

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Case No. 11-cv-03116-WJM-MJW

ABDUL KARIM HASSAN,

Plaintiff,

v.

THE STATE OF COLORADO, and SCOTT GESSLER, in his official capacity as
Secretary of State of the State of Colorado,

Defendants.

ANSWER

Defendants, the State of Colorado and Scott Gessler, in his official capacity as
Secretary of State of the State of Colorado, by and through undersigned counsel, answer
the allegations the Plaintiffs' Complaint as follows.

1. In response to the allegations in ¶ 1, Defendants admit that Plaintiff seeks
a declaratory judgment concerning the claims outlined therein. Defendants deny that
Plaintiff is entitled to relief on those claims.

2. In response to ¶ 2, Defendants admit that this Court has federal question
jurisdiction pursuant to 28 U.S.C. § 1331. The Defendants deny that this Court has
subject matter jurisdiction over the Complaint because it is not ripe for review.

3. Defendants admit the allegations in ¶ 3.

4. Defendants admit the allegations in ¶ 4.

5. With respect to ¶ 5, Defendants admit that Plaintiff is an adult individual
over the age of eighteen years. Defendants lack knowledge sufficient to admit or deny
Plaintiff's allegations concerning his state of residence, and therefore deny the same.

6. With respect to ¶ 6, Defendants admit that Plaintiff has declared his candidacy for the Presidency of the United States. Defendants deny that Mr. Hassan meets the requirements set by the U.S. Constitution, Art. II, § 1, cl. 5, to hold the office of the Presidency.

7. Defendants admit the allegations in ¶ 7.

8. Defendants admit the allegations in ¶ 8.

9. Defendants admit the allegations in ¶ 9.

10. Defendants lack knowledge sufficient to admit or deny the allegations in ¶ 10, and therefore deny the same.

11. With respect to ¶ 11, Defendants admit that Plaintiff is a naturalized American citizen. Defendants lack knowledge sufficient to admit or deny the remaining allegations in ¶ 11, and therefore deny the same.

12. Defendants admit the allegations in ¶ 12.

13. With respect to the allegations in ¶ 12, Defendants admit that Plaintiff has declared his candidacy for the Presidency of the United States. Defendants lack knowledge sufficient to admit or deny the remaining allegations in ¶ 13, and therefore deny the same. Defendants deny that Mr. Hassan meets the requirements set by the U.S. Constitution, Art. II, § 1, cl. 5, to hold the office of the Presidency.

14. Defendants lack knowledge sufficient to admit or deny the allegations in ¶ 14, and therefore deny the same.

15. Defendants lack knowledge sufficient to admit or deny the allegations in ¶ 15, and therefore deny the same.

16. Defendants lack knowledge sufficient to admit or deny the allegations in ¶ 16, and therefore deny the same.

17. Defendants lack knowledge sufficient to admit or deny the allegations in ¶ 17, and therefore deny the same.

18. Defendants lack knowledge sufficient to admit or deny the allegations in ¶ 18, and therefore deny the same.

19. Defendants lack knowledge sufficient to admit or deny the allegations in ¶ 19, and therefore deny the same.

20. Defendants lack knowledge sufficient to admit or deny the allegations in ¶ 20, and therefore deny the same.

21. Defendants lack knowledge sufficient to admit or deny the allegations in ¶ 21, and therefore deny the same.

22. Defendants lack knowledge sufficient to admit or deny the allegations in ¶ 22, and therefore deny the same.

23. With respect to ¶ 23, Defendants admit that Plaintiff sought an advisory opinion from the Federal Election Commission concerning his candidacy. The Defendants deny the remaining allegations in ¶ 23 because the FEC's advisory opinion speaks for itself.

24. Defendants admit the allegations in ¶ 24.

25. With respect to ¶ 25, Defendants admit that the Secretary responded to Plaintiff's request by the letter attached to the Complaint as Exhibit 1. Defendants affirmatively state that the letter speaks for itself.

26. With respect to ¶ 26, Defendants admit that a candidate for the Presidency must file a Candidate Statement of Intent. Whether the Candidate Statement of Intent is the “first legally required step” is a conclusion of law that requires no response.

27. Defendants deny the allegations in ¶ 27. The Secretary affirmatively states that he will “accept” the Plaintiff’s Candidate Statement of Intent. The Secretary further affirmatively states, however, that, in accordance with Colorado law, any candidate who does not meet the minimum Constitutional requirements for the office of the Presidency may not be placed on the ballot for that office.

28. With respect to ¶ 28, Defendants admit that Plaintiff cannot sign the statement of intent without perjuring himself.

29. With respect to ¶ 29, Defendants deny that they have “refus[ed] to accept a filing of a Candidate Statement of Intent for President from Plaintiff[.]” Defendants affirmatively state that Plaintiff has not filed or attempted to file a Candidate Statement of Intent. Defendants admit that Plaintiff cannot sign the statement of intent without perjuring himself, however, and that he cannot qualify for the presidential ballot without submitting the Candidate Statement of Intent.

30. Defendants lack knowledge sufficient to admit or deny the allegations in ¶ 30, and therefore deny the same.

31. Defendants incorporate their responses to ¶¶ 1-30.

32. Defendants admit that, in ¶ 32, Plaintiff quotes a portion of the Citizenship Clause of the Fourteenth Amendment with substantial accuracy. Defendants affirmatively state that the United States Constitution speaks for itself.

33. With respect to ¶ 33, Defendants deny that the “Privileges and Immunities Clause appears in the Fourteenth Amendment. Defendants affirmatively state that the Fourteenth Amendment contains the “Privileges or Immunities Clause.” Defendants admit that ¶ 33 quotes the Privileges or Immunities Clause with substantial accuracy. Defendants affirmatively state that the United States Constitution speaks for itself.

34. Defendants admit that, in ¶ 34, Plaintiff quotes a portion of the Equal Protection Clause of the Fourteenth Amendment with substantial accuracy. Defendants affirmatively state that the United States Constitution speaks for itself.

35. Defendants admit that, in ¶ 35, Plaintiff quotes with substantial accuracy the language of § 1-4-303, C.R.S. (2011). Defendants affirmatively state that the quoted statute speaks for itself.

36. Defendants deny the allegations in ¶ 36.

37. With respect to ¶ 37, Defendants admit that Plaintiff quotes with substantial accuracy the correspondence responding to the Plaintiff’s inquiry. The Secretary affirmatively states that the letter speaks for itself.

38. Defendants deny the allegations in ¶ 38.

39. Defendants deny the allegations in ¶ 39.

40. The allegations in ¶ 40 contain legal argument that require no response. To the extent that a response is required, the allegations in ¶ 40 are denied.

41. Defendants deny the allegations in ¶ 41.

42. With respect to ¶¶ 42, 43, 44, 45, 46, and 47, Defendants deny that Plaintiff is entitled to relief.

43. All allegations not specifically admitted herein are denied.

AFFIRMATIVE DEFENSES

44. Plaintiff has failed to state a claim upon which relief may be granted.

45. Plaintiff's claims are not ripe for review.

WHEREFORE, Defendants respectfully request that the Court enter judgment for the Defendants and against the Plaintiffs and that the Court award costs to Defendants as permitted by law.

JOHN W. SUTHERS
Attorney General

s/ Matthew D. Grove

MATTHEW D. GROVE, 34269*

Assistant Attorney General
Public Officials Unit
State Services Section
Attorneys for Defendants

1525 Sherman Street, 7th Floor
Denver, Colorado 80203
Telephone: 303-866-5264
FAX: 303 866-5671
E-Mail: matthew.grove@state.co.us
*Counsel of Record

CERTIFICATE OF SERVICE

I hereby certify that on April 24, 2012, I served a true and complete copy of the within **ANSWER** upon all parties through ECF-file and serve or as indicated below:

Abdul K. Hassan, Esq.
215-28 Hillside Avenue
Queens Village, NY 11427
Email: *adbul@abdulhassan.com*

/s Matthew D. Grove
Matthew D. Grove