



The Times

'Clean' thesis add to debate

Law student studies election financing

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BY MEIR RINDE

When Benjamin Brickner decided to write his college thesis about public financing of election campaigns, he hardly could have known his work would become recommended reading for state officials.

But he knew he was getting into a research topic that people actually cared about, he recalled.

"I remember telling my academic adviser that if I was going to spend my entire senior year on a project, I wanted the result not to end up gathering dust on a shelf or in someone's desk drawer," he said recently.

Brickner, 26, a Lawrence native and a law student at Columbia University, later turned his thesis into a comprehensive report on "clean," publicly financed elections in New Jersey and five other states.

Former state Sen. William Schluter, a Pennington resident and former chairman of the Citizens Clean Election Commission, said he passed out Brickner's thesis to his fellow commissioners, and later turned to the young scholar during the 2006 debate over extending the state's experiment with public financing.

"I would consult with Ben back and forth on that issue. I would give him information and he would give his input," Schluter said. "This guy is very, very knowledgeable."

The Eagleton Institute of Politics at Rutgers University last month published Brickner's analysis on its website, www.eagleton.rutgers.edu.

Supporters of clean elections have called the limited use of public financing in last year's elections a success, but by the time Brickner's report appeared, efforts to expand clean elections in the 2009 elections had stalled.

When first tried in 2005, the program offered candidates in two Assembly districts state funding for their campaigns. They had to qualify by collecting a specified number of small donations from constituents and by agreeing not to take any other contributions.

The experiment was considered a failure, as few candidates participated. The rules were then eased and last year, when a second pilot included three districts, a majority of eligible candidates took part.

State Sen. Bill Baroni, R-Hamilton, served on the commission with Schluter and accepted public financing during his successful Senate run.

"People in the 14th district saw how good it was," he said. "It allowed candidates not to have a lot of fundraisers. We had a lot of debates. It was a good program."

"We need to clean up New Jersey's culture of corruption," Baroni added. "One of the ways to do that is clean elections. Another way is pay-to-play legislation, and another is tougher sentences for politically corrupt officials. You need all these things."

Opponents of clean elections argue that the program has too many loopholes. They say it has not helped challengers beat incumbents, kept special interest groups out of fundraising or reduced total campaign spending.

Proponents agree that loopholes allowing the continued influence of private money should be closed. But they say opponents' claims are based on suspect data, and clean elections aim to reduce the effect of campaign contributions on elected officials, not to remove incumbents or cut overall spending.

Another objection is the cost to the financially struggling state government. According to one estimate, expanding the program to all districts would cost \$64 million per election, without including primaries.

Brickner and other clean election supporters say some districts need less money than was provided in the pilot, and that at any rate the program is worth the cost.

"It's simply a drop in the bucket in terms of the state budget," he said. "I've seen a compelling argument that the pay-to-play atmosphere in New Jersey is such that the cost of clean elections is essentially built into the system."

Taxpayers are already subsidizing elections through the higher cost of government services performed by state contractors who get work in return for making campaign contributions, Schluter argued.

But Brickner also said that after all his research on different states' efforts, he concluded that only a statewide program in New Jersey could show whether public financing works here.

"The limited application of the program makes it difficult, if not irresponsible, to evaluate how effective clean elections are in New Jersey," Brickner said. "We just don't have enough data."

Baroni and other legislators want to expand clean elections to all districts in the 2009 election and to include primary elections, which often decide races in districts dominated by one party.

But their prospects dimmed over the summer. In June, the Supreme Court declared unconstitutional a federal Millionaire's Amendment, which eased campaign finance limits for candidates whose opponents spend more than \$350,000 of their own money on their campaigns.

As a result, in August a federal judge voided Arizona's "rescue money" provision, which, like New Jersey's, awards additional state funds to clean candidates who are outspent by nonparticipating opponents or targeted by ads from independent groups.

The founder of New Jersey's program, Assembly Speaker Joe Roberts, D-Bellmawr, pulled the renewal legislation, saying there wasn't time before the 2009 election season to craft a law that handled rescue money situations without running afoul of the federal courts.

Clean elections supporters say the suspension of the program was unnecessary. The Supreme Court decision applies to privately funded, not publicly funded, races, and even if the Arizona decision does apply, there are a number of other ways to help clean candidates who are outspent, they say.

"There's no reason to cause a full-stop halt of the process, particularly when the New Jersey pilot project is just in a few districts," said Laura MacCleery, an attorney at the Brennan Center for Justice at New York University. "It needs to go forward so it can be the basis for the state experimenting with what works and doesn't work."

Brickner said the holdup highlights one of the findings in his report. New Jersey's clean elections programs have differed from those in several other states in that they were authorized legislatively rather than by voters, he said.

"The main hurdle is political will," he said, "which is related to the fact that initiative and referenda are not available to ordinary citizens of the state."

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