

Meeting Notes

Oregon Law Commission

Electronic Wills Workgroup

September 14, 2026

I. Call to Order

In Attendance: Lane Shetterly, Eric Foster, Lori Anne Sills, Susan Cook, Tara Hendison, Kris Kolta, Lisa Udland, Jefff Petty, Jaime Weddle-Jones, Channa Newell, Heather Gilmore, Ben Orzeske, Matt Schrumpf, Amy Zubko

II. Discussion

a. Version Two and Execution Requirements

The group first reviewed the electronic-will execution requirements, which largely incorporate the Uniform Act language with changes previously discussed by the work group. The draft defines “electronic presence” using language like Oregon’s remote-notarization terminology, describing persons in different locations communicating simultaneously by sight and sound rather than using the phrase “in real time.”

The group then reviewed the provisions governing affidavits of attesting witnesses and self-proving electronic wills. The draft permits the court to rely on an affidavit executed with the will, while providing a notice and objection process when the affidavit is executed later or does not satisfy the statutory form.

The declaration and affidavit language was revised to distinguish the electronic will from the accompanying declaration and affidavit, including changing “I signed this instrument” to language referring to the “forgoing instrument.” The draft also omits a Uniform Act provision that would deem a signature on the declaration or affidavit to be a signature on the electronic will itself; after discussion of the provision’s purpose and its similarity to a limited harmless-error rule, no objection was voiced to leaving it out.

A question was raised about the meaning of “simultaneously,” particularly because whether documents are executed simultaneously affects the notice process. The discussion emphasized that the intended process involves the testator, witnesses, and notary participating together in a single execution ceremony, rather than completing the documents in separate sessions on the same day. The group agreed to use “contemporaneously” for now, with the drafter to conform the terminology throughout the draft.

b. Definitions and Conforming Amendments

The draft adds definitions for “electronic” and “electronic will” to the probate code and expressly includes an electronic will within the definition of “will.” Although the express reference to electronic wills may not be strictly necessary, the group agreed to leave it in for now.

The group also reviewed provisions addressing proof of an electronic will through a certified paper copy, execution and choice-of-law requirements, revocation by deletion, and petitions for probate without referring to an “original electronic will.” For simple estate affidavits, the draft would require the electronic will to satisfy the applicable self-proving requirements; an electronic will that is not self-proving would therefore not qualify for that process.

Additional conforming amendments address retention of wills by the Oregon State Bar, exclusion of electronic wills from Oregon’s harmless-error provision, and custody requirements for certified paper copies of electronic wills. The group agreed to leave the certified-paper-copy custody provision in the draft for now while recognizing that it may create additional questions and is not essential to the proposal. The group also discussed using “digitized” rather than “electronic” when referring to copies and adding a cross-reference to the probate-code definition of “electronic will” in the fiduciary access to digital assets provisions.

c. Integrated and Standalone Draft

Members expressed initial support for the organization of Version Two, but the choice between the integrated draft and the standalone Uniform Act remains open for further review. Updated versions of both drafts will be circulated before the next meeting so members can compare the two approaches.

The group discussed that incorporating the Uniform Act throughout existing statutes would omit the Act’s standard provisions directing courts to consider uniformity among adopting states. Possible alternatives included addressing the Uniform Act’s origin and the goal of uniform interpretation in the Oregon Law Commission report and legislative history.

III. Scheduling

The next work group meeting is scheduled for Monday, September 28, 2026, at 10:00 a.m.

IV. Open Questions

- The work group has not yet selected between the standalone and integrated versions of the proposal.

- The group will continue considering whether the current drafting adequately conveys the intended timing of execution and whether the certified-paper-copy custody provision creates unnecessary complexity.
- The appropriate method for preserving the Uniform Act's uniformity principle if Version Two is selected also remains under consideration.