

David A. Naimon
President

Daniel A. Koroma
Vice President

Amoretta M. (Amie)
Hoerber
Secretary

Keyna I. Anyiam
Member

Alexander C. Vincent
Member

Margie C. Delao
Substitute Member

Lawrence J. Halloran
Substitute Member



Montgomery County Board of Elections
18753 N. Frederick Avenue, Suite 210
Gaithersburg, Maryland 20879

Boris Brajkovic
Election Director

Vacant
Deputy Election Director

Janet A. Ross
*Voting System and
Information Technology
Manager*

Sandra Prudenti
Voter Services Manager

Mindy Williams
*Elections Operations
Manager*

Philip Jackson
*Outreach, Recruitment
and Training Manager*

Kevin Karpinski
Counsel

September 10, 2025

Director, Product Classification
U.S. Postal Service
475 L'Enfant Plaza SW, Room 4446
Washington, DC 20260-3436

VIA EMAIL to PCFederalRegister@usps.gov

Dear Director:

We are writing to you in response to the U.S. Postal Service's *Federal Register* Notice dated August 12, 2025, in which you sought comment on a proposed change to the Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM), to add Section 608.11, "Postmarks and Postal Possession."

Under Maryland law, the Montgomery County Board of Elections oversees the conduct of all elections held in our county (the most populous county in Maryland) and ensures that the elections process is conducted in an open, convenient, and impartial manner. Our seven-member bipartisan Board voted unanimously to submit the attached comments.

We thank you for this opportunity to provide our views and would be happy to work with you to consider any solutions to the issues we have raised. We look forward to working with you to help election officials across the country do our important work together.

Sincerely,

David A. Naimon, President
Montgomery County Board of Elections

cc: Jared DeMarinis, Maryland State Administrator of Elections

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Comments by the Montgomery County Board of Elections on the U.S Postal Service's Proposal to Add Section 608.11, "Postmarks and Postal Possession" to the *Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)*

First, as members of the Montgomery County Board of Elections, we would like to thank the USPS offices in Montgomery County for being excellent partners with us in trying to make our local elections go as smoothly as possible. We have met with our local postmasters and appreciate their cooperative attitude and assistance in doing our work.

We are writing these comments in response to the recent USPS notice in the *Federal Register* / Vol. 90, No. 153 / Tuesday, August 12, 2025 / Proposed Rules, specifically proposing amendments to 39 CFR Part 111. The proposed rule includes the statement: "...*This Section will also explain that, while the presence of a postmark on a mail piece confirms that the Postal Service was in possession of the mail piece on the date of the postmark's inscription, the postmark date does not inherently or necessarily align with the date on which the Postal Service first accepted possession of a mail piece....*" (emphasis added). This language raises some serious issues relative to the requirements to accept or reject mail-in ballots we receive through the USPS.

Our job as a county Board of Elections is to implement the election system as determined by a combination of the federal and state constitutions, federal and state statutes, state regulations, and Maryland State Board of Elections policies. Federal law has for years required states (including Maryland) to make absentee ballots (now known as "mail-in ballots" in Maryland) available to certain groups of voters, including military and overseas voters and those who are temporarily away from home on Election Day.

Under the U.S. Constitution, state law determines the rules for access to mail-in ballots for other voters. Although Maryland's rules governing who can vote by mail-in ballot have changed over the years and have resulted generally in a significant increase in the volume of such ballots, mail-in ballots (formerly known as "absentee ballots") have been a fact of life in our elections for decades. One of our jobs is to determine if such ballots were timely or untimely sent, accept the timely ballots if they are otherwise valid, and reject the untimely ballots. We take this responsibility very seriously and always strive to accept any timely ballots and reject only those that were untimely. Postmarks have been a legal requirement for and have traditionally played a crucial role in that determination (see below), so your rules about postmarks are a significant concern for us. We know we are not the only entity that depends on the accuracy of postmarks to determine the dates of responses to various requirements (e.g., federal and state tax returns,

property tax payments, and sometimes job applications), but we will focus on our specific area of responsibility in these comments.

Almost 42% of Montgomery County voters in Maryland's 2022 primary election and more than 34% of Montgomery County voters in Maryland 2022 general election voted by mail-in ballot. Almost half of mail-in ballots in the 2022 general election were returned by U.S. mail, with most of the rest returned to drop boxes and some returned in-person. A significant number of mail-in ballots are returned on or just before Election Day. Given that the 2022 Montgomery County Executive primary election was decided by 32 votes, how mail-in ballots are postmarked by USPS has the potential to significantly affect our elections. (Voting patterns in 2024 were quite similar to 2022, although no 2024 races on our ballots were determined by such a small number of votes.)

Maryland election regulations provide, under [COMAR 33.11.03.08 B. 4.](#), that ballots must be mailed on or before Election Day, as verified by a USPS postmark. The regulation specifically provides that a mail-in ballot is considered to have been timely received only if:

“(4) The ballot:

- (a) Is received by the local board office from the United States Postal Service or a private mail carrier on or before 10 a.m. on the second Friday after an election; and
- (b) Was mailed on or before election day, as verified:
 - (i) By a postmark of the United States Postal Service, an Army Post Office, a Fleet Post Office, or the postal service of any other country; or
 - (ii) By the voter's affidavit that the ballot was completed and mailed on or before election day, if the return envelope does not contain a postmark or the postmark is illegible;”

In 2022 and 2024, while the vast majority of mail-in ballots had no issues, we had a number of ballots with issues in determining dates of entry into the postal system because of various problems with postmarks. This included mail with postmarks that were illegible, mail with legible postmarks that were added by a receiving post office when the originating post office did not provide a postmark, or mail without any postmarks at all.

Any change in collection or processing practices, such as the Regional Transportation Option (RTO), that makes it less likely that election mail will be postmarked when the Postal Service first has possession of a mail piece makes our job of distinguishing between timely mailed ballots (those mailed on or before Election Day) and untimely mailed ballots (those mailed after Election Day) more difficult, especially for ballots deposited in the U.S. mail in the last week before Election Day.

The RTO now being implemented by the USPS also ended end-of-day collections at about 70% of post offices across the country, meaning that outgoing mail is no longer picked up in the afternoon and more mail sits overnight until the next morning's pick-up, presumably prior to being postmarked. The RTO introduces significant additional uncertainty into determining the timeliness of mail ballots. We therefore hope that the impact of planned service level degradations can be minimized, if not eliminated, with regard to election mail.

One of the most difficult issues we have faced has occurred when: (a) voters timely placed their ballots in the custody of the Postal Service on or before Election Day; and (b) receiving post offices have added postmarks after Election Day when the post office at which the ballot was first (and timely) received did not include a postmark. This could inaccurately suggest that the ballot was untimely mailed when in fact the mailing was timely and, as such, risks disenfranchising such voters. We have communicated with our local postmasters that we would prefer that ballots without original postmarks be left unmarked over adding postmarks later in the mail's journey and possibly giving us misleading information about when the ballot was mailed by the voter.

From our perspective, the ideal piece of mail would be postmarked on the date the USPS first takes possession of the mail piece from wherever it was mailed, and additional postal markings would either be avoided or be sufficiently different from the original postmark so that election officials could piece together when the mail piece was originally mailed.

For example, it is sometimes difficult to determine if a Maryland postmark on a mail-in ballot dated the day after Election Day means that the ballot was mailed in Maryland one day late or that it was mailed somewhere else before the deadline and had the Maryland postmark added one day after Election Day. It seems highly unlikely that large numbers of voters mailed their ballots the day after Election Day, and it raised our suspicion about postal issues when we started getting a significant number of mail-in ballots with such markings. Could there be a way to distinguish between the original markings at the point of mailing and markings added later or is there some way to determine when mail from the day before is postmarked the following day?

The proposed rule states that the "RTO initiative will make the scenario where a postmark date does not align with the date that the Postal Service first accepted possession of a mailpiece more common." In so doing, the RTO initiative amounts to a step in the wrong direction where election-related mail is concerned, and it could lead to greater confusion about election rules at a time when quite a bit of confusion already exists. With respect to voted ballots that were, in fact, mailed on or before Election Day, the RTO initiative's anticipated effect of making a postmark less reliable evidence of that fact poses an especially severe risk of disenfranchisement.

We suggest that USPS consider enhancing USPS staffing and/or automation across the country for at least the week before Primary and General Election Days to increase the postmarking of election mail (or all mail) on the actual date of receipt by the USPS. This would help to minimize the risk that voted ballots that were timely mailed could be invalidated simply because a delayed postmark might wrongly suggest otherwise.

Alternatively, or simultaneously, since most mail-in ballots and other Election-related mail are marked as Election Mail in accordance with USPS rules, perhaps they could be given higher priority to obtain timely postmarks.

Federal law requires all election officials to start sending ballots to military and overseas voters 45 days before Election Day. Expediting all election-related mail in the 45 days before Election Day would not only assist election officials in determining if ballots were timely but also would facilitate the processing of ballots before Election Day that Maryland law requires. The faster

that election mail is delivered to us after the ballots are mailed to voters, the more ballots we can process in advance and therefore finish ballot processing and get to final results faster.

While we understand that business reply mail normally doesn't get postmarked, we also understand that USPS policy through the 2024 elections provided that all election mail should be postmarked. Our experience is that most but not all election mail (such as business reply envelopes that Maryland uses to pay return postage for mail-in ballots that are mailed to voters) gets postmarked, and we urge you to assure that your process postmarks *all* election mail to help election officials distinguish between timely and untimely ballots.

Alternatively, if it is possible for USPS to educate and train election officials to obtain any equipment needed, or to use any available means other than a legible postmark (including new technology), to allow mail recipients to determine when the USPS takes possession of a particular piece of mail, that would also be very helpful to our work.

We finally encourage you to include a clear statement in your policy about the penalties for anyone who provides inaccurate data on USPS's possession of election mail so that we can continue to depend on the veracity of that information from USPS, which is crucial for our work.

Regardless of what you decide to do about this rule relating to postmarks, we also would encourage USPS to be transparent about mailing times and specifically to have an advertising campaign to explain to voters how many days in advance they may need to mail their ballot for it to be postmarked by Election Day (and perhaps have other similar advertising for mailing tax returns and other uses of postmarks to validate timely processes). That advertising campaign also could remind customers, as your proposed rule does, that they can get a free postmark at any retail post office. We certainly plan to include such information in our own Board of Elections outreach advertising, but our advertising budget is small and very focused on elections in our county. Your advertising could assist USPS customers across the country in avoiding deadline issues caused by changes in the postmark policy or practice.

We thank you for this opportunity to provide our views and would be happy to work with you to consider any other solutions to the issues we have raised. We look forward to working with you to help election officials across the country do our important work together.