

LEGISLATIVE REFORMS NOW COULD MEAN STRONGER PARTIES LATER

BY JEFF BRINDLE | 07/31/15 2:51pm

Without legislative reforms, New Jersey's once strong political party system will be relegated to an afterthought.

County party organizations raised only \$2.6 million during the first six months of 2015, a figure lower than any of the last three legislative election years.

This follows a trend noticeable since 2006, when Pay-to-Play restrictions took effect and when special interest PACs and independent groups began to spend more money following the McCain/Feingold reforms of 2002.

Recently, another analysis by the Election Law Enforcement Commission showed a similar fate befalling state party committees and legislative leadership committees.

Comparing the first two quarters of 2007 to those of 2015, fundraising by these party entities dropped from \$5.8 million to \$2.5 million.

The downward trend of political party potency is alarmingly reminiscent of the 1980's, when political parties were enfeebled to the point of irrelevancy.

In 1986, for example, total receipts by county party committees amounted to \$2 million, which in inflation adjusted dollars would amount to \$4.4 million in 2015.

County party organizations today, as well as the state party entities, appear to be in worse shape than 30 years ago when political scientist Maureen Moakly wrote that they were "relegated . . . to a minor role in the state wide political process."

The decline in party strength in the 1980's was attributed to a number of factors.

The late Rutgers University scholar Stephen A. Salmore cited "social and demographic changes" such as suburbanization as "important determinants in the weakening of the strong party system in New Jersey."

Other developments such as reapportionment decisions of the late 1960's and early 1970's, the introduction of the gubernatorial public financing program in 1977, and the 1981 open primary law which denied party organizations the ability to endorse candidates, all contributed to the weak party system of the 1980's.

While not the same, developments during the first decade of the 21st century have contributed to the current decline of New Jersey's party system in 2015.

These developments include the Bi-Partisan Campaign Reform Act (BCRA), or McCain/Feingold, that redirected the flow of money away from national political parties to independent groups.

Starting at the national level, the growth in independent groups has trickled down to the state and even local level, siphoning off money from the parties.

The trend toward independent outside group influence was facilitated by the U.S. Supreme Court decision in Citizens United in 2010, which allowed unlimited independent spending by corporations and unions while endorsing strong disclosure laws for independent spenders.

Perhaps the most influential development that has contributed to a weakened party system, though well intended, was the enactment of a complicated Pay-to-Play law in New Jersey in 2006.

In combination with McCain/Feingold and Citizens United, the law has brought about a surge in special interest PAC and independent group spending that is far outstripping the political parties.

During the 2013 gubernatorial and legislative elections independent groups spent \$41 million compared with \$14 million by political parties.

While the situation may seem bleak to advocates of a strong party system, it is not too late to turn the tide.

It happened once before, starting in 1985 with a New Jersey Supreme Court decision in Friends of Governor Tom Kean v ELEC. The decision stressed the importance of local candidates being able to associate with their gubernatorial candidate under the party label.

Then, in 1989, a United States Supreme Court decision involving the San Francisco County Democratic Central Committee found California's Open Primary Law unconstitutional.

The landmark ruling invalidated New Jersey's Open Primary Law. Once again, party organizations were allowed to endorse and give the party line to candidates in the June contest.

Finally, and most importantly, 1993 reforms adopted by the Legislature in response to recommendations by a Commission headed by the late Rutgers Professor Alan Rosenthal greatly invigorated the parties. For the first time, those changes imposed contribution limits on candidates, PACs, and parties, but provided parties with much more generous limits than those placed on candidates and PACs.

Further, political parties were allowed to spend unlimited amounts of money on their candidates, something special interest PACs were not allowed to do unless they spent independently.

Legislative leadership committees, another party entity, were also created.

As a result, between 1986 and 1995, county party financial activity, for instance, grew by 370 percent, from \$2 million to \$10.1 million.

History can repeat itself. The political party system in New Jersey can be revived as it was in the 1990's, to the benefit of the political process.

State law, under Title 19- Elections, sets forth standards for the establishment of political parties and provides general guidelines in terms of their powers, the organization of political parties, and their membership. It also sets forth disclosure requirements under the Campaign Act as well as other restrictions, including contribution limitations on contributions to political parties.

Now that independent groups are spending more than parties and undertaking many of their traditional roles, they should be made to publicly disclose their contributions and expenses just like parties, candidate and PACs. This change would not limit their spending.

Secondly, the Pay-to-Play law should be amended to curtail contractor contributions to PACs while increasing the amount contractors can give to political parties. Contractors should be able to give more money to parties than the current limit of \$300. Parties are more tightly regulated, more permanent and more accountable than PACs.

This change would end recent efforts by some contractors to get around Pay-to-Play laws by giving more money to independent groups and PACs.

Finally, contribution limits applicable to parties and to candidates should be increased somewhat.

These reforms, if enacted, would bring balance back to the electoral process by strengthening political parties and offset the growing influence of special interests groups.

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.