



PUBLIC HEALTH DIVISION
Center for Public Health Practice

John A. Kitzhaber, M.D., Governor

Oregon
Health
Authority

Center for Health Statistics
800 NE Oregon Street, Suite 225
Portland, Oregon 97232
Voice: (971) 673-1185
Fax: (971) 673-1201
TTY: (971) 673-0372

February 8, 2013

TO: The Honorable Senator Shields, Chair
Senate Committee on General Government, Consumer and
Small Business Protection

FROM: Jennifer Woodward
State Registrar
Public Health Division
Oregon Health Authority

SUBJECT: SB 406

Chair Shields and Members of the Committee:

My name is Jennifer Woodward, State Registrar for the Oregon Health Authority's Public Health Division. I am here today to provide the public health perspective on Senate Bill 406. Senate Bill 406 expands the options for name after marriage or after entering into a registered domestic partnership, as well as creating a new amendment process.

As State Registrar of Vital Records, I am responsible for developing the marriage and registered domestic partnership forms, ensuring that the information is completed on the record according to law, registering those records as part of the Vital Records system, and issuing certified copies. There are approximately 25,000 marriages and 550 registered domestic partnerships annually in Oregon.

Couples have had the opportunity to indicate a legal name change on their marriage or registered domestic partnership record since 2008 and 2010, respectfully. Prior to 2008 and 2010, name changes taken after entering into these legal relationships were not specified on the record of marriage or registered domestic partnership. The current bill allows additional variations in legal names taken after marriage or registered domestic partnership to be indicated on the legal record. If passed, the Center for Health Statistics within the Public Health Division would need to dedicate staff to prepare new instructions and documentation with county clerks throughout Oregon to educate applicants on name structures allowed by the law.

The bill also establishes an amendment process for changing the names taken after marriage or registered domestic partnership. Currently, the only way a party can change his or her legal name taken after marriage or registered domestic partnership is with a court order. Senate Bill 406 creates an administrative amendment process. The amendment process outlined in the bill does not specify that it can apply only to marriages from 2008 forward and registered domestic partnerships from 2010 forward. The name on the records prior to these dates cannot be amended because names taken after the marriage or registered domestic partnership are not on those records.

The Center for Health Statistics has no way of knowing how many individuals will choose to amend their record. Since 2008, 106,476 couples entered into a marriage or registered domestic partnership. If we estimate that five percent of those couples decide to amend their legal name taken after marriage, we would have over 5,000 amendments. This amendment process would result in a workload increase for the Center for Health Statistics.

As the amendment process written in the bill, the integrity of these vital records could be compromised. First, these records are held independently at the county and the state. Amendments must occur at both locations for integrity of the records, especially when needed in establishing identity. Second, there is concern that legal names could be changed numerous times within the structure outlined in Senate Bill 406. It is not clear when a court order is needed to change the names other than variance from the name structure. Therefore, a person could use the amendment process to change their legal name numerous times and then use the different records to establish different identities. To minimize the potential of compromising the integrity of these records, we recommend that the name be amended only once. Any additional amendments should require a court order. Currently, this limitation is already in rule for birth and death records.

Thank you for allowing me to testify on Senate Bill 406. If there are any further questions, I will be pleased to be a resource to the committee.