



LWVWV Policy on Empty Chair Candidate Events: Pilot Test for 2022 General Election

The issue under consideration is whether “*empty chair*” candidate events may be sponsored by the League of Women Voters.¹ Empty chair events are those in which only one candidate for a particular race would be represented either because they are running unopposed or their opponents decline to participate.

Historically, Leagues across the U.S. have taken different approaches on sponsoring empty chair candidate events (debates or forums). There has been no uniform policy, except as provided by Federal and state government law.

LWVWV Bylaws are silent on empty chair events. Even within WV, Local Leagues have taken different approaches. A workgroup of LWVWV Board members formed to research and consider establishment of a uniform policy for all Leagues in WV. That effort resulted in this document and test proposal.

The workgroup could not conclude whether a one-size-fits-all policy would work in WV; it has never been tried. Therefore, the attached guidance is presented for pilot testing in 2022 by local Leagues that agree to participate and will be sponsoring candidate events.

If the experiment is successful, the guidance may be considered for an amendment to LWVWV Bylaws in 2023.

¹ Sources: LWVUS, “What If” Tips for League Candidate Forums-Debates,” https://my.lwv.org/sites/default/files/empty_chair_debate_tips_1_.pdf, 2019.
LWVUS, “Guidelines for State And Local League Debates including “empty chair” debates,” <https://www.lwv.org/league-management/voter-services/guidelines-state-and-local-league-debates-including-empty-chair>.

LWVWV Guidance on Empty Chair Candidate Events in 2022

“*Empty chair*” candidate events (debates or forums) for any elected position will not be conducted by any League participating in this pilot test, effective beginning in 2022.

The League is a nonpartisan organization. Sponsoring an empty chair event gives the appearance of being openly partisan, favoring one candidate over others, and has the potential for damaging the League’s reputation for nonpartisanship.

Definitions

1. Any League-sponsored public event that invites candidates for elected office will be considered a candidate event.
2. An event with only one candidate for a race physically present is an “empty chair” candidate event. (One is the key parameter. An event for a three-person race or a five-person race could be conducted with any two candidates for the race participating. An event for a race with a candidate running unopposed cannot, by definition, meet the two-candidate requirement.)

Why is an empty chair policy useful?

1. Federal law and LWVUS guidance are instructive, but inconsistent:
 - **For national offices** (U.S. House of Representatives or U.S. Senate), the Federal Election Commission (FEC) requires that debates/forums include at least two candidates. Any debate/forum with only one candidate in a Federal race would be deemed a political contribution.
 - **For state/local offices** (House of Delegates, State Senate, any county/city/other local jurisdiction), LWVUS recommends that debates/forums include at least two candidates for each race. The Federal Communications Commission (FCC) does not permit commercial media broadcast of an event when legally qualified candidates are not granted equal time.²
2. Consistent rules for all candidate races (Federal, state, local) and all Leagues benefit League members, candidates, and the public.
3. The rationale for the FEC rule -- an empty chair event is tantamount to a political contribution -- applies to state/local races in perception, if not in law. The League does not make political contributions to any candidate.

² Are YouTube and social media platforms regulated as commercial broadcasters? Clearly, YouTube and social media sites compete with and share features of commercial broadcasters in the 21st Century. While it appears that the FCC has not yet begun to fully regulate YouTube and social media platforms as commercial broadcasters, that could change.

Strategies for Implementation³

1. Remember: the event requirement is at least two candidates for a particular race participating. Last-minute no-shows can cause last-minute event cancellations.
2. A candidate may try to use the empty chair policy to silence an opponent. Here are some strategies to combat this:
 - Contact local party officials early to request their help to encourage candidate participation. Emphasize the League's nonpartisan perspective and the value of the public exposure the League offers for every candidate.
 - Publicize the date/time of the candidate event in invitation letters and publicly well in advance to minimize candidate scheduling conflicts.
 - For candidate invitation letters:
 - Be outspoken on the value of public forums for all candidates.
 - Highlight audience sizes reached in prior events.
 - Clearly state the empty chair policy and rationale in the candidate invitation letter and subsequent correspondence.
 - Designate a response deadline.
 - Use press releases and social media to advertise the date/time of the event, who is being invited, and who has confirmed. Do this multiple times to apply pressure to candidates who haven't responded.
 - If an event must be canceled because of an empty chair situation, publicize that along with the names of candidates who responded and those who did not. The public has a right to know.
 - If local media do not print press releases, write a Letter to the Editor (with author's League affiliation) after the event explaining cancellation(s).
 - Use social media early and often to encourage participation.
 - A multi-race event might have one race canceled due to an empty chair situation while the other is not. The event moderator can introduce a candidate in the audience who agreed to participate in the canceled portion. The candidate can stand/be recognized but may not speak. Instead, the candidate can be encouraged to speak individually with voters after the event is over.

³ Many ideas taken from LWNYS, "Empty Chair Policy Workshop," <https://lwvnyonline.org/convention/2019/workshops/empty-chair-policy/empty-chair-handout.pdf>, 2019.