

## Legislation needed for publicly financed gubernatorial elections

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**BY JEFF BRINDLE**

It is critical that the Legislature soon enact a pending bill that would ensure the state's Gubernatorial Public Financing Program is available in the event of a special election for governor.

Not only is there no current legal authority to provide public financing during a special election, but the outsized involvement of independent groups in New Jersey makes the program more consequential than ever.

Independent groups spent \$41 million during 2012 and 2013 attempting to influence the outcome of the state elections. They spent an estimated \$21 million on the 2013 governor's race. Gubernatorial candidates themselves spent nearly \$26 million, aided in part with \$12 million in public funding.

Without public funding, spending by independent groups might have totally drowned out the messages of the candidates.

Given recent trends, including \$5.3 million in independent spending just in Newark's local races this year, it is not farfetched to suggest that independent spending could double in the next gubernatorial election.

Public funding is needed partly to help candidates keep control of their campaigns.

Independent groups already have dwarfed the two state parties in terms of spending in New Jersey elections. They now are on the verge of making candidates almost irrelevant. The so-called outside groups increasingly are driving the issue agenda.

Especially in gubernatorial contests, voters deserve more than independent groups, some of which operate in the dark, dictating what issues are worthy of discussion.

The Gubernatorial Public Financing Program, in light of this development, therefore takes on added significance.

Without it, only very wealthy, self-financed candidates could compete with the barrage of independent spending and keep control over their message.

A matching program, it provides two public dollars for every one dollar raised privately.

Public funds are capped as well as expenditures.

In last year's contest, general election candidates were eligible to receive up to \$8.2 million in public money and spend up to \$12.2 million.

While candidates can opt to not participate in the program and therefore spend as much money as they want, since the inception of the program in 1977 the vast majority of contestants have participated.

As one of this nation's best public financing programs, New Jersey's program has continually fulfilled its twin goals: to allow candidates of limited means to run for governor and to eliminate even the appearance of corruption.

Recently, State Senator Jim Whelan introduced legislation to extend public financing beyond gubernatorial primary and general elections to include special elections for governor.

This legislation, S-1647, unanimously moved out of the Senate State Government Committee and been referred to the Senate Budget and Appropriations Committee.

A companion bill, A-3415, sponsored by Assemblywoman Linda Stender, has been introduced in the Assembly.

Recent history has witnessed two governors leave the governorship early. Their departure, however, was timed in a way that negated the need for a special election.

In the event of a vacancy in the future, though, there is no guarantee that it will not take place at a time when a special election will need to be called.

The State Constitution sets forth the procedure for filling a vacancy in the Governor's Office through a special election.

But under State law, there is no provision for providing public financing in the eventuality that a special election is to be held.

Senator Whelan's bill fills that gap and hopefully will be moved through the legislative process and become law.

*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.*