



LEAGUE OF WOMEN VOTERS® OF CALIFORNIA

HOW TO USE THE LWVCEF “CANDIDATE PARTICIPATION POLICY FOR STATEWIDE DEBATES OR FORUMS (VS-2)”

The LWVCEF policy on candidate participation in League-sponsored debates/forums has been written to serve as a prototype for local League use when they plan an event for candidates running for statewide or local office. Although it is a state League policy, it is also a guide for local Leagues when they receive permission from the LWVCEF Board to organize a statewide candidate debate/forum. Another LWVCEF policy (VS-1) requires local Leagues to obtain permission from the LWVCEF voter service director before inviting statewide candidates to debate or attend local events.

This document is intended to guide local Leagues through the process of using the candidate participation policy. It can be adopted as written or changed to meet local election factors.

While the easiest and most prudent route is to invite *all* candidates running for a particular office, there are many situations when this is not wise or feasible. If there is a large field of candidates with some marginal candidates running, you 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 such as in a televised debate, might be unmanageable and not provide voters with useful information.

It is important to consider the regulatory (FEC, IRS, State campaign finance laws) constraints on candidate debates when deciding which candidates should be invited to participate. Debates are high-stakes campaign activities for candidates, and candidates who have been hurt politically by not being invited to participate may challenge sponsors under these laws. To protect the League, you must make sure that the debate does not, in any way, promote or advance one candidate over others.

To fulfill the legal requirements for debates sponsored by non-profit organizations, sponsors must make candidate selection decisions in a clear, fair and reasonable way, using “pre-existing” criteria. To accomplish this, debate sponsors must establish official selection criteria well in advance of inviting candidates to an event. It is essential to establish official debate goals and selection criteria in advance of any decisions on which candidates to include in order to demonstrate that these decisions are reasonable, not arbitrary, and are not made to promote or hurt any candidate. Even if a League intends to invite all candidates 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.

The candidate participation criteria must be developed for each debate/forum based on the nature of the election: primary or general, partisan or non-partisan, the likelihood of minor party, independent or write-in candidates, and whether the debate will be broadcast. Criteria

used for one debate should not be automatically used in another without being reviewed and readopted by the League's Board of Directors.

HOW TO USE CRITERIA FOR CANDIDATE SELECTION:

- Request permission from LWVCEF to plan a statewide candidate debate/forum.
- Define your goal in sponsoring the debate (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.
- Choose criteria that are relevant to the particular office or election. Criteria must be reviewed and rewritten before each election use.
- Try to choose factors of a significant campaign for which there is sufficient information available to apply them objectively.
- 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 debate goals and selection criteria.
- If other candidates seek invitation, the burden to proof is on them to establish eligibility. You 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 news media. Send copies to the invited candidates and to others on request.
- Once criteria have been adopted, stick to them and apply consistently. The criteria are not negotiable. Do not yield to pressure to change or waive them to accommodate particular candidates.
- Develop and retain written documentation 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.

The above material was adopted from the LWVUS publication : “Face to Face : A Guide to Candidate Debates”.

ADDITIONAL ADVICE FOR ADOPTING THE LWVCEF CANDIDATE PARTICIPATION POLICY:

1. Using “The candidate must be a legally qualified candidate for the office”

Before the official list of candidates is released by the Secretary of State (usually about two months before the election), this requirement cannot be verified. Candidates file documents of intention to run for office, but sometimes fail to complete the filing requirements. If you plan the debate/forum before the official list of candidates is available, this criteria cannot be used to limit candidate participation because you do not know **all** the candidates who will complete the legal requirements to run for the office. Some Leagues invite candidates being mentioned in the major media outlets as serious candidates, but reserve final decisions on other candidates to invite until after the certified list of candidates is posted and candidates have a chance to notify the League if they believe they have met all the criteria.

2. Using “The candidate must demonstrate that a significant statewide campaign is being waged”:

The LWVCEF policy includes a list of factors to consider when determining whether there is a serious statewide campaign being waged. **You can decide which ones to include or decide to include others.** Consider them as a package, not as one factor being the sole deciding reason for eligibility/ineligibility.

- Presence of a headquarters: some candidates run their campaigns from their homes. How do you want to define headquarters? If candidates for a major office such as governor or senator say they are running their campaign from home, you may want to question whether they are serious candidates.
- Website- almost all candidates have websites today. Some candidates may claim to be running completely electronic campaigns. Will you accept that as being a “serious statewide campaign”?
- Required campaign finance reports: this data is not always available at the time you need to make the decision about who is eligible. Be aware that only some candidates will have information on financial contributions on the Secretary of State’s Cal-Access website. (<http://cal-access.sos.ca.gov/Campaign/Candidates/list.aspx?view=intention&electNav=22>) There can also be candidates listed as opening financial reporting accounts on the Cal-Access site that will not be on the final certified candidate list.

- Endorsements: important as evidence of public interest and support. Look at a candidate's endorsements to see if they indicate support beyond the candidate's geographic home base, especially if it is a statewide office.
 - Scheduled campaign appearances: you might have to ask the candidates to submit a list of appearances, but it is often on their websites.
 - Visibility in the media: you can Google the candidate to see if his/ her campaign is being covered by major media.
 - Campaign staff: ask if you don't find them listed on the candidate's website.
 - Eligibility for public matching funds (if available).
3. Make sure you state that the organization will use its "good faith judgment" in considering factors to determine "significance".
4. Using "The candidate must demonstrate significant voter interest and support":
- As debate sponsor, you might want to set a *predetermined percentage of support* in a statewide independent non-partisan public opinion poll. Although it isn't always possible, it is helpful if you can find out if any of the polling organizations plan to survey public opinion of your debate's candidates and when the data will be released. It is important that the poll be independent, not a poll conducted by the candidate's campaign. You can set a percentage in your participation policy even if you are unaware of any polls being conducted, just in case polling data becomes available.

Leagues have used anywhere between 5% and 20% as evidence of public support. The larger the number of candidates - the lower the percentage that should be required. If there are only two or three candidates, you can use a higher percentage. This decision should not be based on what you know about the individual candidates' popularity, but what you think is reasonable and fair.

You can also set the deadline date when you would be willing to consider new polling data. For planning purposes, LWVEF is recommending seven days, but this is a requirement that can be changed to fit the specific election circumstances.

- LWVEF recently added a new consideration – *performance in previous election contests*- because this information could be considered evidence of public interest and support when there is no polling data available for the current contest.