

HOUSE BILL 398

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HB 1589/20 – W&M

(PRE-FILED)

11r0981
CF SB 158

By: **Delegate Palakovich Carr**

Requested: October 15, 2020

Introduced and read first time: January 13, 2021

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 11, 2021

CHAPTER _____

1 AN ACT concerning

2 **Election Law – Time Off for Employee Voting**

3 FOR the purpose of requiring every employer in the State to allow any employee, rather
4 than any employee who claims to be a registered voter, in the State a certain period
5 of absence from work to vote in an election, rather than only on election day; altering
6 the requirement that certain employees furnish to their employers certain proof to
7 specify that the proof be reasonable and furnished in a timely manner; repealing a
8 requirement that an employee furnish proof to the employer that the employee voted
9 or attempted to vote on a form prescribed by the State Board of Elections; prohibiting
10 an employer from taking certain actions against an employee who exercises the right
11 under certain provisions of law to be absent from work to vote; ~~making a stylistic~~
12 ~~change;~~ and generally relating to time off for employee voting.

13 BY repealing and reenacting, with amendments,
14 Article – Election Law
15 Section 10–315
16 Annotated Code of Maryland
17 (2017 Replacement Volume and 2020 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
19 That the Laws of Maryland read as follows:

20 **Article – Election Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 10-315.

2 (a) ~~Every employer in the State shall [permit] ALLOW any employee [who claims~~
 3 ~~to be a registered voter] in the State a period not to exceed 2 hours absence from work [on~~
 4 ~~election day in order to cast a ballot] TO VOTE IN AN ELECTION if the employee does not~~
 5 ~~have 2 hours of continuous off-duty TIME during the time that the polls are open.~~

6 (A) IF, ON A DAY THAT AN EMPLOYEE CHOOSES TO VOTE IN PERSON IN AN
 7 ELECTION, THE EMPLOYEE DOES NOT HAVE 2 HOURS OF CONTINUOUS OFF-DUTY
 8 TIME DURING THE TIME THE POLLS ARE OPEN, THE EMPLOYER OF THE EMPLOYEE
 9 SHALL ALLOW THE EMPLOYEE TO BE ABSENT FROM WORK ON THAT DAY FOR A
 10 PERIOD NOT EXCEEDING 2 HOURS TO VOTE.

11 (b) The employer shall pay the employee for the 2 hours absence from work.

12 (c) [(1)] Each employee shall furnish to the employer IN A TIMELY MANNER
 13 REASONABLE proof that the employee has voted or attempted to vote.

14 [(2) The proof that an employee has voted or attempted to vote shall be on
 15 a form prescribed by the State Board.]

16 (D) AN EMPLOYER MAY NOT DISCRIMINATE, RETALIATE, OR TAKE ANY
 17 FORM OF FINANCIAL OR PROFESSIONAL REPRISAL AGAINST AN EMPLOYEE WHO
 18 EXERCISES THE RIGHT UNDER THIS SECTION TO BE ABSENT FROM WORK TO VOTE.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
 20 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.