

# Enrolled Senate Bill 406

Sponsored by Senator SHIELDS; Representative FREDERICK (Presession filed.)

CHAPTER .....

AN ACT

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

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

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

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

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

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

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

~~[(2)]~~ (3) 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) of this section, the party shall request approval of the court pursuant to ORS 33.410.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Passed by Senate March 12, 2013**

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House May 29, 2013**

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Tina Kotek, Speaker of House

**Received by Governor:**

.....M,....., 2013

**Approved:**

.....M,....., 2013

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John Kitzhaber, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2013

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Kate Brown, Secretary of State