

# NO TIME TO VOTE

*Achieving Racial Equity in Paid Time Off on Election Day*

**NOVEMBER 2021**

**Joe Spielberger and Adam Fernandez  
Lawyers for Good Government**

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## Summary of Findings

- Historically, **the United States has denied the right to vote** and instituted monumental barriers to vote for Black people, women, Native Americans, non-English speakers, persons with disabilities, low-income individuals, people with felony convictions, and others.
- Many legal barriers remain today, including strict voter ID, “exact match” voter registration, voter purges, and cuts to polling locations, that **particularly target Black and Brown communities, and make it harder for them to vote.**
- After the *Shelby* Supreme Court case in 2013, states with histories of racism that previously needed federal approval to change their voting laws started enacting new laws and practices. Federal courts have found that **many of those laws systematically discriminate against Black and Brown voters.**
- During the 2016, 2018, and 2020 elections, Black and Brown voters waited longer to vote than white voters. **In 2016, voters in all-Black communities waited 29% longer than voters in all-white communities.**
- **Thirty states require employers to allow their employees time off to vote on Election Day.**
  - Twenty-three states require paid leave.
  - One state requires paid leave for salaried employees but not hourly employees.
  - Six additional states require leave that is unpaid.
- Most states that require leave to vote **cap the time requirement at one, two, or three hours, even though voters must often stand in line for far longer,** forcing them to choose between their income and exercising their right to vote.
- **Five states have authorized all-mail-in voting for all elections,** which allow many workers to vote without needing to leave work.
- There is growing momentum toward requiring employees to be able to leave work to vote on Election Day.
  - The **District of Columbia (2020) and Puerto Rico (2020) are the latest jurisdictions to require paid leave for voters.**
  - Legislators of both parties have introduced bills in recent years to require their states to **establish time off to vote in at least nine additional states.**

# Introduction

The right to cast a ballot is viewed by many as one of the most basic and fundamental rights of living in a free democracy. The act of voting is not merely a personal choice to make one's voice heard during an election, but is essential to guaranteeing our self-governance and individual liberty, and providing an essential check on governments who encroach upon that liberty. The U.S. Congress<sup>1</sup> and Supreme Court<sup>2</sup> have called the right to vote a fundamental right. However, fundamental rights must be protected. The discriminatory history of exclusionary voting laws in this country show that lawmakers and the courts have not given voting rights the same deference and scrutiny as other fundamental rights.

Strict prohibitions of and oppressive barriers to the franchise have long been a moral stain on the history of American democracy. The Constitution contains no explicit right to vote, and the Fifteenth Amendment protects the right to vote only from being “denied or abridged...on account of race, color, or previous condition of servitude.”<sup>3</sup> From the beginning, people have been denied equal representation, and forced to overcome tremendous barriers to vote, particularly Black Americans, women, Native Americans, non-English speakers, persons with disabilities, low-income citizens, and other communities. The Fifteenth Amendment did not prevent states from enacting poll taxes, literacy tests, and obstacles to deny Black people the vote

in the Jim Crow south.<sup>4</sup> While the Nineteenth Amendment granted most white women the right to vote, it excluded Black, Brown, Indigenous and Asian immigrant women.<sup>5</sup> The Indian Citizenship Act of 1924 granted citizenship, but forced Native Americans to fight state by state for the right to vote until 1962.<sup>6</sup> The “English Only” movement continues to target non-English speakers and those

4 The Library of Congress, “Voting Rights for African Americans,” accessed Oct. 27, 2021, <https://www.loc.gov/classroom-materials/elections/right-to-vote/voting-rights-for-african-americans/>

5 Anna North, “The 19th Amendment didn't give women the right to vote,” Vox, Aug. 18, 2020, <https://www.vox.com/2020/8/18/21358913/19th-amendment-ratified-anniversary-women-suffrage-vote>

6 Becky Little, “Native Americans Weren't Guaranteed the Right to Vote in Every State Until 1962,” History, Nov. 6, 2018, <https://www.history.com/news/native-american-voting-rights-citizenship>



1 The National Voter Registration Act, 42 U.S.C. § 1973gg.

2 *Reynolds v. Sims*, 377 U.S. 533, 561-62 (1964) (“Undoubtedly, the right of suffrage is a fundamental matter in a free and democratic society [and] preservative of other basic civil and political rights.”).

3 U.S. Const. amend. XV, § 1

more comfortable communicating in other languages by advocating that government documents, including ballots, only be printed in English. States have used the Americans with Disabilities Act as an excuse to close polling places in majority-Black and Native American counties,<sup>7</sup> thereby pitting one civil rights law against another. And the U.S. continues to deny statehood for the District of Columbia and Puerto Rico, restricting the right to representation of millions of American citizens of color, and even refuses to grant the most basic right of citizenship to residents of color in American Samoa.

Long after the historic Voting Rights Act of 1965 [“VRA”] was passed to eliminate many types of racial discrimination in voting, there remain legal barriers that especially keep communities of color from voting, and dilute their power when they do. Millions of citizens convicted of felonies, who are disproportionately Black,<sup>8</sup> remain ineligible to vote, even long after completing their sentences.<sup>9</sup> Black Americans are



already charged<sup>10</sup> and sentenced<sup>11</sup> at higher rates than whites for the same crimes.<sup>12</sup> Afterward, Black Americans of voting age are disenfranchised at a rate of more than four times that of non-Black Americans.<sup>13</sup> The Electoral College empowers white and rural voters over Black and Brown voters in urban areas.<sup>14</sup> And in 2013, the Supreme Court’s decision in *Shelby County v. Holder* opened the floodgates for states to enact new, legal voter suppression laws targeting communities of color. By removing federal oversight of changes to election laws in states with histories of race discrimination, the Court

stripped the Department of Justice of one of its primary authorities to curtail racism in state voting laws.<sup>15</sup> As a result states quickly enacted new voter suppression laws that would previously have been denied under the VRA. Many of these laws have been struck

7 Kira Lerner, “The ADA is being used to disenfranchise minority voters,” Think Progress, Aug. 22, 2018, <https://archive.thinkprogress.org/ada-voter-suppression-cd7031080bfd/>

8 Dyjuan Tatro, “Felony Disenfranchisement Suppresses the Votes of Black and Latinx Americans,” Vera Institute of Justice, Oct. 26, 2020, <https://www.vera.org/blog/felony-disenfranchisement-suppresses-the-votes-of-black-and-latinx-americans>

9 Jean Chung, “Voting Rights in the Era of Mass Incarceration: A Primer,” The Sentencing Project, July 28, 2021, <https://www.sentencingproject.org/publications/felony-disenfranchisement-a-primer/>

10 Timothy Williams, “Black People Are Charged at a Higher Rate Than Whites. What is Prosecutors Didn’t Know Their Race?” The New York Times, June 12, 2019, <https://www.nytimes.com/2019/06/12/us/prosecutor-race-blind-charging.html>

11 Erica Y. King, “Black men get longer prison sentences than white men for the same crime: Study,” ABC News, Nov. 17, 2017, <https://abcnews.go.com/Politics/black-men-sentenced-time-white-men-crime-study/story?id=51203491>

12 Drug Policy Institute, “Race and the Drug War,” accessed Oct. 27, 2021, <https://drugpolicy.org/issues/race-and-drug-war>

13 Christopher Uggen, Ryan Larson, and Sarah Shannon, “6 Million Lost Voters: State-Level Estimates of Felony Disenfranchisement,” The Sentencing Project, Oct. 6, 2016, <https://www.sentencingproject.org/publications/6-million-lost-voters-state-level-estimates-felony-disenfranchisement-2016/>

14 William Blake, “Electoral College benefits whiter states, study shows,” The Conversation, July 20, 2020, <https://theconversation.com/electoral-college-benefits-whiter-states-study-shows-142600>

15 *Shelby County v. Holder*, 570 U.S. 529 (2013).

down by federal courts as “motivated at least in part by an unconstitutional intent to target African American voters,” and drafted with “almost surgical precision” to suppress Black voters.<sup>16</sup>

Before *Shelby*, these states needed DOJ clearance to change election laws by showing that there would not be a discriminatory impact on Black voters and communities of color. Since *Shelby*, states can now make changes without having to get permission from the DOJ. Since the 2020 election, at least nine states have passed voter suppression laws,<sup>17</sup> and the past few years have seen hundreds of anti-voting bills introduced in at least 48 states.<sup>18</sup>

Some of these new laws and practices, including voter ID, “exact match” voter registration, and voter purges, may seem to be racially neutral, but have been shown to suppress minority voters of their rights by making it more difficult to vote.<sup>19</sup> For instance, under the guise of combating voter fraud, which studies show is extremely rare, states have enacted strict voter ID requirements, even though millions of Americans, disproportionately people of

color, lack the required identification. After Georgia established an “exact match” voting law, approximately 80 percent of people whose registrations were blocked were people of color. And voter purge rates in jurisdictions previously covered under the VRA are 40 percent higher than in other jurisdictions.<sup>20</sup>

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20 Id.

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16 NPR, “N.C. Judges Strike Down A Voter ID Law They Say Discriminates Against Black Voters,” Sept. 17, 2021, <https://www.npr.org/2021/09/17/1038354159/n-c-judges-strike-down-a-voter-id-law-they-say-discriminates-against-black-voter>

17 Benjamin Swasey, “Map: See Which States Have Restricted Voter Access, And Which States Have Expanded It,” Sept. 7, 2021, <https://www.npr.org/2021/08/13/1026588142/map-see-which-states-have-restricted-voter-access-and-which-states-have-expanded>


18 American Civil Liberties Union, “Block the Vote: How Politicians are Trying to Block Voters from the Ballot Box,” updated Aug. 18, 2021, <https://www.aclu.org/news/civil-liberties/block-the-vote-voter-suppression-in-2020/>

19 Theodore R. Johnson and Max Feldman, “The New Voter Suppression,” Brennan Center for Justice, Jan. 16, 2020, <https://www.brennancenter.org/our-work/research-reports/new-voter-suppression>





**“The discriminatory history of exclusionary voting laws in this country show that lawmakers and the courts have not given voting rights the same deference and scrutiny as other fundamental rights.”**



# Poll Location Closures Lead to Longer Wait Times in Black and Latino Precincts

Between 2012 and 2018, states formally under federal oversight under the VRA closed 1,688 polling places.<sup>21</sup> Many of these jurisdictions are also experiencing increased voter registrations, particularly in communities of color, crowding more Black and Brown voters into fewer polling locations. Over this time, the average number of voters assigned to polling locations grew in South Carolina, Georgia, Mississippi, and Louisiana, states that the VRA previously required to get DOJ clearance.<sup>22</sup>

In Texas, state officials targeted Black and Latino voters by deciding that almost three-fourths of poll location closures would be in counties that saw the highest increase in Black and Latino voters during this period.<sup>23</sup>

Georgia's decision to reduce the number of polling locations statewide caused long lines in majority-Black neighborhoods. Since *Shelby*, nearly two million new voters have registered, but Georgia closed 10% of polling locations. As a result, the number of voters assigned to each polling location has grown by almost 40%.<sup>24</sup> During the 2020 election, voters in Georgia waited in hours-long lines,<sup>25</sup> sometimes up to eleven hours.<sup>26</sup>

21 The Leadership Conference Education Fund, "Democracy Diverted: Polling Place Closures and the Right to Vote," Sept. 2019, <http://civilrightsdocs.info/pdf/reports/Democracy-Diverted.pdf>

22 Hannah Klain, Kevin Morris, Rebecca Ayala, & Max Feldman, "Waiting to Vote," Brennan Center for Justice, June 3, 2020, <https://www.brennancenter.org/our-work/research-reports/waiting-vote>

23 Richard Salame, "Texas closes hundreds of polling sites, making it harder for minorities to vote," The Guardian, Mar. 2, 2020, <https://www.theguardian.com/us-news/2020/mar/02/texas-polling-sites-closures-voting>

24 Stephen Fowler, "Why Do Nonwhite Georgia Voters Have To Wait In Line For Hours? Too Few Polling Places," NPR, Oct. 17, 2020, <https://www.npr.org/2020/10/17/924527679/why-do-nonwhite-georgia-voters-have-to-wait-in-line-for-hours-too-few-polling-pl>

25 Suman Naishadham, "'Just ridiculous': what it's like to wait five hours in line to vote in the US," The Guardian, June 11, 2020, <https://www.theguardian.com/us-news/2020/jun/11/atlanta-georgia-primary-election-voting-wait>

26 Sam Levine, "More than 10-hour wait and long lines as early voting starts in Georgia," The Guardian, Oct. 12, 2020, <https://www.theguardian.com/us-news/2020/oct/13/more-than-10-hour-wait-and-long-lines-as-early-voting-starts-in-georgia>





During the 2016,<sup>27</sup> 2018,<sup>28</sup> and 2020<sup>29</sup> elections, Black, Brown, and low-income voters waited in longer lines to vote than people in whiter and more affluent communities, and race was the strongest determinant of longer wait times.<sup>30</sup> Voters in all-Black communities waited 29% longer in line to vote compared to voters in all-white communities, and were 74% more likely to spend over 30 minutes to vote.<sup>31</sup>

These are policy decisions, nominally about the allocation of resources, but more aptly about deciding which part of the electorate should have an easier or more difficult experience voting, and ultimately, whose voices should be prioritized in electoral outcomes. Long lines suppress current voters and future turnout as well.<sup>32</sup>

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27 M. Keith Chen, Kareem Haggag, Devin G. Pope, & Ryne Rohla, “Racial Disparities In Voting Wait Times: Evidence From Smartphone Data,” National Bureau of Economic Research, Nov. 2019, [https://www.nber.org/system/files/working\\_papers/w26487/w26487.pdf](https://www.nber.org/system/files/working_papers/w26487/w26487.pdf)

28 Matthew Weil, Charles Stewart III, Tim Harper, & Christopher Thomas, “The 2018 Voting Experience: Polling Place Lines,” Bipartisan Policy Center, Nov. 4, 2019, <https://bipartisanpolicy.org/report/the-2018-voting-experience/>

29 Kevin Quealy and Alicia Parlapiano, “Election Day Voting in 2020 Took Longer in America’s Poorest Neighborhoods,” The New York Times, Jan. 4, 2021, <https://www.nytimes.com/interactive/2021/01/04/upshot/voting-wait-times.html>

30 “The 2018 Voting Experience: Polling Place Lines,” <https://bipartisanpolicy.org/report/the-2018-voting-experience/>

31 “Racial Disparities in Voting Wait Times: Evidence From Smartphone Data,” [https://www.nber.org/system/files/working\\_papers/w26487/w26487.pdf](https://www.nber.org/system/files/working_papers/w26487/w26487.pdf)

32 Stephen Pettigrew, “The downstream consequences of long waits: How lines at the precinct depress future turnout,” *Electoral Studies*, 102188, Aug. 20, 2020 (advanced online publication), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7438211/>



# Paid Leave to Vote is a Racial Justice Issue

Although the voting landscape continues to change, which may enable more people to vote early or absentee, significant numbers of people continue to vote in person on Election Day. While as a nation we have progressed beyond the overt racism of poll taxes and literacy tests, a persistent barrier has been long lines to vote and the so-called “time tax,”<sup>33</sup> which taxes Black Americans more heavily.<sup>34</sup>

The United States is currently one of only nine member countries of the Organization for Economic Cooperation and Development to hold elections on a weekday.<sup>35</sup> Federal and state laws should not require voters to risk their income by exercising their right to vote. For workers paid by the hour, lost time means fewer earnings. Even among states that do allow for paid time off, the amount of time may be insufficient for those who lack transportation, who must travel longer distances and stand in longer lines in counties with fewer polling locations, and those whose job or family care obligations may prevent them from voting altogether.

Although many structural changes must occur, one small step is for states to require that employees have time to vote without penalty or loss of wages. Close to 60 years after the ratification of the 24th Amendment to the

U.S. Constitution outlawed poll taxes, workers should not have to pay to vote, nor should they be forced to decide between exercising a fundamental right over their income.

Companies increasingly agree with this principle. Currently, almost 2,000 corporations have become members of Time to Vote,<sup>36</sup> empowering their employees to take paid leave to vote. Additionally, over the past four years, legislators of both parties in nine states without required leave have introduced bills to require leave in their state,<sup>37</sup> although most would still fail to guarantee an adequate amount of paid leave time. This represents a growing shift in culture and the law, and it is time to ensure that all employees have this right, regardless of their state or employer.

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33 Elora Mukherjee, “Abolishing the Time Tax on Voting,” *Notre Dame L. Rev.* 85:1, 177, <http://ndlawreview.org/wp-content/uploads/2013/07/Mukherjee.pdf>

34 Sendhil Mullainathan, “For Racial Justice, Employees Need Paid Hours Off for Voting,” June 12, 2020, <https://www.nytimes.com/2020/06/12/business/for-racial-justice-employees-need-paid-hours-off-for-voting.html>

35 Drew DeSilver, “Weekday elections set the U.S. apart from many other advanced democracies,” Pew Research Center, Nov. 6, 2018, <https://www.pewresearch.org/fact-tank/2018/11/06/weekday-elections-set-the-u-s-apart-from-many-other-advanced-democracies/>

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36 Time to Vote, “Members,” accessed October 25, 2021, <https://www.maketimetovote.org/pages/members>

37 Internet search of National Conference of State Legislatures’ state bill tracking database (<https://www.ncsl.org/research/elections-and-campaigns/elections-legislation-database.aspx>)

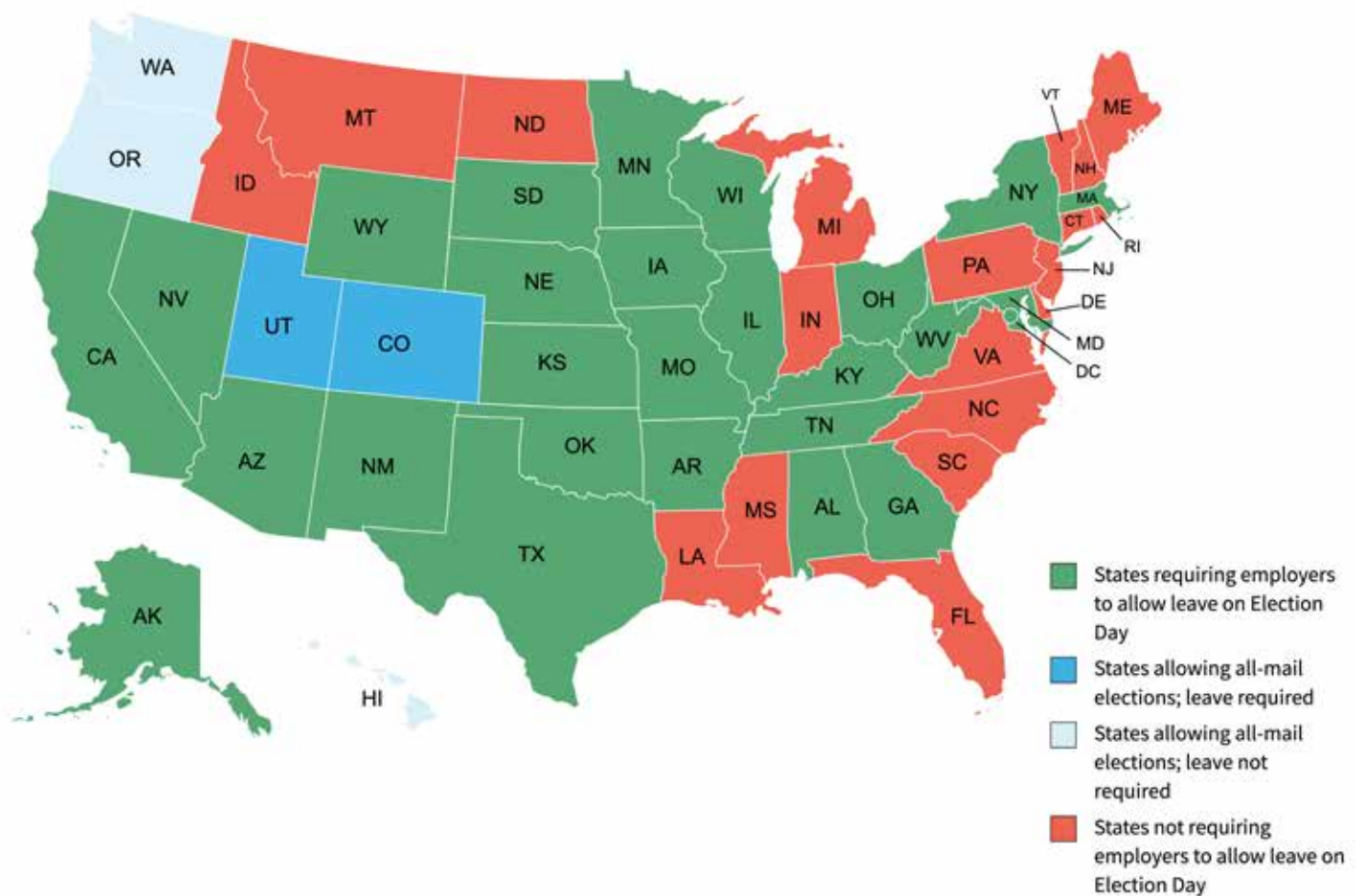
identified bills that were introduced but not passed between 2018 and 2021 in Connecticut, Mississippi, Montana, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, and Virginia.

# Overview of State Laws

Federal law does not require employers to provide leave for employees to vote, and state laws vary with regard to requiring leave, how much leave can be taken, and whether leave is paid or unpaid. Thirty states require employee leave time to vote on Election Day, while twenty-two do not. Five states (Colorado, Hawaii, Oregon, Utah, and Washington) have established all-mail-in voting for elections.

Only two states guarantee employees the full amount of time necessary to vote. One state requires four hours of leave, six states require three hours of leave, fifteen require two hours of leave, two require one hour of leave, and four provide an unspecified or “reasonable” amount of leave.

## States Requiring Employee Leave to Vote on Election Day





<b>Amount of Required Leave Time</b>	<b>States</b>
The time necessary to vote	Alaska, Minnesota
4 hours	Kentucky
3 hours	Arizona, Iowa, Missouri, Tennessee, West Virginia, Wisconsin
2 hours	California, Colorado,* District of Columbia, Georgia, Illinois, Kansas, Maryland, Massachusetts, Nebraska, New Mexico, New York, Oklahoma, Puerto Rico, South Dakota, Utah*
1 hour	Alabama, Wyoming
Other	Arkansas (requires employers to schedule work hours so that employees may vote), Nevada (amount of leave is based on distance from polling place), Ohio ("reasonable amount of time"), Texas (allows employees to be "absent from work...for the purpose of attending the polls to vote")
No leave required	Connecticut, Delaware, Florida, Hawaii, Idaho, Indiana, Louisiana, Maine, Michigan, Mississippi, Montana, New Hampshire, New Jersey, North Carolina, North Dakota, Oregon, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, Washington



However, this is too often insufficient, when states from Alabama<sup>38</sup> to Wisconsin,<sup>39</sup> and Arizona<sup>40</sup> to Ohio<sup>41</sup> force their residents to wait several more hours in line to vote, and make the difficult choice of whether to stay and cast a ballot while jeopardizing their income.

Of the states that require leave on Election Day, twenty-three require paid leave for all workers, one state requires paid leave for salaried workers only,<sup>42</sup> and six states require unpaid leave.

38 Kim Chandler, “Long absentee lines draw vote suppression criticism,” AP News, Oct. 29, 2020, <https://apnews.com/article/virus-outbreak-alabama-elections-voting-fraud-and-irregularities-tuscaloosa-7b3866e95439398e29c1deeb0d6f139f>

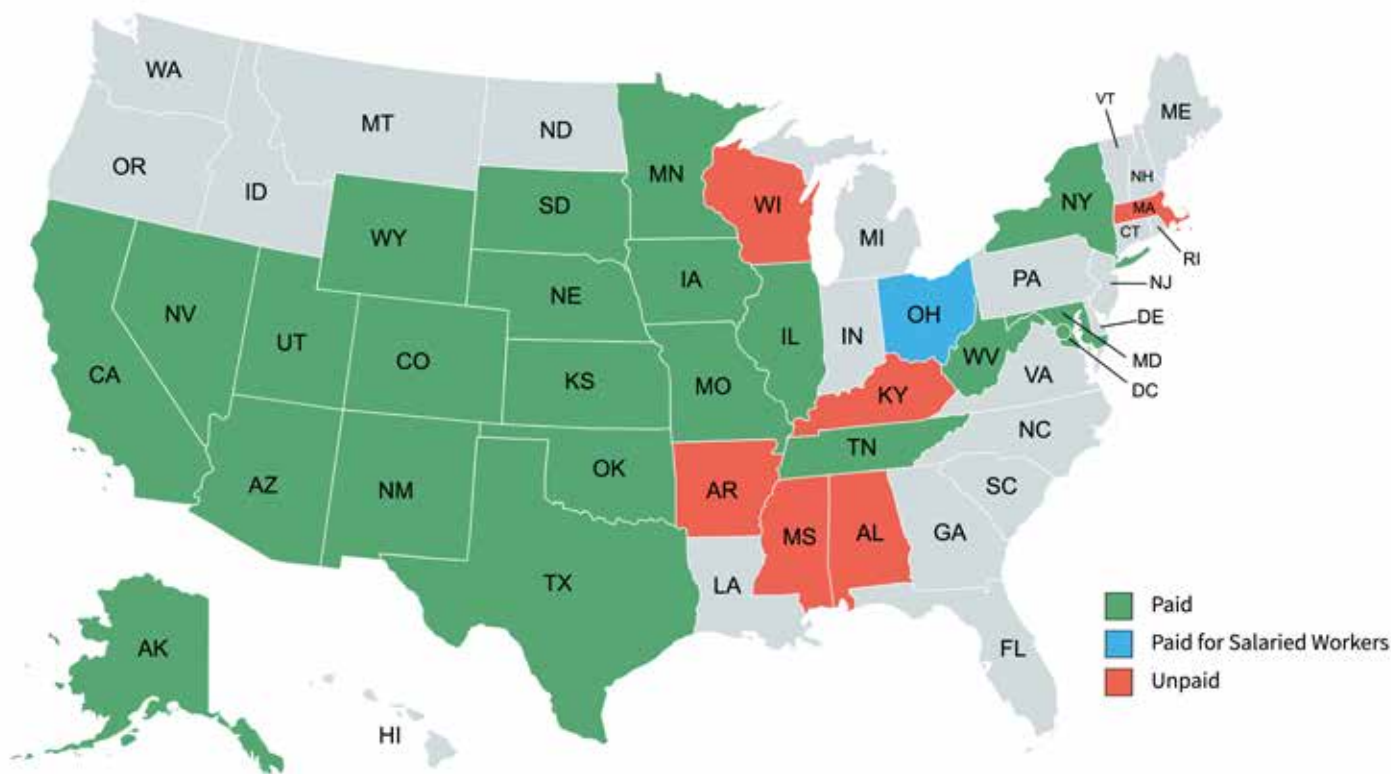
39 Katelyn Burns, “Wisconsin voters are waiting in 5-hour lines in the middle of a deadly pandemic,” Vox, Apr. 7, 2020, <https://www.vox.com/policy-and-politics/2020/4/7/21211879/wisconsin-voters-lines-election-primary>

40 Ari Berman, “There Were Five-Hour Lines to Vote in Arizona Because the Supreme Court Gutted the Voting Rights Act,” BillMoyers.com, Mar. 23, 2016, <https://billmoyers.com/story/there-were-five-hour-lines-to-vote-in-arizona-because-the-supreme-court-gutted-the-voting-rights-act/>

41 Segann March and Hannah K. Sparling, “Ohio election: Voters waiting three to four hours in Clermont County,” Cincinnati Enquirer, Nov. 1, 2020, <https://www.cincinnati.com/story/news/2020/11/01/early-voting-clermont-county-lines-3-4-hours-long/6116020002/>

42 While Ohio’s statute is unclear on this point, an Ohio Attorney General’s opinion has interpreted the law to require paid leave only for salaried, not hourly workers.

## States Requiring Paid Leave to Vote on Election Day



# Recommended Policy

*The following model policy is based on L4GG's work researching election laws in 52 states and jurisdictions, and identifying the strongest provisions that currently exist in state law. This policy guarantees that all workers will have the necessary amount of time to leave work to vote without penalty or loss of pay, and provides a private right of action to hold employers accountable if they violate the policy.*

Any eligible voter has the right to be absent from work without penalty or loss of pay for the amount of time necessary to travel to and from the voter's polling place and cast a ballot or attempt to cast a ballot in any federal, state, county, municipal, or tribal election. Any employer or other person may not directly or indirectly refuse or interfere with this right of an employee.

An employer or other person who refuses or interferes with this right of an employee, or subjects the employee to a penalty or reduction in wages due to the employee's absence for the purpose of exercising this right, is guilty of a misdemeanor.

A person may file a civil action in a court of competent jurisdiction within the State against a person or employer who violates this subtitle.

If a claimant prevails in an action brought under this subtitle, the court shall award:

- (1) injunctive relief sufficient to prevent the defendant from violating this subtitle;
- (2) statutory damages not less than \$10,000 for each violation of this subtitle; and
- (3) costs and attorney's fees.

An employer shall post in the place of work a notice setting forth the provisions of this section. This notice shall be in a conspicuous place, where employees report to work, and on the employer's website, if applicable. This notice shall be posted no later than ten working days before every election, and shall remain posted until the close of polls on election day.

*We recommend that legislatures ensure that all workers have the necessary amount of time to leave work to vote without penalty or loss of pay.*

# APPENDIX: A Survey of Laws Allowing Paid Time Off to Vote on Election Day in the 50 States, the District of Columbia, and Puerto Rico

The following appendix is a survey of the laws of the 50 states, DC, and Puerto Rico on the following questions:

- (1) Does this state allow employees to take leave from work to vote on Election Day?
- (2) How long are employees allowed to take leave to vote on Election Day?
- (3) Is leave to vote on Election Day paid or unpaid?
- (4) What is the maximum penalty employers face for violating the statute?

*The information provided in this report does not, and is not intended to, constitute legal advice.*

The appendix includes citations along with hyperlinks to where in the law these provisions reside, to show how simple it would be to change these laws to provide workers' leave to vote. A motivated advocate in a state could encourage a lawmaker to simply require employers to provide their workers paid leave to vote. Or take a law that does so, and change it so workers have the *necessary amount of time needed* to vote.

## ALABAMA

**Does this state allow employees to take leave from work to vote on Election Day?**

Yes. [AL Code § 17-1-5](#).

**How long are employees allowed to take leave to vote on Election Day?**

1 hour. [AL Code § 17-1-5](#).

**Is leave to vote on Election Day paid or unpaid?**

Unpaid. [AL Code § 17-1-5](#).

**What is the maximum penalty that employers face for violating the statute?**

N/A

## ALASKA

**Does this state allow employees to take leave from work to vote on Election Day?**

Yes. [AK Stat. § 15.15.100](#).

**How long are employees allowed to take leave to vote on Election Day?**

As much as needed (not specified). [AK Stat. § 15.15.100](#).

**Is leave to vote on Election Day paid or unpaid?**

Paid. [AK Stat. § 15.15.100](#).

**What is the maximum penalty that employers face for violating the statute?**

Violation, subject to a fine up to \$500. [AK Stat. § 15.56.100](#).





**Alaska has one of the most generous paid leave to vote policies: Employees are allowed as much time as needed to vote, and employers are required to pay them for their time to vote.**



## ARIZONA

**Does this state allow employees to take leave from work to vote on Election Day?**

Yes. [AZ Rev. Stat. § 16-402](#).

**How long are employees allowed to take leave to vote on Election Day?**

3 hours. [AZ Rev. Stat. § 16-402](#).

**Is leave to vote on Election Day paid or unpaid?**

Paid. [AZ Rev. Stat. § 16-402](#).

**What is the maximum penalty that employers face for violating the statute?**

Class 2 misdemeanor, subject to a fine up to \$750, imprisonment up to four months, or both. [AZ Rev. Stat. § 16-402](#).

## ARKANSAS

**Does this state allow employees to take leave from work to vote on Election Day?**

Yes. [Ark. Code § 7-1-102](#).

**How long are employees allowed to take leave to vote on Election Day?**

Unspecified. [Ark. Code § 7-1-102](#).

**Is leave to vote on Election Day paid or unpaid?**

Unpaid. [Ark. Code § 7-1-102](#).

**What is the maximum penalty that employers face for violating the statute?**

Fine between \$25 and \$250. [Ark. Code § 7-1-102](#).



## CALIFORNIA

**Does this state allow employees to take leave from work to vote on Election Day?**

Yes. [Cal. Elec. Code § 14000](#).

**How long are employees allowed to take leave to vote on Election Day?**

2 hours. [Cal. Elec. Code § 14000](#).

**Is leave to vote on Election Day paid or unpaid?**

Paid. [Cal. Elec. Code § 14000](#).

**What is the maximum penalty that employers face for violating the statute?**

N/A

## COLORADO

**Does this state allow employees to take leave from work to vote on Election Day?**

Yes. [Colo. Rev. Stat. § 1-7-102](#), [Colo. Rev. Stat. § 31-10-603](#).

**How long are employees allowed to take leave to vote on Election Day?**

2 hours. [Colo. Rev. Stat. § 1-7-102](#), [Colo. Rev. Stat. § 31-10-603](#).

**Is leave to vote on Election Day paid or unpaid?**

Paid. [Colo. Rev. Stat. § 1-7-102](#), [Colo. Rev. Stat. § 31-10-603](#).

**What is the maximum penalty that employers face for violating the statute?**

Misdemeanor, subject to a fine up to \$1,000, imprisonment up to one year, or both.  
[Colo. Rev. Stat. § 1-13-719](#), [Colo. Rev. Stat. § 31-10-1522](#).

## CONNECTICUT

**Does this state allow employees to take leave from work to vote on Election Day?**

No. [Conn. Gen. Stat. §§ 9-164 to 9-237a; 9-365 to 9-366](#).

**How long are employees allowed to take leave to vote on Election Day?**

N/A

**Is leave to vote on Election Day paid or unpaid?**

N/A

**What is the maximum penalty that employers face for violating the statute?**

N/A

## DELAWARE

**Does this state allow employees to take leave from work to vote on Election Day?**

No. [Del. Code tit. 15, §§ 4101 to 6107](#).

**How long are employees allowed to take leave to vote on Election Day?**

N/A

**Is leave to vote on Election Day paid or unpaid?**

N/A

**What is the maximum penalty that employers face for violating the statute?**

N/A

## FLORIDA

**Does this state allow employees to take leave from work to vote on Election Day?**

No. [Fla. Stat. §§ 97.011 to 107.11](#).

**How long are employees allowed to take leave to vote on Election Day?**

N/A

**Is leave to vote on Election Day paid or unpaid?**

N/A

**What is the maximum penalty that employers face for violating the statute?**

N/A

## GEORGIA

**Does this state allow employees to take leave from work to vote on Election Day?**

Yes. [Ga. Code § 21-2-404](#).

**How long are employees allowed to take leave to vote on Election Day?**

2 hours. [Ga. Code § 21-2-404](#).

**Is leave to vote on Election Day paid or unpaid?**

Unpaid. [Ga. Code § 21-2-404](#).

**What is the maximum penalty that employers face for violating the statute?**

Misdemeanor, subject to a fine up to \$1,000, imprisonment up to one year, or both. [Ga. Code §§ 21-2-404, 21-2-598](#).

## HAWAII

**Does this state allow employees to take leave from work to vote on Election Day?**

No. [Haw. Rev. Stat. §§ 11-91 to 11-140](#).

**How long are employees allowed to take leave to vote on Election Day?**

N/A

**Is leave to vote on Election Day paid or unpaid?**

N/A

**What is the maximum penalty that employers face for violating the statute?**

N/A

## IDAHO

**Does this state allow employees to take leave from work to vote on Election Day?**

No. [Idaho Code §§ 34-401 to 34-437B](#).

**How long are employees allowed to take leave to vote on Election Day?**

N/A

**Is leave to vote on Election Day paid or unpaid?**

N/A

**What is the maximum penalty that employers face for violating the statute?**

N/A

## ILLINOIS

**Does this state allow employees to take leave from work to vote on Election Day?**

Yes. [10 Ill. Comp. Stat. §§ 5/7-42](#), [10 Ill. Comp. Stat. § 5/17-15](#).

**How long are employees allowed to take leave to vote on Election Day?**

2 hours. [10 Ill. Comp. Stat. §§ 5/7-42](#), [10 Ill. Comp. Stat. § 5/17-15](#).

**Is leave to vote on Election Day paid or unpaid?**

Paid. [10 Ill. Comp. Stat. §§ 5/7-42](#), [10 Ill. Comp. Stat. § 5/17-15](#).

**What is the maximum penalty that employers face for violating the statute?**

Class A misdemeanor, subject to a fine up to \$2,500, imprisonment up to one year, or both. [10 Ill. Comp. Stat. § 5/29-12](#).



## INDIANA

**Does this state allow employees to take leave from work to vote on Election Day?**

No. [Ind. Code §§ 3-5-1-0.3 to 3-5-9-7](#).

**How long are employees allowed to take leave to vote on Election Day?**

N/A

**Is leave to vote on Election Day paid or unpaid?**

N/A

**What is the maximum penalty that employers face for violating the statute?**

N/A

## IOWA

**Does this state allow employees to take leave from work to vote on Election Day?**

Yes. [Iowa Code §§ 49.109](#).

**How long are employees allowed to take leave to vote on Election Day?**

3 hours. [Iowa Code §§ 49.109](#).

**Is leave to vote on Election Day paid or unpaid?**

Paid. [Iowa Code §§ 49.109](#).

**What is the maximum penalty that employers face for violating the statute?**

Simple misdemeanor, subject to a fine between \$65 and \$625, imprisonment up to 30 days, or both. [Iowa Code § 39A.5](#).

## KANSAS

**Does this state allow employees to take leave from work to vote on Election Day?**

Yes. [Kan. Stat. § 25-418](#).

**How long are employees allowed to take leave to vote on Election Day?**

2 hours. [Kan. Stat. § 25-418](#).

**Is leave to vote on Election Day paid or unpaid?**

Paid. [Kan. Stat. § 25-418](#).

**What is the maximum penalty that employers face for violating the statute?**

Class A misdemeanor, subject to a fine up to \$1,000, imprisonment up to one year, or both



## KENTUCKY

**Does this state allow employees to take leave from work to vote on Election Day?**

Yes. [Ky. Rev. Stat. § 118.035](#).

**How long are employees allowed to take leave to vote on Election Day?**

4 hours. [Ky. Rev. Stat. § 118.035](#).

**Is leave to vote on Election Day paid or unpaid?**

Unpaid. [Ky. Rev. Stat. § 118.035](#).

**What is the maximum penalty that employers face for violating the statute?**

N/A

## LOUISIANA

**Does this state allow employees to take leave from work to vote on Election Day?**

No. [La. Stat. §§ 18:1 to 18:1951](#).

**How long are employees allowed to take leave to vote on Election Day?**

N/A

**Is leave to vote on Election Day paid or unpaid?**

N/A

**What is the maximum penalty that employers face for violating the statute?**

N/A

## MAINE

**Does this state allow employees to take leave from work to vote on Election Day?**

No. [Me. Stat. tit. 21, §§ 1 to 1622](#).

**How long are employees allowed to take leave to vote on Election Day?**

N/A

**Is leave to vote on Election Day paid or unpaid?**

N/A

**What is the maximum penalty that employers face for violating the statute?**

N/A

## MARYLAND

**Does this state allow employees to take leave from work to vote on Election Day?**

Yes. [Md. Elec. Law Code § 10-315](#).

**How long are employees allowed to take leave to vote on Election Day?**

2 hours. [Md. Elec. Law Code § 10-315](#).

**Is leave to vote on Election Day paid or unpaid?**

Paid. [Md. Elec. Law Code § 10-315](#).

**What is the maximum penalty that employers face for violating the statute?**

N/A

## MASSACHUSETTS

**Does this state allow employees to take leave from work to vote on Election Day?**

Yes. [Mass. Gen. Laws ch. 149, § 178](#).

**How long are employees allowed to take leave to vote on Election Day?**

2 hours. [Mass. Gen. Laws ch. 149, § 178](#).

**Is leave to vote on Election Day paid or unpaid?**

Unpaid. [Mass. Gen. Laws ch. 149, § 178](#).

**What is the maximum penalty that employers face for violating the statute?**

Fine up to \$500. [Mass. Gen. Laws ch. 149, § 180](#).

## MICHIGAN

**Does this state allow employees to take leave from work to vote on Election Day?**

No. [Mich. Comp. Laws §§ 168.1 to 168.992](#).

**How long are employees allowed to take leave to vote on Election Day?**

N/A

**Is leave to vote on Election Day paid or unpaid?**

N/A

**What is the maximum penalty that employers face for violating the statute?**

N/A

## MINNESOTA

**Does this state allow employees to take leave from work to vote on Election Day?**

Yes. [Minn. Stat. § 204C.04](#).

**How long are employees allowed to take leave to vote on Election Day?**

“For the time necessary.” [Minn. Stat. § 204C.04](#).

**Is leave to vote on Election Day paid or unpaid?**

Paid. [Minn. Stat. § 204C.04](#).

**What is the maximum penalty that employers face for violating the statute?**

Misdemeanor, subject to a fine up to \$1,000, imprisonment up to 90 days, or both. [Minn. Stat. § 204C.04](#).

## MISSISSIPPI

**Does this state allow employees to take leave from work to vote on Election Day?**

No. [Miss. Code § 23-15-871](#).

**How long are employees allowed to take leave to vote on Election Day?**

N/A

**Is leave to vote on Election Day paid or unpaid?**

N/A

**What is the maximum penalty that employers face for violating the statute?**

N/A

## MISSOURI

**Does this state allow employees to take leave from work to vote on Election Day?**

Yes. [Mo. Rev. Stat. § 115.639](#).

**How long are employees allowed to take leave to vote on Election Day?**

3 hours. [Mo. Rev. Stat. § 115.639](#).

**Is leave to vote on Election Day paid or unpaid?**

Paid. [Mo. Rev. Stat. § 115.639](#).

**What is the maximum penalty that employers face for violating the statute?**

Class 4 election offense, subject to a fine up to \$2,500, imprisonment up to one year, or both. [Mo. Rev. Stat. § 115.639](#).

## MONTANA

**Does this state allow employees to take leave from work to vote on Election Day?**

No. [Mont. Code §§ 13-1-101 to 13-1-506](#).

**How long are employees allowed to take leave to vote on Election Day?**

N/A

**Is leave to vote on Election Day paid or unpaid?**

N/A

**What is the maximum penalty that employers face for violating the statute?**

N/A

## NEBRASKA

**Does this state allow employees to take leave from work to vote on Election Day?**

Yes. [Neb. Rev. Stat. § 32-922](#).

**How long are employees allowed to take leave to vote on Election Day?**

2 hours. [Neb. Rev. Stat. § 32-922](#).

**Is leave to vote on Election Day paid or unpaid?**

Paid. [Neb. Rev. Stat. § 32-922](#).

**What is the maximum penalty that employers face for violating the statute?**

N/A

## NEVADA

**Does this state allow employees to take leave from work to vote on Election Day?**

Yes. [Nev. Rev. Stat. § 293.463](#).

**How long are employees allowed to take leave to vote on Election Day?**

Up to 3 hours, depending on distance from the polling location. [Nev. Rev. Stat. § 293.463](#).

**Is leave to vote on Election Day paid or unpaid?**

Paid. [Nev. Rev. Stat. § 293.463](#).

**What is the maximum penalty that employers face for violating the statute?**

Misdemeanor, subject to a fine up to \$1,000, imprisonment up to six months, or both. [Nev. Rev. Stat. § 293.463](#).

## NEW HAMPSHIRE

**Does this state allow employees to take leave from work to vote on Election Day?**

No. [N.H. Rev. Stat. §§ 652:1 to 652:27](#).

**How long are employees allowed to take leave to vote on Election Day?**

N/A

**Is leave to vote on Election Day paid or unpaid?**

N/A

**What is the maximum penalty that employers face for violating the statute?**

N/A

## NEW JERSEY

**Does this state allow employees to take leave from work to vote on Election Day?**

No. [N.J. Rev. Stat. §§ 19:1-1 to 19:63-31](#).

**How long are employees allowed to take leave to vote on Election Day?**

N/A

**Is leave to vote on Election Day paid or unpaid?**

N/A

**What is the maximum penalty that employers face for violating the statute?**

N/A

## NEW MEXICO

**Does this state allow employees to take leave from work to vote on Election Day?**

Yes. [N.M. Stat. § 1-12-42](#).

**How long are employees allowed to take leave to vote on Election Day?**

2 hours. [N.M. Stat. § 1-12-42](#).

**Is leave to vote on Election Day paid or unpaid?**

Paid. [N.M. Stat. § 1-12-42](#).

**What is the maximum penalty that employers face for violating the statute?**

Misdemeanor, subject to a fine between \$50 and \$100. [N.M. Stat. § 1-12-42](#).

## NEW YORK

**Does this state allow employees to take leave from work to vote on Election Day?**

Yes. [N.Y. Elec. Law § 3-110](#).

**How long are employees allowed to take leave to vote on Election Day?**

2 hours. [N.Y. Elec. Law § 3-110](#).

**Is leave to vote on Election Day paid or unpaid?**

Paid. [N.Y. Elec. Law § 3-110](#).

**What is the maximum penalty that employers face for violating the statute?**

Misdemeanor, subject to imprisonment up to one year. [N.Y. Elec. Law § 17-118](#).



## NORTH CAROLINA

**Does this state allow employees to take leave from work to vote on Election Day?**

No. [N.C. Gen. Stat. §§ 163-1 to 163-335](#).

**How long are employees allowed to take leave to vote on Election Day?**

N/A

**Is leave to vote on Election Day paid or unpaid?**

N/A

**What is the maximum penalty that employers face for violating the statute?**

N/A

## NORTH DAKOTA

**Does this state allow employees to take leave from work to vote on Election Day?**

No. [N.D. Cent. Code §§ 16.1-01 to 16.1-16](#).

**How long are employees allowed to take leave to vote on Election Day?**

N/A

**Is leave to vote on Election Day paid or unpaid?**

N/A

**What is the maximum penalty that employers face for violating the statute?**

N/A

## OHIO

**Does this state allow employees to take leave from work to vote on Election Day?**

Yes. [Ohio Rev. Code § 3599.06](#).

**How long are employees allowed to take leave to vote on Election Day?**

A “reasonable amount of time.” [Ohio Rev. Code § 3599.06](#).

**Is leave to vote on Election Day paid or unpaid?**

Paid for salaried employees, unpaid for hourly employees. [Ohio Rev. Code § 3599.06](#).

**What is the maximum penalty that employers face for violating the statute?**

Fine between \$50 and \$500. [Ohio Rev. Code § 3599.06](#).

## OKLAHOMA

**Does this state allow employees to take leave from work to vote on Election Day?**

Yes. [Okla. Stat. tit. 26, § 7-101](#).

**How long are employees allowed to take leave to vote on Election Day?**

2 hours. [Okla. Stat. tit. 26, § 7-101](#).

**Is leave to vote on Election Day paid or unpaid?**

Paid. [Okla. Stat. tit. 26, § 7-101](#).

**What is the maximum penalty that employers face for violating the statute?**

Fine between \$50 and \$100. [Okla. Stat. tit. 26, § 7-101](#).





## OREGON

**Does this state allow employees to take leave from work to vote on Election Day?**

No. [Or. Rev. Stat. §§ 246.012 to 260.995](#).

**How long are employees allowed to take leave to vote on Election Day?**

N/A

**Is leave to vote on Election Day paid or unpaid?**

N/A

**What is the maximum penalty that employers face for violating the statute?**

N/A

## PENNSYLVANIA

**Does this state allow employees to take leave from work to vote on Election Day?**

No. [25 Pa. Cons. Stat. §§ 1101 to 3519](#).

**How long are employees allowed to take leave to vote on Election Day?**

N/A

**Is leave to vote on Election Day paid or unpaid?**

N/A

**What is the maximum penalty that employers face for violating the statute?**

N/A

## RHODE ISLAND

**Does this state allow employees to take leave from work to vote on Election Day?**

No. [R.I. Gen. Laws §§ 17-1-1 17-29-3](#).

**How long are employees allowed to take leave to vote on Election Day?**

N/A

**Is leave to vote on Election Day paid or unpaid?**

N/A

**What is the maximum penalty that employers face for violating the statute?**

N/A

## SOUTH CAROLINA

**Does this state allow employees to take leave from work to vote on Election Day?**

No. [S.C. Code §§ 7-1-10 to 7-25-220](#).

**How long are employees allowed to take leave to vote on Election Day?**

N/A

**Is leave to vote on Election Day paid or unpaid?**

N/A

**What is the maximum penalty that employers face for violating the statute?**

N/A

## SOUTH DAKOTA

**Does this state allow employees to take leave from work to vote on Election Day?**

Yes. [S.D. Codified Laws § 12-3-5](#).

**How long are employees allowed to take leave to vote on Election Day?**

2 hours. [S.D. Codified Laws § 12-3-5](#).

**Is leave to vote on Election Day paid or unpaid?**

Paid. [S.D. Codified Laws § 12-3-5](#).

**What is the maximum penalty that employers face for violating the statute?**

Class 2 misdemeanor, subject to a fine up to \$500, imprisonment up to 30 days, or both. [S.D. Codified Laws § 12-3-5](#).

## TENNESSEE

**Does this state allow employees to take leave from work to vote on Election Day?**

Yes. [Tenn. Code § 2-1-106](#).

**How long are employees allowed to take leave to vote on Election Day?**

3 hours. [Tenn. Code § 2-1-106](#).

**Is leave to vote on Election Day paid or unpaid?**

Paid. [Tenn. Code § 2-1-106](#).

**What is the maximum penalty that employers face for violating the statute?**

N/A

## TEXAS

**Does this state allow employees to take leave from work to vote on Election Day?**

Yes. [Tex. Elec. Code § 276.004](#).

**How long are employees allowed to take leave to vote on Election Day?**

Unspecified. [Tex. Elec. Code § 276.004](#).

**Is leave to vote on Election Day paid or unpaid?**

Paid. [Tex. Elec. Code § 276.004](#).

**What is the maximum penalty that employers face for violating the statute?**

Class C misdemeanor, subject to a fine up to \$500. [Tex. Elec. Code § 276.004](#).

## UTAH

**Does this state allow employees to take leave from work to vote on Election Day?**

Yes. [Utah Code § 20A-3a-105](#).

**How long are employees allowed to take leave to vote on Election Day?**

2 hours. [Utah Code § 20A-3a-105](#).

**Is leave to vote on Election Day paid or unpaid?**

Paid. [Utah Code § 20A-3a-105](#).

**What is the maximum penalty that employers face for violating the statute?**

Class B misdemeanor, subject to a fine up to \$1,000, imprisonment up to six months, or both. [Utah Code § 20A-3a-105](#).

## VERMONT

**Does this state allow employees to take leave from work to vote on Election Day?**

No. [Vt. Stat. tit. 17, §§ 1 to 2986](#).

**How long are employees allowed to take leave to vote on Election Day?**

N/A

**Is leave to vote on Election Day paid or unpaid?**

N/A

**What is the maximum penalty that employers face for violating the statute?**

N/A

## VIRGINIA

**Does this state allow employees to take leave from work to vote on Election Day?**

No. [Va. Code §§ 24.2-100 to 24.2-1019](#).

**How long are employees allowed to take leave to vote on Election Day?**

N/A

**Is leave to vote on Election Day paid or unpaid?**

N/A

**What is the maximum penalty that employers face for violating the statute?**

N/A

## WASHINGTON

**Does this state allow employees to take leave from work to vote on Election Day?**

No. [Wash. Rev. Code §§ 29A.04.001 to 29A.92.900](#).

**How long are employees allowed to take leave to vote on Election Day?**

N/A

**Is leave to vote on Election Day paid or unpaid?**

N/A

**What is the maximum penalty that employers face for violating the statute?**

N/A

## WEST VIRGINIA

**Does this state allow employees to take leave from work to vote on Election Day?**

Yes. [W. Va. Code § 3-1-42](#).

**How long are employees allowed to take leave to vote on Election Day?**

3 hours. [W. Va. Code § 3-1-42](#).

**Is leave to vote on Election Day paid or unpaid?**

Paid. [W. Va. Code § 3-1-42](#).

**What is the maximum penalty that employers face for violating the statute?**

Misdemeanor, subject to a fine up to \$500, imprisonment up to six months, or both. Additionally, a corporation may be fined up to \$1,000. [W. Va. Code § 3-9-20](#).

## WISCONSIN

**Does this state allow employees to take leave from work to vote on Election Day?**

Yes. [Wis. Code § 6.76](#), [Wis. Code § 12.07](#).

**How long are employees allowed to take leave to vote on Election Day?**

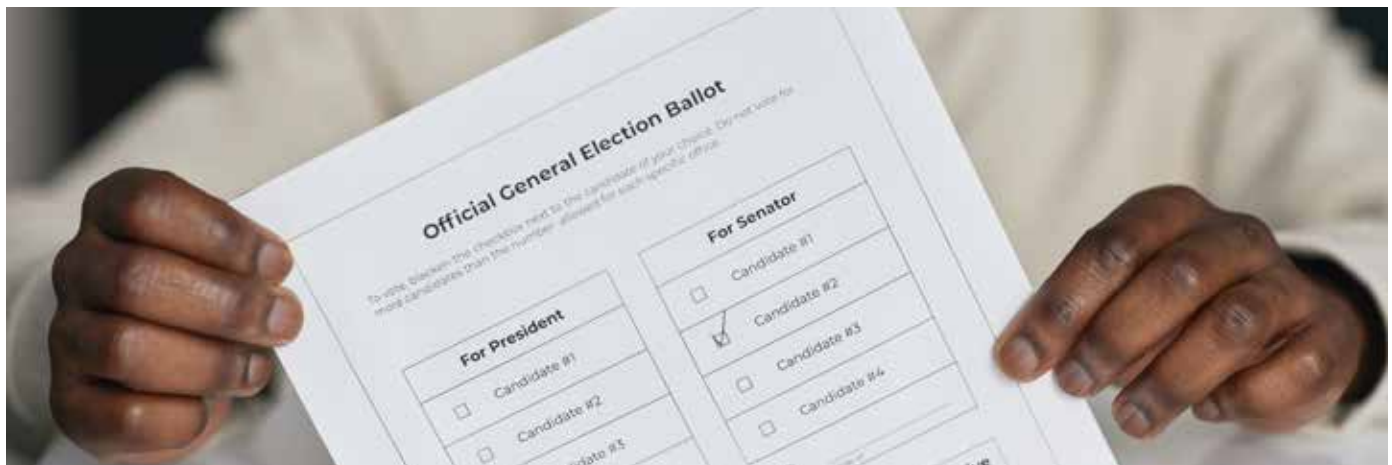
3 hours. [Wis. Code § 6.76](#), [Wis. Code § 12.07](#).

**Is leave to vote on Election Day paid or unpaid?**

Unpaid. [Wis. Code § 6.76](#), [Wis. Code § 12.07](#).

**What is the maximum penalty that employers face for violating the statute?**

Fine up to \$1,000, imprisonment up to six months, or both. [Wis. Code § 12.60](#).



## WYOMING

**Does this state allow employees to take leave from work to vote on Election Day?**

Yes. [Wyo. Stat. § 22-2-111](#).

**How long are employees allowed to take leave to vote on Election Day?**

1 hour. [Wyo. Stat. § 22-2-111](#).

**Is leave to vote on Election Day paid or unpaid?**

Paid. [Wyo. Stat. § 22-2-111](#).

**What is the maximum penalty that employers face for violating the statute?**

Misdemeanor, subject to a fine up to \$1,000, imprisonment up to six months, or both. [Wyo. Stat. § 22-2-112](#).

## DISTRICT OF COLUMBIA

**Does this state allow employees to take leave from work to vote on Election Day?**

Yes. [D.C. Code §§ 1-1001.07a](#).

**How long are employees allowed to take leave to vote on Election Day?**

2 hours. [D.C. Code §§ 1-1001.07a](#).

**Is leave to vote on Election Day paid or unpaid?**

Paid. [D.C. Code §§ 1-1001.07a](#).

**What is the maximum penalty that employers face for violating the statute?**

Fine up to \$2,000. [D.C. Code § 1-1001.18](#).

## PUERTO RICO

**Does this state allow employees to take leave from work to vote on Election Day?**

Yes. [P.R. Laws tit. 16, § 4561 \(17\)](#).

**How long are employees allowed to take leave to vote on Election Day?**

2 hours. [P.R. Laws tit. 16, § 4561 \(17\)](#).

**Is leave to vote on Election Day paid or unpaid?**

Paid. [P.R. Laws tit. 16, § 4561 \(17\)](#).

**What is the maximum penalty that employers face for violating the statute?**

Voters may bring a legal action against an employer who violates the statute. [P.R. Laws tit. 16, § 4561 \(17\)](#).



Our votes  
matter

