

# THE ROAD TO THE VOTING BOOTH

## Part II

### A Handbook for Candidates Meetings

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Published as a Voter Service by  
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# TABLE OF CONTENTS

<b>INTRODUCTION</b> .....	3
<b>WHY CANDIDATE MEETINGS?</b> .....	4
<b>WHEN MAY A LEAGUE CHOOSE TO HOLD A CANDIDATES MEETING?</b> .....	5
Policy for Sponsorship of Statewide Candidate Forums.....	5
For What Types of Elections are Candidates Meeting Held?.....	5
General Election or Primary – Which Candidates Meeting to Hold?.....	5
Special Elections.....	6
Special District Elections.....	6
Community Organization Elections.....	6
School Board Elections.....	6
Judicial Candidates Meetings.....	6
Policy for Sponsorship of Statewide Candidate Forums.....	6
<b>GUIDELINES FOR CONDUCTING COMMUNITY ELECTIONS</b> .....	7
<b>GUIDELINES FOR CONDUCTING JUDICIAL MEETINGS</b> .....	9
<b>WHAT ARE THE RESPONSIBILITIES OF THE LEAGUE BOARD?</b> .....	10
Policy For Candidate Participation In Forums/Debates.....	
To Make Policy Decisions.....	10
To Accept or Pursue Co-Sponsorship.....	10
To Develop Criteria for Candidate Significance and Inclusion in Debates.....	11
<b>LWVUS ADVISEMENT DOCUMENTS ON CANDIDATE DEBATES/FORUMS</b> .....	12
Legal Considerations.....	12
FAQs on Candidate Debates-Forums Including “Empty Chair” Advisement.....	18
Guidelines for State and Local League Debates Including “Empty Chair” Debates.....	27
Debate Co-Sponsorship Guidelines.....	31
Sample Co-Sponsorship Agreement.....	32
<b>WHAT ARE THE RESPONSIBILITIES OF THE COMMITTEE?</b> .....	33
Debate Formats and Settings.....	36
Guidelines for Questions for Candidate Meetings.....	39
Debate Ground Rules.....	40
Sample Calendar For Planning A Candidates Meeting.....	42
Sample Biographical Data Request.....	43
Guidelines For Publishing Voters Guides.....	44
Sample Evaluation Form.....	45
<b>What Is The Role Of The Moderator?</b> .....	46
Sample Format For A Formal Debate.....	49
Sample Panel Format.....	50
Sample Grid For Answering Questions.....	51
What If.....	52
<b>Fair Campaign Pledge</b> .....	54

**Resources.....55**

## **INTRODUCTION**

Voter Service has made the League of Women Voters the foremost nonpartisan volunteer organization in the political arena today; Voter Service brings the League visibility; Voter Service is the heart of the League.

This handbook is designed to help League Boards and Voter Service Directors plan and conduct effective, fair and interesting candidate debates. It contains practical information, suggestions and advice to help you with your efforts to educate and inform the electorate about the issues, about the candidates, about the political process; this is our mission.

Voter Service activities must always protect the nonpartisanship of the League. Candidates and political parties are never supported or opposed. Voter Service issue activities present only the facts on issues so that citizens can make their own decisions. Our well deserved reputation for fairness depends on a careful safeguarding of this reputation.

**HAVE A GREAT DEBATE!**

## **WHY CANDIDATE MEETINGS?**

Candidate meetings have been around almost as long as the League of Women Voters. In 1924, a small booklet published by LWVUS, suggested that we:

“hold pre-election meetings and invite all candidates to speak;

collect and give out nonpartisan information on candidates and issues;

conduct candidate meetings as a service to the voters because it gives them a means of forming a first-hand judgment of the candidates, and as a service to the candidates because it gives them an opportunity to present their views to audiences of varied political affiliation.”

The directive and the reasoning have not changed through the years. Hundreds of League candidate nights are held each year. They are considered special events in the election calendar and for very good reasons. League debates are fair; they are unbiased; they are competently run. They are conducted for informational purposes, without a hidden agenda, and are controlled by principles of nonpartisanship.

Other organizations frequently hold candidate meetings, but these meetings are not necessarily open to candidates of all parties nor conducted under strictly nonpartisan guidelines. Many Leagues offer to provide moderators and to assist in the planning of candidate meetings that are sponsored by other organizations. A fee can justifiably be requested for these services, as the League will draw on its considerable expertise to conduct a fair, well-run meeting for the organization.

## **WHEN MAY A LEAGUE CHOOSE TO HOLD A CANDIDATES MEETING?**

Leagues may choose to offer or collaborate in offering candidate meetings whenever there is a contested election at its level of government:

- The LWVUS is responsible for candidate meetings for national office.
- The LWVNYS is responsible for candidate meetings for statewide office.
- An Inter League Organization (ILO) or a group of Leagues may choose to hold a single candidate meeting for candidates whom they share - those running for the U.S. House of Representatives, the state legislature or county government. Sometimes candidates prefer to take part in several meetings sponsored by local Leagues, rather than a single shared meeting. Communication among Leagues and between different levels of Leagues is essential to facilitate scheduling and to avoid conflicts where sharing candidates exists.
- Local Leagues are responsible for candidates running for local offices.

### ***Policy for Sponsorship of Statewide Candidate Forums***

The LWVNYS reserves the right to contact the candidates for statewide office for the purpose of securing their participation in candidate forums, debates and other voter service activities. In certain circumstances the LWVNYS may contact candidates for a statewide office for a local League's event, or delegate the right to contact the candidates to the local League. Local Leagues are not to contact statewide candidates directly or organize a statewide candidate event without the permission of LWVNYS.

### ***For What Types of Elections are Candidates Meetings Held?***

Candidate meetings may be held for the following elections:

- Federal, state, county, city, town or village general elections
- Federal, state, county, city, town or village primary elections
- Special elections to fill vacancies between regular elections
- Special elections, such as fire or improvement districts
- Community elections, such as housing authorities or tenant committees
- School board elections
- Judicial elections, with special considerations.

### ***General Election or Primary – Which Candidates Meeting to Hold?***

If your League feels that more interest will be generated at a contested primary election than at the general election to follow, you may choose to hold a candidates meeting for the primary. Leagues may hold candidate meetings for any party's primary race, and are not required to sponsor a meeting for all parties that are primary-ing a candidate for a particular office; however, it is essential that ALL candidates on the primary ballot for the party be invited to participate, and that at least two candidates agree to do so. As long as the League follows League procedures, it cannot be construed as partisan. Local

Leagues may hold meetings for all contested primaries and the general elections that follow if they have the resources.

### ***Special Elections***

Depending on the election law relating to a particular situation, special elections are held to fill vacancies between regular elections. Local Leagues are encouraged to hold candidate meetings or informal meetings in such situations.

### ***Special District Elections***

Local Leagues may hold informational meetings for special district elections, such as fire districts or improvement districts, and on the associated local issues. Frequently there are budgetary issues that have an impact on all taxpayers and for which the public needs information. This is an area where Leagues can clearly offer their services.

### ***Community Organization Elections***

Community organizations, such as housing authorities, may ask the League to moderate a candidates meeting prior to their election or to administer the organization's election. (see "Guidelines For Conducting Community Elections"). Leagues should consider charging a fee for these services.

### ***School Board Elections***

Leagues may be asked, or may volunteer, to hold candidates meetings for school board elections. These candidates often get less exposure than other candidates for public office. By state law, school board elections and budget adoption votes may be held in union free districts and central school districts on any Tuesday in May or June. In most cities, budgets are adopted by board resolution. In New York City, community school boards are chosen on the first Tuesday in May. Other cities may have school board elections at the time of the general election. Leagues can also consider holding informational meetings about the school budget in districts where the school district does not do so effectively.

### ***Judicial Candidates Meetings***

Many voters know very little about the court system and the judicial candidates for whom they will vote. In a contested election candidate meetings can help voters to become informed about the judicial candidates. However, special rules apply for judicial candidate meetings (see "Guidelines for Conducting Judicial Meetings").

### ***Policy for Sponsorship of Statewide Candidate Forums***

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## **GUIDELINES FOR CONDUCTING COMMUNITY ELECTIONS**

Community organizations often ask local Leagues to administer elections for their Boards of Directors or for issues that need member decision. Examples of organizations that might request this service are local citizen groups, housing authorities and condo associations. This is an area where Leagues can volunteer their services, but it is certainly appropriate to charge a fee. Usually the organization has a budget which funds their election process.

1. Meet with the organization to learn the type of election to be administered and what the League's responsibilities will be. Questions you will want to ask are: Will the voting be by paper ballot or machine? If paper, who prints them? If machine, who will set it up? In either case, who makes the arrangements? How many polling places will be necessary? For what hours? How will you determine who is eligible to vote? Will there be a procedure for challenging ballots, and deferring a final vote count until challenged ballots have been verified or disqualified?
2. Review a copy of the organization's bylaws to determine the rules that govern its election process.
3. Working from the bylaws, determine the date that the election is to be held. Set up a timetable by counting back the required number of days for each phase that must be scheduled. Include the nominating process, even though it is not a League responsibility. A delay in that phase may disrupt the rest of the schedule.
4. **PUT IN WRITING** your understanding of exactly what the League is responsible for and what the organization will provide. Include in this document a statement that all literature and ballots must state that the League is a nonpartisan organization supervising balloting procedures only and takes no position on issues or candidates before the voters in this particular election. Include, also, that any literature or ballot that uses the League's name must be subject to prior approval by the League. Have this statement approved and signed by the organization.
5. The League is the custodian of the ballots until the results have been certified by the League or until the League withdraws from its supervising role. Establish ahead of time to whom the ballots should be returned in the event of the latter event. When paper ballots are used, have a League member check the copy before it goes to the printer. It is disconcerting to find when the polls are ready to open that the ballots are wrong. Avoid the opportunity for fraud by having a League member pick up the ballots from the printer. If ballots are not numbered, number each one as it is given to the voter.
6. After the ballots are counted, give the unofficial results to the representative of the organization. Submit your formal statement of the vote in typed form and signed (e.g. Certified by Jane Doe, League of Women Voters of Fair City). In some elections, members of the organization are requested to mail ballots to a League address with a postmarked deadline for ballots to be received. Plan ahead to retain these mailed-in ballots in one pre-determined

safe place until the count committee can count the ballots and notify the organization of the results.

7. In determining a fee, charge enough to pay poll workers. It is possible that you won't have enough League volunteers to staff the polls. You may also have costs for copying instructions and for training sessions. The time of the person who will organize the election, settle contract details, go to planning sessions and write the final report should be compensated.
8. As soon as possible after the election, meet with the League members who worked on the election for review and evaluation. Write a detailed report for another year or another election.

## **GUIDELINES FOR CONDUCTING JUDICIAL MEETINGS**

The rules governing the conduct of judicial candidates are more rigid than for others running for political office. The NYS Code of Judicial Conduct prohibits a judicial candidate from making "pledges or promises" of future conduct or decision making other than the faithful and impartial performance of the duties of the office.

The moderator of a judicial candidates meeting should inform the audience that there are restrictions on the topics that these candidates may discuss and request that candidates not be pressured when they cannot answer a specific question. It is advisable to have questions from the audience submitted in writing for screening. If possible, it is very helpful to have an attorney present to screen audience questions. This procedure could prevent awkward situations during question/answer sessions.

Questions to judicial candidates should be limited to their qualifications, experience and philosophy. Examples of suitable questions are:

1. What are your professional qualifications for election to this office?
2. What is your past experience? Has it included civil/criminal law?
3. How would you balance the need for judicial independence with the need to raise campaign funds? Would you, for example, accept contributions from attorneys who may appear before you?
4. How would you improve the administration of the judicial system? What measures would you suggest to reduce court congestion and delays? [for administrative judges only]
5. What changes would you suggest to improve the jury system?
6. Do you feel the current public defender system in New York State affords the indigent with competent defense? Why?
7. Do/would you use alternatives to incarceration? Do you feel there are sufficient alternative programs available in this community?

Candidates for Family Court judgeships might be asked:

1. Do you feel Family Court is adequately funded?
2. Is there sufficient support personnel?

## **WHAT ARE THE RESPONSIBILITIES OF THE LEAGUE BOARD?**

### ***To Make Policy Decisions***

Candidate meetings are the responsibility of the entire local League board, and policies governing them should not be made by the Voter Service chair or committee in isolation from the rest of the board. The entire board is responsible for the success of the candidate meeting and supports in the planning and oversight of these meetings. It participates in constructive discussion of the recommendations of the meeting chair as they are brought to the board. The chair recommends, but the board makes the final decisions. Attendance of all board members at all candidate meetings is to be strongly encouraged.

The following policies governing those meetings should be in place and reviewed annually. Leagues should consult LWVUS published policies and advisements regarding the following policies and make local policies accordingly:

1. Non-partisan policy
2. Policy for candidate participation in candidate forums/debates
3. Significant candidate criteria
4. Policy for empty-chair debates
5. Policy for candidates who cannot appear (substitutes, read statements...)
6. Policy for recording of candidate debates.

### ***To Address the Following Questions Several Months Before an Election:***

1. Will the League hold a candidates meeting for a particular race or races, one meeting or several meetings?
2. Will such a meeting serve League goals of informing the voter about the candidates and the issues?
3. Will the meeting enhance League visibility in the community and attract an audience?
4. Are we likely to find a media outlet – TV or radio broadcaster, press coverage, web-based outlet?
5. What format will the meeting take? Will it be a debate, a “Meet the Candidates” event, or an issue-oriented forum?
6. Are the political parties likely to cooperate?
7. What candidates/offices should be included?
8. What campaign literature, if any, will be allowed at the candidates meeting?
9. What are our criteria for canceling a meeting?
10. Do we have the people power to carry it off?
11. Do we want to go it alone or invite co-sponsors?

### ***To Accept or Pursue Co-Sponsorship:***

A League may join other organizations in the community to co-sponsor candidate meetings, or the League’s expertise may be sought by community groups. Local Leagues should consider the purpose and goals of the co-sponsor and be especially alert to questions of nonpartisanship and/or neutrality for non-political forums. Please review “Debate Co-Sponsorship Guidelines and Sample Co-Sponsorship Agreement.”

***To Develop Criteria for Candidate Significance and Inclusion in Debates:***

LWVUS advises local Leagues to make board decisions regarding candidate inclusion and evaluative criteria for significant candidates on an event basis well before the event is announced and candidates are made aware that it is to take place. In most cases, all candidates seeking the same office are invited to participate, those representing the NYS Board of Elections recognized parties as well as those independent candidates who have been certified by the Board of Elections. In some special situations, the board may consider the participation of uncertified candidates (write-ins).

Consult LWVUS' advisement on your candidate inclusion policy and other legal considerations, and the sample policies it provides. This advisement is reproduced below. The adoption of criteria should be an official action of the League Board and should occur early in your debate planning.

## **LWVUS ADVISEMENT DOCUMENTS ON CANDIDATE DEBATES AND FORUMS**

### **1. LEGAL CONSIDERATIONS**

#### **A. The Regulatory Framework**

Candidate debates, as an important part of the American political process, are regulated by federal and state election laws and regulations; broadcast debates are subject to Federal Communications Commission (FCC) rules. Although challenges to debate sponsors under these rules are infrequent, sponsors should understand the relevant regulations and take them into consideration when planning and staging a debate. Debates are high-stakes campaign activities for candidates, and candidates who have been hurt politically by a debate or have not been invited to participate may challenge sponsors under these laws.

In addition, organizations designated as 501(c)(3) by the Internal Revenue Service (IRS) must be especially careful to protect their status by making sure that their debates do not, in any way, promote or advance one candidate over others.

Sponsors who plan debates in accord with the applicable laws and regulations will be secure in the knowledge that they are meeting their legal responsibilities and will have a far better chance of prevailing if they face a legal challenge.

#### ***Federal Election Commission (FEC) Regulations***

The Federal Election Commission was established to enforce limits on contributions to the expenditures made on behalf of candidates for federal office by individuals or groups. The FEC rules apply only to candidates for federal office.

Under most circumstances, providing a platform for a federal candidate to address the public or providing information about a candidate is considered to be a contribution of "something of value," and thus subject to the contributions or expenditures limitations and prohibitions of the federal election laws. However, non-profit 501(c)(3) and 501(c)(4) type organizations, as well as broadcasters, bona fide newspapers, magazines and other periodicals may stage debates without triggering campaign finance limitations provided that:

- the debates include at least two candidates;
- the sponsoring organization does not structure the debate to "promote or advance" one candidate over another; and
- the sponsoring organization uses "pre-established criteria" to determine which candidates to include in the debate. For general election candidates this criteria may not use "nomination by a particular political party as the sole objective criteria to determine whether to include a candidate in a debate."

Organizations may use their own funds or accept donations from corporations or labor organizations for such debates. **Federal candidate events that do not meet the FEC definition of "debate," such as single candidate appearances ("empty chair debates") or consecutive candidate interviews ("forums"), may be considered as**

**contributions subject to campaign finance limitations, or as illegal corporate contributions to a federal candidate.**

***Federal Communications Commission (FCC) Regulations***

The Federal Communications Commission regulates radio and television broadcasters and cablecasters. Under its regulations, any broadcaster or cablecaster that permits a candidate for any public office C federal, state, or local C to use its facilities must provide all other legally qualified candidates for the same office with equal opportunities for use. (Appearance by candidates on regularly scheduled, bona fide newscasts, news interviews and news documentaries are exempt from this requirement, as are appearances during broadcast coverage of news events such as debates.)

The FCC regulations apply to the debate broadcaster, not the sponsoring organization. However, debate sponsors should be aware of the restraints placed on the broadcasters. In order to qualify as exempt news events, debates must meet the following requirements:

- a broadcaster's decision to cover a debate should be based on a good faith, reasonable judgment of its news worthiness (and not on a desire to promote or disadvantage a particular candidate);
- debates must not be edited and must be broadcast in their entirety;
- debates should be broadcast live or reasonably soon after they take place;
- at least two candidates must appear in any debate.

***Internal Revenue Service Rules***

Federal tax law provides that organizations which are exempt from federal income tax under section 501(c)(3) "may not participate or intervene, directly or indirectly, in any political campaign on behalf of or in opposition to any candidate for public office." This prohibition applies equally to campaigns for federal, state, and local office.

The IRS, however, considers forums and debates on political and social issues as educational activities that may be appropriately conducted by section 501(c)(3) organizations provided certain guidelines are followed. The general standards are that the procedures for the debates must not show a bias or preference for or against any particular candidate and that the overall effect must be fair and impartial treatment of all candidates, with nothing that promotes or advances one candidate over another.

More specific rules are these:

- The sponsoring organization must have a record of concern with public and legislative issues.
- All viable candidates must be invited to the debate, and "reasonable, objective" criteria must be used to determine which candidates are "viable."
- The choice of location for the debate must be dictated by non-political considerations.
- Each debate must address a broad range of issues, including (but not limited to) issues considered to be of important educational interest to the organization's members. The debate can, however, be limited to the range of issues with which

the sponsoring organization is chiefly concerned, provided the range is reasonably broad.

- Questions must be prepared and presented to candidates by a nonpartisan panel composed of knowledgeable persons who are independent of the sponsoring organization. The format need not be limited to questions, but can include a general discussion among the candidates.
- Each candidate must have an equal opportunity to present his or her views, and questioning procedures must not be biased to favor or hinder any candidate.
- The debate must be run by a moderator, who does not act as a spokesman for the organization's views on the subjects discussed, but has the sole function of ensuring that the ground rules are observed.
- At the beginning and end of each debate, the moderator must state that the views expressed are those of the candidates, not of the sponsoring organization, and that the sponsorship of the debate is not an endorsement by the sponsor of any candidate.
- The moderator must also state that all viable candidates have been invited. IRS staff members have informally advised that, if one or more of the invitees declines, the debate can go forward, but, in that event, the sponsor should exercise special care to avoid favoritism to those candidates who do participate.
- The organization may report what happens at the debate, but must do so without editorial comment or endorsement and must circulate the report only through its normal channels of communication.

More liberal IRS rules apply to organizations that are exempt from federal income tax under section 501(c)(4). These organizations may intervene in political campaigns on behalf of candidates, subject only to the restriction that such intervention not be their primary purpose.

#### **State Laws.**

Although the FEC regulations apply only to candidates for federal office, many states have campaign finance laws and laws that limit the activities of tax exempt organizations. Sponsors of debates for candidates for state and local office should be aware of any relevant state laws. [NOTE: New York State has no such laws]

### **B. Applying Regulations**

**Primary Elections.** Primary election debate sponsors can treat each party's primary as a separate election, according to decisions by the FEC and the IRS and supported by the courts. That means that organizations can limit participation in a primary election to those candidates seeking the nomination of one party. Also, an organization may hold a debate for the candidates in one party's primary election without any obligation to hold debates for other parties' primaries.

**Candidate Selection.** It is especially important to consider the regulatory constraints on candidate debates when deciding which candidates should be invited to participate. The most prudent route is to invite all the candidates running for a particular office (or, in the case of a primary election debate, all candidates for a particular party's nomination). There are many situations, however, when this is not

wise or feasible. For example, one or more marginal candidates may be part of a large field of candidates running for the same office. The debate sponsor may decide that the public interest would be served best by limiting participation to "significant" candidates. A debate among a large number of candidates, especially if there are time constraints, might be unmanageable and not provide voters with useful information.

Sponsor must make candidate selection decisions in a clear, fair and reasonable way, using "pre-existing criteria." To accomplish this, they should establish official selection criteria well in advance of selecting the candidates for a particular debate, and then use those criteria to determine which candidates are eligible to participate. Sponsors must realize that, even if they use objectively applied selection criteria, they may be challenged by uninvited candidates and may face objections ranging from protest rallies to lawsuits or complaints to federal or state agencies. But if the sponsor has established official debate goals and selection criteria in advance of any decisions on which candidates to include, it will be possible to demonstrate that the sponsor's decisions were reasonable, not arbitrary, and not made to promote or disadvantage any candidate. Even if a debate sponsor intends to invite all candidate running for an office, or if only two candidates are running, it is helpful to have criteria in place to deal with unexpected circumstances such as last-minute write-in candidates.

Ideally, selection criteria should be developed for each debate sponsored, based on the nature of the election C primary, general, special, partisan or nonpartisan, the likelihood of minor party, independent or write-in candidates and whether the debates will be broadcast. Criteria used for one debate should not be automatically applied to another, but may serve as a guide. Criteria should be reviewed and readapted for each debate an organization sponsors.

Note: For debates involving general election candidates, "nomination by a particular political party" may not be used as the sole criteria for determining which candidates will be invited to appear, according to FEC regulations. Thus, it would not be permissible to establish advance criteria which stated that the Republican and Democratic general election nominees would be invited to participate in a debate.

***How to Set Criteria for Candidate Selection.*** Use the following checklist to set and apply criteria for determining candidates' eligibility to participate in a debate:

- Define the organization's goal for sponsoring the debate C i.e.: educating voters about candidates' views on issues and stimulating voter interest and participation in the election.
- Develop criteria that:
  - implement the debate goal
  - are nonpartisan, fair, impartial and clear
  - can be applied objectively
- Adopt the criteria before any candidates have been invited. For organizations with a board and/or officers, the criteria should be adopted as an official action.
- State clearly that the candidates must meet all the criteria to be eligible.
- Send written invitations to all candidates that are clearly eligible. Include copies of the debate goals and selection criteria.

- If other candidates seek an invitation, the burden of proof is on them to establish eligibility. The sponsor may request information to support a candidate's claim to eligibility.
- Information about the debate goals and selection criteria should be included with publicity announcing the debate to the public and the news media. Send copies to the invited candidates and to others on request.
- Once criteria have been adopted, stick to them and apply them consistently. The criteria are not negotiable; do not yield to pressure to change or waive them to accommodate particular candidates.
- Develop and retain contemporaneous written documentation of the basis for determining not to invite a particular candidate, or for denying a candidate's request to participate. Be sure that the rationale explicitly references the previously-adopted selection criteria.

***Examples of Criteria that Have Been Used to Select Candidates to Participate in a Debate***

- ***Constitutional Eligibility:*** The candidate, if elected, must be legally qualified to hold the office under federal and state law.
- ***Eligibility to be on the Ballot.***
- ***Evidence of a Campaign:*** (especially applicable in federal or statewide elections or in states where ballot access is unduly difficult or jurisdictions with a tradition of write-in candidates). The candidate has made a public announcement of an intention to run; the candidate has a campaign headquarters and staff, has issued position papers and has made campaign appearances.
- ***"Significant" Candidacy:*** (used to limit debate participation to candidates who have a reasonable chance of being elected).

This is the most difficult criterion to apply, and depends on information that is not always available, especially in local elections. Several factors can be used to measure significance, depending on the availability of information. Choose those factors that are relevant to the particular office or election. Choose those factors for which there is sufficient information to apply them objectively. Clearly state those factors that will be used to measure significance. State that the organization will use its "good faith judgment" in considering factors to determine "significance." Sample factors:

- Results of major, reliable, nonpartisan public opinion polls: use a reasonable percentage, i.e.: 10-15 percent, to show evidence of support, keeping in mind the probable number of candidates. Possible polling sources include professional pollsters, independent newspapers and broadcasters and universities. Set a cut-off date, so there will be sufficient time to make final debate plans.
- Eligibility for public matching funds (if available).
- Coverage by the media as a recognized candidate.
- Evidence of an organized campaign.

*Do not condition general election debate eligibility solely on status as nominee of a particular party.*

### **C. Copyright Issues**

Who "Owns" a Debate and Why Does it Matter? Once a debate has been recorded, whether by video or audio tape or as a written transcript, the question of who controls the use and distribution of the record or profits from its sale falls under the copyright laws. Unless there is a written agreement to the contrary, everyone who participated in creating a debate, including the sponsor, the broadcaster, candidates, moderator, panelists, even producers and camerapersons, has a potential claim to ownership of at least part of the final product.

An organization that wants to have control of the distribution and use of debate tapes and/or transcripts, for example, to prevent the use of debate excerpts in partisan political ads, should assert its claim of copyright ownership in written agreements with broadcasters and candidates.

A copyright notice should appear on all copies of tapes and transcripts (consisting of the word "copyright" or the letter "c" in a circle, the name of the copyright owner and the year of publication.) In order to challenge an infringement of a copyright, and organization should seek the assistance of a legal expert who specializes in this complex area of the law.

### **D. Legal Protection**

Plans for any major debate should include provision for legal advice in case it is needed. Organizations should be prepared to secure free or reduced rate assistance, perhaps from attorneys who are members or relatives of members or from law school faculties or major law firms that provide pro bono help to nonprofit organizations. Most legal challenges are brought by candidates who are not asked to participate in the debate and are designed to stop the debate from happening. An organization that has easy access to legal assistance can cope with the disruption of an unexpected, last minute legal challenge.

- Organizations may also need legal assistance to:
- keep current with federal, state and local requirements;
- review criteria for consistency with current applicable laws;
- draft or review agreements with candidates, broadcasters or cosponsors and, if necessary, advise on the enforcement of agreements;
- draft or review contracts with staff, consultants or managers of debate sites;
- protect the organization's copyright interests in the debate record.

### **E. A Legal Glossary for Debates**

- **Federal Election Commission (FEC).** An agency established by the Federal Election Campaign Act of 1971 to administer the Act and enforce limits on contributions that can be made to, or expenditures that can be made on behalf of, candidates for federal office by individuals and groups.
- **Candidate for Federal Office** (for purposes of FEC regulations). Persons running for President, Vice-President, senator, representative, delegate or resident commissioner to the U.S. Congress. A "candidate for federal office" has received

contributions or made expenditures exceeding an aggregate of \$5,000; others have received or spent more than an aggregate of \$5,000 on her or his behalf; or, after written notification from the FEC, she or he has failed to disavow such contributions or spending by others.

- **Debate** (as defined by the FEC). An event staged by a section 501(c)(3) or (c)(4) type organization or a broadcaster, cablecaster, or by bona fide newspaper or magazine that:
  - includes two or more candidates;
  - is staged in a way that it is fair to all participating candidates, i.e., the format does not promote or give an advantage to one candidate over the other(s); and
  - the candidates appear concurrently, in face to face confrontations, with opportunities to respond to each other.
- **Federal Communications Commission (FCC)**. An agency established by the Communications Act of 1934 which regulates broadcasters and cablecasters. Section 315(a) of the Act provides that whenever a broadcaster or cablecaster permits any legally qualified candidate for any public office to "use" a broadcast station or cable facilities, it must also afford equal opportunities for uses to all other legally qualified candidates for that office.
- **Legally Qualified Candidate**. (as defined by the FCC) An individual who:
  - has publicly announced an intention to run for nomination or office;
  - is eligible under the applicable laws to hold the office being sought; and
  - either has qualified to be on the ballot, or has publicly committed to be a write-in candidate and can show that the candidacy is bona fide (for example, by making campaign speeches, distributing literature, issuing press releases maintaining a campaign committee, and/or establishing campaign headquarters.)
- **Use** (for purposes of FCC regulations). Any broadcast or cablecast of a legally qualified candidate's voice or picture in such a way that he or she can be identified by listeners or viewers, even if the appearance is not for the purpose of discussing the candidacy.
- **Nonpartisan Organization** (as defined by the Internal Revenue Service (IRS)). A nonprofit organization that is recognized by the Internal Revenue Service as tax exempt under sections 501(c)(3) and 501(c)(4) and that does not endorse, support or oppose political candidates and parties.

## 2. **FAQs ON CANDIDATE DEBATES-FORUMS INCLUDING "EMPTY CHAIR" ADVISEMENT**

### A. **Introduction**

In carrying out our mission of encouraging the informed and active participation of citizens in government, the League of Women Voters continues to be key sponsors of candidate debates and forums. This Frequently Asked Questions (FAQ) is meant to be a quick resource on some of the main questions asked by Leagues.

More detailed information to assist Leagues in their efforts to organize debates can be found in the League publication, Face to Face, found on the LWVUS Web site ([www.lwv.org](http://www.lwv.org)). This FAQ should not be construed as legal advice. State and local

Leagues should consult their own tax and election law counsel to ensure that their debate plans are in accord with all applicable laws and regulations.

Finally, the public holds the League in high regard for our work on debates, so it is important to follow best practices to ensure a fair and well executed debate or forum. This respected tradition also offers state and local Leagues wonderful opportunities to be visible with the public and to help strengthen the organization through inviting new members to join and developing new leaders. Information to assist Leagues in these areas is also found on the LWVUS Web site in the Members Section, under “Tools for Leaders.”

### ***B. Best Practices***

The following represent a short check list of best practices League should follow when hosting or sponsoring a candidate debate or forum. Again additional detail may be found in Face to Face.

- Annually review and adopt your League’s criteria for candidate participation in debates. Do this well in advance of when you intend to invite candidates to participate, so there can be NO charge of setting criteria that could be construed to purposely include or exclude any candidate.
- Procure a law firm or lawyer who can offer pro-bono legal advice in case it is needed before, during or after your debates.
- Designate someone in your League (on board or off board) to be the debate manager. No matter how large or small the debate project, it is important for someone to be in charge and to communicate with the board on various logistics.
- Know the federal, state and local laws that may govern or have an impact on holding a debate or forum!
- Make sure you are maximizing visibility and organizational growth opportunities (new leadership development, membership recruitment, etc.) affiliated with conducting candidate debates or forums.

### ***C. What is the difference between a candidate debate and a candidate forum?***

- ***Debate***
  - The Federal Election Commission (FEC) defines a debate as an event that includes at least two candidates;
  - is staged in a way that does not promote or advance one candidate over another; and allows the candidates to appear concurrently, in face-to-face confrontations, with opportunities to respond to each other.
- ***Non-Debate Candidate Appearances (Candidate Forums, Speeches)***
  - Other formats outside those described above are considered “Non-debate Candidate Appearances” – defined as a place, meeting or medium where ideas and views on a particular issue are exchanged.
  - Both may be considered contributions subject to campaign finance limitations or as illegal corporate contributions to a federal candidate if your League does not adhere to all FEC, FCC and IRS guidelines when hosting activities for federal level candidates.

**D. Where can I find information about "state rules" for local/state races?**

- Check with your Secretary of State, State Board of Elections or Attorney General.

**E. Candidates**

*Note: Federal Level Races* – While this guidance for Leagues applies to the Presidential level as well, for “Federal Level” we will focus only on the U.S. House and U.S. Senate, because all outreach to Presidential candidates must go through the LWVUS Board.

- **What if a candidate is unopposed?**
  - **Federal Level Races** – A debate may NOT be held. Both the Federal Election Commission (FEC) and Federal Communication Commission (FCC) rules define a debate as more than one candidate. If an unopposed candidate was to appear at an LWV candidate forum, it could be interpreted as a contribution to that candidate and jeopardize the League's 501(c) (3) status and nonpartisanship reputation. FCC regulations also preclude broadcast coverage of only one candidate. Instead, unopposed candidates might be invited to meet and greet attendees at the end of another candidate forum and/or contribute a statement to your Voters' Guide.
  - **State and Local Level Races** – recommend that a debate NOT be held. State and local laws may have implications for this practice and should be checked as well. Instead, unopposed candidates might be invited to meet and greet attendees at the end of another candidate forum and/or contribute a statement to your Voters' Guide.
- **If one candidate is late for the debate can we start?**
  - **Federal Level Races** – A debate should not start if only one candidate is present: There is no guarantee that the “late” candidate will ever arrive.

It can be held for a "reasonable amount" of time if one candidate is late and should NOT start until there are at least two candidates. The moderator can explain without bias that the debate is delayed awaiting the arrival of the other candidate. To begin with only one candidate would provide that candidate extra exposure and could be interpreted by the public as bias and by the FEC as a campaign contribution. If the debate includes candidates running for several different offices, the debate might begin with races for other offices and a deviation from the listed program announced.

- **State and Local Level Races** – the same advice applies at the local and state level.
- **What if one candidate cancels because of an emergency?**
  - **Federal Level Races-** A debate must be canceled if only one candidate remains. If more than one candidate is present the debate can proceed. The moderator announces that a candidate has canceled his/her participation in a debate and presents any factual reasons given by the candidate without

editorial comment. For example, the League might simply state that it was contacted by the candidate or his/her campaign and told the candidate would not be able to appear at the debate and no reasons were given for canceling his/her participation. If the debate must be canceled and the candidate who canceled provided a statement, the moderator may read statements on behalf of both candidates. Attempts can be made to reschedule the debate. It is the League's responsibility to prevent a debate from turning into a solo candidate appearance that has the look, feel and content of a campaign rally for the only remaining candidate as well as assuring that all regulations are followed and the League's nonpartisan reputation is upheld.

Reminder: For Federal races (U.S. House, U.S. Senate) an empty chair debate (where only one candidate is present) can NOT be held as it can be considered an "in-kind" contribution or providing "something of value" to a federal candidate by the Federal Elections Commission (FEC) and thus subject to the contributions or expenditures limitations, reporting requirements and prohibitions of federal election laws.

- **State and Local Level Races** – If only one candidate remains it is recommended that the debate not proceed, but be rescheduled. If more than one candidate is present, the debate can proceed.

Check your state and local election regulations to understand what they allow and what they prohibit. While not encouraged, if allowed by state law an empty chair debate could be conducted only if one or more candidates pull out of a scheduled debate after agreeing to participate, and rescheduling is not feasible. In conducting any empty chair debate, the League should maintain, to the extent practicable, the debate format. The moderator and other panelists, therefore, should ask nonpartisan questions, the length of the candidate's response should be limited, and if possible, the moderator and other panelists should ask probing questions and follow-up questions.

- ***If an empty chair debate is not permitted, how can the League defuse an angry audience and candidates?***
  - **Federal Level Races** – Sometimes charges of unfairness may be leveled at League's process by disappointed candidates or audience members. Sometimes charges are part of a candidate's overall strategy. Be mentally prepared for criticism and calmly explain the federal regulations that do not permit an empty chair debate as well as League's high standards for candidate debates and nonpartisan reputation. Educate the public and your members about the reasons for not holding an empty chair debate through a letter to the editor and an article in your VOTER.
  - **State and Local Level Races – the same advice applies at the local and state level.** Be mentally prepared for criticism and calmly explain the state or local regulations that do not permit an empty chair debate as well as League's high standards for candidate debates and nonpartisan reputation.

- ***Can a surrogate stand in for a candidate?***
  - **Federal Level Races – NO, surrogates may not stand in for a candidate in a debate.** If surrogates are involved, the activity no longer constitutes a debate. Again, for Federal races an empty chair debate (where only one candidate is present) can NOT be held as it can be considered an “in-kind” contribution or providing “something of value” to a federal candidate by the Federal Elections Commission (FEC) and thus subject to the contributions or expenditures limitations, reporting requirements and prohibitions of federal election laws.
  - **State and Local Level Races – It is not recommended that substitutes stand in for candidates.** The public does not hire surrogates through their votes. While a stand-in might be excellent at public speaking or debating, he/she cannot be held accountable as the elected official.
  
- ***What if a candidate refuses to debate when there are only two candidates?***
  - **Federal Level Races– A debate may NOT be held.** If either the incumbent or challenger refuses to debate, enlist the assistance of the media to publish news articles and editorials to urge the reluctant candidate to appear. Have your League President submit a strong letter to the editor stating candidates are expected to participate and if they do not, they are denying the community an opportunity for public education about them and the issues.
  - **State and Local Level Races – recommend that a debate NOT be held.** However, just as in the above advice, Leagues should decide if there are ways within the community, through the media, coalition partners or others, to encourage that a debate go forward and urge the reluctant candidate to appear.

## **F. ADMINISTRATION**

- ***Can funds for a candidate debate come from a 501c4 or must they all be from a 501c3?***
  - **Federal Level Races -** Either operating funds 501(c)(4) or tax-deductible funds 501(c)(3) monies may be used, but all expenditures must comply with IRS and other federal regulatory mandates. Leagues are encouraged to have their 501(c)(4) (operating entities) host the debate, so there are no limitations on asking audience members to join the League. However, as it is an educational event, 501 (c)(3) (Education Fund) resources should be used to cover expenses. A simple agreement between your operating and educational entities can be made. Candidate debates offer an opportunity for Leagues to use their Ed Fund monies and solicit tax-exempt donations from local businesses and donors. For more information on this topic check the LWVUS Web site Members section—Education Fund Information, Best Practices and Procedures for the Treasurer and Money Matters.
  - **State and Local Level Races -** the same advice applies at the local and state level. Make sure to check state laws as well.

- ***Can we hold our candidate debate/forums at retirement home auditoriums?***
  - **Federal Level Races**
    - *Debates:* Best practices suggest public (government or school) or in-studio television facilities be used. If there is good public access, a candidate debate may be held at a retirement home or a public community facility.
    - *Non-Debate Candidate Appearances:* The Federal Elections Commission (FEC) mandates that ALL non-debate candidate events and appearances, e.g. scheduled public appearances of candidates or a "meet and greet", MUST be held at a tax-exempt school, college or university.
  - **State and Local Races** – State and local regulations should be checked, but the best practice of holding the event in a location that is accessible to the public should be kept in mind.
  
- ***Can a League work with their local government channel to air a debate?***
  - **Federal Level Races** - Yes. You might also want to partner with a local radio station to tape and replay the debate, or record the audio of the debate and do a pod cast on your web site. A media department of a local college may be able to provide your League technical assistance. Newspapers need content for their web site and might pod cast or web cast a debate for you as well as advertise it in the newspaper. A local TV station might partner with you by taping the debate and putting it up on their web site even if they didn't broadcast it.
  - **State and Local Level Races** - the same advice applies at the local and state level.
  
- ***What criteria should be used for candidate participation?***
  - **Federal Level Races** - Criteria are a critical component of debate planning and should be established early in an election cycle, well before any candidates are invited. They should be nonpartisan, fair and applied objectively. Some examples of criteria to consider include constitutional eligibility to be on the ballot, a public announcement of candidacy, clear evidence of a campaign; a level of support as reflected in polling data or eligibility for public funding. See *Face to Face* for examples.
  - **State and Local Level Races** - the same advice applies at the local and state level

Some examples of criteria to consider include constitutional eligibility to be on the ballot, a public announcement of candidacy, clear evidence of a campaign; a level of support as reflected in polling data (less likely for a local race but applicable for state contests) or eligibility for public funding. See *Face to Face* for examples.
  
- ***What information should be in a letter of invitation?***
  - **Federal Level Races** - A letter needs to include criteria for participation, debate rules, release policy and waiver for League distribution of debate content, acknowledgment that debate content is the property of LWV and that

permission must be sought to rebroadcast the debate in its entirety or to print excerpts. Candidates must agree that he/she will not use any portion of the debate in a political advertisement.

- **State and Local Level Races** - the same advice applies at the local and state level
- ***Do we really need pro bono legal advice? Insurance?***
  - **Federal Level Races** -Advice from LWVUS/EF is not legal opinion. As you plan for a candidate debate, securing the pro bono services of a lawyer is strongly encouraged. Check your League's insurance policy to be sure coverage is adequate or that a co-sponsor or the facility where the event is being held has sufficient coverage.
  - **State and Local Level Races** - the same advice applies at the local and state level
- ***Are there guidelines for co-sponsors?***
  - **Federal Level Races** - Leagues should participate in events only if the sponsoring groups have made and will make no endorsement during the entire election cycle. At the very least, Leagues should obtain in writing each of the co-sponsoring groups agreement that, if they are going to make an endorsement, they will not do so before the debate. In deciding how to work with such groups, a League needs to consider carefully how its participation might affect its nonpartisan status or the public's perception of the League's nonpartisanship. The board must make sure that the ground rules are set to ensure that the activity is conducted in a strictly nonpartisan manner in keeping with League policy.

Leagues often work with the media to obtain the broadest possible coverage. Guidelines with media outlets broadcasting events should include a statement that any use of debate tapes requires the express written approval of the League; and the League will only allow audio/video to be broadcast in its entirety, except by the media reporting on the event (s).

- **State and Local Level Races** - the same advice applies at the local and state level

## **G. FORMATS**

*Note: Format advice applies to Federal, State and Local level races, so will not be broken out separately in this section.*

- ***Where can I find sample formats?***

Check in [Face to Face a Guide to League Sponsored Debates](#), for examples as formats and timing depend on many factors. A mixed format may allow voters to see how candidates fare in direct confrontation, during question-and-answer or news conference format and in delivering a set political speech in a closing statement. Also check resources contained in Members Section of LWV Web site.

- ***How should candidate speaking order or party order be determined?***  
Place all names within a container and draw one at a time. Use a separate draw of names for opening and closing statements.
- ***What about timing?***  
Decisions about how much time to allot for response, rebuttal or cross talk should be thoughtfully considered and often are based on amount of overall time allotted for the debate and the number of candidates participating. Consider varying response times to suit questions. Ground rules for timing should be agreed upon before the debate. Generally, a candidate will be allowed to finish a sentence, once started. Use an unobtrusive method, such as cards or lights, to alert candidates that most of their or all of their time has been used.
- ***What methods can be used to obtain candidate questions? How do we screen or should we?***  
Ask your members, ask debate attendees to submit questions, check LWV Web site for suggested national debate and voter guide questions. Best practices utilize a League member committee of three to combine similar submitted questions and omit those that are personal or offensive.

#### **H. BLOGS, CELLPHONES AND FORUM FOOTAGE**

- ***What can we do to ensure that parts of our candidate debate are not captured on cell phones and broadcast in some way?***
  - **Federal Level Races** - Announce at the beginning of the debate that cell phones should be turned off as a matter of courtesy and that unauthorized videos are not allowed because the FCC requires that a debate must not be edited and must be broadcast in its entirety, either live or reasonably soon after it takes place. Realistically, there is no way to guarantee that someone won't capture some video or audio without our knowledge so a disclaimer should also be put in the guidelines for the debate. The League wants to ensure that information is not manipulated to create false or misleading impressions; no candidate should be allowed to use or edit the footage for campaign purposes.
  - **State and Local Level Races** - the same advice applies at the local and state level, but you should also check state and local laws.
- ***Are we obligated to give a tape or DVD of a candidate debate to anyone?***
  - **Federal Level Races** - All candidates must be advised of League's release policy in the letter of invitation. Any use of the tapes requires the approval of the LWV with the caveat that it must only be broadcast in its entirety. A League is not obligated to give a DVD of the debate to anyone. The content of that debate belongs to the League. Once a tape of a candidate's debate is released to someone else, control is lost and there is no way of stopping anyone editing and using it for negative ads, etc.
  - **State and Local Level Races** - the same advice applies at the local and state level

- ***An individual has offered to put our candidate debate on You Tube? Should we accept?***
  - **Federal Level Races** - Even though it seems a good offer to put a debate on You Tube for wider distribution, the same problems could arise as listed above especially if you do not know the individual making the offer. Typically You Tube content can be put up only in 20 minute increments which violates the mandate that video must be broadcast in its entirety. Best practices urge Leagues to put debate content on their League Web site and actively pursue hotlinks from other Web sites to drive traffic to it. Your League could consider videotaping a short introduction or welcome to the debate to be posted on You Tube and direct people to the debate on your League's Web site.
  - **State and Local Level Races - the same advice applies at the local and state level and state and local laws should be reviewed.** More and more local Leagues are posting their debates and forums on You Tube - working to maintain the integrity of broadcasting the event in its entirety, some Leagues have begun to share events in 20 minute segments – labeled segment 1 of 2, segment 2 of 2, etc. so the public is aware that the full viewing is possible.
  
- ***What can be posted on our League Web site?***
  - **Federal Level Races** - Footage from your candidate debate belongs to your League and can be posted in written form, streaming audio/video or in large print. Give your Web site address at the debate, include in press releases and ask reporters covering the item to include it.
  - **State and Local Level Races - the same advice applies at the local and state level**
  
- ***After the debate, a candidate used a clip from the debate in his/her campaign materials? What do we do?***
  - **Federal Level Races** - All candidates must be advised in the invitation letter about the use of debate recordings and sign a release form. An invitation letter states a League's mandates. Audio or video may be streamed on League Web sites. Any other use of the tapes requires the express written approval of League. Audio and video must be broadcast in its entirety except by media reporting on events.
  - **State and Local Level Races - the same advice applies at the local and state level**

## **I. FINAL REMINDERS**

- **Build visibility and membership components into a candidate debates!**

Candidate debates present both a great visibility and membership opportunity for the League and both should be actively pursued as part of conducting debates. Useful information about how to fold some of these components in can be found in the [Membership Recruitment Initiative Section](#), the [Voters' Service Chair](#) resources on the LWVUS Web site, in [past Leaders' Update](#), and [Debate Watching 101](#). Additional information can be obtained by signing up for the LWVUS Voters' Service discussion list in the ["Get Involved" Section](#). For more

information on this, review our [Election and Recruitment memo](#). Best practices for financial accounting between a 501(c)(3) and 501(c)(4) can be found in [Money Matters](#), LWV Web site, tools/resources/ finances.

- **This Guidance Does NOT represent legal advice.**

The information contained in this FAQ should not be construed as legal advice. State and local Leagues should consult their own tax and election law counsel to ensure that their debate plans are in accord with all applicable laws and regulations. More detailed information can be found in "Face to Face: A Guide to League Sponsored Debates" located at:

[http://www.lwv.org/AM/Template.cfm?Section=Voter\\_Information2&Template=/TaggedPage/TaggedPageDisplay.cfm&TPLID=41&ContentID=8305](http://www.lwv.org/AM/Template.cfm?Section=Voter_Information2&Template=/TaggedPage/TaggedPageDisplay.cfm&TPLID=41&ContentID=8305)

### **3. LWV EF GUIDELINES FOR STATE AND LOCAL LEAGUE DEBATES, ADOPTED JUNE 8, 2007**

Candidate debates are regulated by federal and state election laws and regulations. In addition, important Internal Revenue Service (IRS) rules apply to debates sponsored by organizations designated as 501(c)(3) by the IRS. League-sponsored debates are governed still further by the League's own nonpartisan policy. Although legal challenges are infrequent, debates are high-stakes campaign activities, and candidates who believe they have been hurt politically by a debate may challenge debate sponsors under these laws.

*NOTE: The following overview should not be construed as legal advice. State and local Leagues should consult their own tax and election law counsel to ensure that their debate plans are in accord with all applicable laws and regulations.*

Suggested resources for additional information include: Federal Elections Commission ([www.fec.gov](http://www.fec.gov)); Internal Revenue Service ([www.irs.gov](http://www.irs.gov)); Federal Communications Commission ([www.fcc.gov](http://www.fcc.gov)); and your state's chief elections official (e.g. Secretary of State, State Board of Elections or Attorney General).

#### **A. *The League Framework***

The League of Women Voters shall not support or oppose any political party or any candidate.

All Leagues bear the responsibility of safeguarding this nonpartisan policy and the organization's nonpartisan reputation.

League membership organizations are designated 501(c)(4) by the IRS, and League education fund corporations or trusts are designated 501(c)(3). League membership organizations that use funds in their education fund accounts must abide by education fund rules. Whether acting as a 501(c)(3) education fund or as a 501(c)(4) membership organization, each League will want to sponsor and conduct debates in such a way as to avoid creating the impression that it favors one candidate over another.

It is recommended that Leagues utilize a traceable form of mail delivery (e.g. USPS delivered, signed mail receipt or email returned mail receipt) to correspondence with the candidates regarding the “ground rules” for participating in the debate and the actual invitation to participate in the debate.

### ***B. The Regulatory Framework***

Key elements of the regulatory framework include the following:

- **The Federal Election Commission (FEC)** regulates the conduct of corporate, labor and nonprofit organizations — including both 501(c)(3) and 501(c)(4) organizations — in federal elections. FEC regulations define a debate as an event that
  - includes at least two candidates;
  - is staged in a way that does not promote or advance one candidate over another; and
  - allows the candidates to appear concurrently, in face-to-face confrontations, with opportunities to respond to each other.
- **The Federal Communications Commission (FCC)** regulates radio and television broadcasters and cablecasters. Under its regulations, a broadcaster that permits a candidate for any public office — federal, state or local — to use its facilities must provide all other legally qualified candidates for the same office with equal opportunities for use.

A broadcast debate must comply with the following FCC requirements.

- The decision to cover the debate must be based on a good faith judgment of its newsworthiness (and not on a desire to promote or disadvantage a particular candidate).
  - The debate must not be edited and must be broadcast in its entirety, either live or reasonably soon after it takes place.
  - The debate must include at least two candidates.
- **Internal Revenue Service (IRS)** rules provide that 501(c)(3) organizations "may not participate or intervene, directly or indirectly, in any political campaign on behalf of or in opposition to any candidate for public office." This prohibition applies to campaigns for public office at all levels — federal, state and local. A violation of IRS rules could jeopardize the tax-exempt status of the 501(c)(3) organization responsible.
    - A 501(c)(3) organization may sponsor nonpartisan voter education projects, such as debates, provided certain rules are followed. The guiding principal for such debates is that there be fair and impartial treatment of all candidates, with nothing that promotes or advances one candidate over another.

### ***C. "Empty Chair" Debates***

It sometimes happens that only one candidate in a contested election accepts a debate invitation or that a candidate cancels a debate appearance after agreeing to participate, leaving the debate with only one participant — often called an "empty

chair" debate. *If only one candidate accepts the invitation, the debate should be canceled.* While cancellation is also the most prudent course of action when a candidate fails to appear at the event or backs out shortly before the debate, Leagues may need to consider whether and how to proceed should they find themselves in an empty chair debate situation.

There are no specific guidelines from the FEC or the IRS pertaining to the ability of nonprofit organizations to sponsor an empty chair debate. (FCC regulations would preclude any broadcast coverage of such an event.) *Inasmuch as an empty chair debate, by giving one candidate a forum to talk to voters all by him/herself, bestows a real benefit on that candidate, there is a risk to any League that hosting such a debate would run afoul of FEC and/or IRS rules as well as the League's nonpartisan policy.*

The degree of risk and the options available to Leagues vary depending on the office being sought by the candidates and the IRS designation of the sponsoring organization:

- For debates involving candidates for federal office, FEC rules are particularly significant. To meet the FEC definition of a debate and thereby avoid being categorized as an illegal contribution to a federal candidate, the event must include at least two candidates. This rule applies to debates sponsored by both 501(c)(3) and 501(c)(4) organizations. Any League that contemplates hosting an empty chair debate in connection with a federal election is strongly encouraged to seek formal guidance from the FEC. FEC rules do allow educational institutions (e.g., a university) to sponsor "candidate appearances" that also involve members of the public. The rules are not clear as to whether cosponsorship with an educational institution would give the League more latitude in dealing with an empty chair situation.
- For debates sponsored by 501(c)(3) organizations for candidates for state or local office, IRS rules are critical. (It is also critical to review any applicable state and local election laws.) Although empty chair debates are not expressly prohibited by the IRS, the agency might well consider such an event to be an improper electioneering activity. Leagues can reduce that risk by observing the following guidelines:
  - The League board's decision to sponsor a debate should include adoption of relevant policies and rules well in advance of the intended debate. See Face to Face for ideas. These should include provisions about empty chair debates.
  - League sponsorship of the debate, the issuance of invitations, and candidate responses should be announced via press releases.
  - An empty chair debate should not be conducted if all but one candidate decline the League's offer to participate in a debate. It would be very risky for the League to sponsor the debate, knowing from the start that there will be only one participant.
  - An empty chair debate could be conducted only if one or more candidates pull out of a scheduled debate after agreeing to participate, and rescheduling

- is not feasible. (A League could also choose to cancel the debate in this situation.)
- The closer to the scheduled debate that the candidate cancels his/her appearance, the stronger the arguments that going forward with the debate is not a partisan political activity.
  - If the candidate cancels well enough in advance of the debate to allow the sponsoring League to make other arrangements without charge or penalty, the League should make some effort to see if the debate can be rescheduled.
  - In announcing that a candidate has canceled his/her participation in a debate, the League should present the factual reasons given by the candidate, if any, without any editorial comment. If no reason is given by the candidate, the League should simply state that it was contacted by the candidate or his/her campaign and told that the candidate would not be able to appear at the debate; the League can also state that the candidate provided no reason for canceling his/her participation.
  - To maintain a clear record, the League should correspond in writing with candidates concerning invitations to appear at debates, attempts to accommodate each candidate's schedule, confirmation of scheduled debate appearances, confirmation of the cancellation of a debate appearance and attempts, if any, to reschedule a canceled appearance.
  - In conducting any empty chair debate, the League should maintain, to the extent practicable, the debate format. The League must prevent the debate from turning into a candidate appearance that has the look, feel and content of a campaign rally for the only candidate attending the debate. The moderator and other panelists, therefore, should ask nonpartisan questions, the length of the candidate's response should be limited, and if possible, the moderator and other panelists should act as devil's advocate, asking probing questions and follow-up questions.
- IRS rules are more liberal for debates sponsored by 501(c)(4) organizations, but the League nonpartisanship policy still applies. A League acting as a 501(c)(4) membership organization could sponsor a state or local candidate event involving only one candidate. In considering such an option, the League would want to ensure that
    - the event would not violate any state or local election laws;
    - no tax deductible funds would be used for the event; and
    - the event would not damage the League's nonpartisan reputation by creating the impression that the League favored one candidate over another.

## **DEBATE CO-SPONSORSHIP GUIDELINES**

It is important that the League of Women Voters maintain its nonpartisan position when co-sponsoring a debate. The first step in agreeing to co-sponsorship is to review the other organization's mission statement to ensure that its goals are consistent with those of the League.

Any organization co-sponsoring a debate must meet the following conditions:

- refrain from endorsing candidates or positions prior to or immediately after the debate;
- endorse the League's guidelines for candidate participation;
- agree to accept the League's standards of nonpartisanship and debate quality;
- treat the candidates equitably, and
- agree to issue jointly all press releases, letters and other material circulated to the public.

## **SAMPLE CO-SPONSORSHIP AGREEMENT**

**[This agreement may be in the form of a letter from one sponsor to the other. Both organizations should retain a signed copy until after the forum.]**

This document signifies agreement between THE ORGANIZATION and THE LEAGUE OF WOMEN VOTERS of \_\_\_\_\_ to jointly sponsor a School Board Candidates Forum. Further, this outlines the division of responsibilities previously agreed upon.

The meeting will be held on (date), at (time). at (place),

Both sponsors have agreed not to endorse any candidate prior to or immediately after the forum.

Organization will:

- Provide a written invitation to each candidate.
- Accompanying the invitation will be two copies of an acceptance form.
  - One will be retained by the candidate.
- Accompanying the invitation will be list of the ground rules.
- All mail will be sent certified, return receipt requested.
- All publicity will include the name of the organization.
- Provide paper and pencils for questions from the audience.
- Provide microphones for the moderator and candidates.
- Provide identification cards for each candidate at the table.

The League will:

- Provide the moderator and the timekeeper.
- Formulate equitable ground rules.
- Provide a committee to formulate questions for the candidates.
- Provide a committee to screen questions submitted by the audience.
- Provide refreshments for a social hour that will follow the forum.

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Chairperson  
Organization

Date

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Chairperson  
League

Date

## **WHAT ARE THE RESPONSIBILITIES OF THE COMMITTEE?**

### ***Role of the Chair and the Committee***

The chair is the individual designated by the board to be responsible for all aspects of the candidate meeting. This is the one person with whom everyone will come into contact with and therefore must project a positive, nonpartisan image of the League.

The chair acts on the criteria and decisions made by the board. She/he relates to the board the decisions of the committee and requests board approval when appropriate.

The chair assembles a committee which will, under her/his leadership, create a calendar and budget, outline other areas of responsibility, assign those responsibilities to committee and/or board members and oversee the event to its successful conclusion.

### ***Preliminary Planning***

Site Selection and Facilities - the forum should be centrally located, handicap accessible, with public transportation and/or adequate public parking available. This is an area where cost may be involved - e.g. rental of an auditorium; rental of sound and audio-visual equipment; rental of chairs, tables, refreshment equipment; and custodial services. Any expenses should be estimated early in the planning and brought to the board in a formal budget, before the commitment for a space is made.

Some organizations require CERTIFICATES OF INSURANCE from all organizations using their facilities. The LWVNYS carries insurance which covers each local League; contact the LWVNYS office well in advance of your event to discuss insurance needs.

Contracting for the meeting site may require signing a formal agreement with liability potential. Any such contract should be reviewed by an attorney, approved by the board and signed by the president.

### ***Amenities***

If possible, select a site that has

- adequate size and configuration to allow the audience to see, hear and participate;
- araised platform, without barriers which separate the audience from the speakers;
- mono-color background, drapery or wall for TV cameras and for display of the LWV banner.

The physical arrangement of the platform will depend on the number of candidates and the format, however in all situations there should be a draped table, on a raised platform, with printed name cards readable by audiences and TV viewers; lighting suitable for TV production; microphones for each speaker and floor mikes for audience participation (These must be checked just before the meeting to assure their adequacy for TV and auditorium needs. Decide if ushers are needed to control floor mikes during the question period); adequate accommodations on the platform to assure eye-contact between

candidates, moderator and timekeepers; supplies for participants: adequate water pitchers, glasses, pads, pencils; for timekeepers: stopwatches, time cards and reserved front row seats.

***Arrangements: Date/Time***

Select potential meeting dates close enough to the election to generate interest but with enough lead time to allow coverage in the local papers and multiple rebroadcasts of the meeting on TV.

Know election law deadlines and check with your local county Board of Elections on the date when candidates are certified to assure the inclusion of all candidates.

Check the calendars of candidates, political parties, community organizations, school, legal and religious holidays and major sporting events (e.g. play-offs, World Series) to avoid conflicts. Plan the most suitable day of the week, hour and length of the forum.

Working backwards from the date that is finally selected for the meeting, the committee should devise a time-line including the deadlines for completion of each phase of the project. The chair is responsible for the progress at each critical date.

Inform all involved of their roles and responsibilities, in writing where necessary. Coordinate potential meeting dates with other Leagues sharing the candidates, discuss co-sponsorship, planning and division of responsibilities.

Consider refreshments for before or after the forum.

Prepare a display of League publications and membership information.

***Planning The Meeting***

Select a moderator.

Establish appropriate format, ground rules and policy for displaying campaign literature.

Formulate questions to ask the candidates and bring those questions to the board for approval.

Contact the candidates. If the initial contact is by telephone, a confirmation letter should be sent reviewing the contents of the telephone conversation. Otherwise the first letter to the candidates can be exploratory. The initial letter of invitation does not always contain many details. Once you have obtained the candidates written commitment to appear, you can apprise them in writing of the format, ground rules, board policies and the chosen moderator.

Collect information on all candidates and make it available to the moderator.

***Media Involvement***

The board's Publicity chair may be asked to join the committee and assume responsibility for print, radio and TV coverage, or the responsibilities may be divided among committee members. Be sure specific responsibilities are clearly understood.

Where required, contracts with radio and TV stations should be reviewed by an attorney, approved by the board and signed by the president.

League policy requires that candidate meetings be rebroadcast in their entirety. In order to assure prime-time scheduling on the cable TV or radio networks, rather than leaving the timing to the discretion of the station, it is important to negotiate early in the planning for network time.

It is important to invite news reporters to candidate meetings and to determine their deadlines. Candidate meetings with more than one segment might be arranged so that the segment with the greatest public interest be scheduled before the reporter must leave to meet the filing deadline.

***Candidate Meeting***

The president represents the League and may open the meeting. If there are co-sponsors, an equal role should be given to the presidents of each co-sponsoring organization. The banner or logo of each group should be visible to the audience and the TV audience.

The moderator is in charge of the meeting once she/he is introduced.

***Post meeting***

The committee chair should send letters of thanks to each candidate, the political parties, co-sponsors, the moderator, each committee member and others responsible for the success of the meeting.

A written evaluation should be made by the committee and the board to assist in future planning.

The chair's report, including copies of candidate letters, contracts, PR clippings, financial report, evaluation etc. should be completed and filed.

## **DEBATE FORMATS AND SETTINGS**

A critical factor to the success of any meeting is the format that is chosen by the Voter Service Committee. There is no single correct format; the number of candidates, local issues, the chosen setting and the candidates themselves can often influence the final choice of the format. A good format can make the difference between an informative, interesting debate and one that is dull and obscures the candidates' differences on the issues. The format may also determine whether a debate truly offers equal opportunities for the candidates to present their positions. A faulty debate may favor one candidate over others or make all candidates appear weak. With any format, statements and responses to questions should alternate among candidates; questions from the audience should avoid duplications; each question should be answered by each candidate who wishes to speak. Above all, issues, not personalities, should be addressed.

Formats are more likely to be subject to tough questions than other debate issues. Candidates seek forums that will play up their strengths and present no surprises or risks. Broadcasters want formats that promise good television - lively, contentious and unpredictable. Some critics will condemn any departure from the "classic debate" or the panel/question/answer-rebuttal formula; others fault debate formats as too dull or formal.

Since TV coverage of candidates meetings has become almost universal, audiences look for a livelier presentation and a more responsive format than the formal structure used in the past.

### ***DEBATE FORMATS***

*PLEASE ALSO CONSULT LWVUS' "FACE TO FACE" FOR FORMAT IDEAS*

**Formal:** This format presents opening statements by all candidates with the order of speaking determined by drawing lots and closing statements in reverse order from the opening statements. Audience questions can be made in person at the mike or can be written on cards distributed when the audience members enter the debate area. Written questions can be given directly to the moderator or screened by League members to avoid unanswerable, illegible or duplicate questions. If the technical equipment is available, questions may be phoned in by the at-home listeners/viewers. All statements, responses and questions are timed.

**Panels:** This format involves having a panel of questioners. It was once thought that experienced news reporters could best ferret out information from the candidates, but now many panels are made up of a diverse group representing different media, different viewpoints and different backgrounds. In this format all candidates have an opportunity to answer all questions and follow-up questions may be asked. Responses are subject to time limits. The panel consists of from three to five questioners. If a panel comprised of community groups or co-sponsors is used, the Voter Service Committee should take part in editing and coordinating the questions to assure nonpartisanship and diversity. Opening statements can be omitted but closing statements should be included. This format

does not include questions from the audience. A more experienced moderator may be needed for this format than for formal debates, especially if follow-up questions are asked or if the candidates are allowed rebuttal time.

***Cumulative Time:*** This format promotes interchange among candidates, allows them to hold each other accountable, and keeps voter interest while enabling them to see the differences among the candidates. Candidates are told how much cumulative time they have for the question period at the beginning of the debate by the moderator and are timed by their own timekeeper. Each candidate is aware of how much time s/he has used during the course of the debate and how his/her time usage compares with that of the other candidates. The forum begins with a question asked by the moderator, which all candidates answer. (Additional questions can be asked by the moderator or by members of the audience.) When all have responded to the question they can use some of their time to rebut, add to their original answer or question other candidates. This format encourages a candidate to respond briefly on a topic deemed to be less important and to use more time to discuss more fully issues considered more important. The candidates can self-moderate to balance time discrepancies. Candidates can not “save up” time during the question period to make a speech at the end. Usually a two minute closing statement is included with this format.

***Cross Questioning:*** In this format the candidates ask each other questions and the moderator acts as a referee, enforcing rules and keeping the debate on track. This format works best as one segment of a mixed format debate. Since the candidates control the agenda, they can avoid bringing up issues of substance and allow the debate to focus on personalities. On the other hand, this format allows the audience to evaluate the candidates by the questions they ask as well as their answers. The questions and answers should be subject to time limits.

***Meet the Candidates Night:*** This format involves inviting all candidates to make a statement about their backgrounds, qualifications, positions etc. Each is allotted a specific time to make the presentation. No questions are asked and no interchange among the candidates takes place.

***Candidate Fairs:*** When there are too many candidates to hold a debate, a fair might be used. Candidates have a table or booth in a central location such as a gymnasium, shopping mall or city park where they can display and distribute campaign literature. The audience circulates; the candidates do not.

***Shared Questions:*** Another solution when there are too many candidates to hold a conventional debate is to seat the candidates in the order in which they will appear on the ballot and ask for a response to the first question, asked by the moderator, from the first three candidates; a response to the next question by the next three candidates etc. The first responder to each question changes to avoid having the same candidate answering first. This also serves to change the composition of the groups. Responses are timed but candidates may respond to earlier questions if

they have time left and can also respond to earlier questions in their closing statements. The moderator will need to use a grid to keep track of the order for responses. Opening statements are usually omitted in this format.

### ***DEBATE SETTINGS***

There are a variety of settings other than the traditional auditorium or studio that might be considered if the candidates, political parties and the League are willing to experiment and break with tradition.

***Outdoor Rallies:*** Weather permitting, a debate can be an exciting centerpiece to an outdoor community event, such as a primary debate heading a 4th of July band concert and fireworks display at a community park. Coordination, cooperation and co-sponsorship are important to the success of such an event but the exhilaration it can generate and the favorable publicity for the League are well worth the additional effort.

***Breakfast, Lunch or Dinner Forums:*** People are often willing to attend a sit-down meal attached to a candidate meeting. Breakfast and luncheon affairs are usually geared for those who are employed and are on budgeted time schedules; therefore the maximum time involved is usually limited to 1 1/2 hours, equally divided between eating and listening to the candidates. Dinners may run as long as 3 hours. In either situation, cooperation of the caterer or restaurant is necessary to assure that the meal begins on time, and the moderator must start and conclude the meeting on schedule.

***Shopping Center Forums:*** With more and more shopping centers enclosed and climate-controlled, they have become community gathering places. Some shopping center managers are willing to provide microphones and other essentials to make an informal candidate meeting possible.

## **GUIDELINES FOR QUESTIONS FOR CANDIDATE MEETINGS**

1. If the format will include a series of questions to be asked by the moderator or by a panel, consider the following guidelines:
2. Questions must be clear, concise and appropriate to the office being sought by the candidates.
3. Questions must be appropriate to all candidates seeking the same office. Keep in mind that an incumbent has more information on some issues than the other candidates and can probably provide more informed answers.
4. Questions should reflect the issues of greatest interest to the entire community and cover a broad range of topics.
5. Word questions so that they can not be answered by “yes” or “no.”
6. Word questions in a manner that will elicit the political philosophy of each candidate.
7. Questions must not include or imply personal attacks on any candidate.

League program directors may be requested to help formulate questions.

## **DEBATE GROUND RULES**

Ground rules establish the limits of the meeting and the specifics within the chosen forum. If possible, ground rules should be planned with the selected moderator before they are communicated to the candidates and parties. Experienced moderators have more expertise in handling problem situations than either the candidates or the Voter Service Committee and can make cogent suggestions.

Ground rules address such questions as:

1. Should the president of the LWV (or of a co-sponsoring organization) or the Voter Service Chair open the meeting?
2. Will League announcements be made before the meeting begins?
3. Will there be opening statements by the candidates or will the forum begin with a prepared question?
4. Will questions from the floor be made from floor mikes? If so, will ushers be needed to control the microphones? Has the TV cable crew been consulted about the logistics of wiring, traffic flow, etc.? Will the moderator know how to time the final question, despite the line of questioners at the microphones?
5. Will questions from the audience be made in writing? If so, how and when will the question cards be distributed? collected? screened? given to the moderator? This can be a time consuming, disruptive process and, therefore not recommended for meetings being simulcast on TV.
6. Will questions be received by phone from an at-home audience? If so, who will receive the calls? Who will screen them? Who will relay them to the moderator? Without a live audience or a very small one, this format can be handled more easily in a studio setting rather than in a large auditorium. The studio's technical crew may be accustomed to the phone-in programming and may have developed workable procedures. Under any circumstances, there should be a mechanism for screening calls rather than putting them directly on the air. This procedure necessitates planning and co-ordination between the moderator and the TV personnel.
7. Should all candidates be allowed to answer all questions, even when they are directed to one specific candidate?
8. How long should the meeting run and what is the time of each segment? Realistic timing of the question period is essential. With multiple candidates, it is important to determine exactly how many responses are possible within the allotted question period.

Audiences and the candidates are frequently disappointed by time limitations and request extended time, especially when there are many "hot issues."

Should there be rebuttals by each candidate to the statements of other candidates or should rebuttals be contained in the closing statements? When there are multiple candidates, rebuttals take a considerable amount of time and limit the number of questions that can be asked. Candidates usually would prefer to answer as many questions as possible and work their rebuttals into answers to subsequent responses or include them in their closing statements.

Will the moderator be able to change the amount of time allowed each candidate to answer audience questions after the forum has begun? This is often necessary when time is limited and the audience is interested in continuing. Candidates should be informed ahead of time that the moderator has this discretionary option. It may also be possible to extend the length of the meeting if the candidates, TV, custodians on site and the audience agree, but this contingency should be worked out ahead of time.

May campaign literature, buttons, stickers be displayed or distributed within the meeting space? League policy on this should be clearly spelled out and information given ahead of time to the candidates, party workers and League members who will assist at the forum. If the meeting is out-of-door or in a shopping mall, the answer might not be as simply resolved as if the meeting were held in an enclosed hall.

## **SAMPLE CALENDAR FOR PLANNING A CANDIDATES MEETING**

- June** Board decision to hold a forum; basic policies made on recommendation of Voter Service Committee.
- Summer** Meeting of the Voter Service Committee to establish a tentative calendar.  
Create the necessary committees, assign responsibilities.  
Research availability of meeting dates, sites, TV, cable, radio.  
Invite all potential candidates after they have filed with the Board of Elections.  
Discuss formats and ground rules.  
Obtain the moderator and work with the moderator in planning the format.  
Decide on a site and reserve potential dates.
- September** Bring committee recommendations to the first board meeting for confirmation.  
Board decision on LWV publication display and policy on candidates' literature.  
Correspond with candidates re: place, time, format, ground rules and campaign literature.  
Decide on need for a printed program/Voters Guide, refreshments.
- Early  
October** Inform board of committee progress, request assistance with questions for candidates. First press release by Public Relations Chair.  
Deadline to receive biographical information from candidates for program or Voters Guide.
- Mid  
October** If there is to be a program or Voters Guide, prepare the copy and deliver to printer.  
Continue to work out details.  
Public Relations Chair continues to issue press releases.
- Late  
October** Provide final format to moderator and timekeepers.  
Completion of all committee business.  
Final check with candidates, moderator, timekeepers, co- sponsors.  
Candidates Meeting:  
Set up platform, podium, name signs, banners, refreshment area, parking signs, direction signs inside the facility.  
Check lighting, sound system with technicians before the meeting.  
Final check with committee members and others assigned tasks.
- November** Evaluation



## **GUIDELINES FOR PUBLISHING VOTERS GUIDES**

Because it is essential that all candidates be treated alike, the following guidelines should be used when publishing Voters Guides:

The local Board of Elections is the most reliable source of information on local ballot proposals and candidates. Local Leagues should secure preliminary information from the Board of Elections, follow local newspapers and check with political parties.

All candidates appearing on the ballot must be included in a Voters Guide. If, after several attempts to secure information from a candidate, it is not forthcoming, the League will include the candidates name, party and the office the candidate is seeking. Depending upon the situation, the local league will print a sample disclaimer for candidates who do not respond: i.e., "This candidate did not respond to the League's inquiry," or "This candidate chose not to respond."

If sample ballots are to be used in a Voters Guide, the ballot must match the ballot face that will appear on the voting machine on Election Day. Your Board of Elections may be of assistance in providing an acceptable sample ballot if the actual ballot is not available by the Voters Guide deadline (and it almost never is).

Following these guidelines helps to assure the public of the League's nonpartisan-ship and helps to reinforce the League's sense of fairness and its credibility in the local community.

## SAMPLE EVALUATION FORM

**To: Voter Service Chair(s), League President(s), League Board Members.**  
**Please complete this form and return to the Voter Service Chair.**

Meeting for candidates for (offices): \_\_\_\_\_

\_\_\_\_\_

Number of participants \_\_\_\_\_ Size of audience \_\_\_\_\_

Site: \_\_\_\_\_

Was the site adequate in size? \_\_\_\_\_ Adequate parking facilities? \_\_\_\_\_

Handicapped accessible? \_\_\_\_\_

Stage facilities? \_\_\_\_\_

Other comments: \_\_\_\_\_

\_\_\_\_\_

Was the meeting co-sponsored? \_\_\_\_\_ With whom? \_\_\_\_\_

What role(s) did the co-sponsor take? \_\_\_\_\_

What role(s) did the local League take? \_\_\_\_\_

Was this satisfactory? \_\_\_\_\_

Did you have TV/radio coverage? \_\_\_\_\_ pre-meeting ads? \_\_\_\_\_

Number of pre-election reruns? \_\_\_\_\_

Did you have newspaper publicity before? \_\_\_\_\_ After? \_\_\_\_\_

**Planning:**

Did the board discuss the meeting plan? \_\_\_\_\_

Did the board contribute questions for the candidates? \_\_\_\_\_

Did the Voter Service Chair/Committee have full responsibility? \_\_\_\_\_

Was there an ad hoc committee appointed to run the meeting? \_\_\_\_\_

Did the board fully support the meeting? \_\_\_\_\_

\_\_\_\_\_

## **WHAT IS THE ROLE OF THE MODERATOR?**

Once a forum is in progress, the moderator is in charge and maintains control from start to finish. The moderator must demonstrate absolute fairness, neutrality and dignity. Because s/he represents the nonpartisan standards of the League, it is important that the moderator be absolutely independent of the local political situation. Therefore a moderator should be from outside of the immediate community and election district(s) relevant to the forum.

The moderator should be aware of policy decisions made by the board that impact on the forum; prepared to work within the format, ground rules and site arrangements selected by the committee; trained in moderating techniques and flexible in making adjustments during the meeting.

### ***Assistance from the Committee***

The moderator should expect certain information prior to the forum:

1. Details about the arrangements: the date, hour, duration of the meeting, TV coverage, exact location of the meeting, driving directions and parking availability.
2. Information about the candidates, their biographies and local newspaper publicity.
3. Information about the expected audience, the size, usual behavior, an accurate appraisal of the temper of the race, "hot issues" and community factions.
4. Copies of League publicity, flyers, invitation letters. The moderator should request these items when moderating for organizations other than the League.

The moderator should be involved in discussions of the format and given the opportunity to make cogent suggestions.

### ***Preparation for the Candidate Night***

While the committee works on the details of the meeting, the moderator's job is to become familiar with the situation s/he will be dealing with at the meeting. Once the format has been confirmed:

***PREPARE A SCRIPT*** to free the moderator from stress at the meeting. The framework of the script is the format which the moderator and the committee have worked on and to which the candidates have agreed. It will be divided into sections, dictated by the format but usually includes:

Welcome by the League president or leader of the sponsoring group. The welcoming remarks should include a statement of the League's nonpartisan policy, stress that the moderator is not a stake holder in the election and introduce the moderator and timekeeper(s).

- Introduction of the candidates.
- Explanation of the meeting's format and ground rules.
- Introduction of part one: opening statements or opening questions.

- Introduction of subsequent parts of the forum, including pertinent ground rules.
- Closing statements of the candidates.
- Closure of the meeting, including a reminder of the date, time and place(s) of the election. The time and date of TV re-runs can also be announced.

**Rehearse the script** so it comes naturally, with words you would normally use. It can become so familiar that you may use it only as a reference at the forum.

**Prepare for the question period** with a system for varying the order in which candidates speak or answer. It is important that you use some type of record so you are aware at a glance of the sequence of answers. Some moderators use the grid shown in Appendix --- and also keep track of the subject of the questions asked in the grid to give the sponsoring organization a record of the topics covered.

If the format calls for written questions, the moderator should **recommend the use of colored cards** to be given out at the door. This prevents any faction from coming to the forum with questions already formulated. If the format calls for questions at the mike, the moderator should recommend that the committee have members prepared to ask questions if the audience participation is slow in getting started.

Should problem situations arise during the question period, a moderator may be able to show control if s/he is prepared to make an appropriate response. See “What If...” in Appendix --- for suggested responses.

**Before the meeting begins:**

1. Visit the site so you will know the best way to get there in the dark.
2. Arrive early, with all your papers in order. Prepare lots for the candidates to draw to determine the order for answering questions and for opening and closing statements.
3. Have your agenda, seating chart, pen and the gavel from your local League or sponsoring organization.
4. Check the mike(s), chair height, lights, and fire exits. Make sure that security is available. Ask for water and glasses if they have not been provided. Be sure there are name cards visible to you, the TV cameras and the audience.
5. Welcome the candidates and help put them at ease. Most of them are more nervous than you will ever be. They are really on the line and for many, this is a first time experience.
6. Prior to the meeting, call the candidates together to draw lots, go over the ground rules and ask for proper pronunciation of names.
7. If there are candidates who have problems speaking English, are very young or obviously nervous, be extra gracious to them. Give them time to find the right word. Don't jump in and hurry them.
8. Be very clear about the rebuttal process or the crosstalk process. Let everyone know that you are in charge once the meeting starts. (If this is a “meet the candidates forum” and not a debate, there should be no rebuttals.)

If questions from the audience will be written, be sure that a League member screens them to check that the handwriting is legible, the question is acceptable and not personal or slanderous, and to group questions in categories to avoid repetition. The audience should be advised that similar questions may be combined by the moderator.

If the audience is asked to come to the floor microphone, have a League member in charge of the mike.

If TV coverage is provided, the camera crew can be your best friends; cultivate them. Ask if they have to change tapes at some point in the meeting and how they will inform you. Announce the process to the audience before the meeting begins.

Be sure you know what the League's (or sponsoring organization's) policy is in regard to audio or video taping of the meeting by unauthorized persons and announce this at the beginning of the meeting. This will avoid misunderstandings and prevent partisan use of debate material.

Some words of wisdom: It may be helpful to bear in mind that:

- A candidate forum is a human institution and as such is imperfect. Who is better suited to do the job properly than the League of Women Voters? And how can the League do it without hardy souls like you?
- Careful preparation is the best insurance against the unexpected (and there usually is something you didn't quite expect).
- A sense of humor is often your best weapon in dealing with the swirling political passions of the moment.
- Above all, be gracious and pleasant no matter what you personally think about the candidates. You will earn the respect of all if they perceive that you are FAIR AND FIRM.

Candidate meetings should be fun! They should serve the public, providing as much information as the candidates will give, in as nonpartisan environment as the League can create.

## **SAMPLE FORMAT FOR A FORMAL DEBATE**

**7:30** Welcome, opening remarks, introduction of the moderator by the president or chair.

**7:35** Moderator introduces the candidates and explains the format:

1. Each candidate will make a three minute opening statement; order was determined by drawing lots before the meeting.
2. Timekeeper will hold up sign when 30 seconds remain and stand when the time is up.
3. After all opening statements have been made, questions will be taken from the audience.
4. Applause should be held until the end of the forum, leaving more time for questions.

**7:38** Opening Statements.

**7:52** Moderator explains rules governing the question period.

1. Questioners will be asked to stand (or go to the mike), state their name and address, and indicate to whom the question is addressed. All candidates may answer all questions.
2. Issues, not personalities, are to be addressed; no personal/abusive questions are to be asked.
3. Speeches from the floor will not be permitted. Questions are limited to one minute.
4. The moderator has the right to rule on all questions.
5. Candidates will be limited to answers not exceeding two minutes.

**7:55** Questions from the audience.

**8:30** Closing statements; each candidate may have a two minute closing statement.

**8:45** Moderator closes the meeting with a reminder to vote on Election Day.

\*This format can be used for the Cumulative Time Forum by eliminating opening statements and allowing candidates to apportion their time after all candidates have answered a question for further comments or rebuttals. Closing statements should be retained.

## **SAMPLE PANEL FORMAT**

LWV President or Chair opens the meeting and introduces the moderator.

The Moderator introduces the panel members and the candidates and outlines the format.

**Part I:           Opening statements**

**Part II:           Questions from the panel**

The same question may be asked of each candidate with a two minute response; each candidate will have the opportunity to respond and the order of responses will be rotated for each question,

*or*

A different question will be asked of each candidate, with a two minute response time; remaining candidates will be given a one minute response time if they wish.

**Part III:         Closing**

**Variation:**     Plan for questions from the audience; limit questions to one minute. Questions may be directed to one or all candidates, but each who wishes would have a chance to respond.

## **SAMPLE GRID FOR ANSWERING QUESTIONS**

Candidate #1	Candidate #2	Candidate #3	Candidate #4
1	2	3	4
2	3	4	1
3	4	1	2
4	1	2	3
1	2	3	4

***AS EACH QUESTION IS ASKED, THE MODERATOR MARKS THE SEQUENCE # OF THE RESPONDENT BENEATH THAT CANDIDATE'S NAME. AFTER FIVE QUESTIONS FROM THE AUDIENCE, THE GRID SHOULD LOOK LIKE THIS.***

## WHAT IF....

### **...a candidate keeps going when his/her time is up?**

Interrupt gently, but firmly. "Excuse me, Mr. Candidate, but you have used up your time." You can let people finish their sentences, but some people's sentences never end. If you permit one candidate to go over his/her time, the others will never let you forget it.

### **...a candidate gets obstreperous or unruly?**

Address him/her directly. "Ms. Candidate, you are out of order." "Mr. Candidate. I must remind you once again that you are not being fair to the other candidates." If your admonitions don't work, console yourself with the thought that the evening is accomplishing its purpose: revealing the candidate's true character!

### **...a member of the audience is rowdy?**

Address him/her directly. "Sir, please sit down and wait your turn." or "Please respect the rules we have established so that we may have an orderly discussion of the issues." Usually, your comments and growing peer pressure from the audience will do the trick. If it doesn't, call a brief recess and speak to the rabble rouser yourself. (There have even been occasions, fortunately rare, when a member of the audience was drunk and disorderly and the police had to be summoned.)

### **...the audience gets unruly?**

Remind the audience that this is not a rally for voters who have already made up their minds, but a nonpartisan meeting for those who have not. You can use such comments as: "We understand that many of you have strong feelings about this election (issue), but others have come here tonight to help them decide how to vote. Please let us use our time for discussion of the issues." or "Please, let's not waste time that should be spent discussing the issues."

Remember that you have the authority to call a recess to review the ground rules with the co-sponsors and participants. You even have the authority to decide that conditions just do not exist for a useful discussion of the issues and so to adjourn the meeting.

### **...there is a challenge to your authority and the way you are conducting the meeting?**

Calmly restate the ground rules and proceed. (You can even read from the letter of invitation). If the challenge continues, you can call a recess and caucus with the candidates and sponsors. With careful preparation this shouldn't happen.

### **...a "question" to a candidate is really a personal attack?**

Rule the question out of order, explaining that we are here for an open, orderly exchange on the issues, not character assassination. Ask for another question.

### **...a question is really a statement?**

Interrupt. "Please phrase your statement as a question." Some moderators time the questions as well as the answers.

**...all the questions are on the same subject?**

Ask the audience for questions on other topics. “We have had many questions on this topic. Are there members of the audience who wish to question the candidates about other issues?” When the questions are submitted in writing, you and the question sorter can consolidate some of them: “Here we have three questions on the same topic.” Better not try to rephrase questions, though. Questioners have great pride of authorship.

**...the audience is very small?**

Consider rearranging the chairs in a more informal setting and perhaps adopting a more conversational format. Give the candidates more time to answer questions.

**...you run out of questions?**

Adjourn. Sometimes the audience is small or the race lacks hot issues. Just move ahead to the closing statements and send the grateful audience home to bed.

**...people demand to see the written questions afterwards?**

Refuse them. This has caused great trouble in the past. One campaign worker called an unanswered question into a newspaper after the meeting and they were published (inaccurately) in the next edition. Questioner’s handwriting may be recognized and their privacy invaded. So, keep the questions yourself, show them to no one and destroy them after the meeting.

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**LEAGUE OF WOMEN VOTERS  
FAIR CAMPAIGN PLEDGE**

As a candidate for public office in the upcoming November election I pledge the following:

I will conduct my campaign honestly, openly, and fairly. I will discuss the issues and participate in fair public debate with respect to my views and qualifications.

I will not engage in, permit, or condone defamatory attacks upon the character of my opponent(s); nor will I engage in invasions of personal privacy unrelated to campaign issues.

I will not use or permit the use of any campaign material or advertisement which misrepresents, distorts, or otherwise falsifies facts regarding my opponent(s),

I will refuse to disseminate any campaign material or message in which the candidate is not prominently identified.

I will publicly repudiate support from any individual or group whose activities would violate this Fair Campaign Pledge.

In signing this pledge, I assume personal control over and responsibility for the conduct of my campaign.

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

Please return signed pledge to:

## **RESOURCES**

### **WEB SITES:**

**[www.lwv.org](http://www.lwv.org)**

National League of Women Voters

**[www.lwvny.org](http://www.lwvny.org)**

New York State League of Women Voters

**[www.elections.state.ny.us](http://www.elections.state.ny.us)**

NYS Election Law, political calendar etc.

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