

September 12, 2024

2024 ELECTION TRAINING SERIES

Issues with Debates & Candidate Forums



LEAGUE OF WOMEN VOTERS OF THE US

Introductions



**JEANETTE
SENECAL**

Senior Director,
Mission Impact



KAYLA VIX

Senior Mgr. Field
Comms



LUANA CHAIRES

Sr. Mgr., National
Organizing



STONE NAYYAR

Event Coordinator

Community Norms

1. **Be respectful:** Assume positive intent but understand impact
2. Understand privilege and position
3. **Be present:** Practice **active listening**, **bring your full self**, and limit distractions
4. **Courage over comfort:** embrace hard conversations and conflict
5. **Step up, step back:** Allow space for conversation and flexibility
6. We are here to learn!

Logistical Reminders

- We're discussing all election work with a **nonpartisan lens** and a **Diversity, Equity, and Inclusion lens**
- **This session is being recorded:** content will be shared post-training on lwv.org/2024electionwebinars
- We are using **Zoom's transcription service**. This is automated, and we can't guarantee 100% accuracy.



Agenda

- Overview of Candidate Debate & Forums Rules
- Timeline: Organizing Candidate Debates & Forums
- Potential Debate Scenarios
 - Candidate refusal to participate
 - League In Action
 - Misuse of recorded debate content
 - Disruptions
 - Empty Chair Debates
- Resources

Overview: Candidate Debate & Forum Rules

Candidate Debates & Forums

In 2022 Leagues across the country held over 3,000 debates and forums and we're still tracking for 2024.

Debates and forums are regulated by federal and state election and tax laws and regulations.

The League's nonpartisan policy also governs League-sponsored debates and forums.



Regulatory Overview

- The **Federal Election Commission (FEC)** regulates conduct of 501(c)(3) and 501(c)(4)s in federal elections
- The **Federal Communications Commission (FCC)** regulates radio and TV broadcasters
- The **Internal Revenue Service (IRS)** rules regulates activities by 501(c)(4) and 501(c)(3)
- State and local election and tax laws may also apply.



FEC Rules (apply to federal candidates only)

Candidate Debate Allowed

- Includes **at least** two candidates
- Is staged in a way that does not promote or advance one candidate over another
- Allows the candidates to appear concurrently, in face-to-face confrontations, with opportunities to respond to each other

Candidate Debate NOT Allowed

- A League debate without at least two candidates for the same federal office would be considered an in-kind campaign contribution to the candidate attending the debate.
- All Leagues are by law banned from making federal campaign contributions.

FCC Rules (apply to federal, state, and local races)

- Includes **at least** two candidates
- 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



IRS Rules (apply to federal, state, and local races)

501(c)(3)

- May engage in activities to promote voter registration, participation, and education.
- May not participate or intervene, directly or indirectly, in any political campaign on behalf of or in opposition to any candidate for public office.
- A violation could jeopardize the tax-exempt status of a 501(c)(3).

501(c)(4)

- If the debate is organized by a 501(c)(4) and does not qualify as nonpartisan, the c4 would not jeopardize its tax status or be penalized.
- “Partisan” political activities are allowed under IRS rules provided such activity does not constitute the organization’s primary activity.
- While a partisan event might be legal, it is not allowed by League policy at any level and would be a violation of our nonpartisan policy.

State and Local Regulatory Framework

- Review state and local election and tax laws
- Investigate:
 - What constitutes an in-kind contribution
 - Whether in-kind contributions are allowed
 - Disclosure requirements

Helpful Resources:

- Chief Elections Official
- Attorney General

The League Framework

- Safeguarding League's nonpartisan reputation
- Sponsor and conduct debates in such a way as to avoid creating the impression that it favors one candidate over another
 - *Applies to both 501(c)(3) and 501(c)(4) organizations*
- “Empty Chair” debate policy: ***if only one candidate accepts the invitation, the debate should be canceled***



Funding Candidate Debates

Q: Can funds for a candidate debate come from a 501(c)(4) or must they all be from 501(c)(3)?

A: Either 501(c)(3) or 501(c)(4) funds may be used, but all expenditures must comply with IRS and other federal regulatory mandates

- If any 501(c)(3) funds are used, then the event must comply with all rules associated to the event even if 501(c)(4) funds are also used.
- Candidate debates offer an opportunity for Leagues to use their c3 monies and solicit tax-exempt donations from local businesses and donors

Best Practices

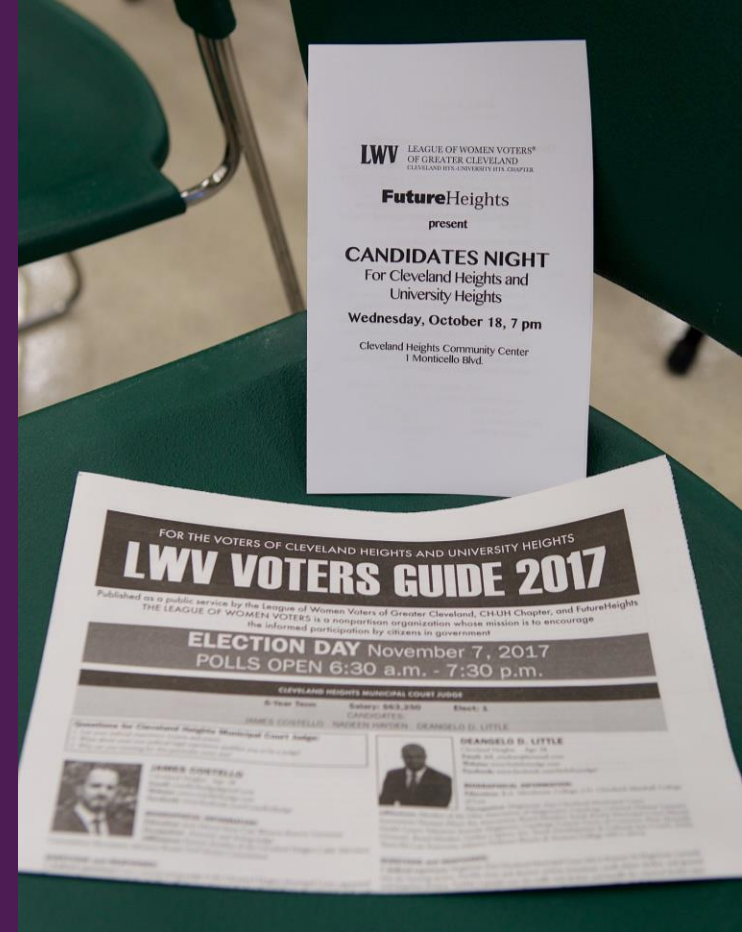
- **Annually review** and adopt your League's criteria for candidate participation in debates.
- Procure a law firm or lawyer who can offer **pro-bono legal advice** in case it is needed before, during, or after your debates.
- Designate someone in your League to be the **debate manager**.
- Utilize a **traceable form of mail delivery** for correspondence with the candidates regarding the "ground rules" for participating in the debate and the invitation to participate.
- Know the federal, state, and local laws that may govern or have an impact on holding a debate or forum!
- **Maximize visibility** and organizational growth opportunities
- **Develop a recording policy** and post/state it in the rules



Timeline: Planning Your Candidate Debate / Forum

10 – 12 Weeks Before Election Day, you should...

- Publish your candidate inclusion criteria on your website with a date stamp
- Decide if you want to host a debate / forum and what races you will cover
- Reach out to potential partners
- Choose a moderator
- Set debate / forum rules and publish on website
- Secure a venue
- Send candidate invitations and follow up regularly
 - After sending all invitations, [send a press release](#)



2 – 4 Weeks Before Election Day, you should...

- Send a press release announcing holding debate, invitations have been sent
- Begin [public candidate pressure campaign](#)
- Send a [media advisory](#), begin event promotion
- Train moderators and volunteers, including a timekeeper



Potential Debate Issues / Scenarios

Candidate Refusal to Participate

Refer to our messaging guidance

- When candidates refuse to participate in opportunities to help their future constituents learn more about them, this is a **loss for voters**.
- LWV has a long history of conducting candidate forums, but this isn't about the League: it's about voters. We want to provide a platform for voters to learn about who will be on their ballot. That's why we are particularly concerned about candidates who refuse to [show up and debate OR participate in voter guides.]
- Candidates running for public office are applying for a job. Debates are like job interviews, and the voters are hiring. Who would hire an employee without interviewing them first?
- Declining an opportunity to discuss the issues that matter most to voters is contrary to the public interest.

Candidate Refusal to Participate

- Launch a public pressure campaign
 - [VOTE411 Pressure Campaign LTE Template](#)
 - [VOTE411 Pressure Campaign Videos](#)
 - [Action Page: Help Get Candidates to Answer Our Questions!](#)

WHERE DO YOU STAND ...?

WHAT IS YOUR PLAN ...?

HOW WOULD YOU ...?

WHAT IF ...?



League In Action

- LWV's official digital organizing tool that allows us to build our digital muscle to create relationships with supporters
- Anyone who believes in LWV's values and mission can follow any state or local League via an app on their smartphone/tablet or desktop browser
- LIA allows supporters to become the trusted messenger in your communities

League In Action

Take action!



LIA Pressure Campaign

- Supporters can quickly search for candidates who have not responded yet.
- Supporters can pick and choose their preferred outreach method for candidates. (Email, text, phone call, in person)
- Each contact method will have a prewritten message and/or script to ask candidates to respond to the voter guide and/or attend candidate forum



Misuse of Recorded Content

- Prior to debate, **Leagues should establish and share a recording policy** – [access our template here!](#)
- State ownership and permissions of your League's debate recording
 1. In debate rules that candidates must sign and agree to ahead of debate
 2. Stated verbally by the moderator
 3. In the video description of any live stream or recorded version



Preparing for In-Person Disruptions

- Assess your risks
- Once you have a plan, communicate clearly and proactively with attendees, speakers, staff, vendors, partners, etc.
- Ensure you know who is in your audience
- Build a resilient team
- At start of event or peaceful disruption, share rules regarding speakers, questions, and recording policy

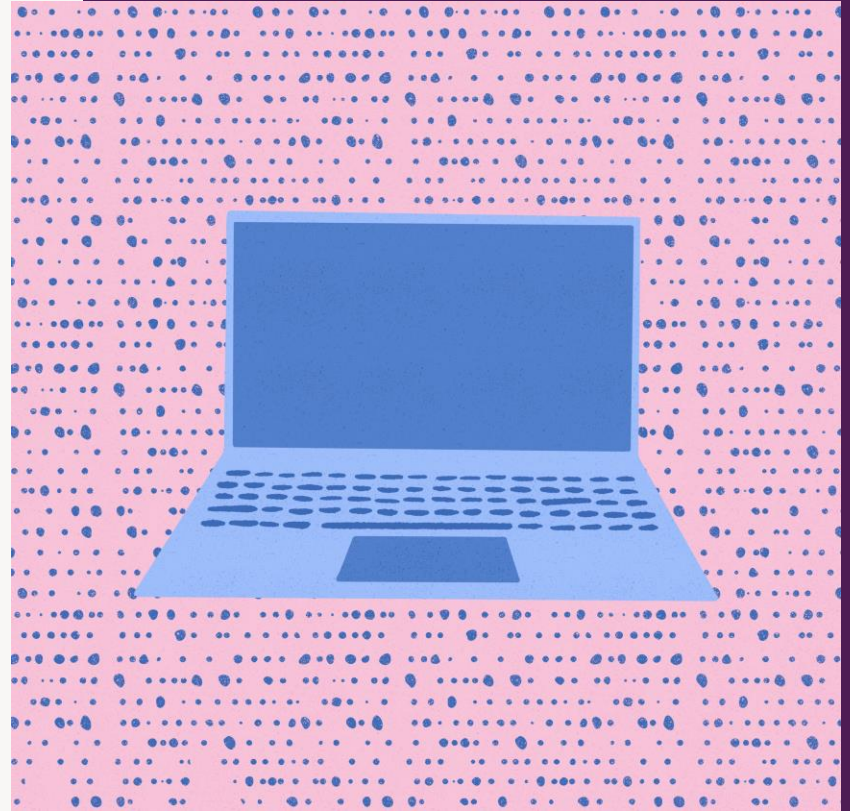
Navigating for In-Person Disruptions

- If disruption continues, explain what is next
- Just because you **can** doesn't mean you **should**
- Be mindful: the most disruptive person will usually have allies in the room
- Be cautious of not stepping upon people's freedom of speech



Navigating Virtual Disruptions

- Use waiting rooms
- Don't publish links/codes to your meetings on public sites
- Know how to kick people out of your meeting
- Consider disabling file sharing and chat
- Force mute



Empty Chair Debate Policy

- If only one candidate accepts the invitation, **the debate should be canceled.**
- If a candidate cancels or simply doesn't show up for the debate, **LWVUS recommends cancelling the debate.**
- No matter the reason or the timing, if a debate for federal office only has one candidate, **the debate MUST be cancelled.**
- **Adopt your League's policy annually.**



FEC Rules (at Educational Institutions Only)

- Any candidate appearance (in a non-debate format) to which the general public is invited and that is sponsored by a tax-exempt corporation **must** be held at a tax-exempt school, college or university. The educational institution may make its facilities available for a candidate appearance under the following circumstances.
- Academic/nonpartisan educational event: at a discount or at no cost, facilities may be made available to groups associated with the school who invite candidates to address students, faculty, the academic community, **and** the **general public**. Event organizers must make a reasonable effort to ensure that the appearance is:
 - Not a campaign appearance/event: instead communications are made in an academic setting (speeches, question and answer sessions); and
 - Does not expressly advocate the success or defeat of any clearly identified candidate or candidates of a clearly identified political party.

LWVUS Recommends Against Empty Chair Debates

Empty Chair Debates: Limiting the League's Risk

- Set your empty chair policy well in advance, communicate it to candidates, and post on your website
- Apply the policy uniformly for all debates within an election year
- It is very risky to sponsor an event knowing there's one candidate from the start – cancel it.
- Last minute cancelation/no show
 - The closer to the event the candidate cancels, the risk is lessened
 - Stick to the facts when announcing that a candidate has cancelled.
 - Maintain as much of the debate format as possible

Candidate Debate / Forum Resources

Guidance & Resources

Guidance

- [FAQs Candidate Forums-Debates](#)
- [Guidelines for State and Local League Debates: includes “empty chair” debates](#)
- [Guidance: Candidates Unwilling to Participate in Voter Education Opportunities](#)
- [How to Manage Disruptions at Public Events](#)
- [League Debate and Forum Timeline](#)



Guidance & Resources

Resources

- [Sample Questions for Debates and Voters' Guides](#)
- [Sample Debate Recording Policy Template](#)
- [Candidate Name Tents](#)
- [LWV Name Tags](#)

Pressure Campaign Resources

- [VOTE411 LTE Template](#)
- [VOTE411 Pressure Campaign Videos](#)

[INSERT LOCATION] Candidates Must Tell Us Where They Stand at VOTE411.org

VOTE411.org is a one-stop shop for election-related information that provides nonpartisan information to the public. On VOTE411, you can register to vote, see what's on your ballot, and see where your candidates stand on the issues that matter in our community. In order for us to be informed about the candidates on our ballot, we must hear from the candidates themselves. [INSERT CANDIDATE(S)] must respond to VOTE411's voter guide and give us the information we need to cast our ballots.

[INSERT STORY ABOUT LOCAL/STATE ISSUE AS NECESSARY]

[INSERT LEAGUE NAME] now calls upon our local candidates to fill out this important voter guide on VOTE411. We thank [INSERT CANDIDATE NAMES] for responding to the call already and making sure voters know where they stand.

VOTE411 is a project of the League of Women Voters that serves millions

Upcoming Trainings

- **Sept. 19, 5pm ET** | Direct Voter Contact
- **Oct. 3, 1pm ET** | Preparing for Post-Election
- **Oct. 10, 5pm ET** | Bystander Training & Voter Intimidation

Recordings and slides for previous sessions are available at lwv.org/2024electionwebinars

Reminder: Track Your Impact!

- **As you do election activities, use tools to track your impact numbers!**
- **Annual League Survey** | Learn more about gathering data during election season, find data collection tools, and more on the 2024 Annual League Survey page on the League Management Site
- The Annual League Survey will be open in **January**

Share Your Feedback!

Please scan the QR code
and **take two minutes to
complete our training
session feedback form!**
Responses are anonymous.

