

VS Committee Report on the Empty Chair Policy September, 2025

Directions to the Board

At the LWVNY Annual meeting on June 21-22, 2025, the Board received a request from LWV Saratoga that it “look at alternatives to the current NY empty chair policy. To increase candidate participation and enhance voter education, we recommend that the voter services committee look at other League policies that permit local Leagues to hold candidate forums regardless of whether their opponents participate. Further, we ask that the committee examine the nonpartisan policies, procedures, and best practices these Leagues follow that enable them to successfully conduct their Candidate Forums...”

For the past 2 months, the 5 members of the Voter Services Committee have conducted an extensive study examining League alternatives to the current LWVNY’s Empty Chair (EC) policy. Our goal was to identify and assess the pros and cons of the EC policy as it impacted Leagues’ mission, in particular, our dual mission of preserving nonpartisanship and educating voters.

For our study 1) we researched the local and state Leagues that do not follow the EC policy, speaking with their presidents, executive directors, VS chairs, and members to understand their respective policies, their decision, their procedures, and their outcomes. 2) We reached out to LWVNY local Leagues via Regional Zoom meetings to understand how and to what effect they were following the EC policy. 3) In addition, we reviewed past and current LWVNY EC policies and LWVUS policy and guidelines for conducting events, including FCC and FEC legal restrictions.

Research

In addition to submissions sent to us by LWVNY local Leagues, we used internet search engines and AI-ChatGPT to identify state and local Leagues that did not follow the EC policy of requiring participation of two opposing candidates for each race. We could identify 1 State - LWV Minnesota, and 2 local Leagues: LWV Geauga, OH and LWV Falmouth, MA. We also spoke to a member of LWV Oxford, OH and the VS Chair of LWV OH. Two other Leagues were referred to us - LWV St. Louis Park, MN and LWV Bellingham WA. The former is one of the local Leagues in Minnesota that follows LWV MN policy and is included in our review of LWV MN. LWV Bellingham WA follows their state policy that requires opposition candidates in each race when conducting candidate election events.

We asked the above state and local Leagues why they decided to change their policy, if they had received criticism and pushback from candidates and media and if so, how they handled it, and if more candidates had participated in candidate events as a result of their policy. Their policies and the responses of each interview are attached to this report.

Findings:

~ All Leagues followed the legal requirements for conducting candidate events required by the FEC and FCC statutes

~ LWV Geauga OH and LWV MN adopted their policies because of frustration with last minute cancellations at events that left only one candidate that required the event to be canceled.

~ LWV Geauga OH

- They modified their policy in 6/2023 to allow for single candidate events in local elections only, and follow LWV Ohio EC policy requiring at least two opposing candidates in each state and federal election event.
- They have not encountered criticism or accusations of partisanship from candidates or the media and are very careful to follow LWVUS EC guidelines for inviting all candidates and conducting the events in order to demonstrate nonpartisanship.
- The new policy reflects the changing climate of our political discourse and campaigns and the growing demand from voters for direct access to candidates and substantive discussion of issues.

~ LWV OH

- noted that they are responsible for any local League that may be sued by a disgruntled candidate who claims discrimination and that they are reviewing their policies
- encourage other ways to educate voters that don't include debates.

~ LWV MN

- They have had their policy allowing single-candidate events for state and local election events since 2016.
- They did not know if there had been push back from candidates or media at the time it was adopted.
- They have not currently encountered criticism because they scrupulously follow the LWVUS EC guidelines for conducting candidate events to avoid criticism of partisanship; they are prepared to use their documentation about the process to defend their nonpartisanship – they invite all qualified candidates and apply the same ground rules to all.

~ LWV Falmouth MA

- They were unaware that the policy on their website permitted single-candidate events to proceed and had been following LWVUS' EC policy requiring 2 opposing candidates to participate for each electoral contest.
- They had not had any difficulty getting candidates to attend their candidate nights so they have not had to concern themselves with the EC policy.
- They amended their policy to permit single-candidate events to take place but now may be in violation of the LWV MA EC policy

Outreach

We collaborated with the Local League Support Committee to have discussion about the EC policy included in Regional Zoom call agendas. We heard back from local Leagues in our 5 regions: Western-Southern Tier, Westchester + Rockland, Long Island, Capital, and Central. We asked that the discussion include:

- if you favor continuing EC what ideas do you have for educating voters about candidates if an event cannot take place due to EC

- if you oppose continuing EC, what ideas do you have for respond to accusations of partisanship if a single candidate event takes place. The relevant minutes from each Region about this discussion are attached to this report.

Findings:

~ There was not unanimity among the local Leagues within the Regions; both support and opposition to the existing LWVNY EC policy were expressed.

~ There was confusion as to

- what election events were covered by EC policy
- the ability of Leagues to moderate candidate events that did not follow EC policy

~ The Leagues opposing continuation of the EC policy explained why they wanted to change the policy:

- Cancellation of a single-candidate event deprives voters of a chance to hear the candidates; it wastes our time, energy, and money.
- Shaming candidates for their lack of participation through LTEs and media doesn't work very often
- Allowing single candidate events would help encourage candidate participation and provide more info to voters on candidates. Full transparency about the scheduling process in advance could help preserve the nonpartisan character of candidate events.
- It favors incumbents who do not attend as they do not want to have to defend their votes or policies. Changing the policy may motivate them to attend since event would be held with or without them.
- Some Leagues were being accused of being partisan for following the EC policy and canceling event since it deprived the willing candidate an opportunity to speak

~ The Leagues supporting continuation of the EC policy explained their support:

- We need to adhere to the policy in order to preserve our reputation for nonpartisanship
- The clear-cut policy ensures the League's credibility
- There is frustration when events cannot be organized due to candidates' refusal to participate but the perception of nonpartisanship is very important
- It helps maintain our image of fairness - candidates who participated were subject to public scrutiny while those who didn't participate got a pass.
- A forum with only one candidate would make it easy for them to "dis" the other candidate and for LWV to appear partisan.
- There are many other ways of getting candidate information to voters other than a debate

~ The Leagues supporting the EC policy recognized the consequence of canceling or not conducting election events: voters not getting information about candidates. They suggested the following actions to get information out to the voters:

- "Take candidates out it" by conducting events that focus on educating voters about:
 - the issues - pros and cons
 - the responsibilities of the office/position that is being contested
 - what do they do?
 - what are they in charge of?
 - how does it make a difference to you?
- Publicize on social media

- events where the candidates **do** speak or appear at other forums
- candidate websites, party headquarters where there is information about their positions
- VOTE411.org if candidates' written statements have been included
- Post on social media:
 - candidate bios and public information on League websites
 - questions that were going to be asked so that voters might ask them at other meetings;
- Get written statements about their positions (See VOTE411)
- Distribute Voters Guide I for general election information
- ~ If an event is cancelled
 - Write PR and LTEs explaining situation; post everywhere
 - "Explain but don't blame"
 - "Shaming does work" See LWVUS website for templates
- ~ To encourage participation in future debates – "Carrot and Stick"
 - Meet with *incumbents* to encourage future participation
 - Often the selection of the date is the biggest problem; start early to organize
 - Co-sponsor events but on a case-by-case basis
 - Correspond with party chairs to encourage candidates to participate; start building long- term relationships
 - Announce the candidate forum in newspapers, radio, and social media well in advance of the event. If the candidate declines to participate then publish this fact in the aforementioned media.

Conclusion:

The LWVNY EC policy will continue in effect without changes:

"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. Two or more candidates for each race must be present."

The importance of maintaining the League's nonpartisanship standard is foremost. Ensuring that voters are educated about candidates can be achieved through other effective and cost-efficient actions. On the other hand, there is not an alternative to the League's reputation for nonpartisanship; the reputation of a League cannot be easily salvaged once public trust in its nonpartisanship is damaged or even questioned. Accusations of nonpartisanship, such as those LWVNY has received, can impact the work it does every day.

A League policy that states single-candidate election events are nonpartisan because they follow LWVUS recommended procedures for organizing and conducting candidate events does not and cannot answer the question: How is this not partisan? Nonpartisanship is not achieved by even the best upfront comprehensive and evenhanded procedures or by thorough explanations afterward. A League can explain before and after why its event is not partisan, but

during the interaction, it is giving time to a single candidate and by any definition or measure, is partisan – that is what is seen, and heard, and perceived.

There can be no compromises with the EC policy – not by offering written statements from absent candidates, inviting their representatives to participate in their stead, or by continuing the event after explaining why there is only one candidate participating.

The overwhelming number of Leagues that continue to follow the LWVUS EC policy is indicative not only of the importance of the policy but also the ability of Leagues to work within it.

For Clarification LWVNY EC Policy: “Any League sponsored public event that invites a candidate for elected office will be considered a candidate meeting.” The EC policy therefore covers: candidate debates, forums, meet-and-greet, and “speed dating” events. Each requires the participation of at least two candidates for each race.

- The EC policy applies to all local, state, and federal elections.
- Unopposed candidates do not qualify under the EC policy and cannot participate in a candidate event.
- Leagues may moderate at events at organizations that do not follow the EC policy but the League moderator must announce first thing from the podium that the League is only moderating and that the rules and procedures do not reflect the League’s policies but rather those of the sponsoring organization.
- If at the last minute one of two candidates for the same race does not appear at the event, the League is required to end the event that is sponsoring but is encouraged to ask the candidate to stay on to speak to the attendees and answer their questions.
- The League is encouraged to co-sponsor events with other nonpartisan organizations, but any organization co-sponsoring a debate must meet the following conditions:
 - refrain from endorsing candidates or positions prior to or immediately after the debate;
 - endorse the League’s guidelines for candidate participation;
 - agree to accept the League’s standards of nonpartisanship and debate quality;
 - agree to the League’s videotaping policy;
 - treat the candidates equitably, and
 - agree to issue jointly all press releases, letters and other material circulated to the public.
- For a comprehensive guide to and League policies for conducting candidate events, please see the How To Conduct Successful Candidate Events ToolKit at https://lwwny.org/wp-content/uploads/2024/03/LWVNYS-Candidates-Events-Toolkit_0224.pdf