



# LEAGUE OF WOMEN VOTERS® O F F L O R I D A

## League Guide to Candidate Forums and Debates

### OVERVIEW

Candidate forums and debates are controlled by Federal Election Commission (FEC), Federal Communications Commission (FCC) and Internal Revenue Service (IRS) rules. FEC only governs federal races; FCC governs broadcast media; IRS sets tax rules. Know them and follow them. **All Leagues must protect their nonpartisanship.**

All forums dealing with **federal candidates** must have at least two candidates with no “empty chairs.” Other forums that are **broadcast**—state or local—should have at least two candidates with no “empty chairs.” (See exceptions listed later.)

Candidate forums may be planned at any time with advance requests to known candidates to save the date. However, final invitations/confirmations should be made after official filing date. No forums should be held before the official filing date. **Note:** Candidates become potential candidates after opening a campaign account, but actual candidates when they file.

### IRS DESIGNATIONS: 501(c)3 (Education Fund) vs. 501(c)4 (most Local Leagues)

All League-sponsored events are nonpartisan, neither supporting nor opposing political parties or candidates. IRS rules allow 501(c)4 organizations to be politically active as long as it is a secondary focus of the organization. This fact has an impact on the “empty chair” controversy covered later. Local Leagues, as 501(c)4 organizations, are the preferred host; constraints are somewhat less stringent. 501(c)3 funding is more tightly controlled; whenever it is used, maintain careful records. It is vital to maintain the League’s nonpartisan status.

### FORUM VS. DEBATE

While most League-sponsored events are forums, there are other formats:

**Forum:** Each candidate answers each question. Responses are timed. There may or may not be a rebuttal. Questions can be from a panel, from the League and/or from the audience (preferably written).

**Debate:** Candidates discuss an issue with rebuttal/follow-up allowed.

**Meet and Greet:** All candidates are invited. Candidates may be allowed to give an introductory speech and then mingle and talk one-on-one with voters. Announce at the beginning that the event is nonpartisan and that all candidates were invited. If some were unable to attend, they may have sent an aide who will not speak to the group but will be available with candidate material. No questions and answers are

involved. Outdoor rallies, breakfast/lunch/dinner forums and other locales are also possible settings.

### **PLANNING FORUMS AND DEBATES**

Before scheduling a forum, decide well in advance what **criteria** (such as recognized candidate with a campaign account, a certain level of support, a campaign office, etc.) will be used to determine candidate participation and ideally announce those criteria to the media. Keep documentation of all correspondence. Consider posting criteria, guidelines and documentation on a presentation board at the forum to forestall questions of transparency and fairness. Try to find a date that will allow all candidates to participate. Opening the forum with the Pledge of Allegiance is a nice touch, perhaps led by a local Girl Scout.

**LETTERS OF INVITATION** should include the following:

- No substitutes or stand-ins for candidates are allowed.
- General rules for the forum
- Acknowledgment that debate content is property of the League
  - Permission to videotape must be sought prior to the event, and any rebroadcast of the event must be done in its entirety.
  - Candidates must agree that they will not use any portion of the debate in a political advertisement.
- Mechanism to ensure receipt of invitation

### **RUNNING FORUMS AND DEBATES**

The following **disclaimers** should be announced at forums and debates:

- Turn off cell phones.
- No filming of event by candidates or staff is allowed.
- Videotaping is only permitted by those previously authorized by the League.
- The forum must be aired in its entirety, unedited, in fairness to all candidates.
- Questions will be screened to make sure they are fair and without personal attacks. They may be rewritten for clarity, and duplicate questions may be combined.
  - This focus on fairness to candidates and the public is the foundation of our nonpartisanship.
- It is permissible to announce that the League sponsors candidate forums as a public service—membership in the League is open to all who would like to be involved in that effort.
  - Membership recruitment is allowed at any forum regardless of sponsor.

At the beginning and end of each debate or forum, 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 candidates have been invited.

## **'EMPTY CHAIR' FORUMS AND DEBATES**

No “empty chair” debates or forums for **federal candidates** (i.e. for Congress) are allowed under any circumstances. An “empty chair” debate may be possible for **state or local offices** under certain circumstances. Allowing an “empty chair” forum may give the perception of support for a candidate—so extreme care must be taken to counter any such perception.

FEC rules only govern federal candidates. Under FCC regulations, any broadcaster or cablecaster that permits a candidate for any public office to use its facilities must provide all other legally qualified candidates for the same office with equal time. Public access channels may not be required to abide by this regulation. If your forum is being broadcast, the station may decide to continue with the candidates who are present, or they may decide to stop the broadcast when there is only one candidate for an office. As the sponsor, stress that all candidates were invited, that every attempt was made to accommodate schedules, but unforeseen events happened, and Candidate X is not present. Stress that the League does not support or oppose any candidate.

If **two or more candidates** for an office are present (and they do not have to be major party candidates), the debate can continue.

If only **one candidate** confirms attendance, and other candidates do not agree to participate, cancel the forum at any level. Try to reschedule for a date when all candidates can participate.

In those circumstances when a candidate notifies at the last minute that he or she cannot participate, or doesn't show after making a commitment, leaving only one other candidate present for that office, **use extreme caution:**

- a. If only **one office** is being dealt with at the forum, explain that the League does not support or oppose any candidate and that all candidates were invited and expected to be present. “Unfortunately, Mr. X is not able to be here. He will be on the ballot, and his information is available on his website. The forum will continue with Mr. Y making his opening statement and answering a few questions.” (If you have a moderator who is not a League member, you may announce that the event is no longer a League-sponsored event.)
- b. If **several offices** are included in the forum, hold all offices where only one candidate is present to the end. Announce the change in the agenda, carefully explaining the League's nonpartisanship, that the League does not support or oppose any candidate, and the fact that all candidates were invited and expected to attend, as stated above. Allow candidates to make opening statements and answer a few questions. Announce the names of all candidates for that office.

**SPECIAL CIRCUMSTANCES:** When moderating someone else's forum, follow League nonpartisan guidelines. Make sure that all candidates have been invited.

Closed circuit TV for local races at condos, homeowners associations, etc. is permissible, even if the event is not open to the public. Holding forums in city or town halls is permissible.

Candidate forums are educational, not political. They are a community service.

**TAX LAW RESTRICTIONS ON ACTIVITIES OF EXEMPT ORGANIZATIONS**

The chart below compares seven federal tax law attributes of five common types of tax-exempt organizations.

	501(c)(3)	501(c)(4)	501(c)(5)	501(c)(6)	527
Receive tax-deductible charitable contributions	YES	NO	NO	NO	NO
Receive contributions or fees deductible as a business expense	YES	YES	YES	YES	NO
Substantially related income exempt from federal income tax	YES	YES	YES	YES	YES
Investment income exempt from federal income tax	LTD*	YES	YES	YES	NO
Engage in legislative advocacy	LTD	YES	YES	YES	LTD
Engage in candidate election advocacy	NO	LTD	LTD	LTD	YES
Engage in public advocacy not related to legislation or election of candidates	YES	YES	YES	YES	LTD

For 501(c)4, 5, or 6 organizations, primary activity must be in furtherance of their exempt purpose (lobbying can further an exempt purpose). Political campaign activity is NOT in furtherance of the exempt purpose of 501(c)4, 5, or 6, but may be allowed in very limited circumstances as long as it is a minor, secondary activity.

**FURTHER INFORMATION**

LWVUS’ “Frequently Asked Questions and Sample Candidate Night” script is available at <http://www.lwv.org/member-resources/candidate-debatesforumsfairs>

Various state and local Leagues have developed excellent guidelines. For example: [www.lwvsandiego.org](http://www.lwvsandiego.org) (under Speakers Bureau, “Candidate Forum Guidelines”) and [www.lwvny.org](http://www.lwvny.org) (under Voter Services, “The Road to the Voting Booth, Part II, Candidate Meetings”).

Alliance for Justice has prepared several excellent factsheets at [www.allianceforjustice.org](http://www.allianceforjustice.org), including “Election Year Advocacy: Candidate Forums”; “Election Year Activities for 501(c)4”; “Influencing Public Policy in the Digital Age”; and “Worry Free Lobbying for Non Profits.”

Federal Elections Commission: [www.fec.gov](http://www.fec.gov)

Federal Communications Commission: [www.fcc.gov](http://www.fcc.gov)

Internal Revenue Service: [www.irs.gov](http://www.irs.gov)

*Updated: January 20, 2012*