# EXHIBIT K

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

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| CODE REVISION COMMISSION<br>on Behalf of and For the Benefit of the<br>GENERAL ASSEMBLY OF GEORGIA,<br>and the STATE OF GEORGIA,<br><br>　　　　　Plaintiff,<br><br>v.<br><br>PUBLIC.RESOURCE.ORG, INC.,<br><br>　　　　　Defendant. | )<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>) | CIVIL ACTION<br>NO.  1:15-cv-2594-MHC |

**DECLARATION OF CLAY JOHNSON IN SUPPORT OF
PUBLIC.RESOURCE.ORG'S MOTION FOR SUMMARY JUDGMENT**

Pursuant to 28 U.S.C. § 1746, I, Clay Johnson, hereby declare and state as

follows:

1.　　　My name is Clay Johnson.  I have personal knowledge of the facts

stated in this declaration and know them to be true and correct.  I could

competently testify to them if called as a witness.

2.　　　Since 2013, I have been the founder and CEO of the Department of

Better Technology, a small business based in Georgia which builds products

to help government acquire technology faster and cheaper. Our customers include government organizations throughout the country, such as the City of Oakland, California, the Colorado Secretary of State, and the U.S. Agency for International Development.

3.      In 2014, I was appointed a Senior Fellow at the Center for American Progress, a nonprofit, nonpartisan research institution in Washington, D.C., where I work on Federal IT procurement policy reform.

4.      In 2012, I was appointed as a Presidential Innovation Fellow by the White House. I was assigned to the White House Office of Science and Technology Policy and the Small Administration where I was the team leader for the RFP-EZ program, which helps small technology companies get easier access to the Federal Government's nearly $77 billion information technology supply chain. Our program made it easier for small businesses to bid on opportunities, and the resulting bids were shown to be 30% lower than those through the traditional FedBizOps procurement process. Our program allowed 270 small businesses that had never before participated in federal contracting to take part.

5.      From 2008 to 2010, I was the founding Director of Sunlight Labs at the Sunlight Foundation. Our team pioneered numerous open source

solutions that are used throughout the country to analyze and interact with

government information sources. For my efforts, Google and O'Reilly

Media named me "Open Source Organizer of the Year" at the Open Source

Convention, the largest annual gathering of this type of developer.

6.      From 2003 to 2004, I was the Senior Web Programmer for the Dean

for America Campaign and from 2004 to 2008 I was the co-founder of Blue

State Digital, a firm that provided the technology that powered many

political campaigns, including the 2008 Obama for America effort.

7.      In 2014, I was appointed by the National Archives and Records

Administration to serve on the Freedom of Information Act Advisory

Committee.

8.      In my work, I have become very familiar with the creation and

operation of government Information Technology projects. I am an

experienced computer programmer and am familiar with the full range of

modern Internet and World Wide Web technologies.

9.      In this declaration, I wish to focus exclusively on a technical

evaluation of the web site that the Georgia General Assembly provides links

to. The Georgia General Assembly web site is at http://www.legis.ga.gov/en-

US/default.aspx

10.     By clicking on the link entitled "Georgia Code," I am directed to a web site operated by LexisNexis, where I must first agree to terms and conditions. As a citizen of Georgia, I find the terms distasteful, particularly the provision in which I agreed to jurisdiction in a New York court and the provisions prohibiting my use of any of the data, including "public and non-profit users." The web site address is at: http://www.legis.ga.gov/en-US/ default.aspx

11.     When I first examined the site, on October 4-5, 2015, the site used the secure HTTP protocol (HTTPS), which is the same mechanism used by banks and major web sites as a way of assuring the user that they are communicating with their intended destination and that their conversations are secure. However, because the site had "mixed content," which means that some of the elements used on the page did not use the HTTPS , and this generated a security error. Because of the security error, users of the Firefox and Chrome browsers saw a blank screen and a security alert. While it is possible for an advanced user to manually put in an exception to then view the site, this is not something most users would know how to do. In addition, users in a corporate or institutional setting (such as a government agency) would not have sufficient privileges to do this.

12.     When I examined the site again on October 14, it had dispensed with the HTTPS protocol. This meant the site worked in the Firefox and Chrome browsers, but a significant cost to integrity, security and user confidence. When I went back again, the site had once again reverted to the HTTPS protocol and was not usable for ordinary users. This lack of stability makes it very hard for ordinary users to learn how to use the site. It also does not inspire confidence.

13.     Once in the site, a user is able to search the table of contents of the code or manually navigate through volumes. Both of these procedures are very cumbersome. The site uses custom navigation elements that do not adhere to standard, intuitive controls for navigating large documents.

14.     As an example, I tried to find the state code provisions naming the brown thrasher as the official Georgia state bird. This provision is in OCGA 50-3-50. When I searched for "brown thrasher," I received a message that no documents were found.  I went back and removed the default search of "Table of Contents (TOC) only" and was able to find the section I needed.

15.     Once a user is looking at the relevant section of the code, in this case

OCGA 50-3-50, there is no ability to bookmark the section and come

directly back to it.  The site does offer a "Copy w/ Cite" function which

displays a pop-up window with the citation OCGA 50-3-50 and any text that

was highlighted. However, the hyperlink under that text directs the user to

the Lexis proprietary Total Research System which requires a fee and

subscription.

16.     Lack of proper navigation and permanent links are only two of the

technical issues I have found on the system. When I used an HTML

validator on the displayed text, I found a large number of HTML and CSS

errors on the site. This means that the site will not necessarily display

reliably on different kinds of computers and browsers. For example, the site

uses a character encoding called windows-1252, which is obsolete.

17.     The site makes extensive use of the Javascript scripting language,

which obfuscates the site, making it difficult to use from an accessibility

standpoint, such as people who are visually impaired. In addition, the code

they use has a large number of errors. For example, when I accessed the

OCGA 20-2-520 provision ("Acquiring and disposing of school sites") in the

Chrome browser, 2 security errors and 29 JavaScript errors were generated.

Chrome is the most popular browser in the United States.

18.     It is unclear to me what the vendor operating the site is doing with my search terms and navigation history. The terms of use state that I have agreed to allow the vendor to "invite me to participate in surveys, sweepstakes, competitions, and similar promotions" and I have no idea if the vendor is engaged in web tracking or markets my usage data to firms such as advertising bureaus or credit agencies. While I have come to expect such mechanisms from commercial sites, as a citizen of Georgia consulting my laws, I am not comfortable with this arrangement.

19.     As an individual who was worked with government's adoption of information technology for much of my career, I am familiar with the costs and obstacles in building effective Information Technology using typical models of implementation. But, because communicating with citizens effectively is hard is precisely why government needs to make core information available in bulk so that others can help us out. Discouraging citizens from building web sites that build on the Official Code of Georgia Annotated is counter-productive and makes the job of government harder. In addition, creating a website that allows for open, unrestricted access to the law is not costly. It has been done in an effective way in many local, state, and national governments.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on February __19__, 2016 in Chattahoochee Hills, GA,

/s/ CLAY JOHNSON