

A MOST IRONIC PAC

What is the motivation for a Washington, D.C. Super PAC with ties to the opposing party to get involved in a local election?

BY JEFF BRINDLE | 05/04/15 12:48pm

An independent Super PAC, New Jersey's Future Fund, has involved itself in Parsippany's Republican primary contest.

A flyer circulated throughout the community calls on voters to put "Parsippany First to keep us the #1 Community."

It favors "True Conservative Republicans for Council."

Ironically, this Super PAC, which is supporting conservative Republicans and engaging in a GOP local primary, is reputed to be tied to the Democratic Party.

To make matters worse, the super PAC is from Washington D.C., not Parsippany. As of May 1, 2015, it had not filed a disclosure report with the Federal Election Commission.

So what is the motivation for a Washington, D.C. Super PAC with ties to the opposing party to get involved in a local election?

That's a matter for speculation. Yet it is a cause for concern, primarily because the public will be largely in the dark in terms of who is contributing to this Super PAC and who is managing it.

This is not the first time that independent groups have participated in New Jersey local elections.

The 2013 mayoralty election in Jersey City saw Better Education for New Jersey Kinds, Inc. support eventual winner Steven Fulop, spending \$251,629.

That same year witnessed Committee for Economic Growth and Justice, a Super PAC, spend \$176,116 on the Elizabeth School Board race.

But the granddaddy of them all occurred in the 2014 Newark mayoralty race, a contest in which \$5.5 million was spent independently.

This year, if what is happening across the Delaware River in Philadelphia is any indication, spending by independent organizations at the local level continues to grow.

According to a May 4, 2015 column in the Philadelphia Inquirer, independent spending in the city's mayoralty race already has reached nearly \$5 million. "Independent expenditures from the three PACs make up almost eight of every 10 dollars spent on TV ads," said the column by Chris Brennan.

The three groups, American Cities, Building a Better Pennsylvania, and Forward Philadelphia, could end up spending more than all the candidates combined, potentially up to \$6 million.

This is exactly what happened in Newark, where the largest independent group- Newark First- spent more than twice as much as the candidate slate it was promoting- \$4.5 million versus \$2.2 million, respectively.

The increase in spending by independent, often anonymous, organizations in local elections is precisely what was predicted in previous columns.

This upward trend follows the pattern first seen at the national level and then in state elections. In New Jersey, over \$41 million was spent by independent groups in the gubernatorial and legislative elections in 2013, a figure that overwhelmed the amount spent by political parties, \$14 million. Most disturbing, nearly \$15 million was spent by independent groups without any disclosure of contributor names.

There is nothing wrong with individuals participating and contributing to independent organizations. But outside groups should be treated the same as political parties and candidates.

Political parties and candidates register and disclose their contributors and expenditures to the Election Law Enforcement Commission. So why should it be different for independent groups that spend large amounts of money attempting to influence the outcome of elections and often do so in secret.

Despite the criticism of the U.S. Supreme Court's 2010 decision in Citizens United, the decision did come out strongly for disclosure.

Moreover, nearly all subsequent legal challenges to disclosure have been rebuffed by state and federal courts across the nation.

Making these secretive groups disclose their campaign finances in New Jersey would not only be constitutional, but would enable citizens to see who is behind these organizations, and by so doing, build trust in the process.

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.