

**HOUSE . . . . . No. 1859**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Marie P. St. Fleur**

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to time off to vote.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Marie P. St. Fleur	5th Suffolk
Willie Mae Allen	6th Suffolk
Linda Dorcena Forry	12th Suffolk
Gloria L. Fox	7th Suffolk
Richard J. Ross	9th Norfolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1849 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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### AN ACT RELATIVE TO TIME OFF TO VOTE.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 149 of the Massachusetts General Laws is amended by striking § 178 in its entirety and  
2 inserting in place thereof the following section:—

3 Section 178. (a) Eligible electors entitled to vote in a federal, state, or municipal election, shall be  
4 entitled to absent themselves for the purpose of voting from any service or employment in which they are  
5 then engaged or employed on the day of the election for a period of two hours during the time the polls  
6 are open. Any such absence shall not be sufficient reason for the discharge of any person from service or  
7 employment. Eligible electors, who so absent themselves shall not be liable for any penalty, nor shall any  
8 deduction be made from their usual salary or wages, on account of their absence. Eligible electors who  
9 are employed and paid by the hour shall receive their regular hourly wage for the period of their absence,  
10 not to exceed two hours. Application shall be made for the leave of absence prior to the day of election.  
11 The employer may specify the hours during which the employee may be absent, but the hours shall be at  
12 the beginning or end of the work shift, if the employee so requests. The employer may require proof of  
13 voting from the employee, where proof of voting shall be made available and on a form prescribed by the  
14 Secretary of the Commonwealth at the time the polls in a voting precinct, ward, or town are open.

15           (b) If by the day prior to the election, an employee believes that time off will be necessary in  
16 order to vote on the day of the election, he shall notify his employer.

17           (c) This section shall not apply to any person whose hours of employment on the day of the  
18 election are such that there are three or more hours between the time of opening and the time of closing of  
19 the polls during which the elector is not required to be on the job.