

AGENDA DOCUMENT NO. 08-17-C

2008 AUG 21 A 9:51

August 21, 2008

The Honorable Henry M. Paulson, Jr.
Secretary
Department of the Treasury
Washington, DC 20220

AGENDA ITEM

For Meeting of: 08-21-08

SUBMITTED LATE

Dear Mr. Secretary:

On August 28, 2007, the Federal Election Commission determined that the following candidate and his authorized committee had satisfied the eligibility requirements of 26 U.S.C. § 9033 and 11 C.F.R. §§ 9033.1, 9033.2, and 9036.1 to receive presidential primary matching funds under 26 U.S.C. § 9037 and 11 C.F.R. § 9037.1 and were entitled to payment from the Presidential Primary Matching Account:

John McCain/John McCain 2008, Inc.

By letter dated February 6, 2008, the candidate, acting for himself and his authorized committee, John McCain 2008, Inc., informed the Commission that he was withdrawing from the candidate agreement and certifications he submitted to the Commission pursuant to 26 U.S.C. § 9033 and 11 C.F.R. §§ 9033.1 and 9033.2. On August 21, 2008, the Commission voted to notify the Treasury of their withdrawal from the agreement, and that the Commission has withdrawn its certification that John McCain/John McCain, 2008, Inc., are entitled to payments from the Presidential Primary Matching Account. Accordingly, no payment should be made to this candidate and/or committee.

Sincerely,

Donald F. McGahn II
Chairman

Attest:

Mary W. Dove
Secretary to the Commission

August 21, 2008

VIA FIRST CLASS MAIL

Trevor Potter
General Counsel
John McCain 2008, Inc.
Post Office Box 16118
Arlington, Virginia 22215

Re: Letter dated February 6, 2008 from Senator John McCain giving notice of withdrawal of Senator McCain and his authorized committee from participation in the Presidential Primary Matching Account Act. (LRA 731)

Dear Mr. Potter:

This letter is in response to the letter of February 6, 2008 from Senator John McCain, in which he gave notice, on behalf of himself and his authorized committee, John McCain 2008, Inc. (the "Committee"), of their withdrawal from the public funding program (the "Program") under the Presidential Primary Matching Account Act, as amended, 26 U.S.C. § 9031 through § 9042 (the "Act"). In keeping with the practice of the Commission, the Commission is treating this letter as a request. Responding to this request requires the exercise of the discretion of the Commission.

On August 21, 2008, the Commission approved the request and withdrew its certification to the Secretary of the Treasury that John McCain and the Committee are entitled to payments from the Presidential Primary Matching Account.

Additionally, please note that Senator McCain and his Committee are not bound by the provisions of the candidate agreement he executed pursuant to the Act, and are not subject to the mandatory audit under the Act. 26 U.S.C. § 9038. Further, they are not bound by the spending limitations associated with the Program. 11 C.F.R. 9035.1(d).

Consistent with the foregoing, enclosed please find a letter of this date from the Commission to the Secretary of the Treasury confirming the above.

Sincerely,

Donald F. McGahn II
Chairman