LWVNYS Policy on Open or Empty Chairs in Candidate Events

It is extremely important that all Leagues throughout New York state speak with one voice, have clear and consistent policies, and adhere to our nonpartisan policy. Therefore "open or empty" chair candidate meetings will not be allowed at any level of League for any elected position. Any League sponsored public event that invites a candidate for elected office will be considered a candidate meeting. A candidate meeting with only one candidate physically present is an "open or empty" chair candidate meeting. (Adopted by State Board July 2017)

From The Road To the Voting Booth, Part II A, Revised July 2018, p.4

EACH AND EVERY CANDIDATE EVENT, NO MATTER WHAT IT IS NAMED, MUST ABIDE BY WRITTEN POLICY

Develop a comprehensive written Candidate Event policy reviewed annually by the Board that includes:

- Prohibition against empty chair debates (LWVNY adopted policy July 2017).

FROM LWVNYS:

Reasons for adoption of our new policy on open chair

Background

Our past policy on prohibiting open chair debates or forums for federal races was in accordance with FEC regulations which stipulate that providing a platform for a federal candidate to address the public is considered to be a contribution of "something of value" and subject to contributions or expenditures limitations and prohibitions of federal election laws. However, a non-profit 501(c)3 or 501(c)4 can stage a debate or forum without triggering the finance campaign limitations provided that the debate includes at least two candidates.

These regulations according to FEC as well as FCC and IRS regulations are not limited to just candidate debates but all candidate meetings where candidates are making appearances.

In the past, local Leagues were strongly discouraged from having candidate meetings for any non-federal race where only one candidate was present. Technically these were permissible as the FCC and FEC rules only applied to federal races. In the past, some local Leagues held events with only one candidate present for a variety of reasons, including that the other cancelled at the last minute, the candidate was running unopposed, etc. But, because of the reasons outlined below, the state Board decided that we should have a consistent policy for League-sponsored candidate meetings at all levels of government.

1. Having different rules for federal and nonfederal races leads to confusion among the candidates who did not understand why some debates could be held with one candidate and others could not.

2. At times, state and county candidates may be invited to candidate nights sponsored by different Leagues. If one League allows an empty chair and the other doesn’t, the process lacks certainty and uniformity.
3. The rationale that underlies the FCC prohibition on empty chair debates—that such practice is tantamount to a contribution to the candidate who appears, applies as strongly to the state, county or local level as it does to federal elections. As we all can agree, it is in blatant violation of the League’s non-partisan policy to make a financial contribution to a candidate.

4. In certain areas of the state, where candidates from one party often run unopposed, the League can be perceived as being partisan by providing a forum for that candidate and party to speak.

   The state board has considered the many questions and concerns before adopting the new policy. The goal of this new policy is to have consistency across the state for all League events – and even more importantly, to confirm our nonpartisanship publicly. Remember that as long as you have at least 2 candidates for a race, you can hold the event – you don’t need to have all, or even 2 from the major parties – any 2 candidates for a race is allowed.

   We understand the view that the public has a right to hear from candidates and prohibiting an open chair event gives a candidate, often an incumbent, the power to control whether the event is held or not, thus preventing the other candidate from being heard. Although the debate cannot be held, the following steps can be taken to avoid this result and still conform to the new policy.

   Publicize the time and date of your candidate events well in advance – ideally when candidates are still collecting signatures – so the candidates, the parties, and the public can put it on their calendars.

   · Use press releases announcing not only the date and time of the meeting but who is being invited and who has confirmed. Send them multiple times to the media to apply pressure on the candidates who haven’t responded.

   · Send another press release if necessary explaining why an event has been cancelled – listing who agreed to come and who didn’t. These events are “job interviews,” and the public does have a right to know who wasn’t willing to appear.

   · Leagues should be outspoken about the importance of candidates giving the public the opportunity to get to know them and their platforms and to become educated about the issues. Use that argument to pressure all candidates to participate. If the media doesn’t print the press release, write a Letter to the Editor after the event explaining why it was cancelled and which candidates agreed or didn’t agree to come. Letters are often printed more quickly than a press release.

   · Use social media to encourage candidates to respond to your invitation to debate. Tweet them, asking for a response; post on their facebook page and on your own facebook page, advertising the debate and naming the candidates who have/have not responded.

If a candidate forum/event is being held for multiple races on the same evening (e.g. town supervisor and town board), and only one candidate is present for one of those races (notified in advance or not), the forum/debate for that race cannot be held. The moderator can and should make a statement in the beginning of the event explaining why the specific forum was cancelled citing a lack of response or a negative response by the non-appearing candidates. The moderator can then introduce the candidates in the audience whose forums were cancelled, The candidates can stand and be recognized and, although not allowed to speak at that time, can speak individually to the voters following the formal part of the event. They should be encouraged to take advantage of this opportunity.