



*This article presents general guidelines for Georgia nonprofit organizations as of the date written and should not be construed as legal advice. Always consult an attorney to address your particular situation.*

## **Voting Leave for Employees in Georgia**

This article explains when employers are required to allow an employee time off from work to vote under Georgia law and how much leave must be provided.

### **Reasonable Notice to the Employer**

If an employee wants to take time off from work to vote, the employee must first give reasonable notice to the employer of the employee's need for voting leave. The law does not require that this notice be in writing.

### **Leave Rights and Its Limitations**

If an employee gives reasonable notice to the employer of the employee's need to use voting leave, the employer must permit the employee to take up to two hours of leave from his or her employment to vote in any municipal, county, state or federal political party primary or election in which the employee is qualified and registered to cast a vote.

However, there are some limitations on voting leave rights. First, the employer has the right to decide the specific hours the employee may be absent from work to go vote. Second, the employer is not required to pay the employee for the time taken off from work to vote.<sup>1</sup>

In addition, the employer is not required to permit employees to take time off to vote if the employee's working hours either (a) commence at least two hours after the polls open **or** (b) end at least two hours before the polls close. For example, for the 2020 Presidential Election held on November 3, 2020, polling places are open from 7:00 A.M. to 7:00 P.M. (EST). Therefore, if an employee's working hours on Election Day either (a) start at or later than 9:00 A.M. **or** (b) end at or before 5:00 P.M., the employer does not have to allow the employee to take time off during the workday to vote. For other elections, the hours may vary and employers are advised to check the polling place hours for each election.

### **Punishment for Violation**

The failure to provide voting leave for an eligible employee is punishable in Georgia as a misdemeanor. At the discretion of the judge, an employer violating these rules may be subjected to (1) a fine of not less than \$100.00 or more than \$1,000.00; (2) confinement in a county jail or other place of imprisonment for no longer than 6 months; and/or (3) confinement in a county correctional institution or other appropriate institution for no longer than 12 months.

To balance support of each employee's right to vote with your nonprofit's need to minimize operational interruptions, consider providing written reminders to employees to obtain advance approval to take time off to vote on election day.

If you have any questions regarding voting leave, please contact your PBPA attorney.

---

<sup>1</sup>Please note however, that, under the Fair Labor Standards Act, deductions cannot be taken from the salary of an exempt employee for time taken off to vote in a week in which the employee has performed any work.