

# ALTERATION AND REVOCATION OF ELECTRONIC WILLS

2023 Consultation Summary

Change



ALBERTA  
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# Overview

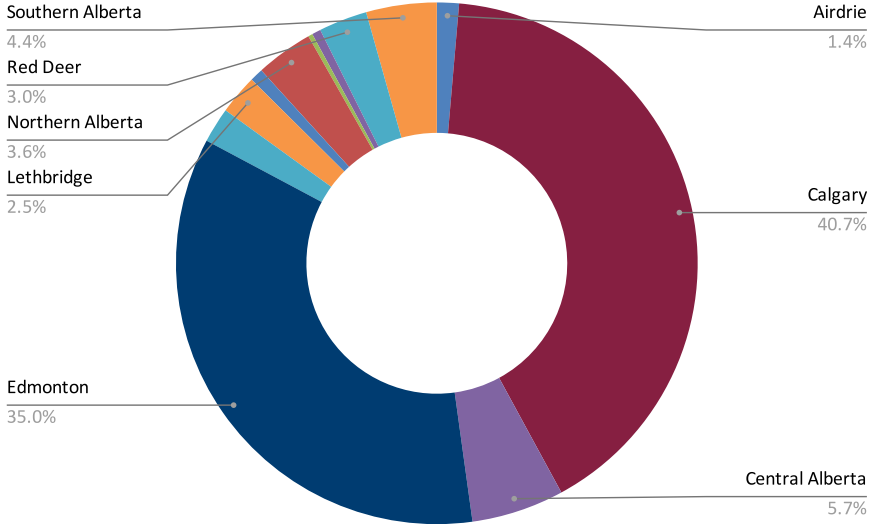
In October 2023, the Alberta Law Reform Institute published Final Report 119: *Creation of Electronic Wills*. In that report, we proposed that electronic wills should be permitted in Alberta and provided recommendations for how electronic wills should be created. Final Report 119 also indicated that a second report would be published to address the alteration and revocation of electronic wills. Final Report 120: *Alteration and Revocation of Electronic Wills* analyzes these additional areas and should be read in conjunction with Final Report 119.

ALRI conducted an online survey of the general public in July of 2023 and received 366 responses. Survey participants were asked for their thoughts on how they would make changes or revoke an electronic will. ALRI also consulted with wills and estate professionals to review the public consultation results, review ALRI's legal research, and to help discuss what rules should be adopted. These consultation results informed ALRI's final recommendations for how the law in Alberta should formalize the alteration or revocation of electronic wills.

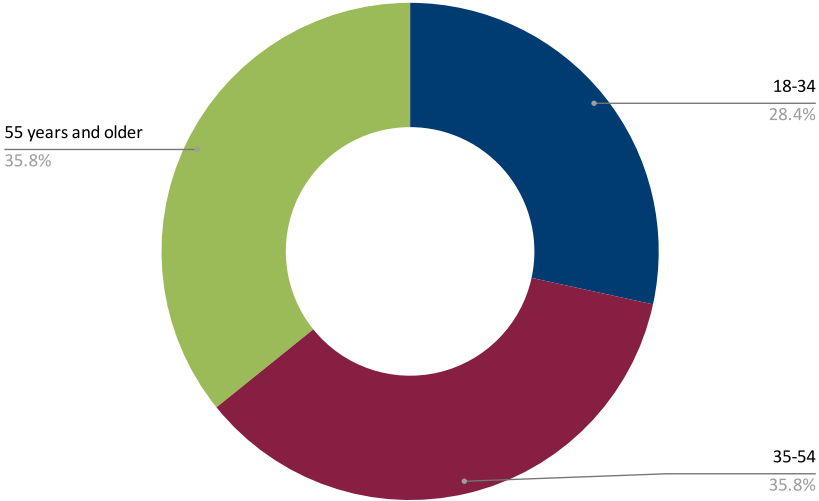
The following is a summary of the consultation results.

# Demographics

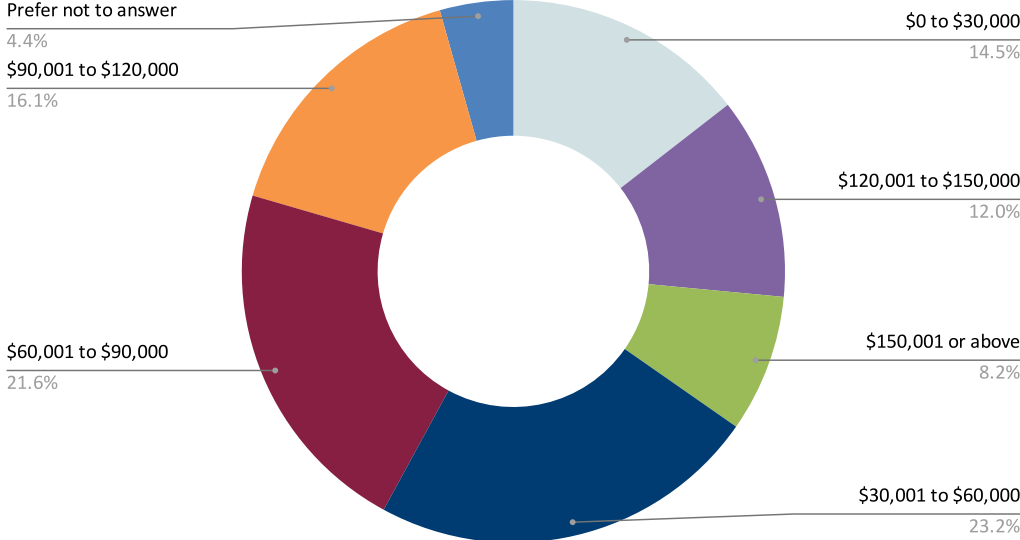
Where do you live in Alberta?



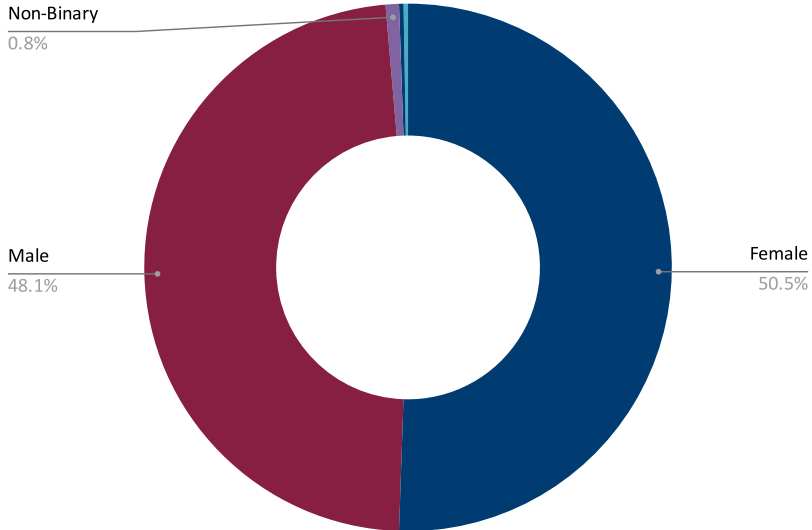
Age



Income

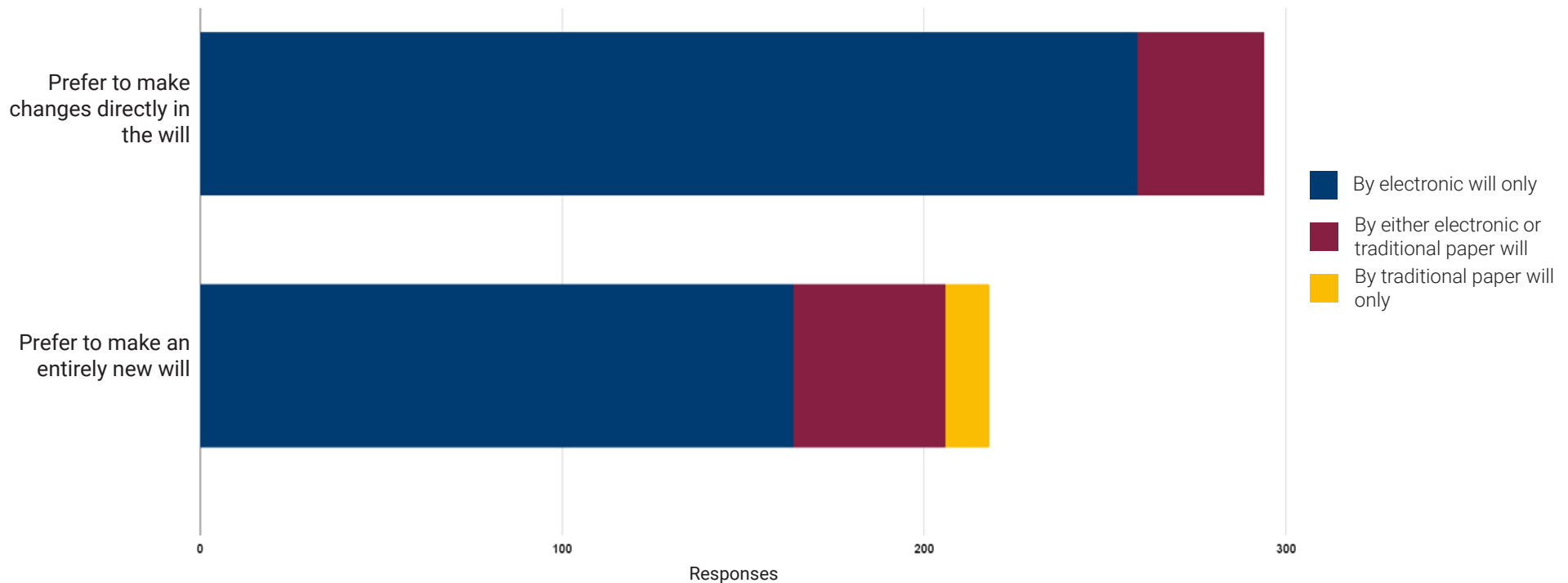


Gender





# How would respondents alter their electronic will?



Respondents were able to choose as many of the options they would prefer. There were 512 total responses.

61% of the responses indicated a preference for having the option either to make changes directly to the will and to make an entirely new will. 27% of the responses indicated a preference for making changes directly to the will only, while 12% of the responses indicated a preference for making an entirely new will.

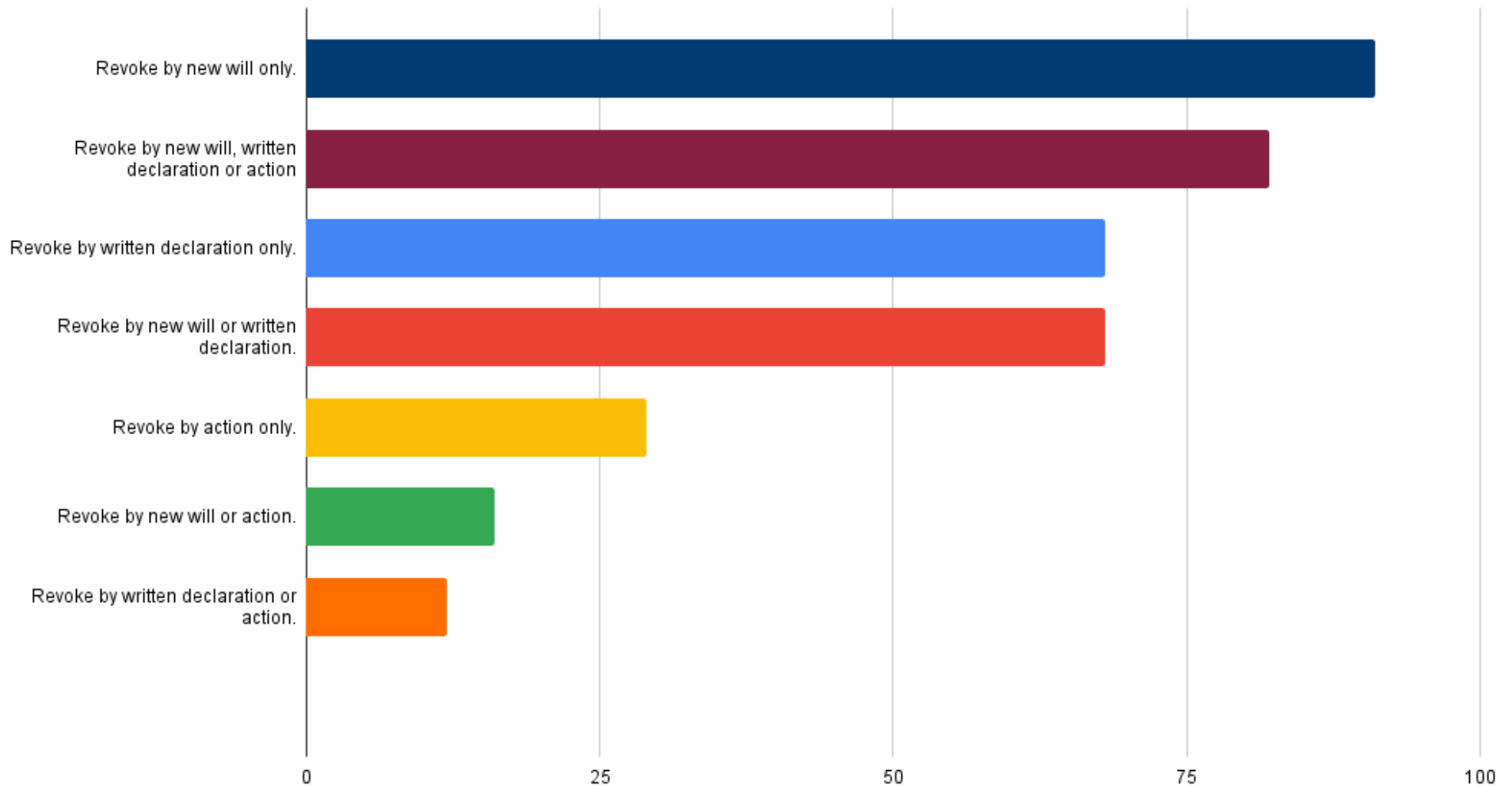
With regards to preference between electronic and paper formats, 83% of the responses indicated preference for remaining within an electronic format, while the option of having both electronic and paper formats garnered 14% of the total responses. Changing an electronic will by exclusively making an entirely new traditional paper will only received 2% of responses.



# How would respondents revoke their electronic will?

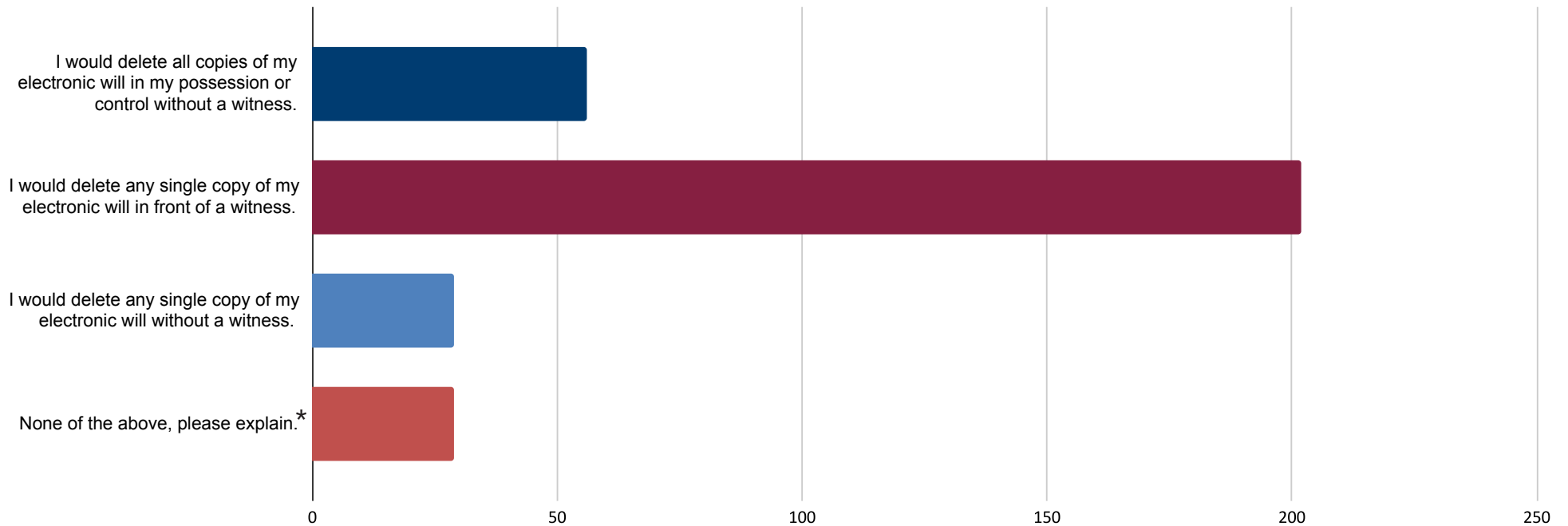
Please select all of the options you might use in order to revoke your electronic will:

1. I would revoke my electronic will by making a new will.
2. I would revoke my old electronic will by making a written declaration that I revoked the electronic will.
3. I would revoke my old electronic will through some action of destruction, like deleting the file, destroying the hard drive the electronic will as stored on, or burning, tearing, etc...a paper copy of the old electronic will.





# How would respondents delete their electronic will if they wanted to revoke it?



## None of the above, please explain:

"I would delete all copies of my will available to me with a witness or also providing a written statement."

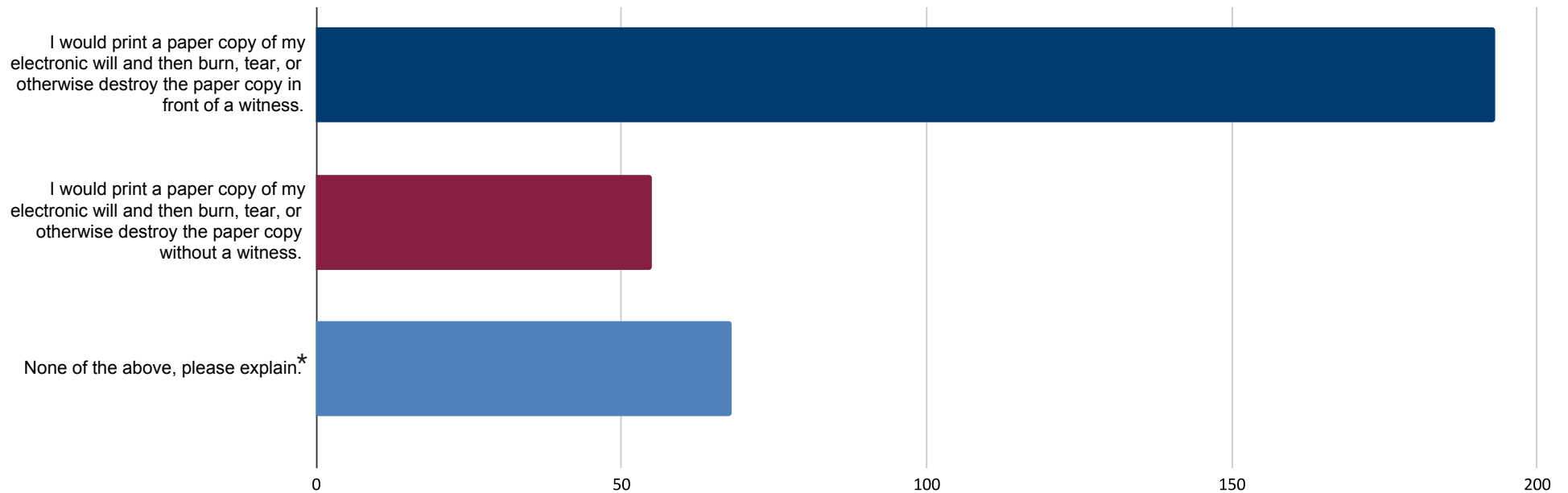
"I don't think these are correct."

"Even though I may be able to delete it, surely it exists somewhere. I would have to delete it in front of a witness and perhaps even a lawyer, and a new document should be created and made legal, stating the will was destroyed and whether or not there is a replacement."

"I would keep my paper will, and not make an electronic will."



# How would respondents destroy a paper copy of their electronic will if they wanted to revoke it?



## None of the above, please explain:

"I wouldn't be able to print it since it is electronic. I would have the witness see my deletion and removal from the recycle bin."

"Destroying a physical copy should have no bearing on revoking it. Deleting all copies including back-ups should be sufficient."

"Destroying the physical hard drive it was stored on."

"Get a lawyer."

"I would have documentation that the old will is no longer valid because it could still be accessed."

# contact us

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You can also follow us on Twitter at @ablawreform for the latest on our projects and developments in Alberta law.

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