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# FORMS AND STRUCTURE OF COUNTY GOVERNMENT

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## **FORMS AND STRUCTURE OF ILLINOIS COUNTY GOVERNMENT**

The Illinois Constitution defines “units of local government” in Article VII, Section 1 as counties, municipalities, townships, special districts, and units designated by law as units of local government. These are the basic building blocks of local governance in Illinois and are recognized as governmental entities that provide public services at the local level.

While these governmental local governments are recognized by the Constitution, they are officially “instrumentalities of the state.”

Under the Illinois Constitution, an “instrumentality of the state” refers to an entity that is created by or operates under the authority of the state government to carry out a public function. These entities are not independent from the state but instead act on its behalf to perform specific governmental duties. Examples include counties, municipalities, townships, school districts, and various special-purpose districts such as park, fire protection, or water reclamation districts. Even though these bodies may have elected officials and some degree of local control, they ultimately derive their powers from the state and are considered extensions of state government.

In legal terms, this designation means that instrumentalities of the state must operate within the boundaries of state law and are subject to state oversight. The concept emphasizes that local governments in Illinois do not have inherent sovereignty; instead, they exist to administer and implement state policies and services at the local level.

### **Forms of County Government: Township and Commission**

Each of Illinois’ 102 counties operate under one of two forms of government: the “township” form or the “commission” form. Initially, the township model was the standard, but the commission form was later introduced as an alternative structure. Today, 85 counties use the township form, while 17 operate under the commission form.

#### ***Township Form***

The township form of county government, used by the majority of Illinois counties, offers several distinct advantages that contribute to responsive and effective local governance. One of its key strengths is localized representation. Each township elects its own officials, allowing residents to have direct input into government decisions and ensuring that officials are familiar with the specific needs and priorities of their communities. This decentralized approach also enhances service delivery. Townships are often responsible for essential services such as road maintenance, property assessment, and general assistance, which can be provided more efficiently and with greater responsiveness at the local level.

Another benefit of the township form is the distribution of power among multiple elected officials, including the county board and various independently elected county officers. This structure helps maintain a system of checks and balances and reduces the risk of over-

centralization. The township model also fosters greater civic engagement by encouraging participation in local meetings, elections, and public service. Additionally, townships can offer services tailored to local needs, such as senior programs, transportation assistance, or food pantries, which are especially valuable in rural areas. Finally, the township system reflects a long-standing tradition of grassroots governance in Illinois, reinforcing a sense of community and continuity in public service.

### ***Commission Form***

The commission form of county government, used by 17 counties in Illinois (mostly in the southern part of the state), offers a different set of advantages that appeal to smaller or less densely populated areas. One of its primary strengths is its streamlined structure. Under this form, county government is administered by a small board of commissioners, each of whom has both legislative and executive powers. This can result in faster decision-making and a more unified direction in policy implementation, as the same body that creates policy also carries it out.

Another advantage is simplicity and efficiency. With fewer elected officials and no separate township governments, the commission form may reduce administrative overhead and lower costs, which can be attractive to counties with limited budgets or smaller populations. This centralized approach can also make county government easier for residents to understand and navigate, as there are fewer layers of government involved.

In addition, the commission form can foster greater accountability, since the same officials are responsible for both setting policy and managing its execution. Residents know exactly who to hold accountable for county services and decisions. This model may also encourage collaboration among commissioners, as they must work together to manage the full scope of county operations without delegating key responsibilities to separately elected officials.

### **Home Rule Vs. Non-Home Rule**

Under the Constitution, counties in Illinois can choose whether to operate as home rule or non-home rule units of government. A county that has a chief executive officer elected by the voters and has a population exceeding 25,000 is automatically considered a home rule unit. Additionally, the Constitution allows counties to reject home rule authority by a public referendum. The essential distinction between a home rule county and a non-home rule county is formally outlined in the Constitution.

### ***Home Rule Powers***

Home rule authority in Illinois gives local governments greater flexibility and independence to manage their own affairs without needing specific permission from the state legislature. Under the Illinois Constitution, home rule units—such as municipalities with a population over 25,000 and counties with an elected chief executive, like Cook County—can pass ordinances, raise revenue, and regulate local issues more freely than non-home rule governments. This authority allows communities to respond more quickly and effectively to local needs, whether by

addressing public safety, enacting zoning changes, or implementing new taxes to fund services. Home rule can also reduce reliance on the state for approvals, cutting through bureaucratic delays and enabling more efficient local governance. Additionally, it gives local officials the tools to craft innovative policies tailored to their residents, rather than relying on one-size-fits-all solutions from Springfield. For many communities, home rule offers the opportunity to be more proactive and self-directed in meeting the challenges they face.

### ***Non-Home Rule Powers***

In contrast, counties and municipalities that do not have home rule status are limited to the powers explicitly granted to them by state law. This is referred to as “Dillon’s Rule.”

Dillon’s Rule is a legal principle that limits the powers of local governments, including counties, municipalities, and townships. According to this rule, local governments only have the authority that is specifically granted to them by the state legislature, clearly implied from that authority, or absolutely necessary to carry out their duties. If there is any uncertainty about whether a local government has a particular power, the decision is made in favor of the state, not the local government. This means that local governments cannot act unless the state has explicitly allowed it. Named after Judge John F. Dillon, who articulated the rule in the 19th century, Dillon’s Rule has been reinforced by courts across the country, including the U.S. Supreme Court. In Illinois, Dillon’s Rule applies to most local governments, except for those granted home rule authority by the state constitution or legislature. Home rule units, such as Cook County and many larger cities, have broader powers and can act more independently. In contrast, non-home rule counties must follow Dillon’s Rule and rely on the state for permission to take many actions.

To complete the document titled *Forms and Structure of Illinois County Government*, I recommend ending with a concluding section that reinforces the key distinctions between governance models and highlights the implications for policymaking and service delivery at the county level. Here’s a suggested ending.

### **Conclusion**

The forms and structures of Illinois county government—whether township or commission, home rule or non-home rule—reflect a balance between state oversight and local autonomy. Each model offers distinct advantages tailored to the geography, population, and policy priorities of individual counties. While the township form emphasizes localized representation and grassroots service delivery, the commission model streamlines governance for greater efficiency in smaller counties. Similarly, home rule authority empowers counties to address local needs with greater flexibility, whereas non-home rule counties operate with closer adherence to state direction under Dillon’s Rule.

Understanding these frameworks is essential for evaluating how counties govern, provide services, and interact with residents. As counties confront evolving challenges such as economic development, infrastructure demands, and public health needs, their structural form will continue to influence their capacity for innovation, responsiveness, and accountability. In this way, the

organization of county government is more than a matter of administrative design—it is a foundation for effective public service and community well-being across Illinois.

### **About ISACo**

The Illinois State Association of Counties (ISACo) is a statewide association whose mission is to empower county officials to provide excellent service to their residents. ISACo member counties are comprised of forward-thinking public servants who recognize that the challenges confronting county governments require new and innovative ideas, collaborative solutions and collective advocacy at the state and federal levels of government.

Counties are an essential partner in the federal, state and local governance relationship. To this end, ISACo represents county government as an institution and does not advocate on behalf of any specific county office.

ISACo provides education and training opportunities, peer-to-peer networking, shared resources and robust representation before policymakers at various levels of government. ISACo creates and connects county officials to these opportunities and successfully equips them to make counties ideal places to live, work and play.

ISACo is organized exclusively for non-profit purposes and will operate at all times in the manner contemplated by section 501(c)(4) of the Internal Revenue Code or by such other provisions of the Code that will assist ISACo to accomplish its non-profit purposes. ISACo is committed to the highest standard of ethical conduct and transparency in the pursuit of our mission.

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