



INSIDER NJ

The Federal Government Finally is Catching Up With New Jersey on Campaign Finance Disclosure

JEFF BRINDLE • October 29, 2018, 11:27 am

A provision in a recent appropriation bill requires candidates for U.S. Senate to file campaign finance reports directly with the Federal Election Commission (FEC).

Until now, Senate candidates have been filing reports with the Secretary of the Senate, which then processes reams of paper disclosure reports before sending them to the FEC.

In turn, the Federal Election Commission bids out a contract with a private vendor to convert the paper reports into electronic data.

While presidential and House candidates have filed directly with the FEC since 2001, this antiquated system involving U.S. Senate candidates results in meaningful data taking weeks or even months to be made available to the public.

Moreover, as attested to by the Center for Public Integrity, numerous mistakes often occur as the result of converting paper reports into electronic data.

This situation should not be placed at the doorstep of the FEC, the watchdog over campaign financing at the national level, but rather is the responsibility of Congress, which by law created this unwieldy system.

When the FEC was established in 1974, all federal candidates should have been required to report directly to the FEC. Only now, after 44 years, will all federal candidates be filing directly with the Commission. This thanks to the bipartisan efforts of Senators John Tester (D) and Steve Daines (R), both from Montana, who were able to include this provision in the appropriations bill.

By contrast with the federal system, New Jersey voters since 1999 have been able to look up online the campaign finance reports of all 120 legislators, including members of the Senate and the Assembly.

Fortunately, the archaic system that has plagued federal officials does not exist in New Jersey, and never has.

Since its inception in 1973, the New Jersey Election Law Enforcement Commission (ELEC) has required all candidates throughout the State to file disclosure reports with ELEC.

That bit of legislative wisdom has allowed ELEC to be one of the premier agencies of its kind in the nation. Moreover, it has allowed the Commission to be exceedingly expansive in providing information to the public.

ELEC's jurisdiction is very wide in scope, perhaps the broadest of any similar agency.

Besides its jurisdiction over the filings of gubernatorial and legislative candidates, disclosure requirements extend to candidates for fire district, school board, municipal, and county offices.

Further, state, county, and municipal party committees, legislative leadership committees, political action committees, and political committees report their financial activity to the Commission.

In addition, ELEC has jurisdiction over the Lobbying Law, the Pay-to-Play Law, and administers the Gubernatorial Public Financing Program. It also regulates Professional Fundraisers.

While the Commission does have the ability to issue civil fines to violators of the various acts, its main mission is disclosure.

Unhampered by an out-moded system like the one at the federal level, the Commission makes public detailed reports filed by political entities, lobbyists, and contractors on an ongoing basis.

Not only are reports from statewide candidates available to public view, but since 2009, a local contributor database has allowed viewing of information on local candidates.

Electronically-filed lobbyist annual and quarterly reports, along with detailed information taken from those reports, are available to the public, respectively, within three weeks and one week of filing deadlines. Pay-to-Play reports are available to the public within a week of filing. Electronic filing of reports has been available to candidates since a pilot program was initiated in 1999.

A recent upgrade to its Information and Technology system, supported by a special appropriation of \$2 million in Fiscal Year 2015, already has led to a more simplified, modern and comprehensive website and will enable parties, political committees and PACs in January to start filing their reports electronically.

As an independent agency, the Commission has been fortunate to have been structured in a way that has allowed it to function effectively and efficiently, free from any direct interference from governors or legislatures, past and present.

Though operating on roughly the same budget of \$4.6 million for the last 11 fiscal years, and with a staff compliment that has varied between 61-65 people, ELEC has produced many accomplishments over that period.

Besides a significant upgrade of its Information Technology system and its expansion of electronic filing capacity and contributor databases, the Commission continues to provide analytical press releases and white papers.

It also is active in pushing for campaign finance reform measures that would strengthen political parties, reform pay-to-play, and require disclosure of independent groups.

Measures recommended and supported by ELEC such as restricting political fundraising on public property, requiring lobbyists representing local entities to file reports, and replacing gubernatorial printed gubernatorial ballot statements with online ones, have been enacted.

As the result of the foresight on the part of the Legislature in 1973, the ELEC has avoided many of the pitfalls experienced by its counterparts at the federal level.

Decades ago, the Legislature established an agency the public can look toward to establish trust in government. It established ELEC as an autonomous body overseen by a Commission of four members (there is one vacancy now though), no more than two of which can be from the same political party. It granted the Commission sufficient powers to enforce the various laws under its jurisdiction. It also gave it a mission of promoting transparency in government.

Because of the wisdom of the Legislature, ELEC is not subject to an unwieldy bureaucracy as is its big sister agency at the federal level.

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.