A BILL FOR AN ACT

CONCERNING THE TIME IN WHICH EMPLOYEES ARE ENTITLED TO TAKE LEAVE TO PARTICIPATE IN ELECTIONS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://leg.colorado.gov.)

Currently, an employee may take leave for a period of time to vote in an election on the day of the election. The bill allows an employee to take leave to vote, register to vote, obtain a ballot or replacement ballot, or obtain documents or identification necessary to vote or register. For a general, primary, or coordinated election, the bill allows an employee to take the leave on any day that polling locations are open. For all other
elections, the bill allows the employee to take the leave on any day during the 8 days prior to and including the day of the election. An employer may deny a request for leave if the employee has 3 consecutive hours in which he or she is not scheduled to work during the hours the employee is entitled to take the leave.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Short title. The short title of this act is the "Valuing Opportunities To Elect Representation (VOTER) Act of 2018".

SECTION 2. In Colorado Revised Statutes, amend 1-7-102 as follows:

1-7-102. Employees entitled to vote. (1) (a) Eligible Electors entitled to vote at an election shall be entitled to absent themselves for the purpose of voting from any service or employment in which they are then engaged or employed on the day of the election for a period of two hours during the time the polls are open FOR THE PURPOSES OF VOTING, REGISTERING TO VOTE, OBTAINING A BALLOT OR REPLACEMENT BALLOT, OR OBTAINING IDENTIFICATION OR A DOCUMENT NEEDED TO OBTAIN IDENTIFICATION REQUIRED TO VOTE OR REGISTER TO VOTE.

(b) For a general, primary, or coordinated election, electors are entitled to take the leave described in subsection (1)(a) of this section on any day that polling locations are open for a period of two hours during the time polling locations are open.

(c) For any other election, electors are entitled to take the leave described in subsection (1)(a) of this section on any day during the eight days prior to and including the day of the election for a period of two hours. On the day of the election, electors are entitled to take the leave between 7 a.m. and 7 p.m.
ON ANY OTHER DAY DURING THE EIGHT DAYS PRIOR TO THE ELECTION,
electors are entitled to take the leave between 8 a.m. and 5 p.m.

(d) Any such absence shall not be sufficient reason for the
discharge of any person from service or employment. Eligible Electors
who so absent themselves shall are not be liable for any penalty, nor
shall any deduction be made from their usual salary or wages, on account
of their absence. Eligible Electors who are employed and paid by the hour
shall receive their regular hourly wage for the period of their absence, not
to exceed two hours. Application shall be made Electors shall apply
for the leave of absence prior to the day of election. The
leave is requested. An employer may specify the hours during which
the employee may be absent, but the hours shall must be at the beginning
or end of the work shift, if the employee so requests.

(2) This section shall not apply to any person whose An
employer may deny an elector’s request for leave under
subsection (1) of this section if the elector’s hours of employment
on the day of the election for which the leave is requested are such
that there are three or more consecutive hours between the time of
opening and the time of closing of the polls during the time the
elector is entitled to take the leave under subsection (1) of this
section, during which the elector is not required to be on the job.

SECTION 3. In Colorado Revised Statutes, amend 31-10-603 as
follows:

31-10-603. Employees entitled to vote. (1) Any registered
elector Electors entitled to vote at any municipal election held within
this state is are entitled to absent himself themselves from any service
or employment in which he is they are then engaged or employed on the

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day of such election for a period of two hours between the time of opening and time of closing the polls for the purposes of voting, registering to vote, obtaining a ballot or replacement ballot, or obtaining identification or a document needed to obtain identification required to vote or register to vote. Electors are entitled to take the leave on any day during the eight days prior to and including the day of the election for a period of two hours. On the day of the election, electors are entitled to take the leave between 7 a.m. and 7 p.m. On any other day during the eight days prior to the election, electors are entitled to take the leave between 8 a.m. and 5 p.m.

(b) Any such absence shall not be sufficient reason for the discharge of any such person from such service or employment. Such elector, because of so absenting himself, shall not be liable to any penalty, nor shall any deduction be made from his usual salary or wages on account of such absence. Registered Electors who are employed and paid by the hour shall receive their regular hourly wage for the period of such absence, not to exceed two hours. Application shall be made before the day of election. The application for such leave of absence prior to the day of election must be at the beginning or ending of the work shift if the employee so requests.

(2) This section shall not apply to any person whose employer may deny an elector's request for leave under subsection (1) of this section if the elector's hours of employment on the day of the election for which the leave is requested are such...
that there are three or more CONSECUTIVE hours between the time of opening and the time of closing of the polls DURING THE TIME THE ELECTOR IS ENTITLED TO TAKE THE LEAVE UNDER SUBSECTION (1) OF THIS SECTION, during which he is not employed REQUIRED TO BE on the job.

SECTION 4. Applicability. This act applies to elections held on or after the effective date of this act.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.