

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

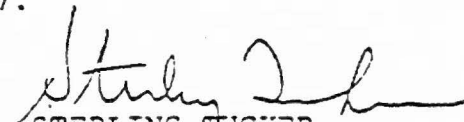
April 13, 1977

D.C. Law 1-118

"Official Correspondence Regulations".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, (PL 93-198) the Act, the Council of the District of Columbia adopted Bill No. 1-341 on first and second readings November 22, 1976 and December 7, 1976, respectively. Following expiration of the ten-day period provided the Mayor, in which no action was taken, pursuant to Section 404(e) of the Act, this legislation was assigned Act No. 1-211, published in the January 28, 1977, edition of the D.C. Register and transmitted to both Houses of Congress for a 30-day review, in accordance with Section 602 (c) (1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has expired and, therefore cites the following legislation as D.C. Law 1-118, effective April 7, 1977.


STERLING TUCKER
Chairman of the Council

(Ref. 23, D.C. Reg., 5109, January 28, 1977_

D.C. LAW

1-118

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 7, 1977

To regulate the use of official mail by public officials, officers and employees of the District of Columbia government.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Official Correspondence Regulations".

Sec. 2. For the purpose of this act, the term -

(a) "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;

(b) "Director" means the director or head of the D.C. Department of General Services, or its successor agency; or his or her designated agent;

(c) "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;

(d) "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;

(e) "Elected official" includes the Mayor, the Chairman of the Council, members of the Council and Chairman and members of the Board of Education; and

(f) "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.

Sec. 3. Except as otherwise provided in this act, a government employee may not mail, as official mail, any matter, article, material or document for any reasons other than the following:

(a) A request for the matter, article, material or document has been previously received by the agency;

(b) The mailing of the document is required by law;

(c) The material or matter requests information pertinent to the conduct of the official business of the agency;

(d) The material contains information relating to the activities of the agency or to the availability of agency publications or other documents;

(e) The enclosures are forms, blanks, cards, or other documents necessary or beneficial to the administration of the agency;

(f) The materials are copies of federal, state or local laws, rules, regulations, orders, instructions, or interpretations thereto; or

(g) The materials are being mailed to federal, state or other public authorities.

Sec. 4. 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".

Sec. 5(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 section 4 of this act may not be used to enclose materials, documents or other articles except those enumerated in

sections 3 and 8 of this act or other materials not prohibited by section 7 of this act.

(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 section 4 of this act 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 three 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 act. 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 act.

(f) The Director is hereby authorized to promulgate rules and regulations, in the manner prescribed by the

Administrative Procedure Act (D.C. Code, sec. 1-1501 et seq.) to carry out the provisions and intent of this act within sixty days after its effective date.

Sec. 6. In addition to government employees and elected officials as defined in section 2 of this act, the following officials may mail materials as official mail:

- (a) The Mayor-Elect;
- (b) The Chairman-Elect and members-elect of the Council;

Sec. 7. 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 re-election;
- (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.

Sec. 8. The provisions of section 7 of this act do not prohibit an elected official or his or her staff from mailing, as official mail, any of the following:

(a) The whole or part of any record, speech, debate or report of the Council or any committee thereof;

(b) The tabulation of an official's vote or explanation thereof

(c) Matter which expresses condolences to a person who has suffered a loss or congratulations to a person who has achieved some person or public distinction
PROVIDED, That mass mailings of a congratulatory nature

which are substantially the same except for individualized addresses are not authorized.

(d) Information concerning the officials' schedule of meeting constituents;

(e) Information concerning the meeting schedule and agenda for committee and subcommittees upon which the official serves;

(f) Information concerning financial disclosure information, whether or not required by law;

(g) Matter which consists of federal, state, or local laws, regulations or publications paid for by public funds;

(h) Questionnaires which relate to matters respecting public policy or administration; and

(i) Matter which contains pictures of the member or biographical or autobiographical data whenever such matter is mailed in response to a specific request therefor.

Sec. 9. (a) Except as otherwise provided in this act, 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 one year.

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

Sec. 10(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 act shall be subject to a fine not exceeding \$1,000 or imprisonment not exceeding one year plus double the amount of money incidental to the unlawful mailing.

Sec. 11. Money inuring to the District as a result of the fines imposed under sections 9 of this act 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.

Sec. 12. This act shall become effective on July 1, 1977.

Considered in Council November 22, 1976

First Vote November 22, 1976

RECORD OF COUNCIL VOTE

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
TUCKER	X				DIXON	X				SPAULDING	X			
MOORE, D.	X				HARDY	X				WILSON				X
BARRY	X				HOBSON	X				WINTER	X			
CLARKE	X				MOORE, J.				X					
COATES				X	SHACKLETON	X								

X—Indicates Vote A. B.—Absent N. V.—Not Voting

Robert A. Williams

(Secretary of the Council)

Final Vote in Council December 7, 1976

RECORD OF COUNCIL VOTE

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
TUCKER	X				DIXON	X				SPAULDING	X			
MOORE, D.	X				HARDY	X				WILSON	X			
BARRY	X				HOBSON	X				WINTER	X			
CLARKE	X				MOORE, J.	X								
COATES				X	SHACKLETON	X								

X—Indicates Vote A. B.—Absent N. V.—Not Voting

Robert A. Williams

(Secretary of the Council)

DEC 27 1976

Presented to the Mayor *[Signature]*

Robert A. Williams

(Secretary of the Council)

I hereby certify that Council Bill 1-341 was presented to the Mayor of the District of Columbia on December 27, 1976 and that the Mayor neither approved nor disapproved the bill within the ten day period specified in Section 404(e) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198 of December 24, 1973.

Martin H. Schaller

Martin H. Schaller, Executive Secretary, D.C.

January 12, 1977

Reconsidered by Council _____

Vote _____

RECORD OF COUNCIL VOTE															
COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	
TUCKER					HOBSON					SPAULDING					
HARDY					MOORE, D.					WILSON					
BARRY					MOORE, J.					WINTER					
CLARKE					ROLARK										
DIXON					SHACKLETON										
X—Indicates Vote A. B.—Absent N. V.—Not Voting															

(Secretary of the Council)

Presented to the President _____

(Secretary of the Council)

Sustain Mayor's Veto _____

Not Sustain Mayor's Veto _____

(President of the U. S.)

JAN 26 1977

Submitted to the Congress _____

Robert A. Williams

(Secretary of the Council)

Senate Action _____

Resolution Number _____

House Action _____

Resolution Number _____

(Secretary of the Senate)

(Clerk of the House)

Enacted without Congressional action _____

(Secretary of the Council)