

# HR Insights

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## Employee Leave for Voting During Elections

As Election Day 2022 approaches on Tuesday, Nov. 8, employers may be curious about how to best prepare. While federal law does not require employers to provide their employees time off to vote, many states have voting leave laws that allow employees to take time off to vote in certain circumstances. Further, employees may desire their employers to offer leave regardless of the applicable laws, so employers may choose to proactively plan for how to handle Election Day.

This article covers general information about state voting leave laws and employer considerations surrounding employee leave or time off for voting.

### State voting leave laws

Most states and localities have laws requiring employers to provide employees time off work to vote, even though no federal law requires this. Yet, if certain employees have enough time to vote during nonworking hours, they may not be eligible for leave.

The specifics vary by state, but many of these voting leave laws:

- require the leave to be paid;
- impose a notice requirement on employees to provide their employers with notice of the leave; and
- allow employers to designate the hours during which employees may be absent to vote.

In addition, some states even have notice requirements where employers must post a notice regarding voting leave laws.

Employers should be aware of the voting leave laws that apply to them and be prepared to comply with any applicable requirements.

### Employer considerations

There are several ways employers can go about employee voting leave. One strategy is to provide time off to vote during Election Day. Even if this is not required in their state, employers may provide paid time off. Some employees may be seeking employers who offer time off or other flexibilities regardless of their state's requirements and may seek employment somewhere that does.

Alternatively, employers can consider making Election Day a company holiday so everyone has the day off and can vote when they please. Employers may also consider providing their employees with information about early and absentee voting so that employees may vote ahead of time and not need to take off work on Election Day. Employers should assess the various options and consider what works best for their organization and employees.



**For more information**

Even though federal law does not require employers to provide leave to vote, many state laws do. As Election Day approaches, employers should review applicable laws and prepare to accommodate employees accordingly. If an organization has any specific compliance concerns surrounding employment law, it should seek local legal counsel. For more information on voting, check out these federal resources: [Voting and Elections in the United States](#) and the [U.S. Election Assistance Commission](#).

For more information on employee leave, contact HANYS Benefit Services today.