

**SUBSTITUTE FOR
HOUSE BILL NO. 5795**

A bill to amend 1998 PA 386, entitled
"Estates and protected individuals code,"
by amending section 2502 (MCL 700.2502) and by adding section
2504a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2502. (1) Except as provided in subsection (2) and in
2 sections 2503, 2506, and 2513, a will is valid only if it is all of
3 the following:

4 **(a) Either of the following:**

5 **(i)** ~~(a)~~—In writing.

6 **(ii) A record that is readable as text at the time of the**
7 **signing under subdivision (b).**



(b) Signed by the testator or in the testator's name by some other individual in the testator's conscious presence and by the testator's direction.

(c) Signed by at least 2 individuals, **either in person or in electronic presence**, each of whom signed within a reasonable time after he or she witnessed either the signing of the will as described in subdivision (b) or the testator's acknowledgment of that signature or acknowledgment of the will.

(2) A will that does not comply with subsection (1) is valid as a holographic will, whether or not witnessed, if it is dated, and if the testator's signature and the document's material portions are in the testator's handwriting.

(3) Intent that the document constitutes a testator's will can be established by extrinsic evidence, including, for a holographic will, portions of the document that are not in the testator's handwriting.

(4) As used in this section:

(a) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(b) "Electronic presence" means the relationship of 2 or more individuals in different locations communicating in real time to the same extent as if the individuals were physically present in the same location.

(c) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(d) "Sign" means with present intent to authenticate or adopt a record to do either of the following:



1 (i) Execute or adopt a tangible symbol.

2 (ii) Affix to or logically associate with the record an
3 electronic symbol or process.

4 Sec. 2504a. An individual may create a certified paper copy of
5 an electronic will by affirming under penalty of perjury that a
6 paper copy of the electronic will is a complete, true, and accurate
7 copy of the electronic will. If the electronic will is made self-
8 proving, the certified paper copy of the will must include the
9 self-proving affidavits. As used in this section, "electronic will"
10 means a will that is both of the following:

11 (a) Readable under section 2502(1)(a)(ii).

12 (b) Signed under section 2502(4)(d)(ii).