

Meeting Notes

Oregon Law Commission

Electronic Wills Work Group

August 24, 2026

I. Call to Order

In Attendance: Lane Shetterly, Eric Foster, Susan Cook, Heather Gilmore, Lori Anne Sills, Jeff Petty, Channa Newell, Ben Orzeske, Victoria Blachly, Silvia Camacho-Scyoc, Theresa Hollis, Tara Hendison, Kris Kolta, Andrea Meyer, Amy Zubko, Nora Robison

II. Discussion

The work group continued its discussion of LC 4792, focusing on follow-up questions related to Sections 8, 8a, and 9. The discussion began with a summary of the proposed electronic-will process. Section 8 was described as creating a “gold standard” for electronic wills: the testator signs the will, the witnesses simultaneously attest, and the witnesses sign an affidavit of attesting witnesses as part of a notarized process. The recording generated through remote notarization would provide evidence of the testator’s state of mind and the witnesses’ participation at execution.

The group discussed how an electronic will should be treated if it is otherwise validly executed but does not meet the gold-standard process. Under the proposed approach, an electronic will with two witnesses but without simultaneous execution of the affidavit of attesting witnesses would be treated differently from a gold-standard will. For those wills that do not meet the standard described above, notice would be provided to persons entitled to notice, and those persons would have 20 days to object before the will could proceed through probate. If an objection were made, the court would determine the will’s validity based on evidence.

The group also revisited harmless error. The prior tentative direction was not to incorporate harmless error into electronic wills in this bill. The discussion reflected concern that the proposal already breaks new ground and that adding harmless error could increase fraud concerns or create additional objections. It was suggested that Oregon may want to revisit the issue after electronic wills and harmless error have developed further.

The discussion then turned to Section 9 and the certification of electronic wills. The group discussed whether certification is a probate-filing requirement or simply a process for creating a certified paper copy if needed. There was discussion that Oregon courts can already receive PDF filings, but Oregon law and court practice still use the term “original will.” Several members

noted that the concept of an “original” is difficult to apply to electronic wills because multiple authentic electronic copies may exist. The group discussed whether Section 8 already gives an electronic will the status of an original will for probate purposes, while leaving any additional implementation details to court rule or related procedure.

The group discussed the relationship between validity and admissibility. Section 5 of LC 4792 addresses the validity of an electronic will, while ORS 113.055 and related provisions concern how a will is proved or admitted. Questions were raised about whether the bill should cross-reference ORS 113.055 more directly or instead integrate the electronic-will provisions into existing probate statutes. There was interest in seeking a clean draft that incorporates the group’s policy decisions, and possibly an alternate draft showing how the provisions would look if placed within the current probate code rather than as standalone sections.

The group also discussed remote attestation. For purposes of the next draft, the group proceeded on the understanding that remote attestation would be allowed for electronic wills. The discussion distinguished remote online notarization, also referenced as “RON,” from remote ink notarization (“RIN”). Remote online notarization was described as having fewer security concerns because the participants sign one electronic document during one recorded process, rather than assembling separate paper signature pages after the fact. The group discussed that, if witnesses are not physically present with the testator, the notary process would still record the relevant participants.

III. Scheduling

The next meeting is scheduled for September 14 at 2 p.m. The group was reminded that upcoming meeting times may vary and that the work group will meet twice in September as the legislative session approaches.