

## **ELECTION DAY IS COMING..... ARE YOU READY?**

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**W**ith the November election just days away, now is an appropriate time for Nebraska employers to be reminded of their legal responsibilities as it relates to campaigns and elections.

First, Section 32-1537 of the Nebraska Revised Statutes prohibits any person from coercing employees in their voting or political action or attempting to influence employee political action by threats or retaliation. Specifically, the statute provides as follows:

Any person who (1) coerces or attempts to coerce any of his or her employees in their voting or in any other political action at any caucus, convention, or election held or to be held in this state or (2) attempts to influence the political action of his or her employees by threatening to discharge them because of their political action or by threats on the part of such person to close his or her place of business in the event of the passage or defeat of any issue on the ballot, in the event of the election or defeat of any candidate for public office, or in the event of the success or defeat of any political party at any election shall be guilty of a Class IV felony.

Second, Nebraska law requires employers to provide employees with paid leave to cast their vote in the event the employee does not have two consecutive hours to vote while the polls are open. If the employee requests such leave prior to or on election day, the employee cannot be penalized by the employer and no deduction from the employee's wages can be made on account of such absence. However, the employer may specify the hours during which the employee may be absent to vote. NEB.REV.STAT. § 32-922.

Finally, employees serving as an official election worker must be permitted to serve without loss of pay. However, the employer may deduct from the employees wages an amount equal to the compensation paid to the employee by the County for the election service. Violation of this statute is a Class V misdemeanor. NEB.REV.STAT. § 32-241(2).

If you have any questions regarding your legal obligations, you are encouraged to contact Mark A. Fahleson, [mfahleson@remboltludtke.com](mailto:mfahleson@remboltludtke.com) or Sarah S. Pillen, [spillen@remboltludtke.com](mailto:spillen@remboltludtke.com).

This article is provided for general information purposes only and should not be construed as legal advice. Those requiring legal advice are encouraged to consult with their attorney.

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