

ASSEMBLY, No. 5354

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 22, 2021

Sponsored by:

Assemblywoman ELIANA PINTOR MARIN

District 29 (Essex)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

Co-Sponsored by:

Assemblyman Johnson and Assemblywoman Reynolds-Jackson

SYNOPSIS

Requires adoption of and training on anti-discrimination and anti-harassment policy by certain campaign committees; creates Office on Discrimination and Harassment Prevention; appropriates \$2,000,000.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/8/2021)

1 AN ACT concerning the prevention and remediation of discrimination
2 and harassment occurring in certain campaign committees,
3 supplementing P.L.1973, c.83 (C.19:44A-1 et seq.), and making
4 an appropriation.

5
6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*

8
9 1. The Legislature finds and declares that:

10 a. Years of reporting, legislative hearings, public listening
11 sessions and surveys have documented the toxic climate of
12 harassment, sexual violence and misogyny that too often pervades
13 New Jersey's political culture.

14 b. Political candidates, campaigns and party organizations have
15 a vested interest in suppressing, hiding or ignoring allegations of
16 sexual misconduct to avert political damage or preserve personal
17 power and control.

18 c. The practice of politics is conducted in a fluid sphere of
19 political campaigns, party organizations, and the after-hours
20 intersection of politics, government, lobbying and advocacy where
21 traditional human resource policies and protections often do not
22 apply or do not exist.

23 d. Survivors of sexual violence, harassment and other
24 misconduct risk retaliation, side-lining or the loss of their political
25 careers if they complain publicly or even privately about
26 misogynistic treatment, and those who do rarely receive justice.

27 e. Therefore, it is necessary to require campaigns and political
28 organizations to adopt anti-harassment policies, implement training
29 and designate individuals to receive confidential complaints of
30 sexual misconduct, and also to establish an independent investigative
31 unit not subject to control by campaign, party or elected officials to
32 receive and probe allegations of sexual violence, harassment and
33 misconduct in the world of New Jersey politics.

34

35 2. As used in this act, P.L. , c. (C.) (pending before the
36 Legislature as this bill):

37 "Campaign and political staff" includes any person, whether paid
38 or unpaid, rendering personal, clerical, administrative, or
39 professional services, including, without limitation, public relations,
40 research, legal, canvassing, telephone, speech writing, or other such
41 services; except that "campaign and political staff" shall not include
42 such persons who are unpaid if they render such services four or less
43 days during one calendar year.

44 "Candidate committee," "joint candidates committee," "political
45 party committee," and "continuing political committee" shall have
46 the meanings prescribed for those terms by section 3 of P.L.1973,
47 c.83 (C.19:44A-3).

1 “Governmental affairs agent” shall have the same meaning as
2 provided in section 3 of P.L.1971, c.183 (C.52:13C-20).

3 “Member of the press” means any individual who works in the
4 gathering, processing, disseminating, and delivery of news and
5 information that serves the public interest to the public through mass
6 media, including on Internet platforms, television, radio, and in
7 newspapers.

8 “Political activities” means any effort to support or oppose any
9 candidate, partisan political office, or partisan political group.
10 “Political activities” shall also include any efforts to influence the
11 passage or defeat of any legislation, policy, or regulation.

12 “Political contributions” means any payment to an individual,
13 other than a candidate, political party, or an affiliated organization,
14 to render services and engage in political activities.

15 “Protected category” means race, creed, color, national origin,
16 nationality, ancestry, age, sex, gender identity or expression,
17 affectional or sexual orientation, pregnancy or breast feeding, marital
18 status, civil union status, domestic partnership status, familial status,
19 religion, atypical hereditary cellular or blood trait, genetic
20 information, liability for service in the Armed Forces of the United
21 States, or disability.

22 “Sexual harassment” means unwelcome sexual advances, requests
23 for sexual favors, and other verbal or physical conduct of a sexual
24 nature.

25 “Third-party harassment” means unwelcome behavior involving
26 any protected category that is not directed at an individual but exists
27 in the workplace and interferes with an individual's ability to do the
28 individual's job.

29 “Trauma-informed care” or “trauma-informed interviewing”
30 means care or services provided pursuant to an approach that: (1)
31 recognizes the presence of trauma symptoms in a person; (2)
32 acknowledges the role trauma may play in an individual's life; (3)
33 integrates knowledge about trauma into policies, procedures, and
34 practices; (4) is guided by principles of establishing safety,
35 trustworthiness and transparency, peer support, collaboration and
36 mutuality, empowerment and choice, and an understanding of
37 cultural, historical, and gender issues; and (5) actively avoids re-
38 traumatization.

39

40 3. a. There is created within the New Jersey Election Law
41 Enforcement Commission, established pursuant to section 5 of
42 P.L.1973, c.83 (C.19:44A-5), an Office on Discrimination and
43 Harassment Prevention. The office shall be comprised of at least
44 three employees, which shall include, at a minimum, a director and
45 two investigators. The investigators shall have professional expertise
46 in the area of survivor support and trauma-informed interviewing.

47 b. The office shall receive, review, and investigate, in a prompt,
48 thorough, and impartial manner, all reasonable and good faith

1 complaints of discrimination or harassment received from or made
2 against:

3 (1) any candidate or campaign and political staff member of a
4 candidate committee, joint candidates committee, or political party
5 committee;

6 (2) any member of a political party committee or continuing
7 political committee;

8 (3) any individual engaged in political activities, including
9 individuals providing or soliciting political contributions; or

10 (4) any member of the press, a governmental affairs agent, or a
11 third-party vendor who will be in the physical presence of the
12 committee's offices or normal place of business or will be engaging
13 with any candidate, committee member, or campaign and political
14 staff member on a digital or virtual platform or by means of electronic
15 communication in the course of performing their duties.

16 For any complaint against a third-party vendor made by a person
17 who is not a candidate, committee member, campaign and political
18 staff member, member of the press, or governmental affairs agent,
19 the office shall refer the complaint to the employer of such vendor.
20 The office shall not refuse to investigate a complaint solely on the
21 basis that the alleged conduct occurred outside of the physical
22 presence of the committee's offices or normal place of business,
23 including on digital or virtual platforms or by means of electronic
24 communication.

25 c. The office shall maintain an official Internet site, which shall
26 comply with any applicable requirements of the federal "Americans
27 with Disabilities Act of 1990" (42 U.S.C. s.12101 et seq.), and which
28 shall be linked to that of the Election Law Enforcement Commission.
29 The office shall maintain a secure portal on its Internet site through
30 which complaints may be submitted and through which members of
31 the public may contact the office. Any person who submits a
32 complaint through the portal shall receive confirmation of such
33 submission within 48 hours thereafter, which confirmation shall be
34 sent utilizing the contact information provided by the person
35 submitting the complaint. The office shall maintain a telephone
36 number by which members of the public may contact the office, and
37 the number shall be displayed on its Internet site.

38 d. The investigation of a complaint shall be completed and a
39 final letter of determination shall be issued as soon as practicable, but
40 no later than 60 days following the initial intake of the complaint. If
41 an investigation cannot be completed within 60 days, any candidate,
42 committee member, or campaign and political staff member involved
43 in the complaint or processing of the complaint shall be notified of
44 the additional time required to complete the investigation and of the
45 exceptional circumstances requiring the extension.

46 Any reported violation of the anti-discrimination and anti-
47 harassment policy established pursuant to subsection f. of this section
48 that is found to have been substantiated by the office shall be listed

1 publicly on the Internet site of the office in a manner determined by
2 the director.

3 e. Each complaint shall be maintained in written format,
4 whether by printed or electronic means, for a duration consistent with
5 applicable law, and shall include a written determination as to
6 whether the complaint warrants investigation and the reasons
7 supporting such determination. Each investigator to whom a
8 complaint is assigned shall, at a minimum, take testimony from the
9 complainant, and, if not the same person, from the person against
10 whom the harassment or discrimination was directed if that person is
11 willing to offer testimony, and shall compile and maintain a record
12 of the evidence consistent with the procedures adopted therefor by
13 the office and with any applicable law.

14 Any candidate committee, joint candidates committee, political
15 party committee, or continuing political committee involved in a
16 complaint shall cooperate with any investigations undertaken by the
17 office. A failure to cooperate in an investigation may constitute a
18 financial penalty as set forth by the office.

19 All investigatory records, whether by printed or electronic means,
20 and consisting of the investigative report and any attachments
21 including witness statements, shall be maintained as a government
22 record and shall be accessible under P.L.1963, c.73 (C.47:1A-
23 1 et seq.) or P.L.2001, c.404 (C.47:1A-5 et al.) to the extent
24 permitted by and in accordance with those laws, except that
25 information disclosed pursuant to section 6 of this act,
26 P.L. , c. (C.) (pending before the Legislature as this bill), shall
27 not be deemed a government record and accessible under those laws.

28 f. After consultation with individuals or organizations with
29 expertise in harassment, bias, and trauma-informed care, the office
30 shall adopt and make available on its Internet site a policy on the
31 prevention and remediation of discrimination and harassment that:

- 32 (1) outlines prohibited conduct;
33 (2) requires compliance with the policy;
34 (3) requires that appropriate measures be taken to ensure that
35 prohibited conduct does not occur; and
36 (4) provides procedures for the reporting, investigation, final
37 determination, appeal of any final determination, remediation, and
38 discipline of prohibited conduct.

39 g. At a minimum, the following actions shall be prohibited under
40 the policy:

- 41 (1) engaging in any employment practice or procedure that treats
42 an individual less favorably based upon a protected category;
43 (2) using derogatory or demeaning references regarding a
44 protected category; and
45 (3) engaging in third-party harassment or gender-based or sexual
46 harassment of any kind, including hostile work environment
47 harassment, quid pro quo harassment, or same-sex harassment.

1 h. The policy shall also include provisions regarding
2 confidentiality, retaliation, conflict of interest, and false accusations.

3 At a minimum, the policy shall contain specific provisions that:

4 (1) provide, to the extent practicable and appropriate under the
5 circumstances, confidentiality is maintained throughout the
6 investigative process;

7 (2) prohibit retaliatory action against any person who submits a
8 complaint or participates in an investigation;

9 (3) outline when an investigator or the committee's Anti-
10 Discrimination and Anti-Harassment Policy Coordinator shall recuse
11 themselves due to a conflict of interest;

12 (4) prohibit false accusations or knowingly providing false
13 information in the course of an investigation of a complaint, except
14 that a complaint made in good faith, even if found to be
15 unsubstantiated shall not be considered a false accusation; and

16 (5) provide for the consideration of recommendations by the
17 person against whom the harassment or discrimination was directed.

18 The policy shall apply to any candidate or campaign and political
19 staff member of a candidate committee, joint candidates committee,
20 or political party committee, any member of a political party
21 committee or continuing political committee, or any member of the
22 press, a governmental affairs agent, or a third-party vendor who will
23 be in the physical presence of the committee's offices or normal place
24 of business or will be engaging with any candidate, committee
25 member, or campaign and political staff member on a digital or
26 virtual platform or by means of electronic communication in the
27 course of performing their duties. The policy shall apply whether or
28 not the conduct occurs in, on, or outside of the physical presence of
29 the committee's offices or normal place of business, including on
30 digital or virtual platforms or by means of electronic communication
31 including on digital or virtual platforms or by means of electronic
32 communication.

33 The office shall review the policy at least once every two years
34 and shall modify the policy as necessary. The office shall consult
35 with individuals or organizations with expertise in harassment and
36 bias in making modifications to the policy.

37 i. The office shall approve at least one program that provides
38 training on the model policy or, more generally, on the recognition,
39 reporting, remediation, and prevention of discrimination or
40 harassment. The program, or programs, may be developed by the
41 office or offered by a third party, and may be available either in-
42 person or by virtual means.

43 j. The office shall provide on or before February 1 of each year
44 a report to the Governor and to the Legislature, pursuant to section 2
45 of P.L.1991, c.164 (C.52:14-19.1), documenting the number of cases
46 reported and investigated during the previous calendar year. The
47 office shall make the report available on its Internet site. The first
48 such report shall be provided by March 1 of the second year

1 following enactment of this act, P.L. , c. (pending before the
2 Legislature as this bill).

3 k. Employees in the office shall receive annual training on the
4 policy and procedures of the office and the provisions of this act,
5 P.L. , c. (pending before the Legislature as this bill). The
6 employee training shall be approved by the Election Law
7 Enforcement Commission and each employee of the office shall
8 submit a certificate denoting completion of the training to the
9 commission. A copy of the certificate shall also be filed with the
10 office and shall be public information.

11

12 4. a. Each candidate committee, joint candidates committee,
13 political party committee, and continuing political committee shall
14 adopt and maintain the policy developed by the Office on
15 Discrimination and Harassment Prevention pursuant to section 3 of
16 P.L. , c. (C.) (pending before the Legislature as this bill).

17 b. The policy shall be posted in a conspicuous location in the
18 committee's office or normal place of business that is easily visible
19 to members of the committee and campaign and political staff, and
20 on the committee's Internet site or social media page, as applicable.
21 The policy shall be distributed to all candidates, members, campaign
22 and political staff, applicable members of the press and governmental
23 affairs agents, and applicable third-party vendors of a candidate
24 committee, joint candidates committee, political party committee, or
25 continuing political committee upon commencement of participation
26 in the campaign or the committee and within five business days of
27 any modification to the policy. Each person to whom the policy is
28 distributed shall acknowledge receipt thereof in writing within three
29 business days of receipt. Any person who fails to submit such written
30 acknowledgment within three business days shall be subject to a fine
31 in an amount determined by the Office on Discrimination and
32 Harassment Prevention in accordance with any applicable law,
33 notification about which fine shall be displayed conspicuously on the
34 policy, on the Internet site of the office, and on the Internet site or
35 social media page, as applicable, of the committee. A copy of such
36 written acknowledgement shall be filed with the Office on
37 Discrimination and Harassment Prevention and shall be public
38 information.

39 Each committee shall, by the effective date of this act,
40 P.L. , c. (pending before the Legislature as this bill), adopt and
41 distribute the policy to all persons to whom the policy applies.

42 c. Candidates, committee members, and campaign and political
43 staff shall receive training on the policy or shall complete a program
44 approved by the Office on Discrimination and Harassment
45 Prevention and shall submit a certificate denoting completion to the
46 committee. A copy of the certificate shall be filed with the Office on
47 Discrimination and Harassment Prevention and shall be public
48 information. This subsection shall only apply to those campaign and

1 political staff members who complete or intend to complete at least
2 280 hours of work for the candidate or committee over the course of
3 a calendar year. Candidates, committee members, and campaign and
4 political staff to whom this subsection applies shall receive training
5 within 30 days of commencement of participation on a campaign or
6 with a committee, and at least once every two years thereafter. A
7 person shall not be required to complete more than one such training
8 within a two-year period and may submit a certificate denoting
9 completion to any committee with whom the person associates as
10 evidence thereof.

11 d. Each candidate committee, joint candidates committee,
12 political party committee, or continuing political committee shall
13 designate an individual, who shall be known as the Anti-
14 Discrimination and Anti-Harassment Policy Coordinator, to serve as
15 the person responsible for coordination of the responsibilities of the
16 committee under this act, P.L. , c. (C.) (pending before the
17 Legislature as this bill), including:

- 18 (1) posting and distribution of the policy;
- 19 (2) collection of the written acknowledgements and certificates
20 and submission thereof to the Office on Discrimination and
21 Harassment Prevention;
- 22 (3) receipt and reporting to the office of complaints of
23 discrimination or harassment; and
- 24 (4) other communication and coordination with the office, as
25 necessary.

26 Each candidate committee, joint candidates committee, political
27 party committee, or continuing political committee shall submit the
28 name of its coordinator to the Office on Discrimination and
29 Harassment. The coordinator shall assist any person to whom the
30 policy applies in submitting a complaint if the person requests such
31 assistance. The coordinator shall provide to any person who submits
32 a complaint to the coordinator confirmation that the complaint has
33 been forwarded to the office within 48 hours of the person's
34 submission, which confirmation shall be sent utilizing the contact
35 information provided by the person submitting the complaint.

36
37 5. a. Any person to whom the policy applies may submit a
38 complaint to the Office on Discrimination and Harassment
39 Prevention through the office's Internet portal or by telephone, or to
40 the committee's Anti-Discrimination and Anti-Harassment Policy
41 Coordinator. During the initial intake of a complaint, the investigator
42 at the Office on Discrimination and Harassment Prevention shall
43 obtain information regarding the complaint, and determine if interim
44 corrective measures are necessary to prevent continued violations of
45 the policy. If interim corrective measures are determined to be
46 necessary, the committee's Anti-Discrimination and Anti-
47 Harassment Policy Coordinator shall carry out those measures. Any
48 corrective action that requires the participation of the complainant

1 shall not be implemented without the consent of that complainant.
2 The Office on Discrimination and Harassment Prevention may
3 involve law enforcement, when appropriate, for instances involving
4 bodily harm or serious bodily harm.

5 b. A person who wishes to take action about prohibited
6 discrimination or harassment may file a criminal complaint with the
7 law enforcement agency of the municipality where the incident
8 occurred. A person may make both a report to a law enforcement
9 agency and also a report to the Office on Discrimination and
10 Harassment Prevention or the committee's Anti-Discrimination and
11 Anti-Harassment Policy Coordinator.

12 c. Nothing in this act shall prevent a person from filing a complaint
13 directly with other agencies that investigate discrimination or
14 harassment claims, such as the New Jersey Division on Civil Rights
15 and the United States Equal Employment Opportunity Commission.
16 The person shall contact the specific agency to obtain exact
17 timeframes for filing a complaint. The deadlines shall run from the
18 date of the last incident of alleged discrimination or harassment, not
19 from the date that the final letter of determination is issued by the
20 Office on Discrimination and Harassment Prevention.

21
22 6. a. Each candidate committee, joint candidates committee,
23 political party committee, or continuing political committee shall
24 require candidates, members, campaign and political staff, and third-
25 party vendors to whom the policy applies to provide:

26 (1) a list, and appropriate contact information, of any such
27 committees with which the person participated within the previous
28 10 years;

29 (2) a written attestation as to whether the person:

30 (a) has been the subject of any investigation by the Office on
31 Discrimination and Harassment Prevention, or by any candidate
32 committee, joint candidates committee, political party committee, or
33 continuing political committee that did not result in a finding that the
34 allegations were false or not substantiated; or

35 (b) with respect to an allegation of harassment or discrimination,
36 has been disciplined or discharged by the office or any committee,
37 has been asked by the office or any committee to discontinue his or
38 her affiliation with a committee, or has separated from any committee
39 while under investigation; and

40 (3) written authorization that consents to and authorizes the
41 disclosure of information pursuant to subsection b. of this section by
42 the Office on Discrimination and Harassment Prevention and by any
43 committee, and that releases the office and those committees from
44 liability that may arise from such disclosure.

45 b. Each candidate committee, joint candidates committee,
46 political party committee, or continuing political committee shall
47 submit to the Office on Discrimination and Harassment Prevention
48 the list and attestation required pursuant to subsection a. of this

1 section. If any information provided therein is false or inaccurate,
2 the office shall notify and provide the appropriate documentation to
3 the committee. Information disclosed pursuant to this section shall
4 not be deemed a government record under P.L.1963, c.73 (C.47:1A-
5 1 et seq.) or the common law concerning access to public records.

6 c. A person who, as determined pursuant to an administrative
7 hearing, willfully provides false information or willfully fails to
8 disclose information required in subsection a. of this section may be
9 subject to a civil penalty of not more than \$500, which shall be
10 collected in proceedings in accordance with the "Penalty
11 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). A
12 committee shall provide a notification of the penalty set forth in this
13 section to each person to whom the policy applies.
14

15 7. a. Each candidate committee, joint candidates committee,
16 political party committee, or continuing political committee shall
17 make every effort to maintain a work environment that is free from
18 any form of prohibited discrimination or harassment. A committee
19 or its Anti-Discrimination and Anti-Harassment Policy Coordinator
20 shall immediately refer allegations of prohibited discrimination or
21 harassment to the Office on Discrimination and Harassment
22 Prevention. Any person who willfully and knowingly violates the
23 provisions of paragraphs (1), (2), or (3) of subsection d. of section 4
24 of this act, P.L. , c. (C.) (pending before the Legislature as
25 this bill), shall, in addition to any other penalty provided by law, be
26 subject to a fine of not more than \$500 for each offense. Any
27 committee that fails to comply with the provisions of this act shall be
28 subject to a fine imposed by the Director of the Office on
29 Discrimination and Harassment Prevention within the New Jersey
30 Election Law Enforcement Commission in an amount to be
31 determined by the director.

32 b. Upon receiving evidence of any violation, the Office on
33 Discrimination and Harassment Prevention within the Election Law
34 Enforcement Commission shall, through the director, have the power
35 to hold hearings upon such violation. The director shall take
36 testimony, compile a record, and make factual findings. Upon
37 finding any person to have committed such a violation, the Director
38 of the Office on Discrimination and Harassment Prevention shall
39 have the power to assess a fine, within the limits prescribed in
40 subsection a. of this section, as it deems proper under the
41 circumstances.

42 c. In assessing the fine, the Office on Discrimination and
43 Harassment Prevention may provide for the remission of all or any
44 part thereof conditioned upon the prompt correction of any failure,
45 neglect, error, or omission constituting the violation for which the
46 fine was assessed. Monies collected from payment of the fine shall
47 be deposited into the State General Fund for appropriation by the
48 Legislature to the New Jersey Election Law Enforcement

1 Commission for the purposes of this act. The fine shall be
2 enforceable in a summary proceeding under the “Penalty
3 Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.).
4

5 8. a. Notwithstanding the confidentiality provision of the
6 policy, an investigator may discuss the claims with the persons
7 against whom the complaint was filed and with other persons who
8 may have relevant knowledge, or who have a legitimate need to know
9 about the claims. All persons interviewed, including complainants
10 and witnesses, shall be asked to use discretion in communicating any
11 aspect of the investigation to avoid interfering with the investigation.
12 All complainants shall be permitted to be accompanied with a support
13 person or advisor of their choice to any meeting or interview that is
14 conducted under the policy. A support person or advisor shall not
15 represent a complainant in a meeting or interview or otherwise
16 interfere in the investigation process.

17 Nothing in this subsection shall be interpreted as any restriction
18 upon any candidates, committee members, or campaign and political
19 staff members rights under State or federal law, including their right
20 of free speech or to communicate any allegations to another person.

21 b. Each candidate committee, joint candidates committee,
22 political party committee, and continuing political committee shall
23 notify in writing any candidate, committee member, or campaign and
24 political staff member who has signed or signs confidentiality forms
25 related to, or as a party to, a contract or settlement agreement which
26 has, the purpose or effect of concealing the details relating to a claim
27 of discrimination, retaliation, or harassment that such forms,
28 contracts, and agreements are deemed to be against public policy and
29 unenforceable pursuant to sections 1 and 2 of P.L.2019, c.39 (C.10:5-
30 12.7 and C.10:5-12.8), respectively.
31

32 9. a. There is created a Safe Campaigns Advisory Board for the
33 purpose of providing assistance, advice, and guidance to the Office
34 on Discrimination and Harassment Prevention as needed, including
35 in drafting and reviewing policies and procedures and tracking
36 implementation of the provisions of this act, P.L. , c. (C.)
37 (pending before the Legislature as this bill), by candidate
38 committees, joint candidates committees, political party committees,
39 and continuing political committees.

40 b. The board shall consist of 11 members as follows:

41 (1) the Secretary of State, who shall serve ex officio, or the
42 Secretary’s designee;

43 (2) the director of the Division on Civil Rights in the Department
44 of Law and Public Safety, who shall serve ex officio, or the director’s
45 designee;

46 (3) the director of the Division on Women in the Department of
47 Children and Families, who shall serve ex officio, or the director’s
48 designee;

1 (4) the director of the Office on Discrimination and Harassment
2 Prevention, who shall serve ex officio;

3 (5) one member of the public appointed by the Governor who
4 shall be chosen from among three persons recommended by the New
5 Jersey Coalition Against Sexual Assault;

6 (6) two members of the public appointed by the Governor who
7 shall have expertise in the area of anti-harassment, and at least one
8 of whom shall have experience in education or advocacy related to
9 anti-harassment in campaigns; and

10 (7) four members of the public who have expertise in the area of
11 anti-harassment to be appointed, one each, by the President of the
12 Senate, the Speaker of the General Assembly, the Minority Leader of
13 the Senate, and the Minority Leader of the General Assembly.

14 Vacancies in the membership of the board shall be filled in the
15 same manner provided for the original appointments. The members
16 shall serve without compensation.

17 c. All appointments to the board shall be made not later than the
18 30th day after the effective date of this act. The board shall convene
19 its first meeting within 15 days following the date on which the last
20 of its members has been appointed.

21 The director of the Division on Civil Rights in the Department of
22 Law and Public Safety, or the director's designee, shall serve as
23 chairperson. The board shall select a vice chairperson who shall be
24 a member of the commission. A majority of the authorized
25 membership of the board shall constitute a quorum for the transaction
26 of any business.

27 The chairperson may appoint a secretary who need not be a
28 member of the board. The board shall be entitled to call to its
29 assistance and avail itself of the services of the employees of any
30 State department, board, bureau, commission or agency as it may
31 require and as may be available to it for its purposes.

32 d. The board shall adopt and implement a method for receiving
33 anonymous feedback from persons who have interacted with the
34 Office on Discrimination and Harassment Prevention.

35 e. The Office on Discrimination and Harassment Prevention
36 shall provide to the board quarterly data concerning the number of
37 cases reported and investigated during the previous three months.

38 f. The board shall provide two reports to the Office on
39 Discrimination and Harassment Prevention, the Governor, and,
40 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the
41 Legislature concerning implementation of the provisions of this act,
42 P.L. , c. (C.) (pending before the Legislature as this bill),
43 and any recommendations for legislation or regulations to improve
44 upon implementation and adherence. The board shall provide the
45 first report on or before the last calendar day of the third year
46 following appointment of all of its members and shall provide the
47 second report on or before the last calendar day of the third year
48 following issuance of the first report. The Office on Discrimination

1 and Harassment Prevention shall make each report available on its
2 Internet site. The board shall dissolve upon issuance of the second
3 report.

4
5 10. The New Jersey Election Law Enforcement Commission
6 shall, within 120 days following enactment, adopt rules and
7 regulations governing the use of campaign funds to achieve
8 compliance with and provide anti-discrimination and anti-harassment
9 training pursuant to this act, P.L. , c. (C.) (pending before
10 the Legislature as this bill). The rules shall be effective immediately
11 upon filing with the Office of Administrative Law and shall be
12 effective for a period not to exceed 18 months, and may, thereafter,
13 be amended, adopted or readopted in accordance with the provisions
14 of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
15 1 et seq.).

16
17 11. If any provision of this act, P.L. , c. (C.) (pending before
18 the Legislature as this bill), or its application is held invalid, the
19 invalidity does not affect other provisions or applications of this act
20 which can be given effect without the invalid provision or
21 application, and to this end the provisions of this act are severable.

22
23 12. There is appropriated from the State General Fund to the New
24 Jersey Election Law Enforcement Commission the sum of
25 \$2,000,000 to carry out the purposes specified in this act,
26 P.L. , c. (C.) (pending before the Legislature as this bill).

27
28 13. This act shall take effect on the 180th day next following the
29 date of enactment, but such anticipatory administrative action in
30 advance as shall be necessary for the implementation of this act may
31 be taken prior thereto.

32 33 34 STATEMENT

35
36 This bill requires the adoption of and training on an anti-
37 discrimination and anti-harassment policy by candidate committees,
38 joint candidates committees, political party committees, and
39 continuing political committee. The bill creates the Office on
40 Discrimination and Harassment Prevention (ODHP) within the New
41 Jersey Election Law Enforcement Commission and appropriates
42 \$2,000,000 to the commission to carry out the purposes of the bill.

43 The ODHP will be comprised of at least three employees,
44 including a director and two investigators, who are to have
45 professional expertise in the areas of survivor support and trauma-
46 informed interviewing. The office will receive, review, and
47 investigate complaints of discrimination or harassment received from
48 or made against:

1 (1) any candidate or campaign and political staff member of a
2 candidate committee, joint candidates committee, or political party
3 committee;

4 (2) any member of a political party committee or continuing
5 political committee;

6 (3) any individual engaged in political activities, including
7 individuals providing or soliciting political contributions; or

8 (4) any member of the press, a governmental affairs agent, or a
9 third-party vendor who will be in the physical presence of the
10 committee's offices or normal place of business or will be engaging
11 with any candidate, committee member, or campaign and political
12 staff member on a digital or virtual platform or by means of electronic
13 communication in the course of performing their duties.

14 The bill directs the ODHP to maintain an official Internet site, a
15 secure portal through which complaints may be submitted, and a
16 telephone number by which members of the public may contact the
17 office. Confirmation of receipt of a complaint must be provided to a
18 person submitting a complaint through the portal within 48 hours of
19 submission.

20 The ODHP, in consultation with individuals or organizations with
21 expertise in harassment and bias, is to adopt a policy that meets the
22 requirements of the bill, review the policy at least once every two
23 years, and modify the policy as necessary. The policy must: outline
24 prohibited conduct; require compliance with the policy; require that
25 appropriate measures be taken to ensure that prohibited conduct does
26 not occur; and provide procedures for the reporting, investigation,
27 final determination, remediation, and discipline of prohibited
28 conduct. The policy is to include provisions regarding
29 confidentiality, retaliation, and false accusations. The policy must
30 also provide for the consideration of recommendations for
31 remediation made by the person against whom the harassment or
32 discrimination was directed. The policy will apply whether or not
33 the conduct occurs in the office and will also apply to electronic
34 transmissions, such as email, text messages, or various postings on
35 social media.

36 The office is to approve at least one program that will provide
37 training on the model policy or on the recognition, reporting,
38 remediation, and prevention of discrimination and harassment. The
39 program may be developed in-house or offered by a third party, and
40 may be available either in-person or virtually.

41 The policy is to be distributed to a person upon commencement of
42 participation on the committee or campaign and within five business
43 days of any modification to the policy. The candidate and members
44 of campaign and political staff who will complete 280 hours of work
45 for the committee in a calendar year are to receive training on the
46 policy and submit a certification of completion to the committee, a
47 copy of which will be filed with ODHP and considered public

1 information. The bill also grants to the office the authority to issue
2 fines for noncompliance.

3 The bill requires candidates, members, campaign and political
4 staff, and third-party vendors to provide a list of any campaign
5 committees with which the person participated over the previous 10
6 years and a written attestation as to whether the person:

7 (a) has been the subject of any investigation by ODHP, or by any
8 campaign committee, that did not result in a finding that the
9 allegations were false or not substantiated; or

10 (b) has been disciplined, discharged, or asked to resign with
11 respect to allegations of discrimination or harassment, or has
12 voluntarily separated during any investigation of those allegations.
13 Candidates, members, campaign and political staff, and third-party
14 vendors must also provide written authorization consenting to the
15 disclosure of information related to those allegations and releasing
16 the office and any committee from liability that may arise from that
17 disclosure. Committees are to provide this information to the office,
18 which must verify the information with its records and notify the
19 committee of any discrepancies. This information will not be deemed
20 a government record under the open public records act or the
21 common law concerning access to public records. The bill provides
22 for a penalty of not more than \$500 for any person who is determined
23 pursuant to an administrative hearing to have willfully provided false
24 information or willfully failed to disclose information required under
25 the bill.

26 The bill requires the ODHP to provide by February 1 of each year
27 a report to the Governor, the Legislature, and the public, on its
28 Internet site, documenting the number of cases reported and
29 investigated during the previous calendar year.

30 The bill also bans nondisclosure agreements concerning
31 discrimination, retaliation, or harassment and requires that each
32 candidate committee, joint candidates committee, political party
33 committee, and continuing political committee is required to notify
34 in writing any candidate, committee member, or campaign and
35 political staff member who has signed or signs such confidentiality
36 forms that those forms are deemed unenforceable.

37 Finally, the bill creates an 11-member advisory board to provide
38 assistance, advice, and guidance to ODHP as needed, including in
39 drafting and reviewing policies and procedures and tracking
40 implementation of the provisions of the bill. The members of the
41 board include:

- 42 (1) the Secretary of State;
43 (2) the director of the Division on Civil Rights;
44 (3) the director of the Division on Women;
45 (4) the director of the Office on Discrimination and Harassment
46 Prevention;

1 (5) one member of the public chosen by the Governor from
2 among three persons recommended by the New Jersey Coalition
3 Against Sexual Assault;

4 (6) two members of the public appointed by the Governor with
5 expertise in the area of anti-harassment, one of whom is to have
6 experience in education or advocacy related to anti-harassment in
7 campaigns; and

8 (7) four public members with expertise in the area of anti-
9 harassment to be appointed, one each, by each of the following: the
10 President of the Senate, the Speaker of the General Assembly, the
11 Minority Leader of the Senate, and the Minority Leader of the
12 General Assembly.

13 The board is to adopt and implement a method for receiving
14 anonymous feedback from individuals who have interacted with
15 ODHP. The bill requires the office to provide to the board quarterly
16 data concerning the number of cases reported and investigated during
17 the previous three months. The board is to provide to the office, the
18 Governor, and the Legislature two reports, one every three years
19 following appointment of its members, concerning implementation
20 of the provisions of the bill and any recommendations for legislation
21 or regulations to improve upon implementation and adherence. The
22 board will dissolve upon issuance of the second report.