

BIG BALLOT MEASURES MEAN BIG SPENDING

BY JEFF BRINDLE | 07/06/16 10:49am



This year will likely surpass all others in terms of independent, outside group spending in New Jersey elections.

Three hot wire questions are likely to end up on the ballot this fall. The three public question proposals involve increased transportation funding, more casinos in New Jersey, and mandatory state pension funding.

Even one of those issues could drive spending through the roof and likely surpass the \$41 million spent by outside groups in the 2013 gubernatorial and legislative elections. One indication: a 2012 proposal in Maryland that allowed a casino along the Potomac River drew more than \$90 million in spending pro and con. Having all three issues on the New Jersey ballot this fall surely would turn the 2013 independent spending record into dust.

Assuming all three end up on the referendum, between \$80 and \$100 million is expected to be spent by independent groups trying to influence the outcome of the "ballot question election."

So far, two of the three issues are on the ballot.

In January, the Legislature overwhelmingly approved one question (ACR-1/SCR-190). It would amend the Constitution to dedicate fuel taxes to the state's transportation fund.

In March, the Legislature approved legislation (SCR-1/ACR-1) that put another major ballot question on the fall referendum- whether to allow casinos in North Jersey.

A third proposed New Jersey ballot question (ACR-109/SCR-2) would amend the state Constitution to require full funding of state pensions. It passed the Assembly in June and is expected to face a Senate vote when the upper house reconvenes August 1.

Any ballot question eligible for the referendum this year must be passed by both houses 90 days before the November 8 election, or by August 10.

Heavy spending on ballot questions this year will set the stage for a barrage of outside spending during the 2017 gubernatorial and legislative contest.

Already over \$10 million has been raised by Super PACs and other groups supporting potential gubernatorial candidates.

Unless legislation is enacted to curb the influence of these groups, the electoral landscape as historically known will assume an entirely new shape by 2020.

Strengthening the parties, disclosure by independent groups, and reforming pay-to-play represents the best way for this Hobbesian politics of unaccountable Super PACs to be controlled.

James Madison, in Federalist Paper Number Ten, noted that there was no cure for faction in a representative democracy.

Madison added, however, that in a large republic as established by the Constitution, faction can be controlled.

Likewise, barring the elimination of free speech, which is not an option, independent, outside organizations' spending cannot be cured.

Through intelligent legislative change, though, it can be controlled.

By virtue of emerging bipartisan legislative interest in the Legislature, the opportunity to control, indeed even offset, independent, outside group activity may well be presenting itself.

Republican Minority Leader Jon Bramnick (21st Legislative District) and Democratic Assemblyman Troy Singleton (7th Legislative District) have taken the lead in individually sponsoring legislation that strengthens the parties, requires registration and disclosure by independent groups, and reforms pay-to-play.

Bill number A-3639, introduced by Minority Leader Bramnick, comprehensively makes these changes. Assemblyman Singleton has sponsored separate bills, A-3902 and A-3903 to bring about these reforms.

The attempts being made by these leaders to clean up and update New Jersey's campaign finance law may, in the end, represent a truly bipartisan effort to modernize a system that has remained largely the same for the last quarter of a century.

Over this period of time, circumstances have changed, necessitating comprehensive reform in order to keep pace with, and control, a trend that if unchecked will obliterate transparency and with it, the political party system.

Either outcome would be a shame, especially since such a result can be avoided.

With trust in government at an all-time low and a party system in New Jersey that is increasingly outflanked by heavy hitting independent groups, legislation to curb this trend is urgently needed.

The bills sponsored by Minority Leader Bramnick and Assemblyman Singleton will ease the threat to the electoral system posed by unaccountable, often anonymous, non-transparent Super PACs and other independent groups.

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