



## Testimony for the House Ways and Means Committee

January 19, 2021

### HB 398 Election Law - Time Off for Employee Voting

#### FAVORABLE

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The ACLU of Maryland supports HB 398, which would improve upon the current law by requiring employers to allow workers to take paid time off to vote during either early voting or on Election Day. Additionally, this bill would take the important step of barring employers from taking retaliatory action against a worker if they exercise their constitutional right to vote.

Over the years, Maryland has made some great strides to eliminate barriers to voter participation by allowing Maryland citizens to register to vote and cast a ballot at early voting and on election day. Early voting allows for more flexibility to vote in elections. Similarly, Same Day Registration will enable voters who are not yet registered a chance to participate in our elections by allowing them to register up until the time that the polls close on election day. This has proved to be an essential resource for many Marylanders. In 2020, about 354,000 Marylanders utilized Same-Day Voter Registration during the Primary and General Elections.<sup>1</sup>

However, individuals seeking to take advantage of Early voting and Same Day Voter Registration are ineligible for paid time off because state law currently limits paid time off to Election Day and individuals already registered to vote. For people struggling to get by, working multiple jobs, and trying to put food on the table for their families, being

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<sup>1</sup> Maryland State Board of Elections, Unofficial Same-Day Registration and Address Change Turnout By County,

[https://elections.maryland.gov/press\\_room/2020\\_stats/Same%20Day%20Registration%20by%20County%20-%20PG20.pdf](https://elections.maryland.gov/press_room/2020_stats/Same%20Day%20Registration%20by%20County%20-%20PG20.pdf)

unable to receive paid time off to vote can decrease these individuals' likelihood to vote.

Voting is a fundamental right and a civic duty. As the U.S. Supreme Court stated in its landmark 1964 decision, *Reynolds v. Sims*, "The right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government."<sup>2</sup> HB 398 simply seeks to improve the current law so that more eligible Marylanders can register, vote, and exercise their constitutional rights.

For the foregoing reasons, we urge a favorable report on HB 398.

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<sup>2</sup> *Reynolds v. Sims*, 377 U.S. 533 (1964)

