

Cancellation of Mail Ballots: Forms & Uses

February 2024



Cancelling a Mail Ballot

- The process to cancel a ballot by mail depends on
 - What the voter does and does not have; and
 - When the voter requests to cancel



Tex. Elec. Code 84.032.



Mail Ballot Cancellation Form for Use in EV Clerk's Office

- [Form 6-6](#)

REQUEST TO CANCEL BALLOT BY MAIL FOR USE IN THE EARLY VOTING CLERK'S OFFICE

<p>84.032(b), 84.032(c)(1) 86.011(d)</p> <p>This Section Must Be Completed by Every Voter</p>	<p>I, _____, a qualified voter for the _____ (print name of voter) (name of election)</p> <p>Election to be held on _____ / _____ / _____ request that my Application for Ballot by (month) (day) (year)</p> <p>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)</p> <p>_____ VUID (required) Signature of Voter</p>
To be Completed, in Person, at the Office of the Early Voting Clerk	
<p>84.032 (c)(2)(A)</p> <p>Voter Did Not Receive Mail Ballot</p>	<p>I, _____, do hereby affirm that I have not received my (printed name of voter)</p> <p>mail ballot at the time of making my request to cancel my Application for Ballot by Mail or Federal Post Card Application.</p> <p>_____ Signature of Voter</p>
<p>84.032 (c)(2)(B)</p> <p>Voter Did Not Apply for Mail Ballot</p>	<p>I, _____, do hereby affirm that I have not requested a (printed name of voter)</p> <p>mail ballot for this election.</p> <p>_____ Signature of Voter</p>
<p>84.032 (c)(2)(C)</p> <p>Voter Received a Notice of Carrier Defect</p>	<p>I, _____, do hereby affirm that I received a Notice of (printed name of voter)</p> <p>Carrier Defect for a Carrier Envelope containing my marked ballot and that I wish to cancel my Application for Ballot by Mail or Federal Post Card Application.</p> <p>_____ Signature of Voter</p>
<p>84.032(e)</p> <p>Voter Did Not Mark Mail Ballot</p>	<p>I hereby request that my mail ballot be cancelled. I, _____ (printed name of voter)</p> <p>affirm that I did not mark the ballot that was sent to me by mail.</p> <p>_____ Signature of Voter</p>
<p>84.032(b)</p> <p>Annual ABBM or FPCA Cancellation</p>	<p>I, _____ hereby request that my Annual Application for a (printed name of voter)</p> <p>Ballot by Mail or Federal Post Card Application be cancelled.</p> <p>_____ Signature of Voter</p>

This section to be completed by the Early Voting Clerk or Deputy Early Voting Clerk.

Sworn and subscribed before me, this _____ day of _____, 20____.
(Day) (Month) (Year)



Mail Ballot Cancellation Form for Use in the Polling Place

- [Form 6-7](#)

REQUEST TO CANCEL BALLOT BY MAIL FOR USE IN THE POLLING PLACE

84.032 (b)	This Section Must Be Completed by Every Voter	<p>I, _____, a qualified voter for the _____</p> <p style="text-align: center;"><small>(printed name of voter) (name of election)</small></p> <p>Election to be held on ____ / ____ / ____ request that my Application for Ballot by</p> <p style="text-align: center;"><small>(month) (day) (year)</small></p> <p>Mail or Federal Post Card Application be cancelled.</p> <p>_____ VUID (required)</p> <p>_____ Signature of Voter</p>
------------	---	---

To be Completed at an Early Voting or Election Day Polling Place		
84.032 (d)	Voter Has Mail Ballot, Notice of Improper Delivery or Notice of Surrendered Ballot	<p>Statement:</p> <p>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.</p> <p>_____ Signature of Voter</p>
63.011 (a-1)	Voter Does Not Have Mail Ballot, Notice of Improper Delivery or Notice of Surrendered Ballot	<p>Statement:</p> <p>I do not have possession of my mailed ballot or a Notice of Improper Delivery or a Notice of Surrendered Ballot at the time I offered to vote. I wish to cancel my Application for a Ballot by Mail or Federal Post Card Application and vote in person. I understand that I will be given a Provisional Ballot.</p> <p>_____ Signature of Voter</p>

This section to be completed by Election Official.

Name of Voter _____ VUID Number _____

(Name of Voter) (Required)

Registered Precinct Number _____

Sworn and subscribed before me, this ____ day of _____, 20____.

(Day) (Month) (Year)

Signature of Election Official Witnessing Affidavit

Printed Name of Election Official Witnessing Affidavit



Cancelling a Mail Ballot

- Election Code 84.035 sets out that 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.
 - This means that if a voter does not surrender a ballot, present a Notice of Improper Delivery, or a Notice of Surrendered Ballot to an early voting clerk, deputy early voting clerk, or presiding judge, then the voter can only vote using a provisional ballot.



Notice of Improper Delivery

- [Form 6-5](#)
- If a voter returns a ballot to the EV Clerk 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

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.
3. It has been determined that your carrier envelope originated from the location indicated below. A carrier envelope may not be delivered by a common or contract carrier if the delivery originates from the address of one of the following:
 - a) headquarters of a political party or candidate in the election
 - b) candidate in the election unless that is your address
 - c) specific or general purpose political committee involved in the election
 - d) an entity that requested the election
4. The common or contract carrier who delivered your carrier envelope did not provide a receipt for delivery or the receipt provided did not meet with requirements prescribed by state law.
5. Your ballot was hand-delivered by someone other than you, the voter. Note that carrier envelopes may only be returned by mail, common or contract carrier, or by hand-delivery by the voter who voted the ballot.

You may vote during the remainder of the early voting period or at your regular election day polling place by presenting and surrendering this Notice to the presiding election officer at the early voting polling place or at your election day polling place.

If you have any questions regarding this matter, please call my office at _____.



Notice of Surrendered Ballot

- [Form 6-13](#)

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 their 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)

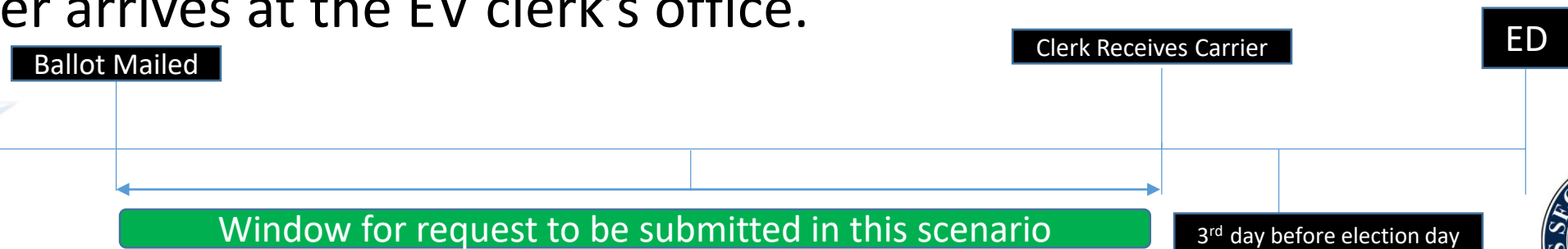


When Mail Ballot Cancellation is Requested Not
Later Than The Third Day Before Election Day and
Before the Carrier Arrives at the Early Voting
Clerk's Office



Cont.

- The request must be in writing and specify the election for which the application was made.
 - There is no requirement that the voter appear in person at the EV Clerk's office to complete this cancellation, although the voter does have the option to appear in person. The signed (non-digital signature) cancellation may also be faxed, emailed, or mailed to the EV Clerk.
- The 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.



Cont.

- Can serve to cancel a single use ABBM, an Annual ABBM, or an FPCA as indicated by the voter
- 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 can use Form 6-6 to cancel but it is not a requirement
- 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))
 - Otherwise the voter would get a regular ballot



Cancellation in Person During the Early Voting Period

- A voter may also submit a 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
- The voter must also complete a written cancellation request
 - May use Form 6-7



Cont.

- 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



Cont.

- 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)



Cont.

- The voter must complete a written cancellation request. The voter may complete 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:

Voter Has Ballot

Must appear in person and surrender the ballot to be voted by mail to the EV clerk and completing a written cancellation

Voter Does Not Have
Ballot

Voter must appear in person and execute 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)

Cont.

- 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 complete 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)



Mail Ballot Cancellation in Person on Election Day

Voter Has Ballot

Submit a request by appearing in person and surrendering the ballot to be voted by mail to the presiding election judge at the voter's precinct polling place

Voter Does Not Have
Ballot

Submit a request by 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))



Cont.

- 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 complete 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)
 - Otherwise the voter votes a regular ballot



Cont.

- 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 complete 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 Notice of Defective Carrier 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 by the early voting clerk per Section 86.011), 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 EV Clerk's 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 and the early voting clerk can verify that the ballot is in the possession of the SVC/EVBB, the early voting clerk can issue a Notice of Surrendered Ballot by Mail. This notice will be taken to the polling place during early voting in person or on election day and presented to the presiding judge/deputy early voting clerk. The presiding judge/deputy early voting clerk must issue the voter a regular ballot for voting. (Secs. 84.032(a), (c), (d), 84.035(b)).



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 the ballot is in the possession of the SVC/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)).



Reminder

- 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.



Reminders

- If a voter surrenders a carrier envelope, make sure the ballot is inside the carrier envelope.
- When a ballot is cancelled write on the back of the ballot “Cancelled”



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?

elections@sos.texas.gov

