

3 The Uniform Electronic Wills Act

Today, many legal and financial documents are considered valid and enforceable when signed or notarized electronically. In Minnesota, wills have been an exception due to certain witness and signatory formalities which, until now, were required to occur physically, in writing.

On March 31, 2023, Governor Walz signed the Uniform Electronic Wills Act (the Act). The new law, which took effect on August 1, 2023, expands Minnesota's existing statutes in such a way that permits wills to be created, witnessed, and notarized electronically. Specifically, the Act defines an Electronic Will as "a will or codicil that (i) is created, signed, or maintained in an electronic, digital, magnetic, wireless, optical, electromagnetic, or other similar medium, (ii) is retrievable in perceivable form, and (iii) is capable of verification that the writing of the electronic will has not been altered after its signing."

In addition to modernizing the execution of wills and closing the disconnect between wills and other legal documents, the Act is intended to encourage more Minnesotans to create a will by making it more accessible and affordable to do so. While its provisions remain untested and largely undefined at this time, the Act is sure to provide new opportunities – and new challenges – in estate planning, administration, and litigation.