

Jersey County Cannot Secede From Illinois, State AG Says

by Dalton Brown, News Reporter
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JERSEYVILLE - Illinois Attorney General Kwame Raoul said Jersey County does not have the legal authority to secede from Illinois and become part of Missouri, as the Jersey County Board had reportedly been considering.

In an [opinion document](#) dated Oct. 17, 2023, Raoul stated that in his opinion, “non-home-rule counties, such as Jersey County, do not have the authority to secede from the State of Illinois and join another state.”

Raoul wrote this opinion in response to an inquiry from State’s Attorney Ben Goetten. According to information Goetten provided Raoul, the Jersey County Board was considering a referendum “moving Illinois-Missouri border to make Jersey County, Illinois a county of Missouri.” While the board tabled the item, Goetten made his inquiry in case the issue arose again in the future.

While the state constitution does not address the issue of county secession directly, one section outlining the powers of non-home-rule counties and the way to change state boundaries “does not grant counties the authority to secede from the State of Illinois,” Raoul wrote.

Since Jersey County has no legal authority to secede as a non-home-rule state, it also doesn’t have the authority to place the issue on a ballot referendum. Raoul added that even if Illinois law allowed counties to secede, that secession would likely be challenged at the federal level.

Raoul stated that the admissions clause of the U.S. Constitution, which governs state boundary changes, “prevents a subdivision of an existing state from breaking away without the state's consent.” The Constitution’s compact clause also prevents state boundary changes wherein one state cedes territory to another without the consent of Congress and each of the affected states.

For the reasons outlined in his opinion, “any referendum on the issue of county secession” that the Jersey County Board might consider “would have no binding legal effect.” A copy of Raoul’s full opinion is available [here](#).