

Legislation needed to restore balance in election financing

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BY JEFF BRINDLE

Much has been written about the magnitude of campaign spending by independent special interest groups.

But until now, there has been little discussion about the impact.

During the 2012 Presidential and Congressional contests, the Center for Responsive Politics estimated over \$1 billion was spent independently.

In New Jersey last year a record \$41 million was spent by outside groups participating in the gubernatorial and legislative elections.

Outside group spending is now filtering down to the local level, with about \$2.7 million spent in the Newark and Trenton mayoralty races this spring.

Yet, what kind of influence do these groups actually have over our electoral process?

A new study on outside spending in Congressional elections by Daniel P. Tokaji and Renata E.B. Strause attempts to answer this question.

Through interviews with campaign staffers, members of and candidates for Congress, and outside group operatives, this Ohio State University Muritz College of Law team provide some interesting findings.

Though directed toward federal campaigns, the study is instructive for New Jersey as well.

According to the study, outside spending changed campaign fund-raising in one of two ways.

Either candidates “felt pressure to raise more money than ever before” or complained that independent groups made it more difficult to raise money for their own campaigns.

Further, some candidates decided to run because they were assured of independent group support. Others, like North Dakota Senator Kent Conrad, a Democrat, bowed out because too much time would have to be spent fundraising.

The abundance of independent spending also diminished the role of candidates.

According to Tokaji and Strause among the common complaints were: candidates became “bit players in their own campaigns,” they “lost control of the message,” and “independent expenditures drove the agenda.”

They also state that “independent spending made the campaign ‘dumber and sillier,’ forcing candidates to spend their resources addressing non-substantive allegations, rather than issues.”

Finally, the study noted that traditionally candidates depended on political parties for support in campaigns but that now independent groups are shoving them aside.

Because of independent spending, the political party system, both at the federal and state levels, has weakened. Moreover, top political operatives now gravitate toward independent groups and away from parties because “that’s not where the action is anymore.”

These findings reinforce the need for the Legislature to take a serious look at the influence of outside group spending on campaigns in New Jersey.

With record spending by outside groups last year reaching \$41 million, it is not beyond the realm of possibility that in the 2017 election for Governor and Legislature that figure could top \$80 million.

At that rate, the electoral process will be consumed by outside spending with candidates and political parties relegated to the status of second class citizens, having less and less say in their own campaigns and their own messages, let alone the outcome of their hard fought campaigns.

It’s difficult to imagine the total transformation of the electoral landscape in New Jersey if legislation is not enacted to offset the impact of these groups.

Fortunately, legislation has been introduced that would require independent groups to play by the same campaign finance disclosure rules as candidates and parties. Some independent groups are using the fact that they can hide the names of their contributors to draw money away from traditional fund-raising committees.

The bill also would strengthen political parties by adjusting party and candidate contribution limits higher to offset inflation, and through common sense pay-to-play reform that would permit public contractors to make slightly larger contributions while still keeping their influence in check.

Independent groups certainly deserve to participate in electoral politics. In fact, their participation is protected by the First Amendment.

But they should not be treated more favorably than political parties and candidates in terms of disclosure.

And legislative steps are necessary to restore some balance in how we finance our elections.

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.