

New Jerseyans have a right to campaign financing disclosure

WEDNESDAY, 21 NOVEMBER 2012 16:35



BY JEFF BRINDLE

COMMENTARY

It will happen here.

A sure bet for New Jersey voters is that upwards of \$25 million will be spent by outside groups next year.

These groups will spend the money attempting to influence the outcome of the gubernatorial election. If the Legislature does not enact legislation requiring these groups to disclose their financial activity, most of the money will be spent anonymously.

The presidential election witnessed approximately \$1 billion spent independently by Super PACs and other outside groups. This amount does not include amounts spent by political party entities and the candidates themselves.

Gubernatorial and other statewide contests this past November experienced significant independent spending as well. For example, in Washington, a State with less population than New Jersey, about \$20 million was spent by outside groups to influence its gubernatorial election.

In fact, in New Jersey this year, \$9.7 million was spent by independent groups on issue ads or election related activity.

And this in a non-gubernatorial, non-legislative election year.

These facts alone point to a banner year of independent spending in 2013.

New Jersey is one of two states that will hold a gubernatorial election next year. Virginia is the other. This fact alone will make the State a magnet for outside money.

Spending on elections is not inherently bad. Often, the more spending, the more engaged is the electorate and the more competitive are elections. Spending can also drive up turnout.

The U.S. is a free country with First Amendment rights that protect everyone's freedom of political speech, even corporations, wealthy individuals, and labor unions. However, this spending should be disclosed, the source of which should not be shrouded behind a veil of secrecy.

Just as there is a right to spend on elections, the public has a right to know who is behind this spending.

So what can be done to offset this independent activity in New Jersey?

Two things – first, already in place is one antidote: The Gubernatorial Public Financing Program. Second, the Legislature has the capacity to bring sunlight to the process by requiring these groups to disclose.

The gubernatorial program now is more important than ever before. With an onslaught of independent spending, the dollars provided to qualifying candidates will work to offset the influence of these groups.

Public financing has existed since the election of 1977 and has enabled every governor except multi-millionaire Jon Corzine, who spent his own money, to utilize public dollars to get out their message and run effective campaigns.

It contributes immensely to the integrity of the electoral process.

The Legislature has within its grasp the means to further offset any potential influence of anonymous spending. *Citizens United* has given it that tool by strongly backing disclosure.

The Election Law Enforcement Commission has recommended and provided a plan that would constitutionally permit donors and expenditures to be disclosed by these groups. With enactment of this recommendation, the Super PACs, 527, and 501(c) groups would be required to report their sources of income as well as how much they are spending on elections in New Jersey. Passage of this legislation, combined with the Gubernatorial Public Financing Program, will assure voters that the light will be shined on all spending and that the integrity of the process is secure.

There isn't much time. Any effort to require disclosure by these groups must come quickly. Though there is precedent (the Open Primary Law in 1981), the likelihood of a change in the law in the middle of an election is not only doubtful but unwise.

Jeff Brindle is the Executive Director of the New Jersey Election Law Enforcement Commission. The opinions presented here are his own and not necessarily those of the Commission.