



FEDERAL ELECTION COMMISSION
Washington, DC 20463

August 23, 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ronald M. Jacobs, Esq.
Lawrence H. Norton, Esq.
Jeffrey J. Hunter, Esq.
Venable LLP
575 Seventh Street, NW
Washington, DC 20004

RE: Advisory Opinion Request 2012-29 (Hawaiian Airlines, Inc.)

Dear Messrs. Jacobs, Norton, and Hunter:

This letter responds to your letter received on July 20, 2012, and your email received on August 17, 2012, requesting an advisory opinion on behalf of Hawaiian Airlines, 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 August 21, 2012, the Commission released for public comment Agenda Document No. 12-61, which contained Draft A of an advisory opinion responding to your request. On August 22, 2012, the Commission released for public comment Agenda Document No. 12-61-A, which contained Draft B of an advisory opinion in response to your request.

At its Open Session of August 23, 2012, the Commission considered but did not approve Draft A or Draft B. 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 both drafts. Thus, the Commission was unable to render an opinion in this matter.

Letter to Ronald M. Jacobs, Esq., Lawrence H.
Norton, Esq., and Jeffrey J. Hunter, Esq.
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Drafts A and B 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 Tony Buckley, an attorney in this Office, at 202-694-1650.

Sincerely,

(signed)
Kevin Deeley
Acting Associate General Counsel

Enclosures