
GOVERNANCE EDUCATION

WASHINGTON STATE
HOSPITAL ASSOCIATION

ASSOCIATION OF WASHINGTON
PUBLIC HOSPITAL DISTRICTS

Bond/Levy Election Strategies for your Public Hospital District

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BOND AND LEVY ELECTION STRATEGIES FOR PUBLIC HOSPITAL DISTRICTS

AWPHD Education and Governance Program

Presented by Brad Berg

October 4, 2021

Foster
Garvey

Purpose of Presentation

- Review the property tax levies available to public hospital districts
- Review the voter-approval requirements and other limitations for each type of levy
- Review the election requirements and process for levy and bond ballot propositions
- Review the legal limitations on the use of public facilities and other resources in connection with ballot proposition campaigns

Characteristics of Public Hospital Districts

- Public hospital districts are municipal corporations and political subdivisions of the State of Washington
- As such, they are limited to the express powers granted by the legislature and any powers necessarily implied from those express powers
- All powers must be exercised in compliance with limitations imposed by statute and by the Washington State constitution
- The taxing and borrowing powers of public hospital districts are subject to both statutory and constitutional limitations

Taxing Powers of Public Hospital Districts

- Regular property tax levy
- Emergency medical services levy
- One-year special excess levy
- Bond excess levy

Regular Property Tax Levy

- Maximum levy rate limitation (up to \$.75/\$1,000)
- Proceeds of the levy can be used for operating expenses, capital expenses or paying debt service on bonds (LTGO bonds)
- Limitation on annual levy amount (the lesser of 1.01% or rate of inflation)
- Regular levy may be increased by more than 1% with voter approval by simple majority (50% plus one) and no validation requirement
- Aggregate tax limitation (\$5.90/\$1,000 and 1% limitations)
- A PHD's regular property tax may be subject to proration as a result of the aggregate tax limitation

\$5.90 Maximum Aggregate Rate Limitation

\$5.90/\$1,000 limitation

Maximum Levy Rate/\$1,000 of Assessed Valuation

Senior Districts in Incorporated Areas

County	1.800
City	3.375
<u>City Pension</u>	<u>.225</u>
Total:	\$5.400

Senior Districts in Unincorporated Areas

County	1.800
<u>Road District</u>	<u>2.250</u>
Total:	\$4.050

Junior Taxing Districts

Library Districts	.50
Fire Districts	1.50
Metropolitan Park Districts	.75
<u>Public Hospital Districts</u>	<u>.75</u>
Total:	\$3.50

Senior and Junior Districts

Incorporated Areas	\$6.90
Unincorporated Areas	\$7.55

Emergency Medical Services Tax Levy

- Proceeds of the levy may be used only for emergency medical care and services and related personnel and equipment
- Maximum levy rate limitation (up to \$.50/\$1,000)
- Limitation on annual levy amount (the lesser of 1.01% or rate of inflation)
- Levy may be for 6 years, 10 years or permanent (if permanent, continuation of levy can be challenged by referendum)
- Initial authorization requires voter approval by super majority (60%) and validation (40% turnout or approval by 60% of 40%); renewal requires simple majority approval and validation (40% turnout)
- Not subject to \$5.90 limitation
- May not be available if an overlapping taxing district is already levying EMS levy

Special One-Year Excess Levy

- No maximum levy rate limitation—voters approve an aggregate dollar amount of the levy —the levy rate will be set at whatever amount is necessary to produce the approved dollar amount
- Proceeds of the levy may be used only for operating or capital expenses
- Levy may be for one year only
- Levy requires voter approval by super majority (60%) and validation (40% turn out or approval by 60% of 40%)
- Not subject to \$5.90 limitation
- Ballot proposition must include an estimate of the tax rate

Bond Excess Levy

- No maximum levy rate limitation—voters approve an aggregate dollar amount of bonds to be issued and the maximum maturity of the bonds (maximum of 30 years) and the levy rate will be set at whatever amount is necessary to pay the annual debt service on the bonds (UTGO bonds)
- Proceeds of the levy may be used to pay debt service on the bonds
- Proceeds of the bonds can only be used for capital purposes
- Levy continues as long as the bonds are outstanding
- Levy requires voter approval by super majority (60% approval and 40% validation)
- Not subject to \$5.90 limitation
- Ballot proposition must describe the project to be funded with the bonds

General Obligation Bonds Payable from Tax Levies

- Limited tax general obligation bonds (LTGO bonds)
 - Secured by and payable from the regular property tax levy
 - No voter approval required
- Unlimited tax general obligation bonds (UTGO bonds)
 - Secured by and payable from the excess property tax levy
 - Voter approval required (60% approval and 40% validation)

Debt Limitations

- Non-voted debt limit
 - The maximum amount of non-voted debt that a public hospital district may have outstanding at any one time payable from its regular property tax is limited to 0.75% of the assessed value of the public hospital district
 - the principal amount of all LTGO bonds and capital leases/installment purchase contracts count against this limit
- Voted and non-voted debt limit
 - The maximum amount of voted and non-voted debt that a public hospital district may have outstanding at any one time payable from its regular property tax is limited to 2.5% of the assessed value of the public hospital district
 - the principal amount of all UTGO bonds, LTGO bonds and capital leases/installment purchase contracts count against this limit

Election Dates and Ballot Proposition Deadlines

- Ballot propositions may be proposed by public hospital districts four times a year at elections held in February, May, August and November
- The deadlines for the elections in 2022 are as follows:
 - December 10, 2021 last day to file for February 9, 2022 special election date
 - February 25, 2022 last day to file for April 26, 2022 special election date
 - May 13, 2022 last day to file for August 2, 2022 primary election
 - August 2, 2022 last day to file for November 8, 2022 general election

Process and Requirements for Submitting Ballot Propositions

- A public hospital district's request for a ballot proposition to be placed on the ballot must be made in the form of a resolution adopted by its board of commissioners, which must be submitted to the county auditor by the applicable deadline
- Among other matters, the ballot proposition resolution must set forth the proposed form of the ballot title, which must be approved by the county prosecutor
- The ballot title must include three elements:
 - An identification of the enacting legislative body and a statement of the subject matter (10 words maximum)
 - A concise description of the measure (75 words maximum)
 - A question

Voter Pamphlets

- County auditors are required to publish voter pamphlets for all elections and the pamphlets are required to provide information on all ballot measures
- Each county auditor is required to adopt administrative rules governing the voter pamphlet addressing the production of explanatory statements (prepared by the PHD's attorney), pro and con statements submitted by committees and deadlines for submissions

Voter Pamphlets

- The PHD board is required to appoint pro and con committees to prepare arguments regarding the ballot proposition by no later than the ballot proposition submission deadline
- The PHD board is required to appoint up to three persons known to favor the measure and, whenever possible, up to three persons known to oppose the measure
- If the PHD board fails to make such appointments by the prescribed deadline, the county auditor is required, whenever possible, to make the appointments

Election Costs

- Every county, city, town, district, and the state is liable for its proportionate share of the costs when such elections are held in conjunction with other elections
- Whenever a PHD holds a general or special election on a date when no other elections are being held, all cost of such election must be borne by the PHD
- The county is not responsible for any costs involved in the holding of any city, town, district, state, or federal election
- The cost of producing the voter pamphlet is treated as an election cost

Prohibition Against the Use of Public Resources in Elections

- RCW 42.17A.555 prohibits the use any of the facilities of the PHD, directly or indirectly, for the purpose of assisting a ballot proposition campaign
- Facilities of a public office or agency include the use of stationery, postage, machines, and equipment, use of employees of the PHD during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the PHD
- RCW 42.17A.555 does not restrict the right of any individual to express his or her own personal views concerning, supporting, or opposing any ballot proposition, if such expression does not involve a use of the facilities of the PHD

Contact Us



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Bond & Levy Election Strategies

AWPHD

Presented by Rebecca Hyman and Karen Waters

October 2021



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Current Landscape



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LAY OF THE LAND

COVID-19 Pandemic: Need for local hospitals is better understood.

ECONOMY: Tax sensitivity and economic uncertainty remain high.

CURRENT REALITY: People are more divided than ever. It takes more work to get people to Yes than No.



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TIMING CONSIDERATIONS

KEY QUESTIONS TO CONSIDER:

- Does higher turnout help or hurt the measure?
- Higher turnout means more money required to contact the same % of voters. Is it worth the trade-off?
- Higher turnout means you can contact a lower % of voters to persuade them. Is it worth the trade-off?
- Does the electorate in question have a history of passing or failing PHD or similar levies or bonds?
- Can you meet the validation requirement?
- Is there a cost difference for being on the ballot for a Special versus General?

GENERAL ELECTION:

Based on a review of past elections, voters and likely supporters, our research suggest that the General Election is the best time to run ballots for most PHDs.

EXCEPTIONS:

Research suggests that districts with PHDs with recent failures might prefer Special Elections, especially in districts where higher turn-out voters are more progressive (an increasing trend).





CORE VOTERS

Strongest Association:

- Democratic voting history

Other Significant Associations:

- Younger voters nearly universally more supportive (this is partly why General Elections are better for this issue).
- Seniors are somewhat more supportive.
- Higher educational attainment associated with support, even after controlling for partisanship.

Disassociations:

- Middle-aged voters are most resistant.
- Lower-income homeowners tend to be a challenging group.





SWING VOTERS

Persuasion wins the game:

- This group is harder to pin down than likely supportive / opposed voters, but very important. Persuasion, not Get Out The Vote (GOTV), wins ballot measures like PHDs.

Profile:

- Voters with inconsistent or absent partisan primary voting history.
- Voters with less frequent history of electoral participation
- Between the age of 50 – 64.
- Homeowners.
- Whites without a college degree.

Unique:

Your community is unique. The campaign should analyze past election results to determine your swing voter profile.





LATE BALLOTS

Most measures can expect to improve in late ballots:

- The effect is strongest in high turnout elections where a lower proportion of ballots are counted after Election Night.
- This trend has become slightly more common across the state in recent years across all ballot measures.

But...:

- This is much more consistent in King County.
- Big national trends can reverse this. Late ballots in 2016 and 2020 General Election were more conservative in some areas of state.

Not a big effect:

- About a +1% point increase on average in King County.
- Roughly a 0.25 – 0.50% increase on average statewide.



Public Disclosure Commission Key Takeaways



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THE DO'S AND DON'TS OF USING PUBLIC FUNDS

BOTTOM LINE

- PHDs can say "VOTE." The advocacy organization / campaign committee can say "VOTE YES."
- The PHD can inform, engage, and provide information to the community about what's on the ballot and why it's needed, but the PHD – and its taxpayer dollars – can not be used to advocate or persuade voters to approve the measure.
- PHD Commissioners and staff can NOT use PHD facilities, vehicles, equipment, e-mails, etc for any campaign purposes.
- PHD Commissioners and staff can voluntarily participate in campaign activities but NOT during work time.



THE DO'S AND DON'TS OF USING PUBLIC FUNDS

PHD COMMISSIONERS AND STAFF CAN AND SHOULD:

- Prepare and share informational content about the needs of public hospitals and what is funded by bonds and levies.
 - **OK** to say, “Levies help pay for critical medical equipment and supplies.”
 - **NOT OK** to say, “Vote YES on the levy so we can purchase new medical equipment and supplies.”

- Remind the community about the importance of voting and important dates.
 - **OK** to say, “Don’t forget to turn in your ballot on November 4.”
 - **NOT OK** to say, “Don’t forget to vote YES for the PHD levy on November 4.”





THE DO'S AND DON'TS OF USING PUBLIC FUNDS

PHD COMMISSIONERS AND STAFF CAN AND SHOULD:

- Host community meetings to share information and facts.
- Inform staff during non-work hours of opportunities to participate in campaign activities.
- May wear campaign buttons or similar items while on the job if the PHD has a policy permitting employees to wear political buttons. A sign or sticker supporting a ballot measure may be placed on a privately-owned car that is used for regular transportation.





THE DO'S AND DON'TS OF USING PUBLIC FUNDS

PHD COMMISSIONERS CAN:

- Engage in political activities on their own time if no district equipment, facility, or vehicle is used. If the Commission has adopted a resolution, then the Commissioner can speak on behalf of the PHD.

PHD COMMISSIONERS CAN NOT:

- Pressure or coerce staff to participate in campaign activities.
- Explicitly include the passage of a ballot measure in the PHD's annual goals.





THE DO'S AND DON'TS OF USING PUBLIC FUNDS

PHD STAFF CAN:

- Engage in political activities on their own time if no district equipment, facility, or vehicle is used.

PHD STAFF CAN NOT:

- Use PHD funds or resources, including staff time, to create promotional materials that endorse or advocate for a ballot measure. This includes printing, PHD email systems or newsletters, posting to bulletin or reader boards, or using work email address to send messages endorsing a ballot measure.
- Act in their staff capacity or represent the PHD to endorse the ballot measure.
- Instruct or allow employees to campaign on behalf of a political issue during their paid workday.





THE DO'S AND DON'TS OF USING PUBLIC FUNDS

ADDITIONAL ALLOWED ACTIVITIES:

- ✓ PHD employees and elected Commissioners may, on their own time during non-work hours (and not with the use of PHD property or equipment), participate in campaign-related activities.
- ✓ Commissioners may make statements supporting or opposing a ballot measure in response to a specific media inquiry. All PHD Commissioners and staff may respond to requests for factual information as part of their normal job duty. (Though external communications should follow standard PHD protocol.)
- ✓ Commissioners may use their title for identification purposes supporting or opposing a ballot measure but should make clear it is their personal view and can NOT use public facilities or equipment for communications.
- ✓ Commissioners and staff may place on their individual work calendar basic information if they are scheduled to be out of the office for a campaign event.





THE DO'S AND DON'TS OF USING PUBLIC FUNDS

ADDITIONAL ALLOWED ACTIVITIES:

- ✓ A PHD may provide a facility, if it is available, for a public forum, offering all sides the opportunity to participate.
- ✓ A PHD may allow use of a public meeting space, if it is available as normal and regular conduct, to community groups for campaign activities (pro and con equally). If a PHD normally charges for the use of these facilities then it must charge all users equally.
- ✓ PHD officials may encourage staff and members of the public to vote as long as such encouragement routinely occurs for other elections.
- ✓ A PHD may use its website, newsletter, social media and other communication channels to provide citizens with information and facts about a ballot measure.
- ✓ Distribution of all information must be to "normal and regular" recipients using the publication's regular schedule.
- ✓ PHD employees may respond to requests for public records from pro and / or con campaigns as long as the record isn't exempt from disclosure under state law.





THE DO'S AND DON'TS OF USING PUBLIC FUNDS

ADDITIONAL PROHIBITED ACTIVITIES:

- ✓ PHD officials may not post signs advocating for or against a ballot measure on any PHD property.
- ✓ PHD officials may not produce information that targets specific subgroups. This does not refer to mailing to groups that are on the PHD's regular distribution list.
- ✓ PHD officials may not have a petition available for signatures on any PHD property or vehicles.





POP QUIZ

TRUE or FALSE: Commissioner Brenda Martens can write a letter to the editor in support of the PHD bond and sign the letter with her name and title? **TRUE**

TRUE or FALSE: PHD Executive Director Vern Swaim can urge staff in the PHD cafeteria to join him at a campaign event next weekend? **FALSE**

TRUE or FALSE: PHD Communications Director Rhonda Williams can write a special edition newsletter to likely voters with information and facts about the upcoming levy. **FALSE**

TRUE or FALSE: PHD Outreach Director Jackson Smith can park in the PHD parking lot with a car that has a Vote YES bumper sticker?
TRUE

TRUE or FALSE: Commissioner Gonzalez can attend a Vote YES rally during the workday as long as he isn't being compensated by the PHD or using PHD equipment. **TRUE**



Tools & Tips



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RESEARCH

Public Opinion Survey: An option for those with a population of 75,000 or greater to be statistically valid.

Online Engagement Survey: While not statistically valid, it is a good option to solicit input for a community of any size, share information, and further engage the public.

Suggested Topics:

- Current perception of PHD
- Knowledge around PHD funding sources
- Knowledge of PHD's needs and proposed projects to be funded
- Range of support for PHD and proposed projects
- How do constituents prefer to get news and information
- *Do NOT ask Vote Yes / Vote No and other campaign-related questions.*





COMMUNITY ENGAGEMENT

Engaging your community is critical to the ongoing support and vibrancy of the PHD. Engagement ideas to assist with bonds and levies include:

- Facility task force
- Road show to civic groups, business organizations, faith-based leaders, etc.
- Tables at community events
- Social / digital media presence
- Editorial board





KEY MESSAGES

- **Talk About The Need.** Think about how to make the issue come to life. Use stories. Use graphics to help illustrate your messages. Make it memorable.
- **Use community-focused language.**
- **Group into three buckets:**
 - Providing patient safety and meeting public health standards.
 - Ensuring the community has a place to care for its own
 - Planning for the future.
- **Then talk about specifics.**





COMMUNICATIONS MEDIUMS

The below avenues of communication are important to have established and used on a regular basis.

- Website
- One-pager
- FAQ
- Newsletter articles and community updates
- Social and digital media posts
- Community meetings
- Mailer



AWPHD Toolkit



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TOOLKIT OVERVIEW

This toolkit was designed to be a long-standing reference guide. It includes many things we've talked about today including:

- General vs. Special election timing
- Building your universe

The toolkit also includes things we're about to discuss including:

- How to frame your message
- Message channels
- Sample Timeline
- Tips for hiring help





TOOLKIT- MESSAGE DEVELOPMENT

How to frame your message

- *Reminder: your focus should be on educating about the election (i.e. vote this Nov.) as opposed to advocating for a side (i.e. vote yes this Nov.)*
- Begin by explaining the need
 - Frame this in terms of capacity or timing
 - Example: measure X would add X beds or means residents don't have to drive XX minutes/hours for care.
 - Present the facts
 - Example: construction was last done XX years ago, but our population has grown by XX percent
- Concision is key





TOOLKIT- MESSAGE CHANNELS

Overview of communication channels

- Digital Channels
 - Facebook, Instagram, Twitter
 - Paid vs. organic posts
 - Best used for: quick message points, building repetition
- Direct Mail and Collateral
 - Many size options
 - Best used for: communicating a lot of information
- Your Website
 - Best used for: really getting into the weeds and offering a way for people to ask questions





TOOLKIT- DIGITAL OVERVIEW

Benefits of Digital

➤ Channels

- Facebook
 - Highest engagement amongst older audience
- Instagram
 - Highest engagement amongst younger audience
- Twitter
 - Most engaged audience

➤ Consider disabling comments

➤ What to post

- Short videos
- Static posts
- Memes/gifs

➤ When to post



DIGITAL EXAMPLES-FACEBOOK

 **City of Monroe, WA**
Written by Strategies 360 [?] · October 15, 2019 · 🌐 [Like Page](#) ⋮

Parks are an integral part of our community. Prop 1 on this November's ballot would enhance and expand recreational opportunities for all residents across our community.



MONROEWA.GOV
Prop. 1
Enhancing Our Community [Learn More](#)

 **City of Monroe, WA**
Written by Strategies 360 [?] · September 18, 2019 · 🌐 [Like Page](#) ⋮

This November's Prop 1 would bring many improvements to our community including upgrading trails, parks and sports fields while also bringing a spray park and community center to the fairgrounds.



MONROEWA.GOV
Prop. 1
Supporting Park Improvements for Our Community [Learn More](#)



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TOOLKIT- MAIL AND PRINT COLLATERAL

➤ Direct Mail


- Usually you can do one mailer, so pick your size accordingly. Consider something large like:
 - 11"x17" brochure
 - 8.5"x14" postcard
 - 13"x16" brochure
- Typical costs
 - Print estimates
 - Mailhouse estimates
 - Postage estimates


➤ Collateral

- Posters
- FAQ doc



PRINT EXAMPLE





Return your ballot by mail or vote on May 21*

Have a Say in May

City of Lewiston Water & Wastewater Bond Election

About our Water and Wastewater Systems

Lewiston's water treatment system provides clean drinking water to our homes, schools and businesses 365 days a year by producing over 1.6 billion gallons of clean water annually.

Lewiston's wastewater treatment system treats 1.4 billion gallons of water a year and provides sewage treatment to nearly 12,000 homes and businesses across our community.

Learn more at www.cityoflewiston.org/bonds


PAID FOR BY
CITY OF LEWISTON
 1154 F Street
 Lewiston, ID 83501
 (208) 746-1671
www.cityoflewiston.org





Return your ballot by mail or vote on May 21*

What's on the ballot?

Lewiston residents are being asked to vote on two separate bonds on May 21*. The first would allow the city to borrow **\$42 million** for water treatment system improvements. The second would allow the city to borrow **\$29 million** to make upgrades to our wastewater treatment system.

Will property taxes increase?

No. The bonds will be repaid by water and wastewater revenues. Existing rates are sufficient to repay the loans and **no property taxes will be used** for the construction of these projects.

What is the purpose of these bonds?

Lewiston's water treatment and wastewater treatment systems are each **more than 70%** beyond their useful lives. The efficiency and reliability of both systems are at risk. Investing in these systems now will ensure our homes, schools, and businesses continue to receive clean water and reliable wastewater service for decades to come.

What happens if these bonds don't pass?

If these measures don't pass, the challenges and problems for these systems will remain. **Additionally, the cost to make these improvements will most likely go up and may require significant utility rate increases.** Currently, the City of Lewiston has qualified for a series of low-interest loans and grants estimated to save more than 530 million over time. If these bonds do not pass, the city would likely have to enter into a pay-as-you-go, piecemeal approach that will most likely cost millions more in the long run.



TOOLKIT- WEBSITE

- **What to post**
- **When to post**





TOOLKIT- SAMPLE PUBLIC EDUCATION TIMELINE

- **Fifteen weeks prior to election: conduct research.**
- **Eight weeks before election: update website.**
- **Seven weeks before election: post print collateral.**
- **Six weeks before election: start running digital ads.**
- **Three weeks before election/when ballots are mailed: drop mailer.**





TOOLKIT- TIPS FOR HIRING HELP

- **Not all experience is equal, or best**
 - **Look for some with:**
 - **Familiarity with Washington state**
 - **Understanding of public entities**
 - **Recommends a multi-channel approach**
 - **Has experience beyond candidate races**
 - ✓ **Differences between candidate and ballot measures**



Key Contacts



Association of Washington
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Association of Washington Public Hospital Districts

- www.awphd.org
- (206) 216 - 2530
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Public Disclosure Commission

- www.pdc.wa.gov
- pdc@pdc.wa.gov
- (360) 753-1111

Voting Information and Voter File

- VoteWA.Gov (to register to vote / statewide voter file)
- County Elections (county voter file / matchbacks)



Questions & Answers



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S360



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Thank you for attending!

A REMINDER FOR THOSE WHO ARE WORKING TOWARDS EARNING THEIR WSHA & AWPHD HEALTH CARE GOVERNANCE CERTIFICATION OR RECERTIFICATION, PARTICIPATION IN THIS COURSE QUALIFIES FOR (1) CREDIT HOUR.

YOU WILL BE SENT AN EMAIL TO THE ACCOUNT THAT YOU USED TO REGISTER FOR THIS COURSE.

THAT EMAIL WILL PROVIDE YOU WITH INSTRUCTIONS ON HOW TO LOG YOUR CREDIT HOURS.

IF THERE ARE MULTIPLE BOARD MEMBERS WHO HAVE REGISTERED UNDER ONE ACCOUNT, PLEASE HAVE EACH INDIVIDUAL FOLLOW THE LINK PROVIDED IN THE EMAIL TO ENSURE THAT EVERYONE WILL BE CREDITED FOR THEIR PARTICIPATION.

IF YOU HAVE ANY FURTHER QUESTIONS, OR WOULD LIKE TO PROVIDE FEEDBACK ON THE COURSE, PLEASE FEEL FREE TO EMAIL US: GOVEDU@WSHA.ORG