

FOSTER THOMAS

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PROFESSIONAL SERVICES

Voting Leave Laws

Alabama

Voting Leave in Alabama (AL)

Alabama requires private employers to grant employees time off to vote as follows:

- Employers are required to provide an employee up to 1 hour of time off to vote in municipal, county, state, or federal political party primaries or elections.
 - An employer is not required to provide time off to vote if the employee starts work 2 or more hours after the polls open or completes work at least 1 hour before they close.
- The employer may specify the time during which the employee may take leave to vote.

Employees must provide reasonable notice to their employers of the need for time off to vote.

[Click here](#) for more information.

Alaska

Voting Leave in Alaska (AK)

Alaska requires private employers to grant employees time off to vote as follows:

- Employers are required to provide employees sufficient time off to vote.
 - Employers are not required to grant leave if an employee has 2 consecutive hours of nonworking time during the time the polls are open.
- Employers may not deduct from an employee's wages the time spent voting unless the employee had sufficient time to vote before or after the employee's regular working shift.

[Click here](#) for more information.

Arizona

Voting Leave in Arizona (AZ)

Arizona requires private employers to grant employees time off to vote as follows:

- Employers are required to provide time off for employees entitled to vote at a primary or general election if there are less than 3 consecutive hours prior to or after the employee's regular work shift during which the polls are open.

- The employer need only provide the number of hours of leave which, when added to the amount of nonworking time the employee has between the opening and closing of the polls, equals 3 consecutive hours.
- The employer may specify the time during which an employee may take leave to vote.
- Employers may not penalize an employee or make a deduction from wages because of a voting absence.

Employees must notify their employers of the absence prior to the day of election.

[Click here](#) for more information.

Arkansas

Voting Leave in Arkansas (AR)

Arkansas requires private employers to grant employees time off to vote as follows:

- Employers are required to schedule an employee's time on election days so that each employee has the opportunity to vote.

See [Arkansas Code §7-1-102](#) for more information.

California

California Voting Leave

California requires private employers to grant employees time off to vote as follows:

- Employers are required to provide as much time as an employee needs to vote in a statewide election **if the employee does not have sufficient time outside of working hours**.
- Unless otherwise agreed, employers can schedule leave for the beginning or end of a regular work shift, whichever gives employees the most free time to vote and the least amount of missed work.
- Employers **are required to pay for a maximum of 2 hours** of voting time.
- Employers must post a [notice](#) (notice in Spanish [here](#)) not less than 10 days before every statewide election which informs employees of the voting leave law. The notice must be posted either in the workplace or where it can be seen by employees as they enter or exit their place of work.

Employees must notify their employers at least 2 working days prior to the election if they think they will need time off to vote.

[Click here](#) for more information.

Voting Leave in Colorado (CO)

Colorado requires private employers to grant employees time off to vote as follows:

- Employers are required to provide 2 hours of paid time off on an election day to employees entitled to vote.
 - Employers are not required to provide the time off to an employee who has sufficient time to vote (at least 3 nonworking hours during the time the polls are open).
- Employers may specify the hours taken but must allow the employee to take the leave at the beginning or end of the work shift at the employee's request.
- Employers may not fire, penalize, or deduct wages from employees taking voting leave.

To be entitled to leave, employees must apply for voting leave prior to the election day.

For more information, please see [Colorado Revised Statutes §1-7-102](#).

Voting Leave in Connecticut (CT)

Connecticut currently has no voting leave laws for private sector employers.

Delaware

Jury Duty in Delaware (DE)

Delaware law prohibits employers from discharging, threatening, or otherwise coercing an employee because the employee receives or responds to a summons, serves as a juror, or attends court for prospective jury service. Employers are not required to pay employees for absence from work due to jury duty.

For more information, please see Delaware Code (Title 10) [§4515](#).

Voting Leave in Delaware (DE)

Delaware currently has no voting leave laws for private sector employers.

District of Columbia

Voting Leave in the District of Columbia (DC)

The District of Columbia's Leave to Vote Amendment Act requires paid voting leave for employees. The law, enacted on April 27, 2020, becomes effective when it is funded by the district's government.

The law requires employers to provide employees with at least two hours of paid leave to vote in person in any district election or, if the employee is not eligible to vote in a district election, any election run by the jurisdiction in which the employee is eligible to vote. The leave must be granted upon the employee's request, but the employee must have been scheduled to work during the time requested for the leave.

The law defines "employer" as any person who employs an individual for compensation. "Employee" is defined as "any individual employed by an employer who is eligible to vote."

Under the law, an employer may:

- Require the employee to request the leave a "reasonable time" in advance; and
- Specify the hours during which the employee may take the leave, including by requiring that the employee take the leave:
 - During a period designated for early voting instead of on the day of the election; or
 - At the beginning or end of the employee's scheduled working hours.

Employers are prohibited from:

- Interfering with, restraining or denying any attempt to take voting leave;
- Retaliating against an employee in any manner for taking voting leave; or
- Deducting voting leave from an employee's salary, wages or accrued leave.

Employers must post a notice that includes an easily understood description of the voting leave law. The notice must be posted in a conspicuous place.

Florida

Voting Leave in Florida (FL)

Florida currently has no voting leave laws for private sector employees.

Georgia

Voting Leave in Georgia (GA)

Georgia requires private employers to grant employees time off to vote as follows:

- Employers are required to provide up to 2 hours of leave to vote.
 - Employers are not required to provide time off to vote if an employee has at least 2 hours of nonworking time during the time the polls are open.
- The employer may specify the time during which an employee may take leave to vote.

Employees must provide reasonable notice to their employers of their intention to take time off to vote.

See [Georgia Code §21-2-404](#) for more information.

Hawaii

Voting Leave in Hawaii (HI)

Hawaii repealed its voting leave law when the state [instituted](#) voting by mail for all elections, beginning in 2020.

Idaho

Voting Leave in Idaho (ID)

Idaho currently has no voting leave laws for private sector employees.

Illinois

Voting Leave in Illinois (IL)

Illinois requires private employers to grant employees time off to vote as follows:

- Employers are required to provide employees 2 hours of time off to vote if an employee's work shift begins less than 2 hours after polls open and ends less than 2 hours before polls close.
- Employers have discretion to decide the hours employees may take to vote.
- Employers may not penalize employees for taking voting leave or deduct voting time from their wages.

Employees must apply for voting leave prior to the day of election.

See 10 Illinois Compiled Statutes [5/7-42](#) and [5/17-15](#) for more information.

Indiana

Voting Leave in Indiana (IN)

Indiana currently has no voting leave laws for private sector employees.

Iowa

Voting Leave in Iowa (IA)

Iowa requires private employers to grant employees time off to vote as follows:

- Employers are required to provide up to 3 hours of leave to vote to employees who do not have 3 consecutive nonworking hours during the time the polls are open.
- Employers may designate the time(s) for employees to take off.
- Employers may not penalize employees for taking voting leave or deduct voting time from their wages.

Employees must make an individual written request for time off to vote to their employer before an election day.

[Click here](#) for more information.

Kansas

Voting Leave in Kansas (KS)

Kansas requires private employers to grant employees time off to vote as follows:

- Employers are required to provide employees up to 2 hours of voting leave if they do not have 2 consecutive hours to vote before or after work.
 - If the polls are open for fewer than 2 hours before or after the employee's work shift, the employer must provide only the number of hours of leave which, when added to the amount of nonworking time the employee has between the opening and closing of the polls, equals 2 consecutive hours.
- Employers may not penalize employees for taking voting leave or deduct voting time from their wages.
- The employer may specify the time during which an employee may take leave to vote, but may not designate the regular lunch period as voting leave time.

[Click here](#) for more information.

Kentucky

Jury Duty in Kentucky (KY)

Kentucky law prohibits employers from discharging, threatening or otherwise coercing an employee because the employee receives or responds to a summons, serves as a juror, or attends court for prospective jury service. Employers are not required to pay employees for time spent away from work during jury duty.

For more information, please see the [Kentucky Revised Statutes](#).

Louisiana

Voting Leave in Louisiana (LA)

Louisiana currently has no voting leave laws for private sector employees.

Maine

Voting Leave in Maine (ME)

Maine currently has no voting leave laws for private sector employees.

Maryland

Voting Leave in Maryland (MD)

Maryland requires private employers to grant employees time off to vote as follows:

- Employers are required to provide employees who claim to be registered voters no more than 2 hours of paid leave to vote, unless employees have 2 consecutive hours of nonworking time during the time the polls are open.

Employees must furnish to the employer proof that the employee voted or attempted to vote on a form prescribed by the State Board of Elections.

Voting Leave in Massachusetts (MA)

Massachusetts requires private employers to grant employees time off to vote as follows:

- Employers in any manufacturing, mechanical or mercantile establishment must permit employees entitled to vote to take time off to vote during the first 2 hours after the polls open.

Employees must apply for a voting leave.

[Click here](#) for more information.

Michigan

Voting Leave in Michigan (MI)

Michigan currently has no voting leave law for private sector employees.

Minnesota

Voting Leave in Minnesota (MN)

Minnesota requires private employers to grant employees time off to vote as follows:

- Employers are required to provide employees with the time necessary to appear at the employee's polling place, cast a vote and return to work on an election day.
 - Note: An "election" includes (among other things) a **presidential nomination primary** under [state law](#). The new law is effective July 1, 2017, and applies to elections conducted on or after that date. [Click here](#) for more information.
- Employers may not instruct employees of when during working hours an employee may vote, but they may request employees to provide notification as to when they will be gone and request that employees coordinate their absences so as to minimize adverse impact on the workplace.
- Employers may not require employees to use personal leave or vacation time for the time off necessary to vote.
- Employers may not penalize employees or deduct the time off from their wages because of time missed for voting.

[Click here](#) for more information.

Mississippi

Voting Leave in Mississippi (MS)

Mississippi currently has no voting leave laws for private sector employees.

Missouri

Voting Leave in Missouri (MO)

Missouri requires private employers to grant employees time off to vote as follows:

- Employers are required to permit employees to take up to 3 hours of voting time leave, unless employees have 3 consecutive hours of nonworking time during the time the polls are open.
- The employer may specify the time during which an employee may take leave to vote.

- Employers may not deduct voting time from an employee's wages.

Employees must request a voting leave of absence prior to the election day.

[Click here](#) for more information.

Montana

Voting Leave in Montana (MT)

Montana currently has no voting leave laws for private sector employers.

Nebraska

Voting Leave in Nebraska (NE)

Nebraska requires private employers to grant employees time off to vote as follows:

- Employers are required to provide voting leave to those employees who do not have 2 consecutive hours of nonworking time during the time the polls are open.
 - The amount of voting leave required is the number of hours which, when added to the amount of nonworking time the employee has between the opening and closing of the polls, equals 2 consecutive hours.
- The employer may specify the time during which an employee may take leave to vote.
- If the employee applies for voting leave prior to or on the election day, the employer may not penalize the employee for taking voting leave or deduct voting time from the employee's wages.

[Click here](#) for more information.

Nevada

Voting Leave in Nevada (NV)

Nevada requires private employers to grant employees time off to vote as follows:

- Employers are required to provide employees sufficient time to vote (determined as follows) if it is impracticable for the employee to vote before or after working hours:

- 1 hour of time off to vote if the employee's workplace is within 2 miles of the polling place;
- 2 hours if the employee's workplace is more than 2 but not more than 10 miles from the polling place; and
- 3 hours if the employee's workplace is more than 10 miles from the polling place.
- The employer may specify the time during which an employee may take leave to vote.
- Employers may not penalize employees for taking voting leave or deduct voting time from their wages.

Employees must apply for voting leave prior to the election day.

[Click here](#) for more information.

New Hampshire

Voting Leave in New Hampshire (NH)

New Hampshire currently has no voting leave laws for private sector employers.

New Jersey

Voting Leave in New Jersey (NJ)

New Jersey currently has no voting leave laws for private sector employers.

New Mexico

Voting Leave in New Mexico (NM)

New Mexico requires private employers to grant employees time off to vote as follows:

- Employers are required to provide an employee up to 2 hours of leave time to vote unless the employee's workday begins more than 2 hours after the polls open or ends more than 3 hours before the polls close.
- The employer may specify the time during which an employee may take leave to vote.
- Employers may not penalize employees for taking voting leave.

See [New Mexico Statutes §1-12-42](#) for more information.

New York

New York Voting Leave

New York employers must:

- Pay for up to 2 hours of voting leave for any election for employees who do not have sufficient time to vote outside work hours, which means they do not have 4 consecutive hours to vote either from the opening of the polls to the beginning of their work shift, or between the end of the shift and the closing of the polls. The specific amount of paid time off needed (up to the 2-hour maximum) must be determined on a case-by-case basis, as waiting times at polling places, traffic conditions, and other factors may vary.
- Allow employees with fewer than 4 consecutive nonwork voting hours to take off as much time from work as necessary (when added to their voting time outside working hours) to vote, but not more than 2 hours of the leave is required to be paid.
- Post a notice setting forth the state's voting leave requirements at least 10 working days before every election.

Unless an employer and employee otherwise agree, voting leave must be at the beginning or end of the work shift as designated by the employer.

In addition, employees must notify their employers of their need for time off to vote at least 2 working days before Election Day.

For additional information, please contact the [New York State Board of Elections](#) at 518-474-6220.

North Carolina

Voting Leave in North Carolina (NC)

North Carolina currently has no voting leave laws for private sector employers.

North Dakota

Voting Leave in North Dakota (ND)

North Dakota currently has no voting leave laws for private sector employers.

- Under [state law](#), employers are encouraged to establish a voting leave program for employees whose regular work schedules conflict with voting during the time when the polls are open.

Ohio

Voting Leave in Ohio (OH)

Ohio requires private employers to grant employees time off to vote as follows:

- Employers may not discharge or threaten to discharge an employee for taking a reasonable amount of time to vote on election day.

[Click here](#) for more information.

Oklahoma

Oklahoma Voting Leave

Oklahoma requires private employers to grant employees 2 hours of leave on the day of the election or on a day when in-person absentee voting is allowed by law. However, employees must be given sufficient time to vote, and, when distance requires it, employers may need to extend the 2-hour window.

The law also prohibits employers from retaliating or reducing an employee's compensation if they use voting leave and can submit proof of voting.

Employers that fail to comply with Oklahoma's voting leave law may be required to pay a fine of between \$50 and \$100.

Employers may select the dates and times when employees may use voting leave. Employers may modify an employee's work hours to allow the employee to start three hours after the polls open or end three hours before the polls close.

To use voting leave, employees must notify their employer, orally or in writing, of their intention to use voting leave, at least 3 days in advance.

[Click here](#) for more information.

Oregon

Voting Leave in Oregon (OR)

Oregon currently has no voting leave laws for private sector employers.

Pennsylvania

Voting Leave in Pennsylvania (PA)

Pennsylvania currently has no voting leave laws for private sector employers.

Rhode Island

Voting Leave in Rhode Island (RI)

Rhode Island currently has no voting leave laws for private sector employers.

South Carolina

Voting Leave in South Carolina (SC)

South Carolina currently has no voting leave laws for private sector employers.

South Dakota

Voting Leave in South Dakota (SD)

South Dakota requires private employers to grant employees time off to vote as follows:

- Employers are required to provide employees 2 consecutive hours to vote, unless the employee has 2 consecutive hours of nonworking time during the time the polls are open.

- The employer may specify the time during which an employee may take leave to vote.
- Employers may not penalize employees for taking voting leave or deduct voting time from their wages.

[Click here](#) for more information.

Tennessee

Voting Leave in Tennessee (TN)

Tennessee requires private employers to grant employees time off to vote as follows:

- Employers are required to provide employees up to 3 hours to vote, unless the employee has at least 3 consecutive hours of nonworking time during the time the polls are open.
- The employer may specify the time during which an employee may take leave to vote.
- Employers may not penalize employees for taking voting leave or deduct voting time from their wages.

Employees must apply for a voting leave absence before 12:00 noon on the day before the election.

[Click here](#) (§ 2-1-106) for more information.

Texas

Voting Leave in Texas (TX)

Texas requires private employers to grant employees time off to vote as follows:

- Employers are required to provide employees time off to vote unless an employee has 2 consecutive hours of nonworking time during the time the polls are open.
- Employers may not penalize employees for taking voting leave or deduct voting time from their wages.

[Click here](#) for more information.

Utah

Voting Leave in Utah (UT)

Utah requires private employers to grant employees time off to vote as follows:

- Employers are required to provide employees up to 2 hours of time off to vote, unless an employee has at least 3 hours of nonworking time during the time the polls are open.
- The employer may specify the time during which an employee may take leave to vote, but if the employee requests that the leave occur at the beginning or end of the work shift, the employer must grant that request.
- Employers may not deduct voting time from an employee's wages.

Employees must apply for a voting leave of absence before the election day.

[Click here](#) for more information.

Vermont

Voting Leave in Vermont (VT)

Vermont requires private employers to grant employees time off to vote as follows:

- Employers are required to provide employees unpaid leave time to attend and vote in annual town meetings (the first Tuesday in March), subject to the essential operations of the employer's business.
- Employers may not discharge or retaliate against an employee for exercising the right to attend a town meeting.

Employees must give at least 7 days' notice if they wish to attend a town meeting.

[Click here](#) for more information.

Virginia

Voting Leave in Virginia (VA)

Virginia currently has no voting leave law for private sector employers.

Washington

Voting Leave in Washington (WA)

Note: Effective as of July 28, 2013, a law eliminated the requirement for employers to grant time off to vote.

West Virginia

Voting Leave in West Virginia (WV)

West Virginia requires private employers to grant employees time off to vote as follows:

- Employers are required to provide employees up to 3 hours of time off to vote if the employee provides a written request at least 3 days prior to the election day.
- Employers in certain occupations may schedule voting hours to avoid disruption of work.
- Employers may not penalize an employee for taking voting leave or deduct voting time from wages unless the employee has at least 3 hours of nonworking time during the time the polls are open in which to vote and the employee does not, in fact, vote during this time.

[Click here](#) for more information.

Wisconsin

Voting Leave in Wisconsin (WI)

Wisconsin requires private employers to grant employees time off to vote as follows:

- Employers are required to provide employees up to 3 hours of unpaid time off to vote.
- The employer may specify the time during which an employee may take leave to vote.

An employee must notify the employer of the intention to take voting leave prior to the election day.

See [Wisconsin Statutes §6.76](#) for more information.

Wyoming

Voting Leave in Wyoming (WY)

Wyoming requires private employers to grant employees time off to vote as follows:

- Employers are required to provide employees 1 hour of time off to vote, unless an employee has 3 consecutive hours of nonworking time during the time the polls are open in which to vote (meal breaks may not be counted toward voting leave).
- The employer may specify the time during which an employee may take leave to vote.
- Employers must pay each employee for the time taken to vote if the employee actually votes.

See [Wyoming Statutes §22-2-111](#) for more information.

