



White Paper: Time Off to Vote



Introduction

It is getting closer to Election Day and many employees and employers are now addressing the issue of whether or not an employee must have time off from work to vote or are they required to do this on “their own time”. And if they are required to have time off, is it paid or unpaid. The federal wage and hour laws do not actually address this issue. It is done state by state. The included chart below is compiled from information supplied by Thomson Reuters/Tax & Accounting.

Time Off to Vote

As stated above the federal wage and hour law does not address the issue of whether or not an employer must give employees time off to vote. This is done on the state level. However, 18 states and the District of Columbia also do not address this issue. These states include: Delaware, Florida, Idaho, Indiana, Louisiana, Maine, Michigan, Mississippi, Montana, North Carolina, New Hampshire, New Jersey, Oregon, Pennsylvania, Rhode Island, South Carolina, Virginia and Vermont.

Below is a recap of the requirements for states that do address this issue, including the citations for the statute or code.

State	Requirement	Comments/Citations
AK	Yes, as much time as necessary unless employees have two consecutive nonworking hours in which to vote.	Alaska Stat. § 15.56.100
AL	Yes, up to one hour unless the polls are open at least two hours before the employee's regularly scheduled workday begins or close at least one hour after the workday ends.	Ala. Code § 17-1-5
AR	Employers must schedule work hours so that employees have sufficient time to vote.	Ark. Code Ann. § 7-1-102
AZ	Yes, up to 3 consecutive hours if polls are not open for 3 consecutive hours outside the employee's regular shift.	Ariz. Rev. Stat. Ann. § 16-402
CA	Employees are allowed up to two paid hours of time off to vote.	Employees will be excluded from the time off rules if they have sufficient non-working time to vote.
CO	Yes, up to 2 hours of time off unless employee has at least 3 nonworking hours between opening and closing of polls.	Colo. Rev. Stat. § 1-7-102
CT	Yes, beginning Oct. 1 2016	N/A
GA	Yes, two hours, unless employee has at least two nonworking hours to vote.	Ga. Code Ann. § 21-2-404
HI	Yes, two hours, unless employee has two	Haw. Rev. Stat. § 11-95

	consecutive nonworking hours to vote (not including lunch and rest periods).	
IA	An employee is allowed up to three hours to vote if the polls aren't open three consecutive hours outside the employee's regular shift.	The time off must be paid [Iowa Code § 49.109].
IL	Up to two hours if the employee's working hours begin less than two hours after polls open and end less than two hours before polls close.	An employee must apply for leave prior to election day.
KS	Employees are allowed up to two hours' paid time off to vote if the polls aren't open outside an employee's work shift.	Wage deduction is prohibited.
KY	Employees are allowed up to four hours' unpaid time off to vote.	N/A
MA	Upon request, employees in manufacturing, mechanical, or mercantile establishments must be allowed to vote during first 2 hours that polls are open.	Mass. Gen. L. Chapter 149 § 178
MD	Up to 2 hours unless employee has 2 continuous hours off duty between open and close of polls.	Employees must furnish proof that they have voted.
MN	An employee has a right to be absent from work for the purpose of voting for the time necessary to appear at the employee's polling place, cast a ballot, and return to work on the day of an election.	Employee must be paid for this time off [Minn. Stat. § 204C.04].
MO	An employee must be given up to three hours leave to vote, unless the employee has three consecutive non-working hours in which to vote while polls are open.	Employees must be paid full amount (straight-time plus overtime pay) that they would have received for typical working day if they hadn't taken time off to vote [Mo. Rev. Stat. § 115.639].
ND	No, but state law encourages employers to provide time off to vote when the employee's regular work schedule conflicts with voting while the polls are open.	N.D. Cent. Code § 16.1-01-02.1
NE	Up to two hours if polls aren't open for two consecutive hours outside an employee's regular shift.	Wage deduction is prohibited if employee gives at least one day's notice [Neb. Rev. Stat. § 32-1046].
NJ	No provision.	N/A
NM	Yes, two hours, unless employee's work day begins more than 2 hours after polls open or ends more than 3 hours before polls close. In later case, day must end before 4 p.m.	NMSA 1978 § 1-12-42
NV	Yes, 1 to 3 hours depending upon distance between employment and polls.	Nev. Rev. Stat. § 293.463
NY	Yes, if polls are not open for 4 consecutive hours outside the employee's regular shift.	N.Y. Elec. Law § 3-110
OH	Yes, must allow reasonable amount of time to vote.	Ohio Rev. Code Ann. § 3599.06

OK	Yes, two hours, with additional time if needed, unless employee begins work three hours or more after polls open or ends work three hours before polls close.	Okla. Stat. 26 § 7-101
SD	Yes, but only if employee does not have two consecutive nonworking hours to vote.	S.D. Codified Laws § 12-3-5
TN	Yes, up to three hours, unless employee has three consecutive hours outside of working hours.	Tenn. Code Ann. § 2-1-106
TX	Yes, employees must be allowed time off from work to vote unless the polls are open for two consecutive hours outside of the employee's regular shift, or the employee has voluntarily requested to work overtime.	Tex. Election Code Ann. § 276.004
UT	Yes, two hours unless employee has three or more nonworking hours between the times polls open and close.	Utah Code Ann. § 20A-3-103
WA	Yes, two hours unless employee has two consecutive nonworking hours or has sufficient time to get an absentee ballot.	Wash. Rev. Code § 49.48.120
WI	Yes, three hours.	Wis. Stat. § 6.76
WV	Yes, three hours.	W. Va. Code § 3-1-42
WY	Yes, one hour off excluding meal periods.	Wyo. Stat. § 22-2-111