

Electronic Wills Around the World: The Evolving Policy Landscape



The international legal landscape for electronic wills remains fragmented, with their validity varying significantly across jurisdictions. In some countries, estate law is governed at the state or provincial level, resulting in an inconsistent national approach to electronic wills. Examining

these different legal frameworks provides valuable insight into the future of electronic wills and the opportunities for broader adoption. Greater legal recognition of electronic wills could make estate planning more accessible, efficient, and equitable.

United States

- As of **August 2026**, **16 states and the District of Columbia** have enacted laws recognizing electronic wills.¹
- Electronic will legislation is currently pending in three states: **Pennsylvania, Michigan, and New Jersey**.²
- Despite broader political divisions across the United States, **electronic wills have not emerged as a partisan issue**. Legislation has been enacted in both progressive states, such as Washington and Illinois, and conservative states, including Idaho and Missouri.
- Nevada enacted the nation's first electronic will law in 2017. However, **adoption has remained slow**, despite the widespread use of digital solutions across other industries, the development of model legislation by the Uniform Law Commission, and the COVID-19 pandemic making digital transactions commonplace.³

United Kingdom

- In **May of 2025**, the **United Kingdom Law Commission** published its recommended **Draft Wills Bill**, which included **provisions for electronic wills** and other **reforms** intended to **modernize estate law**.⁴ This recommendation also included abolishing the law that revokes a person's will when they marry or enter a civil partnership, reducing the minimum age at which a person can make a will from 18 to 16, clarifying the requirement for mental capacity, and increasing protection to those coerced into making a will.⁵
- As of **2026**, despite the Law Commission's recommendations and positive view on electronic wills, the **1837 Wills Act** still reigns supreme, **requiring a wet-ink signature** and the **presence of two adult witnesses** to prove the validity of a will.⁶
- The **amendment** that temporarily **legalized remote video witnessing**⁷ during COVID-19 was reversed on January 31, 2024, meaning that remote video witnessing is no longer valid.⁸

1. LIVE Coalition, Legislative Landscape: <https://www.livecoalition.com/>

2. Ibid

3. Uniform Law Commission: <https://www.uniformlaws.org/committees/community-home?CommunityKey=a0a16f19-97a8-4f86-afcl-b1c0e051fc71>

4. Law Commission, "Recommendations to Modernise Wills Law to Promote Testamentary Freedom," news release, May 16, 2025, <https://lawcom.gov.uk/news>.

5. Law Commission, *Modernising Wills Law*, vol. 2, *Draft Bill for a New Wills Act*, 2025, HC 861-II (UK).

6. Wills Act 1837, 7 Will. 4 & 1 Vict. c. 26, § 9 (UK).

7. The Wills Act 1837 (Electronic Communications) (Amendment) (Coronavirus) Order 2020, SI 2020/952 (UK).

8. Law Society, "Video-Witnessing Wills," last modified July 9, 2025, <https://www.lawsociety.org.uk>.

- The **government** was due to **release their response** to the Law Commission's recommended reforms and Draft Wills Bill by **May 16, 2026**.⁹ As of today, **no response or legislative timelines** have been released.

Australia

- In all Australian states and territories, with the exception of **Victoria, New South Wales, and Queensland**, the use of **electronic signatures** and **remote witnessing techniques** remains illegal when creating a will. A **wet-ink signature** and the **physical presence of witnesses** are still required.¹⁰

Exceptions

- = **Victoria:** In Victoria, **amendments** allowing **electronic signatures** and **remote witnessing techniques** for wills were enacted in **2021**. The **Victorian Act** has been implemented as a **guardrail** to prevent misuse.¹¹
- = **New South Wales:** In **November of 2021**, New South Wales implemented **permanent remote witnessing legislation**, but continues to **bar** the use of **electronic signatures** for wills and other succession planning documents.¹²
- = **Queensland:** As of April 2022, for **specific documentation** related to succession planning, Queensland has permitted the use of **remote witnessing and electronic signatures**.¹³

Canada

- While certain provinces have made **important reforms** in estate law, **electronic wills remain invalid in most provinces**.¹⁴
- **British Columbia:** In **2021**, British Columbia set an important precedent when it became the **first Canadian province** to acknowledge the **validity of electronic wills**.¹⁵ **Bill 21** updated the 2009 **Wills, Estates and Succession Act** and implemented **several technological improvements**, including **digital**

9. WillSafe UK Editorial Team, "UK Wills Law Reform 2026: The Government Missed Its Deadline — What It Means for Your Will," *WillSafe UK* (blog), May 19, 2026, <https://willsafe.org.uk/blog/>.

10. Kimberley Martin, "Post Pandemic Use of Electronic Signatures and Remote Witnessing in Succession Planning," Law Society of Tasmania, December 1, 2023, <https://www.lst.org.au>.

11. *Justice Legislation Amendment (System Enhancements and Other Matters) Act 2021* (Vic) pp. 60–67 (Austl.).

12. *Electronic Transactions Amendment (Remote Witnessing) Bill 2021* (NSW) (Austl.).

13. *Justice and Other Legislation Amendment Act 2021* (Qld) (Austl.).

14. Seth Gordon, "Digitization of Wills in Canada," *Estateably* (blog), November 24, 2022, <https://www.estateably.com>.

15. *Wills, Estates and Succession Amendment Act, 2020*, SBC 2020, c 21 (Can.).

wills and remote virtual witnessing.¹⁶

- **Ontario:** As of 2026, the Canadian province of Ontario may be on track to legalize electronic wills, with the *Gebremariam v. Menghesha* case paving the way for new possibilities.¹⁷

Mexico

- **Electronic signatures** cannot typically be used for wills in Mexico.¹⁸ As outlined in the **Federal Civil Code**, wills require a **wet-ink signature** and the presence of a **notary**.¹⁹
- In **August 2021**, **amendments** to the **Civil Code** and **Law of Notaries** were announced in the **Official Gazette of Mexico City**. These amendments allowed **open public wills** to be **executed electronically** in very **rare circumstances**.²⁰
 - = Electronic execution is **restricted** and **cannot be used for standard estate planning**. Instead, this procedure is limited to exceptional circumstances where the testator is **unable to physically meet with a notary**.²¹

China

- In **China**, **inheritance laws** are determined by the **Civil Code**.²²
- On **January 1, 2021**, **amendments** made to the **Civil Code** went into effect. These amendments included the **recognition of audio and video wills**.²³
- Although **limited reforms** have been made to the inheritance section of the Civil Code, **electronic wills are yet to be legalized**.²⁴

16. Gordon, "Digitization of Wills in Canada."

17. Lisa Laredo, "Judge May Have Opened the Door to Electronic Wills in Ontario," *Laredo Law* (blog), April 2, 2026, <https://laredolaw.ca>.

18. "Electronic Signature Legality in Mexico," Signeasy, last modified February 20, 2025, <https://signeasy.com>.

19. Código Civil Federal [CCF], arts. 1511–1520, Diario Oficial de la Federación [DOF] 26–05–1928, últimas reformas DOF 11–01–2021 (Mex.).

20. Jorge Sánchez Cubillo, "Mexico City Approves the Use of Electronic Media for Civil Matters," *CCN Mexico Report*, November 1, 2021, <https://www.mexicoreport.com>.

21. Sánchez Cubillo, "Mexico City Approves the Use of Electronic Media."

22. Electronic Contracts in China Are Legally Binding – If Done Correctly," *Woodburn Global*, <https://www.woodburnglobal.com>.

23. Minfa Dian (民法典) [Civil Code] (promulgated by the Nat'l People's Cong., May 28, 2020, effective Jan. 1, 2021), bk. VI, ch. III (China).

24. "Electronic Contracts in China Are Legally Binding."

New Zealand

- In New Zealand, electronic signatures cannot be used for making wills.²⁵
- Following the expiration of temporary COVID-19 legislation that permitted remote and video witnessing,²⁶ electronic witnessing of wills is no longer legally valid in New Zealand.
- In 2026, a wet-ink signature and the physical presence of both the will-maker and witnesses are required to make a will.²⁷

South Africa

- In South Africa, any wills that are drafted online must be printed, signed, and witnessed to be recognized.²⁸
- Electronic or digital wills are not legally valid in South Africa, and the Wills Act 7 of 1953 mandates a wet-ink signature.²⁹

25. Mikayla Whalley, "When There Is a Will, There Is a Way...", *Godfreys Law* (blog), March 1, 2026, <https://www.godfreyslaw.co.nz>.

26. Epidemic Preparedness (Wills Act 2007—Signing and Witnessing of Wills) Immediate Modification Order 2020 (LI 2020/65) (NZ).

27. Wills Act 2007 (NZ).

28. Tim Hewson, "A Guide to Modern Wills: Digital, Electronic, and Online Wills in South Africa," *LegalWills South Africa* (blog), last modified January 11, 2026, <https://www.legalwills.co.za>.

29. Wills Act 7 of 1953 (S. Afr.).

Conclusion

The international landscape for electronic wills remains uneven, but momentum toward modernization is growing. While many jurisdictions continue to require wet-ink signatures and in-person witnessing, others have begun recognizing electronic execution, remote witnessing, or alternative digital formats. These reforms demonstrate that technology can be incorporated into estate planning while maintaining safeguards that protect testamentary intent, authenticity, and individuals who may be vulnerable to fraud or coercion.

The experiences of these jurisdictions also provide valuable guidance for policymakers considering

future reforms. Clear legal standards, reliable identity verification, secure recordkeeping, and appropriate witnessing requirements can help preserve the integrity of the will-making process while expanding access to estate planning. As digital transactions become increasingly common, thoughtful modernization can help ensure that succession laws reflect how people live and conduct important affairs today. Greater international coordination and continued examination of emerging legal frameworks will be essential to building systems that are secure, accessible, and equitable.

A Note on Dispensing Power

Dispensing power, also known as the harmless-error rule, can be used to validate an electronic will if the court concludes that it is authentic and intended to function as a legal document. Versions of this caveat exist in both countries that are forward-thinking in their estate law, such as Australia and Canada, and countries that are more conservative in their wills, specifically South Africa and New Zealand. While dispensing power gives some leeway in favor of electronic wills, it is a costly and time-consuming legal maneuver.

Kristina Howard is the Executive Director of the *LIVE Coalition* and a seasoned public affairs leader with more than a decade of experience advancing digital estate planning policy.

Marion Reese is an undergraduate student at Sewanee: The University of the South, majoring in both History and International and Global Studies. Her work and research focus on public affairs, international law, and policy.