

ASSEMBLY, No. 1248

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Assemblywoman ELIANA PINTOR MARIN

District 29 (Essex)

Co-Sponsored by:

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

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the prevention and remediation of
2 discrimination and harassment occurring in certain campaign
3 committees, supplementing P.L.1973, c.83 (C.19:44A-1 et seq.),
4 and making 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
31 investigative unit not subject to control by campaign, party or
32 elected officials to receive and probe allegations of sexual violence,
33 harassment and misconduct in the world of New Jersey politics.
34

35 2. As used in this act, P.L. , c. (C.) (pending before
36 the 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
43 less 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
6 mass media, including on Internet platforms, television, radio, and
7 in 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,
18 marital status, civil union status, domestic partnership status,
19 familial status, religion, atypical hereditary cellular or blood trait,
20 genetic information, liability for service in the Armed Forces of the
21 United States, or disability.

22 “Sexual harassment” means unwelcome sexual advances,
23 requests for sexual favors, and other verbal or physical conduct of a
24 sexual 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
46 expertise in the area of survivor support and trauma-informed
47 interviewing.

1 b. The office shall receive, review, and investigate, in a prompt,
2 thorough, and impartial manner, all reasonable and good faith
3 complaints of discrimination or harassment received from or made
4 against:

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

8 (2) any member of a political party committee or continuing
9 political committee;

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

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

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

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

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

1 Any reported violation of the anti-discrimination and anti-
2 harassment policy established pursuant to subsection f. of this
3 section that is found to have been substantiated by the office shall
4 be listed publicly on the Internet site of the office in a manner
5 determined by the director.

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

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

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

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

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

43 g. At a minimum, the following actions shall be prohibited
44 under the policy:

- 45 (1) engaging in any employment practice or procedure that
46 treats an individual less favorably based upon a protected category;
47 (2) using derogatory or demeaning references regarding a
48 protected category; and

1 (3) engaging in third-party harassment or gender-based or
2 sexual harassment of any kind, including hostile work environment
3 harassment, quid pro quo harassment, or same-sex harassment.

4 h. The policy shall also include provisions regarding
5 confidentiality, retaliation, conflict of interest, and false
6 accusations. At a minimum, the policy shall contain specific
7 provisions that:

8 (1) provide, to the extent practicable and appropriate under the
9 circumstances, confidentiality is maintained throughout the
10 investigative process;

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

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

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

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

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

37 The office shall review the policy at least once every two years
38 and shall modify the policy as necessary. The office shall consult
39 with individuals or organizations with expertise in harassment and
40 bias in making modifications to the policy.

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

47 j. The office shall provide on or before February 1 of each year
48 a report to the Governor and to the Legislature, pursuant to section

1 2 of P.L.1991, c.164 (C.52:14-19.1), documenting the number of
2 cases reported and investigated during the previous calendar year.
3 The office shall make the report available on its Internet site. The
4 first such report shall be provided by March 1 of the second year
5 following enactment of this act, P.L. , c. (pending before the
6 Legislature as this bill).

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

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

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

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

46 c. Candidates, committee members, and campaign and political
47 staff shall receive training on the policy or shall complete a
48 program approved by the Office on Discrimination and Harassment

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

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

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

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

41
42 5. a. Any person to whom the policy applies may submit a
43 complaint to the Office on Discrimination and Harassment
44 Prevention through the office's Internet portal or by telephone, or to
45 the committee's Anti-Discrimination and Anti-Harassment Policy
46 Coordinator. During the initial intake of a complaint, the
47 investigator at the Office on Discrimination and Harassment
48 Prevention shall obtain information regarding the complaint, and

1 determine if interim corrective measures are necessary to prevent
2 continued violations of the policy. If interim corrective measures
3 are determined to be necessary, the committee's Anti-
4 Discrimination and Anti-Harassment Policy Coordinator shall carry
5 out those measures. Any corrective action that requires the
6 participation of the complainant shall not be implemented without
7 the consent of that complainant. The Office on Discrimination and
8 Harassment Prevention may involve law enforcement, when
9 appropriate, for instances involving bodily harm or serious bodily
10 harm.

11 b. A person who wishes to take action about prohibited
12 discrimination or harassment may file a criminal complaint with the
13 law enforcement agency of the municipality where the incident
14 occurred. A person may make both a report to a law enforcement
15 agency and also a report to the Office on Discrimination and
16 Harassment Prevention or the committee's Anti-Discrimination and
17 Anti-Harassment Policy Coordinator.

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

28

29 6. a. Each candidate committee, joint candidates committee,
30 political party committee, or continuing political committee shall
31 require candidates, members, campaign and political staff, and
32 third-party vendors to whom the policy applies to provide:

33 (1) a list, and appropriate contact information, of any such
34 committees with which the person participated within the previous
35 10 years;

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

37 (a) has been the subject of any investigation by the Office on
38 Discrimination and Harassment Prevention, or by any candidate
39 committee, joint candidates committee, political party committee,
40 or continuing political committee that did not result in a finding that
41 the allegations were false or not substantiated; or

42 (b) with respect to an allegation of harassment or discrimination,
43 has been disciplined or discharged by the office or any committee,
44 has been asked by the office or any committee to discontinue his or
45 her affiliation with a committee, or has separated from any
46 committee while under investigation; and

47 (3) written authorization that consents to and authorizes the
48 disclosure of information pursuant to subsection b. of this section

1 by the Office on Discrimination and Harassment Prevention and by
2 any committee, and that releases the office and those committees
3 from liability that may arise from such disclosure.

4 b. Each candidate committee, joint candidates committee,
5 political party committee, or continuing political committee shall
6 submit to the Office on Discrimination and Harassment Prevention
7 the list and attestation required pursuant to subsection a. of this
8 section. If any information provided therein is false or inaccurate,
9 the office shall notify and provide the appropriate documentation to
10 the committee. Information disclosed pursuant to this section shall
11 not be deemed a government record under P.L.1963, c.73 (C.47:1A-
12 1 et seq.) or the common law concerning access to public records.

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

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

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

1 c. In assessing the fine, the Office on Discrimination and
2 Harassment Prevention may provide for the remission of all or any
3 part thereof conditioned upon the prompt correction of any failure,
4 neglect, error, or omission constituting the violation for which the
5 fine was assessed. Monies collected from payment of the fine shall
6 be deposited into the State General Fund for appropriation by the
7 Legislature to the New Jersey Election Law Enforcement
8 Commission for the purposes of this act. The fine shall be
9 enforceable in a summary proceeding under the “Penalty
10 Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.).

11

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

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

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

39

40 9. a. There is created a Safe Campaigns Advisory Board for
41 the purpose of providing assistance, advice, and guidance to the
42 Office on Discrimination and Harassment Prevention as needed,
43 including in drafting and reviewing policies and procedures and
44 tracking implementation of the provisions of this act, P.L. , c.
45 (C.) (pending before the Legislature as this bill), by candidate
46 committees, joint candidates committees, political party
47 committees, and continuing political committees.

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

- 1 (1) the Secretary of State, who shall serve ex officio, or the
2 Secretary's designee;
 - 3 (2) the director of the Division on Civil Rights in the
4 Department of Law and Public Safety, who shall serve ex officio, or
5 the director's designee;
 - 6 (3) the director of the Division on Women in the Department of
7 Children and Families, who shall serve ex officio, or the director's
8 designee;
 - 9 (4) the director of the Office on Discrimination and Harassment
10 Prevention, who shall serve ex officio;
 - 11 (5) one member of the public appointed by the Governor who
12 shall be chosen from among three persons recommended by the
13 New Jersey Coalition Against Sexual Assault;
 - 14 (6) two members of the public appointed by the Governor who
15 shall have expertise in the area of anti-harassment, and at least one
16 of whom shall have experience in education or advocacy related to
17 anti-harassment in campaigns; and
 - 18 (7) four members of the public who have expertise in the area of
19 anti-harassment to be appointed, one each, by the President of the
20 Senate, the Speaker of the General Assembly, the Minority Leader
21 of the Senate, and the Minority Leader of the General Assembly.
- 22 Vacancies in the membership of the board shall be filled in the
23 same manner provided for the original appointments. The members
24 shall serve without compensation.
- 25 c. All appointments to the board shall be made not later than
26 the 30th day after the effective date of this act. The board shall
27 convene its first meeting within 15 days following the date on
28 which the last of its members has been appointed.
- 29 The director of the Division on Civil Rights in the Department of
30 Law and Public Safety, or the director's designee, shall serve as
31 chairperson. The board shall select a vice chairperson who shall be
32 a member of the commission. A majority of the authorized
33 membership of the board shall constitute a quorum for the
34 transaction of any business.
- 35 The chairperson may appoint a secretary who need not be a
36 member of the board. The board shall be entitled to call to its
37 assistance and avail itself of the services of the employees of any
38 State department, board, bureau, commission or agency as it may
39 require and as may be available to it for its purposes.
- 40 d. The board shall adopt and implement a method for receiving
41 anonymous feedback from persons who have interacted with the
42 Office on Discrimination and Harassment Prevention.
- 43 e. The Office on Discrimination and Harassment Prevention
44 shall provide to the board quarterly data concerning the number of
45 cases reported and investigated during the previous three months.
- 46 f. The board shall provide two reports to the Office on
47 Discrimination and Harassment Prevention, the Governor, and,
48 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the

1 Legislature concerning implementation of the provisions of this act,
2 P.L. , c. (C.) (pending before the Legislature as this bill),
3 and any recommendations for legislation or regulations to improve
4 upon implementation and adherence. The board shall provide the
5 first report on or before the last calendar day of the third year
6 following appointment of all of its members and shall provide the
7 second report on or before the last calendar day of the third year
8 following issuance of the first report. The Office on Discrimination
9 and Harassment Prevention shall make each report available on its
10 Internet site. The board shall dissolve upon issuance of the second
11 report.

12

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

24

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

30

31 12. There is appropriated from the State General Fund to the
32 New Jersey Election Law Enforcement Commission the sum of
33 \$2,000,000 to carry out the purposes specified in this act,
34 P.L. , c. (C.) (pending before the Legislature as this bill).

35

36 13. This act shall take effect on the 180th day next following the
37 date of enactment, but such anticipatory administrative action in
38 advance as shall be necessary for the implementation of this act
39 may be taken prior thereto.

40

41

42

STATEMENT

43

44 This bill requires the adoption of and training on an anti-
45 discrimination and anti-harassment policy by candidate committees,
46 joint candidates committees, political party committees, and
47 continuing political committee. The bill creates the Office on
48 Discrimination and Harassment Prevention (ODHP) within the New

1 Jersey Election Law Enforcement Commission and appropriates
2 \$2,000,000 to the commission to carry out the purposes of the bill.

3 The ODHP will be comprised of at least three employees,
4 including a director and two investigators, who are to have
5 professional expertise in the areas of survivor support and trauma-
6 informed interviewing. The office will receive, review, and
7 investigate complaints of discrimination or harassment received
8 from or made against:

9 (1) any candidate or campaign and political staff member of a
10 candidate committee, joint candidates committee, or political party
11 committee;

12 (2) any member of a political party committee or continuing
13 political committee;

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

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

22 The bill directs the ODHP to maintain an official Internet site, a
23 secure portal through which complaints may be submitted, and a
24 telephone number by which members of the public may contact the
25 office. Confirmation of receipt of a complaint must be provided to
26 a person submitting a complaint through the portal within 48 hours
27 of submission.

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

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

1 The policy is to be distributed to a person upon commencement
2 of participation on the committee or campaign and within five
3 business days of any modification to the policy. The candidate and
4 members of campaign and political staff who will complete 280
5 hours of work for the committee in a calendar year are to receive
6 training on the policy and submit a certification of completion to
7 the committee, a copy of which will be filed with ODHP and
8 considered public information. The bill also grants to the office the
9 authority to issue fines for noncompliance.

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

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

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

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

37 The bill also bans nondisclosure agreements concerning
38 discrimination, retaliation, or harassment and requires that each
39 candidate committee, joint candidates committee, political party
40 committee, and continuing political committee is required to notify
41 in writing any candidate, committee member, or campaign and
42 political staff member who has signed or signs such confidentiality
43 forms that those forms are deemed unenforceable.

44 Finally, the bill creates an 11-member advisory board to provide
45 assistance, advice, and guidance to ODHP as needed, including in
46 drafting and reviewing policies and procedures and tracking
47 implementation of the provisions of the bill. The members of the
48 board include:

- 1 (1) the Secretary of State;
 - 2 (2) the director of the Division on Civil Rights;
 - 3 (3) the director of the Division on Women;
 - 4 (4) the director of the Office on Discrimination and Harassment
 - 5 Prevention;
 - 6 (5) one member of the public chosen by the Governor from
 - 7 among three persons recommended by the New Jersey Coalition
 - 8 Against Sexual Assault;
 - 9 (6) two members of the public appointed by the Governor with
 - 10 expertise in the area of anti-harassment, one of whom is to have
 - 11 experience in education or advocacy related to anti-harassment in
 - 12 campaigns; and
 - 13 (7) four public members with expertise in the area of anti-
 - 14 harassment to be appointed, one each, by each of the following: the
 - 15 President of the Senate, the Speaker of the General Assembly, the
 - 16 Minority Leader of the Senate, and the Minority Leader of the
 - 17 General Assembly.
- 18 The board is to adopt and implement a method for receiving
- 19 anonymous feedback from individuals who have interacted with
- 20 ODHP. The bill requires the office to provide to the board
- 21 quarterly data concerning the number of cases reported and
- 22 investigated during the previous three months. The board is to
- 23 provide to the office, the Governor, and the Legislature two reports,
- 24 one every three years following appointment of its members,
- 25 concerning implementation of the provisions of the bill and any
- 26 recommendations for legislation or regulations to improve upon
- 27 implementation and adherence. The board will dissolve upon
- 28 issuance of the second report.