

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding constitutes an agreement between Kerry-Edwards, '04, Inc. and Bush-Cheney, '04, Inc. (the "campaigns") regarding the rules that will govern debates in which the campaigns participate in 2004. This agreement shall be binding upon the Bush-Cheney and Kerry-Edwards Campaigns and, provided it agrees to sponsor the debates by executing this agreement on or before September 22, 2004, upon the Commission on Presidential Debates (the "Commission").

**1. Number, Dates, Time, Locations, Topics**

(a) Presidential Debates

<u>Date</u>	<u>Location</u>
Thursday, September 30	University of Miami Coral Gables, Florida
Friday, October 8	Washington University in St. Louis St. Louis, Missouri
Wednesday, October 13	Arizona State University Tempe, Arizona

(b) Vice Presidential Debate

<u>Date</u>	<u>Location</u>
Tuesday, October 5	Case Western Reserve University Cleveland, Ohio

(c) Each debate shall begin at 9 p.m., **Eastern Daylight** Time.

(d) The parties agree that they will not (1) issue any **challenges** for additional debates, (2) appear at any other debate or adversarial forum with any

other presidential or vice presidential candidate, or (3) accept any television or radio air time offers that involve a debate format or otherwise involve the simultaneous appearance of more than one candidate.

- (e) The topic of the September 30 debate shall be foreign policy and homeland security. The topic of the October 13 debate shall be economic and domestic policy. The October 5 vice presidential debate and the October 8 presidential debate shall not be limited by topic and shall include an equal number of questions related to foreign policy and homeland security on the one hand and economic and domestic policy on the other.

## **2. Sponsorship**

The two campaigns will participate in four debates sponsored by the Commission. However, if the Commission fails to execute this agreement on or before September 22, 2004, the two campaigns shall each have the option of terminating this agreement, or by agreement between them, seeking other sponsors for some or all of the proposed debates. The parties agree that the Commission's Nonpartisan Candidate Selection Criteria for 2004 General Election Debate Participation shall apply in determining the candidates to be invited to participate in these debates.

## **3. Participants**

If one or more candidates from campaigns other than

the two (2) signatories is invited to participate pursuant to those Selection Criteria, those candidates shall be included in the debates, if those candidates accept the terms of this agreement. Any modifications to this agreement must be agreed upon by each of the signatories to this agreement as well as all other candidates selected to join the debate.

#### **4. Moderator**

- (a) Each debate will have a single moderator.
- (b) The parties have accepted the Commission's recommendations of the below listed moderators, provided that each proposed moderator executes a copy of this agreement at least seven (7) days prior to the debate that individual is to moderate in order to evidence his or her understanding and acceptance of, and agreement to, the provisions hereof pertaining to moderators. If any proposed moderator fails to execute a copy of this agreement at least seven (7) days prior to the proposed date of the debate he or she is to moderate, the two campaigns will agree upon and select a different individual to moderate that debate:
  - i) Jim Lehrer for the first presidential debate, September 30, 2004 at the University of Miami;
  - ii) Charles Gibson for the second presidential debate, October 8, 2004 at Washington University in St. Louis;

- iii) Bob Schieffer for the third presidential debate, October 13, 2004 at Arizona State University, and;
- iv) Gwen Ifill for the vice presidential debate, October 5, 2004 at the Case Western Reserve University.

#### **5. Rules Applicable to All Debates**

The following rules shall apply to each of the four debates:

- (a) Each debate shall last for ninety (90) minutes.
- (b) For each debate there shall be no opening statements, but each candidate may make a two (2) minute closing statement.
- (c) No props, notes, charts, diagrams, or other writings or other tangible things may be brought into the debate by any candidate. Neither candidate may reference or cite any specific individual sitting in a debate audience at any time during a debate. If a candidate references or cites any specific individual(s) in a debate audience, or if a candidate uses a prop, note, or other writing or other tangible thing during a debate, the moderator must interrupt and explain that reference or citation to the specific individual(s) or the use of the prop, note, or other writing or thing violates the debate rules agreed to by that candidate.

- (d) Notwithstanding subparagraph 5(c), the candidates may take notes during the debate on the size, color, and type of paper each prefers and using the type of pen or pencil that each prefers. Each candidate must submit to the staff of the Commission prior to the debate all such paper and any pens or pencils with which a candidate may wish to take notes during the debate, and the staff of the Commission will place such paper, pens, and pencils on the podium, table, or other structure to be used by the candidate in that debate.
- (e) Neither film footage nor video footage nor any audio excerpts from the debates may be used publicly by either candidate's campaign through any means, including but not limited to, radio, television, internet, or videotapes, whether broadcast or distributed in any other manner.
- (f) The candidates may not ask each other direct questions, but may ask rhetorical questions.
- (g) The order of questioning and closing statements shall be determined as follows:
  - (i) The Commission will conduct a coin toss at least seventy-two (72) hours before the first presidential debate. At that time, the winner of the coin toss shall have the option of choosing,

for the September 30 debate, either (a) whether to take the first or second question, or (b) whether to give the first or second closing statement. At that time, the loser of the coin toss will have the choice of question order or closing statement order not exercised by the winner of the coin toss. For the October 8 debate, the loser of the coin toss shall have the option of choosing either (a) whether to take the first or second question, or (b) whether to give the first or second closing statement, with the winner of the coin toss having the choice of question order or closing statement not exercised by the loser of the coin toss. The Commission shall set a time at least seventy-two (72) hours before the October 8 debate at which the candidates shall make their choices for that debate.

(ii) For the October 13 debate, the order of questioning and closing statements shall be determined by a separate coin toss in the same manner as the September 30 debate, to take place at least seventy-two (72) hours before the debate.

(iii) The order of questioning and closing statements for the October 5 vice presidential

debate shall be determined by a separate coin toss in the same manner as for the September 30 debate, to take place at least seventy-two (72) hours before the debate.

- (h) Each candidate shall determine the manner by which he prefers to be addressed by the moderator and shall communicate this to the Commission, at least forty-eight (48) hours before the September 30 debate.
- (i) Whether or not a debate runs beyond the planned ending time, each candidate shall be entitled to make a closing statement in accordance with subparagraph (b). The Commission shall use its best efforts to ensure that the TV networks carry the entire debate even if it runs past the specified ending time.
- (j) No question shall be asked of a candidate by the moderator if less than six (6) minutes remain in the scheduled time of the debate.
- (k) The candidates shall not address each other with proposed pledges.
- (l) In each debate, the moderator shall:
  - (i) open and close the debate and enforce all time limits. In each instance where a candidate exceeds the permitted time for comment, the moderators shall interrupt and remind both the candidate and the audience of the expiration of the time limit and call upon such candidate to

observe the strict time limits which have been agreed upon herein by stating, "I am sorry... [Senator Kerry or President Bush as the case may be]... your time is up";

- (ii) use his or her best efforts to ensure that the questions are reasonably well balanced in all debates and within the designated subject matter areas of the September 30 and October 13 debates in terms of addressing a wide range of issues of major public interest facing the United States and the world;
- (iii) vary the topics on which he or she questions the candidates and ensure that the topics of the questions are fairly apportioned between the candidates;
- (iv) use best efforts to ensure that the two candidates speak for approximately equal amounts of time during the course of each debate, and;
- (v) use any reasonable method to ensure that the agreed-upon format is followed by the candidates and the audience.

**6. Additional Rules Applicable to September 30 and October 13 Debates**

For the September 30 and October 13 debates, the candidates will appear at podiums. The September 30 and October



13 debates shall be governed by the rules set forth in section 5 and the following additional rules:

(a) There shall be no audience participation in the September 30 and October 13 debates. After the start of each debate and in the event of and in each instance whereby an audience member(s) attempts to participate in the debate by any means thereafter, the moderator shall instruct the audience to refrain from any participation in the debates as described in section 9(a)(viii) below. The moderator shall direct the first question to the candidate determined by the procedure set forth in subparagraph 5(g). The candidate receiving the question shall be entitled to give an opening response not to exceed two (2) minutes, and thereafter the other candidate shall be permitted to comment on the question and/or the first candidate's answer for up to one and one-half (1½) minutes. Thereafter the moderator in his discretion may extend the discussion for a period of time not to exceed sixty (60) seconds, but the moderator shall begin each such discussion by calling upon the candidate who first received the question. To the extent that the moderator opens extended discussion, the moderator shall use best efforts to ensure that each candidate has a maximum of approximately thirty (30) seconds to comment in the extended discussion period.

(b) The moderator shall then ask a question of the other candidate, and the answer, comments by the other candidate, and extension of discussion by the

moderator shall be conducted as set out in paragraph 6(a) above for the first question. Thereafter the moderator shall follow the procedure in paragraph 6(a) above by asking a question of the first candidate and shall continue with questions of the candidates in rotation until the time for closing statements occurs.

- (c) During the extended discussion of a question, no candidate may speak for more than thirty (30) seconds.
- (d) The moderator shall manage the debate so that the candidates address at least sixteen (16) questions.
- (e) At no time during these debates shall either candidate move from their designated area behind their respective podiums.

#### **7. Additional Rules Applicable to October 8 Debate**

The October 8 debate will be conducted in an audience participation ("town hall") format. This debate shall be governed by the rules set forth in section 5 and the following additional rules:

- (a) There shall be no audience participation in the October 8 debate other than as described below. Other than an audience member asking a question as permitted by this section, at the start of the October 8 debate and in the event of and in each instance whereby an audience member(s) attempts to participate in the debate by any means thereafter, the moderator shall instruct the audience to refrain from

any participation in the debate as described in section 9(a)(viii) below. The moderator shall facilitate audience members in asking questions to each of the candidates, beginning with the candidate determined by the procedure set forth in subparagraph 5(h). The candidate to whom the question is initially directed shall have up to two (2) minutes to respond, after which the other candidate shall have up to one and one-half (1½) minutes to respond to the question and/or to comment on the first candidate's answer. Thereafter, the moderator, in his or her discretion, may extend the discussion of that question for sixty (60) seconds, but the moderator shall begin each such discussion by calling upon the candidate who first received the question. The moderator shall balance additional discussion of the question with the interest in addressing a wide range of topics during the debate. To the extent that the moderator opens extended discussion, the moderator shall use best efforts to ensure that each candidate has a maximum of approximately thirty (30) seconds to comment in the extended discussion period.

- (b) After completion of the discussion of the first question, the moderator shall call upon an audience member to direct a question to the candidate to whom the first question was not directed, and follow the

procedure outlined in paragraph 7(a) above.

Thereafter, the moderator shall follow the procedures in this paragraph by calling upon another audience member to ask a question of the first candidate and shall continue facilitating questions of the candidates in rotation until the time for closing statements occurs.

- (c) During the extended discussion of a question, no candidate may speak for more than thirty (30) seconds.
- (d) The audience members shall not ask follow-up questions or otherwise participate in the extended discussion, and the audience member's microphone shall be turned off after he or she completes asking the question.
- (e) Prior to the start of the debate, audience members will be asked to submit their questions in writing to the moderator. No third party, including both the Commission and the campaigns, shall be permitted to see the questions. The moderator shall approve and select all questions to be posed by the audience members to the candidates. The moderator shall ensure that the audience members pose to the candidates an equal number of questions on foreign policy and homeland security on the one hand and economic and domestic policy on the other. The moderator will further review the questions and eliminate any questions that the moderator deems inappropriate. At

least seven (7) days before the October 8 debate the moderator shall develop, and describe to the campaigns, a method for selecting questions at random while assuring that questions are reasonably well balanced in terms of addressing a wide range of issues of major public interest facing the United States and the world. Each question selected will be asked by the audience member submitting that question. If any audience member poses a question or makes a statement that is in any material way different than the question that the audience member earlier submitted to the moderator for review, the moderator will cut-off the questioner and advise the audience that such non-reviewed questions are not permitted. Moreover, the Commission shall take appropriate steps to cut-off the microphone of any such audience member that attempts to pose any question or statement different than that previously posed to the moderator for review.

- (f) The debate will take place before a live audience of between 100 and 150 persons who shall be seated and who describe themselves as likely voters who are "soft" Bush supporters or "soft" Kerry supporters as to their 2004 presidential vote. The number of "soft" Bush supporters shall equal the number of "soft" Kerry supporters in the audience. The moderator shall ensure that an equal number of "soft" Bush supporters

and "soft" Kerry supporters pose questions to the candidates. These participants will be selected by the Gallup organization ("Gallup"). Gallup shall have responsibility for selecting the nationally demographically representative group of voters. At least fourteen (14) days prior to October 8, Gallup shall provide a comprehensive briefing on the selection methodology to the campaigns, and both the Kerry-Edwards Campaign and the Bush-Cheney Campaign shall approve the methodology. Either campaign may raise objections on the methodology to Gallup and to the Commission within twenty-four (24) hours of the briefing.

- (g) Participants selected shall not be contacted directly or indirectly by the campaigns before the debate. The Commission shall not contact the participants before the debate other than for logistical purposes.

#### **8. Additional Rules Applicable to October 5 Debate**

For the October 5 vice presidential debate, the candidates will be seated at a table with the moderator. This debate shall be governed by the rules set forth in sections 5 and 6. There shall be no audience participation in the October 5 vice presidential debate. At the start of the October 5 debate and in the event of and in each instance whereby an audience member(s) attempts to participate in the debate by any means thereafter, the moderator shall instruct the audience to refrain

from any participation in the debate as described in section 9(a)(viii) below.

#### **9. Staging**

- (a) The following rules apply to each of the four debates:
  - (i) All staging arrangements for the debates not specifically addressed in this agreement shall be jointly addressed by representatives of the two campaigns.
  - (ii) The Commission will conduct a coin toss at least seventy-two hours before the September 30 debate. At that time, the winner of the coin toss shall have the option of choosing stage position for the September 30 debate; The loser of the coin toss will have first choice of stage position for the October 8 debate. The loser of the coin toss or his representative shall communicate his choice by written facsimile to the Commission and to the other campaign at least seventy-two (72) hours before the October 8 debate. The stage position for the October 13 debate will be determined by a coin toss to take place at least seventy-two (72) hours before the debate. The stage position for the October 5 vice presidential debate will be determined by a separate coin toss to take place at least seventy-two (72) hours before the debate.

- (iii) For the September 30, October 8, and October 13 debates, the candidates shall enter the stage upon a verbal cue by the moderator after the program goes on the air, proceed to center stage, shake hands, and proceed directly to their positions behind their podiums or their stools in the case of the October 8 debate. For the October 5 vice presidential debate, the candidates shall be pre-positioned before the program goes on the air, and immediately after the program goes on the air the candidates shall shake hands.
- (iv) Except as provided in subparagraph (d)(viii) of this paragraph 9, TV cameras will be locked into place during all debates. They may, however, tilt or rotate as needed.
- (v) Except as provided in subparagraph (d)(viii), TV coverage during the question and answer period shall be limited to shots of the candidates or moderator and in no case shall any television shots be taken of any member of the audience (including candidates' family members) from the time the first question is asked until the conclusion of the closing statements. When a candidate is speaking, either in answering a question or making his closing statement, TV coverage will be limited



to the candidate speaking. There will be no TV cut-aways to any candidate who is not responding to a question while another candidate is answering a question or to a candidate who is not giving a closing statement while another candidate is doing so.

(vi) The camera located at the rear of the stage shall be used only to take shots of the moderator.

(vii) For each debate each candidate shall have camera-mounted, timing lights corresponding to the timing system described in section 9(b)(vi) below positioned in his line of sight. For each debate additional timing lights, corresponding to the timing system described in section 9(b)(vi) below, shall be placed such that they are visible to the debate audiences and television viewers.

(viii) All members of the debate audiences will be instructed by the moderator before the debate goes on the air and by the moderator after the debate goes on the air not to applaud, speak, or otherwise participate in the debate by any means other than by silent observation, except as provided by the agreed upon rules of the October 8 town hall debate. In the event of and in each

instance whereby an audience member(s) attempts to participate in a debate by any means, the moderator shall instruct the audience to refrain from any participation. The moderator shall use his or her best efforts to enforce this provision.

- (ix) The Commission shall use best efforts to maintain an appropriate temperature according to industry standards for the entire debate.
- (x) Each candidate shall be permitted to have a complete, private production and technical briefing and walk-through ("Briefing") at the location of the debate on the day of the debate. The order of the Briefing shall be determined by agreement or, failing candidate agreement, a coin flip. Each candidate will have a maximum of one (1) hour for this Briefing. Production lock-down will not occur for any candidate unless that candidate has had his Briefing. There will be no filming, taping, photography, or recording of any kind (except by that candidate's personal photographer) allowed during the candidates' Briefing. No media will be allowed into the auditorium where the debate will take place during a candidate's Briefing. All persons, including but not limited to the media, other

candidates and their representatives, and the employees or other agents of the Commission, other than those necessary to conduct the Briefing, shall vacate the debate site while a candidate has his Briefing. The Commission will provide to each candidate's representatives a written statement and plan which describes the measures to be taken by the Commission to ensure the complete privacy of all Briefings.

- (xi) The color and style of the backdrop will be recommended by the Commission and mutually determined by representatives of the campaigns. The Commission shall make its recommendation known to the campaigns at least seventy-two (72) hours before each debate. The backdrops behind each candidate shall be identical.
- (xii) The set will be completed and lit no later than 3 p.m. at the debate site on the day before the debate will occur.
- (xiii) Each candidate may use his own makeup person, and adequate facilities shall be provided at the debate site for makeup.
- (xiv) In addition to Secret Service personnel, the President's military aide, and the President's physician and the Vice President's military aide

and the Vice President's physician, each candidate will be permitted to have one (1) pre-designated staff member in the wings or in the immediate backstage area during the debate at a location to be mutually agreed upon by representatives of the campaigns at each site. All other staff must vacate the wings or immediate backstage areas no later than five (5) minutes before the debate commences. A PL phone line will be provided between each candidate's staff work area and the producer.

(xv) Other than security personnel not more than two (2) aides will accompany each candidate on the stage before the program begins.

(xvi) Each candidate shall be allowed to have one (1) professional still photographer present on the stage before the debate begins and in the wings during the debate as desired and on the stage immediately upon the conclusion of the debate. No photos shall be taken from the wings by these photographers during the debate. Photos taken by these photographers may be distributed to the press as determined by each candidate.

(b) In addition to the rules in subparagraph (a) the

following rules apply to the September 30 and October 13 debates:

- (i) The Commission shall construct the podiums and each shall be identical to view from the audience side. The podiums shall measure fifty (50) inches from the stage floor to the outside top of the podium facing the audience and shall measure forty-eight (48) inches from the stage floor to the top of the inside podium writing surface facing the respective candidates, and otherwise shall be constructed in the style and specifications recommended by the Commission, shown in attachment A. There shall be no writings or markings of any kind on the fronts of the podiums. No candidate shall be permitted to use risers or any other device to create an impression of elevated height, and no candidate shall be permitted to use chairs, stools, or other seating devices during the debate.
- (ii) Each podium shall have installed a fixed hardwired microphone, and an identical microphone to be used as backup per industry standards.
- (iii) The podiums will be equally canted toward the center of the stage at a degree to be determined by the Commission's producer. The

podiums shall be ten (10) feet apart; such distance shall be measured from the left-right center of a podium to the left-right center of the other podium.

- (iv) The moderator will be seated at a table so as to be positioned in front, between, and equidistant from the candidates, and between the cameras to which the candidates direct their answers.
- (v) As soon as possible, the Commission shall submit for joint consultation with the campaigns a diagram for camera placement.
- (vi) At least seven (7) days before the September 30 debate the Commission shall recommend a system, to be used as a model for each successive debate, of visible and audible time cues and placement subject to approval by both campaigns. Such a system shall be comprised of camera mounted timing lights placed in the line of sight of each candidate and additional timing lights that are clearly visible to both the debate audiences and television viewers. Time cues in the form of colored lights will be given to the candidates and the moderator when there are thirty (30) seconds remaining, fifteen (15) seconds remaining, and five (5) seconds remaining,

respectively for the two (2) minute, one and one-half (1½) minute, and sixty (60) second response times permitted under section 6(a). Pursuant to Section 5(1)(i) the moderators shall enforce the strict time limits described in this agreement. The Commission shall provide for an audible cue announcing the end of time for each of the candidate's responses, rebuttals and rejoinder time periods to be used in the event the moderator(s) fail to take action to enforce the strict time limits described in this Agreement. The audible cue shall be clearly audible to both candidates, the debate audiences and television viewers. The Commission shall commence the use of the audible cue and continue its use through the conclusion of any debate where a moderator fails to take the action described in Section 5(1)(i) after two (2) instances in which either candidate has exceeded the time for responses, rebuttals, or rejoinders described in this Agreement.

- (c) In addition to the rules in subparagraph (a), the following rules apply to the October 5 vice presidential debate:
  - (i) The Commission shall construct the table according to the style and specifications

proposed by the Commission in consultation with each campaign. The moderator shall be facing the candidates with his or her back to the audience.

- (ii) The chairs shall be swivel chairs that can be locked in place, and shall be of equal height.
  - (iii) Each candidate and the moderator shall have a wireless lapel microphone, and an identical microphone to be used as a backup per industry standards.
  - (iv) At least seven (7) days before the October 5 debate the Commission shall recommend a system of time cues and placement subject to approval by both campaigns and consistent with the visual and audible time cues described in section 9(b)(vi).
  - (v) As soon as possible, the Commission shall submit for joint consultation with each campaign a diagram for camera placement.
  - (vi) The candidates shall remain seated throughout the debate.
- (d) In addition to the rules in subparagraph (a), the following rules apply to the October 8 debate:
- (i) The candidates shall be seated on stools before the audience, which shall be seated in approximately a horseshoe arrangement as



symmetrically as possible around the candidates. The precise staging arrangement will be determined by the Commission's producer subject to the approval of representatives of both campaigns.

- (ii) The stools shall be identical and have backs and a footrest and shall be approved by the candidates' representatives.
- (iii) Each candidate shall have a place to put a glass of water and paper and pens or pencils for taking notes (in accordance with subparagraph 5(d)) of sufficient height to allow note taking while sitting on the stool, and which shall be designed by the Commission, subject to the approval of representatives of both campaigns.
- (iv) Each candidate may move about in a pre-designated area, as proposed by the Commission in consultation with each campaign, and may not leave that area while the debate is underway. The pre-designated areas of the candidates may not overlap.
- (v) Each candidate shall have a choice of either wireless hand held microphone or wireless lapel microphone to allow him to move about as provided for in subparagraph (iv) above and to

face different directions while responding to questions from the audience.

(vi) As soon as possible, the Commission shall submit for joint consultation by the campaigns a diagram for camera placement.

(vii) At least seven (7) days before the October 8 debate the Commission shall recommend a system of time cues subject to approval by both campaigns, and consistent with the visual and audible cues described in sections 9(b)(vi).

(viii) Notwithstanding sections 9(a)(iv) and 9(a)(v) a roving camera may be used for shots of an audience member only during the time that audience member is asking a question.

(ix) Prior to the start of the debate neither the moderator nor any other person shall engage in a "warm up" session with the audience by engaging in a question or answer session or by delivering preliminary remarks.

#### **10. Ticket Distribution and Seating Arrangements**

(a) The Commission shall be responsible for printing and ensuring security of all tickets to all debates. Each campaign shall be entitled to receive directly from the Commission one-third of the available tickets (excluding those allocated to the participating audience in the October 8 debate), with the remaining

one-third going to the Commission.

- (b) In the audience participation debate, the participating audience shall be separated from any nonparticipating audience, and steps shall be taken to ensure that the participating audience is admitted to the debate site without contact with the campaigns, the media, or the nonparticipating audience.
- (c) The Commission shall allocate tickets to the two (2) campaigns in such a manner to ensure that supporters of each candidate are interspersed with supporters of the other candidate. For the September 30, October 5, and October 13 debates, the family members of each candidate shall be seated in the front row, diagonally across from the candidate directly in his line of site while seated or standing at the podium. For the October 8 debate, the family members of each candidate shall be seated as mutually agreed by representatives of the campaigns.
- (d) Any media seated in the auditorium shall be accommodated only in the last two (2) rows of the auditorium farthest from the stage. Two (2) still photo stands may be positioned near either side of the television camera stands located in the audience. (A media center with all necessary feeds will be otherwise available.)
- (e) Tickets will be delivered by the Commission to the

chairman of each candidate's campaign or his designated representative by 12:00 noon on the day preceding each debate. The Commission will invite from its allotment (two (2) tickets each) an agreed upon list of officeholders such as the U.S. Senate and House Majority and Minority Leaders, the Governor and Lieutenant Governor of the State holding the debate, an appropriate list of other public officials and the President of the University sponsoring the debate. The Commission shall not favor one candidate over the other in the distribution of its allotment of tickets.

#### **11. Dressing Rooms/Holding Rooms**

- (a) Each candidate shall have a dressing room available of adequate size so as to provide private seclusion for that candidate and adequate space for the staff the candidate desires to have in this area. The two (2) dressing rooms shall be comparable in size and in quality and in proximity and access to the debate stage.
- (b) An equal number of other backstage rooms will be available for other staff members of each candidate. Each candidate shall have a minimum of eight (8) such rooms, five (5) of which shall be in the debate facility itself, and three (3) of which shall be located next to the press center. The rooms located

next to the media center shall be located so that each campaign has equal proximity and ease of access to the media center. Each of the eight (8) rooms shall be a minimum of 10 feet by 10 feet. All of these rooms shall be furnished as deemed necessary by the candidates' representatives. Each candidate's rooms shall be reasonably segregated from those designated for the other candidate. If sufficient space to accommodate the above needs is not available at a particular debate facility, the Commission shall provide trailers or alternative space mutually agreeable to the candidates' representatives. Space that is comparable in terms of size, location, and quality shall be provided to the two campaigns. These rooms shall be made available at least seventy-two (72) hours in advance of the beginning of each debate. Each campaign may, at its own cost, rent one or more additional trailers so long as the Commission and authorities responsible for traffic and security do not object.

- (c) The number of individuals allowed in these rooms or trailers shall be determined by each candidate. The Commission shall issue backstage passes (if needed) to the candidates' representatives as requested.
- (d) The Commission shall provide each candidate with a direct television feed from the production truck to

two (2) monitors placed in the candidate's dressing room and staff holding rooms as requested by the candidates' representatives. In addition, the Commission shall provide at least one (1) additional functioning TV set for each of the eight (8) rooms.

#### **12. Media**

- (a) Each candidate will receive not fewer than thirty (30) press passes for the Media Center during the debate and more if mutually agreed upon by the campaigns.
- (b) Each candidate will be allowed to have an unlimited number of people in the Media Center upon the conclusion of the debate.
- (c) The Commission will be responsible for all media credentialing.

#### **13. Survey Research**

The sponsor of the debates agrees that it shall not, prior to two days after the Presidential Inauguration of 2005, release publicly or to the media or otherwise make publicly available any survey research (including polls or focus group results or data) concerning the performance of the candidates in the debate or the preferences of the individuals surveyed for either candidate.

#### **14. Complete Agreement**

This memorandum of understanding constitutes the entire agreement between the parties concerning the debates in

which the campaigns will participate in 2004.

**15. Amendments**

This Agreement will not be changed or amended except in writing signed by those persons who signed this Agreement or their designees.

**16. Ratification and Acknowledgement**

The undersigned moderators selected by the Commission agree to the terms contained herein and agree to fulfill their responsibilities as described in the Agreement.

Agreed and Accepted:

Bush-Cheney '04, Inc.

By:

*Kenneth B. Mehlman*

Printed Name:

Kenneth B. Mehlman

Title:

Campaign Manager

Executed on September 20, 2004

Kerry-Edwards '04, Inc.

By:

*Anthony Oshinski*

Printed Name:

Anthony Oshinski

Title:

Campaign Manager

Executed on September 20, 2004

The Commission on Presidential Debates

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Executed on September \_\_\_\_\_, 2004

The provisions hereof pertaining to moderators are understood, agreed to and accepted:

\_\_\_\_\_  
Jim Lehrer (Date Executed)

\_\_\_\_\_  
Charles Gibson (Date Executed)

\_\_\_\_\_  
Bob Schieffer (Date Executed)

\_\_\_\_\_  
Gwen Ifill (Date Executed)