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TIME OFF FROM WORK TO VOTE

House Bill 5562 as passed by the House
Second Analysis (11-9-88)

RECEIVED

Sponsor: Rep. Nick Ciaramitaro
Committee: Elections

FEB 08 1989

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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.

THE CONTENT OF THE BILL:

The bill would amend the Michigan Election Law to require an employer to release an employee from work for a reasonable amount of time, with or without pay, to vote in a local, state, or national public election under certain circumstances. The release from work would be required if all of the following were true:

- the employee would not otherwise have a reasonable opportunity to vote;
- the employer required the employee to be at the job site, in transit, or otherwise on duty during the entire time the polls were open; and
- either (1) the employee was provided with less than 36 hours notice that job requirements would prevent voting in person and the employee's absence would not endanger the health or safety of other individuals or (2) the employee provided 24 hours notice of the intention to take time off to vote.

An employee released from work under this procedure with pay could not use the time to engage in any political activity other than voting.

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. 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:

There are no positions on the bill.

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