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**To:** Maryland Senate – Judicial Proceedings Committee  
**From:** MSBA Estate & Trust Law Section  
**Date:** February 9, 2023  
**Subject:** **SB 253** – Estates and Trusts - Registers of Wills - Electronic Filing and Signatures  
**Position:** Support

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The Estate and Trust Law Section of the Maryland State Bar Association (MSBA) **supports** Senate Bill 253 – **Estates and Trusts - Registers of Wills - Electronic Filing and Signatures**

### **Description of Current Law**

Under current law, electronic filing is not permitted for the submission of documents to the Registers of Wills. Facsimile of signatures is permitted under the Maryland Rules; however, the attorney is required to maintain the "wet signature" original of the documents filed by facsimile.

### **Problem Addressed by this Legislation:**

Prior to COVID, our members rarely filed documents by fax with the Registers of Wills and never electronically. As our members discovered during COVID, the ease of filing documents electronically with the Registers of Wills allowed us to serve our clients and residents of this state in an economical way. We could transfer documents back and forth with clients without mailing the documents and incurring additional time and cost. We could file those documents via e-mail with the Registers of Wills, receive confirmation of the filing immediately, and again save the expense and time of mailing original documents to the Registers. E-filing saves money and time, both of which are important to the residents of this state.

**How this Legislation Solves the Problem:**

**Senate Bill 253** would provide a method for the e-filing of documents, other than a Will, with the Registers of Wills. It is our understanding that the e-filing system envisioned by the Registers of Wills is already in development under their current IT contract for updates to their internal system. Instead of taking years to develop a system, then request the needed statutory changes, it is our hope that the statutory changes can be made during this legislative session and the e-filing system can go live as soon as it is ready.

For the reasons stated above, the Estate and Trust Law Section of the MSBA **supports SB 253 and urges a favorable committee report. For Further Information, Please Contact:**

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