Citing Electronic Codes
© Ed Edmonds
Last Revised - July 1, 2014

The Bluebook (Nineteenth Edition) carries forward the language from the Eighteenth Edition regarding the "Year of Code" in Rule 12.3.2. The Nineteenth Edition provides for the first time a method for citing electronic media and online sources for statutory material in Rule 12.5 (pages 117-118). The Bluebook (Eighteenth Edition)'s rule 12.5 concerns "Secondary Sources." The Tenth Edition of *A Uniform System of Citation* appears to be the first to provide a specific section on the date in statutory material.[1]

The text of Rule 12.5 in the Nineteenth Edition is:

Electronic Media and Online Sources

> **(a) Commercial electronic databases.** When citing a code contained in an electronic database, give parenthetically the name of the database and information regarding the currency of the database as provided by the database itself (rather than the year of the code according to rule 12.3.2). In accordance with rule 12.3.1(d), also give the name of the publisher, editor, or compiler unless the code is published, edited, compiled by, or under the supervision of, federal or state officials:
>
> CAL. BUS. & PROF. CODE § 1670 (Deering, LEXIS through 1995 Sess.).
>
> CAL. BUS. & PROF. CODE § 1670 (West, Westlaw through 1995 portion of 1995-1996 Legis. Sess.).
>
> WASH. REV. CODE § 13.64.060 (VersusLaw through 1999 legislation).
>
> WIS. STAT. § 19.43 (LEXIS through 1994 legislation).
>
> WIS. STAT. § 19.43 (Loislaw through 1997-1998 Legis. Sess.).
>
> WIS. STAT. ANN § 19.43 (West, Westlaw through 1995 Act 26).

---

[1] A Uniform System of Citation Rule 4:5, at 33 (Tenth ed. 1959). Long called "The Bluebook," the cover of the Eleventh Edition published in 1967 was actually white, thus, the small pamphlet was called "The White Book." The author, who started law school in 1974 and graduated in 1978, was first introduced to citation form in the White Book. The Twelfth Edition was published in 1976. *See also*, Introduction, ROBERT BERRING, THE BLUEBOOK: A SIXTY-FIVE YEAR RETROSPECTIVE v n.1 (1998)("The Uniform System of Citation is commonly known ass the Bluebook, and sometimes as the White Book.). The author's statement in the text concerning the first appearance of a separate section on dates for statutes is based upon an analysis of the fifteen editions contained in *The Bluebook: A Sixty-Five Year Retrospective*. *Id.*

(b) Internet and online sources. When states and municipalities only publish their official statutes or ordinances online, the online source may be directly cited.

BELLINGHAM, WASH., MUN. CODE § 16.60.060 (2008), http://www.cob.org/web/bmcode.nsf/CityCode?OpenView.

Authentic, official, or exact copies of a source available online can be cited as if they were the original print source (rule 18.2.1(a)).

NEB. REV. STAT. § 2-1247 (2007)

Unofficial online sources are cited in accordance with rule 18.2.3.

HAW. REV. STAT. § 142-23.5 (2009), *available at* http://www.capitol.hawaii.gov/hrscurrent/Vol03_Ch0121-0200D/HRS0142/HRS_0142-0023_0005.htm.

Examples of the Use of Rule 12.5 with Citations to Westlaw

1. Sabel, Charles F. & William H. Simon, *Contextualizing Regimes: Institutionalization As a Response to the Limits of Interpretation and Policy Engineering*, 110 MICH. L. REV. 1265 (2012).

Footnote 159 - California Marketing Act, Cal. Food & Agric. Code §§58601-59293 (West, Westlaw through Ch. 745 of 2011 Reg. Sess. and all 2011-12 1st Ex. Sess.).

2. Bornstein, Stephanie, *Work, Family, and Discrimination at the Bottom of the Ladder*, 19 GEO. J. ON POVERTY L. & POL'Y 1 (2012).

Footnote 129 - As of 2010, seven states (California, Connecticut, Illinois, Louisiana, Minnesota, New Hampshire, Michigan) require certain private employers to provide at least some accommodations for pregnant workers, and an additional two states (Alaska, Texas) require certain public employers to do so. *See* CAL. GOV'T CODE § 12945(b)(1), (3) (West 2005); CONN. GEN. STAT. § 46a-60(a)(7) (West, Westlaw through 2011 Jan. Reg. Sess. and June Sp. Sess.); ILL. COMP. STAT. ANN. §775 5/2-102(H) (West, Westlaw through Jan. 2011); La. Rev. Stat. Ann. 23:342(4) (1997); MINN. STAT. § 363A.08 (West, Westlaw through 2011); N.H. CODE ADMIN. R. ANN. 354-A:7 (I)(a)(4) (West, Westlaw through Ch. 269 of 2011 Reg. Sess.); MICH. COMP. LAWS ANN. § 37.2202(1)(d) (West 2009); ALASKA STAT. ANN. § 39.20.520(a) (West, Westlaw through 2011 of First Reg. Sess. and First Sp. Sess.); TEX. LOC. GOV'T CODE ANN. § 180.004(b) (West 2001). In addition, at least thirteen states and D.C provide job protections for pregnancy and childbirth-related disabilities that go beyond what is required under the FMLA (California, Connecticut, Hawaii, Iowa, Louisiana, Maine, Massachusetts, Montana, New Hampshire, Oregon, South Carolina, Vermont, Washington), and five states have temporary disability insurance programs that provide some short-term benefits for women disabled by pregnancy (California, Hawaii, New Jersey, New York, Rhode Island). *See* Jodi Grant, Taylor Hatcher & Nirali Patel, Nat. P'ship for Women & Families, *Expecting Better: A State-by-State Analysis of Parental Leave Programs* (2005), available at http://www.nationalpartnership.org/site/DocServer/ParentalLeaveReportMay05.pdf? docID=1052.

3. Wallace, Janet L. Wallace & Lisa R. Pruitt, *Judging Parents, Judging Place: Poverty, Rurality, and Termination of Parental Rights*, 77 MO. L. REV. 95 (2012).

Footnote 44 - CAL. WELF. & INST. CODE § 319 (West, Westlaw through urgency legislation through Ch. 745 of 2011 Reg. Sess. and all 2011-2012 1st Ex. Sess. laws); DEL. FAM. CT. R. CIV. P. 212; FLA. STAT. § 39.402(h)(2)-(3) (2010); KY. REV. STAT. ANN. § 620.060 (West, Westlaw through end of 2011 Legis.); TEX. FAM. CODE ANN. § 262.107 (West 2008).

Footnote 54 - *See*, *e.g.*, CAL. WELF. & INST. CODE § 366.21(e) (West, Westlaw through urgency legislation through Ch. 745 of 2011 Reg. Sess. and all 2011-2012 1st Ex. Sess. laws); UTAH CODE ANN. § 78A-6-314(2)(c) (West, Westlaw through 2011 2d Spec. Sess.).

4. Carpenter, Benjamin C., *A Chip Off the Old Iceblock: How Cryopreservation Has Changed Estate Law, Why Attempts to Address the Issue Have Fallen Short, and How to Fix It*, 21 CORNELL J.L. & PUB. POL'Y 347 (2011).

Footnote 76 - The eight states that recognize posthumously conceived children are California (CAL. PROB. CODE §§ 249.5-249.8 (West, Westlaw through ch. 312 of 2011 Reg. Sess. and ch. 11 of 2011-12 1st Ex. Sess.)); Colorado (COLO. REV. STAT. ANN. § 15-11-120 (West, Westlaw through 1st Reg. Sess. of the 68th Gen. Assemb., 2011)); Florida (FLA. STAT. ANN. § 742.17(4) (West, Westlaw through ch. 236 of 2011 1st Reg. Sess. of the 22nd Leg.)); Iowa (IOWA CODE ANN. § 633.220 (West, Westlaw through 2011 Reg. Sess.)); Louisiana (LA. REV. STAT. ANN. § 9:391.1(A) (West, Westlaw through 2011 1st Extraordinary Sess.)); Massachusetts (Woodward v. Comm'r of Soc. Sec., 760 N.E.2d 257 (Mass. 2002)); New Jersey (*In re* Estate of Kolacy, 753 A.2d 1257 (N.J. Super. Ct. Ch. Div. 2000)); and North Dakota (N.D. CENT. CODE § 30.1-04-19 (West, Westlaw through 2011 Reg. Sess.)).

Footnote 186 - *See* CAL. PROB. CODE §§ 249.5-249.8 (West, Westlaw through ch. 312 of 2011 Reg. Sess. and ch. 11 of 2011-12 1st Ex. Sess.) (*added by* 2004 Cal. Legis. Serv. 4551-57 (West), *amended by* 2005 Cal. Legis. Serv. 2224-26 (West)). In addition to the probate provisions summarized below, the bill included corresponding changes to sections 10172 and 10172.5 of the California Insurance Code.

Footnote 189 - *Id.* § 249.5(a)(1)-(3). The original version did not require that the writing be dated, but did require that it be witnessed by at least one competent witness. 2004 Cal. Legis. Serv. 4555 (West). The California Health & Safety Code further requires that

> [a]ny entity that receives genetic material of a human being that may be used for conception shall provide to the person depositing his or her genetic material a form for use by the depositor that, if signed by the depositor, would satisfy the conditions set forth in § 249.5 of the Probate Code, regarding the decedent's intent for the use of that material.

CAL. HEALTH & SAFETY CODE § 1644.7 (West, Westlaw through ch. 135 of 2011 Reg. Sess. and ch. 8 of 2011-12 1st Ex. Sess.).

Footnote 190 - CAL. PROB. CODE § 249.5(b) (Westlaw). Generally, this person will be the executor, trustee, or custodian of assets subject to a beneficiary designation.