

Time Off to Vote Laws

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Issue

Compare and summarize states' "time off to vote" laws.

Summary

Thirty states have time-off-to-vote laws, also referred to as voter-leave laws. In general, employees must be allowed to take time off of work in order to vote, provided they inform their employer in advance. In at least three of the 30 states—Hawaii, Maryland, and Oklahoma—employees must give their employer proof of voting upon returning to work. In two of the other states—California and New York—employers must post a notice of the voting leave provisions at least 10 days before Election Day.

State time off to vote laws typically allow employers to specify when an absence for voting may be taken, excluding meal or break periods. Employers are exempt from providing time off for employees who have sufficient time to vote before or after their shift. In Massachusetts, employers in manufacturing, mechanical, or mercantile establishments are prohibited from employing any person entitled to vote during the two-hour period after the polls open. State laws vary in regard to whether the absence must be paid, however many states prohibit an employer from financially penalizing or discharging an employee for an absence to vote under the voting leave statute.

Some states impose a penalty on employers for violating the time off to vote requirements, which generally equates to a misdemeanor, punishable by a fine, imprisonment, or both. Additionally, in Colorado, any corporation violating the voting leave provisions forfeits its charter and right to do business in the state.

Please note that many states have laws that protect the right of employees to participate in political activity. For example, in Connecticut, Delaware, New Jersey, Pennsylvania, and South Carolina, employers cannot hinder, control, coerce, or intimidate any qualified elector from exercising the right to vote. Because these provisions are somewhat broad, and do not specifically authorize time off to vote, we do not discuss them in this report.

State Time Off to Vote Laws

Table 1 summarizes state laws which address employee rights or employer obligations with respect to leave from work in order to vote.

Table 1: State Voting Leave Laws

State	Description	Penalty
<p>Alabama Ala. Code § 17-1-5</p>	<p><u>Time Off Allotted</u>: An employee who is a registered voter can take up to one hour of work off to vote in a primary or general election. The employer may specify the hour during which the employee may be absent for voting.</p> <p><u>Wages</u>: The statute does not specify whether the absence must be paid.</p> <p><u>Exception</u>: An employer is not required to provide voting leave if the employee's shift begins at least two hours after the polls open or ends at least two hours before the polls close.</p> <p><u>Notice Requirement</u>: An employee must give reasonable notice to his or her employer.</p>	<p>Not specified in statute</p>
<p>Alaska Alaska Stat. §§ 15.15.100, 15.56.100</p>	<p><u>Time Off Allotted</u>: The statute does not specify a period of absence. An employee who is entitled to vote, and who does not have sufficient time outside of working hours, may take off as much time as will enable him or her to vote in a state election.</p> <p><u>Wages</u>: An employer is prohibited from deducting an employee's wages for voting time.</p> <p><u>Exception</u>: An employer is not required to provide voting leave if the employee's shift begins at least two hours after the polls open or ends at least two hours before the polls close.</p>	<p>Not specified in statute</p>

Table 1 (continued)

State	Description	Penalty
<p>Arizona Ariz. Rev. Stat. Ann. §§ 16-402, 13-707, 13-802</p>	<p><u>Time Off Allotted</u>: An employee who is entitled to vote may be absent for such length of time at the beginning or end of his or her shift that, when added to the time difference between the shift hours and the opening or closing of the polls, will provide a total of three consecutive hours to vote in a primary or general election. The employer may specify the hours during which the employee may be absent.</p> <p><u>Wages</u>: An employer is prohibited from deducting an employee's wages for voting time or inflicting any other financial penalty on the employee due to his or her absence.</p> <p><u>Exceptions</u>: An employer is not required to provide voting leave if the employee's shift begins at least three hours after the polls open or ends at least three hours before the polls close.</p> <p><u>Notice Requirement</u>: An employee must give his or her employer notice prior to the day of the election.</p>	<p>Class 2 Misdemeanor, punishable by a maximum fine of \$750 or 4 months imprisonment</p>
<p>Arkansas Ark. Code Ann. § 7-1-102</p>	<p><u>Time Off Allotted</u>: The statute does not specify a period of absence. An employer must schedule an employee's work hours on Election Day so that each employee has the opportunity to vote.</p> <p><u>Wages</u>: Unpaid</p>	<p>Fine between \$25 and \$250</p>
<p>California Cal. Elec. Code §§ 14000-002</p>	<p><u>Time Off Allotted</u>: The statute does not specify a period of absence. An employer must provide an employee with sufficient time to vote (not defined in statute). Unless otherwise mutually agreed upon, the time off should be during the beginning or the end of the employee's shift, whichever provides more time to vote.</p> <p><u>Wages</u>: An employer is required to pay an employee for up to two hours of voting time.</p> <p><u>Notice Requirement</u>: An employee who knows or has reason to believe that he or she will need time off to vote, must provide at least two working days of notice to his or her employer.</p> <p><u>Posting Requirement</u>: An employer must conspicuously post a notice setting forth the provisions of the voting leave statute at least 10 days before every statewide election.</p>	<p>Not specified in statute</p>

Table 1 (continued)

State	Description	Penalty
<p>Colorado Colo. Rev. Stat. § 1-7-102</p>	<p><u>Time Off Allotted</u>: An employee who is an eligible elector is entitled to be absent from work to vote for up to two hours during polling hours. The employer may specify the hours during which an employee can be absent, but the hours must be at the beginning or end of the shift, if the employee so requests.</p> <p><u>Wages</u>: An employer is required to pay for up to two hours of voting time. An employer may not financially penalize or discharge an employee for being absent under this statute.</p> <p><u>Exceptions</u>: An employer is not required to provide voting leave if the employee's shift begins at least three hours after the polls open or ends at least three hours before the polls close.</p> <p><u>Notice Requirement</u>: An employee must request voting leave prior to Election Day.</p>	<p>Class 2 Misdemeanor, punishable by a fine of not more than \$1,000, up to one year imprisonment in the county jail, or by both; any corporation violating this section forfeits its charter and right to do business in the state</p>
<p>Georgia Ga. Code Ann. §§ 21-2-404, 21- 2-598</p>	<p><u>Time Off Allotted</u>: An employer must permit an employee to take necessary time off to vote, up to two hours. The employer may specify the hours during which the employee may be absent.</p> <p><u>Wages</u>: The statute does not specify whether the absence must be paid.</p> <p><u>Exceptions</u>: An employer is not required to provide voting leave if the employee's shift begins at least two hours after the polls open or ends at least two hours before the polls close.</p> <p><u>Notice Requirement</u>: An employee must provide his or her employer reasonable notice of the need to be absent.</p>	<p>Misdemeanor punishable by a fine between \$100 and \$1,000 and up to 6 months imprisonment or up to 12 months confinement in a correctional institution</p>
<p>Hawaii Haw. Rev. Stat. § 11-95</p>	<p><u>Time Off Allotted</u>: Any voter must be entitled to be absent from any service or employment to vote for up to two hours (excluding lunch or rest periods) between the time of the opening and closing of the polls.</p> <p><u>Wages</u>: The employee may not be subjected to any rescheduling of normal hours or deduction from usual salary or wages for the absence, provided the employee votes and provides a voter receipt.</p> <p><u>Exception</u>: An employer is not required to provide voting leave if an employee has two consecutive hours (excluding lunch or rest periods) of non-working time while the polls are open.</p>	<p>Fine between \$50 and \$300</p>

Table 1 (continued)

State	Description	Penalty
Illinois 10 Ill. Comp. Stat. Ann. 5/17-15	<p><u>Time Off Allotted</u>: Any employee who is entitled to vote may be absent from any services or employment for a period of two hours between the opening and closing of the polls. The employer may specify the period of absence.</p> <p><u>Wages</u>: An employer may not financially penalize or discharge an employee for being absent under this statute.</p> <p><u>Exception</u>: An employer is not required to provide voting leave if an employee has two consecutive hours of non-working time while the polls are open.</p> <p><u>Notice Requirement</u>: The employee must apply for leave prior to the day of the election.</p>	Not specified in statute
Iowa Iowa Code Ann. §§ 49.109, 39A.5, 903.1	<p><u>Time Off Allotted</u>: Any employee who is entitled to vote is entitled to such time off to vote as will, in addition to the person's non-working time, total three consecutive hours while the polls are open. An employer may specify the period of absence.</p> <p><u>Wages</u>: An employee may not be penalized, nor any deduction made from the person's regular salary or wages, because of the absence.</p> <p><u>Exception</u>: An employer is not required to provide voting leave if an employee has three consecutive hours of non-working time while the polls are open.</p> <p><u>Notice Requirement</u>: An employee must apply in writing prior to the date of the election.</p>	Simple misdemeanor, punishable by a fine between \$65 and \$625, up to 30 days imprisonment, or both
Kansas Kan. Stat. Ann. § 25-418	<p><u>Time Off Allotted</u>: Any employee who is entitled to vote in an election is entitled to absence from any service or employment for a period up to two consecutive hours between the opening and closing of the polls. The employer may specify the particular time of day during which the employee may be absent, excluding the regular lunch period.</p> <p><u>Wages</u>: An employer may not financially penalize or discharge an employee for being absent under this statute.</p> <p><u>Exception</u>: An employee is only entitled to be absent for such a period of time which, when added to his or her non-working time during which the polls are open, will provide him or her with two consecutive hours of voting time.</p>	Class A Misdemeanor

Table 1 (continued)

State	Description	Penalty
<p>Kentucky Ky. Rev. Stat. Ann. § 118.035 Constitution of Kentucky § 148</p>	<p><u>Time Off Allotted</u>: Any employee who is entitled to vote at any election must be entitled to absence from any services or employment for a reasonable time, but a minimum of four hours between the opening and closing of the polls. An employer may specify the hours during which the employee may be absent.</p> <p><u>Wages</u>: An employer may not penalize an employee for being absent for voting time under this statute; however, the absence is unpaid. (The Kentucky Supreme Court held that the statutory provision prohibiting deduction of wages was unconstitutional. See <i>Illinois Cent. R. Co. v. Commonwealth</i>, 305 Ky. 632 (Ky. 1947).)</p> <p>An employer may penalize an employee who fails to vote, provided circumstances did not prohibit the employee from voting.</p> <p><u>Notice Requirement</u>: The employee must apply for leave prior to the day of the election.</p>	<p>Not specified in statute</p>
<p>Maryland Md. Code Ann., Elec. Law § 10-315</p>	<p><u>Time Off Allotted</u>: An employer must permit an employee who claims to be a registered voter a period not to exceed two hours absence from work on Election Day in order to cast a ballot. An employee is required to furnish proof of voting or attempted voting.</p> <p><u>Wages</u>: The employer must pay the employee for the absence.</p> <p><u>Exception</u>: An employer is not required to provide voting leave if an employee has two continuous hours of off-duty time while the polls are open.</p>	<p>Not specified in statute</p>
<p>Massachusetts Mass. Gen. Laws. Ann. ch. 149, §§ 178, 180</p>	<p><u>Time Off Allotted</u>: Any owner, superintendent, or overseer in any manufacturing, mechanical, or mercantile establishment is prohibited from employing or permitting to be employed any person entitled to vote at an election, during the period of two hours after the opening of the polls to vote.</p> <p><u>Wages</u>: Unpaid</p> <p><u>Notice Requirement</u>: The employee must apply for the voting leave.</p>	<p>Fine up to \$500</p>
<p>Minnesota Minn. Stat. Ann. § 204C.04</p>	<p><u>Time Off Allotted</u>: The statute does not specify a period of leave. An employee who is eligible to vote is entitled to take time off to vote in the morning of a regularly scheduled state primary or general election, or an election for a U.S. or state senator or representative.</p> <p><u>Wages</u>: An employer may not penalize or deduct from an employee's salary or wages because of the absence.</p>	<p>Misdemeanor</p>

Table 1 (continued)

State	Description	Penalty
<p>Missouri Mo. Rev. Stat. §§ 115.639, 115.637</p>	<p><u>Time Off Allotted</u>: An employee who is entitled to vote is entitled to absence from any services or employment in order to vote for up to three hours between the opening and closing of the polls. An employer may specify the hours during which the employee may be absent.</p> <p><u>Wages</u>: An employer may not penalize or deduct from an employee's usual salary or wages, provided that the employee does use the leave for the purpose of voting.</p> <p><u>Exception</u>: An employer is not required to provide voting leave if an employee has three successive hours of non-working time while the polls are open.</p> <p><u>Notice Requirement</u>: An employee must make the request for leave prior to the day of the election.</p>	<p>Class four election offense, punishable by up to one year imprisonment, a fine up to \$2,500, or both</p>
<p>Nebraska Neb. Rev. Stat. § 32-922</p>	<p><u>Time Off Allotted</u>: An employee who is a registered voter who does not have two consecutive non-working hours while the polls are open is entitled to be absent from employment on Election Day for such a period of time as will, in addition to his or her non-working time, total two consecutive hours between the opening and closing of the polls. The employer may specify the hours during which the employee may be absent.</p> <p><u>Wages</u>: An employer may not penalize or deduct from the employee's salary or wages if the registered voter requests the absence prior to Election Day.</p> <p><u>Exception</u>: An employer need only provide the employee a period of leave which, when added to any non-working time during which the polls are open, will meet the two-hour period. An employer is not required to provide voting leave if the employee has at least two successive hours of non-working time while the polls are open.</p> <p><u>Notice Requirement</u>: The registered voter must apply for leave prior to Election Day.</p>	<p>Not specified in statute</p>

Table 1 (continued)

State	Description	Penalty
Nevada Nev. Rev. Stat. § 293.463	<p><u>Time Off Allotted</u>: An employee who is a registered voter may be absent from his or her place of employment for a sufficient time to vote if it is impracticable for him or her to vote before or after his or her hours of employment. The employer may designate the hours of absence. Sufficient time is defined as one hour (if the distance between the voter's employment and polling place is less than two miles); two hours (if the distance is between two miles and ten miles); or three hours (if the distance is more than ten miles).</p> <p><u>Wages</u>: An employer may not discharge, discipline, or penalize the employee, nor deduct from his or her salary or wages for the absence.</p> <p><u>Notice Requirement</u>: An employee must apply for leave prior to the day of the election.</p>	Misdemeanor
New Mexico N.M. Stat. Ann. § 1-12-42	<p><u>Time Off Allotted</u>: A voter may be absent from employment for two hours for the purpose of voting while the polls are open. An employer may specify the hours during which the voter may be absent.</p> <p><u>Wages</u>: An employer may not subject an employee to any penalty because of his or her absence, including wages.</p> <p><u>Exception</u>: An employer is not required to provide voting leave if the employee's shift begins more than two hours after the polls open or ends more than three hours before the polls close.</p>	Misdemeanor, punishable by a fine between \$50 and \$100
New York N.Y. Elec. Law §§ 3-110, 17-118	<p><u>Time Off Allotted</u>: A registered voter who does not have sufficient time outside of his or her working hours to vote, may, without loss of pay for up to two hours, take such time as will (when added to voting time outside of working hours), enable him or her to vote.</p> <p><u>Wages</u>: An employer is required to pay an employee for up to two hours of voting time.</p> <p><u>Exception</u>: An employee with four consecutive hours either between the opening of the polls and the beginning of his or her working shift, or between the end of his or her working shift and the closing of the polls, is deemed to have sufficient time outside of his or her working hours within which to vote.</p> <p><u>Notice Requirement</u>: An employee must notify his or her employer of the requested absence at least two days, but not more than 10 days, prior to the day of the election.</p> <p><u>Posting Requirement</u>: At least 10 working days before every election, every employer must conspicuously post a notice setting forth these provisions; such notice must be posted until the close of polls on Election Day.</p>	Misdemeanor

Table 1 (continued)

State	Description	Penalty
Ohio Ohio Rev. Code Ann. § 3599.06	<p><u>Time Off Allotted</u>: An employee may take a reasonable amount of time to vote on Election Day.</p> <p><u>Wages</u>: The statute does not specify whether the absence must be paid. An employer may not discharge or threaten to discharge an employee for the absence.</p>	Fine between \$50 and \$500
Oklahoma Okla. Stat. Ann. tit. 26, § 26-7-101	<p><u>Time Off Allotted</u>: An employer must grant an employee two hours of time to vote while the polls are open, and if the employee's distance from the voting place requires more than two hours to vote, then the employee must be allowed sufficient time. An employer may designate the hours of absence.</p> <p><u>Wages</u>: Upon proof of voting, an employee cannot be subject to any loss of compensation or other penalty for an absence for voting.</p> <p><u>Exception</u>: An employer is not required to provide voting leave if the employee's shift begins or ends at least three hours before or after the polls open or close.</p> <p><u>Notice Requirement</u>: An employee must notify the employer orally or in writing of his or her intention to be absent prior to Election Day.</p>	Misdemeanor, punishable by a fine between \$50 and \$100
South Dakota S.D. Codified Laws § 12-3-5	<p><u>Time Off Allotted</u>: Any employee who is entitled to vote is entitled to be absent from any service or employment for up to two consecutive hours between the time of opening and closing of the polls on Election Day. An employer may specify the hours of absence.</p> <p><u>Wages</u>: An employer may not penalize or deduct an employee's usual salary or wages because of the absence.</p> <p><u>Exception</u>: An employer does not have to provide leave if the employee has two consecutive non-working hours during which the polls are open.</p>	Class 2 Misdemeanor
Tennessee Tenn. Code Ann. § 2-1-106	<p><u>Time Off Allotted</u>: An employee who is entitled to vote in an election may be absent from any service or employment on the day of an election for a reasonable period of time, up to three hours, to vote when the polls are open. The employer may specify the hours of absence.</p> <p><u>Wages</u>: A voter absent for the purpose of voting may not be subjected to any penalty or reduction in pay for the absence.</p> <p><u>Exception</u>: An employer is not required to provide voting leave if the employee's shift begins or ends at least three hours before or after the polls open or close.</p> <p><u>Notice Requirement</u>: An employee must apply for the absence prior to 12:00 p.m. on the day before the election.</p>	Not specified in statute

Table 1 (continued)

State	Description	Penalty
<p>Texas Tex. Elec. Code Ann. § 276.004</p>	<p><u>Time Off Allotted</u>: The statute does not specify a period of absence. An employer may not knowingly refuse to permit an employee to be absent from work on Election Day for the purpose of voting, or subject or threaten to subject an employee to a penalty for voting.</p> <p><u>Wages</u>: An employer may not subject an employee to a penalty, which is a loss or reduction of wages or other benefit of employment.</p> <p><u>Exception</u>: An employer is not required to permit leave if the polls are open on Election Day for two consecutive hours outside of an employee's working hours.</p>	<p>Class C Misdemeanor</p>
<p>Utah Utah Code Ann. § 20A-3-103</p>	<p><u>Time Off Allotted</u>: An employer must allow any voter to be absent from service or employment on Election Day for up to two hours between the time the polls open and close. The employer may specify the hours of absence. However, if the employee requests the leave be at the beginning or end of a work shift, the employer must grant the request.</p> <p><u>Wages</u>: An employer may not deduct from an employee's usual salary or wages because of the absence.</p> <p><u>Exception</u>: An employer is not required to provide voting leave if the employee has a period of three or more non-working hours while the polls are open.</p> <p><u>Notice Requirement</u>: An employee must apply for a leave of absence prior to Election Day.</p>	<p>Class B Misdemeanor</p>
<p>Washington Wash. Rev. Code Ann. § 49.28.120</p>	<p><u>Time Off Allotted</u>: Every employer must arrange working hours on the day of a primary or election so that each employee will have a reasonable time (up to two hours) available for voting while the polls are open. If an employee's work schedule does not give the employee two free hours during the time the polls are open, not including meal or rest breaks, the employer must permit the employee to take a reasonable time (up to two hours) from the employee's work schedule.</p> <p><u>Wages</u>: An employer is required to pay an employee for up to two hours of voting time where an employee's work schedule does not provide a reasonable time for voting.</p> <p><u>Exception</u>: An employer is required to grant leave only if, during the period between the time an employee is informed of his or her work schedule for a primary or an election and the date of the primary or election, there is insufficient time for an absentee ballot to be secured for that primary or election.</p>	<p>Not specified in statute</p>

Table 1 (continued)

State	Description	Penalty
<p>West Virginia W. Va. Code Ann. §§ 3-1-42, 3-9-20</p>	<p><u>Time Off Allotted</u>: An employee who is entitled to vote is entitled to a period of up to three hours, if necessary, between the opening and the closing of the polls for the purpose of voting.</p> <p><u>Wages</u>: An employer may not penalize or deduct from an employee's usual salary or wages because of the absence.</p> <p><u>Notice Requirement</u>: An employee must make a written demand for leave at least three days prior to the election.</p> <p><u>Exception</u>: An employee who has three or more hours of non-working time while the polls are open, and who fails or neglects to vote or elects not to vote during such free time, may be subject to wage or salary deductions for the time actually absent.</p> <p>In essential employment positions such as government, health, hospital, transportation, and communications services, and in production, manufacturing, and processing works requiring continuity in operation, the employer may, upon receiving written leave requests, arrange a schedule of time off for employees to avoid impairment or disruption of essential services and operations; however, the schedule must provide ample and convenient time and opportunity for each employee to vote.</p>	<p>A corporate violation is a misdemeanor, punishable by a fine up to \$1000; a violation by every other employer is a misdemeanor, punishable by a fine up to \$500, six months imprisonment, or both</p>
<p>Wisconsin Wis. Stat. §§ 6.76(1), 12.07, 12.60</p>	<p><u>Time Off Allotted</u>: Any person entitled to vote at an election is entitled to be absent from work while the polls are open for a period up to three successive hours to vote. The employer may specify the hours of absence.</p> <p><u>Wages</u>: A deduction may be made for time lost, but no other deduction for the absence may be made.</p> <p><u>Notice Requirement</u>: An employee must notify his or her employer before the day of the election of the intended absence.</p>	<p>Fine up to \$1,000, six months imprisonment, or both</p>
<p>Wyoming Wyo. Stat. Ann. § 22-2-111</p>	<p><u>Time Off Allotted</u>: Any person entitled to vote is entitled to be absent from any service or employment for up to one hour (other than meal hours), the hour being at the convenience of the employer between the opening and closing of the polls.</p> <p><u>Wages</u>: An employer may not deduct wages or salary for the absence, provided the employee actually casts his or her legal vote.</p> <p><u>Exception</u>: An employer is not required to provide voting leave if the employee has three or more consecutive non-working hours during the time the polls are open.</p>	<p>Not specified in statute</p>

Source: Society for Human Resource Management, National Conference of State Legislatures

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