

Employee Voting Rights: Are Employers Required to Give Time Off to Vote?

Labor & Employment Law Update

By Suzannah Wilson Overholt on October 15, 2020

With the General Election on November 3rd rapidly approaching, registered voters are exploring various options for casting their ballots, be it through mail or in person early or on Election Day (November 3rd). 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 depends on the state where you work. A summary of the requirements from around the Midwest is below:

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's advance notice of their intent to take the time off and to request paid leave. No proof of voting is required.

Iowa requires employers to give employees as much time to vote as will add up to three hours when combined with non-work time. However, time off to vote is not required if the employee has three consecutive non-work hours available while the polls are open. The time off is paid but no proof of voting is required. Employees must give their employers written notice of their intent to take voting leave before the election. The employer may decide when the hours are taken.

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 and must actually vote to be paid. The employer may decide when the hours are taken.

Wisconsin also 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. No proof of voting is required.

Kentucky requires employers to give employees a minimum of four hours of time off to vote. The time is unpaid and employees must give one day's advance notice of their intent to take the time off. An employee who takes the time off but does not vote is subject to disciplinary action. The employer may decide when the hours are taken.

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.

Neither **Indiana** nor **Michigan** requires employers to allow employees time off to vote.

We encourage all registered voters to make a plan and cast their ballot.

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