

Policies & Procedures: A Manual for State and Local League Boards

*Adopted as revised by the League of Women Voters of Texas Board of Directors
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Section 1.6 Candidate Debates and Forums

1.6.1 Leagues' responsibilities for holding debates:

1.6.1.a The LWV-TEF is responsible for organizing debates or forums for statewide offices, e.g. Governor and U.S. Senator. Debates affecting statewide offices should not be sponsored by local Leagues without LWV-TX Board approval. Where appropriate, LWV-TEF will invite local Leagues to co-sponsor debates involving candidates for statewide office.

1.6.1.b Local Leagues have responsibility for debates or forums for U.S. Representative, State Senator and Representative, regional candidates, and for all local candidates. Leagues should have a written debate policy, including rules, procedures and criteria, and review it annually.

1.6.1.c Since election laws change, LWV-TEF will ascertain before each election cycle information regarding any election law changes from the Federal Election Commission (www.fec.gov), the IRS (www.irs.gov), the Federal Communications Commission (www.fcc.gov), and the Secretary of State's office and will consult with local counsel as needed.

1.6.2 Purpose, definitions and regulations for LWV-Texas Ed Fund Debates:

1.6.2.a The purpose of debates and forums is to educate the public about issues, allow face-to-face comparisons of the candidates and their positions, and stimulate and increase voter interest and participation in the election.

1.6.2.b 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. LWV-TEF and local League Education Funds are 501(c)(3) organizations; LWV-TX and local Leagues are 501(c)(4) organizations.

1.6.2.c 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.

1.6.2.d The FEC defines a **forum or other non-debate candidate appearance** as a place, meeting, or medium where ideas and views on particular issues are exchanged.

1.6.2.e 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.

1.6.2.f 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.

1.6.3 Candidates invited to participate in an LWV-TEF debate must meet the following criteria:

1.6.3.a Requirements of the Texas Constitution and/or the Constitution of the United States,

1.6.3.b All requirements to be on the ballot according to Texas election laws, and

1.6.3.c Demonstrate significant voter interest and support by being nominated by a recognized political party in Texas, raising sufficient funds to require reporting under FEC rules for federal races, or showing that a formal campaign is being waged by the existence of headquarters and campaign staff.

1.6.4 General policies for all debates/forums for State and local Leagues:

1.6.4.a Forums and debates must be nonpartisan and ensure that all participating candidates will be treated fairly and equally.

1.6.4.b All candidates for the races included on the ballot must be invited to participate. Only qualified candidates should be allowed to participate, and no substitute may stand in for a candidate, either to read a statement or to distribute campaign literature.

1.6.4.c A letter of invitation should include the criteria for participation, debate/forum format and rules, candidate's acceptance of format and rules, and a waiver for League distribution of debate content. It should be sent to candidates in a traceable form (USPS delivered, signed mail receipt or email returned mail receipt.)

1.6.4.d The language of the waiver for distribution should be: "The debate or forum content is the property of the LWV and permission must be sought to rebroadcast the debate or forum in its entirety or to print excerpts. Candidates must agree that he/she will not use any portion of the debate or forum in a political advertisement."

1.6.4.e Issues of interest to the general public must be included.

1.6.4.f Meeting must be open to the public, in a place that will not seem to exclude some potential audience.

1.6.4.g Donations from candidates or political parties should not be solicited or accepted.

1.6.5 Policies for debates/forums for federal offices (U.S. House and Senate):

1.6.5.a Candidate participation guidelines

1.6.5.a1 A debate or forum must have at least two candidates for each federal office. An empty chair debate (where only one candidate is present) CANNOT be held as it can be considered by the FEC as an "in-kind" contribution or providing "something of value" to a federal candidate and thus subject to the prohibitions of federal election laws. A single candidate for a federal office may not be a speaker at a debate or forum. He/she may be introduced and invited to meet and greet attendees at the end of such meetings; however, he/she should not remain on the stage.

1.6.5.a2 A debate or forum should not start if only one candidate for a federal office is present. If the debate or forum includes several races, the other races may begin while waiting for the late candidate.

1.6.5.a3 If a candidate declines, cancels or does not appear, the debate or forum may proceed if more than one candidate for the federal office is present. If only one is present, the debate or forum for that office must be cancelled. The moderator may present any factual reasons given by the candidate without editorial comment. If the candidate who cancelled provides a statement, the moderator may read it. If no reason is given, the League should state that it was contacted by the candidate or his/her campaign and told the candidate would not be able to appear. The League can state that no reason was given for canceling. Attempts may be made to reschedule the debate or forum.

1.6.5.a4 If a candidate refuses to participate, the League president may submit a letter to the editor of local/statewide newspapers stating that 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.

1.6.5.b Debate locations (FEC regulations for federal offices):

1.6.5.b1 All non-debate candidate events and appearances (such as “meet-and-greet”) must be held at a tax-exempt school, college, or university, if it is sponsored by the League Education Fund. If the event is sponsored by the League, it may be held in another location.

1.6.5.b2 Debates may be held at a public (government or school) facility, in-studio television facility, or in a public community facility or retirement home with good public access.

1.6.6 Policies for debates/forums for state and local offices:

1.6.6.a Candidate participation guidelines:

1.6.6.a1 If **League Education Fund** money is used, follow the candidate participation guidelines for federal offices.

1.6.6.a2 If the event is **advertised as a debate**, not a forum or meet-and-greet, follow the candidate participation guidelines for federal offices.

1.6.6.a3 If the event is **broadcast**, follow the candidate participation guidelines for federal offices.

1.6.6.a4 If the event is not advertised as a debate and is not broadcast and no League Education Fund money is used, it is still **recommended** to follow the candidate participation guidelines for federal office; however, one candidate for a contested office could appear, speak and answer questions, as long as all candidates for the office were invited and the event would not damage the League’s nonpartisan reputation by creating the impression that the League favored one candidate over another.

1.6.6.a5 If a candidate refuses to participate, the League president may submit a letter to the editor of local/statewide newspapers stating that 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.

1.6.6.b Debate locations: For non-federal races, the event may be held in any location that is accessible to the public

1.6.7 Co-sponsorship for all debates/forums:

1.6.7.a Co-sponsors cannot have endorsed or be affiliated with a candidate or ballot issue and must be approved by the League Board of Directors. Any group whose leadership has made public statements for or against any candidate, or which is known to support a candidate informally, or that advocates for an issue on the ballot should not be asked to co-sponsor.

1.6.7.b The League should take the lead in contacting the candidates, negotiating disputes, and controlling the format for a forum that is co-sponsored.

1.6.7.c The League should provide the moderator and timekeeper or should approve of them in advance. The moderator should not be identified as a member of a political party or a friend of one or more of the candidates.

1.6.8 Moderating a non-League forum

1.6.8.a A League may moderate a candidates forum sponsored by another organization, as long as the forum conforms to League procedures and principles to ensure a nonpartisan event. The League should provide the sponsoring organization with information about its requirements for candidates forums, including inviting all candidates, allowing equal time for all candidates, placement of any candidate materials, videotaping, etc.

1.6.8.b The sponsoring organization cannot have endorsed or be affiliated with a candidate or ballot issue and must be approved by the League Board of Directors. The League should not moderate a forum for any group whose leadership has made public statements for or against any candidate, or which is known to support a candidate informally, or that advocates for an issue on the ballot.

1.6.8.c The sponsoring organization may take the lead in contacting the candidates and planning the date, time and location, although the League may provide help upon request. The format of the forum should be agreed upon by the League and the sponsoring organization.

1.6.8.d The League should provide the moderator, timekeeper and question screener, if possible. The moderator should not be identified as a member of a political party or a friend of one or more of the candidates. Additional volunteers may come from the sponsoring organization.

1.6.9 Candidates Forums and Texas Open Meetings Act

1.6.9.a The Texas Open Meetings Act, adopted in 1967, requires meetings of governmental bodies to be open to the public, including informal meetings. If a quorum of a governmental body, generally a majority of its members, is present at a meeting, it may be subject to requirements of the Texas Open Meetings Act. It is the responsibility of the elected officials and their government entity to determine whether a candidates forum constitutes an open meeting

under the Texas Open Meetings Act and, if so, to post notice and arrange for minutes or taping of the meeting.

1.6.9.b If the forum is considered an open meeting by the governmental entity, the League or sponsoring organization should be in contact with the governmental entity to coordinate any arrangements for taping or otherwise recording the forum and to ensure that notice of the meeting states that it is a candidates forum with questions from those in attendance. The League or sponsoring organization may announce at the beginning that the forum is considered an open meeting under the Texas Open Meetings law and as such is being recorded by the governmental entity and provide information as to how the recording will be available. Anyone who wants to record all or any part of the open meeting should be allowed to do so, according to the provisions of the Texas Open Meetings Act.

1.6.9.c If the forum is not posted as an open meeting, the League should follow its own guidelines for broadcasting. (See 1.6.10.)

1.6.9.d If the forum is taped or broadcast, the League should not allow an empty chair debate.

1.6.10 Broadcast policies for all debates and forums not subject to Texas Open Meetings Acts.

1.6.10.a A radio, television or cable broadcaster must not edit the debate or forum, and it must be broadcast in its entirety, either live or reasonably soon after the debate. The Federal Communications Commission (FCC) requires that a debate or forum must include at least two candidates. The exception is news media reporting on the event.

1.6.10.b Candidates are not allowed to use or edit the footage for campaign purposes.

1.6.10.c Cell phones must be turned off. The moderator should announce that unauthorized videos are not allowed because the FCC requires that the debate must not be edited and must be broadcast in its entirety, except by media reporting on events.

1.6.10.d The content of the tape belongs to the League and its co-sponsors and any use of the tape requires the approval of the League with the caveat that it must be broadcast in its entirety. The footage can be posted in written or streaming audio/video on the League's website or another website if approved by the League. It can be broken into segments as long as all segments are available.

(Also consult the LWVUS publications "FAQ's Candidate Forums-Debates," and "Guidelines for State and Local League Debates," available at lwv.org.)