

**Memorandum to Electronic Estate Planning Documents Committee Members,
Advisor, and Observers**

March 18, 2022

Dear Friends,

The new draft incorporates the following changes we discussed during our last meeting:

- Proposed new name in brackets on the cover page.
- We added a new definition of “electronic presence” in Sec. 201 to support the remote execution/witnessing option that appears in Sec. 208, and deleted the word “sound” from the definitions of electronic signature and of sign. These reinforce our decision to require that electronic estate planning documents be readable as text when signed.
- We continued to refine the definition of “non testamentary estate planning document” in Sec. 201.
- We revised Sec. 208 (formerly 207) to provide an option for states who wish to enable remote witnessing.
- We left UEWA in as Article III. I’d like to spend some time considering how this act and UEWA would interact if combined in this or any other manner. UEWA prescribes not only how you make an electronic will; it also covers other (but not all) substantive aspects of the law governing them, such as revocation and choice of law. This act, on the other hand, simply provides an option for electronically *signing* all other estate planning documents, period, leaving the substance to the existing law that applies to each type of document.

We look forward to discussing the draft and these issues at our virtual meeting on Monday March 21, 2022.

Gerry Beyer

Suzy Walsh