

## LWVILEF LEGAL CONSIDERATIONS FOR CANDIDATE FORUMS/DEBATES

Candidate debates/forums are an important part of the American political process and are regulated by federal and state election laws and regulations. Although challenges to debate/forum sponsors are infrequent, sponsors should understand the relevant regulations and take them into consideration when planning a debate/forum.

In addition, organizations designated as 501(c)(3) by the Internal Revenue Service (IRS) must be especially careful to protect their status by making sure that debates/forums do not, in any way, promote or advance one candidate over others.

Following the applicable laws and regulations will secure that you are meeting legal responsibilities and have a better chance of prevailing if there is a legal challenge.

### Legal Considerations

**Federal Election Commission (FEC) Regulations.-** established to enforce limits on contributions to the expenditures made on behalf of candidates for federal office by individuals or groups.

- FEC Regulations only apply to candidates for Federal office.
- Debates/Forums must include a least two candidates. LWVIL requires this applies to Federal, State and Local debates/forums.
- The sponsoring organization does not structure the debate/forum to “promote or advance one candidate over another.
- Pre-established criteria is used to determine which candidates to include.
- For general elections, candidates’ criteria for participation may not use “nomination by a particular political party” as the sole objective criteria to determine whether to include a candidate in a debate/forum.
- Single candidate appearances or consecutive candidate interviews may be considered as contributions subject to campaign finance limitations, or as illegal corporate contributions to a federal candidate.

**Federal Communications Commission (FCC) Regulations -** regulates radio and television broadcasts

- Any candidate for public office (federal, state or local) that uses a broadcaster or cablecaster facility must offer equal time to legally qualified candidates for the same office. This is specific for the broadcaster.
- Debates/forums must be broadcast in their entirety without editing.
- Debates/forums should be broadcast live or reasonably soon after they take place.
- At least two candidates per race must appear in any debate/forum.

**Internal Revenue Service Rules -** Federal tax law provides that 501(c)(3) organization “may not participate or intervene, directly or indirectly, in any political campaign on behalf of or in opposition to any public office”. This applies to Federal, State and Local races.

- Debates/Forums on social and/or political issues are considered educational activities as long as they do not show bias or preference for or against any particular candidate.
- Forum/Debates must be fair and impartial with nothing that promotes or advances one candidate over another.
- The sponsoring organization must have a record of concern with public and legislative issues.
- All viable candidates must be invited.
- Reasonable, objective criteria must be used to determine which candidates are “viable.”
- Choice of location must be dictated by non-political considerations.
- A broad range of issues must be addressed -including those considered important to the organization interests.
- The debate format can include a general discussion among candidates.
- Each candidate must have an equal opportunity to present his or her views.
- Questioning procedures must not be biased to favor or hinder any candidate.
- Debate/forum must have a moderator who has sole function of ensuring ground rules are observed.
- Moderator must state at the beginning and end of each debate/forum that the views expressed are those of the candidates - not of LWV.
- Moderator must state that all viable candidates have been invited.
- Moderator must state the sponsorship of the debate/forum is not an endorsement by the sponsor(s) of any candidate.

**Illinois State Laws - Below are important concerns that are not necessarily state law, but included under this policy.**

- Primary elections debate/forum sponsors will treat each party’s primary as a separate election.
- Therefore, a debate/forum may be held for one party without obligation to hold a debate/forum for the other party. (But if both parties have multiple candidates it is strongly encouraged to have a forum/debate for each party.)
- Sponsor must make candidate selection decisions in a clear, fair and reasonable way using “pre-existing criteria.” (A local League’s Candidate Participation Policy)

**Copyright Issues- who controls the use and distribution of the video, audio, or written transcript of a debate/forum.**

- To prevent the use of debate excerpts in a partisan manner, an assertion of claim of copyright ownership should be in written agreements with candidates, moderators, and broadcasters.
- A copyright notice should appear on all copies of tapes and transcripts (consisting of the word “copyright” or the letter “c” in a circle, the name of the copyright owner and the year of publication.
- Conflicts over ownership should be referred to the State Office for resolution.