Engage PEO Client Alert:

Time Off to Vote Laws

Election Day 2023 is Tuesday, November 7th. Employers should familiarize themselves with Time Off to Vote requirements.

- State laws govern whether employers must provide time off to vote and whether that time must be paid.
- There is no federal law mandating that employees be given any time off to vote.
- Some state laws do not require employers to grant time off to employees who have enough time before or after work to get to local polls.
- Approximately twelve states have no voting leave statutes.

This overview addresses the primary aspects of employer obligations and corresponding employee rights. Some of these are commonly known reminders while a few others may be new.

PROHIBITIONS: Employers may not terminate or threaten to terminate an employee for taking a reasonable amount of time to vote on election day. Additional prohibitions include applying intimidation to employees to induce or require employees to vote or refrain from voting or for voting for or against any person running for office.

PENALTIES: There are a few states that impose penalties to employers who prohibit employees from voting. For example, in Arizona, supervisors can be fined up to $2,500 if they block someone from voting, and the company can be fined as much as $20,000. In California and New York, companies who bar a worker from voting could lose their corporate charter.

PAID TIME OFF REQUIRED: While approximately thirty states plus the District of Columbia require employers to provide paid time off (ranging from one to three hours paid time), others do not. In states that do not require paid time off, many employers go beyond what their state law requires and grants paid time off, usually one to three hours.

POSTING REQUIREMENTS: A few states, including **California, Alabama, and New York, require the employer to post a notice no less than ten days before the election, explaining employees' right to time off to vote. Most states do not require a posting**. Where required, the notice must be posted in a conspicuous place at the work site.

- **California posting requirement:** **https://www.sos.ca.gov/elections/time-vote-notices**
- **New York posting requirement:** **https://www.elections.ny.gov/NYSBOE/elections/TimeOffToVoteNotice.pdf**

EXCEPTIONS: Some states have exceptions for allowing time off if the employee's shift begins at least a designated number of hours, (e.g., two or three hours) after the polls open or ends at least a designated number of hours, (e.g., two or three hours) hours before the polls close. Other states do not require an employer to provide voting leave if an employee has two (three in some states) continuous hours of off-duty time while the polls are open.

Time Off to Vote laws may present a significant compliance issue. It is important to familiarize yourself with the laws in those state(s) where you have employees working.

Engage can help.

Please contact your Engage Human Resources Consultant if you have any questions.