

Trustee Tip October 2016

Election Day at Your Library

When election day draws near, many library trustees wonder how matters such as voting leave and state holidays affect library operations. Here are a few common questions about election day activities and Kentucky public libraries.

Are Libraries Required to Offer Employees Time to Vote?

Kentucky Revised Statutes require employers to allow employees time for voting ([KRS 118.035](#)). Employers can require employees to arrange for voting leave prior to election day or time to complete an absentee ballot. KRS 118.035 further states that:

no person shall be penalized for taking a reasonable time off to vote, unless, under circumstances which did not prohibit him from voting, he fails to vote. Any qualified voter who exercises his right to voting leave under this section but fails to cast his vote, under circumstances which did not prohibit him from voting, may be subject to disciplinary action.

We Have Employees Who Work As Election Officers – Must We Allow This?

According to KRS 118.035, citizens selected to serve as election officers are entitled to be absent from employment for an entire work day, both for purposes of officer's training and for election days, without penalty. Employers can request that employees serving as election officers ask for time off as far in advance of training or election days as possible.

Are Libraries Required to Close on Election Day?

Libraries that are not polling places can choose whether or not to close to the public on election days. Some libraries adopt the Commonwealth's holiday schedule; presidential elections are state holidays, meaning state offices are closed. Likewise, some libraries choose to close to the public on election day due to high absenteeism caused by a combination of employees taking voting leave/working as election officers.

Are Libraries That Serve As Polling Places Required to Close on Election Day?

When libraries serve as polling places for elections, their primary function on that day is to act as a polling place – any attempts to maintain regular libraries services must not interfere with the legal restrictions placed upon polling places. All of the legal obligations for polling places are addressed in [KRS 117.235](#); many libraries find that maintaining order in the polling place as required by KRS 117.235 and as recommended by the Kentucky State Board of Elections makes remaining open to the public difficult or impossible, especially for libraries that cannot guarantee facilities and entrances that will be used exclusively for the polling place and separated adequately from library users.

Having a plan for your library's operations and personnel on election days is much easier if you have policies in place well before the day arrives. You can find samples of Holidays, Voting Leave and Library As Polling Place policies on [KDLA's Sample Policies webpage](#).

This tip is not intended to serve as legal advice. If you feel you need legal advice, please consult an attorney.