

IN THE SUPREME COURT OF THE GREAT STATE OF SUPERIOR
REPLY BRIEF OF THE PETITIONER
IN RE: EXECUTIVE ORDER 01: RELOCATING THE EXECUTIVE

I. TABLE OF AUTHORITIES AND SOURCES

1. [Opening Brief of the Petitioner In Re: Executive Order 01: Relocating the Executive](#)
2. [Answering Brief of the Respondent In Re: Executive Order 01: Relocating the Executive](#)
3. [Brief Amicus Curiae of JacobInAustin in Support of Neither Party](#)
4. [Civil Administrative Code of Illinois \(20 ILCS 5/5\)](#)

II. ADDRESSING CLAIMS MADE BY THE ANSWERING BRIEF OF THE RESPONDENT

- A. The respondent claims, with regards to the requirement of the Superior State Constitution for the Governor and Lieutenant Governor to maintain a residence at the seat of government, in their answering brief, the following.

The Governor's Mansion in Springfield was not vacated, nor was its purpose as a residence eliminated. Instead, another residence was established for use.

In short, the respondent ignores the spirit of the laws in favor of their words alone, leading to a very narrow interpretation of our constitution. There would be no reason for a constitutional provision requiring a gubernatorial residence at the seat of government if that residence merely stood empty while the governor sat in some far-away, self-selected governor's mansion, like that which the governor attempted to establish at Lansing. The intent of providing a gubernatorial residence at the seat of government is quite clearly that the governor should remain at the seat of government. As a part of the government, the governor ought to remain at the seat of government. Furthermore, as noted in Section II of the Brief Amicus Curiae of JacobInAustin, the judicial precedent and laws of this state do not at all support the purely literal interpretation offered by the respondent. The intent of the state's General Assembly was clearly to provide a residence such that the governor could and would remain, in general, at the seat of government.

- B. The respondent cites 20 ILCS 5/5-630 as a provision of the law which permits the governor to move their residence from the seat of government. However, the respondent cites only the last sentence of a longer section and neglects the definitions provided by the chapter, [20 ILCS 5/5](#), as a whole. The section, in full, states the following.

Department offices. Each department shall maintain a central office in Springfield, in space provided by the Secretary of State, the Department of Central Management Services, or the Architect of the Capitol, excepting the Department of Agriculture, which shall maintain a central office at the State fair

grounds at Springfield, and the Department of Transportation, which shall also maintain a Division of Aeronautics at Capital Airport. The director of each department (see Section 5-10 of this Law for the definition of "director") may, in the director's discretion and with the approval of the Governor, establish and maintain, at places other than the seat of government, branch offices for the conduct of any one or more functions of the director's department.

First, the respondent ignores the fact that every department must maintain a central office at Springfield, omitting in their brief the portion of 20 ILCS 5/5-630 which creates such a requirement. Even if this provision applied to the governor (it does not, see below), the residence of the governor is obviously a central department and must remain at Springfield. However, by ordering in Executive Order 01 (as quoted in the opening brief of the petitioner) that “the executive branch, including the office of the Governor, will henceforth operate from... Lansing,” the governor violated this requirement of the law that the central offices of each department shall remain at Springfield.

Second, the section in question permits for the establishment of branch offices, which the residence of the governor obviously is not. A branch office is a smaller office, meant to allow the execution of the administrative functions of the executive in distant parts of the state — it is not a blank check for the executive, especially the governor, to move their location at will.

Third, 20 ILCS 5/5-10 defines a “director” as the head of a department, with departments defined in 20 ILCS 5/5-15 and their heads defined in 20 ILCS 5/5-20. The heads of departments listed in the latter of these sections are “[the] Director of Aging..., [the] Director of Agriculture... [the] Director of Central Management Services... [the] Director of Children and Family Services... [the] Director of Commerce and Economic Opportunity... [the] Director of Corrections... [the] Director of the Illinois Emergency Management Agency... [the] Director of Employment Security... [the] Secretary of Financial and Professional Regulation... [the] Director of Healthcare and Family Services... [the] Director of Human Rights... [the] Secretary of Human Services... [the] Secretary of Innovation and Technology... [the] Director of Insurance... [the] Director of Juvenile Justice... [the] Director of Labor... [the] Director of the Lottery... [the] Director of Natural Resources... [the] Director of Public Health... [the] Director of Revenue... [the] Director of State Police... [the] Secretary of Transportation... [and the] Director of Veterans' Affairs.” The governor is none of these, so the section in question doesn’t even apply to the governor, regardless of the fact that it wouldn’t permit a total move like the one the governor attempted.

- C. The respondent misunderstands the meaning of much of this petitioner’s opening brief, claiming the following.

As petitioner points out, there exists various pre-conglomeration constitutional provisions that differ in their mandate for the executive and the governor. Some required residence, while some required offices, while some required both. It is reasonable to believe that if the new Assembly wished for a stricter provision, they would have implemented it when they ratified the new Constitution or enshrined a requirement via statute.

However, the claim made by the respondent has already been addressed. In the opening brief, this petitioner's purpose in citing pre-conglomeration constitutional provisions on the location of the executive was clearly stated, as follows.

There remains to be a consideration of what "seat of government" in the two Acts listed means, as it has not been defined by any state statutes. Primarily, this means the question of whether the seat of government includes the residence and offices of the executive branch. However, it is clear from the sizable body of precedent on the use of the term from various pre-conglomeration state laws and constitutions that the answer to that question is "yes" — the seat of government includes the executive's offices and residence.

The Assembly must have thought the definition of the seat of government was sufficient to ensure that all the parts of the government remained at the seat of government. After all, it is reasonable to assume that the seat of government is where the government, including all three of its branches, is located. The respondent's case rests on the implicit redefinition of "seat of government" to mean "seat of the legislature," which the common law of this state, as demonstrated by pre-conglomeration state constitutions and statutes in this petitioner's opening brief, has shown to be false.

III. CONCLUSION

In conclusion, the respondent attempts a literal interpretation of the law not borne out by preceding rulings and laws, and ignores the clear intent of the Assembly in providing a gubernatorial residence at the seat of government. Ironically, the respondent then proceeds to ignore the literal meaning of a state statute and omit those parts which do not suit their case. After that, the respondent poses a claim which has already been addressed in the opening brief and shown to be false.

Contrary to the respondent's claim, Executive Order 01 does not withstand scrutiny.