

103^D CONGRESS
1ST SESSION

H. R. 1753

To amend the Internal Revenue Code of 1986 to require the participation in primary and general election debates of any candidate who receives public financing, and to establish criteria for participation of certain candidates in election debates.

IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 1993

Mr. PENNY (for himself and Mr. HASTINGS, Mr. JACOBS, Mr. JOHNSTON, and Mr. STOKES) introduced the following bill; which was referred to the Committee on House Administration

A BILL

To amend the Internal Revenue Code of 1986 to require the participation in primary and general election debates of any candidate who receives public financing, and to establish criteria for participation of certain candidates in election debates.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Democracy in Presi-
5 dential Debates Act of 1993”.

1 **SEC. 2. DEFINITION OF PRESIDENTIAL CANDIDATE DEBATE**
2 **AND PRESIDENTIAL PRIMARY DEBATE.**

3 Section 9002 of the Internal Revenue Code of 1986
4 is amended by adding at the end the following new para-
5 graphs:

6 “(13) The term ‘Presidential primary debate’
7 means a debate held prior to the first Presidential
8 primary or caucus in which each candidate who re-
9 ceives primary matching funds is mandated to ap-
10 pear and participate in a regulated exchange of
11 questions and answers on political, economic, and
12 other issues.

13 “(14) The term ‘Presidential candidate debate’
14 means, with regard to any Presidential election, a
15 debate at which each candidate nominated for elec-
16 tion to the office of President by a political party or
17 as an independent candidate meeting the qualifica-
18 tions set forth in this title, appears and participates
19 in a regulated exchange of questions and answers on
20 political, economic, and other issues.”

21 **SEC. 3. PRESIDENTIAL PRIMARY DEBATES.**

22 (a) **IN GENERAL.**—Chapter 96 of the Internal Reve-
23 nue Code of 1986 is amended by adding at the end the
24 following new section:

1 **“SEC. 9043. PRESIDENTIAL PRIMARY DEBATE.**

2 “(a) ADDITIONAL ELIGIBILITY REQUIREMENTS.—In
3 addition to the requirements specified in section 9033, in
4 order to be eligible to receive any payments under section
5 9037, the candidates for the office of President in a Presi-
6 dential primary election shall agree in writing—

7 “(1) that the Presidential candidate will partici-
8 pate in one Presidential primary debate with the
9 other candidates meeting the criteria set out in this
10 section;

11 “(2) to participate in such Presidential primary
12 debate, which shall be held on or after January 15
13 of election year, but at least one week before the
14 first primary or caucus of the election year;

15 “(3) to participate in one such Presidential pri-
16 mary debate as sponsored by a nonpartisan organi-
17 zation or organizations having no affiliation with any
18 political party.

19 If on December 31 there are 6 or fewer candidates who
20 are obligated to debate or who are eligible and wish to
21 participate, then there should be 1 debate among the 6
22 or fewer candidates. If on December 31 there are more
23 than 6 candidates obligated or eligible and wishing to par-
24 ticipate, then there will be 2 debates, and the candidates
25 would be obligated to participate in exactly 1, of their
26 choice. If this formula should result in 1 of the debates

1 having only 1 participant, then placement should be deter-
2 mined by lot. Each debate under this subsection shall last
3 at least 90 minutes, of which not less than 30 minutes
4 shall be devoted to questions and answers or discussion
5 directly between the candidates, as determined by the
6 sponsor. The sponsor of the debates shall announce the
7 time, location, and format of each debate prior to the first
8 Monday of January of the election year.

9 “(b) ENFORCEABILITY.—If the Commission deter-
10 mines that a Presidential candidate who has received pay-
11 ments under section 9037 failed to participate in a pri-
12 mary debate under subsection (a) and was responsible at
13 least in part for such failure, the candidate shall pay to
14 the Secretary of the Treasury an amount equal to the
15 amount of the payments made to such candidate under
16 section 9037.

17 “(c) CRITERIA FOR ELIGIBILITY TO PARTICIPATE IN
18 PRIMARY DEBATE.—In order to be eligible to participate
19 in primary debates, as set out in this section, a candidate
20 must have qualified to receive payments under section
21 9033 and this section by January 1 of the election year.

22 “(d) SPONSORING ORGANIZATIONS.—Any sponsoring
23 organization assuming responsibility for organizing the de-
24 bates provided for in this section shall include in at least

1 1 debate, each primary candidate who meets the criteria
2 in this section.”

3 (b) CLERICAL AMENDMENT.—The table of sections
4 for chapter 96 of the Internal Revenue Code of 1986 is
5 amended by adding at the end the following new item:

“Sec. 9043. Presidential primary debates.”

6 **SEC. 4. PRESIDENTIAL AND VICE PRESIDENTIAL CAN-**
7 **DIDATE DEBATES.**

8 Section 9003 of the Internal Revenue Code of 1986
9 is amended by adding at the end the following new sub-
10 section:

11 “(e) PRESIDENTIAL AND VICE PRESIDENTIAL CAN-
12 DIDATE DEBATES.—

13 “(1) AGREEMENT TO DEBATE.—In addition to
14 meeting the requirements of subsection (a), (b), or
15 (c), in order to be eligible to receive any payments
16 under section 9006, the candidates for the office of
17 President and Vice President in a Presidential elec-
18 tion shall agree in writing—

19 “(A) that the Presidential candidate will
20 participate in not less than 2 Presidential gen-
21 eral election debates with all other candidates
22 meeting the criteria set out in this section;

23 “(B) to participate in such Presidential de-
24 bates, 1 of which shall be held in the month of
25 September before the Presidential election and

1 1 of which shall be held in the month of Octo-
2 ber at least 2 weeks prior to the election;

3 “(C) that the Vice Presidential candidate
4 will participate in not less than 1 Vice Presi-
5 dential general election debate with all other
6 candidates meeting the criteria set out in this
7 section;

8 “(D) to participate in such debate, which
9 shall be held in the month of October between
10 the 2 Presidential debates; and

11 “(E) to participate in such Presidential
12 and Vice Presidential debates as sponsored by
13 a nonpartisan organization or organizations
14 having no affiliation with any political party.

15 Each debate under this subsection shall last at least 90
16 minutes, of which not less than 30 minutes shall be de-
17 voted to questions and answers or discussion directly be-
18 tween the candidates, as determined by the sponsor. The
19 sponsor of the debates shall announce the time, location,
20 and format of each debate prior to the first Monday in
21 September before the Presidential election.

22 “(2) ENFORCEABILITY.—If the Commission de-
23 termines that a Presidential or Vice Presidential
24 candidate failed to participate in a general election
25 debate under subsection (a) and was responsible at

1 least in part for such failure, the candidate of the
2 party involved shall pay to the Secretary of the
3 Treasury an amount equal to the amount of the pay-
4 ments made to such candidate under section 9006.

5 “(3) CRITERIA FOR ELIGIBILITY TO PARTICI-
6 PATE IN GENERAL ELECTION DEBATES.—In order to
7 be eligible to participate in general election debates,
8 as set out in this section, a candidate must meet the
9 following criteria:

10 “(A) BALLOT QUALIFICATIONS.—Such
11 candidate has qualified for the election ballot as
12 the candidate of a political party or as an inde-
13 pendent candidate to the office of President or
14 Vice President in not less than 40 States.

15 “(B) FINANCIAL QUALIFICATIONS.—Such
16 candidate—

17 “(i) has qualified to receive payments
18 under section 9033 and this section; or

19 “(ii) as reported under section 304 of
20 the Federal Election Campaign Act of
21 1971, has raised not less than \$500,000
22 on or after January 1 of the calendar year
23 immediately preceding the calendar year of
24 the Presidential election.

1 “(4) SPONSORING ORGANIZATION.—Any spon-
2 soring organization shall include in the general elec-
3 tion debates all candidates who meet the criteria in
4 this section.”

5 **SEC. 5. TECHNICAL AMENDMENT.**

6 Section 9032(2)(A) of the Internal Revenue Code of
7 1986 is amended by inserting after “election,” the follow-
8 ing: “including, for independent or minor party can-
9 didates, initiating petition signature gathering activities to
10 be placed on the ballot for the general election”.

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