

# D R A F T

## SUMMARY

Expands options for name change after marriage or after entering into registered domestic partnership.

### A BILL FOR AN ACT

Relating to name change after entering into certain legal relationships; amending ORS 106.100, 106.220, and 106.335.

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

**SECTION 1.** ORS 106.220 is amended to read:

106.220. (1) Upon entering into marriage, either party may:

(a) Retain the party's surname prior to the marriage; *[or]*

(b) Change the party's surname to the surname of the other party; or

(c) **Change the party's surname to any** *[to a hyphenated]* combination of the surnames of both parties, **with or without a hyphen.**

(2) If a party requests a surname change under this section, *[that]* **the** party may also change the party's middle name to the party's surname prior to the marriage.

(3) Each party must indicate on the application, license and record of marriage the party's name after marriage.

*[(2)]* (4) The name of each party after marriage as indicated on the application, license and record of marriage shall become the sole legal name of each party after marriage. If a party indicates a name change other than as described in subsection (1) **or** (2) of this section, the party shall request approval of the court pursuant to ORS 33.410.

(5) **As used in this section, "middle name" and "surname" mean a**

1 **name that may consist of one or more different names.**

2 **SECTION 2.** ORS 106.100 is amended to read:

3 106.100. (1) The county clerk who issues the marriage license shall main-  
4 tain records relating to marriages licensed in the county. The records must  
5 include the names of the parties **after marriage**, the consent of the parent  
6 or guardian, if any, the name of the affiant **under ORS 106.050, if**  
7 **required**, the substance of the affidavit upon which the license issued and  
8 the date of the license.

9 (2) Upon return of the completed application, license and record of mar-  
10 riage under ORS 106.170, the county clerk shall add the date of the marriage  
11 ceremony to the clerk's records maintained under subsection (1) of this sec-  
12 tion and file the completed application, license and record of marriage. Ex-  
13 cept as provided in ORS 205.320, the county clerk may not charge a fee for  
14 filing, recording or indexing the application, license and record of marriage.

15 (3) The county clerk shall, upon completion of the requirements of this  
16 section and ORS 106.077, deliver the original completed application, license  
17 and record of marriage to the Center for Health Statistics as required under  
18 ORS 432.405.

19 (4) Notwithstanding any other provision of law, the record of marriage  
20 maintained by a county clerk is not a vital record as defined in ORS 432.005  
21 and is a public record open and subject to full disclosure.

22 **SECTION 3.** ORS 106.335 is amended to read:

23 106.335. (1) Upon entering into a domestic partnership, either party to the  
24 domestic partnership may:

- 25 (a) Retain the party's surname prior to the domestic partnership; *[or]*  
26 (b) Change the party's surname to the surname of the other party; or  
27 (c) **Change the party's surname to any combination of the surnames**  
28 **of both parties, with or without a hyphen** *[to a hyphenated combination*  
29 *of the surnames of both parties].*

30 (2) If a party requests a surname change under this section, *[that]* **the**  
31 party may also change the party's middle name to the party's surname prior

1 to the domestic partnership.

2 **(3)** Each party must indicate on the Declaration of Domestic Partnership  
3 the party's name after domestic partnership.

4 [(2)] **(4)** The name of each party after domestic partnership as indicated  
5 on the Declaration of Domestic Partnership shall become the sole legal name  
6 of each party after domestic partnership. If a party indicates a name change  
7 other than as described in subsection (1) **or (2)** of this section, the party  
8 shall request approval of the court pursuant to ORS 33.410.

9 **(5) As used in this section, "middle name" and "surname" mean a**  
10 **name that may consist of one or more different names.**

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