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August 14, 2025

**VIA EMAIL**

Alice Fiman  
Compliance Manager  
Washington Public Disclosure Commission

Re: Complaint filed by Conner Edwards (PDC Complaint No. 176806)

Dear Ms. Fiman:

This firm represents the Association of Washington Public Hospital Districts (AWPHD). This letter responds to the Complaint filed by Conner Edwards on July 30, 2025.

The Complaint submitted by Mr. Edwards lists only RCW 42.17A.555 under the “statutes violated” heading. However, the email AWPHD received from the PDC on July 31, 2025 does not identify an alleged violation of that statute but lists four other statutory provisions. Specifically, the PDC has asked AWPHD to respond to alleged violations of RCW 42.17A.255, RCW 42.17A.260, RCW 42.17A.305, and RCW 42.17A.320.

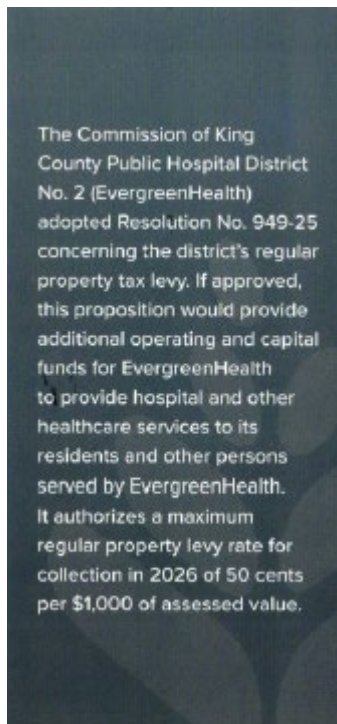
AWPHD requests the Commission dismiss the Complaint. AWPHD has no record of any prior PDC complaints filed against it, and it complies with the applicable provisions of the Fair Campaign Practices Act, Chapter 42.17A RCW. We offer the following information to assist the PDC in evaluating the Complaint.

**1. The Association of Washington Public Hospital Districts**

The Association of Washington Public Hospital Districts (AWPHD) is a private nonprofit entity led by a professional staff and volunteer board of directors. Its mission is to provide education, advocacy and support for public hospital districts across Washington State. AWPHD is funded by dues paid by its public hospital district members. Although AWPHD was created as a private nonprofit entity, AWPHD aims to comply with the requirements of RCW 42.17A.555 in any communications made in support of its educational mission.

As part of its educational mission, AWPHD sent a mailer on July 16, 2025. The mailer references a resolution of King County Public Hospital District No. 2 (Evergreen Health), regarding Evergreen

Health's property tax levy. *See* Complaint (attachment). The mailer was designed to educate the public and provide information about the measure. Some of the language on the mailer directly tracked the language of the ballot measure:



*See* King County, Ballot Measures, August 5, 2025 Primary Election, <https://info.kingcounty.gov/kcelections/Vote/contests/ballotmeasures.aspx?lang=en-US&cid=101686&groupname=SpecialPurposeDistrict>. The mailer also provided a QR code which linked to Evergreen Health's website. Other language on the mailer stated that the ballot proposition, if passed, would fund equipment and personnel in order to "meet the needs of our growing community."

## 2. Allegations

The original Complaint alleges a violation of RCW 42.17A.555. Although RCW 42.17A.555 by its terms applies to "elective officials" and persons "appointed to or employed by any public office or agency," rather than private nonprofit corporations like AWPHD, AWPHD aims to comply with the requirements of RCW 42.17A.555 in its educational communications.

In addition to the allegation in the original Complaint, the PDC has requested AWPHD address four statutory provisions: RCW 42.17A.255, RCW 42.17A.260, RCW 42.17A.305, and RCW 42.17A.320.

Several of these provisions are designed to address promotional communications supporting candidates or ballot measures. *See* RCW 42.17A.555 (public facilities may not be used "for the promotion

of or opposition to any ballot proposition”); RCW 42.17A.255 (defining independent expenditure to mean any expenditure “in support of or in opposition to any candidate or ballot proposition”); RCW 42.17A.260 (requiring reporting for certain “political advertising”); RCW 42.17A.005(40) (defining political advertising as including communications “used for the purpose of appealing, directly or indirectly, for votes or for financial or other support or opposition in any election campaign”); RCW 42.17A.320 (requirements for “written political advertising”).<sup>1</sup>

These provisions do not apply. The mailer at issue here is not promotional, but educational, consistent with a mailer that would be permitted from a public entity pursuant to RCW 42.17A.555. *See* WAC 390-05-271(2) (noting RCW 42.17A.555 does not prohibit “making an objective and fair presentation of facts relevant to a ballot proposition, if such action is part of the normal and regular conduct of the office or agency”); *Guidelines for Local Government Agencies in Election Campaigns*, PDC Interpretation No. 04-02 (“PDC will presume that every agency may distribute throughout its jurisdiction an objective and fair presentation of the facts for each ballot measure”). For example, some of the language on the mailer, as excerpted above, tracks verbatim the language of the ballot measure, and the QR code provided links directly to the Evergreen Health website.

The final statute referenced in the PDC’s email is RCW 42.17A.305, which requires certain reporting for an “electioneering communication.” RCW 42.17A.005(21) appears to define electioneering communications as communications which identify candidates for office; it is not clear that this provision relates to ballot measures. AWPHD is happy to respond to any clarification from PDC as it pertains to this statute.

#### 4. Conclusion

Thank you for the opportunity to provide a written response. If you or your staff have any questions, need any additional information, or would like to follow up with anyone at the AWPHD, please let me know.

Sincerely,

FOSTER GARVEY PC



Andrea Bradford  
Principal

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<sup>1</sup> AWPHD notes that even if RCW 42.17A.320 applies, the mailer identifies that it is being provided by AWPHD and contains the AWPHD’s address.