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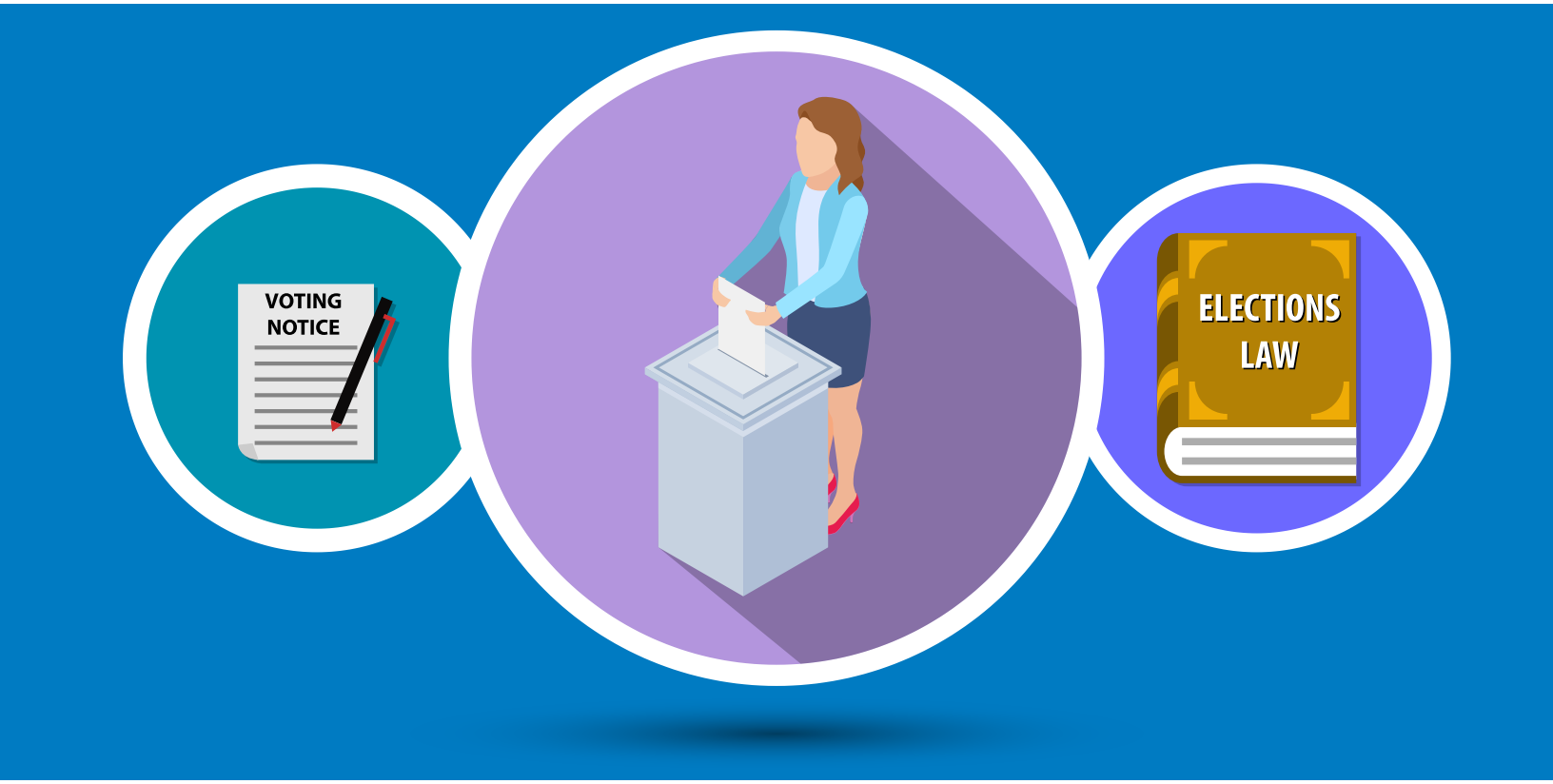

VOTING LEAVE LAW IN CALIFORNIA

California law gives employees up to two hours of paid time off to vote in a statewide election, but only if they lack sufficient time to vote outside working hours.

This document is a PDF version of the following article:
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He writes these guides to put the state's labor laws into plain English, in neutral terms, with a citation for every claim.

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In California, employees have a right to take time off work to vote if they do not have enough time outside of working hours to do so in a statewide election.[1] Although employees may take off as much time as needed to be able to vote, only **two hours** must be paid leave.[2] The employer may not require the use of paid vacation or other forms of accrued paid time off.[3]

This right to paid voting leave extends to all employees in California, whether they work for a public agency or a private employer.[4] This article explains when an employee is entitled to leave, when that leave must be taken, the obligations of both the employer and the employee for that leave, and the impact of early voting and vote-by-mail laws on the provision of time off.

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CH. 01

When Is an Employee Entitled to Leave to Vote?

1.1 Statewide Elections Only

An employee may only be entitled to leave to vote in a statewide election.[5] This excludes elections where only local or municipal candidates or ballot measures are at issue and the election is held only in certain cities or counties.[6] It does, however, include primary elections, as long as they are statewide.

1.2 Employee Must Not Have Time to Vote Outside of Working Hours

The law is intended to give an opportunity to vote to employees who would not otherwise be able to do so because of their jobs.[7] But because polls in California are open from 7:00 a.m. to 8:00 p.m., many employees have adequate time to vote during nonworking hours.

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A California court considering whether an employee should have been granted time off to vote found that, because the employee's shift ended at 3:30 p.m. while the polls closed at 8:00 p.m., the employee had sufficient time outside of working hours to cast a vote.[8] Although this opinion is unpublished, and thus not binding, it likely reflects what a court would find in similar circumstances.

Examples of why an employee may not have enough time to vote during nonworking hours include:

- The employee is working a very long shift on election day.
- The employee lives a great distance from work and would not have time to reach a polling place or vote center.
- The employee is scheduled to be working out of town on election day.

In addition, California now mails a ballot to every active registered voter before each election, and many counties also offer early in-person voting.[9] These options can bear on whether an employee has enough time to vote outside of working hours, a point the final section addresses in detail.

1.3 When Must Leave Be Taken?

The leave must be taken at the beginning or end of the employee's regular working shift, whichever allows the most time for voting and the least time off from working, unless the employer and employee make other arrangements.[10]

1.4 No Right Under Federal Law

Federal law does *not* provide employees the right to take time off to vote in federal elections. Federal elections, however, almost always occur on the same day as statewide elections. So, if an employee is entitled to leave under California law, that employee may use that time off to vote for any candidates for federal office who are on the ballot alongside candidates for state office.

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Required Notices

2.1 Employers Must Give Notice of the Right to Take Voting Leave

Employers are required to post a notice to employees advising them of their right to take paid leave to vote in statewide elections.[11] The notice must be posted at least **10 days** before a statewide election, must be conspicuous, and should either be in the workplace itself or in a place where employees are likely to see it as they arrive at or depart from work.[12]

Time Off to Vote Notices may be downloaded for free from the California Secretary of State's website. They are available in English and nine other languages.

For employees working outside of the office, either at home or at a different location, employers should consider emailing a copy of the notice or otherwise ensuring that all employees are made aware of their leave rights.

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2.2 Employees Must Give Notice of Intent to Take Leave

Employers may require employees to give at least **two working days'** notice that they will need time off to vote.[13] Although there is no requirement that this notice be in writing, it is generally a good idea to do so and to keep a record of the notice.

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CH. 03

Impact of Vote-by-Mail and Early Voting Provisions

In California, every active registered voter is now mailed a ballot before each election. County elections officials begin mailing ballots no later than 29 days before election day, and any registered voter may vote by mail rather than going to the polls on election day.[14] After marking the ballot, a voter may return it in any of the following ways:

- Return the ballot by mail.
- Drop the ballot in a secure county ballot drop box.
- Return the ballot in person at a polling place or vote center anywhere in the state.[15]

Separately, a county may adopt the California Voter's Choice Act, which replaces traditional neighborhood polling places with countywide vote centers. In a Voter's Choice Act county, a voter may cast a ballot in person at any vote center in the county, rather than at a single assigned polling place, and vote centers open for early voting up to 10 days before election day.[16]

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The Voter's Choice Act model applies only in counties that have adopted it. As of the June 2026 primary election, 30 of California's 58 counties use the vote-center model, and they include most of the state's largest counties. (List of participating counties.) The mailed-ballot rule, by contrast, applies statewide.

Despite these additional opportunities to vote, employees must still be given time to vote in person if needed. Whether that time is needed depends on whether an employee is deemed to have enough time outside of working hours to go vote. Employers must consider the employee's working hours, where that employee must go to vote, and the voting opportunities still available at the time of the request.

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References

1 Elections Code, § 14000, subd. (a) [“If a voter does not have sufficient time outside of working hours to vote at a statewide election, the voter may, without loss of pay, take off enough working time that, when added to the voting time available outside of working hours, will enable the voter to vote.”]

2 Elections Code, § 14000, subd. (b) [“No more than two hours of the time taken off for voting shall be without loss of pay.”]

3 See Elections Code, § 14000, subd. (a).

4 Elections Code, § 14002 [“Sections 14000, 14001, and 14004 shall apply to all public agencies and the employees thereof, as well as to employers and employees in private industry.”].

5 Elections Code, § 14000, subd. (a).

6 See Elections Code, § 14000, subd. (a).

7 See Cal. Secretary of State’s Office, Time off to Vote Notices (last visited July 7, 2026).

8 *Godfrey v. Department of Corrections and Rehabilitation* (Cal. Ct. App., Mar. 20, 2020, No. C085693) 2020 WL 1316346.

9 Elections Code, § 3000.5, subd. (a); see Stats. 2021, ch. 312 (A.B. 37) (universal vote-by-mail made permanent statewide, operative Jan. 1, 2022).

10 Elections Code, § 14000, subd. (b) [“The time off for voting shall be only at the beginning or end of the regular working shift, whichever allows the most free time for voting and the least time off from the regular working shift, unless otherwise mutually agreed.”]

11 Elections Code, § 14001 [“Not less than 10 days before every statewide election, every employer shall keep posted conspicuously at the place of work, if practicable, or elsewhere where it can be seen as employees

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come or go to their place of work, a notice setting forth the provisions of Section 14000."]

12 Elections Code, § 14001.

13 Elections Code, § 14000, subd. (c) ["If the employee on the third working day prior to the day of election, knows or has reason to believe that time off will be necessary to be able to vote on election day, the employee shall give the employer at least two working days' notice that time off for voting is desired, in accordance with this section."]

14 Elections Code, § 3000.5, subd. (a) (county elections officials must begin mailing a ballot to every active registered voter no later than 29 days before each election); see Stats. 2021, ch. 312 (A.B. 37) (making universal vote-by-mail permanent statewide, operative Jan. 1, 2022); Elections Code, § 3003 ["The vote by mail ballot shall be available to any registered voter."].

15 Elections Code, § 3017, subd. (a)(1) ["After marking the ballot, the vote by mail voter shall do any of the following: (A) Return the ballot by mail or in person to the elections official who issued the ballot. (B) Return the ballot in person to a member of a precinct board at a polling place or vote center within the state. (C) Return the ballot to a vote by mail ballot dropoff location within the state that is provided pursuant to Section 3025 or 4005."].

16 Elections Code, §§ 4005–4007, added by Stats. 2016, ch. 832 (S.B. 450) (the California Voter's Choice Act); see Elections Code, § 3017, subd. (a)(1).

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