

**Oregon Law Commission
Electronic Wills Work Group
July 27, 2026
Harmless Error State Review**

Overview

The Oregon Law Commission's Electronic Wills work group has discussed an optional provision in the Uniform Law Commission's Uniform Electronic Wills Act, specifically Section 6 of the Act (also Section 6 of LC 4792). According to the commentary on the UEWA, eleven states have adopted Harmless Error. The Uniform Act provides two versions of Section 6 depending on whether a state would like to adopt this concept.

Oregon Law Commission staff reviewed the states that have adopted the UEWA to see whether they had included harmless error in the language adopted in their state.

State Review

Kentucky – SB 50 (2026)

- No harmless error found (ONLY strict compliance)
- § 35: Basic Requirements
 - o Signed by testator (or person at testator's direction)
 - o Witnessed by at least two (and signed)
- § 30: laws already in existence for paper wills and principles of equity apply to electronic wills except as modified by § § 32–40
- § 34: will executed electronically but not in compliance with § 35 is still an electronic will if executed in compliance with law of juris where testator is (physically when signed, domiciled)

Missouri –

- Harmless error not traditionally recognized
- SB 289 (474.540–747.564)
 - o 474.544: laws/statutes for paper wills and principles of equity apply to electronic wills except as modified by 474.540–474.564
 - o 474.548: Basic Requirements
 - Signed by testator in physical/electronic presence of at least 2 who sign as witnesses

Oklahoma – SB 468 (2024)

- No harmless error recognized in state

District of Columbia –

- § 18-906: Harmless Error
 - Not executed in compliance with § 18-905(a) is deemed to comply if the proponent of the record establishes by clear and convincing evidence that the decedent intended to record to be:
 - The decedent's will;
 - A partial or complete revocation of the decedent's will;
 - An addition or modification of the decedent's will; or
 - A partial of complete revival of the decedent's formerly revoked will or part of the will
 - Language incorporated in Ch. 9 Uniform Electronic Wills Act

Idaho – S 1092 (2023)

- No harmless error found

Minnesota – HF 244; SF 1030 (2023)

- I believe 524.2-503 applies to electronic wills
 - * HF 244 amends 524.1-201 (General Definitions) to:
 - Include electronic wills; and
 - “Will” includes electronic will, any codicil to a will or electronic will, and . . .
 - 524.2-503: Harmless Error
 - Treated as executed in compliance if the proponent of the document/writing establishes by clear and convincing evidence that decedent intended the doc/writing to constitute
 - The decedent's will;
 - A partial or complete revocation of the decedent's will;
 - An addition or modification of the decedent's will; or
 - A partial of complete revival of the decedent's formerly revoked will or part of the will

US Virgin Islands – 34-0155 (2022)

- 15 V.I.C. § 56 (2025)
 - Deemed to comply if the proponent of the document/writing establishes by clear and convincing evidence that decedent intended the doc/writing to constitute
 - The decedent's will;

- A partial or complete revocation of the decedent's will;
- An addition or modification of the decedent's will; or
- A partial or complete revival of the decedent's formerly revoked will or part of the will
- Adopted language of Uniform Electronic Wills Act

Colorado – HB 1004 (2021)

- All laws applicable to electronic wills except as modified by Pt 15
- 15-12-1507: Harmless Error
 - Section 15-11-503 applies to will executed electronically
 - **15-11-503: Writings Intended as Wills**
 - Treated as if executed in compliance if proponent of doc/writing establishes by clear and convincing evidence that decedent intended doc/writing to constitute:
 - The decedent's will;
 - A partial or complete revocation of the decedent's will;
 - An addition or modification of the decedent's will; or
 - A partial or complete revival of the decedent's formerly revoked will or part of the will

North Dakota – HB 1077 (2021)

- 30.1-37-02: Laws Applicable to Electronic Will
 - Electronic will is a will for all purposes of the law of this state
 - 30.1-08-02 Execution:
 - (2) a will that does not comply is valid as a holographic will . . .
 - (3) intent that a document constitute the testator's will can be established by extrinsic evidence, including, for holographic wills, portions of the document that are not in the testator's handwriting
- 30.1-37-04(2): intent of testator that the record under subdivision of section 1 be the testator's electronic will may be established by extrinsic evidence
- No clear harmless error statute/language

Washington – SB 5132 (2021)

- No harmless error, require strict compliance

Utah – HB 6001 (2020)

- 72-2-1407: Harmless Error
 - Section 75-2-503 applies to a will executed electronically

- 75-2-503: Writings Intended as Wills
 - Doc/writing is treated as if it had been executed in compliance if the proponent establishes by clear and convincing evidence that the decedent intended the doc/writing to constitute:
 - The decedent's will;
 - A partial or complete revocation of the decedent's will;
 - An addition or modification of the decedent's will; or
 - A partial or complete revival of the decedent's formerly revoked will or part of the will