

Subject Uniform Electronic Estate Planning Documents Act

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Overview

This bill adopts the Uniform Laws Commissions Uniform Electronic Estate Planning Documents Act to allow estate planning documents like trusts, power of attorney, health care directives, and documents for guardianship and probate to be electronic. This uniform law has been adopted by six states. This is similar to a law passed in 2023, chapter 21, that allowed an electronic will as the Uniform Electronic Wills Act.

Summary

Section	Description
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| 1 | Title.
Allows a new chapter 533 to be cited as the “Uniform Electronic Estate Planning Documents Act.” |
| 2 | Definitions.
Provides definitions for terms used in the chapter including “electronic presence,” “electronic record,” “electronic signature,” “security procedure,” and “nontestamentary estate planning document” which includes most estate planning documents like a power of attorney or health care directive but not wills. |
| 3 | Construction.
Provides that the chapter should be construed by the courts to allow electronic estate planning documents to work with other laws and be consistent with reasonable practices concerning electronic documents and signatures. |
| 4 | Scope.
Provides that the chapter applies to estate planning documents and signatures on those documents except when the document is not allowed to be an electronic record or signature, and provides that this chapter does not affect the validity of an |

Section	Description
	electronic record or signature allowed under the Uniform Electronic Transactions Act, the Uniform Probate Code, or the Minnesota Real Property Electronic Recording Act.
5	Principles of law and equity. Provides that existing laws of the state apply to electronic estate planning and probate documents allowed under this chapter except where those laws are modified by this chapter.
6	Use of electronic record of signature not required. Provides that a person does not have to have an electronic record or signature to create any of the estate planning documents or probate documents referenced in this chapter and that the documents may still be paper documents and be valid under the law.
7	Recognition of electronic nontestamentary estate planning document and electronic signature. Prohibits rejecting an electronic version of an estate or probate document, or one signed electronically, simply because it was electronic. This section also allows documents (other than a will) to be an electronic writing and use an electronic signature unless expressly prohibited by another law of this state.
8	Attribution and effect of electronic record and electronic signature. Provides that using secure Internet procedures can be used to attribute the document and signature to a person, and attribution can be based on context and surrounding circumstances at the time of its creation or execution.
9	Notarization and acknowledgement. Allows a notary to appear virtually and execute the document virtually through electronic signature.
10	Witness and attestation. Allows individuals to witness estate and probate documents in this chapter electronically and appear in the presence of a witness electronically.
11	Retention of electronic record; original. Allows estate and probate documents under this chapter to be retained and filed as electronic documents if it accurately reflects the information in the document as it was first generated and appears that way in the final electronic record and remains accessible as required by law. This section also provides that a document retained as an electronic record satisfies other laws that require a form to be retained in their original form.

Section	Description
12	<p>Certification of paper copy.</p> <p>Allows an individual to make a certified paper copy of an electronic estate or probate planning document by affirming under penalty of perjury that a paper copy is a true and accurate copy of the document. This section also provides that a document is presumed to be a true and accurate copy of the executed electronic record, absent clear and convincing evidence to the contrary, and must be given the same effect as the original document.</p>
13	<p>Admissibility in evidence.</p> <p>Requires evidence that is electronic, including the document or signature, not be excluded as evidence solely because its in electronic form.</p>



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