

## POSTAL SERVICE

### Privacy Act of 1974; System of Records

**AGENCY:** Postal Service.

**ACTION:** Notice of new system of records; response to comments.

**SUMMARY:** The United States Postal Service (USPS) is responding to public comments regarding the creation of a new General Privacy Act System of Records (SOR) USPS 820.225, Federal Ballot Mail. The new SOR coincides with the Postal Service's publication of the Final Rule amending the *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM), regarding the transmission of mail-in or absentee ballots for federal elections. The Postal Service created the SOR to maintain a list of individuals, each individual's address, the unique Intelligent Mail barcodes printed on each individual's outbound and return ballot envelope for a federal election, and the state or political subdivision thereof that issued such ballot for inclusion on a state's Mail-in and Absentee Participation List, as required by the new DMM section. There will be no changes to the new system of records in light of public comments received.

**DATES:** The new General Privacy Act System of Records (SOR) USPS 820.225, Federal Ballot Mail was scheduled to be effective without further notice on the latest of (1) 30 days from the publication date of the notice, if no comments were received; (2) the publication date of the Postal Service's responses to comments received (which would under no circumstances be published prior to 30 days from the publication date of the notice); or (3) the effective date of any final rule amending the DMM with respect to ballots for federal elections. As comments were received, and consistent with (2) above, the SOR is effective with this publication of the Postal Service's responses to comments received (which is more than 30 days from July 17, 2026, the publication date of the SOR notice).

The Final Rule was effective August 21, 2026, and published in the **Federal Register** on August 26, 2026. *Ballot Mail for Federal Elections*, 91 FR 54966 (August 26, 2026).

**FOR FURTHER INFORMATION CONTACT:** Privacy Office, 202-268-2000, or [USPSPrivacyFedRegNotice@usps.gov](mailto:USPSPrivacyFedRegNotice@usps.gov).

**SUPPLEMENTARY INFORMATION:** On July 17, 2026, the Postal Service published a **Federal Register** notice about its intent to create a new system of records, USPS 820.225, Federal Ballot Mail, to provide notice to the public and to support the

amendments to the DMM regarding the transmission of mail-in or absentee ballots for federal elections. The publication of an SOR in the **Federal Register** complies with Privacy Act requirements to promote transparency and provide notice to individuals about the maintenance of a System of Records by a Federal agency, including but not limited to information that will be collected and stored, what it will be used for, the authority for collection and usage of the information, how the information may be disclosed and how long it will be retained.

The Postal Service provides the following responses to the comments received pursuant to its **Federal Register** notice, Document Citation 91 FR 44880, for the creation of the new SOR, USPS 820.225 Federal Ballot Mail. Most commenters discussed Executive Order 14399, Ensuring Citizenship Verification and Integrity in Federal Elections, and the related changes to the DMM, rather than the System of Record at issue here. This includes commenters referring to, or appending, their comments submitted in response to the related changes to the DMM. While not relevant to the topic, the Postal Service will briefly address each comment in turn out of respect for commenters.<sup>1</sup> The Postal Service also refers those commenters to our Final Rule in that rulemaking for a more fulsome response to these topics. *Ballot Mail for Federal Elections*, 91 FR 54966 (August 26, 2026).

**1. Question 1:**<sup>2</sup> Does the new DMM section regarding Ballot Mail for Federal Elections usurp state authority over elections?

**Answer:** No. Neither the SOR, nor the DMM language, usurps such authority. The rule does not recast the Postal Service as an election administrator, and does not dictate the manner of elections in the states. On the contrary, it sets forth mailpiece design and data reporting standards tied to the use of the mail. States maintain complete control over their own voter registration rolls, deciding who within their jurisdiction is eligible to vote by mail. States also retain complete autonomy to determine the extent to which they utilize the postal system as an aspect of their elections.

The new DMM language does not involve or authorize inspection of a

mail-in ballot's contents, review of individual voter's eligibility, or auditing of state voter rolls. It instead focuses exclusively on exterior mailpiece criteria and barcode scan data.

**2. Question 2:**<sup>3</sup> Does the Executive Order provide the authority for the new DMM section regarding Ballot Mail for Federal Elections?

**Answer:** No. The Postal Service relied on existing statutory authority to promulgate the Final Rule. 91 FR 94968–94977. Executive Order 14399 was relevant to the Postal Service's consideration of this subject and began the deliberative process that is now resulting in this rule. While the Executive Order did not mandate a final rule, the Postal Service determined that, to help achieve the goals articulated by the Order as necessary to faithfully execute federal law and also to advance the Postal Service's operational interests, it is appropriate to exercise its statutory and regulatory authority to promulgate the Final Rule, which is consistent with the Postal Service's longstanding best practice recommendations for ballot mail.

As set forth in the Final Rule, *see* 91 FR at 54971–72, 39 U.S.C. 401(2) authorizes the Postal Service “to adopt, amend, and repeal such rules and regulations, not inconsistent with this title, as may be necessary in the execution of its functions under this title and such other functions as may be assigned to the Postal Service under any provisions of law outside of this title,” and further grants the Postal Service “all other powers incidental, necessary, or appropriate to the carrying on of its functions or the exercise of its specific powers,” *id.* § 401(10). Furthermore, Section 404 grants the Postal Service specific powers, including the power “to provide for the collection, handling, transportation, delivery, forwarding, returning, and holding of mail, and for the disposition of undeliverable mail.” *Id.* § 404(a)(1). Setting mail preparation and acceptance standards and data-reporting standards for a defined category of mail fits squarely within this statutory authority.

In short, the Final Rule prescribes tailored requirements regarding the use of the mail—the design of Federal Ballot Mail envelopes and the provision of mailpiece-level data concerning such ballot mailings—to help both ensure the faithful execution of federal law and advance the Postal Service's ability to efficiently handle Federal Ballot Mail,

<sup>1</sup> The Postal Service provides these responses to implied questions contained in comments from commenters, as identified in subsequent footnotes.

<sup>2</sup> Letter comments of the State of Utah (Aug. 17, 2026); Joshua Thornton (Jul. 17 2026); a coalition of 24 state attorneys general (Aug. 14, 2026); and the Campaign Legal Center/Democracy Defenders Fund (Aug. 14, 2026).

<sup>3</sup> Letter comments of a coalition of 24 state attorneys general (Aug. 14, 2026); the League of Women Voters and a coalition of organizations (Aug. 14, 2026); and the Campaign Legal Center/Democracy Defenders Fund (Aug. 14, 2026).

consistent with its statutory functions. *See, e.g.*, 91 FR at 54972, 54985.

3. *Question 3:*<sup>4</sup> Does the Postal Service possess the requisite statutory authority to collect the information noticed in the SOR?

*Answer:* Yes. The information noticed in the SOR is information that is visible on the outside of mailpieces submitted to the Postal Service for delivery—that is, the names and addresses of mail recipients and the barcodes associated with mailpieces. The Postal Service has the statutory authority to set forth mail preparation, acceptance, and entry standards that are necessary to achieve the functions assigned to it by law, which include delivery of mail (including sensitive mail) and investigation into the potential misuse of the mail. *See* 39 U.S.C. 401(2); *cf.* 18 U.S.C. 3061(b); 52 U.S.C. 10307, 20511.

4. *Question 4:*<sup>5</sup> Does the new DMM section regarding Ballot Mail for Federal Elections violate federal elections law?

*Answer:* No. The new DMM section regulates the use of the mail, and does not interfere with or supplant the schemes established under federal election law. The rule requires merely that states that choose to use the U.S. mail as part of their elections adhere to certain standard mailpiece design and data reporting standards when sending Federal Ballot Mail.

5. *Question 5:*<sup>6</sup> Does this SOR violate any current injunctions?

*Answer:* No. The government obtained relief from previous injunctions that had precluded implementation of any final rule governing ballot mail for the November 3, 2026 election. No court order in place at the time of publication prevents publication of the SOR itself. The SOR, which does not alter the DMM or any election rules, simply provides notice as to how information regarding federal ballots collected pursuant to the DMM provisions (including voluntary use of certain provisions) will be handled consistent with the Privacy Act.

6. *Question 6:*<sup>7</sup> Is the Postal Service acting as an election gatekeeper?

<sup>4</sup> Letter comments of the State of Utah (Aug. 17, 2026); Joshua Thornton (Jul. 17 2026); a coalition of 12 secretaries of state (Aug. 13, 2026); a coalition of 24 state attorneys general (Aug. 14, 2026); and the Campaign Legal Center/Democracy Defenders Fund (Aug. 14, 2026).

<sup>5</sup> Letter comments of the League of Women Voters and a coalition of organizations (Aug. 14, 2026); Joshua Thornton (Jul. 17 2026); a coalition of 24 state attorneys general (Aug. 14, 2026); and the Campaign Legal Center/Democracy Defenders Fund (Aug. 14, 2026).

<sup>6</sup> Letter comments of the Campaign Legal Center/Democracy Defenders Fund (Aug. 14, 2026).

<sup>7</sup> Letter comments of a coalition of 24 state attorneys general (Aug. 14, 2026); and the Campaign

*Answer:* No. Again, states maintain complete control over their own voter registration rolls, deciding who within their jurisdiction is eligible to vote by mail. States also retain complete autonomy to determine the extent to which they utilize the postal system as an aspect of their elections. Moreover, the Final Rule's requirement to report mail piece-level data into the Federal Ballot Mail Portal is not tantamount to election gatekeeping or administration. States determine who is enrolled in their respective Mail-In and Absentee Participation Lists. The Final Rule requires that states provide to the Postal Service certain information inscribed on the Outbound and Return Federal Ballot Mail envelopes that they mail to voters, prior to or at the time of the outbound mailing. This information, which necessarily lies in the states' possession, would not be subject to revision by the Postal Service. Eligible voters will therefore be listed by and at the discretion of election officials, and the Postal Service will not second-guess the states' submissions.

7. *Question 7:*<sup>8</sup> Are the Postal Service's SOR and rule arbitrary and capricious under the APA?

*Answer:* No, the Postal Service has considered, evaluated, and responded to all significant comments, and has thoroughly explained the reasons why the Postal Service is implementing the rule, and this related SOR.

Moreover, in the context of the instant rulemaking, the Postal Service is not subject to the APA. *See* 39 U.S.C. 410(a), 3001(m).

8. *Question 8:*<sup>9</sup> Does this SOR violate the First Amendment provision of the Privacy Act?

*Answer:* No. As explained in the Rule, *see* 91 FR at 54970, the Privacy Act provision regarding First Amendment activity, 5 U.S.C. 552a(e)(7), prohibits the gathering and maintaining of records indicating “how any individual exercises rights guaranteed by the First Amendment.” Courts have interpreted this prohibition to encompass the “content” of an individual's exercise of their First Amendment rights (*i.e.*, the content of an individual's ballot, and thus the candidate for which an individual voted). That is not the type of information being collected under the rule or maintained by the SOR. The state-specific Mail-In and Absentee

Legal Center/Democracy Defenders Fund (Aug. 14, 2026).

<sup>8</sup> Letter comments of Joshua Thornton (Jul. 17, 2026).

<sup>9</sup> Letter comments of a coalition of 24 state attorneys general (Aug. 14, 2026); a coalition of 12 secretaries of state (Aug. 13, 2026); and Joshua Thornton (Jul. 17, 2026).

Participation Lists indicate whether a state planned to mail a blank ballot to any given individual. This information does not describe “the content” of expressive activity under the First Amendment, but simply indicates the specific means by which an individual may have chosen to receive or return their ballot.

The Postal Service is not collecting or recording party affiliation and will not inspect ballot contents. Postal Service personnel are not authorized to open mail sealed against inspection. Instead, through the Federal Ballot Mail Portal, the Postal Service will maintain only data of the sort that is routinely generated for mail from the exterior of the mailpiece, including addressing and barcode information.

9. *Question 9:*<sup>10</sup> Are the disclosures noted in the SOR in scope for Postal Service authority?

*Answer:* Yes, the disclosures within the SOR, including the provision allowing disclosure to law enforcement and government agencies, are consistent with standard authorized uses represented in the **Federal Register** and otherwise stated in the USPS AS-353, Guide to Privacy, the Freedom of Information Act, and Records Management. Records will only be disclosed if the disclosure is in line with a Postal Service routine use or a Privacy Act authorized use and that disclosure is related to the purpose for which it was collected, as identified in the Purposes section of the SOR.

10. *Question 10:*<sup>11</sup> Is the record access provision sufficient under the Privacy Act?

*Answer:* Yes. Record access provisions within the context of this SOR remain the same as those in other Postal Service SORs. Those seeking access to their records may utilize the notification procedures identified in the SOR and their access will be treated the same as any other SOR, to extent that the records belong to the Postal Service and not to another entity.

11. *Question 11:*<sup>12</sup> Does the SOR appropriately disclose the intended data sharing with the Department of Homeland Security?

*Answer:* This question reflects a misunderstanding of the new DMM

<sup>10</sup> Letter comments of a coalition of 24 state attorneys general (Aug. 14, 2026); Jo Panitch (July 2, 2026); and a coalition of 12 secretaries of state (Aug. 13, 2026).

<sup>11</sup> Letter comments of a coalition of 12 secretaries of state (Aug. 13, 2026) and a coalition of 24 state attorneys general (Aug. 14, 2026).

<sup>12</sup> Letter comments of the League of Women Voters and a coalition of organizations (Aug. 14, 2026); a coalition of 24 state attorneys general (Aug. 14, 2026); and a coalition of 12 secretaries of state (Aug. 13, 2026).

language and the SOR. Neither the DMM language, nor the SOR, contemplate intended data sharing with the Department of Homeland Security. To the extent that the Department of Homeland Security has a law enforcement need for the data covered by the SOR, disclosure would be authorized by either Authorized Use 7, under the Privacy Act, or standard routine use 2, as listed in the AS–353, Guide to Privacy, the Freedom of Information Act, and Records Management.

12. *Question 12:*<sup>13</sup> Does the SOR appropriately take into account the Data Integrity Board?

*Answer:* The role of Data Integrity Boards is to monitor computer matching agreements with other agencies. The Data Integrity Board does not have a role in routine collection of information that the Postal Service requires to perform its necessary functions.

13. *Question 13:*<sup>14</sup> Does the SOR establish the accuracy of records?

*Answer:* No. States maintain complete control over their own voter registration rolls, deciding who within their jurisdiction is eligible to vote by mail. The Postal Service will exercise no discretion or authority over whether an individual should or should not be on the list a state provides, and the Postal Service will not second-guess the states' submissions.

14. *Question 14:*<sup>15</sup> Does the exclusion of non-listed voters imply inaccurate and untimely databases?

*Answer:* This question reflects a misunderstanding of the new DMM language and the SOR. States maintain complete control over their own voter registration rolls, deciding who within their jurisdiction is eligible to vote by mail. The Postal Service will exercise no discretion or authority over whether an individual should or should not be on the list a state provides.

15. *Question 15:*<sup>16</sup> Are the records retained for an inappropriate length of time?

<sup>13</sup> Letter comments of the League of Women Voters and a coalition of organizations (Aug. 14, 2026).

<sup>14</sup> Letter comments of the League of Women Voters and a coalition of organizations (Aug. 14, 2026); a coalition of 24 state attorneys general (Aug. 14, 2026); and the Campaign Legal Center/Democracy Defenders Fund (Aug. 14, 2026).

<sup>15</sup> Letter comments of the Campaign Legal Center/Democracy Defenders Fund (Aug. 14, 2026).

<sup>16</sup> Letter comments of Joshua Thornton (Jul. 17, 2026); a coalition of 12 secretaries of state (Aug. 13, 2026);

*Answer:* The Postal Service has analyzed the use and business need for the records that are being collected. These records are retained for the minimum amount of time necessary to accomplish the business needs for this function.

16. *Question 16:*<sup>17</sup> Are the technical safeguards sufficient under the Privacy Act?

*Answer:* Yes. The Privacy Act requires only that agencies maintaining records on individuals establish appropriate technical safeguards, and the Postal Service has satisfied this obligation. The Act does not, however, require that the SOR itself disclose the specifics of those safeguards, which are appropriately left to agency discretion. The SOR identifies the general data elements to be collected as associated with the Federal Ballot Mail Portal and discusses the requisite safeguarding of this information. Laying out the precise safeguards would place the data at risk, and thus the Postal Service declines to do so.

17. *Question 17:*<sup>18</sup> Does this SOR stifle voting based on race, age and domicile?

*Answer:* No. The Final Rule sets forth neutral, uniform, and non-discriminatory mailpiece design and data reporting standards that apply uniformly to all Federal Ballot Mail. Indeed, the Final Rule applies objective requirements to all Outbound and Return Federal Ballot Mail envelopes without distinction, and the data entry and verification processes likewise apply equally to all states and all voters—regardless of race, age, or domicile. Accordingly, the rule and this corresponding SOR are neutral on their face and uniform in application.

18. *Question 18:*<sup>19</sup> Would this SOR take too long to implement?

*Answer:* No. This SOR reflects one of two disclosures required by the Privacy Act before the Postal Service may begin receipt of the information identified, or collect the information required for Federal Ballot Mail Portal access. General technical architecting, transmission agreements, and other underlying work are able to proceed so

long as they do not collect or receive data outlined in the SOR. The Federal Ballot Mail Portal will contain the second disclosure, in the form of a Privacy Act Statement.

19. *Question 19:*<sup>20</sup> Does this SOR interfere with the Postal Service's obligations to deliver the mail?

*Answer:* No. The SOR permits the Postal Service to maintain certain information; it does not implicate postal operations. Moreover, under the new DMM provision, once Federal Ballot Mail enters the mailstream, it will be processed and delivered consistently with current operational practices. Furthermore, while the Postal Service's existing processes are designed to support the timely delivery and smooth processing of ballot mail, it has long recognized that across-the-board compliance with its longstanding best-practice recommendations would further improve efficient handling, processing, and delivery. The Final Rule's mailpiece design requirements will thus help ensure timely delivery of ballot mail to and from voters, thereby advancing execution of the Postal Service's statutory obligations.

20. *Question 20:*<sup>21</sup> Is this SOR a violation of the Postal Service's privacy policy?

*Answer:* No. The Postal Service's USPS.com Privacy Policy outlines how the Postal Service handles information arising from the use of its website and web resources. The Postal Service's Privacy Policy represents the Postal Service voluntarily aligning with some relevant disclosures within the E-Government Act. Although the Postal Service is not required to comply with the E-Government Act, in some instances the Postal Service has aligned with certain portions to ensure transparency. The SOR is released under the Privacy Act of 1974 and does not in any way relate to the Postal Service's partial, voluntary alignment with the E-Government Act.

**Kevin Rayburn,**

*Attorney, Ethics and Legal Compliance.*

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<sup>17</sup> Letter comments of a coalition of 12 secretaries of state (Aug. 13, 2026) and a coalition of 24 state attorneys general (Aug. 14, 2026).

<sup>18</sup> Letter comments of the League of Women Voters and a coalition of organizations (Aug. 14, 2026);

<sup>19</sup> Letter comments of the Campaign Legal Center/Democracy Defenders Fund (Aug. 14, 2026).

<sup>20</sup> Letter comment of Karen Williams (July 21, 2026).

<sup>21</sup> Letter comment of Jo Panitch (July 2, 2026).