

***WITHDRAWN**

SEC AO92-038

January 27, 1992

SUBJECT: NONPROFIT TRADE ASSOCIATION SOLICITING MEMBERS

SUMMARY:

An association established as a non-profit corporation may not solicit contributions from anyone other than its members and their families in accordance with the provisions of the Ethics Reform Act.

QUESTION:

The attorney for a nonprofit trade association has questioned how Section 8-13-1332 regulates such an association in the solicitation of campaign contributions.

DISCUSSION:

This opinion is rendered in response to a letter dated December 9, 1991 requesting an opinion from the State Ethics Commission. The Commission's jurisdiction is limited to the applicability of the Ethics, Government Accountability, and Campaign Reform Act of 1991 (Act No. 248 of 1991; Section 8-13-100 et. seq., as amended, 1976 Code of Laws). This opinion does not supersede any other statutory or regulatory restrictions or procedures which may apply to this situation.

Sections 8-13-1332(3)(4) provide:

It is unlawful for:

- (3) a corporation or committee of a corporation to solicit contributions to the corporation or committee from a person other than its shareholders, directors, executive or administrative personnel, and their families;
- (4) an organization or committee of an organization to solicit contributions to the organization or committee from a person other than its members and their families.

A nonprofit trade association is not regulated as a "corporation or committee of a corporation" but as an organization pursuant to Section 8-13-1332(4). Thus, a nonprofit trade association is restricted to solicitation of campaign contributions from its members and their families.

***Amendments to Section 8-13-1332 in 2003 removed these solicitation restrictions.**