

SENATE No. 2059

The Commonwealth of Massachusetts

PRESENTED BY:

Rebecca L. Rausch

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 adoption of the accompanying bill:

An Act establishing Election Day as a holiday and providing paid voting leave.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	
<i>Lydia Edwards</i>	<i>Third Suffolk</i>	<i>2/3/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/14/2023</i>

SENATE No. 2059

By Ms. Rausch, a petition (accompanied by bill, Senate, No. 2059) of Rebecca L. Rausch, Lydia Edwards and James B. Eldridge for legislation to establish Election Day as a holiday and providing paid voting leave. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act establishing Election Day as a holiday and providing paid voting leave.

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

1 SECTION 1. The eighteenth clause of section 7 of chapter 4 of the General Laws is
2 hereby amended by adding the following sentence:- “Legal holiday” shall also include Election
3 Day, the first Tuesday in November in even-numbered years; provided, however, that
4 observance of said holiday shall not apply to public employees whose jobs pertain to the
5 operation and administration of elections.

6 SECTION 2. Chapter 149 of the General Laws is hereby amended by striking out section
7 178 and inserting in place thereof the following section:-

8 Section 178. Paid leave of absence from work for voting.

9 (a) For purposes of this section, the terms "employer" and “employee” shall be defined as
10 in section 1 of chapter 175M.

11 (b) An employee who is eligible to vote shall be entitled, upon request, to take two hours
12 of paid leave to be used for the purpose of casting a ballot in any annual or special municipal or
13 state primary or election. An employee may elect to take paid voting leave at any point during
14 the early voting or mail voting period provided by law, or on the date of a primary or election.
15 Employees eligible to observe Election Day as a holiday, as defined in the eighteenth clause of
16 section 7 of chapter 4, shall not be entitled to take additional paid leave pursuant to this
17 paragraph for biennial general elections.

18 (c) It shall be unlawful for any employer to interfere with, restrain, or deny the exercise
19 of, or the attempt to exercise, the right to take paid voting leave under this section as a negative
20 factor in any employment action such as evaluation, promotion, disciplinary action or
21 termination, or otherwise subjecting an employee to discipline for the use of paid voting leave
22 under this section.