

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 18-0602.01 Megan Waples x4348

HOUSE BILL 18-1033

HOUSE SPONSORSHIP

Weissman,

SENATE SPONSORSHIP

Coram,

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE TIME IN WHICH EMPLOYEES ARE ENTITLED TO TAKE**
102 **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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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.

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

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

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

6 **1-7-102. Employees entitled to vote.** (1) (a) ~~Eligible~~ Electors
7 entitled to vote at an election ~~shall be~~ ARE entitled to absent themselves
8 ~~for the purpose of voting~~ from any service or employment in which they
9 are then engaged or employed ~~on the day of the election for a period of~~
10 ~~two hours during the time the polls are open~~ FOR THE PURPOSES OF
11 VOTING, REGISTERING TO VOTE, OBTAINING A BALLOT OR REPLACEMENT
12 BALLOT, OR OBTAINING IDENTIFICATION OR A DOCUMENT NEEDED TO
13 OBTAIN IDENTIFICATION REQUIRED TO VOTE OR REGISTER TO VOTE.
14 **ELECTORS MAY TAKE THE LEAVE ONE TIME PRIOR TO OR ON THE DAY OF**
15 **THE ELECTION AS FOLLOWS:**

16 **(I)** FOR A GENERAL, PRIMARY, OR COORDINATED ELECTION,
17 ELECTORS ARE ENTITLED TO TAKE THE LEAVE ON ANY DAY THAT
18 POLLING LOCATIONS ARE OPEN FOR A PERIOD OF TWO HOURS DURING THE
19 TIME POLLING LOCATIONS ARE **OPEN; OR**

20 **(II)** FOR ANY OTHER ELECTION, ELECTORS ARE ENTITLED TO TAKE
21 THE LEAVE ON ANY DAY DURING THE EIGHT DAYS PRIOR TO AND
22 INCLUDING THE DAY OF THE ELECTION FOR A PERIOD OF TWO HOURS. ON
23 THE DAY OF THE ELECTION, ELECTORS ARE ENTITLED TO TAKE THE LEAVE

1 BETWEEN 7 A.M. AND 7 P.M. ON ANY OTHER DAY DURING THE EIGHT DAYS
2 PRIOR TO THE ELECTION, ELECTORS ARE ENTITLED TO TAKE THE LEAVE
3 BETWEEN 8 A.M. AND 5 P.M.

4 (b) Any such absence ~~shall~~ IS not ~~be~~ sufficient reason for the
5 discharge of any person from service or employment. ~~Eligible~~ Electors
6 who so absent themselves ~~shall~~ ARE not ~~be~~ liable for any penalty, nor
7 shall any deduction be made from their usual salary or wages, on account
8 of their absence. ~~Eligible~~ Electors who are employed and paid by the hour
9 shall receive their regular hourly wage for the period of their absence, not
10 to exceed two hours. ~~Application shall be made~~ ELECTORS SHALL APPLY
11 for the leave of absence prior to the day of election. ~~The~~ FOR WHICH THE
12 LEAVE IS REQUESTED. AN employer may specify the hours during which
13 the employee may be absent, but the hours ~~shall~~ MUST be at the beginning
14 or end of the work shift, if the employee so requests.

15 (2) ~~This section shall not apply to any person whose~~ AN
16 EMPLOYER MAY DENY AN ELECTOR'S REQUEST FOR LEAVE UNDER
17 SUBSECTION (1) OF THIS SECTION IF THE ELECTOR'S hours of employment
18 on the day of the election FOR WHICH THE LEAVE IS REQUESTED are such
19 that there are three or more CONSECUTIVE hours ~~between the time of~~
20 ~~opening and the time of closing of the polls~~ DURING THE TIME THE
21 ELECTOR IS ENTITLED TO TAKE THE LEAVE UNDER SUBSECTION (1) OF THIS
22 SECTION, during which the elector is not required to be on the job.

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

25 **31-10-603. Employees entitled to vote.** (1) (a) ~~Any registered~~
26 ~~elector~~ ELECTORS entitled to vote at any municipal election held within
27 this state ~~is~~ ARE entitled to absent ~~himself~~ THEMSELVES from any service

1 or employment in which ~~he is~~ THEY ARE then engaged or employed ~~on the~~
2 ~~day of such election for a period of two hours between the time of~~
3 ~~opening and time of closing the polls~~ FOR THE PURPOSES OF VOTING,
4 REGISTERING TO VOTE, OBTAINING A BALLOT OR REPLACEMENT BALLOT,
5 ~~IF APPLICABLE,~~ OR OBTAINING IDENTIFICATION OR A DOCUMENT NEEDED
6 TO OBTAIN IDENTIFICATION REQUIRED TO VOTE OR REGISTER TO VOTE.
7 ELECTORS ARE ENTITLED TO TAKE THE LEAVE ~~ONE TIME~~ ON ANY DAY
8 DURING THE EIGHT DAYS PRIOR TO AND INCLUDING THE DAY OF THE
9 ELECTION FOR A PERIOD OF TWO HOURS. ON THE DAY OF THE ELECTION,
10 ELECTORS ARE ENTITLED TO TAKE THE LEAVE BETWEEN 7 A.M. AND 7 P.M.
11 ON ANY OTHER DAY DURING THE EIGHT DAYS PRIOR TO THE ELECTION,
12 ELECTORS ARE ENTITLED TO TAKE THE LEAVE BETWEEN 8 A.M. AND 5 P.M.

13 (b) Any such absence ~~shall~~ IS not ~~be~~ sufficient reason for the
14 discharge of any such person from such service or employment. ~~Such~~
15 ~~elector, because of so absenting himself, shall~~ ELECTORS WHO SO ABSENT
16 THEMSELVES ARE not ~~be~~ liable ~~to~~ FOR any penalty, nor shall any deduction
17 be made from ~~his~~ THEIR usual salary or wages on account of such
18 absence. ~~Registered~~ Electors who are employed and paid by the hour shall
19 receive their regular hourly wage for the period of such absence, not to
20 exceed two hours. ~~Application shall be made~~ ELECTORS SHALL APPLY for
21 such leave of absence prior to the day ~~of election. The~~ FOR WHICH THE
22 LEAVE IS REQUESTED. AN employer may specify the hours during which
23 such employee may BE absent, ~~himself,~~ but ~~such~~ THE hours ~~shall~~ MUST be
24 at the beginning or ending of the work shift if the employee so requests.

25 (2) ~~This section shall not apply to any person whose~~ AN
26 EMPLOYER MAY DENY AN ELECTOR'S REQUEST FOR LEAVE UNDER
27 SUBSECTION (1) OF THIS SECTION IF THE ELECTOR'S hours of employment

1 on the day ~~of the election~~ FOR WHICH THE LEAVE IS REQUESTED are such
2 that there are three or more CONSECUTIVE hours ~~between the time of~~
3 ~~opening and the time of closing of the polls~~ DURING THE TIME THE
4 ELECTOR IS ENTITLED TO TAKE THE LEAVE UNDER SUBSECTION (1) OF THIS
5 SECTION, during which ~~he~~ THE ELECTOR is not ~~employed~~ REQUIRED TO BE
6 on the job.

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

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