

New York Budget Legislation Includes an Amendment Reverting Back to the Old Voting Leave Law

The budget legislation signed by Governor Cuomo on April 3 includes an amendment to the Election Law that reverts back to the pre-2019 law regarding employee time off to vote.

In April of 2019, the voting leave law was [amended](#) to: (1) increase the number of hours of paid time off to vote from a maximum of two hours to a maximum of three hours; (2) eliminate the provision stating that paid voting leave is allowed only if the employee does not have sufficient non-work time to vote; (3) eliminate the presumption that an employee does not need paid time off to vote if there are at least four consecutive hours before or after the employee's shift when polls are open; and (4) change the time frame for employees to make the request for paid time off to vote from between two and ten days before the election to just not less than two days before the election. These amendments seemed to require employers to grant paid time off to employees to vote even if those employees had ample time to vote outside of their work hours.

The 2020 amendments to the voting leave law are effective immediately. Employees are once again entitled only to two hours of paid time off to vote, and such paid time off is only required if the employee does not have sufficient non-work time to vote. The presumption that an employee has sufficient time to vote if there are at least four consecutive hours either before or after the employee's shift when polls are open has been re-inserted into the statute. Employees are now again required to request time off between two and ten working days before the election, instead of just making the request at least two working days before the election.

The law still requires employers to post a notice of the requirements of the voting leave law not less than ten working days before every election, and keep the notice posted until the close of the polls on election day.

If you have any questions about this Information Memo, please contact [Subhash Viswanathan](#), any of the [attorneys](#) in our [Labor and Employment Practice Group](#) or the attorney in the firm with whom you are regularly in contact.



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