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## **Election Day is Coming Soon - Do You Know Your Employees' Voting Leave Rights?**

With Election Day for many federal offices just around the corner, Tuesday, November 2, you may need a quick refresher on your employees' voting leave rights under state law. Voting leave requirements vary by state, but to give you a start, here is a summary of them for Alabama, California, Georgia and Tennessee.

**Alabama** – Employees are given “necessary” time off to vote, not to exceed one hour. The employee must give reasonable notice to get the time off. However, if the polls open at least two hours before the employee starts work and close at least one hour after the employee ends work, the employer doesn't have to give the employee time off. The statute doesn't specify if the time off is paid. (Ala. Code Section 17-1-5)

**California** – Employees are allowed up to two paid hours time off at the beginning or end of their regular working shift to vote. An employee must provide notice at least two working days in advance of the election if, on the third working day prior to the election, the employee knows or has reason to believe there will be a need for time off to vote. An employee will be excluded from the time off rules if there is sufficient non-working time to vote. Although the law requires time to be taken at the beginning or end of the work shift, the employer and employee can agree on another arrangement. Employers must post a conspicuous notice of employee voting rights ten days before every statewide election. (Cal. Election Code Sections 1400 and 1401)

**Georgia** – If polls aren't open two consecutive non-working hours, an employee is allowed up to two hours leave to vote. Put another way, employees aren't entitled to leave if their work schedules begin at least two hours after the polls open or end at least two hours before they close. The employee must give reasonable notice for leave. The employer can specify when it will give the employee time off to vote. The statute doesn't state whether this time off is paid or unpaid. (Ga.Code Ann. Section 21-2-404)

**Tennessee** – An employee is given a reasonable period of time off to vote, not to exceed three hours, unless work is begun three or more hours after the polls open or ends three or more hours before the polls close. The employee must give notice of the need for time off to vote at least before 12:00 p.m. on the day prior to the election. The employer may specify the time off that the employee is given to vote. This time off is paid. (Tenn. Code Ann. Section 2-1-106)

If you would like information about another state, or if you would like to see a list of voting leave laws for every state, please contact [John Phillips](#) or your [Labor & Employment Law attorney at Miller & Martin PLLC](#).

*The opinions expressed in this bulletin are intended for general guidance only. They are not intended as recommendations for specific situations. As always, readers should consult a qualified attorney for specific legal*

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