

SENATE No. 1125

The Commonwealth of Massachusetts

PRESENTED BY:

Rebecca L. Rausch

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing election day as a legal holiday.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	
<i>Erika Uyterhoeven</i>	<i>27th Middlesex</i>	<i>2/26/2021</i>

SENATE No. 1125

By Ms. Rausch, a petition (accompanied by bill, Senate, No. 1125) of Rebecca L. Rausch and Erika Uyterhoeven for legislation to establish day as a legal holiday. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act establishing election day as a legal holiday.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The eighteenth clause of section 7 of chapter 4 of the General Laws is
2 hereby amended by striking out the words “the second Monday in October,” and further
3 amended by adding the following sentence:- “Legal holiday” shall also include Election Day, the
4 first Tuesday in November in even-numbered years; provided, however, that observance of said
5 holiday shall not apply to public employees whose jobs pertain to the operation and
6 administration of elections.

7 SECTION 2. Chapter 149 of the general laws is hereby amended by striking out section
8 178 and inserting in place thereof the following section:-

9 Section 178. Paid leave of absence from work for voting.

10 (a) For purposes of this section, the terms "employer" and “employee” shall be defined as
11 in section 1 of chapter 175M.

12 (b) An employee who is eligible to vote shall be entitled, upon request, to take four hours
13 of paid leave to be used for the purpose of casting a ballot in any annual or special municipal or
14 state primary or election. An employee may elect to take their four hours of paid voting leave at
15 any point during the early voting period provided in section 25B of chapter 54, any applicable
16 mail voting period provided chapter 54, or on the date of a primary or election. Employees
17 eligible to observe Election Day as a holiday, as defined in the eighteenth clause of section 7 of
18 chapter 4, shall not be entitled to take additional paid leave pursuant to this paragraph for
19 biennial general elections.

20 (c) It shall be unlawful for any employer to interfere with, restrain, or deny the exercise
21 of, or the attempt to exercise, the right to take paid voting leave under this section as a negative
22 factor in any employment action such as evaluation, promotion, disciplinary action or
23 termination, or otherwise subjecting an employee to discipline for the use of paid voting leave
24 under this section.