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GENERAL MEMORANDUM 26-042

USPS Mail-Ballot Requirements Remain Blocked Following Supreme Court Decision

The U.S. Postal Service (USPS) published a [final rule](#) on August 26, 2026, establishing new requirements for mail-in and absentee ballots used in federal elections. On September 14, the [Supreme Court denied](#) the federal government's emergency request to allow USPS to enforce the rule while litigation continues. As a result, the rule's mandatory requirements remain blocked for the November 3, 2026 midterm elections.

The rule requires outbound and return federal ballot envelopes to meet specified design standards, including use of the Official Election Mail logo, automation-compatible envelopes, and a unique voter-specific Intelligent Mail barcode (IMb). Election officials would also have to upload voter and barcode information to a new Federal Ballot Mail Portal. USPS generally would not accept outbound federal ballot mailings unless the required information had been entered and the mailing passed verification.

The final rule expressly acknowledges comments raising concerns about nontraditional Tribal mailing addresses and the broader mail-delivery challenges affecting Tribal communities. USPS responded that election officials may continue using nontraditional addresses and may generate unique IMbs even when an address cannot be validated through the Postal Service's Delivery Point Validation system. USPS also stated that it will continue outreach to Tribal stakeholders, but concluded that formal Tribal consultation under Executive Order 13175 was not required before finalizing the rule. USPS declined requests for a separate Tribal impact assessment.

On August 24, the Supreme Court stayed an earlier injunction against the President's executive order directing USPS to pursue the rulemaking. That decision expressly noted that the final USPS rule could still be challenged. On September 4, the U.S. District Court for the District of Massachusetts temporarily blocked the rule's mandatory envelope, Portal-registration, voter-enrollment, and outbound-ballot verification provisions for elections occurring on or before November 3. However, the court did not prohibit voluntary compliance.

On September 6th, the Trump Administration filed an appeal to the Supreme Court to rule on mail ballot restrictions. This filing was the third time in less than six weeks that the Administration came to the Supreme Court seeking to implement restrictions on mail-in voting. On September 14th, the Supreme Court denied the government's request to stay the Massachusetts injunction, stating that the government was unlikely to succeed on the merits of its challenge to the injunction and that the equitable factors did not favor emergency relief. Justice Kavanaugh concurred, reasoning that even if USPS may have statutory authority, election officials did not have sufficient time to reasonably implement the rule for the 2026 elections. Justice Alito, joined by Justice Thomas, dissented.

The Supreme Court's September 14 order does not finally decide whether the USPS rule is lawful; the underlying cases will continue in the lower courts. For now, however, the new requirements are not mandatory for the November 2026 midterms. Tribal governments and organizations should continue to monitor any changes affecting mail-ballot procedures, particularly in communities that rely on nontraditional addressing or face limited mail service.

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