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A BILL
23-31

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Election Code of 1955 to require employers to provide employees with at least 2 hours of paid leave to vote in person in any Board of Elections-run election, or, if the employee is not a District resident, in any election run by the employee’s jurisdiction of residence, require that an employee be scheduled to work during the time the leave is requested, allow an employer to require the employee to request the leave a reasonable time in advance and to specify the hours during which the employee may take the leave, including by requiring that the employee take the leave during the early voting period, prohibit an employer from deducting salary, wages, or accrued leave for leave taken to vote, make it unlawful for an employer to interfere with, restrain, or deny any attempt to exercise the right, or otherwise retaliate against an employee for taking leave, require employers to post notice of the rights under the act, provide students with an excused absence of at least 2 hours to vote in person in any Board-run election, or, if the student is not a District resident, in any election run by the jurisdiction in which the student is registered to vote, allow the education institution to specify the hours during which the student takes leave, including by requiring the student to take leave during early voting, require the Board of Elections to publicize the act, and require the Board of Elections to issue rules to implement the provisions of the act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Leave to Vote Amendment Act of 2020”.

Sec. 2. The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01 *et seq.*), is amended by adding a new section 7a to read as follows:

“Sec. 7a. Leave to vote.

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35 “(a) For the purposes of this section, the term:

36 “(1) “Educational institution” means any school in the District of Columbia Public
37 Schools system, a public charter school, an independent school, a private school, a parochial
38 school, or a private instructor in the District.

39 “(2) “Employee” means any individual employed by an employer who is eligible
40 to vote.

41 “(3) “Employer” means any person who, for compensation, employs an individual.

42 “(4) “Student” means any person who is enrolled in an educational institution who
43 is eligible to vote.

44 “(b)(1) Upon the request of an employee, an employer shall provide the employee at least
45 2 hours of paid leave to vote in person in any election held under this act, or, if the employee is
46 not eligible to vote in the District, in any election run by the jurisdiction in which the employee is
47 eligible to vote; provided, that the employee would have been scheduled to work during the time
48 for which the leave is requested.

49 “(2) An employer may:

50 “(A) Require the employee to request the leave a reasonable time in
51 advance; and

52 “(B) Specify the hours during which the employee may take the leave,
53 including by requiring that the employee take the leave:

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54 “(i) During a period designated for early voting instead of on the day
55 of the election; or

56 “(ii) At the beginning or end of their working hours.

57 “(3) An employer shall not deduct from an employee’s salary, wages, or accrued
58 leave for leave taken under this section.

59 “(4) It shall be unlawful for an employer to:

60 “(A) Interfere with, restrain, or deny any attempt to take leave pursuant to
61 this subsection; or

62 “(B) Retaliate against an employee in any manner for taking leave pursuant
63 to this subsection.

64 “(5) An employer shall post and maintain a notice, developed by the Board in
65 consultation with the Office of Human Rights’ Language Access Program, in a conspicuous place,
66 that includes an easily understood description of the provisions of this section.

67 “(c) Upon the request of a student, an educational institution shall provide the student an
68 excused absence of at least 2 hours to vote in person in any election held under this act, or, if the
69 student is not registered to vote in the District, in any election run by the jurisdiction in which the
70 student is registered to vote; provided, that the student’s educational institution may specify the
71 hours during which the student may take the leave, including by requiring that the student take the
72 leave during any period designated for early voting instead of on the day of the election.

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73 “(d) Before each election held under this act, the Board shall publicize the provisions of
74 this section.

75 “(e) The Board, pursuant to Title I of the District of Columbia Administrative Procedure
76 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue
77 rules to implement the provisions of this section.”.

78 Sec. 3. Applicability.

79 (a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget
80 and financial plan.

81 (b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in
82 an approved budget and financial plan, and provide notice to the Budget Director of the Council
83 of the certification.

84 (c)(1) The Budget Director shall cause the notice of the certification to be published in the
85 District of Columbia Register.

86 (2) The date of publication of the notice of the certification shall not affect the
87 applicability of this act.

88 Sec. 4. Fiscal impact statement.

89 The Council adopts the fiscal impact statement in the committee report as the fiscal impact
90 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
91 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

92 Sec. 5. Effective date.

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93 This act shall take effect following approval by the Mayor (or in the event of veto by the
94 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
95 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24,
96 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
97 Columbia Register.