

Democracy Suffers as Political Parties Shrink

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The recent contests for governor and legislature witnessed record spending by independent groups.

It completely dwarfed spending by political parties.

Should New Jerseyans be concerned about this development? After all, Americans have always been skeptical about political parties.

"...the common and continual mischiefs of the spirit of Party are sufficient to make it the interest and duty of a wise People to discourage and restrain it," advised President Washington in his Farewell Address to the nation.

Abraham Lincoln, in his 1838 Address Before the Young Men's Lyceum of Springfield, Illinois, echoed these sentiments. He said, "[Party] passion has helped us; but can do so no more. It will in the future be our enemy."

Despite this skepticism, John Kenneth White and Matthew R. Kerbel in "Party On!" point out that "parties afforded a way of organizing elections, legitimizing opposition, and guaranteeing peaceful transitions of power."

Though having evolved, political parties remain at the heart of America's and New Jersey's electoral system.

This is why it is alarming to witness their emasculation by independent groups.

Similar to the national level, independent groups are now outflanking New Jersey's political parties, neutering them in terms of their role in elections, and in all probability, government.

During the recent gubernatorial and legislative contests, independent spending exceeded \$40 million.

In contrast, state political party entities spent \$6.1 million thru October. Additionally, county party organizations spent \$4.4 million during the same period.

As of October, the parties spent about one-fourth of the total spent by independent groups attempting to influence the outcome of state contests.

Why should a public, historically leery of political parties, be concerned about this development?

Because most of these outside, independent groups are unregulated under New Jersey law.

This means they can receive unlimited contributions from single sources that remain a secret. It also means that they can spend stratospheric amounts on the election and not be accountable for their activities or their message. Many of these groups are disbanded weeks or months after an election.

Provided Super PACs and other independent groups, like 501(c's), spend independently with no consultation or coordination with candidates or parties, they are free of New Jersey registration and disclosure requirements, as long as they do not explicitly urge the election or defeat of a candidate. Even if they do, they have to disclose only expenditures, not contributions.

The fact that these groups are outdistancing political parties in spending and also assuming many traditional roles of political parties in campaigns should concern every New Jersey citizen.

Parties are more regulated by state law, not only via disclosure, but also in terms of how they are organized, when they are to hold organizational meetings, and how they select their candidates.

The parties in many ways are organically linked to government through law.

They contest elections, organize government, and provide cues to voting. They serve as a conduit, or link, between the individual and his or her government.

So what can be done to preserve this important institution?

As advocated in previous columns, require registration and disclosure by all independent groups, whether or not they specifically support or oppose candidates.

Though contributions cannot be limited constitutionally, their donors and their spending can be subject to disclosure.

Registration requirements would also be constitutional under *Citizens United v. FEC* and *SpeechNow.org v. FEC*.

Further, the Legislature could establish a task force to study ways to strengthen political parties and individual candidates.

Among the possibilities would be allowing the state parties to participate in gubernatorial elections and modestly increasing limits on contributions to candidates and parties.

Further, pay-to-play reform establishing one state law, enhancing disclosure, and raising the public contractor contribution limit from \$300 to \$1,000, would help fortify party coffers.

The dominance of independent groups is the number one threat to the integrity of the elections process in New Jersey.

It is in the best interest of the citizenry to curb this influence by strengthening the political parties and the candidates they are linked to and support.

Hopefully, the Legislature will undertake this quest in 2014.

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