

GC/MFR:bhs SSIC 3700  
96-0616

TO: [ ]

FROM: Richard S. Schulman, Associate General Counsel

SUBJ: Nonstandard Bylaw Amendment - [ ]  
(Your June 5, 1996, Memorandum)

DATE: June 27, 1996

You have asked for our opinion on a proposed nonstandard bylaw amendment to Article VI, Section 7. The proposed amendment sets a minimum age of 21 to vote and hold elective or appointive office. We have some concern over an FCU limiting a member from voting who has reached the age of majority under Florida law and would therefore recommend against approving the nonstandard amendment.

As stated in your memo, we have previously approved nonstandard amendments which raise the minimum age for voting to 18 and the minimum age for holding office to 21. There is a distinction between voting and holding office which can be used to justify our prior approval of 21 as the minimum age to hold office. An individual holding elective or appointive office in an FCU arguably must possess a certain level of expertise and maturity. We do not believe that argument can be made to deny an 18 year old who has reached the age of majority and is a member of the FCU, his right as a member as set forth in the FCU Act, to vote in elections. The only rationale given by the FCU for raising the voting age to 21 is that it will be consistent with the age required to hold office. As [ ] Director [ ] in his June 18, 1996, memorandum on this issue, "management's proposal could result in members between the ages of 18 and 21 actively using credit union services while simultaneously lacking a voice in the management of their credit union."