

What Obligations do Employers have to Provide Employees with Time off to Vote?

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by Joshua Hughes

With the 2022 midterm elections fast approaching, and sky-high interest in voting this election cycle, more employers than ever may be considering their obligations to provide employees time off to vote. As it stands, 29 states require employers to provide some kind of voting leave. But with the rise in popularity of mail and early voting during the pandemic taking some of the attention off of Election Day itself, what is an employer's obligation to accommodate an employee's democratic participation when polls are open?



Voting and election leave isn't a blank check to take off Election Day completely, and employers aren't obligated to provide a full day of leave. In many states, most employers won't actually have to provide any leave at all.

A majority of states require voting leave, however. In these states, employers must provide an employee leave to vote unless the employee has a certain minimum amount of time *outside* of the employee's working hours when the polls are open. In Arizona, for example, polling places are open on November 8 from 6 a.m. to 7 p.m. Arizona law provides that employers must provide eligible employees time off to vote *unless* the employee has three consecutive hours before or after work to vote. That means an employee with a 9-to-5 schedule wouldn't be entitled to voting leave because they have three hours of polling time to vote before work, but an employee who is scheduled for a twelve hour shift of 7 a.m. to 7 p.m. would be entitled to leave. Many states take a similar approach, and it is most common to see laws that require minimums of either two or three hours of non-working time required to be available before leave must be granted. This is not a hard-and-fast rule, however, as some states like Arkansas require employers to schedule employees so that the employees are able to get to the polls on

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Election Day without the need to take leave at all.

Does time off to vote have to be paid?

Another question that employers frequently consider is whether the time must be paid or unpaid. Of the 29 states with a voting leave law, 21 require the leave to be paid. The remainder of states either have no provision in their law—like all mail-voting Washington State—or explicitly do not require the leave to be paid, like Connecticut. Illinois takes a third approach that doesn't explicitly require paid election leave, but prohibits employers from imposing a penalty on employees—including a reduction in compensation—for taking voting leave. In Oklahoma, an employee must present proof of voting for the leave to be paid at all.

How much notice must employees give?

Another wrinkle that employers must grapple with state-to-state is the amount of notice an employee is required to give. Sometimes, whether an employee gives enough notice can have major consequences: Nebraska is one state that provides paid voting leave *only* if the employee applies at least the day before the election. Other provisions in the states range from “reasonable notice,” to two working days, to the day before, to no notice required.

What should employers do?

Faced with dozens of different state laws, what's an employer to do? Companies with employees who work largely in one state only need to conform to one set of election leave laws. But for national employers, the question becomes arguably more difficult. [Time To Vote](#) is a nonpartisan, business-led initiative to help ensure employees across America have adequate time and information about voting. With more than 2,000 corporate signatories, Time To Vote provides resources to companies who pledge that they will allow their employees time to cast their ballots. National corporations can also choose to provide voting and election leave to employees that goes in excess of any one state's law.

On the other hand, some employers don't want to talk about elections. It's understandable why employers may want to steer clear of voting discussions entirely. But at its core, voting is an expression of commitment to a community, and whether employers talk about it or not, employees will be thinking about their vote and their community. Employers can signal respect for those choices and embrace the community-building aspect of voting by affirmatively communicating nonpartisan and informative information about elections.

The list of states that require voting leave, a summary of the requirement, and links for more information are set out below.



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Jurisdiction	Summary of Requirements
Alabama	Up to one hour of unpaid leave with reasonable notice, unless the employee has either two hours of polling time before work or one hour after work.
Alaska	Paid leave for enough time to vote, unless the employee has two hours of polling time outside of work hours.
Arizona	Paid leave if requested the day before the election, unless the employee has three consecutive hours of polling time outside of work hours.
Arkansas	No leave provisions, but employers must schedule the work hours of employees on election day such that all employees have an opportunity to vote.
California	Up to two hours of paid leave if employee gives at least two days' notice. Employees with "sufficient time outside of working hours to vote" are not entitled to leave.
Colorado	Up to two hours of paid leave if employee gives at least one day

	notice, unless the employee has three or more hours of polling time outside of working hours.
Connecticut	Up to two hours of unpaid leave if employee gives at least two days' notice.
Delaware	No voting leave requirements.
District of Columbia	Up to two hours of paid leave for an employee who gives reasonable advance notice.
Florida	No voting leave requirements.
Georgia	Up to two hours of unpaid leave for employees who give reasonable notice, unless the employee has at least two hours of polling time before or after work.
Hawaii	No voting leave requirements.
Idaho	No voting leave requirements.
Illinois	At least two hours of unpaid leave for employees who request leave at least the day prior to the election, unless the employee has two hours of polling time outside of work to vote.
Indiana	No voting leave requirements.
Iowa	Up to three hours of paid leave for employees who request leave in advance in writing, unless the employee has three consecutive hours of polling time outside of work hours.
Kansas	Up to two hours of paid leave for employees unless they have two consecutive hours of polling time either before or after work.
Kentucky	Employers must offer not less than four hours of unpaid leave for employees who request it at least one day prior to the election.
Louisiana	No voting leave requirements.
Maine	No voting leave requirements. However, Maine's paid leave law permits employees to take paid time off to vote.
Maryland	Up to two hours of paid leave for employees who can demonstrate proof of voting, unless the employee has two hours of continuous off-duty time in which they can vote.
Massachusetts	Employers may not deny an employee's request for voting leave during the first two hours after the polls open if the employee is

	eligible to vote. No requirement that leave be paid.
Michigan	No voting leave requirements.
Minnesota	Employers must offer paid leave for the time necessary to appear at a polling station, cast a ballot, and return to work.
Mississippi	No voting leave requirements.
Montana	No voting leave requirements.
Nebraska	Employees who request leave before election day are entitled to up to two hours of <i>paid</i> leave; employees who request leave the day of an election are only entitled to <i>unpaid</i> leave. In either case, if the employee has two consecutive hours of polling time outside of work hours, they are not entitled to leave.
Nevada	Employers must provide paid leave to employees who apply for voting leave before the day of election if it would be “impracticable” for the employee to vote before or after work. The amount of leave required varies based on how far an employee must physically travel to vote, up to three hours maximum.
New Hampshire	No voting leave requirements.
New Jersey	No voting leave requirements.
New Mexico	Up to two hours of paid leave, unless the employee has more than two hours after polls open or three hours before polls close in which to vote.
New York	Up to two hours of paid leave for employees who apply for leave between 10 and 2 days before the election, unless the employee has “sufficient time” outside of scheduled working hours to vote.
North Carolina	No voting leave requirements.
North Dakota	No voting leave requirements.
Ohio	Employers must provide a “reasonable amount” of leave to employees to vote. No provision on pay in the statute.
Oklahoma	Up to two hours of paid leave for employees who apply for leave at least the day before an election and can provide proof of voting. An employee is not eligible for leave if they have three or more hours before or after work to vote.

Oregon	No voting leave requirements.
Pennsylvania	No voting leave requirements.
Rhode Island	No voting leave requirements.
South Carolina	No voting leave requirements.
South Dakota	Up to two hours of paid leave for employees unless they have two consecutive hours of polling time to vote outside of work hours.
Tennessee	Up to three hours of paid leave for employees who apply for leave by noon the day before an election, unless the employee has three or more hours before or after work to vote.
Texas	Employers must offer paid leave for the time to attend the polls and vote in an election, unless the employee has two consecutive hours of polling time outside of work.
Utah	Up to two hours of paid leave for employees who apply at least the day before an election, unless the employee has three or more hours when polls are open during which the employee is not on the job.
Vermont	No voting leave requirements.
Virginia	No voting leave requirements.
Washington	No voting leave requirements.
West Virginia	Up to three hours of paid leave for an employee who makes a written demand for voting leave at least three days before the election and does not fail to vote. Employees with three or more hours of free time during polling hours are not entitled to voting leave.
Wisconsin	Up to three hours of unpaid voting leave for employees who notify their employer the day before an election.
Wyoming	Up to one hour of paid voting leave for an employee who actually votes, unless the employee has three or more consecutive non-working hours while the polls are open.

For more information, see [Vote 411](#), a non-partisan election information clearinghouse founded by the League of Women Voters.