

# Behested Payment Reporting

## Soliciting Charitable Donations in Response to a Crisis

### Introduction

State law 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 official<sup>1</sup> solicits donations on behalf of a third party, such as a charitable foundation or government agency.

*Los Angeles County public officials have an extended deadline of 60 days to file any Behested Payment Report due on or before April 1, 2025. (Executive Order N-17-25.)*

This fact sheet provides a brief overview of the behested payment reporting requirements and addresses issues that may arise for elected officials when soliciting donations in response to crisis situations, such as a natural disaster.

### 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 featured 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. (Regulation 18424.2.)

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1 Behested payment reporting requirements also apply to a California Public Utilities Commission (CPUC) member.

## 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.

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.

## Behested Payment Report (Form 803)

Where disclosure is required, a Behested Payment Report [Form 803](#) is used by elected officials to disclose behested payments. Elected officials must file their Form 803s with their agency. For example, a county elected official would file with their Form 803s with the county in which they hold office.

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 name and address of the person receiving the payment, and the date and amount of the payment using the fair market value for donated in-kind goods or services.

Additional disclosure may be required where the behesting official has a relationship with the recipient of the behested payment or the source of the payment has a proceeding before the official's agency. For a full discussion of the disclosure requirements, please refer to the instructions on Form 803.

## 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 CA Governor's request would not be considered a reportable behested 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 includes a note on the Behested Payment Report (Form 803) stating that the reported information is an estimate based on their best efforts and explaining 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.

## **What about General Calls for Public Assistance?**

An elected official does not incur a behested payment reporting obligation by making a general, non-specific call to the public to provide monetary donations or goods. Determining whether a solicitation is "general" may depend on the facts in a given situation, and the official may wish to request additional advice.

General Call example: Mayor P posts on social media that citizens should donate money and supplies to emergency relief organizations following a fire that affected several communities in the area. No specific recipient is named or may be determined from this request. Mayor P's post will not trigger a reporting obligation.

## **Resources**

[Form 803](#) - Paper Copy Behested Payment Report

[Form 803](#) - E-File Behested Payment Report (State officials only)

For assistance on completing Form 803, please see: [Behested Payment Report Fact Sheet & FAQs](#).

If you are reporting a behested payment and have questions or are unsure of your reporting duties, please contact 866-ASK-FPPC (1-866-275-3772) for informal advice, or email [advice@fppc.ca.gov](mailto:advice@fppc.ca.gov) for informal advice or to submit a request for formal written advice.