

State Voting Leave Laws Chart: Overview

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Law stated as of 22 Sep 2020 · Alabama, Alaska, Arizona, Arkansas, California, Colorado, Georgia, Hawaii, Illinois, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Minnesota, Missouri, Nebraska, Nevada, New Mexico, New York, North Dakota, Northern Mariana Islands, Ohio, Oklahoma, Puerto Rico, Puerto Rico, South Carolina, South Dakota, Tennessee, Texas, USA (National/Federal), Utah, West Virginia, Wisconsin, Wyoming

An at-a-glance Chart listing the states with voting leave laws and summarizing key provisions of those laws. Voting leave laws generally provide employees with time off to vote. This Chart lists the states with voting leave laws covering private employers. It outlines the amount of leave required by each state and whether the employer may specify the hours of leave. This Chart also lists what notice employees must provide to their employer, whether the voting leave must be paid time off, and any other key exclusions or provisions.

During election season, employees often need time off from work to vote. Although most states have laws that give employees the right to take voting leave, these laws vary substantially from one state to the next.

For example, a few states require that time off to vote be paid, while others only entitle employees to use accrued personal leave. Several states allow employers to require advance notice or proof of voting. Others impose criminal penalties on employers that discharge or otherwise penalize employees for taking time off to vote.

At least two states, New York and California, require employers to conspicuously post a notice of employees' rights to take time off to vote at least ten days before the election. Four states, Colorado, Hawaii, Oregon, and Washington hold all elections entirely by mail.

This Chart sets out the voting leave requirements for private employers in each state that has a voting leave law. Employers should review the Chart for each state in which they conduct operations and confirm that they comply with the applicable laws and regulations.

To search and compare leave laws and model leave policy language applicable to private employers in different states, see [Leave Laws: State Q&A Tool](#) and [Leave Policy Language: State Q&A Tool](#).

State	Amount of Leave Required	Notice by Employee	Compensation	Exclusions and Other Provisions
Alabama	Time "necessary" to vote, not exceeding one hour. Employer may specify the hours. (Ala. Code 1975, § 17-1-5.)	Employee must provide "reasonable" notice (Ala. Code 1975, § 17-1-5).	Not specified.	Employee is not entitled to leave if the workday begins at least two hours after the polls open, or ends at least one hour before the polls close (Ala. Code 1975, § 17-1-5).

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Alaska	Employer must allow sufficient time off to enable voting in state elections. The law does not specify the amount of time and whether employer may designate the hours. (Alaska Stat. Ann. §§ 15.15.100 and 15.25.090.)	Not specified.	Employee must be paid (Alaska Stat. Ann. § 15.15.100.)	Employee is not entitled to leave if employee has sufficient time outside working hours to vote. Two consecutive hours before or after a shift, while the polls are open, is sufficient. (Alaska Stat. Ann. §§ 15.15.100 and 15.56.100(b).) Employer that disobeys this provision commits a violation (Alaska Stat. Ann. § 15.56.100(a) and (c).)
Arizona	Up to three consecutive hours at the beginning or end of employee's work shift. Employer may specify the hours. (A.R.S. § 16-402(A).)	Employee must apply for leave before election day (A.R.S. § 16-402(A).)	Leave must be paid (A.R.S. § 16-402(A).)	Employee is not entitled to leave if employee has three consecutive nonworking hours before or after a regular work shift while the polls are open (A.R.S. § 16-402(A).) Employer's violation of this provision is a class 2 misdemeanor (A.R.S. § 16-402(B).)
Arkansas	Employer must schedule work hours to allow employees time to vote. The law does not specify the amount of leave time required. (A.C.A. § 7-1-102.)	Not specified.	Not specified.	Employers that fail to comply may be fined between \$25 and \$250 (A.C.A. § 7-1-102.)
California	Enough working time that will enable employee to vote when added to voting time available outside of working hours (Cal. Elec. Code § 14000(a).) Time off must be taken at the beginning or end of the regular shift, whichever allows the most time to vote and requires the least missed working time, unless otherwise mutually agreed (Cal. Elec. Code § 14000(b).)	Employee must provide at least two working days' notice before the election if, on the third working day before the election, employee knows or has reason to know he will need leave to be able to vote (Cal. Elec. Code § 14000(c).)	Employee must be paid, but any leave over two hours may be unpaid (Cal. Elec. Code § 14000(b).)	Employee who has sufficient nonworking time in which to vote is excluded (Cal. Elec. Code § 14000(a).) Employer must conspicuously post notice of voting leave policy at least ten days before every statewide election (Cal. Elec. Code § 14001.)
Colorado	Up to two hours of leave	Employee must apply for	Employee must be paid	Employee is not eligible

	while the polls are open. Employer may specify the hours, but the hours must be at the beginning or end of the shift if employee requests this. (C.R.S. §§ 1-7-102(1) and 31-10-603(1).)	leave before election day (C.R.S. §§ 1-7-102(1) and 31-10-603(1)).	for up to two hours (C.R.S. §§ 1-7-102(1) and 31-10-603(1)).	for leave if employee has three or more nonworking hours while the polls are open (C.R.S. §§ 1-7-102(2) and 31-10-603(2)). Employer's violation of this provision is a misdemeanor (C.R.S. §§ 1-13-719(2) and 31-10-1522(2)).
Georgia	Necessary time off to vote, not exceeding two hours. Employer may specify the hours. (O.C.G.A. § 21-2-404.)	Employee must give reasonable notice (O.C.G.A. § 21-2-404).	Not specified.	Employee is not entitled to leave if employee has at least two nonworking hours before or after a shift while the polls are open (O.C.G.A. § 21-2-404).
Hawaii	Up to two consecutive hours (excluding any lunch or rest periods) while the polls are open. Law does not specify whether employer may designate the hours. (Haw. Rev. Stat. § 11-95(a).)	Not specified.	Employee must be paid unless employer can verify that employee took leave but failed to vote (Haw. Rev. Stat. § 11-95(a)).	Employee is not eligible for leave if employee has two consecutive nonworking hours (excluding any lunch or rest periods) while the polls are open to vote (Haw. Rev. Stat. § 11-95(a)). Employers that violate this provision may be subject to a fine of between \$50 and \$300 (Haw. Rev. Stat. § 11-95(b)).
Illinois	Up to two hours while the polls are open. Employer may specify the hours. (10 ILCS 5/7-42 and 10 ILCS 5/17-15.)	For leave for primary elections, employee requires employer consent (10 ILCS 5/7-42). For leave for a general or special election, employee must apply for leave before election day (10 ILCS 5/17-15).	Employee must be paid for voting in a general or special election (10 ILCS 5/17-15). Not specified for primary elections.	Employer must permit a two-hour absence for voting in a general or special election if a shift begins less than two hours after the polls open or ends less than two hours before the polls close (10 ILCS 5/17-15). Employer's violation of this section is a class A misdemeanor (10 ILCS 5/29-12).
Iowa	An amount that, when added to employee's nonworking time, totals three consecutive hours while the polls are open. Employer specifies the	Employee must apply individually and in writing before election day (Iowa Code § 49.109).	Employee must be paid (Iowa Code § 49.109).	Employee is not eligible for leave if employee has three consecutive nonworking hours to vote while the polls are open (Iowa Code § 49.109).

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	hours. (Iowa Code § 49.109.)			Employer's violation of this provision is fourth-degree election misconduct, which is a simple misdemeanor (Iowa Code §§ 39A.5(1)(a)(1) and 39A.5(2)).
Kansas	Up to two consecutive hours while the polls are open. Employer may specify the hours, except the specified time must not include the regular lunch period. (K.S.A. 25-418.)	Not specified.	Employee must be paid (K.S.A. 25-418).	If the polls are open before or after employee's shift, employee is only entitled to time off which, when added to the period of nonworking time when the polls are open, will not exceed two consecutive hours. Employer's violation of this provision is a class A misdemeanor. (K.S.A. 25-418.)
Kentucky	Reasonable time, but not less than four hours while the polls are open. Employer may specify the hours. (Ky. Const. § 148 and KRS § 118.035(2).)	Employee must apply for leave before election day (KRS § 118.035(2)).	Employee may not be penalized for taking leave (KRS § 118.035(3)). Prior statute requiring that leave be paid was held unconstitutional (<i>Ill. Cent. R. Co. v. Commonwealth</i> , 204 S.W.2d 973, 975 (Ky. 1947)).	Employee may be penalized and disciplined if employee takes voting leave but fails to vote (KRS § 118.035(3)).
Maryland	Up to two hours (Md. Elec. Law § 10-315(a)). Law does not specify whether employer may designate the hours.	Not specified.	Employee must be paid (Md. Elec. Law § 10-315(b)).	Employee is not eligible if employee has two consecutive nonworking hours while the polls are open (Md. Elec. Law § 10-315(a)). Employee must furnish proof to employer that employee voted by submitting a state-prescribed form (Md. Elec. Law § 10-315(c)).
Massachusetts	The first two hours after the polls open (M.G.L. ch. 149, § 178).	Employee must apply for leave (M.G.L. ch. 149, § 178).	Not specified.	Leave applies to employees of manufacturing, mechanical, or mercantile establishments (M.G.L. ch. 149, § 180). Employer's violation of this provision may be subject to a fine up to

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				\$500 (M.G.L. ch. 149 § 180).
Minnesota	Time necessary to appear at polling place, cast a ballot, and return to work (Minn. Stat. Ann. § 204C.04, Subd. 1). Law does not specify whether employer may designate the hours.	Not specified.	Employee must be paid (Minn. Stat. Ann. § 204C.04, Subd. 1).	Employer's violation of this provision is a misdemeanor (Minn. Stat. Ann. § 204C.04, Subd. 3).
Missouri	Up to three hours while the polls are open. Employer may specify the hours. (§ 115.639(1), RSMo.)	Employee must request leave before election day (§ 115.639(1), RSMo).	Employee must be paid (§ 115.639(1), RSMo).	Employee is excluded if employee has three successive nonworking hours while the polls are open (§ 115.639(1), RSMo). Employer's violation of this provision is a class four election offense (§ 115.639(2), RSMo).
Nebraska	An amount that, when added to nonworking time, totals two consecutive hours while the polls are open. Employer may specify the hours. (Neb. Rev. Stat. § 32-922.)	Not specified.	If the employee applies for leave on or before election day, employee must be paid (Neb. Rev. Stat. § 32-922).	Employee is not eligible if employee has two consecutive nonworking hours during which the polls are open (Neb. Rev. Stat. § 32-922).
Nevada	For a sufficient time to vote determined by distance between place of employment and polling place. If two miles or less, leave can be up to one hour. If more than two and not more than ten miles, leave can be up to two hours. If more than ten miles, leave can be up to three hours. Employer may designate the time of the absence. (NRS 293.463(1).)	Employee must apply to employer or authorized person for leave before election day (NRS 293.463(3)).	Employee must be paid (NRS 293.463(2)).	Employee is not eligible if it is practicable to vote before or after working hours (NRS 293.463(1)). Employer's violation of this provision is a misdemeanor (NRS 293.463(4)).
New Mexico	Up to two hours while the polls are open. Employer may specify the hours. (NMSA 1978, § 1-12-42(A).)	Not specified.	Not specified, but employer may not impose any penalty on employee for taking leave (NMSA 1978, § 1-12-42(A)).	Employee is not eligible for leave if employee's workday begins more than two hours after the polls open or ends more than three hours before the polls close (NMSA 1978, § 1-12-42(B)).

				Employer's violation of this provision is a misdemeanor. Employer may be subject to a fine of between \$50 and \$100. (NMSA 1978, § 1-12-42(D).)
New York	<p>Up to two hours (N.Y. Elec. Law § 3-110(1)).</p> <p>Employer may designate that leave must be taken at the beginning or end of the work shift (N.Y. Elec. Law § 3-110(2)).</p>	Employee must notify employer at least two days before election day (N.Y. Elec. Law § 3-110(3)).	Employee must be paid for up to two hours (N.Y. Elec. Law § 3-110(1)).	<p>Employee is not eligible for leave if the employee has four consecutive hours to vote between the opening of the polls and the beginning of the work shift or between the end of the work shift and the closing of the polls (N.Y. Elec. Law § 3-110(2)).</p> <p>Employer's violation of this provision is a misdemeanor, subjecting employer to a fine of between \$100 and \$500, imprisonment for up to one year, or both. (N.Y. Elec. Law §§ 17-118 and 17-166.)</p> <p>At least ten working days before every election, employers must conspicuously post a required notice in the workplace until the close of the polls on election day (N.Y. Elec. Law § 3-110(4)).</p>
North Dakota	Employers are encouraged to establish a program to provide time off to vote when employees' regular work schedule conflicts with voting during the time the polls are open (N.D.C.C. § 16.1-01-02.1). Law does not specify whether employer may designate the hours.	Not specified.	Not specified.	None specified.
Ohio	<p>A reasonable amount of time to vote on election day (Ohio R.C. 3599.06).</p> <p>Law does not specify whether employer may designate the hours.</p>	Not specified.	Not specified, but employer may not discharge or threaten to discharge employee for taking leave (Ohio R.C. 3599.06).	Employer's violation of this provision may result in a fine of between \$50 and \$500 (Ohio R.C. 3599.06).

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Oklahoma	Two hours during the period when the election is open, but if due to distance from the voting place employee needs more than two hours to vote, employee must receive sufficient time to vote. Employer may specify the hours. (Okla. Stat. tit. 26, § 7-101.)	Employee must provide oral or written notice on the day before the election (Okla. Stat. tit. 26, § 7-101).	Employee must be paid, but employer may require proof that a vote was cast (Okla. Stat. tit. 26, § 7-101).	Employee is excluded if shift begins three or more hours after the polls open or ends three or more hours before the polls close. Employer may change the work hours to allow the opportunity to vote three hours before the beginning or after the end of work. Employer's violation of this provision is a misdemeanor punishable by a fine between \$50 and \$100. (Okla. Stat. tit. 26, § 7-101.)
South Dakota	Two consecutive hours while the polls are open. Employer may specify the hours. (SDCL 12-3-5.)	Not specified.	Employee must be paid (SDCL 12-3-5).	Employee is not eligible for leave if employee has two consecutive nonworking hours during which the polls are open. Employer's violation of this provision is a class 2 misdemeanor. (SDCL 12-3-5.)
Tennessee	A reasonable time period necessary to vote, but at most three hours during the time the polls are open (T.C.A. § 2-1-106(a)). Employer may specify the hours (T.C.A. § 2-1-106(d)).	Employee must apply for leave before 12:00 noon on the day before the election (T.C.A. § 2-1-106(d)).	Employee must be paid (T.C.A. § 2-1-106(b)).	Employee is excluded if employee's shift begins three or more hours after the opening of the polls or ends three or more hours before the closing of the polls (T.C.A. § 2-1-106(c)).
Texas	Employer must permit absence from work for the purpose of voting (Tex. Elec. Code Ann. § 276.004(a)(1)). Does not specify the amount of time required or whether employer may designate the hours.	Not specified.	Employee must be paid (Tex. Elec. Code Ann. § 276.004(a)(2) and (c)).	Employee is excluded if employee has two consecutive nonworking hours while the polls are open (Tex. Elec. Code Ann. § 276.004(b)). Employer's violation of this provision is a class C misdemeanor (Tex. Elec. Code Ann. § 276.004(d)).
Utah	Up to two hours while the polls are open (Utah Code § 20A-3-103(1)(a)). Employer may specify	Employee must apply for leave before election day (Utah Code § 20A-3-103(1)(b)).	Employee must be paid (Utah Code § 20A-3-103(1)(d)).	Employee is excluded if employee has three or more nonworking hours while the polls are open (Utah Code § 20A-3-

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	the hours, but must grant requests for leave to be taken at the beginning or end of a shift (Utah Code § 20A-3-103(1)(c)).			103(2)). Employer's violation of this provision is a class B misdemeanor (Utah Code § 20A-3-103(3)).
West Virginia	Up to three hours, if necessary, when the polls are open. Employer may specify the hours if employee works in essential government, health, hospital, transportation, or communication services, or in an industry requiring continuous operations. (W. Va. Code § 3-1-42 .)	Employee must make a written demand at least three days before election day (W. Va. Code § 3-1-42).	Employee must be paid (W. Va. Code § 3-1-42).	If employee has three or more nonworking hours at any time while the polls are open and fails or neglects to vote, or elects not to vote during this period, employee may be subject to wage or salary deductions for the time spent away from work for voting (W. Va. Code § 3-1-42). Employer's violation of this provision is a misdemeanor. A corporation is subject to a fine of up to \$1,000, while non-corporate employers and individuals are subject to a fine of up to \$500, imprisonment for up to six months, or both. (W. Va. Code § 3-9-20 .)
Wisconsin	Up to three successive hours while the polls are open. Employer may specify the hours. (Wis. Stat. §§ 6.76(1) and 12.07(1) .)	Employee must provide notice before election day (Wis. Stat. § 6.76(1)).	Employee does not have to be paid, but employer may not subject employee to a penalty (Wis. Stat. §§ 6.76(2) and 12.07(1)).	Employer's violation of these provisions could lead to a fine of up to \$1,000, imprisonment for up to six months, or both (Wis. Stat. § 12.60(1)(b)).
Wyoming	One hour (excluding meal hour) while the polls are open. Employer may specify the hour. (Wyo. Stat. Ann. § 22-2-111(a) .)	Not specified.	Employee must be paid, if employee actually casts a legal vote (Wyo. Stat. Ann. § 22-2-111(a)).	Employee is excluded if employee has three or more consecutive nonworking hours while the polls are open (Wyo. Stat. Ann. § 22-2-111(b)). Employer's knowing violation of this provision is a misdemeanor, punishable by up to six months in jail, a fine of up to \$1,000, or both (Wyo. Stat. Ann. §§ 22-26-112, 22-26-120).

The following states do not have statutory voting leave laws covering private employers:

- Connecticut.
- Delaware.
- Florida.
- Idaho.
- Indiana.
- Louisiana.
- Maine.
- Michigan.
- Mississippi.
- Montana.
- New Hampshire.
- New Jersey.
- North Carolina.
- Oregon.
- Pennsylvania.
- Rhode Island.
- South Carolina.
- Vermont.
- Virginia.
- Washington.

The following four states hold all elections entirely by mail:

- Colorado ([C.R.S. § 1-5-401\(1\)](#)). Colorado also has a statutory voting leave law covering private employers ([C.R.S. § 1-7-102](#)).

- Hawaii ([HI ST § 11-101](#)).
- Oregon ([Or. Rev. Stat. § 254.465\(1\)](#)).
- Washington ([RCW 29A.40.010](#)).

Certain other states permit all-mail elections for special, municipal, or nonpartisan elections, or at the discretion of the county clerk.

Although the following states do not have statutory voting leave laws covering private employers, they do have other provisions that employers should be aware of:

- **Connecticut.** It is a class D felony for an employer to attempt to influence the vote of an employee by withholding or promising employment, or to dismiss an employee on account of a vote ([Conn. Gen. Stat. Ann. § 9-365](#)).
- **Delaware.** An employer may not threaten or coerce an employee because the employee is serving as an election officer on an election day, if the employee has vacation time accrued and is not in a critical need position. Violation of this provision may subject the employer to a civil action and constitutes criminal contempt, subjecting the employer to a fine of up to \$500, imprisonment for up to six months, or both. ([Del. Code Ann. tit. 15, § 4709\(a\) and \(b\)](#).)
- **Florida.** It is a third-degree felony for any employer to discharge or threaten to discharge any employee for voting or not voting in any election or for any candidate ([§ 104.081, Fla. Stat.](#)).
- **Idaho.** An employer may not attempt to influence any employee's vote by threatening violence, termination, a lawsuit, prosecution, or any other injury ([Idaho Code Ann. § 18-2319](#)).
- **Indiana.** It is a level 6 felony for an employer to include certain items with an employee's pay to influence the employee's political opinions, or to post a placard with threats that work will stop, that the location will be closed, or that wages will be reduced as a result of a particular election ([Ind. Code Ann. § 3-14-3-21](#)).
- **Louisiana.** An employer with 20 or more employees must not threaten termination of employment if its employees support or affiliate with any political organization, or participate in any political activities. Violation of this provision may result in a fine, imprisonment, or both. ([La. R.S. 23:961](#).) An employer must not discharge any laborer due to their political opinions, or attempt to control their votes by contract or agreement. Violation of this provision may result in a fine and imprisonment. ([La. R.S. 23:962](#).)
- **Michigan.** An employer may not, either directly or indirectly, discharge, or threaten to discharge, an employee to influence the employee's election vote ([MCL § 168.931\(1\)\(d\)](#)). Violation of this provision is a misdemeanor ([MCL § 168.931\(1\)\(n\)\(2\)](#)).
- **Mississippi.** An employer may not threaten or coerce an employee to vote or not vote for a particular person or group. Nor may an employer seek to influence an employee's vote. An employee may not canvass for or against any candidate during working hours. ([Miss. Code Ann. § 23-15-871](#).) Violation of this section is a crime punishable by a fine of no more than \$3,000, up to one-year imprisonment, or both ([Miss. Code Ann. § 97-13-37](#)).
- **Montana.** An employer may not include certain items with an employee's pay to influence the employee's political opinions. Additionally, an employer may not post a placard with threats that work will stop, that the location will be closed, or that wages will change as a result of a particular election. Violation of this provision may result in civil liability. ([Mont. Code Ann. § 13-35-226\(1\), \(2\), and \(5\)](#).)
- **New Jersey.** An employer may not include certain items with an employee's pay to influence the employee's political opinions. Additionally, an employer may not within 30 days of an election post a placard with threats that work will stop,

that the location will be closed, or that wages will be reduced because of a particular election. (N.J.S.A. 19:34-30.) It is a third-degree crime for an employer to threaten injury, damage, harm, or loss to influence, or because of, an employee's voting decision, or for an employer to use improper influence to impede the free exercise of a voter's franchise (N.J.S.A. 19:34-27).

- **North Carolina.** It is a class 2 misdemeanor for an employer to discharge or threaten to discharge an employee based on a voting decision (N.C.G.S. § 163A-1388(a)(7)).
- **Oregon.** An employer may not induce voting decisions and political activities by terminating, threatening to terminate, hiring, or promising employment (Or. Rev. Stat. § 260.665).
- **Pennsylvania.** It is a second-degree misdemeanor for an employer to include certain items with employees' pay to influence employees' political opinions. Additionally, employers may not post a placard with threats that work will stop, that the location will be closed, or that wages will be reduced because of a particular election. Violation of this provision is punishable by a fine of up to \$5,000, imprisonment of the responsible agents for up to two years, or both. (25 Pa. Stat. Ann. § 3547.)
- **Rhode Island.** It is a felony for an employer to post or to include certain items in a pay envelope to influence an employee's political actions or opinions. It is also a felony for an employer to include in a pay envelope a threat that work will stop, the establishment will close, or wages will be reduced based on the result of a particular election. Conviction results in an individual forfeiting his right to vote or hold public office or in a corporation forfeiting its charter. (R.I. Gen. Laws § 17-23-6.)
- **South Carolina.** An employer may not discharge an employee because of the employee's political opinions or for exercising the employee's political rights. A violation of this provision is a misdemeanor, carrying a fine of up to \$1,000, imprisonment for up to two years, or both. (S.C. Code Ann. § 16-17-560.)