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MAY 28, 2024

Lisa J. Stevenson
Acting General Counsel
Federal Election Commission
1050 First Street, NE
Washington, DC 20463

Re: Enforcement Complaint – Prohibited Corporate Contributions

Ms. Stevenson,

On behalf of my clients, Robert F. Kennedy Jr. and Team Kennedy, I submit the attached complaint for your consideration. We ask that the Federal Election Commission take action forthwith, but not later than **June 20, 2024**, to provide the parties with sufficient notice.

Regards,

A handwritten signature in black ink, appearing to read "Lorenzo Holloway", is written over a horizontal line.

Lorenzo Holloway, Esq.
Holloway Law Office

KENNEDY24

May 28, 2024

Lisa J. Stevenson
Acting General Counsel
Federal Election Commission
1050 First Street, NE
Washington, DC 20463

Re: *Enforcement Complaint – Prohibited Corporate Contributions* MUR # _____

Dear Ms. Stevenson:

Presidential candidate Robert F. Kennedy, Jr.'s ("**Candidate Kennedy**") principal campaign committee, Team Kennedy, files this complaint pursuant to 52 U.S.C. § 30109(a)(1). This complaint is based on information and belief that the respondents Cable News Network ("**CNN**"), President Joseph Biden, Biden for President ("**Biden Committee**"), Donald J. Trump, and Donald J. Trump for President 2024, Inc. ("**Trump Committee**," collectively with CNN and the Biden Committee, the "**Parties**") engaged in flagrant violations of the Federal Election Campaign Act ("**FECA**").

The violations occurred when, based on the available evidence, CNN colluded with the Biden Committee and the Trump Committee to schedule and did schedule a debate with criteria that were designed to result in the selection of certain pre-chosen participants, namely Biden and Trump, in a clear breach of federal campaign finance law. The available evidence leads to the clear conclusion that CNN is making prohibited corporate contributions to both campaigns and the Biden Committee and the Trump Committee have accepted these prohibited corporate contributions, resulting in violations of federal campaign finance law.

I. PARTIES

President Joseph Biden is a candidate for the Office of President in the 2024 election. He is seeking the Democratic Party nomination for President and has designated Biden for President as his principal campaign committee. The Biden Committee has registered with and reports to the Federal Election Commission ("**FEC**").

Former President Donald J. Trump is a candidate for the Office of President in the 2024 election. He is seeking the Republican Party nomination for President and has designated Donald J. Trump for President as his principal campaign committee. The Trump Committee has registered with and reports to the FEC.

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CNN is a 24-hour news channel carried on cable and satellite. CNN is headquartered in Atlanta, Georgia, and is a division of Turner Broadcasting System, Inc.

II. RELEVANT FACTS SHOWING VIOLATIONS OF THE FECA

CNN has scheduled a presidential debate in Atlanta, Georgia on June 27, 2024.¹ On May 15, 2024, CNN simultaneously announced the debate and announced President Biden and Mr. Trump as the only participants in the debate.² CNN published the following as its criteria for selecting President Biden and Mr. Trump:

- “candidates must fulfill the requirements outlined in Article II, Section 1 of the Constitution of the United States” to serve as president;
- participants must “file a Statement of Candidacy with the Federal Election Commission;”
- “a candidate’s name must appear on a sufficient number of state ballots to reach the 270 electoral vote threshold to win the presidency prior to the eligibility deadline;”
- candidates must “agree to accept the rules and format of the debate;” and
- candidates must “receive at least 15% in four separate national polls of registered or likely voters that meet CNN’s standards for reporting. Polls that meet CNN editorial standards include those sponsored by CNN, ABC News, CBS News, Fox News, Marquette University Law School, Monmouth University, NBC News, The New York Times/Siena College, NPR/PBS NewsHour/Marist College, Quinnipiac University, The Wall Street Journal, and The Washington Post.”³

Media reporting on how the debate came together shows that the Biden Committee and the Trump Committee negotiated and colluded with CNN and with one another to exclude other candidates, specifically Candidate Kennedy, from the debate.

The Washington Post noted about Biden, “Biden advisers quickly let it be known that they had not agreed to any terms that could include [Robert F.] Kennedy.”⁴ About Trump, The Washington Post stated, “One of the CNN producers on a Wednesday call with Trump aides had explained at the time that ‘RFK will not be on the stage.’”⁵

¹ CNN Press Room, *CNN to Host 2024 Election Presidential Debate Between President Joe Biden and Former President Donald J. Trump on June 27*, (May 15, 2024), <https://cnnpressroom.blogs.cnn.com/2024/05/15/cnn-to-host-2024-election-presidential-debate-between-president-joe-biden-and-former-president-donald-j-trump-on-june-27/>.

² *Id.*

³ *Id.*

⁴ Micheal Scherer and Josh Dawsey, *Biden and Trump Cut Deal on Debates. Then the fighting started.*, Wash. Post (May 17, 2024), <https://www.washingtonpost.com/politics/2024/05/17/biden-trump-cnn-debate-decision/>.

⁵ *Id.*

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Further demonstrating that the Biden Committee's position has been that Biden will not debate Candidate Kennedy is a May 15, 2024 letter to the Commission on Presidential Debates from the Biden Committee. In that letter, it was made clear that: "The debates should be one-on-one [between President Biden and Mr. Trump], allowing voters to compare the only two candidates with any statistical chance of prevailing in the Electoral College..."⁶

CNN, itself, reported that the Trump Committee would not agree to a debate including Candidate Kennedy and highlighted that Trump and Biden's "criteria" for the debate largely overlapped: "Still, apart from Trump's desire to hold more than two debates and his urgings for a live audience, many of the conditions laid out in the Biden campaign's proposal were criteria the Trump campaign also wanted – namely, to move up the schedule by three months and to avoid sharing a stage with Robert F. Kennedy Jr."⁷

CNN also admitted that "[i]nformal conversations between the Biden and Trump campaigns about debates have taken place in recent weeks and were largely focused on a mutual disdain for the Commission on Presidential Debates and potential scenarios to work around the commission,"⁸ highlighting that the two candidates had been colluding. In the same article, CNN noted that "Calling for earlier debates might also help weed out third-party candidates that could cause problems for both Trump and Biden."⁹

CNN further admits that President Biden set the criteria for his participation in the debate:

After months of speculation over the traditional pre-election face-offs – when they would happen, what they would look like and whether the candidates would actually show up – the 2024 showdowns were quickly announced Wednesday morning *after Biden's campaign laid out its criteria for participating*.¹⁰

CNN's announced criteria were intended to shield President Biden's demand and Mr. Trump's agreement that CNN exclude other candidates from the debate by giving the illusion of

⁶ See Exhibit 1, attached hereto.

⁷ Kevin Liptak, Kristen Holmes, Alayna Treene, *How Biden and Trump Agreed on Where and When to Debate*, (May 15, 2024), <https://www.cnn.com/2024/05/15/politics/debates-joe-biden-donald-trump>.

⁸ Betsy Klein, Micheal Williams, and Kristen Holmes, *Biden and Trump Agree to 2 Presidential Debates, With First Set For June 27 on CNN*, (May 15, 2024), <https://www.cnn.com/2024/05/15/politics/joe-biden-debate/index.html>.

⁹ *Id.*

¹⁰ Kevin Liptak, Kristen Holmes, Alayna Treene, *How Biden and Trump Agreed on Where and When to Debate*, (May 15, 2024), <https://www.cnn.com/2024/05/15/politics/debates-joe-biden-donald-trump> (emphasis added).

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objective criteria and fairness but, in reality, were a pretext, and a poorly constructed pretext because Biden and Trump do not and will not qualify under these terms for the debate by the qualification deadline.¹¹

III. CNN'S ACTIONS DO NOT MEET THE REQUIREMENTS FOR THE DEBATE EXEMPTION

A. The Debate Exemption Requires The Staging Organizations to Set Pre-established Objective Criteria

The FECA prohibits any corporation from making contributions to a federal candidate.¹² However, funds used or provided “to defray costs incurred in staging candidate debates” are not considered contributions provided that the debates are conducted in accordance with the provisions of 11 C.F.R. §110.13.¹³ Under section 110.13, broadcasters (including a cable television operator, programmer, or producer such as CNN) bona fide newspapers, magazines and other periodical publications are permitted to stage candidate debates.¹⁴

These staging organizations have discretion in how to structure the debate. However, campaign finance law makes clear certain requirements must be met for the debate to not be considered a campaign contribution: 1) the debate must include at least two candidates;¹⁵ 2) the staging organization does not structure the debates to promote or advance one candidate over another;¹⁶ and 3) the staging organization uses “pre-established objective criteria to determine which candidates may participate in the debate.”¹⁷

This exception to treating a debate as a campaign contribution would obviously not apply if candidates set the criteria for participation in a debate. If they do so, the debate must result in a contribution to their campaigns. As the FEC noted, in promulgating section 110.13(c): to establish that the criteria were “pre-established,” they must be set in advance of selecting the debate participants as the staging organizations “**must** be able to show that their objective criteria were used to pick the participants.” This requirement clearly cannot be met if the candidates selected

¹¹ Sara Dorn, Biden Trump Debates: *What to Know as Trump Pushes for 2 More Faceoffs*, Forbes, (May 17, 2024), <https://www.forbes.com/sites/saradorn/2024/05/17/biden-trump-debates-what-to-know-as-trump-pushes-for-2-more-faceoffs/?sh=1215e9eb1c48>.

¹² 52 U.S.C. § 30118(a).

¹³ 11 C.F.R. § 100.92.

¹⁴ 11 C.F.R. § 110.13(a)(2).

¹⁵ 11 C.F.R. § 110.13(b)(1).

¹⁶ 11 C.F.R. § 110.13(b)(2).

¹⁷ 11 C.F.R. § 110.13(c).

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the criteria. Furthermore, FEC demands the staging organization prove “that the criteria were not designed to result in the selection of certain pre-chosen participants.”¹⁸ Therefore, candidate selection criteria are neither “objective” nor “pre-established” within the meaning of section 110.13(c) if those criteria are designed or interpreted by the staging organization to result in the selection of particular candidates whom the staging organization has “pre-chosen” and to result in the exclusion of other candidates.

B. CNN Did Not Set Pre-established Objective Criteria

CNN did not adhere to the regulations and select the debate participants using pre-established and objective criteria. Instead, and what is clear from the record, CNN allowed candidates Biden and Trump to set the criteria and therefore select themselves as the only participants. The evidence makes plain that President Biden initially set the criteria.¹⁹ President Trump agreed.²⁰ Using their own criteria, the evidence makes plain that President Biden and Mr. Trump pre-selected themselves as the debate participants, with the mutual understanding that all other candidates would be excluded from the debate.²¹ Afterward, CNN merely announced that President Biden and Mr. Trump were the only debate participants, as seen in the following press announcement:²²

¹⁸ Explanation and Justification for 11 C.F.R. § 110.13, 60 *Fed. Reg.* 64260, 64,262 (December 14, 1995).

¹⁹ Kevin Liptak, Kristen Holmes, Alayna Treene, *How Biden and Trump Agreed on Where and When to Debate*, (May 15, 2024), <https://www.cnn.com/2024/05/15/politics/debates-joe-biden-donald-trump> (emphasis added).

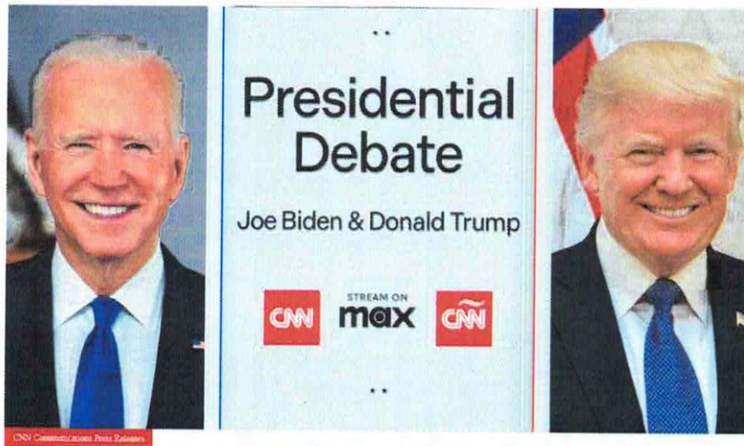
²⁰ *Id.*

²¹ Micheal Scherer and Josh Dawsey, *Biden and Trump Cut Deal on Debates. Then the fighting started.*, Wash. Post (May 17, 2024), <https://www.washingtonpost.com/politics/2024/05/17/biden-trump-cnn-debate-decision/>.

²² CNN Press Room, *CNN to Host 2024 Election Presidential Debate Between President Joe Biden and Former President Donald J. Trump on June 27*, (May 15, 2024), <https://cnnpressroom.blogs.cnn.com/2024/05/15/cnn-to-host-2024-election-presidential-debate-between-president-joe-biden-and-former-president-donald-j-trump-on-june-27/>; *id.*

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May 16, 2024

CNN TO HOST 2024 ELECTION PRESIDENTIAL DEBATE BETWEEN PRESIDENT JOE BIDEN AND FORMER PRESIDENT DONALD J. TRUMP ON JUNE 27

Debate To Air Live on CNN, CNN International, CNN en Español, CNN Max and CNN.com

Washington, DC – (May 15, 2024) – CNN will host an election debate between President Joe Biden and former President Donald J. Trump on June 27, 2024 at 8pm ET from the crucial battleground state of Georgia.

The debate will be held in CNN's Atlanta studios. CNN Anchors Jake Tapper and Dana Bash will serve as moderators. To ensure candidates may maximize the time allotted in the debate, no audience will be present. Additional details will be announced at a later date.

The CNN Presidential Debate will air live on CNN, CNN International, CNN en Español, CNN Max and stream without a cable login on CNN.com. CNN will make the debate available to simulcast on additional broadcast and cable news networks in the United States.

To qualify for participation, candidates must fulfill the requirements outlined in Article II, Section 1 of the Constitution of the United States: file a Statement of Candidacy with the Federal Election Commission; a candidate's name must appear on a sufficient number of state ballots to reach the 270 electoral vote threshold to win the presidency prior to the eligibility deadline; agree to accept the rules and format of the debate; and receive at least 15% in four separate national polls of registered or likely voters that meet CNN's standards for reporting.

Polls that meet CNN's editorial standards and will be considered qualifying polls include those sponsored by: CNN, ABC News, CBS News, Fox News, Marquette University Law School, Monmouth University, NBC News, the New York Times/Siena College, NPR/PBS NewsHour/Marist College, Quinnipiac University, the Wall Street Journal, and the Washington Post.

The polling window to determine eligibility for the debate opened March 13, 2024, and closes seven days before the date of the debate.

In an attempt to select themselves and to exclude others, CNN, President Biden, and Mr. Trump set the criteria to require that a candidate's name appear on enough ballots to garner 270 electoral votes. In their attempt to exclude Candidate Kennedy (the only one of the three whose name is guaranteed to be on any state ballots as of today and as of the date of qualifying for the CNN debate), they apparently failed to realize that President Biden and Mr. Trump **do not meet this criterion** of appearing "on a sufficient number of state ballots to reach the 270 electoral vote threshold to win the presidency."^{23, 24}

To appear on the state ballots, President Biden and Mr. Trump must first be nominated by their respective parties. President Biden is seeking the Democratic Party nomination, but his party

²³ Micheal Williams, *Here's What it Takes to Qualify for The June 27 CNN Presidential Debate*, CNN, (May 16, 2024), <https://www.cnn.com/2024/05/15/politics/qualifications-for-june-27-cnn-presidential-debate>.

²⁴ If CNN attempts to change this criterion now by adding a gloss that it means the presumptive nominee of the respective parties, this would not be a criterion that it established before the candidates selected themselves.

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has not nominated him. Mr. Trump is seeking the Republican Party nomination, but his party has not nominated him. Therefore, neither President Biden nor Mr. Trump is on any state ballot as the presidential candidate of their respective parties. Despite this, CNN has publicly cleared them both for participation in the debate and has represented to Candidate Kennedy that he does not satisfy this criterion and, therefore, cannot participate in the debate.

If the Democratic Party nominates Mr. Biden as its presidential candidate, this will not happen until the Democratic Party National Convention in August 2024. *If* the Republican Party nominates Mr. Trump as its presidential candidate, it will not do so until the Republican Party National Convention in July 2024. Both dates are long after CNN's June 20, 2024 date to qualify for the debate and after the June 27, 2024 debate itself.

The preceding is either evidence that 1) the criteria were not "pre-established" in that President Biden and Mr. Trump set the criteria themselves and agreed to select themselves and exclude other candidates, with CNN merely accepting and announcing the candidate selection and the criteria afterward, or 2) the criteria are not "objective" and are not being objectively applied in that CNN pre-chose the two candidates despite the fact that neither of those two candidates meet, nor can they meet before the debate, CNN's criterion.

Either scenario does not meet the regulatory requirement that CNN, as the staging organization, use "pre-established objective criteria to determine which candidates may participate in the debate."²⁵ Therefore, any cost CNN has incurred and will incur to stage the debate is a contribution to Biden and to Trump.²⁶ CNN has made and will continue to make prohibited corporate contributions to the Biden Committee and the Trump Committee.²⁷ In addition, the Biden Committee and the Trump Committee have each accepted prohibited corporate contributions.²⁸

Had President Biden and Mr. Trump staged the debate themselves, paid CNN the usual and normal charge for broadcasting the debate, and split the cost between the campaigns according to the benefit reasonably expected to be derived for each candidate, then they potentially could have reached the same result without having violated the law.²⁹ They have done none of those things.

²⁵ 11 C.F.R. § 110.13(c).

²⁶ *Id.*

²⁷ 52 U.S.C. § 30118(a).

²⁸ *Id.*

²⁹ 11 C.F.R. § 100.52(d)(1); 11 C.F.R. § 106.1(a)(1).

IV. CNN'S ACTIONS DO NOT MEET THE REQUIREMENTS FOR THE MEDIA EXEMPTION

CNN's actions in staging the debate also do not meet the requirements for the media exemption. Under the media exemption, media coverage costs are not a contribution.³⁰ Specifically, “[a]ny cost incurred in covering or carrying a **news story, commentary, or editorial** by any broadcasting station (including a cable television operator, programmer or producer... is not a contribution unless the facility is owned or controlled by any political party, political committee, or candidate.”³¹

CNN's engineering of a debate is not “a news story, commentary, or editorial.” It is an activity that may give rise to a news story, but the activity of organizing a debate is not a news story, commentary, or editorial. In the same manner, when the Commission on Presidential Debates organizes a debate, it is not a news story, commentary, or editorial. Of course, coverage of the debate is a news story, commentary, or an editorial, and to the extent CNN covers the eventual debate that would be covered, but organizing the debate does not fall within the exception of the media exemption in 11 C.F.R. § 100.73. If it did, then there would not be any need for an exemption for debates in 11 C.F.R. § 110.13.

Even assuming organizing a debate were a news story, which it is not, the evidence reflects that President Biden and Mr. Trump, and/or their political parties or campaigns, controlled CNN's staging of the debate and selected themselves as the only candidates. *See supra*. For months, Mr. Trump taunted and invited President Biden to debate him.³² On May 15, 2024, President Biden said he would debate Mr. Trump. On the same day, Mr. Trump closed the deal by announcing he agreed to the debate.

However, President Biden and Mr. Trump colluded prior to CNN announcing the debate and subsequently controlled CNN when setting up the debate: “[President] Biden advisers said that they had **told** CNN the president would **only** participate in debates that were **one-on-one** with Trump and that they did not agree to another debate Trump suggested, on Fox News in October.”³³ Mr. Trump made clear that CNN appeased his and Biden's demands: “President Biden made his terms clear for two one-on-one debates, and Donald Trump accepted those terms’ campaign chair

³⁰ 11 C.F.R. § 100.73.

³¹ *Id.* (emphasis added).

³² Sara Dorn, Biden Trump Debates: *What to Know as Trump Pushes for 2 More Faceoffs*, Forbes, (May 17, 2024), <https://www.forbes.com/sites/saradorn/2024/05/17/biden-trump-debates-what-to-know-as-trump-pushes-for-2-more-faceoffs/?sh=1215e9eb1c48>.

³³ Micheal Scherer and Josh Dawsey, *Biden and Trump agree to CNN debate in June, ABC faceoff in September*, Wash. Post (May 15, 2024), <https://www.washingtonpost.com/politics/2024/05/15/biden-trump-presidential-debates/> (emphasis added).

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Jen O'Malley Dillon said in a statement. "No more games. No more chaos, no more debate about debates."³⁴

In order for the debate to not be considered a contribution, CNN must show that the debate "represents a *bona fide* news account communicated ... on a licensed broadcasting facility" **and** that the debate "is part of a general pattern of campaign-related news accounts that give reasonably **equal coverage to all opposing candidates in the circulation or listening area.**"³⁵ CNN has made clear that it will not give **any** coverage to Candidate Kennedy and therefore, it fails to meet the showing called for by law.

Since organizing the debate does not fall within the media exemption as "news," this exemption does not apply. But even assuming organizing a debate was considered "news," since President Biden and Mr. Trump controlled CNN in staging the debate, CNN cannot protect its activity under the media exemption.³⁶ Therefore, any cost CNN has incurred and will incur to stage the debate is a contribution.³⁷ Thus, CNN has made and will make prohibited corporate contributions to the Biden Committee and to the Trump Committee.³⁸ In addition, the Biden Committee and the Trump Committee have accepted and will accept prohibited corporate contributions.³⁹

V. FEDERAL ELECTION COMMISSION RELIEF TO REMEDY FLAGRANT VIOLATIONS

For the reasons stated above, the FEC should find reason to believe that the Parties have violated the Federal Election Campaign Act and the FEC should forthwith, **but not later than June 20, 2024**, in order to provide the Parties sufficient notice:

- a. enjoin the Parties from holding the presidential debate scheduled for June 27, 2024 until the Parties have come into compliance with the Federal Election Campaign Act;
- b. impose such monetary penalty as may be appropriate; and
- c. provide for any additional monetary, declaratory, or injunctive relief forthwith as may be necessary to remedy these violations.

³⁴ *Id.*

³⁵ 11 C.F.R. § 100.73.

³⁶ *Id.*

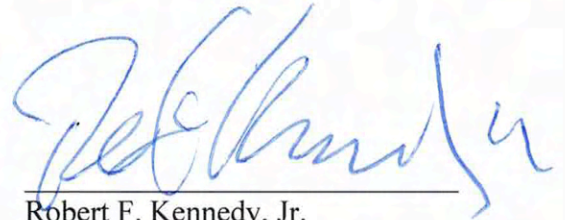
³⁷ *Id.*

³⁸ 52 U.S.C. § 30118(a).

³⁹ *Id.*

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Robert F. Kennedy, Jr.
Candidate for the Office of President
Team Kennedy Inc.
600 West Broadway
Suite 1400
San Diego, CA 92101

Signed and Sworn to me under penalty of perjury

See Attached Certificate

Notary Republic

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles

Subscribed and sworn to (or affirmed) before me on this 28th day of MAY, 2024, by
Date Month Year

(1) ROBERT F. KENNEDY, JR.

(and (2) _____),
Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature *[Signature]*
Signature of Notary Public



Place Notary Seal and/or Stamp Above

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Enforcement Complaint

Document Date: MAY 28, 2024 Number of Pages: _____

Signer(s) Other Than Named Above: _____

Exhibit One



May 15, 2024

Dear Commission on Presidential Debates,

President Joe Biden believes the interests of the American people are best served by presidential debates that offer timely and relevant information to help inform voters before they make their choices – and that allow a head-to-head comparison of the two candidates with a chance of winning the election. To that end, President Biden recently said he intends to debate former President Donald Trump in 2024, and intends to debate him twice. Vice President Harris also plans to debate her eventual opponent. For his part, Donald Trump has announced that he is prepared to have these debates “anytime, anywhere.”

The purpose of this letter is to provide notice that the President will not be participating in the Commission on Presidential Debates’ announced debates in 2024 and plans to participate in debates hosted by news organizations.

There are a number of reasons why the years-long Presidential Commission model for these debates is out of step with changes in the structure of our elections and the interests of voters. The reasons for this include:

First: The Commission’s schedule has debates that begin *after* the American people have a chance to cast their vote early, and doesn’t conclude until after tens of millions of Americans will have already voted. The Commission’s failure, yet again, to schedule debates that will be meaningful to all voters – not just those who cast their ballots late in the fall or on Election Day – underscores the serious limitations of its outdated approach.

Second: The Commission’s model of building huge spectacles with large audiences at great expense simply isn’t necessary or conducive to good debates. The debates should be conducted for the benefit of the American voters, watching on television and at home – not as entertainment for an in-person audience with raucous or disruptive partisans and donors, who consume valuable debate time with noisy spectacles of approval or jeering. As was the case with the original televised debates in 1960, a television studio with just the candidates and moderators is a better, more cost-efficient way to proceed: focused solely on the interests of voters.

Third: The Commission includes rules that candidates were called upon to follow, and yet it was unable or unwilling to enforce the rules in the 2020 debates. The result was far from—indeed entirely inconsistent with— the orderly and informative process the voters deserved in 2020 and should be able to expect in 2024.

We are advising you now of this decision, months in advance of the dates you announced you are planning for, to enable you to avoid incurring further production, and other, expenses on the assumption that the Democratic nominee, President Biden, will participate. For the reasons stated above, he will not.

The above describes what we will not do; but to facilitate the establishment of debates, let me be clear about our intentions. We believe the first debate should be in late June, after Donald Trump's New York criminal trial is likely to be over and after President Biden returns from meeting with world leaders at the G7 Summit. It should be hosted by any broadcast organization that hosted a Republican Primary debate in 2016 in which Donald Trump participated, and a Democratic primary debate in 2020 in which President Biden participated – so neither campaign can assert that the sponsoring organization is obviously unacceptable: if both candidates have previously debated on their airwaves, then neither could object to such venue. The debates should be one-on-one, allowing voters to compare the only two candidates with any statistical chance of prevailing in the Electoral College – and not squandering debate time on candidates with no prospect of becoming President. The moderator(s) should be selected by the broadcast host from among their regular personnel, so as to avoid a “ringer” or partisan. There should be firm time limits for answers, and alternate turns to speak – so that the time is evenly divided and we have an exchange of views, not a spectacle of mutual interruption. A candidate's microphone should only be active when it is his turn to speak, to promote adherence to the rules and orderly proceedings.

We believe the Vice-Presidential debate should be in late July, after the Republican National Convention, with the same basic parameters as the presidential debate outlined above.

A second presidential debate should be held in early September at the start of the fall campaign season, early enough to influence early voting, but not so late as to require the candidates to leave the campaign trail in the critical late September and October period.

As Donald Trump has said he will debate “anytime, anywhere,” we hope both campaigns can quickly accept broadcast media debate invitations on the parameters above. Americans need a debate on the issues – not a tedious debate about debates.

Sincerely,

Jen O'Malley Dillon
Biden for President Campaign Chair