

Chapter 21

2023 Regular Session

Subject Uniform Electronic Wills Act

Bill H.F. 244

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Overview

The Uniform Electronic Wills Act is model legislation from the Uniform Laws Commission that allows a will to be done electronically, instead of in writing. While other financial documents can be completed using electronic signatures and electronic notaries, wills have typically been expressly excluded from those laws. This act allows a will to be witnessed and where allowed, notarized and completed electronically. A Uniform Electronic Wills Act has been enacted in Colorado, North Dakota, Washington, and Utah.

Summary

Section	Description
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1	General definitions.
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Adds definitions for terms to the probate code including:

- “electronic will” which means a will in an electronic format that can be verified that it is unaltered;
- “presence” which means being in a physical location to see and hear the testator, or communicating through electronic means in a way that sight and sound are similar to being in-person;
- “signed” means signing by applying a mark or signature or affixing a writing with an electronic symbol, signature, or mark to execute a will;
- “will” has the term “electronic will” added to it;
- “witnessing” which means watching someone sign or acknowledge the signing of a will in the presence of the testator; and
- “writing” or “written instrument or statement” are added to mean any permanent record that is readable as text at the time of signing and retrievable in a tangible medium or electronically.

2	Self-proved will.
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Makes technical changes to allow a will to be self-proving when it is signed in the presence of another person, which may include allowing the person to communicate

Section	Description
	through electronic means if they can see and hear another person. A self-proved will allows for proof that two witnesses saw the signing of the will and is an affidavit that the testator is of sound mind and signed by a notary.
3	Choice of law as to execution. Conforming changes; removes the term written in relation to the execution of a will.
4	Revocation by writing or by act. Conforming changes related to the revocation of a will.
5	Certification of a paper copy. Allows a person to create a certified paper copy of an electronic will, which must include the self-proving affidavit if the will is self-proving. This section allows a certified paper copy to be used as an original will.



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