



Roundup: US employer resources on employee voting rights/trends

*By Stephanie Rosseau and Fiona Webster
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Federal law does not require private-sector employers to give employees time off to vote, but many state laws do. In March 2022, the Office of Personnel Management announced that federal employees may now receive up to four hours of administrative leave to vote in federal, state, local, tribal and territorial elections. Federal employees also may now use up to four hours of administrative leave per year to serve as nonpartisan poll workers or observers. To help employers address the related issues, this roundup provides links to some general information about voting rights and trends from organizations, government websites, third-party resources and news articles.

Federal Fair Labor Standards Act (FLSA)

- Compensation requirements — deductions: Under the FLSA, an exempt employee must receive a full day's pay for the partial day worked, as deductions for partial day absences generally violate the salary basis rule (Department of Labor)
- Exempt vs. non-exempt employee voting rights (Houston Chronicle)

State law resources

Multi-state resources

- States that require employers to grant employees time off to vote, 2020 (Ballotpedia)
- State laws on voting rights/time off to vote (Workplace Fairness)
- Voting & COVID-19: Links to state resources (Vote.org)
- Voting leave laws (Employment Law Handbook)
- NCSL state elections resources (National Conference of State Legislatures)
- Are we obligated to give employees time off from work to vote: The Society for Human Resource Management has provided sample policies, tools and resources for employers. Some access is limited to members only. (SHRM)

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- [Election day in USA in 2022 \(Office Holidays\)](#)
- [2022 employers' election guide: Voting leave, political speech in the workplace, NLR's protections and more — complimentary webinar \(Ford Harrison, Nov. 2, 2022\)](#)
- [Employers' rights, obligations for the upcoming election \(HR Watchdog, Oct. 18, 2022\)](#)
- [Election day is coming — A reminder of employer obligations \(Jackson Lewis, Oct. 12, 2022\)](#)
- [State laws guarantee time off to vote \(SHRM, Oct. 10, 2022\)](#)
- [Littler lightbulb: It's almost election time — What do employers need to know? \(Littler, Oct. 3, 2022\)](#)
- [State laws governing early voting \(National Conference of State Legislatures, Aug. 30, 2022\)](#)
- [Election day should be a 'day off' US President Joe Biden says \(Reuters, Jun. 24, 2021\)](#)
- [Make election day a national holiday \(Brookings Institution, June 23, 2021\)](#)
- [Time to vote: Employee and employer voting leave rights and obligations for the 2020 elections \(Ogletree Deakins, Oct. 30, 2020\)](#)
- [Election day leave policies — What employers need to know before November 3 \(Dickenson Wright, Oct. 22, 2020\)](#)
- [Employer voting leave obligations \(Troutman Pepper, Oct. 19, 2020\)](#)
- [This map shows which states guarantee time off from work to vote \(CNBC, Oct. 16, 2020\)](#)
- [Election season and the workplace, Part 2: Political leave laws \(Proskauer, Oct. 16, 2020\)](#)
- [State voting laws: Time off for employees \(GovDocs, Oct. 14, 2020\)](#)
- [Employees' right to take time off to vote or serve as an election official \(Reinhart Boerner Van Deuren, Oct. 12, 2020\)](#)
- [Voting leave: What US employers need to know as Election Day 2020 approaches \(Squire Patton Boggs, Oct. 9, 2020\)](#)
- [Election season and the workplace, Part 1: Employee 'free speech' and political activities \(Proskauer, Oct. 3, 2020\)](#)
- [Do I need to take PTO to vote? Ask HR \(USA Today, Oct. 1, 2020\)](#)
- [Dear Littler: What are our voting leave obligations? \(Littler, Sept. 30, 2020\)](#)
- [Are employees entitled to paid time off to vote? \(22 states say yes\) \(Paycor, Sept. 30, 2020\)](#)

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- [17 ways companies can help Americans vote safely](#) (Center for American Progress, Sept. 9, 2020)

Individual state resources

- California: [Time off to vote notices](#) (Secretary of State)
- [Voting leave law in California](#) (Work Lawyers, Aug. 17, 2022)
- [California law allows time off to vote on election day](#) (Secretary of State, Feb. 25, 2020)
- [Connecticut enacts law providing employees unpaid time off to vote](#) (Jackson Lewis, June 25, 2021)
- [Paid time off to vote: Illinois employers' obligations to employees on election day](#) (Greensfelder, Oct. 15, 2020)
- Illinois: [Gov. Pritzker signs legislation to expand vote by mail, promote safe participation in the 2020 election](#) (Government, June 16, 2020)
- Indiana: [List of 2020 state holidays](#) (Government)
- Maryland: [State employee holidays 2020](#) (Government)
- [Massachusetts law about time off to vote](#) (Government)
- [Massachusetts law about elections and voting](#) (Government)
- [Montana state holidays](#) (Government)
- [Election day reminder — Nevada law requires paid time off to vote](#) (Kamer Zucker Abbott, June 8, 2022)
- [New York state voting leave rights](#) (Government)
- [New York: Time off to vote notice](#) (Government)
- [Is politics at work business as usual? What New York employers need to know as the elections approach](#) (Ogletree Deakins, Oct. 15, 2020)
- [Voting-leave laws: What employers in New York should know before election day](#) (Lewis Brisbois, Oct. 12, 2020)
- [As election approaches, New York employers need to be aware of paid voting leave and voting rights posting requirements](#) (Littler, Oct. 1, 2020)
- [New voting leave laws in New York State and Washington D.C.](#) (Proskauer, May 19, 2020)
- [Puerto Rico's new electoral code creates two hours of paid voting leave](#) (Littler, Aug. 10, 2020)
- [Texas: Voting time off](#) (Government)

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- [Washington D.C. enacts paid voting leave](#) (Sequoia, July 24, 2020)

Company initiatives

- [Time to vote](#): A nonpartisan effort for companies that want to contribute to the culture shift needed to increase voter participation in US elections. The group is led by CEOs who are interested in increasing voter participation. (Time To Vote)
- [More businesses pledge time off to vote as leave laws stagnate](#) (Bloomberg Law, Oct. 26, 2022)
- [REI is opening its stores two hours late on election day so employees can vote](#) (Footwearnews, Sept. 27, 2022)

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