



WHY YOUR STATE SHOULD ADOPT THE UNIFORM ELECTRONIC WILLS ACT

Under traditional state laws, a person's last will and testament is only valid if written on a tangible material (usually paper), signed by the testator, and signed by two witnesses. These traditional execution requirements prevent courts from recognizing and enforcing the terms of electronic wills, an anomaly in the internet age when electronic legal documents and signatures are common.

- ***The Uniform Electronic Wills Act modernizes the law.*** Under the Uniform E-Wills Act, a state's probate courts will recognize a person's electronic will if it is executed in compliance with the law and the court determines the will is valid.
- ***The Uniform Electronic Wills Act will encourage more people to make a will.*** Fewer than half of Americans make a will, and too many of those who do never sign it. The Uniform E-Wills Act will encourage will completion by eliminating the need for an in-person meeting to sign the documents. It will also allow qualified professionals to offer online estate planning services to persons who might not otherwise make a plan.
- ***The Uniform Electronic Wills Act is fair and impartial.*** The Uniform E-Wills Act is technology-neutral, promoting competition and consumer choice by allowing any qualified person or company to offer online estate planning. It simply modernizes and adapts existing Wills Act requirements, without prescribing the use of specific technologies. The law will not need amendments to accommodate future technological advances.
- ***The Uniform Electronic Wills Act solves interstate recognition problems.*** Consider the following example based on actual conflicting state laws: State A allows residents of *other* states to make a will online using a company based in State A. State B passes a law invalidating wills made online under the law of another state. If a resident of State B makes a will online under the law of State A and later dies in State B, the resident's estate plan will be deemed invalid. The Uniform E-Wills Act provides a reasonable, reciprocal rule to solve the problem: States adopting the Uniform E-Wills Act will recognize a will created under the law of another state if the testator was either (1) physically located in, or (2) a resident of, the other state at the time the will was signed.

For further information about the Uniform Electronic Wills Act, please contact ULC Chief Counsel Benjamin Orzeske at (312) 450-6621 or borzeske@uniformlaws.org.