

# A-Engrossed House Bill 2007

Ordered by the House April 11  
Including House Amendments dated April 11

Sponsored by COMMITTEE ON ELECTIONS, ETHICS AND RULES (at the request of Governor's Task Force on Equality)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Establishes requirements and procedures for entering into [*civil union*] **domestic partnership** contract between individuals of same sex.

Provides that any privilege, immunity, right or benefit granted by law to individual who is or was married is granted to individual who is or was in [*civil union*] **domestic partnership**. Provides that any responsibility imposed by law on individual who is or was married is imposed on individual who is or was in [*civil union*] **domestic partnership**.

Provides that any privilege, immunity, right, benefit or responsibility granted or imposed by law to or on spouse with respect to child of either spouse is granted to or imposed on partner with respect to child of either partner.

## A BILL FOR AN ACT

1  
2 Relating to same-sex relationships; creating new provisions; and amending ORS 107.615, 192.842,  
3 205.320, 409.300, 432.005, 432.235, 432.405 and 432.408.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Sections 1 to 9 of this 2007 Act may be cited as the Oregon Family Fairness**  
6 **Act.**

7 **SECTION 2. The Legislative Assembly finds that:**

8 (1) **Section 20, Article I of the Oregon Constitution, has always enshrined the principle**  
9 **that all citizens of this state are to be provided with equal privileges and immunities under**  
10 **the laws of the State. In addition, as provided in ORS 659A.006, it has long been the public**  
11 **policy of this state that discrimination against any of the citizens of this state is a matter**  
12 **of state concern that threatens not only the rights and privileges of the state's inhabitants**  
13 **but menaces the institutions and foundation of a free democratic state. These fundamental**  
14 **principles are integral to Oregon's constitutional form of government, to its guarantees of**  
15 **political and civil rights and to the continued vitality of political and civil society in this**  
16 **state.**

17 (2) **The ability to enter into a committed, long-term relationship with another individual**  
18 **that is recognized not only by friends and family, but also by the laws of this state, is a**  
19 **significant and fundamental ability afforded to opposite-sex couples by the marriage laws of**  
20 **this state. Legal recognition of marriage by the state is the primary and, in a number of**  
21 **instances, the exclusive source of numerous rights, benefits and responsibilities available to**  
22 **married individuals under Oregon law. Marriage is limited to the union of one man and one**  
23 **woman by section 5a, Article XV of the Oregon Constitution.**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1           (3) Many gay and lesbian Oregonians have formed lasting, committed, caring and faithful  
2 relationships with individuals of the same sex, despite long-standing social and economic  
3 discrimination. These couples live together, participate in their communities together and  
4 often raise children and care for family members together, just as do couples who are mar-  
5 ried under Oregon law. Without the ability to obtain some form of legal status for their re-  
6 lationships, same-sex couples face numerous obstacles and hardships in attempting to secure  
7 rights, benefits and responsibilities for themselves and their children. Many of the rights,  
8 benefits and responsibilities that the families of married couples take for granted cannot be  
9 obtained in any way other than through state recognition of committed same-sex partner-  
10 ships.

11           (4) This state has a strong interest in promoting stable and lasting families, including the  
12 families of same-sex couples and their children. All Oregon families should be provided with  
13 the opportunity to obtain necessary legal protections and status and the ability to achieve  
14 their fullest potential.

15           (5) Sections 1 to 9 of this 2007 Act are intended to better align Oregon law with the values  
16 embodied in the Constitution and public policy of this state, and to further the state's in-  
17 terest in the promotion of stable and lasting families, by extending benefits, protections and  
18 responsibilities to committed same-sex partners and their children that are comparable to  
19 those provided to married individuals and their children by the laws of this state.

20           (6) The establishment of a domestic partnership system will provide legal recognition to  
21 same-sex relationships, thereby ensuring more equal treatment of gays and lesbians and  
22 their families under Oregon law.

23           (7) The Legislative Assembly recognizes that the Oregon Constitution limits marriage to  
24 the union of one man and one woman. The Legislative Assembly does not seek to alter this  
25 definition of marriage in any way through the Oregon Family Fairness Act and recognizes  
26 that the Legislative Assembly cannot bestow the status of marriage on partners in a do-  
27 mestic partnership. The Legislative Assembly recognizes that numerous distinctions will ex-  
28 ist between these two legally recognized relationships. The Legislative Assembly recognizes  
29 that the legal recognition of domestic partnerships under the laws of this state may not be  
30 effective beyond the borders of this state and cannot impact restrictions contained in federal  
31 law.

32           (8) Sections 1 to 9 of this 2007 Act do not require the performance of any solemnization  
33 ceremony to enter into a binding domestic partnership contract. It is left to the dictates and  
34 conscience of partners entering into a domestic partnership to determine whether to seek a  
35 ceremony or blessing over the domestic partnership and to the dictates of each religious  
36 faith to determine whether to offer or permit a ceremony or blessing of domestic partner-  
37 ships. Providing recognition to same-sex partnerships through a domestic partnership sys-  
38 tem in no way interferes with the right of each religious faith to choose freely to whom to  
39 grant the religious status, sacrament or blessing of marriage under the rules or practices  
40 of that faith.

41           **SECTION 3.** As used in sections 1 to 9 of this 2007 Act:

42           (1) "Domestic partnership" means a civil contract entered into in person between two  
43 individuals of the same sex who are at least 18 years of age, who are otherwise capable and  
44 at least one of whom is a resident of Oregon.

45           (2) "Partner" means an individual joined in a domestic partnership.

**SECTION 4. (1) The following domestic partnerships are prohibited and void:**

(a) When either party to the domestic partnership had a partner, wife or husband living at the time of the domestic partnership.

(b) When the parties to the domestic partnership are first cousins or any nearer of kin to each other, whether of the whole or half blood, whether by blood or adoption, computing by the rules of the civil law. However, when the parties are first cousins by adoption only, the domestic partnership is not prohibited or void.

(2) When either party to a domestic partnership is incapable of making the civil contract or consenting to the contract for want of legal age or sufficient understanding, or when the consent of either party is obtained by force or fraud, the domestic partnership is void from the time it is so declared by a judgment of a court having jurisdiction of the domestic partnership.

**SECTION 5. (1) The Department of Human Services shall prepare forms entitled:**

(a) "Declaration of Domestic Partnership" meeting the requirements of section 6 of this 2007 Act; and

(b) "Certificate of Registered Domestic Partnership."

(2) The department shall distribute the forms to each county clerk. The department and each county clerk shall make the Declaration of Domestic Partnership forms available to the public.

**SECTION 6. (1) Two individuals wishing to become partners in a domestic partnership may complete and file a Declaration of Domestic Partnership with the county clerk.**

(2) In accordance with the requirements of this section, the county clerk shall register the Declaration of Domestic Partnership in a domestic partnership registry and return a copy of the registered form and a Certificate of Registered Domestic Partnership to the partners in person or at the mailing address provided by the partners.

(3) An individual who has filed a Declaration of Domestic Partnership may not file a new Declaration of Domestic Partnership or enter a marriage with someone other than the individual's registered partner unless a judgment of dissolution or annulment of the most recent domestic partnership has been entered. This prohibition does not apply if the previous domestic partnership ended because one of the partners died.

(4) Each person signing a Declaration of Domestic Partnership consents to the jurisdiction of the circuit courts of Oregon for the purpose of an action to obtain a judgment of dissolution or annulment of the domestic partnership, for legal separation of the partners in the domestic partnership or for any other proceeding related to the partners' rights and obligations, even if one or both partners cease to reside in, or to maintain a domicile in, this state. Notwithstanding ORS 107.086, a petition for dissolution or annulment of the domestic partnership, for legal separation of the partners in the domestic partnership or for any other proceeding related to the partners' rights and obligations may be filed in the county in which either the petitioner or respondent last resided.

(5) On the Declaration of Domestic Partnership, each individual who wants to become a partner in a domestic partnership shall:

(a) State that the individual is at least 18 years of age and is otherwise capable to enter into a domestic partnership at the time the individual signs the form;

(b) State whether the individual is a resident of Oregon;

(c) Provide a mailing address;

1 (d) State that the individual consents to the jurisdiction of the circuit courts of Oregon  
2 for the purpose of an action to obtain a judgment of dissolution or annulment of the domestic  
3 partnership or for legal separation of the partners in the domestic partnership, or for any  
4 other proceeding related to the partners' rights and obligations, even if one or both partners  
5 cease to reside in, or to maintain a domicile in, this state;

6 (e) Sign the form with a declaration that representations made on the form are true,  
7 correct and contain no material omissions of fact to the best knowledge and belief of the  
8 individual; and

9 (f) Have a notary public acknowledge the individual's signature.

10 (6) Both partners' signatures must be affixed to one Declaration of Domestic Partnership  
11 form. Filing an intentionally and materially false Declaration of Domestic Partnership is  
12 punishable as a misdemeanor.

13 (7) The county clerk may accept any reasonable proof of an individual's age satisfactory  
14 to the clerk. The clerk may require proof of age by affidavit of some individual other than  
15 either of the parties seeking to file the Declaration of Domestic Partnership if the clerk  
16 deems it necessary in order to determine the age of the individual to the clerk's satisfaction.

17 (8) The county clerk may not register a Declaration of Domestic Partnership or return  
18 a copy of the registered form and a Certificate of Registered Domestic Partnership to the  
19 partners until the provisions of this section, section 7 of this 2007 Act and all other legal  
20 requirements are complied with.

21 (9) Notwithstanding ORS 432.121 or any other provision of law, the registry of domestic  
22 partnerships maintained by a county clerk is a public record and subject to full disclosure.

23 **SECTION 7.** (1) In addition to any other fees provided by law, the county clerk shall  
24 collect a fee of \$25 for registering a Declaration of Domestic Partnership.

25 (2) The county clerk shall regularly pay over to the Director of Human Services all  
26 moneys collected under subsection (1) of this section to be credited to the Domestic Violence  
27 Fund pursuant to ORS 409.300.

28 **SECTION 8.** Upon entering into a domestic partnership, either individual may retain the  
29 individual's prior surname, and either individual may resume the individual's prior legal  
30 name during the domestic partnership.

31 **SECTION 9.** (1) Any privilege, immunity, right or benefit granted by statute, adminis-  
32 trative or court rule, policy, common law or any other law to an individual because the in-  
33 dividual is or was married, or because the individual is or was an in-law in a specified way  
34 to another individual, is granted on equivalent terms, substantive and procedural, to an in-  
35 dividual because the individual is or was in a domestic partnership or because the individual  
36 is or was, based on a domestic partnership, related in a specified way to another individual.

37 (2) Any responsibility imposed by statute, administrative or court rule, policy, common  
38 law or any other law on an individual because the individual is or was married, or because  
39 the individual is or was an in-law in a specified way to another individual, is imposed on  
40 equivalent terms, substantive and procedural, on an individual because the individual is or  
41 was in a domestic partnership or because the individual is or was, based on a domestic  
42 partnership, related in a specified way to another individual.

43 (3) Any privilege, immunity, right, benefit or responsibility granted or imposed by stat-  
44 ute, administrative or court rule, policy, common law or any other law to or on a spouse  
45 with respect to a child of either of the spouses is granted or imposed on equivalent terms,

1 substantive and procedural, to or on a partner with respect to a child of either of the part-  
2 ners.

3 (4) Any privilege, immunity, right, benefit or responsibility granted or imposed by stat-  
4 ute, administrative or court rule, policy, common law or any other law to or on a former or  
5 surviving spouse with respect to a child of either of the spouses is granted or imposed on  
6 equivalent terms, substantive and procedural, to or on a former or surviving partner with  
7 respect to a child of either of the partners.

8 (5) Many of the laws of this state are intertwined with federal law, and the Legislative  
9 Assembly recognizes that it does not have the jurisdiction to control federal laws or the  
10 privileges, immunities, rights, benefits and responsibilities related to federal laws.

11 (6) Sections 1 to 9 of this 2007 Act do not require or permit the extension of any benefit  
12 under ORS chapter 238 or 238A, or under any other retirement, deferred compensation or  
13 other employee benefit plan, if the plan administrator reasonably concludes that the exten-  
14 sion of benefits would conflict with a condition for tax qualification of the plan, or a condition  
15 for other favorable tax treatment of the plan, under the Internal Revenue Code or regu-  
16 lations adopted under the Internal Revenue Code.

17 (7) Sections 1 to 9 of this 2007 Act do not require the extension of any benefit under any  
18 employee benefit plan that is subject to federal regulation under the Employee Retirement  
19 Income Security Act of 1974.

20 (8) For purposes of administering Oregon tax laws, partners in a domestic partnership,  
21 surviving partners in a domestic partnership and the children of partners in a domestic  
22 partnership have the same privileges, immunities, rights, benefits and responsibilities as are  
23 granted to or imposed on spouses in a marriage, surviving spouses and their children.

24 **SECTION 10.** Section 11 of this 2007 Act is added to and made a part of ORS chapter 314.

25 **SECTION 11.** This chapter applies to partners in a domestic partnership, as defined in  
26 section 3 of this 2007 Act, and surviving partners as if federal income tax law recognized a  
27 domestic partnership in the same manner as Oregon law.

28 **SECTION 12.** ORS 107.615 is amended to read:

29 107.615. (1) The governing body of any county may impose a fee up to \$10 above that prescribed  
30 in ORS 205.320 (5) for **issuing a marriage license or registering a Declaration of Domestic**  
31 **Partnership.**

32 (2) In addition to any other funds used therefor, the governing body shall use the proceeds from  
33 the fee increase authorized by this section to pay the expenses of conciliation services under ORS  
34 107.510 to 107.610 and mediation services under ORS 107.755 to 107.795. If there are none in the  
35 county, the governing body may provide [*such*] **conciliation and mediation** services through other  
36 county agencies or may contract with a public or private agency or person to provide [*such*] **con-**  
37 **ciliation and mediation** services.

38 (3) The governing body may establish rules of eligibility for conciliation services funded under  
39 this section so long as its rules do not conflict with rules of the court adopted under ORS 107.580.

40 (4) Fees collected under this section shall be collected and deposited in the same manner as  
41 other county funds are collected and deposited but shall be maintained in a separate account to be  
42 used as provided in this section.

43 **SECTION 13.** ORS 192.842 is amended to read:

44 192.842. (1) A county clerk shall use the actual address of a program participant for voter reg-  
45 istration purposes. Except as provided in ORS 192.820 to 192.868, the county clerk may not disclose

1 the actual address.

2 (2) A county clerk shall use the substitute address of the program participant for purposes of  
3 mailing a ballot to an elector under ORS 254.470.

4 (3) A school district shall use the actual address of a program participant for any purpose re-  
5 lated to admission or assignment. The school district shall take such measures as necessary to pro-  
6 tect the confidentiality of the actual address of the program participant. Student records created  
7 under ORS 326.565 and 326.580 shall use the substitute address of the program participant.

8 (4) A county clerk shall accept the substitute address of the program participant as the address  
9 of the applicant for the purpose of issuing a marriage license under ORS 106.041 **or registering a**  
10 **Declaration of Domestic Partnership under section 6 of this 2007 Act.**

11 **SECTION 14.** ORS 205.320 is amended to read:

12 205.320. In every county there shall be charged and collected in advance by the county clerk,  
13 for the benefit of the county, the following fees, and no more, for the following purposes and ser-  
14 vices:

15 (1) For filing and making entry when required by law of any instrument required or permitted  
16 by law to be filed, when it is not recorded, \$5 for each page.

17 (2) For filing and making entry of the assignment or satisfaction of any filed, but not recorded,  
18 instrument, \$5 for each page.

19 (3) For each official certificate, \$3.75.

20 (4)(a) For purposes of this subsection, "page" means one side of a sheet 14 inches, or less, long  
21 and 8-1/2 inches, or less, wide.

22 (b) For recording any instrument required or permitted by law to be recorded, \$5 for each page,  
23 but the minimum fee shall not be less than \$5.

24 (c) For supplying to private parties copies of records or files, not more than \$3.75 for locating  
25 a record requested by the party and 25 cents for each page.

26 (d) For each official certificate, \$3.75.

27 (5) For taking **an** affidavit for and making and issuing **a** marriage license and registering the  
28 return *[thereof]* **of the license, or for taking an affidavit for and registering a Declaration of**  
29 **Domestic Partnership, \$25.**

30 (6) For solemnizing a marriage under ORS 106.120, \$25. This subsection does not require that  
31 the county clerk charge a fee for solemnizing a marriage after normal working hours or on Satur-  
32 days or legal holidays. This subsection does not prohibit a county clerk from charging and accepting  
33 a personal payment for solemnizing a marriage if otherwise authorized by ORS 106.120.

34 (7) For taking and certifying acknowledgment or proof of execution of any instrument, the fee  
35 established in the schedule adopted by the Secretary of State under ORS 194.164.

36 (8) For issuing any license required by law, other than a marriage or liquor license, and for  
37 which no fee is otherwise provided by law, \$5.

38 (9) For any service the clerk may be required or authorized to perform and for which no fee is  
39 provided by law, such fees as may favorably compare with those established by this section for  
40 similar services and as may be established by order or rule of the county court or board of county  
41 commissioners.

42 (10) For recording any instrument under ORS 205.130 (2), as required by ordinance pursuant to  
43 ORS 203.148.

44 (11) In addition to and not in lieu of the fees charged under subsection (4) of this section, for  
45 each additional municipal assessment lien recorded under ORS 93.643, \$5.

1 (12) In addition to and not in lieu of the fees charged under subsection (4) of this section, for  
2 each additional assignment, release or satisfaction of any recorded instrument, \$5.

3 (13) In addition to and not in lieu of the fees charged under subsection (4) of this section, for  
4 each additional transaction described under ORS 205.236, \$5.

5 (14) In addition to and not in lieu of the fees charged under subsection (4) of this section, for  
6 each additional lien recorded under ORS 311.675, \$5.

7 (15) For preparing and recording the certificate under ORS 517.280, \$20 or such other fee that  
8 is established by the county governing body.

9 (16) In addition to and not in lieu of the fees charged under subsection (4) of this section, for  
10 each additional claim listed on an affidavit of annual compliance under ORS 517.210, \$5.

11 (17) In addition to and not in lieu of the fees charged under subsection (4) of this section, for  
12 each additional name listed on a cooperative contract under ORS 62.360 (2) or for recording the  
13 termination of a cooperative contract under ORS 62.360 (4), \$5.

14 (18) Notwithstanding any other law, five percent of any fee or tax that is not collected for the  
15 benefit of the county clerk shall be deducted from the fee or tax. The moneys deducted shall be  
16 expended for acquiring storage and retrieval systems, payment of expenses incurred in collecting the  
17 fee or tax and maintaining and restoring records as authorized by the county clerk. Moneys col-  
18 lected under this subsection shall be deposited in a county clerk records fund established by the  
19 county governing body. No moneys shall be deducted under this subsection from:

20 (a) Fees collected for the Domestic Violence Fund under ORS 106.045.

21 (b) Fees collected for conciliation services under ORS 107.615.

22 (c) Real estate transfer taxes enacted prior to January 1, 1998.

23 (d) Fees collected under ORS 205.323 for the Oregon Land Information System Fund.

24 **SECTION 15.** ORS 409.300 is amended to read:

25 409.300. (1) There is established the Domestic Violence Fund in the Services to Children and  
26 Families Account of the General Fund established under ORS 409.260.

27 (2) All moneys received by the Director of Human Services under ORS 106.045 [(2)] **or section**  
28 **7 of this 2007 Act** and any other funds allocated for expenditure under ORS 409.292 shall be cred-  
29 ited to the Domestic Violence Fund.

30 (3) All moneys credited to the Domestic Violence Fund are continuously appropriated for the  
31 purposes of ORS 409.292 to be expended by the director as provided in ORS 409.290 and 409.292.  
32 However, the director shall expend not more than 10 percent of such moneys for administrative  
33 costs of the Department of Human Services incurred under ORS 409.290 and 409.292.

34 **SECTION 16.** ORS 432.005 is amended to read:

35 432.005. As used in this chapter, unless the context requires otherwise:

36 (1) "Dead body" means a human body or such parts of such human body from the condition of  
37 which it reasonably may be concluded that death occurred.

38 (2) "Department" means the Department of Human Services.

39 (3) "Director" means the Director of Human Services.

40 (4) "Divorce" means dissolution of a marriage.

41 (5) "Fetal death" means death prior to the complete expulsion or extraction from its mother of  
42 a product of human conception, irrespective of the duration of pregnancy. The death is indicated  
43 by the fact that after such expulsion or extraction the fetus does not breathe or show any other  
44 evidence of life such as beating of the heart, pulsation of the umbilical cord or definite movement  
45 of the voluntary muscles.

1 (6) "File" means the presentation and acceptance of a vital record or vital report provided for  
2 in this chapter by the Center for Health Statistics.

3 (7) "Final disposition" means the burial, interment, cremation, removal from the state or other  
4 authorized disposition of a dead body or fetus, except that when removal from the state is conducted  
5 by the holder of a certificate of removal registration issued under ORS 692.270, the final disposition  
6 may not be considered complete until the certificate of death is filed.

7 (8) "Induced termination of pregnancy" means the purposeful interruption of an intrauterine  
8 pregnancy with the intention other than to produce a live-born infant and that does not result in a  
9 live birth.

10 (9) "Institution" means any establishment, public or private, that provides inpatient or outpa-  
11 tient medical, surgical or diagnostic care or treatment or nursing, custodial or domiciliary care, or  
12 to which persons are committed by law.

13 (10) "Live birth" means the complete expulsion or extraction from its mother of a product of  
14 human conception, irrespective of the duration of pregnancy, that, after such expulsion or ex-  
15 traction, breathes or shows any other evidence of life such as beating of the heart, pulsation of the  
16 umbilical cord or definite movement of voluntary muscles, whether or not the umbilical cord has  
17 been cut or the placenta is attached.

18 (11) "Person acting as a funeral service practitioner" means:

19 (a) A person other than a funeral service practitioner licensed under ORS 692.045, including but  
20 not limited to a relative, friend or other interested party, who performs the duties of a funeral ser-  
21 vice practitioner without payment; or

22 (b) A funeral service practitioner who files death certificates in another state if the funeral  
23 service practitioner is employed by a funeral establishment licensed in another state and registered  
24 with the State Mortuary and Cemetery Board under ORS 692.270.

25 (12) "Physician" means a person authorized or licensed under the laws of this state to practice  
26 medicine, osteopathy, chiropractic or naturopathic medicine.

27 (13) "Registration" means the process by which vital records and vital reports are completed,  
28 filed and incorporated into the official records of the Center for Health Statistics.

29 (14) "State registrar" means the State Registrar of the Center for Health Statistics.

30 (15) "System of vital statistics" means the registration, collection, preservation, amendment and  
31 certification of vital records and vital reports; the collection of other reports required by this  
32 chapter, and activities related thereto including the tabulation, analysis, dissemination and publica-  
33 tion of vital statistics and training in the use of health data.

34 (16) "Vital records" means certificates or reports of birth, death, marriage, **declaration of do-**  
35 **estic partnership**, dissolution of marriage **or domestic partnership** and data related thereto.

36 (17) "Vital reports" means reports of fetal death, induced termination of pregnancy, suicide at-  
37 tempts by persons under 18 years of age and survey and questionnaire documents and data related  
38 thereto.

39 (18) "Vital statistics" means the data derived from certificates and reports of birth, death, fetal  
40 death, induced termination of pregnancy, marriage, **declaration of domestic partnership**, dissol-  
41 ution of marriage, **dissolution of domestic partnership**, suicide attempts by persons under 18 years  
42 of age and related reports.

43 **SECTION 17.** ORS 432.235 is amended to read:

44 432.235. (1) A certificate or report registered under this chapter may be amended only in ac-  
45 cordance with this chapter and rules adopted by the State Registrar of the Center for Health Sta-



1 tistics to protect the integrity and accuracy of vital records and vital reports.

2 (2) A certificate or report that is amended under this section shall indicate that it has been  
3 amended, except as otherwise provided in ORS 432.230, this section or by rule of the state registrar.  
4 A record shall be maintained that identifies the evidence upon which the amendment was based, the  
5 date of the amendment and the identity of the person making the amendment. The state registrar  
6 shall prescribe by rule the conditions under which additions or minor corrections may be made to  
7 certificates or reports within one year without the certificate or report indicating that it has been  
8 amended.

9 (3) Upon receipt of a certified copy of an order of a court changing the name of a person born  
10 in this state and upon request of such person or if the person is a minor or incompetent, the parents,  
11 guardian or legal representative of the person, the state registrar shall amend the certificate of birth  
12 to show the new name.

13 (4) Upon receipt of a certified copy of an order of a court of competent jurisdiction indicating  
14 that the sex of an individual born in this state has been changed by surgical procedure and whether  
15 such individual's name has been changed, the certificate of birth of such individual shall be amended  
16 as prescribed by rule of the state registrar.

17 (5) When an applicant does not submit the minimum documentation required by rule of the state  
18 registrar for amending a vital record or when the state registrar has cause to question the validity  
19 or adequacy of the applicant's sworn statements or the documentary evidence, and if the deficiencies  
20 are not corrected, the state registrar shall not amend the vital record and shall advise the applicant  
21 of the reason for this action and shall further advise the applicant of the right of appeal under ORS  
22 183.480 and 183.484.

23 (6) When a certificate or report is amended under this section by the state registrar, the state  
24 registrar shall report the amendment to any other custodian of the vital record and the record of  
25 the other custodian shall be amended accordingly.

26 (7) When an amendment is made to a certificate [of] **for a marriage or to a Declaration of**  
27 **Domestic Partnership** by the local official issuing the marriage license **or registering the decla-**  
28 **ration**, copies of the amendment shall be forwarded to the state registrar.

29 (8)(a) When a party or legal representative proposes to set aside or change any information re-  
30 corded in a dissolution of marriage judgment **or dissolution of domestic partnership judgment**  
31 filed pursuant to ORS 432.408, the party or legal representative seeking the amendment or set aside  
32 order shall prepare a summary of the changes in the form prescribed or furnished by the state  
33 registrar and shall present the form to the clerk of the court along with the proposed supplemental  
34 judgment. In all cases the completed form shall be a prerequisite to the entry of the supplemental  
35 judgment.

36 (b) The clerk of the court shall complete and forward to the Center for Health Statistics the  
37 records of each such supplemental judgment in the same manner prescribed by ORS 432.408.

38 **SECTION 18.** ORS 432.405 is amended to read:

39 432.405. (1) A record of each marriage performed **and domestic partnership registered** in this  
40 state shall be filed with the Center for Health Statistics and shall be registered if it has been com-  
41 pleted and filed in accordance with this section and rules adopted by the State Registrar of the  
42 Center for Health Statistics.

43 (2) The county clerk or county official who issues the marriage license **or registers the Dec-**  
44 **laration of Domestic Partnership** shall prepare the record in the form prescribed or furnished by  
45 the state registrar upon the basis of information obtained from the parties [*to be married*].

1 (3) Each person who performs a marriage ceremony shall certify the fact of marriage and return  
2 the record to the official who issued the license within 10 days after the ceremony.

3 (4) Every official issuing marriage licenses **or registering Declarations of Domestic Part-**  
4 **nership** shall complete and forward to the Center for Health Statistics on or before the 10th day  
5 of each calendar month the records of marriages returned to such official during the preceding  
6 calendar month **and the records of Declarations of Domestic Partnership registered during the**  
7 **preceding calendar month.**

8 (5) A marriage **or domestic partnership** record not filed within the time prescribed by this  
9 section may be registered in accordance with rules adopted by the state registrar.

10 **SECTION 19.** ORS 432.408 is amended to read:

11 432.408. (1) A record of each dissolution of marriage judgment **or dissolution of domestic**  
12 **partnership judgment** by any court in this state shall be filed by the clerk of the court with the  
13 Center for Health Statistics and shall be registered if it has been completed and filed in accordance  
14 with this section. The record shall be prepared by the petitioner or a legal representative of the  
15 petitioner in the form prescribed or furnished by the State Registrar of the Center for Health Sta-  
16 tistics and shall be presented to the clerk of the court with the petition. In all cases the completed  
17 record shall be prerequisite to the entry of the judgment. The state registrar shall design the record  
18 so that, for judgments or orders issued in proceedings under ORS 107.085 or 107.485, the state  
19 registrar, county clerks, county recording officers and state courts may keep Social Security num-  
20 bers confidential and exempt from public inspection.

21 (2) The clerk of the court shall complete and forward to the Center for Health Statistics on or  
22 before the 10th day of each calendar month the records of each dissolution of marriage judgment  
23 **or dissolution of domestic partnership judgment** granted during the preceding calendar month.  
24 The clerk shall comply with procedures established under ORS 107.840 to ensure that, in the records  
25 completed and forwarded under this subsection, the Social Security numbers of parties to a pro-  
26 ceeding under ORS 107.085 or 107.485 are kept confidential and exempt from public inspection.

27 (3) A dissolution of marriage record **or dissolution of domestic partnership record** not filed  
28 within the time prescribed by subsection (2) of this section may be registered in accordance with  
29 rules adopted by the state registrar.

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