

**Meeting Notes
Oregon Law Commission
Workgroup on Electronic Wills
May 18, 2026**

I. Call to Order

In Attendance: Lane Shetterly, Eric Foster, Victoria Blachly, Heather Gilmore, Stephanie Carter, Theresa Hollis, Andrea Mayer, Jeff Petty, Larianna Erland, Kris Kolta, Channa Newell, Tara Hendison, Matt Schrupf, Carol Moreno Cifuentes, Susan Cook

Staff: Amy Zubko, Jared Ramsey

Lane Shetterly opened the meeting by explaining that the plan was to take all of the group's learning on technology and processes from previous meetings and apply it to the LC 4792 draft from the beginning.

Lane noted that there may still be reservations about electronic wills, but the group's task was to get a workable draft back to the full Commission.

II. Discussion

Section 1: The group went section by section through LC 4792 noting no issues with Section 1.

Section 2: As the overall plan is to incorporate electronic wills into existing Oregon law, the group opted to remove a definition of "will" from Section 2. The group also noted some concern with the phrase "real time," but decided it was acceptable given that it is used in other statutes such as those regarding remote notarization.

Section 3: The group left Section 3 to the drafter's preference, with a possibility of removing "principles of equity" if the section were to be included as this phrase is not part of existing will law.

Section 4: The group decided Section 4 should simply conform with existing law (ORS 112.255).

Section 5: Section 5 garnered more extensive discussion beginning on subsection 1(c)(A). The group found the initial language referring to residence and physical location in a state odd and wondered if existing standards covered this already. Matt Schrupf pointed out that the different explanation was necessary because with physical wills the witnesses are necessarily in Oregon with the testator. Victoria Blachly clarified that the different standard was also to maintain jurisdiction over witnesses and to assuage concerns of fraud and abuse. Matt also wondered about the lack of a testator location requirement. The group agreed that it would be important to allow individuals to execute Oregon wills regardless of their location. In the end, the group was satisfied with the language in subsection 1(c)(A), but had concerns about notaries substituting as witnesses in subsection 1(c)(B). Eric Foster noted that a notary acting as a single witness would contradict the group's intention to maintain the current standard of two witnesses. Heather Gilmore added that the charge of a notary is to verify someone's identity, not to evaluate competency or willingness. The group decided to remove subsection 1(c)(B). The group also elected to strike subsection 2, noting that it had similarities with the harmless error discussed in Section 6.

Section 6: The group had previously leaned toward removing Section 6 due to general hesitancy on the concept of harmless error as applied to electronic wills. If that were still the intent, the group pointed out a possible need to state explicitly that this doctrine (ORS 112.238) does not apply to electronic wills. Several group members voiced concern for a complete removal of harmless error. Matt Schrupf pointed out that there could be many failed wills because someone knew they were allowed to create an electronic will, but failed to meet a

specific detail that harmless error would normally allow. Andrea Meyer added that the standard of “clear and convincing evidence” is a high one, so we should leave harmless error in and trust in the courts to work it out. Other group members reiterated previous concerns of fraud and the importance of formal steps for something as significant as a will. The group took an informal vote, was left split on the issue, and hoped to ask about the experiences of other states in this area at the next meeting.

Section 7: For Section 7, the group discussed what a “physical act” would be when it comes to revoking an electronic will. There was some back and forth about including this section, but the group ultimately decided to have the drafter to ensure that this section conforms with ORS 112.285 whether by editing or removing it.

Section 8: The group began discussing Section 8, but it was apparent that more detailed discussion would be required so it was tabled for the next meeting.

III. Scheduling

The workgroup will meet again on June 22nd with the goal of completing discussion on the rest of the sections of LC 4792, and finalizing the group’s position on Section 6. The hope is to have made all final decisions to provide a proper framework to the drafter, Lori Anne Sills.