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**The Federal Election Commission
Office of General Counsel
999 E Street, NW
Washington, DC 20463**

May 19, 1999

Re: Petition for amendment of 11 C.F.R. §110.13© et seq..

PREAMBLE:

The purpose of this petition is to amend the above regulation to reflect the 'objective criteria' therein, now relegated to any 'staging organization(s)', so that this criteria is set forth by the FEC itself and not left to these 'staging organization(s)'.

These criteria should be fair and equitable for all candidates, in order that the Federal Election Commission be seen not only as 'fair' in its dealings with Presidential and Vice Presidential prospective political debate participants, but that it give the appearance of fairness and equitability to the citizens of the United States.

This petition proposes that the FEC set forth the following mandatory criteria for participation in Presidential and Vice Presidential debates: First that ANY candidate for these high offices shall be included in the political debates for President/Vice President, who have the mathematical potential to win the election by being on the ballot in enough states to achieve an Electoral College win, i.e. 270, AND that each candidate, shall have proven his or her viability by having spent at least \$500,000.00 on his or her campaign by the end of the month preceding the date of the first scheduled debate held on/after September 1st of that election year. Candidates participating in Presidential and Vice Presidential campaigns shall have equal access to any debate held prior to September 1 without regard to these requirements.

I. This Regulation currently reads as follows:

“Criteria for candidate selection. For all debates, staging organization(s) must use pre-established objective criteria to determine which candidates may participate in a debate. For general election debates, staging organization(s) shall not use nomination by a particular political party as the sole objective criterion to determine whether to include a candidate in a debate. For debates held prior to a primary election, caucus or convention, staging organizations may restrict candidate participation to candidates seeking the nomination of one party, and need not stage a debate for candidates seeking the nomination of any other political party or independent candidates.”

II. It is our belief that the term ‘pre-established objective criteria’ should not be left up to the staging organization, but should be defined by the FEC in its regulations. We cite the following references, opinions, and observations to support our petition.

A. <http://www.fec.gov/pages/20year.htm> (20 Year Report of FEC online.) *“In 1974, following the documentation of campaign abuses in the 1972 Presidential elections, a consensus emerged to create an independent body to ensure compliance with the campaign finance laws. Comprehensive amendments to the FECA (P.L. 93-443) established the Federal Election Commission, an independent agency to assume the administrative functions previously divided between Congressional officers and GAO. The Commission was given jurisdiction in civil enforcement matters, authority to write regulations and responsibility for monitoring compliance with the FECA. Additionally, the amendments transferred from GAO to the Commission the function of serving as a national clearinghouse for information on the administration of elections.”*

B. The Presidential and Vice Presidential and other debates were then written into the regulations promulgated in response to the FECA. This then gives the FEC the total discretion to alter and/or amend these regulations.

III. Suggested Solutions:

A. Having read volumes of documents pertaining to Presidential Debates, it is our considered opinion that the document most enlightening is the Congressional Research Study, 93-588 GOV entitled "Campaign Debates in Presidential General Elections." [copy enclosed as Exhibit A].

1. This document gives the history of Presidential Debates and how the public relies on them for their assessment of the qualifications of a person running for the offices of President of the United States, and Vice President of the United States. For many, according to this study, this is like an 'audition' for the job before a television audience of millions of Americans. It also determined that these TV debates are the single most important event during the Presidential campaigns. Consider how the TV audience numbers differed in 1992 when Ross Perot WAS included and in 1996 when he was excluded. The citizenry wants to have real choices, and hear ALL sides.

2. The most recent example of why a third party candidate SHOULD be included in debates at all levels, is the election of Reform Party candidate, Jesse Ventura, as Governor of Minnesota. Mr. Ventura was included in the MN debates only because Mr. Humphrey, the Democratic candidate for this office insisted that he be included. After the public had several debates to watch in order to compare the candidates, they chose Mr. Ventura over the others. Had

he not been allowed to participate he would not have had the exposure that gave the people of Minnesota the opportunity to make an informed voting decision.

3. The League of Women Voters sponsored the earlier TV debates, but refused to sponsor the debates once the two major parties alone began setting the rules of the game. They also felt that the current set up did not give minor parties a fair chance at participation.

4. The current sponsor, the bipartisan Presidential Debate Commission, composed of not impartial individuals, but solely of an equal number of Democrats and Republicans, acceded to the inclusion of Ross Perot in the 1992 debates because both Bush and Clinton camps wanted him. In 1996, however, with the same percentage in the polls, Mr. Perot was denied participation because the Republican Candidate did not want him.

5. As in the Ventura debate situation, the choice was really not left to the sponsoring organization and 'pre-existing objective criteria' set forth by those organizations, but to the actual Democratic and Republican participants.

6. Had there been 'truly' "pre-determined objective criteria" mandated by the FEC regulations, there could have been no question as to an individual's right to participate, no matter what Party that individual represents.

B. The study done by the Annenberg Washington Program of Northwestern University [copy enclosed as Exhibit B] substantiates both the fact that these debates are primary in the

citizen's informational decision making, and in being 'well informed' in their choice of their leaders.

1. In the 'Introduction' this study states: "By nearly all measures, the 1992 debates were an enormous success. They employed more formats, featured more candidates, reached more voters, and influenced more voting decisions than ever before."

2. In the chapter "Making Room for Third Parties", Michael Beschloss, Senior Fellow at the Annenberg Washington Program, says. "Third parties have been a crucial factor in a number of elections.If you keep third-party candidates out of debates, you are depressing and in certain cases removing the contribution that they have made throughout history. They tend to check the effectiveness of the main parties. They also tend to bring issues onto the national agenda that the major-party candidates sometimes avoid. Finally, competition is healthy in all things. Third-party candidates in presidential debates will have the effect, ultimately, not of weakening the two-party system, but of strengthening it."

3. Marvin Kalb of the Shorenstein Barone Center at Harvard said, "The two parties shouldn't be gatekeepers, admitting some independent candidates and excluding others."

IV. Recently proposed legislative solutions to this problem:

A. Several suggestions have been made in the past about these criteria, and bills have been submitted in Congress in the past in an attempt to resolve these issues. One such bill, sponsored by Congressman Ron Paul of TX, was recently defeated in the House of Representatives.

B. A new bill was submitted in 1998 by Congressman James Traficant of OH, HR 4310, and will shortly be re-introduced to this Congress by Congressman Traficant. [Copy enclosed as Exhibit C] This bill has received the endorsement of both the Reform Party USA and the Libertarian Party.

C. ~~The criteria that should be used, in our opinion, are those~~ factors that will be seen as fair-minded by citizens. The 1996 debates, and the lock out of candidates who were on the ballot in all 50 states caused much public dissension and aroused many negative feelings about the FEC in general. Under these proposed regulatory changes the following candidates would have been included in the 1996 debates: Perot, Browne, Haeglin, Dole, and Clinton.

D. The subjective determination in 1996, "whether the candidate has a reasonable chance of being elected", when left to a commission of Democrats and Republicans, certainly does not bode well for third party candidates, or for an informed electorate.

V. Who should participate?

A. Voters should have the right to hear a debate including ALL Presidential and Vice Presidential candidates who are on the ballot in enough states to potentially achieve being elected by the Electoral College.

Although the amount spent on Presidential elections has escalated to the absurd, some measure of viability appears to be seen in amounts spent on campaigns. Governor Jesse Ventura spent a total of \$400,000 on his gubernatorial campaign while his opponents, a Democrat and a Republican spent \$12 million between them. This translates to 'creative campaigning' to us,

and is an indicator that only if we do not continue to promote more and more spending on political campaigns will we achieve campaign finance reform. The criteria here requiring an expenditure of \$500,000.00 by the end of the month prior to the scheduled political debates held on/after September 1st of that election year seems a fair compromise to us. Candidates participating in Presidential and Vice Presidential campaigns shall have equal access to any debate held prior to September 1 without regard to these requirements. This would appear not to be prohibitive, and would also not encourage excess spending by the candidates.

C. In 1996, by the end of August the candidates below had spent the following according to FEC online records:

Haeglin of Natural Law Party:	\$814,394.52
Dole of Republican Party:	\$16,845,644.58
Clinton of Democratic Party:	\$3,871,695.61
Browne of Libertarian Party:	\$1,534,900.78
Perot of Reform Party:	\$917,674.39

Were these candidates also on the ballot in enough states to achieve a mathematical chance of winning the Electoral College votes, they would have been included in the 1996 debates under these proposed regulation changes.

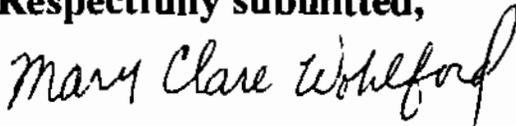
VI. SUMMARY

The current regulation requires a change that will exemplify the purpose of the Federal Election Commission's impression of fairness and openness. A proper restructuring of this regulation would give the voters of the United States of America the opportunity to be fully and fairly informed by the major determining factor in choosing the President and Vice President of the United States. This major factor is the televised Presidential and Vice Presidential DEBATES.

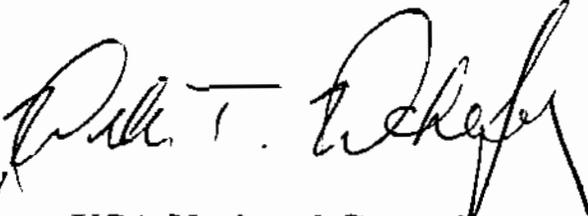
Objective criteria should mandate admission to the debates for the offices of the President and Vice President of the United States to any person representing a party on the ballot in enough states to represent a mathematical possibility of winning the election in the Electoral College AND who shall have proven his or her viability by having spent at least \$500,000.00 on his or her campaign by the end of the month preceding the date of the first scheduled debate held on/after

September 1st of that election year. Candidates participating in Presidential and Vice Presidential campaigns shall have equal access to any debate held prior to September 1 without regard to these requirements. Any organization sponsoring these National Presidential and Vice Presidential political debates should have NO discretion in complying with these regulatory mandates.

Respectfully submitted,



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