

DATE: October 22, 2012

PERSL #1400

TO: Agency Heads  
Deputy Commissioners  
HR Directors/Deputies

FROM: Jim Schowalte  
Commissioner



RE: Time Off to Vote – This supersedes PERSL #1400 dated 08/03/10

Every election year, Minnesota Management & Budget receives many phone calls regarding employees' right to take time off to vote. In anticipation of the upcoming general election, I am sending you this memo explaining the provisions of Minnesota Statute 204C.04, which now allows employees to take time off work to vote on the day of an election. Please post copies of this memo throughout your department so all employees have a chance to read it.

#### 204C.04 EMPLOYEES: TIME OFF TO VOTE.

Subd 1. Right to be absent. 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.

Subd. 2. Elections covered. For purposes of this section, "election" means a regularly scheduled state primary or general election, an election to fill a vacancy in the office of United States senator or United States representative, or an election to fill a vacancy in the office of state senator or state representative.

Subd. 3. Penalty. A person who violates this section is guilty of a misdemeanor, and the county attorney shall prosecute the violation.

Please note that the law no longer limits time off to the morning hours. However, it does not imply that employees are entitled to any more time off than is necessary to complete the voting process.

Employees wishing to vote during work hours must arrange for time off in advance in order to allow your department to coordinate the timing of absences to minimize the disruption of normal activities.