HOSTING CANDIDATE FORUMS AND DEBATES FOR NONPROFITS

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# Comparing Nonprofits

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

Some Risk

Low Risk
Candidate Debates & Forums


• 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

<table>
<thead>
<tr>
<th>Invited because of their candidacy</th>
<th>Invited for another reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Equal opportunity required</td>
<td></td>
</tr>
<tr>
<td>• No contextual favoritism</td>
<td></td>
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Does it look like the 501(c)(3) is supporting or opposing a candidate for office?
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
C YA!

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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