



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature  
First Regular Session

House: COM DP 10-0-0-0

## **HB2197: wills; electronic signatures; requirements**

**Sponsor: Representative Wilmeth, LD 2**

**Caucus & COW**

### **Overview**

Allows the witnesses of an electronic will signing to be *electronically present*.

### **History**

An electronic will must: 1) be created and maintained in an electronic record; 2) contain the electronic signature of the testator or the testator's electronic signature made by some other individual in the testator's conscious presence and by the testator's direction; 3) contain the electronic signatures of at least two persons, each of whom were both required to be physically present with the testator when the testator electronically signed the will, acknowledged the testator's signature or acknowledged the will and have electronically signed the will within a reasonable time after the person witnessed the testator signing the will; 4) state the date that the testator and each of the witnesses electronically signed the will; and 5) contain a copy of a government-issued identification card of the testator current at the time of execution of the will ([A.R.S. § 14-2518](#)).

### **Provisions**

1. Allows, as a requirement for an electronic will, the persons who are electronically signing to be *electronically present* provided they were physically located within the U.S. at the time of serving as a witness. (Sec. 2)
2. Defines *electronically present* as two or more individuals who are in a different physical location and who are communicating in real time by electronic means to the same extent as if the individuals were physically present in the same location. (Sec. 1)
3. Creates an affidavit for an attested self-proving electronic will. (Sec. 3)
4. Allows a qualified custodian's written statement to be executed by an electronic signature and maintained as an electronic record. (Sec. 4)
5. Clarifies an electronic will must be created and maintained in an electronic record that is *readable as text at the time of signing*. (Sec. 2)
6. Makes clarifying changes. (Sec. 4)

Prop 105 (45 votes)

Prop 108 (40 votes)

Emergency (40 votes)

Fiscal Note