

HB 1207-FN - AS INTRODUCED

2022 SESSION

22-2109

04/11

HOUSE BILL                    ***1207-FN***

AN ACT                    requiring an employer to provide paid time off for an employee to vote.

SPONSORS:            Rep. McGhee, Hills. 27; Rep. M. Smith, Straf. 6; Rep. Merchant, Sull. 4; Rep. Deshaies, Carr. 6; Rep. Wolf, Merr. 5; Rep. Marsh, Carr. 8; Rep. Burroughs, Carr. 1; Rep. Weston, Graf. 8

COMMITTEE:          Labor, Industrial and Rehabilitative Services

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ANALYSIS

This bill requires an employer to grant an employee paid time off so the employee may vote.

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Explanation:          Matter added to current law appears in ***bold italics***.  
                         Matter removed from current law appears ~~[in brackets and struckthrough]~~  
                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT                    requiring an employer to provide paid time off for an employee to vote.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1            1 New Section; Protective Legislation; Paid Time Off to Vote. Amend RSA 275 by inserting after  
2 section 30-a the following new section:

3            275:30-b Paid Time Off to Vote. On the day of any state election, as defined in RSA 652:3, an  
4 employer shall grant an employee who would be working during the time polls are open, at least 3  
5 hours paid time off in order to vote.

6            2 Effective Date. This act shall take effect 60 days after its passage.

**HB 1207-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT requiring an employer to provide paid time off for an employee to vote.

**FISCAL IMPACT:**    ☒ State                    ☒ County                    ☒ Local                    ☐ None

| STATE:                 | Estimated Increase / (Decrease)                                                                                                                                                      |                         |                         |                         |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|-------------------------|-------------------------|
|                        | FY 2022                                                                                                                                                                              | FY 2023                 | FY 2024                 | FY 2025                 |
| <b>Appropriation</b>   | \$0                                                                                                                                                                                  | \$0                     | \$0                     | \$0                     |
| <b>Revenue</b>         | \$0                                                                                                                                                                                  | \$0                     | \$0                     | \$0                     |
| <b>Expenditures</b>    | \$0                                                                                                                                                                                  | Indeterminable Increase | Indeterminable Increase | Indeterminable Increase |
| <b>Funding Source:</b> | <input checked="" type="checkbox"/> General Government Funds <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Various |                         |                         |                         |

**COUNTY:**

|                     |     |                         |                         |                         |
|---------------------|-----|-------------------------|-------------------------|-------------------------|
| <b>Revenue</b>      | \$0 | \$0                     | \$0                     | \$0                     |
| <b>Expenditures</b> | \$0 | Indeterminable Increase | Indeterminable Increase | Indeterminable Increase |

**LOCAL:**

|                     |     |                         |                         |                         |
|---------------------|-----|-------------------------|-------------------------|-------------------------|
| <b>Revenue</b>      | \$0 | \$0                     | \$0                     | \$0                     |
| <b>Expenditures</b> | \$0 | Indeterminable Increase | Indeterminable Increase | Indeterminable Increase |

**METHODOLOGY:**

This bill requires an employer to grant an employee paid time off so the employee may vote.

The Department of Administrative Services makes the following assumptions regarding the fiscal impact of this bill:

- The bill would apply to both part-time and full-time employees in all three branches of State government.
- Based on the statutory citation regarding the definition of a State election, this will not impact any employer, including the State of New Hampshire, in odd numbered calendar years.
- In even numbered years there are 3 State elections: the State Primary, the State General Election, and the Presidential Primary which is held once every four years, usually early in an even number year.

- It is assumed that every employee who works while the polls are open would be granted a minimum of 3 hours off to vote. Since employees do not always work in the same town or city ward in which they are domiciled to vote, some employees may need to be granted greater than 3 hours off in order to vote if they are domiciled a good distance from where they work. It is unknown how many employees would need more than 3 hours off to vote. Therefore, for purposes of this fiscal note, it is assumed that each employee would receive the 3 hour minimum off and nothing more.
- With regard to the paid time off granted, it is assumed that this time would not be charged against any earned time the employees have accumulated.

Based on these assumptions, the costs to the State per election would be as follows:

|                           |                 |
|---------------------------|-----------------|
| Executive Branch          | \$1,005,024     |
| Judicial Branch           | \$101,330       |
| <u>Legislative Branch</u> | <u>\$23,962</u> |
| Total Cost:               | \$1,130,316     |

Since the fiscal years overlap odd and even calendar years, the Department estimated the impact by fiscal year will be:

|                              |             |
|------------------------------|-------------|
| FY 2022 - No elections:      | \$0         |
| FY 2023 - 2 State elections: | \$2,260,632 |
| FY 2024 - 1 State election:  | \$1,130,316 |
| FY 2025 - 2 State elections: | \$2,260,632 |

The Department of Labor does not anticipate this bill would have any appreciable impact on revenues at the state, county or municipal level. The Department assumes it is possible that the bill would increase costs to state, county and local governments as they may be required to augment staffing to provide for the paid time off.

The New Hampshire Municipal Association indicates there may be an effect on municipal expenditures, as municipalities would need to rearrange employee work schedules to accommodate the changes. This may involve hiring temporary employees or paying overtime to some employees to cover for others while they are away from work. These effects will vary substantially from municipality to municipality, and the Association has no way of estimating the total impact. There should be no effect on municipal revenues.

The New Hampshire Association of Counties assumes the impact of this bill on county expenditures would be minimal. Providing employees with a few hours off to go and vote may

result in some overtime for the correctional facilities and nursing homes, but the Association expects those costs would be minimal.

It is assumed that any fiscal impact would occur after FY 2022.

**AGENCIES CONTACTED:**

Departments of Administrative Services and Labor, New Hampshire Municipal Association and New Hampshire Association of Counties