

Recent Survey Results by Center for Competitive Politics on New Jersey's Clean Elections Program Are Bunk:

*Brennan Center Analysis Shows Survey Raises No Real Complaint with Clean
Electionsⁱ*

August 18, 2008

On August 5, 2008, the Center for Competitive Politics (CCP), an organization that opposes campaign finance reform on ideological grounds, issued a 4-page attack on New Jersey's Clean Elections system. This analysis by the Brennan Center shows that CCP's conclusions are unscientific and unsupported. Most importantly, CCP failed to demonstrate any problem with New Jersey's Clean Elections program.

CCP claims that the New Jersey Fair and Clean Elections Pilot Project does not achieve its goals of reducing the influence of "special interests" and improving the public perception of state politics. These are just two of the goals of Clean Elections systems, which also reduce corruption and allow elected officials to focus on the business of governing. Even as to the two goals targeted by CCP, however, their survey results do not diminish the success of the state's Clean Elections program.

CCP's survey purports to draw connections between donors who provided money to Clean Elections candidates and their organizational affiliations, suggesting that this money is also from "special interests." CCP does not say whether the organizations collected the money or donors gave on their own, meaning that Clean Elections candidates may not even be aware of such affiliations. It also will not release the underlying survey data or the full survey, despite repeated requests to do so, and did not explain how it picked survey respondents.

Nonetheless, CCP is wrong on the merits. Small donations – even large numbers of them – from grassroots organizations pose no threat to democracy. All that CCP has shown is that groups with large numbers of voters have been empowered by Clean Elections to participate by giving \$10 each to candidates. It comes as welcome news that voters of all stripes and affiliations – who are, after all,

district constituents – want to give qualifying contributions, and that Clean Elections poses no threat to the vibrant institutions that organize members and seek to play a role in politics.

Contrary to CCP's bare assertion, these types of donations do not risk corruption. The amount of money given per person is merely \$10, versus typical campaigns in which only the wealthiest contributors matter to candidates out of necessity. And groups with large numbers of grassroots members will always hold some sway with politicians – to assert otherwise is to absurdly suggest that Clean Elections will remove politics from politics.

Its second finding, that the existence of Clean Elections does not, in voters' minds, trump partisan or ideological considerations, is also inconsequential. Clean Elections is a structural reform with real benefits that severs the ties between wealthy, self-interested donors and politicians. While the public will likely see a benefit in less-beholden politicians, partisanship and ideology will not evaporate into the ether.

Moreover, CCP's conclusions were discredited by a scientific survey just last year that concluded that 58 percent of New Jersey respondents believed that the Clean Elections program will "reduce corruption in New Jersey politics" and over two-thirds believed that the program will "make a positive difference in New Jersey politics."

Detailed Analysis of Flaws in CCP Release

After reviewing CCP's Preliminary Findings, the Brennan Center for Justice at NYU School of Law concludes:

- The conclusions reflect an overly simplified and misleading view of the Clean Elections program.
- The survey does not show there is any problem whatsoever with New Jersey's Clean Elections program.
- The data do not support CCP's conclusions and many data points remain undisclosed.
- Methodological flaws plague CCP's survey and analysis.

Overall, the report's methodology appears unscientific because there is no discussion of how survey targets were chosen. CCP will not release either the survey questions or the full set of responses to the survey. On August 11, 2008, CCP denied the Brennan Center's request for the data and the original survey.

First, the CCP report deceptively implies that the New Jersey Clean Elections program does not meet its stated objectives. Despite CCP's attempt to discredit the New Jersey pilot program, the Clean Elections Act achieves a host of its objectives.

Among the accomplishment of other goals, the program “levels the playing field” by allowing citizens to run for public office who might not have otherwise had the means to do so. It also “stimulate[s] voter involvement by encouraging small contributions from individuals” and “provide[s] more time for candidates to communicate with voters by reducing private fundraising.”ⁱⁱⁱ Furthermore, polling from objective sources such as Fairleigh Dickinson University and Rutgers University show that the voters in New Jersey’s Clean Election districts had more information about their respective legislative races than the average New Jersey voter.ⁱⁱⁱ

CCP’s first conclusion – that Clean Elections do not reduce candidates’ reliance on organized interest groups for funding – both misleads and misses the point. CCP purports to show that a large percentage of Democratic and Republican contributors in the 14th and 24th Legislative Districts represent organized special interests.

However, CCP fails to distinguish between: a) membership in a “special interest” group; and b) organized solicitation of \$10 qualifying contributions by such groups. Therefore, it is unclear whether voters who happen to be members of certain interest groups, such as the New Jersey Education Association (NJEA), are simply contributing to Clean candidates at a high rate – certainly no indictment of the Clean Elections program – or whether CCP is making the stronger claim that interest groups are actively soliciting \$10 qualifying funds on a candidate’s behalf. If the former, the Clean Elections candidate likely has no knowledge of the way in which the donation is connected to any interest group. The experience of Clean Elections state legislators, according to published news reports, was certainly not consistent with CCP’s findings.^{iv}

Even if CCP could demonstrate organized efforts by interest groups to qualify candidates, which they do not, their results would not impugn the Clean Elections program. The fact remains that no one contributor could donate more than \$10 in qualifying funds. The program creates a system that successfully reduces the impact of large contributions by wealthy, self-interested *individuals*, who pose the biggest risk of corruption. Just because groups representing the interests of large segments of the New Jersey electorate^v engage in grassroots organizing does little to buoy the assertion that interests groups possess an “undue” influence under New Jersey’s Clean Elections program.

On the contrary, grassroots groups can provide an important boost to Clean Elections candidates who must compete against non-participating candidates funded by large donations by wealthy individuals and corporate treasuries.^{vi} Civically and politically engaged citizens who, individually or through membership in a group that represents their interests, contribute \$10 to launch a competitive, publicly funded campaign may find themselves for the first time on more equal footing with respect to the wealthier donors. But unlike candidates who rely primarily on wealthier donors, Clean Elections candidates are not unduly beholden to their interests.

CCP's data are also incomplete. For example, the release omits the number of respondents that do not affiliate with interest groups – a potentially high percentage given that membership in the selected groups is not mutually exclusive. This omission is apparent from the fact that the reported percentages add up to less than 100 percent, indicating that data are either missing or being suppressed. The same holds true of their reported data on contributors' occupations; some occupation categories must be missing or overlapping. Furthermore, it is unclear what the occupation data are meant to establish.

CCP's second conclusion – that perceptions of elected officials' lack of adherence to constituent interests are driven primarily by ideology and partisanship and are unrelated to a candidate's funding source – is not only wholly unsubstantiated, but is most likely fallacious.

The CCP survey fails to test for the ways in which a public funding system alters the electorate's opinion of state legislators' fidelity to their interests. Instead, CCP only addresses *current* perceptions of elected officials' voting behavior. The report does not speak to public perception toward the voting behavior of state legislators in the 24th District before the inception of the Clean Elections program (nor does it specify whether any Democratic contributors in the 14th District indicated that their Democratic Assembly members voted on behalf of their constituents or that their Republican Senator voted with party leadership and special interests).

It may well be true, for example, that many more Democratic contributors in the 24th District would have replied that their Republican Senator and Assembly members vote with special interests in the *absence* of a public funding system. While partisanship and ideology may affect the electorate's perception their elected officials' character or even voting habits, CCP's data lend no support to the claim that the Clean Elections program is unlikely to improve citizens' opinion of their government.

Their survey did, however, find that stunning majorities of both Republican and Democratic donors in 14th District “wanted to see ‘clean election’ program succeed” – in the 14th District, 63 percent of Democratic contributors and an even higher 64 percent of Republican contributors checked that answer.

CCP's analysis is marred by additional methodological lapses. First, the crux of CCP's conclusion wholly omits the views of Libertarian contributors in the 14th District (where Libertarian candidate Jason Scheurer ran for Assembly in 2007), as well as Democratic and Republican contributors in the 37th District (the third Clean Election district chosen for the 2007 pilot program). Given that the 37th District is heavily Democratic, CCP should have also addressed Republican contributors' perception of Democratic elected officials. Instead, we are provided only one data point, from the 24th District.

Second, CCP surveyed only those who donated to Clean Elections candidates, a highly limited sample. Because 755 contributors to Clean Elections candidates in the 14th and 24th Districts are not necessarily representative of the citizenry in those districts, CCP cannot conclude that Clean Elections are “unlikely to improve citizens’ opinion of their government.” Furthermore, it is unclear whether any such distrust is specific to: a) the three Republican legislators who represent the 24th District; b) the state legislature; or c) politicians as a class.

Third, CCP summarily concludes that “concerns and charges about undue and improper influence by party leadership and special interests are driven primarily by partisan and ideological differences a citizen has with their elected legislators, rather than any real ‘corruption’ or undue influence.” But survey Question 5 (on which it evidently based such conclusion) asks only about voting behavior, and nothing about corruption – *quid pro quo* or otherwise. It is therefore far from self-evident that a particular category of citizens distrusts elected officials with whom they ideologically disagree primarily on partisan grounds, or that the question even reveals the relative importance of corruption as a value to voters.

Finally, CCP allowed multiple responses to the questions about state legislators’ voting behaviors. Of the 755 respondents, however, CCP does not disclose how many skipped this question, chose not to respond, or selected more than one answer choice. For example, CCP concludes that “the overwhelming majority of Democratic donors in the 24th District [...] still believe that their three current legislators vote more with party leadership and special interests than with the interests of their constituents.” According to the survey results, 54.7 percent of donors believe that their state legislators vote for what “party leadership wants,” while 29.7 percent vote for what “special interests want.” But since these categories are not mutually exclusive, it could easily be the case that 54.7 percent of donors believe *both* of the aforementioned statements. This plausible scenario would not constitute an “overwhelming majority.” Without these disaggregated figures, the results are rendered all but unusable.

In fact, not only is CCP’s claim about the potential of the Clean Elections program to improve citizens’ opinion of their government woefully incomplete, but the available data suggest that it is wrong. In September 2007, the Center for Research & Public Policy (CRPP) published the results of a Clean Election Project Tracking Survey on behalf of the New Jersey Election Law Enforcement Commission.^{vii} Using a published, quantitative research design, the CRPP completed 125 interviews in each of the 14th, 24th, and 37th legislative Districts shortly before the November election.

The results show that the affected electorate does in fact believe that the Clean Elections program will have a positive effect on campaigns and elections. Fifty-eight percent of respondents believed that the program will “reduce corruption in New Jersey politics” and over two thirds believed that the program will “make a positive difference in New Jersey politics.” When the respondents who were unaware of the

program are removed from the composite results, the percentages were slightly higher – 64.9 percent and 76.5 percent, respectively.

This sentiment was present in the 24th District as well. From June 2007 to September 2007, when the likelihood of Republican legislative victory in the District ostensibly grew, the percentage of respondents who held it very or somewhat likely that the Clean Elections program would reduce corruption in New Jersey politics *increased* from 34.4 percent to 54.4 percent. Over this same time period, the percentage of those who believed the program would make a positive difference in New Jersey politics similarly increased from 46.4 percent to 60.0 percent, discrediting CCP’s argument.

Finally, the CCP’s findings are questionable in light of the experiences in other Clean Election states. Existing Clean Elections programs such as those in Arizona, which have been operating at a statewide level since 2000, enjoy broad public support. For the last several years, the Arizona Citizens Clean Elections Commission has commissioned the Behavior Research Center to conduct research on voters’ perceptions of the Arizona Clean Elections program. The 2008 report, based on 402 in-depth interviews with registered voters throughout Arizona familiar with the program, concludes that the Clean Elections Act is perceived with overwhelming favor among the Arizona electorate – over seven years since the inception of the program. Seven in ten respondents expressed a somewhat or very favorable impression of the program (with only 10 percent holding somewhat or very unfavorable views), and over eight in ten respondents held that the Clean Elections program is somewhat or very important to voters in Arizona (with only 15 percent holding the opposite view).^{viii}

Endnotes

ⁱ Analysis at the Brennan Center for Justice was done by Laura MacCleery, Esq., Ciara Torres-Spelliscy, Esq. and Zachary Proulx, Research Associate.

ⁱⁱ See State of New Jersey Election Law Enforcement Commission, *2007 Fair and Clean Elections Report*, i (Mar. 28, 2008), http://www.njcleanelections.com/downloads/ce_report2007.pdf (reciting list of goals).

ⁱⁱⁱ Peter Woolley & Tim Vercellotti, Fairleigh Dickinson University’s PublicMind Poll & Rutgers University’s Eagleton Institute of Politics, *Public Attitudes Towards the Clean Elections Initiative Monitoring Study of the 2007 New Jersey Clean Elections Pilot Project 7* (Nov. 27, 2007), http://eagletonpoll.rutgers.edu/polls/CE_FinalReport_11_07.pdf (concluding, “The surveys in the Clean Elections districts, however, reveal higher levels of political awareness and information than the statewide surveys. Voters in those districts were more likely to have heard or read information about the legislative races in their district compared to voters statewide.”).

^{iv} See Matt Friedman, *With Clean Elections Program Stumbling, its Opponents Try to Knock it Down*, August 6, 2008, <http://www.politickernj.com/matt-friedman/22082/clean-elections-program-stumbling-its-opponents-try-knock-it-down> (quoting State Senator Bill Baroni’s (D-14) comments that “I can tell you that every one of our contributions was one in a series of backyard barbecues and coffee gatherings organized by individuals, along with some mailings.”).

^v The NJEA claims over 200,000 members in New Jersey. See NJEA Fact Sheet, <http://www.njea.org/page.aspx?z=1009&pz=3>.

^{vi} See State of New Jersey Election Law Enforcement Commission, *Contribution Limits Chart*, http://www.elec.state.nj.us/forcandidates/elect_limits.htm (listing various contribution limits in New Jersey including \$2,600 per individual per election contribution limit).

^{vii} See State of New Jersey Election Law Enforcement Commission, *2007 Fair and Clean Elections Report*, Appendix 1 (Mar. 28, 2008), http://www.njcleanelections.com/downloads/ce_report2007.pdf.

^{viii} Behavior Research Center, *Statewide Voter Survey*, January 2008.