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FILE NO. S-1240

COUNTIES:
Election Judges

Honorable Frank X. Yackley
State's Attorney
LaSalle County
Ottawa, Illinois 61350

Dear Mr. Yackley:

I have your letter wherein you ask whether election judges are to be considered employees of the county to be covered by Workmen's Compensation insurance when they are performing their job as election judges. It is my opinion that they are to be considered employees of the county to be covered by Workmen's Compensation insurance.

Article XIII of the Election Code (Ill. Rev. Stat. 1975, ch. 46, par. 13-1 et seq.) creates and provides for the

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office of judge of election. In Wargo v. Industrial Commission (1974), 58 Ill. 2d 234, the court held that an election judge was a public official and not covered by the Workmen's Compensation Act because public officials were specifically excluded from coverage in the Act. However, since that case, the General Assembly enacted Public Act 79-800 which changed the definition of employee to include public officials. Section 1 of the Workmen's Compensation Act (Ill. Rev. Stat. 1976 Supp., ch. 48, par. 138.1) provides:

"

* * *

(b) The term 'employee' as used in this Act means:

1. Every person in the service of the State,
* * * including any official of the State, any county, city, town, township, incorporated village, school district, body politic or municipal corporation therein * * *."

Therefore, because of this changed and broadened definition an election judge is within the coverage of the Workmen's Compensation Act.

Very truly yours,

A T T O R N E Y G E N E R A L