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S.B. 87
135th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Smith

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SUMMARY

- Designates the day of each general election (the first Tuesday after the first Monday in November) as Democracy Day, a legal holiday.
- Requires state, county, township, and nonteaching school district employees to receive paid leave on Democracy Day.
- Allows school district boards of education to dismiss school on Democracy Day.
- Delays legal deadlines that fall on Democracy Day.

DETAILED ANALYSIS

The bill designates the day of each general election (the first Tuesday after the first Monday in November) as Democracy Day, a legal holiday for which government employees receive paid leave. Under the bill, Democracy Day is the twelfth such legal holiday, along with New Year's Day, Martin Luther King Day, Washington-Lincoln Day (Presidents' Day), Memorial Day, Juneteenth Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day. Continuing law also allows the Governor or the President of the United States to appoint and recommend any additional day as a legal holiday.¹

Existing law designates the day of each general election, between 12:00 p.m. and 4:30 p.m., as a holiday, but the designation is not treated as a paid holiday.² Under continuing law, any employer, public or private, is prohibited from discharging or threatening to discharge an

¹ R.C. 1.14.

² R.C. 5.20.

employee for taking a reasonable amount of time to vote on any election day, and from refusing to permit an employee to serve as an election official on any election day.³

Paid leave and closures

Under the bill, state, county, township, and nonteaching school district employees must receive paid leave on Democracy Day, as with other legal holidays.⁴ Under continuing law, this requirement does not apply to other government employees, such as municipal employees and employees of other political subdivisions. Those employees still may receive paid holidays under local ordinances or policies or pursuant to collective bargaining agreements.

Further, school district boards of education may, but are not required to, dismiss school on legal holidays.⁵ Some schools already schedule teacher in-service days on election days when the school is used as a polling place.

Effect on legal deadlines

The bill adds Democracy Day to the list of holidays that delay legal deadlines. Under continuing law, when determining the deadline to take any action required by law, if the last day of the deadline falls on a Sunday or a legal holiday, the deadline is extended to the next day that is not a Sunday or a legal holiday.⁶

The bill separately adds Democracy Day to the list of holidays that are not included as a business day for purposes of the law governing home solicitation sales (door-to-door sales). For example, under that law, a customer has a right to cancel any sale by midnight of the third business day after agreeing to make a purchase. Under the bill, Democracy Day is not considered a business day for that purpose, similar to other holidays.⁷

For more information about Ohio's current legal holidays, including requirements regarding holiday pay and overtime pay, see LSC's *Members Brief*, "[State Holidays](#)" (PDF).⁸

HISTORY

Action	Date
Introduced	03-21-23

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³ R.C. 3599.06, not in the bill.

⁴ R.C. 124.19, 325.19, 511.10, and 3319.087.

⁵ R.C. 3313.63.

⁶ R.C. 1.14.

⁷ R.C. 1345.21. See also R.C. 1345.22, not in the bill.

⁸ Also available at lsc.ohio.gov under "Publications," "Members Briefs," "State Government."