

HR/LR Policy #1401

Voting Leave and Other Election Topics

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Former PERSLs: #1400, #1401
Authority: Enterprise Employee Resources

OVERVIEW

Objective

To clarify the following for state agency employees:

- Use of paid leave time to vote,
- Serving as an election judge,
- Use of state systems for political activities,
- Engaging in political activities; and
- Running for elected office.

Policy Statement

All state agencies must comply with provisions regarding election judge leave and voting time leave. Employees must comply with limitations on political activities.

Scope

This policy applies to all employees of agencies in the executive branch, as defined in Minnesota Statutes, section 43A.02, subdivisions 2 and 22, and employees of the Minnesota State Retirement System, Public Employees Retirement Association, and the Teachers Retirement Association.

Statutory References

- [M.S. 200.02](#) Minnesota election law, definitions
- [M.S. 204B.195](#) Time off from work to serve as election judge
- [M.S. 204C.04](#) Employees; time off to vote
- [M.S. 211B.09](#) Prohibited public employee activities
- [M.S. 43A.32](#) Political activities
- [M.S. 201.162](#) Duties of state agencies

GENERAL STANDARDS AND EXPECTATIONS

I. Voting Leave Time

Employees are entitled to paid leave time during regular work hours to vote in the following Minnesota elections:

- General elections, as defined in [M.S. 200.02](#), subd. 2, including elections at the city or county level, as well as state and federal level, in which public officials or presidential electors are on the ballot,
- Primary elections, as defined in [M.S. 200.02](#), subd. 3,
- An election to fill a vacancy in the office of United States senator or United States representative,
- An election to fill a vacancy in nomination for a constitutional office,
- An election to fill a vacancy in the office of state senator or state representative; or
- A presidential nomination primary under [M.S. 207A](#).
- Tribal elections in accordance with applicable Collective Bargaining Agreements.

Voting leave time must be granted to employees who are eligible to vote for the time necessary to appear at the employee's polling place, cast a ballot, and return to work (if not at the end of the workday). This leave time is available to employees on election day or to vote in person during the 46-day absentee voting period. Employees may be absent for a reasonable period of time, considering voter turnout and commute time. Voting leave time may be scheduled throughout the workday. Employees must make prior arrangements for the absence with their immediate supervisor.

Employees may be entitled to more leave or leave in broader circumstances under their collective bargaining agreement (CBA) or compensation plan.

Employees wishing to vote in an election not specified in this policy and not authorized for voting leave under their CBA or compensation plan may use other eligible paid or unpaid leave to do so, provided such leave is pre-arranged and approved by the employee's supervisor.

II. Election Judge Leave

[Minnesota Statutes section 204B.195](#), as well as certain CBAs and compensation plans, allow employees to take time off of work for purposes of serving as an election judge in Minnesota. Employees are entitled to paid leave for this purpose, which includes leave for the date(s) of the election, dates of ballot recounts, and leave for any training required of the election judge. Paid leave for election judge training purposes should include the training period, plus a reasonable commute period. The state will not offset the employee's wages based on pay received as an election judge. Employees must provide at least 20 days' notice of the need for such leave. Notice for leave for ballot recounts must be provided as soon as possible after the employee is notified. A certificate of appointment as an election judge may be requested from the employee, as well as documentation of the time required for the training and the hours during which the employee will serve as an election judge.

III. Use of State Systems for Political Activities

There are restrictions on using state computer systems, state email, or other state communication systems for political activities.

Allowed:

- Encouraging employees to get out and vote.

Prohibited:

- Using state computer systems, state email, or other state communication systems for political activities, such as campaigning for a candidate for public office or soliciting funds for political purposes.
- Using state computer systems, state email, or other state communication systems to communicate politically partisan messages.
- Encouraging employees to vote for a particular candidate, platform, or party.

IV. Political Speech

Government has the ability to regulate the speech of its employees in the workplace so long as there is no infringement on employees' First Amendment rights to freedom of speech.

Allowed:

- Posting political speech within an employee's office, cubicle, or other private workspace provided it is not in an area of public access or visible to the public. Employees sharing workspace should be respectful of the sensitivities of their co-workers with regard to any political speech that may be posted.
- Wearing buttons, pins, or apparel containing a partisan message unless the employee's agency otherwise regulates insignia that may be worn on a uniform or other clothing at work, or when meeting with the public during the course of the employee's work responsibilities.

Prohibited:

- Using state-provided bulletin boards (either physical or electronic) to post political speech.
- Posting signs of a political nature in public access areas and/or in public view.
- Using official authority, title, or position, directly or indirectly, to influence or attempt to influence any other person to become a member of any political organization, to pay or promise to pay a political contribution, or to take part in any political activity.
- Soliciting signatures for political candidacy or soliciting or receiving funds for political purposes.
- Engaging in, or giving the impression of engaging in, political speech on behalf of the state or any agency without prior authorization from the agency's commissioner, communications department, or other responsible authority.
- Political activities prohibited by M.S. 43A.32, Political Activities; M.S. 211B.09, Prohibited Public Employee Activities; Administrative Procedure 32, Political Activities of State Employees; the federal Hatch Act; or other applicable state or federal laws.

V. Political Activities of State Employees

An employee may be a candidate for public office, but may not campaign during work time, in state uniform, on state premises, or by using state supplies, equipment, or resources. Any state agency employee who intends to file for an elected public office must request the opinion of Minnesota Management and Budget (MMB) to determine if the campaigning for and/or holding of that office conflicts with the employee's regular state employment. Requests for an opinion must be in writing and submitted with a position description for the requester's current state agency job(s) and a completed [Political Activities of State Agency Employees form](#) to the Commissioner of MMB.

In addition, state employees cannot, directly or indirectly, solicit or receive funds for political purposes during work time. State employees also cannot use their official authority or influence to compel a classified employee to apply for membership in or become a member of a political organization, pay or promise to pay any assessment, subscription, or contribution, or to take part in any political activity.

For further details, refer to [Administrative Procedure 32](#) and [M.S. 43A.32](#).

VI. Nonpartisan Voter Registration Duties of State Agencies

Minnesota law requires state agencies to provide nonpartisan voter registration assistance to employees and the public at large. This requirement also applies to any community-based public agency or nonprofit corporation that contracts with a state agency to carry out the agency's obligations.

Under [M.S. 201.162](#), nonpartisan voter registration assistance must be part of the job of appropriate agency employees. The statute indicates that nonpartisan voter registration assistance includes routinely asking members of the public served by the agency whether they would like to register to vote and, if necessary, assisting them in preparing the registration forms.

Information about Minnesota voter registration, including the application and instructions, is available from the [Minnesota Secretary of State](#).

RESPONSIBILITIES

Agencies are responsible for:

Ensuring that all employees comply with policies and procedures related to voting leave, election judge leave and other election-related issues.

Ensuring notification and communication of policy to employees and supervisors.

Providing a procedure for employees to report issues of non-compliance.

MMB is responsible for:

Updating agencies on any changes to statute or policy.

REFERENCES

[Labor Contracts and Compensation Plans](#)

[Administrative Procedure 32](#) Political Activities of State Employees

[Respectful Workplace Policy HR/LR Policy #1432](#)

CONTACTS

MMB Human Resource Management, Labor Relations, State Ethics Officer