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Attorneys for Petitioners

FILED
Superior Court Of California,
Sacramento
Dennis Jones, Executive
Officer
11/13/2008
pcrescenti
By _____, Deputy
Case Number:
34-2008-80000096-CU-WM-GDS

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SACRAMENTO

Ambassador Dr. Alan Keyes; Dr. Wiley S. Drake, Sr.; and
Markham Robinson,

Petitioners,)

BY FAX
) Case No.:

v.

) PETITION FOR WRIT OF
) MANDATE

California Secretary of State Debra Bowen; Senator Barack
Hussein Obama; Senator Joe Biden; California Democratic
Party Electors: Aleita Huguenin, Lou Paulson, Ian Blue,
Mark Cibula, Richard Hundrieser, Lawrence DuBois, Mark
Friedman, Mary Hubert, Fred Jackson, LeRoy King, Roberta
Brooks, Audrey Gordon, Michael McNerney, Nancy Parrish,
James Farley, John Freidenrich, Jeremy Nishihara, Jaime
Alvarado, Vinz Koller, Gregory Olzack, David Sanchez, Larry
Sheingold, Stephen Smith, Mark Macarro, Nathan Brostrom,
Robert "Bob" Handy, Robert Conaway, Greg Warner, Lane
Sherman, Ilene Huber, Kenneth Sulzer, Sanford Weiner, Ana
Delgado Mascarenas, Joe Perez, Gwen Moore, Anthony
Rendon, Karen Waters, Kelley Willis, Silissa Uriarte-Smith,
Norma Torres, Alma Marquez, Ray Cordova, Patrick Kahler,
Aaruni Thakur, Joe Baca, Jr., Juadina Stallings, Betty
McMillion, William Ayer, Gregory Willenborg, James Yedor,
Bobby Glaser, Mary Keadle, Frank Salazar, Christine Young,
Sid Voorakkara, and DOES 1-100,

Respondents.)

) *34-2008-80000096-CU-WM-GDS*
)
)
) Date:
) Time:
) Dept.: *31*
) Judge: *HON. Michael P. KENNY*
) Filed: *11/13/2008*
) Trial:

1 AMBASSADOR DR. ALAN KEYES, a resident of the State of Maryland, and DR. WILEY S.
2 DRAKE, SR., and MARKHAM ROBINSON, each a resident of the State of California, all Petitioners
3 herein, bring this litigation.

4 PETITIONERS allege:

5 I

6 INTRODUCTION

7 Parties

8 1. Ambassador Dr. Alan Keyes, Petitioner herein, is the Presidential candidate of the
9 American Independent Party, in the 2008 election, on the California State Ballot;

10 2. Dr. Wiley S. Drake, Sr., Petitioner herein, is a Certified California Elector of the
11 American Independent Party and is the Vice Presidential candidate of the American Independent Party, in
12 the 2008 election, on the California State Ballot;

13 3. Markham Robinson, Petitioner herein, is a Certified California Elector of the American
14 Independent Party, Vice Chairman of America's Independent Party, and Chairman of the American
15 Independent Party;

16 4. Debra Bowen, Respondent herein, is the Secretary of State of the State of California
17 (hereafter referred to as "SOS");

18 5. Senator Barack Hussein Obama, Respondent herein, is the Presidential Candidate of the
19 Democratic Party on the California State Ballot;

20 6. Senator Joe Biden, Respondent herein, is the Vice-Presidential Candidate of the
21 Democratic Party on the California State Ballot;

22 7. Aleita Huguenin, Respondent herein, is an Elector for the 2008 Presidential and Vice-
23 Presidential Election, in the State of California;

24 8. Lou Paulson, Respondent herein, is an Elector for the 2008 Presidential and Vice-
25 Presidential Election, in the State of California;

1 9. Ian Blue, Respondent herein, is a Certified Elector for the 2008 Presidential and Vice-
2 Presidential Election, designated by the Democratic Party nominee in the 1st Congressional District;

3 10. Mark Cibula, Respondent herein, is an Elector for the 2008 Presidential and Vice-
4 Presidential Election, designated by the Democratic Party nominee in the 2nd Congressional District;

5 11. Richard Hundrieser, Respondent herein, is an Elector for the 2008 Presidential and
6 Vice-Presidential Election, designated by the Democratic Party nominee in the 3rd Congressional
7 District;

8 12. Lawrence DuBois, Respondent herein, is an Elector for the 2008 Presidential and Vice-
9 Presidential Election, designated by the Democratic Party nominee in the 4th Congressional District;

10 13. Mark Friedman, Respondent herein, is an Elector for the 2008 Presidential and Vice-
11 Presidential Election, designated by the Democratic Party nominee in the 5th Congressional District;

12 14. Mary Hubert, Respondent herein, is an Elector for the 2008 Presidential and Vice-
13 Presidential Election, designated by the Democratic Party nominee in the 6th Congressional District;

14 15. Fred Jackson, Respondent herein, is an Elector for the 2008 Presidential and Vice-
15 Presidential Election, designated by the Democratic Party nominee in the 7th Congressional District;

16 16. LeRoy King, Respondent herein, is an Elector for the 2008 Presidential and Vice-
17 Presidential Election, designated by the Democratic Party nominee in the 8th Congressional District;

18 17. Roberta Brooks, Respondent herein, is an Elector for the 2008 Presidential and Vice-
19 Presidential Election, designated by the Democratic Party nominee in the 9th Congressional District;

20 18. Audrey Gordon, Respondent herein, is an Elector for the 2008 Presidential and Vice-
21 Presidential Election, designated by the Democratic Party nominee in the 10th Congressional District;

22 19. Michael McNerney, Respondent herein, is an Elector for the 2008 Presidential and Vice-
23 Presidential Election, designated by the Democratic Party nominee in the 11th Congressional District;

24 20. Nancy Parrish, Respondent herein, is an Elector for the 2008 Presidential and Vice-
25 Presidential Election, designated by the Democratic Party nominee in the 12th Congressional District;

1 21. James Farley, Respondent herein, is an Elector for the 2008 Presidential and Vice-
2 Presidential Election, designated by the Democratic Party nominee in the 13th Congressional District;

3 22. John Freidenrich, Respondent herein, is an Elector for the 2008 Presidential and Vice-
4 Presidential Election, designated by the Democratic Party nominee in the 14th Congressional District;

5 23. Jeremy Nishihara, Respondent herein, is an Elector for the 2008 Presidential and Vice-
6 Presidential Election, designated by the Democratic Party nominee in the 15th Congressional District;

7 24. Jaime Alvarado, Respondent herein, is an Elector for the 2008 Presidential and Vice-
8 Presidential Election, designated by the Democratic Party nominee in the 16th Congressional District;

9 25. Vinz Koller, Respondent herein, is an Elector for the 2008 Presidential and Vice-
10 Presidential Election, designated by the Democratic Party nominee in the 17th Congressional District;

11 26. Gregory Olzack, Respondent herein, is an Elector for the 2008 Presidential and Vice-
12 Presidential Election, designated by the Democratic Party nominee in the 18th Congressional District;

13 27. David Sanchez, Respondent herein, is an Elector for the 2008 Presidential and Vice-
14 Presidential Election, designated by the Democratic Party nominee n the 19th Congressional District;

15 28. Larry Sheingold, Respondent herein, is an Elector for the 2008 Presidential and Vice-
16 Presidential Election, designated by the Democratic Party nominee in the 20th Congressional District;

17 29. Stephen Smith, Respondent herein, is an Elector for the 2008 Presidential and Vice-
18 Presidential Election, designated by the Democratic Party nominee in the 21st Congressional District;

19 30. Mark Macarro, Respondent herein, is an Elector for the 2008 Presidential and Vice-
20 Presidential Election, designated by the Democratic Party nominee in the 22nd Congressional District;

21 31. Nathan Brostrom, Respondent herein, is an Elector for the 2008 Presidential and Vice-
22 Presidential Election, designated by the Democratic Party nominee in the 23rd Congressional District;

23 32. Robert "Bob" Handy, Respondent herein, is an Elector for the 2008 Presidential and
24 Vice-Presidential Election, designated by the Democratic Party nominee in the 24th Congressional
25 District;

1 33. Robert Conaway, Respondent herein, is an Elector for the 2008 Presidential and Vice
2 Presidential Election, designated by the Democratic Party nominee in the 25th Congressional District;

3 34. Greg Warner, Respondent herein, is an Elector for the 2008 Presidential and Vice-
4 Presidential Election, designated by the Democratic Party nominee in the 26th Congressional District;

5 35. Lane Sherman, Respondent herein, is an Elector for the 2008 Presidential and Vice-
6 Presidential Election, designated by the Democratic Party nominee in the 27th Congressional District;

7 36. Ilene Huber, Respondent herein, is an Elector for the 2008 Presidential and Vice-
8 Presidential Election, designated by the Democratic Party nominee in the 28th Congressional District;

9 37. Kenneth Sulzer, Respondent herein, is an Elector for the 2008 Presidential and Vice-
10 Presidential Election, designated by the Democratic Party nominee in the 29th Congressional District;

11 38. Sanford Weiner, Respondent herein, is an Elector for the 2008 Presidential and Vice-
12 Presidential Election, designated by the Democratic Party nominee in the 30th Congressional District;

13 39. Ana Delgado Mascarenas, Respondent herein, is an Elector for the 2008 Presidential and
14 Vice-Presidential Election, designated by the Democratic Party nominee in the 31st Congressional
15 District;

16 40. Joe Perez, Respondent herein, is an Elector for the 2008 Presidential and Vice-
17 Presidential Election, designated by the Democratic Party nominee in the 32nd Congressional District;

18 41. Gwen Moore, Respondent herein, is an Elector for the 2008 Presidential and Vice-
19 Presidential Election, designated by the Democratic Party nominee in the 33rd Congressional District;

20 42. Anthony Rendon, Respondent herein, is an Elector for the 2008 Presidential and Vice-
21 Presidential Election, designated by the Democratic Party nominee in the 34th Congressional District;

22 43. Karen Waters, Respondent herein, is an Elector for the 2008 Presidential and Vice-
23 Presidential Election, designated by the Democratic Party nominee in the 35th Congressional District;

24 44. Kelley Willis, Respondent herein, is an Elector for the 2008 Presidential and Vice-
25 Presidential Election, designated by the Democratic Party nominee in the 36th Congressional District;

1 45. Silissa Uriarte-Smith, Respondent herein, is an Elector for the 2008 Presidential and
2 Vice-Presidential Election, designated by the Democratic Party nominee in the 37th Congressional
3 District;

4 46. Norma Torres, Respondent herein, is an Elector for the 2008 Presidential and Vice-
5 Presidential Election, designated by the Democratic Party nominee in the 38th Congressional District;

6 47. Alma Marquez, Respondent herein, is an Elector for the 2008 Presidential and Vice-
7 Presidential Election, designated by the Democratic Party nominee in the 39th Congressional District;

8 48. Ray Cordova, Respondent herein, is an Elector for the 2008 Presidential and Vice-
9 Presidential Election, designated by the Democratic Party nominee in the 40th Congressional District;

10 49. Patrick Kahler, Respondent herein, is an Elector for the 2008 Presidential and Vice-
11 Presidential Election, designated by the Democratic Party nominee in the 41st Congressional District;

12 50. Aaruni Thakur, Respondent herein, is an Elector for the 2008 Presidential and Vice-
13 Presidential Election, designated by the Democratic Party nominee in the 42nd Congressional District;

14 51. Joe Baca, Jr., Respondent herein, is an Elector for the 2008 Presidential and Vice-
15 Presidential Election, designated by the Democratic Party nominee in the 43rd Congressional District;

16 52. Jiadina Stallings, Respondent herein, is an Elector for the 2008 Presidential and Vice-
17 Presidential Election, designated by the Democratic Party nominee in the 44th Congressional District;

18 53. Betty McMillion, Respondent herein, is an Elector for the 2008 Presidential and Vice-
19 Presidential Election, designated by the Democratic Party nominee in the 45th Congressional District;

20 54. William Ayer, Respondent herein, is an Elector for the 2008 Presidential and Vice-
21 Presidential Election, designated by the Democratic Party nominee in the 46th Congressional District;

22 55. Gregory Willenborg, Respondent herein, is an Elector for the 2008 Presidential and Vice-
23 Presidential Election, designated by the Democratic Party nominee in the 47th Congressional District;

24 56. James Yedor, Respondent herein, is an Elector for the 2008 Presidential and Vice-
25 Presidential Election, designated by the Democratic Party nominee in the 48th Congressional District;

1 57. Bobby Glaser, Respondent herein, is an Elector for the 2008 Presidential and Vice-
2 Presidential Election, designated by the Democratic Party nominee in the 49th Congressional District;

3 58. Mary Keadle, Respondent herein, is an Elector for the 2008 Presidential and Vice-
4 Presidential Election, designated by the Democratic Party nominee in the 50th Congressional District;

5 59. Frank Salazar, Respondent herein, is an Elector for the 2008 Presidential and Vice-
6 Presidential Election, designated by the Democratic Party nominee in the 51st Congressional District;

7 60. Christine Young, Respondent herein, is an Elector for the 2008 Presidential and Vice-
8 Presidential Election, designated by the Democratic Party nominee in the 52nd Congressional District;

9 61. Sid Voorakkara, Respondent herein, is an Elector for the 2008 Presidential and Vice-
10 Presidential Election, designated by the Democratic Party nominee in the 53rd Congressional District.

11 **Legal Basis**

12 62. Article II, Section I of the United States Constitution, states, in pertinent part, as follows:

13 "No Person except a natural born citizen, or a citizen of the United States at the time of the
14 adoption of this constitution, shall be eligible to the Office of President;"

15 63. Senator Barack H. Obama is a candidate for the Office of the President of the United
16 States. However, to assume such office, Senator Obama must meet the qualifications specified for the
17 Office of the President of the United States, which includes that he must be a "natural born" citizen.
18 Senator Obama has failed to demonstrate that he is a "natural born" citizen. There are other legal
19 challenges before various state and federal courts regarding aspects of lost or dual citizenship concerning
20 Senator Obama. Those challenges, in and of themselves, demonstrate Petitioners' argument that
21 reasonable doubt exists as to the eligibility of the Democratic Party's nominee for President.

22 64. SOS is responsible for ensuring the validity of the State election process by, among other
23 things, verifying the qualifications of the voters, approving the ballots and the candidates, supervising the
24 counting of the ballots, and certifying the results. This certification of the vote by SOS, based upon
25 which Electors received the highest number of votes in the state, is the method provided for in California

1 law for ascertaining which Electors are appointed to vote for president (California Elections Code §
2 15505, 3 U.S.C. § 6). On December 1, or as soon as soon as the election results have been received from
3 all counties in the state, SOS shall certify the names of the ascertained Electors to the Governor, and then
4 transmit to each presidential Elector a certificate of election (California Elections Code § 15505). The
5 Governor then issues and seals a Certificate of Ascertainment which is delivered to the Electors by
6 December 15 (3 U.S.C. § 6), who then meet to sign the Certificate of Vote (Federal Election Code §
7 192.006). The office of SOS is intended to be non-biased and to provide the critical sense of fairness and
8 impartiality necessary for the people to have faith in the fundamental underpinnings of the democratic
9 basis for our elections.

10 65. There is a reasonable and common expectation by the voters that to qualify for the ballot,
11 the individuals running for office must meet minimum qualifications as outlined in the federal and state
12 Constitutions and statutes, and that compliance with those minimum qualifications has been confirmed by
13 the officials overseeing the election process. Heretofore, only a signed statement from the candidate
14 attesting to his or her meeting those qualifications was requested and received by SOS, with no
15 verification demanded. This practice represents a much lower standard than that demanded of one when
16 requesting a California driver's license. Since SOS has, as its core, the mission of certifying and
17 establishing the validity of the election process, this writ seeks a Court Order barring SOS from certifying
18 the California Electors until documentary proof that Senator Obama is a "natural born" citizen of the
19 United States of America is received by her. This proof could include items such as his original birth
20 certificate, showing the name of the hospital and the name and the signature of the doctor, all of his
21 passports with immigration stamps, and verification from the governments where the candidate has
22 resided, verifying that he did not, and does not, hold citizenship of these countries, and any other
23 documents that certify an individual's citizenship and/or qualification for office.

24 66. In the case of individuals seeking the Office of President of the United States, the United
25 States Constitution provides for a system of Electors, wherein citizens of the respective states have a state