



Introduction

Through the Political Reform Act (the “Act”), state law¹ places various limits and reporting requirements on state and local elected officials. Among these is what is commonly referred to as “behested payment” reporting. This form of reporting may be triggered when an elected official² or Public Utilities Commission (“CPUC”) member solicits donations on behalf of a third party, such as a charitable foundation or government agency.

This fact sheet provides a brief overview of the behested payment reporting requirements. It also addresses recent legislation that exempts public appeals for payments for a legislative, governmental or charitable purpose from the reporting duty. Understanding these reporting exemptions can be helpful in times of crisis, when elected officials can provide valuable assistance by publicly seeking aid for their communities.

What is a Behested Payment?

For purposes of behested payment reporting, a “behested payment” is defined as a payment “made at the behest of” an elected official principally for a charitable, legislative or governmental purpose. (Section 82004.5.)

A payment is considered “made at the behest of” an elected official when the payment is made under the control or at the direction of, in cooperation, consultation, coordination, or concert with, at the request or suggestion of, or with the express, prior consent of the elected official or their agent. (Section 82041.3.) This is a broad standard that covers in-person solicitations as well as less active roles in fundraising.

Charitable Solicitations

A payment made in response to a solicitation that “features” an elected official is considered a “behested payment” made at the official’s behest where that official, including through their agent, consents to be featured.

An official is featured in a solicitation if it includes the official’s photograph, signature, or singles out the name or office of the official by manner of display in the solicitation’s layout, or if the solicitation lists the official in a roster or letterhead listing of its governing board, and the board includes a majority of elected officials or CPUC members.

For more information, see Regulation 18424.2.

When is Reporting Required?

Unlike gifts and campaign contributions, there is no limit on the amount of payments that an elected official may behest. However, there are reporting requirements applicable to the behesting official.

¹ The behested payment reporting requirements are found in the Political Reform Act, Government Code Sections 82004.5, 82041.3 and 84224; and in Regulations 18424, 18424.1 through 18424.3. The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations.

² Behested payment reporting requirements also apply to a California Public Utilities Commission (CPUC) member. For purposes of discussing the behested payment reporting requirements, all references to an “elected official” or “official” include a CPUC member.



In particular, a behested payment must be reported within 30 days of the date on which the payment or payments equal or exceed five thousand dollars (\$5,000), in the aggregate, from a single individual or entity in the same calendar year. (Section 84224.) Once a single source has met or surpassed the \$5,000 threshold in a calendar year, elected officials must disclose within 30 days of *any subsequent payments made by that source in the same calendar year.* (Ibid.)

For example, if on January 1, 2024, Company X made a donation of \$10,000 to the American Red Cross in response to a solicitation from Mayor B, the mayor would have until January 31, 2024 to disclose the donation. Additionally, if later that year, Company X donated \$500 to the United Way in response to another solicitation from Mayor B, the mayor would have 30 days from the making of the \$500 donation to disclose it.

Reporting Exemption – Public Appeal for Payment

Effective January 1, 2026, there is **no reporting duty** if the official **makes a public appeal for payment** by means of:

- Television or Radio
- Billboard
- Public message on an online platform, or
- Public speech (*unless* the speech occurs at a fundraising event *and* the official consented in advance to speak, consented to be featured in a solicitation, or the official solicits contributions to the payee organization.)

Additional Limits to the Public Appeal Exception: The exception does not apply if the official has:

- **A Role at Payee Nonprofit or Private Organization.** The exception does not apply if the official, member of their immediate family, campaign staff or officeholder staff is in a decision-making role, a salaried employee, an honorary or advisory board member, or a founding member of the payee nonprofit or private organization.
- **Knowledge of the Payment.** The exception does not apply if the official learns of a specific payment made in response to their public appeal within two years of the payment date. (The 30-day reporting deadline begins on the date the official learns of the payment.)

For example, following a flood in the city, Mayor Phil posts on the city’s Facebook page that citizens should donate money and supplies to the local Red Cross chapter. Because it is a “public appeal” made on an online platform, Mayor Phil will not have to report a resulting payment to the Red Cross unless the mayor learns of a payment within 2 years.

Behested Payment Report (Form 803)

An elected official files a Behested Payment Report Form 803 to disclose behested payments with their agency. For example, a county elected official would file their Form 803s with the county in which they hold office. A CPUC member files their Form 803s with the CPUC.

The Form 803 must identify the behesting official’s name, address, and contact information, as well as the name and address of the person making the payment (the “payor”), the name and address of the person receiving the payment (the “payee”), and the date and amount of the payment (using the fair market value for donated in-kind goods or services).

Reporting Relationships

Additional disclosure may be required where the behesting official has a relationship with the “payee”; or the “payor” has a proceeding before the official.



Payor Has a Proceeding Before the Official's Agency³: An official must disclose and provide a brief explanation where a payor is the named party or subject of a proceeding before the official's agency at the time of the reported payment, or within the prior 12 months.

A "proceeding" includes decisions on a contract, license, permit, or other entitlement and matters of nongeneral legislation. It does not include decisions on general legislation. A proceeding is "before" the official's agency if it has been placed on the agency's formal agenda; or if the official has knowledge that the payor's matter has been submitted to the agency for a decision, and the official may make, participate in making or otherwise use the official's position to influence the agency's decision on the matter.

Role at the Payee Nonprofit Organization⁴: An official must also disclose and provide a brief explanation where the official, the official's immediate family member, or a member of the official's campaign or officeholder staff has any of the following roles with the payee nonprofit organization: any decision-making capacity within the organization, salaried employment, status as a founding member, or a position on an honorary or advisory board.

Reporting Payments Made From a Donor Advised Fund ("DAF")⁵

When a payment is made from a donor advised fund ("DAF"), the official must disclose each of the following as the "name of the payor": the name of the sponsoring organization (and its address), the DAF, the donor,⁶ and the donor's advisor if the advisor exercised discretion in the making of the payment.

Note: The official has a duty to inquire with the sponsoring organization for information about the DAF, donor, and donor's advisor and report the specific information.

Generally, the "single source" for the DAF payment will be the disclosed donor. Where more than one donor is disclosed, the payment amount is equally apportioned to the donors, with each as a "single source" of the apportioned payment.

What is the Value of a Behested Payment?

The term "payment" is defined broadly and includes a payment of any kind, or a distribution, transfer, loan, advance, deposit, or other rendering of money, property, services, or anything else of value. (Section 82044.) For example, an in-kind donation of children's diapers is considered a payment. The amount of goods, services, facilities, or anything of value other than money is reported on Form 803 at its fair market value, with a description. (Sections 82025.5 and 84224(a).)

However, the value of a behested payment is not prorated if multiple officials solicited the payment. For example, if two city councilmembers jointly solicited a charitable donation of \$5,000, each councilmember must disclose the full amount of the donation.

Also, payments made by federal, state and local government agencies are exempt from the behested payment reporting requirements. For example, a \$500,000 grant awarded to the City of Los Angeles by the Federal Government at the California Governor's request would not be a reportable behested payment.

³ Regulation 18424.

⁴ Regulation [18424.2](#).

⁵ Regulation [18424.3](#).

⁶ For purposes of a DAF, the "donor" is the person(s) who funded the DAF and retains advisory privileges over the DAF. If there is more than one donor, the donors who exercised advisory privileges for the particular payment may be provided in lieu of listing all donors. The payment amount is equally apportioned to the donors, with each as a "single source" of the apportioned payment.



Good Faith Estimates

In some cases, an official may be required to report a behested payment, but the payee has yet to provide the necessary payment information in a timely manner. In such situations, the official may report an estimated payment amount and date, provided they meet all of the following conditions:

1. The official has made reasonable efforts to obtain the payment information from the payee before the reporting deadline.
2. The official states on the Behested Payment Report (Form 803) that the reported information is an estimate based on their best efforts and explains why accurate information is unavailable.
3. The official files an amended Form 803 with the correct information within 10 days of receiving the payee's payment details.

For a more detailed discussion of this exception, please refer to the instructions on Form 803 and see Regulation 18424.1.

Frequently Asked Questions

1. **City Councilmember Walls posted a video on a public social media platform while touring the local animal shelter to inform the public about the shelter's conditions and the need for a new building. In the video, Councilmember Walls asked for donations to a local charity, "Friends of the Pooches.com" to support the shelter. Has Councilmember Walls made a behest for payments that must be reported?**

The official has made a behest for payments, but under the exception for public appeals, Councilmember Walls will not have to report payments made in response, unless the Councilmember learns of a payment in the next two years.

2. **Assemblymember Higuera's photo, name, and office appear in a Paws & Claws charitable fundraising event invitation, but without the official or the official's staff's consent or cooperation. Must Assemblymember Higuera file a Form 803 for resulting payments?**

No. Where the solicitation is sent without the official or the official's agent's cooperation or consent, or any other actions (coordination, direction, suggestion, etc.) that satisfy "making a behest," there is no duty for the official to report the payments on Form 803 related to the appearance in the event invitation.

3. **A terrible fire swept through two neighboring cities. Mayor One's spouse is the CEO of the local chapter of the Red Cross. Mayor Two has no connection to the Red Cross, including through staff or family members. Mayor One and Mayor Two each make a plea on local television and radio for public donations to the local Red Cross. Will either official have a duty to report behested payments?**

Mayor One will have a reporting duty due to their spouse's status as a salaried employee. Mayor One will need to obtain the list of donors from the Red Cross and report those who are a single source of behested payments in a calendar year of at least \$ 5,000. To obtain the necessary reporting information, the official must contact the payee charity. (See Behested Payment Report - Form 803 (ca.gov) instructions, p. 3 for a sample request letter.) Mayor Two will have a reporting duty only if the official learns of a payment in the next two years and it meets the reporting threshold for a single source.



4. **Mayor Rogers agrees to speak at a fundraiser in support of local housing needs in order to explain the city’s recent housing ordinance, but does not otherwise coordinate or cooperate with the organization’s fundraiser. Mayor Rogers does not make a public appeal for payments to the organization in the speech, is not featured in a solicitation for the event and does not solicit donations to the organization. Has Mayor Rogers made a “behest for payments” that will be reportable?**

No. The content of Mayor Two’s speech and actions/involvement indicates there is no “behest for payments.” No reporting duty will result from the appearance.

Solicitation Involving More Than One Official

5. **A Legislative Caucus that is a 501(c)(3) organization, sends a fundraising solicitation letter signed by multiple state legislators. Donor Martinez sends \$5,000 to the organization in response to the letter. Will each of the legislators have to report a behested payment? What amount does each member report?**

Each state legislator who signed the letter has made a behest for payment, and each must report the full behested payment from Donor Martinez. The payments are not prorated amongst the multiple officials involved.

Reporting: Payor with a Proceeding Before the Official’s Agency

6. **At the request of County Supervisor Gabor, ABC Corp. donated \$10,000 to Backpacks and Books, a 501(c)(3) organization. Three months prior to the payment, ABC Corp. had a permit approval matter on the County Board’s agenda. What are the official’s reporting duties?**

The official will have a Form 803 reporting duty for the \$10,000 payment made by ABC Corp. The report must disclose and briefly describe the permit matter.

Reporting: Payments from a Donor Advised Fund

7. **The United Way sends State Treasurer Ava Pella a spreadsheet of payment information following its charitable fundraising campaign. One entry notes “\$10,000 from California Community Foundation, DAF Tall Oaks, Jane Smith, donor.” What does the official report as the “name of the payor” on Form 803?**

For payments involving a Donor Advised Fund (“DAF”), the official reports the name and address of the sponsoring organization, “California Community Foundation,” checks the box disclosing that the payment is from a DAF, provides the DAF’s name, “DAF Tall Oaks,” and the donor’s name, “Jane Smith, donor.” Note: Jane Smith will be the “single source” of the payment, and any subsequent behested payments made by Jane Smith in the calendar year will be reportable.

8. **For the above question, what if the payee only provides the official with the following information, “California Community Foundation, Anonymous Donor Advised Fund, Anonymous Donor?”**

The official must inquire for more information from the sponsoring organization, California Community Foundation. If the sponsoring organization is not authorized to provide the name of the DAF or donor, the official reports “California Community Foundation, Anonymous DAF, Anonymous donor” as the name of the payor. If the donor’s advisor is known, the official may also provide this information. The official must treat all payments from the particular sponsoring organization, “Anonymous DAF, Anonymous donors,” as the “single source” for tracking the \$5,000 threshold and subsequent payments in the calendar year, unless the official is able to attribute payments to a specific anonymous DAF.