Reinhart

Employees' Right to Take Time Off to Vote or Serve as an Election Official

The 2020 General Election is less than a month away and like most facets of our daily lives, it will be impacted by the coronavirus pandemic. Although many people are voting early or absentee, those voting in-person may experience longer wait times as a result of safety and social distancing measures and due to the potential of short-staffed polling sites. As a result of shortages of election officials during the prior elections in 2020, municipalities are actively recruiting new election officials to compensate for the existing poll workers in high-risk categories who have chosen not to serve during the COVID-19 pandemic.

Wisconsin employers need to ensure they are up to speed on employee rights in regard to time off to vote during the work day and to serve as an election official. Wisconsin employers may not refuse an employee's request to take time off during the workday to vote and may not refuse to allow an employee to serve as an election official. Here are a few things to consider when an employee requests time off to vote or to act as an election official or poll worker.

Time Off for Voting:

- Employees may be absent from work while the polls are open for up to three successive hours in order to vote.
- Employees must notify their employer prior to the day of the election (*i.e.,* by November 2, 2020) of their intention to be absent during work hours to vote.
- An employer can designate the time when the employee may be absent to vote.
- An employer does not need to pay employees for the time in which they are absent to vote but cannot penalize employees for choosing to vote during work hours.

Time Off to Serve as an Election Official:

- Employees serving as an election official are entitled to an absence for the entire 24-hour period of each Election Day in which the official serves in their official capacity.
- Employees must notify their employer at least seven days prior to the election of their need for leave.
- Employers may verify the employee's appointment as an election official with the appropriate municipal clerk.

POSTED:

Oct 12, 2020

RELATED PRACTICES:

Corporate Law
https://www.reinhartlaw.com/practices/corporate-law

Health Care
https://www.reinhartlaw.com/practices/health-care

Labor and Employment
https://www.reinhartlaw.com/practices/labor-and-employment

RELATED SERVICES:

Food and Beverage
https://www.reinhartlaw.com/services/food-and-beverage

All materials copyright © 2025 Reinhart Boerner Van Deuren S.C. All rights reserved.

- Like time off to vote, time off for serving as an election official does not need to be paid, but employers may not otherwise penalize employees for taking leave.

Employers should make sure that their policies are either consistent with these rights or employers may provide greater rights (such as paid leave or more time off to vote). Violation of an employee's right to vote or serve as an election official may result in a fine of up to $1,000 and/or up to six months in jail.

If you have questions about election-related leave requests, contact Brittany Lopez Naleid or your Reinhart attorney.

These materials provide general information which does not constitute legal or tax advice and should not be relied upon as such. Particular facts or future developments in the law may affect the topic(s) addressed within these materials. Always consult with a lawyer about your particular circumstances before acting on any information presented in these materials because it may not be applicable to you or your situation. Providing these materials to you does not create an attorney/client relationship. You should not provide confidential information to us until Reinhart agrees to represent you.

All materials copyright © 2025 Reinhart Boerner Van Deuren S.C. All rights reserved.