

Postal Regulatory Commissioner Ruth Goldway, speaking to the National Association of Secretaries of State Winter Conference in Washington, DC (before the Elections Committee) February 10, 2007.

Commissioner Goldway spoke extemporaneously, without prepared notes, and this is a verbatim transcript.

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I'm a relative newcomer to the field of election issues. I've been working on postal issues for the last almost nine years. But I recently got into the fray by considering the efficacy of voting by mail, which is something that is done in Oregon 100 percent, in the state of Washington about 80 percent, and in California almost 40 percent. And I'm from California so I follow these issues.

The National Voter Registration Act language with regard to postal issues I know has been the subject of controversy since it was enacted in 1993. And it has been basically a law that was expected to do one thing and its legal language in the framework of how the U.S. Postal Service operates does something else. I'm not sure it can be resolved without new legislation. The language basically says that qualified agencies involved in voter registration can use the same rates as any qualified non-profit can use. But qualified non-profit rates were only for Standard Mail, which used to be Third Class Mail. A qualified non-profit can not go to the Postal Service and ask for a special non-profit discount for First Class Mail – it's just not there and not available. So from the Postal Service point of view, they are happy to provide the same 40 percent discount that they give to non-profits but that's in relationship to Third Class Mail or Standard Mail, which is bulk mail – mail that is delivered to the Postal Service in large numbers that doesn't necessarily have forwarding or address return...it is a lower service product.

And I had a long session with the Postal Service yesterday with their office of mail standards and another session a week before when their office that works with helping election officials prepare mail and I don't think there is any way in which the Postal Service will change their position on that short of a lawsuit or a change in the legislation. I think they feel it's quite clear in black and white that they are giving just what the law says, the same rate that non-profits get and non-profits get them for Standard Mail.

I do have one bit of good news for you though. I think this is something for you to explore. Just a year ago, the Postal Service announced what they call Customer Support Rulings, which clarify the language in their DMM [Domestic Mail Manual]...standards and operations procedures. There are two ruling which deal with non-profit mail that might be of use to you. They are PS 324 and 323 and they are on the website if you pull them up you can get that. And it's a way in which they Postal Service is now determining if mail that is personally addressed to somebody, with personal information in it, can, in fact, still qualify for Standard Mail rates.

Your issue is that you have voter registration material that is specific to a voter and they are saying that has to be mailed First Class because that's First Class mail. Well, there are certain kinds of mail now that non-profits can use where there is personal information about the name of the person. For instance, the amount of money they may have given to an organization in the past and if it is accompanied by some form of solicitation, and you can connect their personal information with some "ask," the Postal Service seems to be willing to accept that material at Standard rate for Non-profits. I think that it may be possible if there is supplemental information within voter registration documents that go out that are in an "ask" of some sort – "be sure to vote," "go to this neighborhood council meeting that is going to discuss voting procedures" – that there may be a way that you can use a non-profit rate to actually send out voter registration material. So if you are sending out a material in quantity to check on the status of their address, you may be able to include something in it that will look like a solicitation.

This is new. As with any change, the Postal Service, because it is such an enormous organization with different individuals writing different levels of the operations throughout the country, your postmaster, your office manager at your mail drop-off site, might interpret things differently than others. This will take some time to have a national standard but I think it would be worth your while to look at these two new provisions and determine whether it might be possible for you to fashion some voter registration mail that could qualify for a non-profit rate. And in general, I was told that the Postal Service will be as flexible as it can in going to that.

I think they got the message last couple of years, especially after this election, that it is in their interest to facilitate all kinds of election mail. One of the reasons that I wrote the op-ed piece that I did and that I'm advocating mail is because I think it's good for the Postal Service. I think it is really important that this national institution we have that was in the constitution to bind the nation together, focus on really important social activities – and one of those is the election process.

And now I think the Postal Service can really be of help in a country where everybody is always moving, where we have questions on whether people can get to the polls on Tuesdays, absentee ballots, vote-by-mail, this kind of careful information that is needed with extensive initiatives that needs to get out to people before an election. All that requires a system of hard copy distribution that the Postal Service can provide.

And the Postal Service is beginning to realize that it needs to work with state and local officials responsible for elections to make that process simpler and more accountable. They have an annual Postal Forum which will include for the first time a workshop on making electron mail – preparing mail for elections, and they are hoping that representatives from state offices of secretary of state or county registrars will come to that and they will make that material available on a local level.

Their business offices are now going to be encouraged to meet at a local level with various agencies that prepare mail so that you can plan for mail that goes through the system more quickly, that is not held up, that is machine compatible, that has this logo on

it that they developed to identify it as election mail so that it will move faster than it otherwise would through the system. The logo is to be printed in black, red and blue, so that election mail is identified.

And I pledge that I, as in my role as a regulator with the Postal Service, do what I can to make sure that they continue to focus on election mail as an important part of the mail stream and that they will do everything that they can to make it accountable, efficient and compatible with all the new technologies that are being developed so that you can track the mail, track the ballots and track the communications that you are sending out to the voters accurately.

I have an office in Washington and my staff assistant is here with me. If there is any other information that we can provide to you or if we can be a conduit to you for working with the Postal Service, I'm happy to do that in the future and I want to thank you for the diligent work that you do.

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