



HOSTING CANDIDATE FORUMS AND DEBATES FOR NONPROFITS

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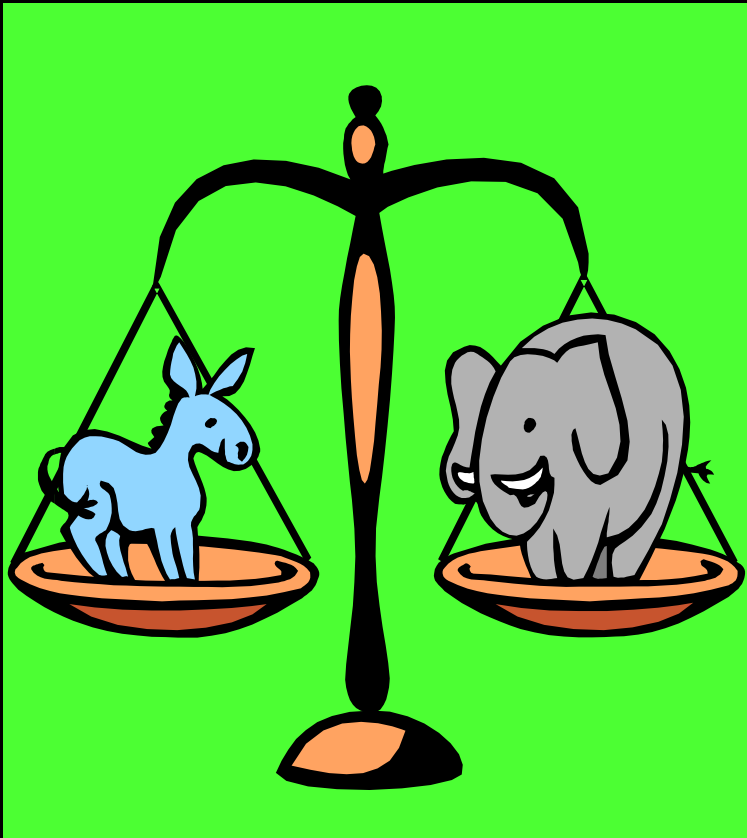
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Comparing Nonprofits

501(c)(3)	501(c)(4)	501(c)(6)
Charitable, religious, educational, scientific, literary	Civic leagues, social welfare orgs.	Business leagues, chambers of commerce, etc.
MD Nonprofits; Advocates for Children & Youth	League of Conservation Voters	Vulcan Blazers, Inc. (Assoc. of Black Fire Fighters)
Limited lobbying	Unlimited lobbying	Unlimited lobbying
No partisan electoral activities	Electoral activities must be secondary	Electoral activities must be secondary

WHAT IS “NONPARTISAN”?

FACTS & CIRCUMSTANCES TEST



Does it look like you are supporting or opposing a candidate for public office?

Is the activity nonpartisan?

High Risk

Low Risk

Some Risk

Candidate Debates & Forums

Rev. Rul. 86-95, 1986-2 C.B. 73; TAM 96-35-003 (Apr. 19, 1996)

- **Procedure**

- Invite all viable candidates
- Fair rules
- Impartial moderator

- **Questions**

- Cover a broad range of issues
- Unbiased



Criteria for Forums & Debates

- Whether questions for the candidates are prepared and presented by an independent nonpartisan panel,
- Whether the topics discussed by the candidates cover a broad range of issues that the candidates would address if elected to the office sought and are of interest to the public,
- Whether each candidate is given an equal opportunity to present his or her view on each of the issues discussed

POSITIVES

Criteria for Forums & Debates

- Whether the candidates are asked to agree or disagree with positions, agendas, platforms or statements of the organization
- Whether a moderator comments on the questions or otherwise implies approval or disapproval of the candidates.

NEGATIVES !

Candidate Appearances

Invite because of their
candidacy

Invite for another reason

- Equal opportunity required
- No context

Does it look like the 501(c)(3) is supporting or opposing a candidate for office?

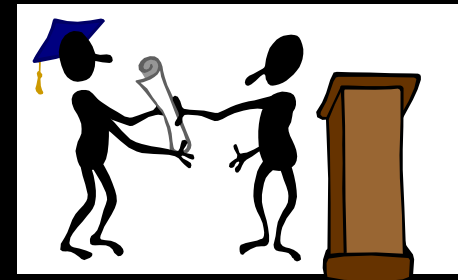
Equal opportunity

conditioning

to coincide

tion

ter





FEC Rules

If the candidate is a candidate for federal office you must also keep in mind restrictions under federal election law. A 501(c)(3) may NOT host a *federal candidate's appearance that is campaign-related because doing so would provide a beneficial opportunity for the candidate to address the public, equal to an in-kind contribution, which is impermissible for a 501(c)(3). The only exception to this general rule for 501(c)(3) organizations is when the 501(c)(3) is hosting a candidate debate with at least two candidates and the debate is nonpartisan in nature. FEC regulations permit 501(c)(3)s that do not endorse, support or oppose candidates or parties to stage candidate debates as long the debates have at least two candidates present, the event is unbiased, the candidates are given equal opportunity to speak, there is an unbiased moderator and audience, and no bias exists in the preparation and presentation of questions.*



Planning Questions

- **Who is doing it – partners?**
- **When? -- What? – Where?**
- **Inviting (and confirming) Candidates**
who must you invite
terms and conditions
- **Moderator**
- **Question Preparation**
- **Promotion**
- **Staffing**



WHO?

- **Numbers > Visibility and Credibility**
- **In a group effort – how will you make decisions?**
- **All c3's?**
- **Do individuals involved speak for their organizations?**
- **How will invites, releases, etc show the sponsors?**
- **Who is a sponsor?**



When, What, Where

- **Allow adequate time for preparation**
- **Primary vs General Election Event**
- **Will it be controlled forum or a debate**
- **Questions from the floor, distributed in advance, vetted by sponsors?**
- **Pick a facility**

Who Participates?

Primary Season

criteria to control numbers

both parties

independents

Document Every Decision!

General Election

criteria (third party issues)

NO empty chair events



Invitation

501C3 nature of event

Criteria for participation (depends on timing)

Format – as specific as practical

Terms and Conditions

no fundraising/electioneering

will there be a table for literature

role of the moderator

media?

Deadline for confirmation



Moderator

Stature will add credibility

Must be seen as impartial

Have they done this before

Must control any audience participation

Must enforce event guidelines



Questions

See IRS Rules

Engage all partners (they are all on the hook!)

Keep numbers and timing in mind

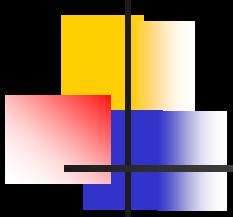
Audience Participation:

set clear criteria

if you screen questions, you own them!

Even if you allow an 'open mike' your moderator must cut off personal attacks and enforce criteria

CYA!



Make a record that protects you regarding all sensitive decisions

“Protects” = demonstrates you reasonably acted within the law and IRS guidelines

“Sensitive” = the IRS may care about it

Keep contemporaneous minutes for boards and committees



The End
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