

New York's New Time-Off to Vote Requirements Apply To the June 23 Primaries

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Since 2019, New York has required that employers provide employees with three hours of paid time off in order to vote. In April 2020, New York amended its Election Law to change this voting entitlement. Because the law took immediate effect, it applies to the state and local primary elections scheduled for June 23. The state had originally canceled its presidential primary in the wake of COVID-19, but the Second Circuit Court of Appeals recently held that the presidential primary also must go forward on June 23.

Now, employees can request up to **two hours** of paid time off to work in order to vote in an election. This provision only applies if the employee does not have sufficient time outside his or her scheduled working hours within which to vote. An employee is deemed to have "sufficient time" in which to vote if (1) the employee has four consecutive hours between the opening of the polls and the beginning of his or her work shift, or (2) the employee has four consecutive hours between the end of his or her work shift and the closing of the polls. An employee who has less than four consecutive hours may take off working time that will, when added to his or her voting time outside of work will enable him or her to vote. However, the employee is only entitled to two hours of voting time with pay.

The paid voting time off is given at the beginning or end of the employee's work shift (unless the employer agrees otherwise). An employee must request time off to vote not more than 10 days before, and at least two days before, the election.

Employers are required to conspicuously post a notice setting forth the voting time off entitlement at least 10 days before an election. The notice must be posted until the polls close.

Contact your Vorys lawyer if you have questions about employee leave rights under federal, state, and local laws.

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Vorys COVID-19 Task Force

Outside of this new law, employers continue to face myriad issues as COVID-19 continues to spread and impact communities and workplaces (some of these issues are addressed in our prior alerts [located here](#)). We will continue to keep you posted on any important developments. In the meantime, if you have any questions regarding this new law or any other aspect of COVID-19, please contact your Vorys lawyer.

We have also established a comprehensive Coronavirus Task Force, which includes attorneys with deep experience in the niche disciplines that we have been and expect to continue receiving questions regarding coronavirus. Learn more and see the latest updates from the task force at vorys.com/coronavirus.