

MOSPAC

Political Action Kit



“Caring Enough to Make a Difference”



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SAMPLE LETTER

Date

Name

Address

City, WV zip

Dear (*NAME*):

On behalf of the West Virginia Hospital Political Action Committee (HOSPAC) and (*INSERT YOUR HOSPITAL*), I would like to express appreciation for your contribution to the 2012 HOSPAC Campaign. Both your personal commitment and the commitment of (*INSERT YOUR HOSPITAL*) help to support the election of candidates who support hospitals and the healthcare community in West Virginia.

The 2013 HOSPAC campaign is currently underway and with your continued support, we will be able to ensure that the hospital voice continues to be heard throughout the political and legislative arenas.

Political action is a very important part of our advocacy efforts at the state Capitol in Charleston, as well as in working with elected officials from throughout West Virginia. With your continued support, HOSPAC will be able to deliver a very important message, and West Virginia's hospitals will be heard.

Thank you again for your HOSPAC contribution and we look forward to your support of this year's campaign.

Sincerely,



To ensure that your HOSPAC campaign runs smoothly and efficiently please follow the four simple steps outlined in this packet, and mail items 1, 2, and 3 back to *HOSPAC* staff in the enclosed envelope:

Step 1 SIGN AND RETURN THE CEO PRIOR AUTHORIZATION CARD

Federal election law requires each CEO to sign and return a Prior Authorization Card before HOSPAC can solicit your employees.
Please sign and return Item 1 in the enclosed envelope.

Step 2 MAIL YOUR PERSONAL CONTRIBUTION TO HOSPAC

Commitment begins at the top. That is why we need you to send your personal contribution to HOSPAC.
Please complete Item 2 and return it with your check in the enclosed envelope.

Step 3 DESIGNATE A HOSPAC HOSPITAL COORDINATOR

To make this effort as successful as it can be, please designate a member of your staff to oversee the HOSPAC solicitation program and to be the liaison between your hospital and HOSPAC.
Please complete Item 3 and return it in the enclosed envelope.

Step 4 GIVE POLITICAL ACTION KIT TO YOUR HOSPITAL COORDINATOR

After you have: 1) Completed the CEO Prior Authorization Card, 2) Completed your personal contribution card and, 3) Designated your HOSPAC Hospital Coordinator, please give this packet of information to the Coordinator for their use during the campaign. It includes: a Frequently Asked Questions (FAQ) document regarding HOSPAC, and a Solicitation Guide.

Together with your Hospital Coordinator, you can now begin your HOSPAC campaign. The staff at HOSPAC looks forward to working with you on this important endeavor.

HOSPAC is a strong component of the WVHA legislative advocacy program and a well-funded PAC allows us to strengthen our advocacy efforts and to ensure that our voices are heard throughout the political and legislative arenas.

Your support and the commitment of hospital CEOs around the state will make an important difference in our efforts to elect policy makers that support their community hospitals and equip the WVHA legislative team with one of the most important tools needed to be an effective advocate.

Step 2

Make Your Personal Contribution

COMMITMENT BEGINS AT THE TOP. That is why your personal contribution to HOSPAC is critical to the success of our efforts at your hospital. Your contribution not only provides HOSPAC with the resources to be effective, but it also demonstrates to your eligible employees that this effort is worth their commitment as well.

In addition, your contribution will help HOSPAC achieve three critical goals:

- Provide much-needed support to our friends in Charleston and on Capitol Hill who are in tough races;
- Make a difference in filling open seats with new legislators who understand the importance of hospitals in West Virginia;
- Assure a much-needed counterbalance to the influence of other special interest groups who are seeking to make West Virginia's hospitals bear the brunt of such challenges as reductions in Medicare and Medicaid, and erosion of medical liability reforms, to name a few issues.

Your contribution to HOSPAC is shared between the state and federal levels.

Please note the following special contribution levels:

BEN FRANKLIN CLUB: Contribution of \$1,000

CHAIRMAN'S CIRCLE: Contribution of \$500 - \$999

CAPITOL CLUB: Contribution of \$350 - \$499

Tear off and return in enclosed envelope. **Contribution card may be photocopied for additional copies**

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HOSPAC Contribution Card

Name _____

Title (Required) _____

Daytime Telephone _____

Email _____

Home Address _____

City/State/Zip _____

Hospital _____

Signature _____

All contribution cards must contain a signature.

Please mail your card, along with form of payment, to:
HOSPAC - 100 Association Drive Charleston, WV 25311

- | | | |
|--------------------------|--------------------|----------|
| <input type="checkbox"/> | Ben Franklin Club | \$1,000 |
| <input type="checkbox"/> | Chairman's Circle | \$ 500 |
| <input type="checkbox"/> | Capitol Club | \$ 350 |
| <input type="checkbox"/> | Other contribution | \$ _____ |

Method of Payment

- Check Enclosed Mastercard Visa

Account # _____

Expiration Date _____

CVC (3-digit code on back of credit card) _____

Checks are to be made payable to "HOSPAC."
Personal checks only; corporate checks not accepted.

Step 3

Designate Your Hospital Coordinator

Knowing the demands on your time, we strongly urge you to designate an employee to serve as the HOSPAC Hospital Coordinator to oversee your efforts on behalf of the campaign. Designating a Hospital Coordinator is in compliance with federal election and tax law. In addition to overseeing the simple tasks outlined below, your Hospital Coordinator will receive support from HOSPAC staff to ensure that your hospital's HOSPAC Campaign runs smoothly and efficiently.

The responsibilities of the Hospital Coordinator are reasonable and manageable. They include (and are not limited to):

- Making sure your CEO solicitation letter and other communications are received by all staff members who are eligible to participate in HOSPAC.
- Organizing follow-up telephone calls to ensure that all eligible employees are verbally asked to participate.
- Setting up recognitions or other fundraising events in coordination with HOSPAC.

Step 4

Give Political Action Kit to Your Hospital Coordinator

After you have: 1) Completed the CEO Prior Authorization card: 2) Completed your personal contribution card, and 3) Designated your HOSPAC Hospital Coordinator, please give this packet of information to the Coordinator for their use during the campaign. Remembering to give this Political Action Kit to the Hospital Coordinator is essential in having an effective and successful HOSPAC campaign. The Kit includes a Frequently Asked Questions (FAQ) document regarding HOSPAC and a Solicitation Guide.

___ ___ Tear off and return in enclosed envelope or contact Tina Rymer at trymer@wvha.org or 304/353-9717. ___ ___ ___

HOSPITAL COORDINATOR DESIGNATION CARD

3

CEO's Name

Telephone

Hospital Coordinator's Name

Title

Hospital Name

Address

City

State

Zip

Telephone

Fax

Email



Frequently Asked Questions

Q: What is HOSPAC?

A: HOSPAC is an independent political action committee, organized and supported by persons who support the improvement of healthcare in West Virginia, and who support hospitals and their role in improving healthcare. HOSPAC is also supported by the American Hospital Association Political Action Committee (AHAPAC). HOSPAC is a voluntary, non-profit, non-partisan organization whose purpose is to provide financial support to candidates for election in West Virginia, and to support issues and measures that improve healthcare in West Virginia. The AHAPAC provides financial support for Congressional candidates and a portion of personal contributions to HOSPAC are transferred to the AHAPAC for support of federal campaigns.

Q: May corporations participate in campaign activity in West Virginia?

A: No. The West Virginia Code contains an express and substantially complete prohibition on corporate participation in political activity. West Virginia Code § 3-8-8 provides that no corporation or any person acting on behalf of a corporation may make any contribution of money or anything of value in connection with any campaign whatsoever.

Certain limited exceptions to the broad prohibition on corporate participation in election activity are provided in the West Virginia Code. These exceptions include direct communications to stockholders and executive or administrative personnel and their families; non-partisan registration and get out the vote campaigns to stockholders and executive or administrative personnel and their families; and the solicitation of funds into a PAC set-up by the corporation, in accordance with the requirements of West Virginia law.

Because the restrictions on corporate PACs are so stringent, there are very few corporate PACs active in West Virginia today.

Q: Are PACs other than corporate PACs permitted under West Virginia law?

A: Yes. The most common form of PAC active in West Virginia today is a so-called "independent PAC." Although the West Virginia Code does not make express provision for the formation, organization and operation of independent PACs, such PACs have become quite common in operation. HOSPAC is an example of an independent PAC.

Q: Who may contribute to an independent PAC?

A: HOSPAC is subject to state election laws that govern who may contribute to a political action committee. HOSPAC may receive contributions from persons who support the goals of HOSPAC. As a matter of policy and practice, HOSPAC solicits contributions only from WVHA member officers, directors, and administrative employees and their spouses. Administrative personnel include employees with supervisory or policy making responsibilities who are paid on a salary rather than an hourly basis, officers and executives of the corporation, and individuals following recognized professions.

Q: Who should not be solicited for a contribution?

A: Hourly workers and professionals represented by a labor union. However, hourly workers may voluntarily contribute to HOSPAC as long as they are not solicited.

Q. Why should hospital officers, executives, administrators and professionals contribute to HOSPAC?

A: HOSPAC participation allows healthcare providers to actively participate in the political process by electing candidates who will support healthcare issues. Contributions to HOSPAC are an excellent way for members of the hospital community to make informed choices in supporting candidates and to demonstrate to policymakers their commitment to healthcare. HOSPAC endorsements and political contributions hold policymakers accountable for their positions on healthcare policy. HOSPAC has a record of more than 90% of its endorsed candidates being elected to public office.

Q: How much may a person contribute to a candidate or his or her PAC?

A: The maximum contribution is \$1,000. Separate contribution limits apply with respect to the primary and general elections. Also, the contribution limitation is per person per election. Accordingly, a husband and wife may give a total of \$4,000 in connection with a single campaign cycle by giving \$1,000 each to a candidate in connection with a primary campaign and, assuming that candidate's success in the primary, an additional \$1,000 each to such candidate or his or her PAC in the general election.

Q: How should I set up a HOSPAC campaign in my hospital?

A: Remember, no corporate resources whatsoever may be used in political activities in West Virginia. Care should be taken to make sure that persons interested in supporting HOSPAC, who work in hospitals, do not use any hospital resources in raising money for, or contributing money to, HOSPAC.

Interested volunteers may establish HOSPAC campaigns at their respective hospitals, provided that they do so on their own time, and provided that they use personal rather than corporate resources. Many interested hospital executives identify a staff member who is interested in serving as campaign manager and who is responsible for development and implementation of a plan to solicit contributions. Each hospital leadership team is assigned a goal based on total licensed beds as reported to the Health Care Authority. This goal can be met in a number of innovative and enjoyable ways depending upon the interest and time that a campaign manager wants to put into the process. Remember, one of the goals of HOSPAC is to get members of the hospital community more involved in the political process. The more people in your facility who are involved, the easier it will be for you to meet your goal. Make it fun, get a unique campaign going that will capture interest, and remember even small donations will help get people involved in the process.

Q: Can city and county hospitals participate in PAC fundraising?

A: Yes, but special care should be taken by officers, directors and employees of city and county hospitals to make sure that laws regarding public employees are complied with. The West Virginia Code dealing with regulation and control of elections in Chapter 3-8-12(h) reads: "No person shall solicit any contribution from any non-elective salaried employee of the state government or of any of its subdivisions or coerce or intimidate any such employee into making such contribution. No person shall coerce or intimidate

any non-salaried employee of the state government or any of its subdivisions into engaging in any form of political activity. The provisions hereof shall not be construed to prevent any such employee from making such a contribution or from engaging in political activity voluntarily, without coercion, intimidation or solicitation."

Q: Is there a difference between candidate elections and issue elections, in terms of who may give, and how much may be given?

A: Yes. Although the West Virginia Code does not provide any express guidance in this regard, under a United States Supreme Court case decided in 1981, *National Bank of Boston v. Bellotti*, and a subsequent West Virginia Supreme Court of Appeal case applying the *Bellotti* decision to West Virginia, *Anderson Paving*, corporations may participate in issue elections, as opposed to candidate elections. Both corporations and individuals may contribute money and other things of value in an unlimited amount in issue elections, unlike candidate elections, where a \$1,000 limit applies and corporate participation is strictly prohibited.

Note: It is important to note that during the 2013 Legislative Session, modifications were made by the Legislature and signed into law by the Governor to WV Code 3-8-1a related to the regulation and control of elections. Specific changes were made to the definition of "electioneering communication" to include non-broadcast media as it relates to groups independent of candidates. These changes, which have to do with requirements for reporting election-related spending that is not coordinated with a candidate or political party (also known as "independent expenditures"), reflect the United States Court of Appeals for the Fourth Circuit's decision in *Center for Individual Freedom, et al v. Natalie H. Tennant, Secretary of State of West Virginia, et al*. It is advised that you contact the West Virginia Secretary of State if you have any additional questions regarding this change.

Q: Where can I find out more about what is prohibited and permitted under West Virginia campaign laws?

A: West Virginia election laws are governed by West Virginia statute, published rules and regulations and judicial decisions interpreting and applying to such cases. The West Virginia Secretary of State is the chief elections official in the state of West Virginia, and is empowered to interpret and apply the election laws. The Secretary of State publishes helpful brochures and information

packets, and is a good source of information and guidance in response to specific campaign law questions.

Q: Are there any additional restrictions in terms of campaign activities imposed on tax-exempt organizations?

A: Yes. Organizations that enjoy tax-exempt status under the Internal Revenue Code are generally prohibited from engaging in political activity. Generally speaking, incidental political activity, such as soliciting for a political action committee contribution, will not jeopardize the tax-exempt status of such organizations. There is a complex body of law surrounding this subject.

Also, West Virginia law prohibits any person from soliciting political contributions on public property or soliciting contributions from public employees.

Q: How can I inform employees about HOSPAC endorsed candidates?

A: Many hospitals are exempt from taxation and therefore are prohibited from endorsing or working on behalf of specific political candidates. However, tax-exempt hospitals can undertake political education activities that encourage voting, educate voters on issues of importance to hospitals, and inform voters of candidates positions on the issues. HOSPAC may provide lists of candidates who support health issues that you can make available to employees.

While public and non-profit hospital corporations face additional restrictions in their political activities, individual hospital officers, directors, and employees may, on their own time, support candidates of their choice.

This FAQ attempts to answer some of the basic questions surrounding the state's election laws as they apply to HOSPAC. Should anyone have additional questions regarding campaign and election laws contact an attorney or the West Virginia Secretary of State's Office (www.wvsos.org) who can provide you with guidance and additional materials on election law issues.



Solicitation Guide

Keys to a Successful Solicitation

Be Prepared

Know as much about your prospect as you can before contacting them. For example, know how much they gave in the past, what job they hold and which issues most interest them.

Ask Open-Ended Questions and Listen

Hear what the prospect is concerned about. Listen to what they are saying to you; don't just talk at them.

Make Your Case Clearly

Explain why giving to HOSPAC is important to your hospital. Do not assume your prospect understands the connection between HOSPAC and his or her position. (*See next page to help make your case*)

Ask for the Contribution

Ask for a specific amount – people want to know what is expected of them. Don't hesitate to ask for a Ben Franklin, Chairman's Circle or Capitol Club contribution.

Never Argue

Nothing will be gained by arguing.

Say Thank You

Every individual contribution – no matter how small or large – should be recognized and appreciated. Remember, the end of your solicitation today is the beginning of your solicitation next year.



Make Your Case Clearly

Emphasize that a contribution to HOSPAC will help:

- Ensure that the healthcare community is involved in identifying and assisting candidates who support issues of importance to West Virginia's hospitals.
- Provide the opportunity for the healthcare community to participate in the "big picture." HOSPAC is a strong voice for hospitals and healthcare at both the state and federal levels; the American Hospital Association (AHA) and WVHA have a coordinated campaign, so support of HOSPAC also helps the AHA.
- Provide essential funds needed for the healthcare community to participate in a variety of political fundraising events. At these events, held across the state, all members of the healthcare community are given the opportunity to interact directly with state legislators and policy makers.
- The election campaigns of legislators, of whom the vast majority rely on political action committees for their campaign funding. Legislators recognize they must focus on the unique problems and concerns of hospitals, which play a significant role in their communities.

Emphasize that a contribution will help express appreciation to elected officials, who, over the last several years:

- Supported the Hospital Upper Payment Limit (UPL) Program, providing additional funding to hospitals to reduce the burden from chronic underpayment by Medicaid, and to strengthen the financial condition of hospitals.
- Enacted nationally recognized legislation comprehensively overhauling West Virginia's medical liability system and addressing the availability and affordability of medical liability insurance for hospitals, doctors and other healthcare providers.
- Supported hospitals through specific state budget line item enhancements (for Teaching/Tertiary/Safety Net Hospitals and Rural Hospitals Under 150 beds); these enhancements will help protect the critically important services provided by these facilities and ensure these facilities continue to serve an important role in their communities.

Should anyone have questions or concerns regarding any information in the Political Action Kit, please contact Tony Gregory (tgregory@wvha.org) or Tina Rymer (trymer@wvha.org) at 304/344-9744.



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www.wvha.org