

SENATE THIRD READING
SB 760 (Allen)
As Amended September 2, 2025
2/3 vote

SUMMARY

Provides that payments resulting from a general public appeal by an elected officer or member of the Public Utilities Commission (PUC) do not trigger behested payment reporting, except as specified.

Major Provisions

- 1) Provides that an elected officer or PUC member is not required to file a behested payment report for a payment that resulted from a public appeal by any of the following means:
 - a) Television.
 - b) Radio.
 - c) Billboard.
 - d) A public message on an online platform.
 - e) A public speech, excluding a speech at an event held for raising funds for the recipient organization, as specified.
- 2) Provides that the exception from behested payment reporting outlined above in 1) does not apply in either of the following circumstances:
 - a) The recipient organization is not a governmental agency, and the elected officer or PUC member knows that they, or a member of their immediate family, campaign staff, or officeholder staff, holds a position with the recipient organization, including any of the following:
 - i) A position with decision-making capacity within the organization, such as a board member or executive officer position.
 - ii) Salaried employment at the organization.
 - iii) Status as a founding member of the organization.
 - iv) A position on an honorary or advisory board of the organization.
 - b) Where the behesting officer or PUC member knows, within two years of the payment, that it was made in response to the officer or member's public appeal.
- 3) Provides that if an officer or PUC member does not know at the time that a payment was made in response to their public appeal, the deadline for reporting the payment is based on the date the officer or member first learns that the payment was made in response to that public appeal.

- 4) Contains double-jointing language to avoid chaptering problems with AB 808 (Addis) of the current legislative session.

COMMENTS

SB 124 (Karnette), Chapter 450, Statutes of 1997, provided that a payment made at the behest of a candidate for purposes unrelated to the candidate's candidacy for elective office is not a contribution, but required such payments made at the behest of a candidate who is also an elected officer, when aggregating \$5,000 or more in a calendar year from a single source, be reported to the elected officer's agency. Examples of payments made at the behest of an elected officer that have to be reported under this provision of law include charitable donations made in response to a solicitation sent out by an elected officer or donations of supplies and refreshments made by a third party for a health fair that was sponsored by an elected officer.

The purpose of the behested payment reporting requirements is to provide public disclosure of payments that are not contributions or gifts to officials, but are payments in which the public may have an interest due to the potential for influence over a public official. One of the challenges to public officials for complying with behested payment reporting rules, however, is that the payments covered by those rules are not made by nor necessarily received by the elected official or the official's agent. In fact, payments with very little involvement by a public official may nonetheless trigger behested payment reporting.

For instance, under state law, a payment is considered to be made at the behest of a public official if the payment is made *at the suggestion of* the official. Even if the public official does not *know* that the payment was made at the official's suggestion, it may nonetheless trigger a requirement to file a behested payment report. That's true even where the public official does not have the details necessary to make that report—details, for example, about the timing of the payment, the amount of the payment, or even the entities making or receiving the payment.

As a result, public officials may be wary about making general appeals to the public for donations to charitable causes due to concerns about the official's inability to comply with behested payment reporting rules. For example, if a Legislator gave an interview to the news media during a natural disaster in the Legislator's district, and that member encouraged the public to make donations to the Red Cross to support disaster relief, payments made by members of the public who viewed that interview could be reportable behested payments even if the Legislator did not know that the payments were made or the identities of the individuals who made them.

To the extent that a public official is unaware of a payment that was made at that official's behest, as that term is defined under existing law, it is not clear how the payment could influence the public official. Accordingly, requiring public officials to file reports in those circumstances seems inconsistent with the purpose of behested payment reporting requirements generally.

This bill proposes a narrow exception to the behested payment reporting requirements to exclude certain payments that result from a public appeal made by an elected officer. To the extent that the elected officer *knows* about a payment that was made in response to such a public appeal, that payment would still be reportable under this bill as long as it meets the other requirements for reportable behested payments under existing law.

California voters passed an initiative, Proposition 9, in 1974 that created the Fair Political Practices Commission and codified significant restrictions and prohibitions on candidates, officeholders, and lobbyists. That initiative is commonly known as the Political Reform Act (PRA). Amendments to the PRA that are not submitted to the voters, such as those contained in this bill, must further the purposes of the initiative and require a two-thirds vote of both houses of the Legislature.

According to the Author

"In the wake of the 2025 wildfires in Los Angeles, non-profit organizations activated to aid in the immediate response and long term recovery of fire victims. Elected officials in the region could have played a valuable role by using their platforms to support and amplify charitable efforts in the community during this time. However, they were discouraged from making public statements that encouraged contributions to these organizations for fear of violating behested payment disclosure requirements.

"Under current law, a contribution is considered a behest if it is made in coordination with or at the request or suggestion of an elected official. If an elected official were to make a comment on social media or during a television broadcast appealing to the public to consider supporting a non-profit that is aiding wildfire victims, any contribution could be considered a behest. This is true even if the elected official does not know if a contribution was made as a result of that public appeal, does not know if a contribution exceeds the threshold, or did not coordinate directly with any of the potential viewers of that communication.

"SB 760 gives elected officials more flexibility to make public appeals promoting and encouraging support of charitable organizations without triggering reporting requirements while maintaining transparency with protections against potential abuses."

Arguments in Support

None received.

Arguments in Opposition

None received.

FISCAL COMMENTS

None. This bill is keyed non-fiscal by the Legislative Counsel.

VOTES

SENATE FLOOR: 39-0-1

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNERney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Reyes

ASM ELECTIONS: 7-0-0

YES: Pellerin, Macedo, Bennett, Berman, Solache, Stefani, Tangipa

UPDATED

VERSION: September 2, 2025

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FN: 0001488