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FILE NO. S-783

**CONSTITUTION:**

Computing Time Limit of the  
Legislature to Override a Veto

Honorable William C. Harris  
President of the Senate  
State of Illinois  
Springfield, Illinois

Dear Senator Harris:

This is in response to your letter in which you  
raise a question concerning section 9(c) of article IV of  
the Illinois Constitution of 1970.

Section 9(c) of article IV provides:

"(c) The house to which a bill is returned shall immediately enter the Governor's objections upon its journal. If within 15 calendar days after such entry that house by a record vote of three-fifths of the members elected passes the bill, it shall be delivered immediately to the second house. If within 15 calendar days after such delivery the second house by a record vote of three-fifths of the members elected passes the bill, it shall become law."

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The question you have raised is whether the first day of the 15 day period is the day the Governor's objections are entered upon the journal, or the day after these objections are entered upon the journal. I have previously answered this question in opinion No. S-309 (1971 Op. Atty. Gen. 53) which concerned the computation of all time periods specified in section 9 of article IV of the Illinois Constitution of 1970. The following opinion is in conformance with that prior opinion, and is a more detailed response to your specific inquiry concerning section 9(c).

I have been unable to locate anything in the debates of the convention which indicate at what point the 15 day limit commences. However, it is a fundamental rule of law that "the proper mode of computing time, when an act is to be performed within a particular period from or after a specified day, is to exclude the day named and include the day on which the act is to be done." Ewing v. Bailey, 5 Ill. (4 Scammon) 420, 421.

Section 16 of article V of the Illinois Constitution of 1870 provided that "any bill which shall not be returned by the Governor within 10 days (Sundays excluded) after it shall have been presented to him shall become a law \* \* \* .

It should be noted that in the phrases "within 10 days after it shall have been presented" (section 16 of article V of the 1870 Constitution) and "within 15 calendar days after such entry" (section 9(c) of article IV of the 1970 Constitution),

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the words "within" and "after" are used in the same manner.

In interpreting the language of section 16 of article V of the Illinois Constitution of 1870, the Illinois Supreme Court in People ex rel. Harless v. Hatch, 33 Ill. 9, held that the method of computing the 10 days is to exclude the day the bill was presented to the Governor (and the intervening Sundays) and to include the last of the 10 days. The court further stated, at page 138, that the Governor must be allowed the full period of 10 natural days within which to perform his constitutional duty. See, also, Kuznitsky v. Murphy, 381 Ill. 182.

By analogous reasoning, where section 9(c) of article IV provides that each house of the legislature is entitled to "15 calendar days" after entry of objections upon the journal, each house must be allowed 15 successive and full 24-hour days in which to deliberate. If the first day of the 15 day period was the day upon which the entry was made in the journal, the respective houses would have less than 15 days in which to act.

It is, therefore, my opinion that the proper mode

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of computing time under section 9(c) of article IV is to commence the running of the 15 day period for the house to which a bill is returned from the day after the Governor's objections are entered on the journal.

Very truly yours,

A T T O R N E Y   G E N E R A L