

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 2.
GOVERNMENT ADMINISTRATION.

CHAPTER 7.
OFFICIAL CORRESPONDENCE.

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DISTRICT OF COLUMBIA OFFICIAL CODE
CHAPTER 7. OFFICIAL CORRESPONDENCE.

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CHAPTER 7. OFFICIAL CORRESPONDENCE.

§ 2-701. DEFINITIONS.

For the purpose of this chapter, the term:

- (1) "Agency" includes all departments, entities, agencies, offices, or other subdivisions of the executive and legislative branches of the government of the District of Columbia as well as all independent boards, commissions, agencies, or other independent entities.
- (2) "Director" means the director or head of the Department of Administrative Services, or its successor agency, or his or her designated agent.
- (3) "Government employee" includes members of any board or commission appointed by the Mayor or Council, officers or employees paid by appropriated or grant funds authorized for expenditure by the District of Columbia government, or an officer or employee of any agency when acting in an official capacity.
- (4) "Mass mailing" means the transmission through the mail during any 30-day period of more than 100 newsletters or similar types of materials which contain substantially identical contents.
- (5) "Elected official" includes the Mayor, the Chairman of the Council, members of the Council, and Chairman and members of the Board of Education.
- (6) "Official mail" means the mail which is either prepaid or postpaid by any branch, division, or other agency of the government of the District of Columbia.

(Apr. 7, 1977, D.C. Law 1-118, § 2, 23 DCR 8746; Mar. 16, 1989, D.C. Law 7-188, § 2(a), 35 DCR 8651.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-1701.

1973 Ed., § 1-1701.

Legislative History of Laws

Law 1-118 was introduced in Council and assigned Bill No. 1-341, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on November 22, 1976 and December 7, 1976, respectively. Enacted without signature by the Mayor, it was assigned Act No. 1-211 and transmitted to both Houses of Congress for its review.

Law 7-188 was introduced in Council and assigned Bill No. 7-330, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on October 25, 1988 and November 15, 1988, respectively. Signed by the Mayor on December 1, 1988, it was assigned Act No. 7-250 and transmitted to both Houses of Congress for its review.

Transfer of Functions

The functions of the Department of General Services were transferred, in part, to the Department of Public Works by Reorganization Plan No. 4 of 1983, effective March 1, 1984, and transferred, in part, to the Department of Administrative Services by Reorganization Plan No. 5 of 1983, effective March 1, 1984.

§ 2-702. PERMITTED CATEGORIES OF OFFICIAL MAIL.

Except as otherwise provided in this chapter, a government employee may not mail, as official mail, any matter, article, material, or document for any reasons other than the following:

- (1) A request for the matter, article, material, or document has been previously received by the agency;
- (2) The mailing of the document is required by law;
- (3) The material or matter requests information pertinent to the conduct of the official business of the agency;

- (4) The material contains information relating to the activities of the agency or to the availability of agency publications or other documents;
- (5) The enclosures are forms, blanks, cards, or other documents necessary or beneficial to the administration of the agency;
- (6) The materials are copies of federal, state or local laws, rules, regulations, orders, instructions, or interpretations thereto; or
- (7) The materials are being mailed to federal, state, or other public authorities.

(Apr. 7, 1977, D.C. Law 1-118, § 3, 23 DCR 8746.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-1702.

1973 Ed., § 1-1702.

Legislative History of Laws

For legislative history of D.C. Law 1-118, see Historical and Statutory Notes following § 2-701.

§ 2-703. MARKING REQUIREMENTS FOR ENVELOPES.

Envelopes or other materials which are used to enclose official mail shall bear upon its facing, in addition to the name and address of the agency mailing the official mail, the words "official business."

(Apr. 7, 1977, D.C. Law 1-118, § 4, 23 DCR 8746.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-1703.

1973 Ed., § 1-1703.

Legislative History of Laws

For legislative history of D.C. Law 1-118, see Historical and Statutory Notes following § 2-701.

§ 2-704. USE OF EXPEDITED SERVICES; USE OF OFFICIALLY MARKED ENVELOPES; PAYMENT FOR NONCONFORMING ENCLOSURES PROHIBITED; INSPECTION OF AGENCY MAIL; PROMULGATION OF RULES AND REGULATIONS.

(a) Funds administered by District agencies, whether appropriated funds, or grant funds, may not be used to pay for the use of telegrams, night letters, mailgrams, or similar types of mail, except in emergency circumstances and as provided by regulations promulgated pursuant to subsection (f) of this section.

(b) Envelopes or other materials described by § 2-703 may not be used to enclose materials, documents, or other articles except those enumerated in §§ 2-702 and 2-707, or other materials not prohibited by § 2-706.

(c) Funds administered by District agencies may not be used to pay the postage of materials whose enclosures do not conform to the requirements set forth in § 2-703 unless the head of the agency mailing the material certifies to the Director of the Department of General Services that there are circumstances, which shall be made known to the Director prior to the mailing, which preclude the observance of the requirements.

(d) The Director shall maintain the certifications required in subsection (c) of this section for a period of 3 years.

(e) The Director may inspect and return to the agency any mail which, in his or her judgment, fails to meet the requirement of the act or the regulations promulgated pursuant to this chapter. Under regulations promulgated pursuant to subsection (f) of this section, the Director shall provide for the designation of a person within each agency, department, commission, or other office to assist him or her to certify compliance with the provisions of this chapter.

(f) For the executive branch, independent agencies, boards and commissions of the District of Columbia, the Director is hereby authorized to promulgate rules and regulations, in the manner prescribed by subchapter I of Chapter 5 of this title to carry out the provisions and intent of this chapter within 60 days after July 1, 1977.

(g) For the Council of the District of Columbia, the rules to implement this law shall be those adopted in rules of the Council.

(Apr. 7, 1977, D.C. Law 1-118, § 5, 23 DCR 8746; Mar. 16, 1989, D.C. Law 7-188, § 2(b), 35 DCR 8651.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-1704.

1973 Ed., § 1-1704.

Legislative History of Laws

For legislative history of D.C. Law 1-118, see Historical and Statutory Notes following § 2-701.

For legislative history of D.C. Law 7-188, see Historical and Statutory Notes following § 2-701.

Transfer of Functions

The functions of the Department of General Services were transferred, in part, to the Department of Public Works by Reorganization Plan No. 4 of 1983, effective March 1, 1984, and transferred, in part, to the Department of Administrative Services by Reorganization Plan No. 5 of 1983, effective March 1, 1984.

§ 2-705. USE OF OFFICIAL MAIL BY OFFICIALS-ELECT.

In addition to government employees and elected officials as defined in § 2-701, the following officials may mail materials as official mail:

- (1) The Mayor-elect;
- (2) The Chairman-elect and members-elect of the Council.

(Apr. 7, 1977, D.C. Law 1-118, § 6, 23 DCR 8746.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-1705.

1973 Ed., § 1-1705.

Legislative History of Laws

For legislative history of D.C. Law 1-118, see Historical and Statutory Notes following § 2-701.

§ 2-706. PROHIBITED USES OF OFFICIAL MAIL BY ELECTED OFFICIALS.

(a) An elected official may not mail, as official mail, any mass mailing within the 90-day period that immediately precedes a primary, special, or general election in which such official is a candidate for office.

(b) An elected official may mail, as official mail, news releases or newsletters; provided, that such materials do not contain any of the following:

- (1) Autobiographical articles;
- (2) Political cartoons;
- (3) References to past or future campaigns;
- (4) Announcements of filings for reelection;
- (5) Announcements of campaign schedules;
- (6) Announcements of political or partisan meetings;
- (7) Reports on family life; or
- (8) Pictures of the official members with any partisan label such as "Democrat," "Republican," "Statehood Party," or any other label which purports to advertise the member rather than to illustrate the accompanying text.

(c) An elected official may not use official mail to solicit directly or indirectly funds for any purpose.

(d) An elected official may not use official mail for transmission of matter which is purely personal to the sender or to any other person and is unrelated to the official business, activities, and duties of the member.

(e) An elected official may not mail, as official mail, cards or other materials which express holiday greetings from the member or his or her family.

(f) An elected official may not mail, as official mail, information which would exceed the provisions of § 2-704 and § 2-707 of the act of fund raising appeals related to citizen-service activities established pursuant to § 1-1163.38.

(Apr. 7, 1977, D.C. Law 1-118, § 7, 23 DCR 8746; Mar. 16, 1982, D.C. Law 4-88, § 4, 29 DCR 458; Apr. 27, 2012, D.C. Law 19-124, § 501(h), 59 DCR 1862.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-1706.

1973 Ed., § 1-1706.

Effect of Amendments

D.C. Law 19-124, in subsec. (f), substituted "§ 1-1163.38" for "§ 2-704".

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 401(h) of Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Emergency Amendment Act of 2012 (D.C. Act 19-298, January 29, 2012, 59 DCR 683).

Legislative History of Laws

For legislative history of D.C. Law 1-118, see Historical and Statutory Notes following § 2-701.

Law 4-88 was introduced in Council and assigned Bill No. 4-271, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on November 24, 1981 and December 8, 1981, respectively. Signed by the Mayor on January 20, 1982, it was assigned Act No. 4-142 and transmitted to both Houses of Congress for its review.

For history of Law 19-124, see notes under § 2-592.

§ 2-707. AUTHORIZED USES OF OFFICIAL MAIL BY ELECTED OFFICIALS.

The provisions of § 2-706 do not prohibit an elected official or his or her staff from mailing, as official mail, any of the following:

- (1) The whole or part of any record, speech, debate, or report of the Council or any committee thereof;
- (2) The tabulation of an official's vote or explanation thereof;
- (3) Matter which expresses condolences to a person who has suffered a loss or congratulations to a person who has achieved some personal or public distinction; provided, that mass mailings of a congratulatory nature which are substantially the same except for individualized addresses are not authorized;
- (4) Information concerning the official's schedule of meeting constituents;
- (5) Information concerning the meeting schedule and agenda for committees and subcommittees upon which the official serves;
- (6) Information concerning financial disclosure information, whether or not required by law;
- (7) Matter which consists of federal, state, or local laws, regulations or publications paid for by public funds;
- (8) Questionnaires which relate to matters respecting public policy or administration; and
- (9) Matter which contains pictures of the member or biographical or autobiographical data whenever such matter is mailed in response to a specific request therefor.

(Apr. 7, 1977, D.C. Law 1-118, § 8, 23 DCR 8746.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-1707.

1973 Ed., § 1-1707.

Legislative History of Laws

For legislative history of D.C. Law 1-118, see Historical and Statutory Notes following § 2-701.

§ 2-708. PENALTIES.

(a) Except as otherwise provided in this chapter, a person who, at the time of the mailing, is not a government employee and who mails or attempts to mail materials, documents, or other items as official mail shall be fined an amount not exceeding \$100 or confined for a term not exceeding 1 year.

(b) Any person who willfully violates any provision of this chapter shall be subject to a fine not exceeding \$1,000 or confined for a term not exceeding 1 year, plus double the amount of money incidental to the unlawful mailing.

(Apr. 7, 1977, D.C. Law 1-118, § 9, 23 DCR 8746.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-1708.

1973 Ed., § 1-1708.

Legislative History of Laws

For legislative history of D.C. Law 1-118, see Historical and Statutory Notes following § 2-701.

§ 2-709. UNINTENTIONAL VIOLATIONS.

(a) Any person who by reason of ignorance, forgetfulness, or misunderstanding improperly or unlawfully uses official mail shall be liable to the District for double the cost of the postage.

(b) Any person who willfully violates provisions of this chapter shall be subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year, plus double the amount of money incidental to the unlawful mailing.

(Apr. 7, 1977, D.C. Law 1-118, § 10, 23 DCR 8746.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-1709.

1973 Ed., § 1-1709.

Legislative History of Laws

For legislative history of D.C. Law 1-118, see Historical and Statutory Notes following § 2-701.

§ 2-710. DEPOSIT OF FINES.

Money inuring to the District as a result of the fines imposed under § 2-708 shall be deposited in the Treasury of the United States to the credit of the District of Columbia or in any other depository designated by the Council.

(Apr. 7, 1977, D.C. Law 1-118, § 11, 23 DCR 8746.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-1710.

1973 Ed., § 1-1710.

Legislative History of Laws

For legislative history of D.C. Law 1-118, see Historical and Statutory Notes following § 2-701.