

Meeting Notes
Oregon Law Commission
Electronic Wills 2026-2027 Work Group
June 22, 2026

I. Call to Order

Attendees for this meeting were Amy Zubko, Lane Shetterly, Andrea Meyer, Eric Foster, Lori Anne Sills, Matt Schrumpf, Jeff Petty, Heather Gilmore, Susan Cook, Theresa Hollis, Kris Kolta, Ben Orzeske, Chana Newell, and Gracie Schweitzer.

II. Discussion

Mr. Shetterly began the discussion by informing the group they would pick up with the topic they ended with during the previous meeting: harmless error. It was discussed that more research was needed before having an informed discussion and that the topic would be addressed during the next meeting. Mr. Shetterly also informed the group that the goal is to finish with the first full run through of the bill by the end of the next meeting.

The group addressed § 7 of the Uniform Electronic Wills Act [hereinafter Uniform Act] that deals with revocation of electronic wills. Mr. Shetterly shared with the group what he learned from comments on the Uniform Act pertaining to deleted electronic wills. The group noted the comments' focus on the intention of the testator and that they would be relying on the comments for the Uniform Act to guide interpretation of what Oregon enacts.

The group then moved on to § 8 regarding self-proving electronic wills. After discussion of the mechanics of the process, described below, the work group members identified an overarching

issue, which is whether the group should permit witness affidavits as an alternative to live testimony when it comes to proving electronic wills in court. Members of the group discussed whether the commission should add the process of self-proving as a basic requirement for electronic wills. Section 5 outlines the basic requirements of an electronic will, but the group recognized that a simultaneous self-proving process would not be required by the Uniform Act to create a validly executed will. There was debate within the group of whether an electronic will could become a self-proving will after proper execution, similar to how paper wills are able to become self-proving, in a sense, after the fact. Some work group members then brought up their own concerns about increased risks of fraud with electronic wills, stating that requiring simultaneous self-proving and execution of the electronic will would increase the guarantee of authenticity. Some members also mentioned that simple estate probate requires self-proving wills and it would be wrong not to include such a requirement in the proposed bill. Discussion about what self-proving wills actually are, and when previously executed wills can be later made self-proving, continued. The group agreed that under the Uniform Act, electronic wills are not permitted to be made self-proving after execution, that a new will must be executed in order to make it self-proving. It was also noted that “self-proving” is not a term used in Oregon statutes. The discussion then centered around concerns of fraud. The group wrapped up the discussion pertaining to § 8 by reiterating that the Uniform Act does not permit already executed electronic wills to be made self-proving and live testimony is required when proving electronic wills in court. However, there are no such restrictions for paper wills. A consensus vote was taken for whether the group wanted to permit witness affidavits for proving electronic wills in court, rather than only permitting live testimony.

Mr. Shetterly then moved the group to § 9 in the last 10 minutes of the meeting. This section pertains to filing requirements in court. It was mentioned that the court first requires a PDF version of a will and then parties must later provide the original version. The point was made that printing out an electronic will after providing an online copy would be redundant.

III. Scheduling

Mr. Shetterly stated the work group would use the next meeting to wrap up discussions on § 9, with a focus on documentation submitted to the court system, harmless error, and a discussion of questions shared by Legislative Counsel. Amy Zubko informed the group that the next meeting would be July 27th at 10am.