



Employer guidelines for election day activity

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As Election Day approaches, employers should be aware of laws that affect the campaign and voting activity of their employees. State law permits and restricts certain campaign and Election Day activities, and employers should ensure that corporate policies do not run afoul of campaign finance laws.

In the days and weeks leading up to Election Day, employees should not be allowed to participate in partisan or candidate campaigns on company time. This prohibition includes allowing employees to distribute candidate literature on company property.

Companies are permitted to participate in ballot issue or levy campaigns, if they choose. In this case, employees may campaign on company time, but efforts must be nonpartisan. Employees may also use corporate resources to support these campaigns, as long as that use is in accordance with the company's issue campaign policy.

Additionally, employers may place literature or posters promoting a state or ballot issue in public space for customers and clients to see. Any literature that is posted must be truthful and must contain a disclaimer clearly identifying the campaign committee.

With respect to contributions, employees should be permitted to make voluntary contributions to a political cause, but employers should be careful to not require or reward political giving, as well as to not coerce employees to make a contribution.

On Election Day, state law prohibits any employer from interfering with an employee's efforts to vote. This means that employers need to give employees a reasonable amount of time to vote.

While the law does prohibit employer interference with Election Day voting, this does not necessarily mean that every employee must be given time off of work to vote. Some employees are not "electors," and most employees have an opportunity to vote before or after work. Considerations may need to be given for employees who work extended shifts or for those whose polling location is far from work.

Similarly, employers should allow employees to serve as an election official. There is no requirement for employers to pay employees while they are away from work for this service, but employers may grant leave or pay employees if they choose. Whatever policy they choose, employers should ensure it is applied equally to all employees, regardless of political party affiliation.

The policies of individual companies may vary depending on nuances of each workplace. To ensure policies are in compliance with state laws, additional legal review may be necessary.

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