

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CHRIS VAN HOLLEN,

Plaintiff,

Civil Action No. 1:11-cv-00766 (ABJ)

v.

FEDERAL ELECTION COMMISSION,

Defendant.

and

HISPANIC LEADERSHIP FUND

Intervenor/Defendant

CENTER FOR INDIVIDUAL FREEDOM

Intervenor/Defendant

**ANSWER OF INTERVENOR/DEFENDANT
HISPANIC LEADERSHIP FUND**

Defendant/Intervenor Hispanic Leadership Fund (“HLF”) submits this answer to the Complaint of Plaintiff Chris Van Hollen:

1. Admitted that Plaintiff is challenging the Federal Election Commission’s (“FEC”) regulation 11 C.F.R. § 104.20(c)(9) which implements the Bipartisan Campaign Reform Act, codified at 2 U.S.C. § 434(f). Deny the remainder of the paragraph.

2. This paragraph contains Plaintiff’s characterizations of BCRA § 201 and the quoted text of the statues speak for themselves. Plaintiff’s characterizations are denied.

3. This paragraph contains Plaintiff's characterizations of 11 C.F.R. § 104.20 and the text of the regulation speaks for itself. Denied that the regulation is not authorized by law. Plaintiff's characterizations are denied.

4. Denied.

5. This paragraph contains legal conclusions to which no response is required. Otherwise this paragraph is denied.

6. Admitted that non-profit corporations such as HLF spent money on electioneering communications in 2010. The rest of the paragraph is denied.

JURISDICTION AND VENUE

7. Admitted.

8. Admitted.

PARTIES

9. Information sufficient to admit or deny the statement that Plaintiff intends to run for re-election is solely within his control and therefore HLF is without information sufficient to admit or deny this fact and therefore denies. The rest of the paragraph is admitted.

10. The first sentence is admitted. The remainder of the paragraph is denied.

11. To the extent Plaintiff is a future candidate for federal office the first sentence is admitted. The second sentence is denied. HLF is without sufficient knowledge to admit or deny the third paragraph as it assumes facts not yet in existence and therefore denies. The fourth sentence is denied.

12. Admitted.

FACTS

13. Admitted.

14. Admitted.

15. This paragraph contains statutory quotation and characterization. The language of the statutes speak for themselves. The remainder of the paragraph is denied.

16. This paragraph contains statutory characterization and the language of the statutes speak for themselves. The remainder of the paragraph is denied.

17. This paragraph contains conclusions of law to which no response is required.

18. This paragraph contains conclusions of law to which no response is required.

19. The first sentence is admitted. The text of the Proposed Rulemaking speaks for itself. The remainder of the paragraph is denied.

20. Admitted that the FEC issued revised regulations on December 26, 2007 the language of which speaks for itself. The rest of the paragraph is denied.

21. Admitted that the FEC published an Explanation and Justification containing the quoted language on December 26, 2007. The language of the E&J speaks for itself. Otherwise the remainder of the paragraph is denied.

22. This paragraph contains legal conclusions to which no response is required.

23. This paragraph contains legal conclusions to which no response is required.

24. Denied.

25. Denied.

26. Denied.

27. Denied.

28. Denied.

29. Denied.

30. The first and second sentences are denied. Admitted that of the 10 highest spenders on electioneering communications in 2010 only three disclosed any information about funds they received.

31. The first sentence is denied. Admitted that the entities listed in the second and third sentences reported the amounts listed and did not disclose contributors. The remainder of the paragraph is denied.

32. HLF is without sufficient information to admit or deny and therefore denies.

COUNT I: DECLARATORY JUDGMENT

33. Denied.

34. Denied.

35. Denied.

36. Denied.

REQUESTED RELIEF

37. This paragraph contains Plaintiff's requested relief to which HLF denies Plaintiff is entitled.

Dated: August 5, 2011

Respectfully submitted,

Holtzman Vogel PLLC

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