

# One Minute Memo®



## New York State Election Law Amended to Allow Employees Up to Three Hours of Paid Time Off to Vote

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**Seyfarth Synopsis:** A recent amendment to New York’s Election Law now provides employees up to three hours of paid time off to vote. Employers need to ensure their policies and practices comply with these new requirements before the next election.

On April 12, 2019, as part of the New York State FY 2020 Budget, Governor Andrew Cuomo signed into law an amendment to Section 3-110 of the New York State Election Law, providing registered voters up to three hours of paid time off to vote on any election day.

### The Prior Law on Time Off for Voting

The prior law required employers to provide “sufficient time” outside of an employee’s working hours for that employee to vote in any election. An employee was deemed to have “sufficient time” to vote if he or she had four consecutive hours either between the opening of the polls and the start of the employee’s shift, or between the end of the employee’s shift and the closing of the polls. Employees with less than four consecutive hours before or after their shift could take up to two hours off without losing pay to vote. An employer could designate whether the time off occurred at the beginning or end of the employee’s shift, and employees were required to notify their employers not more than ten nor less than two working days before the day of the election that they needed time off to vote. The law further mandated that employers post a notice conspicuously in the workplace setting forth the provisions of Section 3-110 at least ten working days before an election.

### Changes to the Law

The amendment to Section 3-110, found [here](#), eliminates the “sufficient time” requirement. Instead, employees who are otherwise scheduled to work on an election day may now take up to three hours off in order to vote in any election without losing pay. Additionally, while employees must still notify their employers not less than two working days before the day of the election that they require time off to vote, the new law has removed the upper ten-day limit on when notice may be given.

## Employer Takeaways

The New York Primary Election is on June 25, 2019 and the General Election will follow November 5, 2019. Employers must ensure updated notices are posted conspicuously in the workplace at least ten working days before the election. Employers may use the New York State Board of Elections' updated model notice, available [here](#). Additionally, employers should review their policies and procedures, including employee handbooks, to ensure compliance with the amended law.

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