

Time Off for Voting: State-by-State

The 2010 midterm elections are just days away. Many states allow employees to take time off, sometimes with pay, so that they can vote. The chart below provides a general overview of each state's law as to time off, pay, and what, if any, advance notice is required before taking time off to vote. If you have specific questions about the law in any state, please contact your Vorys attorney.

<u>State</u>	<u>Paid</u>	<u>Must Employee Give Notice Prior to Taking Leave?</u>	<u>Can Leave be Taken During Work Time?</u>
Alabama	No.	Yes, reasonable notice is required.	Employees may take up to one hour unless the polls are open for two hours before employee's shift or one hour after employee's shift. The employer may specify when leave may be taken.
Alaska	Yes.	No requirement.	Employees may take as much time off as needed to vote unless the polls are open for two consecutive hours before or after employee's shift.
Arizona	Yes.	Yes, reasonable notice is required.	Employee may take leave if there are less than three consecutive hours between the opening of the polls and the beginning of employee's shift or between the end of employee's shift and the closing of the polls. Time off may be taken to provide three total hours. Employer may specify when leave may be taken.
Arkansas			Employers must schedule work hours so that employees have the opportunity to vote.
California	Yes, up to two hours.	Yes, at least two working days if the employee knows or has reason to know time off will be necessary to vote.	Employees may take leave either at the beginning or end of shift, whichever allows the most time to vote and the least time away from work.
Colorado	Yes, up to two hours.	Yes, at least one day prior to election.	Up to two hours unless the polls are open for three hours of non-work time. The employer may specify the hours the employee may be absent, but the hours must be at the beginning or end of the employee's shift if the employee so requests.
Connecticut	No applicable state law		
Delaware	No applicable state law		
Florida	No applicable state law		

Georgia	No.	Yes, reasonable notice is required.	Employees may take leave up to two hours unless polls are open two hours before employee begins shift or remains open two hours after employee ends shift. Employer may specify when leave may be taken.
Hawaii	Yes, up to two hours.	No requirement.	Employee may take leave for up to two hours unless the polls are open for two consecutive hours either before the employee begins his shift or for two hours after his shift has ended.
Idaho	No applicable state law		
Illinois	Yes, up to two hours.	Yes, prior to election day.	Employee may take leave up to two hours unless the polls are open for two hours before employee begins shift or two hours after employee ends shift. The employer may specify when leave may be taken.
Indiana	No applicable state law		
Iowa	Yes.	Yes, individually in writing.	Employee may take leave up to three consecutive hours unless polls are open for three consecutive hours before employee begins shift or for three consecutive hours after employee's shift ends. The employer may specify when leave may be taken.
Kansas	Yes.	No requirement.	Employee may take leave up to two consecutive hours unless the polls are open for two or more consecutive hours before or after the employee's shift. If polls are open for less than two hours before or after employee's shift, employee may take leave up to an amount which, when added to the time the polls are open, equals two hours. The employer may specify when leave may be taken but such time may not include the employee's lunch break.
Kentucky	No.	Yes, prior to election day.	Employee may take leave for a reasonable time, but not less than four hours. The employer may specify when employee may take leave.
Louisiana	No applicable state law		
Maine	No applicable state law		
Maryland	Yes, up to 2 hours.	No.	Up to two hours unless the polls are open for two or more consecutive hours before or after work.
Massachusetts	No.	Yes.	Employee may take leave during the <u>first</u> two hours after the polls open.
Michigan	No applicable state law		

Minnesota	Yes.	Yes.	Employee may take leave for the time necessary to appear at the employee's polling place, cast a ballot, and return to work on the day of that election.
Mississippi	No applicable state law		
Missouri	Yes.	Yes.	Up to three hours unless the polls are open for three or more consecutive hours before or after work. The employer may specify when the leave may be taken.
Montana	No applicable state law		
Nebraska	Yes, up to two hours of paid leave.	Yes, employees must make leave request prior to Election Day.	Leave can be taken during work time unless the employee has two consecutive non-work hours to vote while the polls are open. The employer, however, may specify when during the working day employees may take this time off.
Nevada	Yes, (a) one hour of paid leave if the distance between voter's employment and voter's polling place is 2 miles or less; (b) two hours of paid leave if the distance is more than 2 miles but not more than 10 miles; and (c) three hours of paid leave if the distance is more than 10 miles.	Yes, employees must make leave request prior to Election Day.	Leave can be taken during work time if it is "impracticable" for the employee to vote before or after his hours of employment. The employer, however, may specify when during the working day employees may take this time off.
New Hampshire	No applicable state law		
New Jersey	No applicable state law		
New Mexico	Yes, up to two hours of paid leave.	No requirement .	Leave can be taken during work time unless the employee has two free hours before work or three free hours after work while the polls are open. The employer may designate the hours to be taken, but it may not include lunch or rest hours.

New York	Yes, up to two hours of paid leave.	Yes, employees must notify employers of the need for time off not more than 10 days and not less than 2 days before the election.	Employees are allowed to take "sufficient time" on Election Day as is necessary to allow them to vote unless four consecutive non-working hours are available while the polls are open. Employers may designate whether the time is to be taken at the beginning or end of the shift. Employers must post a conspicuous notice of employee rights at least ten days before Election Day.
North Carolina	No applicable state law		
North Dakota	Unspecified.	Unspecified.	Employers are "encouraged" to provide time off to vote when an employee's regular work schedule conflicts with the times polls are open. NOTE: The recommended policy is <u>voluntary</u> .
Ohio	No.	No requirement.	Employees are allowed a "reasonable amount of time to vote on election day."
Oklahoma	Yes, up to 2 hours or more if distance requires; must show proof of voting.	Yes, the day before Election Day.	Leave can be taken during work time unless the polls are open for three or more consecutive hours outside the employee's working hours. The employer may specify when leave may be taken.
Oregon	No applicable state law		
Pennsylvania	No applicable state law		
Rhode Island	No applicable state law		
South Carolina	No applicable state law		
South Dakota	Yes, up to 2 hours.	No requirement.	Leave can be taken during work time unless the polls are open for two or more consecutive hours outside the the employee's working hours. The employer may specify when leave may be taken.
Tennessee	Yes, up to 3 hours.	Yes, before 12:00 p.m. the day before Election Day.	Leave can be taken during work time unless the polls are open for three or more consecutive hours outside the employee's working hours. The employer may specify when leave may be taken.
Texas	Yes.	No requirement.	Leave can be taken during work time unless the polls are open for two or more consecutive hours outside the employee's working hours.

Utah	Yes, up to 2 hours.	Before Election Day	Leave can be taken during work time unless the polls are open for three or more consecutive hours outside the employee's working hours. The employer may specify when leave may be taken. However, If the employee requests leave at the beginning or end of the work shift, the employer must grant that request.
Vermont	No applicable state law		
Virginia	No applicable state law		
Washington	Yes, up to 2 hours.	No requirement.	Leave can be taken only if the employee has insufficient time to get an absentee ballot <u>and</u> the polls are not open for two or more consecutive hours outside the employee's working hours, excluding meal and rest breaks.
Washington D.C.	No applicable state law		
West Virginia	Yes, up to 3 hours.	Yes, 3 days before Election Day.	Leave can be taken during work time unless the polls are open for three or more consecutive hours outside the employee's working hours. In certain essential services and in production, manufacturing and processing works requiring continuity in operation, the employer may, on receipt of a written request, specify when leave may be taken.
Wisconsin	No.	Yes, before Election Day.	Leave can be taken during work time. The employer may specify when leave may be taken.
Wyoming	Yes, up to 1 hour, excluding meal breaks, if employee actually voted.	No requirement.	Leave can be taken during work time unless the polls are open three or more consecutive hours outside the employee's working hours. The employer may specify when leave may be taken.

For more information regarding this or any other employment-related issue, please contact your Vorys attorney or a member of the Vorys Labor and Employment Group by calling 614.464.6400.

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