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More Independent Spending and Weaker Parties May Contribute to Lower Voter Turnout

BY JEFF BRINDLE | 11/15/17 11:40 am

In November 1993, incumbent Democratic Governor James J. Florio faced off against Republican Christie Todd Whitman.

During that election, 65 percent of registered voters turned out to vote.

Twenty-four years later, preliminary figures suggest that only 36 percent of New Jersey's registered voters cast ballots in this year's gubernatorial contest.

One of the major changes during this period is the rapid growth of special interest groups spending independently of parties and candidates.

In 1993, the two state parties, four legislative leadership committees and 42 county party committees spent 68 times more than independent committees. Preliminary figures indicate that this year, the same group of party committees spent less than a third of the outlays of so-called "outside:" committees.

This power shift from the parties to special interests may help explain why voter turnout has dropped 46 percent during the past quarter-century.

It is clear that the increasing disinterest and disengagement of voters stems partly from the consistent weakening of party identification among voters.

An Eagleton Institute poll in 1999 indicated that 55 percent of respondents identified with one of the major parties or the other. Independents accounted for 25 percent of those polled while 19 percent either identified with a third party or had no opinion.

A similar Eagleton poll in 2015 showed that 54 percent of those surveyed still identified as Republican or Democrat but that 45 percent now considered themselves independent.

Other surveys taken in New Jersey and nationally show a similar loosening of ties to political parties and a significant increase in independents, particularly when the data is traced to the 1950's.

This trend toward weakened party identification correlates with the decrease in voter turnout. In other words, the more voters disassociate with political parties, the less likely they are to vote.

During the past two decades, party organizations have taken a beating because of legislation enacted nationally and in New Jersey, and due to federal court decisions.

The Bipartisan Campaign Reform Act of 2002, known as McCain Feingold, cut off soft money to national parties and redirected it toward independent groups. This reform, along with the U.S. Supreme Court's decision in Citizens United (2010), served as a catalyst for the growth in independent spending at the national level, which since has filtered down to the State and even local levels.

In New Jersey, an overly complicated pay-to-play law enacted in 2005 made matters worse for the state's political party entities. Though well intended, it had the effect of redirecting public contractor money to special interest PACs and independent groups. These groups are exempt from the law.

No better illustration of the current state of affairs can be found than in this year's gubernatorial and legislative elections. In the general election, with only 36 percent of voters turning out, over \$30 million was spent by independent groups in the gubernatorial and legislative contests.

If the primary election and pre-primary period are included in this calculation, more than \$41 million was spent by outside groups- a new high. Keep in mind that the final number will be higher when late spending is tallied up.

The majority of independent spending took place in five legislative districts, with the bulk of that spending targeted toward the 3rd legislative district, where at least \$12.6 million was spent by outside groups. Even though the spending total for the district still is preliminary, the figure already has more than doubled the previous state high for spending in a legislative district.

The gubernatorial contests also attracted significant independent spending, primarily by the Republican Governors Association and the Democratic Governors Association. They spent \$10.6 million.

Millions of dollars of independent issue ad spending even took place in the pre-primary period by groups supporting six potential and actual candidates.

The \$41 million in spending by independent groups so far on this year's elections dwarfs that of spending reported by the two state party committees, the four legislative leadership committees and the 42 county party committees. Combined spending by these entities totaled \$12 million through September 30.

Did the fact that independent groups spent more than triple the party committees have anything to do with the 36 percent turnout?

Skeptics should consider that when 65 percent of all voters turned out for the 1993 gubernatorial election, party committees spent 68 times more than independent groups- \$38 million versus \$536,837 in 2017 dollars.

This trend in increased independent group influence should be alarming to those concerned with accountability in elections as well as with the increasingly anemic voter turnout in New Jersey.

One way of counteracting this growing influence of outside, independent groups is to strengthen political parties, require registration and disclosure by independent organizations and reform pay-to-play.

As a link to voters, political parties provide people with a guide to voting. In addition, political parties are regulated under the law and are accountable to the public because they disclose their contributions and expenditures. Moreover, in terms of voter turnout political parties have always been instrumental in getting people to the polls.

Voters do not identify with independent, often anonymous groups. Independent groups are not a guide to voting and their main purpose is not to get-out-the-vote. In fact, they may be suppressing interest in voting.

Under current New Jersey law, independent groups are not required to disclose their contributors and only under narrow circumstances are required to disclose their expenditures. They are not accountable to the public and carry with them none of the benefits to the public of a healthy party system.

While perhaps not a total cure-all, the Election Law Enforcement Commission has set forth proposals to offset the influence of independent groups by strengthening political parties. In turn, enactment of these proposals may very well contribute to greater turnout of voters.

The proposals include: exempting political parties from pay-to-play, including special interest PACs under pay-to-play, increasing party contribution limits, permitting county parties to contribute to each other, and permitting state parties to participate in gubernatorial elections.

In addition, the recommendations include requiring registration and disclosure by independent groups and disclosure of contractor donations to them.

These and other reforms would bring sanity back to elections in New Jersey, serving the public's interest through accountability and transparency. And as a by-product more people may even participate in the process at the most basic level of voting.

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.