

Labor organizations which have incorporated are prohibited by sec. 11.38, Stats., from making political contributions or engaging in political activities other than as expressly permitted therein. (Issued to John A. Lawton, March 17, 1976)

You have requested the Board's opinion whether labor organizations which are nonstock, nonprofit corporations may make political contributions and engage in other political activities that are legal for unincorporated labor organizations. You indicate that the purpose of incorporation is unclear although the sole function of these organizations "is to work for the economic and social benefit of the members and in some cases to improve their occupational proficiency."

As you know, sec. 11.38 (1)(a) 1., Stats., prohibits any foreign or domestic corporation from making political contributions. In Op. El.Bd. #75-8, the Board ruled "that a non-profit corporation created expressly and exclusively to engage in political activities which has incorporated for liability purposes only is essentially a political committee and, therefore, does not come within the prohibition of sec. 11.38 (1)(a) 1., Stats."

In the situation you present, however, the labor organizations have not been created expressly and exclusively to engage in political activities although may have incorporated for liability purposes only. As such, they fall within the prohibition of sec. 11.38 (1)(a) 1., Stats., and may not make political contributions or engage in political activities aside from those expressly permitted by sec. 11.38, Stats.