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GENERAL COUNSEL  
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April 6, 2021

The Honorable Andrew Warner  
West Virginia Secretary of State  
1900 Kanawha Boulevard, E.  
Building Bldg. 1  
Suite 157K  
Charleston, WV 25305

Dear Secretary Warner:

Re: Deadlines for Mailing Ballots

The Postal Service takes tremendous pride in the role that we play in the electoral process. In this, and many other respects, we consider ourselves to be a vital part of the nation's critical infrastructure, and we are fully committed to fulfilling our important role in the electoral process when public policy makers choose to utilize us as a part of their election system. We provide election officials and voters with a secure, efficient, and effective means to enable citizens to participate in elections. Faithfully executing this solemn obligation is a core value of the Postal Service which our employees everywhere hold dear.

Of course, it is the task of policymakers to decide the role that the U.S. Mail should play in our election system. Once that determination is made, however, it is our task to ensure that we provide secure and timely delivery of the ballots that are entrusted to us for mailing. Importantly, we also see it as a fundamental part of our responsibility to our customers, which includes both elections officials and individual voters, to ensure that if they choose to utilize the mail as a part of their voting process, that they understand how to do so effectively. This responsibility requires us to educate election officials and individual voters concerning how the mail works, including the timeframes required to accept, transport, process, and deliver a ballot.

In that regard, the Postal Service regularly 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. The purpose of our outreach is to enable policymakers 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.

Consistent with these outreach efforts, we appreciate your office's recent communication regarding the proposed changes to the timelines for requesting absentee ballots in West Virginia for elections under consideration as part of SB 565. With respect to the deadlines for requesting ballots, we believe that the changes proposed are more consistent with the Postal Service's longstanding recommendations for effectively using the Postal Service to administer elections than the current law.

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As previously discussed in my July 30, 2020 letter regarding the deadlines for requesting and casting ballots by mail in West Virginia, for the mail to be successfully used as part of an election, state and local election officials must understand and take into account the Postal Service's operational standards and recommended timelines. To ensure that individuals who wish to use the mail to vote can do so successfully, election officials and voters should keep in mind the time required for both legs of a ballot's delivery through the mail—to the voter and back to election officials.

To minimize the risk that a mail-in ballot will not arrive in time to be counted, the Postal Service strongly recommends that voters allow a week to receive a blank ballot that has been mailed to them and another week for their completed ballot to arrive by mail to its destination. As such, where voters will both receive and send a ballot by mail, voters should submit their ballot request as early as their jurisdiction allows, and should mail back their completed ballots before Election Day and at least a week before it must be received by their jurisdiction's receipt deadline. Under West Virginia's current law, it appears that a voter may generally request a ballot as late as 6 days before the election, and that a completed ballot must be postmarked by Election Day and received by election officials no later than the beginning of canvassing. If a voter submits a request at or near the ballot-request deadline, there is a risk that, if the ballot is transmitted to the voter by mail (and particularly if it is not transmitted immediately after the request is submitted), the voter may not receive the ballot before Election Day or have sufficient time to complete and mail the completed ballot back to election officials in time for it to arrive by the state's receipt deadline. The proposal to change the ballot-request deadline from 6 days before the election alleviates much of that risk to voters and is more consistent with the Postal Service's longstanding recommendations.

Again, we appreciate your outreach regarding this proposal and your consideration of our recommendations. Please also feel free to share this letter with the relevant state legislators who are currently considering the proposed change if you believe it would be helpful.

Sincerely,

A handwritten signature in black ink that reads "Thomas J. Marshall". The signature is written in a cursive style with a large, prominent initial "T".

Thomas J. Marshall