

Laws in Colorado surrounding voting and elections

Colorado has a statute addressing an employees' right to vote on election day and an employers' obligation concerning those rights. If employees are not off work for three hours while the polls are open (7:00 a.m. to 7:00 p.m.), they have the right to be absent from work for up to two hours to vote. The employee must give the employer notice of the intent to be absent to vote before the day of the election.

The employer may specify the hours the employee may be absent; however, the hours must be at the beginning or end of the shift. The employer must pay the employee the regular wage for the period of absence required for voting, not to exceed two hours. Employers cannot penalize any employee who uses the voting leave of absence.

The employer could specify that the hours be at the beginning or end of the shift for everyone or for groups of employees. That would prevent random requests from disrupting the work flow on election day.

The employer could publish a schedule in advance that said, "On election day, for the purpose of voting, no employee of this department is scheduled to work until 10 a.m." or "On election day, for the purpose of voting, no employee of this department will be scheduled to work after 4 p.m." This would minimize the number of hours the employee would be off and still paid.

Section 1-13-719 of the Colorado Revised Statutes states,

"(1) It is unlawful for any employer, whether corporation, association, company, firm, or person, or any officer or agent of such employer:

(a) In any manner to control the action of his employees in casting their votes for or against any person or

measure at any precinct caucus, assembly, or convention; or

(b) To refuse to an employee the privilege of taking time off to vote as provided by section 1-7-102, or to subject an employee to a penalty or reduction of wages because of the exercise of such privilege, or to violate any of the provisions of section 1-7-102 in any other way; or

(c) In paying his employees the salary or wages due them, to enclose their pay in pay envelopes upon which there is written or printed any political mottoes, devices, or arguments containing threats, express or implied, intended or calculated to influence the political opinions, views, or actions of such employees; or

(d) Within ninety days of any election provided by law, to put up or otherwise exhibit in his factory, workshop, mine, mill, boardinghouse, office, or other establishment or place where his employees may be working or be present in the course of such employment any handbill, notice, or placard containing any threat, notice, or information that, if any particular ticket or candidate is elected, work in his place or establishment will cease in whole or in part, or his establishment will be closed, or the wages of his workmen will be reduced or containing other threats, express or implied, intended or calculated to influence the political opinions or actions of his employees."

Employers that violate the election laws can be convicted of a misdemeanor and fined up to \$1,000 and/or imprisoned for up to one year.

It is important for Colorado employers to know the law and be careful in regard to employees' voting rights. For more information, contact CTSI at 303-861-0507.

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