

**A-Engrossed**  
**Senate Bill 406**

Ordered by the Senate March 8  
Including Senate Amendments dated March 8

Sponsored by Senator SHIELDS (Pre-session filed.)

**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.

Expands options for name after marriage or after entering into registered domestic partnership. *[Allows amendment of name for marriages and registered domestic partnerships entered into before effective date of Act. Requires State Registrar of Center for Health Statistics to provide standard form to amend name after marriage. Requires Oregon Health Authority to provide form to amend name after entering into registered domestic partnership.]*

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to names after entering into certain legal relationships; amending ORS 106.100, 106.220 and  
3 106.335; and declaring an emergency.

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 **middle name, if any, and** surname prior to the marriage; *[or]*

8 (b) **Retain the party's middle name, if any, and** change the party's surname to the surname  
9 of the other party; *[or]*

10 (c) **Either retain or remove the party's middle name, if any, and change the party's sur-**  
11 **name** to a *[hyphenated]* combination of *[the surnames of both parties]* **one or more of the sur-**  
12 **names, or names within the surnames, of either or both parties, with or without a hyphen;**

13 (d) **Change the party's middle name, if any, to the party's surname at birth or prior to**  
14 **the marriage***[. If a party requests a surname change under this section, that party may also change*  
15 *the party's middle name to the party's surname prior to the marriage.]*; **or**

16 (e) **Add to the party's middle name, if any, the party's surname at birth or prior to the**  
17 **marriage and change the party's surname to the surname of the other party.**

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

20 *[(2)]* (3) The name of each party after marriage as indicated on the application, license and re-  
21 cord of marriage shall become the sole legal name of each party after marriage. If a party indicates  
22 a name change other than as described in subsection (1) of this section, the party shall request ap-  
23 proval of the court pursuant to ORS 33.410.

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

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

**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.

1 106.100. (1) The county clerk who issues the marriage license shall maintain records relating to  
2 marriages licensed in the county. The records must include the names of the parties **before and**  
3 **after marriage**, the consent of the parent or guardian, if any, the name of the affiant, the substance  
4 of the affidavit upon which the license **was** issued and the date of the license.

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

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

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

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

17 106.335. (1) Upon entering into a domestic partnership, either party to the domestic partnership  
18 may:

19 (a) Retain the party's **middle name, if any, and** surname prior to the domestic partnership;  
20 [or]

21 (b) **Retain the party's middle name, if any, and** change the party's surname to the surname  
22 of the other party; [or]

23 (c) **Either retain or remove the party's middle name, if any, and change the party's sur-**  
24 **name** to a [hyphenated] combination of [the surnames of both parties] **one or more of the sur-**  
25 **names, or names within the surnames, of either or both parties, with or without a hyphen;**

26 (d) **Change the party's middle name, if any, to the party's surname at birth or prior to**  
27 **the domestic partnership**[. *If a party requests a surname change under this section, that party may*  
28 *also change the party's middle name to the party's surname prior to the domestic partnership.*]; **or**

29 (e) **Add to the party's middle name, if any, the party's surname at birth or prior to the**  
30 **domestic partnership and change the party's surname to the surname of the other party.**

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

33 [(2)] (3) The name of each party after domestic partnership as indicated on the Declaration of  
34 Domestic Partnership shall become the sole legal name of each party after domestic partnership. If  
35 a party indicates a name change other than as described in subsection (1) of this section, the party  
36 shall request approval of the court pursuant to ORS 33.410.

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

39 **SECTION 4. This 2013 Act being necessary for the immediate preservation of the public**  
40 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
41 **on its passage.**