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**Open Source America's Operating System**

"It's Not Just A Good Idea—It's The Law!"

September 2, 2021

Greg Woosley, General Counsel  
Legislative Research Commission  
Kentucky General Assembly  
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Frankfort, Kentucky 40601  
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Dear Mr. Woosley:

Thank you for your letter of **August 27, 2021** responding to the request from Public Resource and the Kentucky Open Government Coalition of **August 17, 2021**. Pursuant to **KRS 7.119**, I request a review by the Legislative Research Commission of your denial of my request for copies of the Kentucky Revised Statutes and Kentucky Administrative Regulations in revisable electronic form.

The statute you cite, **KRS 7.500**, does not justify your refusal to provide these documents. On the contrary, it compels LRC to release them. KRS 7.500(2) states that this information "**shall** be made available in one **(1) or more formats** and by one (1) or more means in order **to provide the greatest feasible access to the general public in this Commonwealth.**" (emphasis added). Moreover, KRS 7.500(8) provides that "[i]n addition to the access provided by this section, the Commission may also make available any of the information identified in subsection (1) of this section **by any other means of access that would facilitate public access to the information** under terms and conditions established by the Commission." (emphasis added). In short, the General Assembly has directed LRC to make these materials broadly available in formats that will allow the public to access them.

That is precisely what the request from Public Resource and the Kentucky Open Government Coalition was able to do. Currently, these documents are only available in .pdf format on your website. There are significant issues with that web site. For example, the PDF files do not display well on mobile devices. In addition, there are a number of accessibility errors. Take, for example, the Legislative Research Commission's page for **KRC 7.500**. As you can see when **KRC 7.500 is evaluated** using accessibility tools, you will find that it does not provide the structure needed for accessibility by the visually impaired. The page contains no title and there is no language tag, both of which are a violation of the **Web Content Accessibility Guidelines (WCAG) 2.1**. There is also no heading structure which makes navigation difficult for the visually impaired, and you have not used tagging and page regions as required by the PDF/Universal Applicability standards (**ISO 14289**). Accessibility is required under federal law, in particular the under Section 508 of the Rehabilitation Act and Section 255 of the Communications Act. Please see the very helpful pages maintained by the U.S. Access Board for more information on **ICT Accessibility 508 standards**. I would note that these are also requirements under Kentucky law pursuant to **KRC 12.290**.

However, we are not writing to you today to criticize the government's web site (though we would be very happy to discuss those matters with our IT staff). Promulgation of the law, in many forms, is a requirement for the functioning of our democracy. The Kentucky legislature recognized this fundamental principle in drafting KRS 7.500. A single web site does not fulfill the goals and requirements that are at the very core of this essential function of the Legislative Research Commission. There can be no rule of law if there is no promulgation of the law.

Instead of placing artificial roadblocks in place to make it harder for other sites to replicate the law, the LRC should be encouraging that activity. Legal scholars should be able to download the entire KRS to use modern tools to analyze the law. Legal aid groups should be able to build sites that compare the laws in Kentucky on subjects such as landlord/tenant law with similar laws in neighboring states. Groups such as our should be able to reformat the law into accessible and usable formats, providing links to court opinions, statutes, hearings, federal law, and other materials cited in the Kentucky Revised Statutes.

The principle that the law belongs to the people, who have a right to not only know, but to speak the laws, by which they choose to govern themselves goes back to the founding of our country. In his [Dissertation on the Canon and Feudal Law](#), John Adams made the case so eloquently that "every sluice of knowledge be opened and set a-flowing" because an informed citizenry is the bedrock of our democracy. He wrote:

*Let every declamation turn upon the beauty of liberty and virtue, and the deformity, turpitude, and malignity, of slavery and vice. Let the public disputations become researches into the grounds and nature and ends of government, and the means of preserving the good and demolishing the evil. Let the dialogues, and all the exercises, become the instruments of impressing on the tender mind, and of spreading and distributing far and wide, the ideas of right and the sensations of freedom.*

We hope the LRC will reconsider the Director's denial of our request and release the Commonwealth's statutes and formats in a version that will make it easier for the public to access them. That you in advance for your careful consideration of our request.

DocuSigned by:  
  
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