

**Effective 8/31/2020**

**Part 14**  
**Uniform Electronic Wills Act**

**75-2-1401 Title.**

This part is known as the "Uniform Electronic Wills Act."

Enacted by Chapter 1, 2020 Special Session 6

**75-2-1402 Definitions.**

As used in this part:

- (1) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
- (2) "Electronic presence" means the relationship of two or more individuals in different locations communicating in real time to the same extent as if the individuals were physically present in the same location.
- (3) "Electronic will" means a will executed electronically in compliance with Subsection 75-2-1405(1).
- (4) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
- (5) "Sign" means, with present intent to authenticate or adopt a record:
  - (a) to execute or adopt a tangible symbol; or
  - (b) to affix to or logically associate with the record an electronic symbol or process.
- (6)
  - (a) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.
  - (b) "State" includes a federally recognized Indian tribe.

Amended by Chapter 310, 2025 General Session

**75-2-1403 Law applicable to electronic will -- Principles of equity.**

- (1) An electronic will is a will for all purposes of the law of this state.
- (2) The law of this state applicable to wills and principles of equity apply to an electronic will, except as modified by this part.

Enacted by Chapter 1, 2020 Special Session 6

**75-2-1404 Choice of law regarding execution.**

A will executed electronically but not in compliance with Subsection 75-2-1405(1) is an electronic will under this part if executed in compliance with the law of the jurisdiction where the testator is:

- (1) physically located when the will is signed; or
- (2) domiciled or resides when the will is signed or when the testator dies.

Enacted by Chapter 1, 2020 Special Session 6

**75-2-1405 Execution of an electronic will.**

- (1) Subject to Subsection 75-2-1408(4) and except as provided in Section 75-2-1406, an electronic will shall be:
  - (a) a record that is readable as text at the time of signing under Subsection (1)(b);
  - (b) signed:
    - (i) by the testator; or
    - (ii) in the testator's name by some other individual in the testator's conscious presence and by the testator's direction; and
  - (c) signed in the physical or electronic presence of the testator by at least two individuals within a reasonable time after witnessing:
    - (i) the signing of the will under Subsection (1)(b); or
    - (ii) the testator's acknowledgment of the signing of the will under Subsection (1)(b) or the testator's acknowledgment of the will.
- (2) Intent of a testator that the record under Subsection (1)(a) be the testator's electronic will may be established by extrinsic evidence.

Enacted by Chapter 1, 2020 Special Session 6

**75-2-1406 Harmless error.**

Section 75-2-503 applies to a will executed electronically.

Enacted by Chapter 1, 2020 Special Session 6

**75-2-1407 Revocation.**

- (1) An electronic will may revoke all or part of a previous will.
- (2) All or part of an electronic will is revoked by:
  - (a) a subsequent will that revokes all or part of the electronic will expressly or by inconsistency; or
  - (b) a physical act if it is established by a preponderance of the evidence that the testator, with the intent of revoking all or part of the will, performed the act or directed another individual who performed the act in the testator's physical presence.

Enacted by Chapter 1, 2020 Special Session 6

**75-2-1408 Electronic will attested and made self-proving at time of execution.**

- (1) An electronic will may be simultaneously executed, attested, and made self-proving by acknowledgment of the testator and affidavits of the witnesses.
- (2) The acknowledgment and affidavits under Subsection (1) shall be:
  - (a) made before an officer authorized to administer oaths under law of the state in which execution occurs, regardless of whether that officer is also a witness to the electronic will; and
  - (b) evidenced by the officer's certificate under official seal affixed to or logically associated with the electronic will.
- (3) The acknowledgment and affidavits under Subsection (1) shall be in substantially the following form:

I, \_\_\_\_\_, the testator, and, being sworn, declare to the undersigned officer that I sign this instrument as my electronic will, I willingly sign this instrument or willingly direct another individual to sign this instrument for me, I execute it as my voluntary act for the

purposes expressed in this instrument, and I am 18 years old or older, of sound mind, and under no constraint or undue influence.

\_\_\_\_\_  
Testator

We, \_\_\_\_\_ and \_\_\_\_\_, the witnesses, being sworn, declare to the undersigned officer that the testator signed this instrument as the testator's electronic will, that the testator willingly signed this instrument or willingly directed another individual to sign for the testator, and that each of us, in the physical or electronic presence of the testator, signs this instrument as witness to the testator's signing, and to the best of our knowledge the testator is 18 years old or older, of sound mind, and under no constraint or undue influence.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness  
officer:

Certificate \_\_\_\_\_ of \_\_\_\_\_  
State \_\_\_\_\_ of \_\_\_\_\_  
County \_\_\_\_\_ of \_\_\_\_\_  
Subscribed, sworn to, and acknowledged before me by \_\_\_\_\_, the  
testator, and subscribed and sworn to before me by \_\_\_\_\_  
and \_\_\_\_\_, witnesses, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Signed

Capacity of Officer

- (4) A signature physically or electronically affixed to an affidavit that is affixed to or logically associated with an electronic will under this part is deemed a signature of the electronic will under Subsection 75-2-1405(1).
- (5) To the extent that this section conflicts with Title 46, Chapter 1, Notaries Public Reform Act, this section supersedes Title 46, Chapter 1, Notaries Public Reform Act.

Enacted by Chapter 1, 2020 Special Session 6

**75-2-1409 Certification of paper copy.**

- (1) An individual may create a certified paper copy of an electronic will by affirming under penalty of perjury that a paper copy of the electronic will is a complete, true, and accurate copy of the electronic will.
- (2) If the electronic will is made self-proving, the certified paper copy of the will shall include the self-proving affidavits.

Enacted by Chapter 1, 2020 Special Session 6

**75-2-1410 Uniformity of application and construction.**

In applying and construing this part, consideration shall be given to the need to promote uniformity of the law with respect to the subject matter of this uniform act among states that enact this uniform act.

Enacted by Chapter 1, 2020 Special Session 6

**75-2-1411 Transitional provision.**

This part applies to the will of a decedent who dies on or after the effective date of this part.

Enacted by Chapter 1, 2020 Special Session 6