

Are you allowed time to vote?

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As the November 2 election nears, a frequent question from teachers and education support professionals is: “Does my school district have to allow me time to go to the polls and vote?”

Like most legal questions, the answer is a resounding “it depends.”

Oklahoma employers are required to provide time for employees to cast a ballot under certain circumstances, some of which may be applicable to education employees.

Oklahoma statutes (Okla. Stat. tit. 26, § 7-101) require an employer to provide an employee who is a registered voter two hours of time while the polls are open in which to vote IF (and there is always an if):

- 1) The work day of the employee does not begin three or more hours subsequent to the opening of the polls, or the work day of the employee does not end three or more hours prior to the closing of the polls; and
- 2) The employee provides oral or written notification to the employer on the day preceding the election of his or her intent to be absent for voting purposes pursuant to this statute.

This statute applies to all elections, including school board and bond elections.

So, if a workday starts after 10 a.m. or ends before 4 p.m., an employee is not entitled to take the additional two hours to cast a ballot. If the workday begins or ends outside of those time periods, an employee is entitled to take the additional two hours if the employee provides oral or written notice to the employer the day before the election. If a school or the district has scheduled additional duties on the day of an election, such as a faculty meeting or parent/teacher conferences, the time required to perform such additional duties should be counted when determining whether the statute applies.

Upon proof of voting, the employee cannot be subject to any loss of compensation or other penalty for such absence. An employer shall select the hours during which eligible employees are allowed to “attend such elections” and employers may also change the work hours on the day of an election to allow the three hours before the beginning of work or the three hours after work in order to comply with the statute.

Oklahoma recognizes the public policy inherent in allowing its citizens a full and fair opportunity to cast the ballot of their choice, and this statute is designed to afford both employees and employers an orderly process for exercising this important right.

If you need assistance in determining whether the “time to vote” statute applies to you, or if your employer fails to provide the required two hours to attend the election and vote, be sure to contact your regional OEA Advocacy Specialist for additional help.