IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT

IN AND FOR LEON COUNTY, FLORIDA

MICHAEL C. VOELTZ, Plaintiff, vs. BARACK HUSSEIN OBAMA, Florida Democratic Party nominee for President to the 2012 Democratic National Convention KEN DETZNER, Secretary of State of Florida FLORIDA ELECTIONS CANVASSING COMMISSION Defendants.	)	Case No.: 2012CA00467

AMENDED COMPLAINT CONTESTING ELECTION OF BARACK HUSSEIN OBAMA

1. Pursuant to Section 102.168(1) of the Florida Election Code, Plaintiff Michael C. Voeltz hereby challenges the nomination of Barack Hussein Obama as the Democratic Party nominee because he has not established, and Defendants have not verified, his eligibility to run for office and, if elected, serve as the President of the United States. Since he has not established his eligibility, and Defendants have not verified his eligibility to run for the

Office of the Presidency and if elected, serve, Barack Hussein Obama cannot appear on the Florida General Election Ballot for 2012.

JURISDICTION AND VENUE

2. Plaintiff brings this action within the proper time frame and venue established by the "contest of election" statutes of Florida contained in Fl. ss. 102.168. Plaintiff brings this action to the Circuit Court of Leon County in accordance with Fl. ss. 102.1685.

PARTIES

1. 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).

2. 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 presidential election.

3. 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 the U.S. Constitution."(2011 Fl. ss.876.05).

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

STATEMENT OF FACTS

5. 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 “shall” be a natural born citizen. (Article 2, Section 1, U.S. Constitution).

6. 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 Senior.

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

8. No physical, paper copy of the actual long form birth certificate has been produced in order to definitively establish Barack Hussein Obama's birth within the United States.

9. 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.

10. Barack Obama Sr. was born in the British Colony of Kenya on June 18, 1936.

11. 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.

12. 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.

13. The British National Act of 1948 indicates that Barack Hussein Obama II 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).

14. 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.

15. The Secretary of State for the state of Florida has taken an oath to "support the U.S. Constitution."(2011 Fl. ss.876.05).

16. The Secretary of State's oath to support 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. Alternatively, the failure to do so constitutes, at a minimum, an abuse of discretion and is arbitrary, capricious and contrary to law.

17. 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.

18. The Democratic National Committee, whose nomination certificate from the 2008 General Election, signed by Nancy Pelosi, claimed that Barack Hussein Obama was "duly nominated." "Duly" only means procedurally and not substantively, as it does in Florida Statute 99.061(6), where the Secretary of State of Florida has placed the names of the candidates on the ballot with no claim to Constitutional eligibility, and has "duly qualified" them.

19. Neither the Department of State of Florida, not the Democratic Party of Florida, nor Barack Hussein Obama, will state plainly and affirmatively that Barack Hussein Obama, Democratic Party candidate for President of the United States in 2012, is an eligible natural born citizen.

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

21. For these reasons listed in paragraphs 5-19, and by all available public records and other records and evidence, Plaintiff alleges and finds that Barack Hussein Obama has not established his eligibility for the Office of the President of the United States.

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

23. Final Certification of the nomination of Barack Hussein Obama, Florida Democratic nominee to the Democratic National Convention, was completed on February 14, 2012.

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

25. The qualified electors must subscribe an oath to "protect and defend" the U.S. Constitution pursuant the Article VI, Section 3 of the Florida Constitution and Section 97.051 of the Florida Election Code. Plaintiff subscribed to this oath.

26. Pursuant to Section 102.168(1) of the Florida Election Code, Plaintiff is contesting the nomination of Barack Hussein Obama for the Office of the President of the United States.

27. Plaintiff is also contesting the nomination under 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.

CAUSE OF ACTION

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

28. Plaintiff realleges paragraphs 1 through 27 as if fully stated herein.

29. Defendant Barack Hussein Obama has not established the eligibility requirements set forth by the U.S. Constitution of being a natural born citizen, or even a citizen, of the United States.

30. Defendant Barack Hussein Obama is therefore ineligible for the Office of the President of the United States.

31. Barack Hussein Obama was a nominee for the Florida Presidential Primary of 2012, and has been nominated for President of the United States by the Democratic Party of Florida in the Florida General Election in 2012.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court:

I. Issue a writ of mandamus requiring that the Florida Secretary of State adhere to the U.S. Constitution 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;

II. Issue an injunction preventing the certification, by the Florida Election Canvassing Commission, of Barack Hussein Obama as Democratic Party nominee for the 2012 Florida General Election;

III. Issue an injunction preventing the placement of Barack Hussein Obama on the Florida General Election Ballot for the 2012 Florida General Election;

IV. Any such other relief as the Court deems just or proper.

Respectfully submitted,

/s/ *Larry Klayman*

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