

Time Off to Vote

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Q. Today I had an employee ask if she could take time off to vote on Election Day. What are my obligations as an employer to grant her request for leave?

As good employers, you want your employees to be active in the community and part of that activism involves voting. Activating employees as members of the small business community can mean taking simple steps like making sure they are all registered to vote and encouraging them to vote.

When it comes to giving time off to vote, there are no federal laws that require you to do so. However, a majority of states have laws that require employers to give employees time off to vote, particularly in situations where an employee's work hours do not permit sufficient time to vote during poll hours. Remember that flexibility can be the key when it comes to encouraging employees to vote. While your state law may not mandate paid time off, there's nothing that prohibits you from implementing a voting policy that offers your employees greater flexibility or privileges than what the law requires.

What do most state voting laws require? In many states, the following rules generally apply:

- If polls are open two or three hours before or after employees' normal work hours, the employer is not obligated to provide time off to vote.
- Employers may require that employees provide written requests for time off to vote.
- Employers may designate when time off will be permitted for employees to vote.
- Employers may not include lunch periods as part of the voting time off permitted.
- Employees may be required to provide proof they voted to receive paid leave.
- Employees may not be disciplined or retaliated against for taking time off to vote.

Does my state require time off to vote? See the list below to determine what, if any, requirement your state maintains regarding voting leave.

Want to establish a voting policy for your business? To view a sample voting leave policy, NFIB members can download a copy of the NFIB Legal Center's [Model Employee Handbook for Small Business](#), which includes a model Voting Time Off policy.

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State Requirements:

- **Alabama**—§ 17-1-5—Employees can have up to one hour if they give their employer reasonable notice; employer may designate the time when employee can leave to vote; if the employee's shifts starts two hours after the polls open or ends one hour before the polls close, the employer does not have to give leave.
- **Alaska**—§ 15.56.100—Employer must give paid time unless the employee has two consecutive hours before or after work to vote; no notice is required.
- **Arizona**—§ 15-402—Employer must give paid time unless the employee has three consecutive hours before or after work to vote; employee must give one day notice; employer can choose when employee leaves to vote.
- **Arkansas**—§ 7-1-102—Employer should arrange employees work schedule so employee has time to vote.
- **California**—Election Code § 14000—Employer must allow time unless employee has two hours before or after shift to vote; employee must give two working days notice.

- **Colorado**—§ 1-13-719—Employer must give up to two paid hours to vote if the employee does not have three consecutive hours to vote.
- **Connecticut**—No law requiring employee time off to vote.
- **Delaware**—15 Del. Code § 4709—If the employee has vacation time and the employer is not in critical need of the employee, the employer shall not deprive the employee of the time off.
- **District of Columbia**—No law requiring employee time off to vote.
- **Florida**—§ 104.081—Employer cannot fire an employee for voting; otherwise no law requiring time off.
- **Georgia**—§ 21-2-404—Employees can take up to two hours paid leave; employer can decide when employee can leave to vote.
- **Hawaii**—§ 11-95—Employees can have up to two paid hours, unless the employee has two consecutive hours to vote outside work hours; employee must show proof to be paid.
- **Idaho**—No law requiring employee time off to vote.
- **Illinois**—10 I.L.C.S. § 5/17-15—Employees can have up to two hours unpaid leave; employees must give one day notice; employer can decide when employee may leave to vote.
- **Indiana**—No law requiring employee time off to vote.
- **Iowa**—§49.109—Employee may have paid leave, unless employee has three consecutive hours to vote outside work; employee must give written notice; employer can designate time employee can leave to vote.
- **Kansas**—§ 25-418—Employee can have up to two hours paid leave, unless the employee has two consecutive hours to vote outside work hours; employer may choose the time employee may leave to vote.
- **Kentucky**—§ 118.035—Employee may have a “reasonable time” up to four hours unpaid to vote; employee must give one day notice; employer may designate when employee may take leave to vote; employer may punish employee who takes leave but does not vote.
- **Louisiana**—§ 23:961—No law requiring employee time off to vote. An employer with more than 20 employees cannot forbid their participation in politics.
- **Maine**—No law requiring employee time off to vote.
- **Maryland**—33 § 10-315—Employee may have two hours paid leave; employee must provide proof he or she voted to receive pay for time.
- **Massachusetts**—Gen. Laws ch. 149 § 178—Employees in manufacturing, mechanical, or mercantile jobs may apply for leave in the first two hours polls are open.
- **Michigan**—No law requiring employee time off to vote.
- **Minnesota**—§ 204C.04—Employee may have paid time off to vote in the morning.
- **Mississippi**— No law requiring employee time off to vote.
- **Missouri**—§ 115.639—Employees may have up to three paid hours to vote, unless the employee has three consecutive hours outside work to vote; the employee must vote to be paid for time; employer can designate the time employee may leave to vote.
- **Montana**—No law requiring employee time off to vote.

- **Nebraska**—§ 32-922—Employee may have two paid hours, unless employee has two consecutive hours outside of work to vote; employee must give notice; employer may designate when employee may leave to vote.
- **Nevada**—§ 293.463—Employee may take paid leave to vote if it is not practical to vote before or after work; employee must give notice; if the employee lives less than two miles from the polling place, the employee may have one hour; if the employee lives between two and ten miles from the polling place, he or she may have two hours; if the employee lives more than ten miles from the polling place, he or she may have three hours.
- **New Hampshire**—No law requiring employee time off to vote.
- **New Jersey**—No law requiring employee time off to vote.
- **New Mexico**—§ 1-12-42—Employee may have up to two hours, unless shift begins more than two hours after polls open or ends more than three hours before polls close.
- **New York**—N.Y. Elec. Law § 3-110—If employee does not have sufficient time to vote, he or she may take up to two paid hours, unless he or she has four consecutive non-work hours prior to or after shift when polls are open; employee must give notice of at least two days, but not more than ten days, before the election; employers must post notice of these provision not less than ten working days before the election.
- **North Carolina**—No law requiring employee time off to vote.
- **North Dakota**—N.D. Cent. Code § 16.1-1-02.1—Encourages employers to allow employees time off to vote if regularly scheduled to work while polls are open.
- **Ohio**—§ 3599.06—Employee allowed “reasonable amount of time” to vote.
- **Oklahoma**—title 26 § 7-101—Employee may have up to two hours, or more if employee lives far away from polling place, unless employee shift starts more than three hours after polls open or ends more than three hours before polls close; employee must give one day notice; employer may designate time employee may leave to vote.
- **Oregon**—No law requiring employee time off to vote.
- **Pennsylvania**—No law requiring employee time off to vote.
- **Rhode Island**—No law requiring employee time off to vote.
- **South Carolina**—No law requiring employee time off to vote.
- **South Dakota**—§ 12-3-5—Employee may take up to two paid hours, unless employee has two consecutive non-working hours; employer may designate when employee leaves to vote.
- **Tennessee**—§ 2-1-106—Employee is allowed a reasonable time up to three hours, unless shift starts three hours after the polls open or shift ends three hours before polls close; notice must be given by 12 p.m. the day prior to the election.
- **Texas**—§ 276.004—Employer may not refuse to allow employee time to vote, although no time limit is specified, unless employee has two consecutive hours of non-work time while polls are open.
- **Utah**—§ 20A-3-103—Employee may take up to two hours at the beginning or end of his or her shift, unless employee has three consecutive non-work hours; employee must give notice; employer can decide when time taken to vote.
- **Vermont**—No law requiring employee time off to vote.
- **Virginia**—No law requiring employee time off to vote. § 24.2-118.1—Employers may not fire or charge sick or vacation leave for employees who serve as election officers, provided the employee gave reasonable notice.
- **Washington**—§ 49.28.120—Employer must arrange employees’ schedule to allow sufficient time to vote, unless employee has two consecutive non-work hours while polls are open.

- **West Virginia**—§ 3-1-42—Employee may have up to three paid hours to vote, unless employee has three consecutive non-work hours while polls are open; leave is paid only if employee votes; employee must give three days notice. If the employee works in essential government, health, hospital, transportation, communication services, or is in an industry requiring continuous operations, the employer may specify the time off for an employee to vote.
- **Wisconsin**—§ 6.76—Employee may have up to three unpaid hours; employee must give notice; employer may designate when employee may take leave.
- **Wyoming**—§ 22-2-111—Employee may have one hour paid leave, unless employee has three consecutive non-work hours while polls are open; leave is paid only if employee votes.

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