

Five ideas for strengthening the state's political parties

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BY JEFF BRINDLE

An August 15, 2014 ruling by U.S. District Court Judge Stanley Chesler reaffirmed the place of political parties in the State's electoral system.

By rejecting arguments that unaffiliated voters should have a right to vote in primaries, Judge Chesler upheld the First Amendment associational rights of political parties.

What the decision should do is serve as a springboard for other measures that would strengthen political parties in order to stave off the ever-growing influence of outside groups.

Outside groups making independent expenditures totally dominated last year's legislative and gubernatorial elections.

Completely outstripping the political party entities, independent groups spent \$41 million, much of which went to targeted districts.

This amount compares with \$14 million spent by state party entities.

What is worse, this trend toward outside group dominance is now trickling down to the local level.

In this year's mayoralty contests in Newark, Trenton, and Bayonne, \$5.5 million was spent by independent groups, mostly in Newark.

The \$5.2 million spent in Newark was more than the amount spent by six party committees and candidates combined.

So there is a clear need for the Legislature to move on legislation that would strengthen the parties and offset the influence of outside groups that predominantly operate in secret.

In the lawsuit brought by Independent Voter Project and Committee for a Unified Independent Party, *et al*, the plaintiffs alleged that New Jersey's statutory scheme "disenfranchises them and violates their First and Fourteenth Amendment rights..."

The Court, in dismissing the plaintiffs' claim said "suffice it to say that the two-party system, including a closed primary... characterizes the governments of most states. If it is changed, the change must come from the Legislature or the people."

In the wake of Chesler's ruling, legislative changes could be made to strengthen the political party system in New Jersey.

For one thing, the Legislature could consider lifting a long-time prohibition on state parties participating in gubernatorial elections. This ban was imposed in 1977 and for good reason. It was intended to make sure contribution limits on gubernatorial candidates were air tight.

But times have changed with PACs and independent groups now dominating elections. If last year's state campaigns were any indication, more funds now are flowing around parties and candidates rather than to them. They often are manipulated by shadowy groups that disappear after the election.

Letting parties get directly involved with gubernatorial elections will help shift contributions back to groups that are most accountable.

The Legislature also could restore the ability of public contractors to contribute up to \$25,000 per year to political parties while requiring more disclosure by lowering from \$50,000 to \$17,500 the threshold for public contractors filing annual reports with ELEC that list their contributions and contracts.

Moreover, pay-to-play restrictions could be expanded to include contributions made to PACs registered in New Jersey. Because those restrictions currently do not apply to PACs, nothing stops a contractor from writing check to a PAC, then the PAC giving the money to parties or candidates. The Legislature should close this loophole by rechanneling the flow of contractor contributions from PACs back to parties where it is subject to full disclosure.

In addition, independent outside groups should be required to register in New Jersey and disclose their contributors and expenditures- just like parties and candidates. Public contractor donations to independent groups also should be clearly marked to enhance transparency.

These reforms would begin to redress the imbalance that now exists between independent groups and the political parties.

Political parties are highly regulated in New Jersey, serve as a link between the people and their government, help to organize government, and are broad coalitions of people rather than special interests.

Federal Judge Chesler recognized the special place of political parties in our system and so should all New Jerseyans.

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.