

Legislative Update MAY 2020*

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NEW YORK STATE AMENDS ITS ELECTION LAW & NOTICE FORM IN APRIL 2020

In April 2019, as discussed in detail in MVSHRM's June 2019 Legislative Update, New York State amended its Election Law and Notice form. Exactly one year later, effective April 3, 2020, New York's Election Law was amended once again to essentially restore the rules in place prior to April 2019. Frequently asked questions concerning this law can be found at the following Board of Elections website: <https://www.elections.ny.gov/NYSBOE/elections/TimeOffToVoteFAQ.pdf>.

In addition, the newly updated Notice form that employers are required to post can be found at the following website: <https://www.elections.ny.gov/NYSBOE/elections/TimeOffToVoteNotice.pdf>.

The newly amended Election Law § 3-110, entitled "Time Allowed Employees to Vote," provides:

§ 3-110. Time allowed employees to vote. 1. If a registered voter does not have sufficient time outside of his or her scheduled working hours, within which to vote on any day at which he or she may vote, at any election, he or she may, without loss of pay for up to two hours, take off so much working time as will, when added to his or her voting time outside his or her working hours, enable him or her to vote.

2. If an employee has four consecutive hours either between the opening of the polls and the beginning of his or her working shift, or between the end of his or her working shift and the closing of the polls, he or she shall be deemed to have sufficient time outside his or her working hours within which to vote. If he or she has less than four consecutive hours he or she may take off so much working time as will, when added to his or her voting time outside his or her working hours enable him or her to vote, but not more than two hours of which shall be without loss of pay, provided that he or she shall be allowed time off for voting only at the beginning or end of his or her working shift, as the employer may designate, unless otherwise mutually agreed.

3. If the employee requires working time off to vote the employee shall notify his or her employer not more than ten nor less than two working days before the day of the election that he or she requires time off to vote in accordance with the provisions of this section.

4. Not less than ten working days before every election, every employer shall post conspicuously in the place of work where it can be seen as employees come or go to their place of work, a notice setting forth the provisions of this section. Such notice shall be kept posted until the close of the polls on election day.

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