



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 290

December 15, 1995

Whether an article in a magazine published by a nonprofit corporation describing the purposes of the corporation's political committee is a permissible solicitation expense of the corporation under title 15 of the Election Code. (AOR-324)

The Texas Ethics Commission has been asked whether an article in a magazine published by a nonprofit corporation describing the purposes of the corporation's political committee is a permissible solicitation expense of the corporation under title 15 of the Election Code. The magazine would be distributed to members of the nonprofit association. The article is intended to educate the members about the importance of the political committee, its uses, and how it works.

Generally, corporations, including incorporated nonprofit associations, are prohibited from making political contributions or political expenditures. *See* Elec. Code § 253.094; [Ethics Advisory Opinion No. 280](#) (1995). A corporation may, however, make political expenditures to finance the establishment and administration of a general-purpose committee, and to finance the costs of solicitation of political contributions to the committee from members, employees, and stockholders of the corporation, and from the families of members, employees, and stockholders. Elec. Code § 253.100; [Ethics Advisory Opinion No. 280](#) (1995). An article published in a magazine distributed by a nonprofit association may be a solicitation of contributions to the political committee, depending on the particular facts and the content of the article. Even if it is a solicitation in the situation described here, Election Code section 253.100 permits the corporation to finance the article because the article is being sent only to the corporation's members.

SUMMARY

Whether an article in a magazine published by a nonprofit corporation describing the purposes of the corporation's political committee is a solicitation of contributions to the committee is a fact question. If the article is a solicitation, it would be a permissible corporate expenditure if the magazine is sent only to employees or members of the corporation or to the families of employees or members.