



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

June 25, 2009

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Marc E. Elias, Esq.  
Ms. Kate S. Keane, Esq.  
Perkins Coie LLP  
607 Fourteenth Street, N.W.  
Washington, D.C. 20005-2003

RE: Advisory Opinion Request 2009-11

Dear Mr. Elias and Ms. Keane:

This letter responds to your letter received on March 19, 2009 requesting an advisory opinion.

On June 12 and June 18, 2009, the Commission released for public comment Agenda Document Nos. 09-32 and 09-32A respectively, which contain three alternative draft advisory opinions responding to your request, Draft A, Draft B, and Draft C. 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 June 18 and June 25, 2009, the Commission considered Agenda Document Nos. 09-32 and 09-32A, but was unable to arrive at the required four votes for any position. Thus, the Commission was unable to render an opinion in this matter.

Agenda Document Nos. 09-32 and 09-32A are enclosed for your convenience, but should not be considered to contain 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).

Letter to Marc E. Elias and Kate S. Keane, Esq.

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Accordingly, you are hereby advised that the Commission has concluded its review of Advisory Opinion Request 2009-11.

Sincerely,

(signed)

Rosemary C. Smith

Associate General Counsel

Enclosure