

**DISTRICT OF COLUMBIA BOARD OF ELECTIONS**

**NOTICE OF PROPOSED RULEMAKING**

The District of Columbia Board of Elections, pursuant to the authority set forth in the District of Columbia Election Code of 1955, approved August 12, 1955, as amended (69 Stat. 699; D.C. Official Code § 1-1001.05(a)(14) (2016 Repl.)), hereby gives notice of proposed rulemaking to adopt an amendment to Chapter 7 (Election Procedures) of Title 3 (Elections and Ethics) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the rulemaking is to implement the provisions of the Leave to Vote Amendment Act of 2020 (D.C. Law 23-110).

The Board gives notice of its intent to take final rulemaking action to adopt these amendments in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

**Chapter 7, ELECTION PROCEDURES, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:**

**A new section, Section 726, LEAVE TO VOTE POSTING REQUIREMENTS, is added to read as follows:**

**726 LEAVE TO VOTE POSTING REQUIREMENTS**

- 726.1 The Board shall make the notice required by D.C. Official Code § 1-1007a(b)(5) available to employers by placing the notice on the Board’s website in a downloadable format.
- 726.2 Employers may download the notice from the Board’s website or request the notice by sending an email to [communications@dcboe.org](mailto:communications@dcboe.org).
- 726.3 Employers shall post the notice no later than 60 days before all scheduled elections, including any special elections.
- 726.4 Every employer shall post and maintain the notice in a conspicuous and accessible place in or about the premises at which any employee is employed.
- 726.5 For employees who work remotely, or if no conspicuous and accessible place exists, employers shall meet the notice requirements by providing the notice to their employees by any other reasonable means provided that the employee signs a statement acknowledging receipt of the notice.

**A new section, Section 727, REQUESTS FOR LEAVE TO VOTE, is added to read as follows:**

**727 REQUESTS FOR LEAVE TO VOTE**

- 727.1 Upon an employee's request, an employer shall provide the employee at least two hours of paid leave to vote in an election in which the employee is eligible to vote.
- 727.2 An employer may require an employee to request leave to vote a reasonable time in advance of the timeframe sought for leave.
- 727.3 An employee's request for leave to vote is made a reasonable time in advance if:
- (a) The request is consistent with an existing employee leave policy; or
  - (b) In the absence of an employee leave policy, the request is made no later than seven (7) days before the time requested to vote.
- 727.4 In response to a request for leave to vote, an employer may specify the hours during the in-person voting period in which the employee may take leave to vote.
- 727.5 Upon a student's request, an educational institution shall provide the student at least two hours of leave to vote in an election in which the student is eligible to vote.
- 727.6 In response to a request for leave to vote, an educational institution may specify the hours during the in-person voting period in which the student may take leave to vote.

**A new section, Section 728, LEAVE TO VOTE ENFORCEMENT, is added to read as follows:**

**728 LEAVE TO VOTE ENFORCEMENT**

- 728.1 Any employee or student who believes their rights under the Leave to Vote Act have been violated may initiate a complaint with the Board pursuant to the procedures set forth in Chapter 4 of this title.
- 728.2 An employee or student shall file the complaint within fourteen (14) days after the date(s) of the alleged violation(s).
- 728.3 In a complaint filed under this chapter, each allegation by an employee or student shall constitute a separate violation.
- 728.4 Pursuant to D.C. Official Code § 1-1001.18, the Board may impose a civil fine of up to \$2,000 upon a determination made pursuant to Chapter 4 of Title 3 DCMR that a violation of a provision of the Leave to Vote Act has occurred.

All persons desiring to comment on the subject matter of this rulemaking should file written comments by no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with the Office of the General Counsel, Board of Elections,

1015 Half Street S.E., Suite 750, Washington D.C. 20003. Please direct any questions or concerns to the Office of the General Counsel at 202-727-2194 or [ogc@dcboe.org](mailto:ogc@dcboe.org). Copies of the proposed rules may be obtained at cost from the above address, Monday through Friday, between the hours of 9:00 a.m. and 4:00 p.m.