



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 1, 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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

RE: Advisory Opinion Request 2012-01

Dear Mr. Backer:

This letter responds to your letter received on January 4, 2012, requesting an advisory opinion on behalf of Stop This Insanity, Inc. 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 February 17, 2012, the Commission released for public comment Agenda Document Nos. 12-13 and 12-13-A respectively, which contain two alternative draft advisory opinions responding to your request, Draft A and Draft B.

At its Open Session of March 1, 2012, the Commission considered but did not approve either 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), 437d(a)(7); *see also* 11 CFR 112.4(a). The Commission voted 3-3 on Agenda Document No. 12-13 and voted 3-3 on Agenda Document No. 12-13-A. Thus, the Commission was unable to render an opinion in this matter.

Agenda Document Nos. 12-13 and 12-13-A 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 David C. Adkins, an attorney in this Office, at 202-694-1650.

Sincerely,

(signed)
Kevin Deeley
Acting Associate General Counsel

Enclosure