

HOUSE No. 1859

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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
2 entirety and inserting in place thereof the following section:—

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

15 a form prescribed by the Secretary of the Commonwealth at the time the polls in a voting
16 precinct, ward, or town are open.

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

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