



October 24, 2017

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TO: County Registrars & Deputy County Registrars

FROM: Jennifer A. Woodward, Ph.D.
State Registrar
Center for Health Statistics

RE: Instructional Memo (2017-10)
County and Deputy County Registrar Roles and Responsibilities

This Instructional Memo is a supplement to Instructional Memo (2016-06) and **does not** replace Instructional Memo (2016-06).

Oregon has a statewide vital statistics system. This means the state registrar is responsible ensuring that all laws and regulations are followed throughout the state. The state registrar works cooperatively with county vital records offices to provide secure records and consistent service across the state. To support these goals, Oregon law requires county registrars and deputy registrars to comply with all instructions of the state registrar. ([ORS 432.035](#))

While the great majority of vital records requirements are in statute (*Chapter 432 – Vital Statistics*) and administrative rule (*Chapter 333, Division 11*), procedures or other instructions supported by law are sometimes needed. These procedures are shared through Instructional Memos (IM) such as this one.

The purpose of this Instructional Memo is to clarify the roles and responsibilities of the county registrar and deputy county registrar. According to ORS 432.035, “the state registrar shall designate for each county a government employee or, to the extent allowed under state and federal law, an employee of a local public health authority as defined in ORS 431.003, to act as a county registrar.” Current law, ORS 431.003(7), defines a local public health authority as one of the following:

- (1) A county government;
- (2) A health district formed under ORS 431.443; or
- (3) An intergovernmental entity that provides public health services pursuant to an agreement entered into under ORS 190.010 (5).

Therefore, the state registrar may only appoint a county registrar who is a government employee since the definition of local public health authority only includes governmental entities.

ORS 432.035 also states that the county registrar, in consultation with the state registrar, can designate one or more deputy county registrars. In designating deputy county registrars, county registrars must:

- have sufficient contact with deputy county registrars to ensure compliance with ORS 432 Vital Statistics and OAR 333 Division 11;
- meet all compliance standards related to:
 - Notification and approval of County and Deputy County Registrars
 - Registration of death records
 - Completion of voluntary acknowledgment of paternity forms
 - Confidentiality of records
 - Issuance of certified copies of birth and death records
 - Collection of fees
 - (Physical) Security of documents
 - Penalties; and
- have sufficient control over the operations needed to meet the standards above. These compliance standards are included in the vital records review tool, IM 2016-06 and are supported by ORS 432 and OAR 333 Division 11.

If the county registrar can meet these standards and ensure that a deputy county registrar can meet the compliance standards above, the county registrar may appoint an employee of a non-governmental entity to act as a deputy county registrar. If a county registrar appoints an individual who is not a government employee as a deputy county registrar, the county registrar must have a legally binding agreement in place with the deputy county registrar or the entity for which the deputy works, requiring compliance with applicable vital records laws and state registrar instructions.

In sum, county registrars must be government employees. However, if the county registrar can ensure compliance of all operations of the county vital records office, the county registrar may designate deputy county registrars who are not employees of a government entity. The county registrar, and presumably their government office, is legally responsible for all operations at the county vital records office.

The state registrar will approve in writing county registrar appointments by issuing commission certificates annually or when staff transitions occur.

County registrars must consult with the state registrar prior to the appointment of any deputy county registrars and must provide notice to the state registrar of the appointment or removal of any deputy county registrar.