Senator Roger Marshall  
Representative Ron Estes  
Representative Jake LaTurner  
Representative Tracey Mann  
Representative Sharice Davids