



## Big Spending on Communications in 2020 Reflects Ongoing Shift in Lobbying Approach

JEFF BRINDLE | March 25, 2021, 11:09 am | in [Columnist](#)

The annual report on lobbying issued recently by the New Jersey Election Law Enforcement Commission (ELEC) highlighted the fact that in 2020 spending reached a record \$105 million.

Less noticeable, but highly significant, was the \$18 million spent on communications.

It was the most ever spent since lobbyists were required by law in 2004 to fully disclose their communications expenses.

The \$18 million invested in communications represented nearly 17 percent of all lobbying expenses in 2020- the second highest percentage except for 2011.

Back in 2004, lobbyists reported just \$1.6 million on communications expenditures with the public. It represented just six percent of total lobbying expenditures.

The \$18 million spent in 2020 not only set a new record. It also was \$4.3 million more than in 2019. That increase was largely why overall expenditures reached a new high last year.

Year	Lobbyist Communications Spending	As Percent of Total Lobbying Spending	Year	Lobbyist Communications Spending	As Percent of Total Lobbying Spending
2020	\$18,059,357	17%	2011	\$15,187,336	20%
2019	\$13,717,963	14%	2010	\$10,343,317	16%
2018	\$6,471,942	7%	2009	\$6,127,364	11%
2017	\$8,451,798	9%	2008	\$3,970,516	7%
2016	\$10,574,948	12%	2007	\$3,566,995	6%
2015	\$14,779,709	16%	2006	\$6,606,993	12%
2014	\$3,734,963	6%	2005	\$1,490,615	5%
2013	\$6,815,979	11%	2004	\$1,574,606	6%
2012	\$2,207,616	4%			

Of the top ten spenders on communications in 2020, seven also were among the top ten overall spenders.

What is important about this number is that it provides further evidence of a long-term shift in lobbying strategy.

Communications with the public are a form of indirect lobbying.

Indirect lobbying employs the use of broadcast, digital and print advertising along with direct mail to mobilize the public on behalf of certain issues.

It is not all that different from efforts in support or opposition to ballot questions, which often become law when they receive public backing.

Unlike traditional, old school lobbying, where lobbyists attempt to influence legislation by directly communicating with elected officials, indirect lobbying seeks to generate interest among the public on behalf of policy priorities of special interests.

When it first became popular at the federal level in the 1980s, this type of lobbying used to be called “astroturfing” because special interests used mass media campaigns to “artificially” gin up the public for or against issues that mattered to lobbyists and their clients. The campaigns were considered effective because it looked like members of the public were banding together spontaneously.

Now the practice is so common it is simply called grassroots lobbying or issue advocacy. What matters now is only that public outcry, regardless of how it is instigated, can be an enormous lever for political influence.

The \$18 million spent on communications in 2020 not only is a record unto itself but consistent with a recognizable trend in recent years.

Indirect, grassroots lobbying was first identified as a future trend in a 1990 report I wrote entitled, “ELEC White Paper: Lobbying Reform.” It stated “. . . grassroots lobbying strategies can take an even more sophisticated form. In this way, the communications revolution is by far and away the most significant development to impact upon lobbying at the grassroots level.”

The report added “Grassroots lobbying can be an integral part of a high-powered special interest strategy for success. This type of lobbying involves the mobilization of grassroots support in favor or opposition to legislation or administrative action . . . any comprehensive reform of the lobbying disclosure laws in New Jersey should require the reporting of expenditures made for grassroots lobbying.”

In 2003 the Legislature passed legislation requiring the reporting of expenditures on grassroots lobbying. The law, initially proposed in the 1990 ELEC White Paper, went into effect in 2004.

Thus one of the best predictors contained in the report about lobbying's future is the \$18 million record spending on communications.

Clearly the nature of lobbying has changed. Overall it has become much more sophisticated, adding many more tools to the lobbyist tool box.

No longer do lobbyists depend merely on old-style, face-to-face lobbying that depended almost exclusively on building personal relationships with elected officials.

While relationship building is still a very important to most lobbyists, more modern, less personal forms of lobbying have become a permanent and steadily expanding part of their profession.

For example, lobbyists may use strategies formerly reserved for political consultants, strategies that often can blur the line between issue advocacy and electioneering.

Further, lobbying firms may hire researchers, whose work can be critical to both traditional lobbying efforts as well as to indirect, grassroots lobbying efforts. Pollsters are increasingly utilized by lobbying firms to bolster their research efforts and in turn to build support for an issue within a legislative district or statewide. Not to be overlooked are the increased number of lawyer/ lobbyists who may sometimes resort to legal action to bring about policy changes.

While all these methods are used by lobbyists to influence the course of legislation, regulation, and public contracts, it is a good bet that indirect strategies will be employed more and more by lobbyists in the future.

Moreover, one reason the use of indirect lobbying may have grown so much in 2020 was because the COVID-19 crisis halted in-person meetings with legislators and executive branch officials and replaced them with online video-conferencing.

If use of such virtual techniques continue after the public health crisis ends, so too will indirect lobbying.

In any event, the Commission will continue tracking trends in lobbying activity as it has done in other areas of its jurisdiction. Following trends and reporting on them have contributed to the enactment of sensible reforms through the years.

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*The opinions presented here are his own and not necessarily those of the Commission.*