
UNFINISHED BUSINESS

Bill No: SB 760
Author: Allen (D), et al.
Amended: 9/2/25 in Assembly
Vote: 27

SENATE ELECTIONS & C.A. COMMITTEE: 5-0, 4/29/25
AYES: Cervantes, Choi, Allen, Limón, Umberg

SENATE FLOOR: 39-0, 5/27/25
AYES: 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
NO VOTE RECORDED: Reyes

ASSEMBLY FLOOR: 57-0, 9/12/25 – Roll call not available.

SUBJECT: Behested payments: public appeal for payment

SOURCE: Author

DIGEST: This bill exempts from reporting requirements any payments that result from an official's broad public appeal.

Assembly Amendments of 9/2/25 1) clarify which speeches constitute a public appeal; 2) void the exemption in instances where a behested payment goes to a nongovernmental organization that the official has a connection to directly or through family or staff; and 3) address chaptering conflicts with AB 808 (Addis).

ANALYSIS:

Existing law:

- 1) Defines a behested payment as a payment made at the behest of an elected officer or member of the Public Utilities Commission (PUC), among others, that is neither a campaign contribution nor a gift; that is principally for a legislative, governmental, or charitable purpose; and for which elected officer or PUC member does not provide full and adequate consideration in exchange.
- 2) Requires an elected officer or member of the PUC to report to their agency behested payments made at the behest of that officer or member within 30 days following the date on which the payment or payments equal or exceed \$5,000 in the aggregate from the same source in the same calendar year.
- 3) Requires that a behested payment report include:
 - a) The name and address of the payor;
 - b) The amount of the payment;
 - c) The date or dates that the payment or payments were made;
 - d) The name and address of the payee;
 - e) A brief description of the goods or services provided or purchased, if any; and
 - f) A description of the specific purpose or event for which the payment or payments were made.
- 4) Requires that within 30 days of receiving a behested payment report, the state agency must forward the report to the Fair Political Practices Commission (FPPC) and the local agency must forward it to the officer with whom elected officers of that agency file their campaign reports.

This bill:

- 1) Exempts from behested payment reporting requirements a behest that results from an elected officer or member of the PUC making a public appeal for payment by television, radio, billboard, public message on an online platform, or a public speech that is not specifically a fundraising appeal that the officer or member agreed to support, as specified.
- 2) Does not apply its exemption in cases where either:
 - a) The recipient organization is not a governmental agency and the behesting officer or member of the PUC knows that they, or a member of their

immediate family, campaign staff, or officeholder staff holds a position with the organization, including any of these:

- i) Board member or executive officer or any other position with decision making capacity.
 - ii) Salaried employee.
 - iii) Founding member of the organization.
 - iv) An honorary or advisory board member.
- b) The behesting officer or member of the PUC knows, within two years of the payment, that a specific payment was made as a result of their appeal. In this case, the deadline to report for an officer or member of the PUC to report they payment is 30 days after they learn of the payment.

Background

Proposition 9, which appeared on the June 1974 ballot, created the Political Reform Act (PRA) and established California's campaign finance and disclosure laws for state and local campaigns, candidates, officeholders, and ballot measures. Proposition 9 further created the FPPC to implement, administer, and enforce the PRA.

The PRA seeks to end corruption by eliminating secret or anonymous contributions. The PRA subjects the campaign activities, personal financial affairs, and the solicitation of charitable or governmental contributions of state and local officials to public review and scrutiny.

In 1996, the FPPC amended its regulatory definition of the term "contribution" to include any payment made "at the behest" of a candidate, regardless of whether that payment was for a political purpose. As a result, payments made by a third party at the request or direction of an elected officer had to be reported as campaign contributions, even if those payments were made for governmental or charitable purposes.

The change in the FPPC regulations, along with a number of advice letters issued by the FPPC interpreting the new definition of "contribution," limited the ability of elected officers to co-sponsor governmental and charitable events. In one advice letter, the FPPC concluded that a member of the Legislature would be deemed to have accepted a campaign contribution if, at his behest, a third party paid for the airfare and lodging for witnesses to testify at a legislative hearing.

In response to the FPPC's modified definition of "contribution," the Legislature enacted SB 124 (Karnette, Chapter 450, Statutes of 1997), which provided that a payment made at the behest of a candidate principally for a legislative, governmental, or charitable purpose is not considered a contribution nor a gift. SB 124 also required that such payments made at the behest of a candidate, who is also an elected officer, when aggregating to \$5,000 or more in a calendar year from a single source, be reported to the elected officer's agency. The elected officer must report such a payment within 30 days. 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.

Comments

Author's Statement. The PRA establishes important transparency reforms including lobbying restrictions and reporting requirements, conflict of interest codes, and extensive campaign disclosure mandates. It allows elected officials to solicit contributions on behalf of non-profit organizations and report any contributions that exceed \$5,000.

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, but 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.

This bill gives elected officials more flexibility to make public appeals promoting and encouraging support of charitable organizations without triggering reporting requirements. This bill includes important protections to prevent abuses and

prevents officials from making a public appeal on behalf of an organization with which they, a family member, or staff have any direct interest.

If a Tree Falls in the Forest. This bill includes language requiring an official to report a behested payment that results from a broad appeal in cases in which within two years of the payment the official learns that the payment occurred due to the official's appeal. Of course, public officials can only report behested payments that they know of and sometimes such payments occur outside of the official's knowledge. In such cases, no report is filed. This bill's requirement to report when the official knows that someone made a payment at the official's request, even when that request was made on a television appearance or other broad appeal, ensures that this bill's exemption for broad appeals still meets the intent of the PRA to provide transparency and public scrutiny of the payment.

Related/Prior Legislation

AB 867 (Cooley, Chapter 749, Statutes of 2017) recast the behested payments law.

SB 124 (Karnette, Chapter 450, Statutes of 1997) differentiated behested payments from contributions and established the process by which they are reported.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 9/8/25)

None received

OPPOSITION: (Verified 9/8/25)

None received

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9/12/25 16:38:03

**** **END** ****