

118TH CONGRESS
1ST SESSION

H. R. 5322

To provide employees with a minimum of two consecutive hours of paid leave in order to vote in Federal elections.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 1, 2023

Mr. CARTWRIGHT (for himself, Ms. WILLIAMS of Georgia, Mr. POCAN, Mr. BOYLE of Pennsylvania, Mr. SWALWELL, Mr. GALLEGO, Mr. THOMPSON of Mississippi, Mr. MOULTON, Ms. PORTER, Mr. VARGAS, Mr. EVANS, Mr. SCHIFF, Ms. LEE of California, Mr. ESPAILLAT, Ms. WILSON of Florida, Ms. JACOBS, Mr. CARTER of Louisiana, Ms. CLARKE of New York, Ms. MOORE of Wisconsin, Ms. SCANLON, Ms. BARRAGÁN, Ms. PRESSLEY, Ms. WASSERMAN SCHULTZ, Ms. KAMLAGER-DOVE, Mr. MULLIN, Ms. BROWN, Mr. RUPPERSBERGER, Ms. BALINT, Mr. DOGGETT, Ms. SEWELL, Ms. CROCKETT, Ms. JACKSON LEE, Ms. NORTON, Mr. DELUZIO, Ms. MCCLELLAN, Mr. GRIJALVA, Ms. SÁNCHEZ, Ms. SCHAKOWSKY, Mr. SARBANES, Mr. NICKEL, Mr. JACKSON of Illinois, Ms. TITUS, Ms. MCCOLLUM, Mr. GREEN of Texas, Ms. TLAIB, Mr. JOHNSON of Georgia, Mr. BOWMAN, Mr. CLEAVER, Mr. PAYNE, Mr. KRISHNAMOORTHY, Mrs. WATSON COLEMAN, Mr. BLUMENAUER, Mrs. CHERFILUS-MCCORMICK, Mr. DAVIS of Illinois, Mr. RASKIN, Mr. MEEKS, Mrs. NAPOLITANO, Ms. SALINAS, Mr. CARSON, Mr. TRONE, Mr. COHEN, and Ms. VELÁZQUEZ) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To provide employees with a minimum of two consecutive hours of paid leave in order to vote in Federal elections.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Time Off to Vote Act”.

3 **SEC. 2. REQUIREMENT FOR TWO HOURS PAID LEAVE TO**
4 **VOTE IN FEDERAL ELECTIONS.**

5 (a) **REQUIREMENT TO PROVIDE LEAVE.**—Upon the
6 request of an employee, an employer shall provide to each
7 employee a minimum of two consecutive hours of paid
8 leave on the day of any Federal election in order to vote.

9 (b) **EMPLOYER RIGHT TO DETERMINE TWO-HOUR**
10 **PERIOD.**—For each employee taking leave under sub-
11 section (a), the employer of such employee may specify
12 the hours during which the employee may take such leave,
13 including by requiring that the employee take the leave
14 during a period designated for early voting instead of on
15 the day of the election, as applicable under State law. Any
16 lunch break or other break period may not be included
17 in the two-hour period designated for leave, but may be
18 taken consecutively with the 2-hour period described in
19 subsection (a).

20 (c) **NO LOSS OF BENEFITS.**—The taking of leave
21 under this section shall not result in the loss of any em-
22 ployment benefit accrued prior to the date on which the
23 leave was taken.

24 (d) **PROHIBITED ACTS.**—

25 (1) **INTERFERENCE WITH RIGHTS UNDER THIS**
26 **ACT.**—It shall be unlawful for any employer to inter-

1 fere with, restrain, or deny the exercise of or the at-
2 tempt to exercise, the right to take leave under this
3 Act, or to discriminate against an employee in any
4 manner for taking leave under this Act.

5 (2) RETALIATION.—It shall be unlawful for any
6 employer to discharge or in any other manner dis-
7 criminate against any individual for—

8 (A) opposing any practice made unlawful
9 by this section;

10 (B) filing any charge, or instituting or
11 causing to be instituted any proceeding, under
12 or related to this section;

13 (C) giving or preparing to give any infor-
14 mation in connection with any inquiry or pro-
15 ceeding relating to any leave provided under
16 this section; or

17 (D) testifying or preparing to testify in
18 any inquiry or proceeding relating to any leave
19 provided under this section.

20 (e) INVESTIGATIVE AUTHORITY.—The Secretary of
21 Labor shall have investigative authority with respect to the
22 provisions of this subsection in the same manner and
23 under the same terms and conditions as the investigative
24 authority provided under section 106 of the Family and
25 Medical Leave Act of 1993 (29 U.S.C. 2616), and the re-

1 requirements of section 106 of such Act shall apply to em-
2 ployers under this subsection in the same manner as such
3 requirements apply to employers under section 106 of such
4 Act.

5 (f) ENFORCEMENT.—

6 (1) IN GENERAL.—Any employer that violates
7 this Act may be subject to a civil penalty not to ex-
8 ceed \$10,000 per violation. Civil penalties shall be
9 assessed by and paid to the Secretary of Labor for
10 deposit into the Treasury of the United States and
11 shall accrue to the United States and may be recov-
12 ered in a civil action in the name of the United
13 States brought in the United States district court
14 for the district where the violation is alleged to have
15 occurred or where the employer has its principal of-
16 fice.

17 (2) CONSIDERATIONS.—In assessing a civil pen-
18 alty under this Act, the Secretary shall give due con-
19 sideration to the appropriateness of the penalty with
20 respect to the size of the business of the employer
21 being charged, the gravity of the violation, the good
22 faith of the employer, and the history of previous
23 violations.

24 (g) DEFINITIONS.—As used in this Act—

1 (1) the term “employee” has the meaning given
2 such term in section 3 of the Fair Labor Standards
3 Act of 1938 (29 U.S.C. 203); and

4 (2) the term “employer” means any person en-
5 gaged in commerce or in any industry or activity af-
6 fecting commerce who employs 25 or more employ-
7 ees during a calendar year, and includes any person
8 who acts, directly or indirectly, in the interest of an
9 employer to any of the employees of such employer
10 and any successor in interest of an employer. In the
11 previous sentence, the terms “commerce” and “in-
12 dustry or activity affecting commerce” have the
13 meaning given such terms in section 101(1) of the
14 Family and Medical Leave Act of 1993.

15 (h) STATE AND LOCAL LAWS.—Nothing in this Act
16 shall be construed to supersede any provision of any State
17 or local law that requires an employer to provide leave to
18 an employee, for the purpose of voting in any Federal,
19 State, or municipal election, in an amount greater than
20 that required under this Act, or under terms more bene-
21 ficial to an employee than those provided under this Act.

22 (i) EFFECTIVE DATE.—This section shall take effect
23 beginning with the first Federal election held after the
24 date of enactment of this Act.

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