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FILE NO. S-461

**CONSTITUTION:
Legislature -
Electronic recording of
debates**

Honorable W. Robert Blair
Speaker
House of Representatives
State of Illinois
State House
Springfield, Illinois 62706

Dear Speaker Blair:

I have your letter wherein you state:

"In accordance with Article IV, Section 7 of the Constitution of 1970, the House of Representatives plans to electronically record, verbatim, the complete debates of the House when it meets in its chamber in plenary session. In further compliance with the above referenced constitutional section, the House plans to stenographically transcribe these electronic tapes and to make these written transcripts available to the public.

"I am writing to solicit your opinion in regard to this latter requirement. In your opinion, would the House be required to maintain

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a copy of an electronic tape after said tape is transcribed in its entirety and made available to the public? If a copy of each tape is, in your opinion, required to be kept as a real or actual record, for how long do you feel such a tape must be preserved as a permanent record?"

Section 7(b) of Article IV of the Illinois Constitution of 1970 reads as follows:

"Each house shall keep a journal of its proceedings and a transcript of its debates. The journal shall be published and the transcript shall be available to the public."

Section 7(b) makes no reference to the method of recording the debates but relates only to the keeping of a transcript "available to the public." Since there is no requirement of printing and publication of the transcript it is clear that a stenographic transcription would constitute compliance if available for public inspection and duplication at the expense of any interested person. This interpretation is supported by the debates of the 6th Illinois Constitutional Convention. See, 6th Ill. Const. Con. - Verbatim Transcript, July 18, 1970, pp. 72-99 incl.

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While section 7(b) makes no reference to the method of recording debates and leaves the choice to legislative discretion, it would seem clear that the primary source of the transcript, whether electronic tape, reporter's record or other medium, should be permanently preserved to assure confirmation of the typewritten transcript or its replacement in the event of loss or destruction.

In conclusion, I am of the opinion that if the House of Representatives undertakes to record its debates by electronic tape, then the House of Representatives must permanently preserve this electronic tape.

Very truly yours,

ATTORNEY GENERAL