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AB-775 Behested payments: reporting. (2025-2026)

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AMENDED IN ASSEMBLY MARCH 27, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 775

Introduced by Assembly Member Fong

February 18, 2025

An act to amend Section 84224 of, and to add Sections 84224.1 and 84224.2 to, the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 775, as amended, Fong. Behested payments: reporting.

The Political Reform Act of 1974 provides for the comprehensive regulation of campaign financing, including imposing reporting requirements on elected officials and campaign committees. The act defines a behested payment as a payment that is made at the behest of a committee, an elected officer, a member of the Public Utilities Commission, or an agent thereof, under specified circumstances, including a payment that is made principally for personal, charitable, legislative, or governmental purposes. Under the act, elected officials and members of the Public Utilities Commission are required to report behested payments within 30 days of the payment or payments exceeding \$5,000 in the aggregate from the same source in the same calendar year in which they are made. All subsequent behested payments for the calendar year made by that source must be disclosed within 30 days after the date the threshold was reached or the payment was made, whichever occurs later.

This bill would instead require elected officials and members of the Public Utilities Commission to report behested payments within 30 days of the end of the calendar quarter, if the payment or payments exceed \$5,000 in the aggregate from the same source in the same calendar year in which they are made. After the initial behested payment report has been filed, the bill would require that subsequent behested payments for the calendar year made by that source be reported within 30 days after the end of the calendar quarter each time those payments equal or exceed an one thousand dollars (\$1,000) in the aggregate.

This bill would additionally require the behested payment report to include (1) if the payee is a nonprofit organization, a brief description of any ~~relationship~~ *relationship, as specified*, of the nonprofit organization to the behesting officer, or a member of their immediate family, or member of their campaign or officeholder staff and (2) a brief description of any proceeding before the behesting officer at the time of a reported payment or within the 12 months before the reported payment in which the ~~payer~~ *payer* is the named party or subject of the decision, as specified.

This bill would authorize a behesting officer to satisfy these reporting obligations by providing a good faith estimate of a behested payment amount, payment date, or both, if certain conditions are met, including that the elected officer or Public Utilities Commission member practiced reasonable efforts to obtain the required information and is unable to ascertain the exact amount or date of the behested payment from the payee before the reporting deadline.

Existing law requires these behested payment reports to be filed by the behesting officer or member of the Public Utilities Commission with the officer's or member's agency.

This bill would require these reports to be filed using the commission's electronic filing system for behested payment reports, ~~except that and would require the filing system to issue an electronic confirmation to the filer immediately upon receipt of the report. The bill would permit~~ an elected officer of a local government ~~may to~~ file directly with their local filing officer if all behested payment reports filed by elected officers are posted publicly on the internet website of the local ~~government; government within 10 days of receipt~~, as specified.

Existing law makes a knowing or willful violation of the Political Reform Act of 1974 a misdemeanor and subjects offenders to criminal penalties. By expanding the information required in a behested payment report, the bill would expand the scope of an existing crime and impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a $\frac{2}{3}$ vote of each house of the Legislature and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 84224 of the Government Code is amended to read:

84224. (a) A behested payment described in subdivision (f) shall be reported within 30 days following the end of the calendar quarter in which ~~the payment was made, if the payment or payments equal or exceed five thousand dollars (\$5,000) in the aggregate from the same source in the same calendar year in which they are made: the aggregate amount of all such payments made at the behest of the elected officer or member of the Public Utilities Commission from the same source in that calendar year equals or exceeds five thousand dollars (\$5,000).~~

(b) (1) Except as provided in paragraph (2), the report shall be filed by the behesting officer or member of the Public Utilities Commission using the commission's electronic filing system for behested payments. *The filing system for behested payments shall issue to a person who electronically files a report, or an amendment to a report, an electronic confirmation that notifies the filer that the report was received. The confirmation shall be sent immediately upon the commission's receipt of the report and shall include the date and time that the report was received.*

(2) As an alternative to the reporting process described in paragraph (1), elected officers of a local government may file behested payment reports directly with their local filing officer if all behested payment reports filed by elected officers of that local government are posted publicly on the internet website of the local ~~government; government within 10 days after receipt by the agency~~. A behested payment report may be filed with a local filing officer using an electronic filing system maintained by the local jurisdiction. An electronically filed behested payment report shall be considered an original report.

(c) A report filed pursuant to this section is a public record subject to inspection and copying pursuant to Section 81008.

(d) The report shall contain all of the following information:

(1) Name of ~~payor; payer~~.

(2) Address of ~~payor; payer~~.

(3) Amount of the payment or payments.

(4) Date or dates the payment or payments were made.

(5) The name and address of the payee.

(6) A brief description of the goods or services provided or purchased, if any.

(7) A description of the specific purpose or event for which the payment or payments were made.

(8) The information specified in Section 84224.1.

(e) Once the five-thousand-dollar (\$5,000) aggregate threshold from a single source has been reached for a calendar year and an initial behested payment report has been filed, subsequent behested payments described in subdivision (f) from the same source in the same calendar year shall be reported in the same manner provided for in subdivision (b) each time those payments equal or exceed one thousand dollars (\$1,000) in the aggregate. The report shall be due within 30 days after the end of the calendar quarter.

(f) The reporting requirement imposed by this section applies to a behested payment that satisfies each of the following:

(1) The payment is made at the behest of an elected officer or member of the Public Utilities Commission.

(2) The behesting elected officer or member of the Public Utilities Commission does not provide full and adequate consideration in exchange for the payment.

(3) The payment is made principally for a legislative, governmental, or charitable purpose.

(4) If made principally for a legislative or governmental purpose, the payment is made by a person other than a state, local, or federal governmental agency.

SEC. 2. Section 84224.1 is added to the Government Code, to read:

84224.1. To the extent the information is known to the elected officer or member of the Public Utilities Commission, the behested payment report filed pursuant to Section 84224 shall include the following:

(a) If the payee is a nonprofit organization, a brief description of any ~~relationship of the nonprofit organization to~~ *of the following relationships or statuses that* the elected officer, member of the Public Utilities Commission, or a member of their immediate family, or member of their campaign or officeholder ~~staff. The brief description shall include the following information about any individual listed above:~~ *staff has with the nonprofit organization:*

(1) Any decision-making capacity within the organization, such as a board member or executive officer position.

(2) Salaried employment at the organization.

(3) Status as a founding member of the organization.

(4) A position on an honorary or advisory board of the organization.

(b) A brief description of any proceeding before the agency of the elected officer or member of the Public Utilities Commission at the time of a reported payment or within the 12 months before the reported payment in which the ~~payer~~ *payer* is the named party or subject of the decision.

(1) A "proceeding" for purposes of this subdivision includes decisions on a contract, license, permit, or other entitlement and matters of nongeneral legislation. A "proceeding" does not include decisions on general legislation. "Nongeneral legislation" means the same as defined in Section 87102.6.

(2) A proceeding is considered "before the agency of the elected officer or member of the Public Utilities Commission" if it has been placed on the agency's formal agenda, or if the official has knowledge that the matter has been submitted to the agency for decision and the official may make, participate in making, or otherwise use official position to influence the agency's decision on the matter.

SEC. 3. Section 84224.2 is added to the Government Code, to read:

84224.2. A good faith estimate of a behested payment amount, payment date, or both will meet the reporting requirements under Section 84224 if each of the following are met:

(a) The elected officer or member of the Public Utilities Commission practiced reasonable efforts to obtain the required information and is unable to ascertain the exact amount or date of the behested payment from the payee before the reporting deadline. For purposes of this subdivision, reasonable efforts include sending a written request to the payee for the required information before the 30 day filing deadline.

(b) The elected official or member of the Public Utilities Commission states that the payment information is an estimated amount or estimated date that reflects the best efforts of the elected officer or member of the Public Utilities Commission to ascertain the accurate information and states the reason the official is unable to provide the information.

(c) An amended report with corrected information is filed within 10 days of the elected officer or member of the Public Utilities Commission receiving the payment information from the payee.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 5. The Legislature finds and declares that this bill furthers the purposes of the Political Reform Act of 1974 within the meaning of subdivision (a) of Section 81012 of the Government Code.