

House Bill 2853

Sponsored by COMMITTEE ON JUDICIARY

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 **as introduced**.

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

A BILL FOR AN ACT

1
2 Relating to name change after entering into certain legal relationships; amending ORS 106.100,
3 106.220, and 106.335.

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

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

6 106.220. (1) Upon entering into marriage, either party may:

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

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

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

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

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

15 *[(2)]* (4) The name of each party after marriage as indicated on the application, license and re-
16 cord of marriage shall become the sole legal name of each party after marriage. If a party indicates
17 a name change other than as described in subsection (1) **or** (2) of this section, the party shall re-
18 quest approval of the court pursuant to ORS 33.410.

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

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

22 106.100. (1) The county clerk who issues the marriage license shall maintain records relating to
23 marriages licensed in the county. The records must include the names of the parties **after**
24 **marriage**, the consent of the parent or guardian, if any, the name of the affiant **under ORS 106.050,**
25 **if required**, the substance of the affidavit upon which the license issued and the date of the license.

26 (2) Upon return of the completed application, license and record of marriage under ORS 106.170,
27 the county clerk shall add the date of the marriage ceremony to the clerk's records maintained un-
28 der subsection (1) of this section and file the completed application, license and record of marriage.
29 Except as provided in ORS 205.320, the county clerk may not charge a fee for filing, recording or
30 indexing the application, license and record of marriage.

31 (3) The county clerk shall, upon completion of the requirements of this section and ORS 106.077,

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 deliver the original completed application, license and record of marriage to the Center for Health
2 Statistics as required under ORS 432.405.

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

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

7 106.335. (1) Upon entering into a domestic partnership, either party to the domestic partnership
8 may:

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

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

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

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

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

17 ~~[(2)]~~ (4) The name of each party after domestic partnership as indicated on the Declaration of
18 Domestic Partnership shall become the sole legal name of each party after domestic partnership. If
19 a party indicates a name change other than as described in subsection (1) **or** (2) of this section, the
20 party shall request approval of the court pursuant to ORS 33.410.

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

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