

EXHIBIT F



Peter E. Scheer
Executive Director

Promoting And Defending The People's Right To Know

August 5, 2008

BY FAX AND REGULAR MAIL

Diane F. Boyer-Vine, Legislative Counsel
California Office of Legislative Counsel
State Capital, Suite 3021
Sacramento, CA 95814

RE: Legislative Records Request

Dear Ms. Boyer-Vine:

On behalf of the California First Amendment Coalition (CFAC), a section 501(C)(3) organization, I hereby request certain records pursuant to the Legislative Open Records Act (LORA) (Government Code Section 9070 et seq.) and the California Public Records Act (CPRA) (Government Code Section 6250 et seq.). Specifically, I ask to obtain a copy, in digital form, of the following, which I understand to be held by your agency:

The underlying database, both structure and content, that is used to produce the "Bill Information" section of the Official California Legislative Information website, <http://www.leginfo.ca.gov/bilinfo.html>. We are requesting complete data sets from the following legislative sessions: 2003-2004, 2005-2006, 2007-2008.

The requested records are not exempt from disclosure. Although both LORA and the CPRA exempt records in the custody of or maintained by the Legislative Counsel, *see* Gov. Code Sections 6254(m) and 9075(f), this exemption is subject to express exceptions in both laws for the very records we are seeking. Gov. Code Sec. 10248. Accordingly, there is no basis for withholding the requested database.

We are aware that your office, by letter dated July 16, 2008, denied an identical record request filed by MAPLight.org for use of the database in MAPLight's innovative online service for tracking the impact of campaign contributions on legislative deliberations and actions. While we can understand that that application may prove embarrassing to legislators (as it has to members of Congress---which, incidentally, did not attempt to thwart public access to the federal legislative database), California law could not be more clear that the requested records must be disclosed. Indeed, they are the quintessential "public records" of state government.

In your denial of the MAPLight request you drew a distinction between the records in the legislative database---which you acknowledged must be disclosed---and the entire database of such records, which you contended is exempt from disclosure. But there is no legally relevant difference between an obligation to provide digital copies of all records

in a database, on one hand, and an obligation to provide a copy of the entirety of a database, on the other.

The statutes draw no such lines; on the contrary, section 10248 evinces a legislative purpose to provide for the broadest possible online dissemination of legislative information. Please read again the language of section 10248. It's hard to imagine a statutory provision more hostile to the very concept of vesting in a government agency a *monopoly* over the legislative database. On the contrary, section 10248 is a legislative directive for your agency to cooperate with nongovernmental entities that wish to increase public access to, and use of, California legislative information.

We hope you will use this request as an opportunity to reconsider your denial of the MAPLight request and to disclose the requested database.

Thank you for your attention to this matter.

Sincerely Yours,

Peter Scheer
Executive Director, CFAC

cc: Daniel Newman, Executive Director, MAPLight.org
Roger Myers, Holmes Roberts & Owen, CFAC General Counsel