

BILL BRADBURY
SECRETARY OF STATE



JOHN LINDBACK
DIRECTOR

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ELECTIONS — (503) 986-1518

March 3, 2008

To All Interested Parties:

Secretary of State Bill Bradbury is responsible for the pre-election review of proposed initiative petitions for compliance with the procedural constitutional requirements established in the Oregon Constitution for initiative petitions. This review will be completed before approving the form of the cover and signature sheets for the purpose of circulating the proposed initiative petition to gather signatures.

The Secretary of State is seeking public input on whether proposed initiative petition (#144), satisfies the procedural constitutional requirements for circulation as a proposed initiative petition. Petition #144 was filed in our office on February 29, 2008, by Fred Girod and Sal Esquivel, for the General Election of November 4, 2008.

Enclosed is a copy of the text of this proposed initiative petition. If you are interested in providing comments on whether the proposed initiative petition meets the procedural constitutional requirements, please write to the secretary at the Elections Division in the State Capitol. Your comments, if any, must be received by the Elections Division no later than March 24, 2008, in order for them to be considered in the review.

BILL BRADBURY
Secretary of State

BY:

Summer Davis
Compliance Specialist

AN ACT BEFORE THE PEOPLE OF OREGON

HOUSE BILL 2007 ENACTED BY THE OREGON LEGISLATIVE SESSION, AS CHAPTER 99 OREGON LAWS 2007, IS HEREBY REPEALED, AND AMENDS ORS 107.615, ORS 192.842, ORS 205.320, ORS 409.300, ORS 432.235, AND ORS 432.405.

SUMMARY

Repeals provisions of Chapter 99, Oregon Laws, 2007.

Provides that same-sex relationships, civil unions or domestic partnerships do not grant to an individual the privileges, immunities, rights, and benefits granted by law through marriage to individuals. Further provides that any responsibility imposed by law on individual who is or was married is not imposed on individual who is or was in civil union.

Applies to same-sex domestic partnerships whether entered into before, on, or after effect date of Act.

Effective on passage.

A BILL FOR AN ACT

Relating to same-sex relationships; Repealing provisions of Chapter 99, Oregon Laws, 2007.

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

SECTION 1. Chapter 99, Oregon Laws, 2007, Sections 1 to 9 are repealed.

SECTION 2. ORS 107.615(1) is amended to read:

107.615. (1) The governing body of any county may impose a fee up to \$10 above that prescribed in ORS 205.320 (5) for [*issuing*] a marriage license [*or registering a Declaration of Civil Union*].

SECTION 3. ORS 192.842(4) is amended to read:

192.842. (4) A county clerk shall accept the substitute address of the program participant as the address of the applicant for the purpose of issuing a marriage license under ORS 106.041 [*or registering a Declaration of Civil Union under section 6 of this 2007 Act*].

SECTION 4. ORS 205.320 (5) is amended to read:

205.320. In every county there shall be charged and collected in advance by the county clerk, for the benefit of the county, the following fees, and no more, for the following purposes and services:

(5) For taking an affidavit for and making and issuing a marriage license and registering the return of the license, [*or for taking an affidavit for and registering a Declaration of Civil Union,*] \$25.

SECTION 5. ORS 409.300 (2) is amended to read:
409.300.

(2) All moneys received by the Director of Human Services under ORS 106.045 (2) [*or section 7 of this 2007 Act*] and any other funds allocated for expenditure under ORS 409.292 shall be credited to the Domestic Violence Fund.

SECTION 6. ORS 432.235 (7) is amended to read:
432.235.

(7) When an amendment is made to a certificate [*of*] **for a marriage** [*or to a Declaration of Civil Union*] by the local official issuing the marriage license [*or registering the declaration*], copies of the amendment shall be forwarded to the state registrar.

SECTION 7. ORS 432.405 is amended to read:

432.405. (1) A record of each marriage performed [*and civil union registered*] in this state shall be filed with the Center for Health Statistics and shall be registered if it has been completed and filed in accordance with this section and rules adopted by the State Registrar of the Center for Health Statistics.

(2) The county clerk or county official who issues the marriage license [*or registers the Declaration of Civil Union*] shall prepare the record in the form prescribed or furnished by the state registrar upon the basis of information obtained from the parties [*to be married*].

(3) Each person who performs a marriage ceremony shall certify the fact of marriage and return the record to the official who issued the license within 10 days after the ceremony.

(4) Every official issuing marriage licenses [*or registering Declarations of Civil Union*] shall complete and forward to the Center for Health Statistics on or before the 10th day of each calendar month the records of marriages returned to such official during the preceding calendar month [*and the records of Declarations of Civil Union registered during the preceding calendar month*].

(5) A marriage [*or civil union*] record not filed within the time prescribed by this section may be registered in accordance with rules adopted by the state registrar.

SECTION 8. Same-sex domestic partnerships, relationships, and civil unions shall not grant individuals the privileges, immunities, rights, and benefits granted by law through marriage to individuals whether the same-sex domestic partnership, relationship, or civil union was entered into before, on, or after the date of this Act.

SECTION 9. If any provision of this act, or the application of that provision to any person or circumstance, is declared invalid by a court of competent jurisdiction, the remainder of this act, or the application of that provision to any persons or circumstances other than those as to which it is held invalid, is not affected thereby.

SECRETARY OF THE STATE
JILL BROOKHUIS

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