

CALIFORNIA CODE OF REGULATIONS
TITLE 11. LAW
DIVISION 1. ATTORNEY GENERAL
CHAPTER 4. SUPERVISION OF TRUSTEES AND FUNDRAISERS FOR
CHARITABLE PURPOSES ACT
ARTICLE 1. REGISTRATION, REPORTING, AND GENERAL SUPERVISION OF
TRUSTEES AND FUNDRAISERS

§ 314. Definitions Regarding Charitable Fundraising Platforms and Platform Charities.

As used in Government Code sections 12599.9 and 12599.10 and sections 314 to 323 of these regulations:

(a) “Conspicuous” means:

(1) The information disclosed is located adjacent to the content that is being explained to prevent a likelihood of deception, confusion, or misunderstanding. When such placement of information is technically impossible when viewed on smaller screens, the information disclosed shall be located as close as possible to the content being explained, with use of visual cues that encourage scrolling or text that conveys the nature and importance of the information to be disclosed.

(2) The information disclosed shall be formatted to clearly call attention to the information so that the information is difficult to miss (i.e., easily noticeable). For audio disclosures, the information disclosed shall use a volume and cadence to be easily understood and heard.

(3) When hyperlinks are permitted, the hyperlink selected is adjacent to the content that is being explained, with formatting that clearly calls attention to the hyperlink so that the hyperlink is difficult to miss (i.e., easily noticeable). The hyperlink’s text shall convey the nature and importance of the information disclosed, and the information disclosed by hyperlink shall be immediately viewable.

(b) “Digital payment processing fee” means a fee incurred by a charitable fundraising platform or platform charity from a payment processor, credit card network, or a bank to accept and process payments of donations or recommended donations made online via credit card, debit card, bank accounts, or cryptocurrency.

(c) “Donated funds” means a donation or grant of a recommended donation, such as when a charitable fundraising platform or platform charity sends a donation or grant of a recommended donation to a recipient charitable organization or alternate charitable organization.

(d) “Fee” means any amount that is charged by a charitable fundraising platform, platform charity, or a vendor that provides services to a charitable fundraising platform or platform charity, for donations or recommended donations made pursuant to the acts of solicitation described in Government Code section 12599.9, subdivision (a)(1) or (5), and deducted from donations or recommended donations. When donations or recommended donations are made, any amount deducted and not passed on to charitable organizations constitutes a fee, and it does not matter if a fee is deducted before or after donated funds are sent to charitable organizations. Examples of a fee include distribution, platform, service, technology, or transaction fees to receive or process a donation or recommended donation and digital payment processing fees. “Fee” does not include the registration or registration renewal fee imposed by the Attorney General, tips or other amounts requested and added to a donation or recommended donation to cover expenses or fees incurred by a charitable fundraising platform or platform charity, or amounts paid by an employer to provide a charitable fundraising platform to employees that use the platform to make donations or recommended donations.

(e) “May Not Operate or Solicit for Charitable Purposes List” means the electronic list of organizations that are not in good standing with the Attorney General pursuant to section 312 of these regulations, and available on the Attorney General’s Registry Reports web page.

(f) “Misuse” means failing to send the full amount of donations or recommended donations, minus fees, to charitable organizations, or incorrectly holding or spending donations or recommended donations before the donated funds are sent to charitable organizations. “Misuse” includes borrowing from donations or recommended donations, or commingling the donations or recommended donations with other funds belonging to a charitable fundraising platform or platform charity.

(g) “Partner” means a platform charity that was retained by a charitable fundraising platform to facilitate solicitations on the charitable fundraising platform pursuant to a partnership. “Partner” also means a charitable fundraising platform (platform A) that acts similarly to a platform charity and was retained by another charitable fundraising platform (platform B) to facilitate solicitations on the other (platform B) charitable fundraising platform pursuant to a partnership.

A charitable fundraising platform acts similarly to a platform charity when it meets the definition of both a platform charity and charitable fundraising platform, but is deemed only a charitable fundraising platform pursuant to Government Code section 12599.9, subdivision (b)(1).

(h) “Partnering platform” means a charitable fundraising platform that retained a platform charity or another charitable fundraising platform (that acts similarly to a platform charity) to facilitate solicitations on its charitable fundraising platform pursuant to a partnership.

(i) “Partnership” means a contractual relationship between a charitable fundraising platform and a platform charity, or between two charitable fundraising platforms, where one of the purposes of the contract is to facilitate acts of solicitation on a charitable fundraising platform.

(j) “Platform” means a website, mobile device application, computer software application, or other internet-based interactive electronic medium.

(k) “Platform user” means a person who uses a charitable fundraising platform. “Platform user” includes a donor who makes a donation or recommended donation to a charitable organization through use of a charitable fundraising platform, a person who engages in peer-to-peer charitable fundraising through use of a charitable fundraising platform, and a person who makes purchases or performs other activity through use of a charitable fundraising platform that causes donated funds to be sent to a charitable organization.

(l) “Registry Search Tool” means the search tool that enables a query of the Registry of Charities and Fundraisers database to determine whether an organization is in good standing with the Attorney General pursuant to section 312 of these regulations, and available on the Attorney General’s Registry Search Tool web page.

(m) “Solicitation type A” means performing, permitting, or otherwise enabling the acts of solicitation described in Government Code section 12599.9, subdivision (a)(1)(A). “Solicitation type A” includes soliciting donations or recommended donations, such as micro donations, round up donations, or donations of any amount, from donors who are platform users by listing or referencing by name one or more recipient charitable organizations to be sent donated funds.

(n) “Solicitation type B” means performing, permitting, or otherwise enabling the acts of solicitation described in Government Code section 12599.9, subdivision (a)(1)(B). “Solicitation type B” includes permitting or enabling crowdfunding campaigns created by platform users engaging in peer-to-peer charitable fundraising, or otherwise permitting or enabling platform

users to solicit donations or recommended donations made by other platform users for one or more recipient charitable organizations.

(o) “Solicitation type C” means performing, permitting, or otherwise enabling the acts of solicitation described in Government Code section 12599.9, subdivision (a)(1)(C). “Solicitation type C” includes performing solicitations through charitable sales promotions, coventuring or cause marketing campaigns, or free action programs. In these solicitations, platform users have the option to select one or more recipient charitable organizations to be sent donated funds. The charitable fundraising platform or a third party would make the donations or recommended donations based on the purchases made or other activity performed by platform users.

(p) “Solicitation type D” means performing, permitting, or otherwise enabling the acts of solicitation described in Government Code section 12599.9, subdivision (a)(1)(D). “Solicitation type D” includes performing solicitations through charitable sales promotions, coventuring or cause marketing campaigns, or free action programs. In these solicitations, the charitable fundraising platform selects one or more recipient charitable organizations to be sent donated funds, and makes the donations or recommended donations based on the purchases made or other activity performed by platform users.

(q) “Solicitation type E” means performing, permitting, or otherwise enabling the acts of solicitation described in Government Code section 12599.9, subdivision (a)(1)(E). “Solicitation type E” includes providing a charitable fundraising platform to charitable organizations that can be private-labeled or otherwise customized, that is subject to a software as a service license agreement between the charitable fundraising platform and charitable organizations, and allows charitable organizations to solicit donations made to them from donors.

Note: Authority cited: Sections 12586, 12587, and 12599.10, Government Code. Reference: Sections 12599.6, 12599.9 and 12599.10, Government Code.

§ 315. Registration and Filing Requirements for Charitable Fundraising Platforms and Platform Charities.

(a) A charitable fundraising platform shall register with the Attorney General before soliciting, permitting, or otherwise enabling acts of solicitation. A charitable fundraising platform will be

assigned a registration number and shall submit the following at the time of initial registration, which may be filed at any time during the year:

(1) A completed Form PL-1: Initial Registration for Charitable Fundraising Platforms (“Form PL-1” Orig. 01/2024), hereby incorporated by reference. Form PL-1 shall be completed as a fillable form via the online filing service available on the Attorney General’s Charitable Fundraising Platforms web page.

(2) A \$625 registration fee.

(b) A charitable fundraising platform shall renew its registration annually on or before January 15 for each calendar year if, during that year, a charitable fundraising platform has been, is, or will be performing, permitting, or otherwise enabling any acts of solicitation, or has been, is, or will be receiving, holding, or controlling donations or recommended donations, or sending donations or grants of recommended donations, including through a partnership with a platform charity or another charitable fundraising platform. A charitable fundraising platform shall submit the following at the time of registration renewal:

(1) A completed Form PL-2: Registration Renewal for Charitable Fundraising Platforms (“Form PL-2” Orig. 01/2024), hereby incorporated by reference. Form PL-2 shall be completed as a fillable form via the online filing service available on the Attorney General’s Charitable Fundraising Platforms web page.

(2) A \$625 registration renewal fee.

(c) A platform charity shall register as a trustee, as set forth in section 300 of these regulations, and file annual reports, as set forth in sections 301 to 307 of these regulations.

(d) A platform charity shall file a completed Form PL-3: Notification from Platform Charities (“Form PL-3” Orig. 01/2024), hereby incorporated by reference, when the platform charity enters into a partnership with a charitable fundraising platform to facilitate acts of solicitation on that charitable fundraising platform. Form PL-3 shall be completed as a fillable form via the online filing service available on the Attorney General’s Charitable Fundraising Platforms web page. The notification shall be filed no later than 30 days after the partnership was entered, unless notification was previously provided through registration of the platform charity as a trustee, or the registration of the charitable fundraising platform.

(e) A charitable fundraising platform or platform charity shall file an annual report with the Attorney General, as described in Government Code section 12599.9, subdivision (c), on or

before July 15 of each year for fundraising activities of the preceding calendar year. A completed annual report shall be filed on Form PL-4: Annual Fundraising Report for Charitable Fundraising Platforms or Platform Charities (“Form PL-4” Orig. 01/2024), hereby incorporated by reference. Form PL-4 shall be completed as a fillable form via the online filing service available on the Attorney General’s Charitable Fundraising Platforms web page. If a charitable fundraising platform does not renew registration for the current calendar year, the Form PL-4 shall still be filed for fundraising activities of the preceding calendar year.

(f) When a registrant charitable fundraising platform retains a partner, a registrant charitable fundraising platform’s Form PL-4 may be filed by the partner on behalf of the registrant charitable fundraising platform when all of the following are met:

(1) The registrant charitable fundraising platform’s Form PL-2, which was completed and timely filed on or before January 15 of the calendar year for the registration renewal, provided authority for the partner to submit the Form PL-4 for the calendar year prior to the registration renewal. If the registrant charitable fundraising platform retained more than one partner, only one partner may submit the Form PL-4.

(2) The registrant charitable fundraising platform examines and signs the Form PL-4, under oath, before it is filed by the partner.

(3) The registrant charitable fundraising platform did not act as a partner to facilitate solicitations on other charitable fundraising platforms during the year for which the Form PL-4 is being filed.

(4) The partner is registered with the Attorney General.

(g) When a charitable fundraising platform or platform charity is required to submit fee information on Form PL-4 that it believes is confidential or a trade secret, the fee information shall be submitted separately from other information in the filing, and in compliance with Form PL-4’s instructions. The charitable fundraising platform or platform charity shall explain why the fee information is confidential or a trade secret. The Attorney General shall consider whether the public interest in maintaining the confidentiality of the fee information clearly outweighs the public interest in disclosure. If the Attorney General finds the fee information is not confidential or a trade secret, the Attorney General shall provide written notification of this finding, and instruct the charitable fundraising platform or platform charity to amend Form PL-4 no later than 45 days after such notice is sent. If the charitable fundraising platform or platform charity fails to

amend in accordance with the notice, the fee information that is not confidential or a trade secret will be made available for public inspection. When fee information is confidential or a trade secret, and it is separately submitted in compliance with Form PL-4's instructions, the fee information shall not be made available for public inspection, and the Attorney General shall not disclose the information except as follows:

(1) In an investigation or law enforcement action pursuant to the Attorney General's charitable trust enforcement responsibilities.

(2) In response to a subpoena or search warrant.

(h) The above registration and filing requirements apply to an unregistered person or entity for the time period that registration was required.

Note: Authority cited: Sections 12586, 12587, 12590, and 12599.10, Government Code.

Reference: Sections 12586, 12590, 12599.9 and 12599.10, Government Code.

§ 316. Good Standing of Charitable Organizations.

(a) A charitable fundraising platform or platform charity shall only solicit, permit, or otherwise enable solicitations, or receive, control, or distribute funds from donations or recommended donations for charitable organizations in good standing with the Internal Revenue Service, the Franchise Tax Board, and the Attorney General, as described by Government Code section 12599.9, subdivision (d)(2). A charitable fundraising platform or platform charity may hold or control funds from donations or recommended donations for charitable organizations not in good standing with the Attorney General for the length of time it takes to determine an alternate to be sent the funds pursuant to section 320 of these regulations.

(b) When a charitable organization is not on the May Not Operate or Solicit for Charitable Purposes List, but the Registry Search Tool indicates the charitable organization is not in good standing, a charitable fundraising platform or platform charity may nonetheless solicit, permit, or otherwise enable solicitations for, or receive, hold, control, or send funds from donations or recommended donations to the charitable organization.

(c) When a charitable organization is on the May Not Operate or Solicit for Charitable Purposes List, it is not in good standing with the Attorney General for purposes of Government Code section 12599.9, subdivision (d)(2). Nonetheless:

(1) If the charitable organization is on the May Not Operate or Solicit for Charitable Purposes List available on the first Wednesday of the current month, but was not on the list available on the third Wednesday of the prior month, a charitable fundraising platform or platform charity may solicit, permit, or otherwise enable solicitations for, or receive, hold, control, or send funds from donations or recommended donations to the charitable organization for a five business day grace period beginning on the first Wednesday of the current month.

(2) If the charitable organization is on the May Not Operate or Solicit for Charitable Purposes List available on the third Wednesday of the current month, but was not on the list available on the first Wednesday of the current month, a charitable fundraising platform or platform charity may solicit, permit, or otherwise enable solicitations for, or receive, hold, control, or send funds from donations or recommended donations to the charitable organization for a five business day grace period beginning on the third Wednesday of the current month.

(d) When the Registry Search Tool indicates a charitable organization is in good standing, a charitable fundraising platform or platform charity may solicit, permit, or otherwise enable solicitations for, or receive, hold, control, or send funds from donations or recommended donations to the charitable organization.

Note: Authority cited: Sections 12587 and 12599.10, Government Code. Reference: Section 12599.9, Government Code.

§ 317. Solicitation Information for Charitable Fundraising Platforms and Platform Charities.

(a) A charitable fundraising platform or platform charity that engages in solicitation type A or B shall allow donors or persons engaging in peer-to-peer charitable fundraising an option to provide their name and contact information to a recipient charitable organization. This is not required when a recipient charitable organization has not provided prior written consent for using its name or information in a solicitation, or for peer-to-peer charitable fundraising when donated funds are sent to persons engaging in peer-to-peer charitable fundraising.

(b) A charitable fundraising platform or platform charity that engages in solicitation type A or B and allows donors or persons engaging in peer-to-peer charitable fundraising to restrict or designate a preference as to how donations or recommended donations may be used by a recipient charitable organization, shall, before donors can complete a donation, conspicuously disclose that the donated funds may be used by a recipient charitable organization on an unrestricted basis, regardless of designations or restrictions made by donors or persons engaging in peer-to-peer charitable fundraising. Such disclosure is not required when a recipient charitable organization has provided prior written consent to use its name in a solicitation, and has either previously approved the solicitation that contains the designations or restrictions, or previously agreed with a charitable fundraising platform or platform charity to comply with designations or restrictions made by donors or persons engaging in peer-to-peer charitable fundraising.

(c) A charitable fundraising platform or platform charity that engages in solicitation type B and allows donated funds to be sent to persons engaging in peer-to-peer charitable fundraising, shall, before persons can create such a solicitation campaign, conspicuously disclose the requirements of section 323 of these regulations. The disclosure may be provided through a conspicuous hyperlink. The disclosure is not required when persons engaging in peer-to-peer charitable fundraising create a solicitation campaign and donations or recommended donations are made to a platform charity or recipient charitable organization.

(d) Unless the charitable fundraising platform or platform charity has no policy or standard under which a charitable organization's receipt of the funds is precluded, a charitable fundraising platform or platform charity shall disclose the most pertinent reasons under which a charitable organization may be deemed ineligible to be sent donated funds as follows:

(1) A charitable fundraising platform or platform charity that engages in solicitation type A, B, or C shall provide the disclosure in compliance with Government Code section 12599.9, subdivision (e)(2).

(2) A charitable fundraising platform or platform charity that engages in solicitation type D or performs, permits, or otherwise enables acts of solicitations described by Government Code section 12599.9, subdivision (a)(1), that are not solicitation types A to E, shall conspicuously disclose that the charitable organization referenced in a solicitation may be deemed ineligible to be sent donated funds with an explanation identifying the

most pertinent reasons. The explanation may be provided through a conspicuous hyperlink.

(3) A charitable fundraising platform that engages in solicitation type E shall:

(A) When donations are solicited by and made to a charitable organization, including when a charitable organization manages peer-to-peer charitable fundraising campaigns enabled by the charitable fundraising platform, conspicuously disclose to the charitable organization that the charitable organization may be deemed ineligible to be sent donated funds with an explanation identifying the most pertinent reasons. The charitable fundraising platform shall also request the charitable organization to provide this conspicuous disclosure to platform users when donations are solicited by the charitable organization through the charitable fundraising platform.

(B) When donations or recommended donations are made to a charitable fundraising platform or platform charity, and the charitable fundraising platform also engages in solicitation type A or B, comply with Government Code section 12599.9, subdivision (e)(2).

(e) A charitable fundraising platform or platform charity that engages in solicitation type C or D, shall disclose the length of time it takes to send donated funds to a recipient charitable organization, subject to any minimum threshold amount as permitted by Government Code section 12599.10, subdivision (a)(4)(A)(ii), as follows:

(1) A charitable fundraising platform or platform charity that engages in solicitation type C shall provide the disclosure in compliance with Government Code section 12599.9, subdivision (e)(3).

(2) A charitable fundraising platform or platform charity that engages in solicitation type D shall conspicuously disclose in a solicitation the maximum length of time it takes to send donated funds to a recipient charitable organization with an explanation as to the length of time, including the minimum threshold amount to be met before donated funds are sent, if any. The explanation may be provided through a conspicuous hyperlink.

(f) The information on fees or other amounts to be disclosed by Government Code section 12599.9, subdivision (e)(4), may be provided through a conspicuous hyperlink.

Note: Authority cited: Sections 12587 and 12599.10, Government Code. Reference: Sections 12599.6 and 12599.9, Government Code.

§ 318. Consent from Recipient Charitable Organizations for Charitable Fundraising Platforms and Platform Charities.

(a) An agreement between a recipient charitable organization and a charitable fundraising platform or platform charity, in which the recipient charitable organization provides written consent for the charitable fundraising platform, platform charity, or any partnering platform expressly identified in that agreement to use its name in a solicitation on or through a charitable fundraising platform, shall comply with all of the following requirements:

- (1) The agreement shall comply with Government Code section 12599.9, subdivisions (f)(1) and (h), and sections 320 and 321 of these regulations.
- (2) The agreement, including any agreement amendments and renewals, may be entered into electronically. Such agreement may refer to or incorporate terms available on a platform provided by a charitable fundraising platform or platform charity as specified in this subdivision (a), as long as a recipient charitable organization is informed or sent written notice when changes are made to the platform containing the agreement's terms, is not charged financially for platform access, and the platform clearly explains the changes.
- (3) For an agreement seeking written consent for more than one charitable fundraising platform, all charitable fundraising platforms shall be identified, and a recipient charitable organization shall be able to select the charitable fundraising platforms for which it gives or does not give consent. The identification of charitable fundraising platforms and the ability to give or not give consent may be provided through terms available on a platform.
- (4) The agreement shall specify the total amount of fees charged for each charitable fundraising platform or platform charity. This information may be provided through terms available on a platform.
- (5) The agreement shall specify the time period for sending donated funds for each charitable fundraising platform, which shall comply with Government Code section

12599.9, subdivision (h), and section 320 of these regulations. This information may be provided through terms available on a platform.

(6) The agreement shall allow a recipient charitable organization to review and approve information in the solicitation about the recipient charitable organization, and if not approved, the information about the recipient charitable organization shall be removed from the solicitation. This includes information that restricts or indicates a preference as to how donations may be used by a recipient charitable organization. Prior approval is not required when peer-to-peer charitable fundraising is involved, or for information provided by the recipient charitable organization.

(7) The agreement shall allow a recipient charitable organization to acknowledge persons who made donations or engaged in peer-to-peer charitable fundraising, and specify any other terms regarding the sharing or use of information provided by such persons, if they choose to share their information with a recipient charitable organization.

(8) For each charitable fundraising platform that engages in solicitation type A or B and allows donors or persons engaging in peer-to-peer charitable fundraising to restrict or designate a preference as to how donations may be used by a recipient charitable organization, a recipient charitable organization shall be able to specify whether it agrees in advance to comply with the designations or restrictions made by donors or persons engaging in peer-to-peer charitable fundraising. This agreement may be provided through terms available on a platform.

(9) For each charitable fundraising platform that engages in solicitation type A or B, the agreement shall permit the charitable fundraising platform to send a tax donation receipt on behalf of a recipient charitable organization. This includes donations or recommended donations made by donors who do not choose to share their information with a recipient charitable organization. This is not required for recommended donations made to a platform charity or a charitable fundraising platform that is tax-exempt under Internal Revenue Code section 501(c)(3).

(b) When a recipient charitable organization makes a written request for removal, as described in Government Code section 12599.9, subdivision (f)(2)(C), the charitable fundraising platform or platform charity shall promptly verify the request by asking for identifying or other relevant information from the recipient charitable organization, unless already provided. For purposes of

this subdivision and Government Code section 12599.9, subdivision (f)(2)(C), “promptly” means no later than three business days after the written request for removal is made. If the recipient charitable organization does not provide the identifying or other relevant information no later than three business days after it was asked, the charitable fundraising platform or platform charity shall use the information sources specified in Government Code section 12599.9, subdivision (f)(2)(A), to verify the request.

Note: Authority cited: Sections 12587 and 12599.10, Government Code. Reference: Sections 12599.6, 12599.9, and 12599.10, Government Code.

§ 319. Tax Donation Receipts from Charitable Fundraising Platforms and Platform Charities.

A charitable fundraising platform or platform charity that engages in solicitation type A or B shall promptly send a tax donation receipt to donors after donations or recommended donations are made, in accordance with Business and Professions Code sections 17510.3, subdivision (a)(1) to (4), and 17510.4. The tax donation receipt may be sent electronically. For purposes of this section and Government Code section 12599.9, subdivision (g), “promptly” means no later than five business days after a donation is made. When donations or recommended donations are made to a recipient charitable organization, instead of to a platform charity or charitable fundraising platform that is tax-exempt under Internal Revenue Code section 501(c)(3), the charitable fundraising platform shall obtain authorization from the recipient charitable organization to send a tax donation receipt on behalf of the recipient charitable organization.

Note: Authority cited: Sections 12587 and 12599.10, Government Code. Reference: Sections 12599.9 and 12599.10, Government Code; Sections 17510.3 and 17510.4, Business and Professions Code.

§ 320. Lengths of Time for Sending Donations by Charitable Fundraising Platforms and Platform Charities; Selection of Alternate Charitable Organizations.

(a) A charitable fundraising platform or platform charity that engages in solicitation type A or B shall promptly send donations, or grants of recommended donations, in compliance with all of the following:

(1) Donated funds for consenting recipient charitable organizations shall be sent no later than 30 days after the end of the month in which the donations or recommended donations are made, unless the recipient charitable organization is not eligible to be sent the funds.

(2) Donated funds for non-consenting recipient charitable organizations shall be sent no later than 45 days after the end of the month in which the donations or recommended donations are made, unless the recipient charitable organization is not eligible to be sent the funds.

(3) A charitable fundraising platform or platform charity shall determine whether a recipient charitable organization is eligible to be sent donated funds within the time period for when donated funds must be sent. If it has been determined that a recipient charitable organization is not eligible, the charitable fundraising platform or platform charity shall notify donors in writing no later than 30 days after the determination of eligibility, and request them to recommend an alternate charitable organization. Written notification may be sent electronically. Donors shall have 30 days from the date of written notification to recommend an alternate charitable organization. If an alternate is timely recommended, the charitable fundraising platform or platform charity shall send the donated funds to the alternate charitable organization no later than 30 days from the last date donors could timely recommend an alternate, unless the charitable fundraising platform or platform charity determines the alternate is not eligible. If an alternate is timely recommended and determined to be not eligible, the charitable fundraising platform or platform charity shall select another alternate charitable organization, and send donated funds to the alternate selected by the charitable fundraising platform or platform charity no later than 30 days from the last date donors could timely recommend an alternate. If an alternate is not timely recommended, the charitable fundraising platform or platform charity shall select an alternate charitable organization, and send the donated funds to the alternate no later than 30 days from the last date donors could timely recommend an alternate.

(b) A charitable fundraising platform or platform charity that engages in solicitation type C or D shall promptly send donations, or grants of recommended donations, in compliance with all of the following:

(1) When donated funds are not subject to any minimum threshold amounts before they are sent, the donated funds shall be sent to a recipient charitable organization on a quarterly basis or more frequently, unless the recipient charitable organization is not eligible to be sent the funds. For purposes of this section, “quarterly basis” means sending donated funds based on purchases or other activity performed by platform users, no later than 30 days after the end of a 90-day period established as a quarter by a charitable fundraising platform or platform charity.

(2) When donated funds are subject to minimum threshold amounts before they are sent, such minimum threshold amounts shall not exceed ten dollars (\$10.00), as required by Government Code section 12599.10, subdivision (a)(4)(A)(ii). Once the minimum amount is reached, the donated funds shall be sent to a recipient charitable organization on a quarterly basis or more frequently, unless the recipient charitable organization is not eligible to be sent the funds. If the minimum threshold amount is not reached after four consecutive quarters, the donated funds shall be sent to a recipient charitable organization no later than 30 days after the fourth quarter ends, unless the recipient charitable organization is not eligible to be sent the funds.

(3) A charitable fundraising platform or platform charity shall determine whether a recipient charitable organization is eligible to be sent donated funds within the time period for when donated funds must be sent. If it has been determined that a recipient charitable organization is not eligible, the charitable fundraising platform or platform charity shall then select an alternate charitable organization, and send the donated funds to the alternate no later than 30 days after the determination of eligibility.

(c) A charitable fundraising platform that engages in solicitation type E shall promptly send donations in compliance with the following:

(1) When donations are solicited by and made to a charitable organization, including when a charitable organization manages peer-to-peer charitable fundraising campaigns enabled by the charitable fundraising platform, donations shall be sent no later than five business days after the donations are made, unless the charitable organization is not

eligible to be sent the funds. A charitable fundraising platform shall determine whether a charitable organization is eligible to be sent donations on a monthly basis or more frequently. If it has been determined that a charitable organization is not eligible, the charitable fundraising platform shall select an alternate charitable organization, and send the donations to the alternate no later than 30 days after the determination of eligibility.

(2) When donations or recommended donations are made to a charitable fundraising platform or platform charity, and the charitable fundraising platform also performs, permits, or otherwise enables solicitation type A or B, donated funds shall be promptly sent in compliance with subdivision (a) of this section.

(d) A charitable fundraising platform or platform charity that performs, permits, or otherwise enables acts of solicitation described by Government Code section 12599.9, subdivision (a)(1), that are not solicitation types A to E shall promptly send donated funds in compliance with subdivision (a)(1) and (3) of this section.

Note: Authority cited: Sections 12587 and 12599.10, Government Code. Reference: Sections 12599.9 and 12599.10, Government Code.

§ 321. Information for Charitable Organizations Regarding Donations Sent by Charitable Fundraising Platforms and Platform Charities.

(a) A charitable fundraising platform or platform charity that engages in solicitation type A or B or any similar activity shall provide the following information regarding donations, or grants of recommended donations, sent to a recipient charitable organization. This information can be provided with the donated funds, or through a secure platform that authenticates the recipient charitable organization, as long as the recipient charitable organization is made aware of the platform and not financially charged for platform access:

(1) The legal name of the charitable fundraising platform through which a donation or recommended donation was made.

(2) The total number of donations or recommended donations made.

(3) The time period during which donations or recommended donations were made.

(4) When requested by a recipient charitable organization, the date each donation or recommended donation was made, and the date each donation or grant of a recommended donation was sent.

(5) The total dollar amount of all donations or recommended donations made before fees were imposed, the total amount of all fees imposed, the total amount of all donations or recommended donations after fees were imposed, and the total amount of all donated funds sent. When requested by a recipient charitable organization, the amount of each donation or recommended donation before fees were imposed, the amount of the fees imposed for each donation or recommended donation, the amount of each donation or recommended donation after fees were imposed, and the amount of each of the donated funds sent.

(6) The name and contact information of a donor who chose to share their information, unless a recipient charitable organization has not given prior written consent for using its name or information in a solicitation. For purposes of subdivision (a)(6) and (a)(7), “contact information” means, at a minimum, the person’s name and email address. If the email address is unknown and a telephone number is known, provide the telephone number. Also provide the total amount donated for each donor who chose to share their information. When requested by a recipient charitable organization, the amount of each donation or recommended donation for each donor who chose to share their information.

(7) The name and contact information of persons engaging in peer-to-peer charitable fundraising who chose to share their information, when applicable, unless a recipient charitable organization has not given prior written consent for using its name or information in a solicitation.

(8) When donors or persons engaging in peer-to-peer charitable fundraising restrict or designate a preference as to how donations or recommended donations may be used by a recipient charitable organization, information on how the funds may be used.

(b) A charitable fundraising platform or platform charity that engages in solicitation type C or D or any similar activity shall provide the following information regarding donations, or grants of recommended donations, sent to a recipient charitable organization. This information can be provided with the donated funds, or through a secure platform that authenticates the recipient

charitable organization, as long as the recipient charitable organization is made aware of the platform and not financially charged for platform access:

(1) A description of the purchasing or other activity performed by platform users who caused a donation or grant of a recommended donation to be sent to the recipient charitable organization, along with the time period during which the purchasing or other activity was performed.

(2) The amount of each donation or grant of a recommended donation, with an accounting of how it was calculated, including the number of purchases made or other activities performed, the donation amount per purchase or other activity, and any fees that were imposed.

(c) A charitable fundraising platform that engages in solicitation type E shall provide the following information regarding donations sent to a charitable organization:

(1) When donations are solicited by and made to a charitable organization, including when a charitable organization manages peer-to-peer charitable fundraising campaigns enabled by the charitable fundraising platform, provide the date each donation was made by the donor, the date each donation was sent, the amount of each donation before fees were imposed, the amount of the fees imposed for each donation, the amount of each donation after fees were imposed, and the amount of each donation sent. This information can be provided with the donations, or through the charitable fundraising platform.

(2) When donations or recommended donations are made to a charitable fundraising platform or platform charity, and the charitable fundraising platform also engages in solicitation type A or B, provide the information required by subdivision (a) of this section.

Note: Authority cited: Sections 12587 and 12599.10, Government Code. Reference: Sections 12599.9 and 12599.10, Government Code.

§ 322. Information for Donors or Persons Regarding Donations Sent by Charitable Fundraising Platforms and Platform Charities.

(a) A charitable fundraising platform or platform charity that engages in solicitation type A or B shall provide an ability for donors to find out whether their donations or recommended donations

were sent to a recipient charitable organization or an alternate charitable organization, if donors choose to learn this. Such information shall be made available to donors no later than 15 business days after the donated funds were sent. For purposes of this section, the ability to find out whether donated funds were sent may be provided through written notification, which may occur electronically including through a platform, as long as persons are not charged financially for platform access.

(b) A charitable fundraising platform or platform charity that engages in solicitation type C or D shall provide platform users who made purchases or performed other activity that caused donated funds to be sent, an ability to find out that the total amount of donated funds sent to a recipient charitable organization or an alternate charitable organization included funds based on their purchases or other activity, if platform users choose to learn this. Such information shall be made available to platform users no later than 15 business days after the donated funds were sent. This does not require informing platform users how much of the donated funds sent is attributed to their purchases or other activity.

Note: Authority cited: Sections 12587 and 12599.10, Government Code. Reference: Sections 12599.9 and 12599.10, Government Code.

§ 323. Handling of Donations by Persons Engaging in Peer-to-Peer Charitable Fundraising.

When persons engaging in peer-to-peer charitable fundraising are sent donated funds from a charitable fundraising platform or platform charity that engages in solicitation type B, these persons shall not divert or misuse the donated funds, and shall send the donated funds to the recipient charitable organization referenced in solicitations no later than 10 business days after receipt. Persons engaging in peer-to-peer charitable fundraising that fail to send donated funds to the recipient charitable organization no later than 10 days after receipt are required to register as trustees with the Attorney General pursuant to Government Code section 12585.

Note: Authority cited: Sections 12587 and 12599.10, Government Code. Reference: Sections 12581, 12582, 12598, 12599.6 and 12599.9, Government Code.