



FEDERAL ELECTION COMMISSION
Washington, DC 20463

September 24, 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Dan Backer, Esq.
DB Capitol Strategies
P.O. Box 75021
Washington, D.C. 20013

RE: Advisory Opinion Request 2010-20

Dear Mr. Backer:

This letter responds to your letter received on August 11, 2010, requesting an advisory opinion on behalf of National Defense PAC. The purpose of this letter is to inform you that the Commission has concluded its consideration of your advisory opinion request without issuing an advisory opinion.

On September 17, 22, and 23, 2010, the Commission released for public comment Agenda Document Nos. 10-60, 10-60A, and 10-60B respectively, which contain three alternative draft advisory opinions responding to your request, Draft A, Draft B, and Revised Draft A.

At its Open Session of September 23, 2010, the Commission considered but did not approve any of these drafts. Under the Federal Election Campaign Act of 1971, as amended, 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). The Commission voted 2-3 on Agenda Document No. 10-60B and voted 3-2 on Agenda Document No. 10-60A. Thus, the Commission was unable to render an opinion in this matter.

Agenda Document Nos. 10-60, 10-60A, and 10-60B are enclosed for your convenience. Please keep in mind that these documents should not be considered to contain an advisory opinion under the Federal Election Campaign Act, because these documents were not approved by the affirmative vote of at least four Commissioners.

Letter to Dan Backer, Esq.
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If you have any questions, please contact William Powers, an attorney at this Office, at 202-694-1650.

Sincerely,

(signed)
Rosemary C. Smith
Associate General Counsel

Enclosure