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USPS CAPACITY FOR VOTE BY MAIL

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INTRODUCTION

The United States Postal Service (USPS) is the federal government's in-house delivery agency, reliably moving paper mail to every American mailbox six days per week. It is also an old and well-established institution that was provided for in the postal clause of the first article of the Constitution, and that federal, state and local governments have come to rely on to communicate with citizens for more than 200 years. Throughout that time, the postal service and its predecessors have successfully kept communication flowing through every kind of disaster. This year, in light of the global pandemic, the agency has been called upon to handle a national election carried out primarily through postal ballots. Accordingly, the present brief analyzes the USPS's capacity to handle such an election and finds that it is well-positioned to successfully rise to the occasion.

THE FINANCIAL PICTURE

At the onset of the current pandemic, the postal service made dire predictions about its financial needs to ensure continuous operations through the 2020 calendar year. According to these projections, the agency could need as much as \$75

billion—or about a year's worth of mail revenue—to ensure that it can reliably carry out its statutory mission over the next nine months.¹ At the time, it cited the prospect of months of hazard pay for 500,000 federal workers, billions more for facility renovations and a fleet of too-small, too-old postal vehicles that were incapable of handling a surge in packages as justification that the agency would otherwise collapse.

Certainly, if it were to run out of money, mail service would likely stop and this would be a disaster for any election that relies on vote by mail. Indeed, even the possibility highlights the USPS's special legal place as a self-funding government agency; a kind of government-owned mail utility company roughly analogous to Amtrak and the Tennessee Valley Authority. Although the USPS does not get direct appropriations from Congress, it is regulated by Congress. Moreover, its funding—at least nominally—is not backed by the full faith and credit of the U.S. government, and it can only borrow when Congress gives it permission. All of this means that if funding were to dry up and Congress does not act, a work stoppage would occur, unless postal workers agree to stay on the job under the presumption that some action would be taken.

There is precedent for such action, as postal workers have let contracts with the agency lapse. However, bargaining power under a work stoppage would be tremendous. After all, we cannot expect postal workers to go unpaid while they put their lives at risk on the front lines in a pandemic—and they will no doubt recognize their particular importance during such a time. As such, postal policymakers have already given the agency one lifeline in the form of an extra \$10 billion in borrowing authority to ensure that it is able to emerge from the global pandemic successfully.²

However, if USPS revenues suddenly collapse, \$10 billion may not be enough money. If that were to happen, Congress would be forced to intervene again, potentially in the form of direct subsidies, but a financial catastrophe of that scale would likely merit reform more extensive than a bigger credit line. If Congress deems this necessary, it would erode the agency's position as a ratepayer-funded utility. Such a scenario would return the USPS to its roots as a taxpayer-funded service, where the needs of postal workers and mail ratepayers would be weighed against other components of the social safety net. In the event that the pandemic continues to linger for years, making voting by mail the default voting method in the nation, this financing model may be more appropriate in the long term.

But for 2020, this worst case scenario grows less likely by the day. Indeed, recent agency financial filings paint a far less

bleak picture than was the case at the outset of the pandemic.³ As of March 30, 2020, the USPS had almost \$9 billion in cash on-hand, as well as a further \$1.5 billion in other current assets, such as restricted cash and net receivables.⁴ Moreover, mail volumes did not immediately collapse as early predictions implied. Rather, most products saw only the modest declines typical of recent mail trends.⁵ In light of this, barring a sudden financial collapse, the postal service will not run out of money before November. Instead, like myriad private businesses, the USPS is keeping its head above water for now, biding time while it waits for the pandemic to subside. And, unlike many others, the agency does not need massive structural reform to keep the lights on through the fall. It already has the resources it needs to prevent any work stoppage that would disrupt a vote-by-mail election, and postal management simply needs to be a good steward of that money to ensure things go smoothly.

STAFFING CAPACITY

The USPS relies on five distinct classes of workers to deliver mail each day. Together, they give the federal government the manpower capacity to execute major government mail campaigns, including the 2020 Census and this year’s vote-by-mail election. Postal workers operate post offices; mail handlers sort mail at processing centers; letter carriers deliver mail to individual urban and suburban homes; rural letter carriers drive mail to far-flung addresses and small towns; and postmasters oversee operations. For each of these worker categories, the agency has built-in resiliency models to ensure that mail keeps moving despite any localized staffing shortages that may occur.

In fact, the USPS has long maintained extra staff to ensure it meets its delivery efficiency targets. While mail volumes have declined by one-third since 2010, overall postal staffing has declined less than twenty percent in the decade.⁶ Moreover, the USPS is uniquely well prepared at present to handle a mail-in election, as it has already prepared for extra mail volume due to the 2020 Census. In fact, the election is timed such that it happens after most Census mailings have been sent, but just before the peak holiday season when the agency already adds seasonal staff.

Preparation for the Census helps tremendously toward capacity for a vote-by-mail election in that Census mailings resemble ballot mailings. For example, they move as letters, are sensitive government documents with high stakes for localities in the event of localized misdelivery and they enter the mail stream in large batches that must be quickly processed. Accordingly, the experience gained from handling 2020 Census forms is a valuable “dry run” for new postal workers tasked with handling ballots later in the year. It is also a valuable opportunity for postal management to solve

staffing bottlenecks over the summer before they become a problem at election time.

USPS staff also has extensive experience in shifting resources to keep mail moving in the event of localized mail disruptions. For example, bad weather occurs somewhere in the country every day.⁷ The agency has also already dealt with the illness of more than 2,300 employees in the early months of the pandemic, which required it to shift resources in order to hit preexisting delivery efficiency targets.⁸ As a result of these efforts, first-class letters did not experience generalized delays during the crisis shutdown.⁹ Such demonstrated capability will prove valuable in the event that a localized virus outbreak slows election-related mail in a particular processing center or individual post office. For example, during the May 2020 protests in Minneapolis, the USPS successfully shifted almost all mail from now-burned facilities to other post offices for handling, with limited disruptions in service—even after two post offices were deemed “total losses.”¹⁰ Likewise, a viral outbreak at a mail processing center in Denver caused only brief delays to mail in the region, as processing was shifted to other facilities.¹¹ All told, the USPS has proven capable of keeping agency staff prepared to continue generally normal operations through the ongoing pandemic, which positions them well to handle the challenges of a vote-by-mail election.

SECURITY

A typical objection to vote-by-mail revolves around election security. Stories of mishandled mail have long been the grist of local news, and with so many points where ballots enter the mail stream, fears of election tampering in a year like 2020 are reasonable. But, such fears downplay the amount of security work that has already been done to keep the mail stream secure on an everyday basis. Vote-by-mail ballots have never been the only mail that requires extra layers of security, though USPS has plenty of experience with them.

In fact, the agency has carried absentee ballots everywhere in the country for decades. For example, vote-by-mail state elections in Colorado and Oregon have proven successful at making the voting process more equitable.¹² Beyond ballots, the letter stream includes Census forms, jury notices, legal warnings for fine-carrying nuisances, and many other important and time sensitive documents that must arrive in a timely manner. There are serious repercussions when government mail gets diverted. The same goes for private mail. Rent checks undelivered bring evictions, and lost bills can ruin an individual’s credit. It is precisely for these reasons that mail theft, tampering and fraud are criminal offenses.

While the government must be careful in levying criminal penalties for such seemingly minor crimes, these laws exist to safeguard a particularly sensitive shipping product.

Enforcing these laws falls to the United States Postal Inspection Service (USPIS), an agency specialized in finding and prosecuting postal crimes, and the USPS Office of the Inspector General (USPS OIG). What’s more, the USPIS is no small fry among federal law enforcement agencies, as it employs more than 1,200 individuals, with more than 550 Postal Police Officers.¹³ Moreover, it has been doing this work since 1775, proudly touting itself as one of the oldest parts of the U.S. government.¹⁴ Put simply, for as long as ballots have moved through the mail, the USPIS has been monitoring and protecting them.

In addition to these efforts, those of the USPS OIG even further secure the safety of mail. The postal inspector general receives about \$250 million to conduct audits and investigations of postal crimes each year and employs a staff of more than 1,000 individuals.¹⁵ Of these, 675 are assigned to postal crime. This means the mail stream is well protected in the event of a vote-by-mail election.

Beyond investigations and oversight, other postal workers also have a role to play in election security: Postmasters implement procedures to ensure ballots are handled in ways that limit diversion and are passed off to election officials promptly; postal sorting centers get extra quality control to ensure ballots are cleared each night; and postal workers take extra shifts to cover for sick colleagues to ensure ballots do not sit in mailboxes for too long. Each of these mechanisms limits opportunities for criminals to divert ballots, even before any involvement is required on the part of the postal police. Certainly, no combination of security measures is perfect, but a vote-by-mail election benefits from all these measures that are already in place. At the end of the day, punishments for any kind of mail fraud, theft or tampering is severe, and the odds of getting caught are high.

MAIL PROCESSING CAPACITY

The USPS estimates election-related mail will increase this year.¹⁶ This category includes ballot mailings, voting procedure reminders and campaign mail. Presently, the agency has more than enough capacity to handle such a surge. To begin with, ballots move as first-class letters,¹⁷ and Americans send 22.6 billion fewer first-class letters than they did in 2010, itself a similar-sized decline from a decade prior.¹⁸ That is 1.8 billion fewer letters per month. And, although vote by mail requires a letter to be sent and received—two distinct movements per mail piece, both of which happen in a relatively short period of time—in an electorate of between 150 and 250 million, that is no more than 500 million letters. Moreover, even if a reminder mailing is added for every voter, the volume would be no higher than 750 million extra letters. None of this accounts for one-way ballot mailings, which occur when the USPS delivers ballots to residents who prefer to drop them off at collection boxes set up by election officials.

If even a few percent of voters follow this method, it means millions fewer completed ballots in the mail stream at peak times. Similarly, campaign mail moves as marketing mail, a category that itself has seen declines and that the USPS has plenty of experience in moving in a timely manner. While mail volumes in general have not collapsed, the agency saw substantial declines in marketing mail volumes in the first half of its fiscal year, which indicates it has extra capacity to move more such mail in the months leading up to the election.¹⁹ Put simply, there is no generalized sorting capacity constraint preventing the agency from successfully executing a national election by mail.

Moreover, most election mail is standardized, bar-coded and processed by machines using optical character recognition technology. Election mail also enters the mail stream close to recipients, and is moved to nearby election officials. That is, ballots are, in most ways, easier for the USPS to move than the typical letter, which makes them less sensitive to staffing shortages at mail processing centers and less subject to sorting delays. It is also important to note that mail sorting centers are not subject to state and local public health-related shutdown orders.²⁰ This means that even in the event of a localized virus outbreak, there is little anyone outside the agency can do to slow ballot processing. This serves as an additional check on political meddling.

CHALLENGES

Despite its myriad strengths, the USPS still faces major challenges in executing the timely delivery and collection of ballots and election materials. Of these challenges, three stand out as particularly important to control if the USPS is to avoid months of congressional inquiries that would sap its management capacity through 2021: insufficient workforce where election mail demands spikes, misalignment between USPS delivery times and the delivery needs of local election officials, and employee oversight errors including ballot mishandling.

An insufficient or misaligned workforce is the most worrying problem for postal officials, as failure here is, by some measure, out of the agency’s hands on a localized basis. While it can pre-position extra workers in places it thinks will see extra delays due to rising case numbers in late October, this can never be an exact science, and USPS only has so many extra workers to move around. For this reason, it simply cannot expect to have extra staff exactly where they are needed. In the event of localized staffing shortages, results in some state and local races could be delayed, which would potentially require judicial intervention in the form of extra hours at polling sites if the agency realizes the shortage too late. However, to mitigate this, the agency could send mailings that encourage early returns of ballots after delivery, potentially offering modest discounts for cheap-to-handle market-

ing mail postcards in places where it senses a risk of staffing shortage.

The second potential challenge—misalignment between delivery times and the needs of local election officials—is slightly more worrisome, as delays in postmarking ballots could mean that USPS causes some to be invalidated. At worst, this would disenfranchise swathes of voters; at best, it would create extra election-management costs for states and localities. With ballots delayed, processing could take extra days, requiring extra time in town halls and civic centers across the nation, forcing other important work done by town clerks to be delayed in kind. With some ballots thrown out, Americans could expect some local election outcomes to be decided by such failures. That said, it is possible to head this off with good, old-fashioned open communication between the USPS and state election officials prior to the election ballot mailing. The agency could also install ballot-only drop boxes at post offices where it anticipates problems, which would help to keep as many ballots as possible out of the general mail stream.

Likewise, failures in ballot management and employee oversight would cause many Americans to doubt the competence of the USPS, or any government mail-handler, to successfully move mail when the stakes are highest. In this way, 2020 will be the great ‘audition’ of vote by mail. If we enter 2021 still talking about stories of caches of ballots in places they should not be, votes eaten by mail-handling machines and thousands of people who never got their duly entitled ballots in the first place, the USPS could face a reputational hit from which it will struggle to recover. And, while it is not possible to completely head them all off, the USPS can implement procedures to verify that all ballots are accounted for once they have entered USPS facilities. Indeed, it has already tested some such procedures in Ohio, and the lessons learned will certainly inform USPS procedure in the fall.²¹

CONCLUSION

The decision to shift to remote voting for the 2020 national election requires legislatures, state-level secretaries of state and other election officials to weigh different types of risks against one another. In a year where large crowds amassed indoors puts the health of election workers and the public at large in jeopardy, remote voting through the mail is the safest choice. While vote by mail will be new to many, and USPS is a far from a perfect institution, the agency has proven capable of reliably moving government documents for decades. Accordingly, there is little question that, as it has done so many times in the past, it will rise to the occasion... and deliver.

ABOUT THE AUTHOR

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ENDNOTES

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