

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 398
Ways and Means

(Delegate Palakovich Carr)

Finance and Education, Health, and
Environmental Affairs

Election Law – Time Off for Employee Voting

This bill requires an employer to allow *an employee* (in place of any employee who claims to be a registered voter in the State) to be absent from work, for a period of up to two hours, to vote on a day that the employee chooses to vote in person *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 the polls are open on that day. 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, 2021.**

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.

Additional Information

Prior Introductions: HB 1589 of 2020 passed the House and was referred to the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken.

Designated Cross File: SB 158 (Senator Lee) - Finance and Education, Health, and Environmental Affairs.

Information Source(s): State Board of Elections; Department of Budget and Management; Judiciary (Administrative Office of the Courts); Maryland Association of Counties; Maryland Municipal League; Department of Legislative Services

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