



TO: The Honorable Joseph Baldacci
The Honorable Ann Matlack, Co-Chairs
Members of the Joint Standing Committee on State and Local Government

DATE: February 17, 2021

FROM: Penelope Hamblin, LWVME volunteer, South Portland

RE: Supplementary information on "time off to vote" laws for your work session on LDs 100 and 286

In my testimony on LDs 100 and 286, which would make Election Day a state holiday, I noted that some other states have to "time off to vote" laws. At Chairman Baldacci's request, here is a survey of state laws that require employers to grant employees time off to vote.

Overview:

Thirty states have laws requiring employers to grant time off to vote. Of these states, 23 require that the leave be paid.

The language of most laws requires that employees have two or three consecutive hours to vote. Most laws imply that workers are expected to use their off-duty time to vote to the maximum possible extent. Employees may arrive at work late or leave early if necessary to allow an adequate block of time for voting.

Example: New Mexico's statute. These provisions are similar to those of many states.

1-12-42. Conduct of election; employees; time to vote.

A. On election day a voter may absent himself from employment in which he is engaged for two hours for the purpose of voting between the time of opening and the time of closing the polls. The voter shall not be liable to any penalty for such absence; however, the employer may specify the hours during this period in which the voter may be absent.

B. The provisions of Subsection A of this section do not apply to an employee whose work day begins more than two hours subsequent to the time of opening the polls, or ends more than three hours prior to the time of closing the polls. (Section C. applies to tribes.)

D. A person who refuses the right granted in this section to an employee is guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100).

State-by-state laws

STATE	PROVISION	PAID LEAVE?	TITLE
ALABAMA	One hour	NO	Alabama Code 17 Elections 17 § 17-1-5
ALASKA	Unspecified leave	YES	Alaska Statute AS 15.15.100
ARIZONA	One or more paid hours	YES	Ariz. Rev. Stat. § 16-402
ARKANSAS	Time to vote must be granted.	NO	Ark. Code Ann. § 7-1-102
CALIFORNIA	Up to two hours	YES	Cal. Elec. Code § 14000
COLORADO	Up to two hours	YES	Colo. Rev. Stat. § 1-7-102
GEORGIA	Up to two hours	NO	Ga. Code Ann. § 21-2-404
HAWAII	Two hours	YES	Haw. Rev. Stat. § 11-95
ILLINOIS	Two hours	YES	10 Ill. Comp. Stat. § § 5/7-42, 5/17-15
IOWA	Adequate leave to allow three consecutive hours to vote.	YES	Iowa Code § 49.109
KANSAS	Up to two hours	YES	Kan. Stat. Ann. § 25-418
KENTUCKY	Not less than four hours	NO	Ky. Const. § 148; Ky. Rev. Stat. Ann. § 118.035
MARYLAND	Two hours	YES	Md. Code Ann. [Elec. Law] § 10-315
MASS	First two hours that polls are open	NO	MGL c.149 § 178
MINNESOTA	Unspecified time	YES	Minn. Stat. Ann. § 204C.04
MISSOURI	Three hours	YES	Mo. Rev. Stat. § 115.639
NEBRASKA	Enough time to allow employee two consecutive hours to vote	YES	Neb. Rev. Stat. § 32-922

NEVADA	Amount of time off is tied to distance from the polls.	YES	Nev. Rev. Stat. Ann. § 293.463
NEW MEXICO	Two hours	YES	N.M. Stat. Ann. § 1-12-42
NEW YORK	Up to three hours	YES	N.Y. Elec. Law § 3-110
NORTH DAKOTA	Employers are encouraged to give employees time off.	NO	N.D. Cent. Code § 16.1-01-02.1
OHIO	Reasonable time	YES	Ohio Rev. Code Ann. § 3599.06
OKLAHOMA	Two hours. Must show proof of voting.	YES	Okla. Stat. Ann. tit. 26, § 7-101
S. DAKOTA	Two hours	YES	S.D. Codified Laws Ann. § 12-3-5
TENNESSEE	Up to three hours	YES	Tenn. Code Ann. § 2-1-106
TEXAS	No time specified	YES	Tex. Elec. Code Ann. § 276.004
UTAH	Two hours	YES	Utah Code Ann. § 20A-3-103
W. VIRGINIA	Up to three hours	YES	W.Va. Code § 3-1-42
WISCONSIN	Up to three hours	NO	Wis. Stat. Ann. § 6.76
WYOMING	One hour	YES	Wyo. Stat. § 22-2-111
<p>Sources: https://www.nolo.com/legal-encyclopedia/taking-time-off-voting-jury-29708.html Individual state statutes</p>			