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SECTION 1. SHORT TITLE. This [act] may be cited as the Uniform Electronic Wills Act.	**None**	
SECTION 2. DEFINITIONS. In this [act]: (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 Section 5(a). (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) "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. The term includes a federally recognized Indian tribe. (7) "Will" includes a codicil and any testamentary instrument that merely appoints an executor, revokes or revises another	**None**	The Uniform Act defines "electronic presence" as 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.

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will, nominates a guardian, or expressly excludes or limits the right of an individual or class to succeed to property of the decedent passing by intestate succession.		
SECTION 3. LAW APPLICABLE TO ELECTRONIC WILL; PRINCIPLES OF EQUITY. An electronic will is a will for all purposes of the law of this state. The law of this state applicable to wills and principles of equity apply to an electronic will, except as modified by this [act].	**None**	The Uniform Act provides that State law on wills and principles of equity generally apply to an electronic will.
SECTION 4. CHOICE OF LAW REGARDING EXECUTION. A will executed electronically but not in compliance with Section 5(a) is an electronic will under this [act] 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.	**§ 31-46. Validity of will; which laws govern.** A will is valid if it meets the requirements of the applicable provisions of law in effect in this State either at the time of its execution or at the time of the death of the testator, or if any of the following apply: (1) The will's execution complied with the law of the jurisdiction in which the testator was physically present at the time of execution. (2) Its execution complied with the law of the place where the testator was domiciled at the time of execution or at the time of death. (3) It is a military testamentary instrument executed in accordance with the provisions of 10 U.S.C. § 1044d or any successor or replacement statute. (1953, c. 1098, s. 14; 2013-91, s. 1(g); 2019-178, s. 3(b).)	The Uniform Act provides that a will executed electronically but not in compliance with the Uniform Act is an electronic will if the will is executed in compliance with the law of the jurisdiction where the testator was (i) physically present at the time of execution or (ii) domiciled or resided at the time of execution or death. Current law similarly provides that a will is valid if the will's execution complied with the law of the jurisdiction where the testator was (i) physically located at the time of execution or (ii) domiciled at the time of execution or death. Current law also recognizes a military testamentary instrument.

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	§ 31-11.6. How attested wills may be made self-proved. … (d) Any will recognized as valid under G.S. 31-46(1) or (2) and shown by the propounder to have been made self-proved under the laws of the jurisdiction in which the testator was physically present at the time of execution or the place where the testator was domiciled at the time of execution or at the time of death shall be considered as self-proved.	Current law also provides that a will is self-proved if it was self-proved under the laws of the jurisdiction in which the testator was (i) physically located at the time of execution or (ii) domiciled at the time of execution or death.
SECTION 5. EXECUTION OF ELECTRONIC WILL. (a) Subject to Section 8(d)[and except as provided in Section 6], an electronic will must be: (1) a record that is readable as text at the time of signing under paragraph (2); (2) signed by: (A) the testator; or (B) another individual in the testator's name, in the testator's physical presence and by the testator's direction; and (3) [either: (A)] signed in the physical [or electronic] presence of the testator by at least two individuals[, each of whom is a resident of a state and physically located in a state at the time of signing and] within a reasonable time after witnessing: [(A)] [(i)] the signing of the will under paragraph (2); or [(B)] [(ii)] the testator's acknowledgment of the signing of the will under paragraph (2) or acknowledgement of the will[; or (B) acknowledged by the testator before and in the physical	**§ 31-3.3. Attested written will.** (a) An attested written will is a written will signed by the testator and attested by at least two competent witnesses as provided by this section. (b) The testator must, with intent to sign the will, do so by actually signing the will or by having someone else in the testator's presence and at the testator's direction sign the testator's name thereon. (c) The testator must signify to the attesting witnesses that the instrument is the testator's instrument by signing it in their presence or by acknowledging to them the testator's signature previously affixed thereto, either of which may be done before the attesting witnesses separately. (d) The attesting witnesses must sign the will in the presence of the testator but need not sign in the presence of each other. (1953, c. 1098, s. 2; 2011-344, s. 8.)	The Uniform Act requires the electronic will to be signed by the testator (or another individual in the testator's name, in the testator's physical presence, and at the testator's direction) and two witnesses to the testator's signing or the testator's acknowledgment of the signing. The witnesses must sign in the physical or electronic presence of the testator. The Uniform Act also has alternative language for states that allow notaries in lieu of witnesses. Current law requires a written will to be signed by the testator (or another individual in the testator's name, in the testator's presence, and at the testator's direction) and two witnesses to the testator's signing or the testator's acknowledgment

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[or electronic] presence of a notary public or other individual authorized by law to notarize records electronically]. (b) Intent of a testator that the record under subsection (a)(1) be the testator's electronic will may be established by extrinsic evidence.		of the signing. The witnesses must sign in the presence of the testator. Current law does not allow notaries in lieu of witnesses.
[SECTION 6. HARMLESS ERROR. **Alternative A** A record readable as text not executed in compliance with Section 5(a) is deemed to comply with Section 5(a) if the proponent of the record establishes by clear-and-convincing evidence that the decedent intended the record to be: (1) the decedent's will; (2) a partial or complete revocation of the decedent's will; (3) an addition to or modification of the decedent's will; or (4) a partial or complete revival of the decedent's formerly revoked will or part of the will. **Alternative B** [Cite to Section 2-503 of the Uniform Probate Code or comparable provision of the law of this state] applies to a will executed electronically. **End of Alternatives]**	**None**	The Uniform Act includes a provision modeled after Section 2-503 of the Uniform Probate Code that allows for a record not executed in compliance with the Act to be deemed to comply with the Act if the proponent of the record establishes by clear and convincing evidence that the decedent intended for the record to be the decedent's will (or a revocation, modification, or revival of a will). Current law does not include the Uniform Probate Code and does not appear to have a comparable provision.
SECTION 7. REVOCATION. (a) An electronic will may revoke all or part of a previous will. (b) All or part of an electronic will is revoked by: (1) a subsequent will that revokes all or part of the electronic	**§ 31-5.1. Revocation of written will.** A written will, or any part thereof, may be revoked only (1) By a subsequent written will or codicil or other revocatory writing executed in the manner provided herein for the execution of written wills, or	The Uniform Act provides that an electronic will may revoke a previous will and that an electronic will may be revoked by a subsequent will or by a physical act intended to

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will expressly or by inconsistency; or (2) 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.	(2) By being burnt, torn, canceled, obliterated, or destroyed, with the intent and for the purpose of revoking it, by the testator himself or by another person in the testator's presence and by the testator's direction. (1784, c. 204, s. 14; 1819, c. 1004, ss. 1, 2; 1840, c. 62; R.C., c. 119, s. 22; Code, s. 2176; Rev., s. 3115; C.S., s. 4133; 1945, c. 140; 1953, c. 1098, s. 3; 2011-344, s. 8.)	revoke it performed by the testator or by another individual at the testator's direction and in the testator's physical presence. Current law similarly provides that a written will may be revoked by a subsequent written will or by being destroyed with the intent to revoke it by the testator or by another person at the testator's direction and in the testator's presence.
SECTION 8. ELECTRONIC WILL ATTESTED AND MADE SELF-PROVING AT TIME OF EXECUTION. (a) An electronic will may be simultaneously executed, attested, and made self-proving by acknowledgment of the testator and affidavits of the witnesses. (b) The acknowledgment and affidavits under subsection (a) must be: (1) made before an officer authorized to administer oaths under law of the state in which execution occurs [or, if fewer than two attesting witnesses are physically present in the same location as the testator at the time of signing under Section 5(a)(2), before an officer authorized under [cite to Revised Uniform Law on Notarial Acts Section 14A (2018) or comparable provision of the law of this state]]; and (2) evidenced by the officer's certificate under official seal affixed to or logically associated with the electronic will. (c) The acknowledgment and affidavits under subsection (a) must	**§ 31-11.6. How attested wills may be made self-proved.** (a) Any will may be simultaneously executed, attested, and made self-proved, by acknowledgment thereof by the testator and affidavits of the witnesses, each made before an officer authorized to administer oaths under the laws of the state where execution occurs and evidenced by the officer's certificate, under official seal, in the following form, or in a similar form showing the same intent: "I, _____, the testator, sign my name to this instrument this ____ day of _____, ____ and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my last will and that I sign it willingly (or willingly direct another to sign for me), that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence. _____ Testator	The Uniform Act provides that an electronic will may be made self-proving at the time of execution by acknowledgement of the testator and affidavits of the witnesses before an officer authorized to administer oaths (e.g. notary). Similarly, current law provides that a will may be made self-proving at the time of execution by acknowledgement of the testator and affidavits of the witnesses before an officer authorized to administer oaths (e.g. notary). Current law also allows for a will to be made self-

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be in substantially the following form: I, _____, the testator, and, being sworn, declare to the (name) undersigned officer that I sign this instrument as my electronic will, I willingly sign it or willingly direct another individual to sign it for me, I execute it as my voluntary act for the purposes expressed in this instrument, and I am [18] years of age or older, of sound mind, and under no constraint or undue influence. _____ Testator We, _____ and _____, (name) (name) 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 it 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 of age or older, of sound mind, and under no constraint or undue influence. _____ Witness _____ Witness Certificate of officer: State of _____ [County] of _____ Subscribed, sworn to, and acknowledged before me by _____, (name) the testator, and subscribed and sworn to before me by _____ and (name) _____, witnesses, this _____ day of _____, ___. (name) (Seal) _____ (Signed) _____	We _____, _____, the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the testator signs and executes this instrument as his last will and that he signs it willingly (or willingly directs another to sign for him), and that each of us, in the presence and hearing of the testator, hereby signs this will as witness to the testator's signing, and to the best of our knowledge the testator is eighteen years of age or older, of sound mind, and under no constraint or undue influence. _____ Witness _____ Witness THE 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 _____ (SEAL) (SIGNED) _____ (OFFICIAL CAPACITY OF OFFICER)" (b) An attested written will executed as provided by G.S. 31-3.3 may at any time subsequent to its execution be made self-proved, by the acknowledgment thereof by the testator and the affidavits of the attesting witnesses, each made before an officer authorized to administer oaths under the laws of this State, and evidenced by the officer's certificate, under official seal, attached or annexed to the will in form and content substantially as follows: "STATE OF NORTH CAROLINA "COUNTY/CITY OF _____ "Before me, the undersigned authority, on this day personally appeared _____, and _____, known to me to be the testator and the witnesses, respectively, whose names are signed to the attached or foregoing instrument and, all of these persons being by me first duly sworn. The testator, declared to me and to the witnesses in my presence: That said instrument is his last will; that he had willingly signed or directed another to sign the same for him, and executed it in the presence of said witnesses as his free	proving subsequent to its execution. The Uniform Act does not include such a provision. Note: North Carolina has not enacted the Revised Uniform Law on Notarial Acts. S.L. 2020-3, s. 4.1, (COVID-19 Recovery Act), however, temporarily allows for emergency video notarizations.

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(Capacity of officer) (d) A signature physically or electronically affixed to an affidavit that is affixed to or logically associated with an electronic will under this [act] is deemed a signature of the electronic will under Section 5(a).	and voluntary act for the purposes therein expressed; or, that the testator signified that the instrument was his instrument by acknowledging to them his signature previously affixed thereto. The said witnesses stated before me that the foregoing will was executed and acknowledged by the testator as his last will in the presence of said witnesses who, in his presence and at his request, subscribed their names thereto as attesting witnesses and that the testator, at the time of the execution of said will, was over the age of 18 years and of sound and disposing mind and memory. _____ Testator _____ Witness _____ Witness _____ Witness Subscribed, sworn and acknowledged before me by _____, the testator, subscribed and sworn before me by _____, _____ and _____ witnesses, this ____ day of _____, A.D. ____ (SEAL) (SIGNED) _____ (OFFICIAL CAPACITY OF OFFICER)" (c) The sworn statement of any such witnesses taken as herein provided shall be accepted by the court as if it had been taken before such court. (d) Any will recognized as valid under G.S. 31-46(1) or (2) and shown by the propounder to have been made self-proved under the laws of the jurisdiction in which the testator was physically present at the time of execution or the place where the testator was domiciled at the time of execution or at the time of death shall be considered as self-proved. (e) A military testamentary instrument executed in accordance with the provisions of 10 U.S.C. § 1044d(d) or any successor or replacement statute shall be considered as self-proved. (1977, c. 795, s. 1; 1979, c. 536, s. 1; 1981, c. 599, s. 8; 1999-456, s. 59; 2013-91, s. 1(f); 2019-178, s. 3(a).)	

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SECTION 9. CERTIFICATION OF PAPER COPY. 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. If the electronic will is made self-proving, the certified paper copy of the will must include the self-proving affidavits.	**None**	The Uniform Act provides that an individual may create a certified paper copy of an electronic will.
SECTION 10. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.	**None**	
SECTION 11. TRANSITIONAL PROVISION. This [act] applies to the will of a decedent who dies on or after [the effective date of this [act]].	**---**	
SECTION 12. EFFECTIVE DATE. This [act] takes effect	**---**	