CITIZENS UNION OF THE CITY OF NEW YORK

Testimony before the City Council Committee on Governmental Operations, State & Federal Legislation: *Access to City Government and the Mamdani Administration's Civic Engagement Efforts*

250 Broadway – September 22, 2026

Good morning, Council Members. My name is Grace Rauh, and I am the Executive Director of Citizens Union, a nonpartisan good government group that has worked to advance honest, accountable and effective government and open and fair elections in New York for nearly 130 years.

Thank you for calling this important oversight hearing, prompted by media reporting about the growing use of social media influencers in government communications and the use of the instant messaging app Signal to communicate with outside stakeholders.

These raise two separate but important questions about how the City communicates with the public and how it preserves government records. We will address them separately and then offer specific comments on the bills before the Council and recommendations for legislative solutions.

Auto-delete in Government Communications Should be Banned

Media reports have revealed that City Hall has been using group chats on Signal, an app known for its disappearing-message functionality, to communicate with social media influencers, and earlier reporting indicated Mayor Mamdani used it on at least one occasion as well. [1]

[1] Anya Schiffrin, Columbia Journalism Review / Tow Center for Digital Journalism, September 2026, "Mayor Mamdani's Friendly Influencers and the Funding of Public Messaging in New York City," https://www.cjr.org/tow_center/mayor-mamdanis-friendly-influencers-and-the-funding-of-public-messaging-in-new-york-city.php; The New York Times, September 4, 2026, "Meet the Influencers Boosting Zohran Mamdani's Administration," https://www.nytimes.com/2026/09/04/nyregion/mamdani-influencers-emilia-rowland.html; Politico, Mar. 2, 2026, Mamdani has used Signal for government business as mayor, https://www.politico.com/news/2026/03/02/mamdani-is-using-signal-as-mayor-00804047

This is a clear black and white issue with a simple policy solution – auto-delete functions should be explicitly banned in law.

The principle is straightforward: Discussion of official government business has to happen in a way that ensures records are preserved and accessible. Public records are essential to government transparency and accountability, and being able to access them through Freedom of Information requests is a critical part of maintaining that accountability.

I know firsthand how important these records can be. As a NY1 reporter, I sued the de Blasio administration to obtain emails involving outside political advisors and fought against City Hall's legal efforts to keep them from public scrutiny over potential conflicts of interest.

But instant messaging applications, whether Signal, WhatsApp, Slack, or ordinary text messages, make record retention more difficult and reduce the chances that they'll be available under FOIL.

That is why the City's records policy, set by DORIS, "strongly discourages" City employees from using instant messaging for substantive communications. Messages relating to the decisions, actions, or policies of the City, essentially anything beyond "purely logistical" matters, are better off being done over email. [2] That is also why the Mayor's Chief Counsel reportedly prohibited staff from using Signal. [3]

The Council should ensure this policy is both clearly codified and consistently followed.

But current retention policy is not enough. **There should be clear rules, set in the City Charter, prohibiting government employees from using automatic deletion functions for government communications.**

This is not only about Signal. Auto-delete functions are increasingly available across messaging platforms, including iMessage, WhatsApp, and other applications. It may become available in more platforms, including Microsoft Outlook or other email servers.

That presents a major risk for transparency and accountability. It may erode compliance with current law, which prohibits City employees from destroying records except under specific circumstances. [4]

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[2] NYC Department of Records and Information Services, Policy on Instant Electronic Messaging Records, Doc. No. RMD-P-2025-01 (eff. May 2, 2025), https://www.nyc.gov/assets/records/pdf/2025-05-02%20Policy%20on%20Instant%20Electronic%20Messages.pdf.
[3] The City Reporter, September 4, 2026, "Mamdani Team Deletes Auto-Delete in Influencer Chats," https://www.thecityreporter.nyc/2026/09/04/mamdani-team-deletes-auto-delete-in-influencer-chats/
[4] N.Y. Arts & Cultural Affairs Law § 57.25; NYC Charter § 1133

The Council should therefore address the underlying problem behind the use of Signal, and ensure that new technology does not create a new way for government records to escape the City's longstanding transparency requirements.

The rule could be simple:

"No agency, officer, or employee of the city shall use, or cause or permit to be used, any function that automatically deletes or destroys a record after a fixed period of time or after such record has been viewed or transmitted."

This would establish a technology-neutral rule: government records cannot be made to disappear simply because the platform being used provides an auto-delete function.

We urge you to move such legislation forward.

Paid Government Advertisings, Including Influencer Content, Should Be Clearly Disclosed

A second issue is about the use of public money to communicate with New Yorkers through influencers.

City agencies are increasingly turning to influencers for paid PSAs and advertising. They use it to promote vaccinations, encourage people to vote, publicize government services, and communicate other important information. In 2026, it's an effective, and arguably essential, public communications channel.

But influencer advertising is different from traditional government advertising in one important respect: it may not be apparent to the audience that the content is an advertisement paid for by the government. That needs to change.

Federal regulations already require influencers to disclose certain paid relationships. Under the Federal Trade Commission's rules, when a relationship between an endorser and the seller of an advertised product might materially affect the credibility of the endorsement and would not reasonably be expected by the audience, the relationship must be disclosed clearly and conspicuously.[5]

Those rules were designed to address commercial endorsements online, including by influencers. Enforcement and compliance are imperfect, and importantly, the rules apply to commercial advertising, not government PSAs.

[5] 16 CFR 255.5 See here: https://www.ecfr.gov/current/title-16/chapter-I/subchapter-B/part-255/section-255.5

The City should establish a similar standard to the FTC's rules for its own paid communications.

Similar to federal guidelines, local law should establish that whenever the City pays for content to be created or distributed in communication formats where the audience would not expect paid content, a clear and clear and conspicuous disclosure should be included. That requirement should be incorporated into the City's advertising contracts.

Some City agencies already require disclosure when they engage paid influencers. But this should be a uniform City policy, rather than a practice that depends on the individual agency or contract.

We encourage the Council to pass legislation that allows the public to know when the City is paying for the content they are seeing.

We have proposed language to accomplish this at the bottom of this testimony.

Comments on the Bills Before the Committee

T2026-2554 (Feliz), Requiring disclosures on third-party public communications paid for with government resources

T2026-2554, introduced by Council Member Oswaldo Feliz, would prohibit the use of governmental funds or resources for "third-party public communications" unless the communication includes a disclosure.

The bill defines "third-party public communications" as a "published communication" whose author is not a public servant or agency, or whose author is not clearly identified as a public servant or agency.

As stated above, we support the underlying goal of the bill – to ensure City paid influencer and social media content is properly disclosed. However, we recommend several changes.

1. **The definition of "third-party public communication" is too broad**

   As drafted, it could encompass virtually any form of communication that's not authored by the City, including press coverage. Because the "use of City resources" has also traditionally been interpreted broadly by the Conflicts of Interest Board (it includes things like use of a City computer, email account, or phone), the bill could potentially mean that when a public official uses a City email account to schedule an interview with a reporter, the resulting article would be subject to a "Paid Partnership with the City of New York" disclosure.

The legislation should therefore narrow or clarify the definition of communications it covers. In addition, it should change the trigger from the "use of government resources" to actual City funding of the communications.

2. **We do not recommend prescribing the exact format, size, and wording of the disclosure in the Charter**

   FTC rules require influencer disclosures to be "clear and conspicuous" while providing guidance and examples of how that standard can be met on different platforms.[6] The City should take a similar approach, thus avoiding creating another disclosure regime that content creators have to follow. We recommend directing the City Chief Procurement Officer to establish the disclosure format requirements through rules. This would allow the City's requirements to adapt as technology, platforms, and methods of communication change.

3. **We recommend the policy be governed through procurement regulation**

   The Council routinely establishes substantive conditions on City contracts in Title 6, Chapter 1 of the Administrative Code, which governs Contracts and Purchases, like requirements regarding wages and nondiscrimination. Paid influencer content is a form of advertising, typically purchased through advertising agencies that hold City contracts. It should be regulated through the City's procurement system in the same way, rather than restrictions on individual public servants.

T2026-2553 (Wong), Requiring campaign finance disclosures in content posted on internet websites, digital applications, and social media platforms

T2026-2553, introduced by Council Member Phil Wong, addresses a related but distinct issue: the use of campaign funds or independent expenditures (super PACs) to pay for influencer advertising. It requires "paid for by" disclosures on such content, whether posted on internet websites, digital applications, and social media platforms.

"Hidden" influencer-based campaign advertising is an emerging issue in election regulation. Campaigns can now use influencers and other online content creators to distribute political messages in ways that may be less recognizable as paid political advertising than traditional television, mail, or digital advertisements. Federal law and New York State law have not caught up with this backdoor practice yet.

[6] FTC's Endorsement Guides: What People Are Asking https://www.ftc.gov/business-guidance/resources/ftcs-endorsement-guides-what-people-are-asking

Fortunately, New York City already has a disclosure requirement that applies to influencer content paid for by campaigns.

A Campaign Finance Board rule change adopted in November 2024 requires disclosure when a campaign pays an individual or entity "to create, publish, or distribute favorable or unfavorable content about a candidate or ballot measure."[7]

Additionally, existing rules governing disclosure requirements by independent expenditure entities likely cover paid influencer content posted on internet websites, digital applications, and social media platforms. "Paid for by" disclosures apply to visual, video, and audio communication "in any medium." [8]

We recommend the Council request information about the enforcement and effectiveness of existing disclosure requirements before changing the current legal framework.

T2026-2555 (Carr), Prohibiting candidates from appearing in certain government-funded third-party communications during an election campaign

T2026-2555, introduced by Council Member David Carr, addresses another related issue: whether public officials may use paid influencer content for self-promotion before an election.

Under the City's current "mailer blackout period" law, elected officials who are running for office are banned form sending out a government-funded mass mailer to their constituents during the 90-day period before an election.

This proposal would expand that restriction: during the blackout period, public servants who are candidates would also not be allowed to appear in a "third-party public communication" funded in whole or in part by governmental funds.

We support the idea of updating and expanding the mailer blackout law, so public officials do not use public resources to promote themselves immediately before an election.

But the concern about self-promotion for campaign purposes also exists when a traditional government advertisement prominently features an elected official's image, not just on influencer-style content (or "third-party communications" as the bill defines it).

Therefore, the Council should expand the blackout period to being featured on other forms of government communications, including advertising and public service announcements. Such legislation must ensure it does not capture legitimate appearances, like in news articles or official websites. New York State provides a good example: ethics rules prohibit

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[7] New York City Campaign Finance Board Rules § 6-06
[8] New York City Campaign Finance Board Rules § 14-04

certain state officials from appearing in a public service announcement within 90 days of any election in which they are a candidate.[9]

Missing From This Legislative Package: Stopping Unlawful Government Funded Electioneering

Three of the four bills before the committee amend the Charter's prohibitions on the use of government funds and resources (Section 1136.1) or add similar prohibitions as subsequent Charter sections.

Yet the most important fix to this area of the law is missing from the legislative package – ensuring that unlawful government-funded electioneering for ballot proposals is restricted, by empowering the Conflicts of Interest Board to enforce existing prohibitions.

The ban on using City resources for electioneering has been eroding in recent years - particularly when the legislative and executive branches are on opposing sides of a ballot referendum. Under a current legal loophole, no regulator enforces these electioneering rules, making every charter ballot question the target of publicly-funded campaigns from both the administration and the Council. Millions of dollars have already been spent using that loophole.[10]

The Conflicts of Interest Board recently ruled that it cannot enforce the ban and said the City Charter must be amended to do so. We strongly urge the Council to accompany any amendment of Section 1136.1 with rules cracking down on unlawful government-funded electioneering.[11] Citizens Union would be happy to provide appropriate language.

It is OK for Government Communications to Use Unpaid Social Media Influencers

Lastly, the reporting that City Hall runs group chats with social media influencers, providing them with messaging, talking points, and event notices, has prompted an important public

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[9] 19 NYCRR Part 940 Public Service Announcements with Covered Officials: Permissible and proper usage. See: https://ethics.ny.gov/public-service-announcements

[10] Letter to the Conflicts of Interest Board regarding Promulgating Rules on Prohibited Political Activity, including Referenda Electioneering https://citizensunion.org/wp-content/uploads/2026/01/Group-Letter-to-COIB-Promulgating-Rules-on-Prohibited-Political-Activity-including-Referenda-Electioneering-Jan-2026.pdf

[11] City & State New York, March 26, 2026, "NYC Conflicts of Interest Board declines to clarify electioneering rules," https://www.cityandstateny.com/policy/2026/03/nyc-conflicts-interest-board-declines-clarify-electioneering-rules/412420/

conversation about how government communicates with the public and how information is created and distributed on social media.

It is easy to understand why this raises concerns. When people encounter a viral video or social media post, it may not be clear whether they are seeing an individual's independent views, paid content, government messaging, disinformation, or even AI-generated content.

But we think it is important to distinguish between the broader problems created by social media and the narrower questions raised by the City's use of influencers.

There is a legitimate policy debate about whether large social media influencers should face greater regulation. Some European countries, for example, subject large influencers to rules that apply to media outlets and speech, including requirements concerning false advertising, hate speech, and disclosures.[12] But those are industry-wide questions that are largely beyond the City's jurisdiction.

Social media content creators are now a permanent part of the communications landscape and elected officials will continue to use them to communicate with the public, just as they use traditional media, civic and advocacy organizations, and their own digital channels.

There is nothing inherently wrong with City Hall communicating its actions, programs, or achievements – what we may call PR – to influencers.

Of course, engagement with influencers must not come at the expense of the City's relationship with the press corps. Government should not use influencers as a way to evade legitimate scrutiny from reporters, as is done in Washington these days.[13] We have not seen that play out in New York City.

And City Hall should not provide influencers with confidential information or privileged access in exchange for favorable coverage for the Mayor's personal or political benefit, nor should it use government resources to advance a mayoral campaign. Those activities are already prohibited by the City's ethics laws.

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[12] See Table 3, "The Global Regulatory Landscape," in Anya Schiffrin, Mapping New York City Influencers and Funding of Public Messaging, Initiative for Policy Dialogue at Columbia University, August 2026 https://ipdcolumbia.org/wp-content/uploads/2026/08/Mapping-New-York-City-influencers-and-funding-of-public-messaging-4.pdf

[13] NBC News, May 2025, "White House brings conspiracy theorists, former Trump officials and a family friend to its 'influencer briefings,'" https://www.nbcnews.com/politics/trump-administration/white-house-influencer-briefings-conspiracy-theorists-rcna204437

PROPOSED LANGUAGE FOR PAID INFLUENCER DISCLOSURES

§ 6-152. Disclosure of payment for advertising.

a. For purposes of this section, the term "contracting agency" means a city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury.

b. Any contract for advertising, and any advertising disseminated pursuant thereto, shall be subject to the following: whenever a significant portion of the audience for such advertising would not reasonably understand or expect that a contracting agency paid for such advertising, including but not limited to advertising through a person on a social media platform, such advertising shall clearly and conspicuously state that it is paid for by the contracting agency. The form and manner of such disclosure shall be set by the city chief procurement officer.