

ENROLLED ORIGINAL

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Election Code of 1955 to require employers to, upon the request of an employee, provide the employee at least 2 hours of paid leave to vote in person in any election held under the District of Columbia Election Code of 1955, or, if the employee is not eligible to vote in the District, in any election run by the jurisdiction in which the employee is eligible to vote, to prohibit an employer from deducting salary, wages, or accrued leave for leave taken to vote, to make it unlawful for an employer to interfere with, restrain, or deny any attempt to take leave to vote, to prohibit an employer from retaliating against an employee for taking leave to vote, to require an employer to post and maintain a notice that includes an easily understood description of the provisions of this act, to require an educational institution to, upon the request of a student, provide the student with an excused absence of at least 2 hours to vote in person in any election held under the District of Columbia Election Code of 1955, or, if the student is not eligible to vote in the District, in any election run by the jurisdiction in which the student is eligible to vote, to require District of Columbia the Board of Elections to publicize the provisions of this act, and to require the District of Columbia Board of Elections to issue rules to implement the provisions of this 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.

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

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

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

ENROLLED ORIGINAL

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

“(4) ‘Student’ means any person who is enrolled in an educational institution who is eligible to vote.

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

“(2) An employer may:

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 3. Applicability.

ENROLLED ORIGINAL

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

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

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

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

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia