

City of Saint Paul Elections, Voting and Election Judge Policy

Revised: August 3, 2016

Time Off To Vote

State Statute, Chapter 204C.04, allows an employee to take time off to vote, with pay, on the day of a regularly scheduled election, including primary elections.

Employees must be allowed time off, with pay, to vote. State law allows for time to travel to the polling place, cast a vote and return to work. Employees are required to notify their supervisor, in advance of Election Day, of their request for paid time off to vote. The employee will work with the supervisor to find a mutually acceptable time during the day to afford the employee this right. The request for time off should reasonably allow for an employee to get to their designated polling place, vote and return to work. If an employee chooses to vote on their way to work, travel time prior to voting will not be paid, but voting time and travel to work will be paid. If an employee does not return to work after voting, travel time after voting will not be paid.

Minnesota Statute, Section 204C.04 - Employees; Time Off to Vote

Subdivision 1. Right to be absent.

Every employee who is eligible to vote in an election has the right to be absent from work for the time necessary to appear at the employee's polling place, cast a ballot, and return to work on the day of that election, without penalty or deduction from salary or wages because of the absence. An employer or other person may not directly or indirectly refuse, abridge, or interfere with this right or any other election right of an employee.

Subd. 2. Elections covered.

For purposes of this section, "election" means a regularly scheduled election, an election to fill a vacancy in the office of United States senator or United States representative, an election to fill a vacancy in nomination for a constitutional office, or an election to fill a vacancy in the office of state senator or state representative, or a presidential nomination primary under chapter 207A.

Subd. 3. Penalty.

A person who violates this section is guilty of a misdemeanor, and the county attorney shall prosecute the violation.

Serving as an Election Judge

Election judges are considered employees of the City or County in which they are appointed. Using Ramsey County as an example, in 2016, election judges are compensated at a rate of between \$10.00 to \$15.00 per hour, depending on the duties performed. Judges are also paid to attend training. This payment is taxable. Election judge pay is not a stipend, it is an actual wage. Therefore, the City cannot accept the return of the Ramsey County employee pay check received for being a judge in the same manner City does with a stipend payment received for performing jury duty.

The employee has two options:

1. Take vacation or compensatory pay for the hours they act as an election judge and keep the county paycheck; OR
2. Work as an election judge on City time and submit a copy of their election judge pay check to payroll. The City will pay the employee their regular City wages for any time spent as an election judge during their normal working hours. A negative pay adjustment will be done in the amount of their normal work hours times the hourly wage paid by their City/County for being an election judge per state statute. For example, if their City/County wage is \$10.00 per hour and the employee normally works an 8 hour day, the negative adjustment would be \$80.00. If he/she normally works a 10 hour day, the adjustment would be \$100.00. Any amount paid for training or other related work done on the employee's own time will not be deducted.

Minnesota Statute, Chapter 204B.195, Time Off From Work to Serve as an Election Judge

Any individual who is selected to serve as an election judge pursuant to section 204B.21, subdivision 2 may, after giving an employer at least twenty (20) days' written notice, be absent from a place of work for the purpose of serving as an election judge without penalty. An employer may reduce the salary or wages of an employee serving as an election judge by the amount paid to the election judge by the appointing authority during the same time the employee was absent from the place of employment.

The written request to be absent from work must be accompanied by a certification from the appointing authority stating the hourly compensation to be paid the employee for service as an election judge and the number of hours during which the employee will serve. An employer may restrict the number of persons to be absent from work for the purpose of serving as an election judge to no more than twenty (20) percent of the total work force at any single work site.

IF YOU HAVE ANY FURTHER QUESTIONS REGARDING THIS POLICY, PLEASE CONTACT:

Human Resources
(651) 266-6500