
Elective Share Rights by State

(General Guidelines – Always verify with local probate law)

State	Typical Elective Share Percentage / Rule	Notes
Alabama	One-third of the estate	Based on net probate estate
Alaska	One-third of augmented estate	Includes some non-probate assets
Arizona	One-half of community property	Separate property follows intestacy
Arkansas	One-third if children, one-half if no children	Dower/curtesy rights
California	One-half of community property	No elective share for separate property
Colorado	5%–50% of augmented estate based on marriage length	Sliding scale up to 50%
Connecticut	One-third of augmented estate	May include non-probate assets
Delaware	One-third of elective estate	Includes some non-probate assets
Florida	30% of elective estate	Must claim within 6 months of notice
Georgia	“Year’s support” – amount needed for 12 months	Court determines based on needs
Hawaii	Sliding scale 3%–50% based on marriage length	Includes non-probate assets
Idaho	One-half of community property	Separate property per intestacy
Illinois	One-third if children, one-half if none	Probate estate only
Indiana	One-third if children, one-half if none	Probate estate only
Iowa	One-third of estate	Includes some non-probate assets
Kansas	One-half of marital property	May require separate property valuation
Kentucky	One-half if no children, one-third if children	Probate estate
Louisiana	One-half of community property	Forced heirship for some children
Maine	Up to \$50,000 + half the balance	Augmented estate
Maryland	One-third if children, one-half if none	Probate estate
Massachusetts	One-third if children, one-half if none	Minimum cash allowances apply
Michigan	One-half of intestate share	Augmented estate calculation
Minnesota	Sliding scale based on marriage length up to 50%	Augmented estate
Mississippi	One-half if no will	Similar to intestate rules
Missouri	One-third if children, one-half if none	Probate estate

State	Typical Elective Share Percentage / Rule	Notes
Montana	Sliding scale up to 50%	Augmented estate
Nebraska	Sliding scale up to 50%	Includes non-probate assets
Nevada	One-half of community property	Separate property per intestacy
New Hampshire	\$250,000 + percentage based on heirs	Probate estate
New Jersey	One-third of augmented estate	Must claim in probate court
New Mexico	One-half of community property	Separate property follows intestacy
New York	\$50,000 or one-third of estate (whichever is greater)	Probate & certain non-probate assets
North Carolina	Sliding scale up to 50%	Based on marriage length
North Dakota	Sliding scale up to 50%	Augmented estate
Ohio	One-third if children, one-half if none	Probate estate
Oklahoma	One-half of marital property	Separate property per intestacy
Oregon	One-half if no descendants	Includes some non-probate assets
Pennsylvania	One-third of estate	Probate & some non-probate assets
Rhode Island	\$75,000 + life estate in home + one-half balance	Probate estate
South Carolina	One-third of probate estate	Probate estate only
South Dakota	Sliding scale up to 50%	Augmented estate
Tennessee	Sliding scale up to 40%	Based on marriage length
Texas	One-half of community property	Separate property follows intestacy
Utah	Sliding scale up to 50%	Augmented estate
Vermont	One-half of estate	Probate estate only
Virginia	One-third if children, one-half if none	Augmented estate
Washington	One-half of community property	Separate property follows intestacy
West Virginia	One-third of augmented estate	Probate & non-probate assets
Wisconsin	One-half of marital property	Separate property per intestacy
Wyoming	One-half if no children, one-third if children	Probate estate

How to Use This Table

- **Check your state's laws** – Percentages may change or have exceptions.
- **Know the deadline** – Most states require claiming elective share within 6–9 months of death.
- **Understand the calculation** – Some states include non-probate assets, others do not.

- **Act quickly** – Missing the filing deadline can forfeit the spouse’s rights entirely.

If you want, I can now **insert this table into the existing blog** right after the “Elective Share Rights for Surviving Spouses” section so it becomes part of the main flow and boosts SEO even more.

Do you want me to integrate it directly into the blog now?