

1 IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
2 IN AND FOR LEON COUNTY, FLORIDA
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7 MICHAEL C. VOELTZ,) Case No.: 2012CA00467
8)
9 Plaintiff,)
10 vs.)
11 BARACK HUSSEIN OBAMA, Florida Democratic)
12 Party nominee for President to the 2012 Democratic)
13 National Convention)
14 KEN DETZNER, Secretary of State of Florida)
15)
16 FLORIDA ELECTIONS CANVASSING)
17 COMMISSION)
18 Defendants.)
19)
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23 SECOND AMENDED COMPLAINT CONTESTING NOMINATION AND ELECTION OF
24 BARACK HUSSEIN OBAMA

- 25 1. Pursuant to section 102.168(1) of the Florida Statutes, Plaintiff Michael C. Voeltz hereby
26 challenges the nomination and election of Barack Hussein Obama as the Democratic Party
27 nominee because Barack Hussein Obama is not eligible to serve as the President of the
28 United States.

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2. Since Barack Hussein Obama is not eligible to serve as President of the United States, his name cannot appear on the Primary and Florida General Election Ballots for 2012 and nor can Florida Presidential Electors vote for him should he “win” the Florida General Election.

JURISDICTION AND VENUE

3. Plaintiff brings this action within the proper time frame and venue established by the “contest of election” statutes of Florida contained in Florida Statutes section 102.168. Plaintiff brings this action to the Circuit Court of Leon County in accordance with Florida Statutes section 102.1685.

PARTIES

4. Plaintiff, Michael C. Voeltz, is a registered member of the Democratic Party, voter, and taxpayer in Broward County, who was an eligible elector for the Florida Primary of January 31, 2012 to select a national Democratic Party candidate for President. Plaintiff has taken an oath to “protect and defend” the U.S. Constitution and the Constitution of Florida. (2011 Fl. ss. 97.051).

5. Defendant Barack Hussein Obama aka Barry Soetoro is the current President of the United States, as well as the Democratic Party nominee for the 2012 Florida presidential election and for president.

6. Ken Detzner is the Secretary of State for the state of Florida, is the chief elections officer for the state and has taken an oath to “support, protect, and defend the U.S. Constitution.”(2011 Fl. ss.876.05).

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7. Florida Elections Canvassing Commission is the body with the duty to canvass the returns of the primary and general elections for all state and federal offices and determine and declare who shall have been nominated or elected for such office.

STATEMENT OF FACTS

8. Article 2 Section 1, U.S. Constitution, requires that the president be at least 35 years old, 14 years a resident of the United States, and be a "natural born citizen."
(Article 2, Section 1, U.S. Constitution).

9. On or about April 2011, only after years into his presidency, and under media and political pressure, Barack Hussein Obama published on the internet an electronic version of a purported birth certificate alleging his birth in Honolulu, Hawaii on August 4, 1961 to American citizen mother, Stanley Ann Dunham, and Kenyan British subject father, Barack Obama, Sr..

10. There is credible evidence indicating that this electronically produced birth certificate is entirely fraudulent or otherwise altered.

11. No physical, paper copy of the actual long form birth certificate, or any other identifying document, has been produced in order to help establish Barack Hussein Obama's birth within the United States.

12. Barack Hussein Obama's failure to produce an actual birth certificate, or other identifying document, is because he was not born within the United States.

13. Since Barack Hussein Obama was not born within the United States he is not a "natural born citizen" as required by the U.S. Constitution for eligibility to serve as President of the United States.

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14. Even if Barack Hussein Obama was actually born within the United States, he is still not a natural born citizen as required by the U.S. Constitution because he was not born to two U.S. citizen parents.

15. Barack Obama, Sr., father to Barack Hussein Obama, was born in the British Colony of Kenya on June 18, 1936.

16. Birth in Kenya made Barack Obama, Sr. a British subject, according to and governed by the British Nationality Act of 1948, Part I, Section 1.

17. According to Immigration and Naturalization Service records, Barack Obama, Sr. was in the United States on a student visa, and was never a legal resident or citizen of the United States. When his student visa expired, and he remained in the United States illegally, he was later deported.

18. The British National Act of 1948 indicates that Barack Hussein Obama was born a British subject, since his father, Barack Obama Sr., was a citizen of the British Colony of Kenya. (British Nationality Act of 1948, Part II, Section 5).

19. A "natural born citizen," as required by the U.S. Constitution, is one who is born to two U.S. citizen parents.

20. Since Barack Hussein Obama was only born to one parent who was a U.S. citizen, and was born outside of the United States, he is not a natural born citizen.

21. The Secretary of State of Florida, the chief Florida elections official, has never sought to verify, made any claim, or stated otherwise that Barack Hussein Obama is an eligible natural born citizen, as required by Article 2 Section 1 Clause 5 of the U.S. Constitution.

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22. The Secretary of State for the state of Florida has taken an oath to “support, protect, and defend the U.S. Constitution.”(2011 Fl. ss.876.05).
23. The Secretary of State's oath to "support, protect, and defend" the U.S. Constitution creates an absolute ministerial duty for the Secretary of State to determine the eligibility of those nominated for federal office, including the Office of the Presidency of the United States.
24. The Secretary of State has an affirmative duty, in accordance with his oath of office, to verify and establish the eligibility of Barack Hussein Obama before Obama's name can be placed on the 2012 Presidential Primary or General Election Ballots.
25. Alternatively, the Secretary of State has an affirmative duty, in accordance with his oath of office, to verify and establish the eligibility of Barack Hussein Obama before the Presidential Electors cast their votes for Barack Hussein Obama after the 2012 General Election should he “win” the Florida presidential election.
26. The failure of the Secretary of State to verify and establish the eligibility of Barack Hussein Obama so constitutes, at a minimum, an abuse of discretion and is arbitrary, capricious and contrary to law.
27. No government authority in the state of Florida, charged with conducting elections, has sought to verify or made any claim or stated otherwise that Barack Hussein Obama is an eligible natural born citizen, as required by Article 2 Section 1 Clause 5 of the U.S. Constitution.
28. The Democratic National Committee, whose nomination certificate from the 2008 General Election, and was signed by Nancy Pelosi, claimed that Barack Hussein Obama was “duly nominated.” “Duly” only means procedurally and not substantively, as it does in Florida Statutes section 99.061(6), where the Secretary of State of Florida has placed the names of

1 the candidates on the ballot with no claim to constitutional eligibility, and has “duly
2 qualified” them.

3
4 29. Neither the Department of State of Florida, the Democratic Party of Florida, nor Barack
5 Hussein Obama, will state plainly and affirmatively that Barack Hussein Obama,
6 Democratic Party candidate for President of the United States in 2012, is an eligible natural
7 born citizen.

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9 30. Barack Hussein Obama is thus not an eligible natural born citizen as required by the U.S.
10 Constitution for Defendant to serve in the Office of the President of the United States.

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12 31. For these reasons listed in paragraphs 8-30, and by all available public records and other
13 records and evidence, Plaintiff alleges that Barack Hussein Obama is not eligible for the
14 Office of the President of the United States.

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16 32. The Florida Democratic Party unlawfully submitted the name of Barack Hussein Obama as
17 a nominee for the Florida Presidential Primary Ballot on October 31, 2011.

18
19 33. By operation of law and otherwise, Final Certification of the nomination of Barack
20 Hussein Obama, Florida Democratic nominee to the Democratic National Convention, was
21 completed on February 14, 2012.

22
23 34. Plaintiff is a qualified elector as described in the Florida Constitution (FL. Con. Article VI,
24 Section 2).

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26 35. The qualified electors must subscribe an oath to “protect and defend” the U.S. Constitution
27 pursuant the Article VI, Section 3 of the Florida Constitution and Section 97.051 of the
28 Florida Statutes. Plaintiff subscribed to this oath.

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36. Pursuant to section 102.168(1) of the Florida Statutes, Plaintiff is contesting the nomination of Barack Hussein Obama for the Office of the President of the United States.

37. Plaintiff is contesting the nomination under Florida Statutes section 102.168(3)(b) which allows a challenge on the grounds that Barack Hussein Obama is ineligible for the Office of the President of the United States.

FIRST CAUSE OF ACTION

(Contest of Election - Florida Statutes section 102.168(1))

38. Plaintiff realleges paragraphs 1 through 37 as if fully stated herein.

39. Barack Hussein Obama was a nominee for the Florida Presidential Primary of 2012, and has been nominated and/or elected as the nominee for President of the United States by the Democratic Party of Florida and will appear on the Florida General Election Ballot in 2012.

40. Barack Hussein Obama is not eligible to serve as President of the United States based on the requirements set forth by the U.S. Constitution of being a natural born citizen of the United States.

41. Since Barack Hussein Obama is ineligible for the Office of the President of the United States this Court must have his nomination and/or election as the Democratic Party nominee set aside and order that his name not appear on the Florida General Election Ballot.

42. Plaintiff therefore challenges his nomination and election as the Democratic Party nominee for the Office of the President of the United States.

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- II. Issue preliminary and permanent injunctions preventing the placement of Barack Hussein Obama's name on the 2012 Florida Presidential Primary and General Election Ballots and with regard to the Presidential Electors voting for Barack Hussein Obama should he “win” the Florida General Election for the Office of the President of the United States;
- III. Declaratory relief finding that Barack Hussein Obama is not eligible to be placed on the 2012 Presidential Primary and General Election Ballots as he is not a natural born citizen since he was not born in the United States and to two U.S. citizen parents;
- IV. Declaratory relief stating that the Secretary of State has an affirmative duty to determine eligibility of Barack Hussein Obama before he is placed on the 2012 Presidential Primary and General Election Ballots;
- V. Declaratory relief stating that the Secretary of State has an affirmative duty to determine the eligibility of Barack Hussein Obama before the Presidential Electors for the state of Florida cast their votes after the 2012 General Election for the Office of President of the United States should Barack Hussein Obama “win” the Florida General Election;
- VI. Issue a writ of mandamus requiring that the Florida Secretary of State adhere to the Florida and U.S. Constitutions and verify the eligibility of Barack Hussein Obama for the Office of the President of the United States, or rule that the failure to do so is an abuse of discretion, arbitrary and capricious and contrary to law. Alternatively, this court must determine Barack Hussein Obama’s eligibility for President of the United States;
- VII. Any such other relief as the Court deems just or proper.

Respectfully submitted,

/s/ Larry Klayman
Larry Klayman, Esq.
F.L. Bar No. 246220

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CERTIFICATION

I HEREBY CERTIFY that a true copy of the foregoing Second Amended Complaint has been served by email and the U.S. mail this 20th day of June, 2012 upon the following:

Hon. Terry P. Lewis
Circuit Judge
Leon County Courthouse
Room 301-C
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Tallahassee, FL 32301

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Counsel for Defendants

Respectfully submitted,

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