



Oregon Association of County Clerks

oacclerks.org

Contact: Rob Bovett
OACC Legal Counsel
oaccrob@gmail.com
541-270-7414

February 16, 2023

Written Testimony before the House Rules Committee in Support of House Bill 2032

Dear Chair Lieber, Vice-Chair Knopp, and Senators Hansell, Manning, and Steiner,

The Oregon Association of County Clerks (OACC) urges you to support House Bill 2032, which passed by a vote of 51 to 8 in the House.

In short, HB 2032 would remove the requirement that a Domestic Partnership be between two persons of the same sex.

Following a [ruling](#) by an Oregon federal court that same sex couples have a constitutional right to Equal Protection under the law, the Oregon legislature enacted Domestic Partnerships for same sex couples, with the same privileges and immunities as Marriage.

Following the later [ruling](#) by the United States Supreme Court that same sex couples have the right to marry as a matter of both Due Process and Equal Protection, same sex couples in Oregon now have the options of a Domestic Partnership or Marriage, both with the same legal effect.

However, Oregon County Clerks are now finding that some opposite sex couples also want those same two choices – some wanting to be able to enter into a Domestic Partnership rather than a Marriage for their own reasons, since both have the same legal effect. The Clerks would like to offer that option as well.

Some additional points to consider:

- The passage of HB 2032 would create a standardized process that would better serve all of our constituents.

- Currently, non-same-sex couples are not allowed access to the government-based Domestic Partnership Registry. These couples are often required to jump through several different hoops in order to be considered Domestic Partners, usually for the purpose of obtaining health insurance with the organization for which they work.
- By providing a standardized process across the State of Oregon for every couple wishing to register their Domestic Partnership, Oregon will be providing uniform guidance to employers and couples for the registration and path needed to verify the status of these couples.
- The current statutes governing the Domestic Partnership Registration process, namely ORS 106.300 to 106.340, extend only to same-sex couples. By removing the specificity of whom these rights are granted in the law, Oregon would thereby extend the right to a Domestic Partnership and/or Marriage to all of our citizens through the removal of exclusionary language. Opening this process to the full spectrum of couples will remove the same-sex requirement currently placed on couples and the government officials that administer the current Domestic Partnership Registration process.
- The Domestic Partner Registry, exists separate from Marriage License Records. Couples that have entered into a Domestic Partnerships can enter into Marriage ONLY if the same two persons present themselves for Marriage. Persons who have entered into a Domestic Partnership who then seek to enter into Marriage with another person, must first complete a Dissolution of the Domestic Partnership through the Oregon Court System.
- Other considerations: The required steps and documentation for entering into a Domestic Partnership versus Marriage are different. Therefore, it would not be seamless nor recommended that the government custodians of these records combine the Domestic Partner registry with the Marriage License Records repository.

Please join OACC in supporting HB 2032 to make both options available to all couples.