

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 5354
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: JANUARY 10, 2022

SUMMARY

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.

Type of Impact: Annual State Expenditure increase; Potential annual State revenue increase.

Agencies Affected: Department of Law and Public Safety

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2 and Thereafter</u>
State Cost Increase	Up to \$2 million	Indeterminate
Potential State Revenue Increase	Indeterminate	Indeterminate

- The Office of Legislative Services (OLS) concludes that the State will experience an annual indeterminate cost increase to establish, staff, and maintain the work of the Office on Discrimination and Harassment Prevention (ODHP). The initial costs of the office will be funded by an appropriation of \$2 million and the State could collect an indeterminate amount of fine revenue from violations of the bill’s provisions, which is to be used to fund the office’s activities. Annual costs will be incurred thereafter for personnel, including possibly for salaries and fringe benefits, and for training and the collection and reporting of the required data.

BILL DESCRIPTION

This bill requires the adoption of and training on an anti-discrimination and anti-harassment policy by candidate committees, joint candidates committees, political party committees, and continuing political committees. The bill creates the ODHP within the New Jersey Election Law Enforcement Commission (ELEC) and appropriates \$2,000,000 to the commission to carry out the purposes of the bill.

The ODHP will be comprised of at least three employees, including a director and two investigators, who are to have professional expertise in the areas of survivor support and trauma-informed interviewing. The office will receive, review, and investigate complaints of discrimination or harassment.

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

The ODHP, in consultation with individuals or organizations with expertise in harassment and bias, is to adopt a policy that meets the requirements of the bill, review the policy at least once every two years, and modify the policy as necessary.

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

The policy is to be distributed to a person upon commencement of participation on the committee or campaign and within five business days of any modification to the policy. The candidate and members of campaign and political staff who will complete 280 hours of work for the committee in a calendar year are to receive training on the policy and submit a certification of completion to the committee, a copy of which will be filed with ODHP and considered public information. The bill also grants to the office the authority to issue fines for noncompliance. The bill provides for a penalty of not more than \$500 for any person who is determined pursuant to an administrative hearing to have willfully provided false information or willfully failed to disclose information required under the bill.

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

Finally, the bill creates the Safe Campaigns Advisory Board, an 11-member advisory board, to provide assistance, advice, and guidance to ODHP as needed, including in drafting and reviewing policies and procedures and tracking implementation of the provisions of the bill.

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

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that the State will experience an annual indeterminate cost increase to establish, staff, and maintain the work of the ODHP. The initial costs of the office will be funded by an appropriation of \$2 million and the State could collect an indeterminate amount of fine revenue from violations of the bill's provisions, which is to be used to fund the office's activities.

Annual costs will be incurred thereafter for personnel, including possibly for salaries and fringe benefits, and for training and the collection and reporting of the required data.

State Expenditures: This bill establishes the Office on Discrimination and Harassment Prevention within the New Jersey Election Law Enforcement Commission and appropriates \$2 million to the commission to fund the initial establishment of the ODHP.

The ODHP is required to be comprised of at least three employees, including a director and two investigators with professional expertise in the areas of survivor support and trauma-informed interviewing. The OLS does not know if these required personnel may be reallocated from the established ELEC staff or if the office will require newly hired employees.

The ODHP is required to receive, review, and investigate complaints of discrimination or harassment. The office is required to maintain an official website and telephone number to receive complaints. The office is to approve at least one program that will provide training on the model policy or on the recognition, reporting, remediation, and prevention of discrimination and harassment. The program is permitted to be developed in-house or offered by a third party, and made available either in-person or virtually. The OLS estimates that existing training programs approved by the State may be utilized to meet these requirements.

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

Finally, the bill creates an 11-member advisory board to provide assistance, advice, and guidance to ODHP as needed, including in drafting and reviewing policies and procedures, tracking implementation of the provisions of the bill, and providing reports as required. The board will dissolve upon issuance of the second report.

The bill provides a \$2 million appropriation, but the OLS anticipates that there will be additional annual expenditures for personnel, and technology upgrades for the collection and reporting of the required data.

State Revenue: The OLS anticipates that the State may annually collect indeterminate fine and penalty payments from non-compliance and statutory violations applicable to this bill.

The bill grants the office the authority to issue fines for noncompliance. The bill provides for a penalty of not more than \$500 for any person who is determined pursuant to an administrative hearing to have willfully provided false information or willfully failed to disclose information required under the bill.

Section: Law and Public Safety
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This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).