

‘What If’ Tips for League Candidate Forums-Debates

Local Leagues may encounter situations in which candidates decline to participate in LWV-sponsored candidate forums or debates. ¹ LWV Education Fund provides *FAQS: Candidate Forums-Debates*, complete guide to League candidate forums-debates, at <https://www.lwv.org/league-management/elections-tools/faqs-candidate-forums-debates>. The following is excerpted from that document and pertains to special circumstances, including ‘empty chair’ situations in which only one candidate is willing to participate in a forum-debate.

Races for Federal Office (U.S. House of Representatives, U.S. Senate²) — When one or more candidates for federal office is on the ballot and only one candidate chooses to attend the LWV’s forum, then no candidate for that office will be permitted to appear. The Federal Election Commission (FEC) governs federal elections and requires that debates/forums include at least two candidates. An empty chair debate/forum with only one federal candidate is considered a contribution of “something of value.”

Races for State or Local Office — LWVEF recommends 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 an empty chair debate/forum is held, the following must be adhered to:

- No commercial media are broadcasting the debate/forum. Under Federal Communications Commission (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 are not required to abide by this regulation.
- No Education Fund money is being used to fund the debate/forum production. The League must be acting as a 501c4 organization, though the League’s non-partisanship policy still applies.
- Every effort has been made to arrange a debate/forum that is suitable to the schedules of the candidates. The League should avoid any appearance of partisanship. A League is encouraged to notify the press that invitations have been sent to the candidates. The League should maintain a clear record of communication with candidates, including corresponding in writing with candidates concerning invitations to appear at debates/forums, attempts to accommodate each candidate’s schedule, confirmation of scheduled debate/forum appearances, confirmation of the cancellation of a debate/forum appearance, and attempts, if any, to reschedule a canceled appearance.
- If a League decides to go ahead with a debate/forum when one of the candidates does not respond or accept an invitation to the debate/forum, or when a candidate accepts but does not appear at the debate/forum, the League moderator should announce that

¹ The terms ‘debate’ and ‘forum’ are used interchangeably.

² LWVUS is responsible for U.S. presidential debates.

the absent person(s) is a candidate for that office. The moderator should present the factual reasons (if any) given by the candidate who is not present, without any editorial comment. No substitutes will be permitted to take the place of a candidate, nor will the moderator read any statements of the absent candidate's view.

- In conducting any empty chair debate/forum, the league should maintain, to the extent practicable, the already established debate/forum format. The League must prevent the debate/forum from turning into a candidate appearance that has the look, feel and content of a rally for the only candidate attending the debate/forum. The moderator and/or other panelists, therefore, should ask nonpartisan questions, the length of the candidate's response should be limited.

What if a candidate is unopposed?

Federal Level Races – A debate/forum may NOT be held.

State and Local Level Races – recommend that a debate/forum NOT be held.

If one candidate is late for the debate can we start?

Federal Level Races – A debate/forum should not start if only one candidate is present: There is no guarantee that the "late" candidate will ever arrive.

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/forum must be canceled if only one candidate remains. If more than one candidate is present the debate/forum can proceed.

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

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/forum as well as League's high standards for candidate debates/forums and nonpartisan reputation. Educate the public and your members about the reasons for not holding an empty chair debate/forum through a letter to the editor and an article in your VOTER.

State and Local Level Races – The same advice applies.

Can a surrogate stand in for a candidate?

Federal Level Races – Surrogates may not stand in for a candidate in a debate/forum.

State and Local Level Races – It is not recommended that substitutes stand in for candidates.

What if a candidate refuses to debate when there are only two candidates?

Federal Level Races – A debate/forum may not be held. If either the incumbent or challenger refuses to participate, 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 – The same advice applies at the local and state level.

What information should be in a letter of invitation?

Federal Level Races — A letter needs to include criteria for participation, debate/forum rules, release policy and waiver for League distribution of debate/forum content, acknowledgment that debate/forum content is the property of LWV and that permission must be sought to rebroadcast the debate/forum in its entirety or to print excerpts. Candidates must agree that he/she will not use any portion of the debate/forum in a political advertisement.

State and Local Level Races — The same advice applies at the local and state level.

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 can be posted on our League social media and web sites?

Federal Level Races — Footage from your candidate debate/forum belongs to your League and can be posted in written form, streaming audio/video or in large print. Give your web address at the debate/forum, 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.