



FEDERAL ELECTION COMMISSION
Washington, DC 20463

April 17, 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Todd Goldup
PO Box 338
Clifton Park, NY 12065

RE: Advisory Opinion Request 2008-02

Dear Mr. Goldup:

This letter responds to your letter received on March 7, 2008 requesting an advisory opinion.

On April 10, 2008, the Commission released for public comment Agenda Document No. 08-08, which contains a draft advisory opinion responding to your request. 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). As you know, the Commission currently has only two members. On April 17, 2008, the Commission discussed Agenda Document No. 08-08 and voted 2-0 in favor of a motion to approve the draft. Thus, the Commission was unable to render an opinion in this matter.

Agenda Document No. 08-08 is enclosed for your convenience, but should not be considered 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).

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Accordingly, you are hereby advised that the Commission has concluded its review of Advisory Opinion Request 2008-02. You are not precluded from resubmitting the same or a similar request for an advisory opinion at such time as the Commission is able to take action on advisory opinion requests.

Sincerely,



for Rosemary C. Smith
Associate General Counsel

Enclosure