

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 676 Session of 2019

INTRODUCED BY ISAACSON, DERMODY, NEILSON, YOUNGBLOOD,  
 CALTAGIRONE, DALEY, DONATUCCI, FRANKEL, FREEMAN, GOODMAN,  
 HILL-EVANS, MADDEN, MATZIE, McCLINTON, OTTEN, SAMUELSON,  
 SCHLOSSBERG, SCHWEYER, SIMS, SOLOMON, WARREN, WEBSTER AND  
 DAVIDSON, MARCH 1, 2019

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 1, 2019

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

1 context clearly indicates otherwise:

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

4 Section 702-A. Time off to vote.

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

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

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

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

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

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

1 Section 703-A. Verification of employee voting.

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

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

10 Section 704-A. Notice of leave allowance.

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

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

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

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

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

28 Section 705-A. Failure to comply.

29 An employer that refuses an employee time off to vote as  
30 required under this article, subjects an employee to a penalty

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

5 Section 2. This act shall take effect immediately.