



**House  
Legislative  
Analysis  
Section**

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**TIME OFF FROM WORK TO VOTE**

**House Bill 5562 with committee amendments**  
**First Analysis (5-4-88)**

**Sponsor: Rep. Nick Ciaramitaro**  
**Committee: Elections**

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***THE APPARENT PROBLEM:***

A utility worker from Macomb County has testified that on a recent election day he was required to work overtime in response to what his employer, Detroit Edison, considered an emergency, and, as a result, worked very nearly the entire time the polls were open and was unable to vote. While this may be an isolated incident, the state's election laws contain no requirement that an employer allow employees time off to vote if they would not otherwise have the opportunity.

While absentee ballots are available as an alternative and a convenience, no one should be required to vote by absentee ballot if they prefer to vote in person.

***POSITIONS:***

The Michigan AFL-CIO supports the bill. (5-3-88)

H.B. 5562 (5-4-88)

***THE CONTENT OF THE BILL:***

The bill would amend the Michigan Election Law to require employers to release an employee from work for a reasonable amount of time (but at least one hour), with or without pay, to vote in a local, state, or national public election if the employee would not otherwise have a reasonable opportunity to vote.

An employer who violated the provision would be subject to a civil penalty of up to \$500 per violation. The attorney general or the prosecuting attorney of the county in which the employer was located could enforce the requirement. The bill would define "employer" to refer to an individual, sole proprietorship, partnership, corporation, association, state or local unit of government, or other legal entity with one or more employees.

MCL 168.931a

***FISCAL IMPLICATIONS:***

According to the House Fiscal Agency, the bill has no fiscal implications. (5-4-88)

***ARGUMENTS:***

***For:***

This bill protects the right of people to vote by requiring employers to give employees time off on an election day to vote if the employees otherwise would not have the opportunity. It does not require time off to be granted if employees have a reasonable opportunity to vote outside of working hours. While most employers probably do this now, there is no law that requires it. The bill addresses those rare cases when a worker's schedule is changed at the last minute in a way that prevents him or her from getting to the polls on election day. No one should be relegated to second-class citizen status and denied the chance to participate in the democratic process because of unreasonable demands by an employer.

***Against:***

Perhaps workers who occasionally are called upon to work extraordinary hours should vote by absentee ballot as a precaution. There could be times when the conflict between a job that has to be done and a vote that ought to be cast needs to be resolved in favor of the job.

***Response:*** Traditionally, Michigan has said that its citizens have the right to vote in person on election day.