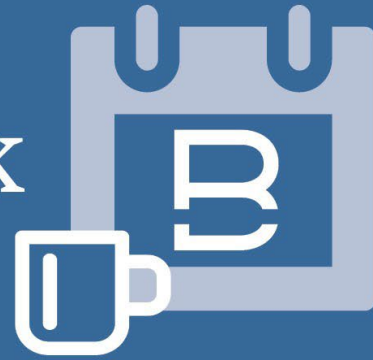


# The Work Week

Bassford Remele Employment Practice Group



**September 23, 2024**

Welcome to another edition of *The Work Week with Bassford Remele*. Each Monday morning, we will publish and send a new article to your inbox to hopefully assist you in jumpstarting your work week.

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## **The Employer-Employee Guide to Navigating the Election Season in Minnesota**

[Marshall T. Hall](#)

On September 20th, Minnesota began its early voting process, which marks 46-days left until Election Day and a crucial point in time for both employers and employees to be reminded about their rights and responsibilities. This guide is meant to inform both employers and employees alike on how to navigate the election process in Minnesota as smoothly as possible.

### **Employer Responsibilities**

Minnesota employers should be aware of two essential election periods – the Early Voting period and Election Day. The Early Voting Period runs from September 20 to November 4. Minnesota allows for early absentee in-person and absentee ballot voting for 46 days prior to its Election Day. Employees interested in early voting should be encouraged and directed to the website of the [Office of the Minnesota Secretary of State website](#) for more information. Small-business owners, service-industry employers, and others in an industry where one-day operational disruptions would be disadvantageous are encouraged to begin anticipating these potential delays and encourage early voting to avoid election day interruptions.

The second election period is Election Day itself, which is on Tuesday, November 5 of this year. The voting polls are statutorily prescribed to open at 7 a.m. on Election Day and remain continuously open until close at 8 p.m. on that same day. Voting may be allowed to continue after 8 p.m., if individuals are waiting in the polling place or waiting in line at the door to register or vote.

Minnesota employers are expressly prohibited from either directly or indirectly refusing, abridging, or interfering with any election right that is available to an employee under Minnesota law. This includes

affording time off to vote—including during the Early Voting period for cities that allow in-person early voting, like Minneapolis and St. Paul. Any employer who violates this right is guilty of a misdemeanor.

### **Employee Rights and Responsibilities**

In Minnesota, every polling place is required to post the “Voter’s Bill of Rights” in a conspicuous location or multiple locations in the polling place:

You have the right to be absent from work for the purpose of voting in a state, federal, or regularly scheduled election without reduction to your pay, personal leave, or vacation time on election day for the time necessary to appear at your polling place, cast a ballot, and return to work.

Notably, every Minnesota employee that is eligible to vote in an “election” has the right to be absent from work for the time that is necessary to: (a) appear at their polling place, (b) cast a ballot, and (c) return to work on election day. This right also extends to the early voting period as well pursuant to statutory changes in 2023. Eligible elections include regular-scheduled elections, run-off elections in the United States House of Representatives or Senate and Minnesota State House of Representatives or Senate, an election for a vacancy of a constitutionally appointed office, and presidential-nomination primary elections.

### **Employer and Employee Rights and Responsibilities**

As briefly mentioned above, there were key changes to the “Time Off Work to Vote” law in 2023, which not only expanded the time off to vote to include the absentee voting period (46 days before the election), but also reemphasized key provisions that both employers and employees need to know:

- Employers cannot require employees to use personal leave or vacation time to vote.
- Employers may ask employees to: (a) inform their employer when they will be gone to vote, and (b) coordinate with other employees regarding their absences to minimize any potential workplace disruptions.
- Employees are empowered to file a complaint with the County Attorney’s Office if they encounter any issues while voting or have any concerns about employer practices.

As Election Day approaches, staying informed and prepared is essential for employers. At [Bassford Remele](#), we have extensive experience advising employers on new and changing laws, regulations, and ordinances, including the various laws governing leave of absences from work. Please reach out if you need assistance managing your workforce this election season!

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