

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 1589
Ways and Means

(Delegate Palakovich Carr)

Education, Health, and Environmental Affairs

Election Law - Time Off for Employee Voting

This bill requires every employer in the State to allow *any employee in the State* (in place of any employee who claims to be a registered voter in the State) a period of up to two hours absence from work to vote *in an election* (rather than only on Election Day) if the employee does not have two hours of continuous off-duty time during the time that the polls are open. The bill also repeals a requirement that the proof that an employee is required to furnish to their employer that they have voted or attempted to vote must be on a form prescribed by the State Board of Elections (SBE). The bill instead requires the employee to provide reasonable proof in a timely manner. The bill also prohibits an employer from discriminating, retaliating, or taking any form of financial or professional reprisal against an employee who exercises the right under these provisions to be absent from work to vote. **The bill takes effect June 1, 2020.**

Fiscal Summary

State Effect: None. The bill does not directly affect State finances.

Local Effect: The bill is not expected to materially affect local government finances.

Small Business Effect: Minimal.

Analysis

Current Law: Every employer in the State must permit any employee who claims to be a registered voter in the State a period not to exceed two hours absence from work on Election Day in order to cast a ballot if the employee does not have two hours of continuous off-duty during the time that the polls are open. The employer must pay the employee for

the two hours absence from work. Each employee must furnish to the employer proof that the employee has voted or attempted to vote. The proof that an employee has voted or attempted to vote must be on a form prescribed by SBE.

Background: In-person early voting at early voting centers, during an early voting period prior to Election Day, has been available in Maryland since the 2010 elections. In addition, same-day registration has been available at early voting centers since the 2016 elections, allowing a person to register to vote at an early voting center and then subsequently cast a ballot in the same visit. Same-day registration is also now available, beginning with elections in 2020, at polling places on Election Day, pursuant to Chapters 609 and 755 of 2019.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): State Board of Elections; Department of Budget and Management; Department of Legislative Services

Fiscal Note History: First Reader - February 28, 2020
mr/hlb Third Reader - March 16, 2020

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