

# United States Senate

WASHINGTON, DC 20510

June 1, 2026

The Honorable Howard Lutnick  
Secretary  
U.S. Department of Commerce  
1401 Constitution Avenue, NW  
Washington, D.C. 20230

Dear Secretary Lutnick:

We write to demand you follow the law and refrain from taking any action to coordinate or implement President Trump’s Executive Order 14399 (EO 14399) “Ensuring Citizenship Verification and Integrity in Federal Elections,” issued on March 31, 2026. We also formally request that the Department of Commerce (Department) retain and preserve all records and documents related to EO 14399 and organize these materials in preparation for congressional oversight.

On April 21, 2025, 8 U.S. Senators contacted you with strong opposition to any action to bring the United States Postal Service (USPS) under the control of the Department and potentially privatize its services.<sup>1</sup> Any attempt by the Department to seize control over USPS would be illegal, and there are many serious policy concerns as well. Political interference in USPS would harm Americans and businesses who rely on the USPS for services, including the tens of millions of citizens who vote by mail or absentee ballots in U.S. elections. To date, the Department has failed to respond to that letter.

We were greatly alarmed by your central role in EO 14399, as evidenced by your presence and remarks at the White House when President Trump signed EO 14399. Despite the Department having no authority over the USPS or role in administering federal elections, EO 14399 directs USPS and several federal agencies to “coordinate with the Secretary of Commerce in effectuating all relevant aspects of the implementation of this order.” In addition, we are aware of nonpublic reports that you and your office had a key role in drafting and internally advancing this illegal and unconstitutional order. It is deeply disturbing for the Secretary of Commerce to attempt to illegally interfere with lawful mail ballots in states that do not cooperate with President Trump’s unconstitutional attempt to “take over the voting.”<sup>2</sup>

President Trump has repeatedly stated his desire to “ban” mail voting, and he signed EO 14399 in pursuit of that goal, despite the fact that nearly 1 in 3 American voters—roughly

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<sup>1</sup> Jacob Bogage, “Trump expected to take control of USPS, fire postal board, officials say,” *The Washington Post* (Feb. 21, 2025), <https://www.washingtonpost.com/business/2025/02/20/trump-usps-takeover-dejoy/>

<sup>2</sup> The Dan Bongino Show. *I’m Back* (Feb. 2, 2026: 1:39:22) [https://rumble.com/v756t38-im-back-ep.-2443-02022026.html?e9s=src\\_v1\\_ucp\\_a](https://rumble.com/v756t38-im-back-ep.-2443-02022026.html?e9s=src_v1_ucp_a)

48 million citizens—voted by mail in the 2024 general election.<sup>3</sup> Vote-by-mail is safe, secure, and convenient, and it has been used successfully across the political spectrum over many election cycles. It is particularly popular in Florida, where President Trump himself recently voted by mail in a March 24, 2026, special election, casting a mail ballot for at least the third time in recent years.<sup>4</sup>

For tens of millions of other American voters, however, EO 14399 would severely restrict their use of absentee and mail-in voting. It attempts to require the USPS to refuse to deliver mail-in or absentee ballots unless the recipient is on a new federally approved list, a directive without any basis in law or the Constitution.<sup>5</sup> The process by which USPS and federal agencies “shall coordinate” with the Secretary of Commerce “in effectuating all relevant aspects of the implementation” of this EO has not been publicly explained, but the implications are grave for the future of free and fair elections. Given your past statements regarding USPS, the text of the order, your role at the EO signing, and reports about your involvement in drafting the order, there is a clear danger that you will abuse your position to try to interfere with lawful mail ballots in upcoming federal elections.

As a result, we demand that the Department follow the law and cease any effort to “coordinate” or “implement” this EO. We also formally request that you and all Department employees involved in the drafting, legal analysis, or other preparation or consideration of EO 14399, or any other assertion of Department control over the USPS, take immediate steps to preserve and retain all Department records and documents related to those topics. In addition, we request that the Department begin organizing these materials to facilitate Congressional oversight into the extent of the Secretary’s and Department’s involvement in this attempt to interfere with mail and absentee ballots in the 2026 general election.

To better understand the extent of the Department’s involvement in this EO, we request an initial response to this letter no later than June 15, 2026. That response should confirm that the Department will adhere to the record preservation request and has begun to organize the relevant materials in anticipation of future requests. To better inform future requests, the initial response should include:

1. A full explanation of the extent of the Secretary’s and the Department’s involvement in drafting and implementation of EO 14399;

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<sup>3</sup> U.S. Election Assistance Commission, “Election Administration and Voting Survey 2024 Comprehensive Report.” (June 2025), [https://www.eac.gov/sites/default/files/2025-07/2024\\_EAVS\\_Report\\_508.pdf](https://www.eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf)

<sup>4</sup> Erica L. Green, “‘Because I’m President’: Trump Defends His Use of Mail Voting,” *The New York Times* (Mar. 26, 2026), <https://www.nytimes.com/2026/03/26/us/politics/trump-mail-in-voting-florida.html>

<sup>5</sup> The White House, Executive Order, *ENSURING CITIZENSHIP VERIFICATION AND INTEGRITY IN FEDERAL ELECTIONS*, March 31, 2026, <https://www.whitehouse.gov/presidential-actions/2026/03/ensuring-citizenship-verification-and-integrity-in-federal-elections/>.

2. A full explanation of the Department of Commerce’s legal authority to “coordinate” USPS and federal agency implementation of EO 14399;
3. A list of the Department of Commerce political appointees involved in the consideration, drafting, and implementation of the EO 14399;
4. A list of all steps that the Department has taken to implement EO 14399 to date, including any meetings or communications between the Secretary or other Department political appointees with USPS or federal agencies regarding implementation of EO 14399.

We urge you to be mindful that no EO can grant the Secretary of Commerce any authority to “coordinate” the “implementation” of an illegal and unconstitutional attempt to interfere with lawfully cast ballots in federal elections. You and the Department are also bound by the Federal Records Act and other federal records laws, which require notification of violations and carry potential criminal penalties for violations involving the willful removal or destruction of documents. We look forward to your response no later than June 15, 2026.

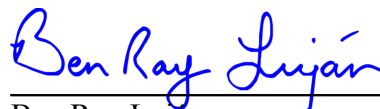
Sincerely,



Alex Padilla  
United States Senator



Maria Cantwell  
United States Senator



Ben Ray Lujan  
United States Senator



Angela D. Alsobrooks  
United States Senator



Lisa Blunt Rochester  
United States Senator



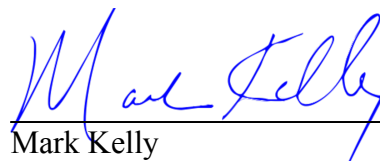
Cory A. Booker  
United States Senator



Tammy Duckworth  
United States Senator



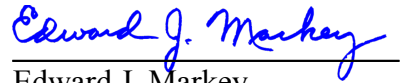
Tim Kaine  
United States Senator



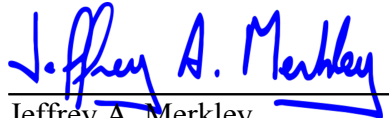
Mark Kelly  
United States Senator



Amy Klobuchar  
United States Senator



Edward J. Markey  
United States Senator



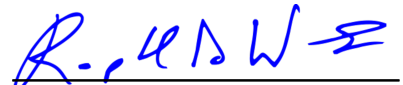
Jeffrey A. Merkley  
United States Senator



Jon Ossoff  
United States Senator



Chris Van Hollen  
United States Senator



Raphael Warnock  
United States Senator



Sheldon Whitehouse  
United States Senator