

Time Off to Vote in Elections Under State Laws

SOURCE: CCH *State & Federal Employment Law Compare*, Oct. 15, 2010

| | <i>Employees Affected</i> | <i>Time Allowed</i> | <i>Must Employee Be Paid?</i> | <i>Must Employee Make Application?</i> | <i>May Employer Specify Hours?</i> | <i>Penalty for Violation</i> |
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| Alabama | Any voter | 1 hour, unless 2 hours available before or 1 hour after work. | No provision. | Employee must provide reasonable notice. | Yes | No provision. |
| Alaska | Any voter | Enough time to vote, unless 2 hours available before or after work. | Yes | | | |
| Arizona | Any voter | Up to 3 hrs., unless polls open 3 hrs. before or after work. | Yes | Yes | Yes | Fine up to \$750, jail up to 4 mos; For enterprises, fine up to \$10,000. |
| Arkansas | Any voter | Work hours must be scheduled to allow employees opportunity to vote. | | | | Fine of \$25 to \$250. |
| California | Any voter | Enough time at start or end of work to vote in | Limited to 2 hrs. | Yes, 2 work days before election. | At beginning or end of | For unlawful coercion, fine of up to \$1,000 and/or jail |

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| | | statewide election, when added to free time during voting hours. | | | shift as mutually agreed to. | up to 1 year. Corporations, fine of up to \$5,000. |
| Colorado | Any voter | 2 hrs., unless polls open 3 nonworking hrs. State personnel system employees: 2 hrs. administrative leave. | Yes, but limited to 2 hrs. for hourly workers. | Yes, prior to voting day. | Yes, at beginning or end of shift on employee request. | Fine of up to \$1,000 and/or jail up to 1 year; corporations also face forfeit of charter and right to do business in state. |
| Georgia | Any voter. | Up to 2 hrs. where necessary, unless 2 hrs. available before or after work. | | Yes | Yes | Fine of \$100 to \$1,000, and/or jail up to 6 months and/or confinement in a county correctional facility for up to 12 months. Fine of \$50 to \$300. |
| Hawaii | Any voter | 2 hrs., excluding lunch or rest periods, unless polls open 2 nonworking hrs. | Yes, if vote is cast. Voter's receipt constitutes proof. | | | |
| Illinois | Any voter | 2 hrs. between opening and closing of polls. | Yes | Yes, before election day. | Yes | |
| Iowa | Any voter | Enough time to give 3 voting | Yes | Yes, in writing | Yes | Fine of \$65 to \$625 and/or jail up to 30 |

| | | hrs. when polls are open, unless employee has 3 consecutive hours nonwork time when polls open. | | before voting day. | | days. |
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| Kansas | Any voter | Up to 2 hrs., between open and close of polls. 1 | Yes | | Yes | Fine up to \$2,500 and/or jail up to 1 year. |
| Kentucky | Any voter | Reasonable time, but not less than 4 hrs. between opening and closing of polls. 3 | No | Yes, prior to election day. | Yes 2 | |
| Maryland | Any voter. | Up to 2 hrs., to cast a ballot, unless employee has 2 continuous hrs. off-duty between open and close of polls. | Yes, employees are to provide proof (State Board prescribed form) that employee voted or attempted to vote. | | | Fine of up to \$1,000 and/or jail up to 1 year for unlawful coercion. |
| Massachusetts | Any voter employed in manufacturing, mechanical, or | Time off during first 2 hrs. polls are open. | | Yes | | Fine of up to \$500 |

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| Minnesota | mercantile businesses. Any voter | Time necessary on election day to appear at polling place, cast ballot, and return to work. | Yes | | | Fine up to \$1,000 and/or jail up to 90 days. |
| Missouri | Any voter | 3 hrs., unless polls open 3 successive nonworking hrs. | Yes, if vote is cast. | Yes, prior to election day. | Yes | Fine of up to \$2,500 and/or 1 year in jail. |
| Nebraska | Any voter | Up to 2 hrs., unless polls open 2 hrs. before or after work. | Yes, if application made prior to election day. | Yes, prior to voting day. | Yes | Fine of up to \$10,000 and/or jail up to 5 years for unlawful coercion. |
| Nevada | Any voter | “Sufficient time” unless “sufficient time” exists during nonworking hrs. 1 to 3 hrs. depending on polls' distances. | Yes | Yes, prior to election day. | Yes | Fine up to \$1,000 and/or jail up to 6 months. |
| New Mexico | Any voter | 2 hrs., unless work begins 2 hrs. after polls open or ends 3 hrs. before polls close. | 4 | | Yes | Fine of \$50 to \$100. |
| New York | Any voter | “Sufficient time” | Yes, | Yes, 2-10 | Yes, at | Fine of \$100 to \$500 |

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| | | unless “sufficient time” exists during nonworking hrs.; 4 consecutive nonworking hrs. while polls open is “sufficient.” | limited to 2 hrs. | work days prior to election day. | beginning or end of shift, unless mutually agreed on otherwise. | and/or jail up to 1 year (first offense). Corporations also face forfeiture of charter. |
| North Dakota | Any voter | Employers are encouraged to provide time off to vote when employee's regular work schedule conflicts with times polls are open. | | | | For unlawful coercion, fine up to \$2,000 and/or jail up to 1 year. Corporations can be fined up to \$15,000. |
| Ohio | Any voter | Reasonable time (amount not specified). | 4 | | | Discharge or threat of discharge prohibited; fine of \$50 to \$500. |
| Oklahoma | Any voter | 2 hrs., more if necessary, except where employee has 3 hrs. before or after work. | Yes, if vote is cast. | Yes, prior to election day. | Yes | Fine of \$50 to \$100. |
| Puerto Rico | Any voter | Election day is a legal holiday. If necessary, employees must be allowed to | | | Shifts must be scheduled to allow voting | |

| | | vote between 8 a.m. and 3 p.m. | | | during polling hours from 8 a.m. to 3 p.m. | |
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| South Dakota | Any voter | 2 hrs., unless polls open 2 nonworking hrs. | Yes | | Yes | Fine of \$500 and/or jail up to 30 days. |
| Tennessee | Any voter | Up to 3 hrs., unless polls open 3 hrs. before or after work. | Yes | Yes, prior to noon day before election. | Yes | Fine up to \$50 and/or jail up to 30 days. |
| Texas | Any voter | Amount not specified; none if polls open for 2 non-working hrs. | Yes | | No provision. 5 | Fine up to \$500. |
| Utah | Any voter | 2 hrs. between opening and closing of polls, unless polls open 3 or more nonworking hours. | Yes | Yes, prior to voting day. | Yes, although employee may request beginning or end of shift. | Fine up to \$1,000 and/or jail up to 6 months; for corporations, fine up to \$5,000. |
| Washington | Any voter | Up to 2 hours. 6 | Yes | | Yes 7 | |
| West Virginia | Any voter | Up to 3 hours, if necessary, between opening and closing of polls. | Yes, unless has 3 hrs. nonworking time available to vote or employee | In writing 3 days before election. | Yes 8 | For corporations, fine up to \$1,000; other employers/individuals, fine up to \$500 and/or jail up to 6 months. |

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| Wisconsin | Any voter | Up to 3 hrs. while polls open. | fails to vote. No | Yes, prior to election day. | Yes | Fine of \$1,000 and/or jail up to 6 months. |
| Wyoming | Any voter | 1 hr., unless polls open 3 or more consecutive non-working hours. | Yes, if vote is cast. | | Yes, exclusive of meal times. | Election offenses, fine up to \$1,000 and/or county jail up to 6 months. |

* No express provision.

1. If polls open before or after work, then enough time, when added to free time, to vote, up to 2 hrs.
2. May not include regular lunch period.
3. Also up to 4 hrs. to request application or execute absentee ballot, on day appearing before clerk, during business hrs.
4. No provision but Attorneys General have construed law to require pay; in New Mexico, limited to 2 hours for hourly paid workers, except where workday ends more than 3 hours before polls close and no loss of pay; in Ohio, limited to salaried employees.
5. No provision but Attorney General has construed law as giving employer right to designate hours, provided sufficient time is allowed.
6. Does not apply if, after knowledge of work schedule on such election date, employee has sufficient time available for an absentee ballot to be secured.
7. Employer is to arrange working hours on election day to give a reasonable time to vote, up to 2 hours (not including meal or rest periods), when polls are open.
8. Employer may schedule time off to vote in essential government, health, hospital, transportation, & communication services & in production, manufacturing, & processing works requiring continuity of operations, but ample and convenient time & opportunity to vote.