

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 892 Session of 2021

INTRODUCED BY ISAACSON, CIRESI, FREEMAN, HILL-EVANS, HOHENSTEIN, LEE, O'MARA, SANCHEZ, SCHLOSSBERG, SCHWEYER, SIMS AND WEBSTER, MARCH 15, 2021

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, MARCH 15, 2021

AN ACT

1 Amending the act of June 3, 1937 (P.L.1333, No.320), entitled
2 "An act concerning elections, including general, municipal,
3 special and primary elections, the nomination of candidates,
4 primary and election expenses and election contests; creating
5 and defining membership of county boards of elections;
6 imposing duties upon the Secretary of the Commonwealth,
7 courts, county boards of elections, county commissioners;
8 imposing penalties for violation of the act, and codifying,
9 revising and consolidating the laws relating thereto; and
10 repealing certain acts and parts of acts relating to
11 elections," providing for employee voter leave.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. The act of June 3, 1937 (P.L.1333, No.320), known
15 as the Pennsylvania Election Code, is amended by adding an
16 article to read:

17 ARTICLE VII-A

18 EMPLOYEE VOTER LEAVE

19 Section 701-A. Definitions.

20 The following words and phrases when used in this article
21 shall have the meanings given to them in this section unless the
22 context clearly indicates otherwise:

1 "Employee." An individual employed by a public or private
2 entity.

3 Section 702-A. Time off to vote.

4 (a) General rule.--Notwithstanding any other provision of
5 law or regulation and in accordance with subsection (b), an
6 employee may, without loss of pay or vacation or other leave,
7 take off enough working time that, when added to the voting time
8 available outside of working hours, will enable the employee to
9 vote.

10 (b) Limitations.--The following apply:

11 (1) An employer is only required to allow for a total of
12 two hours of time off for voting by an employee without loss
13 of pay.

14 (2) Time off for voting shall be at the beginning or end
15 of the regular working shift, whichever allows the most free
16 time for voting and the least time off from the regular
17 working shift, unless a different time is otherwise mutually
18 agreed to by the employer and employee.

19 (c) Notice.--If, on the third working day prior to an
20 election, an employee knows or has reason to believe that time
21 off will be necessary to allow the employee to vote, the
22 employee shall give the employer at least two working days'
23 notice that the employee requires time off in accordance with
24 this section.

25 (d) Prohibition.--An employer shall not ask an employee to
26 divulge any information about the employee's party affiliation
27 or registration or any information on how the employee will vote
28 or whether the employee voted for or against any candidate or
29 ballot question.

30 Section 703-A. Verification of employee voting.

1 (a) Proof of voting.--Presentation of written evidence of
2 voting, as signed or stamped by an election officer, shall
3 constitute proof of voting by the employee.

4 (b) Failure to verify.--If an employee fails to verify
5 voting after taking time off for that purpose in accordance with
6 section 702-A, the employer may make appropriate deductions from
7 the salary or wages of the employee for the period during which
8 the employee is entitled to be absent from employment.

9 Section 704-A. Notice of leave allowance.

10 (a) Posting required.--Not less than 10 days before an
11 election, every employer shall keep posted conspicuously at the
12 place of employment, if practicable, or elsewhere in the
13 workplace where it can be seen as employees enter and leave, a
14 notice setting forth the provisions of this article.

15 (b) Uniform notice.--The following apply:

16 (1) The Secretary of the Commonwealth shall develop a
17 uniform notice for posting by employers in accordance with
18 subsection (a) and shall make the notice available for
19 download and printing on the Department of State's publicly
20 accessible Internet website.

21 (2) The uniform notice shall be in English and other
22 languages that reflect the ethnic and racial demographics of
23 this Commonwealth.

24 (3) The uniform notice shall not indicate or relay any
25 information related to or require information on party
26 affiliation, registration or how an employee will vote.

27 Section 705-A. Failure to comply.

28 An employer that refuses an employee time off to vote as
29 required under this article, subjects an employee to a penalty
30 or deduction of wages because of the exercise of the right to

1 time off work to vote or directly or indirectly violates this
2 article shall be subject to a fine of not less than \$100 nor
3 more than \$500 for each violation.

4 Section 2. This act shall take effect immediately.