

The Commission on Presidential Debates: An Overview

By: The Commission on Presidential Debates

What is the CPD? The Commission on Presidential Debates (the “CPD”) is a private, nonpartisan 501(c)(3) organization. As a 501(c)(3) organization, it is eligible under federal law to serve as a debate sponsor. The CPD's primary mission is to ensure, for the benefit of the American electorate, that general election debates are held every four years between and among the leading candidates for the offices of President and Vice President of the United States. The CPD is an independent organization. It is not controlled by any political party or outside organization and it does not endorse, support or oppose political candidates or parties. It receives no funding from the government or any political party, political action committee or candidate. The CPD has sponsored general election presidential debates in every election since 1988.

Why was the CPD Formed?

The CPD was formed to ensure that the voting public has the opportunity to see the leading candidates debate during the general election campaign. General election debates between and among the leading candidates for the office of President of the United States are not required or assured. After the Kennedy-Nixon debates in 1960, there were no such debates in 1964, 1968 and 1972. There were debates in 1976, 1980 and 1984, but they were hastily arranged after negotiations between the candidates that left many uncertain whether there would be any debates at all. The 1984 experience, in particular, reinforced a mounting concern that, in any given election, voters could be deprived of the opportunity to observe a debate among the leading candidates for President.

How has the CPD Selected the Candidates Invited to Participate in Its Debates?

Scores of candidates run for president every election cycle, including dozens who do not seek the nomination of either major party. The CPD applies its nonpartisan candidate selection criteria in the final weeks of a long general election campaign. The CPD's selection criteria have sought to identify the individuals whose public support has made them the leading candidates.

Under the 2016 Criteria, in addition to being Constitutionally eligible, candidates must appear on a sufficient number of state ballots to have a mathematical chance of winning a majority vote in the Electoral College, and have a level of support of at least 15 percent of the national electorate as determined by five selected national public opinion polling organizations, using the average of those organizations' most recently publicly-reported results at the time of the determination. The polls to be relied upon will be selected based on the quality of the methodology employed, the reputation of the polling organizations and the frequency of the polling conducted. CPD will identify the selected polling organizations well in advance of the time the criteria are applied.

Why did CPD Select 15 Percent as the Polling Threshold for Inclusion in the Debates?

The CPD first adopted the 15 percent level of support criterion in 2000. Its initial adoption, and its adoption in subsequent cycles, was preceded by careful study and reflects a number of considerations. It was the CPD's judgment that the 15 percent threshold best balanced the goal

of being sufficiently inclusive to invite those candidates considered to be among the leading candidates, without being so inclusive that invitations would be extended to candidates with only very modest levels of public support, thereby jeopardizing the voter education purposes of the debates.

The CPD's nonpartisan candidate selection criteria and 15 percent threshold have been found by the FEC and the courts to comply with federal election law. The same is true for the earlier criteria CPD used in 1988, 1992 and 1996.

Has the Format of the CPD's Debates Changed over the Years? Since 1987, the CPD has worked to develop debate formats that focus maximum time and attention on the candidates and their views. The CPD's first set of debates used the model that had been employed for several previous cycles, one moderator with a panel of three journalists. By 1992, the CPD had introduced the town meeting, in which citizens ask questions of the candidates; used every cycle since, the town meeting is made up of approximately 100 citizens chosen by the Gallup organization as undecided voters from the metropolitan area of the debate site.

In 1992, a single moderator was used for the town meeting, the vice presidential debate, and the first half of the final presidential debate. Starting in 1996, the CPD exclusively used a single moderator for all its debates, a practice which has continued through 2012.

In 2000, the CPD held its first debate in which the candidates were seated at a table with the moderator, a format that further encourages candid conversation without the physical separation of podiums. In 2012, the CPD adopted a significantly different format for the first and last presidential debates: those two debates were divided into six 15-minute segments, during each of which the candidates discussed one major issue facing the country. One debate was devoted to domestic issues and one to foreign affairs. The topics for both debates were chosen by the moderators and announced several weeks beforehand. This change was the result of the CPD's sustained effort over many years to foster meaningful discussion of the issues and to eliminate restrictive time constraints.

How are the Debate Moderators Chosen? The moderators are selected by the CPD. The CPD uses three criteria to select its moderators: a) familiarity with the candidates and the major issues of the presidential campaign; b) extensive experience in live television broadcast news; and c) an understanding that the debate should focus maximum time and attention on the candidates and their views. The moderators alone select the questions to be asked, which are not known to the CPD or to the candidates. They do not meet with the campaigns, nor do the campaigns have a role in moderator selection. Starting in 1996, the CPD has used a single moderator for all of its debates in order to keep the focus on the candidates and their positions.

Critics besiege presidential debate commission

By: Daniel Lippman, Politico

The Commission on Presidential Debates is under siege by separate groups aiming to bust the commission's long monopoly on how presidential debates are conducted and which candidates make the stage. The efforts to overhaul the 2016 general election debates — which are taking place as the GOP primary debate season is dominating headlines — are moving on different tracks. A bipartisan group of leading campaign strategists plans to take their message of dissatisfaction to the public this fall while another group, called Level the Playing Field, has run full-page ads in the Wall Street Journal attacking the commission and its members. In late June, Level the Playing Field filed a lawsuit against the Federal Election Commission alleging the FEC, in collusion with the commission, has illegally limited the debates to candidates from the two major parties.

The bipartisan group began laying the groundwork for its push by releasing a report last month that floats possible alternative formats. Critics of the debate commission — who include many presidential campaign veterans — complain that the commission is autocratic, captive to TV networks, and hasn't modernized debate formats much since it started holding them in 1988. The group charges that the commission's inaction has led to staid, boring debates that become more about the moderator than what the candidates have to say and don't actually help the American voter decide. Organized by the Annenberg Public Policy Center at the University of Pennsylvania and helmed by former Romney senior advisor Beth Myers and former Obama communications director Anita Dunn, the group also includes Hillary Clinton chief strategist and pollster Joel Benenson, Stuart Stevens, Ron Klain, Charles Black, and Robert Barnett — all participating in personal capacities, not as representatives of 2016 campaigns.

Among the proposed reforms: eliminating on-site audiences except for the town-hall debate; bringing in moderators besides journalists; and adopting a chess clock model for some debates where candidates have an equal amount of time to speak, instead of being constantly interrupted by a moderator saying they have only a few seconds left.

"There's now an alternate format for the candidates, whoever they may be, a year from now," said election lawyer Ben Ginsberg, who's negotiated debate details for Mitt Romney and George W. Bush. "If [the debates are] not continuously made better, I'm worried that they could cease happening and that would be a really bad thing," Myers said.

Dunn and Myers said they were optimistic that the commission would look at their proposed changes seriously and adopt some of them. But if the commission doesn't pay heed, members of the group said, the report could be a blueprint for how to set up alternative debates that bypass the commission. Michael Sheehan, who's helped Democratic candidates with debate planning since 1988, said the group's recommendations would help voters see the candidates speak and present their ideas, instead of just watching them recite heavily rehearsed answers to predictable questions.

Mike McCurry, co-chair of the commission and a former Clinton press secretary, said the Annenberg report had made “a lot of very important points and have a lot of good ideas,” and the commission is in the process of looking at all suggestions for the 2016 debates. The commission usually decides on site selection first in the fall, and then format in the spring and the announcement of moderators in the late spring. But he said that the report failed to give “us enough credit for the format changes that we made in 2012” when the debates set aside blocks of time devoted to various issues.

One fundamental concern of the group is how moderators are chosen — and their behavior in the chair. A particular sticking point: the amount of time networks spend lobbying the campaigns to try to get their stars picked as moderators.

Instead of the risk of TV journalists seeking to use the debates as personal platforms, the group suggested bringing in distinguished individuals who might make equally effective moderators: retired judges, print journalists and university presidents. In 2012, Republicans were furious when CNN’s Candy Crowley sought to fact-check Mitt Romney in the middle of a debate when he made a claim on how President Obama had described the Benghazi attack. The group wants to avoid similar moments going forward and believes that the moderators’ role shouldn’t be journalistic in nature but merely to ask well-thought out questions and then let the candidates hold each other accountable.

Another worry of debate reformers is that with millennials watching less TV in general, only political junkies will tune in rather than a broader segment who would be most helped by seeing the candidates going head to head. The idea is to make debates more social-media friendly, and to explore ways to bring YouTube, Facebook, Twitter, and Netflix into the fold.

“Are we right there at the top of technology?” asked Frank Fahrenkopf, the commission’s co-chair and a former RNC chairman. “I’m not sure that we are there.” But he said that the commission works every year with Facebook, YouTube and other tech companies to get the debates seen by as many people on as many platforms as possible.

McCurry said the commission also recognized the need for moderators to better reflect diversity in America and appeal more to younger people — many of whom have been streaming debates online, rather than watching the debates on television.

At the heart of Level the Playing Field’s efforts is a different grievance — the difficulty of getting third party candidates on the debate stage. Last week the group sent a letter to the commission proposing an “independent primary” that would consist of televised events by qualified independents and lead to the winner getting on the regular debate stage.

“The Commission on Presidential Debates is there to create a rule that does not have a predetermined outcome, and they are doing exactly the opposite, and that’s what we’ll be fighting legally over,” said financier Peter Ackerman, who’s behind Level the Playing Field.”

Debate Commish to Millions of Americans: Screw You

By: Nick Gillespie, The Daily Beast

We live in an almost stupefying world of proliferating choices and options that reflect and express our most important and our most banal impulses. Pop-Tarts come in more than three-dozen varieties that are constantly changing. Starbucks literally offers an almost infinite number of excruciatingly personalized coffee drinks.

And yet when the first presidential debate takes place next Monday, the only people on the stage will be the two most reviled nominees in modern memory, Hillary Clinton and Donald Trump. A third candidate, former two-term New Mexico Governor Gary Johnson, will not be on the stage despite being on the ballot in all 50 states and polling at double digits in 42 states. In 15 states, he's at 15 percent or better. But tough luck. This glaringly shriveled choice is a feature not a bug of American politics.

Democrats and Republicans may disagree when it comes to abortion, spending, and taxes, but they are thick as thieves when it comes to maintaining an electoral duopoly (go check out your state's ballot-access laws sometime). Nowhere is this collusion more flagrant than in the machinations of the Commission on Presidential Debates (CPD), the "nonpartisan" nonprofit that operates the debates and was created 29 years ago by the Democratic and Republican Parties with the goal of excluding third-party candidates.

"By jointly sponsoring these debates," reads the 1987 press release (PDF) announcing the formation of the CPD, "we will better fulfill our party responsibilities to inform and educate the electorate, strengthen the role of political parties in the electoral process and... institutionalize the debates, making them an integral and permanent part of the presidential debate process."

I spoke by phone with one of the authors of that press release, former Democratic National Committee press secretary Terry Michael, to get a stronger sense of how the CPD was conceived and how it was, in his words, a "power play to confine the debates to a conversation between Republicans and Democrats." Once a "true believer in the two-party system," Michael is now a "senior media advisor" to Gary Johnson's campaign, so you can take his analysis with as much or as little salt as your blood pressure allows.

Although we take presidential debates for granted, there was a long stretch when they didn't happen and were marred by technical screw-ups or obstinate participants. The first televised debate was held in 1960, but four years later Lyndon Johnson saw no reason to appear with Barry Goldwater. The next debate, sponsored by the League of Women Voters, didn't take place until 1976, between Gerald Ford and Jimmy Carter. It was denounced as "the most stupid arrangement of any debate in the history of debating," and resulted in some of the most memorable dead air in TV history. In 1980, President Carter refused to participate in the first debate of the election because independent candidate John Anderson was on the stage. That surprisingly sketchy history laid the groundwork for the CPD. Democratic and Republican "party chairs didn't want their candidates sullied by the inclusion of third-party candidates." So

the duopoly booted the League and took the debates in-house. If they could have kept Ross Perot out in 1992, they would have, says Michael, but the Texas tycoon was actually leading the polls in the middle of 1992 before unexpectedly and temporarily dropping out in mid-July (Perot bizarrely suggested that the Republican operatives were planning to disrupt his daughter's wedding). Perot did get into the race in October and was invited to participate in the debates despite polling at 8 percent. The CPD couldn't deny Perot because, says Michael, "even a crazy person should get on the stage if they had led in the polls." Yet the commission would ignore Perot four years later. In 2000, with Green Party candidate Ralph Nader polling as high as 6 percent as late as June, the CPD announced for the first time that debate participants must garner at least 15 percent in five national polls selected by the commission.

That rule remains in place. On its site, the CPD says the 15 percent threshold comes from its "analysis of the results of presidential elections over the modern era," is consistent with the precedents set by the League of Women Voters and "found by the FEC and the courts to comply with federal election law." In 2012, John Anderson offered a different take, telling CBS News that the debates are designed to lock in "the maintenance of a two-party system." George Farah, author of *No Debate: How the Republican and Democratic Parties Secretly Control the Presidential Debates*, called the 15 percent number "absurdly high," noting that candidates qualify for federal matching funds at 5 percent.

Unsurprisingly, Michael concurs with such sentiments and offers up his own set of arguments for why Gary Johnson should join the stage with Donald Trump and Hillary Clinton. For starters, he stresses that the former governor is "on every voter's ballot. That in itself should be the case." Beyond that, he says the electorate is becoming increasingly restive, pointing to polls showing that independents are now the single largest bloc of voters. Michael says that the choice to include a given candidate can't always be reduced to simple metrics. "They should consider who has developed enough of a following to merit being on the same stage with the Democrat and the Republican," he says, adding that Johnson has "clearly" done that.

Certainly the point that Johnson is on the ballot (either as a Libertarian or an independent) in every state is worth lingering over. That means that the former two-term governor's name will be in front of all of us who vote. Green Party candidate Jill Stein will be a choice for voters in 48 states, more than enough places to have real impact on electoral votes. Interestingly, Johnson is currently polling at 8.6 percent in Real Clear Politics' aggregated results of seven national polls. Stein is at 3.1 percent, which may seem low until you realize that the spread between Clinton and Trump is 0.7 percent. Back in 1992, when Perot re-entered the race and was invited to join the debate with George H.W. Bush and Bill Clinton, he was at just 8 percent in the polls.

But that was then and this is now...when 60 percent of Americans keep telling pollsters that the "Republican and Democratic parties...do such a poor job [of representing the American people] that a third major party is needed." It seems the last thing the two major parties and their Commission on Presidential Debates would want to see is a flowering of political options that approach the number of choices we take for granted in far less-important parts of our life.

CNN's Super-Sized Debate Helps Candidates and Hurts Viewers

By: Daniel D'Addario, Time Magazine

CNN had a problem: A Republican presidential primary with 16 candidates—as many as the pieces on one side of a chess board—and no easy way to break them up. Only real estate mogul Donald Trump and retired neurosurgeon Ben Carson are in the double digits in the polls, followed by a vast muddle of candidates so closely stuck together that the numbers are statistically meaningless.

Almost any objective way the network might have tried to narrow the field for the debate it hosted Wednesday would have been criticized by the losing candidates as harsh and arbitrary, especially damaging for a network often viewed with suspicion by conservatives.

CNN's solution? Invite them all. (Well, almost all. Former Virginia Gov. Jim Gilmore was sent packing.) Two debates: An undercard with four candidates at the back of the pack, and 11 on the main stage, one more than at the Fox News debate in August.

But while the solution CNN hit on may have been satisfying to the candidates, it was frustrating for the viewer. For the casual voter, following the debate was like tuning halfway into an episode from the second season of *Game of Thrones* and trying to follow along. There were too many characters, too many subplots and, at three hours, simply too much of everything.

At the beginning of the debate, CNN gamely tried to streamline things by focusing on Trump. The former reality TV star didn't merely stand at center stage as the frontrunner in the polls, he was also the center of attention. The first several questions posed by moderator Jake Tapper were either directed at Trump or asked one of his rivals to react to something Trump had said or done. When other candidates did get a word in, the topic of conversation soon found its way back to the fellow who's already gotten the most coverage.

The tone of the evening was set early, when former Hewlett Packard CEO Carly Fiorina was asked her opinion of Trump as a potential Commander-in-Chief. She was put into a split-screen with a candidate who does great silent-movie work. Placed in the frame with one of his rivals, Trump smirked, pouted, grimaced, and rolled his eyes, somehow all at once. In moments like this, CNN effectively shrank the debate to a clash of two personalities: Trump-Fiorina, Trump-Bush, Trump-Walker.

The problem came when candidates either didn't want to engage Trump or didn't have a clear opening. Ohio Gov. John Kasich interrupted one of the back-and-forths to scold Tapper for the confrontational approach. "If I were sitting at home and watch this back and forth, I would be inclined to turn it off," he said.

But it was still early. When Tapper moved away from using Trump as the focal point, as Kasich wanted, the debate meandered.

There were simply too many candidates for a coherent broadcast, and adding time didn't seem to solve the problem. Trump existed on a diet of feast or famine: When he wasn't the explicit subject of discussion, he disappeared entirely. He wasn't alone. Former Arkansas Gov. Mike Huckabee, roughly 45 minutes into the broadcast, evinced an attitude of good humor when informed he was the last candidate to be called on. (Clearly, he already knew.)

But the only potential upside for a broadcast with so many participants is a wealth of potential collisions, something CNN tried for with varied success. An early question attempting to pit Carson against New Jersey Gov. Chris Christie (huh?) left the audience longing for the simple clarity of a face-off with Trump.

Even the moderators disappeared. Conservative talk show host Hugh Hewitt and CNN political correspondent Dana Bash ebbed and flowed from the broadcast, at times active participants and then silent for long, uncomfortable stretches. Hewitt, who aims to be the conservative equivalent of an NPR host on his show, characteristically asked one of the evening's most complicated questions, about whether the U.S. Senators on the stage deserved the blame for the Syrian refugee crisis, so his absences felt strange and notable.

In the first GOP debate of this election cycle, on Fox News, questions were posed to candidates and then abandoned; it was an extremely successful showcase for each candidate's positions without significantly putting them into conversation with one another. CNN used the benefit of time to allow candidates to speak to one another, even when the pairings seemed random or when the conversations tended towards the unproductive. But their set-up, with a very limited audience (early, staged laugh-lines, as with Florida Sen. Marco Rubio's overwritten quip about having brought a bottle of water, met dead air rather than applause) and with candidates spread across the stage seemed to stand in the way of watchability.

Some degree of life felt leached out of the three-hour broadcast. It wasn't just that by the end, the candidates seemed as peaked as marathon runners by mile 26, a bit too relieved to get softball questions about Secret Service codenames and Ronald Reagan's legacy. For all CNN put a system into place to ensure real conversation between the candidates, there was an element of raucous debate missing. Bush, Trump's most meaningful adversary, passed up some significant opportunities to land a punch. And while some (like Kasich) think that sort of adversarial politics detracts from sober-minded discussion of the issues, it's what both voters and audiences want because it's clarifying. In a field of 16, a little clarity would be helpful.

For Trump-Clinton Debate, the Biggest Rules Are Secret

By: Ari Melber, NBC News

When Donald Trump and Hillary Clinton face off for their first debate on Monday, a strict set of rules are designed to govern the event. Besides the candidates themselves, however, virtually no one actually knows what the rules say. It's a curious tradition in general election debates: The candidates' top strategists negotiate written rules and keep them a closely guarded secret. Those rules range from the trivial, such as how the candidates enter the room, to potentially pivotal restrictions on whether the moderator should correct false statements by the candidates.

And while the Commission on Presidential Debates on Sunday morning announced some details about the basic timing of the debates, many potential other rules on big controversies are still unknown or undisclosed. This year, in a season of intense scrutiny on media moderators and complaints about a "rigged system," the debate structure could draw more attention than ever.

Donald Trump laid down his line in a Fox News interview, arguing journalists leading the debates should be moderators — not fact-checkers. "You're debating somebody, and if she makes a mistake or if I make a mistake, we'll take each other on," he said.

"I certainly don't think you want Candy Crowley again," Trump added.

During a crucial moment in the 2012 debates, CNN's Crowley famously rebutted an assertion by Mitt Romney, enraging supporters who argued the point — about how Barack Obama characterized terrorism after the Benghazi attack — was muddled at best. The ensuing firestorm led to a rare leak of that year's rules. The 21-page memorandum, negotiated by Obama lawyer Bob Bauer and Romney lawyer Ben Ginsberg, attempted to bar moderators from offering any "comment" on "answers of the candidate."

Ginsberg says reporters should fact-check after the debate, not hijack the limited time during the debate for candidates to address each other. "Those candidates are up there to fact-check each other," Ginsberg told NBC News. "This debate is not about the moderators or enhancing their ratings."

Memoranda of Understanding

In 2012, Crowley said she never saw or agreed to the campaigns' "debate memorandum," which is basically a political agreement between competitors — not an alliance with the press or debate commission. A debate memorandum is "the firm suggestion from the campaigns," Ginsberg said, "but there's no enforceability, and neither the moderators nor the commission signed the document four years ago." While the Debate Commission is not listed in the memoranda that have leaked, historically it has followed many of the campaigns' terms.

The 2012 rules limited the topics, choreographed how the candidates were broadcast, and barred a wide array of potential debate features, including "opening statements," charts, "props," references to people "sitting in a debate audience," challenges by the candidates to make "pledges" and questions that "ask the candidates for a 'show of hands.'"

A spokesman for the Commission, which is run by leaders from both parties, declined to release or discuss this year's rules when reached by NBC News. On Monday, anonymous sources in both parties told NBC News that this year the two campaigns held talks about the debate structure, but did not reach a signed agreement. That is a contrast to past election years.

The Commission originally emerged from a controversy during the 1988 campaign. The previous sponsor of debates, the League of Women Voters, refused to accept the mounting demands negotiated by the candidates. The group's president objected to what she called "stringent, unyielding and self-serving demands" to constrain the debate. The Commission stepped in as a sponsor, and has handled every general election debate since then.

Others have criticized the Commission for a bias against third-party candidates and a secretive approach to the process. Open Debates, an group for reforming the debates, argues the Commission refuses "to release the Memorandums of Understanding negotiated by the major party campaigns" as an effort to "protect the major parties."

George Farah, who leads the group, says he is "sure that a Memorandum of Understanding has been written" by this year's nominees. "These are two candidates who operate under a tremendous amount of secrecy," he told NBC News. "This is the most secretive way the Commission has operated."

While it is normal for businesses to keep contracts confidential, the commission's approach is at odds with a culture that increasingly expects transparency, especially from public institutions.

Ultimately, though, it is the campaigns that call the shots. They can officially release their negotiations and rules anytime. For all the talk about transparency this election cycle, neither campaign appears rushing to do so.

Third-party candidates on outside as debate criteria released

By: Ben Kamisar, The Hill

The Commission on Presidential Debates has released the polls it will use to decide the participants of September's first presidential debate as third-party candidates struggle to make the stage.

Candidates will need to hit an average of 15 percent in polls conducted by ABC/Washington Post, CBS/New York Times, CNN/Opinion Research Corporation, Fox News, and NBC/Wall Street Journal. The 15 percent threshold had been announced months ago, but the commission released its polling selections on Monday after consultation with Frank Newport, the editor-in-chief of Gallup.

Democratic presidential nominee Hillary Clinton and Republican nominee Donald Trump are virtually assured a slot each on the stage for the Sept. 26 debate at Hofstra University in Hempstead, N.Y. But it remains unlikely that a third-party candidate will join them, despite voters' historic dislike of both Clinton and Trump.

As of Monday, neither Libertarian Party nominee Gary Johnson nor Green Party nominee Jill Stein would qualify, and neither has come close to hitting 15 percent in any qualifying poll.

Johnson currently averages 9 percent in the three most recent qualifying polls, while Stein sits at just under 5 percent. In Fox's most recent poll, Johnson scored 12 percent, but the poll did not include Stein. CBS did not test either candidate in its most recent poll.

A representative with the commission did not immediately respond to a request as to how the criteria would be applied if Fox and CBS continued not to test the whole field.

A representative with the commission told The Hill that the polling averages only include the polls where a candidate is tested. So that means Johnson and Stein would not be penalized for polls they were not included in, outside of having fewer opportunities to raise their averages.