

NJ Election Spending to top 2009 numbers

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COMMENTARY



The story of this year's election is likely to be an explosion of activity by outside, independent groups.

Even before the June 4 primary election, these groups have spent an estimated \$13.5 million. That's only a half-million dollars less than the \$14 million spent on the entire state election in 2009!

Between the 2008 and 2012 presidential campaigns, outside spending tripled to more than \$1.1 billion. If outside spending in the current New Jersey elections tripled from 2009, it would top \$42 million.

So, I'm beginning to rethink my earlier prediction that \$25 million would be spent independently this year in New Jersey. It may be too low. Especially since new groups seem to be forming regularly.

We know independent spending already has topped \$25 million in at least three other gubernatorial elections in other states. It has even reached that level in the recent MAYORAL campaign in Los Angeles.

These outside groups, known as 527's, 501(c)'s and super PACs, will operate mostly in secret. The public will be kept in the dark regarding their financial backers. And their spending will be anonymous unless they use language that expressly supports or opposes candidates, which is unlikely.

Given the fact that this year's campaign already is nearly half over, it is doubtful that legislation will take effect this year.

The more likely scenario is that any change to the law won't apply until next year after candidates on both sides of the aisle feel the brunt of their attacks.

Two bills have been introduced that would require disclosure by these independent spending only groups: one by Assemblyman Reed Gusciora (D-Mercer) and the other by State Senator James Beach (D-Camden).

The Gusciora bill (A-3863) focuses solely on registration and disclosure by independent only committees. It has been moved out of the Assembly State Government Committee but awaits further action.

The Beach bill (S-2748), while containing a provision for disclosure by outside groups, is more comprehensive.

In addition to regulating independent expenditure groups, the proposed legislation would bring greatly needed reforms to the pay-to-play law.

Most importantly, the pay-to-play provision would establish one state law, a very necessary change in order to bring sense to what is now a confusing and convoluted set of statutes, executive orders and local ordinances.

Both disclosure by independent groups and reform of pay-to-play have been advocated by the Commission. These changes are necessary and can be fully implemented by the Commission even with an aging computer system and funding constraints.

Other provisions in the Beach bill not among ELEC's recommendations would be harder to achieve.

One such provision would mandate electronic filing for all entities. That means candidates, political parties, legislative leadership committees, PACs, political committees, and independent groups all would be required to report by electronic means.

Secondly, the bill requires real time reporting of contributions and expenditures of more than \$3,000. Therefore, every filing entity would be required to electronically disclose every contribution and expenditure of more than \$3,000 within 48-hours.

While meritorious, these rapid disclosure provisions would strain the agency. Much of ELEC's computer software is more than a decade old. Particularly to implement electronic filing for all filers, a major upgrade would be necessary. Currently, there is no appropriation in the bill to achieve that goal.

It is hoped that the Legislature will take these concerns under consideration, when, and if, it deliberates upon these bills.

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.