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## VOTING LEAVE

### *Does the state protect employees who take leave to vote in elections?*

Though federal law protects citizens' right to vote, there is no federal law that mandates employers to give employees a specific amount of time off to do so.

Many states have filled this void in the law with specific provisions and sanctions, which are covered in detail in this chapter. Some states require employees to give reasonable

notice of absence to the employer. Also, many state laws require employees to use their available time outside of work hours to cast their votes if there is sufficient time before or after work to get to local polls.

State	Main provisions of law	Covered employers
<b>AL</b>	Employees, upon reasonable notice to the employer, must be permitted to take necessary time off from employment to vote in any municipal, county, state, or federal political party primary or election for which the employee is qualified and registered to vote on the day on which the primary or election is held. The necessary time off shall not exceed one hour and, if the hours of work of the employee commence at least two hours after the opening of the polls or end at least one hour prior to the closing of the polls, then the time off for voting is not required. The employer may specify the hours during which the employee may take voting leave. <b>■ Citation:</b> Ala. Code § 17-1-5.	Public and private employers.
<b>AK</b>	Employees who are qualified voters and don't have two consecutive hours of nonwork time while polls are open may take off, without loss of pay, as much time as will enable voting. <b>■ Citation:</b> AS 15.15.100.	All employers.
<b>AZ</b>	Employers are required to provide time off if there are fewer than three consecutive hours between when polls open and the beginning of the employee's shift or fewer than three hours of open polls after the end of the employee's day. In such event, employees may take enough time at the beginning or end of their work shifts that, when added to the time difference between work shift hours and opening or closing of polls, will provide a total of three consecutive hours. The time off must be paid if it would otherwise have been work time. Employees must apply for time off in advance. <b>■ Citation:</b> A.R.S. § 16-402.	All employers.
<b>AR</b>	Employers must schedule the work hours of employees on election days so that they will have time to vote. <b>■ Citation:</b> Ark. Code Ann. § 7-1-102.	All employers.
<b>CA</b>	Employees are entitled to take up to two hours without loss of pay to vote if they don't have sufficient time outside of working hours. The time is to be taken at the beginning or the end of the shift and must be requested in advance. Employers must post notice of employees' rights to take time for voting. <b>■ Citation:</b> Cal. Elec. Code §§ 14000 and 14001.	All employers.
<b>CO</b>	Employees are protected from adverse employment actions for taking time off to vote. Employees who are registered voters and who do not have at least three hours outside of work to vote are entitled to up to two hours of paid leave to vote while the polls are open. <b>■ Citation:</b> C.R.S. § 1-7-102 and C.R.S. § 31-10-603.	All employers.
<b>CT</b>	No law.	
<b>DE</b>	No law.	
<b>DC</b>	No law.	

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<b>FL</b>	Employers are prohibited from discharging or threatening to discharge employees who vote in state or local elections. The same prohibitions apply to prevent employers from discharging or threatening to discharge employees who refuse to vote. Some local ordinances give employees time off without pay to vote on an election day. ■ <i>Citation:</i> FSA § 104.081.	All employers.
<b>GA</b>	Employers are required to grant employees up to two hours to vote on the day of an election. Employers may specify the hours an employee may use. Employers are under no obligation to pay employees for the time taken to vote. The requirement to provide time off for voting doesn't extend to employees whose hours of work begin at least two hours after the polls open or end at least two hours before polls close. Reasonable notice is required. Neither the statute nor case law specify whether employers are required to pay employees for voting leave. ■ <i>Citation:</i> O.C.G.A. § 21-2-404.	All employers.
<b>HI</b>	Employees are entitled to leave for a period of not more than two hours (excluding lunch or rest periods) between the opening and closing of the polls to vote if they don't have two consecutive hours outside of work time when polls are open. Employees aren't liable to any penalty and there can be no rescheduling of normal hours or any deduction made on account of the absence. But employees who fail to vote after taking time off for that purpose, upon verification, may have deductions made from pay. ■ <i>Citation:</i> HRS § 11-95.	All employers.
<b>ID</b>	<b>Private sector:</b> Employers aren't required to grant employees time off to vote, but it's unlawful to threaten discharge to influence an employee's vote. <b>Public sector:</b> State-government employees are entitled to leave with pay for voting in primary, general, municipal, school, or special elections if work interferes with being able to vote. ■ <i>Citation:</i> <b>Private sector:</b> Idaho Code § 18-2319. <b>Public sector:</b> IDAPA 15.04.01.250.09.	All employers under various statutes.
<b>IL</b>	Employers must allow employees two hours off work between the time of opening and closing of polls to vote provided employees request leave before election day, but only if the employee's working hours begin less than two hours after the opening of the polls and end less than two hours before the closing of the polls. Employers may specify the hours employees may be absent. Employers are prohibited from imposing any penalties on employees who take time off to vote. ■ <i>Citation:</i> 10 ILCS 5/7-42 and 10 ILCS 5/17-15.	All employers.
<b>IN</b>	No law.	
<b>IA</b>	Employers must allow employees time off to vote without a deduction in pay. The law applies to employees who don't have three consecutive hours off work while polls are open. Employers can require employees to submit written applications for absence before the date of the election, and the employer designates the time to be taken. ■ <i>Citation:</i> Iowa Code § 49.109.	All employers.
<b>KS</b>	Individuals entitled to vote in elections conducted by the county election officer are entitled to a voting leave period not to exceed two consecutive hours. Employers may specify when the two-hour period must be taken. Therefore, it's permissible for employers to specify that the two-hour voting period (or any portion of it) be taken prior to or after an employee's regular working hours if the polls are open at such times. Employers may not require any portion of the two-hour period to be taken over the employee's regular meal period. No penalty or deduction from wages may be taken from the employee's usual salary or wages. An employer who either intentionally obstructs an employee in his or her exercise of voting privilege or imposes a penalty upon an employee exercising his or her voting privilege is subject to a class A misdemeanor. ■ <i>Citation:</i> Kan. Stat. Ann. 25-418.	All employers.
<b>KY</b>	Employers must provide employees with at least four hours of leave to either vote or cast an absentee ballot. Employees who are election officers must be given an entire day of leave to attend training or to serve as an election officer. Employees must apply for leave before election day, and employers may specify the hours when leave can be taken. Employees can't be penalized for taking reasonable time off to vote unless they fail to vote under circumstances that didn't prohibit them from voting. State law does not expressly provide whether employers must pay employees for time taken to vote. ■ <i>Citation:</i> KRS § 118.035; Ky. Const. § 148.	All employers.
<b>LA</b>	No law regarding leave, but La. Rev. Stat. Ann. §§ 23:961 through 962 prohibit employers from discriminating against employees based on political beliefs. ■ <i>Citation:</i> La. Rev. Stat. Ann. §§ 23:961-962.	Employers with 20 or more regularly employed employees.

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<b>ME</b>	No law.	
<b>MD</b>	Eligible voters are allowed up to two hours of paid leave unless they have two continuous nonworking hours when polls are open. Deduction from wages is prohibited for employees who use the time to vote or attempt to vote. Employees can be required to furnish proof to the employer of voting or attempting to vote. ■ <i>Citation:</i> Md. Code Ann., Elect. Law § 10-315.	All employers.
<b>MA</b>	Employers must permit eligible voters, upon request, time off to vote during the period of two hours after the polls open in their district. The law applies only to mercantile, manufacturing, and mechanical establishments. ■ <i>Citation:</i> Mass. Gen. Laws ch. 149, § 178.	All mercantile, manufacturing, and mechanical establishments.
<b>MI</b>	No statute specifically guarantees leave to vote, but it's a misdemeanor for an employer to threaten to discharge or discharge employees "for the purpose of influencing the employee's vote." ■ <i>Citation:</i> MCL 168.931.	All employers.
<b>MN</b>	Employees who are eligible to vote in an election have the right to be absent without penalty or deduction from salary or wages from work for the time necessary to appear at the employee's polling place, cast a ballot, and return to work on the day of that election. Employees also must be granted paid time off to serve as election judges, although the employer may reduce their pay by the amount received for being an election judge. Employees must give 20 days notice and provide the employer with a certificate from the appointing authority stating the hours to be served and compensation to be provided. ■ <i>Citation:</i> <b>Voting:</b> M.S.A. § 204C.04. <b>Election judge:</b> M.S.A. § 204B.195.	All employers.
<b>MS</b>	Employers are prohibited from allowing employees to take more time off than is needed to cast their votes. ■ <i>Citation:</i> Miss. Code Ann. § 23-15-871.	All employers.
<b>MO</b>	Employers are required to allow employees to take time off with pay if there aren't three successive hours between work and either the opening or closing of polls. Employers may require employees to apply before election day and may specify the hours that employees may be absent. ■ <i>Citation:</i> RSMo. § 115.639.	All employers.
<b>MT</b>	No law.	
<b>NE</b>	Registered voters who don't have two consecutive hours of nonwork time when polls are open may take off enough time to allow two consecutive hours for voting. The time is to be with pay if the employee applies to the employer before or on election day. Employers may specify the hours employees may be absent. ■ <i>Citation:</i> Neb. Rev. Stat. § 32-922.	All employers.
<b>NV</b>	Employees who are registered to vote must be permitted sufficient time to vote at a time designated by the employer if it's impractical for them to vote before or after work hours. Sufficient time is determined as follows: If the distance between the place of employment and the polling place is two miles or less, one hour; if the distance is more than two miles but less than 10 miles, two hours; if the distance is more than 10 miles, three hours. No deduction may be made from the employee's usual salary or wages because of the leave. Application for leave must be made in advance. ■ <i>Citation:</i> NRS 293.463; NAC 284.586.	All employers.
<b>NH</b>	No law.	
<b>NJ</b>	No law.	
<b>NM</b>	Voters may be absent for two hours for the purpose of voting between the time of opening and closing of the polls. Employers may not penalize employees for such absence, but employers may specify the hours when employees may be absent. The leave doesn't apply to employees whose workdays begin more than two hours after polls open or end more than three hours before the time polls close. The leave also applies to qualified voters in elections of Indian nations, tribes, or pueblos. ■ <i>Citation:</i> NMSA 1978, § 1-12-42 (2001).	All employers.

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<b>NY</b>	Registered voters who do not have sufficient time outside of working hours within which to vote in any election may, without loss of pay for up to two hours, take off so much working time as will enable him/her to vote when added to the voting time available outside of working hours. An employee is deemed to have sufficient time within which to vote if the employee has four consecutive hours outside of work time while polls are open. Time taken to vote must be at the end or beginning of a shift unless mutually agreed otherwise. Employees requiring time off from work to vote must notify the employer no more than 10 but no less than two working days before the day of the election. Employers must post signs not less than 10 days before every election regarding the right to take leave. A person or corporation who refuses to permit an employee entitled to vote to exercise his/her privilege, or subjects the employee to a penalty or reduction in wages because of the exercise of such privilege, is guilty of a misdemeanor. ■ <i>Citation:</i> N.Y. Election Law §§ 3-110, 17-188, 17-122, 17-150, and 17-166.	All employers.
<b>NC</b>	No statute exists allowing time off for voting, but discharging employees for taking time to vote could implicate the wrongful discharge in violation of public policy theory.	All employers.
<b>ND</b>	State law encourages employers to establish policies granting employees time to vote during work hours if they can't vote during nonwork hours, but such policies aren't required. ■ <i>Citation:</i> N.D.C.C. § 16.1-01-02.1.	All employers.
<b>OH</b>	Employers may not interfere with, discriminate, or retaliate against employees for taking a reasonable amount of time to vote. Employees need not be paid for time taken off for voting. Also, employers are prohibited from printing statements on pay envelopes or posting any kind of threat or notice intended to influence employee political opinions. ■ <i>Citation:</i> Ohio Rev. Code §§ 3599.05 and 3599.06.	The term "employer" is not defined by the statute, but the statute is widely considered to apply to all employers in Ohio.
<b>OK</b>	Employees are granted two hours of leave to vote without any loss of pay or benefits. Employers are entitled to select the time the employees vote during work hours. The provision doesn't apply to individuals whose workday begins three hours or more after the opening of the polls or whose workday ends three hours or more before polls close. Employees must notify employers the day before election day of the need for leave. ■ <i>Citation:</i> Okla. Stat. Title 26 § 7-101.	All employers.
<b>OR</b>	No law.	
<b>PA</b>	No law.	
<b>RI</b>	No law.	
<b>SC</b>	No law.	
<b>SD</b>	Employees may be absent for up to two consecutive hours during the time polls are open provided there aren't two consecutive hours of open polls when the employee isn't required to be at work. Employees can't lose pay. Employers may specify the hours to be taken. ■ <i>Citation:</i> SDCL 12-3-5.	All employers.
<b>TN</b>	Employees are entitled to no more than three hours of paid leave if the work schedule would prohibit voting while polls are open. Employees whose shifts do not begin for three or more hours after the polls open or whose shifts end three or more hours before polls close are ineligible for leave. Employers may specify the hours to be taken, and employees must apply for leave by noon of the day before the election day. ■ <i>Citation:</i> TCA § 2-1-106.	All employers.
<b>TX</b>	Employers are prohibited from knowingly (1) refusing to permit employees to be absent from work on election day to vote or (2) subjecting or threatening to subject employees to a penalty for going to the polls on election day to vote. There is an exception, however, when the polls are open for two consecutive hours outside of the voter's working hours. ■ <i>Citation:</i> Election Code § 276.004.	All employers.

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<b>UT</b>	Employers must allow up to two hours of paid leave to allow employees to vote if (1) they aren't already off work at least three hours during the time polls are open, and (2) they apply for a leave before election day. Employers may specify the hours during which employees may take leave except that if an employee requests leave at the beginning or end of the work shift, the employer must grant that request. <b>■ Citation:</b> Utah Code § 20A-3-103.	All employers.
<b>VT</b>	No law.	
<b>VA</b>	There is no law regarding voters in general, but employers are required to allow an employee to take unpaid leave to serve as an "officer of election." Such an individual may not be discharged or have any adverse personnel action taken, nor be required to use sick leave or vacation time, as a result of his absence provided the employee gives reasonable notice to the employer. An officer of election who serves for four or more hours shall not be required to work on a shift beginning after 5 p.m. that day or before 3 a.m. the following day. An officer of election is appointed by an electoral board to serve at a polling place. An employer found to have violated this provision is guilty of a Class 3 misdemeanor. <b>■ Citation:</b> Va. Code 24.2-118.1.	All employers.
<b>WA</b>	Although Washington is now a "vote-by-mail" state, a law remains on the books requiring employers to provide employees with up to two hours of time off to vote on primary, special, and general election days while the polls are open. As there are no longer any polling places in Washington, the law has no technical effect. <b>■ Citation:</b> Wash. Rev. Code § 49.28.120; ESSB 5124 (2011).	All employers.
<b>WV</b>	Employers must allow leave of not more than three hours, if necessary, between the opening and the closing of polls for employees to vote. Employees must make a written demand at least three days ahead. The leave is to be with pay, except that an employee may be subject to wage or salary deductions for the time actually absent from work for voting in the election if the employee (1) has three or more hours of his own time away from work at any time between the hours of opening and closing of the polls on election day, and (2) fails or neglects to vote or elects not to vote during such time away from work or employment. <b>■ Citation:</b> W. Va. Code § 3-1-42.	All employers.
<b>WI</b>	Employers must allow employees to be absent to vote in a political election for up to three consecutive hours while the polls are open if they request time off before the election day. Employers may decide the time for the absence. Employees aren't entitled to be paid for the time absent from work. <b>■ Citation:</b> Wis. Stat. § 6.76.	All employers.
<b>WY</b>	All employees who are eligible to vote are allowed to be absent from work, with pay, for a period of one hour other than meal hours. The leave is to be at the convenience of the employer between the time of opening and closing of the polls. <b>■ Citation:</b> Wyo. Stat. § 22-2-111.	All employers.
<b>Canada</b>	Employers must provide employees eligible to vote three consecutive hours free from work during the time federal polls open. If an employee's work hours don't allow three consecutive hours, employers must allow the additional time off without loss of pay. Such additional time is provided at the employer's convenience. Under election legislation in all of the provinces and territories, employers must provide employees eligible to vote sufficient time off work without loss of pay so that during the time provincial polls are open the employees have the required number of hours free from work (ranging from one to four hours, depending on the jurisdiction) to vote. <b>■ Citation: Federal:</b> Canada Elections Act. <b>Alberta:</b> The Election Act, § 132. <b>British Columbia:</b> Election Act, § 74. <b>Manitoba:</b> The Elections Act, § 13(2). <b>New Brunswick:</b> Elections Act, § 86. <b>Newfoundland and Labrador:</b> Elections Act, § 210. <b>Northwest Territories:</b> Elections Act, § 123. <b>Nova Scotia:</b> Elections Act, § 133. <b>Nunavut:</b> Elections Act, § 123. <b>Ontario:</b> Elections Act, § 6. <b>Quebec:</b> Election Act, § 335. <b>Prince Edward Island:</b> Election Act, § 81. <b>Saskatchewan:</b> The Election Act, § 60. <b>Yukon:</b> Elections Act, § 309.	All employers.

