

Employee Voting Rights: An Employers Guide to Required Time Off

Labor & Employment Law Update

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With the presidential election on November 5 rapidly approaching, registered voters are exploring various options for casting their ballots on Election Day.

One critical factor that may drive an individual's voting plan is their work schedule, which raises the question of whether employers are required to give their employees time off to vote.

The answer to that question varies depending on the state where the employee is located. Below is a summary of the requirements for private employer operating in certain Midwest states.

Illinois

Illinois requires employers to give employees two paid hours off to vote. If the employee's working hours begin less than two hours after opening of the polls and end less than two hours before closing of the polls, the employer must provide the employee a two-hour paid absence during working hours. However, the employer may decide when the hours are taken.

Employers may require that employees give at least one day of advance notice of their intent to take the time off and request paid leave. In addition, employers can request proof of an employee's eligibility to vote when evaluating a request for time off to vote. No proof of voting is required.

Indiana

Indiana has no voting leave statute. Thus, employers are not legally required to give their employees time off to vote.

Missouri

Missouri requires employers to give employees three paid hours off to vote. However, this leave is not required if the employee has three consecutive non-work hours available while the polls are open. Employees seeking to take leave to vote must give notice prior to Election Day. The employer may decide when the hours are taken.

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Ohio

Ohio requires employers to give employees a reasonable amount of time off to vote. The time is only paid for salaried employees. No advance notice or proof of voting is required. An employer cannot refuse to allow an employee to serve as an election official on Election Day.

Wisconsin

Wisconsin requires employers to allow employees up to three consecutive hours off to vote. The time is unpaid and employees must notify their employers of their intent to take the leave before Election Day. The employer may decide when the hours are taken. Employers may deduct from an employee's pay for lost time, but may not in any other way discipline or penalize an employee for their absence. No proof of voting is required.

Please note, each state mandate applies to leave time on Election Day. The leave mandates do not apply to early voting prior to November 5, 2024.

Given the vast differences in voting leave amongst states, employers should familiarize themselves with the laws in any state where they have employees and make key decision-makers aware of them. In addition, we emphasize the importance of making a plan in order to vote in the upcoming presidential election.