Chapter 253

1991 EDITION

Absent Electors

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CROSS REFERENCES

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GENERAL PROVISIONS

253.005 Definitions. As used in this chapter:

(1) "Clerk" means the county clerk.

(2) "County clerk" means the county clerk or the county official in charge of elections.

(3) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Constitution. [1979 c.190 §201; 1979 c.317 §10a]

253.010 [Amended by 1957 c.641 §1; 1959 c.458 §1; 1969 c.676 §1; 1975 c.675 §28; 1977 c.352 §5; 1979 c.317 §10; repealed by 1979 c.190 §431]

253.015 Becoming absent elector. An elector may become an absent elector when the elector has reason to believe that the elector will be unable for any reason to vote at the election. [1979 c.190 §202]

253.020 [Amended by 1957 c.641 §2; repealed by 1979 c.190 §431]

253.030 Application for ballot; primary elections; application of frail or disabled elector. (1) Before an election any elector may apply to the clerk for the absentee ballot of the election.

(2) An application for an absentee ballot must:

(a) Be in writing and signed by the applicant;

(b) Be received by the clerk not later than 8 p.m. the day of the election; and

(c) If the applicant desires to vote in a primary election, designate the applicant's political party affiliation or contain a statement that the applicant is not affiliated with any political party. An applicant not affiliated with any political party may request a ballot for a major political party. The applicant shall be sent the ballot for the political party that the applicant requested if that political party has provided under ORS 254.365 for a primary election that admits electors not affiliated with any political party.

(3) Application for an absentee ballot may be made by using a facsimile machine. As used in this subsection, "facsimile machine" means a machine that electronically transmits or receives facsimiles of documents through connection with a telephone network.

(4) If an elector is frail or disabled, the elector's application shall be valid for every subsequent election until the elector otherwise notifies the clerk or is no longer an elector of the county. For purposes of this subsection, an elector is "frail" if the elector has a condition or disease that makes the use of walking as a means of transportation impossible or impractical. [Amended by 1957 c.641 §3; 1959 c.458 §2; 1969 c.676 §2; 1975 c.675 §29; 1977 c.179 §3; 1979 c.190 §203; 1985 c.471 §8; 1987 c.719 §6; 1989 c.503 §36; 1991 c.107 §4; 1991 c.168 §1]

Note: Section 3, chapter 168, Oregon Laws 1991, provides:

Sec. 3. "Primary election" defined. As used in ORS 253.030 and 253.540, "primary election" means a presidential or a biennial primary election. [1991 c.168 §3]

253.035 [1969 c.676 §5; 1977 c.352 §6; repealed by 1979 c.190 §431]

253.040 Receipt of application for absentee ballot; list of absent electors. When an application for an absentee ballot is received the clerk shall enter the name and residence address of the absent elector and the address, if any, to which the ballot is to be delivered upon a list kept by the clerk. The clerk also shall enter the date of receiving the application, the date of delivering the ballot, the date of receiving the ballot from the absent elector and other information necessary or advisable. The clerk shall keep a separate list for each precinct. [Amended by 1957 c.641 §4; 1959 c.458 §3; 1975 c.675 §30; 1977 c.508 §10; 1979 c.190 §204; 1991 c.107 §6]

253.045 Preparation and disposition of ballots. (1) The clerk shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, but not later than:

(a) The 28th day before an election held on the last Tuesday in June; or

(b) The 40th day before any other election.

(2) The initials of the clerk may be placed on each ballot stub to identify it as an absentee ballot. The ballot stubs of each set of ballot forms containing the same information may be numbered consecutively. The clerk shall be responsible for the safekeeping and disposition of the ballots, and shall destroy all unused ballots as soon as practicable after the closing of the polls on election day. [1979 c.190 §205; 1981 c.173 §30; 1989 c.923 §1; 1991 c.71 §7; 1991 c.107 §7]

253.050 [Repealed by 1957 c.641 §23]

253.055 Form and content of ballot. (1) Absentee ballots may be the regular ballots used at the election or special ballots and, except as provided in subsections (2) and (3) of this section, shall be in substantially the same form as the regular ballots used at the election.

(2) In counties in which voting machines are used, paper ballots may be used as absentee ballots.

(3) Ballot stubs are not required on absentee ballots.

(4) The ballot delivered to each absent elector shall contain the names and other

information concerning all candidates and the information concerning all measures for which the absent elector is entitled to vote. In lieu of the names and other information concerning candidates for precinct committeeperson, blank spaces shall be provided on the ballot, in which the absent elector may write the name of a candidate for that office. [1979 c.190 §206; 1991 c.107 §8]

253.060 [Repealed by 1957 c.641 §23]

253.065 Delivery of ballot; form of envelope; replacement ballots. (1) As soon as the absentee ballots are printed the clerk shall deliver a ballot to each long term absent elector. Otherwise, the absentee ballots shall be delivered not later than the deadline described in ORS 253.045. The ballot may be delivered to the absent elector in the office of the clerk, by postage prepaid mail, or by any other appropriate means. Ballots mailed to electors in foreign countries shall be sent by air mail.

(2) The clerk shall deliver with the ballot instructions for marking and returning the ballot and an envelope to use for the return. The name, official title and office address of the clerk shall appear on the front of the envelope. On the back shall appear a statement to be signed by the absent elector, stating that the elector:

(a) Is qualified to vote;

(b) Unless prevented by physical disability, has personally marked the ballot; and

(c) Has not unnecessarily exhibited the marked ballot to any other person.

(3) Notwithstanding subsection (1) of this section, if the county clerk receives an application for an absentee ballot after the fifth day before an election, the county clerk need not mail the ballot for that election but may deliver the ballot by making it available in the office of the clerk.

(4) An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or not received by the elector. An elector seeking a replacement ballot shall sign a statement that the ballot was destroyed, spoiled, lost or not received and present the statement to the county clerk. The county clerk shall keep a record of each replacement ballot provided under this subsection.

(5) A replacement ballot may be mailed not later than the fifth day before the date of the election. After the fifth day before the date of an election, the county clerk shall deliver the ballot by making it available in the office of the county clerk.

(6) If the county clerk determines that an elector to whom a replacement ballot has been issued at the request of the elector has voted more than once, the county clerk shall not count any ballot cast by the elector. If the county clerk is required to reissue ballots due to a change on the ballot for any reason, that ballot shall be counted in lieu of any previous ballot issued unless:

(a) Only the original ballot was voted and returned; or

(b) The county clerk issued a supplemental ballot that is not a complete replacement of the original ballot. [1979 c.190 §207; 1981 c.485 §1; 1989 c.923 §22; 1991 c.719 §50]

253.070 Marking and returning ballot. Upon receipt of a ballot the absent elector shall mark it and comply with the instructions provided with the ballot. The absent elector may return the marked ballot to the office of the clerk, by any appropriate means. The ballot must be received by the clerk not later than 8 p.m. of the day of the election. [Amended by 1957 c.641 §5; 1969 c.676 §3; 1979 c.190 §208]

253.080 Duties of clerk on receipt of ballot. Upon receipt of an envelope containing a marked absentee ballot, the clerk shall keep it safely in the office and, before delivering the ballot for counting shall compare the signature of the absent elector which appears on the back of the absentee ballot envelope with that upon the applicant's registration card. If the signatures appear to be the same, the envelope shall be marked in order to indicate to the election board or special counting board that it may count the ballot. The clerk then shall deliver the valid ballot to the proper election board before closing of the polls or to a special counting board appointed under ORS 253.085. [Amended by 1957 c.641 §6; 1961 c.92 §1; 1979 c.190 §209; 1991 c.107 §9]

253.085 Special counting boards; counting ballots not delivered to regular election boards. (1) The county clerk shall appoint as many special counting boards as may be necessary to conduct the count of absentee ballots not delivered to the election boards. Each member of a special counting board shall be an elector of the county, but no member shall be a candidate for any office at the election. The members of a special counting board shall not all be members of the same political party. Each member of a special counting board shall be compensated at not less than the rate of a member of a regular election board at the election.

(2) The special counting boards may begin to count the absentee ballots as soon as the poll books used at the election are delivered to the counting board and shall complete the count not later than the third day after the date of the election. Except as otherwise provided in this chapter, the absentee ballots shall be counted and returns shall be made in as nearly as possible the

same manner as other ballots cast at the election. [Amended by 1957 c.641 §8; 1961 c.163 §1; 1979 c.190 §210]

253.090 Procedure for verifying ballot. (1) The election board or special counting board shall verify the legality of each absentee ballot delivered to the board for counting by determining if the clerk's initials are on the absent elector's statement and by examining the poll book to see that the absent elector has not voted in person.

(2) If the clerk's initials do not appear on an absentee ballot delivered to an election board or special counting board, the ballot shall be returned unopened to the clerk who shall determine if the ballot should be counted. If the clerk determines that the ballot should be counted, the ballot shall be returned to the board with appropriate instructions. [Amended by 1957 c.641 §9; 1961 c.92 §2; 1979 c.190 §211]

253.095 Rejected ballots. If an absentee ballot is not counted, the person who determines that the ballot should not be counted shall mark "rejected" across the front of the envelope. The envelope shall not be opened. The envelope and ballot shall be retained in the same manner as defective regular ballots voted at the election. [1979 c.190 §212]

253.100 Opening envelope; disposition of ballot; entry in poll book. When the election board or special counting board has verified the legality of the absentee ballot, a member of the board, without unfolding or permitting the ballot to be opened or examined, shall remove the ballot from the envelope, detach the stub and process the stub and ballot in the same manner as other ballots cast at the election. A member of the board shall write in the poll book that the absent elector voted at the election with an absentee ballot. [Amended by 1957 c.641 §10; 1979 c.190 §213]

253.110 [Amended by 1957 c.641 §11; repealed by 1979 c.190 §431]

253.120 Right of elector receiving absentee ballot to vote in person. An elector may vote in person even though an absentee ballot has been delivered to the elector, if the elector has not voted and returned the absentee ballot. If the elector returns the ballot to the election board, the election board shall mark the envelope "canceled" and place it in the ballot box with other ballots cast at the election. [Amended by 1957 c.641 §12; 1979 c.190 §214; 1991 c.107 §10]

253.130 [Repealed by 1955 c.332 §20]

253.135 Special absent elector procedures. (1) This section is enacted to carry out the provisions of section 17, Article II of the Oregon Constitution. An elector who, on the day of an election, will be absent from the county in which the elector is registered may obtain a certificate of registration from the clerk of the county in which the elector is registered. Application for the certificate shall be in writing.

(2) Upon presentation of a certificate of registration issued under subsection (1) of this section to the election board of any precinct in this state, the elector shall be permitted to vote for all state and district offices and measures that appear on that precinct's ballot and for which the elector would have been permitted to vote in the precinct in which the elector is registered. The election board to whom the certificate is presented shall return the certificate to the clerk who issued it.

(3) This section does not apply to persons registered under ORS 247.410 and 247.420. [1979 c.190 §215]

253.140 [Repealed by 1979 c.190 §431]

253.150 [Repealed by 1979 c.190 §431]

253.160 [1969 c.261 §3; 1979 c.519 §25; repealed by 1979 c.190 §431]

253.210 [Amended by 1957 c.641 §13; 1961 c.114 §14; repealed by 1979 c.190 §431]

253.300 [1971 c.27 §2; 1979 c.190 §56; renumbered 247.435]

253.310 [1971 c.27 §3; repealed by 1979 c.190 §431]

253.320 [1971 c.27 §4; repealed by 1979 c.190 §431]

253.330 [1971 c.27 §5; repealed by 1979 c.190 §431]

LONG TERM ABSENT ELECTORS

253.500 Construction of long term absent elector's law. ORS 253.500 to 253.640 shall be liberally construed so that all long term absent electors may be given an opportunity to fully exercise their voting rights. [Formerly 253.670]

253.510 Definitions for ORS 253.500 to 253.640. As used in ORS 253.500 to 253.640, "long term absent elector" means a resident of this state absent from the place of residence and;

(1) Serving in the Armed Forces of the United States, or

(2) Serving in the Merchant Marine of the United States, or

(3) Temporarily living outside the territorial limits of the United States and the District of Columbia. [1955 c.332 §1; 1957 c.641 §14; 1969 c.261 §1; 1979 c.190 §217]

253.515 Long term absent elector procedures to conform to absentee ballot procedures. Except as otherwise provided in ORS 253.500 to 253.640, procedures relating to long term absent electors' ballots and special absentee ballots shall be as nearly as possible the same as for other absentee ballots. [1979 c.190 §218; 1985 c.720 §4]

253.520 [1955 c.332 §3; 1969 c.261 §4; repealed by 1979 c.190 §431]

253.530 Voting by spouse and dependents of long term absent elector. (1) A spouse or dependent of a long term absent elector, temporarily living outside the county or city in which is situated the last home residence in this state of the spouse or dependent, may vote in the same manner as a long term absent elector.

(2) A spouse or dependent of a long term absent elector, not previously a resident of this state who intends to reside in this state, shall be considered a resident of this state for voting purposes, and may vote in the same manner as a long term absent elector. The spouse or dependent shall be considered to have resided for more than 30 days at the last residence of the long term absent elector in this state. [1955 c.332 §16; 1957 c.641 §15; 1965 c.153 §1; 1977 c.508 §11; 1979 c.190 §219]

253.540 Application for ballot by long term absent elector. (1) Any long term absent elector may secure an absentee ballot by submitting an application as specified in subsection (2) of this section to the clerk of the county of the long term absent elector's residence, or to the Secretary of State. If the application is addressed to the Secretary of State, the secretary shall forward it to the appropriate county clerk.

(2) An application for an absentee ballot by a long term absent elector shall be made in the form of a written request. The application shall be valid for every subsequent election until the elector otherwise notifies the clerk or is no longer an elector of the county. The application shall be signed by the applicant and contain:

(a) The name and current mailing address of the applicant;

(b) A statement that the applicant is a citizen of the United States;

(c) A statement that the applicant will be 18 years of age or older on the date of the election;

(d) A statement that for more than 20 days preceding the election the applicant's home residence has been in this state, and giving the address of the last home residence;

(e) A statement of the facts that qualify the applicant as a long term absent elector or as the spouse or a dependent of a long term absent elector;

(f) A statement that the applicant is not requesting a ballot from any other state and is not voting in any other manner in the election except by the requested absentee ballot; and

(g) If the applicant desires to vote in a primary election, a designation of the applicant's political party affiliation or a statement that the applicant is not affiliated with any political party. An applicant not affiliated with any political party may request a ballot for a major political party. The applicant shall be sent the ballot for the political party that the applicant requested if that political party has provided under ORS 254.365 for a primary election that admits electors not affiliated with any political party. [1955 c.332 §§7, 8; 1957 c.641 §16; 1973 c.827 §25; 1975 c.675 §31; 1979 c.190 §220; 1979 c.519 §26; 1987 c.719 §7; 1991 c.168 §2]

253.545 County clerk duties upon receipt of application; application as registration. (1) Upon receipt of an application made under ORS 253.540 the county clerk, without regard to whether the applicant is an elector of the county, shall mail the materials prescribed in ORS 253.065 to the applicant.

(2) The completed and signed statement on the envelope containing a long term absent elector's ballot shall constitute a valid registration for the election for which the ballot is submitted.

(3) Notwithstanding subsection (1) of this section, if the county clerk receives an application from a long term absent elector after the fifth day before an election, the county clerk need not mail the ballot for that election but may deliver the ballot by making it available in the office of the clerk. [1979 c.190 §221; 1981 c.485 §2]

253.550 Applications made under federal statutes. Whenever provision is made for absentee voting by a statute of the United States, including the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff (Public Law 99-410), an application for an absentee ballot made under that law may be given the same effect as an application for an absentee ballot made under ORS 253.500 to 253.640. [1955 c.332 §2; 1979 c.190 §222; 1991 c.71 §12]

253.560 [1955 c.332 §9; 1957 c.641 §17; repealed by 1979 c.190 §431]

253.565 Application for special ballot by long term absent elector. (1) Any long term absent elector may secure a special absentee ballot for a primary or general election by making an application under this section if the elector believes that:

(a) The elector will be residing, stationed or working outside the territorial limits of the United States and the District of Columbia; and

(b) The elector will be unable to vote and return a regular absentee ballot by normal

mail delivery within the period provided for regular absentee ballots.

(2) A long term absent elector shall make the application for a special absentee ballot in the form of a written request. The elector shall submit the application before the date of the applicable election to the clerk of the county of the long term absent elector's residence or to the Secretary of State. If the application is addressed to the Secretary of State, the secretary shall forward it to the appropriate county clerk. The application shall be signed by the applicant and contain:

(a) The name and current mailing address of the applicant;

(b) A designation of the election for which the applicant requests a special absentee ballot;

(c) A statement that the applicant is a citizen of the United States;

(d) A statement that the applicant will be 18 years of age or older on the date of the election;

(e) A statement that for more than 20 days preceding the election the applicant's home residence has been in this state, and giving the address of the last home residence;

(f) A statement of the facts that qualify the applicant as a long term absent elector or as the spouse or a dependent of a long term absent elector;

(g) A statement of the facts that qualify the applicant to vote by means of a special absentee ballot;

(h) A statement that the applicant is not requesting a ballot from any other state and is not voting in any other manner in the election except by the requested special absentee ballot; and

(i) If the applicant requests a ballot for a primary election, a designation of the applicant's political party affiliation or a statement that the applicant is not affiliated with any political party. An applicant not affiliated with any political party may request a ballot for a major political party. The applicant shall be sent the ballot for the political party that the applicant requested if that political party has provided under ORS 254.365 for a primary election that admits electors not affiliated with any political party.

(3) An application for a special absentee ballot shall be valid only for the election specified in the application.

(4) The county clerk shall list on the special absentee ballot the offices and measures scheduled to appear on the regular ballot, if known when the ballot is prepared, and provide space in which the elector may write in the elector's preference.

(5) The elector may write in the name of any eligible candidate for each office to be filled or for which nominations will be made at the election, and may vote on any measure submitted at the election. [1985 c.720 §2; 1987 c.719 §8; 1989 c.503 §38]

Note: The amendments to 253.565 by section 25, chapter 719, Oregon Laws 1987, and section 39, chapter 503, Oregon Laws 1989, are repealed January 1, 1994. See section 19, chapter 719, Oregon Laws 1987, and section 82, chapter 267, Oregon Laws 1987. The text is set forth for the user's convenience.

253.565. (1) Any long term absent elector may secure a special absentee ballot for a presidential or biennial primary or general election by making an application under this section if the elector believes that:

(a) The elector will be residing, stationed or working outside the territorial limits of the United States and the District of Columbia; and

(b) The elector will be unable to vote and return a regular absentee ballot by normal mail delivery within the period provided for regular absentee ballots.

(2) A long term absent elector shall make the application for a special absentee ballot in the form of a written request. The elector shall submit the application before the date of the applicable election to the clerk of the county of the long term absent elector's residence or to the Secretary of State. If the application is addressed to the Secretary of State, the secretary shall forward it to the appropriate county clerk. The application shall be signed by the applicant and contain:

(a) The name and current mailing address of the applicant;

(b) A designation of the election for which the applicant requests a special absentee ballot;

(c) A statement that the applicant is a citizen of the United States;

(d) A statement that the applicant will be 18 years of age or older on the date of the election;

(e) A statement that for more than 20 days preceding the election the applicant's home residence has been in this state, and giving the address of the last home residence;

(f) A statement of the facts that qualify the applicant as a long term absent elector or as the spouse or a dependent of a long term absent elector;

(g) A statement of the facts that qualify the applicant to vote by means of a special absentee ballot;

(h) A statement that the applicant is not requesting a ballot from any other state and is not voting in any other manner in the election except by the requested special absentee ballot; and

(i) If the applicant requests a ballot for a presidential or biennial primary election, a designation of the applicant's political party affiliation or a statement that the applicant is not affiliated with any political party. An applicant not affiliated with any political party may request a ballot for a major political party. The applicant shall be sent the ballot for the political party that the applicant requested if that political party has provided under ORS 254.365 for a presidential or biennial primary election that admits electors not affiliated with any political party.

(3) An application for a special absentee ballot shall be valid only for the election specified in the application.

(4) The county clerk shall list on the special absentee ballot the offices and measures scheduled to ap-

pear on the regular ballot, if known when the ballot is prepared, and provide space in which the elector may write in the elector's preference.

(5) The elector may write in the name of any eligible candidate for each office to be filled or for which nominations will be made at the election, and may vote on any measure submitted at the election.

253.570 [1955 c.332 §11; 1957 c.641 §18; repealed by 1979 c.190 §431]

253.575 County clerk duties upon receipt of application for special ballot; replacement ballots. (1) Upon receipt of an application made under ORS 253.565 the county clerk, without regard to whether the applicant is an elector of the county, shall mail to the applicant, by airmail, a special absentee ballot, instructions for filling in and returning the ballot and an envelope to use for the return. The name, official title and office address of the clerk shall appear on the front of the envelope. On the back shall appear a statement to be signed by the absent elector, stating that the elector:

(a) Is qualified to vote;

(b) Unless prevented by physical disability, has personally marked the ballot; and

(c) Has not unnecessarily exhibited the marked ballot to any other person.

(2) The completed and signed statement on the envelope containing a special absentee ballot shall constitute a valid registration for the election for which the ballot is submitted.

(3) If the county clerk receives an application for a special absentee ballot on or after the 40th day before the election specified in the application, the county clerk shall treat the application as an application made under ORS 253.540.

(4) A long term absent elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or not received by the elector. An elector seeking a replacement ballot shall sign a statement that the ballot was destroyed, spoiled, lost or not received and present the statement to the county clerk. The county clerk shall keep a record of each replacement ballot provided under this subsection.

(5) Notwithstanding subsection (3) of this section, a replacement ballot may be mailed not later than the fifth day before the date of the election. After the fifth day before the date of an election, the county clerk shall deliver the ballot by making it available in the office of the county clerk.

(6) If the county clerk determines that a long term absent elector to whom a replacement ballot has been issued at the request of the elector has voted more than once, the county clerk shall not count any ballot cast by the elector. If the county clerk is required to reissue ballots due to a change on the ballot for any reason, that ballot shall be counted in lieu of any previous ballot issued unless:

(a) Only the original ballot was voted and returned; or

(b) The county clerk issued a supplemental ballot that is not a complete replacement of the original ballot. [1985 c.720 §3; 1989 c.923 §2; 1991 c.719 §51]

253.580 [1955 c.332 §14; 1957 c.641 §19; repealed by 1979 c.190 §431]

253.590 [1955 c.332 §12; repealed by 1979 c.190 §431]

253.600 [1955 c.332 §13; repealed by 1979 c.190 §431]

253.610 [1955 c.332 §6; 1957 c.641 §20; repealed by 1979 c.190 §431]

253.620 [1955 c.332 §15; 1957 c.641 §21; repealed by 1979 c.190 §431]

253.630 [1955 c.332 §10; repealed by 1957 c.641 §23]

253.640 State officers to coordinate voting by long term absent electors with federal authorities. All public officers having duties under ORS 253.500 to 253.640 shall coordinate their efforts with any federal authority to facilitate voting by long term absent electors, so that these electors may cast their ballots with the least possible interference with the performance of their duties. [1955 c.332 §4; 1979 c.190 §223]

253.645 Electors called to active military duty. In the event of a national emergency, the Secretary of State shall assure that any elector called to active military duty is not unnecessarily denied the opportunity to vote simply because of military duty. [1991 c.71 §14]

253.650 [1955 c.332 §17; 1957 c.641 §22; repealed by 1979 c.190 §431]

253.660 [1955 c.332 §5; repealed by 1957 c.641 §23]

253.670 [1955 c.332 §19; 1979 c.190 §216; renumbered 253.500]

253.700 Duty to challenge absentee ballot; procedures. (1) The county clerk, a member of the election board or special counting board or any elector shall challenge the absentee ballot of any person offering to vote as an absent elector whom the clerk, member or elector knows or suspects not to be qualified as an elector. The person's ballot may be challenged at any time before the ballot is removed from its return envelope for processing.

(2) The clerk, member or elector who challenges the absentee ballot of a person offering to vote shall make, under oath or affirmation before a member of the election board or special counting board, a written statement of challenge on a numbered challenge form. The statement shall contain the name and residence address of the challenger, the name of the person challenged and a statement of the facts upon

which the challenge is based. Any election official or member of an election board or special counting board may administer the oath or affirmation required under this subsection. [1985 c.808 §32]

253.710 Alteration of application prohibited; exceptions. No person shall alter any information supplied on an application for an absentee ballot except:

(1) An election officer in the performance of official duties.

(2) The applicant. [1985 c.808 §33]

253.990 [Subsection (2) enacted as 1955 c.332 §18; repealed by 1979 c.190 §431]

253.995 Penalties. Violation of ORS 253.710 is a Class C felony. [1985 c.808 §34]