



## 2017 DEBATE PROGRAM

# A SUMMARY OF THE DEBATE LAW<sup>1</sup>

The Campaign Finance Board (the “Board”) teams with selected sponsors to hold debates for candidates for citywide office.<sup>2</sup>

Two debates are held for each primary, general, or special election race for the offices of mayor, comptroller, or public advocate.<sup>3</sup> Each debate is to be a moderated discussion of issues among candidates for the same office<sup>4</sup> and must be at least one hour long.<sup>5</sup>

Primary debates are among candidates of the same political party.<sup>6</sup> Primaries are not held if the race is not contested. If there is a runoff primary or runoff special election,<sup>7</sup> a runoff debate will be held.<sup>8</sup>

### PARTICIPATION IN THE DEBATES

Participating<sup>9</sup> candidates for mayor, comptroller, and public advocate are required to participate in all pre-election primary, general, special, or runoff election debates held by the Board for which they are eligible.<sup>10</sup> Candidates may also appear in other debates not sponsored by the Board.<sup>11</sup>

The Board will provide the debate sponsor with a list of participating candidates who are eligible to be considered for participation in each debate.<sup>12</sup> Candidates are eligible if they are on the ballot, meet the minimum financial criteria, and meet the criteria set by the debate sponsors and the Board.<sup>13</sup>

The criteria for participation in the first debate must be nonpartisan, objective, and non-discriminatory, and it must be set forth in the agreement between the sponsor and the Board. The criteria must include the following minimum financial requirements that must be reported by the last filing date prior to each debate:

- ◆ Participating candidates must have raised and spent an amount equal to 2.5% of the spending limit for the office sought — Mayor: \$174,225 and Comptroller/Public Advocate: \$108,925.<sup>14</sup>
- ◆ Only contributions raised and spent in compliance with the Act will be counted and does not include outstanding liabilities or loans.<sup>15</sup>

To participate in the second debate, which is limited to leading contenders, candidates must meet the minimum criteria for the first debate and additional nonpartisan, objective, and non-discriminatory criteria set forth in the agreement between the sponsor and the Board.<sup>16</sup>

If non-participants meet all criteria applicable to participating candidates, the sponsor may invite them to participate. If there is only one participating candidate and the non-participant does not choose to appear, the debate will be cancelled.<sup>17</sup>

Nothing in the debate law is intended to limit the participants in the debates to the two major political parties.<sup>18</sup>

## IF A PROGRAM PARTICIPANT FAILS TO APPEAR IN THE DEBATES

If a participating candidate fails to appear at a debate, the candidate must return any public matching funds he or she has received and will be ineligible for any further public funds for that election. Each primary, general, special, or runoff election is considered a separate election for this rule. In addition, the candidate may be subject to civil penalty.<sup>19</sup>

However, the Board may waive sanctions where the failure to appear was due to circumstances beyond the control of the candidate and of such a nature that a reasonable person would find the failure to appear justifiable or excusable.<sup>20</sup>

## SPONSORS FOR THE DEBATES

The Board selects the sponsors for the debates.<sup>21</sup> Sponsors may not be affiliated with any political party, public office holder, or candidate for public office.<sup>22</sup> Sponsors of a debate for candidates in a particular race may not endorse any candidate in that race before the debate.<sup>23</sup>

Sponsors are responsible for formulating the rules and choosing the dates, times and locations of the debates they sponsor, in consultation with the Board.<sup>24</sup>

A potential sponsor's application must include:

- ◆ a statement that the potential sponsor is not affiliated with any political party, public office holder, or candidate for public office;
- ◆ the election(s) and office(s) for which the applicant would like to sponsor a debate(s);
- ◆ the proposed time slot and day of the week for each debate the applicant would like to sponsor and the circumstances under which the debate may be rescheduled;
- ◆ the proposed format and ground rules of the debate(s);
- ◆ a statement that the debate(s) will be held in conformity with all applicable laws;
- ◆ a statement that the sponsor will indemnify the City and the Board for any liability arising from acts or omissions of the sponsor;
- ◆ the applicant's plans for broadcasting and publicizing the debate(s); and
- ◆ the nonpartisan, objective, non-discriminatory criteria that will be used to determine debate participation.<sup>25</sup>

The Board will also consider each applicant's ability to reach a wide audience and present a fair and impartial debate.<sup>26</sup> The Board may accept an application subject to appropriate modifications with which the sponsor agrees.<sup>27</sup>

The Board will receive comments from interested persons regarding qualifications of potential sponsors and must give substantial weight to comments submitted by candidates.<sup>28</sup>

The City shall indemnify each sponsor for any liability of such sponsor arising out of acts or omissions of the City in connection with the selection of candidates for participation in the debates.<sup>29</sup>

## ENDNOTES

- 1 New York City Administrative Code §3-709.5 (“Admin. Code”) (originally enacted by New York, NY, Local Law No. 90 of 1996, §1 (Dec. 2, 1996); amended by Local Law No. 58 of 2004, § 8 (Dec. 15, 2004) and Local Law No. 34 of 2007, §9 (July 3, 2007); amended by Local Law No. 169 of 2016, §§1-3 (Dec. 22, 2016)).
- 2 See Admin. Code §3-709.5 (1)(a).
- 3 Id.
- 4 Admin. Code §3-709.5 (2).
- 5 Admin. Code §3-709.5 (1)(d).
- 6 Admin. Code §3-709.5 (1)(c).
- 7 Runoff primaries for mayor, comptroller and public advocate are held when no candidate receives more than 40% of the vote in the primary. (N.Y.S. Election Law §6-162.)
- 8 Admin. Code §3-709.5 (1)(b).
- 9 All references to participating candidates (i.e., candidates who join the Campaign Finance Program) include “limited participating” candidates (i.e., self-funded candidates who agree to join the Program and limit their spending).
- 10 Admin. Code §3-709.5 (1)(a).
- 11 Admin. Code §3-709.5 (11).
- 12 Admin. Code §3-709.5 (8).
- 13 Admin. Code §3-709.5 (1) (a).
- 14 Admin. Code §§ 3-703 (2), 3-709.5 (5)(b)(i).
- 15 Admin. Code §§ 3-703 (2), 3-709.5 (5)(b)(i).
- 16 Admin. Code §3-709.5 (5)(b)(i).
- 17 Admin. Code §3-709.5 (5)(b)(ii).
- 18 Admin. Code §3-709.5 (5)(b)(i).
- 19 Admin. Code §3-709.5 (9).
- 20 Admin. Code §3-709.5 (10).
- 21 Admin. Code §3-709.5 (3).
- 22 Admin. Code §3-709.5 (4).
- 23 Id.
- 24 Id.
- 25 Admin. Code §3-709.5 (5)(a).
- 26 Admin. Code §3-709.5 (7).
- 27 Id.
- 28 Admin. Code §3-709.5 (6).
- 29 Admin. Code §3-709.5 (12).