

STATE OF ILLINOIS
85th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

April 2, 1987

Speaker McPike: "House will come to order. House will come to order. The Members will be in their seats. The Chaplain for today will be the Reverend Dr. Oliver Zivney, Pastor of Chrisman United Methodist Church, Chrisman, Illinois. Dr. Zivney is a guest of Representative Bill Black."

Reverend Zivney: "In the name of God, the Father, the Son and the Holy Spirit, a few seconds ago, Father, we said good morning and we greeted each other, sort of a warm feeling, but, Father, maybe we forgot on this day that good morning is an old English contraction of God's morning and that we forget that You created this day for us. This day will have frustrations. This day will have fears and cheers. On this day, our tongue shall move and shall speak and our ears shall hear. Within our own mind's eye of this day that Thou has created for our use, may we temper our lips, open wide our minds and our hearts, not only for one, but for all. For on this day, let us not forget not only who we are, but whose we are. In the name of God, the Father, the Son and the Holy Spirit, amen..."

Speaker McPike: "Be led in the Pledge of Allegiance by the Gentleman from McHenry, Representative Klemm."

Klemm - et al: "I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all."

Speaker McPike: "Roll Call for Attendance. Mr. Piel, do you have any absentees?"

Piel: "Yes, Mr. Speaker. Would the record show that Representative Myron Olson and Representative Tuerk are absent today?"

Speaker McPike: "Representative Matijevich, do you have any absentees?"

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Matijevich: "None on this side of the aisle, Mr. Speaker."

Speaker McPike: "Take the Roll, Mr. Clerk. 115 Members answering a Roll Call, a quorum is present. The House will now stand in recess until the hour of 11:00 a.m. with perfunctory time for Introduction and First Readings."

Clerk O'Brien: "Introduction and First Reading of Bills. House Bill 1368, offered by Representative Leverenz, a Bill for an Act making appropriations to the Office of State Attorney's Appellate Prosecutor. First Reading of the Bill. House Bill 1369, Hicks - et al, a Bill for an Act to amend the Illinois Pension Code. First Reading of the Bill. House Bill 1370, Hicks - et al, a Bill for an Act to amend the Vietnam Veterans' Act. First Reading of the Bill. House Bill 1371, McCracken - et al, a Bill for an Act to amend the Illinois Public Labor Relations Act. First Reading of the Bill. House Bill 1372, McCracken - et al, a Bill for an Act to amend the Illinois Educational Labor Relations Act. First Reading of the Bill. House Bill 1373, Johnson - et al, a Bill for an Act to create the Bowder Township Metropolitan Exhibition Auditorium and Office Building Authority. First Reading of the Bill. House Bill 1374, McAuliffe - et al, a Bill for an Act relating to investments of pension funds in certain companies doing business in Northern Ireland. First Reading of the Bill. House Bill 1375, McAuliffe, a Bill for an Act to amend the Election Code. First Reading of the Bill. House Bill 1376, Van Duyne - et al, a Bill for an Act to amend an Act concerning land titles. First Reading of the Bill. House Bill 1377, Frederick - et al, a Bill for an Act to amend Sections of the Intergovernmental Cooperation Act. First Reading of the Bill. House Bill 1378, Weaver, a Bill for an Act making an appropriation to the Department of Transportation. First Reading of the

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Bill. House Bill 1379, Weaver, a Bill for an Act to amend the Unemployment Insurance Act. First Reading of the Bill. House Bill 1380, Mautino, a Bill for an Act in relation to expenditure of motor fuel tax proceeds distributed to local governments. First Reading of the Bill. House Bill 1381, Hallock - et al, a Bill for an Act to create the Illinois Historic Cities Fund. First Reading of the Bill. House Bill 1382, Weaver, a Bill for an Act making an appropriation to the Illinois Environmental Protection Agency. First Reading of the Bill. House Bill 1383, Parke, a Bill for an Act to amend the Code of Civil Procedure. First Reading of the Bill. House Bill 1384, Phelps, a Bill for an Act to amend the School Code. First Reading of the Bill. House Bill 1385, Stephens, a Bill for an Act to amend the Illinois Income Tax Act. First Reading of the Bill. House Bill 1386, Stephens, a Bill for an Act to amend an Act relating to certain advertising. First Reading of the Bill. House Bill 1387, Ropp, a Bill for an Act to amend the Illinois Pension Code. First Reading of the Bill. House Bill 1388, Anthony Young, a Bill for an Act to amend the Illinois Income Tax Act. First Reading of the Bill. Committee Reports. Representative Van Duyne, Chairman of the Committee on Counties and Townships, to which the following Bills were referred, action taken April 1, 1987, reported the same back with the following recommendation: 'do pass' House Bill 671. Representative Kulas, Chairman of the Committee on Energy, Environment and Natural Resources, to which the following Bills were referred, action taken April 1, 1987, reported the same back with the following recommendations: 'do pass' House Bill 589; 'do pass as amended' House Bills 62 and 368; 'do pass Short Debate Calendar' House Bill 425; 'do pass Consent Calendar' House Resolution... it's 'be adopted

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Consent Calendar* House Resolution 142. Representative Terzich, Chairman of the Committee on Executive and Veterans* Affairs, to which the following Bills were referred, action taken April 1, 1987, reported the same back with the following recommendations: 'do pass' House Bill 981; 'do pass Consent Calendar* House Bill 714; 'do pass as amended Short Debate Calendar* House Bill 863; 'be adopted* House Resolution 104, House Resolution 163, House Joint Resolution 43. Representative Satterthwaite, Chairman of the Committee on Higher Education, to which the following Bills were referred, action taken April 1, 1987, reported the same back with the following recommendation: 'do pass as amended* House Bill 143 and 320. Representative Dunn, Chairman of the Committee on Judiciary I, to which the following Bills were referred, action taken April 1, 1987, reported the same back with the following recommendation: 'do pass as amended* House Bill 326 and 884. Representative Krska, Chairman of the Committee on Registration and Regulation, to which the following Bills were referred, action taken April 1, 1987, reported the same back with the following recommendations: 'do pass* House Bill 727; 'do pass as amended* House Bill 755; 'do pass Consent Calendar* House Bills 465, 560 and 640; 'do pass Short Debate Calendar* House Bill 672. Representative Currie, Chairman of the Committee on State Government Administration, to which the following Bill was referred, action taken April 1, 1987, reported the same back with the following recommendation: 'do pass as amended* House Bill 77. Further Introductions. House Bill 1389, offered by Representative DeJaegher, a Bill for an Act in relation to a tax on persons engaged in the business of distributing tobacco products other than cigarettes. First Reading of the Bill. House Bill 1390, Ryder - et al, a Bill for an

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Act relating to accidental injuries and occupational diseases resulting from mental, emotional and physiological stress. First Reading of the Bill. House Bill 1391, Countryman, a Bill for an Act to amend Sections of the Illinois Insurance Code. First Reading of the Bill. House Bill 1392, Countryman, a Bill for an Act to amend Sections of an Act in relation to county zoning. First Reading of the Bill. Introduction and First Reading of Constitutional Amendments. House Joint Resolution Constitutional Amendment #12, offered by Representative Countryman - et al, resolved by the House of Representatives of the 85th General Assembly of the State of Illinois, the Senate concurring herein, that there shall be submitted to the electors of the state for adoption or rejection at the general election next occurring at least six months after the adoption of this Resolution a proposition to amend Section 5 of Article III, Section 6 of Article IV and Section 4 of Article IV of the Constitution to read as follows: Article III, Section 5, Board of Elections. The State Board of Elections shall have general supervision over the administration of the registration and election laws throughout the state. The State Board of Elections shall judge the election and returns of Members of the General Assembly. The General Assembly shall have no power to decide the election contests of Members of the General Assembly. The General Assembly, by law, shall determine the size, manner of selection, compensation of the Board... number... board. No political party shall have a majority of Members on the Board. Article IV, Section 6, Organization. A majority of the Members elected to each House constitutes a quorum. On the first day of January Session of the General Assembly in odd number years, the Secretary of State shall convene the House of

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Representatives to elect from its Membership a Speaker of the House of Representatives as presiding officer and the Governor shall convene the Senate to elect from its Membership a President of the Senate as presiding officer. (c) For purposes of powers of appointment conferred by this Constitution, the Minority Leader of either House is a Member of the numerally strongest political party other than the party to which the Speaker or the President belongs, as the case may be. (d) Each House shall determine the rules of its proceedings, judge the qualifications of its Members and choose its officers. No Members shall be expelled by either House except by a vote of two-thirds of the Members elected to that House. A Member may be expelled only once for the same offense. Each House may punish, by imprisonment, any person not a Member guilty of disrespect of the House by disorderly or contemptuous behaviour in its presence. Imprisonment shall not exceed beyond 24 hours at one time unless the person persists in disorderly or contemptuous behavior. Article VI, Section 4, Supreme Court Jurisdiction. (a) The Supreme Court may exercise original jurisdiction in cases relating to revenue, mandamus, probation or habeus corpus as may be necessary to the complete determination of any case on review. (b) Appeals from judgments of Circuit Courts imposing a sentence of death and from decisions of the State Board of Elections judging the elections in returns of Members of the General Assembly shall be directly to the Supreme Court as a matter of right. In reviewing decisions of the State Board of Elections judging the elections and returns of Members of the General Assembly, the Supreme Court shall not receive additional evidence, but shall be limited to a review of the record of the State Board of Elections in judging the elections and returns of Members

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of the General Assembly. The Supreme Court shall provide by rule for direct appeal in other cases. (c) Appeals of the Appellate Court to the Supreme Court are a matter of right if a question under the Constitution of the United States or of the state rises from first... for the first time in and as a result of an action of the Appellate Court or if the division of the Appellate Court certifies that the case decided by it involves a question of such importance that the case should be decided by the Supreme Court. The Supreme Court may provide for rules for appeals from the Appellate Courts in other cases. Schedule: This Amendment takes effect upon its adoption by the electors of this state. First Reading of the Constitutional Amendment. Further Introductions. Last Bill introduced was 1392. House Bill 1393, McCracken - et al, a Bill for an Act to amend the Criminal Code. First Reading of the Bill. House Bill 1394, Pullen - et al, a Bill for an Act to amend an Act to revise the law regulating industrial home work. First Reading of the Bill. House Bill 1395, Pullen - et al, a Bill for an Act to amend the Flood Control Act. First Reading of the Bill. House Bill 1396, Pullen, a Bill for an Act imposing a tax on the income of principal campaign committees of candidates for the United States Congress. First Reading of the Bill. House Bill 1397, Pullen, a Bill for an Act to amend Sections of an Act to revise the law in relation to counties. First Reading of the Bill. House Bill 1398, Pullen, a Bill for an Act to amend Sections of an Act to revise the law in relation to counties. First Reading of the Bill. House Bill 1399, Pullen - et al, a Bill for an Act to amend Sections of the Illinois Abortion Law. First Reading of the Bill. House Bill 1400, Didrickson - Kubik and Stephens, a Bill for an Act relating to accidental injuries incurred and

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occupational diseases sustained by employees under the influence of alcohol and drugs. First Reading of the Bill. Introductions. House Bill 1401, Countryman - et al, a Bill for an Act to repeal the Software License Enforcement Act. First Reading of the Bill. House Bill 1402, Levin - et al, a Bill for an Act to amend Sections of the Software License Enforcement Act. First Reading of the Bill. Perfunctory Session is reconvening for Introduction and First Readings. House Bill 1403, Bowman and Currie, a Bill for an Act to amend Sections of the Environmental Act. First Reading of the Bill. House Bill 1404, Giorgi, a Bill for an Act to authorize sanitary districts to apply for relief of mandamus to prevent the pollution of certain waters. First Reading of the Bill. House Bill 1405, Giorgi, a Bill for an Act in relation to sanitary districts. First Reading of the Bill. House Bill 1406, Giorgi, a Bill for an Act relating to the powers and authority of boards of trustees of certain sanitary districts. First Reading of the Bill. House Bill 1407, Steczo, a Bill for an Act to amend Sections of the Workers' Compensation Act. First Reading of the Bill. House Bill 1408, Klemm - et al, a Bill for an Act in relation to compensation for accidental injuries incurred and occupational diseases sustained due to repetitive and cumulative trauma. First Reading of the Bill. House Bill 1409, Martinez - et al, a Bill for an Act making an appropriation to the Capital Development Board. First Reading of the Bill. House Bill 1410, Countryman, a Bill for an Act to amend Sections of an Act concerning jurors and to repeal certain Acts therein named. First Reading of the Bill. Introductions. House Bill 1411, offered by Representative Greiman, a Bill for an Act to amend Sections of the Revenue Act. First Reading of the Bill. House Bill 1412, Greiman, a Bill for an Act to amend

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Sections of the Revenue Act. First Reading of the Bill. Introduction and First Reading of Constitutional Amendments. House Joint Resolution Constitutional Amendment #13, offered by Representative Greiman - et al, resolved by the House of Representatives of the 85th General Assembly of the State of Illinois, the Senate concurring herein, that there shall be submitted to the electors of this state for adoption or rejection at the general election next occurring at least six months after the adoption of this Resolution a proposition to amend Section 8 of Article IX of the Constitution to read as follows: Article IX, Revenue, Section 8, Tax Sales. (a) Real property shall not be sold for the non-payment of taxes or special assessments without judicial proceedings. (b) 1. The right of redemption from all sales of real estate for the non-payment of taxes or special assessments except as provided in paragraph 2 and 3 of this Subsection (b) shall exist in favor of owners and persons interested in such real estate for not less than two years following such sales. 2. The right of redemption from the sales for non-payment of taxes or special assessment of a parcel of real estate which (a) is vacant, non-farm real estate or (b) contains an improvement consisting of a structure or structures each of which contains six or more residential units or (c) is commercial or industrial property shall exist in favor of the owner or persons interested in such real estate for not less than six months following such sale. 3. The right of redemption from the sale for non-payment of taxes or special assessments of a parcel of real estate which (a) is vacant, non-farm real estate, or (b) contains an improvement consisting of a structure or structures each of which contains six or more residential units, or (c) is commercial or industrial property and upon

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which all or a part of the general sales for each of two or more years are delinquent shall exist in favor of the owners and persons interested in such real estate for not less than 90 days following such sales. (c) Owners and occupants and parties interested shall be given reasonable notice of the sale and the date of expiration of the period of redemption as the General Assembly provides by law. Schedule: This Constitutional Amendment takes effect upon adoption by the electors of this state. First Reading of the Constitutional Amendment. May I have your attention please? The House will convene in five minutes. The House will convene in five minutes. Will all Members please come to the House chamber? Thank you. Further Introductions. House Bill 1413, offered by Representative Wennlund, a Bill for an Act to amend Sections of the Illinois Municipal Code. First Reading of the Bill. Introductions. House Bill 1414, offered by Representative Dunn, a Bill for an Act to amend Sections of the Code of Civil Procedure. First Reading of the Bill. House Bill 1415, offered by Representative McCracken and O'Connell, a Bill for an Act to amend Sections of the Right of Conscience Act. First Reading of the Bill. House Bill 1416, offered by Leader Giglio, a Bill for an Act to amend Sections of the Illinois Income Tax Act. First Reading of the Bill."

Speaker McPike: "The House will come to order. Gentleman from Cook, Representative Giglio."

Giglio: "Mr. Speaker, the Democrats would like to caucus immediately in Room 114."

Speaker McPike: "Gentleman from DuPage, Representative McCracken."

McCracken: "Mr. Speaker, the Republicans would like to have a conference immediately in Room 118. Last about one hour."

Speaker McPike: "The House will now stand in recess until the

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hour of 12:10 for a Democratic caucus in Room 114 and a Republican caucus immediately in Room 118. The House will reconvene at the hour of 12:10."

Clerk O'Brien: "Introductions. House Bill 1417, Giglio, a Bill for an Act making appropriation to the Department of Transportation. First Reading of the Bill. House Bill 1418, Giglio, a Bill for an Act relating to Miggs Field and amending Acts herein named. First Reading of the Bill. House Bill 1419, offered by Representative O'Connell, a Bill for an Act concerning taxes on certain businesses in enterprise zones. First Reading of the Bill. House Bill 1420, Countryman, a Bill for an Act to amend Sections of the Illinois Notary Public Act. First Reading of the Bill. House Bill 1421, offered by Representative Dunn, a Bill for an Act to amend Sections of the Illinois Nursing Act. First Reading of the Bill. House Bill 1422, offered by Representative Mauro, a Bill for an Act to provide counselling and referral service to children with parents or custodians who abuse alcohol or other substances. First Reading of the Bill. House Bill 1423, offered by Representative Mauro, a Bill for an Act making an appropriation to the Department of Alcoholism and Substance Abuse. First Reading of the Bill. Further Introductions. House Bill 1425, offered by Representative Mauro, a Bill for an Act to amend the Child Care Act. First Reading of the Bill. That was House Bill 1424. House Bill 1425, offered by Representative Terzich, a Bill for an Act to amend Sections of the Emergency Medical Services System Act. First Reading of the Bill. Committee Report. Representative Wyvetter Younge, Chairwoman of the Committee on Urban Redevelopment, to which the following Bill was referred, action taken April 2, 1987, reported the same back with the following recommendation: 'do pass' House

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Bill 1001. Introduction of Bills. House Bill 1426, Mautino, a Bill for an Act in relation to the corporate powers of banks amending Acts herein named. First Reading of the Bill. House Bill 1427, Krska, a Bill for an Act to amend the Medical Practice Act. First Reading of the Bill. House Bill 1428, Krska, a Bill for an Act to amend Sections of the Illinois Nursing Act. First Reading of the Bill. House Bill 1429, Krska, a Bill for an Act to amend the Physicians' Assistance Practice Act. First Reading of the Bill. House Bill 1430, Krska, a Bill for an Act to amend Sections of the Illinois Optometric Practice Act. First Reading of the Bill. House Bill 1431, Krska, a Bill for an Act to amend Sections of an Act to regulate the practice of podiatry in the State of Illinois. First Reading of the Bill. House Bill 1432, Krska, a Bill for an Act to amend the Pharmacy Practice Act. First Reading of the Bill. House Bill 1433, Krska, a Bill for an Act to amend the Nursing Home Administrators' License Act. First Reading of the Bill. House Bill 1434, Krska, a Bill for an Act to amend the Psychiatric Registration Act. First Reading of the Bill. House Bill 1435, Krska, a Bill for an Act to amend the Social Workers' Registration Act. First Reading of the Bill. House Bill 1438, Krska... House Bill 1436, that is, a Bill for an Act to amend the Regulatory Agency Sunset Act. First Reading of the Bill. House Bill 1437, Krska, a Bill for an Act to amend the Illinois Physical Therapy Act. First Reading of the Bill. House Bill 1438, Countryman, a Bill for an Act to amend Sections of an Act to revise the law in relation to recorders. First Reading of the Bill. House Bill 1439, Wojcik and White, a Bill for an Act to amend Sections of an Act creating the Department of Children and Family Services. First Reading of the Bill. House Bill 1440, Keane and Churchill, a Bill for an

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Act to amend Sections of the Cigarette Use Tax Act. First Reading of the Bill. House Bill 1441, Keane and Churchill, a Bill for an Act in relation to cigarette tax stamps. First Reading of the Bill."

Speaker Madigan: "House shall come to order. The Members shall be in their chairs. On page 2 of the Calendar, there appears a Special Order of Business, the report of the election contest, Committee Report 85th Representative District, Mr. Christensen vs. Mr. Weller. On that question, the Chair recognizes Mr. Flinn."

Flinn: "Mr. Speaker, as Chairman of the Elections Committee, I move to adopt the Majority report and would like to speak on that, if I may."

Speaker Madigan: "Proceed, Mr. Flinn."

Flinn: "Back when we were first sworn in as Members of this august Body in January, we had facing before us the fact that Mr. Christensen, former Representative Christensen, filed an election contest petition. Mr. Weller filed a petition for a full recount in the event that there was a recount at all. On January 21, we had an organizational meeting, this Committee of ten people, and we adopted Committee rules and we also adopted several Republican Amendments so that there was agreement upon those rules. We set a timetable for filing Motions and pleadings. The Democrat Majority, if you'd like to call them that, thought that seven days would be sufficient. After a great deal of protest from Mr. Weller's attorney and from the Republican Members, the Democrat Majority caved in and we used 40 days, not seven, 40 days and so that was what we did so far as a timetable of only hearing the pleading and the Motions to dismiss, strike and dismiss or if you may, not have an election contest at all. Well, it seemed ridiculous to some of us. It was a four vote difference in Mr.

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Christensen's petition that we should not at least look at it. So, anyway, we went on to Mr. Weller's Motion to strike and dismiss and extensive hearings were held. The Motion, as I say, was finally denied and the Republicans voted to deny portions of the Motion itself on a Motion for a full recount the vote was 10 to nothing. We proceeded with the preliminary hearings under the Committee rules to determine whether there was any basis to go forward and we did this. The Motion for a full recount was adopted, as I say, by 10 to nothing. In the Committee's recount, all relevant materials were assembled in Springfield. We brought all the ballots down, everything we could think of that was involved in the recount and the presentation of the materials maintained... were maintained by two padlocks, one by a Republican trusted person and Democrat trusted person. Each ballot was inspected by one of two bipartisan teams that were established by the Committee by agreement - all of this was by agreement, mind you. Then when either party objected to a ballot, rather than decide what to do about the ballot at that time, we just simply, with no argument, set it aside. And so that's what we did there, to determine later on whether or not the objection was legitimate, whether the ballot should be counted or not counted. The Committee traveled to LaSalle, Grundy and Will Counties to do a computer recount of those ballots that were undisputed, the ones that were not segregated, the so-called objected ballots. The Committee also traveled to Kankakee County to review the backs of the voting machines to determine if the count on those voting machines were the same as reported by the Judges on election night. An agreed count on the undisputed ballots was adopted on March 20th and a... by a vote of 9 to 1 was accepted. That count, at that point, only on the

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undisputed ballots - this is after we have thrown out the ones that we were going to consider later on - the count was Christensen, 14,185, Weller, 14,193 or an eight vote difference. Now, on March 12 this year, the Republicans boycotted a meeting where I, the Chairman, wished to begin consideration of the disputed ballots. We wanted to proceed. We were charged with the responsibility of proceeding with this recount with all dispatch so that Mr. Weller was not hanging out and Mr. Christensen was not hanging out waiting in the final analysis of it, we would... to do it in a hurry. Well, maybe I was in a bit of a hurry, because it turned out that in the informal discussions, it resulted in an agreement to an agreed schedule and procedure set forth on the majority report in pages 14 and 15. Now, let me recite if you will beg my indulgence to recite from that report. One, the staff was directed to assemble all election materials in Springfield such as ballot applications, challenge voters, affidavits and absentee affidavits and lists of registered voters from the 85th Representative District and the ballot pages used in all the precincts in the districts of Grundy, La Salle and Will Counties. Two, the staff, along with the counsel of the parties, was directed to conduct an inventory of all the election materials in the Committee's possession, find out what we got on hand, in other words. Three, a Member of each staff was directed to travel to Kankakee to view the fronts of the voting machines, something we had not done before, and photograph any of the machines believe to be erroneously list the names of the candidates. In addition, the staff was instructed to travel to Morris and Joliet to view the ballot pages used by the Grundy and Will County Clerks on November 4th in the 1986 general election. Four, the State Board of Elections was requested to examine

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all ballot applications from this election against a list of registered voters to determine was the name on the ballot application is the same as that of a registered voter. We were going to check them out, make sure that those persons have a right to vote. The Committee... Five, the Committee scheduled a meeting on March 20th to hear from the counsel as to stipulated matters, those things they agree on, and to receive a report from the staff as to the progress of the inventory. These were our two reasons for meeting that day. Six, the evidentiary hearings were scheduled March 26th, March 27th and March 29th to give us plenty of time, which was a Thursday after we adjourned, and a Friday all day and a Sunday. As it turned out, we did not need the Sunday. Well, let me wind up by saying this very simply, Mr. Speaker and Members of this august Body, the stipulation between the parties, the parties agreed not to proceed on the issue of the wrong names of candidates on machines in Kankakee County, although there was a great deal of argument for the petitioner that we should consider that. But as well as any other issues that may have arisen is the examination of a ballot application, affidavits used in the election. In other words, we were trying to pin down who won this election fair and square and that was our point of doing it. This was all stipulated and agreed by the parties. Mind you, at this point, we were not facing too much argument except that the Chair might have been in too much of a hurry and not laid down a good schedule, a timely schedule so everybody knew where we were going. As I mentioned before, we backed off of that. Well, when the evidentiary hearings began on March 26th, I will not get into those, but let me say this in conclusion, that when those hearings began, Mr. Weller's attorney violently

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objected - and I use the word violently as, I guess, was being mild as opposed to what he really said - Mr. Weller's attorney objected and finally the Democrat Majority caved in and permitted Mr. Weller's attorney from that point on to select each ballot one at a time, which one we would look at next. I'm saying to you, Mr. Speaker, and Members of the House, we bent over backwards in trying to do what Mr. Weller's attorney agreed to do. Much of what we did was over the objection of Mr. Christensen's attorney and I stand ready and willing and able to say to you that Mr. Christensen won this election and I move for the adoption of the report."

Speaker Madigan: "The Gentleman moves that the report of the Majority of the Committee be adopted. On that question, the Chair recognizes Mr. Countryman."

Countryman: "Thank you... Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I have had the opportunity in my lifetime to have been involved in the electoral process in this state for some time. Many years ago, I was a Member of the Electoral College and elected a President of the United States, an awesome task. And then, a few years ago, the Governor saw fit to appoint me to the State Board of Elections and they elected me the Chairman. And then I sought to leave that position to come over here and become a Member of this Body, thinking at all those times that this is the place where it ultimately is determined. This is where the laws are made. This is where election law is made and I came here and left my position at the State Board of Elections to come over and do what I believe is the right thing to do and as we got into this recount, the Minority Leader appointed me to the Committee. He didn't make me the Spokesman. Representative Olson is the Spokesman of the Committee and Representative Olson today

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is at the bedside of his severely ill brother, where he should be, and I stand here, Ladies and Gentlemen, in Representative Olson's place and in my own place to tell you what I saw happen in the last two and a half months. Now, I have heard the previous speaker tell you about all the things that they bent over backwards to do, but let me tell you that every time we inquired as to when Motions were going to be heard, we were told they were under advisement. When we asked what the next procedure was in the recount, we were told we will see. Until the time that the House Republicans walked out of the Committee and started the negotiations that culminated in the procedural resolution which was just read to you, there were no procedural steps for how this recount was to be conducted and, frankly, all of those things that were read to you were suggested by our side of the aisle. But all that is now water over the dam. The question before us today is a question which is vested in us as the Members of this Body duly elected by the people of the State of Illinois to sit in judgment on the election qualifications of this very Membership. Whether that principle is right or wrong, it is in the Constitution, but let me tell you that the final outcome and the final result in the Majority report is incorrect. It is wrong. And for that reason, on behalf of the Minority, the Members of the Minority Committee... the Elections Committee have filed a Minority report which is on your desks and we ask you to reject the Majority report and adopt the Minority report. And in the course of this debate, my fellow Members of the Committee and fellow Members on this side of the aisle will inform you as to the details that are in that report and they will tell you and what they will tell you is that the Committee had not set standards and I... when I say the Committee, I mean the

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majority of the Committee. There were times when I voted with the other side because this wasn't a partisan matter. It was a question of who was duly elected in that district and when I truly believe a ballot was either validly cast or should not be counted, that is the way my vote is recorded. And I say to you that there was never a break in the vote on the other side. Now, why would we have deviations from this side when we believed that what we were doing was to determine who won that race. The only important issue before us today is who received the majority of votes in the 85th District, but it isn't just for the people of the 85th District. It isn't for Mr. Christensen and it isn't for Representative Weller. It's because the people of this state have invested in us an awesome responsibility to do the right thing. And, you know, as I went across the nation to Washington and other places, as a Chairman of the State Board of Elections, I would hear people laugh and giggle about elections in Illinois and I wanted to do something about that because I want to bring an integrity to the process and I still want to do that. I don't want to do that as a Member of my party, but I want to do that as a Member of this Assembly. So, I am to tell you today what I truly believe that the facts showed, that the law of this state, as applied to the fact, show and what I couldn't tell you I believe stronger in my heart than anything I have ever believed in my life and that is that Jerry Weller won this election. And I truly mean that. I want you to read every page of the Minority report. I want you to look at the ballots that are set in there for your position. Other Members will outline the inconsistent votes that occurred in that Committee and you will hear that argument and I want you to listen hard because this is the most important vote that we

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will all cast in this General Assembly and probably for many to come and the duty and responsibility that we take today is one that men have died for to make this country free. There is no higher responsibility than that is granted under the Constitution. But the Constitution also provides for some other things. They are called due process and equal protection and I will tell you that due process and equal protection were denied under the Majority report. They were denied in the way in which the ballots were judged in the final days and the final hours and they were denied in their inconsistencies in their votes that were cast. And I'm sorry I have to stand up and tell you that, but I would fail in my job if I didn't. Now, last Friday I made a speech about going home with my son to the boy scouts and doing the Pinewood Derby and with what I saw happen in that Committee that afternoon I said a tear had to be shed for democracy and that when those boy scouts raised their hand to say the Pledge of Allegiance, as they do in every meeting, that I would shed a tear for democracy and we are all going to go home and do those things and I'll tell you, I want you to look at your children. I want you to look at your grandchildren, whatever it is, and I want you to look them in the eye and I want you to say that when you cast this vote today you knew that you were doing the right thing, the correct thing, because it's the only thing that you can do. Thank you."

Speaker Madigan: "Representative Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This all began, as most of you will recall, on January 14th. That was Inauguration Day when there was an attempt to create a special Elections Committee to fast track the election contest process. That maneuver was exposed and it was defeated. Then at the first meeting of

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the Committee on January 21, it became clear that the Majority intended to move with haste for it was discovered that the intent was to conduct the entire recount by St. Patrick's Day. That time frame would not even have allowed the Committee to examine all of the ballots. Again, only after the Minority made impassioned pleas for fairness, did the Majority grudgingly allow the attorneys for Representative Weller time to present various procedural motions to test the allegations in Mr. Christensen's petition. After the preliminary hearing on February 25, the recount began with the actual examination of the ballots. Ballots which were objected to were set aside for a ruling at a later date. It soon became clear that the purpose of this segregation method was only to create a pool of disputed ballots from which enough votes for Mr. Christensen could be culled to ensure his victory. In addition, during this part of the proceeding, the Minority requested repeatedly that procedures and standards for ruling on disputed ballots be developed and a hearing date set. The request was invariably denied. The Minority also asked repeatedly to examine related materials such as ballot applications. This request, too, was denied. On March 6th, the Chairman announced, over the Minority's objection, that retabulation on the automatic counting machines would include only undisputed ballots. The failure to include all punch type ballots in the automatically preserved that pool of segregated ballots for individual rulings. On March 9, counsel for Representative Weller filed a motion to obtain access to voting materials. Counsel for the Minority was also forced to file a request under the Freedom of Information Act for the same material. In addition, counsel for Representative Weller filed a formal motion to have the Chairman set a schedule for

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hearings on disputed ballots. Finally, counsel for Representative Weller asked that the hearings be held in Kankakee. None of these requests was honored and three days later, on March 12th, without any notice, the Chairman announced that the Committee intended to proceed to a hearing on the disputed ballots immediately. The Minority had no recourse but to walk out of the hearing. As a result of the walkout, the Majority backed down from hard line position and agreed to resolve the procedural issues. The Majority set a date for a hearing on the ballots, allowed the staff to examine the requested materials, but refused to hold the hearings in Kankakee. The question is why did we have to go to these lengths to be granted our basic rights. The Minority walked out one last time in these proceedings. That occurred on March 27th when it became clear that the Majority was acting purely on a partisan basis in its decisions on the disputed ballots. Yesterday, Mr. Speaker and Ladies and Gentlemen of the House, while I was in conversation with one of my colleagues from the other side of the aisle, that person said to me, 'There is no question but that Representative Weller won the November election,' and then this person smiled and said, 'but he won't win the election tomorrow.' Ladies and Gentlemen, it is not our function here today to conduct a new election. It is our duty, our solemn obligation to determine, to respect, and to affirm the will of the people of the 85th District. We can do that only if we regard this as a truly serious and far too important matter to be regarded from a partisan point of view. It can be done, I submit, only by real, genuine objectivity based on the facts and the evidence. And my friends, even John Quincy Adams would be in accord with that, for it was he who said, 'Facts are stubborn things and whatever may be

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our wishes, our inclinations or the dictates of our passions, they cannot alter the state of facts and evidence.' On the basis of facts and evidence and the finest traditions of good government in America, Representative Jerry Weller won that election. Thank you."

Speaker Madigan: "Mr. Slater."

Slater: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. By virtue of being Members of this body, we are all lawmakers. If we don't like the law or our constituents don't like the law, then we draft Bills and we go about the process of changing that law. But just because we are lawmakers does not mean that we are above the law. In election law, the most elementary principle is that uninitialed ballots shall not be counted. The Illinois Election Code is clear. It says election judges shall initial ballots on the back of the ballot at the time the ballot is given to the voter. Any ballots that are not initialed by an election judge shall not be placed in the ballot box. They are to be marked defective and not be counted. You know, initialling by the election judges is mandatory for a good reason and that reason is that it's a safeguard against stuffing ballot boxes. It enables the election judges to identify those ballots that they have personally dispensed and most importantly, it ensures the integrity of the election process. The Committee on Elections adopted this rule of law, but after the ballots were segregated, a total of 13 uninitialled ballots from eight different precincts were found, eight ballots for Christensen, five ballots for Weller. The Committee report would have you believe that the law in this area is unclear. Based on a 1968 Illinois Supreme Court decision, which created an extremely narrow exception to the initialing requirement, which in this case simply does not

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apply when the 13 ballots are from eight different precincts not shown to be positively identified as absentee ballots. Yet, despite the clear status of the law on uninitialled ballots, the Committee reversed its earlier position. Result: Net gain of three, three votes for Christensen. There are two Members on that side of the aisle who are former county clerks and every county clerk knows the sacred rule. You don't count uninitialled ballots. Representative Stern and Representative Phelps, I appeal to your sense of fairness. Can you go back home to your election judges and tell them you were wrong yesterday when you administered elections in your counties and you said, 'Don't count uninitialled ballots and that you're going to be right today if you cast a vote for the Majority report. If we, as law makers, are not above the law, and we are not, we're bound to follow the law of the State of Illinois. Uninitialled ballots are defective and should not be counted. A second important legal principle in the law on elections deals with identifying marks. Clearly stated, the law is any deliberate marking of a ballot not made in an attempt to indicate the choice of candidates constitutes an identifying mark, a mark by which a ballot may be distinguished invalidates that ballot. Numbers on ballots were ruled to be identifying marks last Thursday and two ballots, one for Christensen and one for Weller, were both rejected on that basis. Yet, on Friday, two ballots, copies of which were included in the Minority report, which was given to every Member of the General Assembly. These two ballots included numbers with the judge's initials, an eight and a nine. And they were counted. The theory and the rule of the day before no longer apply. Both were ballots, surprisingly, for Mr. Christensen. Yet, under Illinois law, the eight and the

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nine on those ballots is clearly an identifying mark which makes them invalid. Six ballots contained red ink, three for each side. Christensen's were counted. Weller's were rejected. One paper absentee ballot for Weller was executed in red ink and because one absentee voter affidavit was also completed in red ink, the Committee said it could identify the person who voted and thus an identifying mark invalidating that ballot. Red markings on the front of three Christensen ballots were ruled not to be identifying marks. Similar red or pink marks in the area of judges' initials on the back of Weller ballots were identifying marks. The rules change, depending on who the ballots were cast for. Doesn't fundamental fairness require equal application of uniform standards to all ballots? To reach the result of the Committee Report, one has to totally disregard the law first on uninitialled ballots and secondly on identifying marks. For any Member to vote 'yes' for adoption of the Committee Report, he or she has to put himself or herself above the law. Thank you."

Speaker Madigan: "Mr. McCracken."

McCracken: "Thank you, Mr. Speaker, colleagues, friends in the House, the people of the State of Illinois, members of the press here on behalf of those people, I am here to tell you about certain decisions made by the Elections Committee which resulted in a difference of four votes. A mere four votes is enough to turn the tide, even too many. With a difference of three votes now, I want to tell you how four votes were given to Mr. Christensen and under what circumstances and I ask you, members of the press and the citizens of this state to tell your story. Do not accept my explanation if it does not convince you. Do not accept the Majority explanation if it does not convince you.

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Judge for yourselves because the evidence is available. And once you have made those judgments, communicate them to the citizens of this state so that they can know what is being done here today because this Body may have the power to decide this issue, but it will not be the judge of this issue. None of us here today will have the final say. That belongs to the people. That belongs to the press as their representative. Vote number one. Computer punch card ballots did not go through the computer machines which count the votes in various precincts in the 85th District. The law is clear. The statutes are clear. Computer ballots cannot be counted other than by use of the voting machine. If the voting machine does not register the vote, the vote is disregarded. But rather than accede to the statute which controlled this question, the Majority decided to inspect and count by hand these ballots. It came down to a question of did the light shine through the hole which represented a vote either for Mr. Christensen or Mr. Weller. Could we divine the intent by the markings made on the computer ballots even though the punch card was not perforated? That decision to count by hand those computer cards cost Mr. Weller a net of one vote. Vote number two. There is attached to the Minority Report as an exhibit Manteno 2 objection 1. It is a photograph which truly and accurately portrays the condition of this paper ballot wherein the Majority held that the mark made in the straight Republican checkoff did not constitute an intent to vote. Don't believe me, Ladies and Gentlemen and Members of the press. Look at the documents. Look at the exhibit and see if you don't concur that the mark in that straight Republican box or circle constitutes an intent to vote for the straight Republican ticket and therefore vote for Mr. Weller. As a matter of fact, it is conceded that

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there are no other marks on this paper ballot so that by concluding that there is no shown or demonstrated intent of vote, the Majority would have us believe that the person who took the time to come to the polls or to get the absentee ballot, as the case may be, in fact did not intend to vote. That is the only conclusion one can draw from their conclusion that the X in the Republican circle does not constitute a marking for voting. One of the Majority Members of the Committee explained his position in this way. In explanation of my vote, I see two checks, a triangle, eight separate lines. It would appear like somebody simply didn't want to vote in this particular circle and did their best to cross it out or mutilate it. I can see no X whatsoever. I vote 'aye' that the ballot not be counted. If, in fact, that person sought to cross out or mutilate that straight Republican vote, why is there no other marking on that ballot for any other office up for election at the same time, the U. S. Senate, the Governor, Congressmen, local officials. Vote number three. In an attempt to again circumvent the rule requiring computer ballots to be counted by the machine, the Majority chose to accept as a vote a computer ballot where an X had been marked over the perforation slot for Representative Christensen. It is not contended by the Majority that the ballot was perforated in any way, as it would have to be in order to comply with state law for purposes of determining the vote. It is contended, instead, that the X constitutes an intent to vote for Representative Christensen, in effect saying that the rules governing the procedure for this vote should not be applied in this case. Vote number four. A number of ballots were wrongfully identified on the back of the ballots as a different precinct; however, there is no claim that any improper voting took place. The ballots

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were voted in the right precinct, they conformed to the totals for the correct precinct. It appears that it was a ministerial error that the back of the ballots was identified to the wrong precinct. In spite of the fact that the votes were properly cast in the correct precinct and that there was no allegation of fraud, the Majority chose to disregard those votes. There are two more votes that we may never know about. There were two absentee ballots which were not returned to the County Clerk's Office by 6:00 p.m. on election day or by election day. Those absentee ballots, because they were never opened, are identifiable. Bernard and Dorothy Ball are in one of these galleries today and their votes will not be counted and will not be considered in making this decision. Again, no claim of fraud, no claim of impropriety. The Majority chose to disregard these absentee ballots because they were not delivered on election day and for that reason alone claimed that they should not be even opened, even opened. The conclusion one reaches from the evidence is that the Majority has chosen to dictate the outcome of the contest regardless of the facts or evidence in the case. Therefore, we do not judge here today because that implies a decision based on the evidence, a decision based upon law uniformly and fairly applied. We merely make the decision today. It is the press, it is the people of this great state who will decide for us whether an injustice has been done. I can only reiterate what Representative Countryman has said. He stands in support of the Minority report and asks that people of conscience vote for that report and against the Committee Report. Mr. Speaker, I ask of you that you continue the security of the ballots that has already been initiated as a result of this contest. They are under lock and key in the basement of this building.

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We ask you not to move them without notice to the Minority, not to seek to disturb them without notice to the Minority, not to try to move them until we have acceded to that. Thank you."

Speaker Madigan: "Mr. Stephens."

Stephens: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, fellow Illinoisans. I would like to direct my remarks this afternoon to a select few among us. There are many of us here today on both sides of the aisle who could easily have an election where we win by four or ten or twenty votes. We represent districts that for one reason or another could wind up being represented on either side of the aisle. We are affectionately known as targets by members of our staff and we all know who we are. Some day, some election down the road, Mr. Speaker, any one of us could face an election contest. As was pointed out earlier and in the Minority report, elections are not perfect. The process on election day in a great part relies upon volunteers, people who leave their homes and agree to serve as election judges. They are not professional election officials. They are regular citizens of the State of Illinois and those of you who have served as county clerks know that elections are imperfect. And that for the most part, they rely upon the services of these people who have volunteered their time for the day. You also know that people make mistakes. If any one of our individual elections from this past November were placed under the scrutiny of the recent election in the 85th District, it is a sure bet that some of the same types of mistakes and flaws in the process would come to light. That is why election laws are passed, to provide us some measure of protection in the process, where mistakes can and will be made, and provide us with some measure of protection

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against those who might choose to subvert the imperfect system to their own gain on election day. I would like all the targets in this room to truthfully ask themselves how they would feel if the same standards that were used to judge the validity of the ballots cast in the election under question were applied to their own election, standards that were truly arbitrary. For example, there's a Member on your side of the aisle whose election victory was a mere 200 votes. Perhaps in some of the precincts in that district legitimate ballots were sent to the wrong precinct or assigned to the wrong precinct, nothing wrong with the ballots, just a clerical error, which only would surface under the scrutiny of an election recount. Under the standards set out in what we are voting on today, those ballots would not be counted. I'll tell you if those were my ballots, I would want them counted and I think you would too. For those targets sitting on the other side of the aisle, you should be thankful of your Majority, a Majority that makes you big enough that the law can be ignored. Your seats will be saved. The point is that what we are doing today, unseating a Member, using arbitrary standards and ignoring the law should make all of us tremble in the face of a not-too-distant close election that you may face. And I sincerely believe that every one of us targets is probably saying to ourselves as we leave here today, 'There, but by the grace of God, go I.' Targets are very special here in Springfield. Oftentimes we know that we get the advantage of special political advice. Ladies and Gentlemen, target or not, I ask that you consider the advice that you have the right and the responsibility to look beyond what is politically right and what... and to do what you know in your heart is right. Thank you, Mr. Speaker."

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Speaker Madigan: "Mr. Ewing."

Ewing: "Mr. Speaker, Ladies and Gentlemen of the House, the Illinois Constitution provides that all election contests filed concerning the House and the Senate be heard before a Committee of our peers from that particular Body. While every Member in this House or in the Senate might debate the merits of that system, it is nonetheless a constitutional means by which this election contest was heard. In that role, the Democrats and the Republican Members who served on the Election Committee in effect - and I believe by their own admissions - became the judge and the jury for this contest. May I remind you that we call for a higher standard of conduct from our judges and our juries than we do from mere Committee Members and I hope you will remember that if you listen to the rest of my remarks. The means by which our jury system of trial is effective is based on the impartiality of the jury and the judge. Courts throughout this land have been sacred and their decisions sacred as long as that jury and that judge made their determination in a fair and impartial manner based upon fact and with the law well in hand. Ladies and Gentlemen of this Body, I am here to say that the decision, if we make it, to unseat Jerry Keller contained in the Majority report is not an impartial one. This decision is based not upon fact nor upon the law, as we have heard from prior speakers. And it is not made by an impartial jury of our peers. It is based upon a precalculated vote with no regard for the law or the Constitution of this state. Why do I say this? Why do I make that charge? Just a few reminders that just a few short weeks ago on January 13th, the day before the Members of this Body took their oath to uphold the Constitution, the Majority Leader was recognized to speak. I feel I must quote Representative McPike. 'Ray

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Christensen is apparently going to leave this Body for four or five weeks. During those four or five weeks, Ray, we'll miss you.' I commented the next day on the Majority Leader's comments in the debate over the dispute, Mr. Speaker, caused by your decision to try and appoint two Election Committees, one which would put the election recount on an even faster track than has happened. Throughout this Session, comments and actions by the other side of the aisle, such as the Majority Leader's comment, actions by the Speaker to appoint a fast track Election Committee all lead me to believe - and I think for good cause - that there was a predisposal by the Majority Party to exercise their plurality and their raw power and take the Weller seat back. At the outset of the Committee's deliberation, a Democratic Member of that impartial Election Committee said, 'Well, we are down by two touchdowns now, but by the end, we'll be up by a field goal. Ironic, isn't it that a field goal counts three points? The Election Committee Report of the Majority says former Representative Christensen won by three votes. On election... on March 6th, a Democratic Member of the Committee was quoted as saying his votes on this - disputed ballots - would be based on legal and political decisions. The Democratic Majority on that Committee voted unanimously approving the counting of ballots that were uninitialed by election judges. We have heard that that is a clear violation of case law and statutory law. It would seem to me that the decision to abide by legal precedents in the vote recount was soon discarded by the Committee's Majority and all that was left were the political decisions and now we know they were... what they were from the Majority report. The recent rules adopted by this Body include the creation of a special Committee to develop standards for

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potential conflict of interest. The Democratic side of the aisle obviously thought that was important. They put it in the rules. Well, they have their work cut out for them. If we examine the disclosure statements of the State Board of Elections, they will reveal that certain Democratic Members of the Election Committee made sizable contributions to the campaign of Jerry Weller's opponent, up to \$5000. Now, we all know both candidates received money from various Members in support of their campaigns. Check my filing. It will tell you that I made a contribution to Jerry Weller's campaign, but I did not as a contributor agree to serve as an impartial judge and jury. The Election Committee is trying to convince the world, this Body and the press in Illinois that what they are doing and the job they have done is fair and impartial. It is no wonder that the Majority feels the need to create a special subcommittee to develop standards for potential conflict of interest. Ladies and Gentlemen, if we vote today to unseat Jerry Weller and adopt the Majority report, a very serious miscarriage of justice will have been done. Jerry Weller did not lose that election. The only way he can be denied the opportunity to serve his constituents in the 85th District as their rightfully elected Representative is if this Body, through raw use of political power, steals that seat. There is an old saying and I think it applies well to this situation and one to be remembered by any Member who considers filling the Weller seat, yes, one to be remembered by the Majority Party and you, Mr. Speaker, that you can build a throne of bayonets, but you cannot sit on it. I ask you to vote 'no' on the Majority report."

Speaker Madigan: "Mr. Johnson."

Johnson: "Mr. Speaker, you and the other Members of the House

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have so far extended us every courtesy, and I'm not sure whether I need to do this, but to follow the House rules, I would ask, pursuant to House Rule 65(h) that three of my colleagues, Representative Sieben, Didrickson and Harris yield their time to me so that I can have sufficient time to adequately discuss and hope to summarize on this issue."

Speaker Madigan: "Mr. Johnson, I don't plan to invoke the time restriction on debate, so you can speak as long as you please."

Johnson: "Thank you, Mr. Speaker. You know, people who know me and have seen me on this House floor before know that I have the capability - I think it's a sincere capability - of reaching emotional highs, and I suppose in some cases, lows, but I can get very angry and moved. And as I got ready for what I was going to say today, a lot of things did make me angry, and I was concerned and angry about the prejudgment that Members of the House had made before we even commenced Committee hearings. In about the three months that we spent of time and effort on both sides of the aisle in considering this issue, time that, with all due respect, had we known the ultimate result, we could have dispensed with. And the fact that a Majority of the Members of this House, regardless of the facts and the evidence of the law, can abuse the rights of the Minority with no remedy. And I was angry about Bourbonnais 9, and then Essex and the washout, because the Majority knew that that would work to their disadvantage. And I was angry, as others are here, about the switch of position on uninitialed ballots, the total switch of the Committee, the switch of the law, and everything that we've discussed before, and about the fact that they counted three red marks for Ray Christensen and two nearly identical red marks were discounted for Mr. Weller. And about this

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ballot. It's the only one in its precinct that has a big blue X across the 26th, a straight Democratic line. There's no 'chatout' in spite of the standard that was created. It's clearly an identifying mark, because it's the only one in the precinct, and yet that was counted. I was angry about that. I was angry about the fact that we used numbers to discount two ballots when they washed out, but when there's two obvious numbers on these ballots, an 8 and a 9, even though they were Christensen ballots, they were counted. And I frankly, and I think I was almost alone in this, really was angry in a lot of ways about the standard we've set. We had a computer system that's supposed to count ballots in a particular way, and yet, we developed this standard of, 'Can you see the light?' And a lot of that anger welled up in me, and I wanted to come in here today before each one of you and talk about fraud and vote theft and dragging the integrity of this chamber to a new low and disrespect for all of us, Republicans and Democrats, and call it a sham and a charade, but I honestly can't do that, because Ladies and Gentlemen, what I feel is not really a sense of anger so much as a sense of sadness, nonaccusing, nonpartisan, but a real sense of pain for what we're doing to the democratic process. I'm sad about things in general, and I'm hurt about things specifically. And if you'll indulge me, and I have to say that Members, until the last week in the Committee and in this process, generally treated us with respect, and I have friends on that side of the aisle that served with me on this Committee who will be friends for a long time, but if you'll indulge me, I want to talk about some of the things that do make me sad about this process and what it says about our country. I'm sad, and I guess the balls are up in the audience that went in the voting booth and cast two

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votes in Limestone 2, and because there was a clerical error by the county clerk that sent that to Limestone 3, they had their right to vote stripped of them. And I'm really sad for 'Mark Case' if he's up there, a Southern Illinois University student who believed enough in this country, unlike at least 50 percent of the electorate or more than 50 percent of the population who never bothers to vote, to take the time to go in and vote, to exercise that freedom, to say something about young people in our society, and he was given a red pen, and he filled out his application to vote with a red pen, and without any evidence that the ballot that was ultimately marked in red was his, that there weren't others... many others that voted absentee, he had his right to vote stripped of him. And I feel real sad for the... I don't want to say 'Senior Citizen', but it looks like it, who voted by absentee, presumably because he was infirm, although maybe I'm inferring too much, and voted this ballot that's been alluded to before. You all have it in your Minority packet, and if that isn't an 'X', with all due respect, then I've never seen an 'X'. There's no other mark on the ballot at all, so presumably, they... Majority would have you believe that the person took that ballot and marked it, but didn't mean to mark it, and took the cost and expense of going to the process of an absentee vote and sent it back in and never intended to vote for anybody. I don't want to yell at you and get angry about that, but golly, that person has a right to have his vote counted as well. And I feel sad for the voters, Republican and Democrat alike, who thought their vote counted and that democracy really worked. And I feel really bad about what we're doing to damage fundamental freedoms in what we're about to do here today, and to the sanctity and preciousness - the

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unique preciousness - of our right to vote that makes this country so special. And again, I won't beg your indulgence. Because of what I'm going to say, you can consider flag-waving if you want and grandstanding if you want, but it's not. It comes from my heart, and I have enough faith in the Members of this General Assembly to believe that it comes from your heart as well. I think about veterans who fought in past world wars, and the families of veterans who fought and died in world wars so we could enjoy the freedoms that we have. I think about the school children who were taught in school and came to Springfield to believe that their right to vote meant something, that representative government really worked, and to come down here today and read about what we're doing today to see that at least a portion of that is cast aside. And I care about the gentleman and his family in Morris or 'Maison' or somewhere else who came, Representative Kulas, from an Iron Curtain country where this sort of thing happens all the time, and not in this magnitude, but who came here because he or she and their families believed that there was a greater freedom, a greater life in America, and that the essence, at the heart of that whole system was the right to vote. And to see what we're doing to the vision that they had and thousands and tens of thousands and millions of others like them who came across the Atlantic or Pacific Ocean to enjoy freedom and the right to vote, and what we're doing to their vision and their dreams. And not just to those people, the ordinary citizen who simply cares about democracy. And I feel sad, Ladies and Gentlemen of the chamber, Mr. Speaker, for each one of us in this special process that we're involved in, here. We start this deliberation as we do every day, by pledging allegiance to the flag and talking about liberty

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and justice for all, and last January, as we do every two years, those of us that are fortunate enough to receive the approval of the public and the voters, would take an oath of office to uphold the Constitution. We're designated as Judges, and that's part of the reason I feel a special responsibility, and I feel special sadness, because we're subject to a terrible pressure in this process. And I know that each one of you, as you're sitting there, is feeling that pressure, and I really, truly feel, not sorry for you, but I try to empathize with the pressure that you've got to be going through right now, because unlike other issues, unlike reapportionment, ERA, abortion, other controversial, significant issues that are very important, those can be subject to various divisions, including partisan divisions in some cases. But this is different. This is the essence of a free society. Don and Sam and Monroe and Bruce, and in particular, Jim and John, my good friends, I'm sorry for you, too. We sat through, as we did, my colleagues on this side of the aisle, almost three months of an agonizing process, and you were fair for the most part, and you were... you were friends and you extended us every courtesy. But I got to think how you must feel having to do or thinking you had to do what you did last week and what presumably you're going to do today. Ladies and Gentlemen of this chamber, and with all due respect, there is no way, if you stretch your imagination, if you stretch the law and evidence is in it's light most favorable to Ray Christensen, who is a fine Gentleman, there's no way he won the election. The minimum vote that Jerry Heller won the election by was 7. If you extend at least a balanced approach on other ballots, it's probably 15 to 25, a close election which indicates you have two Gentlemen who really are probably good public servants and who would be good

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public servants, but one of them had to win, and it wasn't Ray Christensen. I feel a special burden and say in my own way, a special kind of internal thought for you. 'There,' - this has been said before - 'but for the grace of God, go I.' It can happen to any one of us with 60 votes. I don't know, Dave Harris is one of our big winners. He won this election by 15,000 votes. But if you wanted to, you could pick out 15,0001 of Dave Harris' ballots and use the standard that we've... we did or could develop, and take the election away from him. And not just on this side. It's on the other side as well. And I feel sadness for... in different ways, for Members of the Committee individually, for Representative Cowlshaw, who believed, I guess, naively to begin with, that this process was really going to work fairly, and in spite of warnings to the contrary, she believed it to the very end. And she took three months away from her family, her career and everything else to be down here, and Representative Olson, time away from his brother, who's dying. I know it's not just us. The six of you on that side of the aisle made equal sacrifices. And Speaker Madigan, I feel a lot of these same feelings of sadness for you as well, because I remember when I served with you five years ago, when you were, and I think sincerely so, a champion of Minority rights. And I wonder how you feel about what we're doing here today to Minority rights. And without belaboring my theme any more, I feel a real sense of sadness for Ray Christensen and Jerry Weller who, as we all know, spent 24 months of their life knocking on doors and taking their messages to the people. They spent their personal funds. They gave up their life all because they believed in this system of ours, and like all of us, believed in those special freedoms and the significance of the right to vote.

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And so, I guess this is my last appeal to you. It's an appeal for objectivity, because this is a special point of history. I really like... sincerely like both Jerry Heller and Ray Christensen. As a matter of fact, I know Ray Christensen a lot better than I do Jerry Heller. I've come to know Jerry and respect him, and I think he's a fine guy, but I know both of them, and I like them both. But this issue is way beyond Jerry Heller and Ray Christensen. This is beyond Republican or Democrat. It's beyond friendships. It's beyond other issues. This strikes at the heart of freedom and the essence of a free society. You know, in so many ways, I just stood here thinking, 'God, I wish Ray Christensen had really won this election. I wish he'd won it legitimately, so when I stood here, I'd be able to have a feeling in my heart that I was doing what was right.' But he didn't. I know that each one of you on that side of the aisle want to be convinced, at the end of this debate, that this is a gray area, kind of a sludge area, so you can salvage your consciences, salve your consciences, vote in a partisan way, where in gray areas, you should vote, and go home. And what I'm saying doesn't imply, either covertly or overtly, any threats or anger, but that isn't the way it is. There isn't that gray area, and you can't salve your consciences if you vote the way some people think you're going to vote. And if you sit there and you don't feel hurt, and you don't agonize and you don't go home tonight and think about what you're doing, then you're not the kind of people that I think you are. You know, again, I said so many things here people would... if they were cynics, take as being a flag-waving speech, and after three months, I hope you are convinced, however you vote, that that's not what this is. This is sincerity. I'm not going to apologize for those feelings. I'm not going to apologize

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for saying that what this country stands for, what each one of us represents, is something real special, because I love, as you do, this country, and I believe that leaders and ordinary citizens and Democrats and Republicans and everybody else in this wonderful mix that's the United States of America, is really, really something special, and that we don't live and die in vain. We die because we believe in certain principles of government. I'm just asking you, please, please, when you pass this vote today, remember that this is the most important vote you could ever cast. No other issue you'll ever face, before or since - and we face many of them that are vitally important - will ever approach this one in terms of what this means for your children and your grandchildren and our way of life and our government. I'm not very good at using words, and so I... rather than try to do that, I want to quote a 1968 U.S. Supreme Court case of 'Westbury versus Sanders', because it says it better than I could ever say it. 'No right is more precious in a free society than that of having a voice in the elections of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined. If you vote with the Majority report, you're undermining the system that's made this country so great. Thank you.'

Speaker Madigan: "Mr. Cullerton."

Cullerton: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I'd like to address some of the issues that have been raised by some of the previous speakers. I'd first like to talk a little bit about the procedure that the Committee followed, and then get into a discussion of some of the substantive issues that have been raised by the previous speakers. There's been some reference to the fast

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track Special Committee. Now, I agree with Representative Johnson that we spent many, many long hours on this Committee, and it was, I think, correctly decided on the day of inauguration that for this Committee to go throughout the state, to different counties, counting ballots, to hold hearings in Springfield, and at the same time, have to consider Bills that have been introduced and sent to an Elections Committee, that would be unfair to us as a Committee. And so, there was an effort, which eventually prevailed, to have two separate Committees. I don't see anything particularly devious about that. There was no fast track, if you will, but there was what I think both parties involved in this recount wanted, was a decision as quickly as could be reached at and arrived at, because the voters from that district deserve to know who was elected in the race. So, a partial recount was had, a petition was filed by Representative Christensen, and if that petition was granted, if all of the points made would have been granted, Representative Christensen would have picked up 38 votes and would have won by 34. But the Committee did not do that. Instead, we went to a full recount. Now, there's been made mention about procedure, and I'm particularly sensitive about that, I guess, because I did really make an effort on numerous occasions to make sure that we followed procedurally. We gave due process to the parties. And there were a number of Motions that were made. And I would say that with the exception of the Motion to dismiss the petition altogether and the petition to have hearings in Kankakee, that we granted virtually every Motion. Access to documents, time to prepare arguments, copies of documents were made available, and the only one, as I indicated, that was denied besides the Motion to dismiss was a Motion to go back to Kankakee. I

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presumed that the reason for that Motion was for the convenience of witnesses. As it turned out, we only had one witness who was not an elected official come... have to come to Springfield and testify. The order... the order in which we voted on these disputed ballots was determined by Representative Weller and his attorney. I would suggest to you that the way the normal procedure for an election contest, even one that's not conducted here, would be to arrive at an agreed count, and then let the Judge rule on the disputed ballots. That's what we did. I believe that the walkout that took place last Friday by the Members of the Committee who are Republicans, was not based upon procedural objections, because I asked the attorney for Mr. Weller who remained whether there were any procedural changes that he would request, and there were none. I believe that that walkout was generated because the Members were upset as to how the votes were going on some of the disputed ballots. And to read in the Minority report that after the walkout, we continued to count ballots without them being there, contrary to a previous agreement, is somewhat ludicrous. I mean, it's like someone who murders their parents and then asks the court for leniency because they're orphans. The agreement to have the ballots counted with the Republicans presumed that they would stay and work with us. If that was the rule, they could walk out and never come back to any Committee, and we'd go for two years without having a result. So we were forced to continue it and count the ballots with Representative Weller's attorney being present. Now, let me address the issue of the uninitialed ballots. The petition that Representative Christensen filed said, in one of the paragraphs, after he went through this partial recount, this partial discovery, that they... we were not to count a ballot that was

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uninitialed, that was a vote for Weller. We were not supposed to count that. And he cited some Appellate Court cases in his petition. Representative Weller's lawyer said we should count the uninitialed ballots, and he cited Supreme Court cases. Now, on February 4, we didn't vote to count or not count those ballots. We just didn't dismiss the petition. After the full recount, it turned out that Representative Christensen would pick up 3 votes if we counted the uninitialed ballots. And what happened was, both lawyers, both... the lawyers for both parties then switched their positions and started to argue the cases that the previous lawyer... that the lawyer had previously argued. So they switched their positions. So when it was helpful to one, they'd cite one case. When it was helpful to the other, they'd cite another case. If it's true that we decided the law back in February and that the Democrats switched sides by counting the uninitialed ballots, then Representative Johnson and Olson, when they said to count the uninitialed ballots back in February, also changed positions. The fact of the matter is, if you read these reports, and when you hear attorneys first argue a case... that a case says one thing and then a few weeks later, both attorneys saying it means another thing, I don't think it's very easy to say the law is clear. The fact of the matter is, we had to decide whether or not to disenfranchise those voters. In the absence of any fraud, which was stipulated to by both parties, we decided to count the ballots. Now, with regard to the issue of identification marks, there is a case that's cited by both parties, and I'll read what the law is in that case. 'Any deliberate marking of a ballot by a voter not made in an attempt to indicate his choice of candidates, and which is effective as a mark by which a ballot may be distinguished, invalidates the ballot. The

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case, by the way, in re contest of the election for the office of Governor in 1983. Now, the Republican plan, if you would call it that, was to - and remember, they picked the order of the ballots that we were going to vote on - was to take two ballots that had no judge's initials on them, but rather some numbers. And we didn't even have arguments on the law. We just went right to those two ballots, and they said, 'We move that they not be counted.' Now, this was a vote for Weller, and one, a vote for Christensen. And we, the Committee, I believe unanimously decided, well, that's an identification mark. Then they went to these two ballots right here, and they tried to compare these two ballots, Shanahan 2 - objection 2, Shanahan 2 - objection 1, and they tried to say that these were the same. These were the same thing as the two ballots that had no judge's initials, but rather just numbers. Now, I don't think it's fair to equate those two. I'll tell you one thing. The Minority report says that the numbers were written over the judge's initials, and I think that is clearly not the case. If there were numbers there - and by the way, I'm not sure what numbers you're really talking about - it could be 9, it could be 19, it could be 119, it could be 8, it could be 2, but if there were numbers there, a judge initialed that ballot over those numbers. The mark, clearly, if there was a mark, was not made by a voter. And the two judges, whose names were Joyce Anderson and Kay 'Meunch', I believe, the initials J.A. and K.M. were the ones that signed those ballots, as they're supposed to. And what was not mentioned in the Minority report was another ballot that we counted for Representative Weller, and it was a ballot, it was a paper ballot, and it had on the ballot, the number 20, clearly written. Number 20. Now, if you look at the law, it was a

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marking of a ballot not made in an attempt to indicate that choice of candidate. It distinguished the ballot, and therefore, arguably, it should have invalidated the ballot. But the facts showed that in that precinct, there were 20 paper ballots. And we, in the Committee, believed that what happened was the judge, on election night, counted up the number of paper ballots and wrote down the number 20 on the ballot, in which case the judge would have made the mark, not a voter. And we counted that. Now, using the standard that has been advanced in this Minority report, I believe we probably could have thrown it out, but we didn't feel that it was fair, and we didn't. Now, the next exhibit is the vote in Manteno 2 - objected ballot #1 that was referred to that was referred to as a clear 'X'. Members of the Committee felt that the voter scratched out the vote. There were 3 ballots that also weren't mentioned in the Minority report that were check marks. They were check marks on a paper ballot, 2 votes for Christensen, 1 vote for Weller. Just check marks, you know, like on your income tax form, you have a check off. Well the voters indicated who they wanted to vote for by checking, 2 votes for Christensen, 1 vote for Weller. You know what we did? We threw them out. We threw all three of them out, because the law, which I think is unfair, but it's clearly the law, says you can't count them. Well, I submit to you that if a check mark, by law, is not an intent to vote for someone, then this scratch or scratches is clearly not an intention to vote for someone either. So, the question was raised, why did the voter change their mind. They voted straight Republican. They changed their mind. They didn't vote for anybody else. It could be. You remember the circumstances surrounding the election. It could be that they voted straight Republican, and then they saw who the candidates

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were for U.S. Senator, Alan Dixon and Judy Koehler, and they may have then said, 'I'm a supported of Alan Dixon. I don't know Judy Koehler. I'm going to change my mind and not vote for her.' That's not something that we in the Committee could find... in the House could find unreasonable. And then, the question is, well then, why did they mail it in? Why did they mail it in if they didn't vote for anybody? Members of the Committee can bear this out - all Members of the Committee. We looked at over 20,000 ballots. 22,000 ballots that were... actually had the punch... the card. We saw, I'd say over 100 ballots where there were no votes. There were no votes. You wonder why did someone mail in a ballot where no vote counted. Why would somebody go down to the polling place, somebody, hundreds of people, go down to the polling place and decide not to vote. I'll tell you, in Chicago, I can think of some reasons why people would want to take out an application for ballot but not vote, because they don't want to vote for anybody, but they want to show the precinct captain that they came out. It's not unusual, and it certainly isn't unusual in Representative Christensen's district, because that's indeed what happened in hundreds of cases. Now, it was mentioned about the 'X' on the punch card, which was, the Committee voted, a clear sign of that voter's intention of how to vote. It was an 'X'. It was in box #26. It wasn't a check mark. It wasn't a scribble. They didn't go 'X' and then change their mind and unscratch it or scratch it out. It was an 'X'. And it would be a clear sign of who they wanted to vote for. Well, to throw it out, you'd throw it out because it was an identifying mark, but if you look at the... the law, the rules that are agreed to, the case that's agreed to by both sides as governing these things, you read it. It says, 'any

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deliberate marking of a ballot by a voter not made in an attempt to indicate his choice of candidates.' Well, this clearly was a mark made to indicate the choice of candidates. They wanted to vote straight Democratic. Now, it sounds... a couple of times, there were some mentions... people mentioned that there were 6 red marks, 3 for Christensen, 3 for Heller, and we threw out 3 for Heller, and we kept the 3 for Christensen. Well, I think it would be fair if we would just look into what red marks we were talking about. We had numerous pencil scratches on ballots, that both sides unanimously agreed should be counted. They were... they were set aside at the beginning of the process, because people didn't know what rules... how tight were going to be when we looked at identification marks, so each side was taking pencil scratches and putting them on the side. Then after a while, both lawyers talked to each other and they said, 'Listen, this is getting silly. Why don't we just... for those pencil scratches, we just won't... we won't isolate them. But we did have a number in the beginning that were isolated. Well, 2 of these red marks, the votes for Representative Christensen, were such pencil scratches, random markings on the ballot which we clearly indicated, unanimously, in many cases, should be counted. Two of them... these two red marks were also in the same color as the judge's initials. The judge who signed the ballot also signed with a red pen, and so we counted those, and the votes, by the way, we had Republicans who supported that proposition. It was not partisan. The third one was a... what appeared to be a Lifesaver... a piece of Lifesaver stuck onto the ballot. And Representative Slater and I walked around with this ballot, in fact, I think it was even Representative Slater who mentioned it, 'That looks like a Lifesaver.' And we

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counted it. We counted it. Now, it's a little different when you look the 3 red marks that were on the ballots for Representative Heller and compare those to these pencil scratches. Now, we had this one witness come down who was an election judge. Her name was 'Verna Serrens', and Verna was called by Representative Heller's attorney as a witness. And the question... the ballots in question were two ballots that had, at the top, in the box where the judge's initials are, a bright red or pink coloring within the initials of the judge. And here was the judge sitting there ready to testify, and I just assumed that the testimony, since it was called by Mr. Heller's attorney, was going to be that this judge was going to testify that she had a pen that color in the polling place, and she filled it in when she was doodling. A that wouldn't be an identifying mark. It certainly wasn't made by a voter. And we could count the ballot. So, Chairman Flinn said, 'Would you please show the lady the ballots?' Mr. Gardner, who is Representative Heller's lawyer, said, 'We are going to ask you to take a moment and take a look at these two ballots.' I'm quoting from the transcript. The first thing out of the lady's mouth was, 'Those aren't the ones I'm talking about.' And then she went on to say that she didn't make those marks. She didn't make those marks. I couldn't believe that she was Representative Heller's witness. I thought that Mr. Christensen should have called her. She helped prove that they were identifying marks. The mark wasn't made by a judge. The mark stood out. I referred to in Committee. I'm sure other people would not agree with me. I referred to it as like a neon sign. You could see that mark from halfway across the room. And that was not a random pencil scratch. And by the law that has been agreed to by both sides, it was clearly an identifying

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mark. The other red mark was the vote and the ballot that was marked in red, by Mark Case, red is used to emphasize. We looked at 261 paper ballots. There was only 1 that was in red. In the precinct in question, there were 47 ballots. Only 1 was in red. Only one envelope was marked in red. The very fact that the individual in question, Mark Case, has indicated, I read in the paper, where he might want to sue because he was disenfranchised. Well, when he sues, we will have no problem telling which ballot it was that he wants to have counted. It's the one in red. Now, I would suggest that the minority report that was drafted is filled with the same inconsistencies and distortions that has been claimed are found in the Majority report. I emphathize as well. I agree with a large portion of what Representative Johnson said concerning feelings right now. Whenever I think about maybe retiring, maybe going back to practice law full time, maybe becoming a lobbyist, I always... I have these thoughts every once in a while. I've been down here a long time. And you know, I... I never have come to make that decision, because... because of this place, right here, and this ability to push these buttons. That's what it's all about. It's a vote. It's the vote, and that's what these people are tugging at us for all the time, our votes. But it's our votes. And when I got on this Committee, I thought it would be interesting. I thought I'd learn something about election... elections, how they work, and believe me, I appreciate... I appreciate the election process more. I appreciate the votes that people cast, and the procedures by which they go about casting them. So, this is not an easy task. I don't enjoy this. No one here could enjoy it, because we're going to decide whether or not someone should not be able to push these buttons. I don't believe,

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however, that I and the Members of the Committee have been unfair to Representative Heller. And as tough as it is to lose by 3 votes, it undoubtedly was tough for Ray Christensen to lose by 4 votes the night of the election. So, there's no way we can change that. But we are not just unseating Representative Heller when we adopt this report. We are, in my opinion, seating the candidate who won the election. I believe it's our duty to do so. Thank you."

Speaker Madigan: "Mr. Bowman."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The task before us today is a solemn one assigned to us by Article IV, Section 6(d) of the Constitution of the State of Illinois, sitting in judgment on the elections, returns and qualifications of a Member to hold office by which the people of his district are represented in the General Assembly. Before I turn to the specific issues which divide us, I want to say that the real lesson to be learned from this exercise is that every citizen's vote counts. We would not be considering this question if it had not been a very, very close election. Over 28,000 ballots were cast by the citizens of the 85th Representative District, and only 103 were objected to by either petitioner or respondent. This is a testimony to the American system of government and the fine manner in which the laws regarding elections are faithfully executed in Illinois. Let no one say that his or her vote does not count. It counts, and it can make all the difference. And we in this House will show each and every vote the respect that is due in a free democracy. Before continuing, I should acknowledge that it is theoretically possible to count too many ballots, but that possibility arises only in cases where ambiguity is involved or fraud is present or suspected, and no hint of fraud taints these ballots.

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Therefore, I think it's to the credit of the Committee on Elections that after they finish their work, the undisputed tally showed more votes cast than the election authorities certified for the State Board of Elections. On balance, the Committee enfranchised voters. If any errors were made, great weight was given to enfranchisement. Now, we have heard complaints that disputed ballots were not counted precinct by precinct, but that all disputed ballots were segregated and counted separately. However, when the disputed vote tally was completed, the results showed Mr. Christensen with 14,185 and Mr. Weller with 14,193, 8 votes more than Mr. Christensen. This undisputed tally was approved by the Committee on a strongly bipartisan roll call of 9 to 1. If the Republicans felt the methodology was tainted, they should have voted to reject the undisputed count which showed Mr. Weller in the lead. Beware. The sword has two edges, and it swings in both directions. The information revealed by the undisputed tally was available to both Republicans and Democrats. Would the Republicans have us believe that the recount strategy subsequent to this revelation was devoid of political motive. But whatever their motives, the Republicans subsequently took positions that, on balance, disenfranchised voters. Once the undisputed tally was known, the only way that Mr. Weller could be retained in this seat is by setting aside, disregarding, nullifying the votes of as many voters in the disputed pool as possible. The Democratic position was to count as many ballots as reasonably and justly may be considered. And if this is a political position, then it is one that any steward of the public trust can embrace with confidence and pride. We must evaluate the Committee's work as a whole. We can argue all day over this ballot or that ballot, over this

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point of law or that, but in the end, what do we tell the citizens of the 85th Representative District that will be clear and convincing, that will reassure them that we have done the very best to keep the determination of the result above partisan politics. We tell them that we are going to listen to them, that we are going to respect their ballots, and we are going to count their votes. The Committee on Elections counted 67 disputed ballots, resulting in Mr. Weller receiving 14,221 and Mr. Christensen receiving 14,224 - 3 votes more than Mr. Weller, and this action left only 37 disputed ballots uncounted. For the sake of argument, let us recalculate the tally and give the greatest possible weight to counting those ballots as the Republicans now urge us to do. It still might be commonsensical to set aside certain ballots. For example, number one, if the Committee on Elections unanimously rejected the ballots of the two parties to the contest, then there can be no unjustified partisan advantage in setting such ballots aside, and there were 11 ballots in this category that were unanimously rejected on a 10 to 0 Roll Call. If the local election authority, including the bipartisan panel of judges of election, refuse to count the ballots on election night, we should presume a valid reason in the absence of clear, contradictory evidence. Now, there are 4 ballots in this category. Moreover, we should have no way of knowing how these ballots were cast, so there should be no unjustified partisan advantage in setting these ballots aside. These exclusions leave only 22 disputed ballots uncounted - 9 of these were challenged by Mr. Christensen, and 11 by Mr. Weller. The problems with these ballots generally fell into two categories: one, the presence of an extraneous, possibly identifying mark; and two, faulty marking or punching. The Majority and Minority reports

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describe these ballots in detail. The thorny question is which should be counted and which should be set aside. However, we are not without guidance in answering these questions. There have been many recounts in Illinois' history. The question of invalid marks was even more common in the days of paper ballots, and the courts have ruled on every possible alternative, no matter how weird. And if you doubt me, just look at the exhibit provided in the Minority report captioned 'Hynn versus Blackman'. Suppose we use just a common sense method. I am not a lawyer. Many of us here are not lawyers. Let us say that if the case law was cited before the Committee on both sides of the question, we count the ballot. If case law was cited on only one side of the question and the other side had no case law to justify its position, then we support the side supported by case law. This the approach of a non-lawyer, but one that I entrust to the common sense of the people to whom we must answer because it results in the maximum number of ballots being counted. And this approach counts a disputed straight Republican ballot which favors Mr. Weller, but it also counts the ballots marked with check marks instead of X's, which favor Mr. Christensen. Again, the sword of justice swings in both directions. At the conclusion of my recalculation which gives the maximum weight to counting disputed ballots, we are left with only four uncounted ballots because of marks or incomplete punches. And this is about as good as anyone can expect in a contest in which over 28,000 ballots were cast. In the end, as I recalculate it, Mr. Christensen is seated. His vote would be 14,232, 2 votes more than Mr. Weller. If any error remains, it favors the voter who desires to have his or her vote cast. The only way to seat Mr. Weller would be to disenfranchise dozens of citizens of

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the 85th District. We should not do this. We should seat Mr. Christensen."

Speaker Madigan: "Mr. Kirkland."

Kirkland: "Thank you, Mr. Speaker. Representative Cullerton, we don't think all of your answers should go unanswered, and I'd like to respond to a few of the things you mentioned. First, regarding the uninitialed ballots, one of our contentions is that the Committee early on set some standards that we think should have then been followed consistently in the final rush of changing in votes that occurred in this process. In the uninitialed ballots issue, early on, the Committee decided by an 8 to 2 vote that if proven, uninitialed ballots shouldn't count. Mr. Weller's attorney argued in one case that an absentee ballot, if shown uninitialed, might be counted in a certain instance, but the swing in votes, of 3 votes that involved uninitialed ballots did not involve absentee ballots, and I think the Committee should have followed its early precedent. That would have tied the election. And if it did, we wouldn't be standing here with this debate today. But other things happened, as you know. The ballot that you referred to with the 'X' mark that would really look like a senior citizen with the 'X' mark scratched considerably, not just single lines, all you have to do, and the people in this chamber will do it, is look at the exhibit that shows similar ballots, similar markings, not 'X's', but similar markings that are somewhat unintelligible that Illinois courts have approved. That's a change in 2 votes. The red marks... the difference in the red marks - and if the press will look at this when they look at the ballots - the red marks on the Christensen ballots were bigger on the... they were more identifiable, and they resembled a number or a letter in some way, rather

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than being similar to the kinds of pencil marks you're talking about that were on a number of other ballots that the Committee agreed should be accepted without question. There was also a case named 'Huber versus Resnik' on point in another dispute that clearly decided that color used on an absentee ballot was irrelevant, but in one of the cases, the Committee, with Democratic votes, decided color was not irrelevant on an absentee ballot, and threw that ballot out for Mr. Weller. Finally... not finally, but... another case we talked about was where there were check marks on some of the ballots, rather than 'X's', and the Committee decided, as everybody has said, that check marks were not 'X's' and should not be counted. Well, when you use punched ballots, the law is clear that the punch is the mark that... punch out is the mark that should count, and nothing else should count, not any kind of 'X' mark or any kind of other mark. That's a swing for Mr. Weller. Finally, I'd like to quote from page 22 of the Minority report where there was some Committee conversation involving numbers on ballots as identifying marks. And the Committee decided not to count ballots with numbers on them, and... that is, with identifying marks, and Mr. Cullerton is quoted as saying, 'I just wanted to thank Mr. Garner (who is Mr. Weller's attorney) for making that comment on the record.' That comment being that the principle established here is that we are not counting numbers, because numbers are identifying marks. And Mr. Cullerton goes on to say, 'Because I think it is important that when we vote to not count some ballots, we know the reasons why we are not counting them, and you correctly stated that the reasons we are not counting those is because they have identifying marks.' Now, I think if the press or those interested will take a good look at these

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ballots, and when it comes right down to it, there are only a fairly... few number of disputed ballots that this whole argument is about. We think that you and they will conclude that Mr. Heller won this election, not that... just that he tied over the uninitialed ballots, but that there were other reasons and other ballots that show that he won this election."

Speaker Madigan: "Mr. Wolf."

Wolf: "Thank you, Mr. Speaker, Members of the House. I think it's rather interesting that the other side of the aisle indicates that the process was going rather smoothly, or if not smoothly, a little bumpy, up until last week or the last day, at which time they indicate that standards went out the window. It's interesting because the attorney for the respondent was mouthing insults at the Committee from day one through the complete Committee process. And it's also interesting because throughout the Committee process, news releases were being circulated throughout the 85th District, screaming, 'Foul!' by the Committee, even at a time when the respondent's lead had almost doubled. It's not a good feeling to be a loser, but I would suggest to you that there never was a winner in this contest, until the final recount had been completed. Winning by some 4 votes out of some 28,000, with consideration being given to the serious errors that there were in several precincts, hardly indicates a smashing victory by anyone, at least not by my standards. The Committee spent many long hours inspecting, counting and reviewing vote totals as well as the validity of ballots. On site inspections of voting machines were made, and ballots were recounted in county computers. And I would tell you that another interesting item was discovered. Not only humans make errors, but machines make errors as well. I believe that the Committee

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went out of its way to accommodate the respondent and his attorneys and all Members of the Committee. Considerable care was given and taken not to disenfranchise voters in the 85th District if at all possible. Bourbonnais 9 was not thrown out, even though, in that precinct, there were a considerable amount of serious errors. There's been reference made to a group of uninitialed ballots which were counted even though, by law, or at least the law on the election... under the Election Code indicates that they could have been thrown out. Case law that was given throughout the Committee process did indicate otherwise. Another group that was taken into consideration was a group that was initialed in red by an election judge. Now, these were also counted, although even here, too, by law, it could have been determined that they should not have been counted. Here, too, we did not want to disenfranchise any voters in the 85th District. In another category, so-called pinholes, considerable attention was given to determine the intent of the voter. Now, we had testimony by a couple of county clerks whose credibility was never questioned, and their expertise was thoroughly documented. They indicated that they have considerable problems with senior citizens in punching through on the punch card ballot, many times leaving the so-called pinhole and leaving, many times, so-called hanging chad. We did not want to disenfranchise the senior citizens who take a considerable amount of effort to get to the polls. As we all know, the senior citizens are one of the highest voting... percentages of voters that we've got, not just in the State of Illinois, but throughout the country. I think that our process in paying attention to this particular item was also... should be respected. There were many decisions that had to be made by this Election Committee.

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They were tough decisions. I think that the Committee acted responsibly, and Mr. Speaker, I would move for adoption of the Committee Report."

Speaker Madigan: "Mr. Regan."

Regan: "Mr. Speaker, Members of the House, never before have I come to this microphone to be really listened to. It shows the seriousness of what we're dealing with here and how we're affecting liberty, justice and democracy. Irregularities on this side claimed, irregularities on this side rebutted, the rebuttals rebutted. One of the things that really does ring offensively in my mind is something the last speaker alluded to, and I call it the 'let there be light'. If there was light, and these were put through the machine, which seems to be the automatic way that it should have been done, put the disputed ballots with the pinholes or the hanging chads through the machine, they would have been counted or discounted. But it was decided that it would be done this way. Do you see light? I see light. I see light. I see light. Let there be light. Christensen. Do you see light? Do you see light? Do you see light? No, throw that out. Weller. There are many honest and dedicated people on the other side of the aisle. I know that's going to be hard for them to push the button, but give it some very serious thought. It's a very important and fatal button that you push today. And to you, Jerry, and your family, I compliment you on your courage. I don't know if I could handle myself emotionally the way you've done, but from all of us, I know we'll meet again, and I know where and I know when. Yeah, I know we'll meet again some sunny day."

Speaker Madigan: "Representative Stern."

Stern: "Mr. Speaker and Members of the House, I feel inadvertently under the gaze of my colleagues on both sides

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of the aisle today. Representative Slater even mentioned me by name, since I was a county clerk for 12 years in the third largest county of the state. Many of the comments from the Republican side have resonated in me. I am truly a missionary about voter registration, voting, ballot counting. There is nothing more sacred to this former county clerk than the security and the accuracy of elections. But I must also say that neither I nor any other clerk has ever run a perfect election. Bourbonnais 9 could happen any place. By the very nature of the officials on the scene in every one of the neighborhood polling places, we know that confusion and errors in detail can and do occur. Nor do I malign those who serve as election judges. As in jury selection, we place ourselves, gratefully, in the hands of our peers. But in so doing, my friends, we create a most inexact science. The protocol of one precinct differs radically from the conduct in another, and the ballots accepted by the judge of election in one precinct would be rejected by the judges of another, the text and instruction of the county clerk to the contrary, notwithstanding. I'm sure former county clerk Phelps would agree, wherever he is. I agree with some of the complaints in the Minority report, but I also agree with some of the decisions made by the Majority over the strenuous outcries of the Minority. But in truth, Ladies and Gentlemen, many of these decisions boil down to personal opinion and subjective judgment, and possibly on occasion, to partisan politics, and that, it seems to me, is very inappropriate. If we do truly believe - and I believe we do - if we do truly believe that the ballot box is the cornerstone of the small (d) democratic process, then by God, we should find a better way to settle disputes like this one today. It will surely be a bizarre coincidence if after each of us

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searches his or her heart, if every Democrat finds for Ray Christensen and every Republican finds for Jerry Weller. Bizarre, indeed. I would hope that we have learned something from this very distressing confrontation today. I hope we have learned, we writers of the law, that the Election Code, and for that matter, the case law and the backlog of judicial opinions on the subject is truly a jungle of contradiction. I hope, Mr. Speaker, that you might oversee the creation of a Special Committee to cut through this thicket of contradiction, and to create an Election Code that is clear and fair to all, and one that, by the way, does not leave decisions such as today to those of us with a clear interest in the outcome. Such a decision as this one should be made with all the rules of evidence and protections to be found in a court of law. I read every word of the Majority and the Minority reports, and I consider myself perhaps a little more of an expert than some of my colleagues on this subject, and I tried to recreate the rigid turn of mind that I held five years ago when I was a county clerk, on the subject of evidence. I have come to a conclusion and I shall vote it, but it is in the last analysis, only another person's evaluation. I pray it is the right one if, in fact, there is a right one."

Speaker Madigan: "Mr. Daniels."

Daniels: "To justify a vote to unseat Representative Weller, Representative Stern, you must turn your back on the question of uninitialed ballots. You must ignore that question. You must say that we, in fact, are going to endorse the Committee's determination when they judge that they were, in this instance, going to count uninitialed ballots, which caused Republicans, in disgust, to leave that Committee at that time. You must also, Representative

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Stern, as you search your heart on the vote, accept the Committee's judgment on partisan roll call votes in many cases, that the numbers on ballots, the 8 and 9, that the Mark Case incident from SIU, who was disenfranchised because what the Committee determined was when he filled out his ballot in red ink, that his ballot was identifiable when he filled out his absentee request in red ink. It was identifiable, so they weren't going to count that. You've got to accept that as a determination that the pinholes, chads and depressions are, as the Committee ruled, or the 'X' marking on a paper ballot or the 'X' on the face of the punch card or the wrong precinct name on the ballot and the country clerk error, all were judged by the Committee to be accurate. Ladies and Gentlemen of the House, the Committee acts as judges. The advocates are the lawyers, and lawyers are trained in the nature of speeches, and they present their views just as many of us on this floor today present our views, but the structure that is created by our rules places in the Committee hands the final judgment and recommendations to you, but you are the ultimate individuals that hold within your power the determination of what is just and what is right. Now, I've served in this General Assembly for 13 years. I had the good fortune, as I hope each and every one of you, to run for Speaker. I ran for Speaker. I was nominated by my Members. I got 51 votes. My opponent ran, and he got 66 votes, and he was elected our Speaker, Speaker of the Illinois General Assembly of each and every one of you. You have a Majority Leader who is expected to be partisan in his comments, and he should be, and he is an extreme and articulate advocate for the Democratic process, but our Speaker serves us all and serves this process, and what it means when we address him as Mr. Speaker is, we like to

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look with a sense of pride and speak of our process with a sense of pride. But today, I must remember such things as the walkout of 1981, as many of you remember, when our Speaker was a Minority Leader and walked out on the Governor, not allowing him to complete his address to this Body, in frustration, because he believed so strongly in the issue of Minority rights that he was going to take the ultimate result in asking his people to leave this chamber and to turn their back on the Governor of this state. And we understood how he advocated so strongly the Minority rights that many of you were serving under. And I remember the days when the podium was stormed when you were presiding when Speaker Redmond was the Speaker, and you had to be escorted out of this House because of the rulings that you made. And yet, you advocated on a consistent basis, the Minority rights. Such is not different today, but there will be no walkout today. There will be no violent actions as we have seen sometime in the past. What there will be, if this Majority report is accepted, is the seating of a Gentleman who I personally think is a fine individual, but who will come to this Body, former Representative Ray Christensen will come to us as a tainted symbol of an absence of democracy in this process, will come to us as a person who represents 3 votes that are tainted, that are marked, and that are stained upon due process and equal protection of the law. Sometimes, as Representative Johnson said, we believe so firmly in what it means to be a Member of a representative democracy, that our voices crack with emotion, that we recall all that we stand for, that we recall the times that we were in school, whether it be third grade, fifth grade, eighth grade, or high school or college, and we remember as our teachings told us, that our forefathers fought for the freedom that

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we today exercise. And how many times have you looked up in this great Body to the two pictures that adorn our Assembly? No greater man lived than Abraham Lincoln. No greater man led us through difficult times than he did. And yet, this Body today is casting vote... a vote that goes to the heart of the democratic system. And no person in this process now can turn their back on the erroneous rulings of the Election Committee controlled by the Majority which indeed turned its back on democracy, on justice, on due process and everything that our forefathers brought to us. I've got to tell you, Jerry Heller, stand up for a second. Let me see you. You're a person. You're real. You're part of this process. You're one of us. You're a Republican. You're a Democrat. You're an Independent. You breathe. You represent, and you are a part of our democracy, and yet by a vote of the switch, some of you will exclude this Representative from our process. I ask you to look at your heart, to review what is right and what is just, and Representative Stern, you said it well, but as a person that prides herself in election law, your vote, as much as any other vote in this process, will be viewed with careful analysis as to how you achieved that conclusion, as to you count uninitialed ballots, and the law of our state specifically states loud and clear, straightforward, that you cannot, that they are defective and should be ruled as such. Ladies and Gentlemen of the House, I participated this afternoon in a conference, an unusual conference, a conference that comprised the Governor of this state, the Lieutenant Governor of this state, the Secretary of State of Illinois, the Republican Leader in the Senate, every Republican Senator and every Republican House Member. Yes, we believe, and we believe strong. This is our fraternity.

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We have a right to believe in it. We have a right to the confidence that we share in this process. We are asking you not to destroy that confidence and that belief. We are asking you to truly search your heart and to know what is just and what is unjust and to turn back this Majority report riddled with partisan votes and riddled with the destruction of our process. Thank you."

Speaker Madigan: "Mr. Parke."

Parke: "Thank you, Mr. Speaker. This is going to be a very difficult vote, so I believe every man and women in this Assembly should be stand... should stand up and be counted on that vote, so I request an Oral Verified Roll Call, and I will have 10 of my colleagues join with me in that request."

Speaker Madigan: "That's all, Mr. Parke? Okay. To close the debate, Mr. McPike."

McPike: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I agree with a number of things that have been said on this floor today. The first certainly is that every day that we're here, every year that we're here, we vote on difficult issues - abortion, ERA, the death penalty, gay rights, taxes. They're all difficult. But if you were to ask me what are the two most difficult votes that I've cast since I've been here, I would certainly have to say that this is one of the two. This has not been an easy task. It is not a pleasant process. It's not enjoyable. If anyone believes that it is, then they should volunteer for one of these Committees. I would first like to acknowledge and to thank the Minority Members for their participation. You couldn't have asked for a better Minority spokesperson that Representative Olson. I could not have worked with a more pleasant individual than Mary Lou Cowlshaw. There's no question that John Countryman provided a tremendous

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amount of expertise to this Committee. And I served with my friend, Tim Johnson, who I hope will remain as my friend. And the same with the Democratic Members on this side of the aisle - Don Saltsman, Bruce Richmond, Sam Wolf, my seatmate John Cullerton, put in many, many long hours, and I think, tried their very best to be fair. A special thanks to the Chairman of the Committee. The Chairman of the Committee added a bit of brevity. If it wasn't for the fact that he was able, at times, to keep a little bit of humor going, I think the process would have been that much more difficult. What made this all the more difficult was that this was, indeed, a very, very close election. No one is claiming that either side won in a landslide. What made it even more complicated was the fact that numerous and major errors were found in this legislative district. You've heard about Bourbonnais 9, but just to make sure that the press and everyone understands the major error that was committed just in this one precinct, when the polls opened at 6:00 a.m., instead of having Weller and Christensen on the ballot, they had Pangle and Henderson on the ballot - the wrong names. Most of us at the preliminary hearing couldn't believe our ears when the attorney for Mr. Weller, in response to Mr. Christensen's request that this precinct be thrown out, he said, well, Mr. Christensen's attorney has offered no proof that the wrong names on the ballot would influence a voter. We're all politicians. The first 32 people that voted in that precinct that morning voted in the Pangle/Christensen... I'm sorry... in the Christensen/Weller race, but their names weren't even on the ballot. The next... It was discovered, and they called the county clerk. Someone came out to fix the machine. But the next 13 people that came in, they said, 'Well, you go into that machine and go ahead

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and vote, but the wrong names are on the ballot for State Rep.* So you can vote, but then when you come out, we'll give you a paper ballot, and on this paper ballot, you're supposed to vote again separately, just for the State Representative race. So that anyone could have gone in there and voted straight Democrat and came out and voted for Christensen, or went in there and voted straight Republican and came out and voted for Heller. Now, that's at least 50 votes that should not have been cast in that election. And Representative Christensen's attorney, rightly, said it should be thrown out. Well, we could have made that choice. We could have thrown that precinct out. If we did, Representative Christensen would have picked up 17 votes, and the election would have been decided, but we chose not to disenfranchise over 500 other people that voted that day. So, we didn't do that. Representative Cullerton has tried to address some of the legal points that were brought up today. And I would like to try to address the ones that we have not touch upon. On page 31, of the... I'm sorry, on page 32 of the Minority report, they list the fact that ballots cast in the correct precinct by qualified voters, but with the wrong precinct name on the back must be counted. And they state what it was. In Auxsable precinct 1, ballots were marked on the back with Auxsable 2. We received these ballot boxes. We would open them up. We would find a stack of ballots. 300 ballots. 200 ballots. 500 ballots. As we went through Auxsable precinct 1, we found ballots for Auxsable 2. And in Morris precinct 2, ballot was marked Morris precinct 1. The Minority report says, we should count these. And I... They mentioned the case of Craig versus Peterson, and no where in the case of Craig versus Peterson, which is about uninitialed... uninitial ballots, no where in this case

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does it even mention anything about ballots marked with the wrong precinct on them. In the Minority report, they mention Hester, the case of Hester, but they don't elaborate as to the details of the Hester case; because in that case, it wasn't just that the ballots were marked incorrectly, there was nothing printed on the back of the ballots. It didn't say Auxsable 1. It didn't have anything on any of the ballots. And the Judge in that case said, 'Well, we're going to count all these ballots'. Because that's what we said in Bourbonnais. Even though a major error was made in Bourbonnais 9, in order to remedy that error, we had to throw out the precinct. And so, the Judge in Hester said the same thing, in order to remedy this error, I would have to throw out all the precincts or refuse to do so. But the Majority report asided Allan versus Fuller, a Supreme Court case. And I'll read you the case. Respondent, exhibit 5 was voted in East Goshen. The voter was a resident and legal voter of East Goshen. He applied to the county clerk for an absentee voter's ballot. The clerk delivered to him in the manner pointed out by statute a ballot for that election. It was stamped West Goshen. He lived in East Goshen. He voted the ballot in East Goshen. It is objected that the ballot is illegal and cannot be counted. While it is true that mistakes or omissions of the officers in charge of the election machinery should not defeat the plainly expressed will of people at such an election, yet, such rule would not apply where the officers have failed to perform those mandatory duties of precaution which safeguard the votes of people. The county clerk whose duty was to prepare the ballot and to deliver an absentee voter's ballot stamped with the name of the precinct in which it was to be voted, did not comply with the law in that respect. To hold, otherwise is to

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ignore the plain requirements of the statute designed as a safeguard against fraud. It is said by respondent, that he should not be deprived of his vote because of the inadvertents of the clerk in stamping the ballot West Goshen instead of East Goshen, but the voter and the election officials are charged with notice of the election laws and the latter had no right to receive and to count it for respondent. We wanted to count the check marks. There were two check marks for Christensen and one for Meller. We wanted to count them, I wanted to count them. I couldn't count them, because the Supreme Court said you cannot count those votes. The Minority wants to count these votes. I don't blame you for feeling that way. I'm sure you want to count them. The Supreme Court said you can't count those votes, period. The next point that the Minority report makes that we have not touched upon is on page 33 of the Minority report, where it says that the Majority refused to count two absentee voters' ballots, unconstitutionally deprived these voters of their right to vote. Two people voted absentee. They identified their voting precinct as Limestone 3 instead of Limestone 2. The ballots were sent to the wrong precinct. There was no evidence introduced as to when the county clerks came down and testified at the procedure. There was no evidence introduced as to when these ballots were delivered to the precinct. At 6:00 in the morning. At 12:00 noon. At 3:00 in the afternoon. There was no evidence introduced that the ballots were returned to the county clerk. The Election Law says that the vote begins at 8:00 at night and will continue until all votes are counted. These absentee ballots were not counted. The county clerk didn't know about these absentee ballots. They weren't found on election night. They weren't found the day after election.

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They weren't found a week after election. They were found a month after the election during the discovery recount, and they were discovered in the discovery recount in the wrong precinct. Now, I know you would like for us to open these ballots and find out who these people voted for, but we don't have the authority to take ballots from Auxable 1 and move them to Auxable 2 or to take them from East Goshen to West Goshen, nor do we have the authority to take ballots from Limestone 2 and put them in Limestone 3. We found the ballots in the wrong precinct. The court says you can't count those ballots. The final point that I want to touch on is the pin holes indentations and I think, partial chad, the two lawyers called it. Last week, I received a magazine article, and maybe everyone here received the same one, I have no idea, it was called, 'Bugs in the Ballot Box'. It's about all the problems they have, not just in Illinois, but all over the country in regards to automatic counting machines, computer devices. And this a March '87 article. And it talks about various states testing processes that they've been going through, and one of them is Illinois. And the test in Illinois evidently began in 1984 and the project that is to test the various machines around the state, and the process is now half over. When they did the original test before the '84 primary, they found tabulating errors in the programs in 28 percent of the systems that were tested. For some ballots, one-half vote was recorded. For others, two votes were recorded. There were errors in straight party voting and over voting. In one county, 42 percent of the precincts had errors. The lesson to be learned here is that etquestionedfaith in the accuracy of vote totals that appear on computer printouts is not a wise policy. I don't think anyone disputes that. And they give numerous

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examples of what happened in the '86 elections. I would just mention two of them. In Imperial County, California, a program accidentally switched vote totals in two nonpartisan races. Gordon Lane won the Assessor's race on election night, but Micheal Smith was the ultimate winner. Randall Horton won the Auditor's race on election night, but Raymond 'Comstock' proved to be the ultimate winner. To be on the safe side, the county commissioner's decided to recount, by hand, the entire seventy-six precincts. Another example, in Kanawha County, West Virginia, precinct totals from computer printouts were compared with tally sheets from the precincts showed the number of used and unused ballots. In 80 out of 108 precincts checked, the number of ballots cast according to printouts and precinct records differed by a plus or minus five. So, what did we find when we traveled to the three counties that used automatic voting machines? Punch cards with computer tabulations. We went to Will County and they have a very sophisticated computer, and we had a lot of different results. And those different results are tabulated in the Majority report on page 13 and 14. To show you how accurate these computers are and how you should rely on them, I will call your attention to Wilmington 3, where on election night, Mr. Weller received 156 votes. And the first time we ran the ballots through the computer, he received 155 votes. And the second time 155 votes. And the third time 156. And the fourth time 155 votes. And the fifth time 156 votes. And the computer operator stopped us and he said, 'Now, wait, I think I can isolate the ballot'. So, he ran the computer and as it hesitated and stopped, he pulled out a ballot and we looked at it and he said, 'There's your problem. This ballot has a pen hole in it'. Sometimes the machine sees the pen hole and

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sometimes it doesn't. You see, the machine counts by sending light through a hole. And this ballot has a pen hole in it. And in order to get an accurate count, we have to set this ballot aside. And we'll run the ballots again without this and see if they're consistent. And, of course, they were. He isolated the problem. So, when we came back to Springfield, recognizing that we were going to try to give intent to voters and not to disenfranchise people and try to preserve as many ballots as possible. The lawyers agreed on the category of pen holes, and we begin to count the pen holes and see who they were for. The Minority argued strenuously that we should not count any of these. 'You have to punch the chad out', was there opening statement. But, if you would read the Minority report in regards to this, on page 26, you'll see that the Minority report states that there is nothing in state law. This is your report. It says there is nothing in state law that says how much of the chad must be removed. There is no case law on this. None whatsoever. But they argued, nonetheless, that we shouldn't do it. The first ballot that we looked at was an apparent vote for Christensen and the vote was taken and it was 6 to 4. A Partisan Roll Call. The ballot was counted. The second vote that was taken was an apparent attempt to vote for Christensen, but there was not pen hole there. There was no way that any voting machine could have counted this. And so, we voted 10 to 0 not to count it. And the third one was for Weller. And on this one, Republicans changed their minds. They moved to count the ballot for Weller and it was a vote of 8 to 2. And the next one was for Weller, and it was a vote of 8 to 2. And the next one for Christensen and it was 7 to 3, and the next three were for Weller, and the vote was 9 to 0 to 1. There was one person that was consistent

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throughout most of this, and that was, Representative Johnson, who on this voted 'present'. The rest of the Members voted... variously on each and every one of these, but the Republicans on these three I just read to you, voted 9 to 0 to 1. Three Republicans joined the six Democrats to count three votes for Weller. And the final vote was a partial chad missing. I don't know if it was 20 percent of the chad was gone or 30 percent of chad was gone, but some of the chad was knocked out, and it was in this category. And the vote... this was for Weller. And the vote to count this was 10 to nothing. We should count this ballot. And I pick up the Minority report and it says, 'We should count none of these'. How are you arguing? Your Members voted on the last one, on the partial chad. It was a 10 to nothing vote. Everybody in the Committee said it should be counted, and your report says that it shouldn't be, and then none of these shouldn't be counted. I think that we had an extremely difficult task. And we did our best on each and everyone of these to see if we can determine voters intent. Of the 22 that we segregated, eight were for Christensen, seven were for Weller and seven were tossed out. If anyone can make a more honest attempt than the Committee did on these, I will like to meet the ten individuals. Well, Mr. Speaker, as I said at the very beginning, if you ask me which were the two most difficult votes that I've had since I've been on this floor, one of them is this vote. The other of the two that I would classify as my two most difficult votes happened on June 30, 1977, when Representative Peg McDonnell Breslin was unseated from this House floor. Now, I believe that there are eight Republicans still on the House floor today that were here on June 30, 1977, and of the eight Republicans, every single one of those

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individuals voted to unseat the Democrat from Ottawa, Representative Breslin. And I know what Tim Johnson said. I know that they were confident that they did the right thing. I know it was a hard vote. I was here. I watched what happened. It was tough. I voted to keep Peg here. Others voted that she shouldn't be seated, and she was unseated on a vote of 91 to 75, but I firmly believe that the eight Republicans sitting on that side of the aisle that voted to unseat her, I know that you believed it was the right vote. Mr. Speaker, there have been some allegations today that we were partial. We all take those to heart. But, in our heart, we believe that our vote today is right. It's just and we'll seat the true winner of this election. I move for the adoption of the report."

Speaker Madigan: "We shall now proceed to an Oral Verified Roll Call. The question shall be, 'Shall the report of the Committee be adopted?' Those in favor of the report of the Committee shall vote 'aye', those against the report of the Committee shall vote 'no'. The Clerk shall call the Roll."

Clerk O'Brien: "Ackerman. Barger."

Barger: "To explain my vote, if I may. At the final total of the approximately 1402 votes a piece, of the uncontested ballots, Mr. Weller was leading by eight votes. Of the 67 contested ballots, that were later counted and added to that, eleven more went for Christensen than Weller, a matter of 39 to 28. I strongly doubt that if the uncontested, undisputed ballots were approximately even that there would be a 58 percent to 42 percent differential in these uncontested ones. And therefore, I vote 'no'."

Clerk O'Brien: "Barnes. Berrios. Black."

Black: "Mr. Speaker, to explain my vote. I would like to respond to Representative McPike's reference on page 32 of the Minority report, where the exception is mentioned on the

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Craig versus Peterson case, that clerical mistakes will not keep ballots from being counted. Our point, Sir, is simply that there was a clerical error with respect to the three ballots that had the wrong precinct number on the back. And if you are not to count those uninitial ballots, on a clerical error basis, then please do not count any such uninitial ballots. All we ask is that you be consistent and fair in your interpretation. To paraphrase John Adams, 'When the electoral process ends, then slavery begins'. I vote 'no'."

Clerk O'Brien: "Bowman. Braun."

Braun: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. It's been a great deal of discussion today about the nature of democracy and what we do here, but I submit to all Members, that if we are to respect the balance of powers as created in our U.S. Constitution and the Constitution of this state, then this job is not one that's to be left to the press, it is not one to be left to the courts, it is a job that has been entrusted to us as the elected Representatives of the people. This buck stops here. I am satisfied with the process as it has occurred, and I proudly vote 'aye'."

Clerk O'Brien: "Breslin. Brunsvold. Bugielski. Capparelli. Churchill. Countryman. Cowlshaw. Cullerton. Curran. Currie. Daley. Daniels. Davis. DeJaegher. DeLeo. Deuchler. Didrickson. Doederlein. Dunn. Ewing. Farley. Flinn. Flowers. Frederick. Giglio. Giorgi. Goforth. Granberg. Greiman. Hallock."

Hallock: "Mr. Speaker, my switch doesn't work. Let the record show me voting 'no' on this issue. I also want to make a comment for the record. And I want to speak beyond the initial ballot issue, because I think that's one of the hearts of this whole discussion. If you look at the law in

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this case, it very clearly says that uninitial ballots cannot be counted. There isn't a case law in this state that's pointed otherwise. Furthermore, Section 17-9 of the Election Code requires initialing by Judges. Section 24(a) requires it not be counted. Furthermore, in the Craig v. Peterson, clearly it was said, and I quote, 'That no ballot without such initials may be counted regardless or whether it be an absentee ballot or otherwise'. Furthermore, it was said, the Grundy County and Will County clerks, that these ballots should not be counted. Nothing could be more clear. So, I think something else must be said here today, and that is the decision made here today rest not just with the Speaker of the House, but it rest with all the Democrats who may also join him in this support of this Motion. My fear for all of us, because what's being done here today will lead the legacy for the 85th General Assembly. And that's a shameful legacy if this, in fact, occurs. So, I say to all of you on that side of the aisle, ponder this carefully because not only will this be recorded in the history books of what have been done here today, but it's also going to be etched forever in your minds. And I'm confident that those of you on that side of the aisle, all being good people, will never forget this decision here today. So, ponder it carefully. And to the Republicans and Jerry Weller, I say to you again, that your cause was right, so persevere. And I'm confident that Weller will be back. Thank you."

Clerk O'Brien: "Hannig. Harris. Hartke. Hasara. Hensel. Hicks. Hoffman. Homer. Huff. Hultgren."

Hultgren: "Mr. Speaker, to explain my vote. Thank you, Mr. Speaker, Members of the House. I've listened carefully to arguments both in favor of adopting the Majority report and arguments in favor of adopting the Minority report today.

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And I've heard the rebuttals to those arguments, but I must deal with some suspicion, those who urge me to adopt the Majority report, because I was present at a breakfast meeting in Peoria, Illinois, on December 9, 1986, before any of us took our oath of office for this Session of the General Assembly. And I heard a Member of the Majority Party eventually to be appointed of the Member of the Elections Contest Committee describe, then, a month before we were sworn in, what was going to happen and the timetable in which it was going to happen. I heard described that on January 14, Jerry Weller would be sworn in, in six to eight weeks later, he would be replaced with Ray Christensen. For that reason, I have to doubt the fairness and the equity with which this matter has been judged. And I respectfully must vote 'no'."

Clerk O'Brien: "Johnson. Jones. Keane. Kirkland. Klemm. Krska. Kubik. Kulas."

Kulas: "Mr. Speaker, Ladies and Gentlemen of the House. I wasn't going to speak, but my name was mentioned in debate. As a man who came from a foreign country, a country behind the iron curtain, I was born in the Ukraine. I came to this country. I became a citizen. I know the value of a vote; because in the Soviet Union, they don't have election contests because on their election ballots, there is only one name so they don't have that problem that we had in this election. But when I became a citizen of this country, and when I became a Member of this General Assembly, I took an oath. I took an oath to abide by the Constitution of this state, by the Constitution of this country. I read the Majority report. I read the Minority report, and as for as I'm concern, Ray Christensen won the election legally and fairly. I vote 'aye'."

Clerk O'Brien: "Laurino. LeFlore. Leverenz. Levin. Martinez.

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Matijevich. Mautino. Mays. McAuliffe. McCracken.
McGann. McNamara. McPike. Morrow. Mulcahey. O'Connell.
Myron Olson. Excused. Robert Olson. Panayotovitch.
Pangle. Parcells."

Parcells: "Mr. Speaker, to explain my vote. It has been shown here today by many, Representative Slater and Representative Hallock for two, but the Majority counted uninitial ballots which is clearly against state law, if that ruling were overturned, as it should be, Christensen loses his three vote margin. A reversal on any one of the other six rulings discussed here today, which were made by the Majority, on purely partisan grounds, would give Representative Weller the recount and confirm his election by the people of the 85th District. For that reason, I vote 'no'."

Clerk O'Brien: "Parke. B. Pedersen. W. Peterson. Petka."

Petka: "Mr. Speaker, Members of the House, as a person who has gone through an election recount in 1976, and as a person who has served as a legal advisor to an electoral board, and who has set on an electoral board and has been the judge of many election contests, I can tell you that unmistakably, unequivocally that uninitial ballots cannot and should not be counted. It is because of that and other discrepancies that I found in the Majority report that I must respectfully vote 'no'."

Clerk O'Brien: "Phelps. Phelps."

Phelps: "Speaker, Ladies and Gentlemen of the House, my name was also mentioned in debate and I thought I must. Of my tenure as County Clerk, I was involved in half a dozen recounts. Many of them were not very pleasurable, but I did learn very quickly in those experiences how partisan things can become, and it has a way of balancing out in many respects. In addition to the uninitial ballots, when

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Mr. Slater mentioned about... he quoted the law where it says, 'They shall not go in the ballot box.' That is true. But, in this case, something has been overlooked. They did go in the ballot box. And the law is set forth differently, if they do, in fact, in error go in the ballot box, then there are things set up procedurally to decide what to do after that fact. I think that's what the Committee properly did, looking at the Supreme Court's rulings and considering fairly all the issues at hand. I vote 'aye'."

Clerk O'Brien: "Piel. Preston. Pullen. Rea. Regan. Rice. Richmond."

Richmond: "Mr. Speaker, Ladies and Gentlemen of the House, as one of those ten Members who served on this Committee over many, many hours of rather unpleasant duty, I feel that I would like to make a comment or two concerning my tenure in that regard. When the Speaker at the outset, the Speaker and the Majority Leader approached me to serve on this Committee, I told them that I felt obligated to serve if asked, but on the condition that when and if it is determined that who was the winner that I would... that's the person I would be supportive of, and if the process appeared to get out of hand, that I wanted no part of it, and they both totally agreed with that position and that that was the position they were also taking. So, with that in mind, I served throughout the entire tenure of the Committee. I had no feeling that I should ask to be replaced, because I thought we were doing exactly according to the law in case history and so forth. And I believe that our findings are accurate and honest and sincere, and certainly, that's the way I want it to be. And without any problems at all, I vote 'aye'."

Clerk O'Brien: "Ronan. Ropp. Ryder."

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Ryder: "To explain my vote. I wish to make two small points. A few moments ago, we heard from the Majority Leader concerning rather an impassion plea on fairness at which time he made a direct quote from the Minority report. However, in that impassion plea for fairness, I think he forgot to read the rest of that sentence. And I quote, 'There is no law governing how much of a chad has to be punched out for a vote to count because there is no authority for conducting a manual recount in a district utilizing electronic counting machines.' There is no law to say how to do some part of an illegal process when the process has already been determined as being illegal. Once you set the rules, you have to live by them. My concern today is that somehow I feel that we're all part of a final act and a play. And we're casting our votes accordingly, but the play has been choreographed and the play has been staged, not by the voters of the 85th District, but by the Majority of this House, who don't live, nor vote in that district. Because the voters of the 85th didn't write the play, I vote 'no'."

Clerk O'Brien: "Saltsman."

Saltsman: "Yes, Mr. Chairman, to explain my vote. I'm probably the person from Peoria that a previous speaker was talking about, and I don't know where he got his information from because at the time I wasn't speaking to him so much... very much on account of the negative campaign that he ran. And he must have gotten the word from someone else. But everyone in this building knew in November, December about Bourbonnais 9, which we did not use. It was not a factor. And everything was based what everybody was saying on throwing Bourbonnais 9. And we didn't. Everybody thought that was going to be the outcome of the election. If there is any discussion, that is what it is. And if the friend

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who went back and told him, because I wasn't even talking to him, in fact, I don't even know if I said hello to him that morning, I might not again, but that's what it was based on and it was never a word said to anyone who asked me to serve in this Commission about it. My conscious are clear. I served 100 percent attendance in this Committee, which most people here can't say. My heart was in it, and I worked hard on this Committee. I had a perfect attendance record. And I stayed up the late hours. So, I vote... like I said, Bourbonnais 9 was not a factor, and if that was a factor at that time, that was the only thing that was discussed. So, therefore, I'm voting 'aye'."

Clerk O'Brien: "Satterthwaite. Shaw. Sieben. Slater."

Slater: "The reason that we talk about Bourbonnais 9 and Essex townships, if Bourbonnais 9 had been thrown out, that would have been a net loss of 16 votes for Christensen. If on the other hand Essex had been thrown out, that would have been a net loss of 48 votes for Weller. And that was a trade off. I vote 'no'."

Clerk O'Brien: "Stange. Steczo. Stephens. Stern. Sutker. Tate. Terzich. Tuerk. excused. Turner. Van Duyne. Wait. Weaver. Weller."

Weller: "Mr. Speaker, If I may expand upon my remarks. Ladies and Gentlemen of the House, as I see the vote totals come on the big board on the wall, I realize that I today am experiencing probably the most humbling experience any elected Members of this House of Representatives has ever felt since the founding of the State of Illinois. And it causes me to reflect upon the activities and the events, not only in my campaign, but the activities and events and involvement I've had as a Member of this Illinois General Assembly. Now, as I look back upon the campaign and what the people told me, and their agenda and their needs and

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their issues and what was important to them. And since then, as I have been the State Representative for the 85th District, as I've continued talking with the people of the 85th District and continued working with them on the needs and the issues that are important to them, and they've told me a number of things, and they've told me that they wanted a Legislator who is accessible. They wanted a Legislator who is going to work for agricultural. District's number one industry. A Legislator who is going to work to bring jobs to the 85th District. As I look back upon my record and I look back upon it with pride, I know that in the last two and a half months, as I've been the State Representative for this District, I've responded to that agenda that the people have put forward. When agriculture needs new markets, alternative uses for corn and other products, I initiated legislation to set up a pilot test program to try a corn by-product as a substitute for road salt. When our senior citizens cried out for more information of how they could take advantage of programs that are available at the state and federal level, I worked to bring Josephine Oblinger, a former Member of the House Representatives, and a long time senior citizen advocate to the district, provided that information so they can go through that maze of government bureacracy. And as our small towns and small businesses flounder in our part of Illinois, I worked to try and revitalize those by working to develop tourism, a recreational development to bring more people to our part of Illinois and try and revitalize our small towns. I can go on and on about what I feel were my achievements and the work that I've done. And I look back at it with pride, and I know that that agenda is not done, and I refuse to walk away from the responsibilities that the people have handed to me and the agenda that

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they've asked me to work upon. So, I pledge to the people of the 85th District and to my colleagues here in the House of Representatives, but I will not walk away from the agenda of the people of the 85th District have handed me. I'm proud of that. I'm proud to have served the people of the 85th District. Mr. Speaker, If I might finish, I would like to take a moment and express my appreciation. I want to express my appreciation to my mother who has sat in the gallery this afternoon and thank her for what she has taught me about right and wrong. I want to thank my freshman colleagues for giving me the opportunity to lead when they selected me Chairman of the House Republican Freshman Caucus. And I want to thank Minority Leader, Lee Daniels and the Republican Members of the House of Representatives today when they stood up for the people of the 85th District. I'm proud to have served with you. It was a great honor. And I want to thank the people of the 85th District, those who supported me during my campaigns, those I have come to know while I've been the 85th District State Representative, and I thank them for the privilege of serving them. I'm proud to have served the people of the 85th District. And as I think back and as I look forward, I guess I can basically put it in this way, I will never walk away from the agenda of the people of the 85th District, because I know that I intend to complete that agenda. And when State Representative Jerry Weller is sworn into the Illinois General Assembly, after having been elected for the second time, you will know that State Representative Jerry Weller has returned."

Clerk O'Brien: "Wennlund. White. Williams. Williamson."

Williamson: "Mr. Speaker, to explain my vote. It's very obvious this afternoon after watching this process that with the Minority report and the Majority report, we still feel

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complied to go with a partisan Roll Call Vote, and maybe that says something for this Body in the fact that how can we fairly be judges deciding who should be elected to serve in this House. If anything has come of this because of Jerry Weller and Ray Christensen, I hope that you will all join with me and the other Members of the Republican Party by Cosponsoring what has been introduced just several hours ago in this Body. House Joint Resolution Constitutional Amendment #14 which takes the power away from this General Assembly and put it back into the court and gives the Judges the right to decide who should serve in this Body. I am asking my Democratic Members to join on this Resolution with all the Republican Members that are already Cosponsoring this. Let's put this decision back where it belongs. We do not and cannot decide fairly and justly who should serve in this Body. Thank you and I vote 'no'."

Clerk O'Brien: "Wojcik. Wolf. Anthony Young. Hyvetter Young. Mr. Speaker."

Speaker Madigan: "On this question, there are 67 'ayes' and 49 'nos'. The report of the Committee is adopted, providing that Jerald C. 'Jerry' Weller be unseated as a Member of the House of Representatives of the 85th General Assembly, from the 85th Representative District, and that it be declared that Ray A. Christensen be elected and seated as the Representative in the General Assembly from the 85th Representative District. Mr. Clerk, do you have an Adjournment Resolution?"

Clerk O'Brien: "Senate Joint Resolution #37."

Speaker Madigan: "Mr. McPike, on the Adjournment Resolution."

McPike: "Mr. Speaker, I move for the adoption of the Adjournment Resolution."

Speaker Madigan: "Gentleman moves for the adoption of the Adjournment Resolution. Those in favor say 'aye', those

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opposed say 'no'. The 'ayes' have it. The Resolution is adopted. The Chair recognizes Mr. Daniels."

Daniels: "There will be a Republican Conference in Room 118 immediately upon adjournment."

Speaker Madigan: "Mr. Clerk, do you have any further Resolutions? We are not adjourned. We have adopted the Adjournment Resolution, but we are not adjourned. Mr. Clerk, do you have any Resolutions?"

Clerk O'Brien: "House Joint Resolution #50, offered by Representative Slater. House Joint Resolution 51, Daley. House Joint Resolution 53, Daley. House Resolution 233, Richmond; 236, Mulcahey; 238, Matijevich; 239, Ropp; 240, Daley; and 241, Phelps."

Speaker Madigan: "Is there one by Representative Braun? It's a Senate Joint Resolution."

Clerk O'Brien: "And Senate Joint Resolution 38, offered by Representative Braun."

Speaker Madigan: "Mr. Matijevich."

Matijevich: "Mr. Speaker, we have examined the Agreed Resolutions and find them to be of the congratulatory or laudatory type, and I move the adoption of the Agreed Resolution."

Speaker Madigan: "The Gentlemen moves for the adoption of the Agreed Resolutions. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The Resolutions are adopted. General Resolutions."

Clerk O'Brien: "House Resolution 235, offered by Representative Saltsman - et al. House Resolution 237, offered by Representative Saltsman - et al. And Senate Joint Resolution 34."

Speaker Madigan: "Committee on Assignment. Mr. Clerk, is there anything further? Death Resolution."

Clerk O'Brien: "House Joint Resolution 52, offered by Representative Daley, with respect to the memory of John C.

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Parrilli. And House Resolution 234, offered by Representative Slater, with respect to the memory of Elmer J. Kraus."

Speaker Madigan: "Mr. Giorgi moves for the adoption of the Death Resolutions. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The Death Resolutions are adopted. Mr. Clerk, anything further? Mr. McCracken."

McCracken: "Thank you, Mr. Speaker. To my understanding, there was a supplemental appropriation contemplated to be passed today. As a matter of fact, I thought both sides of the aisle were in agreement on that."

Speaker Madigan: "Do you know the number of the Bill, Mr. McCracken?"

McCracken: "366, I believe."

Speaker Madigan: "House?"

McCracken: "Senate Bill."

Speaker Madigan: "Senate. Page nine of the Calendar, there appears Senate Bill 366. Mr. Bowman. Mr. Bowman."

Clerk O'Brien: "Senate Bill 366, a Bill for an Act making supplemental appropriations to various agencies. Third Reading of the Bill."

Speaker Madigan: "Mr. Bowman."

Bowman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'll be brief. This is a DORS supplemental appropriation. By April 15th, this year, they will run out of cash in their community care program. This supplemental is necessary to complete the fiscal year and to avoid what could be a very serious situation for those depended upon this program. I move its passage."

Speaker Madigan: "Gentleman moves for the passage of Senate Bill 366. Mr. Tate."

Tate: "Thank you, Mr. Speaker. As the Sponsor has indicated, this is an emergency supplemental for the Department of

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Rehabilitation Services, and I move for its adoption, too.
It's an agreed."

Speaker Madigan: "Those in favor of the passage of the Bill will signify by voting 'aye', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 111 'ayes', no one voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. The Chair is told that there is another agreed matter on page 11 of the Calendar on the Order of Motions. House Resolution 190, by Mr. Berrios. The Chair recognizes Mr. Berrios. Mr. Berrios."

Berrios: "Mr. Speaker, I have moved to discharge Executive Committee from hearing House Resolution 190. I've talked to both sides and it was agreed."

Speaker Madigan: "The Gentleman moves to discharge the Executive Committee from further consideration of House Resolution 190. Is there leave? Leave is granted. The Bill shall be placed on the Order of the Speaker's Table."

Berrios: "Mr. Speaker."

Speaker Madigan: "Mr. Berrios."

Berrios: "I ask to waive the appropriate rules to hear it right now."

Speaker Madigan: "Is there leave? Leave is granted. Mr. Berrios."

Berrios: "Mr. Speaker, I move to adopt House Resolution 190. It's a simple Resolution. All it asks is that the immigration reevaluate the fees that they're going to charge the individuals that are going to be filing under the new amnesty provisions."

Speaker Madigan: "Those in favor of the Resolution will say 'aye', those opposed 'no'. The 'ayes' have it. The Resolution is adopted."

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Berrios: "Thank you."

Speaker Madigan: "Mr. Granberg."

Granberg: "Mr. Speaker, I'd like to ask for leave to get on that last Roll Call for the DORS supplemental. Senate Bill 366."

Speaker Madigan: "Your remarks... your remarks will be recorded in the Journal, Mr. Granberg. Is there anything further? Is there anything further? Providing perfunctory time today for the purpose of introduction of Bills, Mr. McPike moves that the House stand adjourned until April 21 at 12:00 noon and also providing for certain Perfunctory Sessions in the Interim again for the purpose of introduction of Bills. Those in favor say 'aye', those opposed say 'no'. The 'ayes' have it. The House does stand adjourned."

Clerk O'Brien: "Committee Reports. Representative O'Connell, Chairman of the Committee on Judiciary II, to which the following Bills were referred, action taken April 2, 1987, reported the same back with the following recommendations: 'do pass' House Bills 327, 510, 526, 527, 528, 529 and 871; 'do pass as amended' House Bill 860. Introduction and First Reading of Bills. House Bill 1442, Giorgi, a Bill for an Act to amend the Unemployment Insurance Act. First Reading of the Bill. House Bill 1443, Stange and Ronan, a Bill for an Act to amend the Hotel Operators' Occupation Tax Act. First Reading of the Bill. House Bill 1444, Giorgi - et al, a Bill for an Act to amend the Civil Administrative Code. First Reading of the Bill. House Bill 1445, Breslin, a Bill for an Act in relation to labor practices of public employers and educational employees. First Reading of the Bill. House Bill 1446, Giorgi, a Bill for an Act to amend an Act concerning fees and salaries. First Reading of the Bill. House Bill 1447, Turner - et

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al... House Bill 1447, Saltsman, a Bill for an Act in relation to liens. First Reading of the Bill. House Bill 1448, Turner, a Bill for an Act relating to compensation of workers injured as a result of industrial accidents. First Reading of the Bill."

Clerk Leone: "House Bill 1449, offered by Representative Shaw, a Bill for an Act to add Sections of the Public Utilities Act. First Reading of the Bill. House Bill 1450, offered by Representative Braun, a Bill for an Act imposing the tax on life insurance companies doing business in this state. First Reading of the Bill. House Bill 1451, offered by Representative Braun, a Bill for an Act to amend the State Occupation and Use Tax Act. First Reading of the Bill. House Bill 1452, offered by Representative Braun, a Bill for an Act to amend Sections of the Illinois Parentage Act. First Reading of the Bill. House Bill 1453, offered by Representative Shaw and Flowers, a Bill for an Act to amend Sections of the Workers' Compensation Act. First Reading of the Bill. House Bill 1454, offered by Representative Terzich - Capparelli - et al, a Bill for an Act to amend Sections of an Act to create sanitary districts and to remove obstructions from the Des Plaines and Illinois Rivers. First Reading of the Bill. House Bill 1455, offered by Representative White, a Bill for an Act to amend Sections of the Hospital Licensing Act. First Reading of the Bill. House Bill 1456, offered by Representative Farley - et al, a Bill for an Act to create the Lake Michigan Protection Authority. First Reading of the Bill. House Bill 1457, offered by Representative John Dunn, a Bill for an Act to amend Sections of the Unemployment Insurance Act. First Reading of the Bill. House Bill 1458, offered by Representative John Dunn, a Bill for an Act to amend Sections of the Probate Act. First Reading of

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the Bill. House Bill 1459, offered by Representative Levin, a Bill for an Act to amend Sections of the Public Utilities Act. First Reading of the Bill. House Bill 1460, offered by Representative Levin, a Bill for an Act in relationship to drug testing of employees. First Reading of the Bill. House Bill 1461, offered by Representative Hicks, a Bill for an Act to amend Sections of the Liquor Control Act. First Reading of the Bill. House Bill 1462, offered by Representative Hicks, a Bill for an Act to amend Sections of the School Code. First Reading of the Bill. House Bill 1463, offered by Representative Hartke, a Bill for an Act to amend Sections of the Environmental Protection Act. First Reading of the Bill. House Bill 1464, offered by Representative Phelps - et al, a Bill for an Act to amend Sections of the Emergency Medical Services System Act. First Reading of the Bill. House Bill 1465, offered by Representative Ryder, a Bill for an Act to amend Sections of the Illinois Public Aid Code. First Reading of the Bill. House Bill 1466, offered by Representative Parcels - et al, a Bill for an Act to amend Sections of the Criminal Code. First Reading of the Bill. House Bill 1467, offered by Representative White, a Bill for an Act to amend Sections of the Illinois Public Aid Code. First Reading of the Bill. House Bill 1468, offered by Representative White, a Bill for an Act to amend Sections of the Illinois Pension Code. First Reading of the Bill. House Bill 1469, offered by Representative Curran, a Bill for an Act relating family preservation. First Reading of the Bill. House Bill 1470, offered by Representative Curran, a Bill for an Act in relationship to nutrition and hydration of incompetent patients. First Reading of the Bill. House Bill 1471, offered by Representative Greiman, a Bill for an Act to amend Sections of the Professional

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Service Corporation Act. First Reading of the Bill. House Bill 1472, offered by Representative Cullerton, a Bill for an Act in relationship to liability for medical care of certain infants. First Reading of the Bill. House Bill 1473, offered by Representative Cullerton, a Bill for an Act to amend Sections of the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act. First Reading of the Bill. House Bill 1474, offered by Representative Kubik - et al, a Bill for an Act to amend Sections of the Code of Civil Procedure. First Reading of the Bill. House Bill 1475, offered by Representative Parke - et al, a Bill for an Act to revise the distribution of loss and cases brought on account of injury of persons or property or death or to provide for liability and recovery only in accordance with the relative fault and repeal certain Sections of the Code of Civil Procedure. First Reading of the Bill. House Bill 1476, offered by Representative Tate - et al, a Bill for an Act to amend Sections of the Code of Civil Procedure. First Reading of the Bill. House Bill 1477, offered by Representative Churchill - et al, a Bill for an Act to amend Sections of an Act in relationship to contribution among joint tortfeasors. First Reading of the Bill. House Bill 1478, offered by Representative Piel - et al, a Bill for an Act to revise the law to limit damages for noneconomic loss and all action for damages for an injury to a person. First Reading of the Bill. House Bill 1479, offered by Representative Ryder - et al, a Bill for an Act to regulate liability rising out of product related injuries or damages. First Reading of the Bill. House Bill 1480, offered by Representative McCracken - et al, a Bill for an Act to amend Sections of the Code of Civil Procedure. First Reading of the Bill. House Bill 1481, offered by

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Representative Parke - et al, a Bill for an Act to amend Sections of the Code of Civil Procedure. First Reading of the Bill. House Bill 1482, offered by Representative Parke - et al, a Bill for an Act to repeal an Act providing for the protection, safety of persons in and about construction repairing, alteration or the removal of buildings, bridges, viaducts or other structures and to provide for the enforcement thereof. First Reading of the Bill. Further Introductions. House Bill 1483, offered by Representative William Peterson - et al, a Bill for an Act in relationship to publication of audit report by certified public accountants of funds and offices of units of local government. First Reading of the Bill. No further business, the House will now stand adjourned."

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