


Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: February 25, 2020

SUBJECT: Fiscal Impact Statement – Leave to Vote Amendment Act of 2020

REFERENCE: Bill 23-31, Draft Committee Print as circulated on February 24, 2020

Conclusion

Funds are not sufficient in the fiscal year 2020 through fiscal year 2023 budget and financial plan to implement the bill. The bill's implementation will cost \$60,000 in fiscal year 2020 and \$255,000 over the four-year financial plan period.

Background

The Board of Elections (Board) manages all aspects of primary, general, and special elections in the District. The Board also issues administrative orders and investigates candidate and election challenges.

The bill requires every employer in the District to give its employees at least two hours of paid leave to vote in an election in the District or in the employee's home jurisdiction. The employee must be scheduled for work during the time of the leave request to receive paid leave. The bill allows the employer to require advance notice of the leave request, to specify that the leave be taken during early voting days, or to require the employee to take leave at the beginning or end of their working hours. An employer cannot deduct from an employee's wages for voting-related leave, prohibit an employee from exercising her or his right to vote, nor retaliate against any employees.

The Board should develop a notice explaining the rights provided in the bill and provide it to every employer. Employers should post the notice in a conspicuous place.

The Honorable Phil Mendelson

FIS: Bill 22-31, "Leave to Vote Amendment Act of 2020," Draft Committee Print as circulated on February 24, 2020

The bill also requires an educational institution¹ to provide a student with at least two hours of an excused absence to vote in an election in the District or in the student's home jurisdiction. The educational institution can specify the hours that the student can be excused, including requiring that voting take place during early voting periods.

The Board should publicize the bill's rights prior to each Board-run election. The Board must issue rules to implement the bill's provisions.

Financial Plan Impact

Funds are not sufficient in the fiscal year 2020 through fiscal year 2023 budget and financial plan to implement the bill. The bill requires employers to provide at least two hours of paid leave for employees and educational institutions to provide students² with two hours of excused absence to exercise their right to vote. Federal and District of Columbia government employees receive up to three hours at the beginning or end of the day to vote, accounting for approximately 30 percent of the District's workforce. The Board does not currently regulate the activities of private businesses or educational institutions beyond campaign and election-related matters and needs to add a hearing examiner to establish rules, educate, investigate, and enforce violations of the bill's provisions. This new hearing examiner will cost \$60,000 in fiscal year 2020 and \$255,000 over the four-year financial plan period. The Board can absorb the costs of producing a notice for employers to post with resources in its existing budget.

The bill may impose costs on private businesses, but the bill provides employers flexibility to manage employees' participation in elections through the allowance of a prior notice requirement or the ability to require an employee to take advantage of early voting days. This is not an impact on the District's budget.

¹ Educational institutions include District of Columbia Public Schools, public charter schools, independent schools, private schools, parochial schools, and private instructors.

² According to public school data from the Office of the State Superintendent for Education, there are nearly 5,000 students in Adult education programs and 3,900 in twelfth grade (a portion of these would be eligible to vote). These students, plus any in a private setting, would be eligible for two hours of excused absence if they are registered to vote.