

Testimony of Representative Bob Godfrey
HB 5815 An Act Concerning Political Advertising
February 27, 2019

In my long history of public service, there have been many changes, mostly for the better. But one change that angers me is the wide-spread and growing uncivil behavior in government and campaigns. In a recent story in NCSL's State Legislatures magazine (January-February 2019, page 21) it was noted that "93% of Americans from both political parties agree that uncivil behavior is rampant and getting worse."

For many years, especially as I met with colleagues from other states, I was able to say that incivility was foreign to Connecticut's legislature and our campaigns (especially when comparing us to the nonsense of Congress). But that, sadly, is no longer true; even here, politics has changed for the worse.

In 2018, this came to a head with the use of photo shopped or otherwise altered pictures used by campaigns here. The most disturbing include the anti-Semitic attack on Senator Matt Lesser, the totally bogus pictures involving Representative Liz Linehan and Senator Will Haskell, and (most egregious) the desecration of James Albis' wedding picture.

It was these disgusting practices that led me to submit the proposal that is HB 5815, that would require campaign literature (regardless of the medium) to include a disclosure where an altered picture has been used. My purpose is to shine a light on this underhanded practice; for "If the broad light of day could be let in upon men's actions, it would purify them as the sun disinfects." — Louis D. Brandeis, Associate Justice of the US Supreme Court. My purpose is to begin to restore civility to campaigns and government. My purpose is to bring the idea of truth in advertising to campaign literature.

Now, we all speak cliché; we're in public service. But "A picture is worth a thousand words." "A single picture can express something more clearly, vividly, or succinctly than a large amount of words can" [from the Freedictionary.com]. (Just look at any advertisement for a prescription drug; while the voice over reveals that the side effects include such things as stomach upset, vomiting, or (my personal favorite) death, the video shows actors romping in flower-bedecked meadows or playing with children. That must sell a lot of product, because it's been going on for a long time.) That is why I focused my attention on pictures and illustrations.

I had my intern, Andrew Miano, inquire with the Office of Legislative Research to see if other jurisdictions have any similar laws or proposals pending. None require disclosure as I am proposing but that 17 states (Alaska, Colorado, Florida, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Montana, North Carolina, North Dakota, Ohio, Oregon, Tennessee, Utah, West Virginia, and Wisconsin) have campaign false statement statutes that provide criminal (14 states) or civil (3 states) penalties for false advertising. Currently New Hampshire has a proposal (SB 231) pending that would empower its legislative ethics committee to investigate complaints of false advertising, and Minnesota has HF 103 that would make misrepresentation (i.e. intentionally altering a picture without consent and to cause harm) a gross misdemeanor. I'm not advocating any changes to our criminal or civil penalty laws, just disclosure. The voters can make up their own minds.

Colleagues, the monitoring of campaign materials and claims last year by Connecticut's media (and the New York Times and Washington Post) and the exposure of these practices, as part of their fact checking function, was lucky. But we can't depend on the timeliness of such a practice, as anyone who has gotten hit by a last minute 'hit piece' knows. But we can require that a light shine on it, and, I hope, thus end it. I urge you to vote in favor of HB 5815.