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Election Time and the Minnesota Voter Leave Law

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By Bruce J. Douglas

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Section 204C.04 of the Minnesota Statutes provides, "Every employee who is eligible to vote in an election has the right to be absent from work for the time necessary to appear at the employee's polling place, cast a ballot, and return to work on the day of that election, without penalty or deduction from salary or wages because of the absence. An employer or other person may not directly or indirectly refuse, abridge, or interfere with this right or any other election right of an employee." The statute also provides that "a person who violates this section is guilty of a misdemeanor, and the county attorney shall prosecute the violation."

For many years, Minnesota law excused employees to go to the polls in the morning before they were to report to work or to leave early if necessary to arrive at the polls before they closed, but did not require that the employee be paid for the time spent voting. The current statute allows employees to be absent from work at any time on Election Day in order to cast their ballots, without a reduction in pay.

Employers may request that employees give notice of their intention to be absent and may make reasonable requests to stagger or schedule absences in order to maintain operations. Employers should use caution and common sense and take care not to set conditions that could deprive an employee of the time necessary to get to the polls and vote.

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