

What Pataki's Super PAC 'Tipping Point' means for N.J. elections

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COMMENTARY



A recent event in the Empire State could be a tipping point for super PAC engagement in New Jersey's congressional elections.

The Wall Street Journal reports that a new super PAC in New York "would be one of the first to focus specifically on congressional elections in a single state."

According to the Journal, the group is being formed by former New York Governor George Pataki. His organization filed papers with the Federal Election Commission and will introduce a website soon.

The group plans to raise in the seven figures and is aptly named "Tipping Point."

So can we expect the same in New Jersey?

If last year's legislative election is any guide, Garden State voters should expect a heavy dose of super PAC action this side of the Hudson.

New Jersey also has important congressional elections this year. The 2011 legislative elections witnessed seven independent, outside groups participating in the general election for State Senate and Assembly.

Because not all of these groups reported their activity, the full extent of their spending is not known. But we do know that at a minimum over \$1 million was spent by these organizations.

At least 10 independent groups spent at least \$13.7 million on the 2009 governor's race.

Whether super PACs and other outside groups will form solely to focus on congressional contests in New Jersey is unknown. But it's a sure bet that either national or New Jersey-specific groups will participate in federal elections.

Super PACs and other independent groups engaged only in federal contests are not obligated to file reports with ELEC. But here's the rub. Neither are they required to disclose their involvement in New Jersey local and state elections unless they expressly advocate for or against a candidate.

These groups by virtue of recent federal court decisions can raise funds in unlimited amounts and spend in unlimited amounts as long as they are independent expenditure only committees.

There is a remedy. These same court decisions also strongly supported disclosure.

So it is incumbent upon the Legislature to enact constitutionally protected registration and disclosure laws for these super PACs and other outside groups.

The handwriting is on the wall. Next year's gubernatorial and legislative elections promises to be a monster year for independent spending.

This activity will affect both parties and may have a real impact on the outcome of various contests.

It is in the public interest for legislation to be enacted that would disclose who stands behind these stealth groups, who contributes to them, and who is receiving their money.

If the heavy involvement by super PACs in this year's presidential election provides a clue, independent groups may well wield more influence than the candidates and parties themselves.

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