



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

July 29, 2009

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Benjamin L. Ginsberg, Esq.  
Glenn Willard, Esq.  
Patton Boggs LLP.  
2550 M Street, NW  
Washington, DC 20037-1350

RE: Advisory Opinion Request 2009-17

Dear Messrs. Ginsberg and Willard:

This letter responds to your letter received on June 16, 2009 requesting an advisory opinion.

On July 22, 2009, the Commission released for public comment Agenda Document No. 09-53, containing two alternative drafts of an advisory opinion responding to your request. Under the Federal Election Campaign Act of 1971, as amended (“the Act”), the affirmative vote of four members of the Commission is required in order for the Commission to render an advisory opinion. *See* 2 U.S.C. 437c(c) and 437d(a)(7); *see also* 11 CFR 112.4(a). On July 28, 2009, the Commission considered Agenda Document No. 09-53 and voted 3-3 on the motions to approve each of the two drafts. Thus, the Commission was unable to render an opinion in this matter.

Agenda Document No. 09-53 is enclosed for your convenience. Neither draft should be considered an advisory opinion by the Commission or any of its employees because the Commission may issue such an opinion only in accordance with specific provisions of the Act. *See* 2 U.S.C. 437f(b).

Benjamin L. Ginsberg and Glenn Willard, Esqs.  
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Accordingly, you are hereby advised that the Commission has concluded its review of Advisory Opinion Request 2009-17.

Sincerely,

Rosemary C. Smith  
Associate General Counsel

Enclosure