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SB 253 Estates and Trusts - Registers of Wills - Electronic Filing and Signatures
FAVORABLE
Senate Judicial Proceedings Committee
February 9, 2023

Good afternoon Chair Smith members of the Senate Judicial Proceedings Committee. I am Tammy Bresnahan, Senior Director of Advocacy for AARP MD. On behalf of our almost 900,000 members, we would like to thank you for the opportunity to speak in support of SB 253 Estates and Trust—Register of Wills—Electronic Filings and Signatures. We thank Senator Hester for introducing SB 253.

SB 253 requires a register of wills to accept certain documents filed electronically through a system established by the register of wills; and prohibiting a register of wills from refusing to accept a document based on the way it was signed.

AARP believes that States should simplify estate planning. This includes allowing the use of electronic wills or trusts to govern the distribution of property at death. Provisions should be made to ensure the safe and secure storage of all wills and trusts. States should enact legislation that authorizes transfer-on-death (or beneficiary) deeds to enable revocable non-probate real property transfers.

States should allow the use of technology to expand the availability and convenience of estate planning services. This should include electronic execution of wills and electronic and remote notarization of documents. Any legislation should include appropriate protections to prevent fraud, abuse, exploitation, and coercion. Legislation should:

- include safeguards to protect against fraud, exploitation, and coercion that are at least as stringent as those in the Uniform Electronic Wills Act; and
- ensure the integrity and reliability of notarized estate planning documents that are at least as strong as the Uniform Law Commission’s Revised Uniform Law on Notarial Acts.

For these reasons, we ask the Senate Judicial Proceedings Committee to issue a favorable report for SB 253. For questions or comments, please contact Tammy Bresnahan at tbresnahan@aarp.org by calling 410-302-8451.

