

MYSTERY SPENDER ON NJ RACES AGAIN SHOWS NEED FOR MORE DISCLOSURE

BY JEFF BRINDLE | 06/01/17 12:33pm



THE ASSEMBLY CHAMBER IN THE NEW JERSEY STATEHOUSE.
JEFF ZELEVANSKY/GETTY IMAGES

The active participation of Stronger Foundations Inc. in the Republican primaries in the 24th and 26th legislative districts is a fresh example of why legislation needs to be enacted to require registration and disclosure by independent groups.

The group has spent \$275,100 on these primary races in North Jersey, but the public knows very little about where the money is going or what the group's agenda is.

These groups do have a First Amendment right to be engaged in the electoral process and spend unlimited sums. That much is clear. At the same time, the public has a right to know who

is behind the group and what it stands for.

Political parties, candidates and political action committees are subject to registration and disclosure requirements. Why shouldn't the same guidelines apply to these groups?

Under New Jersey's campaign finance statutes, groups that spend independently on advertisements that contain specific language such as "support," "oppose," "vote for" or "vote against" are required to provide expenditure information to the Election Law Enforcement Commission. There is no requirement, however, for the group to disclose their contributors.

If they finance advertisements that do not specifically call for the support or opposition to a candidate in their communications, there is no filing requirement at all. And anyone familiar with the process knows it is easy for high-powered operatives to finesse the language and avoid reporting.

To its credit, Stronger Foundations Inc. filed independent expenditure reports with ELEC, showing it had spent \$63,300 in the 24th district and \$211,800 in the 26th district as of May 25.

Among the information the public can glean from Stronger Foundations expenditure reports is that that the group is working with MWW Group, a highly regarded public relations firm, and McLaughlin and Associates, a nationally respected polling firm.

But this is about all. There is no indication in the reports of the purpose of its involvement, what policy goals it may be pursuing, or which candidates it supports or opposes.

ELEC has not seen advertisements that have run in the districts.

A Google search did indicate that the person who registered on behalf of the group is employed by International Union of Operating Engineers Local 825 in Springfield. The union helped spear-head last year's successful efforts to raise the state gas tax and enact a new long-range transportation improvement plan. It's political action committee also is a top contributor to New Jersey campaigns.

A voter reading the independent expenditure reports filed by Stronger Foundation Inc. wouldn't know any of this.

This column is not meant to be critical of Stronger Foundations Inc. but rather to highlight a weakness in the state's Campaign Finance Act, which allows independent and often anonymous groups to dominate New Jersey's electoral landscape.

Disclosure is important because independent groups can become surrogates for candidates they support, undertake harsh attacks against the opponent, and do so with no accountability.

At the same time, the candidate who benefits from the independent spending can claim to have no association with the group, thereby not being accountable for its activities.

Because it is the mission of the Election Law Enforcement Commission to bring disclosure of campaign finance information to the public, the staff often will dig more deeply into these organizations to ascertain where its support comes from. When that information can be obtained, ELEC makes the information available to the public.

The public, however, does not have the time nor inclination to investigate these groups and therefore is often robbed of the opportunity to make informed opinions about a group's motives or even the veracity of its message.

This is why it is important for the Legislature to pass legislation that would bring greater transparency to the process by requiring registration and disclosure by independent groups. Both parties have introduced bills to bring about more disclosure.

In the 2013 legislative and gubernatorial contests, independent groups dwarfed the parties and candidates by spending \$41 million to influence the outcome of election. Independent groups already have spent \$10 million during the current gubernatorial and legislative primary election cycle.

If the primary figure is any guide, these largely anonymous groups will once again dominate the general election at the expense of more accountable political parties and candidates.

It is long past time for matters to be set right in New Jersey by bringing balance back to the electoral system, by strengthening the political parties, requiring registration and disclosure by independent groups, and offsetting the growing influence of organizations that would often operate anonymously.

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.