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Colorado employers may have to extend time workers can take off to vote

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For roughly 25 years, Colorado employers have been required to let workers leave the office for as much as two hours on Election Day to cast ballots — without docking them any pay.

Over that quarter century, a lot has changed in elections — from how they are conducted to the length of time residents have to cast their ballots.

So, Rep. [Mike Weissman](#), D-Aurora, is pushing a bill that seeks to modernize the law, allowing workers to take off that two-hour period anytime when polling locations are open for a general or primary election and expanding election related activities to include registering to vote, getting a ballot or obtaining the identification necessary to register or vote. House Bill 1033 passed the House by a 35-28 margin on Feb. 12 and faces its next hearing Wednesday afternoon in the Colorado State, Veterans and Military Affairs Committee.

Business leaders, Democrats and Republicans all agree that the current law has worked very well and has led to few problems, but they split wildly on whether this modernization of the law is a no-frills update or an unnecessary mandate on employers who are making the existing system work well.

Business groups such as the Denver Metro Chamber of Commerce and the Aurora Chamber of Commerce have come out in favor of it, and no one spoke against it in an early February committee hearing. But a good number of Republicans in the Legislature say that the current nature of all-mail-ballot elections especially should negate any need that people might have to be away from their workplace even more than they are now.



IMAGE PROVIDED BY GETTY IMAGES (YINYANG)

“The impact of this bill on voting would be extremely negligible. But the impact of another mandate on employers to be able to accommodate this quest for more voter turnout is significant,” argued Rep. Tim Leonard, R-Evergreen. “It is a mandate on employers who are already agreeable to giving the very little time it takes now-a-days to vote.”

To be sure, the issue of whether workers should get two hours off on Election Day or a day in the weeks leading up to the election isn't as big a deal for business as, say, increasing transportation funding or ensuring the state's energy industry remains a major part of the Colorado economy. But the fact that there's a debate now over an update to what Weissman rightly called a “law (that) has not been particularly controversial” speaks about the feelings more members of the Legislature have regarding any increases to regulations on companies.

Under HB 1033, workers still would have to request the time off in advance of Election Day. And they still could be denied their request if they already are not working for any three-hour block of time during which polls are open during that time.

Weissman said during the Feb. 9 House debate on HB 1033 that he'd gone to “great pains to minimize the friction with business on this bill.” He added a provision in the House State, Veterans and Military Affairs Committee to ensure the block of time could be taken off only once leading up to an election, and he limited the time off for municipal elections to the eight days leading up to the vote.

He believes the bill is needed because residents may have needs now that they didn't have in previous years, such as updating their driver's license before they register to vote, for example, if they are among the many people moving here from other states. And he argued that business leaders should like the bill because it allows for people to take off increments of time on different days.

“In addition to making it easier for people to vote, it makes it easier on election administrators ... and frankly easier for employers,” he said on the House floor. “If I were an employer, I would want people to take that leave on a rolling basis on a number of days leading up to Election Day and not have them stack up on that day.”

Denver Metro Chamber leaders initially opposed the bill for fear that it was another mandate with duplicative requirements to existing state law. But as they talked with Weissman and looked closer at HB 1033, they changed their mind and backed what they saw as a bigger societal good in the measure.

“We're supportive of this bill because it encourages voter engagement, a cornerstone of democracy,” said Kelly Brough, the chamber's president and CEO. “Thanks to the availability of mail-in voting and online registration in Colorado, we also don't anticipate this bill creates too significant a burden on employers.”

That availability of mail-in voting has become a sticking point for others, however, and created a schism. No Republicans supported HB 1033 in the House, and they got Rep. Adrienne Benavidez, D-Commerce City, to join them in opposing the measure.

Colorado Senate President Kevin Grantham, R-Cañon City, sent the bill to what is known as the “kill committee,” in the Senate, though Grantham pointed out that the committee is the one that hears all bills to do with voting. HB 1033 trod a similar path in the House. Still, he acknowledged he is uneasy

with extending the period that employees can take off at a time when the state has made it easier for them to cast ballots well before the actual Election Day rolls around.

“I’m not really a huge fan of it because we have all-mail-ballot elections,” Grantham said. “When you have gone to all-mail-ballot elections, what’s the point of this when you already have the ballot at home?”

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