

SECOND REGULAR SESSION

SENATE BILL NO. 796

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS BRAY AND DAYS.

Pre-filed December 1, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

3183S.011

AN ACT

To repeal section 115.639, RSMo, and to enact in lieu thereof one new section relating to employment practices during elections.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 115.639, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 115.639, to read as follows:

115.639. 1. **This section shall be known and may be cited as the**
2 **"Take Off For Democracy Act".**

3 2. Any person entitled to vote at any election held within this state shall,
4 on the day of such election, be entitled to absent himself **or herself** from any
5 services or employment in which [he] **the employee** is then engaged or
6 employed, for a period of three hours between the time of opening and the time
7 of closing the polls for the purpose of voting, and any such absence for such
8 purpose shall not be reason for the discharge of or the threat to discharge any
9 such person from such services or employment; and such employee, if he **or she**
10 votes, shall not, because of so absenting himself **or herself**, be liable to any
11 penalty or discipline, nor shall any deduction be made on account of such absence
12 from his **or her** usual salary or wages; provided, however, that request shall be
13 made for such leave of absence prior to the day of election, and provided further,
14 that this section shall not apply to a voter on the day of election if there are three
15 successive hours while the polls are open in which he is not in the service of his
16 employer. The employer may specify any three hours between the time of opening
17 and the time of closing the polls during which such employee may absent himself
18 **or herself**.

19 [2.] 3. **Upon giving at least seven days notice to an employer, an**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 employee shall be entitled to absent himself or herself from any
21 services or employment in which the employee is then engaged or
22 employed, for the entire day, without pay, on the date of any election
23 held within this state in order to serve as an election officer or poll
24 watcher, or to campaign for any candidate or ballot measure. No
25 employer shall refuse an employee the right to time off, penalize,
26 discharge, or threaten to discharge an employee attempting to exercise
27 or enforce his or her rights under this subsection.

28 4. Any employer violating this section shall be deemed guilty of a class
29 four election offense.

Unofficial ✓

Bill

Copy