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ELECTION REQUIREMENT REMINDER FOR OHIO EMPLOYERS

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As early voting continues leading to a November 3, 2026 election day, Ohio employers should review their statutory obligations and any policies that may be related to employee voting. Ohio Revised Code Section 3599.06 prohibits employers from interfering with employees' right to vote and serve as poll-workers on election day. The statute provides that employees should be allowed to take "a reasonable amount of time to vote" on election day and that employees shall be permitted to serve as election officials.

The reasonable voting accommodation issue typically arises where an employee's shift (along with regular commuting time) prevents an employee from being able to vote. The issue should arise infrequently as Ohio polls are open from 6:30 a.m. to 7:30 p.m. and early voting, which began October 6, 2026 includes weekend voting. Nevertheless, Ohio employees should review any voting leave policies and communicate the related procedures in advance of the election.

An employer's voting leave policy and related communication should, at a minimum address:

1) Employee rights under Ohio law to have reasonable time off to vote, to have time off to serve as an election official, and to be free to exercise the right to vote without threats or coercion;
2) The specific process that should be followed for requesting voting leave and the employer's right to determine the timing of leave to meet operational needs; and,
3) Whether the leave will be paid or unpaid.

There is no requirement in Ohio for employers to provide paid voting leave, but employers may provide paid leave or permit employees to use available paid time off. Additionally, under the Fair Labor Standards Act, employers are prohibited from deducting pay from an exempt employee's predetermined salary for partial day absences, such as taking time to vote during the workday. In addition to the erosion of the relationship between an employer and employee, Ohio employers that violate the Ohio statute will be subject to a fine between $50 - $500 per violation.

Jim Yates is a Member and Juliana Fierro is an Associate in Eastman & Smith Ltd.'s Labor and Employment group. They partner with human resource professionals to make workplaces better (and legally compliant). Jim can be reached at 419-241-6000 or jbyates@eastmansmith.com and Juliana can be reached at jnfierro@eastmansmith.com . *This article has been prepared by Eastman & Smith Ltd. for informational purposes only and should not be considered legal advice. This information is not intended to create, and receipt of it does not constitute, an attorney/client relationship.*