



July 25, 2024

Via Online Request Form:

California Attorney General's Office
Public Records Coordinator
P.O. Box 944255
Sacramento, CA 94244-2550

California Public Records Act Request: Records Electronic Systems of Former California Attorney General Kamala Harris

Dear Public Records Coordinator:

America First Legal Foundation is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act requests on issues of pressing public concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL's X page has over 250,000 followers and the X page of our Founder and President has over 674,000 followers.

We are requesting access to the records and electronic systems of former California Attorney General Kamala Harris, in possession or control of the California Attorney General's Office, for the purposes of inspection and copying pursuant to the California Public Records Act, California Government Code § 7920.000 et seq. ("CPRA"), and the California Constitution, CONST. art. I, § 3(b). During Kamala Harris' service as Attorney General, the State of California required organizations that solicited charitable contributions in California to file copies of their federal IRS Form 990 tax forms. These forms include a list of all donors who contributed at least \$5,000 to the

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charity in a given year. The Supreme Court, in *APF v. Bonta*¹, held that such mandatory disclosures violated the First Amendment. That case did not deal with a federal statute that governed Kamala Harris’ fishing expedition against groups she ideologically opposed. 26 U.S.C. § 6103(p)(8)(A) of the Internal Revenue Code orders that “no return or return information shall be disclosed after December 31, 1978, to any officer or employee of any State which requires a taxpayer to attach to, or include in, any State tax return a copy of any portion of his Federal return, or information reflected on such Federal return, unless such State adopts provisions of law which protect the confidentiality of the copy of the Federal return (or portion thereof) attached to, or the Federal return information reflected on, such State tax return.”

I. Requested Records

Pursuant to the CPRA, Cal. Gov’t Code §§ 7920.000, et seq., and the California Constitution, CAL. CONST. art. I, § 3(b), AFL requests disclosure of all records and communications within the records and electronic systems of former Attorney General of California Kamala Harris referring and relating to:

- A. All provisions of law adopted and applicable to the Attorney General’s office protecting the confidentiality of the Federal tax return. For each applicable “provision(s) of law” please produce all records tending to show that the relevant regulation, order, or guidance has the force of law in California.
- B. All records concerning the identity of public charities soliciting contributions in California for whom the Attorney General’s office requests disclosure of their unredacted IRS Form 990’s.
- C. All records identifying public charities that were subjected to audits, investigations, or other requests for information.
- D. All records regarding the processing of these items.

The time period for each of the above items is from January 3, 2011, to January 3, 2017.

II. Processing and Production

If you have any questions about our request or believe further discussions regarding search and processing would facilitate more efficient production, then please contact

¹ 594 U.S. 595, 616–17 (2021).

me at FOIA@aflegal.org. Further, please advise if the records are available for inspection pursuant to Cal Gov't Code § 7922.525 (a), (b).

To accelerate your release of responsive records, AFL welcomes production on an agreed-upon rolling basis. Please email responsive records in electronic format. Alternatively, please send responsive records in native format or PDF format on a USB drive to America First Legal Foundation, 611 Pennsylvania Ave SE #231, Washington, DC 20003.

Thank you in advance for your cooperation.

Sincerely,

/s/ Will Scolinos
America First Legal Foundation