



FEDERAL ELECTION COMMISSION
Washington, DC 20463

May 30, 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jason Torchinsky, Esq.
Shawn Sheehy, Esq.
Holtzman Vogel Josefiak PLLC
45 North Hill Drive, Suite 100
Warrenton, VA 20186

RE: Advisory Opinion Request 2012-20 (Mullin)

Dear Messrs. Torchinsky and Sheehy:

This letter responds to your letter received on May 2, 2012, and your emails received on May 4 and 7, 2012, requesting an advisory opinion on behalf of Markwayne Mullin. 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 May 23, 2012, the Commission released for public comment Agenda Document No. 12-38, which contained a draft advisory opinion responding to your request. On May 29, 2012, the Commission released for public comment Draft B of an advisory opinion in response to your request. On May 30, 2012, the Commission released Draft C of an advisory opinion in response to your request.

At its Open Session of May 24, 2012, the Commission considered but did not vote on Agenda Document 12-38. On May 30, 2012, the Commission considered but did not approve Draft B or Draft C. 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 2-3 (with one Commissioner not voting) on Draft B. The Commission voted 3-0 on Draft C (with three Commissioners not voting). Thus, the Commission was unable to render an opinion in this matter.

Letter to Jason Torchinsky, Esq. and
Shawn Sheehy, Esq.

Page 2

Agenda Document No. 12-38 and Drafts B and C 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.

If you have any questions, please contact Jessica Selinkoff, an attorney in this Office, at 202-694-1650.

Sincerely,

(signed)
Kevin Deeley
Acting Associate General Counsel

Enclosures