Insights, News & Events

DO YOUR EMPLOYEES GET TIME OFF TO VOTE? A STATE-BY-STATE GUIDE FOR THE 2026 MIDTERMS

Insights
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Do Your Employees Get Time Off to Vote? A State-by-State Guide for the 2026 Midterms

Election Day is November 3, and if you have employees in more than one state, your voting leave obligations probably differ from location to location. Do you know which rules apply to your workplace? This Insight provides you with a comprehensive checklist and breakdown of each state's requirements, including what's new for 2026, so you can stay compliant while supporting your employees.

You can visit our Election Season Resource Hub to review all our thought leadership and practical resources.

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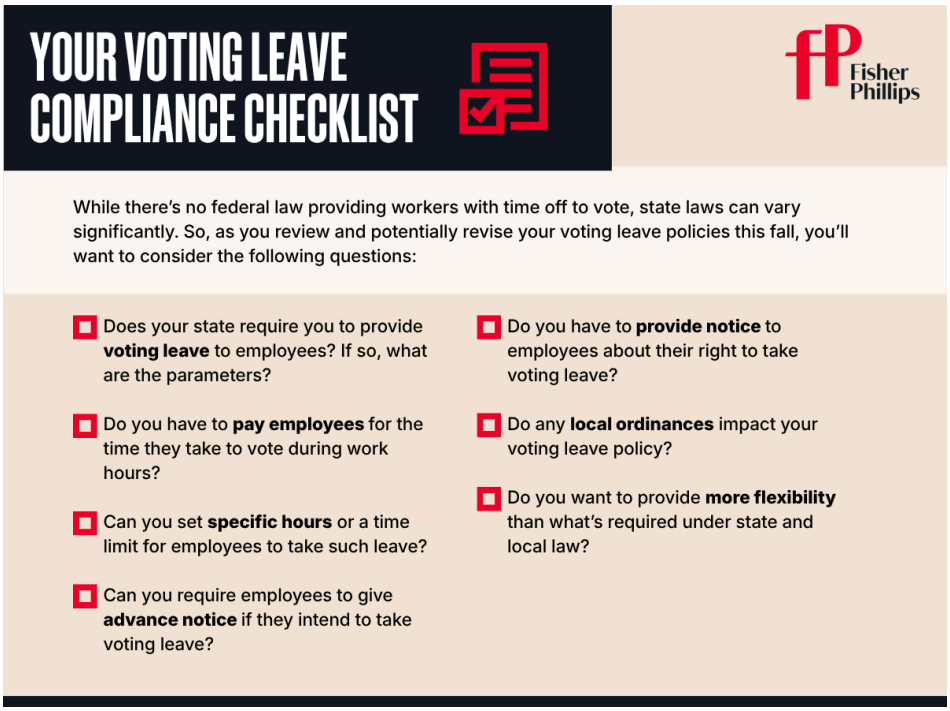
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Voting Leave Laws: Your Workplace Compliance Checklist

While there's no federal law providing workers with time off to vote, state laws can vary significantly. So, as you review and potentially revise your voting leave policies this fall, you'll want to consider the following questions:

- Does your state require you to provide **voting leave** to employees? If so, what are the parameters?
- Do you have to **pay employees** for the time they take to vote during work hours?
- Can you set **specific hours** or a time limit for employees to take such leave?
- Can you require employees to give **advance notice** if they intend to take voting leave?
- Do you have to **provide notice** to employees about their right to take voting leave?
- Do any **local ordinances** impact your voting leave policy?
- Do you want to provide **more flexibility** than what's required under state and local law?



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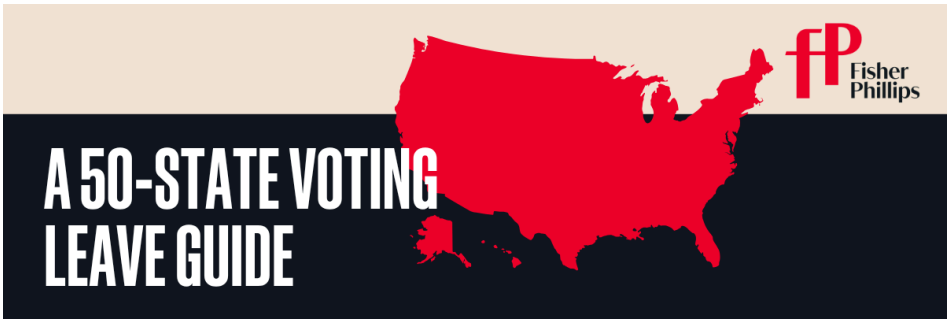
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Alabama

- **Leave:** Eligible employees are entitled to take up to one hour of leave unless their shift starts at least two hours after the polls open or ends at least one hour before they close. You may specify the time for employees to take such leave.
- **Pay:** The law does not require pay during this leave time.
- **Employee Notice:** Employees must give reasonable notice if they want to take such leave.
- **Employer Notice:** You are not required to post a notice about employees' right to take voting leave.
- **Learn More:** Click here to review the statute.

Alaska

- **Leave:** Eligible employees are entitled to take voting leave if they don't have enough time to vote outside of work hours. Employees are considered to have enough time to vote outside of their work hours if they have two consecutive hours while polls are open before or after their shift.
- **Pay:** You can't dock an employee's pay for taking entitled voting leave.
- **Employee Notice:** There is no provision requiring employees to give notice if they want to take such leave.
- **Employer Notice:** You are not required to post a notice about employees' right to take voting leave.
- **Learn More:** Click here to review the statute.

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Arizona

- **Leave:** Employees are entitled to take voting leave if the polls are open for less than three consecutive hours before or after their shift. They can take an amount of leave that provides them with three consecutive hours to vote from the time the polls open until their shift starts or from the time their shift ends until the polls close. You can specify the hours when employees can take such leave.
- **Pay:** You can't dock an employee's pay for taking entitled voting leave.
- **Employee Notice:** Employees must request such leave prior to Election Day.
- **Employer Notice:** You are not required to post a notice about employees' right to take voting leave.
- **Learn More:** Click here to review the statute.

Arkansas

- **Leave:** Employees' work schedules on Election Day must give them an opportunity to vote.
- **Pay:** There is no provision requiring employers to pay employees for time taken to vote.
- **Employee Notice:** There is no provision requiring employees to give notice if they want to vote.
- **Employer Notice:** You are not required to post a notice about employees' right to take voting leave.
- **Learn More:** Click here to review the statute.

California

- **Leave:** If eligible employees don't have enough time outside work hours to vote in a statewide election, they must be allowed to take enough leave to make up for the difference. Unless you agree otherwise, they must take it at the start or end of their shift, whichever gives them the most time to vote and the least time away from work.

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- **Pay:** Only up to two hours of voting leave must be paid.
- **Employee Notice:** Employees must give at least two workdays' notice if, on the third workday before Election Day, they know or have reason to believe that they will need leave to vote.
- **Employer Notice:** You must post a notice about the voting leave law at least 10 days before a statewide election. The notice must be posted in an obvious spot in the workplace or where it can be seen by employees when they enter or leave the worksite.
- **Learn More:** Click here to review the statute.

Colorado

- **Leave:** Colorado's voting leave law was expanded in June 2026. Eligible employees are entitled to take up to two hours of leave to vote on any day a voter service and polling center is open, or on the day of a municipal election, rather than limiting leave to Election Day itself. They aren't entitled to the leave if they have three or more consecutive nonwork hours available while the polls are open that day. You may specify when employees take the leave, but they must be allowed to take it at the start or end of their shift, if requested.
- **Pay:** You can't reduce employees' usual salary or wages for permitted leave. Hourly employees must receive their regular hourly wage for up to two hours of voting leave.
- **Employee Notice:** Employees must request voting leave before the day they need it.
- **Employer Notice:** You are not required to post a notice about employees' right to take voting leave.
- **Learn More:** Click here to review the statute.

Connecticut

- **No Voting Leave Law:** Connecticut sunset its voting leave law effective July 1, 2024. You may offer such leave to employees but are no longer required to do so.

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Delaware

- **No Voting Leave Law:** Delaware's voting laws don't provide for time off from work.

District of Columbia

- **Leave:** Employees are entitled to take at least two hours of leave to vote in person. Even if they are not eligible to vote in DC, they can use this leave where they are eligible to vote. You can designate the hours for employees to take voting leave, including during early voting or at the beginning or end of their shift.
- **Pay:** This voting leave must be paid.
- **Employee Notice:** You may require employees to give reasonable notice if they want to take such leave.
- **Employer Notice:** You are required to post an easy-to-understand notice, which the District of Columbia Board of Elections has developed, in an obvious location in the workplace at least 60 days before the election. There are also special notice requirements for remote workers.
- **Learn More:** Click here to review the statute.

Florida

- **No Voting Leave Law:** Florida's voting laws don't provide for time off from work.

Georgia

- **Leave:** Eligible employees can take up to two hours to vote in person during primaries and elections either on an early voting day or Election Day. You can specify the hours for employees to take such leave.
- **Pay:** You are not required to pay employees during this leave time.
- **Employee Notice:** You may require employees to give reasonable notice if they want to take such leave.

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- **Employer Notice:** You are not required to post a notice about employees' right to take voting leave.
- **Learn More:** Click here to review the statute.

Hawaii

- **No Voting Leave Law:** Hawaii's voting laws no longer provide for time off from work since employees have the option to vote by mail.

Idaho

- **No Voting Leave Law:** Idaho's voting laws don't provide for time off from work.

Illinois

- **Leave:** Eligible employees are entitled to two hours of voting leave. You can designate the hours for employees to take such leave, but you must allow a two-hour absence if an employee's shift starts less than two hours after the polls open and ends less than two hours before the polls close.
- **Pay:** You can't dock an employee's pay for taking entitled voting leave.
- **Employee Notice:** Employees must request voting leave before the day they need it.
- **Employer Notice:** You are not required to post a notice about employees' right to take voting leave.
- **Learn More:** Click here to review the statute.

Indiana

- **No Voting Leave Law:** Indiana's voting laws don't provide for time off from work.

Iowa

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- **Leave:** Eligible employees are entitled to take leave to vote if they don't have two consecutive hours outside of work hours between the time polls open and close. They may take an amount of leave that adds up to two consecutive hours when adding work time to nonwork time while the polls are open. You can designate when leave is taken.
- **Pay:** You can't dock an employee's pay for taking entitled voting leave.
- **Employee Notice:** Employees must request such leave in writing prior to Election Day.
- **Employer Notice:** You are not required to post a notice about employees' right to take voting leave.
- **Learn More:** Click here to review the statute.

Kansas

- **Leave:** Eligible employees are entitled to take up to two hours of voting leave on the day of an election conducted by a county election officer in Kansas. They may take an amount of leave that adds up to two hours when adding work time to nonwork time while the polls are open. You may designate the time of day that employees can take such leave, but it can't include their lunch period.
- **Pay:** You can't dock an employee's pay for taking entitled voting leave.
- **Employee Notice:** There is no provision requiring employees to give notice if they plan to vote.
- **Employer Notice:** You are not required to post a notice about employees' right to take voting leave.
- **Learn More:** Click here to review the statute.

Kentucky

- **Leave:** Eligible employees are entitled to a reasonable amount of time, but not less than four hours, to vote on Election Day or to apply for or complete an absentee ballot during county clerk office hours. You may designate the hours when employees can take such leave.

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- **Pay:** The leave can be unpaid, but you can't penalize employees for taking voting leave, unless they didn't actually vote and nothing prevented them from doing so.
- **Employee Notice:** Employees who vote by absentee ballot must give notice of their need for leave before the day they apply for or submit the ballot at the county clerk's office.
- **Employer Notice:** You are not required to post a notice about employees' right to take voting leave.
- **Learn More:** Click here to review the statute.

Louisiana

- **No Voting Leave Law:** Louisiana's voting laws don't provide for time off from work.

Maine

- **No Voting Leave Law:** Maine's voting laws don't provide for time off from work.

Maryland

- **Leave:** Eligible employees are entitled to take up to two hours to vote unless they have two consecutive nonwork hours to vote while the polls are open.
- **Pay:** This leave must be paid.
- **Employee Notice:** There is no provision requiring employees to give notice if they plan to vote, but you can require proof that they voted or attempted to vote.
- **Employer Notice:** You are not required to post a notice about employees' right to take voting leave.
- **Learn More:** Click here to review the statute.

Massachusetts

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- **Leave:** Eligible employees in manufacturing, mechanical, or mercantile establishments are entitled to voting leave during the first two hours polls are open.
- **Pay:** You are not required to pay employees during this leave time.
- **Employee Notice:** Employees must request such leave.
- **Employer Notice:** You are not required to post a notice about employees' right to take voting leave.
- **Learn More:** Click here to review the statute.

Michigan

- **No Voting Leave Law:** Michigan's voting laws don't provide for time off from work.

Minnesota

- **Leave:** Eligible employees are entitled to take leave as needed to vote on Election Day or in person before Election Day.
- **Pay:** You can't dock an employee's pay for taking entitled voting leave.
- **Employee Notice:** There is no provision requiring employees to give notice if they plan to vote.
- **Employer Notice:** You are not required to post a notice about employees' right to take voting leave.
- **Learn More:** Click here to review the statute.

Mississippi

- **No Voting Leave Law:** Mississippi's voting laws don't provide for time off from work.

Missouri

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- **Leave:** Eligible employees are entitled to take up to three hours of voting leave if they don't have three consecutive nonwork hours available while the polls are open. You may designate the hours when employees can take such leave.
- **Pay:** You can't dock an employee's pay for taking allowable leave.
- **Employee Notice:** Employees must request such leave prior to Election Day.
- **Employer Notice:** You are not required to post a notice about employees' right to take voting leave.
- **Learn More:** Click here to review the statute.

Montana

- **No Voting Leave Law:** Montana's voting laws don't provide for time off from work.

Nebraska

- **Leave:** Eligible employees are entitled to take up to two hours of voting leave if they don't have two consecutive nonwork hours available while the polls are open. You may designate the hours when employees can take such leave.
- **Pay:** You can't dock an employee's pay for taking allowable voting leave.
- **Employee Notice:** Employees must request such leave either before or on Election Day.
- **Employer Notice:** You are not required to post a notice about employees' right to take voting leave.
- **Learn More:** Click here to review the statute.

Nevada

- **Leave:** Eligible employees are entitled to sufficient leave time to vote if it's not practical outside of work hours. Specifically, they must be granted one hour of voting leave if the workplace is within two miles of the polling

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place, two hours if the workplace is more than two and up to 10 miles from the polling place, and three hours if the workplace is more than 10 miles from the polling place. You can designate the time.

- **Pay:** This leave must be paid.
- **Employee Notice:** Employees must apply for voting time leave before Election Day.
- **Employer Notice:** You are not required to post a notice about employees' right to take voting leave.
- **Learn More:** Click here to review the statute.

New Hampshire

- **No Voting Leave Law:** New Hampshire doesn't have a voting law that applies to private employment.

New Jersey

- **No Voting Leave Law:** New Jersey's voting laws don't provide for time off from work.

New Mexico

- **Leave:** Eligible employees are entitled to take two hours of leave to vote while the polls are open on Election Day unless their workday begins more than two hours after the polls open or ends more than three hours before the polls close. You can designate the hours for employees to vote during that period.
- **Pay:** Employees must be paid their hourly wage for this leave.
- **Employee Notice:** There is no provision requiring employees to give notice if they plan to vote.
- **Employer Notice:** You are not required to post a notice about employees' right to take voting leave.
- **Learn More:** Click here to review the statute.

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New York

- **Leave:** Eligible employees are entitled to take leave to vote if they don't have enough time to do so outside of their scheduled work hours. They can take the time that will enable them to vote when added to time they have to vote during nonwork hours. However, if employees have four consecutive hours between the time the polls open and the start of their shift or between the end of their shift and the time the polls close, they are considered to have enough time to vote outside of their work hours. You may designate the start or end of the shift for this leave but can otherwise agree with employees on a different time.
- **Pay:** Up to two hours of this leave must be without a loss of pay.
- **Employee Notice:** Employees must give notice two to 10 workdays before Election Day.
- **Employer Notice:** You must post a notice in an obvious place where employees come and go from work at least 10 workdays before every election and keep it posted until the polls close on Election Day.
- **Learn More:** Click here to review the statute.

North Carolina

- **No Voting Leave Law:** North Carolina doesn't have a voting law that applies to private employment.

North Dakota

- **Leave:** You are encouraged but not required to give employees time to vote if their work schedule doesn't allow them to vote while the polls are open.
- **Pay:** You are not required to pay employees during this leave time.
- **Employee Notice:** There is no provision requiring employees to give notice if they plan to vote.

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- **Employer Notice:** You are not required to post a notice about employees' right to take voting leave.
- **Learn More:** Click here to review the statute.

Ohio

- **Leave:** Eligible employees are entitled to take a reasonable amount of time to vote on Election Day.
- **Pay:** The Ohio Attorney General's Office has advised that voting leave must be paid for salaried employees but can be unpaid for piecework, commissioned, or hourly employees.
- **Employee Notice:** There is no provision requiring employees to give notice if they plan to vote.
- **Employer Notice:** You are not required to post a notice about employees' right to take voting leave.
- **Learn More:** Click here to review the statute.

Oklahoma

- **Leave:** Eligible employees are entitled to take two hours of leave to vote on Election Day or on a day when in-person absentee voting is allowed. They must be given enough time to vote if they need more than two hours due to their distance from the polls — but they are not entitled to voting leave if the polls are open for at least three hours before or after their shift. You can designate the days and hours for employees to vote and can change their shift to provide three hours to vote before or after work.
- **Pay:** You can't dock an employee's pay for taking entitled voting leave if they show proof of voting.
- **Employee Notice:** Employees must give three days' notice before Election Day or the day of in-person absentee voting.
- **Employer Notice:** You are not required to post a notice about employees' right to take voting leave.
- **Learn More:** Click here to review the statute.

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Oregon

- **No Voting Leave Law:** Oregon's voting laws do not provide for time off from work since employees vote entirely by mail.

Pennsylvania

- **No Voting Leave Law:** Pennsylvania's voting laws don't provide for time off from work.

Rhode Island

- **No Voting Leave Law:** Rhode Island's voting laws don't provide for time off from work.

South Carolina

- **No Voting Leave Law:** South Carolina's voting laws don't provide for time off from work.

South Dakota

- **Leave:** Eligible employees are entitled to take up to two consecutive hours of voting leave if they don't have two consecutive nonwork hours available while the polls are open. You may designate the hours when employees can take such leave.
- **Pay:** You can't dock an employee's pay for taking entitled voting leave.
- **Employee Notice:** There is no provision requiring employees to give notice if they plan to vote.
- **Employer Notice:** You are not required to post a notice about employees' right to take voting leave.
- **Learn More:** Click here to review the statute.

Tennessee

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- **Leave:** Eligible employees are entitled to take a reasonable amount of leave as needed, up to three hours, to vote on Election Day when the polls are open in their county of residence unless they have three or more hours to vote before or after their shift. You may specify the hours when employees can take such leave.
- **Pay:** You can't dock an employee's pay for taking entitled voting leave.
- **Employee Notice:** Employees must submit a request for voting leave before noon the day before the election.
- **Employer Notice:** You are not required to post a notice about employees' right to take voting leave.
- **Learn More:** Click here to review the statute.

Texas

- **Leave:** You can't knowingly prohibit employees from taking leave to vote unless the polls are open for two consecutive hours outside of their work hours.
- **Pay:** Employees are entitled to paid time off for voting to the extent it overlaps with their work time, unless they have two consecutive hours outside of work to vote. Leave taken during *mandatory* overtime should be paid at the overtime rate.
- **Employee Notice:** There is no provision requiring employees to give notice if they plan to vote.
- **Employer Notice:** You are not required to post a notice about employees' right to take voting leave.
- **Learn More:** Click here to review the statute.

Utah

- **Leave:** Eligible employees are entitled to take up to two hours on Election Day while polls are open unless they have three or more nonwork hours to vote during that time. You can designate the hours when employees can take such leave, but you must allow them time at the beginning or end of their shift if they request it.

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- **Pay:** You can't dock an employee's pay for taking entitled voting leave.
- **Employee Notice:** Employees must apply for leave prior to Election Day.
- **Employer Notice:** You are not required to post a notice about employees' right to take voting leave.
- **Learn More:** Click here to review the statute.

Vermont

- **No Voting Leave Law:** Vermont's voting laws don't provide for time off from work.

Virginia

- **No Voting Leave Law:** Virginia's voting laws don't provide for time off from work.

Washington

- **No Voting Leave Law:** Washington's voting laws don't provide for time off from work because the state has a vote-by-mail system.

West Virginia

- **Leave:** Eligible employees are entitled to sufficient leave to vote, up to three hours. Employers in industries with continuous operations – like hospitals, transportation services, and manufacturing plants – can arrange schedules for employees to vote without disrupting operations.
- **Pay:** You can't dock pay unless employees have three or more hours of free time away from work while the polls are open and fail to vote during that time.
- **Employee Notice:** Employees must provide at least three days' written notice of the need for such leave.

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- **Employer Notice:** You are not required to post a notice about employees' right to take voting leave.
- **Learn More:** Click here to review the statute.

Wisconsin

- **Leave:** Eligible employees are entitled to take up to three consecutive hours while the polls are open. You can designate the time of day for such leave.
- **Pay:** You can deduct the time lost but can't otherwise impose a penalty on employees because they take voting leave as permitted.
- **Employee Notice:** Employees must give notice prior to Election Day.
- **Employer Notice:** You are not required to post a notice about employees' right to take voting leave.
- **Learn More:** Click here to review the statute.

Wyoming

- **Leave:** Eligible employees can take leave for one hour on Election Day while polls are open, unless they have three or more consecutive nonworking hours during the time polls are open. You can designate the time for such leave, but it can't be during an employee's meal hour.
- **Pay:** Employees can't lose any pay for taking voting leave as permitted, if they actually used the leave to cast their legal vote.
- **Employee Notice:** There is no provision requiring employees to give notice if they plan to vote.
- **Employer Notice:** You are not required to post a notice about employees' right to take voting leave.
- **Learn More:** Click here to review the statute.

Conclusion

We will continue to monitor developments related to all aspects of workplace law with a focus on the 2026 midterm

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elections. Visit our Election Season Resource Hub to review all our thought leadership and practical resources. Make sure you are subscribed to Fisher Phillips' Insight System to get the most up-to-date information. If you have questions, contact your Fisher Phillips attorney or the authors of this Insight.

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