


TEXAS SECRETARY OF STATE

Cancellation of Ballot by Mail

Texas Secretary of State
Elections Division

2/10/2022 Texas Secretary of State Elections Division 1




TEXAS SECRETARY OF STATE

Mail Ballot Cancellation

- Process depends on what the voter has (or doesn't have)
- Also depends on when the voter requests cancellation (Sec. 84.032)

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TEXAS SECRETARY OF STATE	
Mail Ballot Cancellation Form for Use in EV Clerk's Office	
Prescribed by Secretary of State (6-6) Sections 84.032, 84.033, 84.038, 86.0015, 86.011 Texas Election Code 1/2022	
REQUEST TO CANCEL BALLOT BY MAIL FOR USE IN THE EARLY VOTING CLERK'S OFFICE	
84.032(b) 84.032(c)(1) 86.011(d)	I, _____, a qualified voter for the _____ (name of election) Election to be held on ____/____/____ request that my Application for Ballot by Mail or Federal Post Card Application be cancelled. I <u>did/did not</u> surrender my ballot by mail or present a Notice of Improper Delivery. (circle one)
This Section Must Be Completed by Every Voter	_____ VUID (required) _____ Signature of Voter
To be Completed, in Person, at the Office of the Early Voting Clerk	
84.032 (c)(2)(A)	I, _____, do hereby affirm that I have not received my mail ballot at the time of making my request to cancel my Application for Ballot by Mail or Federal Post Card Application.
Voter Did Not Receive Mail Ballot	_____ Signature of Voter
84.032 (c)(2)(B)	I, _____, do hereby affirm that I have not requested a mail ballot for this election.
Voter Did Not Apply for Mail Ballot	_____ Signature of Voter
<hr/> <div style="display: flex; justify-content: space-between; align-items: center;"> 2/10/2022 Texas Secretary of State Elections Division 3 </div>	



TEXAS SECRETARY OF STATE	
Mail Ballot Cancellation Form for Use in Early Voting or Election Day Polling Place	
6-7 Prescribed by Secretary of State Sections 63.011, 84.032, 84.038 Texas Election Code 1/2022	
REQUEST TO CANCEL BALLOT BY MAIL FOR USE IN THE POLLING PLACE	
84.032 (b)	I, _____, a qualified voter for the _____ (name of election) Election to be held on ____/____/____ request that my Application for Ballot by Mail or Federal Post Card Application be cancelled.
This Section Must Be Completed by Every Voter	_____ VUID (required) _____ Signature of Voter
To be Completed at an Early Voting or Election Day Polling Place	
84.032 (d)	Statement: I am surrendering my ballot by mail, presenting a Notice of Improper Delivery or presenting a Notice of Surrendered Ballot to an election officer at the polling place. I hereby request that my Application for a Ballot by Mail or Federal Post Card Application be cancelled for this election.
Voter Has Mail Ballot, Notice of Improper Delivery or Notice of Surrendered Ballot	_____ Signature of Voter
<hr/> <div style="display: flex; justify-content: space-between; align-items: center;"> 2/10/2022 Texas Secretary of State Elections Division 4 </div>	



Mail Ballot Cancellation

NEW LAW: Senate Bill 1 (2021)

An election judge may permit a person to whom an early voting ballot has been sent who cancels the person's application in accordance with Section 84.032 but fails to surrender the mail ballot to the early voting clerk, deputy early voting clerk, or presiding judge as provided by Section 84.032 to vote only a provisional ballot. (Sec. 84.035).

- In practice, this means that if a voter does not surrender a ballot, present a Notice of Improper Delivery, or present a Notice of Surrendered Ballot to an early voting clerk, deputy early voting clerk, or presiding judge, then the voter may only vote a provisional ballot at the polling place.

-We will address the Notice of Improper Delivery and Notice of Surrendered Ballot in more detail



Notice of Improper Delivery

- If a voter returns a ballot to the EV clerk's office in violation of Section 86.006 of the Code before the end of the period for early voting by personal appearance, the EV clerk shall mail the voter a Notice of Improper Delivery. (Sec. 86.006(h))



TEXAS SECRETARY OF STATE

Notice of Improper Delivery

AW5-16a
Sections 84.033(c), 86.006(h), Texas Election Code
Prescribed by Secretary of State
9/15

NOTICE OF IMPROPER DELIVERY

Name of Voter _____ VUID Number _____
Precinct Number _____

This is to serve as notice that your ballot for the _____ Election was received by the early voting clerk. It has been determined that your ballot was returned in violation of the Election Code, and your ballot voted by mail will not be counted.

Check Reason:

1. _____ Your ballot was not returned in the official carrier envelope.
2. _____ Your ballot was returned in the official carrier envelope but in another envelope containing more than one carrier envelope. If another envelope is used to return the carrier envelope, all persons who enclosed their carrier envelope in the same larger envelope, must be registered to vote at the same address. There was one or more carrier envelopes returned with your carrier envelope from persons not registered to vote at your address.

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Notice of Surrendered Ballot

6-13
Prescribed by Secretary of State
Section 84.031 Texas Election Code
1/2022

Prescrito por el Secretario de Estado
Sección 84.031, Código Electoral de Texas

NOTICE OF SURRENDERED BALLOT BY MAIL
AVISO DE BOLETA POSTAL RENUNCIADA

To the Presiding Judge or Deputy Early Voting Clerk:
(Para el Juez Presidente o el Secretario Adjunto de votación Adelantada):


This is to certify that *(Se certifica que)*

Name of voter *(Nombre del votante)* VUID # *(Número del votante)* Precinct Number *(Número de precinto)*

has surrendered his/her Ballot by Mail (ABBM) or Federal Post Card Ballot by Mail (FPCA) at the Office of the Early Voting Clerk, and has not voted by mail. The voter is eligible to vote a regular ballot.
(ha renunciado a su Boleta Postal (ABBM por sus siglas en inglés) o a su Boleta Postal de Tarjeta Postal Federal (FPCA por sus siglas en inglés) en la oficina del Secretario de votación Adelantada y no ha votado por correo. El votante es elegible para votar una boleta regular.)

Name of County *(Nombre del Condado)* _____
Signature of Early Voting Clerk *(Firma del Secretario de votación Adelantada)*

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When Mail Ballot Cancellation is Requested Not Later Than The Third Day Before Election Day and Before the Carrier Arrives at the Early Voting Clerk's Office

- Must be in writing, signed by the voter and specify the election for which the application was made (Sec. 84.032(b), TEC)
- Does not require the voter to appear in person at the EV clerk's office to complete this cancellation, although the voter *may* appear in person. The signed (non-digital signature) cancellation may also be faxed, emailed, or mailed to the EV clerk.
- Request must be received not later than the **third day** before election day and after the ballot is mailed to the voter but **before** the carrier arrives at the EV clerk's office (Sec. 84.032(b))
 - If the marked ballot was received by the EV clerk, the voter may not use this method to cancel

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When Mail Ballot Cancellation is Requested Not Later Than The Third Day Before Election Day and Before the Carrier Arrives at the Early Voting Clerk's Office

- This method may serve to cancel a single use ABBM, an Annual ABBM, or an FPCA as indicated by the voter
- This method under Section 84.032(b) is **not** available on Election Day
- Any ballot returned in a sealed carrier envelope after such cancellation must be treated as a marked ballot not timely returned and **should not** be forwarded to the early voting ballot board (Secs. 84.035 and 86.011(c))
- Voter may use Form 6-6 (Request to Cancel Ballot by Mail for Use in the EV Clerk's office for cancellation under Sec. 84.032(b)), although not required to use this form
- If the voter does not surrender their mailed ballot or present a Notice of Improper Delivery along with their cancellation request, then the voter may only vote a provisional ballot (Sec. 84.035(b))
- If the voter surrenders their mailed ballot or presents a Notice of Improper Delivery, then the voter should be issued a Notice of Surrendered Ballot so that they may vote a regular ballot

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Mail Ballot Cancellation in Person During Early Voting Period

- A voter may also submit a mail ballot cancellation request by:
 - appearing in person and surrendering the by mail ballot to the EV clerk or deputy EV clerk at any polling place open for early voting by personal appearance; **OR**
 - appearing in person to the EV clerk or deputy EV clerk at any polling place open for early voting by personal appearance and presenting a Notice of Improper Delivery received under Section 86.006(h) of the Election Code (Sec. 84.032(d))
- The voter must also complete a written cancellation request. The voter may use cancellation Form 6-7.



Mail Ballot Cancellation in Person During Early Voting Period

- Cancellation under this method does not serve to cancel the voter's Annual ABBM/FPCA **OR** cancel the application with respect to a subsequent election, including a subsequent election to which the same application applies under Section 84.001(e) or 86.0016(b) of the Code (Sec. 84.038)
- If the voter does not surrender their mailed ballot, present a Notice of Surrendered Ballot, or present a Notice of Improper Delivery along with their cancellation request, then the voter may only vote a provisional ballot (Sec. 84.035(b))



Mail Ballot Cancellation in Person After the Marked Ballot is Returned to the EV Clerk and Before it is Delivered to the Early Voting Ballot Board

- A voter may submit a mail ballot cancellation request by:
 - appearing in person and executing an affidavit that the applicant did not mark the ballot
 - may submit this request at any time after the mailed and marked ballot is returned to the EV clerk and before the ballot is delivered to the EVBB (Sec. 84.032(e))
- Cancellation under this method does not serve to cancel the voter's Annual ABBM/FPCA **OR** cancel the application with respect to a subsequent election, including a subsequent election to which the same application applies under Section 84.001(e) or 86.0016(b) of the Code (Sec. 84.038)



Mail Ballot Cancellation in Person After the Marked Ballot is Returned to the EV Clerk and Before it is Delivered to the Early Voting Ballot Board

- The voter must complete a written cancellation request. The voter may use cancellation Form 6-6 which is used at the EV clerk's office
- If the voter completes the cancellation form, the voter should be provided a Notice of Surrendered Ballot so that the voter may cast a regular ballot. This is because in this case, the EV Clerk can confirm that the mailed ballot is in their possession.



Mail Ballot Cancellation in Person After the Close of Early Voting by Personal Appearance and on Election Day

After the close of early voting by personal appearance and on Election Day, a voter may submit a mail ballot cancellation by:

- **If the voter has a ballot:**
 - appearing in person and surrendering the ballot to be voted by mail to the EV clerk and completing a written cancellation; **OR**
- **If the voter does not have a ballot:**
 - appearing in person and executing an affidavit with the EV clerk that the voter:
 - 1) has not received the ballot to be voted by mail; **OR**
 - 2) never requested a ballot to be voted by mail
 - 3) received notice of a defect under Section 87.0271(b) or (c) (Notice of Carrier Defect provided by SVC) or Section 87.0411(b) or (c) (Notice of Carrier Defect provided by EVBB)

Sec. 84.032(c)

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Mail Ballot Cancellation in Person After the Close of Early Voting by Personal Appearance and on Election Day

- Cancellation under this method does not serve to cancel the voter's Annual ABBM/FPCA **OR** cancel the application with respect to a subsequent election, including a subsequent election to which the same application applies under Section 84.001(e) or 86.0016(b) of the Code (Sec. 84.038)
- The voter must complete a written cancellation request. The voter may use cancellation Form 6-6 which is used at the EV clerk's office
- If the voter surrenders their mail ballot when completing the cancellation form, then the voter should be issued a Notice of Surrendered Ballot so that they may vote a regular ballot
- If the voter does not surrender their mailed ballot when completing the cancellation form, then the voter may only cast a provisional ballot (Sec. 84.035)

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Mail Ballot Cancellation in Person on Election Day

On Election Day, a voter may submit a request by:

- **If the voter has the ballot:**
 - appearing in person and surrendering the ballot to be voted by mail to the presiding election judge at the voter's precinct polling place; **OR**
- **If the voter does not have a ballot:**
 - appearing in person at the voter's precinct polling place and presenting a Notice of Improper Delivery received under Section 86.006(h) of the Election Code (Sec. 84.032(d))
- Cancellation under this method also does not serve to cancel the voter's Annual ABBM/FPCA **OR** any other ballot for an election held on the same day (Sec. 84.038)



Mail Ballot Cancellation in Person on Election Day

- The voter must complete a written cancellation request. The voter may use cancellation Form 6-7 which is used at the election day polling place
- If the voter surrenders their mailed ballot or presents a Notice of Improper Delivery when completing the cancellation form, then the voter may vote a regular ballot
- If the voter does not surrender their mailed ballot or does not present a Notice of Improper Delivery when completing the cancellation form, then the voter may only cast a provisional ballot (Sec. 84.035)
- If the voter presents a Notice of Surrendered Ballot when completing the cancellation form at the polling place on election day, then the voter may cast a regular ballot



Mail Ballot Cancellation in Person on Election Day

- If the voter's ballot **has not** been delivered to the EVBB, the voter may submit a request:
 - by appearing in person at the EV clerk's office and executing an affidavit that the voter did not mark the ballot received by the EV clerk
 - may submit this request at any time after the mailed and marked ballot is returned to the EV clerk and before the ballot is delivered to the EVBB (Sec. 84.032(e))
- Cancellation under this method also does not serve to cancel the voter's Annual ABBM/FPCA **OR** any other ballot for an election held on the same day (Sec. 84.038)
- The voter must complete a written cancellation request. The voter may use cancellation Form 6-6 which is used at the EV clerk's office
- If the voter completes the cancellation form, the voter should be provided a Notice of Surrendered Ballot so that the voter may cast a regular ballot at the polling place. This is because in this case, the EV Clerk can confirm that the mailed ballot is in their possession.



Cancellation After Voter is Notified of Defective Carrier

- If the voter received a defective carrier envelope in the mail or was notified by telephone or email (by the SVC or EVBB) about a defect, the voter may request to have their ABBM/FPCA cancelled in accordance with Section 84.032.
- If the voter has possession of the defective carrier envelope and ballot (because it was returned to the voter by mail), it may be surrendered at an early voting or election day polling place in order to vote a regular ballot in person.
- The voter may also surrender the ballot at the early voting clerk's office and be given a Notice of Surrendered Ballot by Mail to take to the polling place and vote a regular ballot.
- If the voter is an Annual ABBM/FPCA voter, a cancellation request submitted for these purposes applies only to the current election unless the voter specifically requests to cancel their Annual ABBM/FPCA (Sec. 84.038).



Cancellation After Voter is Notified of Defective Carrier

Cancellation by Surrendering Mail Ballot at Polling Place During Early Voting or on Election Day:

If a voter has possession of their mail ballot, they may surrender that ballot at any early voting or election day polling place. Upon surrendering the ballot and completing the Application to Cancel a Ballot by Mail for Use in the Polling Place form, the voter will be given a regular ballot for voting. (Sec. 84.032(c), (d)).



Cancellation After Voter is Notified of Defective Carrier

Cancellation at Polling Place Without Surrendering Mail Ballot:

If a voter appears at a polling place during early voting or on election day after receiving a Notice of Carrier Defect, but does not have the defective carrier envelope and ballot to surrender, the voter may complete the Application to Cancel a Ballot by Mail for Use in the Polling Place form. The voter should vote provisionally and the election judge should check reason #4 on the Affidavit of Provisional Voter Envelope. (Secs. 84.032(c), 84.035(b)).



Cancellation After Voter is Notified of Defective Carrier

Cancellation at Early Voting Clerks Office:

- If the voter appears at the early voting clerk's office and submits a cancellation request in writing and surrenders the mail ballot, the voter will be permitted to vote a regular ballot in person. The voter will be issued a Notice of Surrendered Ballot by Mail. This notice will be taken to the polling place and presented to the presiding judge. The presiding judge must issue the voter a regular ballot for voting. (Secs. 84.032(a), (c), (d), 84.035(b)).
- If the voter appears at the early voting clerk's office and submits a cancellation request in writing but does **NOT** surrender their mail ballot, the voter will be permitted to vote, but they must be issued a provisional ballot. The voter must complete a proper affidavit on cancellation form. The voter should be sent to their applicable polling location to vote provisionally. (Secs. 84.032(a), (c), 84.035(b)).
 - **NOTE:** The early voting clerk's office may not always contain the main early voting polling place. If a voter appears during early voting, the voter should be directed to the nearest early voting location to vote.



Cancellation After Voter is Notified of Defective Carrier

Cancellation by Voter who was Notified of the Defect by Phone or Email:

If a voter was notified of the defect in their carrier envelope by phone or email, the voter may cancel their mail ballot application and vote in person.

- If the voter appears at the early voting clerk's office and submits a cancellation request in writing and the early voting clerk can verify that ballot is in the possession of the EVBB, the early voting clerk can issue a Notice of Surrendered Ballot by Mail. This notice will be taken to the polling place and presented to the presiding judge. The presiding judge must issue the voter a regular ballot for voting. (Secs. 84.032(a), (c), (d), 84.035(b)).
- If the voter appears at the polling place and completes a written cancellation request, the voter may be given a provisional ballot. The presiding judge should mark reason number 4 on the provisional ballot affidavit envelope. The presiding judge may also want to add a notation that the voter was notified of a defect on their carrier envelope by phone or email. (Sec. 84.032(b), (c)).



Reminders Regarding Cancellation

- There is no process under Texas law by which a voter can cancel a mail ballot application by phone. All cancellations must be in writing and completed in accordance with Section 84.032 of the Code.
- A written, signed, and scanned copy of a cancellation request may be submitted by email or fax. The request must contain an original, wet ink signature; an electronic or digital signature is not permissible.
- If a voter has possession of their mail ballot, they must still surrender their mail ballot at the polling place or early voting clerk's office in order to vote a regular ballot in person even if they submit a cancellation request.



Frequently Asked Questions

- **What if a voter submitted an Annual ABBM, but then brings his or her ballot to the polling place on Election Day and cancels the mail ballot? Does that cancel the Annual ABBM/FPCA for the rest of the calendar year or just for that election?**
 - No, this would be considered a cancellation of that ballot only, and not a cancellation of the Annual ABBM/FPCA.



Frequently Asked Questions

- **Can a second ballot be mailed to a voter if the voter contacts the EV clerk during the early voting period and indicates that they have not received their by mail ballot?**
 - The voter must cancel their first ballot and submit a new application to be issued a second ballot (Sec. 84.032(b)). Our office has advised that the voter can cancel and submit a new ABBM on the same document, provided that the voter indicates their intention to cancel the previous ABBM.



Frequently Asked Questions

- **What do we do with a ballot that is returned by a voter whose application for that ballot has been cancelled?**
 - That ballot should be treated as though it is a ballot that was not timely returned. As such, we suggest that the EV Clerk make a notation on the carrier that it was returned after the ABBM/FPCA was cancelled, and be sure that the **ballot is not forwarded** to the EVBB. (Secs. 84.036 and 86.011)



Frequently Asked Questions

- **What happens if a voter's registration is cancelled in the county?**
 - If a voter's registration is cancelled in the county, then the voter's ABBM or Annual ABBM/FPCA is also cancelled. If the VR informs the EV Clerk that a given voter's registration has been cancelled (e.g., the voter no longer appears on the official list of registered voters for that election), then the EV Clerk should note on the ABBM/FPCA that it has been cancelled.



Frequently Asked Questions

- **If a voter cancels their ABBM/FPCA, do we remove their name from the Early Voting Roster?**
 - Yes, and the EV Clerk must make any other entries on election records or take any other action necessary to prevent the ballot from being counted, if the ballot is returned. (Sec. 84.035)



Notice to the Texas Attorney General

The EV clerk shall, not later than the 30th day after election day, deliver notice to the Attorney General of cancellation requests received, including certified copies of cancellation requests, applications, and carrier envelopes, if available. (Section 84.037(b), Election Code)

If you have not already created an account with the Attorney General's office in order to provide the required information, go to <https://oagtx.force.com/mbsr>, acknowledge the information screen, then:

Click the "Sign Up" link near the login prompt and create an account as head election official;

Wait for your account to be validated/confirmed (this is a manual verification process);

Once you are confirmed and logged in, follow the on-screen prompts to report data and upload documents.



Questions?

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