

June 21, 2019

**Legal Alert: Amended New York State Election Law Allows Employees
Up to Three Hours of Paid Time Off to Vote**

On April 12, 2019, Governor Andrew Cuomo signed into law an amendment to the New York State Election Law which allows registered voters up to three hours of paid time off to vote on any election day. The amendment provides that all registered voters may request up to three hours of time off, regardless of their schedule, without loss of pay to enable the employee to vote in any public election. The law is currently in effect and will apply to requests for time off for the New York State primary election on June 25, 2019.

Logistics of Utilizing this Law

In order for an employee to be entitled to exercise this right, he or she must be registered to vote and must notify his or her employer of his or her need to take time off to vote at least two days in advance of the election. The employer may designate whether the time off will be taken at the beginning or end of an employee's shift. The law is silent on whether the employer can request proof that the employee who requested time off to vote actually voted. The law also does not contain any requirement that the time off to vote be in addition to any allotment of paid time off provided by employer's existing policies (e.g., that these three hours be in addition to any allotted time off already available to employees).

Prior Law Regarding Time Off to Vote

Before the amendment took effect, employees in New York had the ability to request up to two hours of paid time off to vote only if they did not have four or more consecutive hours of between the time the time when the polls opened and they began their shift or the end of their shift and the closing of the polls. This new amendment does away with the requirement that employees not have sufficient time before or after work while polls are open to vote.

What nonprofits should do now:

1. Download the New York State of Elections' updated model notice, available [here](#), and post it in a place where employees can see it at least 10 days before any election day.
 - a. If you would like to create your own notice, be sure to include the following information:
 - i. Registered voters may take off as much working time as will enable him or her to vote at any election (up to three hours);
 - ii. Time off for voting shall be at the beginning or end of an employee's working shift, which is up to the employer, unless the employer and employee mutually agree on a time during the employee's shift; and
 - iii. Employees must notify the corporation that he or she requires time off at least two working days before the date of the election.
2. Keep the notice posted until the close of polls on the Election Day.

This alert is meant to provide general information only, not legal advice. If you have any questions about this alert please contact Judith Moldover at (212) 219-1800 ext. 250 or visit our website at www.lawyersalliance.org for further information.

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